FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 12, 2015

AGENDA

8:45	**Held**	Reception for the 2015 Lord and Lady Fairfax Honorees, The Forum
9:30	**Done**	Presentations
10:30	**Done**	Appointments
10:40	**Done**	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	**Approved with amendment**	Authorization to Advertise a Public Hearing on Amendment of the Restated and Amended Upper Occoquan Service Agreement
2	**Approved**	Additional Time to Commence Construction for Special Exception Amendment SEA 90-L-045-03, Sunoco, Inc. (Lee District)
3	**Approved**	Approval of "$200 Additional Fine for Speeding" Signs and "Watch For Children Signs" as Part of the Residential Traffic Administration Program (Springfield and Mason Districts)
4	**Approved**	Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Ravensworth Road (Mason and Braddock Districts)
5	**Approved**	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the West Springfield Residential Permit Parking District, District 7 (Springfield District)
6	**Approved**	Streets into the Secondary System (Sully District)
7	**Approved**	Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and Office of Victims of Crime for the Human Trafficking Task Force
	ACTION ITEMS	
1	**Approved**	Approval of a Project Agreement with George Mason University for the Construction of a Transit Center on the George Mason University Fairfax Campus (Braddock District)
2	**Approved**	Approval of a Letter Agreement Between Fairfax County Department of Transportation and Fairfax County Park Authority for the Design Management of the Scotts Run Trail (Providence District)

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	ACTION ITEMS (CONTINUED)	
3	**Approved with amendment**	Endorsement of a Preferred Transit Alternative, Authorization of a Comprehensive Plan Amendment to Consider the Recommendations of the Route 1 Multimodal Alternatives Analysis, and Direction to Proceed with an Environmental Assessment for the Project (Lee and Mount Vernon Districts)
4	**Approved**	Approval of a Project Funding Agreement with the Northern Virginia Transportation Authority for the Innovation Center Metrorail Station Project (Dranesville District)
	INFORMATION ITEMS	
1	**Noted**	Contract Award - Urban Land Institute (ULI) Consulting Services for Five Day Advisory Service Panel; Three Day Advisory Service Panel; and, One and a Half Day Technical Assistance Panel
2	**Noted**	Planning Commission Action on Application 2232-L14-8, Verizon Wireless, 4700 Franconia Road, Alexandria, VA 22310
10:50	**Done**	Matters Presented by Board Members
11:40	**Done**	Closed Session
	PUBLIC HEARINGS	
3:30	**Decision Only deferred to 6/2/15 at 3:00 p.m.**	Decision Only on RZ 2013-MV-015 (Vulcan Construction Materials, LP) (Mount Vernon District)
3:30	**Decision Only deferred to 6/2/15 at 3:00 p.m.**	Decision Only on PCA 1998-MV-032 (Fairfax County Water Authority) (Mount Vernon District)
3:30	**Decision Only deferred to 6/2/15 at 3:00 p.m.**	Decision Only on PCA 1998-MV-033 (Fairfax County Water Authority) (Mount Vernon District)
3:30	**Decision Only deferred to 6/2/15 at 3:00 p.m.**	Decision Only on SEA 81-V-017-02 (Fairfax County Water Authority) (Mount Vernon District)
3:30	**Approved**	Public Hearing on PCA 2005-PR-041-04 (Eskridge (E&A) LLC) (Providence District)
3:30	**Approved**	Public Hearing on SE 2014-DR-057 (Stephen C. Bryan and Sally T. Bryan)(Dranesville District)
3:30	**Public hearing deferred to 6/2/15 at 3:00 p.m.**	Public Hearing on SE 2014-DR-052 (Trinity Land LLC) (Dranesville District)

FAIRFAX COUNTY
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PUBLIC HEARINGS (CONTINUED)

3:30	**Approved**	Public Hearing on RZ 2013-PR-014 (Ausable, LLC) (Providence District)
4:00	**Approved**	Public Hearing on SE 2014-SU-070 (Gricelda Flores/ Sunbeam Family Child Care) (Sully District)
4:00	**Decision Only deferred to 6/23/15 at 3:00 p.m.**	Public Hearing on Amendments to the Fairfax County Code to: Adopt New Chapter 108.1 (Noise Ordinance), Repeal Chapter 108 (Noise Ordinance), and Repeal Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) to Chapter 5 (Offenses)
4:00	**Approved**	Public Hearing on SE 2014-PR-032 (Virginia Electric & Power Company D/B/A Dominion Virginia Power) (Providence District)
4:00	**Approved**	Joint Public Hearing on the Proposed Virginia Department of Transportation Six-Year Secondary System Construction Program for Fiscal Years 2016 through 2021 and FY 2016 Budget

R E V I S E D

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
May 12, 2015

9:30 a.m.

PRESENTATIONS

LORD AND LADY FAIRFAX HONOREES

- CERTIFICATE – To recognize the 2015 Lord and Lady Fairfax honorees.

RECOGNITIONS

- RESOLUTION – To recognize Deputy Fire Chief Michael T. Reilly for his years of service to Fairfax County. Requested by Supervisors McKay and Frey.

- RESOLUTION – To recognize Wynndolyn Barge Thompson for her years of service to Fairfax County. Requested by Supervisor Hudgins.

DESIGNATIONS

- PROCLAMATION – To designate May 17-23, 2015, as Emergency Medical Services Week in Fairfax County. Requested by Chairman Bulova.

— more —

Board Agenda Item
May 12, 2015

- PROCLAMATION – To designate May 2015 as Older Americans and Adult Abuse Prevention Month in Fairfax County. Requested by Supervisor Herrity.

- PROCLAMATION – To designate June 15-19, 2015, as George Mason University Diversity Scholarship Golf Classic Week in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate May 2015 as Break the Silence on Ovarian Cancer Month in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate May 2015 as Fight the Bite Awareness Month in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate May 18-22, 2015, as Public Works Week in Fairfax County. Requested by Chairman Bulova.

STAFF:
Tony Castrilli, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

Board Agenda Item
May 12, 2015

10:30 a.m.

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

ENCLOSED DOCUMENTS:
Attachment 1: Appointments to be heard May 12, 2015
(An updated list will be distributed at the Board meeting.)

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

May 12, 2015

FINAL COPY

APPOINTMENTS TO BE HEARD MAY 12, 2015

(ENCOMPASSING VACANCIES PROJECTED THROUGH MAY 31, 2015)

(Unless otherwise noted, members are eligible for reappointment)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE (1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Charles T. Coyle; appointed 2/13-6/14 by Hyland) Term exp. 1/15 *Resigned*	Mount Vernon District Representative		Hyland	Mount Vernon

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Sydney Stakley; appointed 6/07-9/13 by Smyth) Term exp. 9/17 *Resigned*	Providence District Representative		Smyth	Providence

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 *Resigned*	Builder (Single Family) Representative		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 *Resigned*	Lending Institution Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 *Resigned*	Mason District Representative		Gross	Mason

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.]

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Barbara Hyde; appointed 9/13-9/14 by Gross) Term exp. 2/16 *Resigned*	Mason District Representative		Gross	Mason

ATHLETIC COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Morgan B. Danner (Appointed 7/13 by Foust) Term exp. 3/15	Dranesville District Alternate Representative		Foust	Dranesville
Mark R. Heilbrun (Appointed 12/10-4/13 by Herrity) Term exp. 4/15	Springfield District Alternate Representative		Herrity	Springfield

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.)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17 *Resigned*	Alternate #2 Representative		By Any Supervisor	At-Large
John B. Scott (Appointed 2/08-2/11 by Frey) Term exp. 2/15	Alternate #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 by Hudgins) Term exp. 2/15 *Resigned*	Alternate #4 Representative		By Any Supervisor	At-Large
Matthew Arnold (Appointed 1/05-2/07 by DuBois; 2/11 by Foust) Term exp. 2/15	Design Professional #2 Representative		By Any Supervisor	At-Large

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kanthan Siva; appointed 1/13 by Frey) Term exp. 9/15 *Resigned*	Sully District Representative		Frey	Sully

CHILD CARE ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Pamela Nilsen; appointed 6/13-9/13 by McKay) Term exp. 9/15 *Resigned*	Lee District Representative		McKay	Lee
VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 *Resigned*	Mount Vernon District Representative		Hyland	Mount Vernon

COMMISSION ON AGING (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Tena Bluhm; appointed 5/09-5/13 by Bulova) Term exp. 5/15 *Resigned*	At-Large Chairman's Representative		Bulova	At-Large Chairman's

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Howard Leroy Kelley; Appointed 8/01-1/13 by Hudgins) Term exp. 1/17 *Resigned*	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 *Resigned*	Lee District Representative		McKay	Lee
VACANT (Formerly held by Carmen A. Cintron; appointed 2/13 by Hyland) Term exp. 1/15 *Resigned*	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by William Stephens; appointed 9/02-1/03 by McConnell; 1/07-1/11 by Herrity) Term exp. 1/15 *Resigned*	Springfield District Representative		Herrity	Springfield

COMMUNITY ACTION ADVISORY BOARD (CAAB)
(3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Philip Rosenthal (Appointed 1/01-2/16 by McConnell; 2/09-2/12 by Herrity) Term exp. 2/15	Springfield District Representative		Herrity	Springfield

ECONOMIC ADVISORY COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Suzette Kern; appointed 1/09-12/11 by McKay) Term exp. 12/14 *Resigned*	Lee District Representative		McKay	Lee

ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by James M. Dougherty; appointed 9/10-3/12 by Smyth) Term exp. 3/15 *Resigned*	Citizen #2 Representative		By Any Supervisor	At-Large

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.

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Richard Nilsen; appointed 6/13 by McKay) Term exp. 11/15 *Resigned*	Lee District Representative		McKay	Lee
Jacqueline Browne (Appointed 9/08-12/11 by Gross) Term exp. 11/14 ***Not eligible for reappointment***	Mason District Representative		Gross	Mason
VACANT (Formerly held by Ann Pimley; appointed 9/03-11/6 by Frey) Term exp. 11/09 *Resigned*	Sully District Representative		Frey	Sully

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL
(2 years)

CONFIRMATION NEEDED:

- Mr. David M. Posner as a Long Term Care Provider Representative

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

Incumbent History	Requirement	Nominee	Supervisor	District
David Eisenman (Appointed 8/04-6/11 by Hudgins) Term exp. 6/14 ***Not eligible for reappointment*** (need 1 year lapse)	Hunter Mill District Representative		Hudgins	Hunter Mill

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]**

Incumbent History	Requirement	Nominee	Supervisor	District
Pamela Barrett (Appointed 9/09-6/12 by Bulova) Term exp. 6/15	At-Large Chairman's #1 Representative	(Nominee *will be confirmed on June 23, 2015)*	Bulova	At-Large Chairman's
Molly E. Long (Appointed 12/14 by Cook) Term exp. 6/15	Braddock District Representative	**Molly E. Long** *(will be confirmed on June 23, 2015)*	Cook	Braddock
Katherine K. Hanley (Appointed 6/13 by Hudgins) Term exp. 6/15	Hunter Mill District Representative	**Katherine K. Hanley** *(will be confirmed on June 23, 2015)*	Hudgins	Hunter Mill
Suzette Kern (Appointed 9/12 by McKay) Term exp. 6/15	Lee District Representative	**Suzette Kern** *(will be confirmed on June 23, 2015)*	McKay	Lee

HEALTH CARE ADVISORY BOARD (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Judith Beattie; appointed 6/96-9/12 by Frey) Term exp. 6/16 *Resigned*	Sully District Representative		Frey	Sully

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Andrew A. Painter; appointed 2/11 by Smyth) Term exp. 6/13 *Resigned*	Consumer #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 *Resigned*	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 *Resigned*	Provider #1 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 2	Springfield - 2
Hunter Mill - 3	Mt. Vernon - 3	Sully - 2

Incumbent History	Requirement	Nominee	Supervisor	District
Esther McCullough (Appointed 3/00-11/02 by Hanley; 12/08-12/11 by Connolly) Term exp. 12/14 *(Sully District Resident)*	Citizen #10 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Heather Lawson; appointed 1/03-10/14 by Hudgins) Term exp. 9/17 *Resigned*	At-Large #12 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Richard Gonzalez; appointed 7/97-7/05 by Kauffman; 8/09 by McKay) Term exp. 7/13 *Resigned*	Lee District #1 Representative		McKay	Lee

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC) (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Walter Williams (Appointed 5/09-12/11 by Herrity) Term exp. 12/14	Springfield District Representative		Herrity	Springfield

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Eileen Nelson; appointed 3/04-6/07 by Connolly; 6/10 by Bulova) Term exp. 6/13 *Resigned*	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 *Resigned*	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill

Continued on next page

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years) continued

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Richard Nilsen; appointed 3/10-6/10 by McKay) Term exp. 6/13 *Resigned*	Lee District Representative		McKay	Lee
Tina Montgomery (Appointed 9/10-6/11 by Smyth) Term exp. 6/14	Providence District Representative		Smyth	Providence

ROAD VIEWERS BOARD (1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08-11/13 by Herrity) Term exp. 12/14 *Resigned*	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 *Resigned*	At-Large #4 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Suchada Langley; appointed 11/11-12/11 by Hudgins) Term exp. 12/14 *Resigned*	At-Large #2 Representative		By Any Supervisor	At-Large

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Robert Dim; appointed 3/05-3/12 by Hudgins) Term exp. 3/14 *Resigned*	Fairfax County #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Cleveland Williams; appointed 12/11-3/13 by Hudgins) Term exp. 3/15 *Resigned*	Fairfax County #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Linda Diamond; appointed 3/07-4/13 by Hudgins) Term exp. 3/15 *Resigned*	Fairfax County #8 Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Michael Schwarz; appointed 1/14 by Herrity) Term exp. 12/15 *Resigned*	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 *Deceased*	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Evelyn McRae; appointed 6/98-8/01 by Hanley; 12/04-1/08 by Connolly; 4/11 by Bulova) Term exp. 1/14 *Resigned*	Tenant Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 *Resigned*	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS AND SIDEWALKS COMMITTEE (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Jan Reitman (Appointed 3/08-1/12 by Gross) Term exp. 1/14	Mason District Representative		Gross	Mason

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)

Incumbent History	Requirement	Nominee	Supervisor	District
Michael Bogasky (Appointed 2/13 by Smyth) Term exp. 2/15	Residential Owners and HOA/Civic Association Representative #1		Smyth	Providence
VACANT (Formerly held by Ron Parson; appointed 2/13 by Smyth) Term exp. 2/17 *Resigned*	Residential Owners and HOA/Civic Association Representative #2		Smyth	Providence

WETLANDS BOARD (5 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Elizabeth Martin (Appointed 11/09 by Gross) Term exp. 12/13	At-Large #1 Representative		By Any Supervisor	At-Large

Board Agenda Item
May 12, 2015

10:40 a.m.

Items Presented by the County Executive

Board Agenda Item
May 12, 2015

ADMINISTRATIVE – 1

Authorization to Advertise a Public Hearing on Amendment of the Restated and Amended Upper Occoquan Service Agreement

ISSUE:
Board of Supervisor's authorization is needed to advertise a public hearing for the purpose of amending the Restated and Amended Service Agreement with the Upper Occoquan Service Authority (UOSA). The proposed amendments will: 1) allow member jurisdictions the option of participating in a UOSA bond sale as currently done, or cash funding the participant's share of the capital program and 2) allow a responsible officer of a member jurisdiction to execute the disclosure agreements associated with bonds issued by UOSA. These amendments were approved by the UOSA Board of Directors at their November 2014 Board meeting.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing to be held on June 23, 2015, at 4:00pm.

TIMING:
Action must be taken on May 12, 2015, to provide adequate notice of a public hearing for comments on the proposed service agreement amendment. Pursuant to Va. Code Ann. § 15.2-5104, the public hearing must be held not less than 30 days after publication of the advertisement.

BACKGROUND:
The Upper Occoquan Service Authority owns and operates a wastewater treatment plant that receives wastewater from its four member jurisdictions of Fairfax and Prince William Counties and Cities of Manassas and Manassas Park. The Restated and Amended Service Agreement currently does not allow member jurisdictions the option of cash funding their pro-rata share of the capital program. Currently, all member jurisdictions must participate in the sale of UOSA Revenue Bonds. The Board of Directors for the Upper Occoquan Service Authority has agreed to amend the Service Agreement to allow member jurisdictions the option of participating in the bond sale or cash funding the capital program. Cash funding the capital program would save millions of dollars in interest payments over the life of the bond.

In addition, the amendment allows the option for a responsible officer of a member jurisdiction to execute the disclosure agreements associated with bonds issued by UOSA without a specific vote of the governing body. The Securities and Exchange Commission requires continuing disclosure of information related to municipal securities issued after July 3, 1995. Although UOSA is expected to provide the bulk of the required information, its member jurisdictions must provide updated information related to the financial and operating data of their respective sewer systems. A disclosure agreement is executed among UOSA and other member jurisdictions for provision of the updated information. Currently, the disclosure agreement is approved by the Board of Supervisors and executed by the Chairman of the Board. This amendment allows the option of approving and executing the disclosure agreement by a responsible officer of the County, such as the County Executive.

FISCAL IMPACT:
Cash funding the capital program would save millions of dollars in interest payments depending on the size of the bond sale.

ENCLOSED DOCUMENTS:
Attachment I - The Amendment to Restated and Amended Service Agreement
Attachment II – Advertisement of Proposed Restated and Amended Service Agreement

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Randy Bartlett, Deputy Director, DPWES
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES
Susan Datta, Chief Financial Officer, Department of Management and Budget

2014 AMENDMENT TO
RESTATED AND AMENDED SERVICE AGREEMENT

THIS 2014 AMENDMENT AGREEMENT (this "Amendment"), made as of the ____ day of ____, 2014, amends the Service Agreement dated as of May 15, 1972, as most recently restated and amended as of 2007 (the "Service Agreement"), by and between the UPPER OCCOQUAN SEWAGE AUTHORITY ("UOSA"), a public body politic and corporate duly created pursuant to the Virginia Water and Waste Authorities Act, and the CITY OF MANASSAS and the CITY OF MANASSAS PARK, municipal corporations of the Commonwealth of Virginia, and the BOARD OF SUPERVISORS OF FAIRFAX COUNTY and the BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, acting for and on behalf of said counties and the sanitary districts thereof, which are located in whole or in part within the Service Area as defined in the Service Agreement (such four parties being called collectively the "Political Subdivisions" and individually a "Political Subdivision");

WITNESSETH:

WHEREAS, the Service Agreement provides for the treatment of sewage at an advanced regional wastewater treatment plant and related facilities and for the financing thereof through the issuance, from time to time, of obligations secured by revenues payable to UOSA by the Political Subdivisions under the Service Agreement, such revenues including not only payments for principal of, premium, if any, and interest on such obligations but also operating expenses and amounts to replenish debt service reserve or other reserve funds with respect to such obligations or the facilities financed;

WHEREAS, the parties to the Service Agreement desire to provide that when one or more facilities or portions thereof is to be financed by a borrowing secured through revenues under the Service Agreement, one or more of the Political Subdivisions may deposit cash to

fund all or a portion of its or their respective initial costs of such project in lieu of UOSA borrowing such deposited amounts; and

WHEREAS, an amendment to the Service Agreement is required to effectuate such option setting forth the requirements for such action and the effects thereof on related matters under the Service Agreement; and

WHEREAS, in connection with the issuance of obligations which are publicly offered, since the promulgation of Rule 15c2-12 of the Securities and Exchange Commission, UOSA and the Political Subdivisions have executed continuing disclosure agreements with the underwriters of such obligations with respect to the types of information to be provided to the public thereunder and the timing therefor and, because of the regularity and content consistency of such agreements, UOSA wants to provide an option to its member Political Subdivisions to agree to provide this information through its officers as opposed to requiring a vote of the governing bodies of each Political Subdivision;

NOW THEREFOR, the Service Agreement is hereby amended as follows:

Section 1. The following definition is hereby added to the definitions of terms provided in Section 1.1 of the Service Agreement:

"Partial Cash Funded Project" shall mean one or more facilities or portions thereof (including replacements or improvements) which is described in and qualified under Sections 4.11 and 4.12 herein.

Section 2. New Sections 4.11 and 4.12 are hereby added to the Service Agreement and shall read as follows:

Section 4.11. If one or more of the Political Subdivisions wants to be permitted to deposit cash to fund all or a portion of that Political Subdivision's costs of one or more

projects or a designated portion of an identified UOSA program to be funded by Bonds (or other financing) authorized by this Agreement, then for purposes of this Agreement, such project or projects or portion of a program shall be deemed to be a Partial Cash Funded Project if the additional conditions set forth in this Section and Section 4.12 are met. A request for a Partial Cash Funded Project shall be made in writing at least 90 days prior to the issuance of such Bonds (or other financing) authorized by this Agreement and shall include:

a) The portion or amount of the desired deposit; and

b) An acknowledgement that such Political Subdivision shall continue to be obligated under the provisions of Section 6.1(c) to make payments to UOSA to restore the balance in any debt service reserve with respect to the Bonds for such project, even if the entire respective portion of the costs of such project has been deposited by the Political Subdivision and it therefor has no responsibility for regular payments for principal, premium, if any, or interest on such Bonds.

All monies relating to the same project, whether cash or financed funds, shall be maintained and administered in one fund. Any excess monies at the conclusion of the project shall be used for future project costs as may be permitted by the Bond (or other financing) documents in accordance with each member Political Subdivision's allocation of the costs of such project or projects or program.

Section 4.12. Before issuance of the Bonds (or other financing) for the Partial Cash Funded Project shall occur, the following three criteria must be met:

(a) a unanimous vote by the UOSA Board to allow a project to be a Partial Cash Funded Project;

(b) evidence satisfactory to it that the ratings on the Bonds for the Partial Cash

Funded Project will be at least as high as the ratings on outstanding (but not defeased) Bonds of UOSA with which the Bonds to be issued will be secured in parity, unless the reduced rating can be attributed wholly to matters not associated with the financing qualifying as a Partial Cash Funded Project; and

(c) from the Political Subdivision or Subdivisions making the request under Section 4.11, the deposit with the trustee for the Bonds financing the Partial Cash Funded Project of cash in an amount equal to the portion of the cost of the Partial Cash Funded Project (not including Bond issuance expenses or initial reserve deposits) identified by the Political Subdivision or Subdivisions as the portion for which it intends to provide cash in lieu of a borrowing. Such Deposit shall include that Political Subdivision's share of the project costs to be financed, as well as that Political Subdivision's proportionate share of the fixed costs of borrowing (such as bond rating agency and financial advisor costs, etc.), but shall not include the variable costs of the borrowing which are calculated as a percentage of the borrowing (underwriting fees and initial reserve deposit). The proportionate share of the fixed costs of borrowing is based on the allocation of project costs (as set forth in Section 6.4) compared to the allocation of total project costs being funded. Project cost allocations and the proportionate share of fixed costs for a project to increase UOSA plant capacity beyond 54 mgd would have to be defined through a future Service Agreement Amendment.

Section 3. The following sentence is hereby added as a paragraph at the end of Section 6.1(c):

For purposes of Section 6.4(a) - (f), with respect to any Partial Cash Funded Project, the phrase "all charges due or incurred under 6.1(c)" shall be determined pursuant to Section 6.11.

Section 4. A new Section 6.11 is hereby added to the Service Agreement and shall read as follows:

Section 6.11. Political Subdivisions which funded cash deposits for a Partial Cash Funded Project, to the extent such deposits were in lieu of their responsibility for the borrowing, shall not be charged for payment of principal of, premium, if any, and interest on the Bonds for such Partial Cash Funded Project provided such requesting Political Subdivisions shall be responsible in accordance with Section 6.4(a) - (f) (with the specified percentage or other allocation therein determined as if the one or more financed facilities or portions thereof was not a Partial Cash Funded Project) and charged for the related Cost of the UOSA Plant and UOSA Delivery System not paid with Bond or financing proceeds, and other monies due under the Trust Agreement, as the same become due. It is acknowledged by the parties hereto that such deposit shall not reduce or otherwise affect the obligation of the Political Subdivisions under Section 6.1(c) to make payments for any deficiencies in any required reserves for such project or on such Bonds or bonds refunding such Bonds as if the one or more financed facilities or portions thereof was not a Partial Cash Funded Project.

The existence of a Partial Cash Funded Project shall not affect the responsibility of any Political Subdivision under any provision of this Agreement other than Section 6.4 and then only as it relates to a Partial Cash Funded Project. If Bonds which funded a Partial Cash Funded Project are subsequently refunded, the responsibility for the payment of principal of, premium, if any, and interest on the refunding Bonds shall be proportionately the same as for the Bonds for the project, with the responsibility for any deficiencies in the reserves after the initial deposit being allocated in the same percentages as for the refunded Bonds including as to the depositing Political Subdivisions.

Section 5. A new Section 6.12 is hereby added to the Service Agreement and shall read as follows:

Section 6.12. In connection with the issuance of publicly offered Bonds, unless a member Political Subdivision determines that the obligations under any continuing disclosure agreement to be executed therefor are materially different, either in the actions required or the types of information to be disclosed, from the obligations under agreements executed in connection with prior UOSA Bonds, then such agreements, at the option of the member Political Subdivision, may be executed on behalf of a Political Subdivision by responsible officers thereof without a specific vote of the governing body thereof.

#2528065v1 08847/00716

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

UPPER OCCOQUAN SEWAGE AUTHORITY

Date:_____ BY:_____

(SEAL)
ATTEST:

CITY OF MANASSAS

_____ BY:_____
City Clerk Mayor

Date:_____

(SEAL)
ATTEST:

CITY OF MANASSAS PARK

_____ BY:_____
City Clerk Mayor

Date:_____

(SEAL)
ATTEST:

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

_____ BY:_____
Clerk Chairman

Date:_____

(SEAL)
ATTEST:

BOARD OF COUNTY SUPERVISORS OF
PRINCE WILLIAM COUNTY, VIRGINIA

_____ BY:_____
Clerk Chairman

Date:_____

Attachment II

FAIRFAX COUNTY NOTICE OF AMENDMENT TO RESTATED AND AMENDED UPPER OCCOQUAN SERVICE AGREEMENT

NOTICE is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

Tuesday
June 23, 2015
commencing at 4:00 p.m.

in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the matter of restating and amending the Upper Occoquan Service Agreement dated May 15, 1972 as most recently restated and mended as of 2007 between the Upper Occoquan Sewage Authority (UOSA) and the City of Manassas, City of Manassas Park, Fairfax County and Prince William County. The amendment is as follows:

Section 1.The following definition is hereby added to the definitions of terms provided in Section 1.1 of the Service Agreement:

"Partial Cash Funded Project" shall mean one or more facilities or portions thereof (including replacements or improvements) which is described in and qualified under Sections 4.11 and 4.12 herein.

Section 2.New Sections 4.11 and 4.12 are hereby added to the Service Agreement and shall read as follows:

Section 4.11. If one or more of the Political Subdivisions wants to be permitted to deposit cash to fund all or a portion of that Political Subdivision's costs of one or more projects or a designated portion of an identified UOSA program to be funded by Bonds (or other financing) authorized by this Agreement, then for purposes of this Agreement, such project or projects or portion of a program shall be deemed to be a Partial Cash Funded Project if the additional conditions set forth in this Section and Section 4.12 are met. A request for a Partial Cash Funded Project shall be made in writing at least 90 days prior to the issuance of such Bonds (or other financing) authorized by this Agreement and shall include:

a) The portion or amount of the desired deposit; and

b) An acknowledgement that such Political Subdivision shall continue to be obligated under the provisions of Section 6.1(c) to make payments to UOSA to restore the balance in any debt service reserve with respect to the Bonds for such project, even if the entire respective portion of the costs of such project has been deposited by the Political Subdivision and it therefor has no responsibility for regular payments for principal, premium, if any, or interest on such Bonds.

All monies relating to the same project, whether cash or financed funds, shall be maintained and administered in one fund. Any excess monies at the conclusion of the project shall be used for future project costs as may be permitted by the Bond (or other financing) documents in accordance with each member Political Subdivision's allocation of the costs of such project or projects or program.

Section 4.12. Before issuance of the Bonds (or other financing) for the Partial Cash Funded Project shall occur, the following three criteria must be met:

(a) a unanimous vote by the UOSA Board to allow a project to be a Partial Cash Funded Project;

(b) evidence satisfactory to it that the ratings on the Bonds for the Partial Cash Funded Project will be at least as high as the ratings on outstanding (but not defeased) Bonds of UOSA with which the Bonds to be issued will be secured in parity, unless the reduced rating can be attributed wholly to matters not associated with the financing qualifying as a Partial Cash Funded Project; and

(c) from the Political Subdivision or Subdivisions making the request under Section 4.11, the deposit with the trustee for the Bonds financing the Partial Cash Funded Project of cash in an amount equal to the portion of the cost of the Partial Cash Funded Project (not including Bond issuance expenses or initial reserve deposits) identified by the Political Subdivision or Subdivisions as the portion for which it intends to provide cash in lieu of a borrowing. Such Deposit shall include that Political Subdivision's share of the project costs to be financed, as well as that Political Subdivision's proportionate share of the fixed costs of borrowing (such as bond rating agency and financial advisor costs, etc.), but shall not include the variable costs of the borrowing which are calculated as a percentage of the borrowing (underwriting fees and initial reserve deposit). The proportionate share of the fixed costs of borrowing is based on the allocation of project costs (as set forth in Section 6.4) compared to the allocation of total project costs being funded. Project cost allocations and the proportionate share of fixed costs for a project to increase UOSA plant capacity beyond 54 mgd would have to be defined through a future Service Agreement Amendment.

Section 3.The following sentence is hereby added as a paragraph at the end of Section 6.1(c):

For purposes of Section 6.4(a) - (f), with respect to any Partial Cash Funded Project, the phrase "all charges due or incurred under 6.1(c)" shall be determined pursuant to Section 6.11.

Section 4.A new Section 6.11 is hereby added to the Service Agreement and shall read as follows:

Section 6.11. Political Subdivisions which funded cash deposits for a Partial Cash Funded Project, to the extent such deposits were in lieu of their responsibility for the borrowing, shall not be charged for payment of principal of, premium, if any, and interest on the Bonds for such Partial Cash Funded Project provided such requesting Political Subdivisions shall be responsible in accordance with Section 6.4(a) - (f) (with the specified percentage or other allocation therein determined as if the one or more financed facilities or portions thereof was not a Partial Cash Funded Project) and charged for the related Cost of the UOSA Plant and UOSA Delivery System not paid with Bond or financing proceeds, and other monies due under the Trust Agreement, as the same become due. It is acknowledged by the parties hereto that such deposit shall not reduce or otherwise affect the obligation of the Political Subdivisions under Section 6.1(c) to make payments for any deficiencies in any required reserves for such project or on such Bonds or bonds refunding such Bonds as if the one or more financed facilities or portions thereof was not a Partial Cash Funded Project.

The existence of a Partial Cash Funded Project shall not affect the responsibility of any Political Subdivision under any provision of this Agreement other than Section 6.4 and then only as it relates to a Partial Cash Funded Project. If Bonds which funded a Partial Cash Funded Project are subsequently refunded, the responsibility for the payment of principal of, premium, if any, and interest on the refunding Bonds shall be proportionately the same as for the Bonds for the project, with the responsibility for any deficiencies in the reserves after the initial deposit being allocated in the same percentages as for the refunded Bonds including as to the depositing Political Subdivisions.

Section 5.A new Section 6.12 is hereby added to the Service Agreement and shall read as follows:

Section 6.12. In connection with the issuance of publicly offered Bonds, unless a member Political Subdivision determines that the obligations under any continuing disclosure agreement to be executed therefor are materially different, either in the actions required or the types of information to be disclosed, from the obligations under agreements executed in connection with prior UOSA Bonds, then such agreements, at the option of the member Political Subdivision, may be executed on behalf of a Political Subdivision by responsible officers thereof without a specific vote of the governing body thereof.

A copy of the complete Upper Occoquan Service Agreement dated May 15, 1972 as most recently restated and mended as of 2007 among the Upper Occoquan Service Authority (UOSA) and the City of Manassas, City of Manassas Park, Fairfax County and Prince William County can be reviewed at the Wastewater Planning and Monitoring office located in Suite 358 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.

All persons wishing to present their views on these subjects may call the Office of the Clerk to the Board at 703-324-3151 to be placed on the Speakers List, or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as information concerning the documentation for the proposed fee, levy, or increase, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 533 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. For the convenience of the public, copies may also be distributed to the County's Regional and Community Public Libraries.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the ADA representative in the Clerk's Office, 703-324-3151, TTY: 703-324-3903, as soon as possible but no later than 48 hours before the scheduled event.

GIVEN under my hand this 12th day of May 2015.

_____
Patti M. Hicks
Chief Deputy Clerk to the Board of Supervisors

Ad Run Dates: May 22, 2015

Board Agenda Item
May 12, 2015

ADMINISTRATIVE - 2

Additional Time to Commence Construction for Special Exception Amendment SEA 90-L-045-03, Sunoco, Inc. (Lee District)

ISSUE:
Board consideration of additional time to commence construction for SEA 90-L-045-03, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:
The County Executive recommends that the Board approve twelve months additional time for SEA 90-L-045-03 to March 25, 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 September 25, 2012, the Board of Supervisors approved Proffered Condition Amendment PCA 90-L-050-03, subject to proffers, and Special Exception Amendment SEA 90-L-045-03, subject to development conditions. These applications were filed in the name of Sunoco, Inc. (R&M) for the purpose of expanding and upgrading an existing Sunoco gasoline service station. Specifically, PCA 90-L-050-03 amended RZ 90-L-050 to permit site modifications to previously approved commercial development, and SEA 90-L-045-03 permitted a service station, quick service food store, waiver of certain sign regulations, and modifications in the commercial revitalization district for property located within the C-6 zoning district at 7025 and 7037 Old Keene Mill Road, Tax Map 80-4 ((1)) 11 and 11A1 (see Locator Map in Attachment 1). The service station and quick service food store, Category 6 special exception uses, are permitted pursuant to Section 9-601 7 of the Zoning Ordinance and are subject to the use limitations of Section 7-608.

The waiver of certain sign regulations, also a Category 6 special exception use, is permitted pursuant to Section 9-601 17, as further detailed in Section 9-620. SEA 90-L-045-03 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date unless the Board grants additional time. The development conditions for SEA 90-L-045-03 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On March 16, 2015, the Department of Planning and Zoning (DPZ) received a letter dated March 13, 2015, from Sara V. Mariska, agent for the Applicant, requesting six months of additional time. On April 15, 2015, the letter was revised to request twelve months of additional time. The approved Special Exception will not expire pending the Board's action on the request for additional time.

Ms. Mariska states that numerous revisions to the site plan and coordination for various permits with the Virginia Department of Transportation (VDOT) have delayed construction. More specifically, the need for grading modifications, the negotiation of an inter-parcel access license agreement and easement with an adjacent property owner, and the inability to obtain a VDOT street acceptance permit have delayed the approval of the site plan. In addition, Ms. Mariska states negotiations to obtain a site distance easement from an adjoining property owner, and the ultimate need to obtain a waiver of the relevant site distance requirements from VDOT, also delayed the approval of the site plan. Ms. Mariska further states the service station is currently closed for asbestos removal in anticipation of imminent demolition and future reconstruction. The request for twelve months of additional time is necessary to finalize the relevant approvals, obtain the necessary permits, and commence construction.

Staff has reviewed Special Exception Amendment SEA 90-L-045-03 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a service station, quick service food station, waiver of sign regulations, and modifications in the commercial revitalization district. Further, staff knows of no change in land use circumstances that affects compliance of SEA 90-L-045-03 with the special exception standards applicable to this use, or which should cause the filing of a new special exception amendment 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 90-L-045-03 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twelve months additional time is in the public interest and recommends that it be approved.

Board Agenda Item
May 12, 2015

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Letter dated February 13, 2013, to Sara V. Mariska
Attachment 3: Letters dated April 15, 2015, and March 13, 2015 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
Stephen Gardner, Staff Coordinator, ZED, DPZ

Proffered Condition Amendment

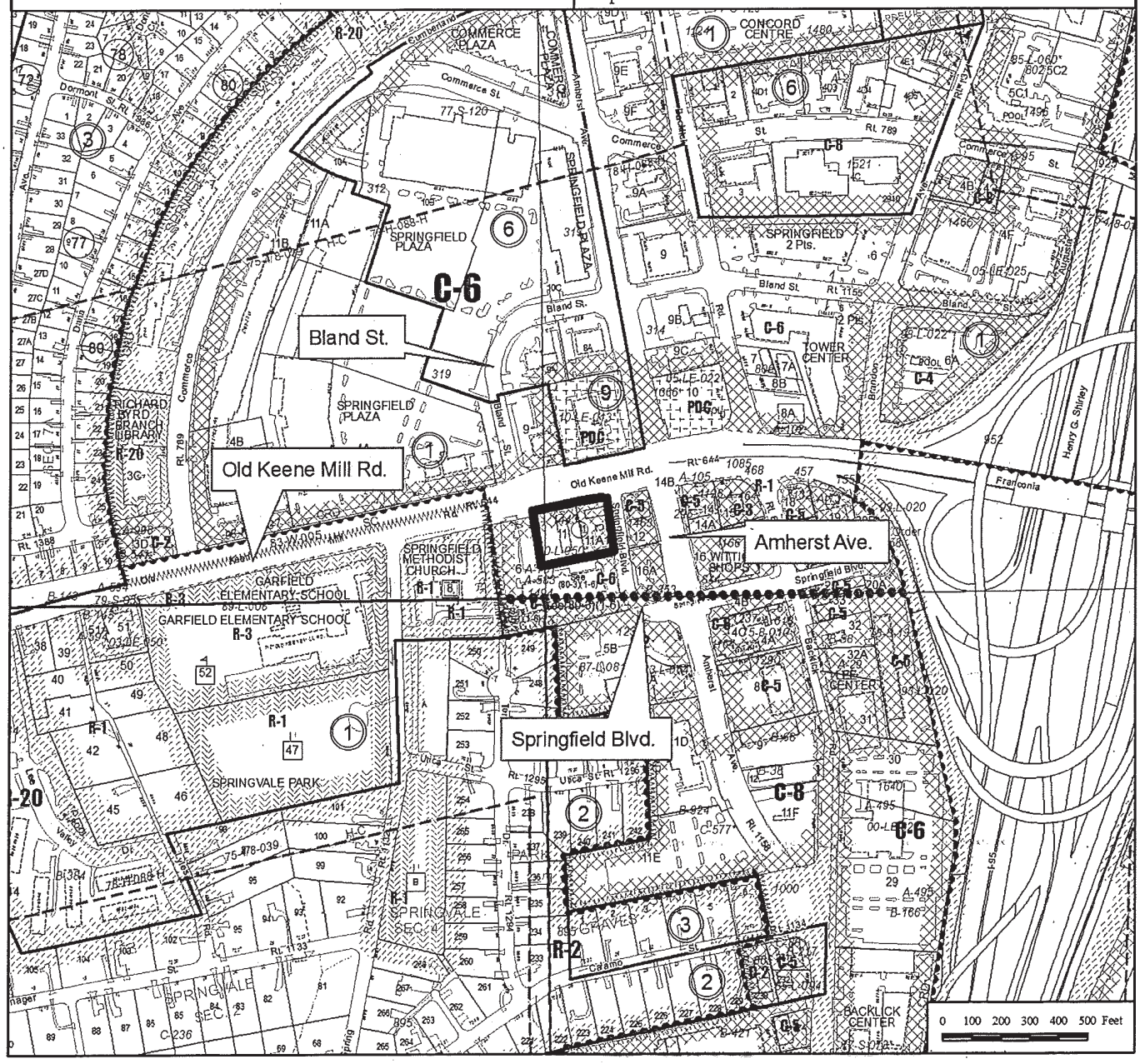
PCA 90-L-050-03

Applicant:	SUNOCO, INC. (R&M)
Accepted:	05/10/2012
Proposed:	AMEND RZ 90-L-050 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS
Area:	1.15 AC OF LAND; DISTRICT - LEE; ZIP - 22150
Located:	SOUTHWEST QUADRANT OF THE INTERSECTION OF OLD KEENE MILL ROAD AND SPRINGFIELD BOULEVARD
Zoning:	C- 6
Overlay Dist:	CRD, SC, HC
Map Ref Num:	080-4- /01/ /0011 /01/ /0011A1

Special Exception Amendment

SEA 90-L-045-03

Applicant:	SUNOCO, INC. (R&M)
Accepted:	05/10/2012
Proposed:	AMEND SE 90-L-045 TO PERMIT SERVICE STATION, QUICK SERVICE FOOD STORE, WAIVER OF CERTAIN SIGN REGULATIONS AND MODIFICATIONS IN THE COMMERCIAL REVITALIZATION DISTRICT
Area:	1.15 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:	07-0607, 09-0620, 09-0622
Art 9 Group and Use:	6-07 6-17 6-19
Located:	7025 AND 7037 OLD KEENE MILL ROAD, SPRINGFIELD, VA 22150
Zoning:	C- 6
Plan Area:	4
Overlay Dist:	CRD, HC, SC
Map Ref Num:	080-4- /01/ /0011 /01/ /0011A1



ATTACHMENT 2

County of Fairfax, Virginia

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

February 13, 2013

CORRECTED LETTER

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

RE: Special Exception Amendment Application SEA 90-L-045-03
(Concurrent with Proffered Condition Amendment Application PCA 90-L-050-03)

Dear Ms. Mariska:

At a regular meeting of the Board of Supervisors held on September 25, 2012, the Board approved Special Exception Amendment Application SEA 90-L-045-03 in the name of Sunoco, Inc., (R&M). The subject property is located at 7025 and 7037 Old Keene Mill Road, on approximately 1.15 acres of land zoned C-6, CRD, HC and SC in the Lee District [Tax Map 80-4 ((1)) 11 and 11A1]. The Board's action amends Special Exception Application SE 90-L-045 previously approved for service station, quick service food store, car wash and vehicle light service establishment to permit service station, quick service food store, waiver of certain sign regulations, modifications in the commercial revitalization district and associated modifications to development conditions pursuant to Sections 7-607, 9-620, and 9-622 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked with an asterisk (*):

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 (GDP/SE Plat) approved with this application, as qualified by these development conditions.

