

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
June 18, 2013**

**AGENDA**

8:30	<b>Held</b>	Reception for Health Care Advisory Board's 40 <sup>th</sup> Anniversary Conference Rooms 9&10
9:00	<b>Held</b>	Reception for A. Heath Onthank Award Recipients Conference Center Area
9:30	<b>Done</b>	Presentations
10:30	<b>Done</b>	Presentation of the A. Heath Onthank Awards
10:45	<b>Report accepted; recommendations referred to staff</b>	Presentation of the History Commission
11:00	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
11:10	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Designation of Plans Examiner Status Under the Expedited Land Development Review Program
2	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Chapter 7 Relating to Election Precincts and Polling Places
3	<b>Approved</b>	Streets into the Secondary System (Dranesville and Providence Districts)
4	<b>Approved</b>	Additional Time to Commence Construction for Special Exception SE 2010-SU-013, Headquarters 2, LLC (Sully District)
5	<b>Approved</b>	Additional Time to Commence Construction for Special Exception SE 2010-SU-012, Headquarters 2, LLC (Sully District)
6	<b>Approved</b>	Additional Time to Establish the Use for Special Exception Amendment SEA 84-M-012, Quan Q. Nguyen and Ngan T. Nguyen (Mason District)
7	<b>Approved</b>	Authorization of a Public Hearing on a Proposal to Vacate and Abandon Southland Avenue (Mason District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
June 18, 2013**

**ADMINISTRATIVE  
ITEMS  
(Continued)**

8	<b>Approved</b>	Authorization of a Public Hearing on a Proposal to Abandon a Part of Colshire Drive, Discontinue Colshire Drive, and Convey the Abandoned Right-of-Way to Johnson 1 Colshire 7600 LLC et. al. (Providence District)
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**ACTION ITEMS**

1	<b>Approved</b>	Approval of the Number of Taxicab Certificates to be Authorized in 2013
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2	<b>Approved</b>	Renewal of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Coast Guard, Telecommunication and Information Systems Command, Telegraph Road Facility
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3	<b>Approved</b>	Approval of an Agreement Between Fairfax County and Capital One to Implement a Commuter Shuttle Pool Program
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4	<b>Approved with amendment</b>	Endorsement of WMATA's Strategic Plan – Momentum: The Next Generation
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11:20	<b>Done</b>	Matters Presented by Board Members
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12:10	<b>Done</b>	Closed Session
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**PUBLIC  
HEARINGS**

3:30	<b>Approved</b>	Public Hearing on SE 2012-PR-012 TD Bank, National Association (Providence District)
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4:00	<b>Approved with amendment</b>	Board Decision on Proposed Zoning Ordinance Amendment Re: Home Child Care Facilities
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4:00	<b>Approved</b>	Public Hearing on Proposed FY 2014 Regional Transportation Alternative Program Grant Applications
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4:00	<b>Done</b>	Public Comment
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*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Tuesday**  
**June 18, 2013**

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9:30 a.m.

**PRESENTATIONS**

**RECOGNITIONS**

- CERTIFICATE – To recognize Virginia Task Force 1 for its recent deployment by the U.S. Department of Defense. Requested by Supervisor Frey.
- CERTIFICATE – To recognize Animal Control Officer Enna Lugo for rescuing Biscuit, the elusive Shih Tzu in the Lee District. Requested by Supervisor McKay.
- RESOLUTION – To recognize Jessica Strother for her years of service to Fairfax County. Requested by Supervisor Hyland.
- RESOLUTION – To recognize Sue Mittereder for her years of service to Fairfax County. Requested by Supervisor McKay.
- CERTIFICATE – To recognize the individuals and staff members responsible for the Registry Week initiative to reach out and interview chronically homeless in Fairfax County. Requested by Chairman Bulova.
- RESOLUTION – To recognize the 40th anniversary of the Health Care Advisory Board. Requested by Supervisor Gross.

**STAFF:**

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

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Board Agenda Item  
June 18, 2013

10:30 a.m.

Presentation of the A. Heath Onthank Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Honorable Rosemarie Annunziata, Civil Service Commission  
Kerrie Wilson, Onthank Award Committee Chairman  
Sharon Bulova, Chairman, Board of Supervisors  
Edward L. Long Jr, County Executive  
Susan Woodruff, Director, Human Resources

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Board Agenda Item  
June 18, 2013

10:45 a.m.

Presentation of the History Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Gretchen Bulova, Chairman, History Commission

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**Fairfax County  
History Commission  
Annual Report  
2012**



*The Armorial Bearings and Supporters of  
**THOMAS 6<sup>TH</sup> LORD FAIRFAX**  
as recorded at the College of Arms, London*

*Windsor Herald and Registrar*

## Fairfax County History Commission

Mailing Address:

Fairfax County History Commission  
10360 North Street  
Fairfax, Virginia 22030

Telephone: (703) 293-6383

[www.fairfaxcounty.gov/histcomm](http://www.fairfaxcounty.gov/histcomm)



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June 18, 2013

## CHAIRMAN'S REMARKS

The mission of the Fairfax History Commission is to advise the County Government, to promote and encourage public interest in all matters bearing on the history of Fairfax County, and to help identify, document, record and preserve Fairfax County's historic past in Northern Virginia.

In support of this mission, the History Commission is pleased to present its 2012 annual report which documents the wide array of projects undertaken by the Commission. In particular, the Commission focused efforts on the presentation of its annual History Conference, working with County staff to study and develop a Resident Curator program, and partnering with regional organizations to commemorate both the Sesquicentennial of the Civil War and the Bicentennial of the War of 1812. The Commission is proud of its contributions and looks forward to continuing its efforts to work with and educate the public about the County's diverse and rich historical interests.

The Commission would like to recognize the long-term service of Mayo Stuntz who retired from the Commission in March 2012 after serving on the Commission since its inception. Mr. Stuntz provided invaluable insight and knowledge of local history. He remained a valuable contributor to the History Commission as an honorary member, from April 2012 through May 2013. Sadly, Mr. Stuntz passed away in May 2013 at the age of 97.

On behalf of the Fairfax County History Commission, thank you for your generous support of the Commission and your dedication to preserving and promoting the history of Fairfax County.

Gretchen M. Bulova, Chairman

## OVERVIEW

The Fairfax County Board of Supervisors officially created the Commission in 1969. It grew out of the Landmarks Preservation Committee established in 1965. There are 20 members. The Commission has no employees. The Commission meets on the first Wednesday of each month. All meetings are open to the public and a contractor prepares minutes. In addition to the regular meetings, members put in many volunteer hours each month on the Commission's committees.

The Commission carries out the Board of Supervisors' mandate in various ways:

- The Commission maintains the Fairfax County Inventory of Historic Sites, which now includes 360 sites.
- The Commission advises the Board and appropriate agencies on matters involving the history of the County in the following ways:
  - Works closely with the Department of Planning and Zoning; the Architectural Review Board; the Park Authority, especially the Cultural Resource Management and Protection programs; and the Public Library, especially the Virginia Room.
  - Proposes and monitors Historic Overlay Districts. A member of the Commission, Elise Ruff Murray, serves in an *ex officio* capacity on the Architectural Review Board.
  - The Commission is consulted on development or demolition of old or historic structures, whether on the Fairfax County Inventory of Historic Sites or not.
  - Advises the State Review Board and Historic Resources Board about historic and cultural sites recommended for inclusion on the National Register.
  - Participates in matters under Section 106 of the National Historic Preservation Act, which requires federal agencies to take into account the effects of their undertakings on historic properties, particularly with regard to Fort Belvoir and cell phone tower applications. Sallie Lyons is representing the Commission at reviews for Lyndham Hill II and the Route One Improvements at Fort Belvoir.

- In order to generally promote the public interest in all matters bearing on the history of Fairfax County, the Commission:
  - Cooperates with the Fairfax County Public Schools, Northern Virginia Community College and George Mason University in local history activities.
  - Provides advice and assistance to local historical societies, churches and citizens' groups on matters of historic preservation.
  - Assists in negotiations for preservation easements.
  - Promotes the establishment of volunteer citizen special interest groups.
  - Attends meetings, conferences and seminars for continuing education.
  - Participates with other state, national and local organizations in joint programs. Carole Herrick is representing Fairfax County on the War of 1812 Bicentennial Commemoration Planning Committee for the region—Maryland, D.C. and Northern Virginia. See also the Civil War Sesquicentennial section of this report.
  - Pays special attention to the possibilities for tax incentives for preserving historic properties.
  - Acts as a liaison with public and private historical agencies in the County and on the state and national levels.
  - Supports and encourages activities at all educational levels that will stimulate interest in the archeological and historical background of Fairfax County.
  - Supports oral history programs in Fairfax County.
  - Supports the collections of the Virginia Room of the City of Fairfax Regional Library and the preservation of materials held therein. The Commission makes an annual grant to the Virginia Room for preservation and research materials.
  - Supports the Park Authority Cultural Resources Management and Protection programs (CRMP) that include the County archaeology program. The Commission makes grants to Cultural Resource Management Section for interns and consultants to perform archeological and architectural surveys as needed.
- Specific programs to promote the public interest in all matters bearing on history in Fairfax County include:
  - Grants to DPZ for preservation consultants to work on the Inventory of Historic Sites and to perform surveys and studies.
  - Fairfax County's Historical Marker Program that marks appropriate historical sites throughout the County.
  - Awards programs to honor achievements in Fairfax County history and historic preservation.
  - Publishes books and maps on Fairfax County history and assists in reprinting County history publications.
  - Annual History Conference to educate County citizens about Fairfax County history.
  - Compiles and makes available to the public a list of local historians willing to speak on a variety of topics related to the history of Fairfax County.
  - Provides a juror for the annual Fairfax County Exceptional Design Award. In 2012, Richard Zambito served as a judge.

- Since 1969 the Commission has contributed the following to the County:
  - Completed a program to index, abstract and microfiche early Circuit Court Records.
  - Prompted the creation of the Fairfax County Records Management Program.
  - Initiated the establishment of the County Archaeology program.
  - Prepared property identification maps and a census of Fairfax County in 1860.

### **CIVIL WAR SESQUICENTENNIAL**

Fairfax County has joined other localities across the Commonwealth in forming a Local Sesquicentennial Committee to commemorate the 150<sup>th</sup> anniversary of the Civil War in Virginia. Members of the Commission have collaborated with Visit Fairfax, the Park Authority, the City of Fairfax and representatives from local groups and societies to work with the State Sesquicentennial Commission, plan events and activities that highlight the County's role in the Civil War, and to promote Fairfax County's rich Civil War history. Gretchen Bulova is the Commission's representative to the County Sesquicentennial Steering Committee and serves as Chair of the History Commission's committee.

Members of this committee include Carole Herrick, Mary Lipsey and Naomi Zeavin. They have planned a wide variety of activities and educational resources to support the County Sesquicentennial initiatives. Some of these activities include collaboration with the City of Fairfax to commemorate the Skirmish of Fairfax Courthouse on June 1, 2011; the creation of a driving tour of Fairfax County Civil War sites, "Footsteps to Fairfax Trail;" suggested reading lists for both children and adults; the coordination of a series of Civil War Trail markers throughout the County; eight Civil War in Fairfax County educational outreach kits for school teachers, groups, and community organizations; and a Civil War in Fairfax County smart phone app (available Spring 2013). Information and links to these initiatives and historical resources can be found on the Commission's website (<http://www.fairfaxcounty.gov/histcomm/civil-war.htm>).

### **FAIRFAX COUNTY RESIDENT CURATOR PROGRAM**

Since 2010, the Fairfax County History Commission has been investigating the feasibility of instituting a resident curator program in Fairfax County. A resident curator program would allow a historic property owned by the County to be maintained according to specified preservation guidelines at a reduced cost to the County. A resident curator program could provide citizens with the opportunity to hold a long-term lease on a county owned historic property. In exchange for this lease, the curator would contract to restore and maintain the historic property during the life of the lease while periodically opening the historic property to the public. The Commission studied several programs to determine their viability and learn their guiding principles. In 2011, this became an official Commission goal with Robert E. Beach leading the effort and Gretchen Bulova, Michael Irwin, Barbara Naef and Richard Zambito serving on the committee.

In March 2012, staff presented the results of a cost benefits study of a resident curator program to the Development Process Committee of the Board of Supervisors. Staff recommended a program development study that would establish a program structure, define program management and analyze the potential risks of a resident curator program. In Summer 2012, funding for a program study was identified, and subsequently a Request for Proposals (RFP) was developed in order to hire a consultant to perform the study. The RFP was issued in February 2013, and it is anticipated that a consultant will be starting the study by Summer 2013.

## BUDGET

### Fairfax County History Commission Income and Expenses FY 2012, Estimated FY 2013 and Actual First Half FY 2013

	<u>FY 2012</u>	<u>Estimated FY 2013</u>	<u>First Half FY 2013</u>
Beginning Balance July 1	\$35,546	\$27,858	\$27,858
Revenues:			
Fairfax County	\$21,013	\$21,013	\$21,013
Interest Earned	4	4	2
Total, Revenues	<u>\$21,017</u>	<u>\$21,017</u>	<u>\$21,015</u>
Total Available	\$56,563	\$48,875	\$48,873
Operating Expenses	\$28,705	\$20,000	\$11,470
Accruals for the preservation and publications programs.	—	\$28,875	—
Ending Balance June 30	<u>\$27,858</u>		

Major expenditures in both FY 2012 and the first half of FY 2013 included a grant to the Park Authority Cultural Resource Management and Protection Section for interns, historical markers and their maintenance, and the history conference.

All unspent funds from previous years have been committed to publications projects such as “Fairfax County in 1860,” Civil War Sesquicentennial projects, and to preservation and oral history programs.

## WEB SITE

In addition to providing History Commission members’ contact information, the History Commission’s web page describes the various programs the Commission offers to promote interest in local history extending from pre-history to the recent past. The History Commission’s Publication Grant encourages the sharing of local history research. The Awards Programs recognizes individuals for their efforts in researching or promoting history. Procedures and application forms for the Publication Grant and the Awards Programs are available online. Promotional information on the annual Fairfax County History Conference is placed on the website as it becomes available each year.

In addition, a historical resources page provides information on property owners in 1860, lists of Board of Supervisor members, and links to the Fairfax County Inventory of Historic Sites and an external database of Fairfax County historical markers. The Sesquicentennial page provides information on the Civil War in Fairfax County, including suggested reading lists and a Fairfax County Civil War driving tour. The website serves as an easy, up to date and readily available tool for anyone interested in our County’s history. Debbie Robison manages the website. The webmaster is Greg Chase with the Department of Planning and Zoning. ([www.fairfaxcounty.gov/histcomm/](http://www.fairfaxcounty.gov/histcomm/))

## **EIGHTH ANNUAL HISTORY CONFERENCE**

### **Conflict and Courage: The Civil War in Fairfax County!**

The 8<sup>th</sup> Annual Fairfax County History Conference was held on Saturday, November 10, 2012 at the Stacy C. Sherwood Community Center in the City of Fairfax. A record 120 participants attended, along with over 20 authors and exhibitors. The Fairfax County History Commission, Fairfax Museum and Visitor Center and the Fairfax County Park Authority co-sponsored this annual event. Preservation Virginia, Northern Branch, the Bull Run Civil War Round table and Visit Fairfax made generous contributions. The program included:

- Re-enactment of the "Secession Vote in Fairfax Courthouse" by the Jon Vrana players.
- Premier of Chuck Mauro's play, "Chantilly: After the Storm" depicting three survivors of the Battle of Ox Hill/Chantilly on September 1, 1862.
- Award-winning author and speaker, Greg Clemmer spoke on "Why the Civil War Still Lives."
- Kevin Knapp captured the audience's attention with his period dress and stories of Thaddeus Lowe - the reconnaissance balloonist who landed a balloon in Vienna, Virginia and literally launched the first American Air Force.
- Letters written by Clara Barton were read by Susan Rosenvold, Educator at the Clara Barton Medical Museum.
- Fairfax County Park Authority staff, Mike Henry, John Rutherford and Jim Daniels, made a presentation entitled "Echoes Still - This Land = Our Land" which was a review of the stories that are the backdrop to Fairfax County's parks.
- The Seeds of Independence Committee of Gunston Hall that traces African American History on Mason Neck shared their recently released video, "The Story of Free Blacks Living on Mason's Neck During the Civil War."
- The conference ended with a passionate "Appeal" from President Abraham Lincoln, masterfully re-enacted by Fairfax County School Board member, Dan Storck.

Guests included retired news correspondent Roger Mudd and Delegate Ken Plum from Reston. 11th District Congressman, Gerry Connolly joined Fairfax County Board of Supervisors Chairman, Sharon Bulova in presenting Recognition Awards and Heritage Awareness Awards to this year's honorees. For more information, see the Awards Programs section of this report.

Committee members who coordinated efforts for the conference included, Lynne Garvey-Hodge, chair, Barbara Naef, Liz Crowell, Susan Gray, Esther McCullough, Naomi Zeavin, Sallie Lyons, Carole Herrick, Mary Lipsey, Michael Irwin, Rob Orrison.

The 9<sup>th</sup> Annual Fairfax County History Conference, "Voices for Freedom" Abolitionists, Oral History and Documenting the Past, is scheduled for November 9, 2013 at the Stacy C. Sherwood Community Center in the City of Fairfax again.

## **AWARDS PROGRAMS**

The Fairfax County History Commission maintains awards programs to honor research and achievements in Fairfax County history and historic preservation. These programs are open to the public. A full description of the programs, along with rules and requirements can be found on the Commission's web site. ([www.fairfaxcounty.gov/histcomm/awardsprogram.htm](http://www.fairfaxcounty.gov/histcomm/awardsprogram.htm))

On November 10, 2012, Chairman of the Board of Supervisors, Sharon Bulova and Congressman Gerry Connolly presented the following awards at the 8th Annual Fairfax County History Conference:

Heritage Awareness Awards: Established in 1995, this program is designed to stimulate and reward original research in Fairfax County history using standard social, political and economic sources in written narrative form, a nomination to the National Register of Historic Places or a video documentary.

- C. Denise Barrett –The Nan Netherton Award, \$500 prize, for her work in researching and writing a narrative on the Lakewood Estates neighborhood off Wolf Shoals Road in southwestern Fairfax County. She included information on the prehistory of the county, early land acquisitions, the American Revolution, the Civil War and 20th century life, meticulously documented with 304 endnotes and a bibliography of 26 sources.
- Lisa Friedrich Becker–The CJS Durham Award, \$250 prize, for her hard work and research in preparing a nomination to place the Sydenstricker School on the National Register of Historic Places.
- David G. Farmer–The Beth Mitchell Award, \$500 prize, for his automation and indexing of the Flint Hill Cemetery records. His database consisted of 3,500 plus lines of data from a collection of information from more than 2,100 tombstones reflecting the use of the cemetery since 1875.

Recognition Awards: To recognize contributions to the preservation of history in Fairfax County

- Distinguished Service Award to Evelyn Fox, coordinator, and assistants for the production, Wanda Hill, Joan Morton, Virginia Norton and Gail T. Nields for casting, performing as well as producing a video of a play called "Captain John Smith: a HiStory of McLean and Great Falls Virginia" that honored the 400th anniversary of the founding of Jamestown and subsequent events that occurred in the McLean, Virginia area.
- Lifetime Achievement Award to Suzanne Levy for her 30 plus years of service in the Virginia Room of the City of Fairfax Regional Library and her tireless efforts to promote history, genealogy and historic preservation in the region.

The Awards Committee included Commissioners Naomi Zeavin, Robert E. Beach, Jack L. Hiller, Elise Murray and Lynne Garvey-Hodge, Chair.

## **ETHNIC/ORAL HISTORY**

This committee was formed in the fall of 1997 in response to the increasing demographic diversity of Fairfax County's population. The one hundred languages spoken within schools show the diversity of the population. It has been estimated that in less than fifty years the County's white population will drop below 50 percent. The committee set as a goal to explore the ways in which more ethnic segments might be encouraged to record their experiences and community history since their arrival in Northern Virginia.

In 2004, at the suggestion of then-Chairman Connolly, the Commission formed a subcommittee of the Ethnic Committee to seek a project for recording and presenting oral history in Fairfax County. The subcommittee is researching ways to present oral history that convey to the County and the youth that the history of all people is important. In addition, that history is not just the past, but is made each day.

The members of these committees are Naomi Zeavin, Anne Barnes, Sallie Lyons, Lynne Garvey-Hodge and Chair, Esther McCullough.

## PUBLICATIONS

The Fairfax County History Commission's Publications Committee completed a project to reprint the book "Fairfax County, Virginia in 1760" and its associated map. They continue working on several reprints including "Beginning at a White Oak: Patents and Northern Neck Grants of Fairfax County, Virginia;" "Legato School: a Centennial Souvenir;" and "Mount Air, Fairfax, Virginia." The committee is working on publishing "Fairfax County in 1860" which is a portrait of the County shown through property identification maps and an aggregation of census data. The maps are posted online at [www.fairfaxcounty.gov/histcomm/1860maps.htm](http://www.fairfaxcounty.gov/histcomm/1860maps.htm).

Committee members are coordinating with the Fairfax County Park Authority and the Virginia Room on sales of history publications previously sold at the Maps and Publications Center. The Commission's publications are available for purchase at the Virginia Room. Some of the old Planning Office publications are available through the Park Authority. Committee members are working to find outlets for all of the Fairfax County local history publications. See the Commission's website for more information on titles and availability. ([www.fairfaxcounty.gov/histcomm/book.htm](http://www.fairfaxcounty.gov/histcomm/book.htm))

The Commission established a new grants program, whereby an individual or a group may apply for a grant of up to \$500 to aid in the research and publication of local history.

Members of the Publications Committee are Mary Lipsey (Chair), Anne Stuntz, Elise Ruff Murray, Barbara Naef, Lynne Garvey-Hodge, Anne Barnes and Carole Herrick.

## INVENTORY OF HISTORIC SITES

The Fairfax County Inventory of Historic Sites is one of the History Commission's longest standing responsibilities. It serves as both an honorific and a planning tool. The Comprehensive Plan includes the Inventory sites in the Heritage Resources section of each Planning District.

The Comprehensive Plan Amendment, S12-CW-1CP, to update the Inventory tables, references to Inventory sites in the text and other technical corrections was approved by the Planning Commission on February 28, 2013 and by the Board of Supervisors on April 9, 2013. Department of Planning and Zoning (DPZ) Planning Division staff completed the plan amendment with review by the Commission's Inventory Committee.

As of December 2012, the Inventory stands at 360 listings. The following additional locations of a currently listed site were added in 2012:

### Additions to the Inventory of Historic Sites 2012

Site Name	Date Added	District	Location
Manassas Gap Railroad Independent Line and Loudoun Branch	June 6, 2012	Mason Sully	Annandale Centreville Chantilly

The current Inventory list along with its background, nomination forms and research guidelines are accessible to staff and the general public on the County website. An Inventory nomination form, instruction guide and example are also available. ([www.fairfaxcounty.gov/dpz/historic/ihs/](http://www.fairfaxcounty.gov/dpz/historic/ihs/)).

Sallie Lyons, Elise Ruff Murray, Barbara Naef, Debbie Robison and Anne Stuntz serve on the Inventory Committee, in cooperation with Laurie Turkawski and Linda Cornish Blank of DPZ.

## **HISTORICAL MARKERS**

Fairfax County's Historical Marker Program began in January 1998 when the History Commission approved a design and agreed to fund a distinctive marker for Fairfax County. While this marker was generally modeled after Virginia's roadside markers, by state code it had to have a distinctive appearance. With colors derived from George Washington's Fairfax Militia uniform, these buff and blue roadside markers emblazoned with the Fairfax County seal, stand ten feet from ground level.

In the fourteen years the program has existed 49 historical markers (including six state markers) have been approved for installation by the History Commission. Many requests for historical markers are initiated by the public, which provides for approximately one half of the funding. Some markers, including those requested by developers, are funded entirely by the requesting party. All requests are reviewed by a committee for historical accuracy and editorial continuity before being submitted to the entire Commission for approval.

During the 2012 calendar year, the Commission agreed to limit the funding of historical markers to the equivalent cost of two markers due to budget restraints. The current cost of fabricating a marker is \$1,960.

A dispute arose concerning the Civilian Conservation Corp marker installed in Accotink Park in April 2008 based on a complaint by a long time resident of the area who claimed there was an error in the text. The dispute could not be resolved due to conflicting historical evidence so the marker was recast in August 2012 removing the issue in question from the text. To date the marker has not been reinstalled because the road to Accotink Park, along which the marker will be placed, may be widened.

Only one historical roadside marker was installed in 2012—at Fairfax Station. The marker was placed on the property of the Fairfax Station Museum timed to coincide with the 150th anniversary commemoration of Clara Barton and associates' effort to comfort the wounded and dying Union troops retreating from the Second Battle of Manassas in 1862.

Most historical markers in Fairfax County are listed in the Historical Marker Database, an independent website unaffiliated with Fairfax County. Fairfax County History Commission markers may be viewed at <http://www.hmdb.org/results.asp?SearchFor=fairfax+county+history+commission>.

Serving on the Marker Committee are Anne Barnes, Michael Irwin, Mary Lipsey, Esther McCullough, Page Shelp and Jack L. Hiller, the chairman.

## **CULTURAL RESOURCE MANAGEMENT AND PROTECTION SECTION GRANTS**

Since 2000, the Commission has provided a modest grant to Vicki Monken for entering archaeological data into the computer for the Park Authority Cultural Resource Management and Protection Section. In 2012, Denise Dressel used grant funds to work on the Cultural Resources Management Plan and Cultural Resource Policies and continues to work on site specific Cultural Resource Action Plans.

## **SPEAKER'S BUREAU**

At the Board of Supervisors request, the Commission compiled a list of people willing to speak on topics related to Fairfax County history. The resulting Speaker's Bureau List includes a variety of countywide history topics with related speakers and contact information, including name, email address and phone number. An update is in progress.

Members of the Fairfax County History Commission continue to be active in speaking before various civic, community and historic groups.

Anne Barnes has presented talks on the early historical Fairfax County "Colored" schools at the annual Fairfax County History Conference, Gunston Hall and historic one room Laurel Grove School located in Franconia, Virginia.

Irma A Clifton speaks to groups throughout the area on Lorton history, prison history and women's history. She is also a scheduled speaker to tour groups visiting the Workhouse Arts Center in Lorton.

Jack Lewis Hiller spoke in four classrooms in 2012. Typically, he is asked to speak in public schools, to civic associations, historical groups, senior citizens or private groups. Many of Hiller's lectures are given with slides and focus on Springfield. Titles of his lectures include: "Murder at the Mill: Historian as Detective," "Henry Daingerfield and Origins of Springfield," "The Hidden History of Hidden Pond Park," and "An Introduction to Fairfax Archaeology."

Lynne Garvey-Hodge has a particular interest in the Progressive Era of the United States (1890–1920). She re-enacts Suffragist Mrs. Robert Walker in a 45 minute, one-person monologue for numerous community events, educational groups and Cox Cable Channel 10. She has performed in this capacity on upwards of 80 occasions and has traveled throughout Virginia. Descendants of Mrs. Robert Walker have recently connected with Ms. Garvey-Hodge. She also speaks on the background and research conducted for her book, published by Arcadia Publishers in their Images of America Series, "Clifton." She has also given presentations on the history of Clifton using music, photo boards and games to local groups and for the Cox Cable Channel 10, "Virginia Time Travel" and "NARFE" programs, as well as to local educational forums and civic organizations. "Women of the Progressive Era in Fairfax County," "The Progressive Era in Fairfax County," "Victorian Mourning Customs" and "Pictures in Stone - Symbolism in Cemeteries" are other presentations Ms. Garvey-Hodge has given to local non-profit, civic and educational associations.

Mary Lipsey continues to provide presentations on a variety of topics related to the "Braddock's True Gold" project, local history, women's history and firsts in American history.

Sallie Lyons promotes preservation and archeological and historical research in the old town of Colchester, Colchester Park and Preserve, and Mason Neck, speaking frequently to groups and at the History Conference.

Anne Stuntz speaks on the history of Vienna and its environs.

Naomi Zeavin speaks and shows history videos at the Rotary, schools, senior groups and Fairfax Museum on Historic Mason District.

## **OUTREACH ACTIVITIES**

Fairfax County History Commission members continue to be active in a variety of ways in the community. The following summary, though not a comprehensive list, highlights the wide variety of outreach activities performed by commission members.

Anne Barnes is a member of the Board of Directors of the Laurel Grove School Association.

Anne Barnes and Sallie Lyons are members of the Seeds of Independence Committee of Gunston Hall, tracing African American History on Mason Neck.

Architect member, Robert E. Beach, AIA, LEED, AP, BD+C designed the Turning Point Suffragist Memorial, which will be located in Occoquan Regional Park in Lorton and will pay tribute to the women who endured harsh imprisonment to secure voting rights for women. Lynne Garvey-Hodge and Irma Clifton serve on the committee for the project.

Irma Clifton is the President of the Lorton Heritage Society, Inc., and is historian and collections manager for the Lorton Arts Foundation. She owns a historic house in Falmouth where she also is active in historic preservation.

Carole Herrick was chair "McLean Remembers the Civil War," an all-day event commemorating 150 years of the beginning of the Civil War, held at the McLean Community Center on October 22, 2011.

Carole Herrick is a past president of the McLean Historical Society and currently serves as vice-president.

Lynne Garvey-Hodge serves on the Town of Clifton Historic Preservation Committee, which she initiated; serves as chair of the Clifton Betterment Association's Clifton Oral History Project; and chaired the Clifton Community Woman's Club Spring Homes Tour in 2011 and her historic 1890's home on Blue Dan Lane was on the 2012 tour.

Lynne Garvey-Hodge and Mary Lipsey co-founded the non-profit Fairfax County Cemetery Preservation Association, Inc., whose goal is to preserve and protect family cemeteries in Fairfax County. Both are officers.

Sallie Lyons formed and incorporated the Friends of Fairfax County Archaeology and Cultural Resources, FOFA, supporting the Cultural Resource Management and Protection Section of the Park Authority. Barbara Naef was among the charter members. Elise Murray is also a member.

Sallie Lyons continues to promote preservation and archaeology in Colchester and provide *pro bono* graphic design through Lyonshare Studios for CRMP historical interpretive trailside displays. She is an active member of the Lorton Heritage Society, Preservation Virginia and the Northern Virginia Chapter of the Archaeological Society of Virginia.

Elise Murray attended the Virginia State Preservation Conference held in Leesburg in September 2012. She joined the board of the Friends of the Virginia Room in 2012 and serves as vice president and continues to serve on the Board of Directors of the Historical Society of Fairfax County.

As the Archaeologist Representative on the Commission, Barbara Naef continued to meet regularly with the Park Authority Cultural Resource Management and Protection (CRMP) Section Manager, to keep advised and updated on the various activities and projects involving the countywide archaeology programs that are managed through CRMP.

The volunteer assignment to coordinate the Park Authority Resource Management Division's American Association of Museums (AAM) accreditation self-study that Barbara Naef accepted in 2009 continued through 2012. In September 2010, she received the Resource Management Division Volunteer Excellence Award for her work on accreditation.

Debbie Robison continues to research local history and write articles about historical sites and events in Fairfax County. In addition, she regularly assists the public by answering research questions. She is a member of the Historic Centreville Society Board and serves on the Centreville Joint Committee reviewing proposed developments in the Centreville Historic District.

Anne Stuntz serves as the president of Historic Vienna, Inc. and as chairman of the Vienna Civil War Sesquicentennial Committee. In addition, she is an active member of the Historical Society of Fairfax County, serves on the Sully Foundation and Flint Hill Cemetery Association boards, serves on the nominating committee of the Friends of the Virginia Room, and is secretary of the Fitzhugh Family in Virginia

Naomi Zeavin serves on the board of directors of the Capitol Hill Civil War Roundtable.

## BIOGRAPHICAL SKETCHES

A brief examination of the background of the Fairfax County History Commission reveals a wide and diverse variety of backgrounds that members bring to their work

**Anne M. Barnes**—originally from Georgia, is a longtime Fairfax County resident who now lives on Mason Neck. She received a B.S. in Criminal Law from Savannah State College and a M.A. in Government from Johns Hopkins University. She worked on an archeological project in South Carolina in the mid-1980s. She is a former Marine Corps Officer, U.S. Congressional staffer, American History teacher and is currently the Resource Manager for a Department of Defense strategic training center. She served as Vice Chairman of the History Commission in 2006-2008 and as Treasurer in 2010-2012.

**Robert E. Beach**—after receiving his Bachelor of Architecture from Pratt Institute in New York in 1982, he practiced architecture there and in several notable Washington area architecture firms prior to starting his own practice in Falls Church in 1989, which does historic architectural restoration on local, state and national levels. The Architect member of the Commission, he has served since 2000, as Chairman in 2006–2008 and Vice Chairman in 2004–2005, and multiple times on behalf of the Commission as a juror for the Fairfax County Exceptional Design Awards. Professionally, Mr. Beach is a member of the American Institute of Architects (AIA) representing the AIA Northern Virginia Chapter Board as a Virginia Society AIA Director, and a Leadership in Energy and Environmental Design Accredited Professional (LEED, AP, BD+C) specializing in building design and construction. He is also a member of the United States Green Building Council (USGBC). Mr. Beach is a Georgetown University Architectural Thesis Advisor in the Real Estate Studies Graduate Program. In addition, he is a Boy Scouts of America Architecture and Aviation Merit Badge Counselor and is a licensed instrument rated private pilot who volunteers flight time for Angel Flights several times a year. He lives in Fairfax, Virginia.

**Gretchen Bulova**—from the Braddock District, brings a wealth of museum experience to the Commission. She holds a BA in Anthropology and a BA in Classical Studies from the College of William and Mary and an MA in Museum Studies from The George Washington University. Ms. Bulova is the Director of Gadsby’s Tavern Museum and the Stabler-Leadbeater Apothecary Museum in Alexandria, Virginia. She specializes in the interpretation of late 18<sup>th</sup>-century material culture and lectures widely on a variety of topics related to Alexandria and Gadsby’s Tavern and is active in the local museum community. Ms. Bulova serves on the Board of the Virginia Association of Museums, representing the Northern Virginia Museums, and is President of the Historic House Museums Consortium of Washington, DC. Ms. Bulova is committed to the preservation of local history and inspiring the next generation to love museums and our nation’s rich heritage. Elected the Commission’s Chairman in 2012, she continues to serve.

**Irma A. Clifton**—was born and raised in Lorton and presently resides in a 90-year-old farmhouse purchased by her parents in 1945. She has long been an advocate for preservation and adaptive reuse issues. From 1967–1993, she held a variety of positions related to management and security at the D.C. Department of Corrections Correctional Institution in Lorton, Virginia. In addition to her regular assigned duties, she assembled and maintained a museum containing documents and items associated with the Department of Corrections, and acted as Corrections historian. She studied Historic Preservation at Mary Washington College. After retiring in 1993, she volunteered for numerous charity and civic activities. She also owns a home in the Falmouth Historic District. She has served on numerous committees and task forces over the years to help develop a plan for use of the D.C. Prison at Lorton after it closed. On the Commission, she served as Treasurer 2007 through 2009.

**Phyllis Walker Ford**—appointed in February 2009, earned a B.A. in Business Administration from Bluefield State College, Bluefield, West, Virginia and an MBA from Trinity College, Washington, D.C., leading to sixteen years in the Telecommunications industry. A direct descendent of the family who donated land in 1881 for the Laurel Grove Colored School, a school to serve the African American children in the Franconia area, she was instrumental in restoring the school, establishing a museum and searching out its history. She is also active in education programs at the Laurel Grove School and the Franconia Museum. She served as the Commission's Secretary in 2010.

**Carole Herrick**—lives in McLean. As a nationally ranked tennis player, she attended Los Angeles State College, where she received her BA in History. Active in McLean civic and historical groups, she has written five books and numerous articles for publication about McLean and the Northern Virginia area, recently finishing "Ambitious Failure, Chain Bridge: the First Bridge Across the Potomac River." She is the chair of the History Commission's War of 1812 Committee and serves on the Publications, History Conference, and Civil War Sesquicentennial Committees. Ms. Herrick represents the History Commission on the War of 1812 Bicentennial Commemoration Planning Committee and the Salona Task Force. She has served as the Commission's Secretary since 2012.

**Jack Lewis Hiller**—lives in West Springfield and has been a member of the Fairfax County History Commission since 1981. Hiller holds a bachelor's degree in history from the College of William and Mary ('53), a master's degree in education from the University of Virginia ('66) and a master's degree in history from Carnegie-Mellon University ('69). He taught history for 30 years at Groveton High School and West Potomac High School before retiring in 1988. He also taught history at Northern Virginia Community College. He initiated the Fairfax County Public School's Summer Archaeology Program that operated between 1973 and 1988. He frequently presents an Introduction to Fairfax Archaeology to schools and civic groups. He chaired the History Commission in 1994-1995 and currently chairs the Historical Marker Committee. Hiller also writes and speaks on topics about the Springfield area and has written a history of Springfield. Other activities have included volunteering as a docent for ten years at Gunston Hall, home of George Mason; and working as a freelance photographer. Hiller's portrait of Martin Luther King is part of the permanent collection at the National Portrait Gallery.

**Lynne Garvey-Hodge**—has been a resident of Fairfax County for 28 years and has been a resident of Clifton, Virginia for 13 years, where she is extremely active in preserving the historicity of Clifton. She has a particular interest in the Progressive Era of the United States (1890–1920) and re-enacts Suffragist Mrs. Robert Walker. Ms. Garvey-Hodge published a book for Arcadia Publishers' Images of America Series, "Clifton" in 2009. She has a BFA from the University of Colorado, majoring in art history, an MPA (Masters in Public Administration) with a major in Human Resources also from the University of Colorado and a MTS (Masters in Theological Studies) from Wesley Theological Seminary. She is in her fifth term on the Commission. She served as Chair in 2004 and 2005 and represented the Commission on the Exceptional Design Awards jury in 2005, 2006 and 2008. She spearheaded efforts to launch the First Annual Fairfax County History Conference in 2005 and has chaired the History Conference Committee since 2006. She currently is the chair of the Awards Committee and also sits on the Ethnic and Oral History committees. She is the co-founder and an officer of the Fairfax County Cemetery Preservation Association, Inc. and sits on the Board of the VolunteerFairfax, a non-profit organization.

**Michael R. Irwin**—is a 20-year resident of Fairfax County. Born in Pennsylvania, he grew up with a deep interest in American History. In high school he was a volunteer with the Pennsylvania State Museum and Historical Commission working in the registrar's office at the William Penn Memorial Museum in Harrisburg and in college served an internship in the same office. He graduated from Dickinson College in Carlisle, Pa., with a B.A. in History (concentration in American History), a minor in Fine Arts History. Since moving to Virginia, he can often be found at the Smithsonian Institution or one of the other historic venues in the greater Washington area. His main interests are the World War II period, especially the war's impact on social structures on the home front and early American industrial history.

**Mary Lipsey**—was born in Atlanta and raised in Fairfax County. She received a B.A. in History and Sociology from Mary Washington College (1972) and a Masters in Middle School Education from Virginia Tech (1989). In June 2003, she retired after 30 years of teaching seventh grade American History in the Fairfax County Public Schools. She has been a volunteer docent for the American History Museum of the Smithsonian since 1980 and for the National Archives since 2004. Her interest in local history has found outlets through co-authoring *Braddock's True Gold*, writing articles on local history and women's history, and speaking to senior citizens groups. She has been a member of A Look Back at Braddock project that promotes historical events for the residents in Braddock District. As a member of the Commission, she serves on the Markers, Publications and History Conference Committees. She is the co-founder and president of the non-profit Fairfax County Cemetery Preservation Association, Inc., whose goal is to preserve and protect family cemeteries in Fairfax County. Mary is also an active volunteer with her community and a local park.

**Sallie Lyons**—a native North Carolinian, was raised in University Park, Maryland. She has an A.B. in Art History from Duke University, worked at the Library of Congress and held a teaching assistantship in Anthropology as a graduate student at the University of Maryland. She did urban archaeological excavation in Winchester, the capital of Saxon England. She moved to Mount Vernon District in 1970, living on Brick Yard Point in Wellington Villa until moving to the old town of Colchester on Mason Neck in 1984. Living on two potential archeological sites made her keenly aware of history and preservation in the Mount Vernon area. She has spent over 25 years supporting preservation and research in Colchester, Mason Neck and Lorton. Partnered with her late husband, Gerald Lyons, she founded Lyonsshare Studios, LLC, a technical computer graphics company that provides illustrative and word support for planning, preservation, publication and other technical fields. She is an active member of local and state archaeology and history organizations, and founder of The Friends of Fairfax County Archaeology and Cultural Resources (FOFA).

**Esther W. McCullough**—grew up in Longview, Texas and received her Bachelor of Science in Clothing and Textiles from North Texas State University (now The University of North Texas). After moving to Fairfax County in 1996, she could not find information on the history of African-Americans in the area, so she created a brochure, "African-American Sites in Fairfax County before 1900." She is the Chair of the Ethnic and Oral History Committees and sits on the Marker Committee and the History Conference Committee. She served as the Secretary of the Commission from 2004–2007. Scrapbooking memories and preserving history are two things that she treasures. She has led workshops for senior citizens in nursing homes using scrapbooking techniques. Esther volunteers throughout Fairfax County.

**Elise Ruff Murray**—grew up in Vienna, Virginia and now resides in Reston. She earned a BA in History from the University of Virginia and is interested in archaeology, history and preservation. Her interests have led her to serve as the Commission's liaison with the Architectural Review Board since 1992. A member of the Commission since 1983, she served as Chairman in 1988–1989, worked on the Commission's finances and budget submissions since 1986, served as Treasurer from 1990–2005, and as Vice Chairman from 2009–2011. After working for a year and a half on an archaeology project in Northeastern Mississippi, she worked as an economic consultant advising on anti-trust and commercial litigation matters for over 20 years.

**Barbara M. Naef**—has been a resident of Reston since 1968. She earned a B.A. in History, Phi Beta Kappa from Duke University and a M.A. in American History from the University of Delaware. She retired in 2002 after 23 years working to preserve and interpret our county history at the Fairfax County Park Authority. She continues to work as a volunteer for the Park Authority and for other historical organizations including the Reston Historic Trust and Museum. The Archaeologist Representative on the Commission, she serves on the Publications Committee, Inventory of Historic Sites Committee, Budget Committee, the annual History Conference Planning and Implementation Committee and the Resident Curator Program Committee.

**Debbie Robison**—lives in Centreville and is a long-time resident of Fairfax County. She manages the historic preservation/restoration program for a local architectural and engineering firm. Ms. Robison holds a Bachelor of Science degree from VA Tech and a Historic Preservation Certificate from NOVA. She is active in Centreville historical matters. Her interest in researching local history has resulted in her authoring numerous articles about general aspects of northern Virginia's past and the history of specific sites. To promote preservation and facilitate local history education, Ms. Robison hosts a website, [www.novahistory.org](http://www.novahistory.org). She served as the Commission's Chairman 2009-2011 and currently serves as Treasurer.

**Page S. Shelp**—while originally from California, has lived in Fairfax County for most of her adult life, moving west from Falls Church and McLean to Great Falls. She received her Bachelor's degree in History and in Art History from Colorado Woman's College, her Secondary School Education Teaching credentials in history and in English at Mills College and her Master's degree from Georgetown University. She has taught history, but spent the greater part of her career (25 years) as the executive director of the McLean Community Center where she became especially interested in and involved with local history and the preservation of community institutions.

**Steven Sherman**—was born in Washington, D.C. and raised in Arlington, Virginia. He has lived in Northern Virginia for over 60 years, graduated from Wakefield High School in 1964 and attended Morris Harvey College in Charleston, West Virginia and Northern Virginia Community College in Annandale, Virginia, where he majored in Accounting and History. He is President/Broker of Sherman Properties, Inc., located in Franconia and has been in the real estate business for the past 40 years. Since 1984, he has owned the historic "Five Oaks Estates" manor house built in 1910 located off Blake Lane in Fairfax County. He is currently on the Board of Directors of Celebrate Fairfax, served on the Board of Directors of the Franconia Museum for the past seven years and is a past president. Mr. Sherman served as the Commission's Secretary in 2011 and has served as Vice Chairman since 2012

**Anne Stuntz**—the newest member of the Commission grew up in Vienna Virginia and comes from a family of historians and genealogists. She has a degree in art history from Princeton University and an MBA from Columbia University. After a career in finance on Wall Street and in the City of London, Anne returned to her historic family home in Vienna with her husband and three sons, and is devoted to preserving the history of the area. She is president of Historic Vienna Inc. and the chairman of Vienna's Civil War Sesquicentennial Committee. She is active with the Historical Society of Fairfax County, the Sully Foundation, Flint Hill Cemetery Association, Friends of the Virginia Room, and the Fitzhugh Family in Virginia.**Richard C. Zambito**—is a resident of Mason District. An architect, currently with HDR Architecture, Inc. in Alexandria, he received a Bachelor of Architecture in 1984 and a Bachelor of Science in Landscape Architecture in 1982 from the City College in New York, NY. Since September 2007, he has served as the Vice President of the Parklawn Civic Association. He has been a member of the Baileys Crossroad Redevelopment Corp. since September 2009 and served on the committee for planning of the Fairfax County History Museum.

**Naomi Zeavin**—is a resident of Falls Church. She was born in New Britain, Connecticut and majored in Speech and Drama at Emerson College in Boston, Massachusetts. She conducts research and makes videos on local history, especially Mason District, African-Americans and the Civil War. A presidential advisor on the arts during the administration of President Ronald Reagan, she has been appointed to and served on numerous advisory boards, commissions and committees on the both the national and local level. She is president of U-R-Unique, a company of video productions. Ms. Zeavin restored a Jewish cemetery in her father's birthplace in Poland. On the Commission, she served as Secretary from 2007 through 2009.

## IN MEMORIAM

**Mayo Sturdevant Stuntz**—passed away in May 2013 at the age of 97. Mr. Stuntz assisted in establishing the predecessor, the Landmarks Preservation Committee in 1965, served on the Commission from 1969 to March 2012 and was active as an honorary member from April 2012 until his death. A native of Vienna, he attended Cornell University, served in the U.S. Army for seven years retiring as a Lieutenant Colonel and was with the CIA for 25 years. He taught local history in the area high school adult education program and at George Mason University. He and his wife, Constance Pendleton Stuntz, published four local history books: including “This Was Vienna, Virginia,” “This Was Tysons Corner, Virginia,” and “This Was Virginia, 1900 to 1927,” a collection of photographs. The unofficial historian of the Town of Vienna he was particularly active with the Historical Society of Fairfax County, the Sully Foundation and the Flint Hill Cemetery Association. Over the years, Mr. Stuntz spoke to countless audiences; was involved in local historical matters; and served as a source for information on County history. His lively manner, keen insight and deep knowledge of local history will be sorely missed.

Board Agenda Item  
June 18, 2013

11:00 a.m.

Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard June 18, 2013

(An updated list will be distributed at the Board meeting.)

Attachment 2: Résumé of Nominee to Fairfax-Falls Church Community Services Board

Attachment 3: Résumé of Nominee to Fairfax-Falls Church Community Services Board

STAFF:

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

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**NOTE: A revised list will be distributed immediately prior to the Board meeting.**

**APPOINTMENTS TO BE HEARD JUNE 18, 2013**  
(ENCOMPASSING VACANCIES PROJECTED THROUGH **JULY 1, 2013**)  
(Unless otherwise noted, members are eligible for reappointment)

**ADVISORY SOCIAL SERVICES BOARD**  
(4 years – limited to 2 full consecutive terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sosthenes Klu; Appointed 12/05-9/08 by Frey) Term exp. 9/12 <i>Resigned</i>	Sully District Representative		Frey	Sully

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly) Term exp. 5/13	Builder (Multi Family) Representative	<b>Richard Rose</b> (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by Mark S. Ingrao; appointed 1/03 by Mendelsohn; 5/05 by DuBois) Term exp. 5/09 <i>Resigned</i>	Citizen Representative		By Any Supervisor	At-Large

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**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)**  
**continued**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James Scanlon (Appointed 6/93-6/09 by Bulova) Term exp. 5/13	Engineer/Architect/ Planner #1 Representative	<b>James Scanlon</b> (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

**AIRPORTS ADVISORY COMMITTEE (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason
VACANT (Formerly held by Thomas T. Coyle; appointed 6/09-2/12 by Hyland) Term exp. 1/15 <i>Resigned</i>	Mount Vernon District Business Representative		Hyland	Mount Vernon

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)  
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Grant J. Nelson (Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10 by Bulova) Term exp. 6/13	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96-5/01 by Hanley; 6/04-10/07 by Connolly; 6/10 by Bulova) Term exp. 6/13	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Nicholas Capezza; appointed 1/11 by Bulova) Term exp. 10/13 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large

**ANIMAL SERVICES ADVISORY COMMISSION (2 years)**

[Note: In addition to attendance at Commission meetings, members shall volunteer at least 24 hours per year in some capacity for the Animal Services Division.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michelle Hupp; appointed 1/01-2/12 by Gross) Term exp. 2/14 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ATHLETIC COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James Pendergast (Appointed 7/12 by Cook) Term exp. 6/13	Braddock District Alternate Representative		Cook	Braddock
Marcia Pape Daniels (Appointed 6/09-6/11 by Cook) Term exp. 6/13	Braddock District Principal Representative		Cook	Braddock
Gregory Beckwith (Appointed 7/10-5/11 by Foust) Term exp. 3/13	Dranesville District Alternate Representative		Foust	Dranesville
Michael Champness (Appointed 2/05&3/07 by DuBois; 3/09 by Foust) Term exp. 3/11	Dranesville District Principal Representative		Foust	Dranesville
Terry Adams (Appointed 11/11 by Gross) Term exp. 6/13	Mason District Alternate Representative		Gross	Mason
Barbara Lowrey (Appointed 7/99-6/11 by Gross) Term exp. 6/13	Mason District Principal Representative		Gross	Mason

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE  
(1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ken Balbuena (Appointed 9/11-7/12 by Bulova) Term exp. 6/13	At-Large Chairman's Representative	<b>Ken Balbuena</b>	Bulova	At-Large Chairman's
William Hanks (Appointed 2/10-6/12 by Cook) Term exp. 6/13	Braddock District Representative		Cook	Braddock
Barbara Glakas (Appointed 1/12-6/12 by Foust) Term exp. 6/13	Dranesville District Representative			
Glenda DeVinney (Appointed 5/12 by McKay) Term exp. 6/13	Lee District Representative		McKay	Lee
Rachel Rifkind (Appointed 5/09-6/09 by Gross) Term exp. 6/11	Mason District Representative		Gross	Mason
VACANT (Formerly held by John Byers; appointed 6/09-1/12 by Hyland) Term exp. 6/12 <i>Deceased</i>	Mount Vernon District Representative		Hyland	Mount Vernon
Emilie F. Miller (Appointed 7/05-7/12 by Smyth) Term exp. 6/13	Providence District Representative		Smyth	Providence

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**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)  
continued**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert McDaniel; appointed 9/10 by Herrity) Term exp. 6/11 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield
Olga Hernandez (Appointed 9/04-6/12 by Frey) Term exp. 6/13	Sully District Representative		Frey	Sully

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS  
(4 years)**

(No official, technical assistant, inspector or other employee of the DPWES, DPZ, or FR shall serve as a member of the board.)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Paul Kraucunas; appointed 9/98-2/09 by Bulova) Term exp. 2/13 <i>Resigned</i>	Design Professional #1 Representative	<b>Thomas Schroeder</b> (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by Thomas Schroeder; appointed 3/09-3/13 by Bulova) Term exp. 2/17 <i>Resigned</i>	Alternate #1 Representative	<b>Wayne Bryan</b> (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17	Alternate #2 Representative		By Any Supervisor	At-Large

**CHILD CARE ADVISORY COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tammy K. Derenak; appointed 7/02-9/05 by Kauffman; 2/08-9/11 by McKay) Term exp. 9/13 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jean Zettler (appointed 11/08-5/10 by Smyth) Term exp. 5/12	Providence District Representative		Smyth	Providence

**CIVIL SERVICE COMMISSION (2 years)**

[NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a member of a minority group.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Richard Stacy; appointed 11/05-1/08 by DuBois; 12/09-12/12 by Foust) Term exp. 12/13	At-Large #11 Representative		By Any Supervisor	At-Large

**COMMISSION FOR WOMEN (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kari Wright Warren; Appointed 9/10 by Hyland) Term exp. 10/13 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon

**COMMISSION ON AGING (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kenneth Malmberg; appointed 6/09-5/11 by Cook) Term exp. 5/13 <i>Resigned</i>	Braddock District Representative	<b>Richard B. Chobot</b>	Cook	Braddock
Kay Larmer (Appointed 1/12 by Foust) Term exp. 5/13	Dranesville District Representative		Foust	Dranesville
Thomas Bash (Appointed 5/11 by Herrity) Term exp. 5/13	Springfield District Representative	<b>Thomas Bash</b>	Herrity	Springfield

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
David Hess-Linkous (Appointed 7/11 by Smyth) Term exp. 1/13	Providence District Representative		Smyth	Providence

**COMMUNITY ACTION ADVISORY BOARD (CAAB)  
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Steven Bloom; appointed 2/09-2/12 by Foust) Term exp. 2/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

**COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP  
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Janyce Hedetniemi (Appointed 4/07 by Connolly; 4/09-4/11 by Bulova) Term exp. 4/13	At-Large #1 Chairman's Representative		Bulova	At-Large Chairman's
Robert E. Simon (Appointed 4/09-4/11 by Bulova) Term exp. 4/13	At-Large #2 Chairman's Representative		Bulova	At-Large Chairman's
Jorge E. Reyna (Appointed 9/11 by Cook) Term exp. 4/13	Braddock District Representative	<b>Jorge E. Reyna</b>	Cook	Braddock
Loren C. Bruce (Appointed 6/11 by Hudgins) Term exp. 4/13	Hunter Mill District Representative		Hudgins	Hunter Mill

**CONSUMER PROTECTION COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Samiah Bahhur; appointed 10/06 by McConnell; 7/09-7/12 by Herrity) Term exp. 7/15 <i>Resigned</i>	Fairfax County Resident #12 Representative	<b>Leah V. Durant</b> (Herrity)	By Any Supervisor	At-Large

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Rose Miles Robinson; appointed 7/06-2/09 by Hudgins) Term exp. 2/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Andrew Hunter (Appointed 4/04-2/09 by Gross) Term exp. 2/12	Mason District Representative		Gross	Mason
VACANT (formerly held by Glen Robinson; appointed 11/09 by Smyth) Term exp. 8/12 <i>Resigned</i>	Providence District Representative		Smyth	Providence
VACANT (Formerly held by Michael Birch; appointed 1/08-4/10 by Frey) Term exp. 4/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

**ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Steven Davis (Appointed 5/01 by Hanley; 6/05 by Connolly; 6/09 by Bulova) Term exp. 7/1/13	At-Large #5 Citizen Representative		By Any Supervisor	At-Large
Catherine Lange (Appointed 11/09 by Bulova) Term exp. 7/1/13	At-Large #7 Citizen Representative	<b>Catherine Lange</b> (Bulova)	By Any Supervisor	At-Large

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Marie Flanagan; appointed 1/10 by Smyth) Term exp. 1/13 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**FAIRFAX AREA DISABILITY SERVICES BOARD**

**(3 years- limited to 2 full consecutive terms per MOU, after initial term)**

[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Barbara Lawrence (Appointed 2/09-11/09 by McKay) Term exp. 11/12	Lee District Representative		McKay	Lee
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 <i>Not eligible for reappointment</i>	Sully District Representative		Frey	Sully

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION  
BOARD OF DIRECTORS (3 years)**

[Note: Established by Board on 6/21/04 for the general administration and proper operation of the Fairfax County Convention and Visitors Corporation.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT Formerly held by Anh Tu Do; appointed 7/10 by Cook) Term exp. 6/13 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
Lisa L. LaCamera (Appointed 11/12 by Foust) Term exp. 6/13	Dranesville District Representative		Foust	Dranesville
Curtis G. Viebranz (Appointed 1/13 by Hyland) Term exp. 6/13	Mount Vernon District Representative		Hyland	Mount Vernon

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

(3 years – limited to 3 full terms)

[NOTE: In accordance with *Virginia Code* Section 37.2-502, "**prior to making any appointment, the appointing authority shall disclose and make available to the public the names of those persons being considered for appointment.** The appointing authority shall also make information on the candidates available to the public, if such information is available to the appointing authority." **Members can be reappointed after 3 year break from initial 3 full terms. VA Code 37.2-502]**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jane Haycock Woods (Appointed 11/08 by Connolly; 6/10 by Bulova) Term exp. 6/13	At-Large #2 Representative	<b>Jane Haycock Woods</b> (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by Glenn Kamber; appointed 1/05-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative	<b>Katherine K. Hanley</b> (Résumé attached) <i>(Nomination announced on June 4, 2013)</i>	Hudgins	Hunter Mill
Susan Beeman (Appointed 9/06-6/10 by Gross) Term exp. 6/13	Mason District Representative		Gross	Mason
VACANT (Formerly held by Mattie Palmore; appointed 1/06-6/10 by Hyland) Term exp. 6/13 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Mary Ann Beall; appointed 4/05-6/11 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative	<b>Jeffrey M. Wisoff</b> (Smyth) (Résumé attached) <i>(Nomination announced on May 14, 2013)</i>	Smyth	Providence

**CONFIRMATIONS NEEDED:**

- Dr. Diane R. Tuininga as the City of Fairfax Representative
- Captain Spencer R. Woods as the Sheriff’s Office Representative

**HEALTH CARE ADVISORY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Rosanne L. Rodillosso (Appointed 6/99-5/01 by Mendelshohn; 6/05 by DuBois; 7/09 by Foust) Term exp. 6/13	Dranesville District Representative		Foust	Dranesville
Rose C. Chu (Appointed 3/87-6/89 by Davis; 6/93 by Trapnell; 5/97-6/09 by Gross) Term exp. 6/13	Mason District Representative		Gross	Mason
Francine Jupiter (Appointed 7/07-6/09 by Hyland) Term exp. 6/13	Mount Vernon District Representative	<b>Francine Jupiter</b>	Hyland	Mount Vernon

**HEALTH SYSTEMS AGENCY BOARD  
(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by David Braun; appointed 10/06-6/09 by Smyth) Term exp. 6/12 <i>Resigned</i>	Consumer #1 Representative		By Any Supervisor	At-Large
Andrew A. Painter (Appointed 2/11 by Smyth) Term exp. 6/13	Consumer #4 Representative		By Any Supervisor	At-Large

Continued on next page

**HEALTH SYSTEMS AGENCY BOARD**

(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)

continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 <i>Resigned</i>	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 <i>Resigned</i>	Provider #1 Representative		By Any Supervisor	At-Large
Lee G. Draznin (Appointed 5/95-7/10 by Bulova) Term exp. 6/13 <i>Not eligible for reappointment (Need 1 year lapse)</i>	Provider #4 Representative		By Any Supervisor	At-Large

**HUMAN SERVICES COUNCIL (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Judith Tessie Wilson; appointed 2/13 by Cook) Term exp. 7/13 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Richard Berger; appointed 2/06-8/09 by Frey) Term exp. 7/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

**JUVENILE AND DOMESTIC RELATIONS COURT  
CITIZENS ADVISORY COUNCIL  
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael McClanahan (Appointed 12/05-1/07 by Connolly; 2/09-5/11 by Bulova) Term exp. 1/13	At-Large Chairman's Representative		Bulova	At-Large Chairman's

**LIBRARY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Joseph H. Sirh (Appointed 9/92-6/05 by McConnell; 6/09 by Herrity) Term exp. 6/13	Springfield District Representative	<b>Joseph H. Sirh</b>	Herrity	Springfield

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eileen Nelson; appointed 3/04-6/07 by Connolly; 6/10 by Bulova) Term exp. 6/13 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Braddock
Richard Nilsen (Appointed 3/10-6/10 by McKay) Term exp. 6/13	Lee District Representative		McKay	Lee
Nabil S. Barbari (Appointed 1/07-6/10 by Gross) Term exp. 6/13	Mason District Representative		Gross	Mason
Jeffrey A. Levy (Appointed 7/02-6/10 by Hyland) Term exp. 6/13	Mount Vernon District Representative	<b>Jeffrey A. Levy</b>	Hyland	Mount Vernon
William J. Stephens (Appointed 9/05 by McConnell; 6/08-7/10 by Herrity) Term exp. 6/13	Springfield District Representative	<b>William Stephens</b>	Herrity	Springfield
VACANT (Formerly held by Ronald Miner; appointed 8/02-6/11 by Frey) Term exp. 6/14 <i>Resigned</i>	Sully District Representative		Frey	Sully

**REDEVELOPMENT AND HOUSING AUTHORITY  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Helen C. Kyle (Appointed 5/00-3/01 by Hanley; 4/04-4/08 by Connolly; 5/12 by Bulova) Term exp. 4/13	At-Large #2 Representative	<b>Helen C. Kyle</b>	Bulova	At-Large

**ROAD VIEWERS BOARD (1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

**SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Margaret Schottler; appointed 9/09-12/12 by Bulova) Term exp. 12/15 <i>Resigned</i>	At-Large #3 Representative	<b>Tracey Wood</b> (Bulova)	By Any Supervisor	At-Large

**TENANT LANDLORD COMMISSION (3 years)**

[NOTE: Per County Code Section 12-2-1, each member of this commission must be a County resident. Tenant Members: shall be a person who, prior to the time of his/her appointment, and throughout his/her term, shall be the lessee of and reside in a dwelling unit. Landlord Members: shall be a person who owns and leases, or serves as a manager for four (4) or more leased dwelling units in Fairfax County or is employed by a real estate management firm that manages more than four (4) rental units. Citizen Members: shall be anyone who is neither a lessee nor lessor of any dwelling unit in Fairfax County.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by H. Lillian Vogl; appointed 3/10-1/11 by Herrity) Term exp. 1/14 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Craig Richey; appointed 5/13 by Frey) Term exp. 12/15 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 <i>Deceased</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

**TRANSPORTATION ADVISORY COMMISSION (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Carrie Nixon; appointed 6/12 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative	<b>Micah D. Himmel</b>	Smyth	Providence

**TREE COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Marie Flanagan; appointed 12/09 by Smyth) Term exp. 10/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence
James Schoonmaker (Appointed 9/12 by Frey) Term exp. 6/13	Sully District Representative		Frey	Sully

**TRESPASS TOWING ADVISORY BOARD (3 years)**

[NOTE: Advisory board created effective 7/1/06 to advise the Board of Supervisors with regard to the appropriate provisions of Va. Code Section 46.2-1233.2 and Fairfax County Code 82.5-32.]