3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved GDP/SE Plat entitled "Sunoco, Store #0207-7261" prepared by Bergmann Associates., consisting of 14 sheets, dated March 14, 2012, with revisions through August 9, 2012. 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
http://www.fairfaxcounty.gov/bosclerk

4. A copy of these special exception conditions shall be posted in a conspicuous place, and made available to all departments of the County of Fairfax during hours of operation.

5. Architectural elements for the proposed quick service food store structure shall consist of white split faced concrete masonry unit, stone veneer kneewall, a red curved metal roof, and a fully adhered roofing membrane system. Architecture for the shed, and canopy shall be in substantial conformance with that shown on the GDP/SE Plat.

6. No more than one freestanding identification sign, a maximum of 88 square feet and eight feet in height, shall be permitted on the site which shall be a monument-style sign as depicted in Exhibit A (attached) (all uses may be represented on such sign). All building-mounted signs shall meet the requirements of Article 12, as well as the sight line requirements of the Zoning Ordinance, VDOT, and the PFM.

7. Temporary promotional banners (other than those allowed by the Zoning Ordinance), balloons, flags, or rooftop displays shall not be permitted on site.

8. There shall be no outside storage or display of goods offered for sale, except for the storage of propane tanks, in a maximum of two propane tank cages (approximately 44 inches x 29 inches, and 69 inches in height), which may be located on the east and/or west side of the quick service food store.

9. To ensure protection of groundwater quality, all existing and future underground storage tanks on the site shall be maintained or installed in accordance with current federal, state, and local regulations as may be determined by the State Water Quality Control Board, DPWES, and the Fire and Rescue Department.

10. Prior to Site Plan approval, Best Management Practices (BMP) calculations shall be submitted to DPWES, demonstrating more than the minimum required phosphorous removal percentage shall be provided on the site.

11. The trash dumpster shall be fully screened from view with a brick enclosure similar in design to the quick-service food store structure. The subject site shall be patrolled by employees to pick up any trash on-site and to ensure that the doors to the dumpster enclosure are fully closed and in good working condition.

12. The rear elevation of the quick service food store shall be similar to the side elevation.

13. The service station shall not be used for the performance of major vehicle repairs. There shall be no storage of abandoned, wrecked, or inoperable vehicles on the site. There shall be no dismantling, wrecking or sale of vehicles or parts thereof on the site.

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, at a minimum, the service station or quick service food store use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Modified the minimum rear yard requirement to permit a rear yard of 10.4 feet

- Approved a parking reduction, as permitted in a commercial revitalization district (CRD)

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara 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
Donald Stephens, Department of Transportation
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

ATTACHMENT 3

Sara V. Mariska
(703) 528-4700 Ext. 5419
smariska@thelandlawyers.com

WALSH COLUCCI
LUBELEY & WALSH PC

REVISED
April 15, 2015

Via Hand Delivery

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

Re: Request for Additional Time
SEA 90-L-045-03
Applicant: Sunoco, Inc. (R&M)
Subject Property: Fairfax County Tax Map Reference: 80-4 ((1)) 11 & 11A

Dear Ms. Berlin:

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

The referenced special exception amendment was approved by the Board of Supervisors (the "Board") on September 25, 2012, subject to development conditions. The Board's approval permits development of a service station and quick service food store on the Subject Property. Pursuant to Section 9-015 of the Ordinance, the special exception amendment will expire thirty (30) months after the date of approval, on March 25, 2015, unless construction of the improvements has commenced and been diligently pursued. The Applicant hereby requests one (1) year of additional time to commence construction.

This request is necessitated by difficulties beyond the Applicant's control that were unforeseen at the time of approval. The Applicant has diligently pursued site plan approval for nearly two (2) years and anticipates approval in the coming weeks. However, review of the site plan has been protracted and difficult, and the site plan has undergone a number of revisions. In particular, several unanticipated complications have caused the site plan review process to take longer than originally anticipated:

- Coordinating and obtaining the approvals for the necessary grading modifications proved to be more complicated and time-consuming than expected.

- During the processing of the site plan, the Virginia Department of Transportation ("VDOT") concluded that the access point to the Subject Property did not meet sight distance requirements. To remedy the issue, the Applicant entered into

negotiations with VDOT to obtain an off-site easement that would have enabled the Applicant to make the necessary modifications to meet the sight distance requirements. Unfortunately, after an extended negotiation period, the Applicant and VDOT were unable to reach an agreement on the terms of the easement. As a result, the Applicant had to acquire a waiver of the relevant sight distance requirements. Obtaining approval of the waiver was a lengthy process that was unforeseen at the time of approval of the special exception amendment.

- An inter-parcel access license agreement and easement had to be negotiated with the adjacent property owner, the County of Fairfax. The negotiation of the agreement and easement added time to the site plan process.

- It has taken significant time obtain the necessary development permits, including the VDOT street acceptance permit. The Applicant hopes to have the necessary permits in the next several weeks.

In anticipation of commencing construction in the near future, the Applicant has closed the service station and is currently conducting asbestos abatement and disconnecting utilities. Once that process is complete, the Applicant will be able to obtain the necessary demolition permit, which is required before construction can commence.

The Applicant could not predict that these complications would arise at the time the special exception amendment was approved. Nor could the Applicant anticipate the time necessary to resolve these items. Based on the anticipated time period is has taken to resolve these issues, the Applicant hereby requests six (6) months of additional time for commencement of construction of the proposed development. There have been no changes in circumstances that would render the prior approvals inconsistent with the public interest. The Applicant is diligently pursuing approval of the site plan and obtaining the necessary permits to allow construction to commence.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. As always, I appreciate your cooperation and assistance.

Very truly yours,

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

Sara V. Mariska /KAC

Sara V. Mariska

cc: Don Lore
Clayton McCane
John Manganello

{A0658377.DOC / 1 Revised Letter Requesting Extension 005080 000009}

Sara V. Mariska
(703) 528-4700 Ext. 5419
smariska@thelandlawyers.com

WALSH COLUCCI
LUBELEY & WALSH PC

FAIRFAX COUNTY
RECEIVED
MAR 13 2015
DIVISION OF
ZONING ADMINISTRATION

2015-0326

March 13, 2015

Via Hand Delivery

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

RECEIVED
Department of Planning & Zoning
MAR 16 2015
Zoning Evaluation Division

Re: Request for Additional Time
SEA 90-L-045-03
Applicant: Sunoco, Inc. (R&M)
Subject Property: Fairfax County Tax Map Reference: 80-4 ((1)) 11 & 11A

Dear Ms. Berlin:

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

The referenced special exception amendment was approved by the Board of Supervisors (the "Board") on September 25, 2012, subject to development conditions. The Board's approval permits development of a service station and quick service food store on the Subject Property. Pursuant to Section 9-015 of the Ordinance, the special exception amendment will expire thirty (30) months after the date of approval, on March 25, 2015, unless construction of the improvements has commenced and been diligently pursued. The Applicant hereby requests six (6) months of additional time to commence construction.

This request is necessitated by difficulties beyond the Applicant's control that were unforeseen at the time of approval. The Applicant has diligently pursued site plan approval for nearly two (2) years and anticipates approval in the coming weeks. However, review of the site plan has been protracted and difficult, and the site plan has undergone a number of revisions. In particular, several unanticipated complications have caused the site plan review process to take longer than originally anticipated:

- Coordinating and obtaining the approvals for the necessary grading modifications proved to be more complicated and time-consuming than expected.

- During the processing of the site plan, the Virginia Department of Transportation ("VDOT") concluded that the access point to the Subject Property did not meet sight distance requirements. To remedy the issue, the Applicant entered into

negotiations with VDOT to obtain an off-site easement that would have enabled the Applicant to make the necessary modifications to meet the sight distance requirements. Unfortunately, after an extended negotiation period, the Applicant and VDOT were unable to reach an agreement on the terms of the easement. As a result, the Applicant had to acquire a waiver of the relevant sight distance requirements. Obtaining approval of the waiver was a lengthy process that was unforeseen at the time of approval of the special exception amendment.

- An inter-parcel access license agreement and easement had to be negotiated with the adjacent property owner, the County of Fairfax. The negotiation of the agreement and easement added time to the site plan process.

- It has taken significant time obtain the necessary development permits, including the VDOT street acceptance permit. The Applicant hopes to have the necessary permits in the next several weeks.

In anticipation of commencing construction in the near future, the Applicant has closed the service station and is currently conducting asbestos abatement and disconnecting utilities. Once that process is complete, the Applicant will be able to obtain the necessary demolition permit, which is required before construction can commence.

The Applicant could not predict that these complications would arise at the time the special exception amendment was approved. Nor could the Applicant anticipate the time necessary to resolve these items. Based on the anticipated time period is has taken to resolve these issues, the Applicant hereby requests six (6) months of additional time for commencement of construction of the proposed development. There have been no changes in circumstances that would render the prior approvals inconsistent with the public interest. The Applicant is diligently pursuing approval of the site plan and obtaining the necessary permits to allow construction to commence.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. As always, I appreciate your cooperation and assistance.

Very truly yours,

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

Sara V. Mariska

Sara V. Mariska

cc: Don Lore
Clayton McCane
John Manganello

{A0649994.DOC / 1 Letter Requesting Extension 005080 000009}

Board Agenda Item
May 12, 2015

ADMINISTRATIVE - 3

Approval of "$200 Additional Fine for Speeding" Signs and "Watch For Children Signs" as Part of the Residential Traffic Administration Program (Springfield and Mason Districts)

ISSUE:
Board endorsement of "$200 Additional Fine for Speeding" signs and Watch For Children Signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends that the Board approve a resolution for the installation of "$200 Additional Fine for Speeding" signs on the following road:

- Clifton Road from Wolf Run Shoals Road to Maple Branch Road (Springfield District).

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request that VDOT schedule the installation of the approved signs as soon as possible.

The County Executive further recommends approval for a "Watch for Children" sign on the following street:

- Putnam Street (Mason District)

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

TIMING:
Board action is requested on May 12, 2015.

BACKGROUND:
Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of $200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have

a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Clifton Road from Wolf Run Shoals Road to Maple Branch Road, (Attachment II) met the RTAP requirements for posting of the "$200 Additional Fine for Speeding Signs". On March 25, 2015 FCDOT received written verification from the Springfield District Supervisor confirming community support.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On March 26, 2015, FCDOT received written verification from the Mason District Supervisor confirming community support for the referenced "Watch for Children" sign on Putnam Street.

FISCAL IMPACT:
The estimated cost of $1,000 is to be paid out of the VDOT secondary road construction budget.

Funding in the amount of $150 for the "Watch for Children" sign associated with the Putnam Street project is available in Fund100-C10001, General Fund, under Job Number 40TTCP.

ENCLOSED DOCUMENTS:
Attachment I: "$200 Additional Fine for Speeding" Signs Resolution – Clifton Road
Attachment II: Area Map of Proposed "$200 Additional Fine for Speeding" Signs – Clifton Road

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Operations Section, FCDOT
Steven K. Knudsen, Planner III, Traffic Operations Section, FCDOT

Attachment I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
$200 ADDITIONAL FINE FOR SPEEDING SIGNS
CLIFTON ROAD
SPRINGFIELD DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, May 12, 2015, at which a quorum was present and voting, the following resolution was adopted:

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

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Clifton Road from Wolf Run Shoals to Maple Branch Road. Such road also being identified as a Minor Arterial; and

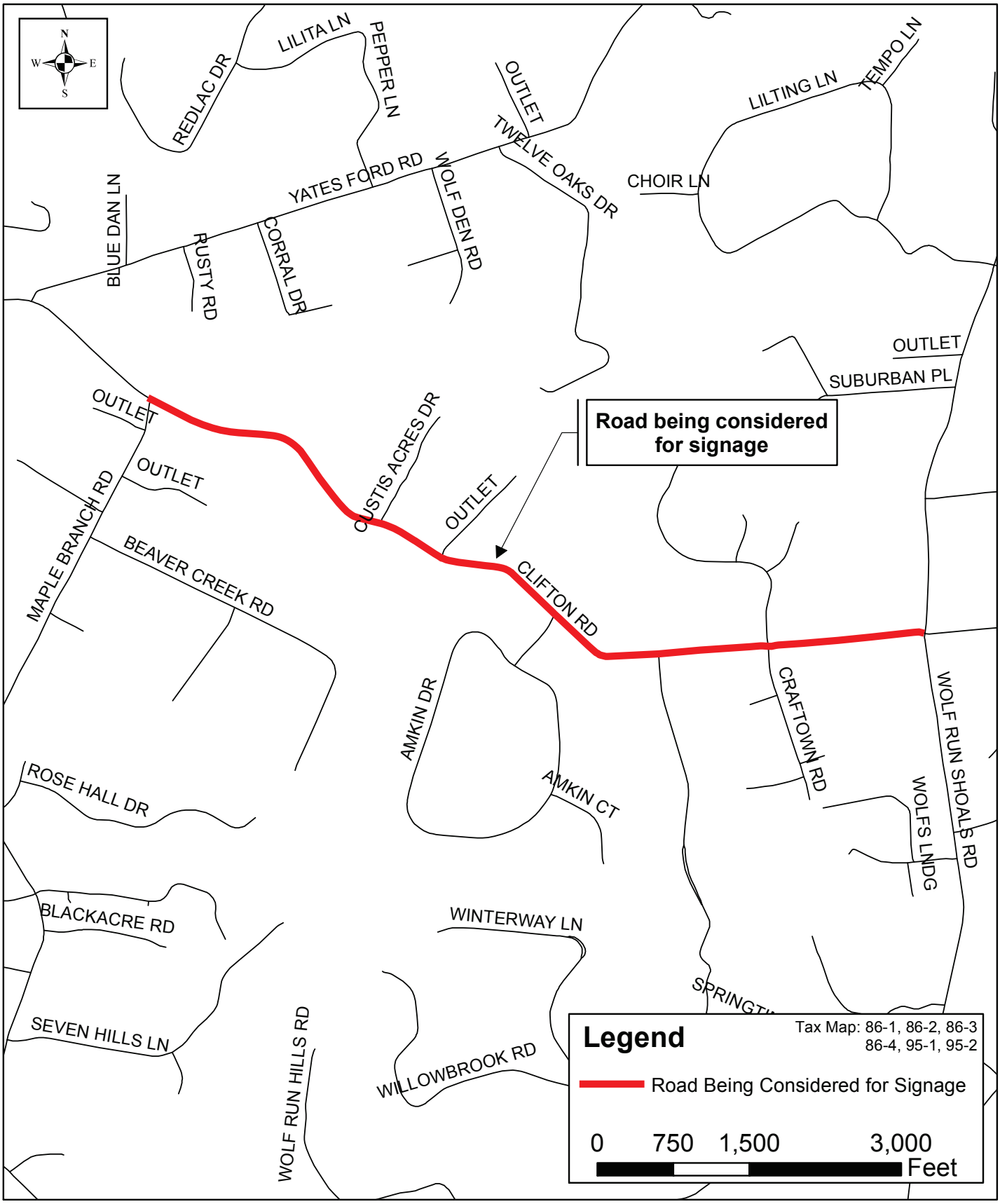
WHEREAS, community support has been verified for the installation of "$200 Additional Fine for Speeding" signs on Clifton Road from Wolf Run Shoals to Maple Branch Road.

NOW, THEREFORE BE IT RESOLVED that "$200 Additional Fine for Speeding" signs are endorsed for Clifton Road from Wolf Run Shoals to Maple Branch Road.

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

A Copy Teste:

_____
Catherine A. Chianese
Clerk to the Board of Supervisors



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

A Fairfax County, Va., Publication

APRIL 2015

Board Agenda Item
May 12, 2015

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Ravensworth Road (Mason and Braddock Districts)

ISSUE:
Board authorization to advertise a public hearing to be held on Tuesday, June 2, 2015, 4:00 p.m., for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction.

- Ravensworth Road between Little River Turnpike and Braddock Road.

RECOMMENDATION:
The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Ravensworth Road between Little River Turnpike and Braddock Road to be included in the RTAP for a through truck traffic restriction.

TIMING:
The Board should take action on May 12, 2015, to provide sufficient time for advertisement of the proposed public hearing scheduled for June 2, 2015, 4:00 p.m.

BACKGROUND:
In a memorandum dated September 18, 2014, Supervisor Gross requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Ravensworth Road, due to continuing safety concerns of residents regarding through trucks utilizing this road as a shortcut between Little River Turnpike and Braddock Road. The increased truck traffic has exacerbated safety concerns for the neighborhood. A portion of the proposed restricted route is in the Braddock Supervisors District, therefore Mason District staff coordinated with Braddock District staff to ensure all community members are properly represented. A possible alternate route is via Little River Turnpike to Interstate 495 to Braddock Road (Attachment III).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on a

portion of this road (Attachment II) has been prepared for adoption and transmittal to VDOT which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Ravensworth Road
Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Steven K. Knudsen, Transportation Planner, FCDOT

ATTACHMENT I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
RAVENSWORTH ROAD
MASON AND BRADDOCK DISTRICTS

WHEREAS, the residents who live along Ravensworth Road have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

WHEREAS, a reasonable alternate route has been identified for Ravensworth Road starting at Ravensworth Road and Little River Turnpike to the intersection of Little River Turnpike and Interstate 495, and from the intersection of Little River Turnpike and Interstate 495 to the intersection of Interstate 495 and Braddock Road and then on to the intersection of Ravensworth Road and Braddock Road; and

WHEREAS, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction be enforced by the Fairfax County Police Department; and

WHEREAS, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Ravensworth Road, between Little River Turnpike and Braddock Road, as part of the County's Residential Traffic Administration Program (RTAP).

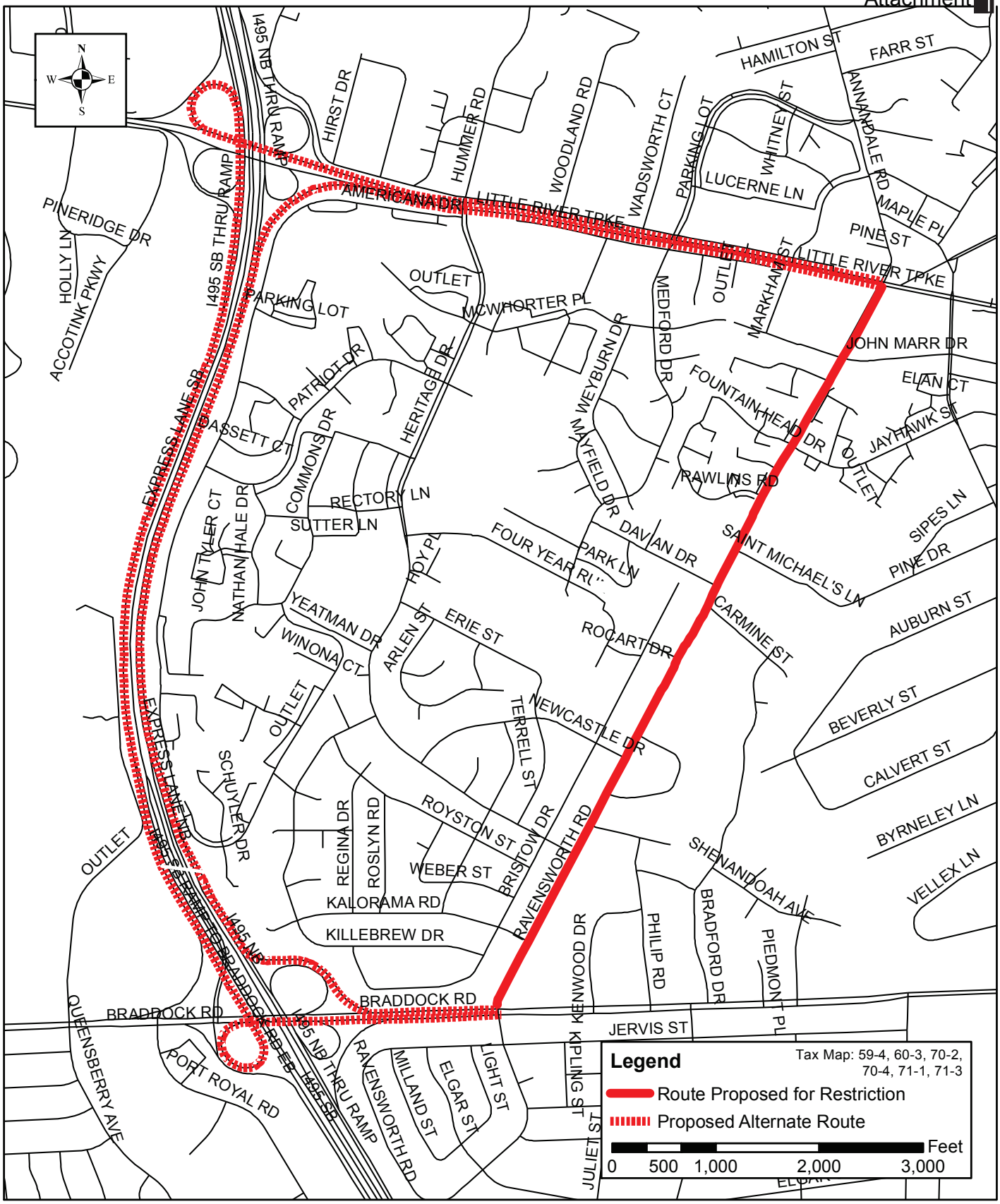
FURTHER BE IT RESOLVED, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

ADOPTED this 2nd day of June, 2015.

A Copy Teste:

_____

Catherine A. Chianese
Clerk to the Board of Supervisors



Fairfax County Department of Transportation
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
PROPOSED THROUGH TRUCK RESTRICTION
RAVENSWORTH ROAD
Mason and Braddock Districts

A Fairfax County, Va., publication

December, 2014

Board Agenda Item
May 12, 2015

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the West Springfield Residential Permit Parking District, District 7 (Springfield District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the West Springfield Residential Permit Parking District (RPPD), District 7.

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

TIMING:
The Board should take action on May 12, 2015, to advertise a public hearing for June 2, 2015, at 4:30 p.m.

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

Staff has verified that Garden Road from Tuttle Road to the southern property boundary of 6313 Garden Road; east side only, and from Tuttle Road to the southern property boundary of 6312 Garden Road; west side only is within 1,000 feet of the property boundary of West Springfield High School, and all other requirements to expand the RPPD have been met.

FISCAL IMPACT:
The cost of sign installation is estimated at $500 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Attachment I

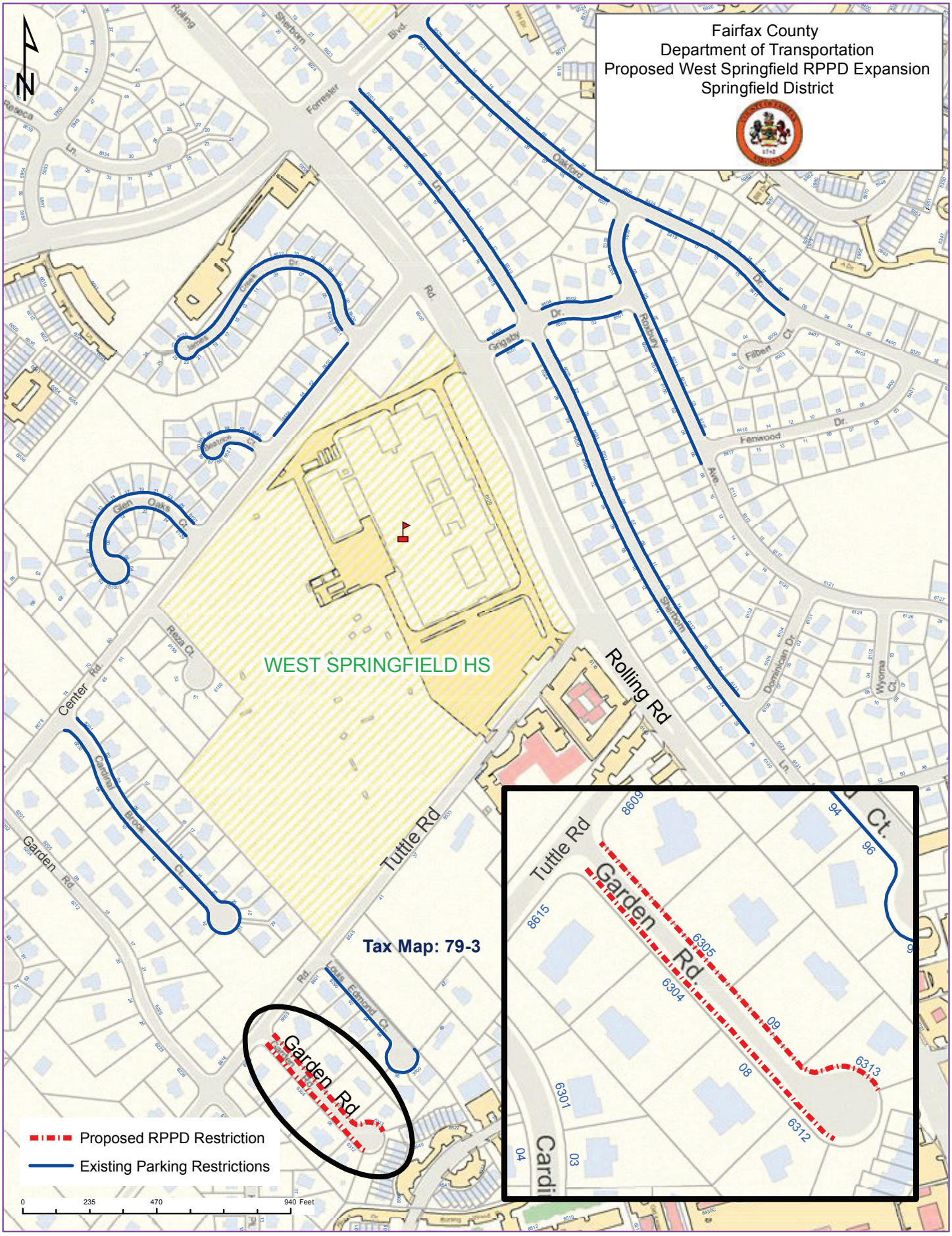
Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by amending the following streets in Appendix G-7, Section (b), (2), West Springfield Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Garden Road (Route 1194):

From Tuttle Road to the southern property boundary of 6313 Garden Road; east side only, and from Tuttle Road to the southern property boundary of 6312 Garden Road; west side only

Attachment II



Board Agenda Item
May 12, 2015

ADMINISTRATIVE – 6

Streets into the Secondary System (Sully District)

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.

Subdivision	District	Street
Chantilly Park	Sully	Lightfoot Street
		Centreville Road (Route 657) (Additional Right-of-Way Only)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Form

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
William D. Hicks, P.E., Director, Land Development Services, DPWES

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

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

PLAN NUMBER: 1301-SP-01

SUBDIVISION PLAT NAME: Chantilly Park

COUNTY MAGISTERIAL DISTRICT: Sully

ENGINEERING MANAGER: Imad A. Salous, P.E.

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 02/10/2015

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Lightfoot Street	CL Centreville Road (Route 657) - 1,110' NE CL Metrotech Drive (Route 8390)	740' SE to End of Cul-de-Sac	0.14
Centreville Road (Route 657) (Additional Right of Way Only)	144' NE CL Metrotech Drive (Route 8390)	2,109' NE to End of Dedication	0.0
		TOTALS:	0.14

NOTES:

Lightfoot Street: 4' Concrete Sidewalk on Both Sides of to be maintained by VDOT.

Centreville Road: 8' Trail on the East Side to be maintained by Fairfax County.

Board Agenda Item
May 12, 2015

ADMINISTRATIVE – 7

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

ISSUE:
Board of Supervisors authorization is requested for the Fairfax County Police Department to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and Office of Victims of Crime in the amount of $1,200,000, including $300,000 in Local Cash Match. Funding will extend grant support for the Northern Virginia Human Trafficking Task Force, which is currently funded with a two-year award totaling $666,667, including $166,667 in Local Cash Match, that expires on September 30, 2015. The grant period for this award is October 1, 2015 to September 30, 2018. Total funding requested for the 36-month grant period will support the continued funding of 2/2.0 FTE grant positions, as well as 1/1.0 FTE new grant position for a total of 3/3.0 FTE grant positions. Equipment, supplies, training, and overtime for partner jurisdictions will also be funded. The required 25 percent Local Cash Match of $300,000 is available in the Federal-State Grant fund. If the actual award received is significantly different from the application, another Board item will be submitted requesting appropriation of grant funds. Otherwise, staff will process the award per Board policy.

RECOMMENDATION:
The County Executive recommends that the Board authorize the Police Department to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and Office of Victims of Crime. Total funding of $1,200,000, including $300,000 in Local Cash Match, will support the Northern Virginia Human Trafficking Task Force. There are 3/3.0 FTE grant positions associated with this award.

TIMING:
Board action is requested on May 12, 2015. Due to an application deadline of May 11, 2015, the grant application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting scheduled. If the Board does not approve this request, the application will be immediately withdrawn.

Board Agenda Item
May 12, 2015

BACKGROUND:
The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Enhanced Collaborative Model to Combat Human Trafficking grant program provides awards of federal funding up to $900,000 to support collaborative initiatives between law enforcement agencies, victim service providers, and the U.S. Attorney's Office (USAO) in identifying, rescuing, and assisting victims of all forms of human trafficking. The Northern Virginia Human Trafficking Task Force, co-supervised by the Police Department and the U.S. Attorney's Office of the Eastern District of Virginia, is a multi-disciplinary effort to investigate and prosecute human trafficking crimes; identify, rescue, and assist victims; and develop a sound strategy of collaboration that may be replicated nationwide to combat human trafficking. It should be noted that the Human Trafficking Task Force is currently funded with a two-year award totaling $666,667, including $166,667 in Local Cash Match which expires on September 30, 2015.

FISCAL IMPACT:
If awarded, funding in the amount of $1,200,000, including $300,000 in Local Cash Match, will support the Northern Virginia Human Trafficking Task Force over a 36-month period. The required 25 percent Local Cash Match of $300,000 is available in the Federal-State Grant fund. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for grant awards. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:
Total funding requested for the 36-month grant period will support 3/3.0 FTE grant positions. The County is under no obligation to continue funding these positions when the grant funding expires.

ENCLOSED DOCUMENTS:
Attachment 1 – Budget Narrative

STAFF:
David M. Rohrer, Deputy County Executive
Colonel Edwin C. Roessler Jr., Chief of Police

Fairfax County Police Department
Northern Virginia Human Trafficking Task Force
Budget Narrative 2015

A. Personnel: (Fed $582,732, LCM $194,244) $776,976

- **Fairfax County Human Trafficking Detective (1 FTE $275,614; FY16, FY17, FY18)** will spend 100% of their time in direct law enforcement activities related to the Northern Virginia Human Trafficking Task Force. The FCPD Community Resources Division will reassign a detective from their division to the grant funded Human Trafficking Task Force. The detective will work 40 hour weeks or 80 hours per two week pay cycle and do so full-time on task force business. This employee works 2080 hours per year. The Task Force detective will report to the U.S. Attorney's Office as well as the FCPD command of the Criminal Investigations Bureau. This individual's annual salary will be covered for the 36 months of the grant.

Cost/Rate	Per	Cost	FY2016	FY2017	FY2018	Total
$36.9302	/hr	$76,815	$83,267	$91,594	$100,753	$275,614

- **Task Force Crime Analysts (Crime Analyst I) (1 FTE $220,888; FY16, FY17, FY18)** will spend 100% of their time serving as the central analytical clearinghouse for the Northern Virginia Human Trafficking Task Force and would be responsible for (1) filtering all tips and leads throughout FCPD for investigations that potentially involve human trafficking in its various forms (juvenile sex trafficking, forced prostitution of adults, and forced labor); (2) sharing information across federal, state, and local law enforcement members of the task force; and (3) supporting investigative efforts by local detectives and federal agents working on human trafficking cases. The Crime Analyst will work 40 hour weeks or 80 hours per two week pay cycle and do so full-time on task force business. Employees work 2080 hours per year. The crime analyst would be located formally within the Criminal Investigations Bureau. This individual's annual salary will be covered for the 36 months of the grant. The position will be filled by utilizing Fairfax County hiring regulations in order to obtain the most qualified candidate for the position.

Cost/Rate	Per	Cost	FY2016	FY2017	FY2018	Total
$29.5970	/hr	$61,562	$66,733	$73,407	$80,748	$220,888

- **Task Force Administrate Assistant (1 FTE $175,664: FY16; FY17; FY18)**
  The task force administrative assistant will be a full-time employee of the task force. Their main function will be to support the time and effort of staff to meet the administrative requirements of the task force, including convening regular meetings, taking minutes, guiding the development of and updates to task force protocols, formalizing MOUs, conducting outreach to expand task force membership, and collecting, sharing, and reporting performance measurement data. Also receives, evaluates and

responds to telephone and in-person human trafficking related information. Will disseminate information to the task force and keep related records. Checks answering service for messages, returns messages and follows up or refers to appropriate staff person to follow up as needed.

Cost/Rate	Per	Cost	FY2016	FY2017	FY2018	Total
$23.54	/hr	$48,958	$53,070	$58,378	$64,216	$175,664

- **Overtime for Task Force Detective and C/A – Total: $64,809**

  Overtime funding is being budgeted for the Task Force Detective and Task Force Crime Analyst which may be needed for investigative purposes, court purposes, unscheduled meetings and other human trafficking after-hour community outreach assignments.

  Overtime Breakdown: (Should be noted that this projection may be high but is being calculated with known standards)

  Detective: $54.69 hr. x 727.921 hrs. = $39,810
  Crime Analyst: $43.40 hr. x 576.013 hrs. = $24,999
  Total per year: = $64,809

- **Overtime for Participating Task Force Agencies: $40,000**
  Four key jurisdictions will be budgeted $10,000 each for overtime to task force detectives working on task force cases. This includes investigations, court time, community outreach, meetings, and other direct task force overtime.

  Arlington County Police:
  $54.69 x 182.848 hours = $10,000
  Alexandria City Police:
  $54.69 x 182.848 hours = $10,000
  Manassas City Police
  $54.69 x 182.848 hours = $10,000
  Prince William County Police:
  $54.69 x 182.848 hours = $10,000
  (Used FCPD rate as each jurisdiction fluctuates so this is an average)

B. Fringe Benefits: (Fed $230,043; LCM $76,681) $306,724

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

Fairfax County Human Trafficking **Detective** over three years: **$139,378**

Breakdown of Fringe for Detective: Calculated at County rate of 50.57 %

FICA	1.45%	$3,996.40
County/Uniformed Retirement	N/A	
Police Retirement	33.87%	$93,350.46
Health Insurance	14.85%	$40,928.70
Group Life Insurance	0.40%	$1,102.46

Task Force **Crime Analyst I** over three years: **$93,215**

Breakdown of Fringe for Crime Analyst: Calculated at County 42.20%

FICA	7.65%	$16,897.93
County Retirement	19.3%	$42,631.38
Uniformed Retirement	N/A	
Police Retirement	N/A	
Health Insurance	14.85%	$32,801.83
Group Life Insurance	0.40%	$883.55

Task Force **Crime Administrative Assistant III** over three years: **$74,131**

Breakdown of Fringe for Crime Analyst: Calculated at County 42.20%

FICA	7.65%	$13,438.30
County Retirement	19.3%	$33,903.15
Uniformed Retirement	N/A	
Police Retirement	N/A	
Health Insurance	14.85%	$26,086.10
Group Life Insurance	0.40%	$702.66

C. Professional Development Training/Travel : $70,000

(Fed $52,500; LCM $17,500)

- **Task Force Training Classes $40,000**

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

training is scheduled. The budgeted amounts may vary depending on how many allowable task force members attend the training and the location of the training.

Projections for each training session (One week school and day of travel):

Hotel Room: 6 days @ $110	=	$660
Per Diem: 6 days @$ 74	=	$444
Airfare: Roundtrip	=	$700
Registration:	=	$595
Rental Car: 1 week rental	=	$350
Parking: Airport and hotel parking	=	$ 80
Gas for Rental: @ $3.89 gal = 43.95 gal.	=	$171
Total per Class:	**= $3,000 x @ 13.333 trips**	

- **Mandatory Grant Requirement Training: $0.00**

- DOJ mandatory human trafficking training at a date to be named later, 3 days in Washington, DC. **$0.00 cost**. Training likely in DC so fuel costs will be absorbed by Fairfax County.
  Scheduled Unknown, DC

- One regional trafficking training "Kick-off Meeting" Training
  Washington, DC 2 days. Cost: **$0.00.** Fairfax County will absorb the fuel costs since it is local travel.

- **Investigative Travel** **$30,000**

Task Force members will need to travel throughout the country for investigative purposes to further the Human Trafficking prosecutions. Human Trafficking suspects, witnesses and victims are known to move from location to location to avoid law enforcement and other issues while engaging in Human Trafficking. Task Force members have shown in past prosecutions the need to meet face-to-face with the players in the investigations in order to obtain the most accurate information and to prepare the case for trial. This is a key budget category that the Task Force leadership requested because of the absolute need to be able to find and interview persons involved in illegal activities so prosecutions can be done in a professional and comprehensive manner. The investigative travel will be requested and approved/denied by utilizing the Fairfax County Travel policies. Below is an estimate of what each trip may cost:

Room: $128 x 2 nights	=	$256
Per Diem: 2 inv. x $74 x 3 day trips	=	$444
Air Fare: 2 inv. x $250	=	$500
Estimated Total	=	$1,200 per x 25 = $30,000

D. *Supplies*: *(Fed $7,538.25; LCM $2,512.75)* *$10,051*

- **Task Force Supplies $10,051**

Supplies for the Task Force will be needed over the three years of the grant. These necessary supplies will include but are not limited to postage for mailings, general office supplies (i.e., binders, file folders, printer paper, toner, staples, etc.), printed material (such as flyers, program announcements, correspondence, reports etc.) and common day-to-day office supplies.

General Supply Breakdown:

Printer Laser paper: 41.65 cartons @ $109	=	$4,540
Printer Toner Cartridges: 12.24 cartridges @ $277	=	$3,390
Binders, folders, paper tablets, pens, paper clips, etc.	=	$2,121
Total	=	$10,051

E. *Other:* *(Fed $27,186.75; LCM $9,062.25)* *$36,249*

- **Uniform Maintenance Allowance ($750 per year X 3 yrs.) $2,250**

Detectives are allotted a cleaning allowance and a specialty assignment clothing allowance on a yearly basis per county regulations and agreements.

- **Confidential Informant Needs: $24,000**

Task Force leadership has requested a budget allocation for use for confidential informant needs. In past investigations and prosecutions, the use of cooperating witnesses, suspects and victims is often the key to a successful prosecution. These cooperating witnesses often need to be housed in hotels for short periods of time; bought food for short periods because they are without funds; purchase a change of clothing; or other unforeseen expenses. The Task Force will be assigned a Fairfax County credit card with an undercover account to be used for confidential informant expenses to make the audit trail easy to track. Any questionable expenses will be discussed with the program manager.

- **Cellular Phones (2) $9,999**

AT&T IPhone 2 have been purchased and serviced for the grant funded detective and crime analysts to be used for task force purposes. These cellular phones are necessary so the detective and crime analyst can have access to suspects, witnesses, law enforcement, prosecutors, citizens and other normal uses of cellular phones. Cellular phone investigative "apps" will be purchased to enhance the phone's abilities for case

enhancement purposes and are documented in the "supply" category. The breakdown of the costs is as follows:

AT&T Monthly Service (2 phones x $138.87 a month x 12 months = $3,333 x 3 years) Total: $9,999

Summary:

Total Grant Funding: $1,200,000

Federal Funding: $900,000
Local Cash Match: $300,000

Board Agenda Item
May 12, 2015

ACTION - 1

Approval of a Project Agreement with George Mason University for the Construction of a Transit Center on the George Mason University Fairfax Campus (Braddock District)

ISSUE:
Board approval of a project agreement with George Mason University (GMU) for the construction of a transit center on the George Mason University Fairfax Campus at Sandy Creek Way, Tax Map # 68-2-((1))-0003, to interconnect GMU transit service with County transit service and other regional transit service providers.

RECOMMENDATION:
The County Executive recommends that the Board approve, in substantial form, the Project Administration Agreement with GMU to administer, design, and construct a transit center on the GMU Fairfax Campus.

TIMING:
Board action is requested on May 12, 2015, to ensure that the project moves forward expeditiously to construct a transit center that would connect the GMU, Fairfax Connector, and other transit service providers.

BACKGROUND:
County staff and GMU agree that there is a need for a transit center located on the GMU Fairfax Campus to serve GMU students, visitors, employees, residents of Fairfax County, and the public at large. The transit center would interconnect the GMU transit service with Fairfax Connector and other regional transit service providers.

County staff and GMU have developed a project administration agreement wherein GMU will administer and implement the design and construction of the transit center, subject to the County agreement to a final site concept plan. The project administration agreement requires GMU to comply with all Virginia Public Procurement Act requirements for the purposes of the transit center project, as well as all applicable federal, state, and local laws and regulations. GMU will complete the project in accordance with a schedule prepared by GMU and agreed to by both parties.

Prior to commencement of the final design, GMU will hold a design workshop. The County and GMU will review and agree to a final site plan that meets the access and

route service requirements for Fairfax Connector transit service and other regional transit providers. County staff will have access to areas on GMU's property to be served or impacted by the transit project to conduct operational and safety testing at such times and on such conditions that GMU and County staff agree.

During the construction phase of the transit project, GMU will provide a monthly summary of progress and project expenditures to the County. The County has the right to request GMU to produce additional information or documentation to substantiate the monthly summary. GMU will maintain the transit project upon its completion.

FISCAL IMPACT:
In November 2007, voters approved a Transportation Bond Referendum that allowed the County to borrow up to $110 million to pay for transportation improvements, including $1 million for the implementation of the GMU transit center.

All cost overruns, unanticipated expenses, or funding shortages, if any, will be borne by GMU. Any unexpended funds from the $1 million will be returned to the County no later than 90 days after the transit project has been completed and final expenses have been paid in full. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment I – Resolution to Execute Agreement
Attachment II – Project Administration Agreement with George Mason University

STAFF:
Robert A. Stalzer, Deputy County Executive
Susan Cooke, Office of the County Attorney
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, P.E., Chief, Capital Projects and Operations Division, FCDOT
Karyn Moreland, Section Chief, Capital Projects and Operations Division, FCDOT
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Ray Johnson, Coordination and Funding Division, FCDOT
Janet Nguyen, Coordination and Funding Division, FCDOT

Attachment I

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, May 12, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, a Project Administration Agreement in the amount of $1,000,000 with the George Mason University for the George Mason Transit Center project by the George Mason University.

Adopted this 12th day of May 2015, Fairfax, Virginia

ATTEST _____
Catherine A. Chianese
Clerk to the Board of Supervisors

PROJECT ADMINISTRATION AGREEMENT

BETWEEN FAIRFAX COUNTY and GEORGE MASON UNIVERSITY

for the construction of a transit center(s) on the George Mason University Fairfax Campus.

THIS AGREEMENT, made and executed in triplicate on this the ____ day of _____, 2015, ("Effective Date") between the COUNTY OF FAIRFAX, VIRGINIA, hereinafter referred to as the "COUNTY" and the GEORGE MASON UNIVERSITY, hereinafter referred to as "MASON."

WITNESSETH

WHEREAS, the COUNTY has allocated $1,000,000 in funding as per 2007 Bond referendum for MASON to construct a new, or reconstruct and expand an existing transit center (s) on the Fairfax campus of George Mason University; and

WHEREAS, the COUNTY and MASON have agreed that there is a need for a transit center or transit centers to be located on MASON property that would interconnect the MASON transit service with COUNTY transit service and other regional transit service providers, and collectively serve and benefit MASON's students, visitors, and employees, the citizens of Fairfax COUNTY, and the public at large; and

WHEREAS, MASON will design and construct the transit center substantially in accordance with the narrative scope shown in Appendix A ("Transit Project") in two phases, a Design Phase and a Construction Phase as further defined herein; and

WHEREAS, both parties have concurred in MASON's administration of the Transit Project in accordance with applicable federal, state, and local law and regulations and MASON standards; and

WHEREAS, the COUNTY's governing body has, by resolution, which is attached hereto, authorized its designee to execute this Agreement; and

WHEREAS, Section 15.2-953 of the Code of Virginia authorizes both the COUNTY and MASON to enter into this arrangement;

NOW THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

A. MASON shall:

1. Comply with all applicable requirements of the Virginia Public Procurement Act in expending any COUNTY funds for purposes of the Transit Project.

2. Complete the Transit Project in accordance with the schedule established by MASON and agreed to by both parties, and in accordance with all applicable federal, state, and local law and regulations and MASON standards. MASON shall be the executing agency for all contracts, purchase orders and other agreements as it relates to the design and construction of the Transit Project.

3. Administer the Design Phase of the Transit Project. The Design Phase shall include the following:

   i. Preliminary engineering and development of plans, specifications, and bid documents for use in constructing the Transit Project;
   ii. Survey work of the site in its existing conditions including topography, utilities, and other features as MASON may deem necessary;
   iii. Geotechnical Investigations of the site;
   iv. Presentations to the community and others relating to the Transit Project;
   v. Coordination of design reviews by both parties and others as determined by MASON; and
   vi. Cost estimating services.

4. Hold a design workshop, prior to commencement with the final design drawings, to culminate in the parties' agreement to a final site concept plan that meets the access and route service requirements for the COUNTY's transit service and other regional transit providers.

5. Provide notice of and obtain the County's written approval for, during the Design Phase, any variation from the narrative scope in Appendix A that may be necessary to meet the COUNTY and MASON objectives of the Transit Project.

6. Provide design plans, during the Design Phase, to the County at every milestone for the County's review and comment. Such milestones shall be within MASON's discretion, but shall not be less than at 15, 50 and 90-percent completion of the Design Phase.

7. Recognize that, as part of the Design Phase, the COUNTY and MASON must conduct operational and safety testing of the proposed site, of the current MASON transit system, and of all potential bus routes to be served and/or impacted by the proposed transit center or centers, and accommodate all such testing and design revisions driven by the results of such testing.

8. Allow COUNTY staff access to the areas located on MASON's property to be served and/or impacted by the Transit Project to conduct the operational and safety testing referenced above in paragraph A.7 of this Project Administration Agreement. Such access shall be at such times and on such conditions as the parties may agree.

9. Commence with the bidding, award, and administration of the Construction Phase of the Transit Project following both parties' agreement that the Design Phase has concluded.

10. Provide the following services during the Construction Phase of the Transit Project: project management, budgetary controls, any further preliminary engineering, survey and field engineering, construction, contract administration, and inspection activities for the Transit Project as required.

11. Provide a monthly summary of progress and project expenditures to the COUNTY. The COUNTY reserves the right to request that MASON produce to the COUNTY additional information and/or documentation to substantiate the monthly summary.

12. Bear cost overruns, unanticipated expenses, or funding requirements that exceed the County's total funding allocation for the Transit Project of $1,000,000. MASON understands that the COUNTY'S total financial contribution to the Transit Project is capped at an amount not to exceed $1,000,000.

13. Be permitted to include work beyond the scope of the Transit Project in either the Design Phase or the Construction Phase, provided that none of the COUNTY contributed funds are used for any work outside of the agreed scope of the Transit Project.

14. Provide maintenance of the Transit Center upon its completion.

15. Return any unexpended amounts of the COUNTY's contribution funds to the COUNTY no later than 90 days after the Transit Project has been completed or abandoned and final expenses have been paid in full.

16. Ensure that all contracts with contractors:

    i. Require the contractor to indemnify and hold harmless the County for claims arising out of or related to such contract;
    ii. Require the contractor to maintain commercial insurance at levels appropriate to the Transit Project but not less than $1,000,000 per occurrence for Commercial General Liability, $1,000,000 for Commercial Automobile Liability, and $1,000,000 per claim for Professional Liability where appropriate; and
    iii. List the County as an additional insured on commercial general and automobile liability insurance policies covering any portion of the Transit Project.

B. The COUNTY shall:

1. Review design plans and cost estimates during the Design Phase and provide comments to MASON within 30 days after the receipt of the plans, specifications, and cost estimates.

2. Remit $200,000 to MASON for the COUNTY's financial contribution toward the Design Phase of the Transit Project ("COUNTY Design Contribution") within thirty days of the effective date of this agreement. MASON, in its sole discretion, may expend more than the COUNTY Design Contribution during the Design Phase, but MASON is responsible for all expenses in excess of the COUNTY Design Contribution. If the Design Phase expenses are less than the COUNTY Design Contribution, MASON may allocate such excess COUNTY Design Contribution to the Construction Phase.

3. Provide, upon remittance of the County Design Contribution to Mason, initial design guidance in writing as is required to meet particular concerns of the COUNTY as it relates to the development of the transit center.

4. Review the design plans, specifications, and cost estimates providing for full construction of the Transit Project, as designated and determined by MASON, within 30 days of receiving them to confirm that they meet the agreed narrative scope in Appendix A and that the COUNTY's portion of the Transit Project funding does not exceed $1,000,000.

5. Remit to MASON, upon receipt of a successful low bid or best proposal from MASON, an amount not to exceed $800,000 for the COUNTY's financial contribution toward the Construction Phase of the Transit Project ("COUNTY Construction Contribution"). MASON shall use such remittance solely for expenses related to construction of the Transit Project. MASON may use any funds that may remain from the Design Contribution after all expenses relating to the Design Phase have been paid to augment this amount (the "County Augmented Construction Contribution") so long as the total financial expenditure of the COUNTY does not exceed $1,000,000.

6. Permit MASON the sole discretion to incur expenses that exceed the amount of the COUNTY Augmented Construction Contribution, provided that MASON is solely responsible to bear all expenses in excess of the COUNTY Augmented Construction Contribution.

C. Both parties shall:

1. Maintain all records for the Transit Project for a period of not less than three years from Transit Project completion. All such records shall be subject to audit by either party.

2. Work cooperatively to complete the Transit Project in a timely and expeditious manner.

3. Upon notification of discovery of any hazardous substances in or on the property, immediately confer to determine the scope of any investigation and the requisite response action.

4. Meet and confer to resolve any dispute that may arise between the parties. Nothing herein limits the rights of either party to resolve disputes by means not described or provided for in this Agreement.

D. All requirements for funds to be borne by Fairfax COUNTY shall be subject to annual appropriations by the Fairfax COUNTY Board of Supervisors.

E. Either party may terminate this Agreement prior to construction award upon 30 days advance written notice. Any portion of the Design Contribution not spent or committed prior to termination shall be returned to the COUNTY within 90 days of termination.

F. All notices under this Agreement shall be sent via U.S. Mail, postage prepaid, for Fairfax COUNTY to:

Karyn L. Moreland, P.E.
Chief, Capital Projects Section
Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895

and for George Mason University to:

Donald Philip
Associate Director, Contracts
George Mason University
Facilities
4400 University Drive, MS 1E4
Fairfax, VA 22030

G. THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors and assigns.

H. THIS AGREEMENT may be modified in writing upon mutual agreement of both parties.

I. THIS AGREEMENT shall not be construed as creating any personal liability on the part of any officer, employee, agent of the parties, nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

J. THIS AGREEMENT shall not be construed as a waiver of the sovereign immunity of Fairfax COUNTY or the Commonwealth of Virginia.

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

COUNTY OF FAIRFAX, VIRGINIA:

_____ _____
Date

Tom Biesiadny
Typed or Printed Name of Signatory

Director, Fairfax County Department of Transportation
Title

_____ _____
Signature of Witness Date

GEORGE MASON UNIVERSITY:

_____ _____
Date

Typed or Printed Name of Signatory

Title

_____ _____
Signature of Witness Date

PROJECT ADMINISTRATION AGREEMENT
BETWEEN FAIRFAX COUNTY and GEORGE MASON UNIVERSITY
for the construction of transit center(s) on the George Mason University Fairfax Campus.

Appendix A – Scope and Proposed Location Map

This Transit Project, a part of the University's plan to develop a distributed transit center, will serve the academic core of the Fairfax campus by improving the Sandy Creek transit center with enhanced pedestrian and bicycle access, dedicated bus boarding/alighting areas, and additional covered passenger waiting shelters.

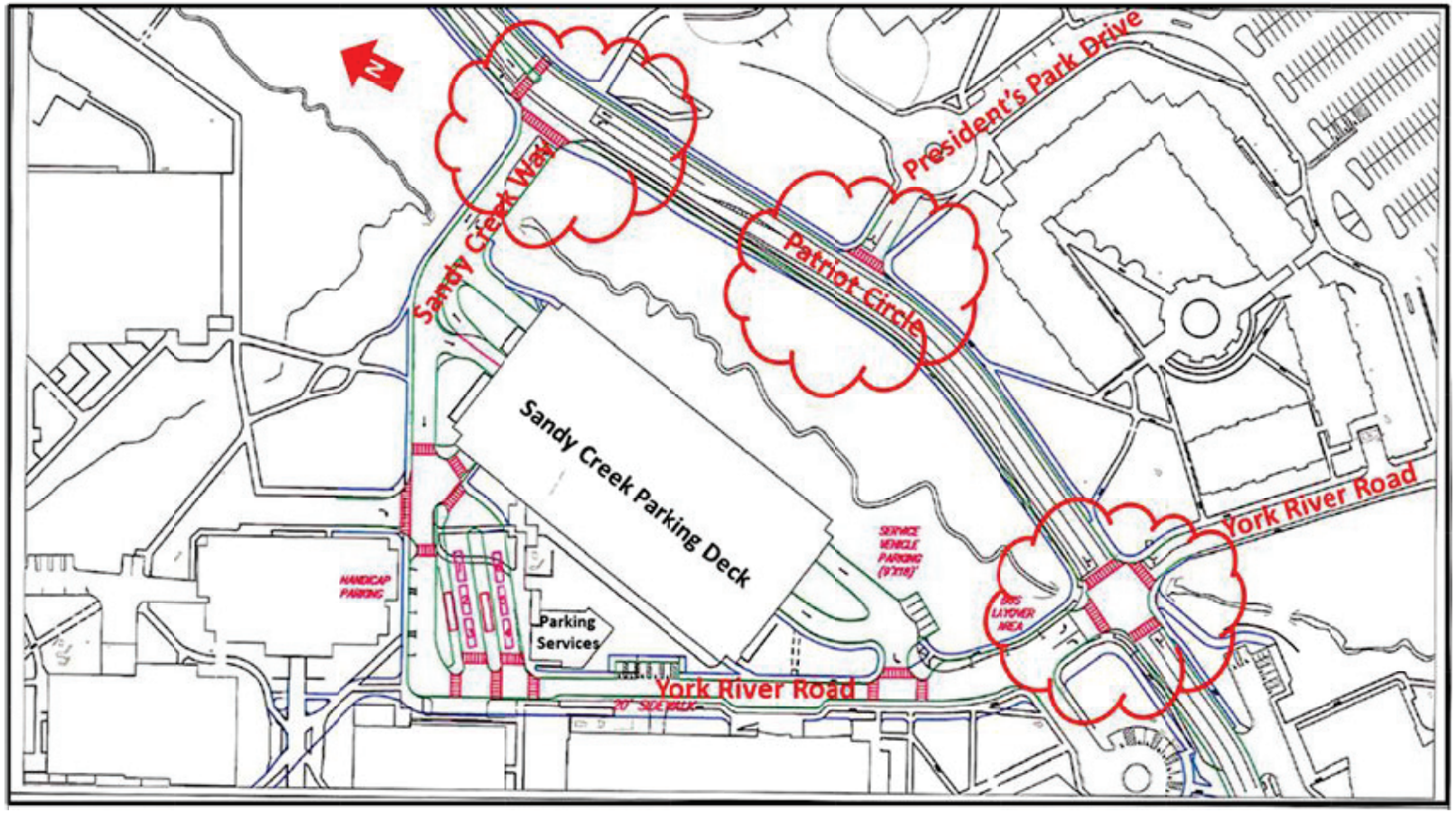
The attached location map shows the proposed location of the Transit Project. The following narrative scope describes the improvements anticipated to be constructed at the site, including but not limited to:

1. Additional bus boarding/alighting areas with larger shelters to provide the ability to assign individual routes to specific bus bays.
2. Improved pedestrian and transit access, passenger waiting, and bus accommodations.
3. Proposed enhancements to pedestrian and bicycle facilities serving the area, including sidewalk improvements, marked crosswalks, and completion of bike lanes.
4. Restriction of Sandy Creek Way and York River Road to one-way travel in the vicinity of the transit center to reduce the numbers of pedestrian-vehicular conflicts.
5. Relocation of accessible and service vehicle parking spaces away from bus stop areas to eliminate pedestrian-bus-automobile conflicts.
6. Modification(s) in the adjacent Shenandoah parking deck necessary to accomplish this work.
7. Reconfiguration of the Patriot Circle/York River Road intersection with potential intersection improvements at Patriot Circle/Presidents Park Drive and Patriot Circle/Sandy Creek Way, and associated pedestrian improvements.

Though the above list provides the core features of the proposed transit center, the parties agree that the final agreed-upon scope of the project will be identified in writing at the close of the Design Phase pursuant to Paragraph A.4 of this Project Administration Agreement. To further guide the development of the Transit Project in the Design Phase, the parties will provide to the designer of record:

COUNTY: Transit Criteria, Bus Movement and Transit information and guidance, and Funding use guidance;

MASON: Pathway and connection to, through and from the transit center guidance, and aesthetics, architectural, lighting, and power requirements.



Sandy Creek Proposed Transit Center Location Map – Tax Map # 68-2-((1))-0003

(Note: features on this map are subject to modification through the design workshop process)

Board Agenda Item
May 12, 2015

ACTION – 2

Approval of a Letter Agreement Between Fairfax County Department of Transportation and Fairfax County Park Authority for the Design Management of the Scotts Run Trail (Providence District)

ISSUE:
Board approval for an agreement between Fairfax County Department of Transportation (FCDOT) and the Fairfax County Park Authority (FCPA) to administer the proposed design of the Scotts Run Trail.

RECOMMENDATION:
The County Executive recommends that the Board authorize the director of FCDOT to enter into a letter agreement between the FCDOT and FCPA to manage the design of the Scotts Run Trail.

TIMING:
The Board should act on this item on May 12, 2015, to allow the design contract for the proposed Scotts Run Trail by FCPA to move forward with project oversight by FCDOT.

BACKGROUND:
The Scotts Run Trail project is included in the Tysons Metrorail Station Access Management Study (TMSAMS), and located on FCPA property in McLean, on Tax Map(s) #29-4-01-0031 & #30-3-01-0007A. The project is also part of the Transportation Priorities Plan approved by the Board on January 28, 2014. The goal for the TMSAMS projects is to create a more multi-modal transportation environment by building needed infrastructure to create better access to the Metrorail stations within Tysons.

As proposed, the Scotts Run Trail will be located within the Scotts Run Stream Valley Park and Westgate Park, connecting cyclist and pedestrians from Magarity Road to Colshire Meadows and ultimately to the McLean Metrorail Station within Tysons.

Since the location of the trail is mostly within FCPA property, and given FCPA has considerable experience building trails, County staff recommends that FCPA develop the design for the project. Under this agreement FCPA will administer the design of the proposed Scotts Run Trail in accordance with all applicable federal, state and local laws and regulations but with oversight from FCDOT. A subsequent agreement or

amendment to this agreement will include construction of the project. The agreement was approved by the FCPA Board on April 2, 2015.

FISCAL IMPACT:
Federal funding is provided for the Scotts Run Trail project under an agreement between FCDOT and the Virginia Department of Transportation (VDOT) approved by the Board on May 14, 2013 (Attachment B). These funds are budgeted in Fund 50000 (Federal and State Grant Fund). Design of the trail is anticipated to cost no more than $450,000. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment A: Letter Agreement for Project Administration of Scotts Run Trail
Attachment B: Supporting Documentation

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Kirk Kincannon, Director, Fairfax County Park Authority (FCPA)
Eric Teitelman, Chief, Capital Project and Traffic Engineering Division, FCDOT
David Bowden, Chief, Planning and Development Division, FCPA
Todd. W. Minnix, Chief, Traffic Design Division, FCDOT
Karyn Moreland, Chief, Capital Projects Section, FCDOT
Patricia McCay, Assistant County Attorney, Office of the County Attorney
Andrew Kolaitis, Right of Way Manager, Capital Projects, FCDOT
Doug Miller, Transportation Planner, Capital Projects Division, FCDOT
John Dresser, Engineer, Traffic Design
Elizabeth Cronauer, Trails Project Manager, FCPA
Vanessa Aguayo, Transportation Planner, Capital Projects Division, FCDOT

County of Fairfax, Virginia

DATE: April 08, 2015

TO: Kirk Kincannon
Director, Fairfax County Park Authority

FROM: Tom Biesiadny
Director, Fairfax County Department of Transportation

SUBJECT: Letter Agreement for Project Administration of Scotts Run Trail, TMSAMS-107, FOCUS # AA1400107-13;

This letter agreement made and executed between the Fairfax County Park Authority (Park Authority) and Fairfax County (County) will set forth the funding and administration for the design of the "Scotts Run Trail Project" (Project). The Project will be designed and engineered in accordance with all applicable federal, state and local laws and regulations and the "Project Schedule" (Attachment 1) established by the County and Park Authority.

In addition to the "Responsibility Matrix" (Attachment 2) which is incorporated herein, the County and Park Authority agree to several Project specific conditions and requirements as outlined in this letter and its attachments to ensure a timely and smooth progression for Project design completion.

Pursuant to this Letter Agreement, Park Authority agrees:

1. The Scotts Run Trail Project, as described on "Conceptual Layout" (Attachment 3), shall be located within Park Authority property, as further located on "Tax Map No. 29-4-01-0031" (Attachment 4) and on "Tax Map No. 30-3-01-0007A" (Attachment 5) or in easements on adjacent properties as defined during the design process. The trail shall be connected from Magarity Road to Colshire Meadow Drive.

2. Park Authority shall act as the Project Manager. Financing for the project will be with federal funds pursuant to an existing agreement between the County and the Commonwealth of Virginia "Standard Project Administration Agreement" dated July, 15, 2013 ("County-VDOT Agreement" Attachment 6) and is hereby incorporated by reference. Because the County is considered the responsible party under the County-VDOT Agreement, all project design decisions will be subject to final County approval.

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot

3. Park Authority shall be responsible for all invoice tracking and budgeting tasks and will work with County staff per the following:

    A. Park Authority Project staff time costs shall be well documented and sent to the County on a monthly basis for which the Park Authority will be reimbursed by the County.
    B. County staff will review all design consultant invoices, make payments and submit to VDOT for reimbursement. Park Authority shall submit to the County invoice documents in formats that follow established County invoicing procedures
    C. Once Park Authority has received any Project invoices, Park Authority will have 15 days to review, approve and submit invoices to the County; after which the County will also have 15 days to review approve and make payment to the design consultant.

4. All design aspects for the Project shall be prepared in accordance with the most recent edition of VDOT's "Locally Administered Project" (LAP) Manual. The LAP Manual outlines requirements for federally assisted projects and is in accordance with all applicable federal and state laws and regulations. The LAP Manual can be found at: http://www.virginiadot.org/business/locally_administered_projects_manual.asp

5. Park Authority and the County shall adhere to the agreed upon schedule and will coordinate with the County on major milestones that may require modifications to the schedule. The agreed upon schedule will be adjusted for any delays in the schedule due to land acquisition activities by County staff and/or required County and VDOT plan reviews or approvals.

6. The County will be accorded the opportunity to review the design plans at each stage of Project development. The County's comments shall be addressed concurrently with VDOT's comments.

7. If the County and or VDOT determine that the Project may not be feasible as a result of the standard design process, Park Authority will coordinate with the County and VDOT to meet, confer and consider alternatives that would move the Project to the next stage, in accordance with VDOT procedures.

8. Upon approval of final design by VDOT and the County, Park Authority shall at no cost to the project, grant to the County, all easements that may be necessary for temporary grading, construction and permanent trail and utility easements on Park Authority property for the perpetual use, maintenance and operation of the trail.

9. All requirements for funding by the County under this letter agreement are subject to annual appropriations by the Fairfax County Board of Supervisors.

10. Nothing herein shall be construed as a waiver of the County's or Park Authority's sovereign immunity and nothing herein shall create or vest any rights in any third parties, except as may be required under the County-VDOT Agreement.

11. This agreement shall not be construed as creating any personal liability on the part of any officer, employee, agent of the parties, nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

12. Park Authority shall provide notices and correspondence to the County via email and/or U.S. mail to:

    Tom Biesiadny (Tom.Biesiadny@fairfaxcounty.gov), Director, FCDOT, and to
    Vanessa Aguayo(Vanessa.Aguayo@fairfaxcounty.gov), Project Manager, FCDOT,
    4050 Legato Road, Suite 400, Fairfax, VA 22033-2895.

    The County shall provide notices and correspondence to the Park Authority via email and/or U.S. mail to:

    Kirk Kincannon (Kirk. Kincannon@fairfaxcounty.gov), Director, FCPA and to
    Liz Cronauer (Elizabeth.Cronauer@fairfaxcounty.gov), Project Manager, FCPA
    12055 Government Center Parkway, Suite 927, Fairfax, Virginia, 22033

13. Upon approval of final design of the Project, the parties may negotiate a supplement to this letter agreement for the acquisition of right of way and construction of the Project.

Signatures below acknowledge project concurrence.

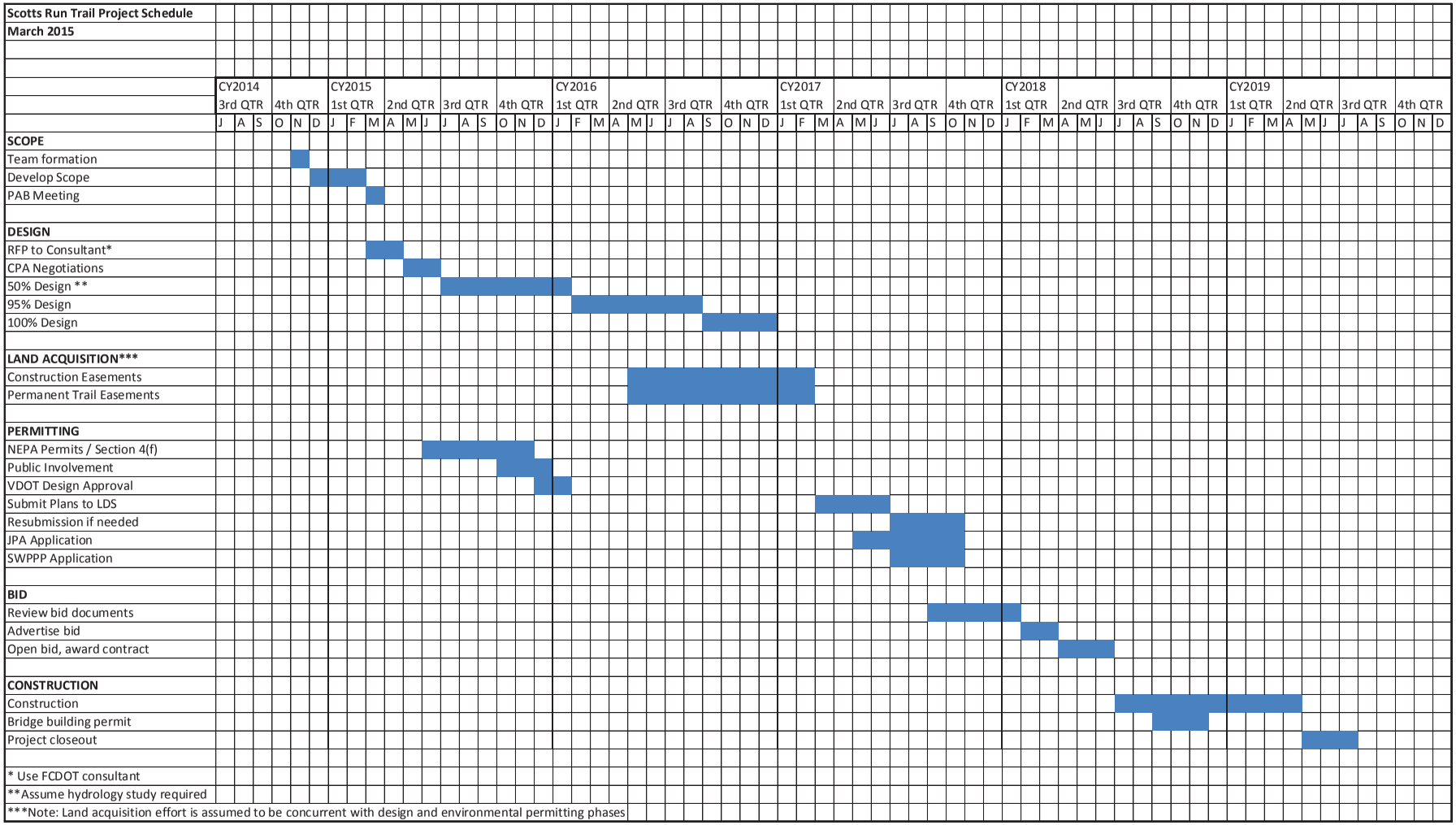
_____
Tom Biesiadny
Director, Fairfax County Department of Transportation

_____
Kirk Kincannon
Director, Fairfax County Park Authority

Attachments: 1-Project Schedule
2-Responsibility Matrix
3-Conceptual Layout
4-Tax Map No.29-4-01-0031
5-Tax Map No.30-3-01-0007A
6-County-VDOT Agreement

cc: Eric Teitelman, P.E., Chief, Capital Projects & Traffic Engineering, Division, FCDOT
W. Todd Minnix, P.E., Chief, Transportation Design Division, FCDOT
Andrew Kolaitis, Right of Way Project Coordinator, CPTED, FCDOT
Ellen F. M. Posner, Esq., Coordination & Funding Division, FCDOT
Vanessa Aguayo, Transportation Planner III, CPTED, FCDOT
Doug Miller, Environmental Project Coordinator, CPTED, FCDOT
John Dresser, Engineer, Transportation & Design Division, FCDOT
Elizabeth Cronauer, Trails Program Manager, FCPA
David Bowden, Chief, Planning & Development Division, FCPA

ATTACHMENT B



Scotts Run Trail Responsibility Matrix
December 2014

Task L=lead, P=participate, M=monitor	**FCPA**	**FCDOT**	**VDOT**	**Comments**
Scope				
Team Formation	L	P		
Complete project feasibility study	P	L		Completed with FCPA and DOT concurrence
MOU (DOT/PA)	P	L		MOU between PA and DOT, detailing: PA administering project for DOT with de minimus statement, fund tracking/monthly reporting, usage of on-calls, maintenance, etc.
Secure VDOT approval of concept plan for non-standard trail conditions				Not feasible. VDOT has been consulted with approach and documentation shows they are amenable to design approach
Surveying for scope tasks pre-design svcs.	P	L		
Develop Project Estimate	P	L		Estimate completed from Conceptual Study
Create Project Schedule	L	P		Further refined during design
PAB Board Item	L	P		MOU to be attached to package
Funding				
Identify funding source		L		CMAQ Funding
Grant		L	M	Access to Metro
Match to grant		L		Paid by DOT upfront and reimbursed by VDOT
Pre-grant funding availability		L		Billing Code active same as Conceptual Study
Obtain authorization for funding use		L		Active
Fund tracking and expenditure reporting	L	M		PA track contracts approve invoices and turn in documentation to DOT
Grant administration and reimbursement	P	L	M	DOT for reimbursement

S:\Capital Projects\Pre Scopes Master File - Harrell\TMSAMS Projects\TMSAMS PROJECTS\TMSAMS SW 12_Scotts Run\FCPA\MOU\Scotts Run SV Trail task matrix-Final A.docx

Scotts Run Trail Responsibility Matrix
December 2014

Task L=lead, P=participate, M=monitor	**FCPA**	**FCDOT**	**VDOT**	**Comments**
Environmental				
NEPA Permit preparation and submission – Archeology	L	M	M	PA can use DOT on-calls, if desired.
Contract and manage Archeology services	L	M	M	
Contract and manage NEPA Hydrology study, wetlands mapping and research issues	L	M	M	
Contract and manage NEPA Endangered Species mapping and research services	L	M	M	
Land Acquisition				
Recordation of deeds and plats	L	M	M	County survey team did survey and should do all plats
Construction Access Easements –ON FCPA property	L			Prepare with LAD/LDS
Construction Access Easements – off FCPA property	L	M		Prepare with LAD/LDS
Permanent Trail Easements – off FCPA property	L	M		titles, appraisals negotiations (slow take)
Permanent Trail Easements – ON FCPA property	L	M		Prepare and accept
Party responsible for acquisition costs	L	P		DOT to pay cost
Obtain VDOT ROW Authorization	L	M	P	
Design Solicitation (Concurrent with Environmental Phase)				PA can use DOT on-calls,
Prepare Design RFP	L	P		WRA suggested
Manage Design Contract	L	M		
Construction Design				
Project schedule creation, monitoring, reporting	L	P	P	
30%-50% Public Involvement	L	P		Public Hearing, Post Willingness, etc., Environmental to be completed assuming PCE with concurrence of de minimus from PAB
50% Design Review-	L	P	P	Intermediate Plans
95% Design Review	L	P	P	Pre-Final Plans
100% Design Review	L	P	P	Final Plans
Permit Documents	L	P	M	
Permitting and Agreements				
DPWES Site permit	L	M		
Bonds and Agreements Form	L	M		

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Scotts Run Trail Responsibility Matrix
December 2014

Task L=lead, P=participate, M=monitor	**FCPA**	**FCDOT**	**VDOT**	**Comments**
ACOE	L	M		
VMRC / VPDES	L	M		
VDOT construction access	L	M		
VDOT permissions/waivers	L	M		
Approval signs, markings	L	M	P	DOT concurrence, VDOT approval within ROW
Building Permit for bridge	L	M	P	DPWES /LDS review also sends to VDOT for review/approval
Bid Process				
Bid Documents and Project Manual	L	P		
Bid Package – Obtain VDOT Approval	L	M	P	
Solicitation	L	P		
Conduct Bid	L	P		
Review Bid for Award	L	P	P	
Final Project Estimate/Funding	L	P	M	
PAB/BOS Notice	L			
Obtain VDOT construction authorization	L	M	P	
Construction Contract Award				
Pre-construction Meeting	L	P	P	
Progress and technical meetings	L	P	P	
Review and respond to submittals	L	P	P	
Review and respond to RFIs	L	P	P	
Review, Write and Approve Change Proposals	L	P	M	
Prepare Status Reports	L	P	P	
Conduct QC and completion % inspections	L	P	P	
Approve Contractor invoices for payment	L	P	M	
Pay Contractor	P	L		
Conduct Substantial Completion	L	P	P	
Close-Out				
Prepare punch list	L	P	M	
Schedule /complete final inspections	L	P	P	
VDOT Closeout & Permit Release				Complete C-5 final Inspection form, submit final invoice