**Membership:** Members shall be Fairfax County residents. A towing representative shall be defined as a person who, prior to the time of his or her appointment, and throughout his or her term, shall be an operator of a towing business in Fairfax County.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ronald P. Miner; appointed 6/06 by Connolly; 9/09 by Bulova) Term exp. 9/12 <i>Resigned</i>	Citizen Alternate Representative		By Any Supervisor	At-Large

**VOLUNTEER FIRE COMMISSION (2 years)**

**CONFIRMATIONS NEEDED:**

- Ms. Camilla M. Morrison as the At-Large Representative
- Mr. Shawn P. Stokes as the Volunteer Fire and Rescue Association Representative
- Mr. Robert Mizer as the Zone III Representative
- Mr. Michael J. Masciola as the Zone IV Representative

**WATER AUTHORITY (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Armand B. Weiss (Appointed 6/10 by Foust) Term exp. 6/13	Dranesville District Representative		Foust	Dranesville
Linda A. Singer (Appointed 7/04-6/10 by Hudgins) Term exp. 6/13	Hunter Mill District Representative		Hudgins	Hunter Mill
Richard Dotson (Appointed 9/09-6/10 by Smyth) Term exp. 6/13	Providence District Representative		Smyth	Providence

Katherine K. Hanley

RESUME

**Government and Public Service**

Secretary of the Commonwealth, 2006-2010. Appointed to the Cabinet by Governor Kaine. Responsible for overseeing Gubernatorial appointments, commissioning of notaries public, authentication of foreign documents, service of process, registration and filing lobbyists, filing of statements of economic interests, and restoration of rights. Represented the Commonwealth on the Chesapeake Crescent Initiative Board of Directors.

Chair, Tysons Corner Land Use Review Task Force, 2005-2006. Appointed by Board of Supervisors Chairman Gerry Connolly to chair the task force making recommendations about future land use in Tysons Corner. Resigned to become Secretary of the Commonwealth in Richmond.

Commonwealth Transportation Board, Northern Virginia District Member, 2004-2006. As the Northern Virginia District member, chaired the regional joint committee overseeing rail to Dulles. Resigned to become Secretary of the Commonwealth.

Secure Virginia Panel, 2002-2006. Appointed by Governor Mark Warner to state panel addressing emergency preparedness and homeland security.

Fairfax County Board of Supervisors, July 1986-December 31, 2003.

Providence District Supervisor, July, 1986-February, 1995. Providence District includes most of the area designated as Tysons Corner. Appointed the task force in the late 1980's that recommended the previous Comprehensive Plan. As Human Services Chair, responsible for oversight of reorganization of County Human Services.

Chairman, (At-Large) of the Board of Supervisors, February 1995- December 2003. Fairfax County named "Best Managed" in the country by Governing Magazine, 2002

Activities while serving on the Board of Supervisors included:

- Washington Metropolitan Area Transit Authority (WMATA) Board of Directors Served 12 years, including a term as chairman. Point person for Rail to Dulles.
- Northern Virginia Regional Commission,(NVRC) member and chairman;
- Metropolitan Washington Air Quality Committee,(MWAQC) member and chairman;
- Metropolitan Washington Transportation Planning Board (TPB), member and vice-chairman;
- Northern Virginia Transportation Commission (NVTC) member and chairman;
- Northern Virginia Transportation Authority member;
- Virginia Association of Counties (VACo) Board of Directors and President;
- Virginia Municipal League(VML) Executive Committee and President;
- Northern Virginia Regional Partnership (workforce development) member and chairman;
- Partnership for Youth Board of Directors; Initial sponsor of initiative creating FPY.
- Greater Washington Initiative Executive Committee;
- Virginia Institute of Government Advisory Committee;
- WMATA Regional Mobility Panel;
- National Capital Region Congestion and Mobility Task Force;
- State Commission on State and Local Government Responsibility and Taxing Authority;
- Dulles Airport Regional Economic Study Commission (State created);
- Dulles Corridor Rail Study Policy Committee;
- Metropolitan Washington Council of Governments (COG) Board of Directors;
- State Commission to Study Efficiency in the Use of Public Education Funds;
- State Task Force on Teaching as a Profession;
- Chaired the Board of Supervisors committees at various times of Legislative, Human Services, Information Technology, and Audit.

Fairfax County School Board, Providence District Representative, 1984-1986.  
Legislative Chairman; represented the Board on the Fairfax Athletic Council.

**Employment**

Teacher and Guidance Counselor, City of Falls Church Public Schools, 1966-71.  
President, Falls Church Education Association

Co-owner and operator of Manor Home Center, Garrett County, MD, 1976-82.

President and CEO, Greater Reston Arts Center (GRACE), 2005-2006.  
With 5 employees, GRACE produces the Northern Virginia Fine Arts Festival annually. CEO responsible for fundraising, budget, events, personnel, volunteer and education activities and Board relations.

**Community Service**

Co-Chairman, Fairfax County Bi-Partisan Election Improvement Commission, 2012.

Chairman, Fairfax County Citizens Advisory Committee on the 2011 Reapportionment, 2011

Inova Health System Board of Trustees, 2010-present;  
Inova Health Care Services Board of Trustees, 2004-2010;

Voices for Virginia's Children Board of Directors, 2010 to present.

HomeAid Northern Virginia Board of Directors, 2003-present;

Life Circle Alliance Board of Directors, 2010-present;

Sorenson Institute Northern Virginia Advisory Board, 2002-present;

Urban Land Institute Reality Check Committee, 2004-2005;

Volunteer Fairfax Board of Directors, 2004-2006;

Fairfax-Falls Church United Way Regional Council; Chair of 2004 Campaign;

Holmes Run Woods and Crossings Civic Association President, 1981-83

Fairfax County Child Care Advisory Council, 1981-84,

Strathmeade Square Homeowners Association Board of Directors, 1971-74

### **Education**

University of Missouri, Bachelor of Arts in French Civilization, 1965; Bachelor of Science in Education, 1965; Phi Beta Kappa.

Harvard University, Master of Arts in Teaching, 1966.

George Washington University graduate courses in counseling, 1968.

Sorbonne, summer 1961

### **Recognitions and Awards**

- Shenandoah University Center for Public Service and Scholarship State Public Service Award, 2010.
- Columbia Missouri Public Schools Hall of Fame, 2010.
- Katherine K. Hanley Family Shelter dedicated 2008.
- Dulles Corridor Rail Association for Advancing Rail in the Dulles Corridor, 2005.
- NAACP-Fairfax Branch Community Leadership Service Award, 2004.
- Leadership Fairfax established the Katherine K. Hanley Public Service Award, 2004.
- Virginia Association of Counties Jefferson Cup, 2003
- Jewish Community Council of Greater Washington Distinguished Service Award, 2002.
- Washington Council of Agencies Excellence in Public Policy Award, 2002.
- The Mental Health Community Contributor Award, 2001.
- *Washingtonian* Magazine Washingtonian of the Year, 2000.
- Elizabeth and David Skull Metropolitan Public Service Award, 1999.
- Distinguished Alumna Award, University of Missouri College of Arts and Science, 1999
- Virginia Association of Female Executives “1998 Woman of the Year.”
- Greater Merrifield Business Association Public Servant of the Year, 1992.

### **Personal**

Married to Edward J. Hanley; two adult children.

**JEFFREY M. WISOFF**

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**Employment History**

I am a retiree from the United States Office of Personnel Management (OPM) – formerly the U.S. Civil Service Commission (CSC) - where I served from March 25, 1973 until August 31, 2012. During those four decades I held positions as a background investigator for OPM's Bureau of Personnel Investigations, budget and staffing officer for headquarters administrative services and, for the two years prior to my retirement, senior program analyst for the agency's administration of "smart" identity verification credentials.

Between 1987 and 2010, I was responsible for monitoring budgets for OPM's facilities services operations, contracting operations, mail management and central office physical security. I coordinated expenditure tracking with the various operations chiefs and program managers and used their input to develop multi-year budget forecasts from three separate appropriated funds, averaging \$12 million annually and maintained detailed line item spreadsheets to support those forecasts.

During these years, I was first primary budget advisor to the chief of the Facilities Operations Division and later to OPM's Director for Contracting, Facilities and Security.

**Military Service**

I served in the U.S. Air Force from June 1966 to April 1970, during which I served as a broadcasting specialist (disk jockey and newscaster) for the Armed Forces Radio and Television Service.

**Education**

After my military service, I attended the University of Missouri at Kansas City where I earned a Bachelor of Arts degree in Speech with Emphasis in Broadcasting, awarded May 13, 1972, and pursued a graduate degree in public administration until my appointment to the Civil Service Commission.

**Miscellaneous**

During the 2012 general election, I served as an election officer in the Walker Precinct of the Providence District.

From January to March 2013, I served as the Providence District's representative to the Fairfax County Bipartisan Election Process Improvement Commission.

Board Agenda Item  
June 18, 2013

11:10 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE – 1

Designation of Plans Examiner Status Under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate an individual as a Plans Examiner to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

The County Executive recommends that the Board take the following action:

- Designate the following individual identified with his registration number, as a Plans Examiner:

Michael A. Theberge

304

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of The Code of the County of Fairfax, Virginia (the Code), establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Land Development Services, Department of Public Works and Environmental Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Board Agenda Item  
June 18, 2013

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of his application and credentials, the APEB has found that the candidate listed above satisfies these requirements. This finding was documented in a letter dated May 9, 2013, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Bulova.

FISCAL IMPACT:  
None.

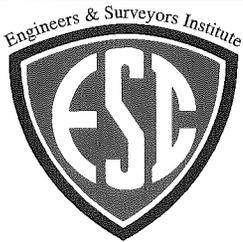
ENCLOSED DOCUMENTS:  
Attachment I – Letter dated May 9, 2013, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

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

# Engineers & Surveyors Institute

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William E. Fissel, P.E.  
Dewberry

Jamie Bain Hedges, P.E.  
Fairfax Water

Paul B. Johnson, P.E.  
Charles P. Johnson & Associates, Inc.

Paul J. Kraucunas, P.E.  
Virginia Department of  
Transportation

R. J. Keller, LS  
R.C. Fields & Associates, P.C.

Peter J. Rigby, Jr., P.E.  
Paciulli, Simmons & Associates, Ltd

J. Keith Sinclair, Jr., P.E.  
A. Morton Thomas & Associates, Inc.

Blake A. Smith, P.E.  
Smith Engineering

Jeffrey J. Stuchel, P.E., L.S.  
Walter L. Phillips, Inc.

Adam J. Volanth, P.E.  
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May 9, 2013

Hon. Sharon Bulova, Chairman  
Fairfax County Board of Supervisors  
12000 Government Center Parkway  
Fairfax, VA 22035

Dear Chairman Bulova:

The following named individual, was approved by the Advisory Plans Examiner Board for recommendation as Designated Plans Examiners:

Name	Reg. No.
Michael A. Theberge	#304

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and is in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, P.E., L.S.  
Chairman

Fairfax County Advisory Plans Examiner Board

RECEIVED

MAY 17 2013

Land Development Services  
Directors Office

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Board Agenda Item  
June 18, 2013

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Chapter 7 Relating to Election Precincts and Polling Places

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) divide Skyline precinct in Mason District, (2) move three polling places in Mount Vernon District, and (3) adjust the boundaries of two precincts in Mount Vernon District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, July 9, 2013, at 4:30 p.m. to consider this ordinance.

TIMING:

Board action is requested on June 18, 2013, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on July 9, 2013, at 4:30 p.m., and to complete the federal preclearance process thereafter in advance of the November 5, 2013, General Election.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change precinct boundaries and polling place locations subject to the requirements of Virginia Code Sections 24.2-305, 24.2-307, 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their polling place will be mailed a new Virginia Voter Information Card following federal preclearance of the proposed changes.

(1) In Mason District, staff recommends dividing the Skyline precinct which currently has 4,915 registered voters. This proposal will create a new precinct to be named "Plaza" and its polling place will be established in the lobby of the Skyline Plaza residential towers, located at 3703 South George Mason Drive, Falls Church. The remainder of the Skyline precinct will continue to vote at Goodwin House Bailey's Crossroads. The new precinct will remove almost 1,000 voters from the Goodwin House facility which experienced long lines last November.

Board Agenda Item  
June 18, 2013

(2) In Mount Vernon District, staff recommends moving the polling place for Laurel Hill precinct from the South County High School, located at 8501 Silverbrook Road, Lorton, to the Laurel Hill Elementary School, located at 8390 Laurel Crest Drive, Lorton. The Laurel Hill Elementary School is located within the precinct and voter confusion will be reduced since the name of the precinct and the name of the voting location will be the same.

(3) In Mount Vernon District, staff recommends moving the polling place for South County precinct from the South County Middle School, located at 8700 Laurel Crest Drive, Lorton, to the South County High School, located at 8501 Silverbrook Road, Lorton. The high school provides better access and parking for the community.

(4) In Mount Vernon District, staff recommends moving the polling place for Woodlawn precinct from the Woodlawn Elementary School, located at 8505 Highland Lane, Alexandria, to the Mount Vernon Knights of Columbus Council #5998, located at 8592 Richmond Highway, Alexandria. The Knights of Columbus facility will provide better access and a larger parking area for the Woodlawn voters.

(5) In Mount Vernon District, staff recommends adjusting the boundaries between Alban and Saratoga precincts to redistribute the voting population. Alban precinct currently has under 1,500 registered voters, while Saratoga precinct has over 5,100 registered voters. The proposed boundary change will move approximately 1,500 voters from Saratoga to Alban. To avoid splitting neighborhoods, the Virginia Power Easement was used for the new boundary. Both precincts will continue to use the Saratoga Elementary School as their polling place.

FISCAL IMPACT:

Insignificant. Funding for polling place change notifications is provided in the agency's FY 2014 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code Pertaining to Election Precincts and Polling Places

Attachment 2 – Summary of Proposed Changes

Attachment 3 – Descriptions and Maps of Proposed Changes

Attachment 4 – Proposed Ordinance

STAFF:

Cameron Quinn, General Registrar

Erin C. Ward, Senior Assistant County Attorney

**§ 24.2-305. Composition of election districts and precincts.**

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, state primary, or state secondary road system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

(1986, c. 593, § 24.1-40.7; 1990, c. 500; 1992, c. 425; 1993, c. 641; 2001, c. [614](#).)

**§ 24.2-307. Requirements for county and city precincts.**

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#).)

**§ 24.2-310. Requirements for polling places.**

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#).)

#### **§ 24.2-310.1. Polling places; additional requirement.**

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

**2013 PROPOSED PRECINCT BOUNDARY and POLLING PLACE CHANGES**

SUPERVISOR DISTRICT	EXISTING PRECINCT(S)	CURRENT REGISTERED VOTERS*	EXISTING POLLING PLACE(S)	PROPOSED PRECINCT(S)	PROJECTED REGISTERED VOTERS	PROPOSED POLLING PLACE(S)	NOTES ON PROPOSED CHANGES
MASON	SKYLINE	4,915	Goodwin House	SKYLINE "PLAZA"	3,939 976	Goodwin House Skyline Plaza	Divide precinct to reduce the number of voters voting at Goodwin House.
MOUNT VERNON	LAUREL HILL	3,876	South County High School	LAUREL HILL	3,876	Laurel Hill Elementary School	Move Laurel Hill precinct to Laurel Hill Elementary so the name of the precinct matches the location.
MOUNT VERNON	SOUTH COUNTY	2,942	South County Middle School	SOUTH COUNTY	2,942	South County High School	Move South County precinct from the middle school to the high school.
MOUNT VERNON	WOODLAWN	3,960	Woodlawn Elementary School	WOODLAWN	3,960	Knights of Columbus #5998	Move polling place to provide an accessible location with a larger parking area for voters.
MOUNT VERNON	ALBAN SARATOGA	1,458 5,157	Saratoga Elementary School Saratoga Elementary School	ALBAN SARATOGA	2,942 3,673	Saratoga Elementary School Saratoga Elementary School	Adjust the boundary between the two precincts to reduce the number of voters in Saratoga precinct.

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mason District**

**PRECINCT 520: SKYLINE**

**CONGRESSIONAL DISTRICT: EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-FIFTH**  
**HOUSE OF DELEGATES DISTRICT: FORTY-NINTH**

**DESCRIPTION:**

Beginning at the intersection of Columbia Pike and the Arlington County/Fairfax County Line, thence with the Arlington County/Fairfax County Line in a southeasterly, then southerly direction to its intersection with Leesburg Pike (Route 7), thence with Leesburg Pike in a northwesterly direction to its intersection with South George Mason Drive, thence with South George Mason Drive in a southwesterly direction to its intersection with an unnamed parking lot access road along the western boundary of the Skyline Plaza property, thence with the access road and a projection of the access road along the Skyline Plaza property line in a southeasterly direction to its intersection with the corporate boundary of the City of Alexandria, thence with the Corporate Boundary of the City of Alexandria in a southwesterly direction to its intersection with Seminary Road, thence with Seminary Road in a northwesterly direction to its intersection with Columbia Pike, thence with Columbia Pike in a northeasterly direction to its intersection with the Arlington County/Fairfax County Line, point of beginning.

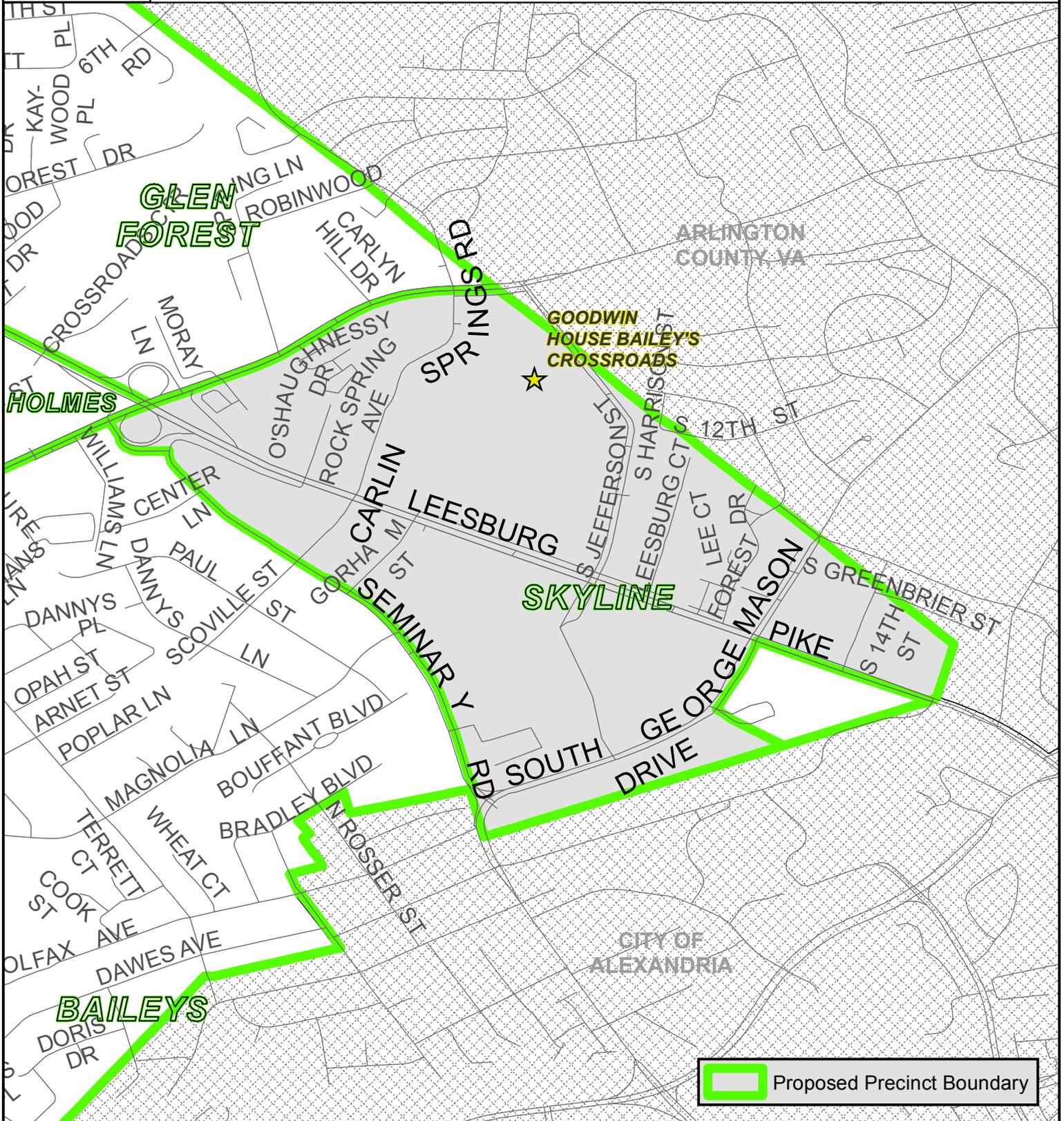
**POLLING PLACE:** Goodwin House Bailey's Crossroads  
3440 South Jefferson Street, Falls Church

**MAP GRIDS:** 61-2, 61-4, 62-1, 62-3

**NOTES:** Established July 1981  
Polling place moved from Skyline Mall – March 2003  
Precinct description revised and readopted – March 2003  
Polling place moved – March 2010  
Boundary adjusted, polling place moved – July 2011  
Senate District changed from 31<sup>st</sup> to 35<sup>th</sup> – July 2011  
Delegate District changed from 46<sup>th</sup> to 49<sup>th</sup> – July 2011  
Precinct divided – July 2013

Commonwealth of Virginia  
**County of Fairfax**

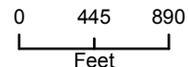
Mason District



**Precinct: 520 SKYLINE**

Polling Place: *Goodwin House Bailey's Crossroads*

- Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- Featured Precinct Polling Place
- Water Features



(70) May 2013

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mason District**

**PRECINCT 509: PLAZA**

**CONGRESSIONAL DISTRICT: EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-FIFTH**  
**HOUSE OF DELEGATES DISTRICT: FORTY-NINTH**

**DESCRIPTION:**

Beginning at the intersection of South George Mason Drive and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with the corporate boundary of the City of Alexandria, thence with the Corporate Boundary of the City of Alexandria in a southwesterly direction to its intersection with the Skyline Plaza property line and a projection of an unnamed parking lot access road along the western boundary of the Skyline Plaza property, thence with the projection and the unnamed access road in a northwesterly direction to its intersection with South George Mason Drive, thence with South George Mason Drive in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

**POLLING PLACE:** Skyline Plaza [Residential Towers]  
3703 South George Mason Drive, Falls Church

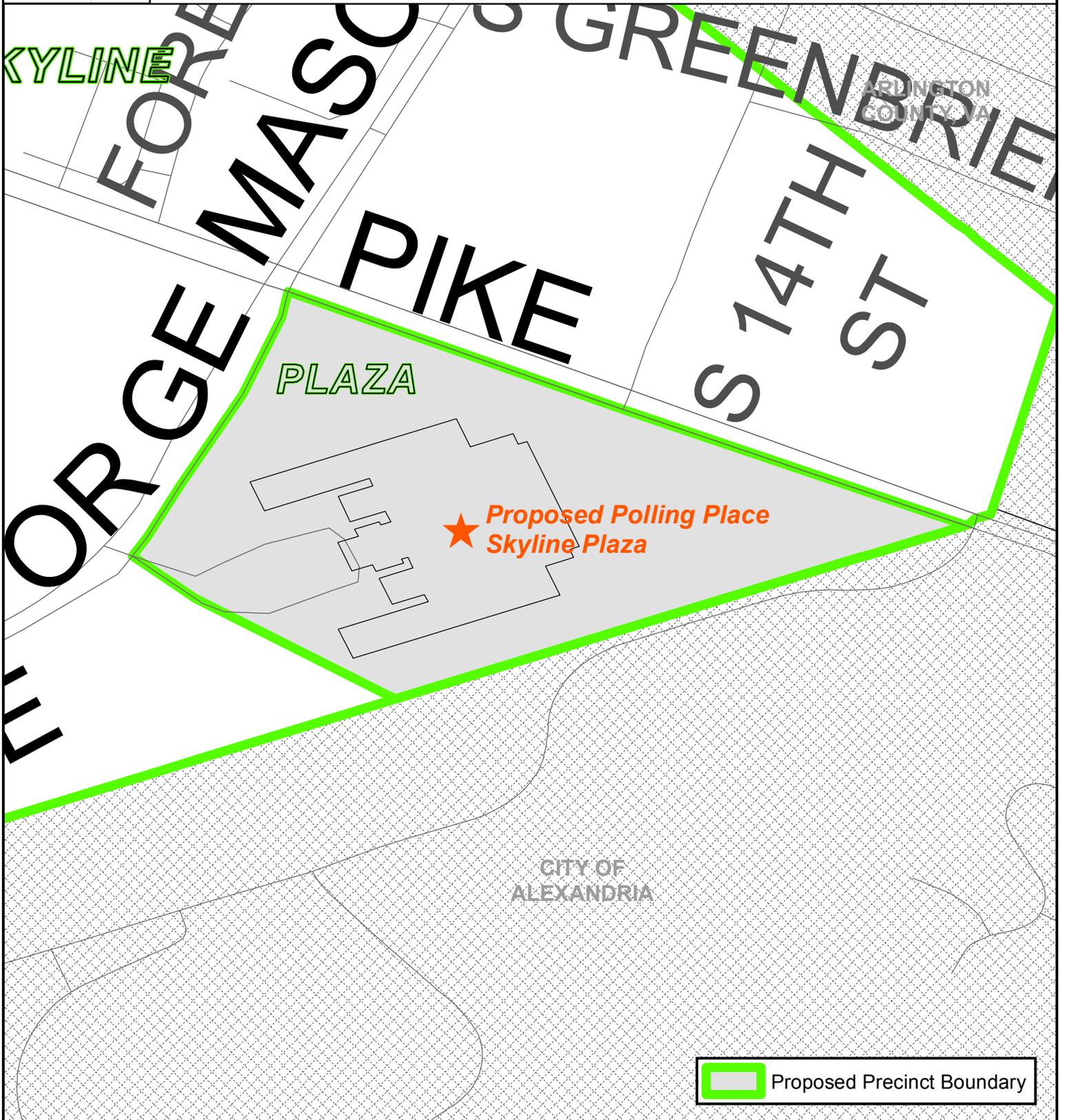
**MAP GRIDS:** 62-3

**NOTES:** Established July 2013



# Commonwealth of Virginia County of Fairfax

Mason District

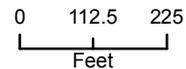


Proposed Precinct Boundary

**Precinct: 509 PLAZA**

*Proposed Polling Place: Skyline Plaza*

Fairfax County Voting Precincts 
 Roadway Centerlines 
 Other Jurisdictions  
 Featured Precinct Polling Place 
 Water Features



(7) May 2013

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mount Vernon District**

**PRECINCT 628: LAUREL HILL**

**CONGRESSIONAL DISTRICT: ELEVENTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH**  
**HOUSE OF DELEGATES DISTRICT: FORTY-SECOND**

**DESCRIPTION:**

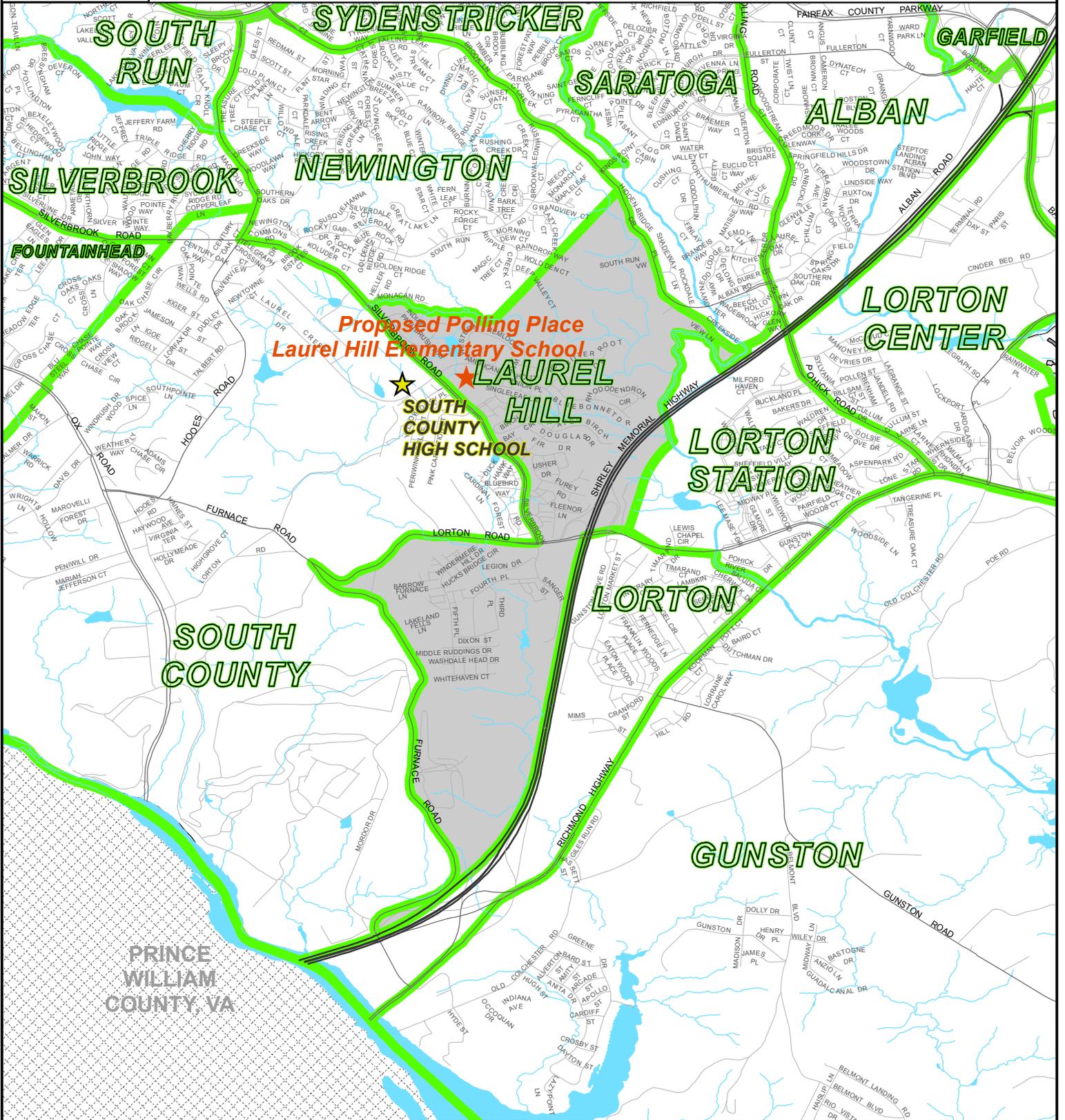
Beginning at the intersection of Silverbrook Road and Silverbrook Run (stream), thence with the meanders of Silverbrook Run in an easterly direction to its intersection with Rocky Branch (stream), thence with the meanders of Rocky Branch in an easterly direction to its intersection with the northwestern boundary of the Fairfax County Park Authority property, thence with the boundary of the Fairfax County Park Authority property in a northeasterly direction to its intersection with Pohick Road, thence with Pohick Road in a southeasterly direction to its intersection with Creekside View Lane, thence with Creekside View Lane in a southeasterly direction and a right-angle projection of Creekside View Lane in a southwesterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a northwesterly, then southerly direction to its intersection with the Richmond Fredericksburg and Potomac Railroad, thence with the Richmond Fredericksburg and Potomac Railroad in a southerly direction to its intersection with Lorton Road, thence with Lorton Road in an southwesterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southerly, then southwesterly direction to its intersection with Furnace Road, thence with Furnace Road in a generally northerly direction to its intersection with Lorton Road, thence with Lorton Road in an easterly direction to its intersection with Silverbrook Road, thence with Silverbrook Road in a northwesterly direction to its intersection with the north boundary of the Fairfax County Park Authority property, point of beginning.

**POLLING PLACE:** ~~South County High School~~ Laurel Hill Elementary School  
~~8501 Silverbrook Road~~ 8390 Laurel Crest Drive, Lorton

**MAP GRIDS:** 98-3, 98-4, 107-1, 107-2, 107-3, 107-4, 113-1, 113-2, 113-3

**NOTES:** Established March 2006  
Precinct divided – January 2009  
Polling place name changed – July 2012  
Polling place changed – July 2013

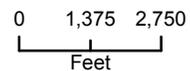
Commonwealth of Virginia  
**County of Fairfax**  
 Mount Vernon District



**Precinct: 628 LAUREL HILL**

*Polling Place: South County High School*

- █ Fairfax County Voting Precincts
- █ Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



(74) May 2013

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mount Vernon District**

**PRECINCT 629: SOUTH COUNTY**

**CONGRESSIONAL DISTRICT: ELEVENTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH**  
**HOUSE OF DELEGATES DISTRICT: FORTY-SECOND**

**DESCRIPTION:**

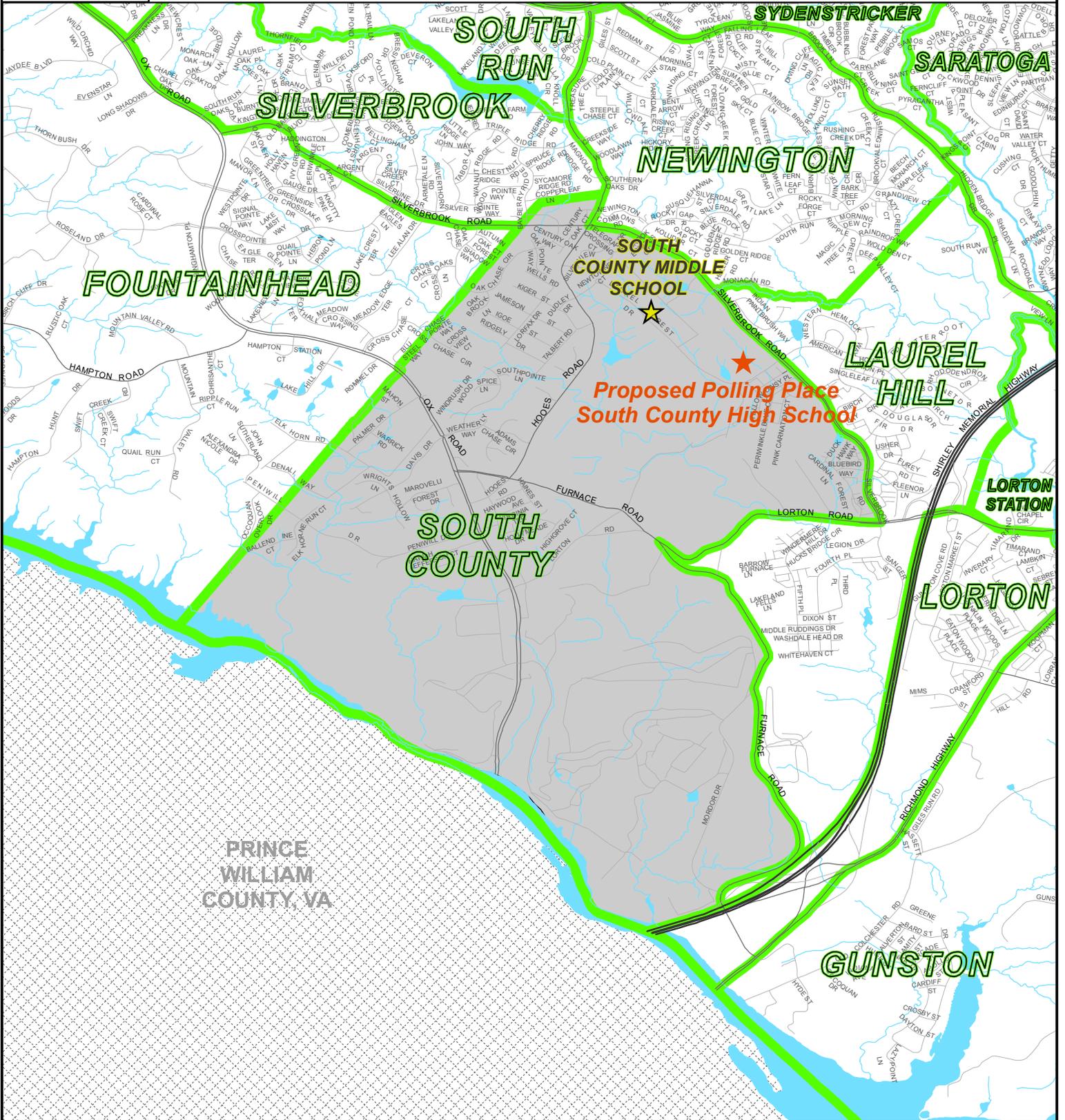
Beginning at the intersection of the Virginia Power Easement and Hooes Road, thence with Hooes Road in a southerly direction to its intersection with Silverbrook Road, thence with Silverbrook Road in a southeasterly direction to its intersection with Lorton Road, thence with Lorton Road in a westerly direction to its intersection with Furnace Road, thence with Furnace Road in a generally southerly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northeasterly direction to its intersection with Hooes Road, point of beginning.

**POLLING PLACE:** ~~South County Middle School~~ South County High School  
~~8700 Laurel Crest Drive~~ 8501 Silverbrook Road, Lorton

**MAP GRIDS:** 97-4, 98-3, 106-1, 106-2, 106-3, 106-4, 107-1, 107-2, 107-3, 107-4, 112-1, 112-2, 112-4, 113-1, 113-3

**NOTES:** Established January 2009  
Polling place moved to new school – July 2012  
Polling place moved – July 2013

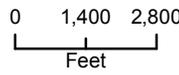
Commonwealth of Virginia  
**County of Fairfax**  
 Mount Vernon District



**Precinct: 629 SOUTH COUNTY**

*Polling Place: South County Middle School*

- █ Fairfax County Voting Precincts
- █ Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



(76) May 2013

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mount Vernon District**

**PRECINCT 627:            WOODLAWN**

**CONGRESSIONAL DISTRICT:            EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT:    THIRTY-SIXTH**  
**HOUSE OF DELEGATES DISTRICT:    FORTY-FOURTH**

**DESCRIPTION:**

Beginning at the intersection of the east boundary of the Fort Belvoir Military Reservation and the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a northeasterly direction to its intersection with Frye Road, thence with Frye Road in a southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a southwesterly direction to its intersection with the east boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a generally northeasterly, then northwesterly direction to its intersection with the south boundary of Huntley Meadows Park, point of beginning.

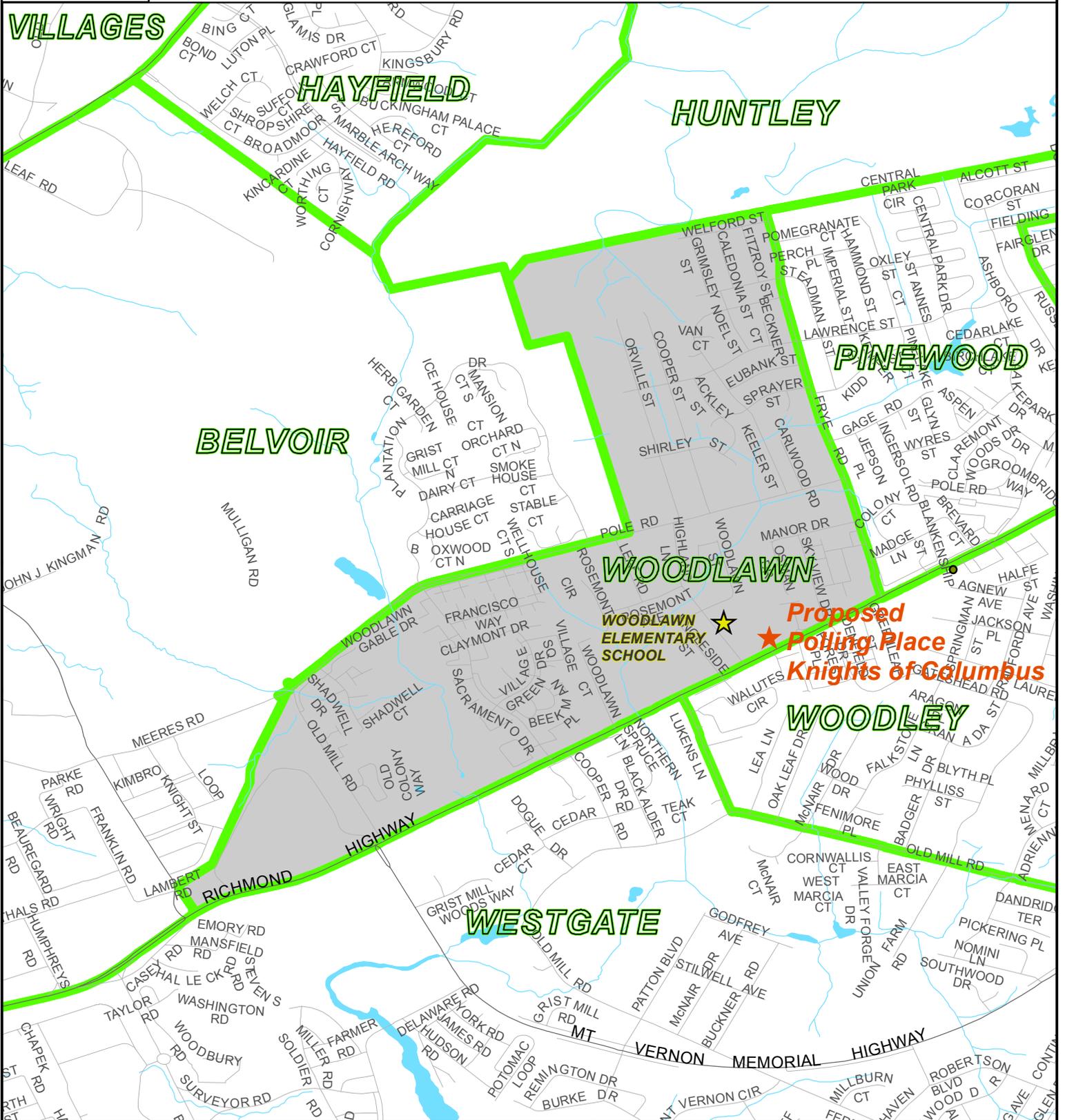
**POLLING PLACE:**                    ~~Woodlawn Elementary School~~ Knights of Columbus #5998  
   ~~8505 Highland Lane~~ 8592 Richmond Highway, Alexandria

**MAP GRIDS:** 100-2, 100-4, 101-1, 101-3, 109-2, 110-1

**NOTES:**                    Established July 1981  
   Moved from Lee District to Mount Vernon District-2001 Redistricting  
   Precinct description revised and readopted – March 2003  
   Precinct divided – April 2011  
   Precinct boundary adjusted – July 2011  
   Polling place changed – July 2013



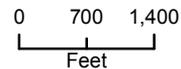
Commonwealth of Virginia  
**County of Fairfax**  
 Mount Vernon District



**Precinct: 627 WOODLAWN**

*Polling Place: Woodlawn Elementary School*

- Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



(78) May 2013

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mount Vernon District**

**PRECINCT 623: ALBAN**

**CONGRESSIONAL DISTRICT: EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH**  
**HOUSE OF DELEGATES DISTRICT: THIRTY-NINTH**

**DESCRIPTION:**

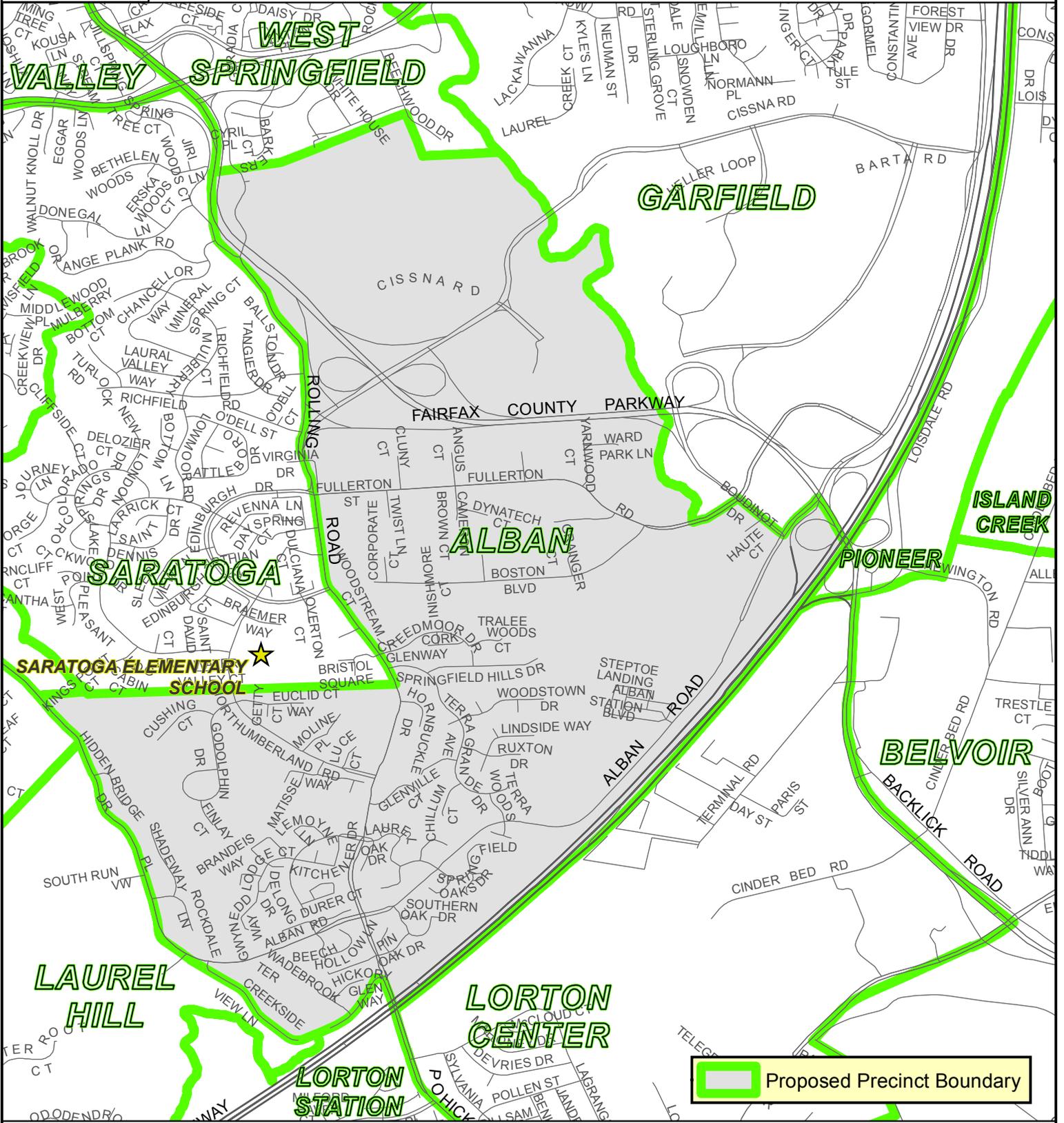
Beginning at the intersection of Rolling Road and the north boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a northeasterly, then southeasterly, then easterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally southeasterly direction to its intersection with Fullerton Road, thence with Fullerton Road in an easterly direction to its intersection with Boudinot Drive, thence with Boudinot Drive in a southeasterly direction to its intersection with Alban Road, thence with Alban Road in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a southeasterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with Wadebrook Terrace, thence with Wadebrook Terrace and a projection of Wadebrook Terrace in a southwesterly direction to its intersection with Creekside View Lane, thence with Creekside View Lane in a northwesterly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a generally northerly direction to its intersection with the north boundary of the Fort Belvoir Military Reservation, point of beginning.

**POLLING PLACE:** Saratoga Elementary School  
8111 Northumberland Road, Springfield

**MAP GRIDS:** 89-4, 90-3, 98-2, 98-4, 99-1, 99-3, 107-2, 108-1

**NOTES:** Established August 2001  
Precinct description revised and readopted – March 2003  
Congressional District changed from 11<sup>th</sup> to 8<sup>th</sup> – January 2012  
Boundary adjusted with Saratoga – July 2013

Commonwealth of Virginia  
**County of Fairfax**  
 Mount Vernon District

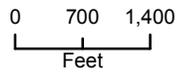


Proposed Precinct Boundary

**Precinct: 623 ALBAN**

*Polling Place: Saratoga Elementary School*

Fairfax County Voting Precincts    Roadway Centerlines    Other Jurisdictions  
 Featured Precinct Polling Place    Water Features



(80) May 2013

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mount Vernon District**

**PRECINCT 626: SARATOGA**

**CONGRESSIONAL DISTRICT: EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH**  
**HOUSE OF DELEGATES DISTRICT: THIRTY-NINTH**

**DESCRIPTION:**

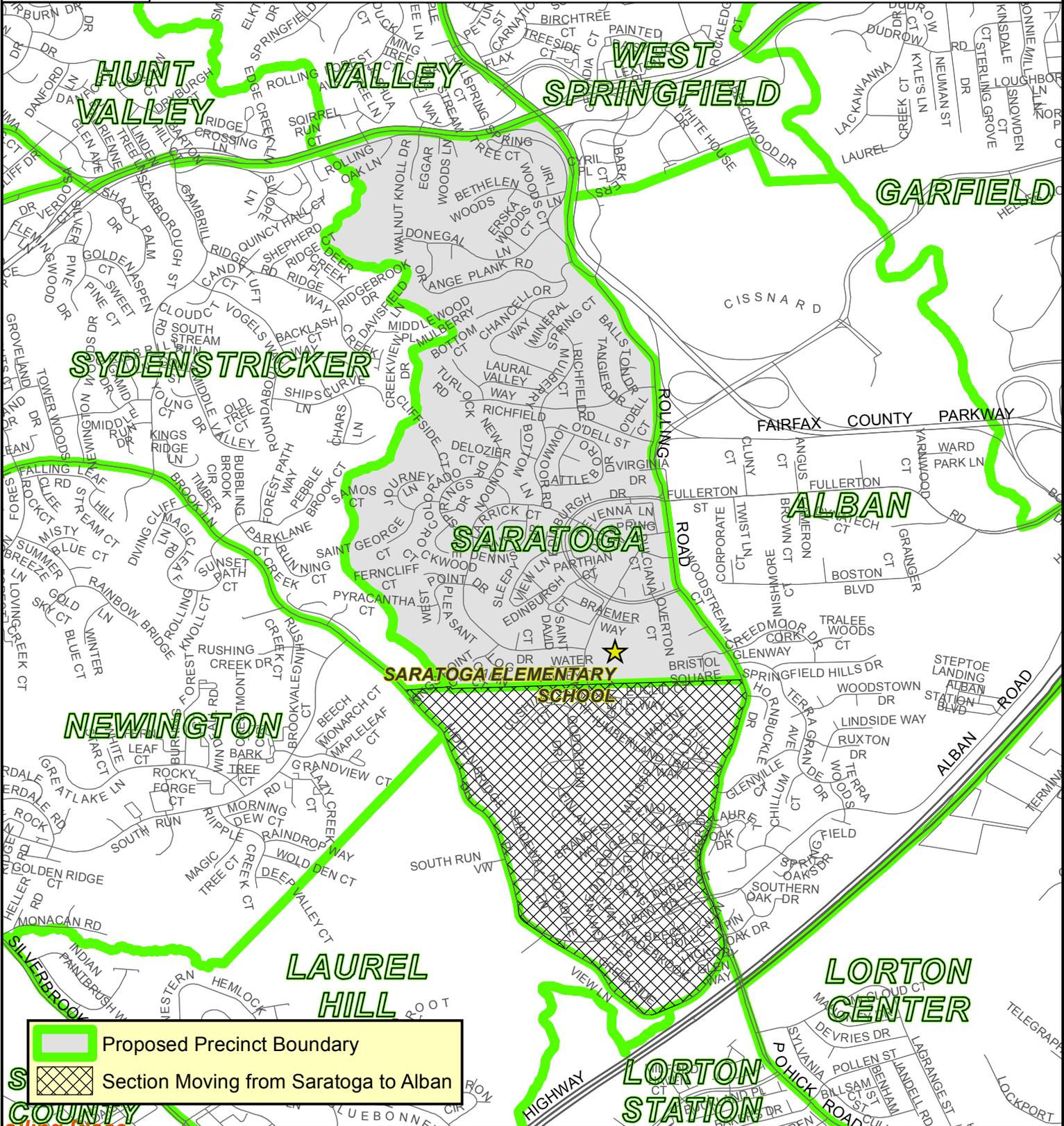
Beginning at the intersection of Pohick Creek and the Fairfax County Parkway (Route 286), thence with the Fairfax County Parkway in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a generally southerly direction to its intersection with Pohick Road, thence with Pohick Road in a southerly direction to its intersection with ~~Wadebrook Terrace, thence with Wadebrook Terrace and a projection of Wadebrook Terrace in a southwesterly direction to its intersection with Creekside View Lane, thence with Creekside View Lane in a northwesterly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with~~ the Virginia Power Easement, thence with the Virginia Power Easement in ~~an easterly~~ a westerly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a generally northerly direction to its intersection with the Fairfax County Parkway, point of beginning.