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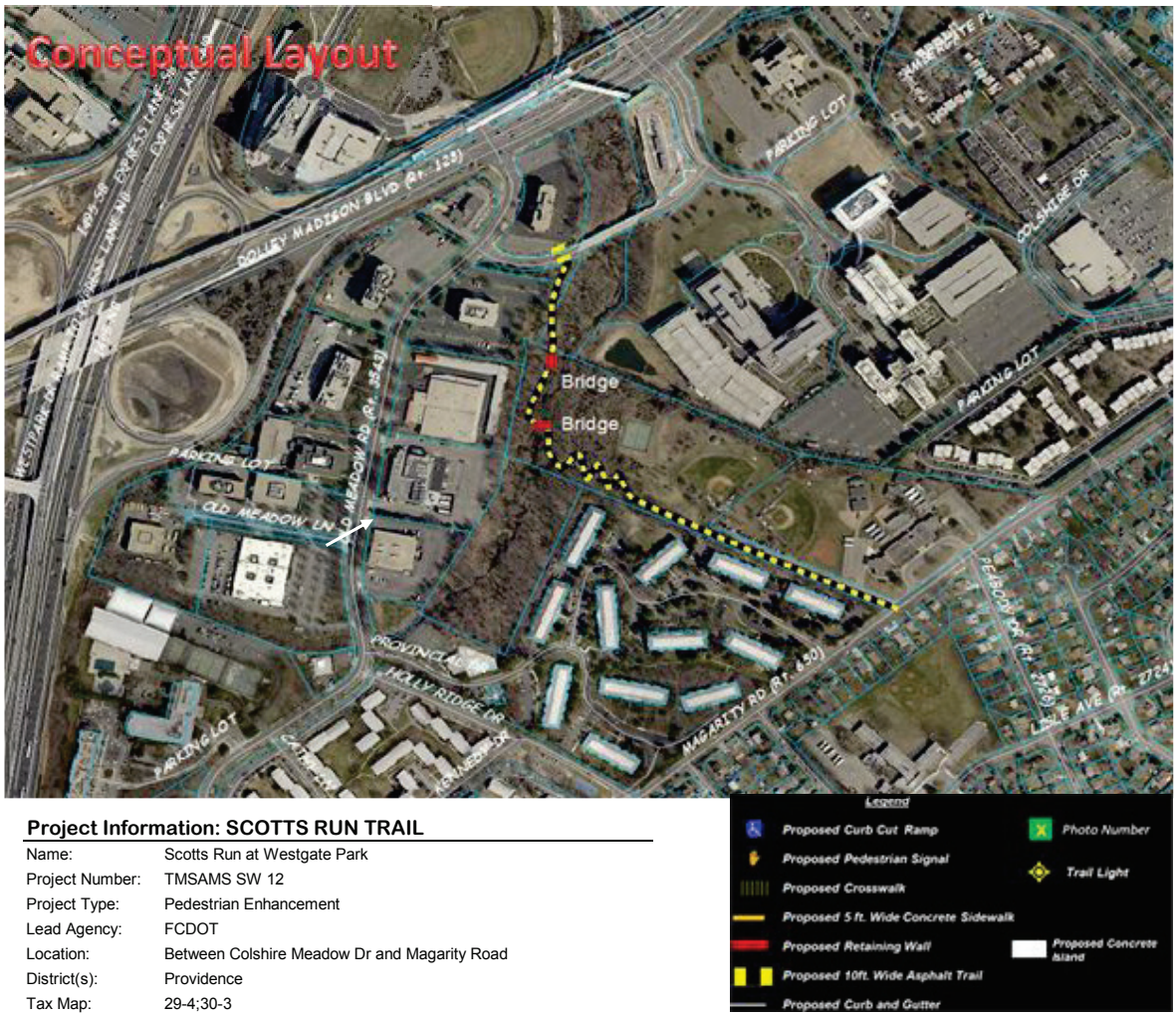
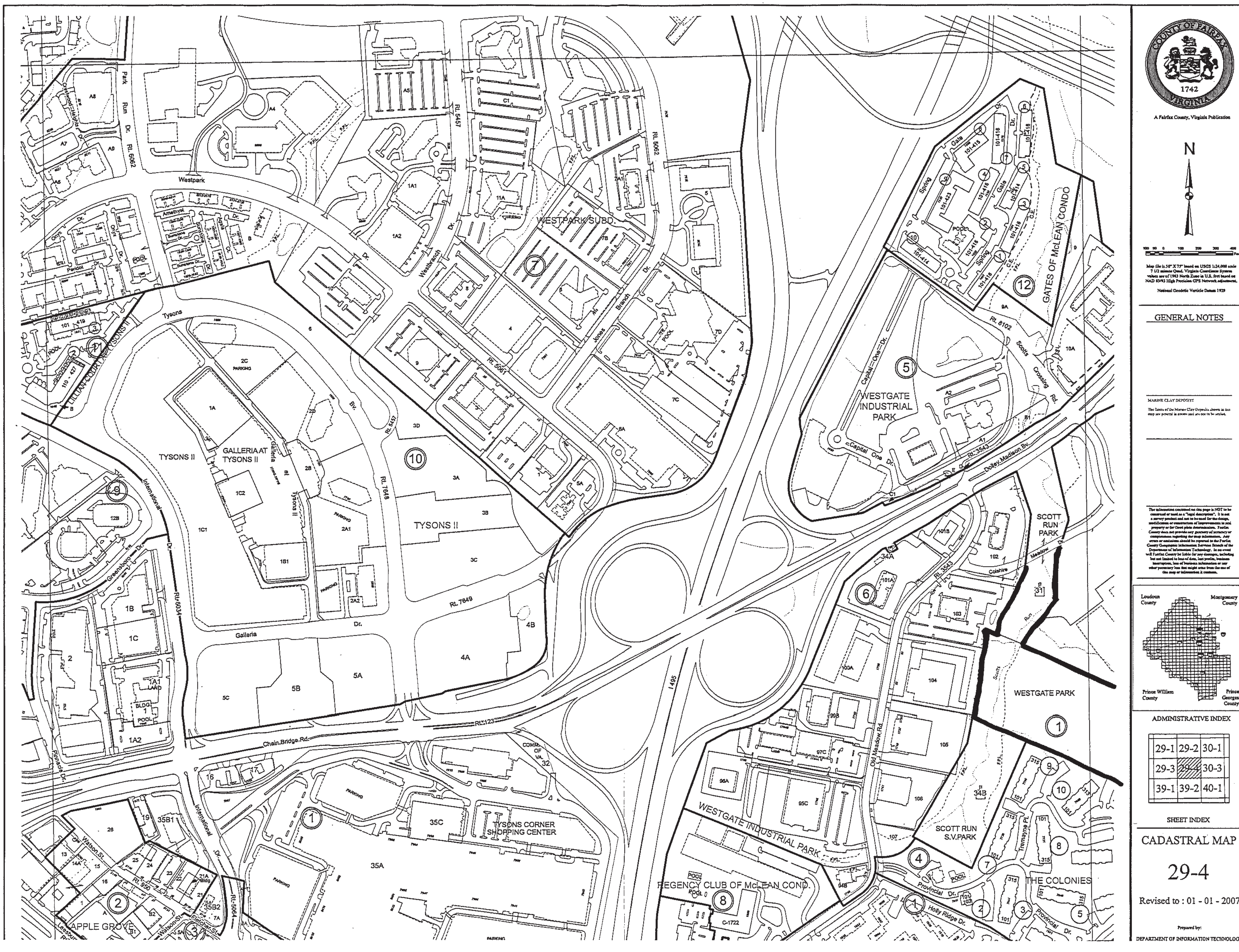


Project Information: SCOTTS RUN TRAIL

Name:	Scotts Run at Westgate Park
Project Number:	TMSAMS SW 12
Project Type:	Pedestrian Enhancement
Lead Agency:	FCDOT
Location:	Between Colshire Meadow Dr and Magarity Road
District(s):	Providence
Tax Map:	29-4;30-3


COUNTY OF FAIRFAX VIRGINIA 1742
A Fairfax County, Virginia Publication
N
GENERAL NOTES
ADMINISTRATIVE INDEX
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29-3 29-4 30-3
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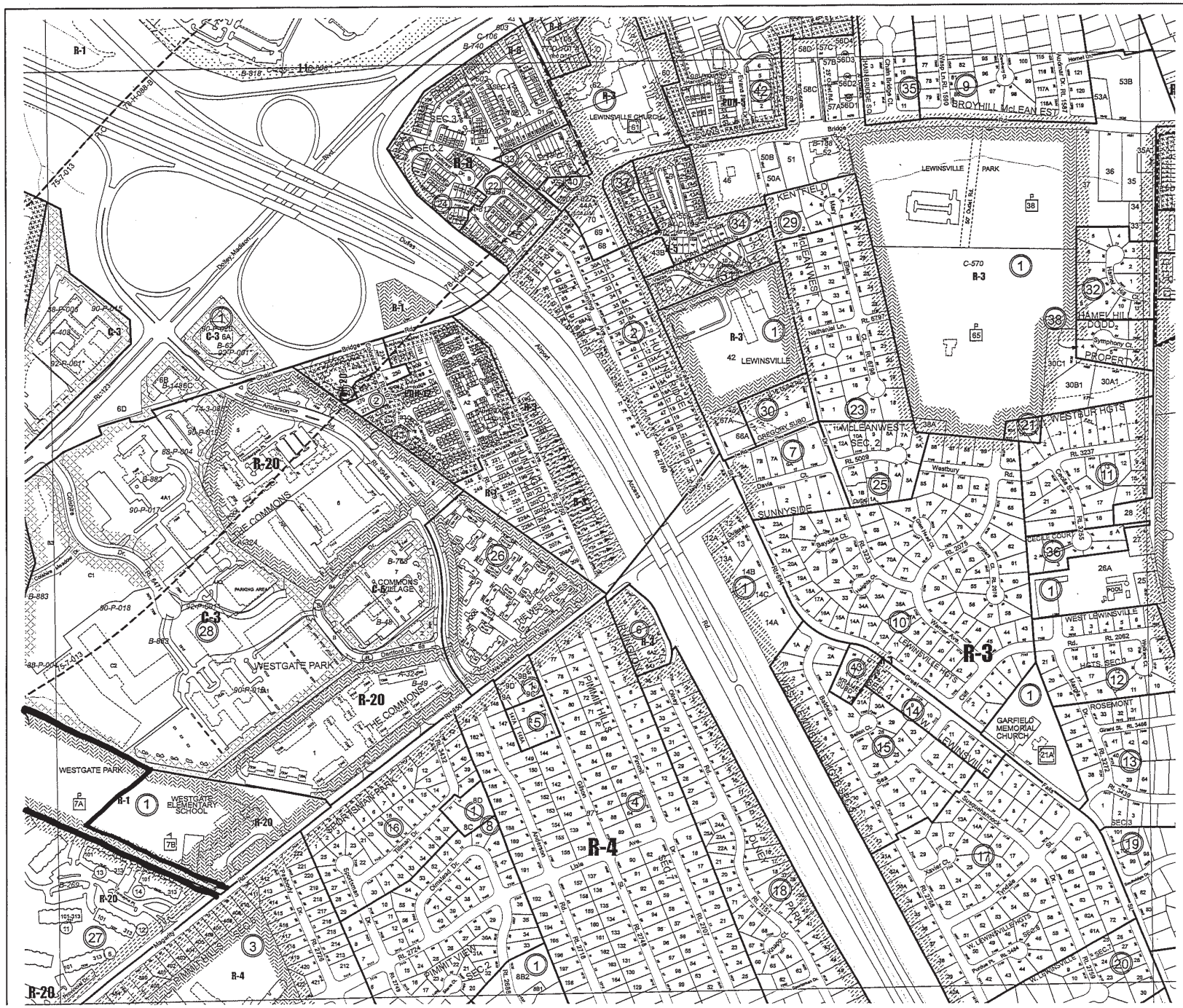
SHEET INDEX
CADASTRAL MAP
29-4
Revised to : 01 - 01 - 2007
Prepared by:
DEPARTMENT OF INFORMATION TECHNOLOGY
WESTPARK SUBD.
WESTGATE INDUSTRIAL PARK
GATES OF McLEAN CONDO
GALLERIA AT TYSONS II
TYSONS II
WESTGATE PARK
SCOTT RUN PARK
SCOTT RUN S.V.PARK
WESTGATE INDUSTRIAL PARK
REGENCY CLUB OF McLEAN COND.
THE COLONIES
TYSONS CORNER SHOPPING CENTER
APPLE GROVE
Chain Bridge Rd.
Rt. 123
I 495
Old Meadow Rd.
Dolley Madison Bv.
Capital One Dr.
Scotts Crossing Rd.
International Dr.
Galleria Dr.
Westpark Dr.
Park Run Dr. Rt. 6062
Jones Branch Dr.
Westbranch Dr.
Provincial Dr.
Holly Ridge Dr.
Tremayne Pl.
Watson St.
Greensboro Dr.
Pinnacle Dr.



A Fairfax County, Virginia Publication

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Map file is 50" X 75" based on USGS 1:24,000 scale 7 1/2 minute Quad. Virginia Coordinate System values are of 1983 North Zone in U.S. feet based on NAD 83/91 High Precision GPS Network adjustment.

National Geodetic Vertical Datum 1929

GENERAL NOTES

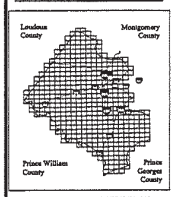
ZONING

Practice and Convenience:

The use or development of the property or properties subject of the rezoning application associated is restricted to/over the designated zoning district regulations by proffered conditions (*) or covenants (**). A complete explanation is provided on page 1 of the official zoning map.

Zoning revised to 01 - 01 - 2008
Subsequent changes are not reflected.

The information contained on this page is NOT to be construed or used as a "legal description". It is not a survey product and not to be used for the design, modification or construction of improvements to real property or for fiscal plan determination. Fairfax County does not provide any warranty of accuracy or completeness regarding the map information. Any errors or omissions should be reported to the Fairfax County Geographic Information Services Branch of the Department of Information Technology. Neither Fairfax County nor its Public Officers or Employees shall be liable for any claim, or for any damages, including but not limited to loss of data, lost profits, business interruption, loss of business information or any other pecuniary loss that might arise from the use of this map or information it contains.



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29-4	30-3	30-4
39-2	40-1	40-2

SHEET INDEX

PROPERTY MAP
ZONING
30-3

Revised to : 01 - 01 - 2008

Prepared by:

DEPARTMENT OF INFORMATION TECHNOLOGY
Enterprise Services Division
Geographic Information Services
12000 Government Center Parkway, Suite 117

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

GREGORY A. WHIRLEY
COMMISSIONER

July 17, 2013

TO: Leonard Siegel
NOVA District

RE: Standard Project Administration Agreement for the County of Fairfax.
9999-029-949 (UPC 100469),
9999-029-950 (UPC 100470).

I have provided you one original copy of a fully executed project agreement for the project referenced above.

Please keep two original copies for your files and deliver the other originals to the County of Fairfax for their files. Please contact me if you have any questions or need to discuss the distribution of this agreement.

Clark Machell Woods
Local Assistance Division

Attachment

Cc: Roxanna Gray (w/copy for your files)
Diane Mitchell (w/copy for your files)

Form AT-1
Rev date 01/09/13

COMMISSIONER'S AGREEMENT TRANSMITTAL FORM

This form is to be used only for agreements submitted to the Commissioner or his designee for signature. Please see Instructions on page 2 for further information and submit to the appropriate member of the Commissioner's staff.

① ***To be completed by Division/District:*** Division/District: LAD/NOVA
Submitted By: Bernie Schmelz Phone: 786-2595
Date Due: _____ mm/dd/yy Date Returned: _____
Agreement/Project Name: Tysons Metrorail Improvements Progam
Contractor/Consultant Name: _____ Contract Amount:$_____
Purpose of Agreement: _____
Project & UPC Number: 9999-029-949 UPC 100469
Project & UPC Number: _____

Note: Attach Form AS-58 if agreement pertains to consultant contract. Form AS-58 attached? ☐Yes ☐ Not applicable

Comments/Special Handling Instructions: _____

② ***Approval of Agreement***- *Name of person approving agreement & date for all that apply*
☒ Division/District Administrator: Ronald A. Kelley for Jennifer DeBruhl Date: 6/13/13
☐ Other (specify name & title): _____ Date: _____
☐ Reviewed by the Office of the Attorney General (*See Instructions*) Date: 6/18/2012

③ ***Commissioner's Staff Approval*** – *Signature of Commissioner's Staff approving agreement & date. The CFO must approve if agreement involves the expenditure of funds as well as the Deputy or Director/Chief responsible for the Division/District. Signature on this form certifies that all applicable approvals & reviews have been completed:*

	Signature	Approved	Not Approved	Date
☐ Charles Kilpatrick		☐	☐	
☒ Reta Busher	Reta Busher	☑	☐	7/15/13
☒ John Lawson	John Lawson	☑	☐	7/15/2013
☐ Jose Gomez		☐	☐	
☐ Garrett Moore		☐	☐	
☐ Richard Walton		☐	☐	
☐ Wanda Wells		☐	☐	
☐ Grindly Johnson		☐	☐	

Commissioner's Staff Comments: **Programmatic agreement.** – SEE ATTACHED MEMO

④ ***Commissioner's Approval*** - ☑ Approved ☐ Not Approved Date: 7/15/13
Comments: _____

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
9999-029-949	100469	Fairfax County

THIS AGREEMENT, made and executed in triplicate this 15th day of July, 2013, by and between the County of Fairfax, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:

   a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT

   b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.

d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.

e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.

f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.

g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.

h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.

i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements

j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over

$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.

k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult with DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.

l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.

m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.

2. The DEPARTMENT shall:

a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.

b. Upon receipt of the LOCALITY's invoices pursuant to paragraph1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.

c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.

d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.

e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements

agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.

5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.

6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.

7. 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.

8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the 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 Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT 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 LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9 This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be

reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT 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.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

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.

COUNTY OF FAIRFAX, VIRGINIA:

Edward L Long Jr

EDWARD L. LONG JR

Typed or printed name of signatory

County Executive Date 5/16/13

Title

JoAnn Havach Bakos 5/16/13

Signature of Witness Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Gregory A. Whirley 7/15/13

Commissioner of Highways Date
Commonwealth of Virginia
Department of Transportation

Denise E. Simms 7/15/13

Signature of Witness Date

Attachments

Appendix A, UPC 100469

Project Number: 9999-029-949	UPC: 100469	Locality: Fairfax County
Project Location ZIP+4: 22031-6023	Locality DUNS# 074873626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400, Fairfax, VA 22033-2867

Project Narrative

Scope:	Tysons Corner Metrorail Access Improvements Program
From:	Throughout Rail Corridor
To:	Throughout Rail Corridor
Locality Project Manager Contact info:	Todd Minnix, 703-877-5749 wesley.minnix@fairfaxcounty.gov
Department Project Coordinator Contact Info:	Jeffrey Daily, 703-259-2993 jeffrey.daily@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses				
Estimated VDOT Project Expenses				
Estimated Total Project Costs				

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering						
Total PE						
Right of Way & Utilities						
Total RW						
Construction						
Total CN						
Total Estimated Cost						

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$0
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$0

Project Financing

Previous RSTP	Previous RSTP State Match	FY14-FY18 RSTP	FY13-FY18 RSTP State Match	FY14 Federal STP	FY14 Federal STP Match	FY18 CMAQ	FY18 CMAQ Match	**Aggregate Allocations (A+B+C+D+E+F)**
$2,400,000	$600,000	$13,059,286	$3,264,821	$1,354,832	$338,708	$1,155,155	$288,789	$22,461,591

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This is a "Programmatic" UPC; subsequent projects will be broken out from this project resulting in funding transfers and additional Appendix A's for this UPC. This project will not be opened to charges. The Locality and VDOT will continue to seek additional funding opportunities to support the work to be accomplished under this program for Tyson's Improvements.
- The terms of the "Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets in the Tysons Corner Urban Center" dated September 13, 2011 remain in effect for this project.
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $22,461,591 (if applicable)
- This project is funded with federal-aid Regional Surface Transportation Program (**RSTP**) funds. These funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.
  - FY13 $3,000,000 Allocation by the CTB 6/30/2012, Obligation deadline 6/30/2013, Expenditure deadline 6/30/2016
  - FY14 $2,000,000 Allocation by the CTB 6/30/2013, Obligation deadline 6/30/2014, Expenditure deadline 6/30/2017
  - FY15 $3,000,000 Allocation by the CTB 6/30/2014, Obligation deadline 6/30/2015, Expenditure deadline 6/30/2018
  - FY16 $4,000,000 Allocation by the CTB 6/30/2015, Obligation deadline 6/30/2016, Expenditure deadline 6/30/2019
  - FY17 $5,000,000 Allocation by the CTB 6/30/2016, Obligation deadline 6/30/2017, Expenditure deadline 6/30/2020
  - FY18 $2,324,107 Allocation by the CTB 6/30/2017, Obligation deadline 6/30/2018, Expenditure deadline 6/30/2021
- This project is funded with federal-aid Congestion Mitigation and Air Quality Program (**CMAQ**) funds. These funds must be obligated within 24 months of allocation and expended within 48 months of the obligation.
  - FY18 $1,443,944 Allocation by the CTB 6/30/2017, Obligation deadline 6/30/2019, Expenditure deadline 6/30/2023
- **Total program allocations:** **$22,461,591**

Tom Biesiadny 5/15/13
Authorized Locality Official and date

Tom Biesiadny
Typed or printed name of person signing

Leonard (Bud) Siegel 21 MAY 2013
Authorized VDOT Official
Recommendation and Date

LEONARD (BUD) SIEGEL V.R.
Typed or printed name of person signing

Version 8/19/11

Board Agenda Item
May 12, 2015

ACTION – 3

Endorsement of a Preferred Transit Alternative, Authorization of a Comprehensive Plan Amendment to Consider the Recommendations of the Route 1 Multimodal Alternatives Analysis, and Direction to Proceed with an Environmental Assessment for the Project (Lee and Mount Vernon Districts)

ISSUE:
In October 2014, the Executive Steering Committee for the Route 1 Multimodal Alternatives Analysis, conducted by the Virginia Department of Rail and Public Transportation (DRPT), recommended median-running Bus Rapid Transit (BRT) in the corridor extending from the Huntington Metrorail Station to Woodbridge with a future Metrorail extension from the Huntington Metrorail Station to the Hybla Valley Community Business Center. Board endorsement of this recommendation, authorization of a Comprehensive Plan amendment to consider the recommendation further and direction to proceed with an Environmental Assessment (EA) are needed to initiate next steps.

RECOMMENDATION:
The County Executive recommends that the Board take the following actions:

1) Endorse the recommendations of the multimodal (roadway, bicycle/pedestrian and transit) improvements of "Alternative 4 BRT/Metrorail Hybrid," for implementation, contingent upon supportive land use and an achievable funding plan, as contained in the resolution adopted by the Route 1 Multimodal Alternatives Analysis Executive Steering Committee in October 2014 (Attachment I)
2) Authorize an amendment to the Comprehensive Plan to assess and refine the recommendations of the Route 1 Multimodal Alternatives Analysis for the corridor from Huntington to Accotink Village, Fort Belvoir. The Plan amendment will consider:
    a. land use density and mix for the areas within a ½ mile radius of proposed stations in the corridor from Huntington to Accotink Village, Fort Belvoir; corridor wide transportation including transit, pedestrian and bicycle systems; urban design, public facilities, and other elements supportive of BRT.
    b. policy guidance in support of the future extension of Metrorail from the Huntington Metrorail Station to the Hybla Valley Community Business Center; and
3) Direct staff to proceed with actions necessary to conduct an EA for BRT, and the associated road widening of Route 1, from the Huntington Metrorail

Station to Accotink Village, in conjunction with the Virginia Department of Transportation (VDOT) and other appropriate entities; and to initiate design for the road improvement and BRT projects.

TIMING:
Board action is requested on May 12, 2015, to allow the various activities with this project to move forward.

BACKGROUND:
Over the years, numerous planning and transportation studies have been completed for the Route 1 corridor. The two foundational transportation studies for this current multimodal effort were the VDOT Route 1 Centerline Study (1998) and the DRPT Route 1 Transit Study (2010). The Route 1 Multimodal Alternatives Analysis builds on these prior studies, addresses multiple transportation modes and provides a clear path forward to improve mobility and enhance development in the corridor. The study was led by DRPT in collaboration with Fairfax County, Prince William County, VDOT and the Virginia Office of Intermodal Planning and Investment. It began in June 2013, and was completed in January 2015. Considerable public involvement occurred during the course of the study, including public meetings held in October 2013, March 2014, and October 2014.

A range of alternatives were evaluated for transit, vehicular, and bicycle and pedestrian modes. At the heart of the study was the evaluation of four transit alternatives conducted after an initial assessment of several alternatives. These were:

1) Bus Rapid Transit – curb running;
2) Bus Rapid Transit – median running;
3) Light Rail Transit – median running; and
4) Hybrid – Yellow line Metrorail extension to Hybla Valley with supporting Bus Rapid Transit to Woodbridge.

For each of these four transit alternatives, three travel lanes per direction and a continuous facility for bicycles and pedestrians were recommended. Attachment II contains the executive summary of the study. The full report is available online http://www.drpt.virginia.gov/media/1591/route-1-final-report-with-appendices-february-2015.pdf

At the conclusion of the study, the project team recommended that Alternative 4 be advanced in a phased approach. Due to the scale of the project, it is necessary to implement it in stages. As described in the DRPT study, Phase I encompasses BRT from the Huntington Metrorail Station to Hybla Valley; Phase II extends BRT from Hybla Valley to Fort Belvoir; Phase III extends BRT from Fort Belvoir to Woodbridge; and

Phase IV is the extension of Metrorail from the Huntington Metrorail Station to Hybla Valley. The study results show that Phases I and II are currently potentially competitive for New Starts funding from the Federal Transit Administration (FTA). Phase III will not be competitive for such funding for a number of years, and Phase IV will require significant population and employment growth to be competitive for New Starts funding. Over the course of the study, staff briefed the Board Transportation Committee several times, including in December 2014, and March 2015. This action of the Board would direct staff to begin implementation of Phases I and II of the BRT project.

Route 1 is currently being widened from four lanes to its ultimate six-lane section from Telegraph Road to Mount Vernon Highway (Route 235). The project includes a multiuse trail, pedestrian sidewalk, on-road bicycle accommodations and provision of a median for future transit. The next segment of Route 1 scheduled for improvement is the segment immediately to the north, from Route 235 to Napper Road. Staff has been working to initiate environmental documentation and preliminary design for this section of Route 1. The project would also include pedestrian and bicycle facilities and provisions for future transit. With the endorsement of the BRT recommendation, it is important that all aspects of the road improvement project move forward in conjunction with the BRT project.

An EA is required for both the Route 1 widening project from Route 235 to Napper Road and for the BRT project. Staff is proposing the most efficient approach for the required environmental documentation for all ongoing projects in the Route 1 corridor, including the BRT element. Since the Route 235 to Napper Road segment is anticipated to include the BRT project, staff is proposing an approach of combining the required environmental documentation; this approach is outlined in Attachment III. Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) approval of the proposed approach is required.

With respect to the Comprehensive Plan, authorization of a plan amendment is needed for staff to consider the recommendations of the Route 1 Multimodal Alternatives Analysis. To expedite the project to the extent possible, the evaluation of the Comprehensive Plan amendment can be scheduled within the same time as the EA. Key elements to be developed are: policy guidance supportive of BRT and the study of future rail; goals and objectives supportive of a multimodal environment; urban design guidelines; station templates and locations; right-of-way and streetscape widths; and refined land uses and mix in station areas.

There is a complicated interrelationship among these various studies and projects. Extensive public outreach will be needed. A special committee of the Southeast Fairfax Development Corporation (SFDC), augmented by community representatives, will be formed to during the process. Attachment III lists the activities necessary to complete

the EA and associated Comprehensive Plan amendment and contains a draft time table of these activities.

FISCAL IMPACT:
There is currently $9 million in Northern Virginia Transportation Authority (NVTA) approved federal Regional Surface Transportation Program funds available for Richmond Highway roadway improvements. Additionally, NVTA approved $1 million in regional funding for the Richmond Highway widening project from Route 235 to Napper Road on April 23, 2015. County staff has applied for $3.8 million in funding from DRPT to continue work on the Richmond Highway BRT project. These funds have been included in the draft FY 2016-2021 Six Year Improvement Program, which the Commonwealth Transportation Board (CTB) will act on in June 2015. Collectively, staff anticipates that these funds for Richmond Highway improvements will be used for the EA and some preliminary design work on both the road widening and BRT projects. There is no impact to the General Fund.

This effort will require four staff positions, one each in the Fairfax County Department of Transportation (FCDOT) and the Office of Community Revitalization (OCR) and two in the Department of Planning and Zoning (DPZ). The additional position in FCDOT and one of the positions in DPZ will be supported by project funds as they are directly related to the transportation aspects of the project. The remaining positions will be funded by the respective agencies.

ENCLOSED DOCUMENTS:
Attachment I: Resolution of Route 1 Multimodal Study Executive Steering Committee, October 2014
Attachment II: Executive Summary of the Route 1 Multimodal Alternatives Analysis
Attachment III: Proposed Timeline for Plan Amendment and Environmental Assessment

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Barbara Byron, Director, Office of Community Revitalization (OCR)
Daniel B. Rathbone, Chief, Transportation Planning Division (TPD), FCDOT
Marianne Gardner, Director, Planning Division (PD), DPZ
Elizabeth Hagg, Deputy Director, OCR
Leonard Wolfenstein, Chief, Transportation Planning Section, TPD, FCDOT
Meghan Van Dam, Chief, Policy and Plan Development Branch, DPZ-PD
Tom Burke, Senior Transportation Planner, FCDOT

Resolution for Support of the Recommendations of the Route 1 Multimodal Alternatives Analysis
October 27, 2014

ENDORSEMENT OF THE RECOMMENDATIONS OF THE ROUTE 1 MULTIMODAL ALTERNATIVES ANALYSIS

WHEREAS, the Executive Steering Committee for the Route 1 Multimodal Alternatives Analysis has coordinated with the project team in developing transportation recommendations for a 15-mile corridor in Fairfax and Prince William Counties; and

WHEREAS, the Virginia Department of Rail and Public Transportation—in partnership with Fairfax County, Prince William County, the Virginia Department of Transportation, and the Office of Intermodal Planning and Investment—has incorporated recent legislative history and relevant studies in completing the Route 1 Multimodal Alternatives Analysis, which involved intensive technical analyses and frequent coordination with agency and community stakeholders, leading to the recommendations; and

WHEREAS, the Executive Steering Committee supports the project recommendations for a phased implementation of the multimodal (roadway, bicycle/pedestrian, and transit) improvements of "Alternative 4 BRT/Metrorail Hybrid", including:

- **Roadway Widening**: Widen roadway from four lanes to six lanes where necessary to create a consistent, six-lane cross section along the corridor;
- **Bicycle and Pedestrian Facilities:** Create a continuous facility for pedestrians and bicyclists along the 15 mile corridor; the configuration will vary depending upon urban design, right-of-way availability, and other local considerations;
- **Transit:** Contingent upon increased land use density and project funding, implement a median-running Bus Rapid Transit (BRT) system from Huntington to Route 123 in Woodbridge (curb-running BRT in mixed traffic within the Prince William County portion) and a 3-mile Metrorail Yellow Line extension from Huntington to Hybla Valley as expeditiously as possible; and

WHEREAS, the Executive Steering Committee supports incorporating the recommendations in local, regional, and statewide plans so that the projects will be positioned for funding; and

WHEREAS, supportive land uses, including increased development density and mixed-use, pedestrian-oriented development or redevelopment, along with supporting infrastructure, may be incorporated in local plans and regional forecasts in conjunction with the transit improvement; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Steering Committee of the Route 1 Multimodal Alternatives Analysis hereby endorses the transportation recommendations for implementation of the multimodal (roadway, bicycle/pedestrian, and transit) improvements of "Alternative 4 BRT/Metrorail Hybrid," contingent upon supportive land use and an achievable funding plan.

Resolution for Support of the Recommendations
of the Route 1 Multimodal Alternatives Analysis
October 27, 2014

Endorsed By the Following Executive Steering Committee Members on October 27, 2014:

Signature	John D Jenkins
Print Name	John D. JENKINS
Representing	Prince William County, VA, Neabsco District

Signature	Scott A Surovell
Print Name	Scott A. Surovell
Representing	44th House of Delegates District

Signature	Mark D Sickles
Print Name	MARK D SICKLES
Representing	HOUSE DIST 43

Signature	Gerry Hyland
Print Name	GERALD W. "GERRY" HYLAND
Representing	MOUNT VERNON SUPERVISOR

Signature	Linda T. Puller Linda T Puller
Print Name	Linda T. Puller
Representing	Senate

Resolution for Support of the Recommendations
of the Route 1 Multimodal Alternatives Analysis
October 27, 2014

Endorsed By the Following Executive Steering Committee Members on October 27, 2014:

Signature	
Print Name	JEFFREY C. MCKAY
Representing	LEE DISTRICT SUPERVISOR FAIRFAX COUNTY BOARD OF SUPERVISORS
Signature	
Print Name	CHRISTOPHER W. LANGGRAF
Representing	FORT BELVOIR
Signature	
Print Name	Renée N. Hamilton
Representing	VDOT
Signature	
Print Name	David B. Albo
Representing	House of Delegates 42nd District
Signature	
Print Name	K. Rob Krupicka, JR
Representing	45th District House of Delegates

Resolution for Support of the Recommendations
of the Route 1 Multimodal Alternatives Analysis
October 27, 2014

Endorsed By the Following Executive Steering Committee Members on October 27, 2014:

Signature	Luke E. Torian
Print Name	Luke E Torian
Representing	52nd District, House of Delegates

Signature	Adam Ebbin
Print Name	Adam Ebbin
Representing	30th District (Alexandria, Arlington, and Fairfax), Senate of Virginia

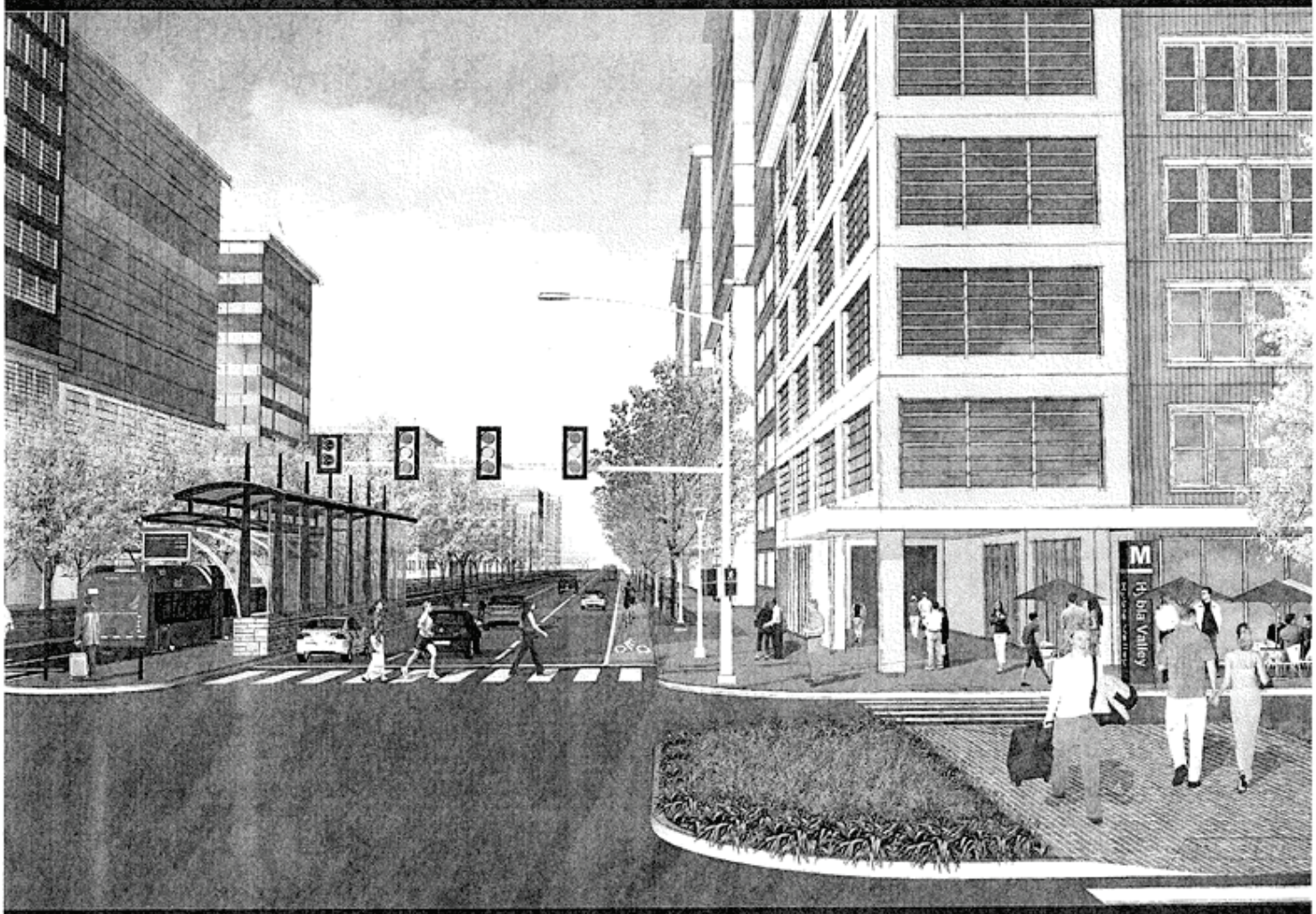
Signature	
Print Name	JAMES P. MORAN
Representing	U.S. House of Representatives, 8th District of VA

Signature	
Print Name	GERALD E. CONNOLLY
Representing	11th DISTRICT OF VA, U.S. Congress

Signature	Catty Hudgins
Print Name	Catherine Hudgins
Representing	WMATA Board of Directors and Fairfax County Supervisor, Hunter Mill District

Route 1
Multimodal Alternatives Analysis

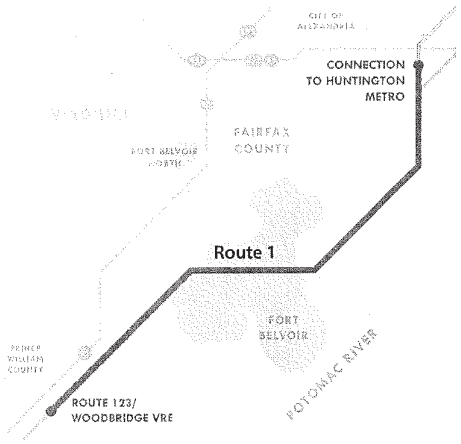
EXECUTIVE BRIEF
February 2015



DRPT · Office of INTERMODAL Planning and Investment · VDOT

INTRODUCTION

The Route 1 Multimodal Alternatives Analysis addresses the mobility needs of Richmond Highway in Northern Virginia. The study evaluated the benefits, costs, and impacts of implementing multimodal improvements along a 15-mile stretch of Richmond Highway, extending from the I-95/I-495 Beltway area, through Fairfax County, to the VRE Station at Woodbridge in Prince William County. The study was initiated to identify a program of multi-modal improvements that best meets both the community needs and the needs of travelers to and through the corridor.



Study Corridor

Through stakeholder participation and technical analysis, the study resulted in a recommended program of transportation improvements for adoption by Fairfax County and Prince William County. Solutions included combinations of transit, roadway, pedestrian, and bicycle improvements.

PROJECT PROCESS AND PUBLIC INVOLVEMENT

Led by the Virginia Department of Rail and Public Transportation (DRPT), the study was an 18-month collaborative effort among Fairfax County, Prince William County, the Virginia Department of Transportation (VDOT), and the Virginia Office of Intermodal Planning and Investment (OIPI). An Executive Steering Committee, comprised of elected officials and senior staff from the key stakeholder groups, provided guidance throughout the study. The process also included frequent public outreach and events to ensure that the community and stakeholders played an active role in guiding the outcomes of the study.

PROJECT PURPOSE AND GOALS

The purpose of the study is to provide improved transit, bicycle and pedestrian, and vehicular conditions and facilities along the Route 1 corridor that support long-term growth and economic development. The study developed and evaluated a range of multi-modal solutions to address the transportation needs of the corridor.

LOCALLY PREFERRED ALTERNATIVE RECOMMENDATION

After reviewing the technical results and listening to feedback from the project committees and the community, the project's Executive Steering Committee endorsed a phased implementation of the multimodal (roadway, bicycle/pedestrian, and transit) improvements of "Alternative 4 BRT/Metrorail Hybrid", including:

- **Roadway Widening** – Widen roadway from four lanes to six through lanes where necessary to create a consistent, six-lane cross section (three lanes in each direction)
- **Bicycle and Pedestrian Facilities** – Create a continuous facility for pedestrians and bicyclists along the 15 mile corridor; the configuration will vary depending upon urban design, right-of-way availability, and other local considerations
- **Transit** – Contingent upon increased land use density and project funding, implement a median-running Bus Rapid Transit (BRT) system from Huntington to Route 123 in Woodbridge (curb-running BRT in mixed traffic within the Prince William County portion) and a 3-mile Metrorail Yellow Line extension from Huntington to Hybla Valley as expeditiously as possible

Goals

CORRIDOR PLANNING INITIATIVES

Numerous past studies and plans completed for the corridor consistently identified four key findings:

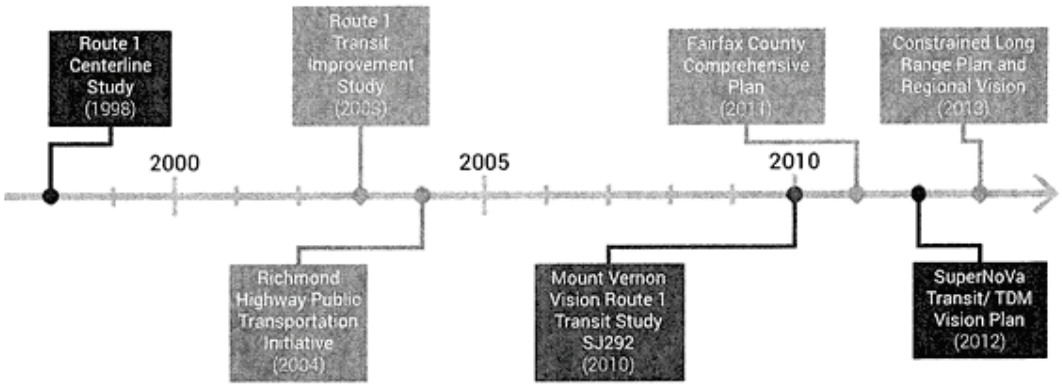
- Growth in regional population and employment, as well as changes in job concentrations, have driven greater demand for travel in the constrained corridor.
- Safety for users of all types (drivers, walkers, bicyclists, and transit riders) remains a concern.
- Land use and economic plans anticipate further growth and redevelopment.
- Maintaining housing affordability and diversity is an increasing challenge.

The two foundational studies for this effort are the VDOT Route 1 Centerline Study (1998) and the DRPT Route 1 Transit Study (2010). The VDOT study recommended widening the roadway and improving pedestrian and bicycle facilities, as well as preserving right-of-way for transit.

The DRPT study recommended a further detailed assessment to examine the feasibility of dedicated transit running way and evaluation of modes to address congestion, capacity, and pedestrian safety issues along the corridor.

The Fairfax County Comprehensive Plan incorporates the findings of the Centerline Study, but stipulates that there should be no more than six general purpose travel lanes on Route 1 through the study area. The Prince William County Plan also calls for Route 1 to be a six-lane facility within the study area. These recommendations are already being carried out through Route 1 widening projects around Fort Belvoir in Fairfax County and at the Route 1/Route 123 interchange in Prince William County.

Previous Plans and Studies



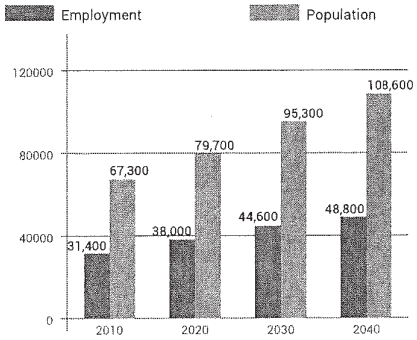
CORRIDOR TRANSPORTATION CHALLENGES

The need for the project stems from existing and anticipated transportation problems along the corridor related to limited transit service, poor bicycle and pedestrian facilities, and high traffic volumes. These deficiencies limit accessibility and multimodal connectivity and are not supportive of the desired economic development and growth along the corridor.

The existing person carrying capacity of the corridor is constrained. Integrated multimodal improvements are needed to support the anticipated high levels of employment and residential growth. Without transportation capacity improvements that encourage pedestrian and transit travel, it is unlikely that the projected growth can be accommodated within the corridor, and the associated economic opportunity of additional jobs and residents will be limited.

Attractive multimodal options are needed to help serve the large transit-dependent population who rely on bicycling, walking, and/or transit to meet the needs of daily life. According to the American Community Survey (2008-2012), within ½-mile of the study corridor, there are over 2,000 households that do not own a car. Of the existing transit riders, nearly three-quarters have no access to an automobile as a travel alternative. Over half of corridor transit riders have household incomes of less than $30,000. Preserving affordability and mobility on the corridor over the long term requires improved transit and other transportation options.

Projected Employment and Population for the Study Area



By 2040, the Route 1 Corridor expects approximately:

45,000 **new residents; and**

18,000 **new jobs**

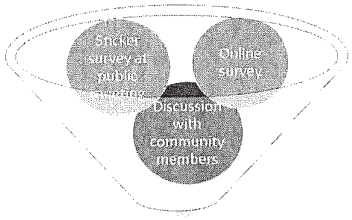
	Challenges	Needs
Transit	• Transit travel time is not competitive with auto travel time • Peak and off-peak transit service is infrequent • Delays caused by transit dwell time at stops and peak period congestion	• Attractive and competitive transit service
Pedestrian/ Bicycle	• Facilities for non-auto travel are limited, substandard, and unable to compete with the attractiveness of single occupancy vehicle travel • Pedestrian crossings of Route 1 are infrequent, long, and disconnected from existing transit stops • Bicycle access is difficult with few dedicated paths	• Safe and accessible pedestrian and bicycle access
Vehicular	• Significant congestion along Route 1 during peak periods • Travel times are highly variable and unpredictable	• An appropriate level of vehicle accommodation • Additional attractive travel choices in the corridor to minimize auto use
Land Use/ Economic Dev.	• Current development patterns fail to optimize development potential at designated activity centers • The street network is limited, offering few alternatives to Route 1 travel	• Support for more robust land development to support anticipated population and employment growth

ADDRESSING TRANSPORTATION CHALLENGES

The project team developed and evaluated three types of alternatives: (1) Bicycle and Pedestrian, (2) Number of Vehicle Travel Lanes, and (3) Transit Technologies. From the broad range of possible options, a set of initial alternatives emerged based on their applicability in the Route 1 Corridor.

Early analyses focusing on traffic operations and right of way requirements determined that a consistent six-lane roadway and continuous bicycle and pedestrian facilities would be a way to simultaneously address the current and future congestion and bicycle/pedestrian access and safety issues along the corridor.

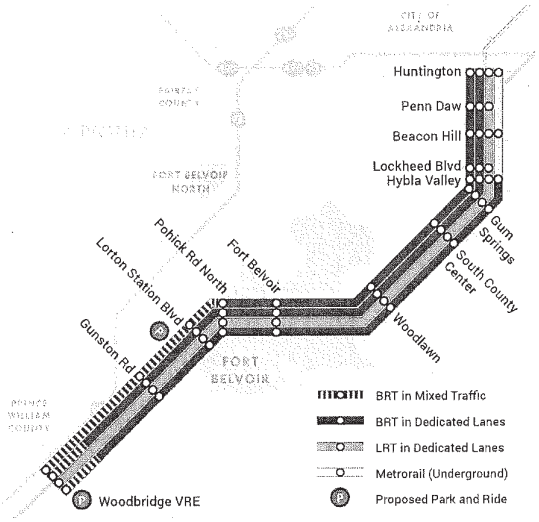
What We Learned From Corridor Residents



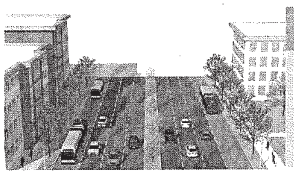
- Purpose and Need
- Weighting of Evaluation Measures
- Recommendations and Action Plan

Four detailed alternatives examined bus rapid transit, light rail, and Metrorail options for the corridor. Each assumed a consistent six vehicular travel lanes along the entire corridor, as well as a 10-foot shared path for bicycles anc pedestrians on each side of the roadway.

MULTIMODAL ALTERNATIVES

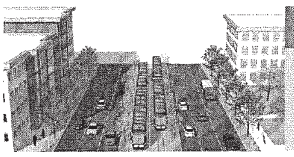


Note: Each alternative includes six vehicular travel lanes and a shared bicycle/pedestrian path on each side of the roadway.

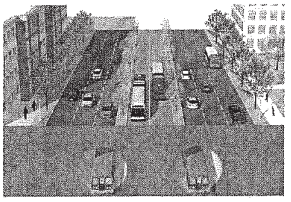


Alternative 1
Bus Rapid Transit - Curb
Bus operates in curb, dedicated transit lanes from Huntington to Pohick Road North, and in mixed traffic south of Pohick Road to Woodbridge.

Alternative 2
Bus Rapid Transit - Median
Bus operates in median in dedicated lanes for the entire length of the corridor and in mixed traffic in Prince William County.



Alternative 3
Light Rail Transit
Light rail operates in the median dedicated lanes for the entire length of the corridor.



Alternative 4
Metrorail/BRT Hybrid
In the short term, BRT operates in dedicated lanes and transitions into mixed-traffic in Prince William County. In the long term, Metrorail is added underground from Huntington to Hybla Valley.

LAND USE IMPLICATIONS

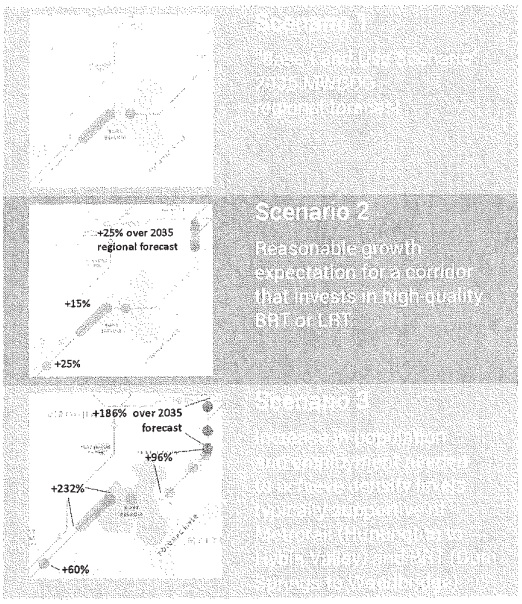
Land use and transportation planning are interconnected. To maximize the quality of public transit service, development patterns must support higher density populations, a mix of uses, and pedestrian access to stations. This study included an analysis of land use potential as one way to evaluate the multimodal alternatives.

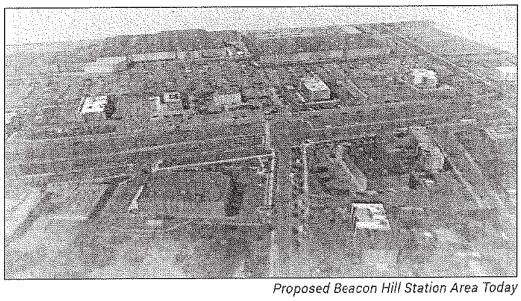
The study identified 13 potential transit stations on the corridor. The half-mile radius around each station was used for the land use analysis because it represents a typical walking distance for transit riders, and therefore a generally appropriate location for transit-oriented development. It is also the area of analysis for Federal Transit Administration (FTA) funding criteria relating to land use and economic development.

The land use analysis was carried out for three growth scenarios, which informed the evaluation of alternatives. Several key principles of transit-oriented development are reflected in illustrative land use and urban design plans for the station areas:

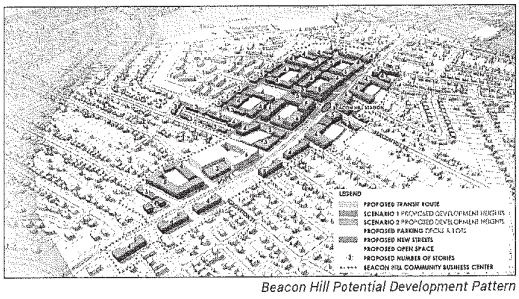
- Compact, higher-density, mixed-use development patterns, including office, retail, and residential to allow residents to live, work, and shop within the Route 1 Corridor.
- Focused growth that "steps down" as a transition from station areas to existing neighborhoods
- Street designs that allow for wide sidewalks, street trees, street furniture, well-defined crosswalks, and on-street parking, all of which promote pedestrian activity
- A street grid within the station area and to adjacent neighborhoods that allows multimodal travel within the study area, but off Route 1
- High quality parks and public spaces

Population and Employment Growth Scenarios





Proposed Beacon Hill Station Area Today



Beacon Hill Potential Development Pattern

- Urban Core (Rail)
- Urban Center (BRT/LRT)
- Large Town/Suburban Center (Express Bus)
- Medium Town/Suburban Center (Fixed Route Bus)

Source: DRPT Multimodal Design Guidelines (2013)

EVALUATION OF TRANSIT ALTERNATIVES

The evaluation process assessed how well each transit alternative and cross section addressed the project goals and objectives. It also assessed the feasibility of the alternatives.

The evaluation assessed each alternative's ability to meet the project goals and objectives by using evaluation measures that provided either quantitative or qualitative data on how well each alternative met the goals. Based on feedback from community members and other stakeholders (including Technical Advisory Committee, Executive Steering Committee, and Community Involvement Committee members), certain measures were weighted double or triple to reflect their importance.

The evaluation also included a qualitative assessment of how well each alternative supported key objectives for successful and timely implementation. Implementation factors, based on stakeholder input, reflect the likely physical/operational and financial feasibility of the project, likelihood of development levels appropriate to the type of transportation investment, and ability to secure funding for recommended improvements.

Alternatives 2 and 4 performed best overall. The full-corridor BRT service, combined with the recommended program of street and pedestrian/bicycle improvements, would provide strong mobility benefits in a cost-effective way. A long-term Metrorail extension at the north end of the corridor would provide additional mobility and support economic development.

Goals	Evaluation Measures	Alt. 1: BRT-Curb	Alt. 2: BRT-Median	Alt. 3: LRT	Alt. 4: Metrorail-BRT (Hybrid)
Goal 1: Local and regional mobility	• Project ridership* • Number of transit dependent riders* • Transit travel time savings* • Provides connection to existing transit network* • New transit riders • Person throughput • Number of riders who walked to access transit • Provides improved bicycle and pedestrian facilities	0.7	0.8	0.8	1.00
Goal 2: Safety and accessibility	• Auto Network Delay* • Pedestrian access to stops* • Pedestrian crossing time* • Auto travel time • Impacts due to turns • Preserves flexibility for bike lane	0.7	0.8	0.8	0.8
Goal 3A: Economic Development	• Potential to begin transit within 10 years** • Tendency to encourage additional development* • Jobs within 60 minutes* • Per passenger O&M cost savings with growth • Tendency to accelerate development	0.6	0.6	0.6	0.7
Goal 3B: Cost Effectiveness	• Cost per rider** • Estimated Capital Cost* • Estimated Annual O&M cost*	1.0	0.9	0.7	0.5
Goal 4: Community health and resources	• Change in VMT* • Total Right of Way* • Trips diverted from I-95 • Temporary construction impacts • Environmental benefits	0.7	0.7	0.7	0.8
Ability to Meet Project Goals - Average Score		**0.7**	**0.8**	**0.7**	**0.8**

* measure weight doubled. ** measure weight tripled.

Key Indicators	Alt. 1: BRT-Curb	Alt. 2: BRT-Median	Alt. 3: LRT	Alt. 4: Metrorail-BRT (Hybrid)
Average Weekday Ridership (2035)	15,200	16,600	18,400	26,500* (BRT 10,600; Metrorail 22,900)
Conceptual Capital Cost	$832 M	$1.01 B	$1.56 M	$2.46 B (BRT $1 B, Metrorail $1.46B)
Annual O&M Cost**	$18 M	$17 M	$24 M	$31 M (BRT $8M, Metrorail $17M)
Cost Effectiveness***	$19	$20	$27	$28 (BRT $29; Metrorail $28)

* Corridor ridership, excluding transfers between Metrorail and BRT Portions
** Each Alternative includes $5 M annual cost for Ft. Belvoir shuttle service
*** Annualized capital + operating cost per rider

RECOMMENDED MULTIMODAL ALTERNATIVE

The recommended transit alternative is a phased implementation of **Alternative 4 (Hybrid BRT-Metrorail)**, contingent upon increased future land use density:

- **Near-term: Median-running Bus Rapid Transit** would provide a cost effective transportation solution to support economic development plans.
- **Long-term: A Metrorail extension to Hybla Valley** (in addition to the BRT system) has potential to provide a higher level of local and regional mobility and support long-term corridor development.

Recommendations	Near-Term Vision	Long-Term Vision
Transit – Median-running Bus Rapid Transit System in the near-term, with a Metrorail extension to Hybla Valley in the long-term. BRT would be configured in dedicated median transitway through Fairfax County and in curb-running general purpose lanes in Prince William County.		
Pedestrian/Bicycle – 10-foot shared use path on both sides of street (may transition to on-street bicycle lanes in higher density areas).		
Vehicular – Route 1 to include consistent 3 lanes in either direction.		

Recommended Cross-Section

Notes:
[1]The multiuse path may transition to on-street bicycle lanes in higher density areas.

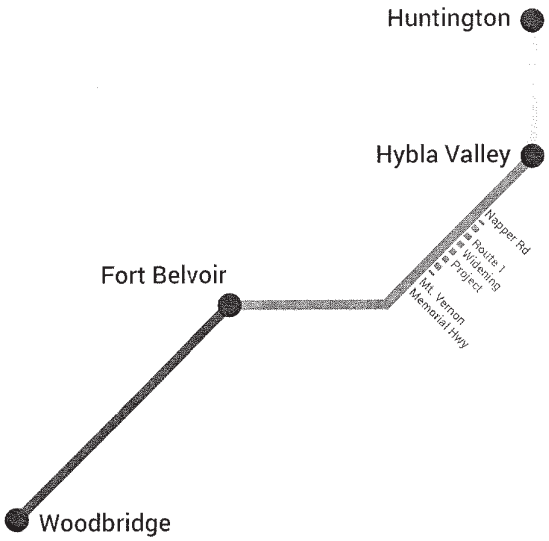
[2]Curb-running BRT within the Prince William County portion.

POTENTIAL TIMELINE AND ESTIMATED COSTS

The recommendation calls for a four-phase approach to implementation. The BRT system, roadway widening, and pedestrian/bicycle facilities will be implemented during the first three phases (through 2032), with the Metrorail extension in the 2040 timeframe.

The recommended projects would require funding from a range of sources, including local, regional, state, and federal funds. These transit project elements are potentially competitive for federal funding through the FTA Capital Investment Program, which historically funded transit projects at 50 percent of project capital costs. Local, regional, and state contributions would also be necessary. The funding mix for roadway/vehicular improvements may include state, federal formula, regional and local funds.

Phasing Timeline



BRT Phase I (2026)
Huntington to Hybla Valley

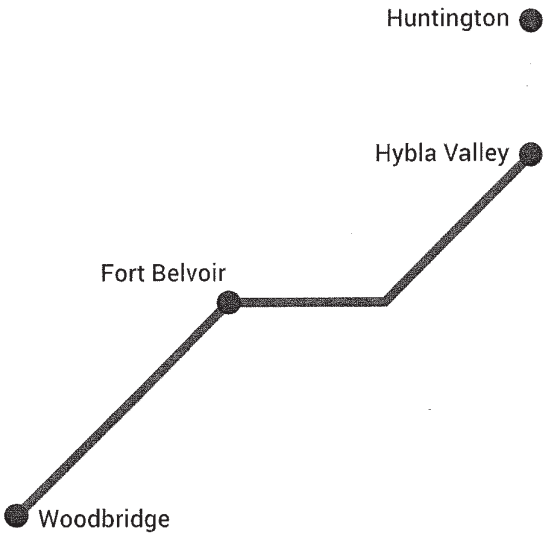
$306M, 3.1 miles

BRT Phase II (2028)
Hybla Valley to Fort Belvoir

$224M, 7.3 miles

BRT Phase III (2032)
Fort Belvoir to Woodbridge

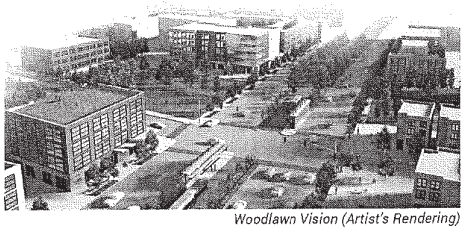
$472M, 4.6 miles



Metrorail Phase IV (2040)
Metrorail Yellow Line Extension to Hybla Valley

$1.46B, 3.1 miles

Note: The recommendation calls for implementation of the vehicular, bicycle, and pedestrian improvements at the same time, if not before, the phased transit improvements.



Woodlawn Vision (Artist's Rendering)

RECOMMENDATIONS FOR SUCCESSFUL IMPLEMENTATION

Study findings include several supporting recommendations that would be necessary for successful implementation. One key finding is that a Metrorail Yellow Line extension to Woodbridge along Route 1 (a 15-mile extension) would not be feasible. In keeping with the Prince William County Comprehensive Plan, a potential Metrorail Blue Line extension could be considered in a subsequent study.

Successful implementation for all phases will require sustained and coordinated effort in three key areas: land use and economic development, transportation investment, and financial planning.

LAND USE AND ECONOMIC DEVELOPMENT ACTIONS

Every transportation action affects land use, and all land use actions have transportation implications.

An integrated vision for the Route 1 corridor will guide actions to maximize economic development potential by creating a range of housing and commercial opportunities within the corridor. These recommendations build on the principles laid out in the Fairfax County and Prince William County Comprehensive Plans.

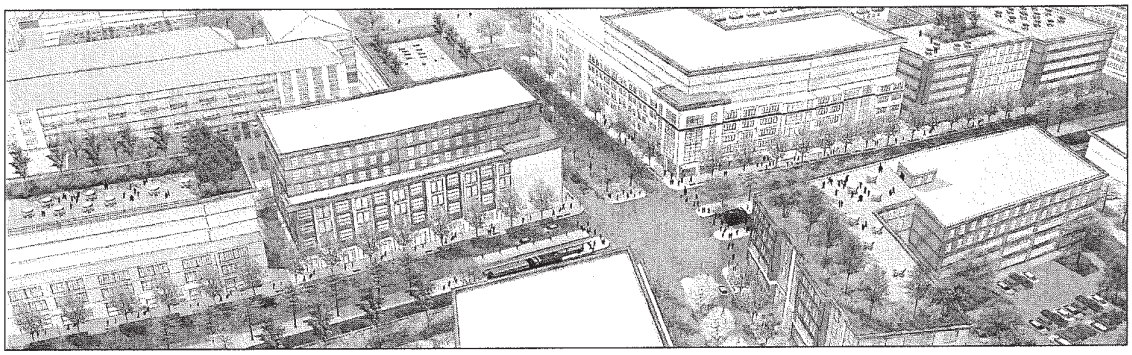
Market Absorption Study – Identify future land use and development scenarios that are desirable from a TOD and Smart Growth standpoint and feasible from a development standpoint.

Comprehensive Plan Updates – Revisit Plan documents in light of the Locally Preferred Alternative for transit and transportation. Develop policies to implement the Plan in the Route 1 corridor. Key elements include:

- Station locations and specific station area plans
- Infrastructure requirements (schools, public safety, parks, and other critical public investments)
- Urban design regulations and parking policies
- Future Local Street Network

Economic Development Activity – Implement incentives and guidance to encourage denser, mixed-use development around proposed transit stations. The Inova Mount Vernon Hospital and the expansions at Fort Belvoir provide an initial economic attraction in the corridor. Additional focused investment would define centers of economic and community activity.

Affordable Housing – Preserve and increase affordable housing. In a growing region, the corridor will continue to attract a new generation of residents and businesses. With the complementary goals of equity and economic development, both jurisdictions should ensure that affordable housing is included as part of market-rate development.



Beacon Hill Vision (Artist's Rendering)

TRANSPORTATION ACTIONS

Travel along and within the current Route 1 corridor relies heavily on the Route 1 right-of-way. These recommendations outline changes along Route 1 that will safely and efficiently accommodate all modes of transportation.

Transit Investment – Advance the next stage of transit project development, and continue to coordinate actively across agencies. Phased construction/reconstruction of Route 1 will include a systematic effort to preserve right-of-way and remove utility conflicts for median-running BRT.

Bicycle and Pedestrian Improvements – Continue near-term County programs to improve sidewalks and bicycle facilities, prioritizing immediate small-scale connections to improve safety and access. Phase construction of continuous sidewalks and multiuse paths along Route 1 in step with transit and roadway projects.

Supporting Street Grid – Expand the local street network to provide better connections to local destinations. Route 1 traffic congestion is the combination of local and through travel. A more connected system of walkable streets provides alternatives for local trips and supports access to transit stations.

Right-of-Way Preservation – Establish the future right-of-way limits for the proposed Route 1 multimodal needs. As land values continue to rise in this area, protective buying will secure the corridor for future investment and create a specific framework for private development and redevelopment activity.

Roadway Widening – Advance roadway widening projects to achieve the vision for a consistent six-lane vehicular cross-section, providing three travel lanes in each direction. Coordinate with transit, bicycle, and pedestrian facility improvements.

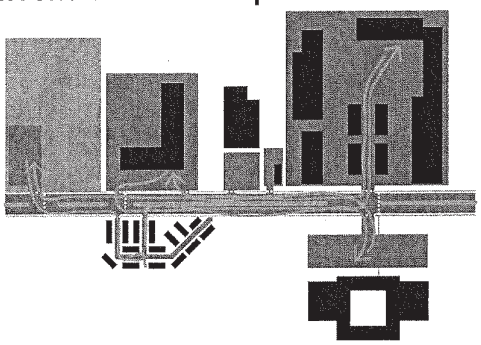
PROJECT FUNDING ACTIONS

An initial funding analysis shows that implementation of the recommended transportation projects will require funding from a range of sources.

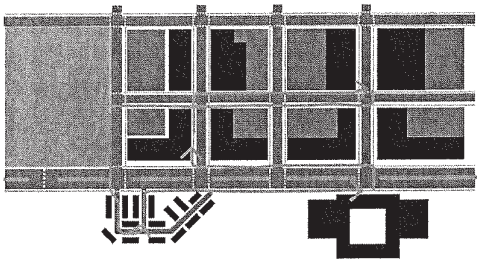
For typical County-sponsored transportation improvements, funds from local, regional, state, and federal sources are combined, incorporated into the County Capital Improvement Programs, and applied to the projects. The Route 1 corridor improvements are also expected to rely on regional funding through the Northern Virginia Transportation Authority (NVTA), state funding through DRPT and VDOT, and federal funding through the FTA Capital Investment (New Starts/Small Starts) program, the National Highway Performance Program, and other Federal sources.

Next steps are to identify funding for the environmental documentation and conceptual engineering phase of the project, and during that phase, to continue refining the assumed sources and amounts of capital and operating funding.

Conventional Development



Grid Pattern, Mixed-Use Development



NEXT STEPS

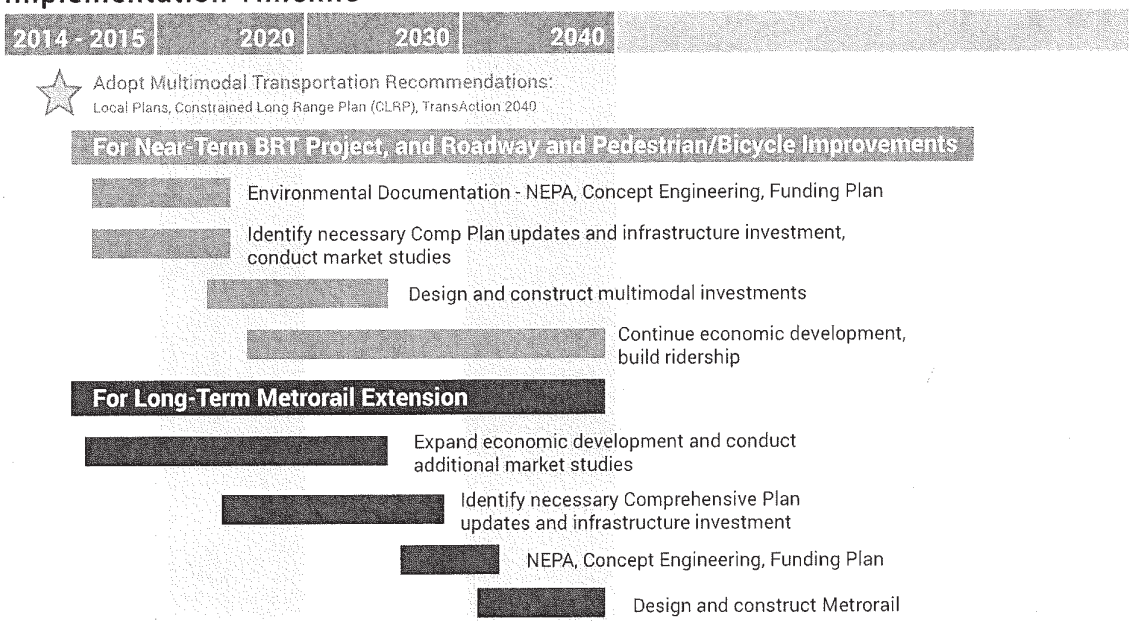
The timeline below illustrates a framework of implementation steps for the near-term BRT project, the long-term Metrorail extension, and the roadway and bicycle/pedestrian improvements. The immediate next phases of project development are accompanied by the recommended market absorption study and Comprehensive Plan updates.

The recommendations of this study recognize that many related corridor improvements are already underway. Roadway widening, a robust program of pedestrian and bicycle improvements, intersection upgrades, and transit service refinements are examples of the ongoing improvements being carried out by County and State agencies.

The next steps towards project implementation include:

- Forward study recommendations to local governments for endorsement and implementation
- Begin to incorporate recommendations in local, regional, and state plans
- Coordinate environmental documentation "Class of Action" with responsible federal agencies: FTA and FHWA
- Initiate environmental documentation for Phases I and II (Huntington to Fort Belvoir)
- Conduct corridor-wide market absorption study
- Initiate Comprehensive Plan updates
- Conduct a right-of-way survey to define potential impacts and create structure for public corridor preservation and private parcel consolidation

Implementation Timeline



Fairfax County Route 1 MM Analysis
Timeline and Approach

County DRAFT to be Coordinated with VDOT, VDRPT, FHWA & FTA - April 14, 2015

Timeline*:

Task	Lead	Task	Year 1 (May2015-FY16)		Year 2 (FY2017)		Year 3 (FY2018)		Year 4 (FY2019)	
			8 MOS	6 MOS	6 MOS	6 MOS	6 MOS	6 MOS	6 MOS	6 MOS
1	FCDOT	EA Tier 1								
2A	VDOT	Roadway Widening Design								
2B	FCDOT	EA Tier 2 - Road Widening								
3A	FCDOT	BRT Design								
3B	FCDOT	EA Tier 2 - BRT								
4	FCDOT	Station Templates								
5	FCDOT	Station Locations								
6	DPZ	Metrorail policy guidance								
7	FCDOT	Cross section/ROW impact								
8	DPZ	Corridor Land Use (LU) Concepts								
9	DPZ	COG Forecast								
10	FCDOT, OCR	Transportation Analysis and Grid								
11	OCR	Corridor Design Guidelines								
12	DPZ	Staff Report (ongoing)								
13	DPZ	Public Hearings								

*Subject to review and approval by VDOT, FHWA, FTA, VDRPT

Attachment III

Approach:

1- EA Tier 1 – Conduct high-level, programmatic Tier 1 Environmental Assessment (EA) for Route 1 (and North Kings Highway) corridor, from Huntington Metrorail Station to Fort Belvoir (BRT & Roadway Widening).

2A- Roadway Widening Design - Perform 10% (in support of Tier 1 EA) and 30% (in support of Tier 2) design for roadway-widening segment of Route 1, from Mount Vernon Memorial Highway (VA 235) to Napper Road.

2B- EA Tier2 Roadway Widening – Conduct roadway widening-specific Tier 2 EA for segment of Route 1, from Mount Vernon Memorial Highway (VA 235) to Napper Road.

3A- BRT Design - Perform 10% (in support of Tier 1 EA) and 30% (in support of Tier 2) design for BRT in the Route 1 (and North Kings Highway) corridor, from Huntington Metrorail Station to Fort Belvoir.

3B- EA Tier 2 BRT– Conduct bus rapid transit (BRT) specific Tier 2 EA for Route 1 (and North Kings Highway) corridor, from Huntington Metrorail Station to Fort Belvoir.

4- Develop station templates
   a. Templates may vary according to station type

5- Verify station locations identified in VDRPT Study; Refine station locations based on field analysis, survey information, and station templates

6- Develop general, BRT and Metrorail supportive Comprehensive Plan text
   a. Develop general text for future study of Metrorail from the Huntington Metrorail Station to Hybla Valley
   b. Develop/refine Comp Plan policy text using transit supportive objectives (e.g., parking, connectivity, affordable housing, jobs/housing balance)

7- Develop and refine cross sections for segment from Huntington Metrorail Station to Fort Belvoir/Accotink Village
   a. Conduct ground survey
   b. Include dimensions for ROW, streetscape, bicycle and pedestrian facilities
   c. Determine preliminary ROW impact on and acquisition cost for affected properties

8- Quantify corridor land use concepts for analysis
   a. Existing
   b. 2035
   c. 2035 plus BRT
   d. 2035 plus in-house variation

   Refine land use concepts for stations by allocating corridor concepts
   a. Develop building height and massing guidance

9- Submit revised land use forecasts to COG
   a. Assume land use (15-25% AECOM Assumption) or more refined

10- Perform transportation analysis and design station street grids
   a. North Kings Highway
   b. Route 1
   c. Secondary streets
   d. Parallel capacity needs
   e. Street connections
   f. Conceptual grid

11- Prepare Urban Design and Streetscape Guidelines
   a. Incorporate VDRPT road standards
   b. Revise existing text in Area Plan and Policy Plan

12- Synthesize Recommendations/Prepare Plan Amendment Staff Report

13- Schedule Comprehensive Plan amendment public hearings

Board Agenda Item
May 12, 2015

ACTION - 4

Approval of a Project Funding Agreement with the Northern Virginia Transportation Authority for the Innovation Center Metrorail Station Project (Dranesville District)

ISSUE:
Board of Supervisors' authorization for the County Executive or his designee to sign a project funding agreement substantially in the form of Attachment I with the Northern Virginia Transportation Authority (NVTA) for $41 million in funding for the Innovation Center Metrorail Station.

RECOMMENDATION:
The County Executive recommends that the Board approve a resolution authorizing the County Executive or his designee to execute a project funding agreement, in substantial form, with NVTA for $41 million in funding for the Innovation Center Metrorail Station.

TIMING:
The Board of Supervisors should act on this item on May 12, 2015, so that NVTA can release funding for the Innovation Center Metrorail Station project.

BACKGROUND:
In November 2011, in an effort to reduce the burden of the Phase 2 construction costs on Dulles Toll Road users, the Funding Partners, USDOT, the Commonwealth, and the Washington Metropolitan Area Transit Authority (WMATA) entered into a Memorandum of Agreement (MOA). Fairfax County agreed to use its best efforts to seek additional funding sources (i.e., other than Funding Partner or Dulles Toll Road revenues) to pay the cost of certain features of Phase 2, such as the Innovation Center Station and the parking garages to be located at the Herndon and Innovation Center Stations. The County's application for NVTA funding toward the Innovation Center Metrorail Station is consistent with the best efforts request for additional funding sources as part of the MOA.

HB 2313 (2013) directs the NVTA to use 70 percent of the revenue collected from the three Northern Virginia taxes and fees for (i) transportation projects selected by NVTA that are contained in the regional transportation plan or (ii) mass transit capital projects that increase capacity.

On July 24, 2013, the Authority approved its FY 2014 program, which included approximately $210 million for 33 projects across Northern Virginia. The program included $41 million for the Innovation Center Metrorail Station and ancillary facilities project. The description sheet for this approved project is included as Attachment III.

To facilitate the implementation of the regionally funded projects, NVTA and jurisdictional staff developed a Standard Project Agreement (SPA) to govern the terms and conditions associated with the funding the Authority approves for these regional projects. The SPA is based on the requirements of HB 2313, but it also includes practical provisions associated with the implementation of the law and standard contract language. County staff was extensively involved in drafting this SPA, and in subsequently tailoring it for the Innovation Center Station project.

The major provisions of the SPA provide that the County will:

- Perform work in accordance with all applicable federal, state, and local laws and regulations, the SPA and the Project Description Sheet;
- Perform or have performed all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, or capital asset acquisition necessary to complete the project;
- Update project cash flow requirements periodically;
- Provide requests for payment consistent with the approved cash flow for a project on standard requisition forms;
- Notify NVTA's Executive Director of any additional project costs resulting from unanticipated circumstances. NVTA will decide whether to fund these additional costs, but only in accordance with NVTA's project selection process;
- Release or return any unexpended funds to NVTA no later than 90 days following final payment to contractors;
- Certify that any matching funds required for the project have been secured;
- Reimburse NVTA (with interest) for any funds misapplied or not used in accordance with the statutes governing NVTA's revenues;
- Certify that the County will use the project for its intended purpose for the duration of its useful life or reimburse NVTA for the residual value of the asset based on its depreciated value;
- Acknowledge that NVTA will not be responsible for operating or maintaining the project upon completion;
- Obtain all necessary permits or permissions necessary for construction and/or operating the project;
- Comply with all applicable federal and state funding requirements, if such other sources are used to fund the project;
- Certify that it has adhered to all applicable laws and regulations, as well as the requirements of the agreement.

The SPA provides that NVTA will:

- Provide funding for the project on a reimbursement basis, as outlined in the project agreement, project budget and cash flow as original or subsequently approved;
- Assign a project coordinator to monitor the project to ensure compliance with the agreement and review payment requisitions;
- Make project payments within 20 days, if the payment requisition is sufficient;
- Notify recipient of reasons a payment requisition is declined;
- Consider additional payment requests recommended by the Executive Director and the Finance Committee;
- Conduct periodic reviews of the project to ensure that it remains in compliance with the agreed-upon project scope;
- Advise the recipient in writing of any misused or misapplied funding and make recommendations to the Finance Committee, if the issue(s) is not resolved, and withhold additional funding for the project until final resolution of the matter.
- Secure reimbursement (with interest) of any misused or misapplied funding;
- Make guidelines available to assist with complying with the terms of the agreement.

The SPA was approved by NVTA on March 13, 2014. A specific project agreement must be executed for each project approved by NVTA.

The approved NVTA project provides funding for design, right-of-way, and construction of the Innovation Center Metrorail Station, including: bus bay facilities, bicycle parking, kiss-and-ride, taxi waiting areas, and pedestrian walkways, bridges and station entrances from both the north and south sides of the Dulles Airport Access Highway/Dulles Toll Road. The Metropolitan Washington Airports Authority (MWAA) is administering the majority of the project, but the County is also undertaking some of this work. As such, in addition to the project agreement between the County and NVTA, the County must execute a Project Funding Agreement with MWAA. Many of the requirements provided for in the NVTA SPA must be made part of the County's Project Agreement with MWAA. Therefore, many of the provisions will be similar. Once that agreement is executed, NVTA will be able to distribute $33 million in funds (as a reimbursement) directly to MWAA, at the direction of the County. County staff expects to bring the Innovation Center Station project agreement with MWAA to the Board for consideration in early Summer 2015.

However, note that because the MWAA, and not the County, will be the contracting party for $33 million of the work to be paid for with NVTA funds, there may need to be some modifications made to the NVTA SPA presented as Attachment I to reflect that fact. Accordingly, the proposed resolution authorizes the County Executive to execute a project agreement with NVTA that is substantially in the form of Attachment I.

Board Agenda Item
May 12, 2015

FISCAL IMPACT:
Of the $41 million in funding to be provided by NVTA, the County will receive $8 million as a reimbursement for construction undertaken by the County as part of the approved project. NVTA monies reimbursed to the County will be allocated to the County and Regional Transportation Projects Fund (40010).The remaining $33 million will be provided by NVTA to MWAA, at the direction of the County, for other design and construction work for the Innovation Center Metrorail Station. The NVTA funds will be credited to the various funding partners in accordance with their Funding Agreement of July 2007.