**POLLING PLACE:** Saratoga Elementary School  
8111 Northumberland Road, Springfield

**MAP GRIDS:** 89-4, 98-2, 98-4, ~~107-2~~

**NOTES:** Established June 1991  
Pohick Road was realigned with Alban Road in the late 1990's. Parts of the old Pohick Road were renamed Creekside View Lane and Wadebrook Terrace, but no longer connect.  
Moved from Springfield District to Mount Vernon District-2001 Redistricting Combined with Delong precinct which was abolished - August 2001  
Precinct description revised and readopted – March 2003  
Delegate District changed from 42<sup>nd</sup> to 49<sup>th</sup> – July 2011  
Congressional District changed from 11<sup>th</sup> to 8<sup>th</sup> – January 2012  
Boundary adjusted with Alban – July 2013

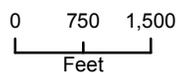
Commonwealth of Virginia  
**County of Fairfax**  
 Mount Vernon District



	Proposed Precinct Boundary
	Section Moving from Saratoga to Alban

**Precinct: 626 SARATOGA**  
 Polling Place: *Saratoga Elementary School*

 Fairfax County Voting Precincts — Roadway Centerlines  Other Jurisdictions  
 Featured Precinct Polling Place — Water Features



**AN ORDINANCE TO AMEND CHAPTER 7 OF THE FAIRFAX COUNTY CODE  
TO CREATE A NEW ELECTION PRECINCT IN MASON DISTRICT AND  
ESTABLISH A POLLING PLACE FOR THAT NEW PRECINCT; AND TO  
ADJUST CERTAIN PRECINCT BOUNDARIES AND RELOCATE POLLING  
PLACES FOR CERTAIN ELECTION PRECINCTS  
IN MOUNT VERNON DISTRICT**

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**Draft of May 28, 2013**

**AN ORDINANCE** to amend and readopt Sections 7-2-8, 7-2-9, and 7-2-13, relating to the creation of a new election precinct and the establishment of a polling place for that new precinct in Mason District; and the adjustment of the boundaries of certain precincts and the relocation of polling places for certain election precincts in Mount Vernon District.

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

11 **1. That Sections 7-2-8, 7-2-9, and 7-2-13 are amended and readopted as follows:**

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**Section 7-2-8. - Mason District.**

16 The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Edsall, Glen Forest, Holmes, Hummer, Lincolnia, Masonville, Parklawn, Plaza, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline<sup>1</sup>, Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

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**Section 7-2-9. - Mount Vernon District.<sup>2</sup>**

24 The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

29  
30

**Section 7-2-13. - General Provisions.**

31 All references to election precincts shall refer to those precincts, together  
32 with the descriptions and maps of the boundaries and polling places for each of  
33 those precincts, which were adopted by the Board of Supervisors on March 24,

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<sup>1</sup> Plaza Precinct is created by dividing Skyline as described in the files of the Clerk to the Board of Supervisors.

<sup>2</sup> Adjust boundaries of Alban and Saratoga Precincts as described in the files of the Clerk to the Board of Supervisors.

2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, and July 9, 2013, and kept on file with the Clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

**2. That the election polling place of the newly created precinct identified in the first clause of this ordinance is established at:**

<u>Supervisor</u>		
<u>District</u>	<u>Precinct</u>	<u>Polling Place</u>
Mason	Plaza (new)	Skyline Plaza 3703 South George Mason Drive Falls Church, VA 22041

**3. That the election polling places of the following existing precincts are relocated:**

<u>Supervisor</u>		
<u>District</u>	<u>Precinct</u>	<u>Polling Place</u>
Mount Vernon	Laurel Hill	<u>From:</u> South County High School 8501 Silverbrook Road Lorton, VA 22079  <u>To:</u> Laurel Hill Elementary School 8390 Laurel Crest Drive Lorton, VA 22079
Mount Vernon	South County	<u>From:</u> South County Middle School 8700 Laurel Crest Drive Lorton, VA 22079  <u>To:</u> South County High School 8501 Silverbrook Road Lorton, VA 22079

1 Mount Vernon Woodlawn

From:  
Woodlawn Elementary School  
8505 Highland Lane  
Alexandria, VA 22309

To:  
Knights of Columbus #5998  
8592 Richmond Highway  
Alexandria, VA 22309

10  
11  
12 **4. That this ordinance shall become effective July 9, 2013, and it shall**  
13 **be enforced after satisfactory completion of the federal preclearance**  
14 **procedure provided by Section 5 of the Voting Rights Act of 1965, as**  
15 **amended, 42 U.S.C. § 1973c.**  
16

GIVEN under my hand this \_\_\_\_ day of July 2013.

---

Catherine A. Chianese  
Clerk to the Board of Supervisors

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Board Agenda Item  
June 18, 2013

ADMINISTRATIVE – 3

Streets into the Secondary System (Dranesville and Providence Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Christopher Rodger & Deborah Walker (Walker Property)	Dranesville	Kirby Road (Route 695) (Additional Right-of-Way (ROW) Only)
Fairfax County Board of Supervisors (Fairfax Hospital)	Providence	Gallows Road (Route 650) (Additional ROW Only)
Pan American Shopping Center Corporation (Lee Highway & Nutley Street)	Providence	Nutley Street (Route 10272) (Additional ROW Only)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

Board Agenda Item  
June 18, 2013

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle Brickner, Deputy Director, DPWES, Land Development Services





# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></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><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p>	<p><b>PLAN NUMBER:</b> 1228-SP-005</p> <p><b>SUBDIVISION PLAT NAME:</b> Pan American Shopping Center Corp. (Lee Hwy &amp; Nutley St)</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Providence</p>	
<p><b>FOR OFFICIAL USE ONLY</b></p>			
<p><b>ENGINEERING MANAGER:</b> Terry L. Yates, P.E.</p> <p>BY: <i>Nadia A. Phares</i></p>			
<p><b>DATE OF VDOT INSPECTION APPROVAL:</b> 04/03/2013</p>			
STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Nutley Street (Route 10272) (Additional Right-of-Way Only)	86' S CL Lee Highway (Route 29)	770' S to Section Line	0.0
<p><b>NOTES:</b></p> <p>5' Concrete Sidewalk on West Side to be maintained by VDOT.</p>			<p><b>TOTALS:</b> 0.0</p>

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Board Agenda Item  
June 18, 2013

ADMINISTRATIVE - 4

Additional Time to Commence Construction for Special Exception SE 2010-SU-013,  
Headquarters 2, LLC (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SE 2010-SU-013, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty-six (36) months additional time for SE 2010-SU-013 to July 11, 2016.

TIMING:

Routine.

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless the Board approves additional time. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On January 11, 2011, the Board of Supervisors approved Special Exception SE 2010-SU-013, subject to development conditions. The application was filed in the name of Headquarters 2, LLC to permit a hotel, pursuant to Section 5-504 of the Fairfax County Zoning Ordinance, for the property located at the terminus of George Carter Way on the west side of Sully Road, Tax Map 34-3 ((14)) 4 (see Locator Map in Attachment 1). SE 2010-SU-013 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board grants additional time. The development conditions for SE 2010-SU-013 are included as part of the Clerk to the Board's letter.

On March 22, 2013, the Department of Planning and Zoning (DPZ) received a letter dated March 20, 2013, from Sara V. Mariska, agent for the applicant, requesting thirty-six (36) months of additional time. The approved Special Exception will not expire pending the Board's action on the request for additional time.

Board Agenda Item  
June 18, 2013

Ms. Mariska states the request is due to a delay in securing operators for the future hotel. The applicant has continued discussions with several potential operators. Due to the downturn in the real estate market, the applicant has been unable to negotiate an agreement, delaying development of the property. Ms. Mariska states the additional time is requested to allow continued negotiations with a future hotel operator and ensure that the plans can be prepared, submitted, and diligently pursued for commencement of construction.

Staff has reviewed Special Exception SE 2010-SU-013 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a hotel. Further, staff knows of no change in land use circumstances that affects compliance of SE 2010-SU-013 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2010-SU-013 are still appropriate and remain in full force and effect. Staff believes that approval of the request for thirty-six (36) months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated January 12, 2011, to Sara V. Mariska

Attachment 3: Letter dated March 20, 2013, to Leslie B. Johnson

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ

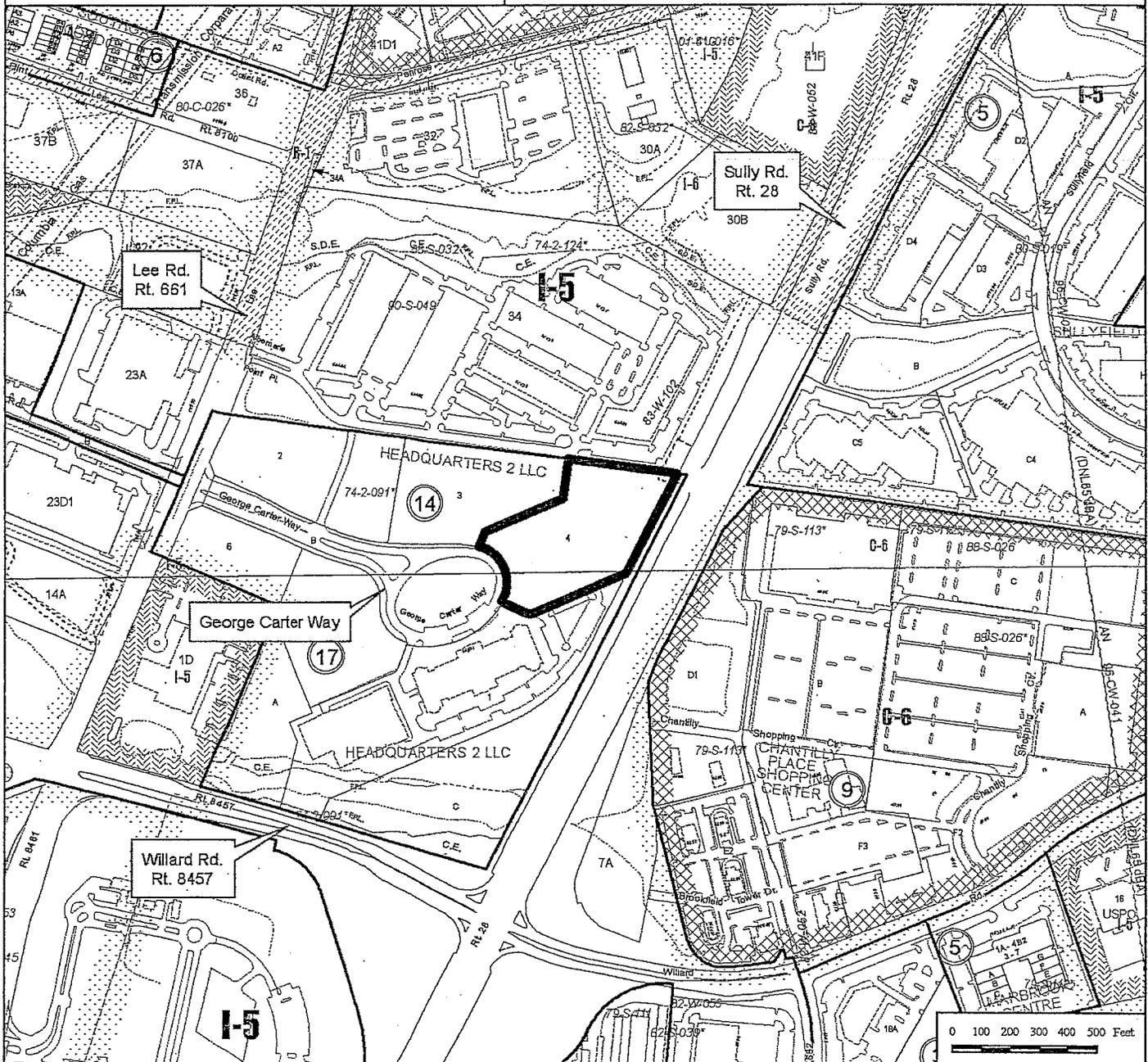
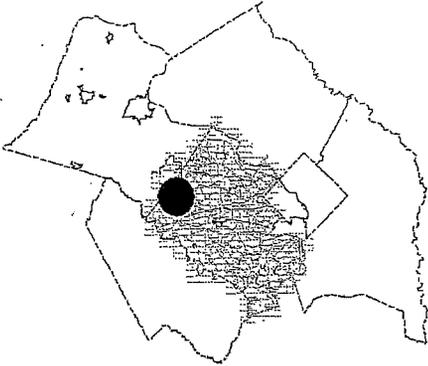
Kevin J. Guinaw, Chief, Special Projects/Applications/Management Branch, ZED, DPZ

Pamela Nee, Chief, Environment and Development Review Branch, Planning Division, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

**Special Exception**  
SE 2010-SU-013

Applicant: HEADQUARTERS 2, LLC  
 Accepted: 06/03/2010  
 Proposed: HOTEL  
 Area: 4.44 AC OF LAND; DISTRICT - SULLY  
 Zoning Dist Sect: 05-0504  
 Art 9 Group and Use: 5-14  
 Located: TERMINUS OF GEORGE CARTER WAY AND WEST SIDE OF SULLY ROAD  
 Zoning: I-5  
 Plan Area: 3,  
 Overlay Dist: WS  
 Map Ref Num: 034-3- /14/ /0004





# County of Fairfax, Virginia

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

January 12, 2011

Sara V. Mariska  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, VA 22201

Re: Special Exception Application SE 2010-SU-013

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors held on January 11, 2011, the Board approved Special Exception Application SE 2010-SU-013 in the name of Headquarters 2, LLC. The subject property is located at the terminus of George Carter Way on the west side of Sully Road on approximately 4.44 acres of land, zoned I-5 and WS, in the Sully District [Tax Map 34-3 ((14)) 4]. The Board's action permits a hotel, pursuant to Section 5-504, of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved "Special Exception Plat entitled Lot 4 @ The Ellipse at Westfields," prepared by William H. Gordon Associates Inc. and dated October 27, 2010 (sealed on October 27, 2010,) and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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

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

4. Landscaping shall be provided in general as shown on Sheet 5 of the SE Plat. The exact number, size and spacing of trees and other plant materials shall be submitted at the time of final site plan review and shall be subject to the review and approval by Urban Forest Management (UFM).
5. At the time of Site Plan approval, the Applicant shall provide a contribution to DPWES in the amount of \$40,000.00 toward future roadway improvements in the surrounding area. This amount of the cash contribution shall escalate on a yearly basis from the base year of 2010 and change effective each January 1, thereafter based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI").
6.
  - A. The Applicant shall include a U.S. Green Building Council Leadership in Energy and Environmental Design ("LEED") accredited professional who is an engineer or architect as a member of the design team. The LEED accredited professional shall work with the team to incorporate LEED design elements into the project so that the project will be positioned to attain LEED certification. At the time of site plan submission, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such professional.
  - B. The Applicant shall include, as part of the site plan submission and building plan submission, a list prepared by the LEED accredited professional of specific credits that the Applicant anticipates attaining within the LEED-NC rating system, or other LEED rating system determined to be applicable to the project, as agreed upon by the Environment and Development Review Branch of DPZ. The LEED accredited professional shall provide certification statements at both the time of site plan review and the time of building plan review indicating that the items on the list should meet at least the minimum number of credits necessary to position the project to attain LEED certification.
  - C. Prior to approval of a site plan by Fairfax County for the project, the Applicant shall execute a separate agreement and post, for that project a "green building escrow," in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the fixed amount of \$340,000. This escrow will be in addition to and separate from other bond requirements and shall be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of U.S.

Green Building Council's LEED-NC rating system or other LEED rating determined to be applicable to the project. The provision of documentation to the Environment and Development Review Branch of DPZ from the U.S. Green Building Council that the project has attained LEED certification shall be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within one year of issuance of the first RUP or Non-RUP for the project, the escrow shall be released to Fairfax County as the sole remedy for failure to meet the LEED certification and shall be posted to a fund within the County budget supporting implementation of County environmental initiatives. If the Applicant provides evidence that LEED Certification has been delayed through no fault of the Applicant, this time-frame shall be extended until such time as LEED Certification is attained or one (1) year, and no release of escrowed funds shall be made to the Applicant or the County during this extended time-frame.

- D. Prior to issuance of the first Non-RUP or RUP, the Applicant shall provide to the Environment and Development Review Branch of DPZ a letter from the LEED accredited professional certifying that a green building maintenance reference manual has been prepared for use by future managers that this manual has been written by a LEED accredited professional, that copies of this manual shall be provided to all future building occupants and that this manual, at a minimum:
- Provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
  - Provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
  - Provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and

Prior to issuance of a Non-RUP or RUP, the Applicant shall provide an electronic copy of the manual in PDF format to the Environment and Development Review Branch of DPZ.

7. No more than one free-standing identification sign shall be permitted on the site. No pole signs shall be permitted. This free-standing sign shall be a monument-style sign and no more than ten (10) feet in height. Such sign shall meet the requirements of Article 12, as well as the sight line requirements of the Zoning Ordinance, the Virginia Department of Transportation (VDOT) and the Public Facilities Manual (PFM). All sign illumination shall be provided internally or through down-lighting.
8. Hotel meeting space may be made available for scheduled use by community groups at times when it is not in use by hotel patrons.
9. The Applicant shall implement a TDM Plan for the Subject Property. The TDM Plan shall include the following:
  - a. Program Manager. Prior to the approval of the site plan, the Applicant shall designate an individual to act as the Program Manager ("PM") for the hotel, whose responsibility will be to implement the TDM strategies. The applicant shall inform the Fairfax County Department of Transportation (FCDOT) of who is designated as the PM and notify FCDOT if and when the PM changes. The duties of the PM may be part of other duties assigned to the individual(s).
  - b. Information Dissemination: The PM shall make Metrorail and bus maps, schedules and forms, ridesharing and other relevant transit option information available to hotel employees, visitors and guests in a common area; such as the central lobby, community room, and/or hotel management office. The Applicant shall also make multi-modal transportation information available as part of in-room service guides or hotel information through the closed-circuit television system to its hotel guests.
  - c. Ride Matching: The PM shall make information on vanpool and carpool formation programs, ride matching services, and established guaranteed ride home programs available for employees.
  - d. Tele-working: The PM shall encourage hotel guests to telework through the utilization of high capacity data/network connections available through their employers.
  - e. Car Sharing Information: The PM shall make information available regarding the availability of car sharing program(s) to hotel employees, visitors and guests (such as ZipCar).

- f. Preferential Parking. Applicant shall provide preferential hotel parking for car/van pools.
  - g. Coordination: The PM shall work with FCDOT to promote alternatives to single occupant automobile commute trips.
10. A shared parking study and/or parking reduction study shall be submitted and approved in accordance with the Zoning Ordinance that demonstrates that adequate parking is available to support the proposed uses prior to site plan approval. If it is determined in review of the shared parking and/or parking reduction study that parking is not adequate for the proposed uses, the Applicant may be permitted to provide additional parking spaces on the subject property without a special exception amendment, provided that open space is not reduced. In the event that it cannot be demonstrated that there is adequate parking, the size of the proposed uses shall be limited to sizes that provide sufficient parking, as determined by Director, DPWES.

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

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

**The Board also:**

- Waived the service drive requirement along Sully Road (Route 28), in favor of the interparcel access to the adjacent property to the south.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/ph

Cc: Chairman Sharon Bulova  
Supervisor Michael Frey, Sully District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation Planning Division  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

# LOT 4 @ THE ELLIPSE AT WESTFIELDS SPECIAL EXCEPTION

SE 2010-SU-013  
SULLY DISTRICT - CHANTILLY, VIRGINIA

OCTOBER 28, 2010

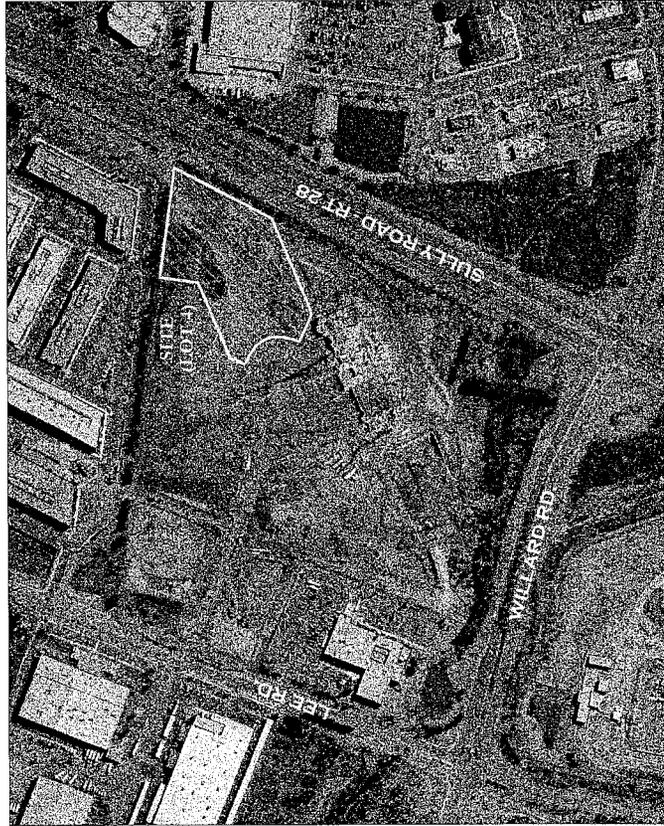
## PROJECT TEAM

**LAND USE ATTORNEY:**  
WALSH COLUCCI LUBELEY EMRICH & WALSH, P.C.  
2300 CLARENDON BLVD., 15TH FLOOR  
ARLINGTON, VIRGINIA 22202

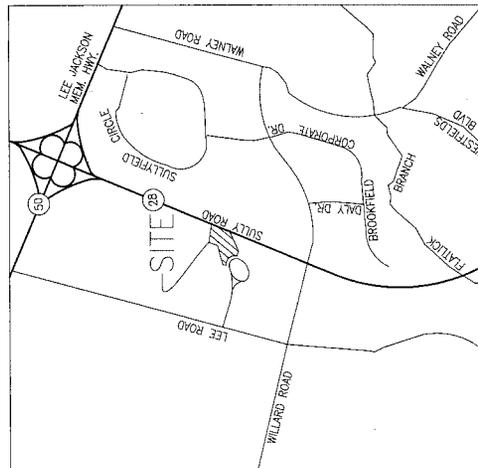
**ARCHITECT:**  
SOMA ARCHITECTS  
1221 KING STREET  
ALEXANDRIA, VA 22314

**OWNER/APPLICANT:**  
LONG AND FOSTER COMPANIES  
1490 GEORGE CANTER WAY  
CHANTILLY, VA 20151

**CIVIL ENGINEER/ L. ARCHITECT:**  
WILLIAM H. GORDON ASSOCIATES, INC.  
450 DAILY DRIVE  
CHANTILLY, VA 20151



### VICINITY MAP SCALE: 1"=1000'



### SHEET INDEX

- 1 — COVER SHEET
- 2 — GENERAL NOTES AND TABULATIONS
- 3 — OVERALL DEVELOPMENT PLAN
- 4 — EXISTING CONDITIONS PLAN
- 5 — SPECIAL EXCEPTION PLAY (SE)
- 6 — PRELIMINARY SWM PLAN AND NARRATIVE
- 7 — ADEQUATE OUTFALL ANALYSIS
- 8 — ARCHITECTURAL ELEVATIONS



AERIAL VIEW  
N.T.S.



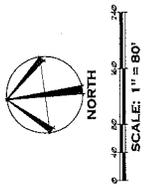
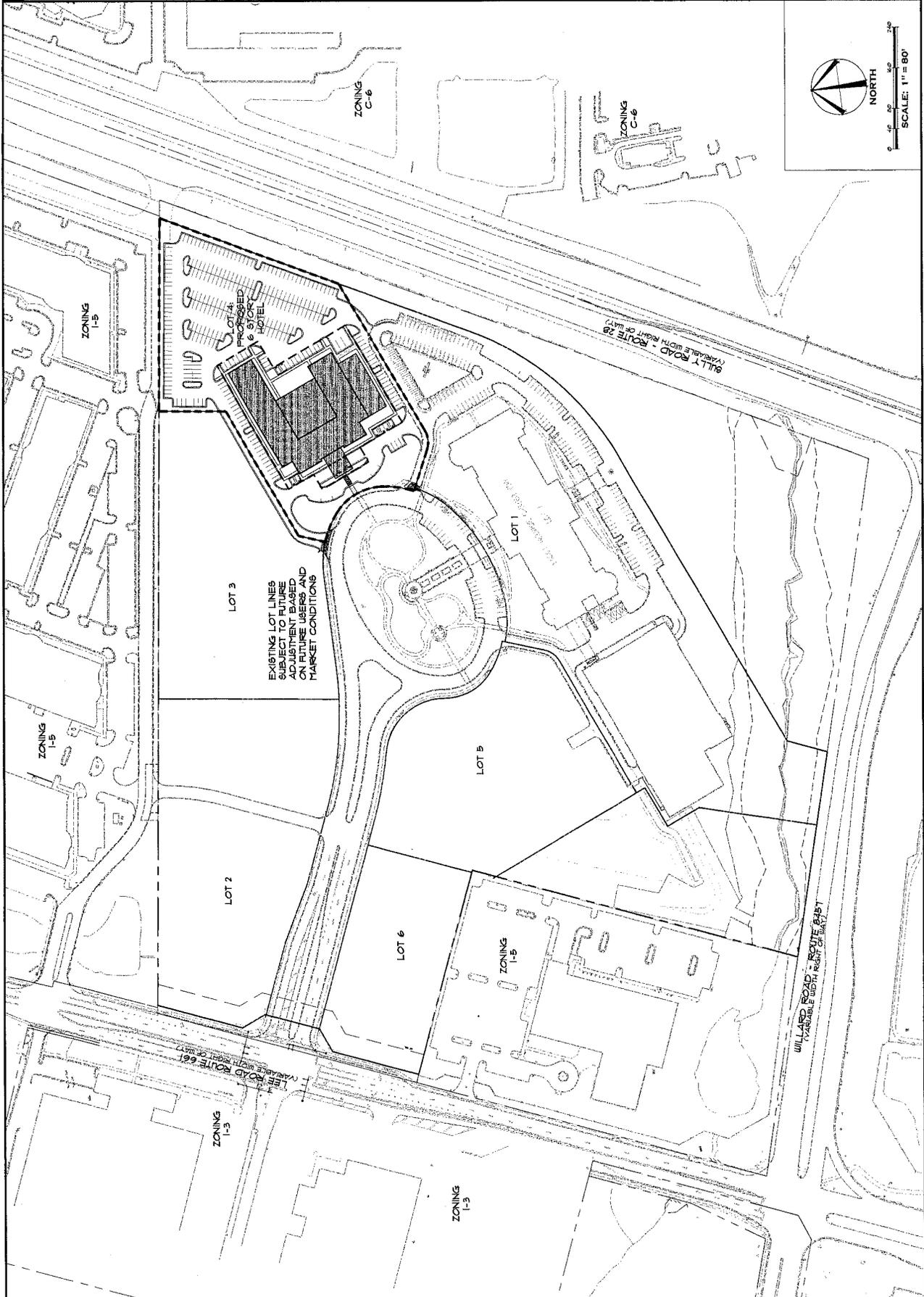
ENGINEERS - SURVEYORS - PLANNERS - LANDSCAPE ARCHITECTS  
**William H. Gordon Associates, Inc.**  
 4200  
 CHERRY LANE  
 CHARLottesville, VA 22911  
 PHONE 703-524-1900  
 FAX 703-524-0766



REVISIONS  
 FIRST SUBMISSION MARCH 2010  
 REVISIONS TO 1.7.10  
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OVERALL SITE PLAN  
**LOT 4**  
**THE ELLIPSE AT WESTFIELDS**  
 SPECIAL EXCEPTION  
 SE 2010-0113  
 CHANTILLY, VIRGINIA  
 SUTTY D

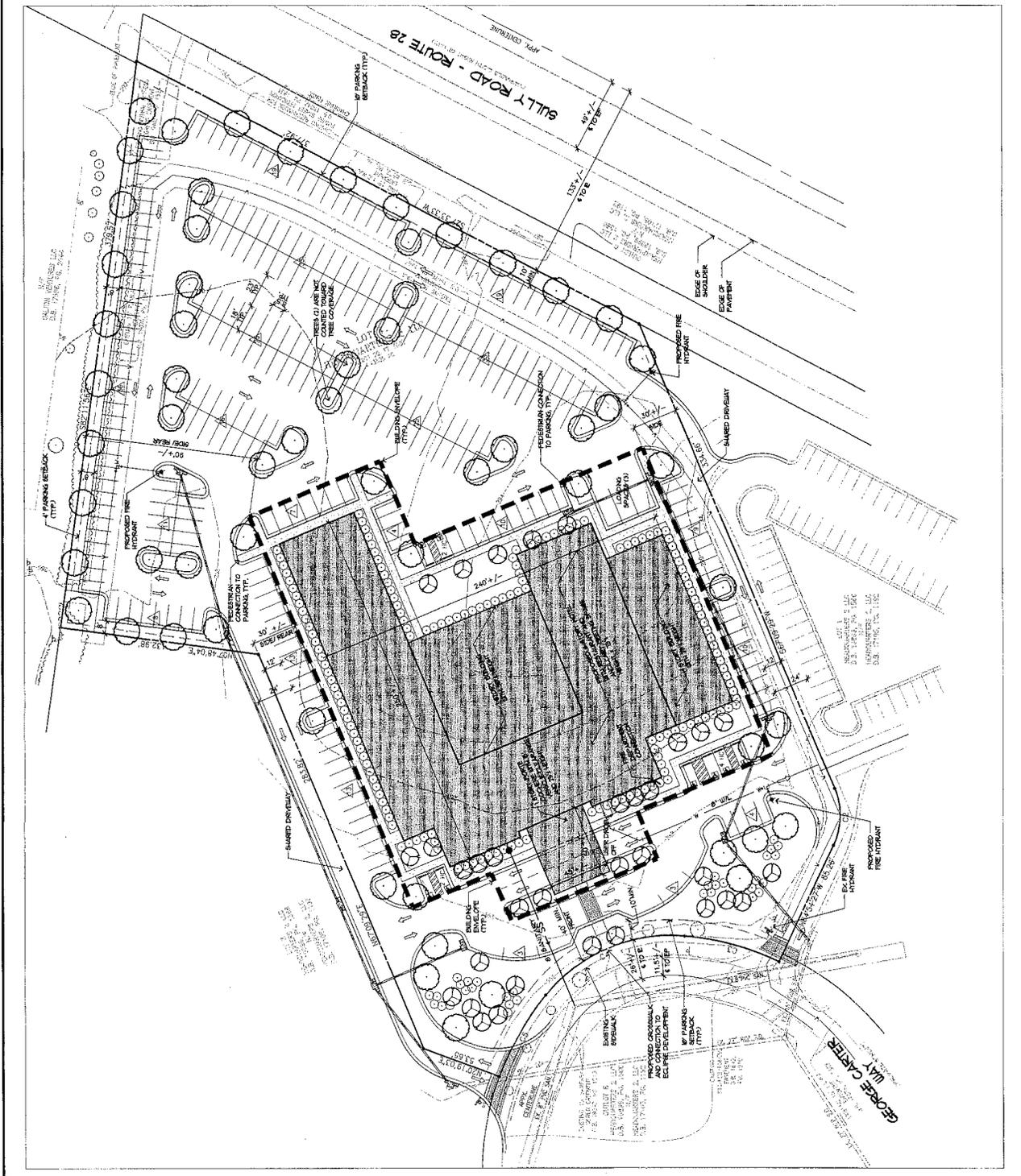
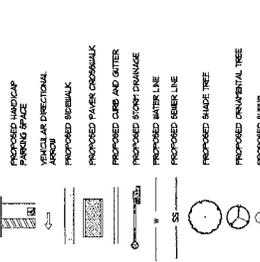
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 DATE OCTOBER 28, 2010  
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 CHECKED BAC  
 JOB # 0612-0308  
 CAD FILE 0308-0V.dwg  
 SHEET # 3 of 8



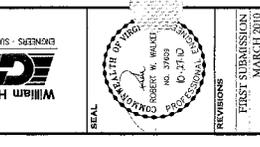


**GENERAL NOTES**

1. DIMENSIONAL SETBACKS TO PERIPHERAL LOT LINES ARE SHOWN IN RED. DIMENSIONAL SETBACKS TO PERIPHERAL LOT LINES ARE SHOWN IN RED. DIMENSIONAL SETBACKS TO PERIPHERAL LOT LINES ARE SHOWN IN RED. DIMENSIONAL SETBACKS TO PERIPHERAL LOT LINES ARE SHOWN IN RED. DIMENSIONAL SETBACKS TO PERIPHERAL LOT LINES ARE SHOWN IN RED.
2. ALL DIMENSIONS SHOWN SHALL BE CONSIDERED APPROXIMATE (A).
3. SEE NOTES SHEET FOR SITE/PARKING TABULATIONS AND ANGLES OF BULK PLANE.



**William H. Gordon Associates, Inc.**  
 ARCHITECTS - PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS  
 1500 COMMONWEALTH AVENUE, SUITE 200  
 CHANTILLY, VA 20151  
 PHONE: 703-556-3300  
 FAX: 703-556-3300

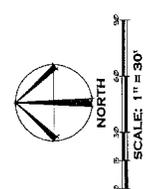


**REVISIONS**

FIRST SUBMISSION	MARCH 2010
REVISED PER STATE COMMENTS	SEPTEMBER 2010
REVISED PER STATE COMMENTS	OCTOBER 2010

**THE ELLIPSE AT WESTFIELDS**  
 SPECIAL EXCEPTION PLAT  
 LOT 4  
 SPECIAL EXCEPTION SE 201054913  
 CHANTILLY, VIRGINIA

**SCALE** 1" = 30'  
**DATE** OCTOBER 29, 2010  
**DRAWN** BAC  
**CHECKED** BAC  
**JOB #** 0612.0308  
**CAD FILE** 0308.SP-072  
**SHEET #** 5 of 8



# STORMWATER MANAGEMENT / BMP NARRATIVE

## EXISTING HYDROLOGY

LOT 4 IS AN UNDEVELOPED PARCEL OF 4.8 AC. WITH A HIGH POINT IN THE NORTHEAST CORNER OF THE SITE. THE NATURAL DRAINAGE DIVERTS RUNNERS APPROXIMATELY 750 AC. TO THE WEST AND SOUTH TO THE EXISTING WESTFIELDS SUMMIT POND. THE EXISTING DRAINAGE SYSTEM IS A 12" DIA. 10' DEEP CONCRETE DRAINAGE DITCH THAT RUNS TO THE WEST AND SOUTH TO THE EXISTING WESTFIELDS SUMMIT POND. THE EXISTING DRAINAGE SYSTEM IS A 12" DIA. 10' DEEP CONCRETE DRAINAGE DITCH THAT RUNS TO THE WEST AND SOUTH TO THE EXISTING WESTFIELDS SUMMIT POND. THE EXISTING DRAINAGE SYSTEM IS A 12" DIA. 10' DEEP CONCRETE DRAINAGE DITCH THAT RUNS TO THE WEST AND SOUTH TO THE EXISTING WESTFIELDS SUMMIT POND.

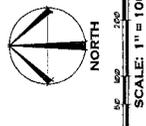
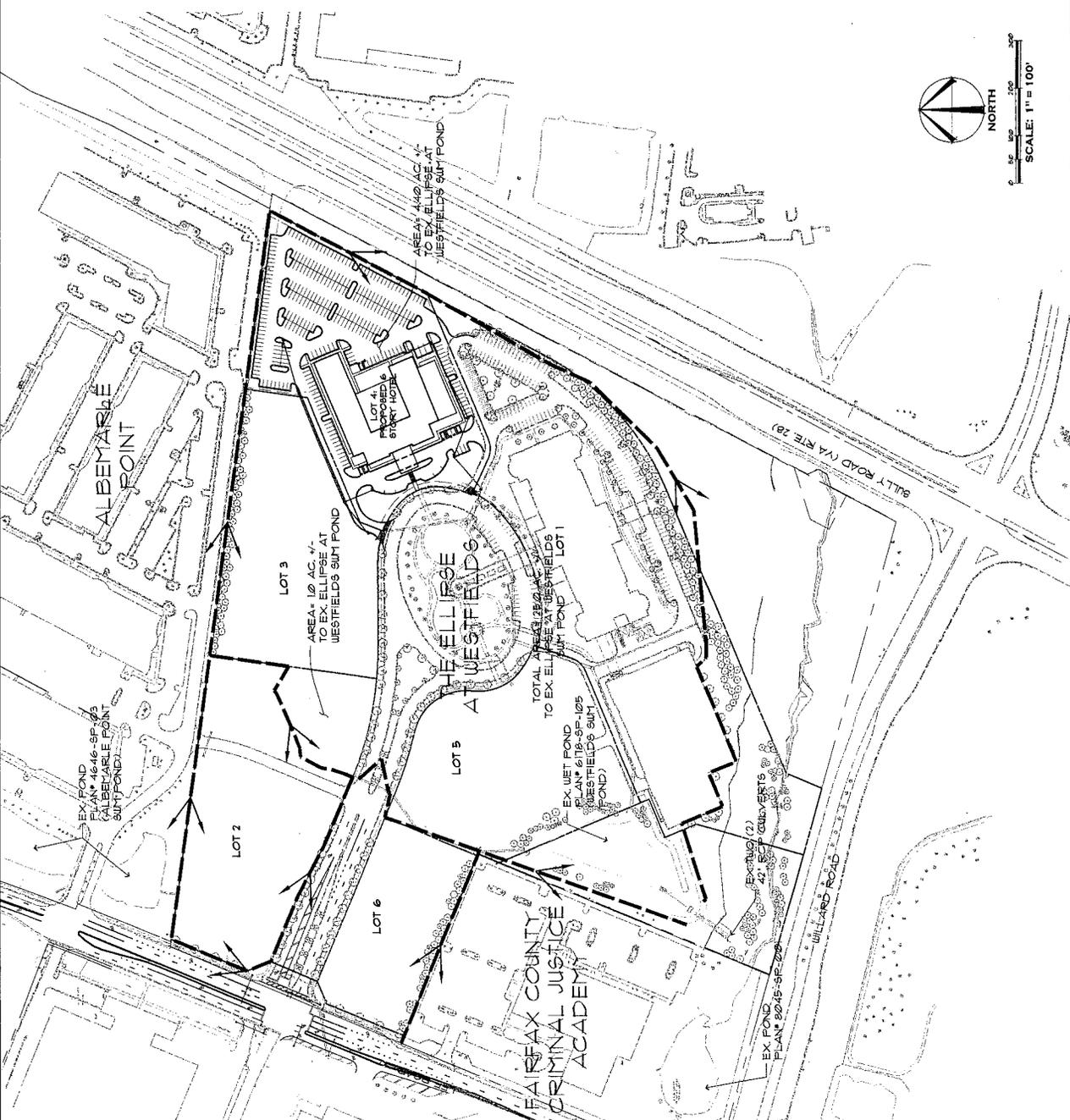
THE PROPOSED DEVELOPMENT OF THE WESTFIELDS SUMMIT POND WILL BE CONSTRUCTED AS A 12" DIA. 10' DEEP CONCRETE DRAINAGE DITCH THAT RUNS TO THE WEST AND SOUTH TO THE EXISTING WESTFIELDS SUMMIT POND. THE EXISTING DRAINAGE SYSTEM IS A 12" DIA. 10' DEEP CONCRETE DRAINAGE DITCH THAT RUNS TO THE WEST AND SOUTH TO THE EXISTING WESTFIELDS SUMMIT POND.

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WILLIAM H. GORDON ASSOCIATES, INC.  
ENGINEERS - SURVEYORS - PLANNERS - LANDSCAPE ARCHITECTS  
1500 CHERRY LANE, SUITE 100  
FAIRFAX COUNTY, VA 22031  
TEL: 703-233-0789  
FAX: 703-233-1500



REVISIONS  
FIRST SUBMISSION  
MARCH 2010  
REVISED PER STATE COMMENTS  
SEPTEMBER 2010  
REVISED PER STATE COMMENTS  
OCTOBER 2010

PRELIMINARY STORMWATER PLAN AND NARRATIVE  
LOT 4  
THE ELLIPSE AT WESTFIELDS  
SPECIAL EXCEPTION  
SE 2010-0413  
SULLY DRIVE  
CHANTILLY, VIRGINIA

- MINIMUM STORMWATER INFORMATION FOR RECORDING, SPECIAL APPLICATIONS, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS**
- The following information is required to be shown or provided in all stormwater management plans, special permits, special applications, and development plan applications. All information submitted with a stormwater management plan, special permit, special application, or development plan application shall be subject to review and approval by the local government. The information shall be provided in the following format:
1. The stormwater management plan shall include a site plan showing the location of all stormwater management features and the location of all stormwater management structures. The site plan shall also show the location of all stormwater management structures and the location of all stormwater management features.
  2. The stormwater management plan shall include a description of all stormwater management features and structures. The description shall include the location, size, and type of all stormwater management features and structures.
  3. The stormwater management plan shall include a calculation of the stormwater runoff from the site. The calculation shall be based on the National Stormwater Management Handbook (NSMHB) and shall include a description of the calculation method used.
  4. The stormwater management plan shall include a description of the stormwater management system. The description shall include the location, size, and type of all stormwater management features and structures.
  5. The stormwater management plan shall include a description of the stormwater management system. The description shall include the location, size, and type of all stormwater management features and structures.
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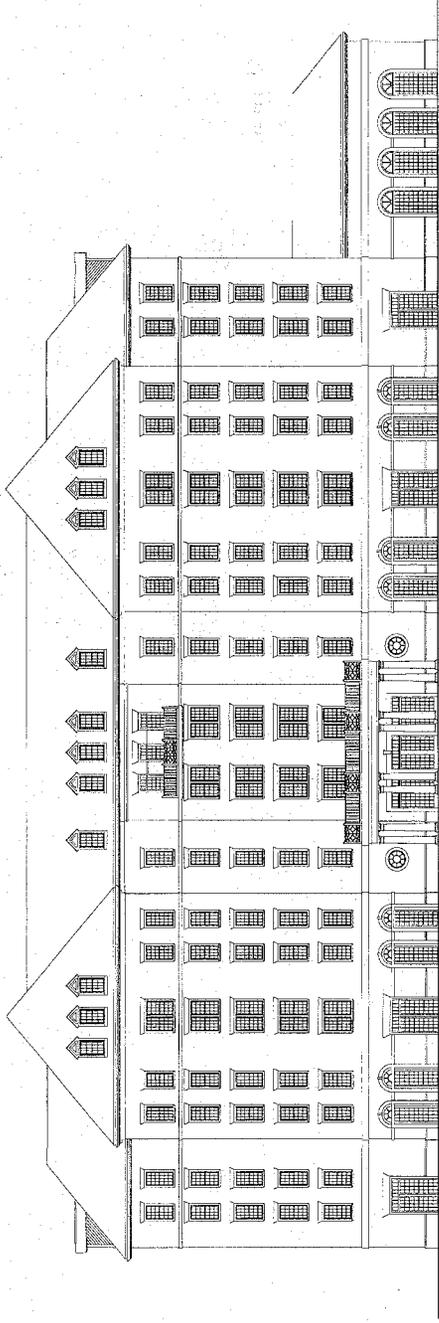
William H. Gordon Associates, Inc.  
 4501 Oak Drive  
 Chesapeake, VA 23015  
 PHONE 703-263-1800  
 FAX 703-263-0789  
 ENGINEERS - SURVEYORS - PLANNERS - LANDSCAPE ARCHITECTS



REVISIONS
FIRST SUBMISSION MARCH 2010
REVIEW FOR SHIF COMMENTS SEPTEMBER 2010
REVIEW FOR SHIF COMMENTS OCTOBER 2010

ARCHITECTURAL ELEVATIONS  
 LOT 4  
 SPECIAL EXCEPTION  
 SF 2010-54013  
 SULLY D.  
 CHANTILLY, VIRGINIA

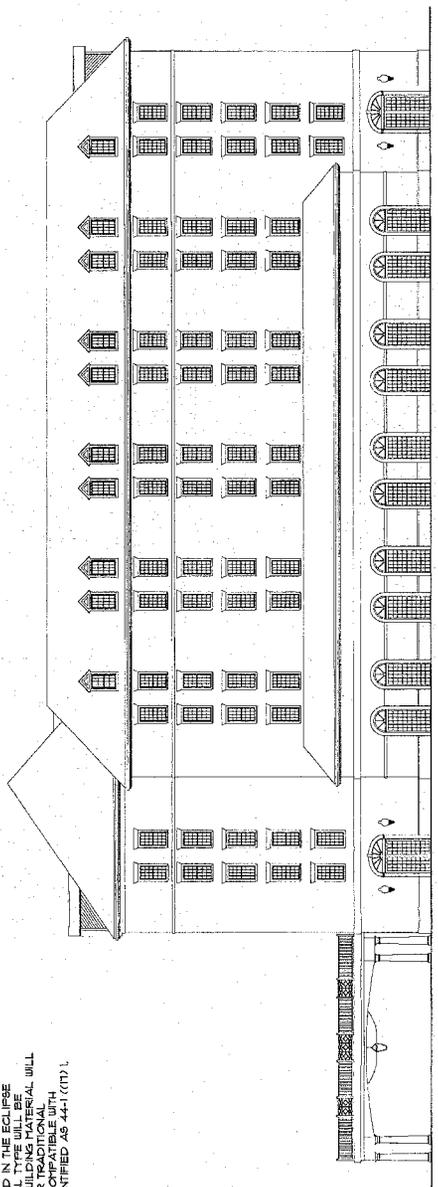
SCALE	N.T.S.
DATE	OCTOBER 28, 2010
DRAWN	BAC
CHECKED	BAC
JOB #	0612.0006
CAD FILE	0308-AE24.rvt
SHEET #	8 of 8



Front Elevation  
 Lot 4  
**HOTEL SUITES**  
 CHANTILLY, VIRGINIA



NOTE: ARCHITECTURAL ELEVATIONS SHOWN HEREON ARE FOR INFORMATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



Side Elevation  
 Lot 4  
**HOTEL SUITES**  
 CHANTILLY, VIRGINIA

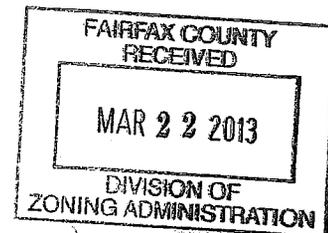




Sara V. Mariska  
(703) 528-4700 Ext. 5419  
[smariska@arl.thelandlawyers.com](mailto:smariska@arl.thelandlawyers.com)

WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC

March 20, 2013



2013-021944  
Department of Planning & Zoning

APR 29 2013

Zoning Evaluation Division

Via U.S. Mail

Leslie B. Johnson  
Zoning Administrator  
Zoning Administration Division  
Fairfax County Department of Planning & Zoning  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035

Re: SE 2010-SU-012 (Fairfax County Tax Map Reference: 34-3 ((14)) 2 (part))  
SE 2010-SU-013 (Fairfax County Tax Map Reference: 34-3 ((14)) 4)  
Applicant: Headquarters 2, LLC

Dear Ms. Johnson:

Please accept this letter as a request for additional time in accordance with the provisions of Section 9-015 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The referenced special exception applications were approved by the Board of Supervisors on January 11, 2011 and are presently scheduled to expire on July 11, 2013 unless construction has commenced and been diligently pursued. On behalf of the Applicant, I hereby request thirty-six (36) months of additional time to commence construction of the improvements approved with the referenced applications.

The Applicant has been working to secure operators for the proposed hotels. As soon as the special exceptions were approved, the Applicant contacted thirty-four (34) parties that expressed interest in hotel development at this location. The Applicant has continued discussions with several hotel operators since that time; however, it has been unable to reach an agreement largely due to the downturn in the real estate market. The Applicant will continue to diligently pursue the preparation and submission of the plans necessary to commence construction in accordance with the special exceptions.

I would appreciate the acceptance of this letter in accordance with Section 9-015 of the Zoning Ordinance as a request for thirty-six (36) months of additional time to commence construction in accordance with the referenced special exceptions. Thirty-six (36) months of additional time will allow for continued negotiations with hotel operators and will ensure that plans can be prepared, submitted, and diligently pursued. The delays experienced by the Applicant were unforeseen circumstances at the time of approval. Further, there has been no

PHONE 703 528 4700 • FAX 703 525 3197 • WWW.THELANDLAWYERS.COM  
COURTHOUSE PLAZA • 2200 CLARENDON BLVD., THIRTEENTH FLOOR • ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 • PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

Page 2

change in circumstances that would render the approvals inconsistent with the Comprehensive Plan or the public interest.

Should you have any questions regarding this request, or require additional information, please do not hesitate to contact me. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

A handwritten signature in cursive script that reads "Sara V. Mariska".

Sara V. Mariska

SVM/kae

cc: Tom Nutt

Lynne J. Strobel

Thomas J. Colucci

{A0553181.DOCX / 1 Johnson Ltr re: additional time request 03.20.13 006093 000010}

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Board Agenda Item  
June 18, 2013

ADMINISTRATIVE - 5

Additional Time to Commence Construction for Special Exception SE 2010-SU-012,  
Headquarters 2, LLC (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SE 2010-SU-012, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty-six (36) months additional time for SE 2010-SU-012 to July 11, 2016.

TIMING:

Routine.

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless the Board approves additional time. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On January 11, 2011, the Board of Supervisors approved Special Exception SE 2010-SU-012, subject to development conditions. The application was filed in the name of Headquarters 2, LLC to permit a hotel, pursuant to Section 5-504 of the Fairfax County Zoning Ordinance, for the property located at the northeast quadrant of the intersection of George Carter Way and Lee Road, Tax Map 34-3 ((14)) 2 pt. (see Locator Map in Attachment 1). SE 2010-SU-012 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board grants additional time. The development conditions for SE 2010-SU-012 are included as part of the Clerk to the Board's letter.

On March 22, 2013, the Department of Planning and Zoning (DPZ) received a letter dated March 20, 2013, from Sara V. Mariska, agent for the applicant, requesting thirty-six (36) months of additional time. The approved Special Exception will not expire

Board Agenda Item  
June 18, 2013

pending the Board's action on the request for additional time.

Ms. Mariska states the request is due to a delay in securing operators for the future hotel. The applicant has continued discussions with several potential operators. Due to the downturn in the real estate market, the applicant has been unable to negotiate an agreement, delaying development of the property. Ms. Mariska states the additional time is requested to allow continued negotiations with a future hotel operator and ensure that the plans can be prepared, submitted, and diligently pursued for commencement of construction.

Staff has reviewed Special Exception SE 2010-SU-012 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a hotel. Further, staff knows of no change in land use circumstances that affects compliance of SE 2010-SU-012 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2010-SU-012 are still appropriate and remain in full force and effect. Staff believes that approval of the request for thirty-six (36) months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated January 12, 2011, to Sara V. Mariska

Attachment 3: Letter dated March 20, 2013, to Leslie B. Johnson

STAFF:

Robert A. Stalzer, Deputy County Executive

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

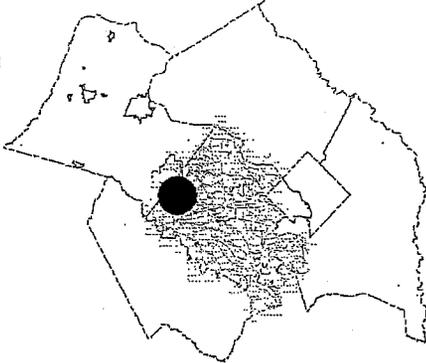
Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ

Kevin J. Guinaw, Chief, Special Projects/Applications/Management Branch, ZED, DPZ

Pamela Nee, Chief, Environment and Development Review Branch, Planning Division, DPZ

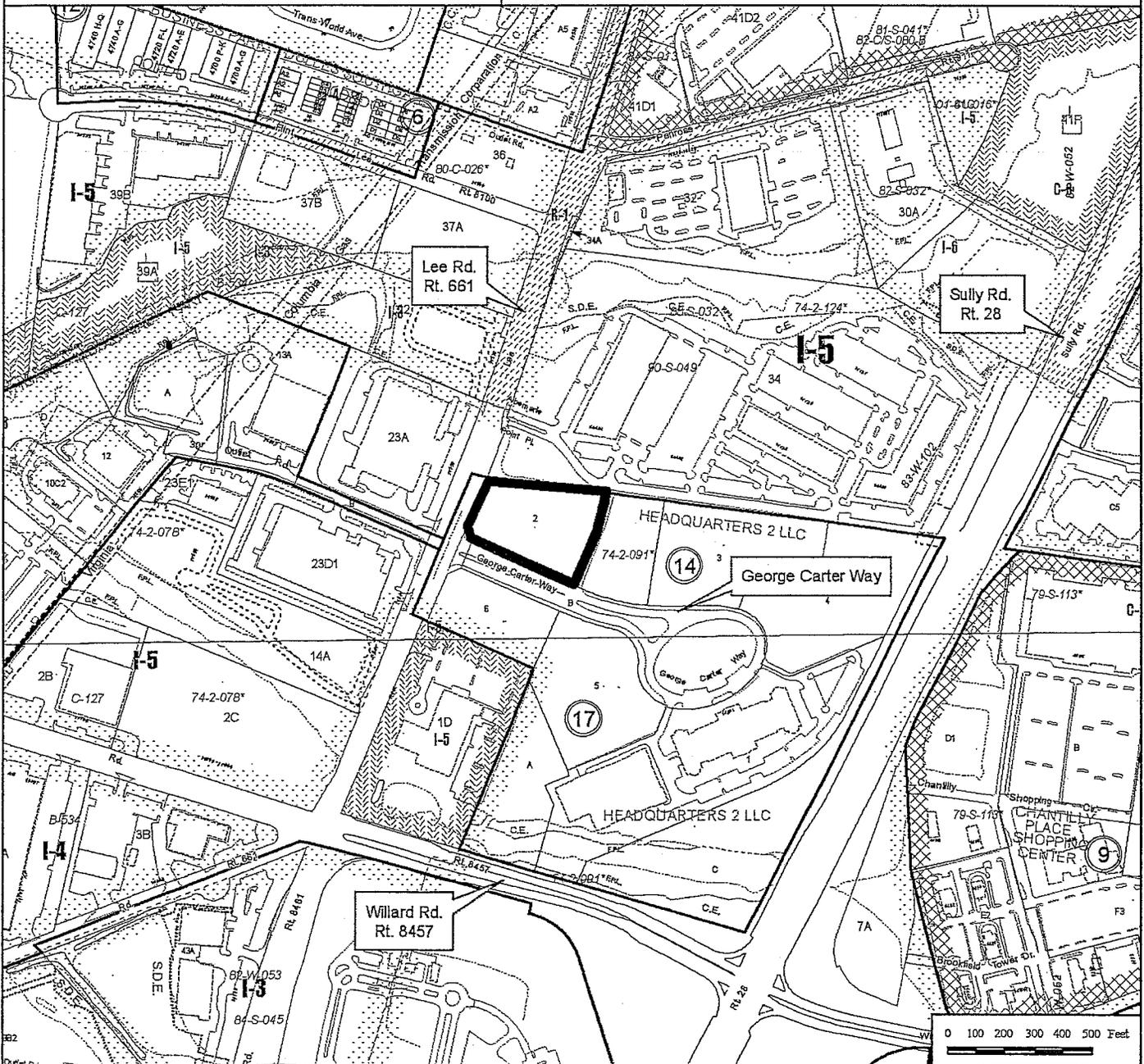
Carrie Lee, Staff Coordinator, ZED, DPZ

**Special Exception**  
**SE 2010-SU-012**



Applicant: HEADQUARTERS 2, LLC  
 Accepted: 06/03/2010  
 Proposed: HOTEL  
 Area: 4.07 AC OF LAND; DISTRICT - SULLY  
 Zoning Dist Sect: 05-0504  
 Art 9 Group and Use: 5-14  
 Located: NORTHEAST QUADRANT OF THE INTERSECTION OF GEORGE CARTER WAY AND LEE ROAD

Zoning: I-5  
 Plan Area: 3  
 Overlay Dist: WS  
 Map Ref Num: 034-3- /14/ /0002 pt.





# County of Fairfax, Virginia

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

January 12, 2011

Sara V. Mariska  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, VA 22201

Re: Special Exception Application SE 2010-SU-012

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors held on January 11, 2011, the Board approved Special Exception Application SE 2010-SU-012 in the name of Headquarters 2, LLC. The subject property is located in the northeast quadrant of the intersection of George Carter Way and Lee Road on approximately 4.07 acres of land, zoned I-5 and WS, in the Sully District [Tax Map 34-3 ((14)) 2 pt]. The Board's action permits a hotel, pursuant to Section 5-504, of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Lot 2 @ The Ellipse at Westfields," prepared by William H. Gordon Associates Inc. and dated October 28, 2010 (sealed on October 27, 2010,) and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

---

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

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

4. Landscaping shall be provided in general as shown on Sheet 5 of the SE Plat. The exact number, size and spacing of trees and other plant materials shall be submitted at the time of final site plan review and shall be subject to the review and approval by Urban Forest Management (UFM).
5. At the time of Site Plan approval, the Applicant shall provide a contribution to DPWES in the amount of \$20,000.00 toward future roadway improvements in the surrounding area. This amount of the cash contribution shall escalate on a yearly basis from the base year of 2010 and change effective each January 1 thereafter based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI").
6. At the time of Site Plan approval, the Applicant shall vacate the existing public access easement and provide a realigned inter-parcel access easement, as shown on the SE Plat, to provide public access through the property between George Carter Way and Tax Map parcel 34-3((1)) 34 to the north of Subject Property.
7.
  - A. The Applicant shall include a U.S. Green Building Council Leadership in Energy and Environmental Design ("LEED") accredited professional who is an engineer or architect as a member of the design team. The LEED accredited professional shall work with the team to incorporate LEED design elements into the project so that the project will be positioned to attain LEED certification. At the time of site plan submission, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such professional.
  - B. The Applicant shall include, as part of the site plan submission and building plan submission, a list prepared by the LEED accredited professional of specific credits that the Applicant anticipates attaining within the LEED-NC rating system, or other LEED rating system determined to be applicable to the project as agreed upon by the Environment and Development Review Branch of DPZ. The LEED accredited professional shall provide certification statements at both the time of site plan review and the time of building plan review indicating that the items on the list should meet at least the minimum number of credits necessary to position the project to attain LEED certification.
  - C. Prior to approval of a site plan by Fairfax County for the project, the Applicant shall execute a separate agreement and post, for that project

a “green building escrow,” in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the fixed amount of \$205,104. This escrow will be in addition to and separate from other bond requirements and shall be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of U.S. Green Building Council’s LEED–NC rating system or other LEED rating determined to be applicable to the project. The provision of documentation to the Environment and Development Review Branch of DPZ from the U.S. Green Building Council that the project has attained LEED certification shall be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within one year of issuance of the first RUP or Non-RUP for the project, the escrow shall be released to Fairfax County as the sole remedy for failure to meet the LEED certification and shall be posted to a fund within the County budget supporting implementation of County environmental initiatives. If the Applicant provides evidence that LEED Certification has been delayed through no fault of the Applicant, this proffered time-frame shall be extended until such time as LEED Certification is attained or one (1) year, and no release of escrowed funds shall be made to the Applicant or the County during this extended time-frame..

- D. Prior to issuance of the first Non-RUP or RUP, the Applicant shall provide to the Environment and Development Review Branch of DPZ a letter from the LEED accredited professional certifying that a green building maintenance reference manual has been prepared for use by future managers that this manual has been written by a LEED accredited professional, that copies of this manual shall be provided to all future building occupants and that this manual, at a minimum:
- Provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
  - Provides, where applicable, product manufacturer’s manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
  - Provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning

equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and

Prior to issuance of a Non-RUP or RUP, the Applicant shall provide an electronic copy of the manual in PDF format to the Environment and Development Review Branch of DPZ.

8. No more than one free-standing identification sign shall be permitted on the site. No pole signs shall be permitted. This free-standing sign shall be a monument-style sign and no more than five (5) feet in height. Such sign shall meet the requirements of Article 12, as well as the sight line requirements of the Zoning Ordinance, the Virginia Department of Transportation (VDOT) and the Public Facilities Manual (PFM). All sign illumination shall be provided internally or through down-lighting.
9. Hotel meeting space may be made available for scheduled use by community groups at times when it is not in use by hotel patrons.
10. The Applicant shall implement a TDM Plan for the Subject Property. The TDM Plan shall include the following:
  - a. Program Manager. Prior to the approval of the site plan, the Applicant shall designate an individual to act as the Program Manager ("PM") for the hotel, whose responsibility will be to implement the TDM strategies. The applicant shall inform the Fairfax County Department of Transportation (FCDOT) of who is designated as the PM and notify FCDOT if and when the PM changes. The duties of the PM may be part of other duties assigned to the individual(s).
  - b. Information Dissemination: The PM shall make Metrorail and bus maps, schedules and forms, ridesharing and other relevant transit option information available to hotel employees, visitors and guests in a common area; such as the central lobby, community room, and/or hotel management office. The Applicant shall also make multi-modal transportation information available as part of in-room service guides or hotel information through the closed-circuit television system to its hotel guests.
  - c. Ride Matching: The PM shall make information on vanpool and carpool formation programs, ride matching services, and established guaranteed ride home programs available for employees.

- d. Tele-working: The PM shall encourage hotel guests to telework through the utilization of high capacity data/network connections available through their employers.
- e. Car Sharing Information: The PM shall make information available regarding the availability of car sharing program(s) to hotel employees, visitors and guests (such as ZipCar).
- f. Preferential Parking. Applicant shall provide preferential hotel parking for car/van pools.
- g. Coordination: The PM shall work with FCDOT to promote alternatives to single occupant automobile commute trips.

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

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

**The Board also:**

- Waived the trail requirement along Lee Road, in favor of the existing and proposed sidewalks shown on the SE Plat.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/ph

Cc: Chairman Sharon Bulova  
Supervisor Michael Frey, Sully District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation Planning Division  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

LOT 2  
@  
**THE ELLIPSE AT WESTFIELDS**  
SPECIAL EXCEPTION

SE 2010-SU-012  
SULLY DISTRICT - CHANTILLY, VIRGINIA

OCTOBER 28, 2010

**PROJECT TEAM**

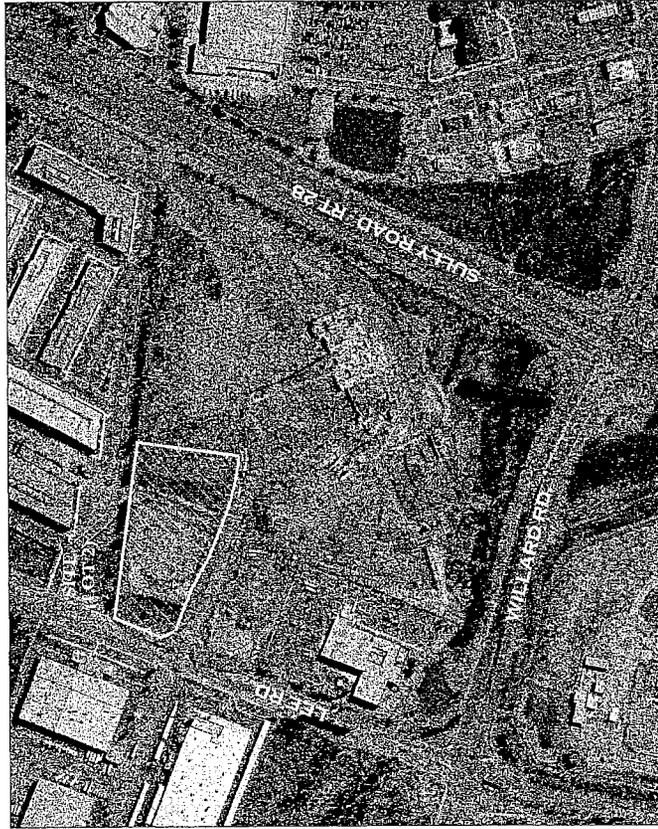
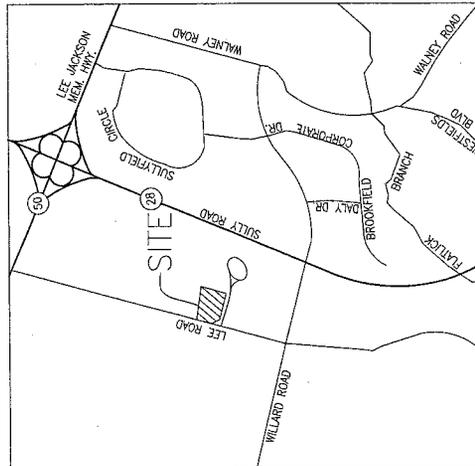
LAND USE ATTORNEY:  
WALSH COLLEGE LIBBEY ENGLISH & WALSH, P.C.  
2230 CLARENDON BLVD., 15TH FLOOR  
ARLINGTON, VIRGINIA 22202

ARCHITECT:  
SOMA ARCHITECTS  
1221 KING STREET  
ALEXANDRIA, VA 22314

OWNER/APPLICANT:  
LONG AND FOSTER COMPANIES  
14501 GEORGE CARTER WAY  
CHANTILLY, VA 20151

CIVIL ENGINEER/ L. ARCHITECT:  
WILLIAM H. GORDON ASSOCIATES, INC.  
4501 DAILY DRIVE  
CHANTILLY, VA 20151

**VICINITY MAP**  
SCALE: 1"=1000'



**AERIAL VIEW**  
N.T.S.

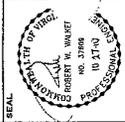
**SHEET INDEX**

- 1 — COVER SHEET
- 2 — GENERAL NOTES AND TABULATIONS
- 3 — OVERALL DEVELOPMENT PLAN
- 4 — EXISTING CONDITIONS PLAN
- 5 — SPECIAL EXCEPTION PLAT (SE)
- 6 — PRELIMINARY SWM PLAN AND NARRATIVE
- 7 — ADEQUATE OUTFALL ANALYSIS
- 8 — ARCHITECTURAL ELEVATIONS





William H. Gordon Associates, Inc.  
 4501 Day Drive  
 Chesapeake, VA 23041  
 PHONE 703-263-1800  
 FAX 703-263-0768  
 ENGINEERS - SURVEYORS - PLANNERS - LANDSCAPE ARCHITECTS



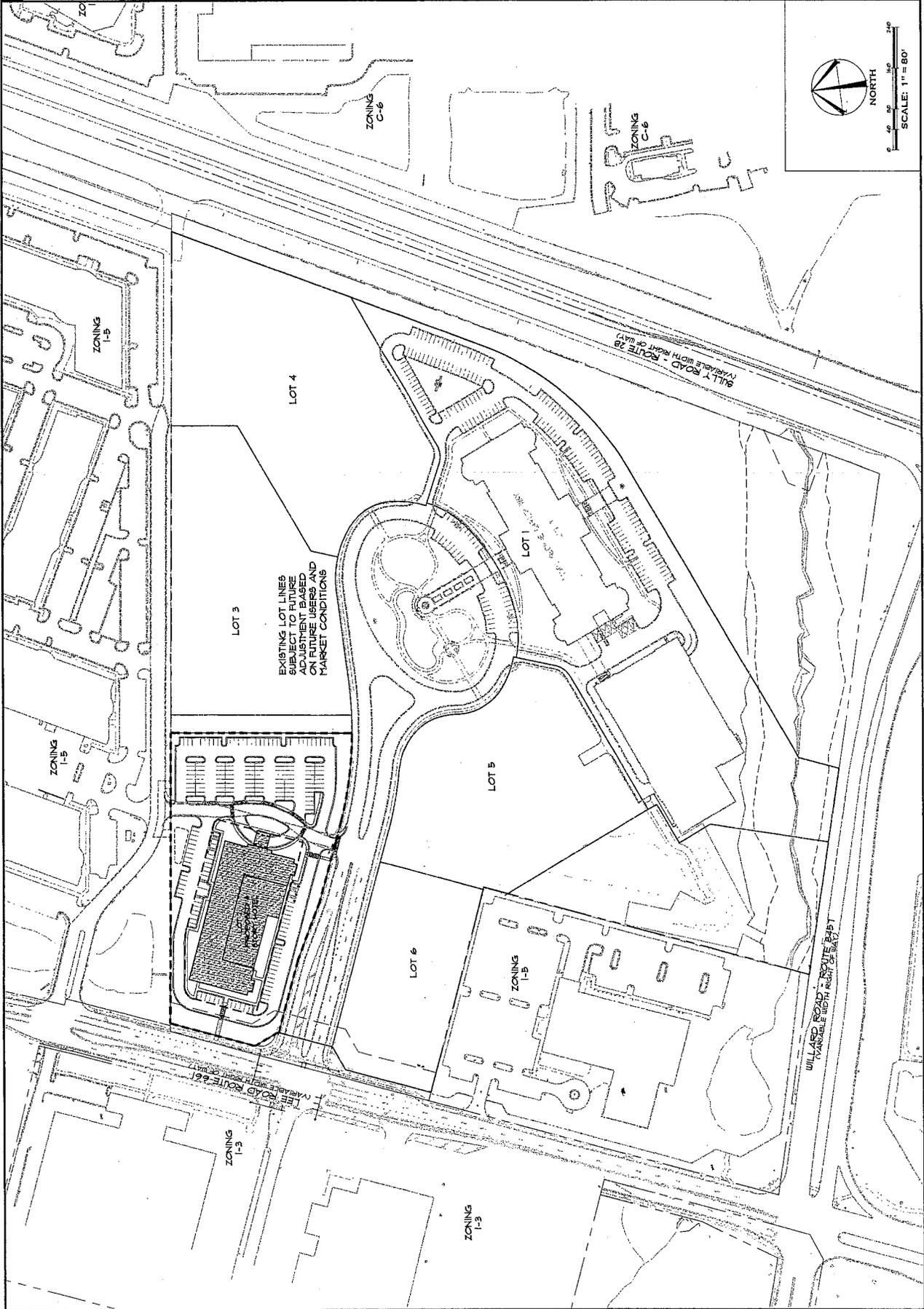
REVISIONS  
 FIRST SUBMISSION MARCH 2010  
 REVISIONS FOR STATE COMMENTS SEPTEMBER 2010  
 REVISIONS FOR STATE COMMENTS OCTOBER 2010

THE ELLIPSE AT WESTFIELDS  
 SPECIAL EXCEPTION  
 SF 2010-SU-012

SULLY PROJECT, CHANTILLY, VIRGINIA

OVERALL SITE PLAN  
 LOT 2

SCALE 1" = 80'  
 DATE OCTOBER 26, 2010  
 DRAWN BAC  
 CHECKED BAC  
 JOB # 0612.0008  
 CAD FILE 0612.0008  
 SHEET # 3 of 8





REVISIONS  
 FIRST SUBMISSION  
 DATE: MARCH 2010  
 DRAWN BY: RW  
 CHECKED BY: RW  
 REVISIONS FOR COMMENTS  
 DATE: SEPTEMBER 2010  
 DRAWN BY: RW  
 CHECKED BY: RW  
 REVISIONS FOR COMMENTS  
 DATE: OCTOBER 2010  
 DRAWN BY: RW  
 CHECKED BY: RW

EXISTING CONDITIONS PLAN  
 LOT 2  
 THE ELLIPSE AT WESTFIELDS  
 SPECIAL EXCEPTION  
 SE 2010-SU-012  
 CHANTILLY, VIRGINIA  
 SUTLEY DESIGN

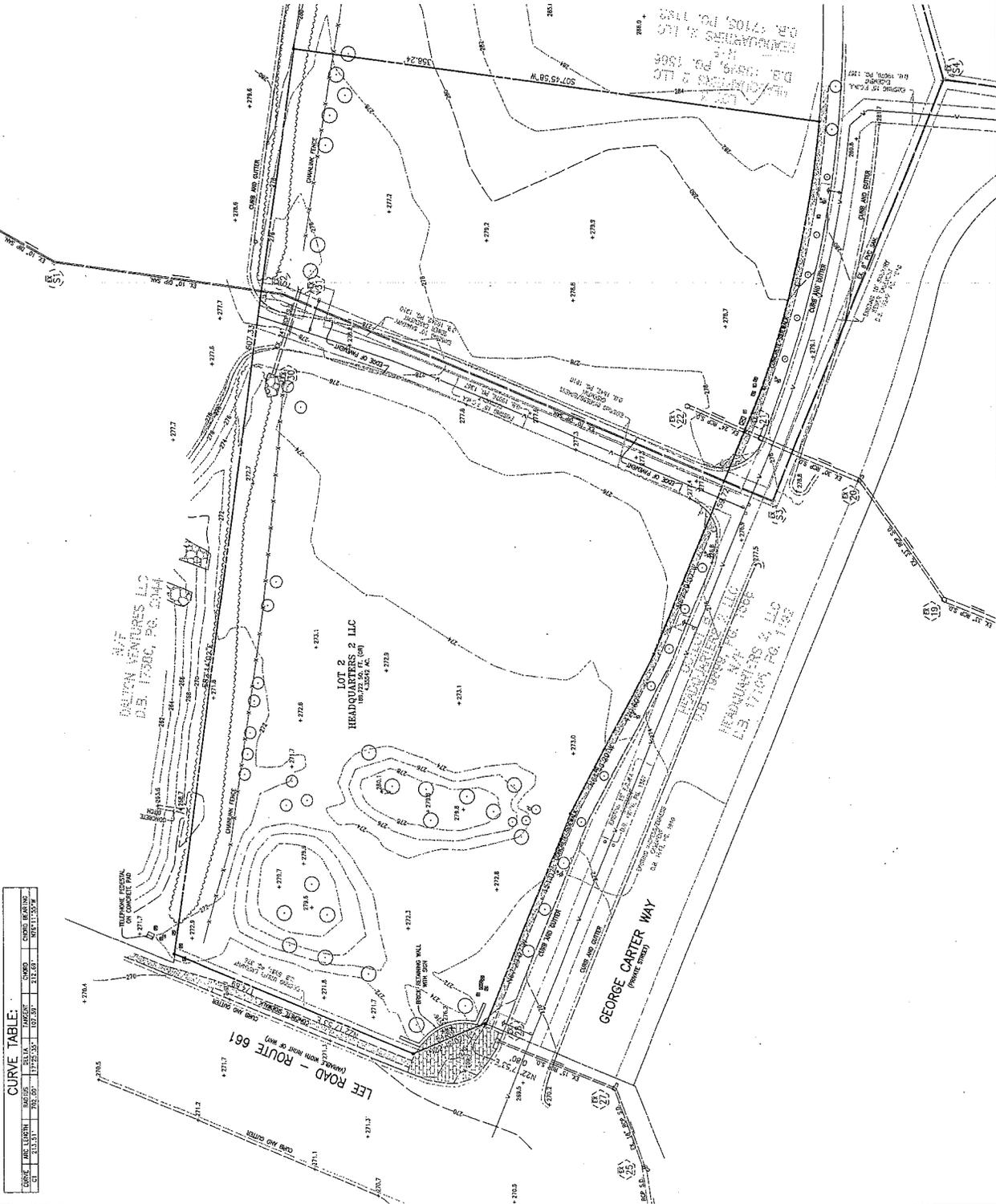
SCALE: 1" = 30'  
 DATE: OCTOBER 28, 2010  
 DRAWN: JAC  
 CHECKED: JAC  
 JOB #: 0512.0008  
 CAD FILE: 0512.0008  
 SHEET #: 4 of 8

LEGEND

- STORM SEWER MANHOLE
- STORM SEWER CURB INLET
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- ELECTRICAL MISC. BOX
- ELECTRICAL MISC. PANEL
- COMMUNICATION MISC. HOLE
- TELEPHONE FEEDER
- SIGN
- FENCE
- TREE, LINE
- BRICK SURFACE
- CONCRETE SURFACE
- ASPHALT
- REF. 100'

NOTES

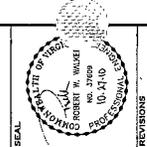
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2. THE PROPERTY IS ZONED "R" AND THE PROPERTY IS ZONED "R". THE PROPERTY IS ZONED "R" AND THE PROPERTY IS ZONED "R".
3. NO TITLE REPORT WAS FURNISHED.
4. THE PROPERTY SHOWN HEREON LIES WITHIN ZONE "R" AREAS OF THE CHANTILLY TOWN MAP AND ZONING ORDINANCE 10-10-0022. THE PROPERTY IS ZONED "R".
5. THE PROPERTY IS ZONED "R" AND THE PROPERTY IS ZONED "R".
6. THE PROPERTY IS ZONED "R" AND THE PROPERTY IS ZONED "R".
7. VERTICAL DATUM IS REFERRED TO (GEOIDAL)
8. CONTIGUOUS INTERNAL DIMENSIONS TWO FEET.



CURVE TABLE:

STATION	CHORD BEARING	CHORD LENGTH	ARC LENGTH	PIECE POINT
1+00.00	S 89° 58' 00" W	107.31	107.31	1+00.00
1+07.31	S 89° 58' 00" W	107.31	107.31	1+07.31
1+14.62	S 89° 58' 00" W	107.31	107.31	1+14.62
1+21.93	S 89° 58' 00" W	107.31	107.31	1+21.93
1+29.24	S 89° 58' 00" W	107.31	107.31	1+29.24
1+36.55	S 89° 58' 00" W	107.31	107.31	1+36.55
1+43.86	S 89° 58' 00" W	107.31	107.31	1+43.86
1+51.17	S 89° 58' 00" W	107.31	107.31	1+51.17
1+58.48	S 89° 58' 00" W	107.31	107.31	1+58.48
1+65.79	S 89° 58' 00" W	107.31	107.31	1+65.79
1+73.10	S 89° 58' 00" W	107.31	107.31	1+73.10
1+80.41	S 89° 58' 00" W	107.31	107.31	1+80.41
1+87.72	S 89° 58' 00" W	107.31	107.31	1+87.72
1+95.03	S 89° 58' 00" W	107.31	107.31	1+95.03
1+02.34	S 89° 58' 00" W	107.31	107.31	1+02.34
1+09.65	S 89° 58' 00" W	107.31	107.31	1+09.65
1+16.96	S 89° 58' 00" W	107.31	107.31	1+16.96
1+24.27	S 89° 58' 00" W	107.31	107.31	1+24.27
1+31.58	S 89° 58' 00" W	107.31	107.31	1+31.58
1+38.89	S 89° 58' 00" W	107.31	107.31	1+38.89
1+46.20	S 89° 58' 00" W	107.31	107.31	1+46.20
1+53.51	S 89° 58' 00" W	107.31	107.31	1+53.51
1+60.82	S 89° 58' 00" W	107.31	107.31	1+60.82
1+68.13	S 89° 58' 00" W	107.31	107.31	1+68.13
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1+97.37	S 89° 58' 00" W	107.31	107.31	1+97.37
1+04.68	S 89° 58' 00" W	107.31	107.31	1+04.68
1+11.99	S 89° 58' 00" W	107.31	107.31	1+11.99
1+19.30	S 89° 58' 00" W	107.31	107.31	1+19.30
1+26.61	S 89° 58' 00" W	107.31	107.31	1+26.61
1+33.92	S 89° 58' 00" W	107.31	107.31	1+33.92
1+41.23	S 89° 58' 00" W	107.31	107.31	1+41.23
1+48.54	S 89° 58' 00" W	107.31	107.31	1+48.54
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1+77.78	S 89° 58' 00" W	107.31	107.31	1+77.78
1+85.09	S 89° 58' 00" W	107.31	107.31	1+85.09
1+92.40	S 89° 58' 00" W	107.31	107.31	1+92.40
1+99.71	S 89° 58' 00" W	107.31	107.31	1+99.71
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1+80.12	S 89° 58' 00" W	107.31	107.31	1+80.12
1+87.43	S 89° 58' 00" W	107.31	107.31	1+87.43
1+94.74	S 89° 58' 00" W	107.31	107.31	1+94.74
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1+09.36	S 89° 58' 00" W	107.31	107.31	1+09.36
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1+28.66	S 89° 58' 00" W	107.31	107.31	1+28.66
1+35.97	S 89° 58' 00" W	107.31	107.31	1+35.97
1+43.28	S 89° 58' 00" W	107.31	107.31	1+43.28
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1+79.83	S 89° 58' 00" W	107.31	107.31	1+79.83
1+87.14	S 89° 58' 00" W	107.31	107.31	1+87.14
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1+45.62	S 89° 58' 00" W	107.31	107.31	1+45.62
1+52.93	S 89° 58' 00" W	107.31	107.31	1+52.93
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1+74.86	S 89° 58' 00" W	107.31	107.31	1+74.86
1+82.17	S 89° 58' 00" W	107.31	107.31	1+82.17
1+89.48	S 89° 58' 00" W	107.31	107.31	1+89.48
1+96.79	S 89° 58' 00" W	107.31	107.31	1+96.79
1+04.10	S 89° 58' 00" W	107.31	107.31	1+04.10
1+11.41	S 89° 58' 00" W	107.31	107.31	1+11.41
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1+26.03	S 89° 58' 00" W	107.31	107.31	1+26.03
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1+21.06	S 89° 58' 00" W	107.31	107.31	1+21.06
1+28.37	S 89° 58' 00" W	107.31	107.31	1+28.37
1+35.68	S 89° 58' 00" W	107.31	107.31	1+35.68
1+42.99	S 89° 58' 00" W	107.31	107.31	1+42.99
1+50.30	S 89° 58' 00" W	107.31	107.31	1+50.30
1+57.61	S 89° 58' 00" W	107.31	107.31	1+57.61
1+64.92	S 89° 58' 00" W	107.31	107.31	1+64.92
1+72.23	S 89° 58' 00" W	107.31	107.31	1+72.23
1+79.54	S 89° 58' 00" W	107.31	107.31	1+79.54
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1+08.78	S 89° 58' 00" W	107.31	107.31	1+08.78
1+16.09	S 89° 58' 00" W	107.31	107.31	1+16.09
1+23.40	S 89° 58' 00" W	107.31	107.31	1+23.40
1+30.71	S 89° 58' 00" W	107.31	107.31	1+30.71

William H. Gordon Associates, Inc.  
 4501 Dux Drive  
 Chantilly, VA 20151  
 PHONE 703-242-1500  
 FAX 703-242-0788  
 ENGINEERS - SURVEYORS - PLANNERS - LANDSCAPE ARCHITECTS

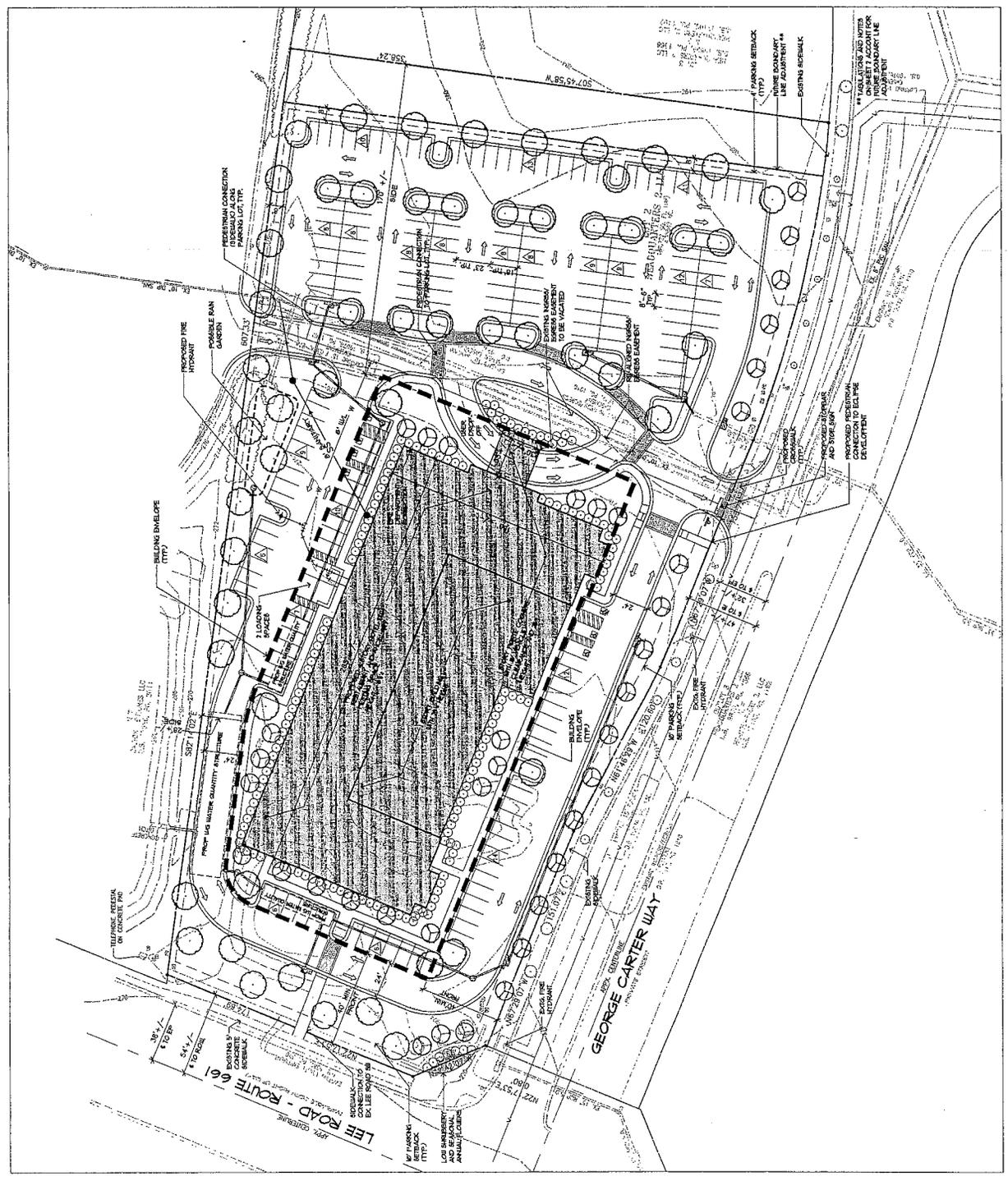
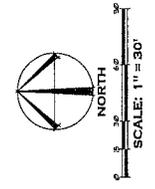
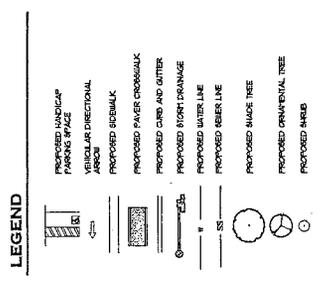


REVISIONS  
 FIRST SUBMISSION MARCH 2010  
 SECOND SUBMISSION SEPTEMBER 2010  
 REVISED PER STAFF COMMENTS OCTOBER 2010

SPECIAL EXCEPTION PLAT  
 LOT 2  
 THE ELLIPSE AT WESTFIELDS  
 SPECIAL EXCEPTION  
 SF 2010-SU-012  
 SULLY, CHANTILLY, VIRGINIA

SCALE 1" = 30'  
 DATE OCTOBER 26, 2010  
 DRAWN BAC  
 CHECKED BAC  
 JOB # 0612-0008  
 CAD FILE UTB-SP-008  
 SHEET # 5 of 8

- GENERAL NOTES**
1. REFER TO SHEET FOR GENERAL LOT LINES, SEE SHOWN TO THE PROPOSED BUILDING ENVELOPE. THE BUILDING FOOTPRINT AND DRIVEWAY SHALL BE ACQUIRED WITHIN THIS ENVELOPE AS SHOWN ON THE PRELIMINARY PLAT.
  2. ALL DIMENSIONS SHOWN SHALL BE CONSIDERED APPROXIMATE (A).
  3. REFER TO SHEET FOR SITE PARKING TABULATIONS AND ANGLES OF PARKING SPACES.







ENGINEERS - SURVEYORS - PLANNERS - LANDSCAPE ARCHITECTS  
 WILLIAM H. GORDON ASSOCIATES, INC.  
 4201 DOW DRIVE  
 CHARLOTTE, NC 28215  
 PHONE: 703-563-1500  
 FAX: 703-563-0755



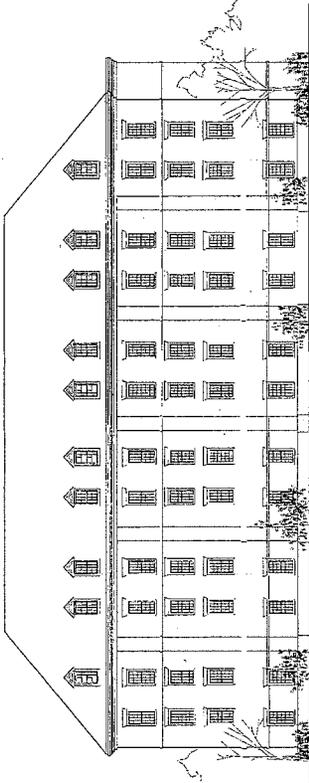
REVISIONS

FIRST SUBMISSION	MARCH 2010
REVISED PER COMMENTS	SEPTEMBER 2010
REVISED PER START COMMENTS	OCTOBER 2010

ARCHITECTURAL ELEVATIONS  
 LOT 2  
 THE ELLIPSE AT WESTFIELDS  
 SPECIAL EXCEPTION  
 SF 2010-SU-012  
 JULY 15, 2010 - CHANTILLY, VIRGINIA

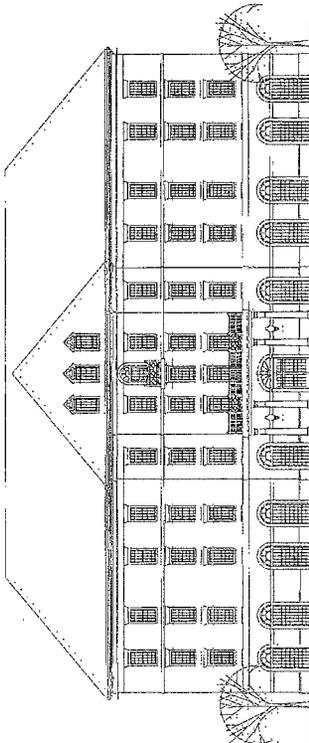
SCALE: N.T.S.

DATE	OCTOBER 28, 2010
DRAWN	BAC
CHECKED	BAC
JOB #	0012-0308
CAD FILE	0308-AE-10.dwg
SHEET #	8 of 8

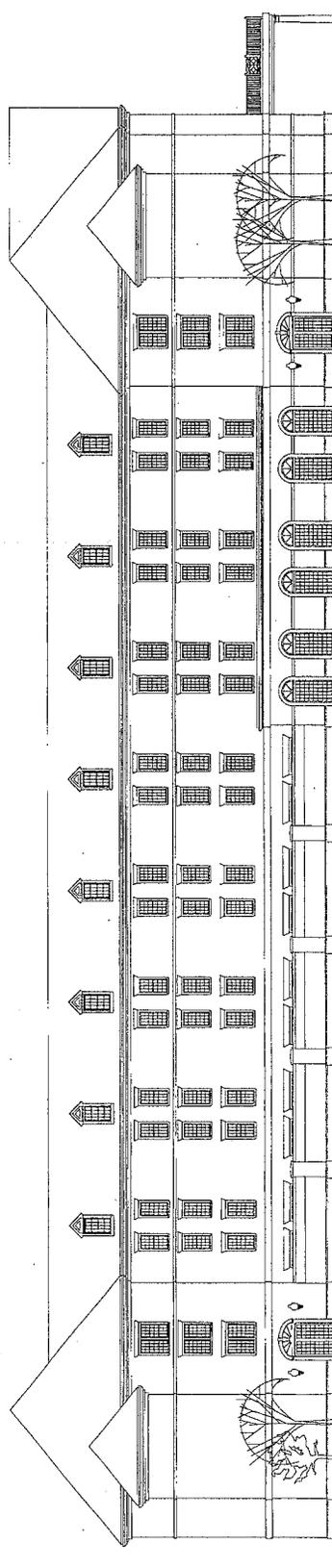


Front Elevation  
 Lot 1  
 HOTEL SUITES  
 CHANTILLY, VIRGINIA  
 The *Ellipse* AT WESTFIELDS

NOTE: ARCHITECTURAL ELEVATIONS SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY. THE FINAL CHARACTER THAT EXISTS AND IS DESIRED IN THE ECLIPSE DEVELOPMENT FINAL EXTERIOR MATERIAL TYPE WILL BE DETERMINED BY THE ARCHITECT. THE ARCHITECT WILL BE RESPONSIBLE FOR OBTAINING THE EXTERIOR MATERIALS THAT ARE SIMILAR TO AND COMPATIBLE WITH MATERIALS USED ON THE PROPERTY IDENTIFIED AS 44-1 (11) 1.



Side Elevation  
 Lot 2  
 HOTEL SUITES  
 CHANTILLY, VIRGINIA  
 The *Ellipse* AT WESTFIELDS



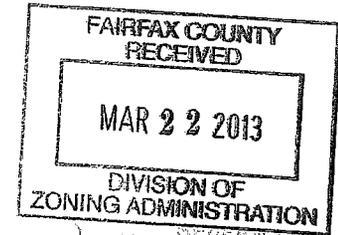
Side Elevation  
 Lot 3  
 HOTEL SUITES  
 CHANTILLY, VIRGINIA  
 The *Ellipse* AT WESTFIELDS



Sara V. Mariska  
 (703) 528-4700 Ext. 5419  
[smariska@arl.thelandlawyers.com](mailto:smariska@arl.thelandlawyers.com)

**WALSH COLUCCI  
 LUBELEY EMRICH  
 & WALSH PC**

March 20, 2013



APR 29 2013

Zoning Evaluation Division

Via U.S. Mail

Leslie B. Johnson  
 Zoning Administrator  
 Zoning Administration Division  
 Fairfax County Department of Planning & Zoning  
 12055 Government Center Parkway, Suite 807  
 Fairfax, Virginia 22035

Re: SE 2010-SU-012 (Fairfax County Tax Map Reference: 34-3 ((14)) 2 (part))  
 SE 2010-SU-013 (Fairfax County Tax Map Reference: 34-3 ((14)) 4)  
 Applicant: Headquarters 2, LLC

Dear Ms. Johnson:

Please accept this letter as a request for additional time in accordance with the provisions of Section 9-015 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The referenced special exception applications were approved by the Board of Supervisors on January 11, 2011 and are presently scheduled to expire on July 11, 2013 unless construction has commenced and been diligently pursued. On behalf of the Applicant, I hereby request thirty-six (36) months of additional time to commence construction of the improvements approved with the referenced applications.

The Applicant has been working to secure operators for the proposed hotels. As soon as the special exceptions were approved, the Applicant contacted thirty-four (34) parties that expressed interest in hotel development at this location. The Applicant has continued discussions with several hotel operators since that time; however, it has been unable to reach an agreement largely due to the downturn in the real estate market. The Applicant will continue to diligently pursue the preparation and submission of the plans necessary to commence construction in accordance with the special exceptions.

I would appreciate the acceptance of this letter in accordance with Section 9-015 of the Zoning Ordinance as a request for thirty-six (36) months of additional time to commence construction in accordance with the referenced special exceptions. Thirty-six (36) months of additional time will allow for continued negotiations with hotel operators and will ensure that plans can be prepared, submitted, and diligently pursued. The delays experienced by the Applicant were unforeseen circumstances at the time of approval. Further, there has been no

PHONE 703 528 4700 • FAX 703 525 3197 • WWW.THELANDLAWYERS.COM  
 COURTHOUSE PLAZA • 2200 CLARENDON BLVD., THIRTEENTH FLOOR • ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 • PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

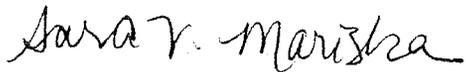
Page 2

change in circumstances that would render the approvals inconsistent with the Comprehensive Plan or the public interest.

Should you have any questions regarding this request, or require additional information, please do not hesitate to contact me. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

A handwritten signature in cursive script that reads "Sara V. Mariska".

Sara V. Mariska

SVM/kae

cc: Tom Nutt

Lynne J. Strobel

Thomas J. Colucci

{A0553181.DOCX / I Johnson Ltr re: additional time request 03.20.13 006093 000010}

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Board Agenda Item  
June 18, 2013

ADMINISTRATIVE - 6

Additional Time to Establish the Use for Special Exception Amendment SEA 84-M-012, Quan Q. Nguyen and Ngan T. Nguyen (Mason District)

ISSUE:

Board consideration of additional time to establish the use for SEA 84-M-012, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen (18) months additional time for SEA 84-M-012 to November 18, 2014.

TIMING:

Routine.

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On May 18, 2009, the Board of Supervisors approved Special Exception Amendment SEA 84-M-012, subject to development conditions. The application was filed in the name of Quan Q. Nguyen and Ngan T. Nguyen to amend SE 84-M-012 to permit modifications to the hours of operation for a previously approved office use in a residential district, pursuant to Section 3-504 of the Fairfax County Zoning Ordinance, for the property at 4217 Evergreen Lane, Tax Map 71-2 ((2)) 27 (see Attachment 1, Locator Map). SEA 84-M-012 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board grants additional time. The development conditions for SEA 84-M-012 are included as part of the Clerk to the Board's letter.

Board Agenda Item  
June 18, 2013

On December 6, 2011, the Board of Supervisors approved eighteen (18) months additional time to commence construction for SEA 84-M-012 until May 18, 2013. A copy of the Clerk to the Board's letter stating approval of additional time is attached (Attachment 3). The applicant stated the additional time was needed to complete the requirements of the SEA development conditions for additional tree plantings in order to obtain a new Non-RUP for the established medical office in practice since 1984.

On April 22, 2013, the Department of Planning and Zoning (DPZ) received a letter dated April 17, 2013, from Quan Q. Nguyen M.D., requesting four (4) years additional time (see Attachment 4). The approved Special Exception Amendment will not expire pending the Board's action on the request for additional time.

Dr. Nguyen states that the request for additional time is due to the slower economy. The additional time is needed to comply with the requirements of the SEA development conditions for additional tree plantings. The SEA development conditions require that prior to issuance of a new Non-RUP, the applicant shall provide two additional deciduous tree plantings within the front yard of the subject property along Evergreen Lane, per Development Condition 6, subject to approval by Urban Forest Management Division (UFMD). Development Condition 7 requires the planting of four additional trees along the southern property line, including at least two evergreen trees, subject to UFMD approval. The applicant also indicates that he will be filing a special exception amendment application for a new building.

Staff has reviewed Special Exception Amendment SEA 84-M-012 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit office use in a residential district. Further, staff knows of no change in land use circumstances that affects compliance of SEA 84-M-012 with the special exception standards applicable to this use or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the special exception amendment. Finally, the conditions associated with the Board's approval of SEA 84-M-012 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest. However, given that the applicant has already had 48 months to implement the SEA, staff believes that eighteen (18) months additional time should be adequate for the applicant to complete the development conditions and obtain a Non-RUP. Staff recommends that the Board grant additional time of eighteen (18) months. The additional time would begin from the prior specified expiration date of May 18, 2013, and would result in a new expiration date of November 18, 2014.

Board Agenda Item  
June 18, 2013

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map  
Attachment 2: Letter dated June 1, 2009, to Sue A. McWilliams  
Attachment 3: Letter dated December 7, 2011, to Sue A. McWilliams  
Attachment 4: Letter dated April 17, 2013, to Barbara C. Berlin

STAFF:

Robert A. Stalzer, Deputy County Executive  
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)  
Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ  
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ  
Pamela Nee, Chief, Environment and Development Review Branch, Planning Division, DPZ  
Carrie Lee, Staff Coordinator, ZED, DPZ

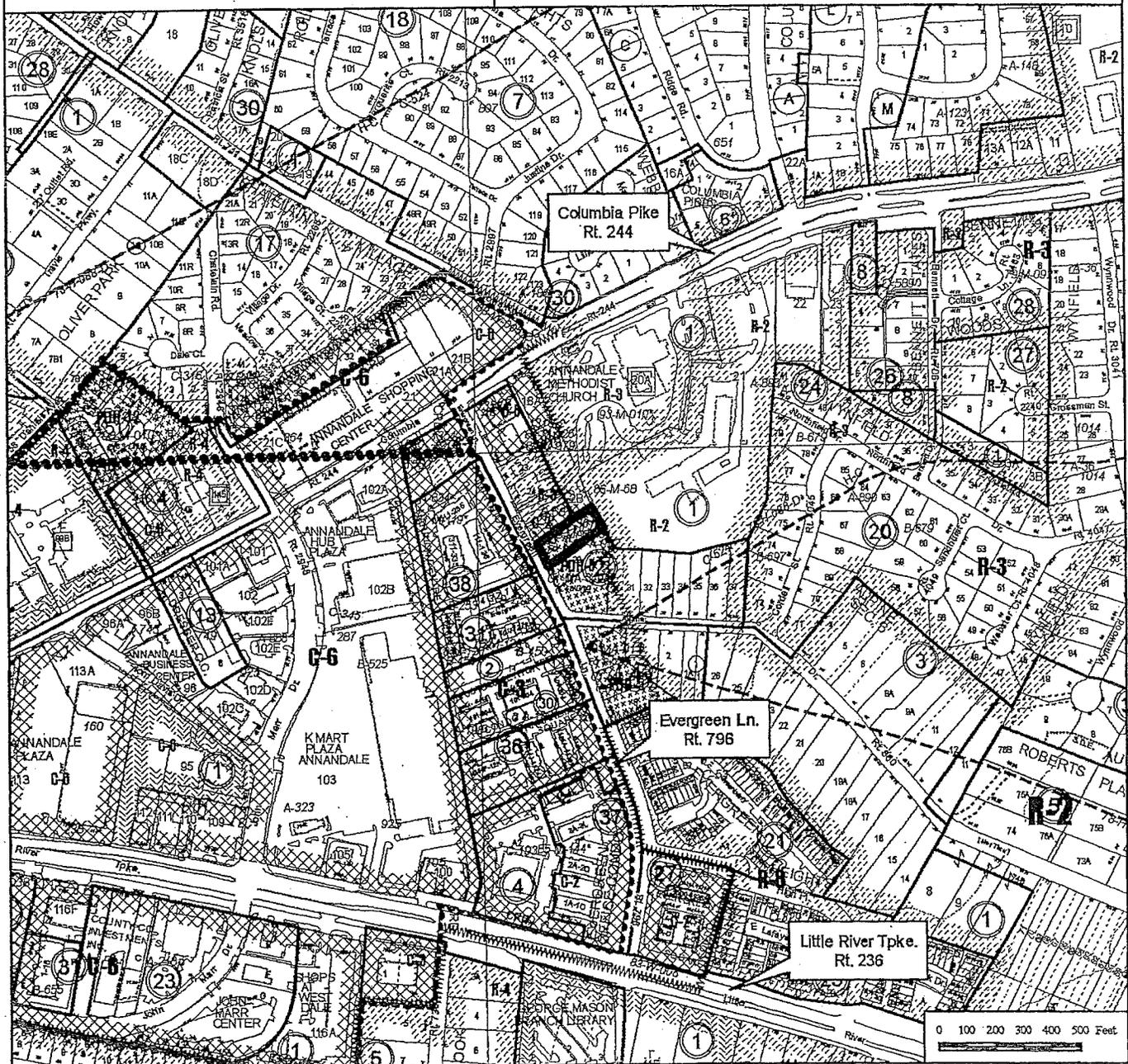
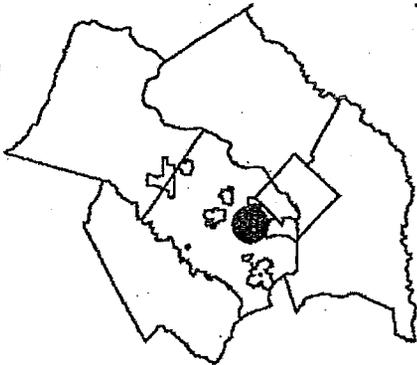
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# Special Exception Amendment

SEA 84-M-012

Applicant: QUAN Q. NGUYEN & NGAN T. NGUYEN  
 Accepted: 11/20/2008  
 Proposed: AMEND SE 84-M-012 PREVIOUSLY APPROVED FOR OFFICE TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS

Area: 20,713 SF OF LAND; DISTRICT - MASON  
 Zoning Dist Sect: 03-0504  
 Art 9 Group and Use: 5-17  
 Located: 4217 EVERGREEN LANE  
 Zoning: R- 5  
 Plan Area: 1,  
 Overlay Dist: HC SC  
 Map Ref Num: 071-2- /02/ /0027





# County of Fairfax, Virginia

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

June 1, 2009

Sue A. McWilliams  
4905 Kingston Drive  
Annandale, Virginia 22003

RE: Special Exception Amendment Application SEA 84-M-012

Dear Ms. McWilliams:

At a regular meeting of the Board of Supervisors held on May 18, 2009, the Board approved Special Exception Amendment Application SEA 84-M-012 in the name of Quan Q. Nguyen and Ngan T. Nguyen. The subject property is located at 4217 Evergreen Lane on approximately 20,713 square feet of land zoned R-5, HC, and SC in the Mason District [Tax Map 71-2 ((2)) 27]. The Board's action amends Special Exception Application SE 84-M-012, previously approved for an office to permit modifications to development conditions (hours of operation) pursuant to Section 3-504 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Plat entitled "Topographic Boundary Survey, Lot 27, Section "B"; Alpine Subdivision" prepared by Schiller & Associates and dated October, 1984. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The hours of operation of the site shall not exceed 9:00 A.M. to 7:00 P.M. on weekdays and 9:00 A.M. to 1:00 P.M. on Saturdays.

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

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfax.gov](mailto:clerktothebos@fairfax.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

5. All existing vegetation on the property is to be maintained in good condition and replaced as necessary.
6. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide two additional tree plantings within the front yard of the subject property along Evergreen Lane. Such plantings shall include at least two Category II deciduous tree species from the Fairfax County Public Facilities Manual as approved by Urban Forest Management (UFM). All trees shall have a minimum caliper of two (2 1/2") inches at the time of planting. See Attachment "A" for tree locations.
7. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide four additional tree plantings along the southern property line. Such plantings shall include at least two Category II evergreen tree species from the Fairfax County Public Facilities Manual as approved by UFM. All evergreen trees species shall be a minimum height of six (6) feet at the time of planting with a distance of eight feet between each tree. See Attachment "A" for tree locations.
8. The maximum number of employees, to include the physician(s), that shall be allowed on site at any one time shall be four (4).
9. The maximum number of patients visiting the office per day shall be twenty-five (25).

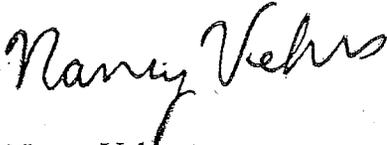
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established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

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

**The Board also:**

- Modified the transitional screening requirement in favor of existing on-site landscaping and as conditioned.
- Waived the barrier requirement in favor of existing on-site landscaping.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Sharon Bulova  
Supervisor Penelope Gross, Mason District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division  
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Barbara J. Lippa, Executive Director, Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation





# County of Fairfax, Virginia

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

December 7, 2011

Sue A. McWilliams  
4905 Kingstone Drive  
Annandale, VA 22003

RE: Special Exception Amendment Application SEA 84-M-012

Dear Ms. McWilliams:

At a regular meeting of the Board of Supervisors held on December 6, 2011, the Board approved 18 months additional time to commence construction for Special Exception Amendment Application SEA 2005-LE-027 in the name of Quan Q. Nguyen and Ngan T. Nguyen until May 18, 2013, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova  
Supervisor Jeff McKay, Lee District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Transportation Planning Division  
Capital Projects and Operations Div., Dept. of Transportation  
Audrey Clark, Director, Building Plan Review, DPWES  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways - VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Gordon Goodlett, Development Officer, DHCD/Design Development Division  
Planning Commission  
Jose Comayagua, Director, Facilities Management  
Gary Chevalier, Office of Capital Facilities/Fairfax County Public Schools  
Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Office of Clerk to the Board of Supervisors  
12000 Government Center Parkway, Suite 533  
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Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

APR 22 2013

Zoning Evaluation Division

April 17, 2013

Barbara C Berlin, Director  
Zoning Evaluation Division  
Dept. of Planning and Zoning  
12055 Government Center Pkway, Ste. 801  
Fairfax, VA 22035

Re: Application SEA 84-M-012 Extension  
Address of the property : 4217 Evergreen Lane,  
Annandale, VA 22003

Dear Ms Berlin,

Kris Abrahamson suggested I write to you and ask for additional time on my current SEA. I will be submitting a new amendment. My plan is to build a new building. I will be filing a new application soon. The economy has slowed this process down however I am moving forward. I am asking for an additional four (4) years for completion.

Thank you for your consideration.

Sincerely



Quan Q. Nguyen M.D.

cc: Kris Abrahamson, Dept. of Zoning & Planning  
Penelope A. Gross, Supervisor, Mason District  
Leslie B. Johnson, Zoning Administrator  
Kevin Guinaw, Chief, Special Project  
Winnie Williams, Planning Technician, Zoning Permit  
Review Branch

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Board Agenda Item  
June 18, 2013

ADMINISTRATIVE – 7

Authorization of a Public Hearing on a Proposal to Vacate and Abandon Southland Avenue (Mason District)

ISSUE:

Authorization of a public hearing on a proposal to vacate and abandon Southland Avenue.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject right-of-way.

TIMING:

The Board should take action on June 18, 2013, to provide sufficient time to advertise the public hearing for July 30, 2013, at 4:30 p.m.

BACKGROUND:

The applicant, Home Properties Orleans Village, LLC, is requesting that Southland Avenue north of Little River Turnpike (Route 236) be vacated and abandoned. Southland Avenue is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 2523).

The request is being made in order for the applicant to improve security in the surrounding apartment complex, known as Arbor Park. Apart from a small undeveloped Fairfax County Park Authority (FCPA) property, Arbor Park is the only adjacent land use. As part of the proposed security program for Arbor Park, Southland Avenue would be converted to a private street permitting the restriction of parking to residents and guests.

Traffic Circulation and Access

The abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access. There is no through access on Southland Avenue currently. Access to the FCPA property is maintained by the public access easements, and transit service is maintained by an agreement with the Washington Metropolitan Area Transit Authority (WMATA).

Board Agenda Item  
June 18, 2013

Easements

Public easement needs have been identified by VDOT, the Department of Public Works and Environmental Services, Fairfax County Park Authority, and Fairfax County Water Authority. Dominion Virginia Power, Verizon, and Washington Gas had also identified facilities within the area to be vacated and abandoned. WMATA also has bus service through the Arbor Park complex. The applicants have provided easements and agreements in forms acceptable to these agencies & companies. No other easement needs were identified.

The proposal to vacate and abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification  
Attachment II: Notice of Intent  
Attachment III: Order of Abandonment  
Attachment IV: Ordinance of Vacation  
Attachment V: Abandonment Plat  
Attachment VI: Metes and Bounds Description  
Attachment VII: Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Daniel Rathbone, Chief, Transportation Planning Division, FCDOT  
Donald Stephens, FCDOT

REQUEST AND JUSTIFICATION  
August 2, 2012

VACATION AND ABANDONMENT OF  
SOUTHLAND AVENUE

ARBOR PARK OF ALEXANDRIA  
(formerly ORLEANS VILLAGE)

(MASON DISTRICT)

Home Properties Orleans Village, LLC (the “Applicant”), the owner of Arbor Park of Alexandria (formerly Orleans Village) (Tax Map No. 72-1 ((1)), Parcels 44 and 44A) (the “Property”), respectfully requests the Fairfax County Board of Supervisors to vacate and abandon the public road known as Southland Avenue (Route 2523) located within the limits of the Property.