ENCLOSED DOCUMENTS:
Attachment I: Project Agreement, including Related Appendices, with the Northern Virginia Transportation Authority
Attachment II: Resolution to Execute Agreement with the Northern Virginia Transportation Authority
Attachment III: Approved Project Description Sheet for the Innovation Center Metrorail Station

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Joe LaHait, Debt Coordinator, Department of Management and Budget
James V. McGettrick, Assistant County Attorney
Erin C. Ward, Senior Assistant County Attorney
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Mark Canale, Dulles Rail Project Manager, FCDOT
Ellen Posner, Coordination and Funding Division, FCDOT
Noelle Dominguez, Coordination and Funding Division, FCDOT
Ray Johnson, Coordination and Funding Division, FCDOT

Standard Project Agreement for Funding and Administration
between
Northern Virginia Transportation Authority
and
County of Fairfax, Virginia
(Recipient Entity)

NVTA Project Number: _____

This Standard Project Agreement for Funding and Administration ("this Agreement") is made and executed in duplicate on this_____ day of _____, 20 15, as between the Northern Virginia Transportation Authority ("NVTA") and County of Fairfax, Virginia ("Recipient Entity").

WITNESSETH

WHEREAS, NVTA is a political subdivision of the Commonwealth of Virginia created by the Northern Virginia Transportation Authority Act ("the NVTA Act"), Chapter 48.2 of Title 33.2 of the Code of Virginia, as amended;

WHEREAS, Section 33.2-2500(4) of the Code of Virginia authorizes NVTA to enter into project agreements with certain statutorily designated entities for the provision of transportation facilities and services to the area embraced by NVTA;

WHEREAS, Section 33.2-2509 of the Code of Virginia authorizes NVTA to use funds from a fund established pursuant to that Code section (the "NVTA Fund") in order to assist in the financing, in whole or in part, of certain regional transportation projects in accordance with Code Section 33.2-2510;

WHEREAS, the NVTA Fund provides for the deposit therein of certain dedicated revenues and other funds appropriated by the Virginia General Assembly;

WHEREAS, Section 33.2-2510 of the Code of Virginia authorizes the use of funds from the NVTA Fund and the use of proceeds from NVTA debt issuances ("NVTA Bond Proceeds") to be used by NVTA solely for transportation purposes benefitting those counties and cities embraced by NVTA;

WHEREAS, the Project set forth and described on Appendix A to this Agreement ('the Project") satisfies the requirements of Virginia Code Section 33.2-2510;

WHEREAS, the Project is to be financed, as described in Appendix B, in whole or in part, by funds from the NVTA Fund and/or from NVTA Bond Proceeds, is located within a locality embraced by NVTA's geographical borders, or is located in an adjacent locality, but only to the extent that any such extension is an insubstantial part of the Project and is essential to the viability of the Project within the localities embraced by NVTA;

WHEREAS, _____Fairfax County_____ formally requested that NVTA provide funding to the Project by timely submitting an application for NVTA funding in response to NVTA's call for projects;

WHEREAS, NVTA has reviewed _____Fairfax County_____'s application for funding and has approved _____Fairfax County_____'s administration and performance of the Project's described scope of work;

WHEREAS, based on the information provided by _____Fairfax County_____, NVTA has determined that the Project complies with all requirements of the NVTA Act related to the use of moneys identified in Virginia Code Sections 33.2-2510(A)(C)1 and all other applicable legal requirements;

WHEREAS, the funds to be provided by NVTA described in Appendix B have been duly authorized and directed by _____Fairfax County_____ to finance the Project;

WHEREAS, NVTA agrees that _____Fairfax County_____ will design and/or construct the Project or perform such other specific work for the Project and _____Fairfax County_____ agrees that it will perform such work on the terms and conditions set forth in this Agreement and the Appendices appended thereto;

WHEREAS, both parties have concurred in the _____Fairfax County_____'s administration, performance, and completion of the Project on the terms and conditions set forth in this Agreement and its Appendices and in accordance with all applicable federal, state, and local laws and regulations; and

WHEREAS, NVTA's governing body and _____Fairfax County_____'s governing body have each authorized that their respective designee(s) execute this agreement on their respective behalf(s) as evinced by copies of each such entity's clerk's minutes which are appended hereto as Appendix E;.

NOW THEREFORE, in consideration of the promises made mutual covenants, and agreements contained herein, the parties hereto agree as follows:

A. Recipient Entity's Obligations

Fairfax County shall:

I. Complete or perform all said work as described in Appendix A, advancing such work diligently and ensuring that all work is completed in accordance with all applicable federal, state, and local laws and regulations, and all terms and conditions of this Agreement.

2. Ensure that all work performed or to be performed under this Agreement is in accordance with the Project Description Sheets attached to Appendix A and complies with Va. Code Ann. Sections 33.2-2510(A),(C)1.

3. Perform or have performed, and remit all payment requisitions and other requests for funding for design and engineering, including all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, or capital asset acquisitions for the Project, as is required by this Agreement and that may be necessary for completion of the Project.

4. Not use the NVTA funds specified on Appendix B to pay any Project cost if the NVTA Act does not permit such Project cost to be paid with NVTA funds.

5. Recognize that, if the Project contains "multiple phases" (as such "multiple phases" are defined for the Project on Appendix A), for which NVTA will provide funding for such multiple phases (as set forth on Appendix B), NVTA may not provide funding to Fairfax County to advance the Project to the next phase until the current phase is completed. In any circumstance where Fairfax County seeks to advance a Project to the next phase using NVTA funds, Fairfax County shall submit a written request to NVTA's Executive Director explaining the need for NVTA's funding of an advanced phase. NVTA's Executive Director will thereafter review the circumstances underlying the request in conjunction with Appendix B and NVTA's current and projected cash flow position and make a recommendation to NVTA whether to authorize the requested advance phase funding. Nothing herein, however, shall prohibit Fairfax County from providing its own funds to

advance a future phase of the Project and from requesting reimbursement from NVTA for having advance funded a future phase of the Project. However, _____Fairfax County_____ further recognizes that NVTA's reimbursement to _____Fairfax County_____ for having advance funded a Project phase will be dependent upon NVTA's cash flow position at the time such a request for reimbursement is submitted and to the extent that any such advanced funding is consistent with Appendix B.

6. Acknowledge that NVTA's Executive Director will periodically update NVTA's project cash flow estimates with the objective toward keeping those estimates accurate throughout the life of the Project. _____Fairfax County_____ shall provide all information required by NVTA so as to ensure and facilitate accurate cash flow estimates and accurate updates to those cash flow estimates throughout the life of the Project as described in Appendix B.

7. Provide to NVTA requests for payment consistent with Appendix B and the most recently approved NVTA cash flow estimates that include NVTA's standard payment requisition(s), containing detailed summaries of actual project costs incurred with supporting documentation as determined by NVTA and that certify all such costs were incurred in the performance of work for the Project as authorized by this Agreement. Each payment requisition shall be in substantially the same form as set forth in Appendix C of this Agreement. If approved by NVTA, _____Fairfax County_____ can expect to receive payment within twenty (20) days upon receipt by NVTA. Approved payments may be made by means of electronic transfer of funds from NVTA to or for the account of _____Fairfax County_____.

8. Promptly notify NVTA's Executive Director of any additional project costs resulting from unanticipated circumstances and provide to NVTA detailed estimates of additional costs associated with those circumstances. _____Fairfax County_____ understands that it will be within NVTA's sole discretion whether to provide any additional funding to the Project in such circumstances and that NVTA will do so only in accordance with NVTA's approved Project Selection Process and upon formal action and approval by NVTA. _____Fairfax County_____ shall timely provide to NVTA a

complete and accurate update to Appendix B, if NVTA approves funding of any additional Project costs for the Project under this Paragraph.

9. Release or return any unexpended funds to NVTA no later than 90 days after final payment has been made to the contractors.

10. Review and acknowledge the requirements of NVTA Resolution No. 14-08 adopted January 23, 2014; to wit that, if applicable to _____Fairfax County_____'s Project: a) Prior to any NVTA funds being released for a project that may be part of a larger project, projects, or system undertaken with an extra-territorial funding partner, all such extra-territorial funding partners must commit to pay their appropriate, respective proportionate share or shares of the larger project or system cost commensurate with the benefits to each on a basis agreed upon by the NVTA member localities; b) any such funds released by NVTA for such project will be in addition to the funds that the NVTA member locality is to receive from or be credited with by the extra-territorial funding partner for the project or system; and c) there shall be no funding made available by NVTA until such time as all extra-territorial funding partners for such project or system pay or officially commit to fund their appropriate, respective proportionate shares of such large project or system commensurate with the benefits to each on a basis agreed upon with NVTA.

11. Should _____Fairfax County_____ be required to provide matching funds in order to proceed or complete the funding necessary for the Project, _____Fairfax County_____ shall certify to NVTA that all such matching funds have been either authorized and/or appropriated by _____Fairfax County_____s governing body or have been obtained through another, independent funding source;

12. Maintain complete and accurate financial records relative to the Project for all time periods as may be required by the Virginia Public Records Act and by all other applicable state or federal records retention laws or regulations, unless superseded by the laws that govern _____Fairfax County_____ and provide copies of any such financial records to NVTA, free of charge, upon request.

13. Maintain all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the Project for the time periods required by the Virginia Public Records Act and any other applicable records retention laws or regulations, unless superseded by the laws that govern _____Fairfax County_____; and provide to NVTA copies of all such drawings and plans free of charge, upon request.

14. Reimburse NVTA for all NVTA funds (with interest earned at the rate earned by NVTA) that _____Fairfax County_____ misapplied or used in contravention of Sections 33.2-2500 *et. seq*. of the Virginia Code ("the NVTA Act") Chapter 766 of the 2013 Virginia Acts of Assembly ("Chapter 766"), or any term or condition of this Agreement.

15. Name NVTA and its Bond Trustee or require that all _____Fairfax County_____'s contractors name NVTA or its Bond Trustee as an additional insured on any insurance policy issued for the work to be performed by or on behalf of _____Fairfax County_____ for the Project and present NVTA with satisfactory evidence thereof before any work on the Project commences or continues.

16. Give notice to NVTA that _____Fairfax County_____ may use NVTA funds to pay outside legal counsel services (as opposed to utilizing the services of its own in-house counsel or NVTA's in-house legal counsel) in connection with the work performed under this Agreement _____Fairfax County_____ so as to ensure that no conflict of interest may arise from any such representation.

17. Provide certification to NVTA, that upon final payment to all contractors for the Project, _____Fairfax County_____ will use the Project for its intended purposes for the duration of the Project's useful life. Under no circumstances will NVTA be considered responsible or obligated to operate and/or maintain the Project after its completion.

18. Comply with all requirements of the Virginia Public Procurement Act and other applicable Virginia Code provisions, or local ordinances which govern the letting of public contracts, unless superseded by the laws that govern _____Fairfax County_____.

19. Acknowledge that if the Project is being funded in whole or in part by NVTA Bond Proceeds, comply with the tax covenants attached as Appendix D.

20. Acknowledge that if _____Fairfax County_____ expects and/or intends that the Project is to be submitted for acceptance by the Commonwealth into its system that _____Fairfax County_____ agrees to comply with the Virginia Department of Transportation's (" VDOT's") "Standards, Requirements and Guidance."

21. Recognize that _____Fairfax County_____ is solely responsible for obtaining all permits and permissions necessary to construct and/or operate the Project, including but not limited to, obtaining all required VDOT and local land use permits, applications for zoning approvals, and regulatory approvals.

22. Recognize that if _____Fairfax County_____ is funding the Project, in whole or in part, with federal and/or state funds, in addition to NVTA funds and/or NVTA Bond Proceeds that _____Fairfax County_____ will need to comply with all federal and Commonwealth funding requirements, including but not limited to, the completion and execution of VDOT's Standard Project Administration Agreement and acknowledges that NVTA will not be a party or signatory to that Agreement; nor will NVTA have any obligation to comply with the requirements of that Agreement.

23. Provide a certification to NVTA no later than 90 days after final payment to the contractors that _____Fairfax County_____ adhered to all applicable laws and regulations and all requirements of this Agreement.

B. <u>NVTA's Obligations</u>

NVTA shall:

I. Provide to _____Fairfax County_____ the funding authorized by NVTA for design work, engineering, including all environmental work, all right-of-way acquisition, inspection services, testing services, construction, and/or capital asset acquisition(s) on a reimbursement basis as set forth in this Agreement and as specified in the Project Budget and Cash Flow contained in

Appendix B to this Agreement or the most updated amendment thereto, as approved by NVTA.

2. Assign a Program Coordinator for the Project. NVTA's Program Coordinator will be responsible for monitoring the Project on behalf of NVTA so as to ensure compliance with this Agreement and all NVTA's requirements and with overseeing, managing, reviewing, and processing, in consultation with NVTA's Executive Director and its Chief Financial Officer ("CFO") , all payment requisitions submitted by _____Fairfax County_____ for the Project. NVTA's Program Coordinator will have no independent authority to direct changes or make additions, modifications, or revisions to the Project Scope of Work as set forth on Appendix A or to the Project Budget and Cash Flow as set forth on Appendix B.

3. Route to NVTA's assigned Program Coordinator all _____Fairfax County_____'s payment requisitions, containing detailed summaries of actual Project costs incurred which are in substantially the same form as shown on Appendix C submitted to NVTA for the Project. After submission to NVTA, NVTA's Program Coordinator will conduct an initial review of all payment requisitions and supporting documentation for the Project in order to determine the submission's legal and documentary sufficiency. NVTA's Program Coordinator will then make a recommendation to the NVTA's CFO and Executive Director whether to authorize payment, refuse payment, or seek additional information from _____Fairfax County_____. If the payment requisition is sufficient as submitted, payment will be made within twenty (20) days from receipt. If the payment requisition is deemed insufficient, within twenty (20) days from receipt, NVTA's Program Coordinator will notify _____Fairfax County_____ in writing and set forth the reasons why the payment requisition was declined or why and what specific additional information is needed for processing the payment request. Payment will be withheld until all deficiencies identified by NVTA have been corrected. Under no circumstances will NVTA authorize payment for any work performed by or on behalf of _____Fairfax County_____ that is not in conformity with the requirements of the NVTA Act, Chapter 766, or this Agreement.

4. Route all _____Fairfax County_____'s supplemental requests for funding from NVTA under Paragraphs A.5 and A.8 of this Agreement to NVTA's Executive Director. NVTA's Executive Director will initially review those requests and all supporting documentation with NVTA's CFO. After such initial review, NVTA's Executive Director will make a recommendation to NVTA's Finance Committee for its independent consideration and review. NVTA's Finance Committee will thereafter make a recommendation on any such request to NVTA for final determination by NVTA.

5. Conduct periodic compliance reviews scheduled in advance for the Project so as to determine whether the work being performed remains within the scope of this Agreement, the NVTA Act, Chapter 766, and other applicable law. Such compliance reviews may entail review of _____Fairfax County_____'s financial records for the Project and on -site inspections.

6. Acknowledge that if, as a result of NVTA's review of any payment requisition or of any NVTA compliance review, NVTA staff determines that _____Fairfax County_____ has misused or misapplied any NVTA funds in derogation of this Agreement or in contravention of the NVTA Act, Chapter 766 or applicable law, NVTA staff will promptly advise NVTA's Executive Director and will advise _____Fairfax County_____'s designated representative in writing. _____Fairfax County_____ will thereafter have thirty (30) days to respond in writing to NVTA's initial findings. NVTA's staff will review _____Fairfax County_____'s response and make a recommendation to NVTA's Finance Committee. NVTA's Finance Committee will thereafter conduct its own review of all submissions and make a recommendation to NVTA. Pending final resolution of the matter, NVTA will withhold further funding on the Project. If NVTA makes a final determination that _____Fairfax County_____ has misused or misapplied funds in contravention of this Agreement, the NVTA Act, Chapter 766, or other applicable law, NVTA will cease further funding for the Project and will seek reimbursement from _____Fairfax County_____ of all funds previously remitted by NVTA (with interest earned at the rate earned by NVTA) which were misapplied or misused by _____Fairfax County_____. Nothing herein shall, however, be construed as denying, restricting or limiting the pursuit of either party's legal rights or available legal remedies.

7. Make guidelines available to _____Fairfax County_____ to assist the parties in carrying out the terms of this Agreement in accordance with applicable law.

8. Upon recipient's final payment to all contractors, retain copies of all contracts, financial records, design, construction, and as-built project drawings and plans for the Project for the time periods required by the Virginia Public Records Act and as may be required by other applicable records retention laws and regulations.

9. Be the sole determinant of the amount and source of NVTA funds to be provided and allocated to the Project and the amounts of any NVTA funds to be provided in excess of the amounts specified in Appendix B.

C. Term

1. This Agreement shall be effective upon adoption and execution by both parties.

2. _____Fairfax County_____ may terminate this Agreement, for cause, in the event of a material breach by NVTA of this Agreement. If so terminated, NVTA shall pay for all Project costs incurred through the date of termination and all reasonable costs incurred by _____Fairfax County_____ to terminate all Project related contracts. The Virginia General Assembly's failure to appropriate funds to NVTA as described in paragraph F of this Agreement or repeal of the legislation establishing the NVTA fund created pursuant to Chapter 766 shall not be considered material breaches of this Agreement by NVTA. Before initiating any proceedings to terminate under this Paragraph, _____Fairfax County_____ shall give NVTA sixty (60) days written notice of any claimed material breach of this Agreement; thereby allowing NVTA an opportunity to investigate and cure any such alleged breach.

3. NVTA may terminate this Agreement, for cause, resulting from _____Fairfax County_____'s material breach of this Agreement. If so terminated, _____Fairfax County_____ shall refund to NVTA all funds NVTA provided to _____Fairfax County_____ for the Project (including interest earned at the rate earned by NVTA). NVTA will provide _____Fairfax County_____ with sixty (60) days written notice that NVTA is exercising its rights to terminate this Agreement and the reasons for termination. Prior to termination, _____Fairfax County_____ may

request that NVTA excuse _____Fairfax County_____ from refunding all funds NVTA provided to _____Fairfax County_____ for the Project based upon _____Fairfax County_____'s substantial completion of the Project or severable portions thereof; and NVTA may, in its sole discretion, excuse _____Fairfax County_____ from refunding all or a portion of the funds NVTA provided to _____Fairfax County_____ for the Project. No such request to be excused from refunding will be allowed where _____Fairfax County_____ has either misused or misapplied NVTA funds in contravention of applicable law.

4. Upon termination and payment of all eligible expenses as set forth in Paragraph C.3 above, _____Fairfax County_____ will release or return to NVTA all unexpended NVTA funds with interest earned at the rate earned by NVTA no later than sixty (60) days after the date of termination.

D. Dispute

In the event of a dispute under this Agreement, the parties agree to meet and confer in order to ascertain if the dispute can be resolved informally without the need of a third party or judicial intervention. NVTA's Executive Director and _____Fairfax County_____'s Chief Executive Officer or Chief Administrative Officer shall be authorized to conduct negotiations on behalf of their respective entities. If a resolution of the dispute is reached via a meet and confer dispute resolution method, it shall be presented to NVTA and to _____Fairfax County_____'s governing body for formal confirmation and approval. If no satisfactory resolution can be reached via the meet and confer method, either party is free to pursue whatever remedies it may have at law, including all judicial remedies.

E. NVTA's Financial Interest in Project Assets

_____Fairfax County_____ agrees to use the real property and appurtenances and fixtures thereto, capital assets, equipment and all other transportation facilities that are part of the Project and funded by NVTA under this Agreement ("Project Assets") for the designated transportation purposes of the Project under this Agreement and in accordance with applicable law throughout the useful life of each Project Asset. NVTA shall retain a financial interest in the value of each of the of the Project Assets, whether any such Project Asset may have depreciated or appreciated, throughout its respective useful life proportionate to the amount of the cost of the Project Asset funded by NVTA under this

Agreement. In the event that _____Fairfax County_____ fails to use any of the Project Assets funded under this Agreement for the transportation purposes as authorized by this Agreement or applicable law throughout its respective useful life, _____Fairfax County_____ shall refund to NVTA with interest at the rate earned by NVTA the amount attributable to NVTA's proportionate financial interest in the value of said Project Asset. If _____Fairfax County_____ refuses or fails to refund said monies to NVTA, NVTA may recover its proportionate financial interest from _____Fairfax County_____ by pursuit of any remedies available to NVTA, including but not limited to NVTA's withholding of commensurate amounts from future distributions of NVTA funds to _____Fairfax County_____.

F. Appropriations Requirements

1. Nothing herein shall require or obligate any party to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies.

2. The parties acknowledge that all funding provided by NVTA pursuant to Chapter 766 is subject to appropriation by the Virginia General Assembly. The parties further acknowledge that: (i) the moneys allocated to the NVTA Fund pursuant to Va. Code Ann. Sections 58.1-638, 58.1-802.2, and 58.1-1742 and any other moneys that the General Assembly appropriates for deposit into the NVTA Fund are subject to appropriation by the General Assembly and (ii) NVTA's obligations under this Agreement are subject to such moneys being appropriated for deposit in the NVTA Fund by the General Assembly.

G. Notices

All notices under this Agreement to either party shall be in writing and forwarded to the other party by U.S. mail, care of the following authorized representatives:

1) to: NVTA, to the attention of its Executive Director;
3040 Williams Drive, Suite 200
Fairfax, VA 22031

2) to_____Fairfax County_____, to the attention of _____Tom Biesiadny_____
_____4050 Legato Road, Suite 400_____
_____Fairfax, VA 22033_____ (address)

H. Assignment

This Agreement shall not be assigned by either party unless express written consent is given by the other party.

I. Modification or Amendment

This Agreement may be modified, in writing, upon mutual agreement of both parties.

J. No Personal Liability or Creation of Third Party Rights

This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of the parties; nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

K. No Agency

Fairfax County _____ represents that it is not acting as a partner or agent of NVTA; and nothing in this Agreement shall be construed as making any party a partner or agent with any other party.

L. Sovereign Immunity

This Agreement shall not be construed as a waiver of either party's sovereign immunity rights.

M. Incorporation of Recitals

The recitals to this Agreement are hereby incorporated into this Agreement and are expressly made a part hereof. The parties to this Agreement acknowledge and agree that such recitals are true and correct.

N. Mutual Preparation and Fair Meaning

The parties acknowledge that this Agreement has been prepared on behalf of all parties thereto and shall be construed in accordance with its fair meaning and not strictly construed for or against either party.

O. Governing Law

This Agreement is governed by the laws of the Commonwealth of Virginia.

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

Northern Virginia Transportation Authority

By:_____

Date:_____

_____County of Fairfax, Virginia_____ (Name of Recipient Entity)

By: _____

Date:_____

Appendix A –Narrative Description of Project

Attach- Approved NVTA Project Description Sheet

NVTA Project Title: Innovation Center Metrorail Station

Recipient Entity: Fairfax County

Recipient Entity/Project Manager Contact Information: Mark Canale, (703) 877-5688, mark.canale@fairfaxcounty.gov

NVTA Program Coordinator Contact information:

Project Scope
Innovation Center Metrorail Station. Design, Right of Way (ROW), and Construction of the Silver Line Phase 2 Innovation Center Metro Station. This will be a multimodal facility which includes bus bays, bicycle parking, kiss-and-ride, and taxi waiting areas, as well as pedestrian bridges and station entrances from both the north and south sides of the Dulles Airport Access Highway/Dulles Toll Road, all in accordance with the approved project plans and environmental approvals. $41,000,000 funded by NVTA.

Detailed Scope of Services
Only Complete if Different from the Approved NVTA Project Description Sheet

APPENDIX B-PROJECT BUDGET & CASH FLOW

PROJECT IDENTIFICATION AND PROPOSED FUNDING

NVTA Project Title: Innovation Center Metrorail Station
Recipient Entity: Fairfax County
Project Contact Information: Mark Canale, (703)877-5688, mark.canale@fairfaxcounty.gov

PROJECT COSTS & FUNDING SOURCE

Project Cost Category	Total Project Costs	NVTA PayGo Funds	NVTA Financed Funds	*Description Other Sources of Funds*	Amount Other Sources of Funds	Recipient Entity Funds
Design Work	$ 4,000,000	$ 4,000,000	$ -		$ -	$ -
Engineering	$ -					
Environmental Work	$ -					
Right-of-Way Acquisition	$ -					
Construction	$ 37,000,000	$ 16,000,000	$ 21,000,000			
Contract Administration	$ -					
Testing Services	$ -					
Inspection Services	$ -					
Capital Asset Acquisitions	$ -					
Other	$ -					
Total Estimated Cost	$ 41,000,000	$ 20,000,000	$ 21,000,000	$ -	$ -	$ -

FISCAL YEAR ANNUAL PROJECT CASH FLOW

	Total Fiscal Year 2015		Total Fiscal Year 2016		Total Fiscal Year 2017		Total Fiscal Year 2018		Total Fiscal Year 2019	
Project Phase	PayGo	Financed	PayGo	Financed	PayGo	Financed	PayGo	Financed	PayGo	Financed
Design Work	$ 200,000		$ 2,290,000		$ 1,010,000		$ 500,000			
Engineering										
Environmental Work										
Right-of-Way Acquisition										
Construction	$ -		$ 5,450,000		$ 7,700,000	$ 1,150,000	$ 2,800,000	$ 19,850,000		
Contract Administration										
Testing Services										
Inspection Services										
Capital Asset Acquisitions							$ 50,000			
Other										
Total Estimated Cost	$ 200,000	$ -	$ 7,740,000	$ -	$ 8,710,000	$ 1,150,000	$ 3,350,000	$ 19,850,000	$ -	$ -

Please Note: If additional years are needed, please submit a separate form with additional columns

FISCAL YEAR ESTIMATED PROJECT CASH FLOW

	FY 15 Mthly Cash Flow		FY 16 Mthly Cash Flow		FY 17 Qtrly Cash Flow		FY 18 Qtrly Cash Flow		FY 19 Qtrly Cash Flow	
	PayGo	Financed	PayGo	Financed	PayGo	Financed	PayGo	Financed	PayGo	Financed
July			$ 1,935,000	$ -	$ 2,177,500	$ 287,500	$ 837,500	$ 4,962,500		
August										
September										
October			$ 1,935,000	$ -	$ 2,177,500	$ 287,500	$ 837,500	$ 4,962,500		
November										
December										
January			$ 1,935,000	$ -	$ 2,177,500	$ 287,500	$ 837,500	$ 4,962,500		
February										
March										
April			$ 1,935,000	$ -	$ 2,177,500	$ 287,500	$ 837,500	$ 4,962,500		
May										
June	$ 200,000									
Total per Fiscal Year	**$ 200,000**	**$ -**	**$ 7,740,000**	**$ -**	**$ 8,710,000**	**$ 1,150,000**	**$ 3,350,000**	**$ 19,850,000**	**$ -**	**$ -**

Please Note: If additional years are needed, please submit a separate form with additional columns

This attachment is certified and made an official attachment to the Standard Project Agreement document by the parties of this agreement.

Recipient Entity Official

Signature

Title

Date

Print name of person signing

Northern Virginia Transportation Authority

Signature
NVTA Executive Director

Title

Date

Print name of person signing

APPENDIX D

TAX COVENANTS

The Recipient Entity will not permit more than five percent of the total amount of NVTA Bond Proceeds or the Financed Property to be used directly or indirectly (i) for a Private Business Use or (ii) to make or finance loans to Nongovernmental Persons. Any transaction that is generally characterized as a loan for federal income tax purposes is a "loan" for purposes of this paragraph. In addition, a loan may arise from the direct lending of NVTA Bond Proceeds or may arise from transactions in which indirect benefits that are the economic equivalent of a loan are conveyed, including any contractual arrangement which in substance transfers tax ownership and/or significant burdens and benefits of ownership.

The Recipient Entity agrees not to requisition or spend NVTA Bond Proceeds for any Project Cost not constituting a Capital Expenditure.

Except as may be described in Appendix B, the Recipient Entity neither has on the date of this Agreement nor expects to have after this date any funds that are restricted, segregated, legally required or otherwise intended to be used, directly or indirectly, for the purposes for which the Recipient Entity is receiving NVTA Bond Proceeds.

The Recipient Entity acknowledges that it may have to provide detailed information about the investment of the amount of any requisition unless (i) payments are remitted directly by NVTA to the contractors/vendors or (ii) the Recipient Entity remits payment to the contractors/vendors within five banking days after the date on which NVTA advances the amount of the requisition. NVTA may request the detailed information in order to compute the rebate liability to the U.S. Treasury on NVTA's bonds or other debt financing pursuant to Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

"Capital Expenditure" means any cost of a type that is properly chargeable to capital account (or would be so chargeable with (or but for) a proper election or the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general federal income tax principles, determined at the time the expenditure is paid.

"Federal Government" means the government of the United States and its agencies or instrumentalities.

"Financed Property" means the property financed by the NVTA Bond Proceeds.

"General Public Use" means use of Financed Property by a Nongovernmental Person as a member of the general public. Use of Financed Property by a Nongovernmental Person in a Trade or Business is treated as General Public Use only if the Financed Property is intended to be available and in fact is reasonably available for use on the same basis by natural persons not

engaged in a Trade or Business. Use under arrangements that convey priority rights or other preferential benefits is not use on the same basis as the general public.

"Governmental Person" means any Person that is a state or local governmental unit within the meaning of Section 141 of the Code (or any instrumentality thereof).

"NVTA Bond Proceeds" means, as used herein, the sale proceeds of any NVTA bonds or other debt instrument and the investment earnings on such proceeds, collectively.

"Nongovernmental Person" mean any Person other than a Governmental Person. For the purposes hereof, the Federal Government is a Nongovernmental Person.

"Person" means any natural person, firm, joint venture, association, partnership, business trust, corporation, limited liability company, corporation or partnership or any other entity (including the Federal Government and a Governmental Person).

"Private Business Use" means a use of the NVTA Bond Proceeds directly or indirectly in a Trade or Business carried on by a Nongovernmental Person other than General Public Use. For all purposes hereof, a Private Business Use of any Financed Property is treated as a Private Business Use of NVTA Bond Proceeds. Both actual and beneficial use by a Nongovernmental Person may be treated as Private Business Use under Section 141 of the Code. In most cases, however, Private Business Use results from a Nongovernmental Person having special legal entitlements to use the Financed Property under an arrangement with the Recipient Entity. Examples of the types of special legal entitlements resulting in Private Business Use of Proceeds include (i) ownership for federal tax purposes of Financed Property by a Nongovernmental Person and (ii) actual or beneficial use of Financed Property by a Nongovernmental Person pursuant to a lease, a Service Contract**,** an incentive payment contract or certain other arrangements such as a take-or-pay or other output-type contract. Private Business Use of the Financed Property may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. Any arrangement that is properly characterized as a lease for federal income tax purposes is treated as a lease for purposes of the Private Business Use analysis. An arrangement that is referred to as a management or Service Contract may nevertheless be treated as a lease, and in determining whether a management or service contract is properly characterized as a lease, it is necessary to consider all of the facts and circumstances, including (i) the degree of control over the property that is exercised by a Nongovernmental Person, and (ii) whether a Nongovernmental Person bears risk of loss of the Financed Property. Private Business Use of Financed Property that is not available for General Public Use may also be established on the basis of a special economic benefit to one or more Nongovernmental Persons even if such Nongovernmental Persons do not have a special legal entitlement to the use of the Financed Property. In determining whether special economic benefit gives rise to Private Business Use, it is necessary to consider all of the facts and circumstances, including one or more of the following factors: (i) whether the Financed Property is functionally related or physically proximate to property used in the Trade or Business of a Nongovernmental Person, (ii) whether only a small number of Nongovernmental Persons receive the economic benefit, and

(iii) whether the cost of the Financed Property is treated as depreciable by the Nongovernmental Person.

"Service Contract" means a contract under which a Nongovernmental Person will provide services involving all, a portion or any function of any Financed Property. For example, a Service Contract includes a contract for the provision of management services for all or any portion of Financed Property. Contracts for services that are solely incidental to the primary governmental function or functions of Financed Property (for example, contracts for janitorial, office equipment repair, billing, or similar services) are not included in this definition. Additional contracts not included in this definition are (i) a contract to provide for services by a Nongovernmental Person in compliance with Revenue Procedure 97-13, 1997-1 C.B. 632, as modified by Revenue Procedure 2001-39, I.R.B. 2001-28, (ii) a contract to provide for services by a Nongovernmental Person if the only compensation is the reimbursement of the Nongovernmental Person for actual and direct expenses paid by the Nongovernmental Person to unrelated parties and (iii) a contract to provide for the operations by a Nongovernmental Person of a facility or system of facilities that consists predominately of public utility property (within the meaning of Section 168(i)(10) of the Code), if the only compensation is the reimbursement of actual and direct expenses of the Nongovernmental Person and reasonable administrative overhead expenses of the Nongovernmental Person.

"Trade or Business" has the meaning set forth in Section 141(b)(6)(B) of the Code, and includes, with respect to any Nongovernmental Person other than a natural person, any activity carried on by such Nongovernmental Person. "Trade or Business" for a natural person means any activity carried on by such natural person that constitutes a "trade of business" within the meaning of Section 162 of the Code.

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, May 12, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

WHEREAS, in accordance with Northern Virginia Transportation Authority project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the County Executive or designee to execute, on behalf of the County of Fairfax, a Project Funding Agreement with the Northern Virginia Transportation Authority for funding of the Innovation Center Metrorail Station the County of Fairfax substantially in the form of the NVTA SPA presented to the Board by staff on May 12, 2015.

Adopted this _____ day of_____, 2015, Fairfax, Virginia

ATTEST _____
Catherine A. Chianese
Clerk to the Board of Supervisors

Basic Project Information

1. **Submitting Agency:**
   Fairfax County

2. **Project Title:** Innovation Center Metrorail Station

3. **Project Type:**
   ☐ Roadway ☑ Multimodal ☑ Transit

4. **Project Description/Scope:** Design, Right of Way (ROW), and Construction of the Silver Line Phase II Innovation Center Metrorail Station.

5. **Route** *(if applicable)***/Corridor:**
   Route 267 / Corridor 1

6. **Total Project Cost:** $89,000,000

7. **Total Funds Required:** $41,000,000

8. **Phase/s of Project Covered by Funding:** Design, ROW, and construction of the Silver Line Phase II Innovation Center Metrorail Station. This will be a multimodal facility which includes bus bays, bicycle parking, kiss-and-ride, and taxi waiting areas, as well as pedestrian bridges and station entrances from both the north and south sides of the Dulles Airport Access Highway/Dulles Toll Road, all in accordance with the approved project plans and environmental approvals. Design/Build project delivery.

9. **Project Milestones** (*by phase, include all phases*)**:**
   - Design Start: FY 2014Construction
   - Complete: Summer 2018

10. **In TransAction 2040 plan?**
    ☑ Yes ☐ No

11. **In CLRP, TIP or Air Quality Neutral?**
    Yes. CLRP, ID# 1981

12. **Leverages Sources:**
    ☑ Local ☐ State ☐ Federal
    ☐ Other (*please explain*)
    Design and ROW funded with $28,000,000 in toll revenues and local county funding

PROJECT ANALYSIS

Tier I ☑ Pass ☐ Fail

Tier II 6 out of 8 points

Tier III Congestion Reduction Relative to Cost:

Plan ☑ CLRP ☐ TA2040 only ***Rating*** ☑ High ☐ Med ☐ Low

Stated Benefits

1. **What regional benefit/s does this project offer?** T'The Innovation Center Metrorail Station supports the Silver Line Phase II extension of the rail system from Washington DC, to and beyond the Dulles International Airport. This will be a multimodal facility which includes bus bays, bicycle parking, kiss-and-ride, and taxi waiting areas, as well as pedestrian bridges and station entrances from both the north and south sides of the Dulles Airport Access Highway/Dulles Toll Road.

   This location provides rail and bus travel options throughout the Washington DC metropolitan region, including two states and the District of Columbia.

2. **How does the project reduce congestion?** The project removes single-occupant vehicle (SOV) trips from the highly congested roadways, provides a connection to air, rail and bus travel modes, as well as promotes carpooling.

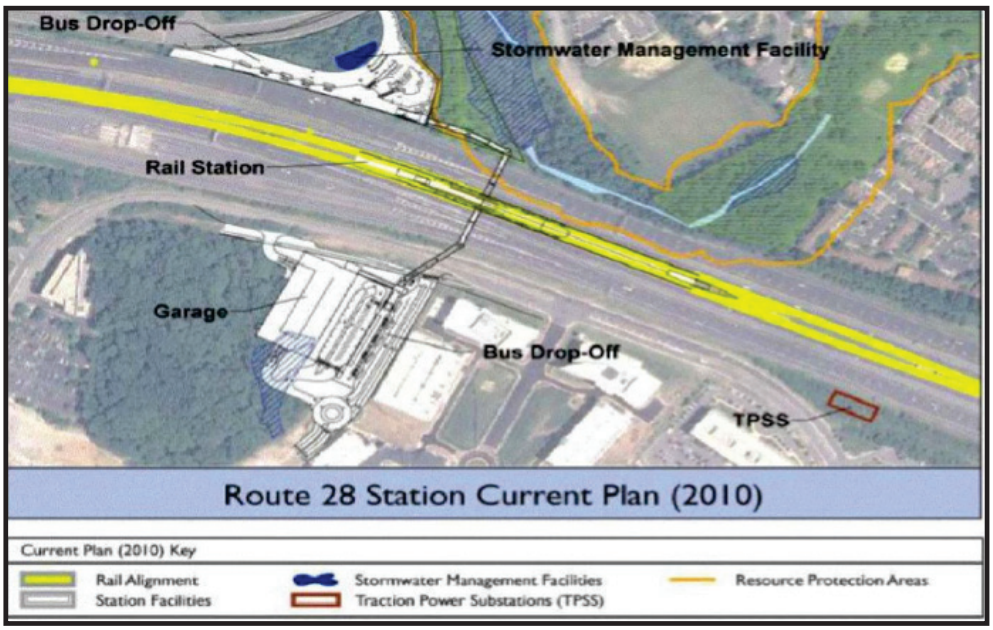
3. **How does the project increase capacity?** *(Mass transit projects only)* The project will provide a Metrorail station with access to rail, bus, and air transportation, which will remove SOV trips from roadways and encourage mass transit travel options.

4. **How does the project improve auto and pedestrian safety?** By reducing congestion on the roadways, the project will increase safety for both vehicles and pedestrians by reducing vehicle conflicts.

5. **List internet address/link to any additional information or documentation in support of project benefits.** *(Optional)* Fairfax County has committed to fund outside Dulles Rail Phase II. This project is in conformance with the transportation element of the Fairfax County Transportation Comprehensive Plan.

   Fairfax County Comprehensive Plan: http://www.fairfaxcounty.gov/dpz/comprehensiveplan/

6. **Project Picture/Illustratives**



Board Agenda Item
May 12, 2015

INFORMATION – 1

Contract Award - Urban Land Institute (ULI) Consulting Services for Five Day Advisory Service Panel; Three Day Advisory Service Panel; and, One and a Half Day Technical Assistance Panel

Fairfax County has a requirement to obtain land use advisory services in an expedited manner to evaluate complex land use, transportation, reinvestment, development and redevelopment issues associated with the prospective redevelopment of areas within Fairfax County that include its Commercial Revitalization Districts/Areas (CRD/CRA): Annandale, Baileys Crossroads-Seven Corners, Lake Anne, McLean, Merrifield, Richmond Highway and Springfield; transit station areas; and, other commercial activity centers.

The Department of Purchasing and Supply Management has negotiated a non-competitive contract award with the Urban Land Institute (ULI) to conduct, at the discretion of the County, the Five Day (5-Day) Advisory Service Panel; Three Day (3-Day) Advisory Service Panel; and, One and a Half Day (1.5 Day) Technical Assistance Panel (TAP). Each panel engagement will be executed with a specific task order which will provide the County the flexibility to select the level of service based on the complexity of the issue. The County previously contracted with ULI on a sole source basis for a 5-Day Advisory Service Panel from March 31, 2010 through April 30, 2015, which did not provide this flexibility.