The Property is located on the north side of Little River Turnpike within the Lincolnia Planning District. The Property is zoned R-20 and is developed with multi-family residential units. Southland Avenue, a public street within a 60 foot-wide public right-of-way, is located entirely within the Property beginning on the north side of Little River Turnpike. In 2009, the County approved the vacation and abandonment of the then northern-most 115 feet of Southland Avenue at the request of the Applicant.

The Applicant is renovating and upgrading the residential buildings and the physical plant of the Property. As part of these efforts, the Applicant is exploring measures to enhance security within the Property. One such measure is to restrict the use of the parking spaces on Southland Avenue, which today can be utilized by anyone, to only the residents of the Property and their guests. This objective can be achieved by converting Southland Avenue from public to private ownership. The Applicant is willing to maintain Southland Avenue as a private street and to grant easements for public access and for existing utilities located within the limits of the now public right-of-way.

The Applicant believes the requested vacation and abandonment of Southland Avenue and its maintenance as a private street within the Property is in the best interest of the public and of the Arbor Park of Alexandria residents. The Applicant respectfully requests that the Board of Supervisors approve this application to vacate and abandon Southland Avenue.

NOTICE OF INTENT TO  
ADOPT AN ORDINANCE VACATING AND AN ORDER ABANDONING  
PARTS OF PLATS ON WHICH IS SHOWN

SOUTHLAND AVENUE (ROUTE 2523)

ARBOR PARK OF ALEXANDRIA  
(FORMERLY ORLEANS VILLAGE)

MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on July 30, 2013, at 4:30 p.m. during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. §15.2-2204, abandoning and vacating parts of the plats of the property of Home Properties Orleans Village, LLC, recorded in Deed Book 2787 at Page 563, Deed Book 2872 at Page 722, and Deed Book 18898 at Page 1515 on which is shown Southland Avenue. The area of Southland Avenue to be vacated and abandoned totals 88,781 square feet, or 2.0382 acres, is located on Tax Map No. 72-1 ((1)) Parcel 44 and on Tax Map No. 72-1 ((1)) Parcel 44A, and is described and shown on the metes and bounds schedules dated March 4, 2013 and on the plat prepared by KCI Technologies, Inc., dated March 4, 2013, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22035 (Telephone number 703-324-1135).

All persons wishing to speak on this subject may call the Office of the Clerk to the Board (703-324-3151) to be placed on the Speaker's List, or may appear and be heard.

MASON DISTRICT

§15.2-2272(2)

§33.1-151

ORDER OF ABANDONMENT

SOUTHLAND AVENUE (ROUTE 2523)  
ARBOR PARK OF ALEXANDRIA  
(FORMERLY ORLEANS VILLAGE)

MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 30th day of July, 2013, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code §33.1-151, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this road as a public road, and that the safety and welfare of the public will be served best by an abandonment; and

WHEREFORE, BE IT ORDERED:

That Southland Avenue (Route 2523), a total area of 88,781 square feet, or 2.0382 acres, within Arbor Park of Alexandria (formerly Orleans Village), located on Tax Map No. 72-1 ((1)) Parcel 44 and Tax Map No. 72-1 ((1)) Parcel 44A, and described and shown in the metes and bounds schedules dated March 4, 2013, and on the plat prepared by KCI Technologies, Inc., dated March 4, 2013, which is attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code §33.1-151.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

---

Catherine A. Chianese  
Clerk to the Board

§33.1-151

ADOPTION OF AN ORDINANCE VACATING  
PARTS OF PLATS ON WHICH IS SHOWN

SOUTHLAND AVENUE (ROUTE 2523)  
ARBOR PARK OF ALEXANDRIA  
(FORMERLY ORLEANS VILLAGE)

MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax County, Virginia, on July 30, 2013, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: parts of the plats of the property of Home Properties Orleans Village, LLC, recorded in Deed Book 2787 at Page 563, Deed Book 2872 at Page 722, and Deed Book 18898 at Page 1515 on which is shown Southland Avenue, having a total area of 88,781 square feet, or 2.0382 acres, located on Tax Map No. 72-1 ((1)) Parcel 44 and Tax Map No. 72-1 ((1)) Parcel 44A, and described and shown on the metes and bounds schedules dated March 4, 2013, and on the plat prepared by KCI Technologies, Inc., dated March 4, 2013, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2272(2).

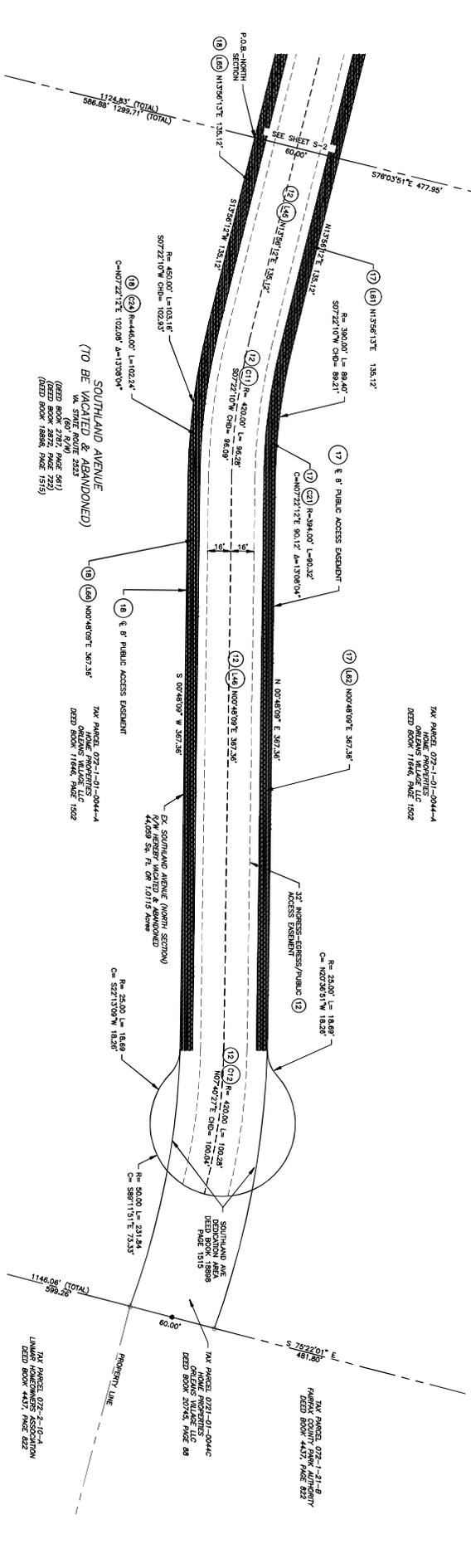
This vacation is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the vacated roadway, without any permission of the landowner(s).

A Copy Teste:

---

Catherine A. Chianese  
Clerk to the Board

§ 15.2-2272(2)

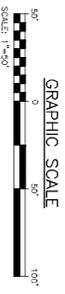


**PLAT OF SOUTHLAND AVENUE  
(NORTH SECTION)**

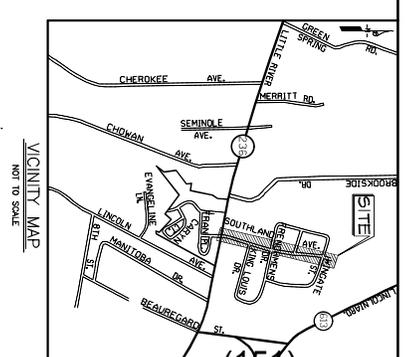
SCALE: 1"=40'

**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO VACATE AND ABANDON THE EXISTING 60 FEET WIDE PUBLIC RIGHT OF WAY ACROSS TAX PARCELS 072-1-01-0044-A AND 072-1-01-0044.
2. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE VIRGINIA STATE PLANE GEODESIC SYSTEM, NORTH AMERICAN DATUM, 1983.
3. DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A REPORT OF TITLE.
5. SURVEY REFERENCES:
  - PLAT BOOK 2872 PAGE 772
  - DEED BOOK 1898 PAGE 1502
  - DEED BOOK 1898 PAGE 1515
  - DEED BOOK 1898 PAGE 1515
6. TOTAL AREA OF PUBLIC RIGHT OF WAY HEREBY VACATED AND ABANDONED IS 86,791 Sq. Ft. OR 1.98 ACRES.
7. ACCESS TO ADJACENT PROPERTIES FROM THE PUBLIC RIGHT OF WAY SHALL BE BY THE MOST DIRECT AND CONVENIENT ACCESS AND MAINTENANCE TO THEM SHALL BE BY THE MOST DIRECT AND CONVENIENT ACCESS AND MAINTENANCE TO THEM AS DEPICTED ON SHEETS S-1 THROUGH S-8.



GRAPHIC SCALE



**OWNER'S CERTIFICATION**

HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH I HAVE ACQUIRED BY DEED FROM THE VIRGINIA STATE DEPARTMENT OF TAX COLLECTION AND RECEIPTS, AND I ACCEPT THIS PLAT SHOWING THE VACATION AND ABANDONMENT OF SOUTHLAND AVE. AND GRANTING OF EASEMENTS AS DEPICTED ON SHEETS S-1 THROUGH S-8 WITH MY CONSENT.

**SURVEYOR'S CERTIFICATION**

I, THE SURVEYOR, HAVE MADE A CAREFUL AND ACCURATE SURVEY OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND I HEREBY CERTIFY THAT THE BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE TO THE NEAREST HUNDREDTH (1/100) OF AN INCH. I HAVE BEEN LICENSED BY THE BOARD OF PROFESSIONAL LAND SURVEYORS OF THE STATE OF VIRGINIA, LICENSE NUMBER 0000000089, AND I HAVE BEEN REGISTERED AS A PROFESSIONAL LAND SURVEYOR SINCE 03/20/2014.

DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

SIGNATURE: \_\_\_\_\_

JEFFERSON D. LAWRENCE, PROFESSIONAL LAND SURVEYOR  
REGISTRATION LICENSE NUMBER 0000000089  
EXPIRATION DATE 03/20/2014

**PLAT SHOWING**

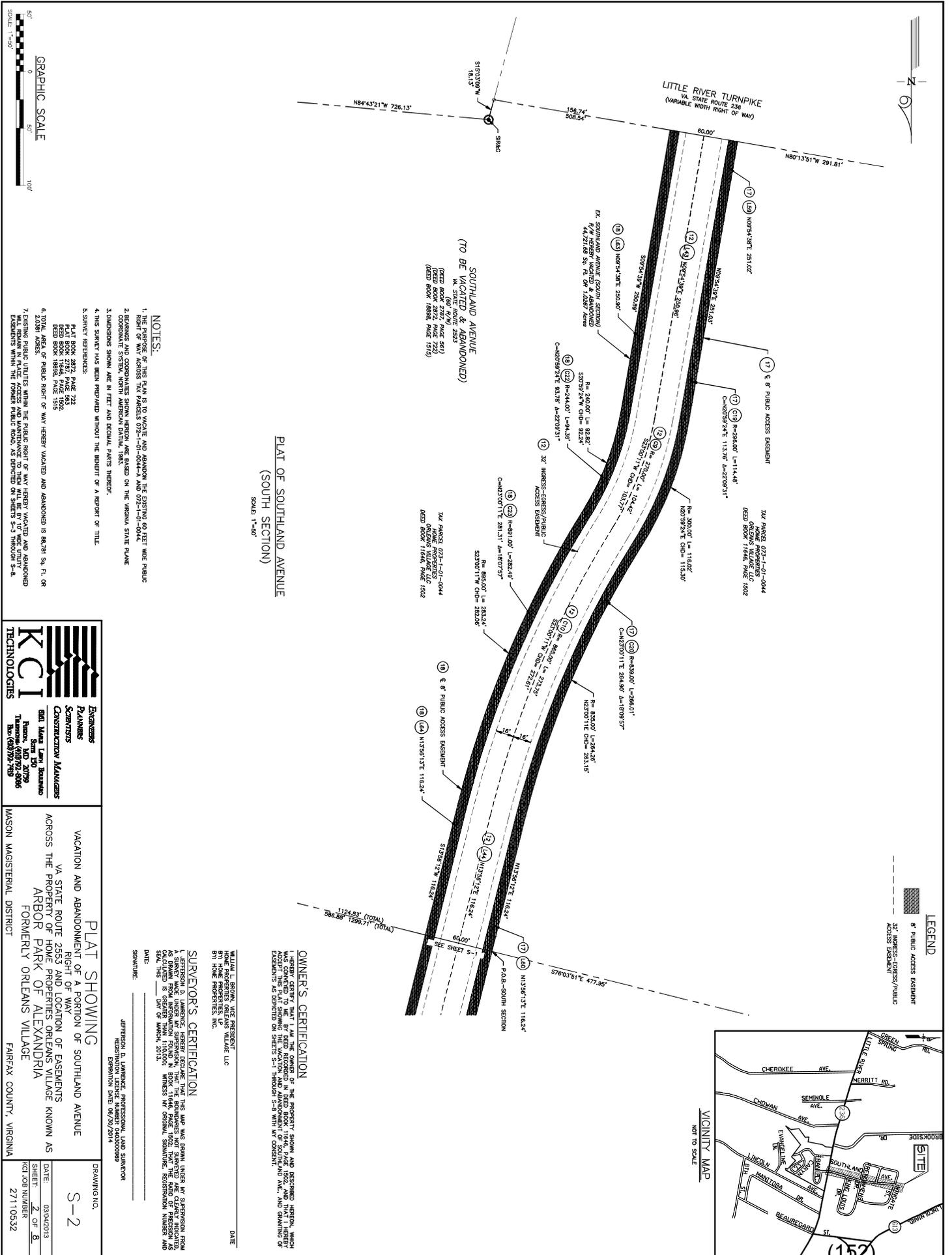
VACATION AND ABANDONMENT OF A PORTION OF SOUTHLAND AVENUE  
 VIA STATE ROUTE 2510  
 ACROSS THE PROPERTY OF HOME PROPERTIES ORLEANS VILLAGE (KNOWN AS ARBOR PARK OF ALEXANDRIA)  
 FORMERLY ORLEANS VILLAGE  
 FAIRFAX COUNTY, VIRGINIA

**PLANNERS**  
 KCI TECHNOLOGIES  
 801 Main Street, Suite 150  
 Alexandria, VA 22304  
 Tel: (703) 770-7700

**CONSTRUCTION MANAGERS**  
 MASON MAJESTRAL DISTRICT

DRAWING NO. **S-1**

DATE: 03/04/2013  
 SHEET: 1 OF 8  
 KCI JOB NUMBER: 27110532



**PLAT OF SOUTHLAND AVENUE  
(SOUTH SECTION)**  
SCALE: 1"=50'

**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO VACATE AND ABANDON THE EXISTING 60 FEET WIDE PUBLIC RIGHT OF WAY ACROSS TAX PARCELS 072-1-01-0044 AND 072-1-01-0044.
2. EASEMENTS AND EASEMENT HOLDERS SHOWN HEREON ARE BASED ON THE VIRGINIA STATE PLAT.
3. DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A REPORT OF TITLE.
5. SURVEY REFERENCES:
  - PLAT BOOK 2872, PAGE 722
  - DEED BOOK 1646, PAGE 1922
  - DEED BOOK 1898A, PAGE 1918
6. TOTAL AREA OF PUBLIC RIGHT OF WAY HEREBY VACATED AND ABANDONED IS 80,281 SQ. FT. OR WILL REMAIN IN PLACE, ASSESSED AND MAINTAINED TO REMAIN WILL BE BY THE UNIT OWNERS.
7. EXISTING PUBLIC UTILITIES WITHIN THE PUBLIC RIGHT OF WAY HEREBY VACATED AND ABANDONED WILL REMAIN IN PLACE, ASSESSED AND MAINTAINED TO REMAIN WILL BE BY THE UNIT OWNERS WITHIN THE FORMER PUBLIC RIGHT OF WAY AS DEPICTED ON SHEETS S-3 THROUGH S-8.

**OWNER'S CERTIFICATION**

I, HERBERT GENTY, THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH I HEREBY CERTIFY TO BE TRUE AND CORRECT, AND I HEREBY ACCEPT THIS PLAT SHOWING THE VACATION AND ABANDONMENT OF SOUTHLAND AVE., AND GRANTING OF EASEMENTS AS DEPICTED ON SHEETS S-1 THROUGH S-8 WITH MY CONSENT.

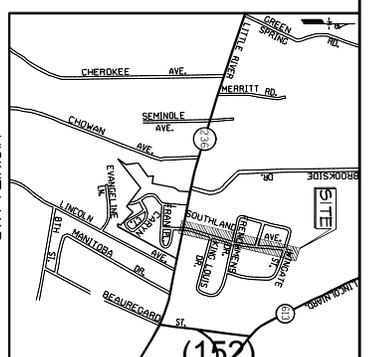
WILLIAM L. BROWN, USE RESIGNOR  
HOME PROPERTIES OF OLEANS WILKIE LLC  
BY: HOME PROPERTIES, INC. DATE: \_\_\_\_\_

**SURVEYOR'S CERTIFICATION**  
JEFFERSON D. LAWRENCE, PROFESSIONAL LAND SURVEYOR  
REISSUE NUMBER: 1200000899  
EXPIRES: MARCH 31, 2013

**PLAT SHOWING**  
VACATION AND ABANDONMENT OF A PORTION OF SOUTHLAND AVENUE  
VA STATE ROUTE 2553 AND LOCATION OF EASEMENTS  
ACROSS THE PROPERTY OF HOME PROPERTIES OF OLEANS VILLAGE KNOWN AS  
ARBOR PARK OF ALEXANDRIA  
FORMERLY OLEANS VILLAGE  
FAIRFAX COUNTY, VIRGINIA

DRAWING NO. S-2  
DATE: 03/04/2013  
SHEET: 2 OF 8  
KCI JOB NUMBER: 27110332

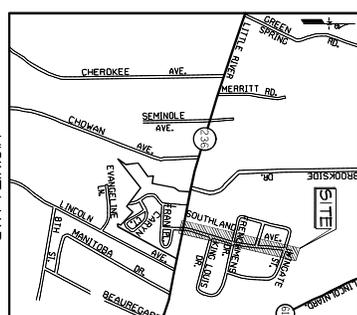
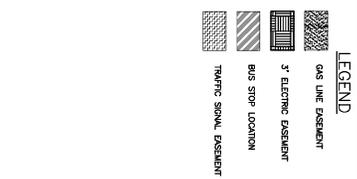
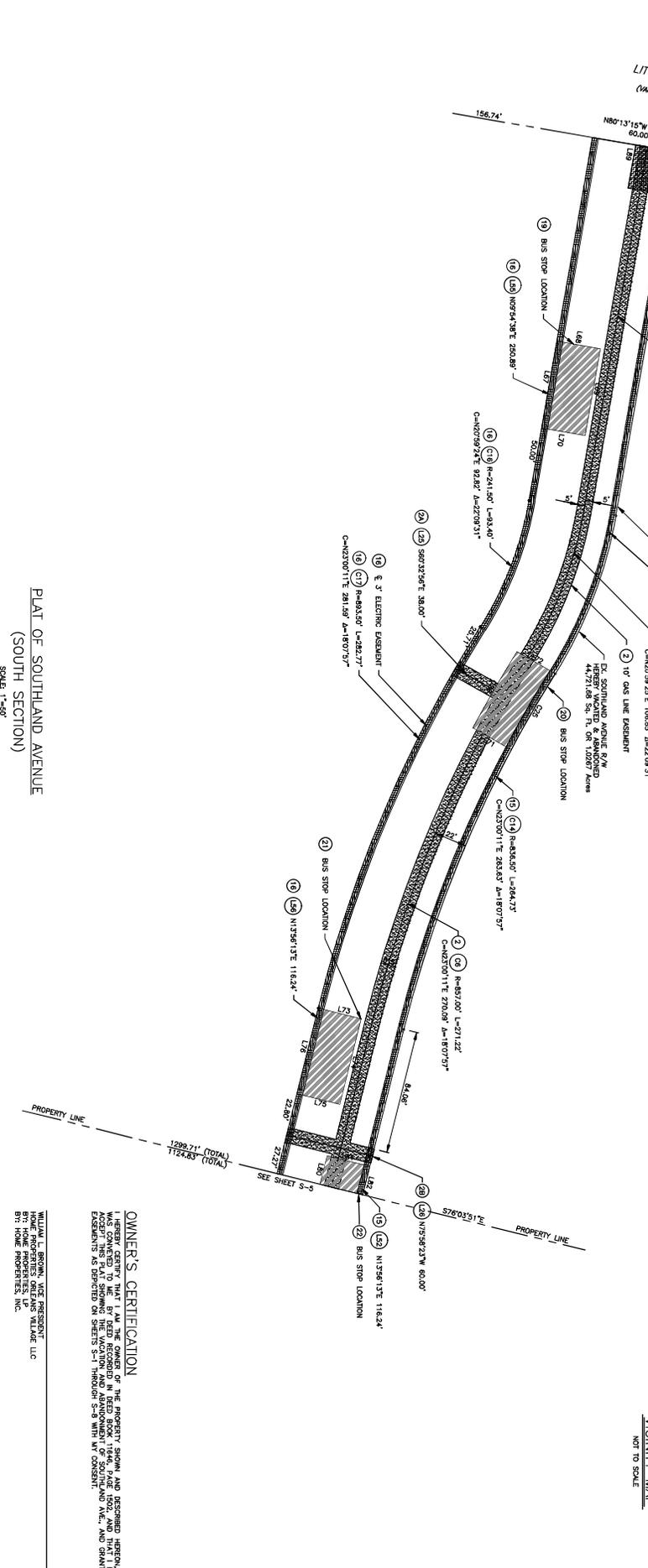
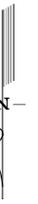
**KCI TECHNOLOGIES**  
Engineers  
Surveyors  
Construction Managers  
GEO. MAZUR, LAWYER  
1500 S. BRIDLE PATH  
SUITE 150  
TAMMESA, VA 22089  
TEL: (540) 792-2806  
FAX: (540) 792-7969











PLAT OF SOUTHLAND AVENUE  
(SOUTH SECTION)  
SCALE: 1"=50'

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO VACATE AND ABANDON THE EXISTING 60 FEET WIDE PUBLIC RIGHT OF WAY ACROSS TAX PARCELS 072-1-01-004-14 AND 072-1-01-004-1.
2. EASEMENTS AND EASEMENT LOCATIONS SHOWN HEREON ARE BASED ON THE VIRGINIA STATE PLAT.
3. DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A REPORT OF TITLE.
5. SURVEY REFERENCES:
  - PLAT BOOK 2372, PAGE 722
  - DEED BOOK 1646, PAGE 1922
  - DEED BOOK 1898, PAGE 1919
6. TOTAL AREA OF PUBLIC RIGHT OF WAY HEREBY VACATED AND ABANDONED IS 80,281 SQ. FT. OR WILL REMAIN IN PLACE, ASSESSED AND MAINTAINED TO ROAD WILL BE BY THE NEIGHBORING EASEMENTS WITHIN THE FORMER PUBLIC ROAD, AS DEPICTED ON SHEETS S-3 THROUGH S-8.

OWNER'S CERTIFICATION

I, WILFRED L. BROWN, USE RESIGNOR OF HOME PROPERTIES OF ORLEANS VILLAGE LLC BY HOME PROPERTIES, INC. DATE: \_\_\_\_\_

SUBRECTOR'S CERTIFICATION

I, JEFFERSON D. LAWRENCE, PROFESSIONAL LAND SURVEYOR REISSUE NUMBER 12028, N. 9429, 2013. SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PLAT SHOWING

VACATION AND ABANDONMENT OF A PORTION OF SOUTHLAND AVENUE ACROSS THE PROPERTY OF HOME PROPERTIES OF ORLEANS VILLAGE ARBOR PARK OF ALEXANDRIA FORMERLY ORLEANS VILLAGE FAIRFAX COUNTY, VIRGINIA

**KCI TECHNOLOGIES**  
**ENGINEERS**  
 PLANNERS  
 CONSTRUCTION MANAGERS  
 600 Main Lane, Suite 150  
 Alexandria, VA 22304  
 Telephone: (434) 792-2906  
 Fax: (434) 792-7769

DRAWING NO.	S-6
DATE	03/04/2013
SHEET	6 OF 8
KCI JOB NUMBER	27110532







ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

8161 Mapelawn Blvd Suite 150 • Fulton MD 20759 • 410-792-8086 • (FAX) 410-792-7419

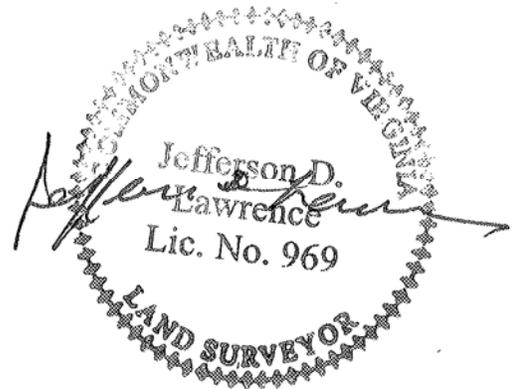
**Legal Description  
Vacation and Abandonment Area  
Northern Section of Southland Avenue  
Mason Magisterial District  
Fairfax County, Virginia  
March 4, 2013**

Beginning for the same at the Eastern end of the South 74 degrees 58 minutes 50 seconds West 60.00 foot line of Southland Avenue, 60 foot wide, as shown on a plat recorded among the land records of Fairfax County, Virginia, in deed book 2872 at page 724, "P.O.B. for Northern Section" as shown on Plat Sheet S-1, thence binding on said line, as now surveyed, referring all courses of this description to the Virginia North State Grid System (NAD 83/93)

- 1) North 76 degrees 03 minutes 51 seconds West 60.00 feet, thence binding on the westerly side of Southland Avenue, as shown on said plat,
- 2) North 13 degrees 56 minutes 12 seconds East 135.12 feet, thence
- 3) Northerly by a curve to the left 89.40 feet, said curve having a radius of 390.00 feet and a chord of North 07 degrees 22 minutes 10 seconds East 89.21 feet, thence
- 4) North 00 degrees 48 minutes 09 seconds East 367.36 feet, thence binding on the dedication and abandonment areas as recorded in deed book 18898 at page 1515 and deed book 20745 at page 88, three courses,
- 5) Northerly by a curve to the left 18.69 feet, said curve having a radius of 25.00 feet and a chord of North 20 degrees 36 minutes 51 seconds West 18.26 feet, thence
- 6) Northerly by a curve to the right 231.84 feet, said curve having a radius of 50.00 feet and a chord of South 89 degrees 11 minutes 51 seconds East 73.33 feet, thence
- 7) Southerly by a curve to the left 18.69 feet, said curve having a radius of 25.00 feet and a chord of South 22 degrees 13 minutes 09 seconds West 18.26 feet, thence binding on the easterly side of Southland Avenue
- 8) South 00 degrees 48 minutes 09 seconds West 367.36 feet, thence

- 9) Southerly by a curve to the right 103.16 feet, said curve having a radius of 450.00 feet and a chord of South 07 degrees 22 minutes 10 seconds West 102.93 feet, thence
- 10) South 13 degrees 56 minutes 12 seconds West 135.12 feet to the Point of Beginning.

Containing 44,059 square feet or 1.0115 acres of land more or less.





ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

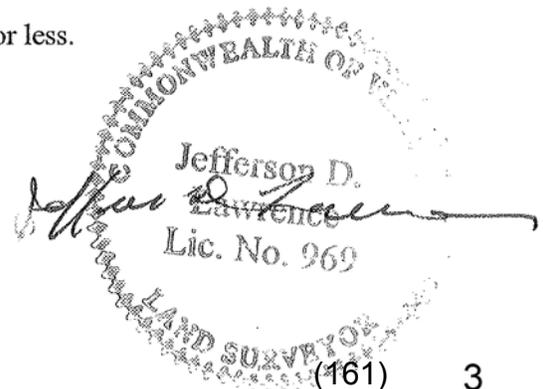
8161 Maplelawn Blvd Suite 150 • Fulton MD 20759 • 410-792-8086 • (FAX) 410-792-7419

**Legal Description  
Vacation and Abandonment Area  
Southern Section of Southland Avenue  
Mason Magisterial District  
Fairfax County, Virginia  
March 4, 2013**

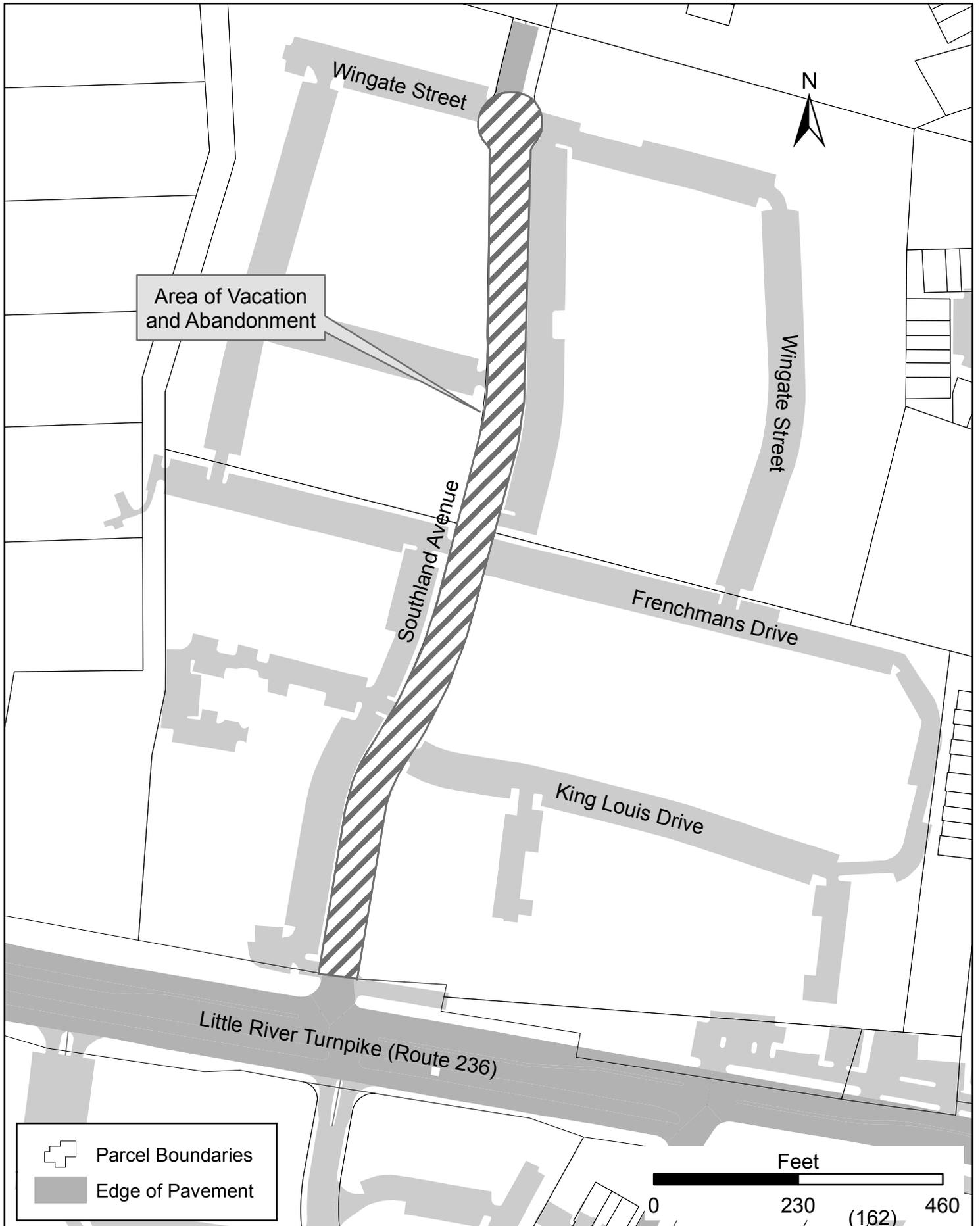
Beginning for the same at the western end of the South 74 degrees 58 minutes 50 seconds West 60.00 foot line of Southland Avenue, 60 foot wide, as shown on a plat recorded among the land records of Fairfax County, Virginia, in deed book 2787 at page 563, "P.O.B. for Southern Section" as shown on Plat Sheet S-1, thence binding on said line, as now surveyed, referring all courses of this description to the Virginia North State Grid System (NAD 83/93)

- 1) South 76 degrees 03 minutes 51 seconds West 60.00 feet, thence binding on the easterly side of Southland Avenue, as shown on said plat,
- 2) South 13 degrees 56 minutes 12 seconds West 116.24 feet, thence
- 3) Southerly by a curve to the right 283.24 feet, said curve having a radius of 895.00 feet and a chord of South 23 degrees 00 minutes 11 seconds West 282.06 feet, thence
- 4) Southerly by a curve to the left 92.82 feet, said curve having a radius of 240.00 feet and a chord of South 20 degrees 59 minutes 24 seconds East 92.24 feet, thence
- 5) South 09 degrees 54 minutes 39 seconds West 250.89 feet to intersect the northerly side of Little River Turnpike, a variable width right-of-way, thence binding on said turnpike
- 6) North 80 degrees 13 minutes 15 seconds West 60.00 feet, thence leaving said turnpike and binding on the westerly side of Southland Avenue,
- 7) North 09 degrees 54 minutes 39 seconds East 251.03 feet, thence
- 8) Northerly by a curve to the right 116.02 feet, said curve having a radius of 300.00 feet and a chord of North 20 degrees 59 minutes 24 seconds East 115.30 feet, thence
- 9) Northerly by a curve to the left 264.26 feet, said curve having a radius of 835.00 feet and a chord of North 23 degrees 00 minutes 11 seconds East 263.15 feet, thence
- 10) North 13 degrees 56 minutes 12 seconds East 116.24 feet to the Point of Beginning.

Containing 44,721.68 square feet or 1.0267 acres of land more or less.



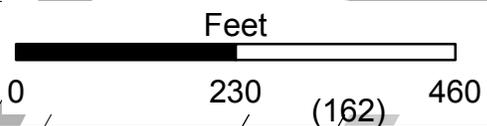
Vicinity Map - Tax Map 72-1



Area of Vacation and Abandonment



	Parcel Boundaries
	Edge of Pavement



ADMINISTRATIVE – 8

Authorization of a Public Hearing on a Proposal to Abandon a Part of Colshire Drive, Discontinue Colshire Drive, and Convey the Abandoned Right-of-Way to Johnson 1 Colshire 7600 LLC et. al. (Providence District)

ISSUE:

Authorization of a public hearing on a proposal to abandon part of Colshire Drive, discontinue Colshire Drive, and convey the abandoned portion to Johnson 1 Colshire 7600 LLC; **and Taylor Colshire Meadow LLC, per the request of Johnson 1 Colshire 7600 LLC, Taylor Colshire Meadow LLC,** the MITRE Corporation, and Cityline Partners LLC (the Applicants).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the abandonment of the subject right-of-way, the discontinuance of this and the remainder of Colshire Drive, and the conveyance of the abandoned right-of-way to ~~the Applicants~~ **Johnson 1 Colshire 7600 LLC and Taylor Colshire Meadow LLC.**

TIMING:

The Board should take action on June 4, 2013 to provide sufficient time to advertise the public hearing for July 30, 2013, at 4:30 p.m.

BACKGROUND:

The Applicants are requesting that part of Colshire Drive be abandoned, the entirety of Colshire Drive be discontinued and the abandoned parcel be conveyed to ~~the Applicants~~ **Johnson 1 Colshire 7600 LLC and Taylor Colshire Meadow LLC** in exchange for other right-of-way for the realignment of Colshire Drive. Colshire Drive is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 6471).

The request is being made in coordination with zoning cases RZ 2011-PR-010 and RZ-2011-PR-011 that were approved by the Board on April 9, 2013. In the proffers for these zoning cases, the Applicants committed to construct a realignment of Colshire Drive to conform to the planned street grid for Tysons and present this new roadway for acceptance to the VDOT State Secondary System.

To facilitate the development of an improved Tysons street grid under the proffers the Applicants and the County entered into an agreement on April 10, 2013 to exchange part of the right-of-way for existing Colshire Drive for the right-of-way of the future alignment conforming to the planned street grid, subject to approval by the Board. The agreement, in paragraph 8, also commits the Applicants to construct the realigned Colshire Drive per the proffer commitments under RZ-2011-PR-010 and RZ-2011-PR-011. The order of abandonment and resolution for conveyance are necessary steps in the fulfillment of the agreement.

To simultaneously comply with VDOT requirements and to maintain public access, the Applicants also request the County to petition VDOT to discontinue Colshire Drive in its entirety from State maintenance. The Applicants will assume the maintenance responsibility, to VDOT standards, for Colshire Drive under paragraph 7 of the agreement until ~~the realigned roadway is accepted for maintenance by VDOT~~ **completion of the Road Improvements and the opening of realigned Colshire Drive to public use.**

To ensure full commitment to the realignment of Colshire Drive, under paragraph 6 of the agreement, final execution of the exchange, recordation of the abandonment, and presentation of the discontinuance to VDOT will occur only after the submission of a Final Development Plan that includes the realigned Colshire Drive construction.

#### Traffic Circulation and Access

The abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access. A permanent realignment of Colshire Drive conforming to the Tysons grid plan will replace the current right-of-way.

#### Easements

Public easement needs have been identified by the Department of Public Works and Environmental Services. Verizon had also identified facilities within the area to be abandoned. The interim easement requirements will be met by the execution of the easement deed shown as Exhibit B of the agreement; final easements will be identified during processing of the site plan. No other easement needs were identified.

The proposal to abandon and convey this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment I: Statement of Justification
- Attachment II: Notice of Intent
- Attachment III: Order of Abandonment
- Attachment IV: Abandonment Plat
- Attachment V: Metes and Bounds Description
- Attachment VI: Resolution to Convey
- Attachment VII: Resolution of Discontinuance
- Attachment VIII: Discontinuance Plat
- Attachment IX: Agreement for exchange of rights-of-way
- Attachment X: Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive  
David J. Molchany, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Jose Comayagua, Jr., Director, Facilities Management Department  
Donald Stephens, FCDOT

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**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

H. Mark Goetzman  
(703) 528-4700 Ext. 5452  
mgoetzman@arl.thelandlawyers.com  
Fax: (703) 528-6050

November 20, 2012

**VIA OVERNIGHT DELIVERY**

Donald Stephens  
Fairfax County Department of Transportation  
4050 Legato Rd, Ste 400  
Fairfax, VA 22033-2895

Re: Request for Abandonment of Portions of Colshire Drive,  
Route 6471, Providence District, Fairfax County, Virginia  
Applicant: Cityline Partners, LLC

Dear Donald:

This letter constitutes a request and statement of justification to abandon portions of Colshire Drive, Route 6471, Fairfax County, Virginia. Colshire Drive is located in the Providence Magisterial District (hereinafter referred to as the "Right-of-Way"). This request is made on behalf of the Applicant pursuant to Virginia Code Section 33.1-151. The Applicant is the developer of approximately 30.47 acres of real property located in proximity to the Right-of-Way.

The Right-of-Way was conveyed to the Board of Supervisors of Fairfax County, Virginia (the "Board"), by virtue of a deeds and plats recorded in Deed Book 3446 at page 181, Deed Book 11577 at page 770 and Deed Book 11772 at page 983, all among the land records of Fairfax County, Virginia. On or about February 14, 2011, the Applicant submitted applications pending before the Board and referenced as rezoning application RZ 2011-PR-011 and RZ 2011-PR-010. Said applications propose a rezoning from the C-3 District to the PTC District to permit an overall 4.27 Floor Area Ratio (FAR) comprised of office, residential, hotel and retail development (the "Rezoning"). Abandonment of the Right-of-Way will facilitate and result in the straightening of Colshire Drive to be consistent with the planned grid of streets in Tysons Corner. As you are aware, the Fairfax County Department of Transportation and VDOT have both strongly recommended the realignment of Colshire Drive. Colshire Drive as realigned is shown on the Conceptual Development Plan (CDP) submitted with the rezoning applications. A reduction of Sheet C-4 of the CDP is attached for your convenient reference.

The Right-of-Way area to be abandoned is shown on the enclosed plat entitled "Plat Showing Abandonment of the Portions of Colshire Drive Route #6471" prepared by Vika, Inc. (the "Plat"). The total area to be abandoned is 30,928 square feet, which will be conveyed to the Applicant.

The conveyance to the Applicant, or its designee, is in exchange for the dedication by the underlying fee owner of additional public right-of-way to the Board for realignment of Colshire Drive. I am enclosing a right-of-way exhibit prepared by Vika, Inc. which shows the areas to be abandoned in green, the areas to be dedicated in red and the proposed realignment of Colshire Drive (the "ROW Exhibit"). In addition to the dedication, the Applicant shall, at its cost and expense, construct the realignment of Colshire Drive in accordance with a separate agreement between the Applicant and the Board.

PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM  
COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

November 20, 2012  
Page 2

I request your review and circulation of this application to the appropriate parties as soon as possible. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY,  
EMRICH & WALSH, P.C.

  
H. Mark Goetzman

HMG/tis  
Enclosure

cc: Tom Fleury  
Keith Turner  
Marguerite Guarino  
Pam Pelto  
Martha Coello  
John Amatetti  
Tom Harding  
Lynne Strobel

## REVISED - ADMINISTRATIVE 8 - ATTACHMENT II

### NOTICE OF INTENT TO ABANDON, CONVEY, AND DISCONTINUE

COLSHIRE DRIVE-ROUTE 6471  
PROVIDENCE DISTRICT,  
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on July 30, 2013, at 4:30 PM during its regular meeting in the Board Auditorium at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA, pursuant to Virginia Code 33.1-151, to consider the proposed abandonment of portions of a public road known as Colshire Drive-Route 6471 in the vicinity of Colshire Meadow Drive and, concurrently, the conveyance of same to Johnson 1 Colshire 7600 LLC; **and** Taylor Colshire Meadow LLC, ~~the MITRE Corporation, and Cityline Partners LLC~~ per an agreement signed April 10, 2013. At the same place and time the Board of Supervisors will concurrently consider the discontinuance of Colshire Drive from Dolly Madison Boulevard, Route 123, to the cul-de-sac terminus, pursuant to Virginia Code § 33.1-150. The road is located on Tax Map 030-3, and is described and shown on the metes and bounds schedule dated November 19, 2012, abandonment plat dated November 19, 2012, and discontinuance plat dated May 15, 2013, all prepared by VIKA, Inc. and on file in the Fairfax County Department of Transportation, 4050 Legato Road, Fairfax Virginia, 22033, telephone number 703-877-5600.

All persons wishing to speak on this subject may call the Office of the Clerk to the Board (703-324-3151) to be placed on the Speaker's List, or may appear and be heard.

PROVIDENCE DISTRICT

ORDER OF ABANDONMENT OF  
COLSHIRE DRIVE-ROUTE 6471

PROVIDENCE DISTRICT,  
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 30th day of July, 2013, it duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code § 33.1-158, at which meeting a quorum was present and voting, and upon due consideration of the historic value of the road, if any, the Board has determined that no public necessity exists for the continuance of the road and that the welfare of the public will be served best by abandoning the road, therefore

BE IT ORDERED:

That portions of COLSHIRE DRIVE-ROUTE 6471 from Dolly Madison Boulevard Route 123 to the cul-de-sac terminus, located on Tax Map 030-3 and described and shown on the metes and bounds schedule, dated November 19, 2012, and plat, dated November 19, 2012, each prepared by VIKA, Inc. and attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code § 33.1-151.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

---

Catherine A. Chianese  
Clerk to the Board

**NOTES:**

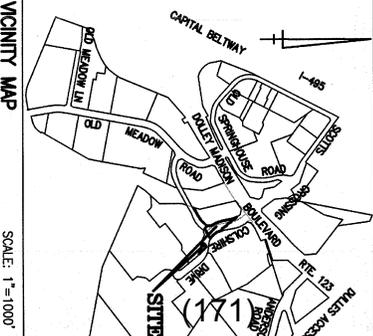
THE SUBJECT PROPERTY SHOWN HEREON IS SHOWN ON FAIRFAX COUNTY TAX ASSESSMENT MAP 030-3. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND FLOOD ZONE "AE" (BASE FLOOD ELEVATION DETERMINED) AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY FLOOD NUMBER 215323.083. DATED SEPTEMBER 2006. THE FLOOD INSURANCE RATE MAP COMMUNITY FLOOD NUMBER 215323.083 IS A PART OF THE FEDERAL EMERGENCY MANAGEMENT SYSTEM OF 1983 (FEMA 83) BASED ON A PLAT RECORDED IN DEED BOOK 14774 AT PAGE 1546 ENTITLED "BOUNDARY LINE ADJUSTMENT ON LOT 3A AND 4A2 - WESTGATE PARK" AND PREPARED BY PATTON HARRIS RUST & ASSOCIATES. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON RECORDED INFORMATION. THE BOUNDARY INFORMATION SHOWN HEREON IS ESTABLISHED PER ARTICLE 2-306 OF THE ZONING ORDINANCE FOR THE AREA ABANDONED. THE AREA ABANDONED IS THE ENTIRE ABANDONED PUBLIC STREET AND UTILITIES EASEMENT IS HEREBY GRANTED OVER THE ENTIRE ABANDONED AREA TO ALLOW FOR PUBLIC ACCESS AND EXISTING UTILITIES. SAID EASEMENT SHALL ALLOW UTILITIES TO BE RELOCATED AND EXISTING UTILITIES TO BE RELOCATED AND EXISTING UTILITIES IN THE ABANDONMENT AREAS HAVE BEEN RELOCATED WITHIN THE NEW STREET DEDICATION OR SPECIFIC EASEMENTS FOR SAID UTILITIES HAVE BEEN GRANTED.

**DOLLEY MADSON BOULEVARD ~ ROUTE #123**  
(WIDTH VARIES)

C/A PER PROJECT 0100-029-108, RW201

**COLSHIRE DRIVE ROUTE #6471**  
(80' WIDE)

2,765 SQ. FT. OR 0.06348 ACRE PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES (DB 11772 PG 2007 (NO DENSITY CREDIT))



VICINITY MAP SCALE: 1" = 1000'

TM# 029-4-01-00331  
PARK AUTHORITY  
(D.B. 2685, PG. 35)  
ZONE R-1-SO  
USE: RECREATION

4,284 SQ. FT. SUBJECT TO  
CERTIFICATE OF TAKE  
DB 2015 PG 554  
CORRECTED DB 2017 PG 123  
(NO DENSITY CREDIT)

2,245 SQ. FT. OR 0.05154 AC.  
PREVIOUSLY DEDICATED FOR  
PUBLIC STREET PURPOSES  
(HEREBY ABANDONED)  
SEE NOTE #6

7,094 SQ. FT. OR 0.16285 AC.  
PREVIOUSLY DEDICATED FOR  
PUBLIC STREET PURPOSES  
(HEREBY ABANDONED)  
SEE NOTE #6

TM# 030-3-28-83  
PARCEL B-1-B  
INDUSTRIAL PARK  
WESTGATE  
(D.B. 11572 PG. 2370 AC.  
(D.B. 11898 PG. 1841)  
(DENSITY CREDIT))

14,105 SQ. FT. PREVIOUSLY  
DEDICATED FOR PUBLIC  
STREET PURPOSES  
(DB 11577 PG. 770  
FOR DENSITY CREDIT)

551 SQ. FT. OR 0.01266 ACRE  
PREVIOUSLY DEDICATED FOR  
PUBLIC STREET PURPOSES  
(DB 21665 PG. 1392)  
(NO DENSITY CREDIT)

**COLSHIRE MEADOW DRIVE**  
(VARIABLE WIDTH)  
(NOT IN STATE SYSTEM)

1,372 SQ. FT. PREVIOUSLY DEDICATED  
FOR PUBLIC STREET PURPOSES  
(DB 11772 PG. 983)  
(NO DENSITY CREDIT)

TM# 030-3-28-CI  
"TAYLOR"  
PART OF  
PARCEL B-1-A1  
WESTGATE  
INDUSTRIAL PARK  
(D.B. 12845, PG. 103)  
(D.B. 15815, PG. 1019)  
222,051 S.F. OR 5.09759 AC.

3,800 SQ. FT. OR 0.08723 AC.  
PREVIOUSLY DEDICATED FOR  
PUBLIC STREET PURPOSES  
(DB 31446 PG. 181)  
(HEREBY ABANDONED)  
SEE NOTE #6

17,789 SQ. FT. OR 0.40838 AC.  
PREVIOUSLY DEDICATED FOR  
PUBLIC STREET PURPOSES  
(DB 3446 PG. 181)  
(HEREBY ABANDONED)  
SEE NOTE #6

COLSHIRE DRIVE  
DEDICATED W/O DENSITY CREDIT  
(DB 3446, PG. 181)

TM# 030-3-28-00048  
"JOHNSON I"  
LOT 74A1-A  
WESTGATE  
INDUSTRIAL PARK  
(D.B. 21665, PG. 1592)  
340,582 S.F. OR 7.81869 AC.

TM# 030-3-28-0004C  
"JOHNSON II (MIRE IV)"  
LOT 74A1-B  
WESTGATE  
INDUSTRIAL PARK  
(D.B. 21665, PG. 1592)  
127,884 S.F. OR 2.93581 AC.

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C31	152.04'	176.00'	49.29 42°	81.13'	S39°04'18"E	147.35'
C32	22.76'	455.50'	2.51 45°	11.38'	S80°13'04"W	22.75'
C33	5.19'	1.50'	198.13 13°	9.35'	S10°55'59"E	2.96'
C34	123.86'	272.00'	26.05 24°	63.02'	N23°25'56"W	122.79'
C35	58.65'	163.00'	20.17 01°	29.65'	N23°01'13"W	58.34'
C36	108.28'	176.00'	32.89 39°	51.54'	N73°13'25"W	98.93'
C37	43.85'	258.00'	9.50 14°	22.03'	N63°17'25"W	43.80'
C38	25.92'	31.00'	47.09 49°	13.53'	N50°04'02"E	24.80'
C39	12.06'	9.00'	76.47 39°	7.13'	S82°28'58"E	11.18'
C40	63.52'	256.00'	14.12 59°	31.92'	S43°21'31"E	63.35'
C41	115.35'	256.00'	25.48 59°	58.67'	S23°41'14"E	114.38'

**ABANDONMENT AREA TABULATION:**

PORTION OF COLSHIRE DRIVE 17,789 SF OR 0.40838 ACERS DB 3446 PG 181  
 PORTION OF COLSHIRE DRIVE 3,800 SF OR 0.08723 ACERS DB 3446 PG 181  
 PORTION OF COLSHIRE DRIVE 7,094 SF OR 0.16285 ACERS DB 11577 PG 770  
 PORTION OF COLSHIRE DRIVE 2,245 SF OR 0.05154 ACERS DB 11772 PG 983  
**TOTAL ABANDONMENT AREA 30,928 SF OR 0.71000 ACERS**

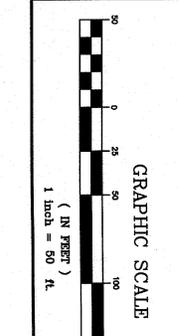


SHEET 1 OF 1  
PLAT SHOWING  
ABANDONMENT  
OF  
PORTIONS OF  
**COLSHIRE DRIVE ROUTE #6471**  
DEED BOOK 3446 PAGE 181  
DEED BOOK 11577 PAGE 770  
DEED BOOK 11772 PAGE 983  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 50' DATE: NOVEMBER 19, 2012

ENGINEERS & PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ SUSTAINABLE DESIGN

WVA INCORPORATED  
8190 GREENBORO DRIVE, SUITE 200 ■ MEDFORD, VIRGINIA 22102  
(703)442-7800 ■ FAX (703)781-2787  
MELENI, VA

**RP#**



**COLSHIRE DRIVE ABANDONMENT AREA 1**

NOVEMBER 19, 2012

## DESCRIPTION OF

A PORTION OF  
COLSHIRE DRIVE  
DEED BOOK 3446, PAGE 181  
DEED BOOK 11577, PAGE 770  
DEED BOOK 11772, PAGE 983

PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

Being a portion of Colshire Drive (variable width right of way) previously dedicated for Public Street Purposes by Deeds recorded in Deed Book 3446 at Page 181, Deed Book 11577 at Page 770, and Deed Book 11772 at Page 983 all among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning at a point lying on the westerly right of way line of said Colshire Drive (variable width right of way), said point marking the southeasterly corner of Parcel B-1-B, Westgate Industrial Park as recorded in Deed Book 11577 at Page 770 among the aforesaid Land Records; thence running with said Parcel B-1-B the following four (4) courses and distances:

- 1.) North 01°18'05" East, 46.83 feet to a point of curvature; thence
- 2.) 123.86 feet along the arc of a curve to the right having a radius of 272.00 feet and a chord bearing and distance of North 23°52'56" West, 122.79 feet to a point; thence
- 3.) North 10°50'11" West, 120.12 feet to a point of curvature; thence
- 4.) 58.65 feet along the arc of a curve to the left having a radius of 163.00 feet and a chord bearing and distance of North 21°08'19" West, 58.34 feet to a point; thence leaving the aforesaid Parcel B-1-B, Westgate Industrial Park (DB 11577 Pg 770) and running so as to cross and include a portion of the aforesaid Colshire Drive (variable width right of way) the following twenty (20) courses and distances
- 5.) South 39°34'09" East, 7.42 feet to a point; thence
- 6.) South 32°59'14" East, 54.97 feet to a point; thence
- 7.) South 58°00'15" East, 18.97 feet to a point; thence
- 8.) South 32°59'14" East, 16.47 feet to a point; thence
- 9.) South 50°25'51" West, 0.32 feet to a point; thence
- 10.) South 39°34'09" East, 2.78 feet to a point; thence
- 11.) South 32°59'14" East, 33.08 feet to a point; thence
- 12.) South 58°00'15" East, 18.97 feet to a point; thence
- 13.) South 32°59'14" East, 16.47 feet to a point; thence
- 14.) South 50°25'51" West, 0.32 feet to a point; thence
- 15.) South 39°34'09" East, 2.78 feet to a point; thence
- 16.) South 32°59'14" East, 34.58 feet to a point; thence
- 17.) South 68°00'15" East, 30.55 feet to a point; thence
- 18.) South 10°46'44" East, 2.84 feet to a point of curvature; thence
- 19.) 5.19 feet along the arc of a curve to the left having a radius of 1.50 feet and a chord bearing and radius of South 10°55'59" East, 2.96 feet to a point of compound curvature; thence
- 20.) 152.04 feet along the arc of a curve to the left having a radius of 176.00 feet and a chord bearing and distance of South 36°04'18" East, 147.35 feet to a point; thence
- 21.) South 58°47'12" West, 54.98 feet to a point of curvature; thence

VIKA, Incorporated

8180 Greensboro Drive, Suite 200 \* McLean, Virginia 22102 \* 703.442.7800 Fax 703.761.2787  
McLean, VA \* Germantown, MD \* Washington, DC

[www.vika.com](http://www.vika.com)

- 22.) 22.76 feet along the arc of a curve to the right having a radius of 455.50 feet and a chord bearing and distance of South 60°13'04" West, 22.75 feet to a point thence
- 23.) South 61°38'57" West, 51.35 feet to a point; thence
- 24.) North 50°43'07" West, 47.28 feet to the point of beginning containing 27,128 square feet or 0.62277 acres of land.

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**COLSHIRE DRIVE ABANDONMENT AREA 2**

NOVEMBER 19, 2012

## DESCRIPTION OF

**A PORTION OF  
COLSHIRE DRIVE  
DEED BOOK 3446, PAGE 181**

**PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA**

Being a portion of Colshire Drive (variable width right of way) previously dedicated for Public Street Purposes by Deed recorded in Deed Book 3446 at Page 181 among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning at a point lying on the common line of the westerly right of way line of said Colshire Drive (variable width right of way) and Parcel B-1-A1, Westgate Industrial Park as recorded in Deed Book 12845 at Page 103 and in Deed Book 15815 at Page 1019 all among the aforesaid Land Records, said point also lying distant North 38°32'45" West, 117.17 and 56.38 feet along the arc of a curve to the left having a radius of 176.00 feet and a chord bearing and distance of North 47°43'25" West, 56.14 feet from the southeasterly corner of said Parcel B-1-A1; thence running with said common line the following two (2) courses and distances:

- 1.) 100.28 feet along the arc of a curve to the left having a radius of 176.00 feet and a chord bearing and distance of North 73°13'25" West, 98.93 feet to a point of reverse curvature; thence
- 2.) 43.95 feet along the arc of a curve to the right having a radius of 256.00 feet and a chord bearing and distance of North 84°37'35" West, 43.90 feet to a point; thence leaving the aforesaid common line of the westerly right of way line of Colshire Drive (variable width right of way) and Parcel B-1-A1, Westgate Industrial Park (DB 12845 Pg 103, DB 15815 Pg 1019) and running so as to cross and include a portion of the aforesaid Colshire Drive (variable width right of way) the following six (6) courses and distances
- 3.) North 61°38'57" East, 4.18 feet to a point of curvature; thence
- 4.) 25.52 feet along the arc of a curve to the left having a radius of 31.00 feet and a chord bearing and distance of North 38°04'02" East, 24.80 feet to a point; thence
- 5.) North 14°29'08" East, 10.09 feet to a point; thence
- 6.) North 58°47'12" East, 32.68 feet to a point of curvature; thence
- 7.) 12.06 feet along the arc of a curve to the right having a radius of 9.00 feet and a chord bearing and distance of South 82°48'58" East, 11.18 feet to a point; thence
- 8.) South 44°25'09" East, 111.28 feet to the point of beginning containing 3,800 square feet or 0.08723 acres of land.

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 McLean, VA \* Germantown, MD \* Washington, DC

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**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, July 30, 2013, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the Board of Supervisors has approved the abandonment of part of Colshire Drive located on Tax Map 030-3 and described and shown on the metes and bounds schedule, dated November 19, 2012, and plat, dated November 19, 2012, each prepared by VIKA, Inc.,

**WHEREAS**, Johnson 1 Colshire 7600 LLC, ~~and Taylor Colshire Meadow LLC, the MITRE Corporation, and Cityline Partners LLC, (Applicants)~~ seek to acquire the fee simple interest in the parcel created by said abandonment for fair market value consideration,

**WHEREAS**, the County has no current or planned use for the parcel created by the abandonment,

**WHEREAS**, ~~the Applicants~~ **Johnson 1 Colshire 7600 LLC and Taylor Colshire Meadow LLC** agree to exchange this parcel with other land of equivalent fair market value in conformance with an agreement between the County, ~~and the Applicants Johnson 1 Colshire 7600 LLC, Taylor Colshire Meadow LLC, and others,~~ executed on April 10, 2013,

**WHEREAS**, the Board of Supervisors finds that it would be in the best interest of the residents of Fairfax County to convey in consideration of fair market value, pursuant to the agreement, the real property as described above to ~~the Applicants~~ **Johnson 1 Colshire 7600 LLC and Taylor Colshire Meadow LLC**.

**NOW, THEREFORE**, upon public hearing duly advertised according to law, it is **RESOLVED** that, in consideration of the fair market value of the parcel, the County Executive or Deputy County Executive is hereby authorized to execute all necessary documents to convey the real property described above to ~~the Applicants~~ **Johnson 1 Colshire 7600 LLC and Taylor Colshire Meadow LLC**.

A Copy Teste:

\_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, July 30, 2013, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Johnson 1 Colshire 7600 LLC, Taylor Colshire Meadow LLC, the MITRE Corporation, and Cityline Partners LLC, (Applicants) petitioned the Fairfax County Board of Supervisors to discontinue Colshire Drive (Route 6471), and;

WHEREAS, residual portions remain after the Board of Supervisors approved a partial abandonment of Colshire Drive (Route 6471) on July 30, 2013, and;

WHEREAS, on April 10, 2013, the Applicants and the County entered into an agreement for exchanging the abandoned area for land held by the Applicants;

WHEREAS, the portion of Colshire Drive was dedicated to the Fairfax County Board of Supervisors by various deeds and plats and recorded among the Land Records of Fairfax County, Virginia, in Deed Book 3446 and Page 181, Deed Book 11577 and page 770, and Deed Book 11772 and Page 983, and;

WHEREAS, the Applicants have committed, though the April, 10, 2013, agreement, to maintain the existing Colshire Drive until the Applicants construct a new alignment and have it accepted for maintenance by the Virginia Department of Transportation, and;

WHEREAS, notice of intention to discontinue Colshire Drive was given in accordance with Va. Code Ann. § 33.1-150 (2011),

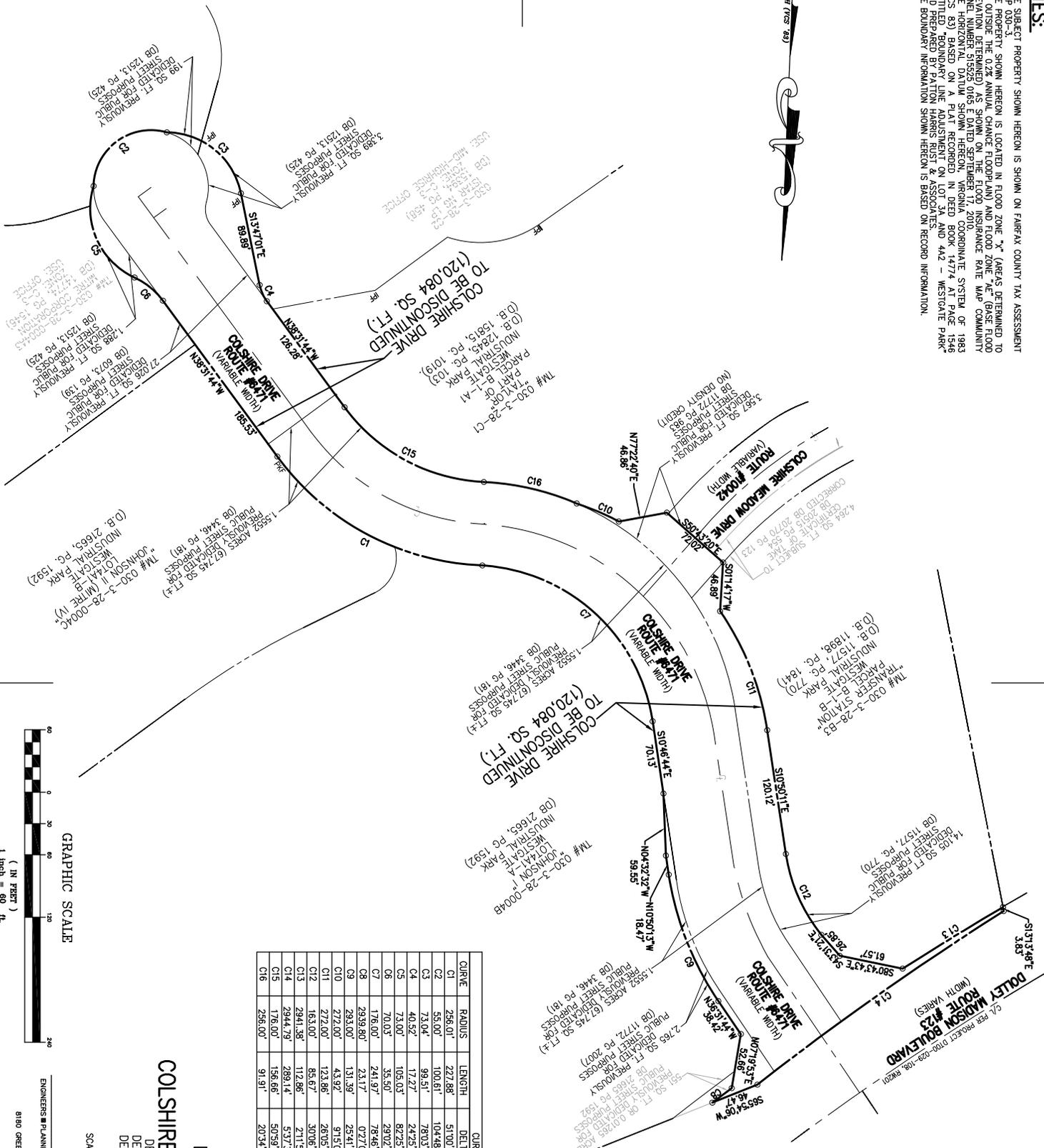
NOW THEREFORE, BE IT RESOLVED that this Board hereby requests, pursuant to Virginia Code Section 33.1-150, that the Commonwealth Transportation Board, discontinue as part of the secondary system of state highways, the remaining residual portions of Colshire Drive (Route 6471).

A Copy Teste:

\_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

**NOTES:**

THE SUBJECT PROPERTY SHOWN HEREON IS SHOWN ON FAIRFAX COUNTY TAX ASSESSMENT MAP 030-3-28-0004-3. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE AT RISK OF FLOODING FROM FLOODING OF THE ADJACENT FLOODPLAIN). THE ELEVATION DETERMINED AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515525 0165 DATED SEPTEMBER 17, 2010. THE HORIZONTAL DATUM SHOWN HEREON, VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 83) BASED ON A PLAT RECORDED IN DEED BOOK 14774 AT PAGE 1546 ENTITLED "BOUNDARY LINE ADJUSTMENT ON LOT 3A AND 4A2 - WESTGATE PARK EAST" (PART OF A LARGER ADJUSTMENT ON LOT 3A AND 4A2 - WESTGATE PARK EAST) IS USED TO DETERMINE THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON RECORD INFORMATION.



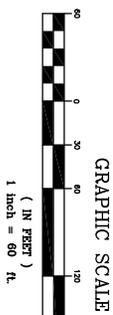
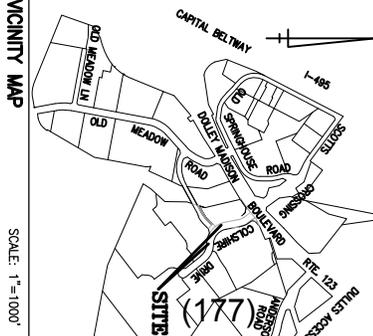
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHD BRG	CHORD
C1	256.01'	227.88'	122.11°	51'00.00"	N64°01'30"W	220.43'
C2	55.00'	100.61'	104°48'36"	71.43'	N51°28'12"E	87.16'
C3	73.04'	99.51'	78°03'33"	59.21'	S52°50'25"E	91.99'
C4	40.52'	17.22'	24°25'22"	8.77'	N26°08'26"W	17.14'
C5	73.00'	105.03'	82°25'58"	63.94'	N26°23'33"W	96.20'
C6	70.03'	35.50'	29°02'45"	18.14'	S57°04'47"E	35.12'
C7	176.00'	241.97'	78°46'14"	144.49'	S90°09'49"E	223.35'
C8	2939.80'	231.17'	0°27'06"	11.59'	N90°07'52"E	231.17'
C9	2931.00'	431.92'	25°41'34"	66.82'	N25°40'59"W	130.29'
C10	272.00'	123.86'	91°5'04"	22.01'	S69°08'56"E	43.67'
C11	272.00'	123.86'	26°05'24"	63.02'	S25°52'56"E	122.79'
C12	163.00'	85.67'	30°06'53"	43.85'	N25°53'15"W	84.69'
C13	2941.38'	112.86'	21°15'4"	56.44'	N68°11'21"E	112.85'
C14	2944.79'	289.14'	5°37'32"	144.69'	N52°31'33"E	289.02'
C15	176.00'	156.66'	50°59'58"	83.95'	N64°01'44"W	151.54'
C16	256.00'	91.91'	20°34'13"	46.45'	S79°14'39"E	91.42'

SHEET 1 OF 1  
 PLAT SHOWING  
 DISCONTINUANCE  
 OF  
**COLSHIRE DRIVE ROUTE #6471**

DEED BOOK 3446 PAGE 181  
 DEED BOOK 11577 PAGE 770  
 DEED BOOK 11772 PAGE 983

PROVIDENCE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=60' DATE: MAY 15, 2013



ENGINEERS & PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ SUSTAINABLE DESIGN

**WKA**  
 WKA INCORPORATED  
 8180 GREENSBORO DRIVE, SUITE 200 WALEN, VIRGINIA 22102  
 (703) 441-1200  
 WALEN, VA ■ GERRANTOWN, MD

**RP#**

## AGREEMENT

THIS AGREEMENT (the "Agreement") is made as of this 1st day of April, 2013 (the "Effective Date"), by and between **THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, in its proprietary capacity, and not in its governmental or legislative capacity (the "County"); **JOHNSON I 7600 COLSHIRE LLC**, a Delaware limited liability company ("Johnson"); **TAYLOR COLSHIRE MEADOW LLC**, a Delaware limited liability company ("Taylor"); **THE MITRE CORPORATION**, a Delaware corporation ("MITRE"); and **CITYLINE PARTNERS LLC**, a Delaware limited liability company ("Cityline").

### RECITALS:

- R-1. Johnson is the owner of certain land located in Fairfax County, Virginia, known as Lot 4A1-A Westgate Industrial Park and Fairfax County Tax Map Parcel 030-3-28-0004B, as shown on an exhibit prepared by VIKA, Inc., entitled "Colshire Drive – Route-6741, Colshire Meadow Drive ROW Exhibit," a copy of which is attached hereto and hereinafter referred to as Exhibit A (the "Johnson Property").
- R-2. Taylor is the owner of certain land located in Fairfax County, Virginia, known as Part of Parcel B-1-A1 Westgate Industrial Park and Fairfax County Tax Map Parcel 030-3-28-000C1, as shown on Exhibit A (the "Taylor Property").
- R-3. MITRE is the owner of certain land located in Fairfax County, Virginia, known as Lot 4A1-B Westgate Industrial Park and Fairfax County Tax Map Parcel 030-3-28-0004C, as shown on Exhibit A (the "MITRE Property").
- R-4. Johnson, Taylor and MITRE are collectively referred to herein as the "Owners."
- R-5. The Johnson Property, Taylor Property and MITRE Property are collectively referred to herein as "Owners' Property."
- R-6. The County is the fee owner of Colshire Drive Route 6471 from Dolly Madison Boulevard Route 123 to its cul-de-sac terminus, as previously dedicated and more particularly shown on Exhibit A.
- R-7. Cityline has filed on behalf of the Owners, the County and other applicants (collectively, the "Applicants," as defined in the Rezoning (hereinafter defined)) rezoning applications RZ 2011-PR-010 and RZ 2011-PR-011. Said applications propose a rezoning of the Owners' Property and other application property (collectively, the "Application Property," as defined in the Rezoning) from the C-3 and HC Districts to the PTC and HC Districts to permit an overall 4.27 Floor Area Ratio ("FAR") comprised of office, residential, hotel and retail development together with associated proffers evidenced by a proffer statement dated April 4, 2013, as they may be amended from time to time (the "Proffers"), and an associated Conceptual Development Plan, dated May 10,

2011, as amended (the “CDP”) (collectively, the “Rezoning”). The Abandoned Colshire Drive Areas (hereinafter defined) are part of the “Application Property” as defined in the Rezoning.

- R-8. As recommended by the County and pursuant to proposed transportation proffers for the Rezoning and the terms and conditions of this Agreement, the parties desire to realign Colshire Drive to the new alignment more particularly described on the CDP and shown on Exhibit A (“Realigned Colshire Drive”).
- R-9. In order to accomplish the Realigned Colshire Drive following approval of the Rezoning, the parties desire to (i) request the Board of Supervisors to abandon portions of existing Colshire Drive, as shown on Exhibit A, and approve the conveyance of those portions to Johnson and Taylor and (ii) equitably transfer property by exchange of the Abandoned Colshire Drive Areas for the Dedicated Areas (hereinafter defined) and the Road Improvements (hereinafter defined) in accordance with the terms and conditions of this Agreement. Upon completion of the property transfer Johnson and Taylor will receive a portion of the former alignment of Colshire Drive as a privately owned area and the County will have the dedication and construction of Realigned Colshire Drive as more particularly described on the CDP.
- R-10. In order to accomplish the property transfer and construction of improvements the parties will, under the terms of this Agreement, (i) request the Board of Supervisors to abandon portions of existing Colshire Drive, as shown on Exhibit A, under the terms and timeframe described hereafter and to convey the abandoned areas to Johnson and Taylor, (ii) submit a Final Development Plan (FDP) or other plan further defining the scope and design of Colshire Drive, (iii) petition the Board of Supervisors to discontinue state maintenance of Colshire Drive from Dolley Madison Boulevard to its cul-de-sac terminus, (iv) upon submission of the FDP for Johnson C or Hotel and approval of a request to discontinue state maintenance, Johnson will assume maintenance of Colshire Drive pursuant to the terms of a Temporary Private Street, Public Access and Utility Easement and Agreement (as hereinafter defined); and (v) subsequent to submitting the fully executed final approved versions of the Deed of Dedication and Dedication Plat to the County and FDP submission, the County, Johnson and Taylor shall record the Abandonment Order and finalize the conveyance of the abandoned portions of Colshire Drive, (vi) record the Deed of Dedication and Dedication Plat for construction of Realigned Colshire Drive at site plan approval, (vii) bond and construct Realigned Colshire Drive, and (viii) secure acceptance of the Realigned Colshire Drive by VDOT.
- R-11. The parties further agree that in order to accomplish the construction of the Road Improvements, the parties will submit a site plan that includes final engineering of the Realigned Colshire Drive in general conformance with the CDP and FDP. The site plan will be submitted in accordance with the Proffers.

NOW, THEREFORE, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Appraisal. The parties acknowledge that the County has retained William C. Harvey & Associates, Inc. ("the Appraiser"), to appraise the Abandoned Colshire Drive Area and the Dedications to confirm that the County is receiving fair market value in conjunction with the proposed exchange. The Appraiser shall determine the highest and best use market value based on the undeveloped parcels in a pre-zoned state. The parties agree that all costs and expenses for the appraisal shall be shared by the County and Cityline equally. The County shall pay the Appraiser and Cityline shall reimburse the County its fifty percent (50%) share of such costs and expenses within thirty (30) days following receipt of such invoice. The County agrees to diligently prosecute completion of the appraisal and to provide Cityline with status updates and a copy of the appraisal as soon as it is available.

2. Abandonment. On November 20, 2012, Cityline filed an application with the County requesting the abandonment of portions of Colshire Drive pursuant to Virginia Code Section 33.1-151. The portions of Colshire Drive to be abandoned are more particularly shown and described on a plat entitled "Plat Showing Abandonment of the Portions of Colshire Drive Route #6471," prepared by VIKA, Inc., and filed with the application (the "Colshire Drive Abandonment"). The areas of Colshire Drive to be abandoned are also depicted in green and labeled on Exhibit A and referred to herein as "Abandoned Colshire Drive Areas." Cityline and the County agree to diligently process the Colshire Drive Abandonment application in accordance with established County procedures. To the extent Cityline has provided all necessary documentation to the County to accomplish the abandonment and has addressed all concerns identified in the review of the abandonment application to the satisfaction of the County, County staff will make every reasonable attempt to schedule the public hearing before the Board of Supervisors of Fairfax County, Virginia (the "Board"), to approve the Colshire Drive Abandonment within three months following the approval of the Rezoning by the Board. If the Board approves the Colshire Drive Abandonment, action to record the Order of Abandonment and make said Abandonment effective shall be deferred until an FDP for the Johnson C or Hotel building that includes the Realigned Colshire Drive is submitted to the Board. As a condition of the Colshire Drive Abandonment effective at the time of its recordation, the Abandoned and Discontinued Colshire Drive Areas shall be subject to a temporary private street, public access and utility easement and agreement generally in the form attached hereto as Exhibit B ("Temporary Private Street, Public Access and Utility Easement and Agreement"), which must be provided to County staff in final executed form prior to the Colshire Drive Abandonment public hearing. The Temporary Private Street, Public Access and Utility Easement and Agreement shall detail the maintenance responsibilities by Johnson, provide public access over the Abandoned and Discontinued Colshire Drive Areas to accommodate vehicular traffic, including public transit vehicles, and provide a blanket easement for all utilities existing in the Abandoned Colshire Drive Areas as of the date the Board approves the Colshire Drive Abandonment. The Temporary Private Street, Public Access and Utility Easement and Agreement shall automatically become null and void

and of no further force and effect upon completion of the Road Improvements and the opening of Realigned Colshire Drive to public use, whether or not accepted into the VDOT State System for maintenance.

3. Discontinuance. Concurrently with the approval of the Colshire Drive Abandonment, the County shall petition the Board of Supervisors to approve a resolution to discontinue state maintenance of Colshire Drive from Dolley Madison Boulevard to its cul-de-sac terminus effective upon recording of the Order of Abandonment. The County and Cityline agree to diligently pursue the resolution of discontinuance of Colshire Drive in accordance with established County procedures. It is understood by all parties that a resolution approved by the Board of Supervisors requests VDOT to process the discontinuance under its established procedures.

4. Conveyance of Abandoned Colshire Drive Areas. As the parties have previously agreed, the Owners and the County shall also request the Board of Supervisors to convey the Abandoned Colshire Drive Areas to Johnson and Taylor, pursuant to Virginia Code Ann. Section 15.2-1800, as amended, and will hold the required public hearing for that proposed conveyance concurrently with the public hearing for the Colshire Drive Abandonment set forth in Paragraph 2. Upon Board approval of the conveyance, action to record and make said conveyance effective shall be deferred until the submission of an FDP for the Johnson C or Hotel building, that includes the Realigned Colshire Drive. This conveyance shall be in accordance with Paragraph 6, Closing, hereof.

5. Dedication. Following the Board's approvals of the Colshire Drive Abandonment and conveyance of the Abandoned Colshire Drive Areas as set forth in Paragraphs 2 and 4 above, the Owners agree to dedicate to the County in fee simple for public street purposes the areas shown in red and labeled on Exhibit A and more particularly shown on a plat entitled "Plat Showing Dedication for Public Street Purposes, Colshire Drive & Colshire Meadow Drive, Westgate Industrial Park," dated November 19, 2012, as amended, prepared by Vika, Inc. (the "Dedications"). As a condition to the County's proceeding to closing for the conveyance of the Abandoned Colshire Drive Areas, an approved and fully executed Deed of Dedication shall be required to be delivered to the Fairfax County Attorney's Office no later than five (5) business days prior to the Closing date. In order to accomplish the Dedications, the Owners shall execute and provide the appropriate deed(s) and plat(s) of dedication in the forms approved by the Fairfax County Attorney's Office and the Fairfax County Department of Public Works and Environmental Services, Land Development Services. At Closing, the Owners shall execute and require their lenders and trustees secured by the property being dedicated to release such Dedications. The Fairfax County Attorney's Office will hold the fully executed Deed of Dedication in escrow for recording upon site plan approval for the Johnson C or Hotel building. Cityline shall record the instrument among the land records of Fairfax County, Virginia. Cityline shall pay all processing costs and fees and recording costs and fees for the Dedication.

6. Closing. Within a reasonable time following submission of the FDP and after the Owner's submission of the fully executed deed and plat for the dedication as

set forth in Paragraph 5, the parties agree to proceed to closing whereby the County shall convey to Johnson and Taylor or their designees the Abandoned Colshire Drive Areas. The closing shall occur at the offices of Escrow One, Ltd., 5010 Gadsen Drive, Fairfax, Virginia 22032, Attn: Ted Gourley (the "Closing Agent"). The County shall convey title at closing to Johnson and Taylor or their designees by special warranty deed. Title to the Abandoned Colshire Drive Areas shall be good of record and in fact, marketable and insurable by a title company licensed to do business in the Commonwealth of Virginia at regular rates. Johnson and Taylor or their designees agree to accept the Abandoned Colshire Drive Areas subject to the Temporary Private Street, Public Access and Utility Easement and Agreement. The County shall provide the necessary FIRPTA affidavit and Form 1099-S, owner's affidavit, and such other documents as may be reasonably required by the Closing Agent.

The County shall pay any state grantors' tax and Johnson and Taylor or their designees shall pay any grantees' transfer tax and any other transfer or recording fees and all title commitment, title closing and escrow charges. The final non-appealable approvals by the Board of the Colshire Drive Abandonment and the provision of the fully executed Deed(s) and Plat(s) for the street dedication as set forth in Paragraph 2 shall be conditions precedent to the County's requirement to close and convey the Abandoned Colshire Drive Areas. The following shall be conditions precedent to Owners' or their designees' obligation to close on the Abandoned Colshire Drive Areas, to tender Dedication, and to realign Colshire Drive in accordance with the Road Improvements:

- (i) Final non-appealable approval by the Board of the Rezoning;
- (ii) Final non-appealable approvals by the Board of the Colshire Drive Abandonment and recording of the Order of Abandonment;
- (iii) Final non-appealable approval and conveyance of the Abandoned Colshire Drive Areas to Johnson and Taylor or their designees; and
- (iv) Submission of the FDP that includes design and construction of the Realigned Colshire Drive.

7. Interim Maintenance of Colshire Drive. Following closing and conveyance of the Abandoned Colshire Areas to Johnson or its designee, Johnson or its designee shall assume and shall be obligated for all costs of maintaining, repairing, cleaning, paving and replacement of Colshire Drive in its current alignment from Dolley Madison to its cul-de-sac terminus in conformance with the terms and conditions of the Temporary Private Street, Public Access and Utility Easement and Agreement.

8. Road Improvements. Following the Dedications as required in the preceding paragraph 5, Johnson or its designee shall diligently undertake the realignment of Colshire Drive as shown on Exhibit A and more particularly described and shown in the Proffers and CDP. Johnson or its designee agrees to construct the road improvements generally as set forth in the Proffers and as shown on CDP sheets

C-4, C-6 and C-7, consistent with phasing exhibits presented on CDP sheets A-5.01 and A-5.04 and the typical section presented on CDP Sheet C-21. These Colshire Drive road improvements shall include utility relocation and the installation of any utility lines, including, but not limited to, electric, gas, cable, telephone, water, sewer and storm drainage; traffic signal improvements; paving, sidewalks, curbs and gutters, all as required by the Proffers, the CDP and the applicable site plan for either the Hotel Phase or the Johnson C Phase (the "Road Improvements"). The County agrees to cooperate with Johnson or its designee to facilitate the Road Improvements (but shall not be required to incur any material expense) in connection with approvals, permits and any other license or instrument required in connection with the Road Improvements including, but not limited to, utility relocation into Realigned Colshire Drive.

9. Miscellaneous Provisions.

(a) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal representative, successors and assigns.

(b) Waiver, Modification. This Agreement may not be amended except by written instrument executed by all parties. No party shall be deemed to have waived the exercise of any right it holds hereunder unless such waiver is made expressly and in writing (and no delay or omission by any party hereto in exercising any such right shall be deemed a waiver of its future exercise). Failure by a party to insist upon or enforce any of its rights hereto shall not constitute a waiver thereof.

(c) Governing Law. This Agreement shall be governed by and construed under the laws of the Commonwealth of Virginia.

(d) Headings. The section headings used herein are for convenience of reference only and shall not be deemed to vary the content of this Agreement or the covenants, agreements, representations and warranties herein set forth or the scope of any section.

(e) Counterparts. If this Agreement shall be executed in two or more counterpart originals, each counterpart original shall be for all purposes considered an original of this Agreement.

(f) Partial Invalidity. If any provision of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, all of which other provisions shall remain in full force and effect; and it is the intention of all the parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

(g) Survival. The provisions of this Agreement shall survive any closing hereunder.

(h) Time. With respect to all time periods contained in this Agreement, it is expressly understood that time shall be of the essence.

(i) Holidays, Etc. Whenever the last day for the performance of any act required by either party under this Agreement shall fall upon a Saturday, Sunday or legal holiday, the date for the performance of such act shall be extended to the next succeeding business day which is not a Saturday, Sunday or legal holiday.

(j) Closing Agent. The parties hereby indemnify and hold harmless the Closing Agent from any and all claims, suits, damages, costs, losses and expenses for any matter resulting from or arising out of its obligations hereunder, provided the same shall not arise from any negligence or willful misconduct on the part of Closing Agent.

(k) Consideration. The parties acknowledge the mutual benefits provide by the conveyances, dedications and Road Improvements contemplated by the terms of this Agreement.

(l) Cooperation. The parties agree that after the execution of this Agreement, they will, without further consideration, execute, acknowledge and deliver in proper form any further instruments, forms or other documents, and take such other action as the other party to this Agreement may reasonably require, in order effectively to carry out the intent of this Agreement. Each party agrees to deal with the other parties in good faith in the implementation of this Agreement. To the extent that either party is performing any work hereunder, it shall be obligated to coordinate with and keep the other party reasonably informed.

(m) Third Parties. Nothing contained in this Agreement shall create a contractual relationship with or cause of action in favor of a third party against any of the parties.

(n) Exhibits. Each of the exhibits attached to this Agreement is hereby made a part of this Agreement as fully as if set forth in the text of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

**[SIGNATURE PAGES FOLLOW]**

THE BOARD OF SUPERVISORS OF  
FAIRFAX COUNTY, VIRGINIA

By: Edward L Long Jr  
Name: Edward L. Long Jr  
Title: County Executive

COMMONWEALTH OF VIRGINIA:  
COUNTY OF FAIRFAX: to-wit

The foregoing instrument was acknowledged before me this 10TH day of  
APRIL, 2013, by EDWARD L. LONG JR., COUNTY EXECUTIVE  
of THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA.

Jo Ann Havach  
Notary Public

My Commission Expires: JULY 31, 2016



Jo Ann Havach  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #178038  
My Commission Expires  
July 31, 2016

JOHNSON I 7600 COLSHIRE LLC

By: Michael Pedulla  
Name: Michael Pedulla  
Title: EVP

STATE OF Virginia :  
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before me this 1 day of April, 2013, by Michael Pedulla, EVP of JOHNSON I 7600 COLSHIRE LLC.

[Signature]  
Notary Public

My Commission Expires: 5/31/2015



TAYLOR COLSHIRE MEADOW LLC

By: Michael Pedulla  
Name: Michael Pedulla  
Title: EVP

STATE OF Virginia :  
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before me this 7 day of April, 2013, by Michael Pedulla, EVP of TAYLOR COLSHIRE MEADOW LLC.

[Signature]  
Notary Public

My Commission Expires: 5/31/2015



THE MITRE CORPORATION

By: [Signature]  
Name: Sal Glasher  
Title: VP/General Counsel

STATE OF Virginia :  
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before me this 3<sup>RD</sup> day of April, 2013, by Sal Glasher, VP + General Counsel of THE MITRE CORPORATION.

Marilyn C. McCollum  
Notary Public

My Commission Expires: July 31, 2014

Marilyn C. McCollum  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #324282  
My Commission Expires 7/31/2014

CITYLINE PARTNERS LLC

By: Michael Pedulla  
Name: Michael Pedulla  
Title: Co-President

STATE OF Virginia:  
COUNTY OF Fairfax: to-wit

The foregoing instrument was acknowledged before me this 7 day of April, 2013, by Michael Pedulla, Co-President of CITYLINE PARTNERS LLC.

[Signature]  
Notary Public

My Commission Expires: 5/31/2015





**EXHIBIT B****TEMPORARY PRIVATE STREET, PUBLIC ACCESS  
AND UTILITY EASEMENT AND AGREEMENT**

This Temporary Private Street, Public Access and Utility Easement and Agreement (“Deed”) made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between **JOHNSON I 7600 COLSHIRE LLC**, a Delaware limited liability company, Grantor and Grantee (also called “Johnson”); **TAYLOR COLSHIRE MEADOW LLC**, a Delaware limited liability company, Grantor and Grantee (also called “Taylor”); **THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body corporate and politic, its successors and assigns, Grantor (also called “Board of Supervisors”); and **THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body corporate and politic, its successors and assigns, Grantee (also called “County”).

**\*\*WITNESSETH\*\***

WHEREAS, by an Order of Abandonment dated \_\_\_\_\_, 2013, and recorded in Deed Book \_\_\_\_\_ at page \_\_\_\_\_ among the land records of Fairfax County, Virginia (the “Land Records”), the County abandoned certain portions of Colshire Drive, Route 6471 (the “Abandoned Colshire Drive Areas”);

WHEREAS, concurrently with the County’s recording of the Order of Abandonment for the Abandoned Colshire Drive Areas, the County discontinued state maintenance for Colshire Drive from Dolley Madison Boulevard to its cul-de-sac terminus;

WHEREAS, by special warranty deed dated \_\_\_\_\_, 2013, and recorded in Deed Book \_\_\_\_\_ at page \_\_\_\_\_ among the Land Records, the County conveyed to Johnson and Taylor or their designees the Abandoned Colshire Drive Areas;

WHEREAS, with the exception of the Abandoned Colshire Drive Areas, the Board of Supervisors is the fee owner of the remainder of Colshire Drive, Route 6471, from Dolly Madison Boulevard, Route 123, to its cul-de-sac terminus (the "County Colshire Drive Area");

WHEREAS, the County Colshire Drive Area and the Abandoned Colshire Drive Areas are not subject to the lien of any deed of trust;

WHEREAS, the County Colshire Drive Area and the Abandoned Colshire Drive Areas are collectively referred to herein as "Existing Colshire Drive," as more particularly shown and labeled on a plat entitled "\_\_\_\_\_", prepared by VIKA, Inc., and dated \_\_\_\_\_ (the "Plat"), attached hereto as Exhibit A.

WHEREAS, it is the desire of Johnson and Taylor or their designees as the owners of the Abandoned Colshire Drive Areas (hereinafter Johnson and Taylor or their designees will sometimes be referred to collectively as the "Owners" and each an "Owner") to grant certain temporary easements to the County over the Abandoned Colshire Drive Areas as shown on the Plat; and

WHEREAS, Owners shall maintain Existing Colshire Drive in accordance with the terms and conditions of this Agreement until completion of the Road Improvements and opening of Realigned Colshire Drive, as defined in that certain Agreement among the parties dated \_\_\_\_\_, 2013.

**TEMPORARY PRIVATE STREET AND  
PUBLIC ACCESS EASEMENT**

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are

hereby acknowledged, each of the Owners does convey to the County, its successors and assigns, a public access easement for the purpose of ingress and egress by the County and the public over and across the Abandoned Colshire Drive Areas, said easement being labeled as the "TEMPORARY PRIVATE STREET AND PUBLIC ACCESS EASEMENT" and more particularly bounded and described on the Plat. The easement is subject to the following terms and conditions:

1. All streets, service drives, trails, sidewalks, and driveways and all appurtenant facilities installed in the Abandoned Colshire Drive Areas shall be and remain the property of the Owners, and their respective successors and assigns.

2. Owners, at their sole cost and expense, shall cause Existing Colshire Drive to be maintained to the satisfaction of the County in accordance with the standards set forth on Exhibit B entitled "Maintenance Standards," as may be amended with County approval, attached hereto and incorporated herein.

3. The County and its agents shall have full and free use of Existing Colshire Drive for the purpose of ingress and egress by the County and the public and for the purposes set forth in this Section 3 and Section 4 below, and shall have all rights and privileges reasonably necessary to ensure its use of Existing Colshire Drive solely as provided in this Deed, including the right, but not the obligation to perform, if Owners fail to do so, such repairs and maintenance in Existing Colshire Drive as the County may deem necessary. The cost of such repairs and maintenance shall be reimbursed to the County solely by Owners, their successors and assigns, upon demand.

4. Each of the County and its respective employees, agents, and contractors shall have the right to enter onto, to use, and to perform maintenance and other work upon

Existing Colshire Drive for the purposes set forth in the Maintenance Standards and implement improvements deemed by the County to be in the public interest and/or safety exclusive of any utility location and/or relocation.

5. This temporary easement shall automatically become null and void and of no further force and effect upon the completion of the Road Improvements and the opening of Realigned Colshire Drive to public use whether or not accepted into the VDOT state system for maintenance.

### **TEMPORARY UTILITY EASEMENT**

THIS DEED FURTHER WITNESSETH, that for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners do hereby grant and convey unto the County, a temporary public utility easement for the purposes of allowing all existing utility facilities to remain in Existing Colshire Drive subject to relocation during construction of the realigned Colshire Drive pursuant to a County-approved site plan, said easement being labeled as "Temporary Public Utility Easement," and more particularly bounded and described on the Plat.

This temporary easement shall automatically become null and void and of no further force and effect upon the completion of the Road Improvements and the opening of Realigned Colshire Drive to public use whether or not accepted into the VDOT state system for maintenance.

**COVENANTS REAL**

The Owners declare that the agreements and covenants stated in this Deed are not covenants personal to the Owners but are covenants real, running with the land. This Deed shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. This Deed may be executed in counterparts, each of which shall be deemed an original but which together shall constitute one and the same instrument.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGES.]**

WITNESS the following signatures and seals:

**JOHNSON I 7600 COLSHIRE LLC**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA:

COUNTY OF \_\_\_\_\_ : to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_, \_\_\_\_\_ of JOHNSON I 7600 COLSHIRE LLC.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**TAYLOR COLSHIRE MEADOW LLC**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_:

COUNTY OF \_\_\_\_\_: to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_, \_\_\_\_\_ of TAYLOR COLSHIRE MEADOW LLC.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Executed and approved on behalf of the Board of Supervisors of Fairfax County, Virginia, by authority granted by the said Board.

APPROVED AS TO FORM: Director, Department of Public Works & Environmental Services

\_\_\_\_\_  
Assistant County Attorney

By: \_\_\_\_\_  
Manager,  
Site and Technical Services, LDS

COMMONWEALTH OF VIRGINIA:

COUNTY OF FAIRFAX: to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_, Manager, Site and Technical Services, Land Development Services, Department of Public Works & Environmental Services.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_

**EXHIBIT A**

**to the**

**Temporary Private Street, Public Access and  
Utility Easement and Agreement**

**Plat**

**Exhibit B**

to the

**Temporary Private Street, Public Access and  
Utility Easement and Agreement****Maintenance Standards**General Maintenance:

- Owners, their successors and assigns ("Owners") shall inspect the Easement Area at least quarterly to ensure that the road thereon ("Colshire Drive") is passable and maintained in a condition in accordance with the requirements of the Fairfax County Public Facilities Manual ("PFM"), and the Virginia Department of Transportation ("VDOT") standards. If such inspection finds unstable and cracked sections of pavement or concrete, Owners will replace such loose sections. Where road sections are unstable or show signs of base or surface failure, the total road and pavement structure for those sections will be replaced and reconstructed according to PFM and VDOT standards. Surface potholing is acceptable for emergency repairs during inclement weather. If such inspection finds pavement cracks of 0.25" or wider, Owners will fill and seal such cracks. If such inspections find tree branches that interfere with travel or discover distressed or unhealthy trees with the potential to fall into the road, those branches shall be trimmed and/or the trees removed. If such inspection finds elevation differences of 0.375" or more in adjacent surfaces of sidewalks, Owners will level such elevation differentials by removing and replacing materials. Owners shall maintain the sidewalks and drainage structures within the Easement Area in good repair. Owners shall maintain street striping, lane control and signage within the Easement Area to VDOT standards.
- In between such inspections, Owners shall promptly clear any debris which would impede the normal flow of traffic and promptly repair any potholes.
- Prior to any significant maintenance and/or repair work, Owners shall provide advance notice to the County and coordinate such work with the County to ensure that access over Colshire Drive is sufficient for the passage of County emergency vehicles and is maintained at all times and assures that Colshire Drive is open to traffic during such work or that an adequate detour is provided.
- If the Owners maintain Colshire Drive for a period of five (5) years following the recordation of the Deed, the Owners shall provide the County with a repaving schedule to be reviewed and approved by the County.

Snow & Ice Removal:

- Owners shall maintain Colshire Drive with plowing of snow and treatment of ice to maintain Colshire Drive in a passable condition for travel.
- Owners shall be deemed on notice upon the local forecast of snow, sleet, or freezing rain to maintain Colshire Drive in a passable condition for travel.
- Travel lanes are to be kept open and passable through plowing and the application of the appropriate sand/salt mix.
- Owners must commence removal operations before two (2) inches of snow accumulate, and before one-quarter (1/4) inch of sleet or ice accumulates.
- Owners, or their agents or contractor, shall provide telephone numbers and e-mail addresses to allow communication twenty-four (24) hours per day, seven (7) days per week.
- Snowplow operations are to be accomplished in such a manner that a continued heavy snowfall does not cause snow buildup that would then make the Colshire Drive impassable. Plow operators are to be diligent and observant that no vehicle is “plowed in.” Chemical treatment will include the application of anti-slip aggregate material whenever necessary where ice formation is probable or imminent.
- Owners, or their agents or contractor, shall begin applying the appropriate sand/salt mix during freezing rain and or sleeting conditions.
- Owners, or their agents or contractor shall use snow plows mounted upon serviceable trucks, trained personnel for the proper operation of this equipment, the number and type of equipment must be suitable for the forecasted snowfall removal. Upon the local forecast of two (2) or more inches of snow, the contractor will be required to have all larger equipment that will be required for the completion of responsibilities, eliminating the inability to transport heavy machinery during a snowstorm. Owners shall furnish properly maintained, licensed, insured, and reliably serviceable equipment and will be responsible for all repairs and maintenance to that contractor’s equipment.
- In the event of an excessive snowfall and the otherwise designated push/pile locations at the contracted sites are unable to accommodate the volume of snow, Owners, or their agents or contractor, shall provide the necessary additional equipment to haul the snow to designated off-site locations.

County Right to Perform Maintenance:

- If Owners fail to maintain the Easement Area and Colshire Drive as provided herein, the County shall give Owners ten (10) days written notice of violation of this Agreement, specifying the violations and giving Owners an opportunity to cure the

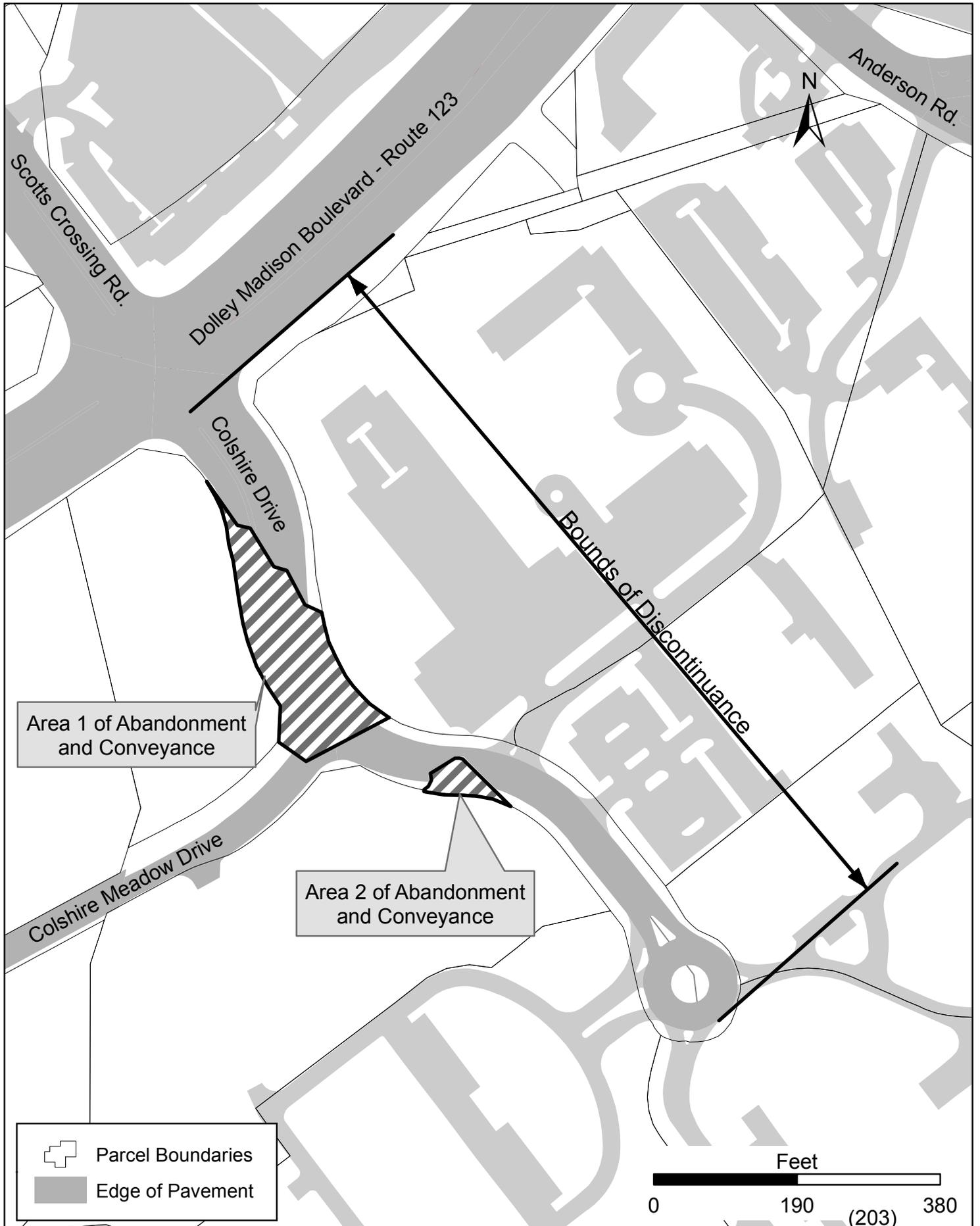
violations, and upon failure of Owners to cure the violations within said ten (10) day period (or such longer period as the County may reasonably permit, provided Owners commence cure efforts within such ten (10) day period), the County shall have the right, but not the obligation, to enter upon the Easement Area and Colshire Drive and perform such maintenance.

- Notwithstanding the foregoing, if Owners fail to timely perform maintenance related to snow and ice removal and/or treatment, or other maintenance resulting in or creating a safety hazard on Colshire Drive or otherwise threatening public safety, County has no obligation to provide Owners with advance notice of the violation and the County shall still have the right, but not the obligation, to enter upon the Easement Area and Colshire Drive and perform such maintenance.

Escrow:

- Owners shall deposit the sum of \$\_\_\_\_\_ with the County. This sum shall be placed by the County into an interest-bearing account so that interest may accrue and may be used by the County for the purposes set forth in this Agreement.
- In the event the County performs work of any nature, including labor, use of equipment, materials, and administrative costs under provisions of the previous section entitled "County Right to Perform Maintenance," whether by use of public forces or by private contract, the County is hereby authorized to draw upon the cash escrow to pay for such work.
- In the event any sums herewith deposited or accrued in escrow are used by the County pursuant to this Agreement, Owners agree to deposit within ten (10) business days' written notice by the County of such use, including written documentation of the expenditures, an amount sufficient to restore the escrow to its original balance. If Owners fail to timely restore the escrow, then, in addition to any other rights County may have, such unpaid amounts shall accrue interest at the then-current prime rate as set forth in the Wall Street Journal, plus 4%.

Vicinity Map - Tax Maps 29-4 and 30-3



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ACTION - 1

Approval of the Number of Taxicab Certificates to be Authorized in 2013

ISSUE:

Board approval of new taxicab certificates available to be awarded in 2013.

RECOMMENDATION:

The County Executive recommends that the Board approve 39 new taxicab certificates in 2013, thereby increasing the total number of certificates from 576 to 615.

TIMING:

Board action is requested on June 18, 2013 so that the number of authorized taxicab certificates will be established prior to the June 30, 2013 deadline for submission of applications for taxicab operator certificates, as provided by Sections 84.1-2-2 and 84.1-2-5 of the Fairfax County Code.

BACKGROUND:

Chapter 84.1, Public Transportation, of the Fairfax County Code provides that the Board will determine the number of taxicab certificates that are available to be awarded in each odd-numbered year. The Board last authorized new certificates in 2005, when it approved 51 new taxicab certificates. The history of certificate authorizations from 1984 through the Consumer Protection Commission (CPC) recommendation for 2013 is shown in Attachment 1.

The Taxicab Demand Formula is the primary analytical tool used to determine the number of taxicab certificates. This formula, which was adopted at the Board's request in 1998, offers an objective, systematic, and verifiable means for adjusting the number of taxicab certificates. The Taxicab Demand Formula calculates the weighted change over time in three key factors that contribute to demand for taxicab service: (1) the average number of taxicab trips per certificate; (2) mass transit and tourism indicators; and (3) population. The first factor, growth in the average number of trips per certificate, is perhaps the most direct measure of marketplace demand and accounts for 50 percent of the total formula calculation. The second factor, growth in mass transit and tourism, accounts for 30 percent of the total calculation. It is derived from changes in Metro ridership, airport passenger counts, and hotel-room occupancy. The third factor, population growth, accounts for the remaining 20 percent of the calculation. The results of the Taxicab Demand Formula may be increased or decreased by 10 percent to allow for the consideration of less quantifiable factors, such as citizen complaints, evidence of over- or under-utilization of certificates, or changes in known economic conditions.

The 2013 results of the Taxicab Demand Formula are shown in Attachment 2. The results show that all three taxicab demand factors experienced positive growth between 2004 (the last full calendar year prior to an increase in certificates) and 2012 (the most recent full calendar year). The number of average trips per certificate, which accounts

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for 50 percent of the weighted result, increased by 3.5 percent between 2004 and 2012. Mass transit/tourism indicators and population, which account for the remaining 50 percent, increased by 8.2 percent and 8.8 percent, respectively. The total weighted change in the formula is a 6.0 percent increase, which would support an additional 35 taxicab certificates.

At its May 21, 2013 meeting, the Consumer Protection Commission recommended that the results of the Taxicab Demand Formula be adjusted upwards by 10 percent – or a total of four cabs – to account for less quantifiable factors, as permitted under the formula. The CPC expressed a preference for a greater number of taxicabs, particularly because taxicab demand is likely to grow in the 2014-2015 period as new Silver Line Metro stations are opened in Fairfax County. This adjustment, in conjunction with the current formula calculations, supports an increase of 39 certificates in 2013, or an increase in the current number of taxicab certificates from 576 to 615.

On May 10, 2013, the taxicab industry was informally notified that the preliminary results of the Taxicab Demand Formula analysis for 2013-2014 appeared to warrant an increase of up to 35 taxicab certificates. The industry was notified that this number could be revised prior to the June 30, 2013, deadline for filing for applications for additional certificates.

Upon Board approval of this recommendation for 2013, staff will formally notify the industry and interested parties of the number of certificates authorized and accept applications through June 30, 2013. Applications will be analyzed, a public hearing will be held before the Consumer Protection Commission (CPC), and the CPC's recommendations regarding the allocation of certificates among applicants will be brought before the Board.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – History of Taxicab Certificate Authorizations  
Attachment 2 – 2013 Taxicab Demand Formula Analysis

STAFF:

David J. Molchany, Deputy County Executive  
Michael S. Liberman, Director, Department of Cable and Consumer Services  
Steve Sinclair, Chief, Public Utility Branch, DCCS  
Susan Hafeli, Utility Analyst, DCCS  
John Burton, Assistant County Attorney

**HISTORY OF TAXICAB CERTIFICATE AUTHORIZATIONS**  
**Fairfax County, Virginia**  
**1984 – 2013**

Year	Certificates Authorized	Increase in Certificates Over Prior Period	% Increase over Prior Period
1984	217		
1985	217	0	0.0%
1986	277	60	27.6%
1987	277	0	0.0%
1988	397	120	43.3%
1989	397	0	0.0%
1990	397	0	0.0%
1991	397	0	0.0%
1992	407	10	2.5%
1993	417	10	2.5%
1994	417	0	0.0%
1995	417	0	0.0%
1996	432	15	3.6%
1997	451	19	4.4%
<b><i>Adoption of Taxicab Demand Formula</i></b>			
1998	451	0	0.0%
1999	489	38	8.4%
2000	489	0	0.0%
2001	525	36	7.4%
2002	525	0	0.0%
2003	525	0	0.0%
2004	525	0	0.0%
2005	576	51	9.7%
2006	576	0	0.0%
2007	576	0	0.0%
2008	576	0	0.0%
2009	576	0	0.0%
2010	576	0	0.0%
2011	576	0	0.0%
2012	576	0	0.0%
<b><i>2013 CPC Recommendation</i></b>	<b>615</b>	<b>39</b>	<b>6.8%</b>

**TAXICAB DEMAND FORMULA ANALYSIS  
2004 – 2012**

<b>Criteria</b>		<b>Growth Rate (% Change)</b>	<b>x</b>	<b>Formula Weight</b>	<b>=</b>	<b>Weighted Change</b>
Average Trips per Certificate		3.5%	x	50%	=	1.8%
Mass Transit/Tourism		8.2%	x	30%	=	2.4%
Population		8.8%	x	20%	=	1.8%
<b>Total Weighted Change</b>				<b>100%</b>	<b>=</b>	<b>6.0%</b>
576 current certificates x 6.0% = 35 new certificates						

ACTION - 2

Renewal of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Coast Guard, Telecommunication and Information Systems Command, Telegraph Road Facility

ISSUE:

Board renewal of a Memorandum of Understanding between the Fairfax County Police Department and the United States Coast Guard authorizing the Fairfax County Police Department limited jurisdiction on the Coast Guard property located at 7323 Telegraph Road in Fairfax County, Virginia.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to renew the Memorandum of Understanding between the Police Department and the United States Coast Guard.

TIMING:

Board action is requested on June 18, 2013.

BACKGROUND:

In 1993, the Fairfax County Police Department and the U.S. Coast Guard entered into a Memorandum of Understanding which addressed jurisdictional issues between the two entities regarding the treatment of traffic accidents and criminal violations. The updated agreement requires that the Police Department pass on pertinent information regarding criminal violations that occur in areas of concurrent jurisdiction to the appropriate U.S. Coast Guard authorities, so long as such information does not adversely impact ongoing criminal matters. It also ensures that U.S. Coast Guard authorities report any violation of state or county code occurring in these areas to the Police Department. Finally, the MOU confirms in writing that the Police Department respond to emergency calls originating from U.S. Coast Guard property in the same manner as emergency calls generated from the general public.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding between the Fairfax County Police Department and the United States Coast Guard

STAFF:

David M. Rohrer, Deputy County Executive  
Lt. Colonel Edwin C. Roessler Jr., Acting Chief of Police  
Karen L. Gibbons, Senior Assistant County Attorney

**Memorandum of Understanding  
Between  
The United States Coast Guard  
Telecommunication and Information Systems Command  
7323 Telegraph Road  
Alexandria, VA 22310**

**And**

**The Fairfax County Police Department  
4100 Chain Bridge Road  
Fairfax, VA 22030**

1. **PARTIES.** The parties to this agreement made this \_\_\_day of\_\_\_\_, 2013, are the United States Coast Guard Telecommunication and Information Systems Command (hereinafter referred to as TISCOM) and the Fairfax County Police Department (hereinafter referred to as FCPD).
2. **AUTHORITY.** This agreement is authorized under the provisions of 14 U.S.C. §141 and Va. Code Ann. 15.2-1726.
3. **PURPOSE.** The purpose of this agreement is to set forth terms by which TISCOM and FCPD will carry out their respective duties and responsibilities. Recognizing that certain areas of concurrent jurisdiction exist within the boundaries of TISCOM, the parties desire to set forth in writing the understanding reached with regard to areas of concurrent jurisdiction, certain areas of exclusive jurisdiction, the investigation of traffic accidents occurring within areas of concurrent jurisdiction and issues of close pursuit by each party named herein.
4. **TERMS OF AGREEMENT.** In consideration of the mutual rights and obligations herein, the parties voluntarily agree to the following:
  - a. The United States Coast Guard (hereinafter USCG) is a military law enforcement agency with authority, rights and responsibilities on areas in which they hold exclusive or concurrent jurisdiction.
  - b. The FCPD is a local law enforcement agency with authority, rights and responsibilities on areas in which they have exclusive or concurrent jurisdiction.
  - c. There exist certain areas of concurrent jurisdiction within the boundaries of TISCOM.
  - d. **The areas to be considered as concurrent jurisdiction are:**

Beginning at a point in the easterly line of Telegraph Road, said point being courses and distances as follows from the nearer of two large original stones westerly from Telegraph Road in the southwesterly

line of Hayfield Farm, adjoining Round Hill Farm: South 52 degrees east 158.55 feet from the center line of Telegraph Road,

Thence along said center line of Telegraph Road North 58 degrees 01 minute 30 seconds east 826.72 feet, North 51 degrees 48 minutes 30 seconds East 384.0 feet, North 43 degrees East 312.0 feet, North 39 degrees 30 minutes East 1509.0 feet, North 32 degrees 30 minutes East 842 feet, North 18 degrees 30 minutes East 245.03 feet,

Thence South 54 degrees 53 minutes 33 seconds East 20.87 feet to an iron pipe in the easterly line of Telegraph Road marking said point of beginning;

Thence along the easterly line of said road North 18 degrees 30 minutes East 255.0 feet, North 35 degrees 15 minutes East 1479.71 feet, North 43 degrees East 137.42 feet, North 55 degrees 45 minutes East 288.55 feet to an iron pipe marking the westerly corner of the smaller tract of S.R. Norman;

Thence along the southwesterly line of said smaller Norman tract South 36 degrees 19 minutes East 1390.86 feet to the southwesterly line of the same;

Thence North 46 degrees 13 minutes East 68.04 feet to an iron pipe in the southwesterly line of the former Johnson tract, now Gaines;

Thence along the Gaines tract South 33 degrees East 1433.77 feet, passing a beach tree at a distance of 1213.0 feet;

Thence along a fence North 89 degrees 27 minutes 48 seconds East 434.53 feet to the center of Dogue Run;

Thence along the center of Dogue Run as follows: South 56 degrees 23 minutes 30 seconds East 99.0 feet, North 70 degrees 50 minutes 30 seconds East 48.25 feet, South 49 degrees 39 minutes 30 seconds East 94.70 feet, South 26 degrees 06 minutes 30 seconds East 75.28 feet, South 27 degrees 50 minutes 30 seconds West 146.17 feet, South 23 degrees 56 minutes 30 seconds East 68.3 feet, South 10 degrees 39 minutes West 27.90 feet, South 52 degrees 32 minutes 30 seconds East 73.23 feet, South 13 degrees 19 minutes East 40.10 feet, South 63 degrees 10 minutes 30 seconds East 49.91 feet, South 33 degrees 25 minutes 30 seconds East 121.84 feet, South 24 degrees 06 minutes 30 seconds East 117.41 feet, South 36 degrees 54 minutes 30 seconds East 55.89 feet, South 15 degrees 43 minutes 30 seconds West 142.55 feet, South 06 degrees 27 minutes 30 seconds West 90.0 feet, South 07 degrees 36 minutes 30 seconds East 67.20 feet, South 12 degrees 22 minutes West 53.05 feet, South 28 degrees 14 minutes 30 seconds East 137.09 feet, South 62 degrees 46 minutes West 72.27 feet, South 15 degrees 46 minutes West 104.85 feet, South 37 degrees 31 minutes 30 seconds West 51.56 feet, South 04 degrees 40 minutes East 113.33 feet, South 19 degrees 06 minutes West 89.38 feet, South 25 degrees 09 minutes West 114.78 feet, South 27 degrees 42 minutes 30 seconds East 77.14 feet, South 16 degrees 47 minutes 30 seconds West 130.10 feet, South 29 degrees 11 minutes 30 seconds West 170.25 feet, South 06 degrees 10 minutes West 110.33 feet, South 17 degrees 02 minutes West 115.80 feet, South 24 degrees 28 minutes West 100.25 feet, South 14 degrees 12 minutes East 87.0 feet, South 0 degrees 17 minutes West 191.92 feet, South 10 degrees 52 minutes East 3.80 feet to an iron pipe in the northeasterly line of

the larger tract of S.R. Norman; Thence along the northeasterly line of said larger tract North 54 degrees 53 minutes 33 seconds West 4789.39 feet to the point of the beginning.