The Urban Land Institute is a 501(c) (3) non-profit research and education organization whose mission is to promote responsible leadership in the use of land to create and sustain thriving communities worldwide. It is ULI's unique ability to draw on its diverse 34,000 member's unparalleled experience and expertise in land use and development that makes the ULI advisory services a unique process that is not replicated by any other organization. The multidisciplinary teams, which are not available for hire under any other means, objectively approach the project from all perspectives including market potential, land use and design, financing, development strategies and, organization and implementation. The teams consult with public and private officials, representatives of other relevant organizations, and other individuals familiar with the problems involved; and, present its comments, conclusions and recommendations to the County and its invited guests in an oral form, and in a written report at the culmination of each study.

The Fairfax County Department of Tax Administration has verified that Urban Land Institute (ULI) is not required to obtain a current Fairfax County Business, Professional & Occupational License (BPOL). The business classification category of ULI is a large, non-minority owned business.

FISCAL IMPACT:

The Five-Day Advisory Service Panel Program, 3-Day Advisory Service Panel, and 1.5-Day TAP programs are fixed fee based services that is the same cost for all users both private and public. The cost per assignment is:

$125,000	5-Day Advisory Service Panel
$ 75,000	3-Day Advisory Service Panel
$ 15,000	1.5-Day Technical Assistance Panel

The County may issue none or multiple task orders under the terms of the contract. Each panel engagement will be executed with a specific task order to ULI that includes a scope of work mutually agreed upon by ULI and Fairfax County. Work conducted under this contract will be the responsibility of the user agency and funded from its appropriations; or if project specific funding appropriation is requested by the user agency, at the discretion of the Board of Supervisors. The ultimate fiscal impact will be dependent on County needs, as well as the length of time that the contract is in place.

Unless otherwise directed by the Board of Supervisors, the Department of Purchasing and Supply Management will award a fee for service contract to Urban Land Institute (ULI) for a period of five (5) years ending April 30, 2020.

ENCLOSED DOCUMENTS:
None

STAFF:
Cathy A. Muse, CPPO, Director, Department of Purchasing & Supply Management
Barbara A. Byron, Director, Office of Community Revitalization

Board Agenda Item
May 12, 2015

INFORMATION – 2

Planning Commission Action on Application 2232-L14-8, Verizon Wireless, 4700 Franconia Road, Alexandria, VA 22310

On Wednesday, April 15, 2015, the Planning Commission voted 8-0 (Commissioners Flanagan, Hedetniemi, Lawrence, and Sargeant were absent from the meeting) to approve 2232-L14-8.

The Commission noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia.

Application 2232-L14-8 sought approval for construction construct a 115-foot tall tree pole telecommunications facility.

ENCLOSED DOCUMENTS:
Attachment 1: Verbatim excerpt
Attachment 2: Vicinity map

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Chris Caperton, Public Facilities Branch Chief, Planning Division, DPZ
Jill Cooper, Executive Director, Planning Commission Office

2232-L14-8 – VERIZON WIRELESS

After Close of the Public Hearing

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

Commissioner Migliaccio: Thank you, Mr. Chairman. I want to thank the applicant for working with the Lee District Land Use Committee and the community in taking the height down from 128 to 115, and working with staff to get this seamlessly through the process. And hopefully, we can get this out tonight. As Mr. Stearns said, the Lee District Land Use Committee voted in favor of this application in March. Our planning staff – professional planning staff also is in favor, and therefore, I'm also in favor tonight, Mr. Chairman. I CONCUR WITH STAFF'S CONCLUSION THAT THE proposed - PROPOSAL BY VERIZON WIRELESS TO CONSTRUCT A 115-FOOT TALL TREE POLE TELECOMMUNICATIONS FACILITY AT 4700 FRANCONIA ROAD, ALEXANDRIA, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED. THEREFORE, MR. CHAIRMAN, I MOVE THAT THE PLANNING COMMISSION FIND SUBJECT APPLICATION 2232-L14-8 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Commissioner Hart. Any discussion of the motion? All those in favor of the motion to approve 2232-L14-8, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 8-0. Commissioners Flanagan, Hedetniemi, Lawrence, and Sargeant were absent from the meeting.)

JN

PLANNING DETERMINATION

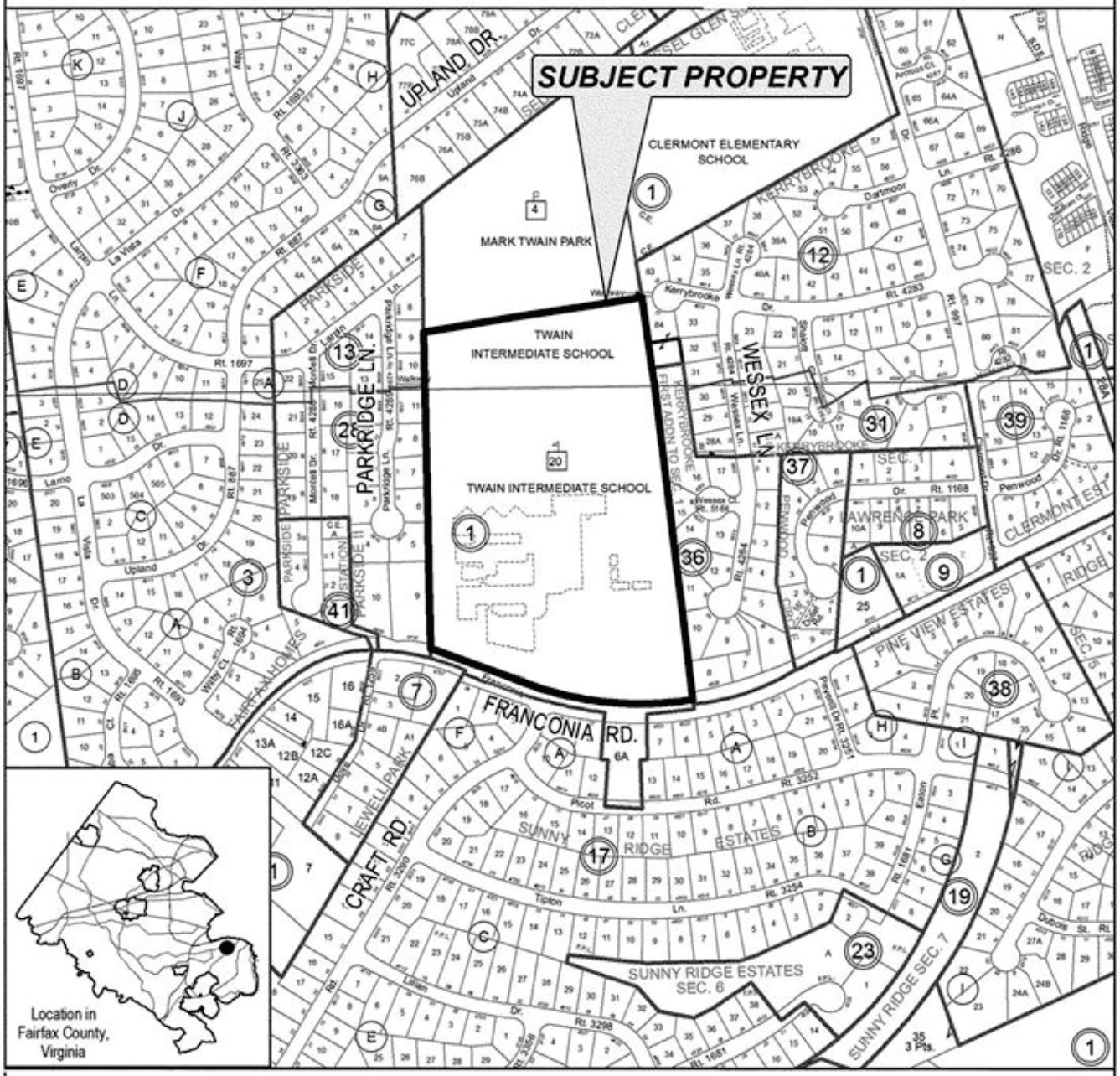
Section 15.2 -2232 of the Code of Virginia

Number: 2232-L14-8 **Acreage:** N/A **District:** Lee

Tax Map ID Number: 82-3 ((1)) 20 **Address:** 4700 Franconia Road
Alexandria, VA 22310

Planned Use: Public Facilities, Gov't. & Inst. **Applicant:** Verizon Wireless

Proposed Use: Telecommunications Facility - New 115' Monopole



500 FEET

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

Board Agenda Item
May 12, 2015

10:50 a.m.

Matters Presented by Board Members

Board Agenda Item
May 12, 2015

11:40 a.m.

CLOSED SESSION:

(a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).

(b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

(c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Surety Trustees, LLC, Substitute Trustee, v. Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Eyad El Ramly, and Hamida El Rawashda*, Case No. CL-2015-0002989 (Fx. Co. Cir. Ct.) (Sully District)

2. *Ross A. Fiorani v. Fairfax County Police, Officer Feigleson, Navy Federal Credit Union, Robert Berger, Karen Compher, John Steiner, Kim Lilly, SIA, and Thema Scott*, Case No. 15-1387 (U.S. Ct. of App. for the Fourth Cir.)

3. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Record No. 150472 (Va. Sup. Ct.) (Mason District)

4. *Fairfax County v. Matthew Domyancic*, Record No. 2012-14-4 (Va. Ct. App.)

5. *Fairfax County v. Matthew Domyancic*, Record No. 1625-14-4 (Va. Ct. App.)

6. *Fairfax County Government v. Victoria Monroe*, Record No. 1628-14-4 (Va. Ct. App.)

7. *Ian Smith v. Major Thomas Ryan, Lance Guckenberger and John Doe II*, Case No. CL-2014-0001347 (Fx. Co. Cir. Ct.)

8. *Moira Callaghan, Robert Sawicki, Carrie Sawicki, David Okerson, Barbara Okerson, Judith Strother, and Kris Capps v. Fairfax County Board of Supervisors, Fairfax County Park Authority, and Reston Dogs, Inc.*, Case No. CL-2014-0003016 (Fx. Co. Cir. Ct.) (Hunter Mill District)

9. *Wilson Haywood Phillips v. Wayne Brissey, Jane and John Doe, and Fairfax County Park Authority*, Case No. CL-2014-0013890 (Fx. Co. Cir. Ct.)

10. *Patricia Tomasello v. Fairfax County, Virginia*, Case No. 1:15-cv-95 (E.D. Va.)

11. *Betty Whilden v. Juan Romero and County of Fairfax*, Case No. CL-2015-0004778 (Fx. Co. Cir. Ct.)

12. *Hye Shin Kolk v. Ali Abdul Austin, Rapid Response Delivery, Inc., Penske Truck Leasing Corporation, Marques L. Lowry*, Case No. 2014-0015585 (Fx. Co. Cir. Ct.)

13. *Comstock Reston Station Holdings, LC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County, Virginia*, Case No. CL-2015-0001372 (Fx. Co. Cir. Ct.) (Hunter Mill District)

14. U.S. Environmental Protection Agency (EPA) Request to Show Cause and Continuing Investigation Concerning Line Testing at Various County Department of Vehicle Services (DVS) Sites

15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)

16. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)

17. *Commissioner of Highways of Virginia v. Second Holly Knoll Homeowners Association and The Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0018730 (Fx. Co. Cir. Ct.) (Dranesville District)

18. *Gary P. Poon and Matthew A. Stevenson v. Fairfax County, Board of Supervisors of Fairfax County, Virginia, and Zoning Administrator of Fairfax County, Virginia*, Case No. CL-2015-0004729 (Fx. Co. Cir. Ct.) (Providence District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Catherine Macorol and Sharon Macorol*, Case No. CL-2015-0001083 (Fx. Co. Cir. Ct.) (Lee District)

20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaqua R. Moon, Victorine N. Moon, and Isabelle B. Moon*, Case No. CL-2015-001460 (Fx. Co. Cir. Ct.) (Mount Vernon District)

21. *Yani Yancey-Foote v. Tony Castrilli, Fairfax County Office of Public Affairs*, Case No. GV15-005300 (Fairfax County General District Court)

22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Margel S. Prince*, Case No. GV14-024948 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

23. *State Farm Fire & Casualty Company as subrogee of Santos Ramirez v. Daniel V. Holton, Jr.*, Case No. GV15-004265 (Fx. Co. Gen. Dist. Ct.)

24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge N. Arroyo*, Case No. GV15-004526 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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Board Agenda Item
May 12, 2015

3:30 p.m.

Decision Only on RZ 2013-MV-015 (Vulcan Construction Materials, LP) to Rezone from R-1, R-C and I-6 to R-1, R-C, I-6 and NR to Permit a Proposed Expansion to the Previously Approved Natural Resource Overlay District, Located on Approximately 148.27 Acres of Land (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located on properties on the West Side of Ox Road located approximately ¾ mile North of the Prince William County line, Tax Map 106-4 ((1)) 20B pt. and 56A pt.; 112-2 ((1)) 8 pt., 14, and Peniwill Drive Public Right-of-Way to be Vacated and/or Abandoned.

(Concurrent with PCA 1998-MV-032, PCA 1998-MV-033 and SEA 81-V-017-02)

This public hearing was held on April 28, 2015 and decision only was deferred to May 12, 2015, at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, February 25, 2015, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to recommend the following action to the Board of Supervisors:

- Approval of RZ 2013-MV-015; and
- Approval of Resource Protection Area exception 7589-WRPA-01-1, subject to the Development Conditions dated October 23, 2014.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4469462.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nicholas Rogers, Planner, DPZ

RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS, LP
PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER AUTHORITY

Decision Only During Commission Matters
(Public Hearing held on February 12, 2015)

Commissioner Flanagan: Yes, thank you, Mr. Chairman.

Chairman Murphy: Before you make your presentation – Mr. Flanagan is going to move on a couple items. I was not present for the public hearing. But for the record, I watched every word of it at home on television so I intend to vote. I wouldn't have missed it for the world.

Commissioner Flanagan: Very good. On February 12, we held a public hearing on applications RZ 2013-MV-015 and SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033. They would – they asked to permit the Vulcan Quarry to be enlarged in order to provide the Fairfax County Water Authority with a water reservoir in two stages. Testimony was given, primarily about two Special Exception issues – the quarry blasting limitations and the Occoquan Overlook trail. Tonight I am ready to recommend approval of the rezoning application 2013-MV-015, which will expand the National Resource Overlay District to include the proposed quarry. There was no opposition testimony from the public or from the Commissioners to the rezoning. Our recommendation is needed before the BZA can renew Vulcan's Special Permit, 82-V-091-06, to operate a quarry for the next five years following their public hearing on March 4. Tonight I am also moving the deferral of – the Special Exception 81-V-017-02 to March 18 for two reasons. First, the Occoquan Trail – Overlook Trail issue is still being negotiated and not ready for decision. As of now, it appears a proposed alternate trail will neither be an Occoquan Overlook trail that overlooks the Occoquan River, nor be more than a trail to nowhere based on land owners' upstream testimony that they are not willing to provide the easements needed unless the trail is built as in the Comprehensive Plan. Second, the Comprehensive Plan includes explicit guidance about mitigation of blasting in order to protect nearby residential buildings from noise and vibration. During the public hearing, testimony from two seismic blasting expert firms recommended changes to blasting limitations and studies of blasting techniques and monitoring that could better address land use conditions that have occurred over the past 40 years. The testimony asserted that the current power measure of a blast isn't the only criterion for effects and in certain circumstances should be accompanied by criteria related to wave energy impacts on structures, as well as the power and pulse. The expert seemed to say that although increasing distance diminishes effects, there are factors that can result in effects being transmitted over long distances. The BZA online minutes indicate there were no prescriptive blasting limitations for the Vulcan Quarry between 1941 and 1959. But in 1959, conditions based upon testimony of blasting experts were added to the Special Permit by the BZA for the first time – that limited any blast to 10,000 pounds of explosives with an average of 6,000 pounds. In 1977, again based on expert testimony, the prescriptive limit on Vulcan blasts was changed by BZA – by the BZA from a limitation of pounds of explosive to seismic monitor readings of 0.4 of peak particle velocity and 130 decibels of air pressure. The expert noted that the limitation was ideal as there were no residential buildings within 1900 feet of the Vulcan quarry – located in 1977. It's been almost 40

years since 1977 and the 0.4 performance prescriptive blast limitation, even though many more – and the imposition of the 0.4 performance prescriptive blast limitation – even though many more existing and planned homes are now less than 1900 feet from the quarry and some are as little as 700 feet. We are told that the BZA will deal with the question of blasting on March 4 and any conditions about mitigation. I'm completely confident they'll do so. That – they have done so in the past when they extended a prior Special Permit while studies recommended by the experts were confirmed and implemented. Since the Comprehensive Plan text allows for blasting, but requires that such blasting protect nearby residential buildings from noise and vibration, I believe the Commission can't proceed until the BZA has completed its review. Then we will know that the application is in harmony with the plan, but not before. Therefore Mr. Chairman, I first move – do I need to have the rezoning – the reaffirm – the conditions reaffirmed?

Chairman Murphy: No. Just on the –

Commissioner Flanagan: Therefore, well okay. Then –

Chairman Murphy: But you're not going to go with the SE.

Commissioner Flanagan: Very good. Then, Mr. Chairman, I FIRST MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-MV-015 FOR VULCAN CONSTRUCTION MATERIALS, LP TO PERMIT AN EXPANSION OF THE NATURAL RESOURCE OVERLAY DISTRICT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-MV-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: And secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR SEA 81-V-017-02 AND PCA 1998-MV-032 AND PCA 1998-MV-033 FOR THE FAIRFAX COUNTY WATER AUTHORITY TO A DATE CERTAIN OF MARCH 19, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. And that's the 19th of March?

Commissioner Flanagan: 19th, yes.

Chairman Murphy: Okay. All those in favor –

Commissioner Flanagan: My understanding is that there's no meeting on the 18th.

Chairman Murphy: Okay, I just want to make sure. All those in favor of the –

Commissioner Lawrence: Discussion?

Chairman Murphy: You have a discussion? I'm sorry, Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I share Commissioner Flanagan's confidence that the BZA will, in fact, review the criterion for noise and effects. I'm also assured by information that each time in the future this thing is extended, another review will take place. So if the state-of-the-art of judging the effects of blasting changes, as the years go by, it will get caught. It may take a couple of years for it to get caught, but it will get caught – which means that, since this hole is going to be a public facility for us – for all of us – then Fairfax County has a dog in the fight. And I think our dog is well-looked after under the present circumstances. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Further discussion of the motion?

Commissioner de la Fe: No – nope.

Chairman Murphy: Okay. All those in favor of the motion to defer decision only on SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to a date certain of March 19th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes, Mr. de la Fe.

Commissioner de la Fe: Mr. Flanagan, there is a Resource Protection Area Exception related to the RZ. Did you mean to approve that – recommend approval of that, as well as the rezoning? Or – how do you want to handle that?

Commissioner Flanagan: Staff didn't – didn't ask me to do that.

Commissioner de la Fe: According to what we have here, it says, "Staff recommends approval of Resource Protection Area Exception 7589-WRPA-01-1, subject to the proposed-"

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Yes, you're correct in that. We would – that's related to the Vulcan Construction Materials – related to the Special Permit application ultimately. So we would want it – a recommendation, ultimately – it would be the Board's decision. Typically, when we have a case with an RPA exception, we go to the Planning Commission for their recommendation. And then we would also – the Board –

have the final decision on that. That would be the time that the Board would do the – the natural resource rezoning so if you could make that recommendation, that'd be great.

Chairman Murphy: Mr. Flanagan.

Commissioner de la Fe: Mr. Flanagan-

Commissioner Flanagan: I would like to make a recommendation that he just quoted.

Commissioner de la Fe: Mr. Flanagan, DO YOU RECOMMEND APPROVAL OF RESOURCE PROTECTION AREA EXCEPTION 7589-WRPA-01-1, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 23, 2014 AND CONTAINED IN APPENDIX 8?

Commissioner Flanagan: YES.

Chairman Murphy: Say, "so moved."

Commissioner de la Fe: SO MOVED. Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries – carried.

Commissioner de la Fe: Thank you.

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(Each motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.)

JLC

Board Agenda Item
May 12, 2015

3:30 p.m.

Decision Only on PCA 1998-MV-032 (Fairfax County Water Authority) to Amend the Proffers for RZ 1998-MV-032 Previously Approved for a Water Purification Facility to Permit Associated Modifications to Proffers and Site Design with an Overall Maximum Floor Area Ratio of 0.026 Based on the Total Land Area of Concurrent SEA 81-V-017-02, Located on Approximately 129.01 Acres of Land Zoned R-1 and NR (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located on the West side of Ox Road at the terminus of Lorton Road. Tax Map 106-4 ((1)) 56 A pt.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-033 and SEA 81-V-017-02).

and

Decision Only on PCA 1998-MV-033 (Fairfax County Water Authority) to Amend the Proffers for RZ 1998-MV-033 Previously Approved for a Water Purification Facility to Permit Associated Modifications to Proffers and Site Design with an Overall Maximum Floor Area Ratio of 0.026 Based on the Total Land Area of Concurrent SEA 81-V-017-02, Located on Approximately 5.54 Acres of Land Zoned R-1 and NR (Mount Vernon District)

The Board of Supervisors will also consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located North of the Occoquan River immediately East of the high dam. Tax Map 106-4 ((1)) 56A pt.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-032 and SEA 81-V-017-02)

and

Board Agenda Item
May 12, 2015

Decision Only on SEA 81-V-017-02 (Fairfax County Water Authority) to Amend SEA 81-V-017 Previously Approved for a Water Purification Facility to also Permit Water Storage, Control and Pumping Facility, an Increase in Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 526.86 Acres of Land Zoned R-C, I-6, R-1 and NR (Mount Vernon District)

The Board of Supervisors will also Consider the Applicant's Resource Protection Area (RPA) Encroachment Exception Request # 7589-WRPA-001-1 to Permit Encroachment into an RPA for the Purpose of Reconfiguring an Existing Stone Quarry to Facilitate the Creation of a Water Storage, Control, and Pumping Facility (Mount Vernon District)

This property is located at 9600 and 10000 Ox Road, Lorton, 22079. Tax Map 106-3 ((1)) 4B and 9; 106-4 ((1)) 20B pt. and 56A; 112-2 ((1)) 8, 9, 11, 12 and 14 and Peniwill Drive public right-of-way to be vacated and/or abandoned.

(Concurrent with RZ 2013-MV-015, PCA 1998-MV-032 and PCA 1998-MV-033).

These public hearings were held on April 28, 2015, and decisions only were deferred to May 12, 2015, at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, March 26, 2015, the Planning Commission voted 10-0 (Commissioners Litzenberger and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 81-V-017-02 subject to the Development Conditions dated March 10, 2015;

- Approval of PCA 1998-MV-032 subject to the execution of proffers dated November 4, 2014;

- Approval of PCA 1998-MV-033, subject to the execution of proffers dated November 4, 2014;

- Approval of a modification of Section 13-303 and Section 13-304 of the Zoning Ordinance in favor of the transitional screening and barriers, as shown on the SEA Plat; and

- Approval of a modification of Section 17-201, requiring trails along the Occoquan River and along Ox Road as depicted on the Countywide Trails Plan in favor of the trail shown on the SEA Plat and described in the development conditions.

In a related motion the Planning Commission voted 10-0 (Commissioners Litzenberger and Sargeant were absent from the meeting) to recommend that the Board of Supervisors consider that the Planning Commission motions regarding SEA 81-V-017-02 are based on testimony regarding blasting limitations provided to the Planning Commission on February 12, 2015 and to the Board of Zoning Appeals on March 4, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4469145.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nicholas Rogers, Planner, DPZ

PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER AUTHORITY

Decision Only During Commission Matters
(Public Hearing held on February 12, 2015)

Commissioner Flanagan: Yes, Mr. Chairman. I request that the representative for the Fairfax County Water Authority confirm, on the record, their agreement to the proposed Special Exception Amendment development conditions dated March 10, 2015.

John McGranahan, Jr., Esquire, Applicant's Agent, Hunton & Williams, LLP: Thank you, Mr. Flanagan. For the record, my name is John McGranahan with the law firm of Hunton & Williams and I do confirm the applicant's agreement with the conditions dated March 10.

Commissioner Flanagan: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hurley: I was not here for the public hearing, but I did read all the letters that were sent to me and I did watch the video of the public hearing and I do intend to vote on this matter.

Chairman Murphy: Okay thank you.

Mr. McGranahan: Thank you.

Chairman Murphy: Thank you, Mr. McGranahan. Mr. Flanagan, please.

Commissioner Flanagan: Thank you, Mr. Chairman. On March 19, we deferred the decisions on applications SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to tonight in order to facilitate a closed session discussion of security issues. Public hearing testimony was previously given on February 12th, primarily about two issues:

- One, the quarry blasting limitations needed to, "Protect nearby residential buildings from noise and vibration," and required in the Comprehensive Plan – as required in the Comprehensive Plan; and

- Two, a proposed alternative to the Overlook – Occoquan Overlook Trail, a long standing recommendation in the Comprehensive Plan.

It is my intention tonight to recommend approval of the Water Authority Special Exception and Proffered Condition applications with a follow-on motion about blasting. As to the blasting issue,

the Comprehensive Plan text allows for blasting, but requires the Planning Commission to be satisfied that such blasting will "Protect nearby residential buildings from noise and vibration." Blasting limits, however, are now set by the Board of Zoning Appeals. Last week, you received testimony I presented to the Board of Zoning Appeals on March 4th, which I believe adequately addresses February 12 testimony we heard about updating current blasting limits. The BZA, however, has deferred a decision on blasting limits until May 4. My follow-on motion responds to the BZA's March – May 4 deferral decision since the General Requirement 3 for approving a Special Exception by the Board of Supervisors requires that the quarry use for creating the future Water Authority Reservoir, "Shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan." As to the trail issue, no doubt you have been inundated (pardon the pun) with visits, phone calls, and emails that prefer the Occoquan Overlook Trail location in the Comprehensive Plan that would require a southern easement along the Occoquan River from the Water Authority. Staff in the staff report and Park and Transportation appendices also prefers the planned location. In addition, testimony by the public overwhelmingly not only prefers the Occoquan Overlook Trail location, but provides assurances that the entire missing link between the Sandy Run and Occoquan Regional Parks could be constructed immediately upon approval of the pending Special Exception. The Water Authority has instead voluntarily proposed an alternate to the planned southern easement with a Northern Trail easement across Water Authority property, but defers assurance of a connection to the Sandy Run Regional Park upstream to an indefinite future and thereby creates a trail to nowhere and possible trespass across private property by trail users at the dead end. The Water Authority has generally indicated that the southern alignment of the trail raises security concerns and they more specifically detailed those concerns in a closed session discussion that we had on March 19, as permitted by *Virginia Code* Section 2.2-3711(19). I would like to thank Mr. McGranahan, the applicant's agent, for proposing an additional Condition 19 since March 19 to assure that the trail proposed by the Water Authority is not a trail to nowhere, but constructed when easements are available that will assure connection to Sandy Run Regional Park upstream. I would have supported such a condition, but staff prefers not to support for enforcement reasons. I THEREFORE MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 81-V-017-02 FOR THE FAIRFAX COUNTY WATER AUTHORITY, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED MARCH 10, 2015 AND APPROVE PCA 1998-MV-032 AND PCA 1998-MV-033, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 4, 2014.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? I think we should each application individually. All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 81-V-017-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Chairman Murphy: All those who – in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1998-MV-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I further move that the –

Chairman Murphy: Wait a minute – one more.

Commissioner Flanagan: Oh you got one more?

Chairman Murphy: Yes – move that the Planning Commission recommend to the Board of Supervisors to approve PCA 1988 – 1998-MV-033, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I FURTHER MOVE, Mr. Chairman, THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE:

- A MODIFICATION OF SECTION 13-303 AND SECTION 13-304 OF THE ZONING ORDINANCE IN FAVOR OF THE TRANSITIONAL SCREENING AND BARRIERS, AS SHOWN ON THE SEA PLAT; AND

- A MODIFICATION OF SECT. 17-201, REQUIRING TRAILS ALONG THE OCCOQUAN RIVER AND ALONG OX ROAD ARE GENERALLY – AS GENERALLY DEPICTED ON THE COUNTYWIDE TRAILS PLAN IN FAVOR OF THE TRAIL SHOWN ON THE SEA PLAT AND DESCRIBED IN THE DEVELOPMENT CONDITIONS.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS CONSIDER THAT THE PLANNING COMMISSION MOTIONS REGARDING SEA 81-V-017-02 ARE BASED ON TESTIMONY REGARDING BLASTING LIMITATIONS PROVIDED TO THE PLANNING COMMISSION ON FEBRUARY 12 AND THE BOARD OF ZONING APPEALS ON MARCH 4.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. That's all, Mr. Chairman. But I would like to say one thing about this.

Chairman Murphy: Please do.

Commissioner Flanagan: As you can imagine, this has been going on for two or three years. And I would like to compliment Nick Rogers, in particular, for the outstanding work that he's done.

Chairman Murphy: Yes. Here here.

Commissioner Flanagan: You know – giving me all the – hearing all – taking all my calls every – almost every day, I think – also, Bill Mayland, who has been most helpful in that regard. So I really do appreciate the – your guidance, you know, in coming to this conclusion tonight.

Chairman Murphy: Thank you. And thank Mr. Flanagan for doing a great job. He told me that after this application, all he wants to do is Agricultural and Forestal District so – I mean, that just shows you where we're going. And I don't blame him. I think he needs a little vacation. Great job, Earl. Yes, Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I just wanted to add that at the public hearing I had raised concerns about being faced with making a decision with – based on the information that was available at that time in the public forum. And I very much appreciate the fact that we were able to have the – the security briefing and executive session in order to go over the concerns. And I just wanted to add that this approach is permitted as an exception to the open meetings law – I want people to understand that – under Code Section 2.2-3711(19). And it allows us as members of a public body to hear and consider in a confidential setting plans to protect public safety, as it relates to terrorist activities or a related threat to public safety – as well as detailed discussions or reports or plans, relating to the security of governmental facilities, buildings, or structures. And in enacting the exemption, the General Assembly implicitly found that individuals like us who are appointed to public bodies occupy a position of trust and should be permitted to factor what is heard in this confidential setting into their decisions. I think, in this case, the applicant meticulously described in the closed session the specific threats that are posed by a publicly accessible southern alignment of the trial, as recommend in the Comprehensive Plan. But I believe that, in accordance with that statute, that I have a duty – as do the other members of the Planning Commission – as part of the public trust invested in us to consider this information in casting our votes and that's what I did in this case.

Chairman Murphy: A good statement. Thank you very much. I think as we travel down this uncertain road, we're going to see a lot more applications that come in that we have to take security – security issues into consideration as we look at the infrastructure of facilities in our County. The phrase, "It'll never happen here," does not apply anymore anywhere.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: I'd just like to observe that a fundamental function of government is public safety. Public safety can take on many dimension in these days. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Thank you very much.

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(Each motion carried by a vote of 10-0. Commissioners Litzenberger and Sargeant were absent from the meeting.)

JLC

Board Agenda Item
May 12, 2015

3:30 p.m.

Public Hearing on PCA 2005-PR-041-04 (Eskridge (E&A) LLC) to Amend the Proffers and Conceptual Plans for RZ 2005-PR-041 Previously Approved for Mixed Use Development to Permit Modifications to Proffers and Site Design, Located on Approximately 7.69 Acres of Land Zoned PDC, PRM, and HC (Providence District)

This property is located on District Avenue, Glass Alley, Strawberry Lane, Merrifield Town Center, and Merrifield Cinema Drive. Tax Map 49-3 ((37)) F, J, K, and N.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, May 6, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2005-PR-041-04, subject to the execution of proffers consistent with those dated March 20, 2015;

- Approval of a modification of the use limitations on corner lots in Section 2-505 of the Zoning Ordinance to permit the building landscaping and sign locations within the Zoning Ordinance sight triangles formed by the streets along the corner lot, as shown on the CDPA/FDPA and as proffered;

- Approval of a modification of the private street limitations of Section 11-302 of the Zoning Ordinance;

- Approval of a modification of the loading space requirement for multi-Family dwelling units and office space in favor of that depicted on the CDPA/FDPA;

- Approval of a modification of the transitional screening and a waiver of the barrier requirements between uses within the site zoned PDC and PRM in favor of the treatments depicted on the CDPA/FDPA;

- Approval of a waiver of the four (4) foot peripheral parking lot landscaping requirement north of Parcel G, west of Parcel C and E, and along the southerly and easterly property lines.

- Approval of a waiver to locate underground stormwater management facilities for all residential development, subject to Waiver # 0561-WPFM-002-3;

- Direct the Director of the Department of Public Works and Environmental Services (DPWES) to approve a modification of the parking geometric standards to allow for 75 degrees angled parking spaces within parking structures;

- Approval of a modification of Paragraph 3 of Section 18-201 of the Zoning Ordinance which would require the provisions of further inter-parcel access in addition to that indicated on the CDPA/FDPA;

- Direct the Director of DPWES to approve a modification of the PFM and Paragraph 12 of Section 11-102 of the Zoning Ordinance to allow for the projection, by no more than 4% of stall area, of structural columns into parking stalls in parking structures; and

- Direct the Director of DPWES to waive the PFM on-site stormwater detention requirements, in favor of providing stormwater management off-site in the Merrifield Town Center vault.

In a related action, the Planning Commission approved FDPA 2005-PR-041-04, subject to the Development Conditions dated April 7, 2015, and the Board of Supervisors' approval of PCA 2005-PR-041-4.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4483172.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Planner, DPZ

PCA/FDPA 2005-PR-041-04 – ESKRIDGE (E & A) LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Hart.

Commissioner Hart: Thank you, Mr. Chairman. This is a straightforward case and it has it staff's favorable recommendation, with which I concur. I therefore will have four motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2005-PR-041-04, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 20, 2015.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors to approve PCA 2005-PR-041-04, say aye.

Commissioners: Aye.

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

Commissioner Hart: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2005-PR-041-04, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 7, 2015, AND THE BOARD'S APPROVAL OF THE CONCURRENT PCA APPLICATION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor of the motion – excuse me – to approve FDPA 2005-PR-041-04, subject to the Board's approval of the PCA, say aye.

Commissioners: Aye.

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

Commissioner Hart: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE USE LIMITATIONS ON CORNER LOTS IN SECTION 2-505 OF THE ZONING ORDINANCE TO PERMIT THE BUILDING LANDSCAPING AND SIGN LOCATIONS WITHIN THE ZONING ORDINANCE SIGHT TRIANGLES FORMED BY THE STREETS ALONG THE CORNER LOT, AS SHOWN ON THE CDPA/FDPA AND AS PROFFERED.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

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

Commissioner Hart: Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION REAFFIRM THE PREVIOUSLY APPROVED MODIFICATIONS AND WAIVERS, WHICH ARE DISCUSSED IN THE STAFF REPORT. A SUMMARY LIST OF THESE MODIFICATIONS AND WAIVERS, DATED MAY 6, 2015, WAS PROVIDED TO YOU TODAY AND WILL BE MADE A PART OF THE RECORD OF THIS CASE, without me reading the whole list.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.)

JN

Board Agenda Item
May 12, 2015

3:30 p.m.

Public Hearing on SE 2014-DR-057 (Stephen C. Bryan and Sally T. Bryan) to Permit a Cluster Subdivision and to Waive the Minimum District Size Requirements, Located on Approximately 5.63 Acres of Land Zoned R-1 (Dranesville District)

This property is located at 1318 Rockland Terrace, McLean 22101. Tax Map 31-1 ((1)) 17 D and 18.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, March 26, 2015, the Planning Commission voted10-0 (Commissioners Litzenberger and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-DR-057, subject to Development Conditions dated March 26, 2015; and
- Approval of the waiver of minimum district size to 5.63 acres.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4479822.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Bob Katai, Planner, DPZ

SE 2014-DR-057 – STEPHEN C. BRYAN & SALLY T. BRYAN

Decision Only During Commission Matters
(Public Hearing held on March 19, 2015)

Commissioner Ulfelder: Thank you, Mr. Chairman. We had a hearing last week and there were a couple of issues that needed to be taken care of. And today, you should've received copies of – with the revised conditions – proposed conditions in the SE 2014-DR-057, with Stephen and Sally Bryan at Rockland Terrace – as well as some revised plats, in the event that they decide to retain the existing house as part of the four-house cluster subdivision. Would a representative of the applicants please come forward? While he's coming forward, I think we addressed many of the issues that were discussed and that came up at the public hearing last week. And I think they're adequately addressed in the revised conditions. So let's – Mr. Allman, does the applicant confirm, for the record, that they agree to the proposed development conditions dated March 28 – 26, 2015?

Matthew Allman, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes. On behalf of the applicant, I can confirm that we have read, understand, and agree to the conditions.

Commissioner Ulfelder: Okay. Thank you.

Chairman Murphy: And please identify yourself for the record, just so we have it all together.

Mr. Allman: I apologize.

Chairman Murphy: That's okay.

Mr. Allman: Matthew Allman from the law firm of Walsh Colucci.

Chairman Murphy: Thank you very much.

Commissioner Ulfelder: Thank you.

Mr. Allman: Thank you.

Commissioner Ulfelder: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-DR-057, SUBJECT TO CONDITIONS DATED – now dated MARCH 26TH, 2015.

Commissioners de la Fe and Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-DR-057, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: One more motion. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF MINIMUM DISTRICT SIZE TO 5.63 ACRES.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: That's it.

Chairman Murphy: Thank you very much.

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(Each motion carried by a vote of 10-0. Commissioners Litzenberger and Sargeant were absent from the meeting.)

JLC

Board Agenda Item
May 12, 2015

3:30 p.m.

Public Hearing on SE 2014-DR-052 (Trinity Land LLC) to Permit Residential Cluster Subdivision, Located on Approximately 28.94 Acres of Land Zoned R-1 and HD (Dranesville District)

This property is located at 11801 Leesburg Pike, Herndon, 20170. Tax Map 6-3 ((1)) 33 and 33A.

The Board of Supervisors deferred this public hearing from the April 7, 2015, meeting to May 12, 2015, at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, March 12, 2015, the Planning Commission voted 10-0-1 (Commissioner Hurley abstained from the voted and Commissioner Sargeant was absent from the meeting) to recommend that the Board of Supervisors approve SE 2014-DR-052, subject to the Development Conditions dated March 12, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4478297.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mike Van Atta, Planner, DPZ

Planning Commission Meeting Attachment 1
March 12, 2015
Verbatim Excerpt

SE 2014-DR-052 – TRINITY LAND, LLC

Decision Only During Commission Matters
(Public Hearing held on March 4, 2015)

Commissioner Ulfelder: Thank you, Mr. Chairman. On March 4th, we had a hearing on an application, SE 2014-DR-052, Trinity Land, LLC, and since then - - we deferred the decision until tonight. Since then, we have developed a revised set of proposed development conditions I think addressing most of the issues that the Planning Commission recommended - - concern – or commented on. There are a couple of issues: one involving the offset of the fair share of the Park Authority fund fee and that is still under discussion but I think that will be resolved fully before the board of supervisors' hearing, which I think is now scheduled for April 7th, and taken care of, I think, and in a way that will be acceptable to everyone; and the other issue that was – that was raised were some safety concerns about Sugarland Road, particularly about the intersection with Route 7. And the concern about adding traffic from this proposed 30 lot subdivision. And there were questions raised about some of the testimony that was given at the public hearing. I think the bottom line is that VDOT and the Fairfax County Department of Transportation are satisfied with and happy with the option that being used here, which is accessed to and from the site from Sugarland Road. One, it will save a considerable amount of the RPA that rests between Route 7 and the site; it will eliminate a current cut along Route 7 which is in the process of being widened in anticipation of even more traffic over the next 10 to 20 years; and that – that it will be a better option overall. In the meantime, the Dranesville Supervisor's office is working on taking a close look at the safety issues and concerns that were raised at the public hearing by the residents and going to be trying to work with Fairfax County DOT and eventually VDOT to address some of those issues for the residents to give them some assurances. So, with that, I think we're ready to proceed. Can we have a representative of the applicant –

Stuart Mendelsohn, Esquire, Holland & Knight LLP: Good evening, Mr. Chairman and members of the Commission. My name is Stuart Mendelsohn with the law firm of Holland and Knight, here on behalf of the applicant.