**e. Traffic accidents occurring in the areas of concurrent jurisdiction will be handled and investigated as follows:**

1. Traffic incidents involving USCG vehicles shall be investigated by a USCG law enforcement entity or other appropriate United States Government (USG) authorities.
2. Traffic accidents involving vehicles leased by the USG shall be investigated by a USCG law enforcement entity or other appropriate USG authority.
3. All other traffic accidents, except those involving vehicles owned or leased by the County of Fairfax, shall be investigated by the USCG or USG authorities.
4. A USCG law enforcement entity or appropriate USG authority may render assistance to FCPD as requested on those accidents investigated by FCPD.
5. The FCPD may render assistance to a USCG law enforcement entity or appropriate USG authority if requested.

**f. Criminal violations of the Virginia State Code and the Code of the County of Fairfax will be handled and investigated as follows:**

1. Criminal violations of the Virginia State Code and the Code of the County of Fairfax which occur on the TISCOM installation located at 7323 Telegraph Rd. in Fairfax County, VA will be handled and investigated by the FCPD.
2. When criminal violations of the Virginia State Code and the Code of the County of Fairfax occur onboard the TISCOM installation, FCPD will pass pertinent information of the violation to the TISCOM Command and Security Branch so long as the information does not adversely impact an ongoing criminal matter.
3. If a violation of the Virginia State Code or the Code of the County of Fairfax occurs on the TISCOM installation it is the responsibility of a cognizant USCG authority to report the violation to the FCPD.

**g. Emergency calls from the wireline 9-1-1 system and enhanced 9-1-1 systems generated from the TISCOM installation will be handled as follows:**

1. FCPD will respond to emergency notifications from TISCOM in the same manner that they respond to emergency notifications from the general public.

**h. Custody of the United States Coast Guard Telecommunication and Information Systems Command personnel wanted for violations of the Uniform Code of Military Justice (UCMJ), who are apprehended by the Fairfax County Police Department:**

1. If the service member wanted for UCMJ violations, and entered as a “wanted person” in NCIC, is arrested for a violation of state or local law, the TISCOM Officer of the Day (OOD) must be notified.
2. If the Coast Guard member is to be immediately released on a written promise to appear or on a secured bond, TISCOM’s OOD will be notified and requested to assume custody.
3. After notice has been made to the OOD, the FCPD will maintain custody of the Coast Guard member for a maximum of three hours, while awaiting the arrival of USCG authorities or appropriate USG law enforcement authorities.
4. If the appropriate USCG authorities or USG law enforcement authorities are unable to assume custody within three hours, the Coast Guard member should be transported to Fort Belvoir Military Police and turned over to them.
5. OTHER PROVISIONS. Nothing in this agreement is intended to conflict with current law or regulation or the directives of the USCG or the Department of Homeland Security. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in effect.
6. EFFECTIVE DATE. The terms of this agreement will become effective immediately upon the signature of the parties.
7. MODIFICATION. This agreement may be modified upon the mutual written consent of the parties.
8. TERMINATION. This agreement will continue to bind the parties unless otherwise written notice is provided to the other party. This agreement can be terminated by either party upon thirty days written notice to the other party.
9. USCG POINT OF CONTACT. Command Security Officer (tis-12), 703-313-5400.

**For the United States Coast Guard Telecommunication and Information Systems Command:**

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Captain Michael C. Dickey  
Commander, Telecommunication and Information Systems Command  
United States Coast Guard

**For the Fairfax County Police Department:**

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Lt. Colonel Edwin C. Roessler Jr.  
Acting Chief of Police  
Fairfax County Police Department

**For the Fairfax County Board of Supervisors and/or County Executive for the Fairfax County Board of Supervisors:**

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Edward L. Long Jr.  
County Executive  
Fairfax County, VA

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ACTION - 3

Approval of an Agreement Between Fairfax County and Capital One to Implement a Commuter Shuttle Pool Program

ISSUE:

Board approval of an agreement between Fairfax County and Capital One to provide funds for a Commuter Shuttle Pool as a Transportation Demand Management (TDM) strategy for the I-95 Express Lanes Transportation Management Plan (TMP).

RECOMMENDATION:

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

TIMING:

The Board should take action on this matter as soon as possible, so that funding is available to begin implementation of the Commuter Shuttle Pool in June 2013.

BACKGROUND:

This Commuter Shuttle Pool Program is a TDM strategy designed to reduce traffic congestion by offering a free shared-ride commute option to employees that travel over 20 miles to work along the I-95 Express Lanes construction in Virginia.

As part of this ongoing I-95 Express Lanes TDM strategy, staff has engaged Capital One to pursue implementation of a Commuter Shuttle Pool program.

Capital One has met or exceeded all proffered trip reduction goals, in addition to these efforts Capital One provides shuttle services to and from both the Dunn Loring and West Falls Church Metrorail stations for its employees.

Capital One has committed \$169,092 to engage its existing shuttle service provider to operate one long distance shuttle for employees who regularly drive from the south along the I-95 Express Lanes. This Commuter Shuttle Pool will reduce SOV traffic in the Express Lanes construction zone, and provide employees with free, comfortable and, attractive alternative to driving alone.

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A similar Commuter Shuttle Pool pilot program / TDM strategy was successfully implemented in January 2012 at INOVA Fairfax Hospital on two routes (one serving I-66 and the other serving I-95). The I-495 Capital Beltway Express Lanes TMP funded the first six months operation. Since the end of the initial six month period, Inova Fairfax Hospital has continued to fund the program into 2014.

After approval by the Board on January 10, 2012, the Board directed staff to provide feedback on the program six months to a year after implementation. After 15 months of operation the Commuter Shuttle Pool has exceeded expectations. The I-95 route started and remains at capacity. The I-66 route started at about 40 percent capacity and is now at about 60 percent of capacity.

FISCAL IMPACT:

All of the funds for the first six months of this program will be provided by the Virginia Department of Transportation through the Transportation Management Program (TMP) for the I-95 Express Lanes, in the amount of \$169,092. Capital One has committed to fund the Shuttle Pool for another six months following this startup period at \$169,092. If Capital One chooses to continue the Shuttle Pool beyond the first year, it will be entirely at their expense. There is no commitment to provide public funds beyond the six month startup period.

No County funds are required for this program.

ENCLOSED DOCUMENTS:

Attachment 1: Commuter Shuttle Pool Agreement

STAFF:

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

**FAIRFAX COUNTY EMPLOYEE SHUTTLE POOL PROGRAM  
AGREEMENT BETWEEN FAIRFAX COUNTY AND CAPITAL ONE**

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_\_ day of \_\_\_\_\_ in the year 2013, is by and between the County of Fairfax, Virginia, hereinafter referred to as the COUNTY, and CAPITAL ONE, hereinafter referred to as CAPITAL ONE.

WHEREAS, the COUNTY and CAPITAL ONE concur on the implementation of an Employee ShuttlePool Program related to the promotion of a Transportation Demand Management (TDM) strategy for the (I-95) Transportation Management Plan (TMP) High Occupancy Toll (HOT) lanes project as outlined in Appendix A and hereinafter referred to as the Program; and

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

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

WHEREAS CAPITAL ONE has appointed staff to administer the Employee Shuttle Pool Program;

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

1. The COUNTY shall:

- a. Provide an amount not to exceed \$169,092 for the first six months of operation of the Employee Shuttle Pool Program starting in June 2013, utilizing state funds from the Virginia Department of Transportation and the Department of Rail and Public Transportation. No local County funds will be required.
- b. Upon receipt of CAPITAL ONE's invoices pursuant to paragraph 2. b, reimburse CAPITAL ONE the cost of eligible program expenses, not to exceed a cumulative total of \$169,092. Such reimbursements shall be payable by the COUNTY within 30 days of an acceptable submission by CAPITAL ONE.
- c. Make available to CAPITAL ONE guidelines to assist the parties in carrying out responsibilities under this Agreement,

2. CAPITAL ONE shall:

- a. Capital One shall provide the remaining balance of \$169,092 of the funding for the final six months of the operation of the Employee Shuttle Pool as outlined in Appendix A.
- b. Capital One shall submit monthly invoices with supporting documentation to the COUNTY in the form prescribed by the COUNTY. The supporting documentation shall

include copies of any related vendor invoices paid by CAPITAL ONE for the first six month and also include an up-to-date project summary, payments and adjustments to date related to the Employee Shuttle Pool Program. Capital One shall continue to supply ridership data to the COUNTY for the remainder of the first year operations.

- c. Monthly operational cost and vehicle size will be warranted by ridership levels. Meaning; if the initial 52 seat motor coach is not operating at sustainable levels the provider will reduce the size of the vehicle and this would directly reflect in the reduction of the operational costs due by both parties.
  - d. Administer the Program in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the Program may result in forfeiture of state-aid reimbursements.
  - e. Carry insurance sufficient to cover the risks for all damage to life and property due to any and all activities in connection with the work performed under this Agreement, in accordance with the VDOT and DRPT Liability Waiver requirement for state grant funding included in this agreement as Appendix B. Such insurance shall list the Commonwealth of Virginia, VDOT, DRPT, the COUNTY, and the officers or agents and employees of these entities as additional insured.
3. Nothing in this agreement shall be construed as a waiver of the COUNTY's or the Commonwealth of Virginia's sovereign immunity.
  4. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither-Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
  5. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the COUNTY or CAPITAL ONE shall not be bound by any agreements between either party, and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the COUNTY or CAPITAL ONE has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
  6. The COUNTY and CAPITAL ONE shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation. THE COUNTY and

CAPITAL ONE acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

7. THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.
8. THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

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

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

Tom Biesiadny, Director  
Department of Transportation  
Fairfax County  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-5723

Name  
Title  
Company  
Address

**CAPITAL ONE  
SHUTTLE POOL PROGRAM APPLICATION  
COUNTY OF FAIRFAX / STATE OF VIRGINIA**

Capital One is a McLean-based corporation with approximately 2,000 associates and contractors located at our McLean headquarters building in Fairfax County, Virginia. Additionally, we house approximately 8,000 associates and contractors at our West Creek campus in Goochland County, Virginia.

Currently, Capital One manages several privately-managed shuttle bus services between our McLean and West Creek offices in an effort to provide safe and efficient transportation for employees traveling between campuses for meetings.

In addition, Capital One intends to create a new privately-managed shuttle service for the purpose of reducing cars traveling to and parking at our McLean Headquarters building. James River Bus Lines, a privately-held corporation based in Richmond, VA, has been identified as the transportation service provider; however, Capital One reserves the right to engage the services of any comparable transportation service provider throughout the duration of this service. This shuttle service will be managed by Capital One Corporate Real Estate Transportation Services team.

The new shuttle service will originate at the VDOT Park 'n Ride in Fredericksburg, VA, located at 10810 Houser Drive. And, will make a 2<sup>nd</sup> stop further north at the VDOT Park 'n Ride in Woodbridge, VA, located at Route 123 and Old Bridge Road. The shuttle will terminate at the COF McLean Headquarters building. The shuttle will operate initially Monday thru Friday, with a morning run to McLean, and a late afternoon run returning from McLean to Woodbridge and Fredericksburg. Shuttle service days and hours of operation are subject to participation rates.

We project 25-30 average daily riders, based on current participation rates and populations in the surrounding areas. This ridership will be comprised of Richmond-based employees traveling to McLean for meetings, and primarily, McLean based employees currently driving to work. Based on this projected ridership, we will launch the new service with a single motorcoach, and adjust size of vehicle as needed.

Listed below are estimated costs to operate the shuttle service:

<b>Facility Location</b>	<b>Estimated Service Days / Hours</b>	<b>Number of Employees / Equipment</b>	<b>Estimated Weekly Hours</b>	<b>Estimated Weekly Cost</b>	<b>Estimated Monthly Cost</b>	<b>Estimated 12 Month Cost</b>
James River Transportation 915 North Allen Avenue Richmond, VA 23220	Mon thru Fri 6:00am – 9:00am 4:00pm – 7:00pm	1 full time CDL licensed driver (plus trained backup drivers)  1 55-passenger motorcoach	40	\$6,710	\$28,182	\$338,184
<p><b>Comments:</b> Pricing does not include any applicable fuel surcharges as per contract, and any additional amenity charges (wi-fi)</p> <p>Estimated Service Hours – includes travel time; does not include standby billable time (Total Billable Hours estimated at 13 hours/day)</p>						

Capital One intends to communicate and promote this new service to all Capital One associates and contractors based in our Richmond and McLean offices. Capital One will maintain daily rider logs in order to compile monthly rider statistics.

Capital One Corporate Real Estate Transportation team has partnered with County of Fairfax Employer Outreach and Sustainable Transportation in the development of this program and the application for participation in Fairfax County DOT Employee ShuttlePool Program. It is the understanding of Capital One that approved participation in this program will result in a written agreement generated by FCDOT office between State of Virginia and Capital One within 3-6 weeks from the time of application by Capital One. If approved, State funding will be provided at a rate of 50% total operating costs for 12 months of the program, or 100% funding for 6 months of the program, based on availability of funding, and approved eligibility and participation according to FCDOT guidelines.

**ShuttlePool General Information**

**ALL APPLICANTS MUST SUBMIT A FULL WRITTEN PROPOSAL**

Vehicle Type/Make/Model: 55 passenger motorcoach

Vehicle Seating Capacity: 55

ShuttlePool Start Date: May 1, 2013

**Pick-Up Points:**

Number One: Fredericksburg VDOT Park 'n Ride  
10810 Houser Driver, Fredericksburg, VA  
Time: 7:30am

Number Two: Woodbridge VDOT Park 'n Ride  
Route 123 and Old Bridge Road, Woodbridge, VA  
Time: 8:00am

**Drop-Off Points:**

Number One: Capital One McLean Headquarters  
1680 Capital One Drive, McLean, VA  
Time: 8:45am

Number Two: none at this time

**One Way Commute:**

Daily Miles:

Monthly Miles:

**Route Traveled:**

Interstate 95

**Total Monthly ShuttlePool Operating Costs:**

Estimated to be between \$30,000 to \$22,000 per month, depending on size of bus and days of operation. Pricing includes estimated costs for wi-fi service and applicable fuel surcharges from the supplier.

## Liability Waiver

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

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Board Agenda Item  
June 18, 2013

ACTION - 4

Endorsement of WMATA's Strategic Plan – Momentum: The Next Generation

ISSUE:

Board endorsement of the Washington Metropolitan Area Transit Authority's (WMATA) Strategic Plan for FY 2013-2025 called Momentum: The Next Generation (Momentum).

RECOMMENDATION:

The County Executive recommends the Board take the following actions:

1. Endorse WMATA's Strategic Plan – Momentum: The Next Generation for planning purposes only.
2. Encourage WMATA to pursue new and dedicated funding sources for this plan.

TIMING:

Action should be taken on this item on June 18, 2013, because the WMATA board will be taking action on Momentum on June 29, 2013.

BACKGROUND:

The WMATA Board of Directors and staff have completed the development of a new strategic plan called Momentum which is the first strategic plan the agency has developed in over ten years. While WMATA continues to focus on the state of good repair, improving safety, reliability, and customer service, the organization is also planning for the future. WMATA is planning to deliver more than 1.6 million trips per day, and continue its role in supporting the region's economy. Momentum is the vision that will guide WMATA's strategic growth through 2025. Regional planning documents served as the basis for the development of Momentum, and for the planned growth of WMATA. WMATA staff presented and discussed the Momentum plan with the Board of Supervisors on January 15, 2013.

The key priorities proposed in Momentum include:

Become the one-stop shop for bus and train information for all of the region's transit customers;

- Operate all eight-car trains during rush hour, accommodating an additional 35,000 passengers per hour;

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- Enhance bus service by improving service and adding bus-only lanes to complete the Metrobus priority corridor network;
- Expand or enhance select core stations to accommodate more customers and make stations brighter, safer, and easier to navigate;
- Build new pedestrian connections between stations to provide more convenient transfer options; and
- Develop an open fare payment system for all regional transit providers.

Build new infrastructure, such as tracks and stations that would provide more travel options and improve service for customers.

Many of the proposed investments included in Momentum will significantly improve mobility for Fairfax County, and the entire metropolitan region. Eight car trains will help address overcrowding on trains serving Fairfax County, and the infrastructure improvements, such as pocket tracks and turnbacks, will enhance Metrorail reliability by providing alternatives for storing and turning around trains. In addition, the full implementation of the bus priority corridor network will improve the regional bus system, and the overall transit network.

FISCAL IMPACT:

None at this time. If all of the projects in Momentum are implemented, WMATA would need an additional \$500 million per year, beyond the \$1 billion annually that is currently programmed and spent to fund WMATA's capital program. This endorsement of WMATA's strategic plan by the Board of Supervisors is for planning purposes only, and is not a commitment to fund the plan. WMATA is encouraged to pursue new, additional, and dedicated funding sources for this plan.

ENCLOSED DOCUMENTS:

Attachment 1: Momentum - At a Glance

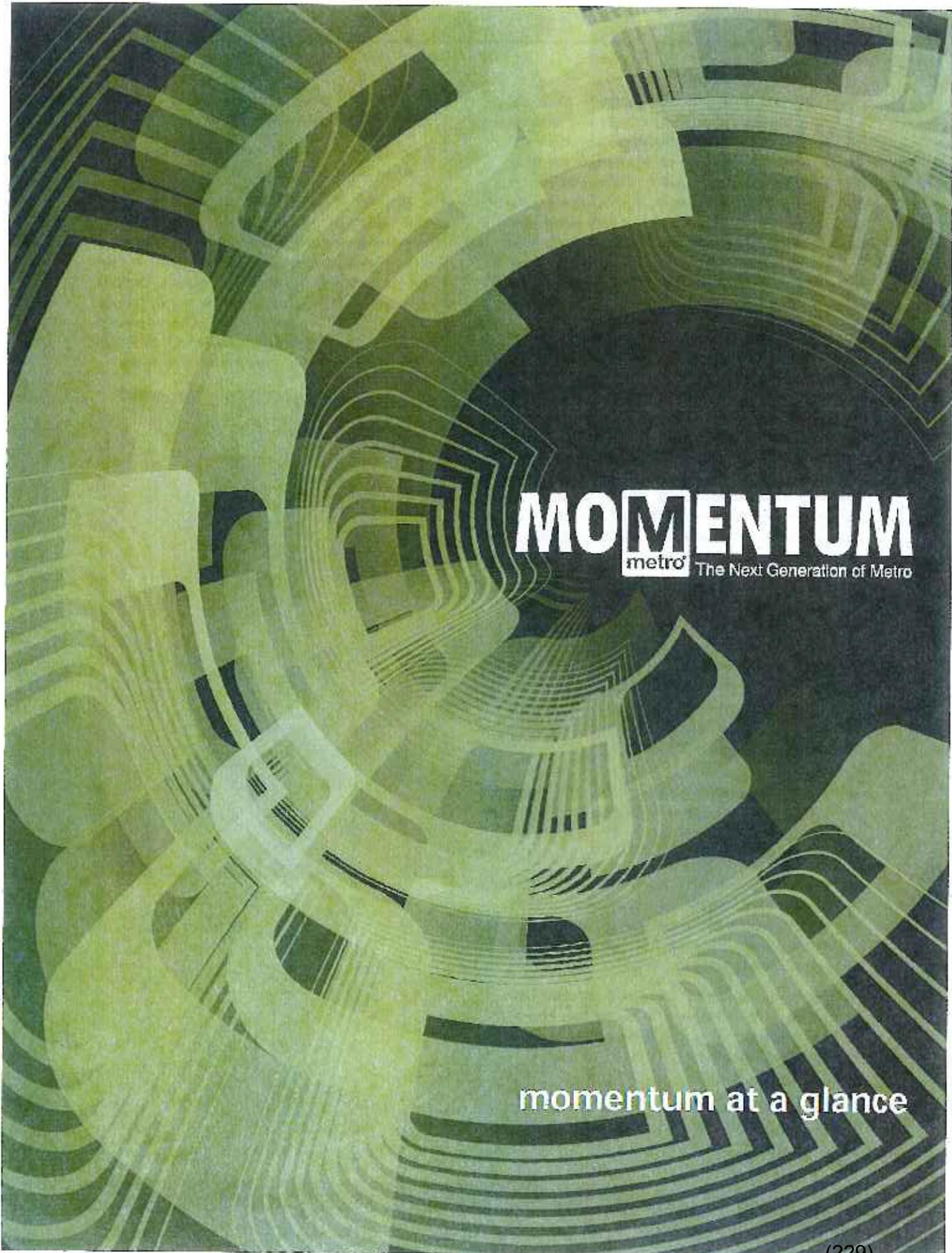
Attachment 2: Resolution for County Endorsement of Momentum

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



**MOMENTUM**  
metro The Next Generation of Metro

momentum at a glance

**M**etro is at a critical juncture. Since the current rail and bus system was planned, the Washington metropolitan region has grown tremendously, and so has transit ridership. Yet investments and upgrades to the system have not kept up. Today's customers are experiencing the effects of years of chronic underfunding and underinvestment: aging equipment, deteriorating infrastructure and less-reliable service. Recent efforts to renew the system are helping matters, but will only bring the system back to where it should have been all along.

Meanwhile, the region is projected to continue to grow over the coming decades, and this growth will place even more pressure on a system that is already nearing capacity. Without an eye to the future of the Metro system – and how it might keep up with continued strong growth in the metropolitan area – the region's competitiveness itself may be at stake. Certainly, Metro must not only continue to rehabilitate the system, but it must also anticipate future growth to ensure that the region remains livable and competitive.

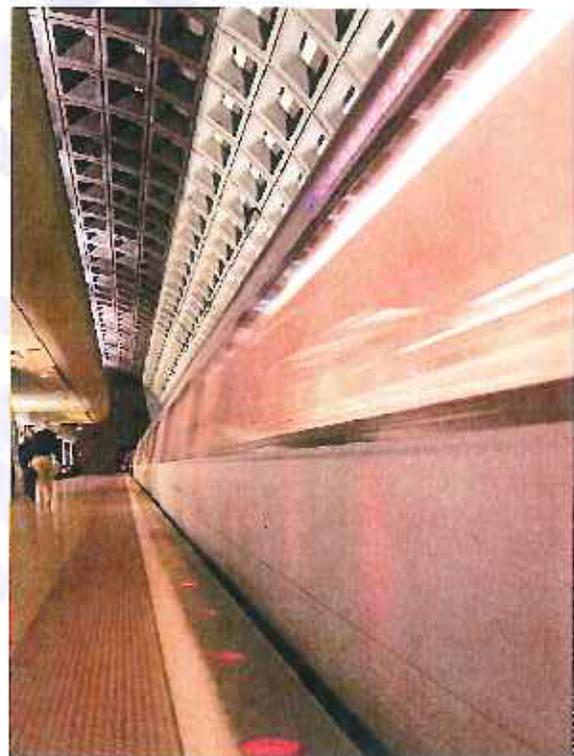
To plan for the future while rebuilding the system, Metro's leadership has created *Momentum*, a strategic plan that will guide Metro's decisions and business plans over the next 10 years and ensure that the system continues to support the region. Building on the Board of Director's governance improvements, a renewed safety and performance management culture, and the accomplishments of MetroForward, *Momentum*:

- Ensures that Metro will provide the transit system the Washington region needs to deliver hundreds of millions of trips to residents and visitors each year;
- Provides vision and guidance for decision making to efficiently meet the needs of today while proactively preparing to support the future needs of a healthy, prosperous, and competitive region tomorrow;
- Establishes priorities for near- and long-term action and establishes a vision for Metro's regional role that is consistent with language in the Metro Compact;
- Sets the stage for addressing Metro's chronic funding challenges, and among other items, specifically calls for an aggressive effort to

secure a reliable and sustainable source of funding for the system; and

- Calls on Metro to fill a critical role in regional transit leadership.

The General Manager/CEO's business plan and annual budget, which are already being implemented, support and ensure achievement of the long-term strategies in *Momentum*. It also bridges near-term activities to Metro's Regional Transit System Plan (RTSP), a transit expansion plan for the region in 2040 which will be released by mid-2013, and *Region Forward*, a broadly-endorsed 2050 vision to help the region meet future challenges.



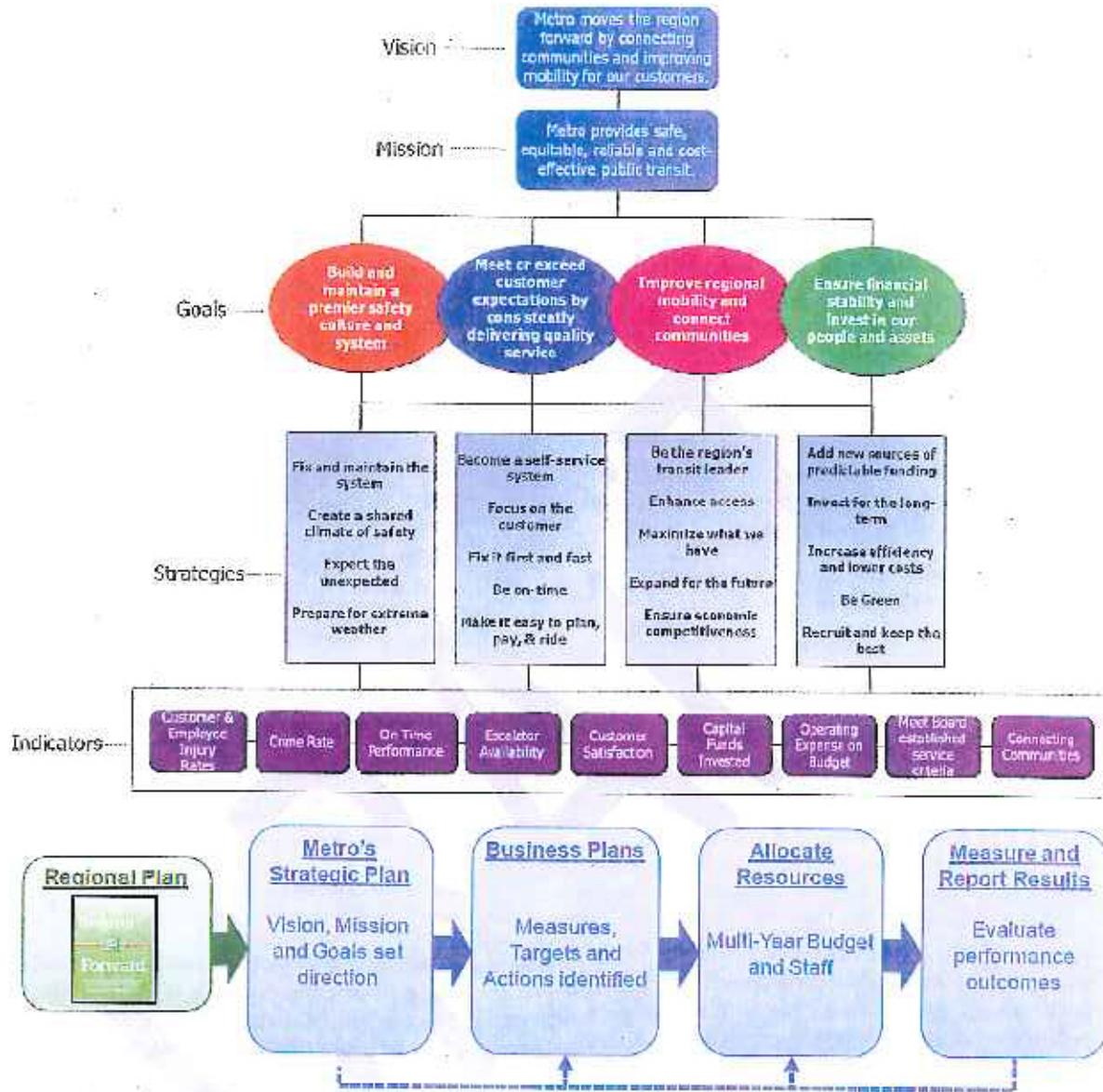


Figure 1 - Strategic Plan Architecture

## Metro by the Numbers

In the late 1970s, Metro trains carried just over 100,000 passengers a day and hundreds of thousands of passengers on the bus system. In the last 20 years, rail average weekday ridership system-wide has gone from just over 500,000 in 1990 to almost 750,000 today, or 220 million trips annually, while bus ridership has stayed at a stable level of roughly 450,000 daily trips, or 134 million trips annually. Since Metro's opening, most rail stations in the core of the system have seen ridership more than double.

Notably, transit usage region-wide is on the rise:

- MWCOC's 2007/2008 household travel study found that 18 percent of the region's commuting trips are on transit – more than three times the national average;
- In the system's core, 43 percent of workers use transit to get to work; and
- Non-work trips on Metrorail are on the rise, and approximately 17 percent of all weekday trips are now conducted for non-work reasons (e.g. entertainment, shopping, etc.).

Today, Metro is the largest and most-used transit provider in the Washington region, providing more than 1.2 million safe, clean and reliable trips each day to a population of 4.6 million within a 1,300 square-mile area. By way of comparison, Metro operates the second-largest heavy rail transit system, sixth largest bus network and fourth largest paratransit service in the United States. During the peak period, in addition to a growing local population base and tourists, more than 40 percent of Metro's riders are federal government employees.

## Metro's Impact on the Region

Imagine for a moment the Washington region without Metro. Images of increased traffic congestion and lost productivity come to mind, and it turns out that these images likely understate the benefits that Metro conveys to the region today. *Making the Case for Transit* (2011) found that without Metro and the regional transit system that it feeds:

- There would be one million more auto trips per day;

Metrorail Average Weekday Ridership

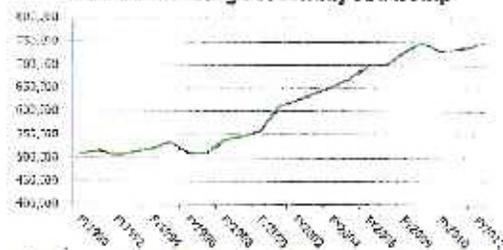


Figure 2 - Metrorail Average Weekday Ridership FY 1990-2012

Daily Ridership Growth

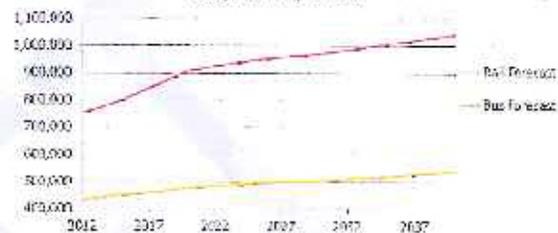


Figure 3 - Metrorail and Metrobus Daily Ridership Growth (forecast to 2040)

- Congestion would increase by 25 percent, resulting in billions of dollars in lost productivity annually;
- More than 1,000 new lane miles would be needed on highways and arterial roads;
- All river crossings would need four to six additional lanes;
- Downtown Washington would require 200,000 more parking spaces, which is the equivalent of 166 blocks of five story garages, at a cost of at least \$4 billion (2012), excluding land;
- Congestion at peak times would increase 25 percent, costing over \$1.5 billion annually in wasted time and fuel;
- Households would spend an additional \$489 million/year in auto expenditures, including an additional 40.5 million gallons of fuel annually; and
- Air quality would worsen with an additional 260 tons of volatile organic compounds, 22 tons of particulate matter and 500,000 tons of CO<sub>2</sub> in the air.

Importantly, Metro does far more for the region than provide transportation alone. It also provides

economic, social, and environmental benefits which contribute to the region's health and vitality.

- Within a half-mile of rail stations and bus stops there are two million jobs, which account for 54 percent of all jobs in the region.
- Land within a half-mile of Metrorail stations accounts for less than one percent of the region's land, but absorbed 14 percent of the region's job growth between 2004 and 2010.
- The land around Metrorail stations generates \$3.1 billion annually in property tax revenues to the jurisdictions and of that, it is estimated that \$224 million would not exist without Metro. This increment helps pay for vital local services, such as:



Figure 3 Source, WMATA Office of Planning, Preliminary Analysis

### Rebuilding Inside and Out

Metro has been rebuilding inside and out, and the Board of Directors has been laying the foundation to rebuild Metro itself. From bringing on a new General Manager to putting in place the largest capital program since the inception of Metro, the Board has taken numerous actions to better equip the agency to succeed, including providing for a stronger governance foundation. As a result, Metro has made substantial progress on improving system safety, reforming the agency's governance, and stabilizing its finances.

With continued investment, it is projected that Metro will get through the intensive MetroForward "catch up" phase in the years ahead, which has already delivered:

- An aggressive escalator rehabilitation program;
- Continued improvement of elevator availability;
- Station repairs at Judiciary Square, Shady Grove, Rockville, White Flint, Twinbrook and Union Station;
- 461 new MetroAccess vehicles in service;
- Over 200 replacement or rehabilitated buses in service;
- Electrical upgrades to accommodate additional 8-car trains on some lines; and
- Replacement of over 14.7 miles of rail, 36 No. 8 guarded switches, 16,000 ties, 11,731 cross ties, 62,723 linear feet of running rail, 20,745 fasteners, 8,849 insulators and 9,829 linear feet of grout pads.

Metro is also preparing for future operations of the Silver Line to Dulles by expanding its fleet with its 7000 series railcars, the most advanced in the industry, expanding and training its workforce, and adding capacity for maintenance at its rail yards.

### Stakeholder Support for Momentum

After initial intensive discussions by the Board and the executive leadership team, Metro drafted a new vision, mission and goals that reflect the priorities of the region. With this new strategic framework in hand, the Board of Directors and management launched a comprehensive outreach program for *Momentum*. Reflective of Metro's broad reach across the region, the outreach plan was extensive, seeking input from Metro's customers, the general public, jurisdictional and federal funders, key regional civic organizations, Metro's own employees, and stakeholders. Business and advocacy groups further extended the initiative's reach. Metro's partners simultaneously joined the effort to promote maximum exposure, regional reach, and breadth of input.

Among the most prominent shared areas of feedback from stakeholders were the following sentiments:

- ***Make no small plans (for Metro):*** Metro requires a grand vision and robust investments. Half measures will not do;
- ***Metro is critical to the region's future:*** The transit system is the region's circulatory system; tending to it is essential to competitiveness, prosperity, and enhanced qualities of life;

- **Continue rebuilding:** “Fix it” and make the system more reliable;
- **Reduce crowding:** Metro needs more capacity on both rail and bus;
- **Provide better customer information:** Customers want all types of trip information, on-demand, everywhere; and
- **Ensure stable funding:** Citizens, leaders, and businesspeople alike are unified in calling for sustainable, reliable funding for Metro.

### **Focusing on the Future**

Over the next three decades, the Washington region is forecast to experience increased growth, including a 30 percent increase in population and a 39 percent increase in employment. This would be equivalent to adding the population of the city of Philadelphia or Houston to the region.

The region is expanding beyond its historical urbanized areas into previously undeveloped suburbs while adding more density to developed areas. Numerous villages, “town centers”, urban revitalization areas, and revitalized inner suburbs are signs that the D.C. area now functions as a “regional city” – one that needs transit provision in places where the original system was never designed to go and may not be effective in meeting this new demand.

Additionally, planned expansions of local transit services such light-rail transit (LRT), bus-rapid transit (BRT), streetcar, commuter rail, and local bus service will feed additional demand onto the rail system and eventually the system’s core, where 70 percent to 80 percent of existing rail trips link or terminate. These new, regionally significant transit projects and services total almost \$7 billion and include projects such as:

- Metrorail Silver Line Phase II to Dulles Airport and Loudoun County (VA);
- Streetcars on H Street, NE and Anacostia SE (DC) and Columbia Pike and US 1(VA);
- Bus Rapid Transit/Busways on Veirs Mill Road (MD), Corridor Cities (MD), Crystal City/Potomac Yard (VA), Van Dorn to Pentagon (VA), and K Street, NW (DC);
- Light Rail Transit on the Purple Line (MD); and
- Potomac Yard Metro station (VA).

All of the above projects depend on Metro to be in prime operating condition to absorb new passengers – yet there is no funding currently to upgrade the regional core itself to accommodate this demand. Moreover, there is limited coordination between the 15 or so systems that also provide service in the region, raising the potential for a disorganized and inefficient future transit network that does not deliver convenience, simplicity, or interoperability for the customer.

### **Delivering the Transit System the Region Needs**

Tomorrow’s Washington region will require mobility solutions that not only alleviate system congestion today, but ones that connect new communities, deliver a safe and comfortable passenger experience, become a preferred means of travel in the region, and do so in a manner that is financially sound and sustainable. This is no simple task, to be sure, and serving tomorrow’s Washington region will certainly require exploring and making difficult decisions, today.

After achieving a steady state of maintenance, Metro’s first priority will be maximizing the current transit network and squeezing every last bit of capacity out of the system. Such plans may indeed better serve the region as it has evolved over the last 35 years, but they are only the foundation necessary to meet the needs of the region of the future.

Metro leaders have already begun the planning and engineering work necessary to serve the region today and tomorrow. This foundational work lays out three clear investment thresholds that the region must consider, each of which has differing funding needs, as well as differing levels of impact on the metropolitan area’s mobility, sustainability, and prosperity.

#### **Maintain the Existing System**

Once rehabilitated, the system will require ongoing and sustained reinvestments as it continues to age and deteriorate – the system never becomes free of capital needs. Current estimates suggest that Metro requires at least \$1 billion (in \$2012) per year simply to support and maintain the existing system, even after rehabilitation. This amount achieves a “state of good repair” for the existing system, but would not be enough to address issues of crowding and capacity nor serve the needs of a growing region.

### Metro 2025

Metro leaders have already formulated a series of seven initiatives to not only meet current demand but also prepare the system to keep up with the other regional investments and help the region maximize the return on these investments. These initiatives, which should be completed by 2025 if they are to have maximum impact, will increase system and core capacity and improve the effectiveness of the rail and bus networks. They will also make it more likely that the region's non-Metro transit investments will have the results that the region needs and expects. These projects, which require an additional \$500 million in funding annually through 2025 would:

- Enable Metrorail to operate all eight car trains during peak periods, and have the rail cars, power, and storage to do so;
- Complete the Metrobus Priority Corridor Network (PCN);
- Improve core stations including pedestrian underground connections, mezzanines, platforms, and stairs/escalators;
- Add pocket tracks/turnbacks where necessary to eliminate choke points;
- Install a next-generation communications infrastructure for customer-facing needs, such as trip planning, payment, and regional transit network navigation;
- Accommodate bus service growth and emerging corridors through fleet expansion; and
- Add infrastructure to increase service between key stations.

### Metro 2040

Implementing Metro 2025 means that the region will have the transit network that can serve the region in the next decade. However, it stops short of giving the region a transit system that is built with the future in mind. Questions about whether the region will live up to its growth potential without a transit system built to accommodate the world in 2040 are

fair to ask — as is asking about the quality, conditions, and reliability of the system in 2040 should the region still rely on one built for 2025.

Elements of Metro 2040, all of which require Metro 2025 as a precursor, are still preliminary as Metro's long-range plan is still under development and elements remain to be identified and evaluated. Those that have been identified and are in the preliminary evaluation stage are listed below, and those that are specific to Metro will require additional capital funding of approximately \$740 million per year through 2040, in addition to the investments in Metro 2025 and funding necessary to maintain the system as it is. Examples of some of the components of Metro 2040, which in full will be released in the Regional Transit System Plan in mid 2013, currently include the following:

- Separate the Blue and Yellow lines from the Orange and Green Lines, respectively, through the system core;
- Build express tracks for the Silver/Orange Lines in VA;
- Create Metrorail extensions on Orange (VA) and Blue (VA and MD) lines;
- Add BRT or LRT from Dunn Loring (VA) to Tysons (VA) and White Flint (MD) across the Legion Bridge;
- Add BRT or LRT from New Carrollton (MD) to Alexandria (VA) across the Wilson Bridge;
- Deliver enhanced commuter rail and bus service;
- Build streetcar connections across Potomac River;
- Deliver enhanced and coordinated regional BRT system; and
- Build streetcar extensions to Lincolnia and on Route 7 to Tysons.

## The Strategy

The strategies support the vision of tomorrow's transit ride as well as give guidance to the types of investments and decisions that Metro can and must make in order to achieve this vision and support the region.

### Goal 1 – Build and Maintain a Premier Safety Culture and System

Fix and Maintain the System	Metro will continue its efforts to return to and keep the system equipment and infrastructure in good condition. Metro will use data-driven and science-based methods to allocate resources, use system safety practices and principles and environmental design to enhance safety, and seek to meet or exceed national safety and security standards for transit.
Create a Shared Climate of Safety	Metro will work with employees, riders, jurisdictional partners, and the general public to make sure that everyone does their part in creating and sustaining a culture of safety and security in stations, vehicles, support facilities, and access points. Metro will enhance its communications feedback loops to bring critical safety information to empowered agents quickly, to prevent accidents before they happen.
Expect the Unexpected	Metro will continue to support the region's emergency transit management and security readiness protocols, and seek to make transit emergency protocols widely- and easily-understood. Metro will maintain regional evacuation capability and prepare for any event that requires wide-scale response. On a smaller scale, Metro will continue to improve incident response timing, planning, preparation and investigation.
Prepare for Extreme Weather	Extreme weather is becoming more commonplace. Metro will continue to design and build the system, as well as implement operational protocols, which assume extreme weather may become the "new normal". Facility enhancements, new equipment and strategic partnerships will also improve Metro's ability to adapt to changing weather patterns.

### Goal 2 – Meet or Exceed Expectations by Consistently Delivering Quality Service

Become a Self-Service System	Metro was designed to become a self-service system. Completing this design objective will ensure that customers can experience the system smoothly and Metro can re-allocate resources optimally.
Focus on the customer	Metro will focus on the needs of Metro's customers at all stages of a trip, and optimize its customer-facing employee approach.
Fix it first and fast	Metro's results focused maintenance approach is critical to keeping assets in a state of good repair and services running reliably. Metro will collect and utilize data on the performance of Metro's system in order to deploy resources.
Be on-time	Metro is dedicated to delivering service on time. Metro will continue to adjust service delivery to improve reliability, reduce crowding, and better serve travel markets.

Make it easy to plan,  
pay, & ride

Metro will provide customers with accurate and timely information for navigating the region and for trip planning, including real-time information on arrivals and departures, or delays and incidents. Adopting new technologies and policies will help Metro offer easy and seamless planning and payment options for trips throughout the region.

### Goal 3 – Improve Regional Mobility and Connect Communities

Be the region's transit leader	Metro is not only the region's largest transit provider, but is chartered as the region's transit planning entity. Through leadership and partnerships, Metro will guide regional integration, ensuring that today and tomorrow's regional transit services move people where they want to go, seamlessly.
Maximize what we have	Metro will meet growing demand and address overcrowding by optimizing the capacity of the existing infrastructure. In addition, Metro will work with local jurisdictions to implement transit priority improvements on the street to move buses faster.
Enhance access	Access to and linkages between stations/stops and services is the basis for a successful transit network. Metro and its partners have added sidewalks and bike lanes and connected local bus services to stations, but there is still much work to be done. Metro will continue to improve the usability of multiple modes of transit and the overall accessibility of the entire system to all riders.
Expand for the future	Metro will work with local partners to enlarge the rail and bus network to provide high-quality transit to communities across the region.
Support the region's economic competitiveness	Transit is the backbone of the region and a key to its vitality. Metro will continue to support the development of places where people want to invest, live and work.

### Goal 4 – Ensure Financial Stability and Invest in our People and Assets

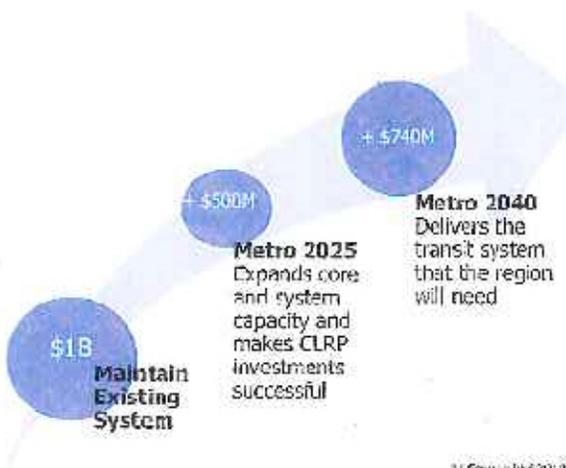
Add new sources of predictable funding	Metro will work with regional and federal partners to develop a reliable funding source for transit. Metro is already working with regional partners to develop multi-year budgets to form the basis of stable funding agreements.
Invest for the long-term	Vehicles, tunnels, bridges, stations and systems are all valuable physical assets for the region that will require replacement. Metro will prioritize and replace assets with a view to providing long-term safety, reliability and cost savings.
Increase efficiency and lower costs	Metro will operate efficiently by focusing on key cost drivers, improving business processes, and using technology more effectively.
Be Green	Metro will employ technologies and practices to reduce consumption of natural resources and pollution. Lower energy usage, alternative fuels, and sustainable development criteria will be considered for new facilities and vehicles.

Recruit and keep the best

Continued growth and development throughout the region will require Metro to respond as a high performance organization. Metro will develop the people to meet the task by hiring quality candidates, providing training and career development, offering competitive compensation and acknowledging exemplary employees.

## Implementing Momentum

Delivering the transit system that the region needs will require an unequivocal commitment of additional resources from internal and external stakeholders. Simply put, the rehabilitation work being accomplished at the time of the writing of this document will not be nearly enough to keep up with the region's needs, and without additional resources it will be unlikely that the region can continue to enjoy a transit network that contributes to competitiveness and makes the Washington metropolitan area one of the most desirable places to live and work.



All figures in \$2012

Figure 4 Momentum's Order of Magnitude Annual Capital Funding Needs

To accomplish the goal of continuing to support the region through the transit vision articulated in *Momentum*, Metro must first tackle two funding issues. *First*, Metro must work to ensure it continues to receive the robust capital funding from its local, state and federal partners that it has in recent years. *Second*, Metro must work with the region to find new mechanisms that could generate revenue for Metro, especially considering federal and state funding uncertainty, the looming expiration of

Metro's annual PRIAA capital appropriation, and the regional demand for expanded transit capacity.

In the near future, *Momentum* will generate numerous action items and identify roles and responsibilities, as well as sources of funding, for action.

## Next Steps

In the immediate future, *Momentum* can move into an action phase with the following:

1. Consensus from the Board on the plan;
2. Feedback and endorsement from key stakeholders such as the jurisdictional funders; Congressional Delegation and others;
3. After endorsement, execution of the most effective funding mechanism; and
4. Integration into General Manager and Department business plans.

With the above in hand, *Momentum* can immediately begin work on delivering the transit system of the future and the network that the region needs and deserves.

## **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia, on Tuesday, June 18, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

### **Endorsement of the Washington Metropolitan Area Transit Authority's Strategic Plan – Momentum: The Next Generation**

WHEREAS, the Washington Metropolitan Area Transit Authority (WMATA) is charting a new course to ensure the transit system meets the needs of the region through a strategic planning effort, the first for the Authority in more than a decade; and

WHEREAS, planning for the future and investing in WMATA is critical because Metro is the transportation backbone of the region, with two million jobs located within a half mile of Metrorail or Metrobus routes;

WHEREAS, WMATA and its riders relieve the jurisdictions' need to construct at least 1,000 lane miles of roads and tens of thousands of parking spaces;

WHEREAS, while WMATA continues rebuilding virtually the entire system to improve safety, reliability and customer service, the Authority must be able to serve the expected millions of future riders, and support the region's economic growth; and

WHEREAS, demand is already overtaking capacity, and more growth is expected, and thus, additional investments are needed to improve the transit network, and ultimately, to ensure the continued prosperity of the region; and

WHEREAS, Momentum benefits from more than a year of unprecedented outreach to nearly 12,000 customers and stakeholders, provides a road map to achieve transportation goals, and guides WMATA's annual business plan; and

WHEREAS, recognizing that the region's mobility depends on the continued operation of WMATA's transit network, Momentum includes the following key priorities for completion by 2025: Operation of all eight-car trains during rush hour; completion of the Metrobus Priority Corridor Network; a one-stop shop for all regional transit trip planning and payment; and a better, more efficient MetroAccess service; and

WHEREAS, Momentum would provide a regional return by carrying 35,000 more passengers on trains per hour during rush hour; moving bus customers 50% faster using 12% less fuel, and

removing an additional 100,000 trips from roadways each day; providing customers with one convenient hub to plan, pay for, and take a transit trip seamlessly and effortlessly throughout the region; serving more customers with brighter, safer, and easier to navigate stations; offering customers full and complete access to information to keep them informed during trips; and

WHEREAS, Momentum will require participation of all funding partners from the federal, State and local governments and from the private sector to implement; and

WHEREAS, Momentum has been vetted by business leaders, advocacy groups, legislative decision makers, jurisdictional partners, and riders;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia endorses WMATA's strategic plan - Momentum: The Next Generation for planning purposes only, and encourages WMATA to pursue new and dedicated funding sources for the plan.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2013, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

Board Agenda Item  
June 18, 2013

11:20 a.m.

Matters Presented by Board Members

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12:10 p.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. *Ana Cecilia Mongrut-Avanzini v. Commonwealth of Virginia*, Case No. 1:12cv152 (E.D. Va.)
2. *Franconia Two, LP v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0019262 (Fx. Co. Cir. Ct.) (Lee District)
3. *Fairfax County v. James Carroll*, Case No. GV13-008151 (Fx. Co. Gen. Dist. Ct.)
4. *Dagne Engeda v. Edward Carpenter and Leo Mayer*, Case No. GV13-000106 (Fx. Co. Gen. Dist. Ct.)
5. *Joseph F. and Juliana Campagna, Fairfax Christian School, Inc., Hunter Mill East, LLC, Hunter Mill West, LLC, Robert L. and Rosemary S. Thoburn, and Thoburn Limited Partnership v. Fairfax County Board of Supervisors*, Case No. CL-2010-0005862 (Fx. Co. Cir. Ct.) (Hunter Mill District)
6. *In Re: February 13, 2013, Decision of the Fairfax County Board of Zoning Appeals; Trang P. Mai v. Fairfax County Department of Planning and Zoning*, Case No. CL-2013-0005213 (Fx. Co. Cir. Ct.) (Mason District)
7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Antoniel F. Deleon and Estela C. Barrios*, Case No. CL-2012-0010803 (Fx. Co. Cir. Ct.) (Mason District)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edward E. Ankers, Jr., and Edward E. Ankers, III*, Case No. CL-2006-0010511 (Fx. Co. Cir. Ct.) (Hunter Mill District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah and Amany Abdullah*, Case No. CL-2012-0008578 (Fx. Co. Cir. Ct.) (Mason District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. BLC, Limited Partnership*, Case No. CL-2012-0014277 (Fx. Co. Cir. Ct.) (Providence District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Penn Daw Properties, L.L.L.P.*, Case No. CL- 2010-0006498 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard D. Green*, Case No. CL-2012-0009832 (Fx. Co. Cir. Ct.) (Braddock District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Airlie Real Estate Trust #95-04530 and Jeffrey Sedgwick, Trustee*, Case No. CL-2012-0017559 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gene C. Ballard*, Case No. CL-2009-0009095 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tavares Family Limited Partnership*, Case No. CL-2013-0000198 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tavares Family Limited Partnership*, Case No. CL-2013-0000220 (Fx. Co. Cir. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Larry A. Arthur and Julie T. Arthur*, Case No. CL-2013-0002869 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *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)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cedric David Lack*, Case No. CL-2012-0016766 (Fx. Co. Cir. Ct.) (Lee District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gum N. Ohe and Hyon Chon*, Case No. CL-2013-0008885 (Fx. Co. Cir. Ct.) (Mason District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fred F. Khamnei, Afkhamolmollk Khamnei, and Ming, LLC d/b/a B & M Therapy*, Case No. CL-2013-0009085 (Fx. Co. Cir. Ct.) (Providence District)

22. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Andre H. Light, Trustee of the Andre H. Light Inter-Vivos Trust, Case No. CL-2013-009361 (Fx. Co. Cir. Ct.) (Mason District)*
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry A. Novak and Shirley L. Novak, Case No. GV13-007103 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rashid Aquil, Case No. GV12-029079 (Fx. Co. Gen. Dist. Ct.) (Springfield District)*
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phyllis A. Murphy, Case No. GV13-007299 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eileen Ludden, Case Nos. GV-2013-007292 and GV13-007293 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norma Guerrero and Leslie Jeninne Huertas, Case No. GV13-007303 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime W. Zambrana, Case No(s). GV13-007296 and GV13-007297 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran, Case No. GV13-007300 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Negash Tsigie, Hirut Hailegiorgis, and Dong Kim, Case Nos. GV13-007294 and GV-2013-007295 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth L. Mobley and Magnolia M. Mobley, Case No. GV13-007301 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peggy Shannon Bryant Starke Trust, and Peggy Shannon Bryant Starke, Trustee of the Peggy Shannon Bryant Starke Trust, Case Nos. GV13-011059, GV13-011060 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*

33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Herbert H. Becker*, Case No. GV12-028905 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramay Family Partnership*, Case No. GV12-027526 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Laura C. Menez and Don Ernani Menez*, Case No. GV13-007298 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Stephan Franco and Michael Franco*, Civil Case No. GV13-009464 (Fx. Co. Gen. Dist. Ct.) (Sully District)
37. *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)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis M. Crespo*, Case No. GV13-009466 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy A. Sims and Edward A. Marttinen*, Case No. GV13-009850 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judy A. Sims and Edward A. Marttinen*, Case No. GV13-009849 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nisar Faizi, Malali Faizi, and Daniel Faizi*, Case Nos. GV13-003214 and GV13-003356 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gloria Cruz and Jose Santana Escobar*, Case Nos. GV13-011000 and GV13-011001 (Fx. Co. Gen. Dist. Ct.) (Mason District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hillbrook Real Estate Holdings, LLC*, Case No. GV-13-0011603 (Fx. Co. Gen. Dist. Ct.) (Mason District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ann R. Moore and Harley Cleveland Moore, Jr.*, Case No. GV13-011605 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Virginia Window Cleaners Company, Inc.*, Case No. GV13-011604 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Diane Trimiew*, Case No. GV13-011600 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Diane Trimiew*, Case No. GV13-011599 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
48. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dorothy M. Feaganes and Terry Feaganes*, Case No. GV13-011601 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
49. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jarvis Barnwell Investments, LLC*, Case No. GV13-011602 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Halima Mohamed-Giama*, Case No. GV13-011596 (Fx. Co. Gen. Dist. Ct.) (Mason District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jack Burton Miller*, Case No. GV13-011597 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jack Burton Miller*, Case No. GV13-011598 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Irving Bernstein, Trustee of the Irving Bernstein Revocable Trust*, Civil Case No. GV13-012357 (Fx. Co. Gen. Dist. Ct.) (Providence District)

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Board Agenda Item  
June 18, 2013

3:30 p.m.

Public Hearing on SE 2012-PR-012 TD Bank, National Association to Permit a Drive-In Financial Institution, Located on Approximately 27,491 Square Feet of Land Zoned C-5 (Providence District)

This property is located at 7230 Arlington Boulevard, Falls Church, 22042. Tax Map 50-3 ((5)) (5) 501.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 2, 2013, the Planning Commission voted 10-0-1 (Commissioner Hall abstaining; Commissioner Hurley absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approve SE 2012-PR-012, subject to conditions consistent with those dated April 10, 2013;
- Waiver of loading space requirements;
- Deviation from the tree preservation target; and
- Modification of the major trail requirements to accept five-foot concrete sidewalks.

ENCLOSED DOCUMENTS:

Attachment 1: PC Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4414842.PDF>

Staff Report Addendum 1 previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4419284.PDF>

STAFF:

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

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Planning Commission Meeting  
May 2, 2013  
Verbatim Excerpt

SE 2012-PR-012 – TD BANK, NATIONAL ASSOCIATION

Decision Only During Commission Matters  
(Public Hearing held on April 25, 2013)

Commissioner Lawrence: Thank you, Mr. Chairman. Let me point out that proffer language is a team effort and we have a great County staff that supports that kind of thing – “Yay team.” Before I proceed with a motion – I have a motion tonight on TD Bank, but I would like to begin by thanking Mike Lynskey of County staff and the applicant and those people who turned out to testify on the case. It has been an interesting case. Mr. Chairman, tonight we have the decision on SE 2012-PR-012 in the matter of the TD Bank. We had the public hearing last week and the decision was deferred to tonight. At the public hearing, testimony was given that, in effect, raised the question whether the application was properly made. The County Attorney has reviewed the testimony and materials furnished related to it and opines that the application is in good order. Given that, our responsibility is to assess the application according to the Comprehensive Land Use Plan and the County Zoning Ordinance and make a recommendation to the Board of Supervisors. Staff has reviewed the application and formed a positive view. I concur. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2012-PR-012, SUBJECT TO CONDITIONS CONSISTENT WITH THOSE DATED APRIL 10, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2012-PR-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Abstain.

Chairman Murphy: Ms. Hall abstains.

Commissioner Lawrence: I have three more motions. I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF LOADING SPACE REQUIREMENTS.

Commissioner Hart: Second.

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

Commissioners: Aye.

Planning Commission Meeting  
May 2, 2013  
SE 2012-PR-012

Page 2

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Hall: Abstain.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A DEVIATION FROM THE TREE PRESERVATION TARGET.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Abstain.

Chairman Murphy: Same abstention.

Commissioner Lawrence: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF MAJOR TRAIL REQUIREMENTS TO ACCEPT FIVE-FOOT CONCRETE SIDEWALKS.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Abstain.

Chairman Murphy: Same abstention.

Commissioner Lawrence: Thank you very much, Mr. Chairman.

//

(Each motion carried by a vote of 10-0-1 with Commissioner Hall abstaining; Commissioner Hurley absent from the meeting.)

JLC

Board Agenda Item  
June 18, 2013

4:00 p.m.

Board Decision on Proposed Zoning Ordinance Amendment Re: Home Child Care Facilities

ISSUE:

The proposed amendment is in response to a Board of Supervisors' (Board) request to consider an increase in the maximum number of children that may be cared for in a home child care facility with special permit approval from 10 to 12, a reduction in the special permit filing fee for home child care facilities, and to review the appropriateness of the existing special permit standards. These proposed changes are prompted by a recent change in policy by the Virginia Department of Social Services which requires the Zoning Administrator to review home child care facilities that are subject to State licensing.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 4, 2013, the Planning Commission voted 9-1 (Commissioner Migliaccio opposed and Commissioners Hall and Hedetniemi absent from the meeting) to recommend to the Board of Supervisors approval of the proposed Zoning Ordinance amendment regarding home child care facilities, as advertised, with a special permit application fee set at \$435.00, and an effective date of 12:01 a.m. on the day following adoption.

The Planning Commission also voted unanimously (Commissioners Hall and Hedetniemi absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Direct staff to evaluate whether the 6:00 p.m. evening cut-off could be modified in view of the current Northern Virginia traffic situation and the uncertainties of evening traffic and, in particular, under what circumstances a home child care provider ought to be allowed to have a non-resident employee on-site after 6:00 p.m. and make a recommendation for an additional amendment as appropriate;
- Direct staff to investigate whether, and to what extent, our application process could be harmonized with the State licensing process and information and/or paperwork shared, or any other streamlining of the zoning approval process and report back to the Board of Supervisors with appropriate suggestions;
- Direct staff to evaluate whether the current filing fee of \$1,100 for other child care uses up to 99 children should be adjusted upward in the context of the next available review of DPZ application fees; and

Board Agenda Item  
June 18, 2013

- Direct staff to continue to monitor the applications under the amended Ordinance for 24 months and, in light of that experience, report back to the Board of Supervisors with suggestions for any additional amendments to the Home Child Care Provisions of the Zoning Ordinance as appropriate.

RECOMMENDATION:

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

TIMING:

Board of Supervisors' authorization to advertise – January 29, 2013; Planning Commission public hearing – March 20, 2013; Planning Commission decision – April 4, 2013, Board of Supervisors' public hearing – May 14, 2013 at 4:30 p.m., Board of Supervisors' decision – June 18, 2013 at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2012 Priority 1 Zoning Ordinance Amendment Work Program and proposes changes to the home child care facility regulations. These proposed changes are in response to a policy change that was enacted by the Virginia Department of Social Services effective July 1, 2012, which requires home child care providers renewing their State license or seeking their first State license for a Family Day Home (home child care facility) to have the local Zoning Administrator sign a form acknowledging the provider's plan to seek a child care license. This requirement highlighted the differences between the County and State regulations given that existing providers may currently have a State license to care for twelve children and the maximum number of children that can be provided for in a home child care facility under County zoning is ten. Specifically, the amendment:

- (1) Increases the maximum number of children permitted to be cared for in a home child care facility by special permit from ten to twelve.
- (2) Revises the additional standards for home child care facility special permits contained in Sect. 8-305 to (a) require the home child care facility limitation for by-right uses contained in Par. 6 of Sect. 10-103 be met, except for the numbers of children and non-resident employees; (b) require the Board of Zoning Appeals (BZA) to review access to the site; and (c) allow the BZA to consider the availability of on-street parking and /or alternative drop off and pick up areas located in proximity to the site.
- (3) Allows home child care facilities that have more than seven children in a single family detached dwelling and five children in all other dwelling types to be allowed in any P district with special permit approval by the BZA.

- (4) Reduces the current special permit application fee of \$1,100 for home child care facilities to as low as \$435.

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

On May 14, 2013, the Board held a public hearing and deferred decision to allow staff time to provide additional information on several issues raised during the public hearing, including strategies for managing the increased volume of special permit applications that will result from the adoption of the amendment, facilitating and simplifying the application process for potential applicants, extending the “grace period” for enforcement, and addressing concerns raised with regard to allowing home child care facilities in P districts with special permit approval by the BZA rather than with special exception approval by the Board. The Board also requested additional information on the cost of processing special permit applications for home child care facilities. A response to these issues will be provided to the Board under separate cover prior to the June 18, 2013 Board Decision on the proposed amendment.

REGULATORY IMPACT:

There are approximately 500 home child care facilities licensed by the Virginia Department of Social Services in the County and the majority of them have been licensed for the care of twelve children. However, the maximum number of children allowed under Fairfax County regulations is ten. The County and the Virginia Department of Social Services Division of Licensing Programs have entered into an agreement while the Board considers revisions to the Zoning Ordinance. Under the agreement, the State is continuing to issue renewals for the existing number of children licensed to be in care, and County enforcement action for licensed numbers of children in care has been suspended, provided there are no life or safety issues. Once the Board takes action on a Zoning Ordinance amendment, home child care providers are then expected to take steps to achieve compliance with all County zoning regulations within a reasonable time following the Board’s decision on this amendment. Existing State license holders will need to either reduce the number of children in care or submit an acceptable special permit application within this time. New applicants for state licenses, however, are expected to comply with the current County regulations.

The proposed amendment brings into better alignment the differences between County and State regulations with regard to the maximum number of children. It also facilitates the maintenance of existing facilities and the establishment of new home child care facilities that may require special permit approval by potentially reducing the application fee and by making the approval process for such facilities the same in all P districts.

Board Agenda Item  
June 18, 2013

FISCAL IMPACT:

It is anticipated that there will be an influx of special permit applications for home child care facilities as a result of this amendment. Lowering of the application fee will, however, reduce the amount of revenue that is generated from these applications. The increase in applications will impact the work load of both staff and the BZA because it is anticipated that the additional applications will be processed using existing resources. Although there will be increased workloads in the short term, it is anticipated that in the long term the impacts will be minimal because once a special permit for a home child care facility is approved for a certain provider at a specific location, there are no additional zoning approvals required. Home child care providers will continue to be required to renew their State licenses every one, two, or three years.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report, also available at  
<http://www.fairfaxcounty.gov/dpz/zoningordinance/proposed/homechildcarefacilities.pdf>  
Attachment 2 – Planning Commission Verbatim  
Attachment 3 – Memo to the Board from Leslie Johnson dated 6/11/13

STAFF:

Fred Selden, Director, Department of Planning and Zoning (DPZ)  
Leslie B. Johnson, Zoning Administrator, DPZ  
Cathy S. Belgin, Senior Assistant to the Zoning Administrator, DPZ



**FAIRFAX  
COUNTY**

**ATTACHMENT 1**

**STAFF REPORT**

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V I R G I N I A

**PROPOSED ZONING ORDINANCE AMENDMENT**

Home Child Care Facilities

**PUBLIC HEARING DATES**

**Planning Commission**

March 20, 2013 at 8:15 p.m.

**Board of Supervisors**

May 14, 2013 at 4:30 p.m.

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

January 29, 2013

CSB



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

## STAFF COMMENT

The proposed amendment is on the 2012 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a Board of Supervisors' (Board) request to consider an increase in the maximum number of children permitted to be cared for in a home child care facility with special permit approval from 10 to 12, a reduction in the special permit filing fee for home child care facilities, and to review the appropriateness of the existing special permit standards. These proposed changes are prompted by a recent change in policy by the Virginia Department of Social Services which requires Zoning Administrator review of home child care facilities that are subject to State licensing. Implementation of this requirement has highlighted the differences between the current Zoning Ordinance regulations and State licensing regulations.

### **Current Zoning Ordinance Provisions**

Pursuant to Par. 6 of Sect. 10-103 of the Zoning Ordinance, home child care facilities are permitted as an accessory use to any residential dwelling, with the following use limitations: care for up to 7 children is permitted by-right in any single family detached dwelling, and care for up to 5 children is permitted by-right in any single family attached (townhome), multiple family dwelling (apartment or condominium), or mobile home. These limitations do not include the providers' own children who may also be cared for in the home child care facility. The child care provider must either reside at the dwelling or may provide care in a dwelling other than their own as long as the dwelling is the primary residence of one of the children being cared for; but in either case, no exterior evidence of the child care facility, such as signs, is permitted. In addition, one non-resident assistant, whether paid or not, is permitted between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday. Home child care facilities are further subject to the regulations contained in Chapter 30 of the County Code (for home child care facilities caring for up to 5 children) or Title 63.2, Chapter 17 of the Code of Virginia (for home child care facilities caring for 6 or more children). A copy of Par. 6 of Sect. 10-103 is provided as Attachment A. Additional children up to a maximum of 10 and/or additional non-resident assistants may be allowed with special permit approval from the Board of Zoning Appeals (BZA), except in the PDH, PDC, PRM and PTC District where special exception approval is required by the Board. Home child care facilities exceeding the by-right levels may also be permitted in the P Districts when depicted on an approved development plan.

### **Background**

The Virginia Department of Social Services established an administrative change that became effective July 1, 2012, which among other things requires providers renewing their State license or seeking their first State license for a "Family Day Home" (home child care facility) to have the local Zoning Administrator sign a form acknowledging the provider's plan to seek a child care license. The form requires the provider to state the number of children that the provider requests to care for under the State license. As part of this review, it became evident that there are numerous home child care facilities that have received licenses from the State but are caring for more children than are currently permitted under the Zoning Ordinance and/or have not received the required zoning approval. Nearly 500 home child care providers in the County are currently licensed by the State.

Furthermore, the majority of these existing State-licensed facilities are approved for the care of 12 children, while the greatest number of children that the County allows in a home child care facility is 10 with special permit or special exception approval.

After receiving testimony from a number of home child care providers regarding the impacts of the administrative State licensing changes at the June 19, 2012, Board meeting, the Board requested staff to prepare a Zoning Ordinance amendment to address this issue, and also requested that staff pursue an agreement with the State regarding temporary measures to address this discrepancy without disrupting the provision of established licensed child care.

The County and the Virginia Department of Social Services Division of Licensing Programs have entered into such an agreement while the Board considers revisions to the Zoning Ordinance. Under the agreement, the State is continuing to issue renewals for the existing number of children licensed to be in care, and County enforcement action for licensed numbers of children in care has been suspended, provided that there are no life or safety issues. Once the Board takes action on a Zoning Ordinance amendment, home child care providers are then expected to take steps to achieve compliance with all County zoning regulations within a reasonable time period. Existing State license holders will need to either reduce the number of children in care or pursue the appropriate zoning approvals to come into compliance. New applicants for State license, however, are expected to comply with the current County regulations.

In conjunction with the County's Office for Children, staff has participated in several public meetings to inform the home child care provider community and citizens about the changes in the State regulations, to clarify the differences between State and County regulations, to inform providers of the interim procedures being implemented, and to discuss the proposed Zoning Ordinance amendment. During these meetings there were a range of concerns expressed by the home child care providers, including the difficulty and cost involved in filing a special permit (or special exception) application, the posting of signs advertising the public hearing which may generate neighborhood concerns even though the existing facility was currently operating without complaint, and the impact that neighbor comments could have on potential zoning approvals, among others. Several providers requested that the by-right numbers for children permitted to be cared for in the home be increased, particularly for providers living in townhouses, with providers noting that some townhouses are larger than some single family detached dwellings. It was also suggested by some providers that home child care facilities already operating without complaint with up to 12 children with a State license be permitted to continue operating without requiring additional zoning approval. Residents living near home child care facilities also participated in these meetings, and they expressed concerns primarily related to higher traffic volumes on neighborhood streets, blocked driveways and inadequate on-site parking.

In order to help facilitate the special permit application process for potential applicants, a new special permit application package has been developed specifically for home child care facilities. Simplified instructions are included and all the parts not relevant to home child care facilities have been deleted. A website has also been created that includes the application form and other pertinent information for home child care facility providers.

On October 2, 2012, staff provided an update to the Board's Development Process Committee, which is a committee of the whole Board, on the status of home child care facilities, including the history of Zoning Ordinance provisions, a comparison of the home child care facility regulations and fees of neighboring and comparable jurisdictions with Fairfax County regulations, the special permit/special exception applications history for home child care facilities in the County, and the zoning enforcement history of home child care facilities in the County. Staff provided an update to the Development Process Committee on January 15, 2013 to summarize staff's proposed Zoning Ordinance text changes.

The Zoning Ordinance has periodically been amended to coincide with changes to the State and County Code regulations regarding home child care facilities. In general, there has been a gradual increase in the number of children permitted in a home child care facility. The State increased the maximum number of children which could be cared for under a State family day home license from 9 to 12 in 1993. On March 18, 2002, in response to requests from home child care providers, the Board adopted a Zoning Ordinance amendment which permitted one nonresident employee to work in the home child care facility by-right, similar to other home occupations. At that time, the Board also considered increasing the number of children allowed to be cared for with special permit approval from 10 to 12, but the Board did not approve the increase.

Staff evaluated the regulations of several other area jurisdictions, including the counties of Arlington, Loudoun, Prince William, Stafford, Chesterfield, Henrico, Hanover, and Montgomery County, MD, the cities of Alexandria, Falls Church, and Fairfax, and the towns of Herndon and Vienna. The analysis shows that the current Fairfax County Zoning Ordinance provisions regarding numbers of children permitted to be cared for are generally within the range of existing regulations throughout the region. The majority of the above jurisdictions currently allow 5 children by-right, and most do not count the providers' children. Loudoun County allows up to 9 children but includes the providers' children in that count; Prince William allows up to 9 children on lots greater than 5,000 square feet in size, otherwise 5 children are permitted; and Montgomery County allows up to 8 children in most residential districts and up to 12 children in some, and also includes the providers' children in those counts. All but one jurisdiction (Stafford County, which allows up to 12 children by-right) have public hearing processes to enable providers to request care of additional children, increase the business hours and/or increase the number of nonresident assistants. The maximum numbers of children permitted with a public hearing process ranges from 9 to 12. It should be noted that Loudoun County and the Town of Herndon are also currently considering Zoning Ordinance changes to better align with state regulations. Application fees in these jurisdictions for the special exception and special permit applications for home child care facilities range from \$200 to \$1800, with the majority being lower than the County's current filing fee of \$1,100. The chart in Attachment B contains details on other area jurisdictions' regulations.

Since the 1980's, a total of 42 special permit applications and 6 special exception applications for home child care facilities have been filed. Of those applications, 20 special permits and 2 special exceptions were approved. Commonly approved development conditions included providing a fenced play area, planting trees, staggering arrival and departure times, prohibiting signs, prohibiting conversion of garage spaces to uses other than parking, expanding driveway space, limitations on enrollment and assistants, and specific playground equipment setbacks from neighboring properties. Common reasons for denial of applications included heavy traffic flow, poor sight distance,

inadequate access into the property, inadequate on-site parking, lack of available street parking, and play yard safety issues.

Despite the ongoing difference between the maximum number of children permitted under a State license and the Zoning Ordinance regulations, there have been relatively few complaints received by the Department of Code Compliance (DCC) concerning home child care facilities. Since 2007, a total of 139 home child care facility zoning complaints were received. Many of those complaints were either unfounded or voluntary compliance was achieved. Only 24 complaints resulted in Notices of Violation being issued during that time.

During the October 2, 2012, Development Process Committee Meeting, the Board raised several issues. The issues of differentiating the number of children permitted to be cared for by-right as determined by lot size was raised, in light of the fact that Prince William County makes a distinction between lots above and below 5,000 square feet in size, with more children permitted to be cared for by-right on the larger lots. In Fairfax County, however, the minimum lot sizes for single family detached dwellings in all conventional residential zoning districts equal or exceed 5,000 square feet.

Additionally, in P Districts, there are no minimum lot size requirements. The idea of basing the number of children permitted to be cared for by-right on dwelling size was also raised. Currently a distinction is made in the Zoning Ordinance between dwelling types, with single family detached dwellings having a larger allowance for number of children by-right than other dwelling types. It has been noted that a townhouse may be significantly larger than a detached house; and that home child care providers residing in a large townhouse are only permitted to have 5 children in care by-right while home child care providers residing in a very small detached house are permitted to have 7 children in care by-right. However, it is staff's opinion that lot size and dwelling size are not necessarily the most distinguishing factors in determining potential land use impacts, but rather factors such as access, public road frontage versus private road frontage, parking availability, and lot layout are more significant in determining land use impacts which may be associated with a home child care facility. As these issues are more prevalent in townhouse and multiple family developments, staff believes that the distinction between single family detached dwellings and other dwelling types as currently set forth in the Zoning Ordinance is appropriate with regard to the maximum number of children permitted to be cared for by-right.

Finally, regarding the proposed change to the fees for the special permit applications for home child care facilities, staff looked at the range of existing fees for other home-based zoning applications in the County. The ranges for these fees were as follows: \$435 for a special permit for an accessory dwelling unit, \$600 for appeals, which are frequently residential in nature, and \$910 for a number of residential application types. These residential applications include special permits for modifications to limitations on the keeping of animals, errors in building location, reduction in minimum yard requirements, and increases in fence height. They also include residential variances for reduction in minimum yards, increases in fence height, modification of location regulations or use limitations for accessory structures or uses, and modifications of grades for single family detached dwellings. Staff, in consultation with the Board, concluded that the advertised range should be between \$435 and the current fee of \$1,100.

## **Proposed Amendment**

In order to align more fully with State licensing regulations, staff recommends that the BZA should have the authority to approve a special permit to allow a home child care facility to care for up to 12 children, rather than the current maximum of 10, if the appropriate conditions exist on the site. Staff believes that the current filing fee of \$1,100 for home child care facility special permit applications is appropriate given the amount of staff review required to process and review these applications, as the advertising and staff costs associated with processing this type of special permit application typically exceeds the \$1,100 filing fee. If the Board desires to lower the filing fee, staff recommends a fee similar to the fee that has been established for residential special permits and variances for modifications of yards, error in building location and the like, which is currently \$910. In order to provide the Board with legislative flexibility, staff recommends an advertised range between \$435 and \$1,100 and the Board can consider any fee within that range.

As previously noted, home child care facilities are permitted accessory uses subject to the use limitations contained in Par. 6 of Sect. 10-103 which include, among things, prohibition of signs, permitted employee hours, and that the facility must be the primary residence of the provider. Increases in the number of children and non-resident employees currently require special permit approval in most districts, and all such special permit requests are subject to the additional standards contained in Sect. 8-305 of the Zoning Ordinance. Staff believes that the existing additional standards are generally sufficient and flexible enough to allow the BZA to address the specifics of each application and impose conditions that will mitigate impacts on surrounding properties. There are certain conditions that the BZA frequently imposes on home child care facility special permits, such as the prohibition of signage, which are accommodated in the by-right use limitations. Therefore, staff believes it is appropriate to revise the home child care facility special permit additional standards to specifically require that, except for the number of children and non-resident employees, all special permit approved home child care facilities shall also be subject to the provisions of Par. 6 of Sect. 10-103.

Adequate parking and access to the site are important issues that potentially could impact nearby properties. One of the special permit additional standards requires that the BZA review all existing and/or proposed parking to determine if such parking is sufficient. The BZA may require the provision of additional on-site parking to accommodate the specific home child care facility on a site. Because traffic and parking conditions can vary greatly from one site to another, staff recommends that site access should always be a consideration and there may be instances where consideration of on-street parking could be appropriate in accommodating the needs of a proposed home child care facility. Therefore, staff recommends that the special permit home child care facility additional standards be revised to require the BZA to review site access, and to allow the BZA to consider the availability of on-street parking and/or alternative drop off and pick up areas located in close proximity to the use in determining whether there is sufficient parking to serve the home child care facility. The amendment incorporates revisions to Sect. 8-305 addressing these recommendations.

Home child care facilities that operate above the by-right limitations are currently permitted in all P Districts when depicted on an approved development plan, and by special permit approval in the PRC District and special exception approval in all other P Districts when not depicted on an

approved development plan. Although the filing fee for home child care facility special exception applications has recently been revised to be the same as for the special permit application (\$1,100), the special exception application process involves public hearings before the Planning Commission and Board, whereas the special permit process only involves a public hearing before the BZA. Staff believes that the approval process for all P Districts should be the same as there is no apparent reason to treat the PRC District differently. Given that home child care facilities occur within a dwelling unit and it would typically be unknown at the time of rezoning or development plan approval whether a future resident will operate a home child care facility at a specific location, and given that not all property may be appropriate for a home child care facility that operates above the by-right levels, staff concludes that it is appropriate to require all home child care facilities that operate above the by-right levels to obtain special permit approval from the Board of Zoning Appeals. The proposed changes to Article 6 result in home child care facilities in all P Districts operating above the by-right limits being treated the same and requiring special permit approval even if shown on an approved development plan.

### **Conclusion**

The proposed amendment effectively brings the County's regulations regarding home child care facilities into a more close alignment with the State licensing regulations, while continuing to mitigate the potential negative impacts associated with such facilities on residential communities. In addition, the proposed amendment facilitates the special permit process for home child care facilities by reducing the filing fee, requiring special permit approval in all districts for home child care facilities that exceed the by-right numbers, allowing the BZA to consider on-street parking in evaluating the appropriateness of the site for operating a home child care facility, and requiring adherence to the use limitations for home child care facilities contained in Article 10.

Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

## PROPOSED AMENDMENT

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 29, 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.*

1 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions,**  
2 **by revising the Home Child Care Facility definition to read as follows:**

3  
4 HOME CHILD CARE FACILITY: A dwelling or mobile home where ~~ten (10)~~ twelve (12) or fewer  
5 children receive care, protection and supervision during only part of a twenty-four (24) hour day  
6 unattended by parent or legal guardian. Such use shall be permitted in accordance with the  
7 provisions of Part 1 of Article 10 or Part 3 of Article 8. For purposes of this Ordinance, when such a  
8 use is located in a structure other than a dwelling, it shall be deemed a CHILD CARE CENTER.  
9

10  
11 **Amend Article 8, Special Permits, Part 3, Group 3 Institutional Uses, Sect. 8-305, Additional**  
12 **Standards for Home Child Care Facilities, by revising Paragraphs 1 and 2 to read as follows:**

- 13  
14 1. The number of children that may be cared for in a home child care facility may exceed the  
15 number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the  
16 maximum number of children permitted at any one time exceed ~~ten (10)~~ twelve (12), excluding  
17 the provider's own children. The BZA may also allow more than one nonresident person to be  
18 involved with the use. Except as described above, home child care facilities shall also be  
19 subject to the use limitations of Par. 6 of Sect. 10-103.  
20  
21 2. The BZA shall review access to the site and all existing and/or proposed parking, including but  
22 not limited to the availability of on-street parking and/or alternative drop off and pick up areas  
23 located in proximity to the use, to determine if such parking is sufficient. The BZA may  
24 require the provision of additional off-street parking spaces based on the maximum number of  
25 vehicles expected to be on site at any one time and such parking shall be in addition to the  
26 requirement for the dwelling unit.  
27  
28

29 **Amend Article 18, Administration, Amendments, Violations, and Penalties, Part 1,**  
30 **Administration, Sect. 18-106, Application and Zoning Compliance Letter Fees, by revising the**  
31 **Group 3 special permit application fee and the Category 3 special exception application fee set**  
32 **forth in Par. 1 to read as follows:**

33 All appeals and applications as provided for in this Ordinance and requests for zoning compliance

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

7  
 8 1. Application for a variance, appeal, special permit or special exception:

9 Application for a:

10 Group 3 special permit

- 11 • Churches, chapels, temples, synagogues and other such places of \$11025  
 12 worship with a child care center, nursery school or private school which  
 13 has an enrollment of 100 or more students daily
- 14 • Home child care facilities \$910  
 15 [The advertised fee range is \$435 to \$1,100]
- 16 • All other uses \$1100

17  
 18 Application for a:

19 Category 3 special exception

- 20 • Child care centers, nursery schools and private schools which have an \$1100  
 21 an enrollment of less than 100 students daily, churches, chapels, temples,  
 22 synagogues and other such places of worship with a child care center,  
 23 nursery school or private school which has an enrollment of less than  
 24 100 students daily and independent living facilities for low income tenants,  
 25 whether a new application or an amendment to a previously approved and  
 26 currently valid application, with or without new construction, ~~home child~~  
 27 ~~care facilities~~
- 28 • Churches, chapels, temples, synagogues and other such places of \$11025  
 29 worship with a child care center, nursery school or private school which  
 30 has an enrollment of 100 or more students daily
- 31 • All other uses \$16375

32  
 33  
 34 **Amend Article 6, Planned Development District Regulations, as follows:**

35  
 36 *[The proposed changes to Article 6 establish home child care facilities in all P Districts as*  
 37 *a special permit use when operating above the by-right limitations set forth in Par. 6 of*  
 38 *Sect. 10-103.]*

39  
 40 - **Amend Part 1, PDH Planned Development Housing District, as follows:**

41  
 42 - **Amend Sect. 6-103, Secondary Uses Permitted, by revising Par. 10 to read as follows:**

43  
 44 The following secondary uses shall be permitted only in a PDH District which contains  
 45 one or more principal uses; only when such uses are presented on an approved final  
 46 development plan prepared in accordance with the provisions of Article 16; and subject to  
 47 the use limitations set forth in Sect. 106 below.

48 10. Institutional uses (Group 3), limited to:

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- A. Churches, chapels, temples, synagogues and other such places of worship
- B. Convents, monasteries, seminaries and nunneries
- C. Group housekeeping units
- D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education

- **Amend Sect. 6-104, Special Permit Uses, by adding a new Par. 1 to read as follows, and renumbering the subsequent paragraphs accordingly.**

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

- A. Home child care facilities

- **Amend Part 2, PDC Planned Development Commercial District, as follows:**

- **Amend Sect. 6-203, Secondary Uses Permitted, by revising Par. 8 to read as follows:**

The following secondary uses shall be permitted only in a PDC District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 206 below.

8. Institutional uses (Group 3), limited to:

- A. Churches, chapels, temples, synagogues and other such places of worship
- B. Convents, monasteries, seminaries and nunneries
- C. Group housekeeping units
- D. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education

- **Amend Sect. 6-204, Special Permit Uses, by adding a new Par. 1 to read as follows, and renumbering the subsequent paragraphs accordingly.**

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:

1  
2           A. Home child care facilities

3  
4 - **Amend Part 3, PRC Planned Residential Community District, as follows:**

5  
6 - **Amend Sect. 6-302, Permitted Uses, as follows:**

7  
8 - **Amend Par. A (Residential Uses), by revising Par. A(10) to read as follows:**

9  
10           (10) Institutional uses (Group 3), limited to:

11  
12                   (a) Churches, chapels, temples, synagogues and other such places of worship

13  
14                   (b) Convents, monasteries, seminaries and nunneries

15  
16                   (c) Group housekeeping units

17  
18                   (d) Churches, chapels, temples, synagogues and other such places of worship  
19                         with a child care center, nursery school, or private school of general or  
20                         special education

21  
22 - **Amend Par. B (Neighborhood Convenience Center), by deleting Par. B(8)(d).**

23  
24           (8) Institutional uses (Group 3), limited to:

25  
26                   ~~(d) Home child care facilities~~

27  
28 - **Amend Par. C (Village Center), by revising Par. C(11) to read as follows:**

29  
30           11. Institutional uses (Group 3), limited to:

31  
32                   (a) Churches, chapels, temples, synagogues and other such places of worship

33  
34                   (b) Convents, monasteries, seminaries and nunneries

35  
36                   (c) Group housekeeping units

37  
38                   (d) Churches, chapels, temples, synagogues and other such places of worship  
39                         with a child care center, nursery school, or private school of general or  
40                         special education

41 - **Amend Par. E (Convention/Conference Center), by deleting Par. E(11)(c).**

42  
43           (11) Institutional uses (Group 3), limited to:

44  
45                   ~~(c) Home child care facilities~~

46  
47 - **Amend Sect. 6-303, Special Permitted Uses, by adding a new number 5 to read as**  
48 **follows and renumbering the subsequent paragraphs accordingly.**

1  
2 5. Group 3 – Institutional Uses, limited to:

3  
4 A. Home child care facilities

5  
6 - **Amend Part 4, PRM Planned Residential Mixed Use, as follows:**

7  
8 - **Amend Sect. 6-403, Secondary Uses Permitted, by deleting Par. 12C.**

9  
10 The following secondary uses shall be permitted only in a PRM District which contains  
11 one or more principal uses; only when such uses are presented on an approved final  
12 development plan prepared in accordance with the provisions of Article 16; and subject to  
13 the use limitations set forth in Sect. 406 below.

14  
15 12. Institutional uses (Group 3), limited to:

16  
17 C. ~~Home child care facilities~~

18  
19 - **Amend Sect. 6-404, Special Permit Uses, by adding a new Par. 1 to read as follows,  
20 and renumbering the subsequent paragraph accordingly.**

21  
22 For specific Group uses, regulations and standards, refer to Article 8.

23  
24 1. Group 3 - Institutional Uses, limited to:

25  
26 A. Home child care facilities

27  
28 - **Amend Part 5, PTC Planned Tysons Corner Urban District, as follows:**

29  
30 - **Amend Sect. 6-502, Permitted Uses, by revising Par. 17 to read as follows:**

31  
32 The following uses shall be permitted subject to the approval of a final development plan  
33 prepared in accordance and the provisions of Article 16; and subject to the use limitations  
34 set forth in Sect. 505 below.

35  
36 17. Institutional uses (Group 3), limited to:

37  
38 A. Churches, chapels, temples, synagogues and other such places of worship

39  
40 B. Convents, monasteries, seminaries and nunneries

41  
42 C. Group housekeeping units

43  
44 D. Churches, chapels, temples, synagogues and other such places of worship  
45 with a child care center, nursery school, or private school of general or  
46 special education

47 - **Amend Sect. 6-503, Special Permit Uses, by adding a new Par. 2 to read as follows  
48 and renumbering the subsequent paragraphs accordingly.**

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1. For specific Group uses, regulations and standards, refer to Article 8.

2. Group 3 - Institutional Uses, limited to:

A. Home child care facilities

**ARTICLE 10 ZONING ORDINANCE PROVISIONS  
for HOME CHILD CARE FACILITIES**

**Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations,  
Part 1, Accessory Uses and Structures, Sect. 10-103, Use Limitations:**

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

A. The maximum number of children permitted at any one time shall be as follows:

(1) Seven (7) when such facility is located in a single family detached dwelling.

(2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

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

C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.

Attachment B

Home Child Care Regulations in Neighboring Jurisdictions

Municipality	Number by right	Are Provider's Children Counted?	Number with Additional Approval (method)	Are Provider's Children Counted?	Are Outside Employees Permitted? (Number)	Application Fee	Other Notes
<b>Fairfax County</b>	<b>5 in townhouse, 7 in sfd</b>	<b>no</b>	<b>up to 10 (special permit)</b>	<b>no</b>	<b>1 by right, additional with special permit</b>	<b>\$1,100</b>	
Arlington County	5	no	6-9 (Special Exception)	n/a	yes (1 for 6-9 children)	\$122 (license fee)	requires license from County Mgr.
City of Alexandria	5	yes	6-9	yes	yes (1 for 6-9 children)	\$250	
City of Falls Church	5	no	>5 (special use permit, only in some districts)	no	yes (with special use permit only)	\$200	very few requests, little prescedent
City of Fairfax	5	no, but max of 8 incl. the providers' under age 10	12 (Special Use Permit)	no	(unclear)	\$500	to date all SUP applicants have requested the max 12
Town of Herndon	5	no	>5	(unclear)	yes (1)	\$300	no SE requests to exceed 5 to date
Town of Vienna	up to 7	(unclear)	8+ (Conditional Use Permit)	yes	yes (not specified)	\$400	
Loudon County	9 (zoning permit)	yes	up to 12 (with SE)	n/a	yes, defers to State approval	\$165 (permit) \$1800 (SE)	all require the zoning permit
Prince William County	9 for SFD on > 5,000 sf lots; all others 5	no	6-9 where only 5 by right (Special Use Permit)	no	yes (1 by right only)	\$265	requires home occ permit and occupancy permit, over 10 children is a full fledged child care center
Stafford County	up to 12	no	n/a	n/a	n/a	n/a	
Chesterfield County	5	no	12 (Conditional Use Permit?)	no	yes	\$300	
Henrico County	"small" up to 5; "large" 6-12 (lim. to hrs. of 6AM-6PM)	no	6-12 outside hour limits (Special Exception)	no	none by right, Special Exception Approval req.	\$600	
Hanover County	5 with caviat*	no	12 (Special Exception)	no	yes	\$750	*caviat for by right is no more than 4 children (inc. own) under age 2
Montgomery County, MD	8 all resid. Districts; 12 some districts	yes	up to 12 (Special Exception some districts)	yes	yes (2 for up to 8 children, 3 for 9-12 children)	unknown	

Planning Commission Meeting  
April 4, 2013  
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT (HOME CHILDCARE FACILITIES)

Decision Only During Commission Matters  
(Public Hearing held on March 20, 2013)

Commissioner Hart: Thank you, Mr. Chairman. On March the 20<sup>th</sup>, the Commission held a public hearing on a proposed Zoning Ordinance Amendment regarding home child care facilities. First, let me thank all the citizens who came and testified and those who submitted written comments. Provision of high-quality, affordable child care is an issue of high priority to the Board, to the Commission, and working parents in Fairfax County. Let me also thank staff, Cathy Belgin and Lorrie Kirst, for their fine work on a very difficult case. Currently, home child care applications are reviewed on a case-by-case basis through a public hearing process, generally a Special Permit in residential, or R-Districts, and a Special Exception in most planned development, or P-Districts. The established public hearing process allows balancing of the interests of the applicants and their neighbors and an evaluation of how best to mitigate impacts of not only this use but also many others through development conditions. Although some home child care providers obtained the required zoning approval, others did not. As a result of some administrative changes last year by the Department of Social Services in Richmond, it has become apparent that many home child care providers, who had obtained state licenses allowing up to 12 children, unfortunately never obtained a corresponding Special Permit or Special Exception for zoning approval. This discovery has created logistical problems for Zoning Enforcement as well as uncertainty for many providers. At the Board's request, staff investigated the home child care situation in Fairfax County and neighboring jurisdictions and made several recommendations as to how best to harmonize the local Zoning Ordinance with the state licensing requirements. Staff proposed, principally, four items: first, raising the possible maximum number of children over and above those in the provider's household from 10 to 12; second, streamlining the process for P-District applications to shift those cases from a Special Exception requiring two public hearings to a Special Permit with one public hearing before the Board of Zoning Appeals; third, giving the BZA some additional flexibility with respect to parking and loading requirements possibly being offsite, and; fourth, lowering the \$1,100 filing fee, possibly as low as \$435. The Board authorized only those narrow procedural issues for advertising and those amendments described in the staff report are the only issues under consideration at this time. This Amendment will facilitate home child care providers coming into compliance with the Zoning Ordinance. Let me reiterate that at no time was there a Zoning Ordinance Amendment proposed or advertised to lower the number of by-right children in a home child care facility in Fairfax County. Although many of the emails we received also requested the Commission consider allowing home child care up to 12 children by right, that issue was not authorized by the Board and was outside the scope of the advertising. Nevertheless, I will have a number of follow-on motions on the general subject of child care, including a monitoring period by staff. We may have more to discuss on this topic at a later date. I agree in general with the staff proposal, with the caveat that I am going to suggest that we recommend a filing fee of \$435, which is the low end of the advertised range. Staff had recommended reducing the fee from \$1,100 to \$910, but advertised a range down to \$435. Although a \$435 fee barely covers the

Planning Commission Meeting  
 April 4, 2013  
ZOA (HOME CHILDCARE FACILITIES)

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advertising, I am persuaded that Fairfax County wants to facilitate these applications being filed and make it easier for parents to locate affordable and convenient child care. In this instance a lower filing fee may be part of the County's governmental function and helps achieve the Board's goals of accessible child care for working parents. I will have another [sic] – I will have a number of other follow-on motions as well, some of which were suggested by the constructive comments we received. I recognize that 12 additional children in a house, on top of the provider's own children, particularly in a townhouse or apartment, may be too many and may create impacts on the neighbors and aggravate existing parking situations. The maximum number of children may not work in every residence. But I also believe that in many homes increasing the maximum to as many as 12 children will not create significant problems for the neighbors and will be welcomed. Our public hearing process will allow these competing concerns to be balanced, with the impacts and corresponding development conditions to be evaluated on a case-by-case basis. The Amendment has significant community support as well as staff's favorable recommendation, with which I concur. Therefore, Mr. Chairman, I first MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING HOME CHILD CARE FACILITIES, AS ADVERTISED, WITH A SPECIAL PERMIT APPLICATION FEE SET AT \$435.00, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Lawrence: Second.

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

Commissioner Migliaccio: Mr. Chairman, I am not going to be able to support this motion tonight. I do not believe taking the - - taking the SE away and making it a Special Permit and putting it into the venue of the BZA would be in the best interest. So that is why I am not supporting it. I'm okay with moving it from 10 to 12, but I would rather keep the SE for the P-Districts. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve the home care – home child care facilities Zoning Ordinance Amendment, as articulated by Mr. Hart this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio votes no.

Commissioner Hart: Secondly, Mr. Chairman, I MOVE THAT THE COMMISSION RECOMMEND THAT THE BOARD DIRECT STAFF TO EVALUATE WHETHER THE 6:00 P.M. EVENING CUT-OFF COULD BE MODIFIED IN VIEW OF THE CURRENT NORTHERN VIRGINIA TRAFFIC SITUATION AND THE UNCERTAINTIES OF EVENING TRAFFIC AND, IN PARTICULAR, UNDER WHAT CIRCUMSTANCES A HOME CHILD

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CARE PROVIDER OUGHT TO BE ALLOWED TO HAVE A NON-RESIDENT EMPLOYEE ON-SITE AFTER 6:00 P.M., AND MAKE A RECOMMENDATION FOR AN ADDITIONAL AMENDMENT AS APPROPRIATE.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Third –

Chairman Murphy: Mr. Migliaccio, what are you going to do on this one?

Commissioner Migliaccio: Aye.

Chairman Murphy: Oh, okay.

Commissioner Hart: Third, Mr. Chairman, I MOVE THAT THE COMMISSION RECOMMEND THAT THE BOARD DIRECT STAFF TO INVESTIGATE WHETHER AND TO WHAT EXTENT OUR APPLICATION PROCESS COULD BE HARMONIZED WITH THE STATE LICENSING PROCESS AND INFORMATION AND/OR PAPERWORK SHARED, OR ANY OTHER STREAMLINING OF THE ZONING APPROVAL PROCESS, AND REPORT BACK TO THE BOARD WITH APPROPRIATE SUGGESTIONS.

Commissioners Lawrence and Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Fourth, Mr. Chairman, I MOVE THAT THE COMMISSION RECOMMEND THAT THE BOARD DIRECT STAFF TO EVALUATE WHETHER THE CURRENT FILING FEE OF \$1,100 FOR OTHER CHILD CARE USES UP TO 99 CHILDREN SHOULD BE ADJUSTED UPWARDS IN THE CONTEXT OF THE NEXT AVAILABLE REVIEW OF DPZ APPLICATIONS FEES.

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Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Finally, Mr. Chairman, I MOVE THAT THE COMMISSION RECOMMEND THAT THE BOARD DIRECT STAFF TO CONTINUE TO MONITOR THE APPLICATIONS UNDER THE AMENDED ORDINANCE FOR 24 MONTHS AND, IN LIGHT OF THAT EXPERIENCE, REPORT BACK TO THE BOARD WITH SUGGESTIONS FOR ANY ADDITIONAL AMENDMENTS TO THE HOME CHILD CARE PROVISIONS OF THE ZONING ORDINANCE AS APPROPRIATE.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The first motion carried by a vote of 9-1 with Commissioner Migliaccio opposed; Commissioners Hall and Hedetniemi absent from the meeting.)

(The second through fifth motions carried unanimously with Commissioners Hall and Hedetniemi absent from the meeting.)

JN



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** June 11, 2013

**TO:** Board of Supervisors

**FROM:** Leslie B. Johnson, Zoning Administrator *LBJ*  
Department of Planning and Zoning

**SUBJECT:** Zoning Ordinance Amendment Re: Home Child Care Facilities  
Board of Supervisors - Decision Only: June 18, 2013, 4:00 p.m.

On May 14, 2013, the Board of Supervisors (Board) held a public hearing on the proposed Home Child Care Facilities Zoning Ordinance Amendment (ZOA). The Board deferred decision to allow staff time to provide additional information on several issues raised during the public hearing, including strategies for managing the increased volume of special permit applications that will result from the adoption of the amendment, facilitating and simplifying the application process for potential applicants, extending the "grace period" for enforcement, and addressing concerns raised with regard to allowing home child care facilities in P districts with special permit approval by the Board of Zoning Appeals (BZA) rather than with special exception approval by the Board. The Board also requested additional information on the cost of processing special permit applications for home child care facilities. Responses to these inquiries are addressed below.

### Public Outreach

From the outset of this Zoning Ordinance Amendment process, staff has taken steps to inform home child care providers and the public about the ramifications of the changes to the state procedures and the proposed ZOA. These steps have included holding informational meetings in conjunction with the Office for Children for existing providers; developing a simplified home child care facilities special permit application package; and creating a dedicated webpage for home child care facilities with links to the application materials, the staff report, and other pertinent information.

Upon adoption of the proposed ZOA, staff will send notification letters to all existing state licensed providers in the County, notifying them of the provisions of the approved ZOA, providing a list of dates, times and locations for group work sessions to assist providers in preparing and filing their special permit applications, and outlining the timeline for coming into compliance with the adopted regulations. The home child care facilities dedicated website will also be updated with all of the pertinent information. As noted above, to facilitate the special

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Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
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www.fairfaxcounty.gov/dpz



permit application filing process and assist providers in navigating the submission requirements, staff is proposing to schedule approximately three meetings (and more if needed) for staff to be available to assist providers with their applications and answer questions. These meetings would be held in different locations around the County so that they are easily accessible to the majority of home child care providers.

### Application Process

As noted in the Staff Report, the special permit application package has been simplified based on feedback received early in the process, however, based on additional comments received from members of the Child Care Advisory Board, staff in the Zoning Evaluation Division (ZED) will create a form that can be easily filled out in lieu of the applicant having to prepare a written statement of justification as part of the application. In addition, staff will make available completed examples of affidavit and application forms for providers to reference in filling out their own applications. It should be noted that staff currently works closely with individual homeowners on other types of homeowner-related special permit and variance applications, and will continue to assist all applicants, including home child care facility applicants. In addition, ZED staff will be sending out the required written notices to adjacent property owners as an additional service to applicants and to reduce the risk of errors and potentially delayed hearings due to improper written notice.

As part of the application acceptance and review process for any zoning applications, including special permits, additional zoning issues that may be present on the property are routinely identified. These may include accessory structures, such as sheds and play equipment that do not meet the location regulations, or additions, such as carport enclosures and decks, that may not have been constructed with permits or do not meet the minimum yard (setback) requirements of the zoning district. Typically, in these instances, applicants are required to address those issues as part of the application process. However, in order to facilitate the processing of home child care applications, staff will continue to identify these issues, and will present the applicant with options to remedy these other issues, but the provider will not be required to address the issue immediately if it does not present a life safety concern with regard to the home child care application. Applicants will have the option of combining other zoning applications that may be needed (such as a request for a special permit for an error in building location) concurrently with the home child care request, or addressing it at a later time, with the understanding that waiting to remedy the issue may impact their ability to obtain future permits. The benefit of the applicant choosing to address the issue concurrently is that only the highest of the concurrent application fees would be applicable, rather than paying multiple fees if processed separately.

Staff recognizes that scheduling of additional and/or extending the time of scheduled BZA meetings may be needed to accommodate the potentially significant increase in caseload volume. Staff met with the BZA on June 5, 2013, to discuss the proposed amendment and potential impacts on the BZA. While the BZA must hold a public hearing on all special permit applications, if there are no outstanding issues or if there are no speakers in opposition, the BZA has on many occasions dispensed with the staff and applicant presentations, closed the public hearing, and moved straight to the decision. The BZA has also expressed a willingness to set

aside specific days to hear home child care applications and extend their day to be able to schedule as may applications as possible

The Board also suggested staff consider the designation of an "Ombudsman" for home child care applicants. ZED intends to designate one or two people to serve in that capacity and who will serve as a point of contact for home child care providers interested in pursuing a special permit application. In addition, the Board requested more information in general about the state licensing and renewal process for home child care facilities, which are called "family day homes". All required forms and processes for these applications are available online at: [http://www.dss.virginia.gov/facility/child\\_care/licensed/fdh/index.cgi](http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi)

### P Districts

Several Board members expressed concerns about the possibility of changing the current special exception requirement for home child care facilities located in a P district (other than the PRC District) to a special permit. Staff believes that the issues associated with properties located in P districts such as traffic impacts to the neighborhood, availability of parking, and available outdoor space, are not dissimilar to the issues faced by properties located in conventional districts, for example, pipestem lots located in cluster subdivisions. These types of land use issues are routinely reviewed by the BZA in all such applications, and would be appropriately addressed during the special permit review process. Further, the special permit process is less cumbersome than the special exception approval process because only one public hearing is required in the special permit process, whereas the special exception process requires a hearing before the Planning Commission as well as the Board. However, if the Board wishes to retain the current zoning ordinance provisions requiring applicants within the P districts (other than PRC) to apply for a special exception rather than a special permit in those instances where a home child care facility exceeds the by right numbers and is not shown on an approved development plan, such action would be within the current scope of advertisement for this amendment.

### Application Cost

The Board also asked staff to provide some additional information on the staff cost of processing a special permit application for a home child care facility. During the recent Zoning Application Fee amendment, staff estimated that the cost of processing a simple special permit application, such as a fence height increase, where no staff recommendation is provided, including application acceptance and staff coordinator review time, advertising and posting, copying and distribution of application materials and a staff report to be approximately \$2,500. The estimate did not include supervisor or other agencies' review time, public hearing costs, closeout costs and other administrative overhead. The existing application fee of \$1,100 for the special permit for home child care facilities captures only a portion of the cost of processing these applications.

Grace Period

As the Board is aware, the County and the Virginia Department of Social Services Division of Licensing Programs entered into an agreement while the Board considers revisions to the Zoning Ordinance. Under the agreement, the State has continued to issue renewals for the existing number of children licensed to be in care, while the County has suspended enforcement action for providers obtaining renewal licenses provided there are no life safety issues. Staff proposes to extend this "grace period" to March 31, 2014. Once the Board takes action on the Zoning Ordinance Amendment, it is expected that existing State license holders will need to either reduce the number of children in care or submit an acceptable special permit application for consideration by the BZA. Providers are expected to submit a complete special permit application by March 31, 2014, after which date the number of children or assistants in excess of the by right numbers may be enforced if an application has not been filed. No enforcement will be pursued for those providers with applications waiting for public hearing. Additionally, after March 31, 2014, staff will note on the "Contact With Local Zoning Administrator Form" required with state license renewals that a special permit application has not been filed and that the provider will no longer be permitted to obtain a renewal for the numbers of children in excess of the by right numbers without special permit approval.

Staff will be available to answer any questions at the June 18, 2014 Board meeting.

cc: Edward L. Long, Jr., County Executive  
Robert A. Stalzer, Deputy County Executive  
Fred Selden, Director, Department of Planning and Zoning (DPZ)  
Barbara Berlin, Director, Zoning Evaluation Division, DPZ  
Cynthia Bailey, Office of the County Attorney  
Cathy S. Belgin, Senior Assistant to the Zoning Administrator

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4:00 PM

Public Hearing on Proposed FY 2014 Regional Transportation Alternative Program Grant Applications

ISSUE:

Public Hearing on the Board endorsement of proposed regional Transportation Alternatives Program (TAP) applications to be submitted to the Metropolitan Washington Council of Governments (MWCOCG) for FY 2014 funding.

RECOMMENDATION:

The County Executive recommends the Board take the following actions:

1. Endorse the enhancement projects for which applicants have identified a funding source for the required minimum 20 percent match (Attachment I), **and adopt the accompanying resolutions (Attachment II).**
2. ~~Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board (Attachment II).~~

The Board should be aware that any approved funds will be distributed through the jurisdiction endorsing the project and those jurisdictions endorsing TAP projects will be responsible for any cost overruns. Although the applications are being reviewed and selected by MWCOCG, the funding and coordination of reimbursement will take place with the Virginia Department of Transportation (VDOT). The Board should also be aware that VDOT's TAP regulations require the sponsoring jurisdiction to accept responsibility for future maintenance and operating costs of any projects that are funded.

TIMING:

Board of Supervisors' authorization to advertise was approved on May 14, 2013. Action should be taken on this item on June 18, 2013, following the public hearing.

BACKGROUND:

Transportation Alternatives grant applications can be submitted by a group or an individual, but are subject to a public hearing and endorsement by the local jurisdiction. Up to 80 percent of a TAP project can be financed with Federal Surface Transportation Program (STP) funds. A minimum of 20 percent must come from other public or private sources. VDOT requires jurisdictional sponsors (like Fairfax County) to provide technical guidance and oversight throughout project development. Additionally,

the sponsor must ensure that the budget accurately reflects project cost, and accept responsibility for future maintenance and operating cost of the completed project.

As has been identified in previous Board actions, the former Enhancement, Safe Routes to Schools and Recreational Trails programs were merged into a Transportation Alternatives Program and part of the MAP-21 federal surface transportation program reauthorization legislation. Another change in the program is the responsibility for awarding the funding. Previously Enhancement funds were distributed at the state level, but with TAP funds are awarded at both the state and regional level. With the current legislation, there will be two rounds of applications for TAP grants annually (one directly with VDOT; the other with MWCOG).

On May 14, 2013, the Board of Supervisors authorized a public hearing to be held for the FY 2014 TAP projects on June 18, 2013, to solicit projects.

For the FY 2014 Transportation Alternatives Program, staff recommends that the Board endorse the following two projects:

	<u>TAP 80%</u>	<u>Local Match 20%</u>
• Cross-County Trail, Lorton	\$ 400,000	\$ 100,000
• Reston Bike Share, Support Infrastructure	\$ 400,000	\$ 100,000

FISCAL IMPACT:

None at this time. The Board should note that all successful applicants will be required to provide the 20 percent local match. In addition, should any of the two projects be funded through the TAP, the County will be responsible for future maintenance and operating costs of completed projects, unless other arrangements are made with VDOT, or the private organizations receiving TAP funds. The projects that receive a grant award will also be subject to an updated project agreement with VDOT. The identified local cash match of \$100,000 for each project will come from the Fund 300-C40011 (Commercial and Industrial Tax) reserve for grant matches. If either project is awarded a grant staff will return to the Board with a Supplemental Appropriations Resolution.

ENCLOSED DOCUMENTS:

Attachment I: List of Projects with Matching Funds Identified

Attachment II: Project Endorsement Resolutions

STAFF:

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

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

Kenneth Kanownik, Transportation Planner, Coordination and Funding Division, FCDOT

LIST OF PROJECTS WITH MATCHING FUNDS IDENTIFIED  
(Descriptions Based on Information Provided by Applicant)

1. Cross County Trail, Lorton (CCT)

Fairfax County Department of Transportation is proposing the design and construction of a new multi-use trail to provide non-motorized access between the Occoquan Regional Park and the Laurel Hill Greenway, both of which are portions of the Cross County Trail. The trail connects users with the historic Workhouse Arts Center, a program of the Lorton Arts Foundation (LAF), which is listed on the National Register of Historic Places, and enhances an already significant historic destination.

The CCT, Lorton will connect with the regional network of existing and planned trails, including: High Point Trail, Fairfax Cross-County Trail, the Laurel Hill Greenway, and the Potomac Heritage National Scenic Trail. Specifically, the Potomac Heritage National Scenic Trail system consists of a braided network of trails identified as a trunk line in the greenways task force study, and a key historic and scenic element running from the mouth of the Potomac to Pittsburgh Pennsylvania. The Potomac Heritage National Scenic Trail (PHNST) is one of the 24 Congressionally-designated trails in the National Trails System and one of seven scenic trails in the U.S. The PHNST sites identified for this project will offer communities significant enhancements to existing recreational amenities, leverage heritage tourism and economic benefits, expand non-motorized transportation networks, create educational and interpretive experiences, connect neighborhoods, historic sites and parkland, and rebuild community connections.

The improvements to this section of trail will provide residents of higher density neighborhoods and the newer developments that surround the Workhouse Arts Center buildings with safe multi-use trail access to many recreational facilities and places of historic interest in the area including: Occoquan Regional Park, The Town of Occoquan, and to the other sections of the Cross County Trail. The LAF portion of the trail is three miles west of South County Secondary School and will offer expanded recreational opportunities for their athletic programs. Residents and visitors will have a safe pedestrian and bicycle route to businesses, bus stops, and other commuter transportation facilities in Lorton.

To make the Lorton portion of the CCT truly a multi-use trail, it will be 18 feet wide. There will be a natural surface for horses, four feet wide; a paved bike/pedestrian portion, ten feet wide; plus an additional four feet on the sides.

## 2. Reston Bike Share – Support Infrastructure

Fairfax County Department of Transportation (FCDOT) is exploring the feasibility of bringing the Capital Bikeshare program into Reston. This is in anticipation of the Metrorail opening in Reston as an expanded transportation option for users of the Metrorail who will commute to Reston. A bike share is a program of “public use” bicycles that users who have registered with the program can rent for short periods of time. The bikes can be used to go from bike dock to bike dock located at activity centers and employment centers throughout the Reston area. Capital Bikeshare, in operation in Arlington County, the City of Alexandria, and the District of Columbia, offers system users with several membership options ranging from an annual membership to daily passes. Subscribers are given an electronic key that is used for renting a bicycle. The first 30 minutes of usage are free with each additional 30 minutes escalating in cost.

The Reston Bike Share expansion would be the first in Fairfax County. Bike share programs work best in dense urban areas with good bicycle infrastructure. At this time, Reston is the best candidate in Fairfax County for a bike share program.

The final locations of the stations will be determined in the preliminary engineering/study portion of the project. After the final locations are determined FCDOT will construct the needed infrastructure to make the final connections to the stations.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, June 18, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation awards funding for Transportation Alternatives projects in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Cross County Trail, Lorton;

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 18<sup>th</sup> day of June, 2013, Fairfax, Virginia

ATTEST \_\_\_\_\_

Catherine A. Chianese  
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, June 18, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation awards funding for Transportation Alternatives projects in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Reston Bike Share;

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 18<sup>th</sup> day of June, 2013, Fairfax, Virginia

ATTEST

\_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

Board Agenda Item  
June 18, 2013

4:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern

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