Commissioner Ulfelder: Mr. Mendelsohn, is the applicant – does the applicant agree to the revised development conditions - - or the proposed development conditions that are now dated March 12th, 2015?

Mr. Mendelsohn: We do.

Commissioner Ulfelder: Okay, thank you. With that being done, Mr. Chairman, I'm prepared to MOVE TO THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-DR-052, SUBJECT TO DEVELOPMENT CONDITIONS DATED MARCH 12TH, 2015.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. 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 2014-DR-052, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Abstain.

Chairman Murphy: Hurley abstains.

Commissioner Ulfelder: I move that the planning commission recommend to the board of supervisors approval of a waiver of the service drive requirement along Leesburg pike per Paragraph 3(a) of Section 17-201 of the Zoning Ordinance.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstention.

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(The motion carried by a vote of 10-0-1. Commissioner Hurley abstained; Commissioner Sargeant was absent from the meeting.)

JN

Board Agenda Item
May 12, 2015

3:30 p.m.

Public Hearing on RZ 2013-PR-014 (Ausable, LLC) to Rezone from R-1 to R-5 to Permit Residential Development with a Total Density of 3.76 Dwelling Units per Acre and Waiver of Minimum Lot Width for Lots 3 and 11 per Sect. 9-610 of the Zoning Ordinance, Located on Approximately 3.72 Acres of Land (Providence District)

This property is located on the South side of Arlington Boulevard approximately 1,000 feet West of its intersection with Barkley Drive. Tax Map 48-4 ((1)) 44.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, April 16, 2015, the Planning Commission voted 7-0 (Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting and Commissioner de la Fe was not present for the vote) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2013-PR-014, subject to proffers dated April 15, 2015; and
- Approval of the following waivers and modifications:
  - a modification of the minimum district size, pursuant to Section 9-610 of the Zoning Ordinance to permit a district size of 3.72 acres;
  - a modification of Section17-201 (3a) of the Zoning Ordinance to construct a service drive across the site and Detail TS-3 of the Public Facilities Manual (PFM) to construct a sidewalk along the service drive to permit the service drive and sidewalk as shown on the GDP;
  - a modification of Section 17-201(2) of the Zoning Ordinance to construct a trail along Arlington Boulevard to permit the sidewalk as shown on the GDP;
  - a waiver of Section 17-201(4) of the Zoning Ordinance to construct a third lane along Arlington Boulevard;
  - a waiver of Section 7-0101.1 of the PFM to provide interparcel access; and
  - a waiver of Section 9-610 of the Zoning Ordinance for the minimum lot width for a corner lot for lots 3 and 11.

Board Agenda Item
May 12, 2015

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4445841.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Michael Van Atta, Planner, DPZ

RZ 2013-PR-014 – AUASABLE, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed – Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. First, let me thank the speakers for coming out this evening. Let me thank, also, the applicant for continuing to work with staff and make changes in conjunction with the comments from the community and the Supervisor's office. Let me also thank Mike Van Atta and Cathy Lewis for their assistance, again, in getting me up to speed in a relatively short period of time. This is a property – I think I've been reading staff reports about this property for about 15 years. Between the BZA and the Planning Commission, we've seen this property several times. But I think this is the – the best reading we've had of this material. This is – this is the best scheme, I think, we've seen for development on this property. We have a proffer package that does a number of things. It will clean up the fill in the RPA that shouldn't be there. It will dedicate that area to the Park Authority if they take it and we have built in – Plan B if, for whatever reason, they don't take it – that the HOA will have. It's – this is a challenging site in some ways. It's right along a major highway. It's wide and shallow and all the homes are always going to be right along the road. But I think we have – we have worked out the details. We have a favorable staff recommendation and I concur with the rationale with the staff report. I think that the question of the confirmation about the open space not being able to be severed and combined with somebody else for additional density will be clarified before the Board. It think it's – I think it's clear as a bell now, but we'll chisel that in stone. And with the most recent package, I think the conceivable impacts from this will be satisfactorily mitigated. I would not also, with respect to the trails waiver, my sympathies lie with the trails advocate tonight. I think I would ordinarily – and maybe up until a couple years ago – I would have pushed pretty hard to get even a little segment across the front of this property. I note also that with the topography that Ms. Greenlief described – particularly the bridge over the stream – or how you get across the stream – those, in my experience as the trails chairman, were always very expensive connections to make and even more difficult to require of an applicant not on that property, but an adjacent property. And so I think that, given the rationale that we've been given for the waiver – given the current state of affairs of the properties around it – and given, also, the possibility in the future of a widening project for Route 50, that it would – Route 50 is going to get a third lane at some point – hopefully, the money would materialize – in conjunction with that project – everything that's going to have to be sorted out, including such things as the bicycle or multi-purpose trails along either side of the road. And so – even though it isn't solving the problem now – I think we're not precluding anything in the future. This application certainly isn't precluding that from happening at an appropriate time, in accordance with whatever the legislative scheme may be. I think this is ready to go and I think we feel good about this property and that this going to be a positive asset for the neighborhood. Therefore, Mr. Chairman, first I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2013-PR-014, SUBJECT TO PROFFERS DATED APRIL 15, 2015.
Commissioners Hedetniemi and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-PR-014, say aye.

Commissioners: Aye.

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

Commissioner Hart: Yes, thank you, Mr. Chairman. Second, I'm going to – I'm going to do the package all together unless somebody wants to –

Commissioner Flanagan: No.

Commissioner Hart: -pull something out.

Chairman Murphy: Go.

Commissioner Hart: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A MODIFICATION OF THE MINIMUM DISTRICT SIZE, PURSUANT TO SECTION 9-610 OF THE ZONING ORDINANCE TO PERMIT A DISTRICT SIZE OF 3.72 ACRES;

- A MODIFICATION OF SECTION17-201 (3A) OF THE ZONING ORDINANCE TO CONSTRUCT A SERVICE DRIVE across the site – ACROSS THE SITE AND DETAIL TS-3 OF THE PUBLIC FACILITIES MANUAL (PFM) TO CONSTRUCT A SIDEWALK ALONG THE SERVICE DRIVE TO PERMIT THE SERVICE DRIVE AND SIDEWALK AS SHOWN ON THE GDP;

- A MODIFICATION OF SECTION 17-201(2) OF THE ZONING ORDINANCE TO CONSTRUCT A TRAIL ALONG ARLINGTON BOULEVARD TO PERMIT THE SIDEWALK AS SHOWN ON THE GDP;

- A WAIVER OF SECTION 17-201(4) OF THE ZONING ORDINANCE TO CONSTRUCT A THIRD LANE ALONG ARLINGTON BOULEVARD;

- A WAIVER OF SECTION 7-0101.1 OF THE PFM TO PROVIDE INTERPARCEL ACCESS; AND

- A WAIVER OF SECTION 9-610 OF THE ZONING ORDINANCE FOR THE MINIMUM LOT WIDTH FOR A CORNER LOT FOR LOTS 3 AND 11.

Commissioners Hedetniemi and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder and Mr. – Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you.

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(Each motion carried by a vote of 7-0. Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting. Commissioner de la Fe was not present for the vote.)

JLC

Board Agenda Item
May 12, 2015

4:00 p.m.

Public Hearing on SE 2014-SU-070 (Gricelda Flores, Sunbeam Family Child Care) to Permit a Home Child Care Facility, Located on Approximately 1,606 Square Feet of Land Zoned PDH-4 (Sully District)

This property is located at 5815 Stream Pond Court, Centreville 20120. Tax Map 54-3 ((23)) (15) 22 Tax Map 54-3 ((23)) (15) 22.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, April 30, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting) to recommend to the Board of Supervisor approval of SE 2014-SU-070, subject to the Development Conditions dated April 30, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4477686.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Michael Lynskey, Planner, DPZ

SE 2014-SU-070 – SUNBEAM FAMILY CHILD CARE/GRICELDA FLORES

After Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. Miss, could you come up and – I request that you confirm, for the record, agreement to the proposed development conditions dated April 30th, 2015.

Gricelda Flores, Applicant/Title Owner: Yes.

Commissioner Litzenberger: Thank you. You may sit down. I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISOR – APPROVE SE 2014-SU-070, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED APRIL 30TH, 2015.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-070, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Thank you, Mr. Chairman. Thank you staff.

Chairman Murphy: Thank you. Thank you. Good luck.

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.)

JLC

Board Agenda Item
May 12, 2015

4:00 p.m.

Public Hearing on Amendments to the Fairfax County Code to: Adopt New Chapter 108.1 (Noise Ordinance), Repeal Chapter 108 (Noise Ordinance), and Repeal Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) to Chapter 5 (Offenses)

ISSUE:
The Board of Supervisors requested staff to better address the methodology used in noise measurements, consider the appropriateness of establishing daytime and night time noise to protect the community, and add other objective criteria to regulate noise within Fairfax County. In response, a new Noise Ordinance is being proposed, and the current Noise and Excessive Sound Generation in Residential Areas and Dwellings Ordinances would be repealed.

RECOMMENDATION:
The County Executive recommends that the Board approve the following modifications to the Fairfax County Code: (1) adopt a new Noise Ordinance (Chapter 108.1), (2) repeal the existing Noise Ordinance (Chapter 108), and (3) repeal the Excessive Sound Generation in Residential Areas and Dwellings Ordinance (Article 6 of Chapter 5) as contained in the April 7, 2014 staff report and as modified by the proposed changes dated April 20, 2015.

TIMING:
Board of Supervisors' authorization to advertise on April 7, 2015. Board public hearing on May 12, 2015, at 4:00 p.m. The provisions of this amendment would become effective at 12:01 a.m. on the day following adoption.

BACKGROUND:
The proposed amendment is on the 2014 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a Board of Supervisors' (Board) request to review and revise the Noise Ordinance (Chapter 108 of the County Code) to better address the methodology used in noise measurements, consider the appropriateness of establishing daytime and nighttime noise levels to protect the community, and add other objective criteria to regulate noise within Fairfax County. On December 3, 2013, the Board adopted a new Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) to Chapter 5 (Offenses) of the County Code which gave the Police Department the ability to address certain sound that is generated in a residential dwelling or residential area that is plainly audible and discernible inside another

person's dwelling with doors and windows closed. The new Article 6 of Chapter 5 was intended to be an interim step in addressing noise until more comprehensive amendments to Chapter 108 were considered by the Board. The proposed amendments, which include the establishment of a new Noise Ordinance (Chapter 108.1 of the County Code), the repeal of Chapter 108, and the repeal of Article 6 of Chapter 5 are in response to these requests. The amendment addresses, but is not limited to, the following:

(1) Addresses certain sounds that are a hazard to the public health, welfare, peace and safety and the quality of life of the citizens of Fairfax County.

(2) Prohibits certain sound producing activities **(prohibitions)**; excludes certain activities from the Noise Ordinance **(exceptions)**; and when not specifically prohibited or excepted, subjects activities or sources of sound to **maximum decibel levels**. The prohibitions, exceptions and maximum decibel levels may be further qualified by time, location and duration limitations.

(3) Is administered and enforced by the Director of the Department of Planning and Zoning (Director) and his/her duly authorized agents, including the Zoning Administrator, the Department of Code Compliance and the Department of Public Works and Environmental Services, and would be assisted by other departments. The Police Department may also enforce the Ordinance.

(4) Provides that violations of the Noise Ordinance may be prosecuted as a misdemeanor or a civil penalty, or the Board could seek injunctive relief from the Circuit Court.

(5) Provides that waivers from the Noise Ordinance can be granted by the Director for up to one year if it is found that the noise does not endanger the public health, safety or welfare; or that compliance with the Noise Ordinance produces serious hardship without providing an equal or greater benefit to the public. Any person aggrieved by a waiver decision of the Director can appeal the decision within 30 days of the decision to the County Executive.

(6) Provides that if there is a conflict between the Noise Ordinance and any proffered conditions and/or development conditions pertaining to noise or sound, the text of the Noise Ordinance in effect at the time such conditions were approved shall govern.

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

Since the publication of the staff report, staff has continued to review the proposed amendment in response to ongoing comments received, particularly with regard to the

use of loudspeakers on school and recreational grounds, as well as issues identified by the staff working group that required additional clarification. As a result of these discussions, staff recommends the following modifications and clarifications to the proposed amendment:

(1) A new Par. (f) has been added to Sect. 108.1-3-1 to clarify that all sound requiring analysis or measurement under this ordinance shall be such sound that crosses a property boundary or a partition between residential dwellings.

(2) Paragraphs (j) and (k) of proposed Sect. 108.1-4-1 include prohibitions pertaining to person, motor vehicle or instrument ("people noise") and animal noise. These paragraphs have been modified to consistently use the term "residential dwelling" instead of "residence". In addition, it has been clarified that "people noise" is prohibited when it is plainly audible in any other person's residential dwelling with doors and windows closed between 1 a.m. and 7 a.m. on Saturdays, Sundays and Federal holidays when the residential dwelling is located in a mixed use area and the sound is emanating from a location that is not another residential dwelling.

(3) Under proposed Sect. 108.1-5-1, band performances or practices, athletic contests or practices and other such activities on school or recreational ground are not subject to the proposed Noise Ordinance between the hours of 7 a.m. and 10 p.m. on Sunday through Thursday or between 7 a.m. and 11 p.m. on Friday, Saturday, or the day before a Federal holiday. The use of loudspeakers and instruments in conjunction with such activities, except for unamplified musical instruments, would not be permitted prior to 9 a.m. on Saturdays, Sundays and Federal holidays. In addition, the overall noise levels for the loudspeakers and/or instruments and the associated activities cannot exceed 72 dBA at the property boundary of the noise source.

When the school or recreational grounds are in close proximity to a residence, it is believed that the proposed 72 dBA maximum may be too loud given that the maximum allowable decibel levels for residential areas in residential districts is proposed to be 60 dBA between 7 a.m. and 10 p.m. Therefore, staff is recommending that when a residential dwelling is located within 50 yards of the loudspeaker and/or instrument, the noise level from the loudspeaker and/or instrument shall be subject to the maximum decibel levels contained in the proposed Maximum Sound Levels Tables. For example, a loudspeaker on a school property that is residentially zoned could not exceed 60 dBA at the property line or anywhere on an adjacent residentially zoned and developed lot.

(4) Proposed Sect. 108.1-7-1 states that the Noise Ordinance does not negate any applicable proffered condition, development condition, special permit or special exception condition pertaining to noise or sound. Given that these conditions

were the result of a public hearing process and input from impacted property owners, staff believes that it is appropriate to clarify that any condition that refers to the Noise Ordinance shall be deemed to refer to the text of the Noise Ordinance in effect at the time the condition was approved.

The recommended changes noted above are set forth in Attachment 2.

REGULATORY IMPACT:
The proposed amendments should facilitate the implementation and enforcement of the noise regulations. The amendments will be implemented and enforced using existing resources and staff.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Staff Report
Attachment 2 – Recommended Changes Since the April 7, 2015 Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Lorrie Kirst, Senior Deputy Zoning Administrator, DPZ

Attachment 1

FAIRFAX COUNTY

V I R G I N I A

STAFF REPORT

PROPOSED COUNTY CODE AMENDMENTS

Adopt New Chapter 108.1 (Noise Ordinance)

Repeal Chapter 108 (Noise Ordinance)

Repeal Chapter 5 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) of Article 6 (Offenses)

PUBLIC HEARING DATES

Board of Supervisors May 12, 2015 at 4:00 p.m.

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

April 7, 2015

LK

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

STAFF COMMENT

The proposed amendment is on the 2014 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a Board of Supervisors' (Board) request to review and revise the Noise Ordinance (Chapter 108 of the County Code) to better address the methodology used in noise measurements, consider the appropriateness of establishing daytime and nighttime noise levels to protect the community, and add other objective criteria to regulate noise within Fairfax County. On December 3, 2013, the Board adopted a new Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) to Chapter 5 (Offenses) of the County Code which gave the Police Department the ability to address certain sound that is generated in a residential dwelling or residential area that is plainly audible and discernible inside another person's dwelling with doors and windows closed. The new Article 6 of Chapter 5 was intended to be an interim step in addressing noise until more comprehensive amendments to Chapter 108 were considered by the Board. The proposed amendments, which include the establishment of a new Noise Ordinance (Chapter 108.1 of the County Code), the repeal of Chapter 108, and the repeal of Article 6 of Chapter 5, are in response to these requests.

Background

Fairfax County has a longstanding policy that certain sounds are a hazard to the public health, welfare, peace, and safety, and adversely affect the quality of life of its citizens. Many provisions in the current Noise Ordinance contain ascertainable and objective enforcement standards that do not depend upon the subjective tolerances of the listener. Provisions in Chapter 108 dealing with "nuisance noises," however, require enforcement based upon a subjective, "reasonable person" standard. In April 2009, the Supreme Court of Virginia, in the case of *Tanner v. City of Virginia Beach,* 227 Va. 432, 674 S.E.2d 848 (2009), struck down as unconstitutional a similar "reasonable person" standard found in Virginia Beach's noise ordinance. As a result of the *Tanner* decision, many jurisdictions throughout Virginia have either amended their noise ordinances, or are in the process of amending their noise ordinance to address the Supreme Court decision. For example, Arlington County, the City of Richmond, and the City of Virginia Beach have amended their noise ordinances in response to the *Tanner* decision. Staff has reviewed the adopted noise ordinances from these jurisdictions, and has incorporated similar provisions while maintaining as much of the current structure of the Fairfax County noise regulations as possible.

Because, excessive sound generation in residential areas was an issue that required more immediate attention, in December 2013 the Board adopted the Excessive Sound Generation in Residential Areas and Dwellings. This ordinance served as an interim solution to allow the Police Department to effectively respond to calls for service regarding excessive noise in residential areas. The addition of Article 6 to Chapter 5, Offenses, allowed the Police Department to enforce these types of sound violations while staff further reviewed and studied a more comprehensive overhaul of Chapter 108. Furthermore, in order to avoid potential conflicts between Article 6 of Chapter 5 and the nuisance provisions of Article 5 of Chapter 108, the nuisance provisions in Chapter 108 were repealed at the same time that Article 6 of Chapter 5 was adopted in December 2013.

Staff from the Department of Planning and Zoning (DPZ), the Department of Code Compliance (DCC), the County Attorney's Office, and the Police Department have been meeting regularly since

2013 to review the regulations from other jurisdictions, consider the applicable State Code provisions, discuss the public and Board comments, and to develop a new Noise Ordinance.

On February 18, 2014, staff presented the first draft of a new Noise Ordinance to the Board's Development Process Committee (Committee), which is a Committee of the entire Board. The overall goal of the proposed Noise Ordinance is to:

- Recognize that there will always be certain levels of noise that occur in the normal course of daily living;
- Allow certain levels of daytime noise so that people can live, work, and play during the day; and
- Minimize nighttime noise so residents have an appropriate quiet environment in their homes at night.

The proposed new Noise Ordinance would replace both the existing Chapter 108 and Article 6 of Chapter 5. The overall framework of the proposed new Noise Ordinance would be to:

- Prohibit **c**ertain activities **(prohibitions);**
- Exclude certain activities from the Noise Ordinance **(exceptions);** and
- When not specifically prohibited or excepted, then activities or sources of sound would be subject to **maximum decibel levels**.

The above framework would be further qualified by time, location, and duration limitations.

The Committee on February 18, 2014, requested staff to conduct a series of outreach meetings on the staff's proposed rewrite of the Noise Ordinance in order to solicit public input. Accordingly, staff conducted three meetings in May 2014 at different locations throughout the County. A total of approximately 200 people attended these meetings. In addition, the following organizations were notified about the amendment and were asked to provide input: the Environmental Quality Advisory Committee (EQAC), Northern Virginia Building Industry Association (NVBIA), Commercial Real Estate Development Association (NAIOP), Engineers and Surveyors Institute (ESI), Planning Commission, Fairfax County Park Authority (FCPA), Fairfax County Public Schools (FCPS), Fairfax County Department of Public Works and Environmental Services (DPWES), Washington Metropolitan Area Transit Authority (WMATA), Chamber of Commerce, Heavy Construction and Contractors Association and the Federation of Citizen Associations. Staff has also met with the FCPA, FCPS, WMATA, EQAC, the Planning Commission's Environment Committee, NAIOP/NVBIA, and the privately-owned trash haulers community. In addition, staff developed the http://www.fairfaxcounty.gov/dpz/zoning/noiseordinance/ website for the proposed Noise Ordinance Amendment and received comments via an on-line comment form.

The number and variety of comments received from the public outreach was wide-ranging and it was clear from reviewing the comments that there was no clear consensus on the issues. On June 10, 2014, staff presented a summary of all comments received to the Committee. At that meeting, the Committee directed staff to prepare a range of options for the Board to consider given the diversity of opinions and comments on the proposal.

On September 30, 2014, staff presented options to the Committee, and the Committee requested that the options be simplified to minimize changes from the existing Noise Ordinances. The Board further directed staff to take noise measurements at high school athletic events. Noise measurements were taken at high school football games at Hayfield, McLean, and Centreville High Schools. The measurements were taken using a noise meter and measured in decibels (dBA) (the units that measure pressure levels or intensity of sound). The measurements showed that the noise from the surrounding traffic was generally as loud as the cumulative sound coming from the games, including the use of loudspeakers, crowd noise, and the noise from the official's whistles, and these noise levels were measured at approximately 70 to 75 dBA, which is generally consistent with the maximum sound level of 72 dBA which is permitted in industrial districts.

Given that the FCPA and other golf course operators had expressed the need to begin operating power lawn equipment as early as 5:30 a.m. in order to accommodate 6 a.m. tee times, and in recognition that complaints regarding golf course lawn maintenance noise had been received from residents living adjacent to golf courses, staff also obtained a sample of noise level readings for golf course lawn equipment. Those measurements were taken at the FCPA Twin Lakes Golf Course on January 23, 2015, at different distances and using different pieces of power lawn equipment. The measurements revealed that leaf blowers were the loudest piece of equipment and the operation of leaf blowers exceeded 60 dBA when measured 100 yards from the operation of the equipment. The measurements also showed that the sound from the operation of all other lawn maintenance equipment was no more than 55 dBA when measured 50 yards from such operation. Staff believes that 50 yard distance is appropriate because 55 dBA is the current maximum noise level permitted in residential districts.

At the February 3, 2015, Committee meeting, staff distributed an updated draft Noise Ordinance and summary chart and requested guidance on several issues. With the understanding that additional modifications to the proposed amendment could be made as part of the public hearing process, the Committee recommended several changes to the staff proposal for advertising purposes including:

- Activities on School and Recreational Grounds – Advertise a decibel range of 60 to 72 dBA for limiting the maximum noise levels for cumulative noise when loudspeakers are used.
- "People Noise" – Begin the plainly audible prohibition standard at 11 p.m. on weekends and the day before a holiday.
- Dog Parks – Begin dog park hours at 8 a.m. on weekends and holidays.
- Operation of Power Lawn Equipment – Permit the use of power lawn equipment associated with golf course maintenance, except leaf blowers, beginning at 5:30 a.m. when operating more than 50 yards from a residence.
- Trash Collection – No changes to current proposal which is the same as the existing regulations in Chapter 108.
- Maximum Sound Levels – No changes to the proposed maximum decibel levels.

The proposed Noise Ordinance incorporates the recommended changes.

Proposed County Code Amendments

The proposed amendments to the County Code consist of three parts:

- The adoption of Chapter 108.1 (Noise Ordinance) (See Attachment A);
- The repeal of existing Chapter 108 (Noise Ordinance) (See Attachment C); and
- The repeal of the existing Article 6 (Excessive Sound Generation in Residential Areas and Dwellings Ordinance) of Chapter 5 (Offenses) of the County Code (See Attachment D).

Proposed Chapter 108.1 consists of the following:

Article 1 - General Provisions.

- Chapter 108.1 is referred to as the Noise Ordinance.

- It is the purpose and intent of the proposed Ordinance to recognize that certain noise is a hazard to the public health, welfare, peace, and safety, and the quality of life of the citizens of Fairfax County; that people have a right to and should be ensured of an environment free from sound that jeopardizes the public health, welfare, peace, and safety or degrades the quality of life; and it is the policy of the Board to prevent such noise to the extent such action may be permitted pursuant to Federal or State law.

Article 2 - Definitions.

- Words and phrases used in the proposed ordinance would have the meaning as outlined in the proposed definitions. Many of the definitions from Chapter 108 are being updated and carried forward into the proposed Ordinance, and new definitions are also being incorporated in order to define new terms and sound sources. Some of the new definitions include: continuous sound, discernible, dog park, dusk, golf course, impulse sound, instrument, mixed use area, non-residential area, plainly audible, recreational grounds and transportation facility.

Article 3 - Administration, Penalties and Authority and Duties.

- The current Noise Ordinance is administered and enforced by the Zoning Administrator. The proposed Noise Ordinance would be administered and enforced by the Director of DPZ and his/her duly authorized agents, including the Zoning Administrator, DCC and DPWES, and would be assisted by other Departments. The Police Department may also enforce the Noise Ordinance.

- In addition to the above, prosecution for the violation of any provisions of the proposed Noise Ordinance could be pursued before a magistrate upon the sworn complaint of two people who are not members of the same household alleging the specific violation complained of, both of the complainants must affirm that made a reasonable attempt to request abatement of the violation, and that the violation continued after such request.

- Violations of the proposed Noise Ordinance could be prosecuted as a misdemeanor or a civil penalty, or the Board could seek injunctive relief from the Circuit Court. If so enforced by

the Police Department, the civil remedies would not be applicable. In addition, pursuant to the *Code of Virginia*, the civil penalty provisions would not apply to noise generation in connection with business being performed on industrially zoned property, nor to railroads or to sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy.

Article 4 - Prohibited Sound.

- Certain sound generating activities would be specifically prohibited and these prohibitions may be further qualified by time, duration, and location limitations. All of the proposed prohibited sounds and activities are listed in the "Applicability of the Proposed Noise Ordinance Table" set forth in Attachment B. The following activities are currently prohibited in Chapter 108 and would continue to be prohibited under the proposed Noise Ordinance at night: operation of most loudspeakers, outdoor construction, outdoor motor vehicle or mechanical device repair, outdoor powered model vehicle operation, trash collection in residential districts, and the loading and unloading of trucks within 100 yards of a residence.

- Generally, the time frame for prohibited activities would extend from 9:00/10:00 p.m. to 7 a.m. Certain activities, such as the use of loudspeakers and outdoor construction, would be prohibited until 9:00 a.m. on weekends and federal holidays. In recognition that some of the proposed time frames include 12 a.m./midnight, those time parameters would be defined to end at the specified time on the following day.

- Unless otherwise addressed by the proposed Chapter as either a prohibition or an exception, no person could permit, operate, or cause any source of sound or sound generation that exceeds the maximum sound limits outlined in the Maximum Sound Levels Table that is set forth in the proposed amendment (See Attachment A). The sound levels would be measured in decibels with a sound level meter. The sound level measurements would be taken at the property boundary of the sound source, or at any point within any other property affected by the sound.

  The current Noise Ordinance has maximum sound levels for stationary noise sources with a maximum of 55 dBA in residential districts, 60 dBA in commercial districts, and 72 dBA in industrial districts. There is no distinction between daytime and nighttime noise levels, or between residential and nonresidential uses, such as a church or school, in residential districts. As previously mentioned, one of the parameters of the amendment is to ensure that people have the ability to live, work, and play during the day and to have an expectation of quiet in their homes at night. As such, staff believes it appropriate to have different daytime and nighttime maximum noise levels for residential areas in residential districts with a maximum allowable decibel level of 55 dBA between 10 p.m. and 7 a.m. and a maximum sound level of 60 dBA between 7 a.m. and 10 p.m. It is also staff's opinion that the current maximum decibel level of 72 dBA is too high in industrial districts at night, and is recommending a maximum level of 65 dBA between 10 p.m. and 7 a.m. Staff further believes it appropriate to allow a maximum decibel level of 60 dBA at all times for those non-residential uses in residential districts, as it is believed that the current maximum decibel

level of 55 dBA is too low for such uses given that a normal conversation has a decibel level of approximately 55 to 60 dBA. Finally, staff recognizes that Fairfax County is rapidly urbanizing and there are more mixed used areas, such as Tysons, Reston, Fair Lakes, Fairfax Corner, Merrifield, Kingstowne, and the various Community Business Centers, where sound producing activities may occur 24 hours a day. As such, staff is recommending that the maximum allowable sound level in mixed use areas be 65 dBA at any time.

In addition, the proposed Ordinance makes a distinction between continuous sound and impulse sound. Continuous sound is a sound whose intensity remains essentially constant during the period of observation and is measured with a sound level meter using the A-weighted network. Continuous sound levels are averaged over a period of time, are abbreviated as dBA, and were discussed in the preceding paragraph. Impulse sound is defined as acoustical energy characterized by a rapid rise to a maximum sound pressure followed by a somewhat slower decrease in sound pressure, both occurring within a short time frame. Impulse sound is measured in decibels, is abbreviated as dB, and is the actual highest sound level that occurs with no averaging. Examples of impulse sounds would include sound from weapons fire, pile drivers, and blasting. Except in residential areas in residential districts and industrial districts at night, the proposed maximum allowable impulse sound level would be 100 dB. Between 10 p.m. and 7 a.m., the proposed maximum allowable impulse sound would be 80 dB in residential areas in residential districts and 120 dB in industrial districts.

- Certain sound-producing activities that are plainly audible inside another person's residence and are discernible would be prohibited, with "plainly audible" being defined as sound that can be heard with the human ear, and "discernible" being defined as sound that is sufficiently distinct such that its source can be clearly identified. These activities include: noise from a person, motor vehicle or instruments (people noise) at night; and barking dogs, crowing roosters, and other animal noises.

Article 5 - Exceptions.

- Certain sounds or activities would not be subject to the proposed Noise Ordinance (exceptions), and these exceptions may be further qualified by time, duration, and location limitations. All of the proposed sounds and activities that would not be subject to the proposed Noise Ordinance are listed on the "Applicability of the Proposed Noise Ordinance Table" as set forth in Attachment B.

- Activities or sounds not subject to the Noise Ordinance at any time include: emergency work, alarms in an emergency situation; back-up generators during power outages; activities preempted by Federal or State law; motor vehicles traveling on the right-of-way; operation of helicopters and airplanes; trains traveling on railroad tracks and railroad track maintenance; snow and ice removal; heat pumps/air conditioning units on single family lots when operating in accordance with manufacturers specifications; and impulse sound that does not exceed the maximum decibel levels listed in the Maximum Sound Levels Table, which is set forth in the proposed amendment (See Attachment A).

- Certain activities or sounds would not be subject to the Noise Ordinance during the day, but would be prohibited at night, including: certain loudspeakers; outdoor construction; outdoor trash and recycling collection; land fill operations; operation of lawn equipment; operation of mechanical devices for cleaning outdoors; and the use of dog parks.

- Certain activities or sounds would not be subject to the Noise Ordinance during the day, but would be subject to the maximum decibel levels at night, including: routine testing of alarms and back-up generators; transportation facilities; bells, carillons and other calls to worship; and band performances or practices, athletic contests, and other such activities on school or recreational grounds.

- Certain activities would be subject to the maximum decibel levels during the day and prohibited at night, including: most loudspeakers; outdoor motor vehicle or mechanical device repair; operation of powered model vehicles; and outdoor truck loading and unloading.

Article 6 – Waivers.

- The current Noise Ordinance allows for variances from the Noise Ordinance provisions that can be approved by the Zoning Administrator. The proposed amendment essentially carries forward these provisions, except that it refers to these modifications as a "waiver" instead of a "variance," and allows the Director to approve such waiver requests instead of the Zoning Administrator.

- The Director may grant such a waiver if it is found that the noise does not endanger the public health, safety, or welfare, or that compliance with the Noise Ordinance produces serious hardship without providing an equal or greater benefit to the public. The administrative process for granting such waivers will continue to rest with the Zoning Inspections Branch of DPZ

- A waiver can only be granted for a period of up to one year, but any waiver could be renewed for a like period if the Director finds the waiver is again justified.

- Any person aggrieved by a waiver decision of the Director can appeal the decision to the County Executive within 30 days from the date of the decision. The County Executive must review the appeal within 60 days and either affirm or overturn the decision.

Article 7 - Proffered and Development Condition Applications.

- A property may be subject to proffered conditions and/or development conditions pertaining to noise, and the proposed Noise Ordinance would not negate any such conditions. In the event of any conflict between the conditions and the Noise Ordinance, the text of the Noise Ordinance in effect at the time the conditions were approved shall govern.

Article 8 - Severability.

- If any part of the Noise Ordinance is declared unconstitutional or invalid by a Court, such unconstitutionality or invalidity would not affect the validity of the Noise Ordinance in its entirety or any of the remaining portions of the Noise Ordinance.

Conclusion

Certain noises are a hazard to the public health, welfare, peace, and safety and adversely affect the quality of life of its citizens. However, it is also recognized that a certain amount of noise is inevitable, particularly in a suburban/urban area such as Fairfax County. It is believed that certain levels of daytime noise should be allowed so that people can live, work, and play during the day. Conversely, nighttime noise should be minimized so residents have an appropriate quiet environment in their homes at night. The proposed amendments address these overall themes by prohibiting certain sounds, not subjecting certain sounds to the Noise Ordinance (exceptions), and subjecting all remaining sounds to maximum sound (decibel) levels.

Staff recognizes that there is tension between citizens who want to make full use of their property and not be subject to noise regulations, and those citizens who live near the noise source and may be adversely impacted by it. It is staff's opinion that the proposed amendment provides an appropriate balance between these two valid and competing interests. As such, staff recommends approval of the proposed amendments with an effective date of 12:01 a.m. on the day following adoption.

ATTACHMENT A

PROPOSED COUNTY CODE AMENDMENT

April 7, 2015

Amend the Fairfax County Code by adding a new Chapter 108.1, Noise Ordinance, to read as follows:

ARTICLE 1. General Provisions.

Section 108.1-1-1. Short title.

This Chapter may be referred to as the "Noise Ordinance" of the County of Fairfax.

Section 108.1-1-2. Declarations of findings and policy.

The Board hereby finds and declares that certain noise is a hazard to the public health, welfare, peace and safety and the quality of life of the citizens of Fairfax County; that the people have a right to and should be ensured of an environment free from sound that jeopardizes the public health, welfare, peace and safety or degrades the quality of life; and that it is the policy of the Board to prevent such noise to the extent such action is not inconsistent with Federal or State law.

ARTICLE 2. Definitions.

Section 108.1-2-1. Definitions.

(a) The following words and phrases, when used in this Chapter, shall for the purposes of this Chapter, have the meanings respectively ascribed to them in this Section, except in those situations where the context clearly indicates a different meaning:

(1) *A-weighted sound pressure level* shall mean the sound pressure level as measured on a sound level meter using the A-weighted network. The level so read shall be abbreviated as dBA.

(2) *Board* shall mean the Fairfax County Board of Supervisors.

(3) *Continuous sound* shall mean a sound whose intensity remains essentially constant during the period of observation. Continuous sound shall be defined for measurement purposes as sound which is measured by the slow response setting of a sound level meter.

(4) *Decibel* shall mean a unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.

(5) *Device* shall mean any mechanism which is intended to, or which actually produces sound when operated or handled.

(6) *Director* shall mean the Director of the Fairfax County Department of Planning and Zoning or his/her duly authorized agent.

(7) *Discernible* shall mean that the sound is sufficiently distinct such that its source can be clearly identified.

(8) *Dog Park* shall mean either a public or privately owned open space area that is primarily used by dogs not on a leash. A dog park shall not include areas that are located on individual single family residential dwelling lots or a recreational ground.

(9) *Dusk* shall mean thirty (30) minutes after sunset, which is defined as the moment each day when the top of the sun disappears below the western horizon.

(10) *Emergency work* shall mean any work performed for the purpose of preventing or alleviating physical injury or illness or property damage threatened or caused by an emergency, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety, or welfare of the community and the operation of police cars, fire trucks, ambulances, helicopters and other vehicles that are responding to emergencies.

(11) *Golf course* shall mean land area that is either publicly or privately owned and designed for the game of golf with a series of nine (9) or eighteen (18) holes each including a tee, fairway and putting green and often one (1) or more natural or artificial hazards. Any remaining portions of a property containing a golf course, including clubhouses, parking areas and other recreational facilities, shall for the purposes of this Chapter be deemed a recreational ground.

(12) *Impulse sound* shall mean acoustical energy characterized by a rapid rise to a maximum sound pressure followed by a somewhat slower decrease in sound pressure, both occurring within a short time frame. Impulse sound may include, but is not limited to, sound from weapons fire, pile drivers or blasting.

(13) *Instrument* shall mean any musical instrument, radio, phonograph, compact disc player, amplifier or any other device which produces, reproduces or amplifies sound.

(14) *Landfill* shall mean a site used in a controlled manner by a person for the dumping of debris; or a disposal site operated by means of compacting and covering solid waste with an approved material. This term is intended to include both debris landfills and sanitary landfills as defined in Chapters 104 and 109.1 of the Fairfax County Code.

(15) *Mixed use area* means the parcel on which one (1) or more residential dwellings and at least one (1)other non-residential use are located and any contiguous rights-of-ways, roads, streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.

(16) *Motor vehicle* shall mean any vehicle which is self-propelled or designed for self-propulsion including but not limited to, automobiles, trucks, truck-trailers, semitrailers, campers, motorcycles, mini-bikes, motor scooters and motor boats. Motor vehicles shall not include lawn mowers or other lawn equipment and nothing herein shall conflict with state law.

(17) *Noise* shall mean the intensity, frequency, duration or character of sounds from a single source or multiple sources that may degrade the public health, safety or welfare.

(18) *Non-residential area* shall mean a parcel in a residential district that does not contain a residential dwelling and contains non-residential uses such as schools, parks, places of worship, fire stations and sewage treatment plants.

(19) *Person* shall mean any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.

(20) *Plainly audible* shall mean the sound can be heard by the human ear with or without a medically approved hearing aid or device.

(21) *Powered model vehicles* shall mean any mechanically powered vehicle, either airborne, waterborne or landborne, which is not designed to carry persons including, but not limited to, model airplanes, boats, cars, drones and rockets.

(22) *Recreational grounds* shall mean any playground, athletic field, park or open space area that is publicly or privately owned, including land owned by a homeowner's or condominium association. Recreational grounds shall not include areas that are located on individual single family residential dwelling lots or dog parks.

(23) *Residential area* shall mean a parcel on which a residential dwelling is located and any contiguous rights of way, roads, streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.

(24) *Residential dwelling* shall mean any structure in which one (1) or more persons live on a permanent or temporary basis, including, but not limited to, single family dwellings, multiple family dwellings, hotels and motels.

(25) *Road right-of-way* shall mean any street, avenue, boulevard, highway~~,~~ or alley which is open to the public.

(26) *Sound* shall mean an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(27) *Sound level meter* shall mean an instrument to measure sound pressure levels which shall meet or exceed the American National Standards Institute (ANSI) Standard S1.4 for a "Type Two" meter and shall be calibrated by the manufacturer or a company that can certify the calibration at least one (1) time each year.

(28) *Sound generation* or *to generate sound* shall mean any conduct, activity or operation, whether human, mechanical, electronic or other, including but not limited to, any animal or bird, and any instrument, machine or device, whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in a sound that is plainly audible and discernible to the human ear.

(29) *Transportation facility* shall mean bus and rail facilities to include stations, platforms, garages, maintenance and staging areas, associated parking areas, and other associated mechanical appurtenances such as traction power stations, communication rooms, train control rooms, tie-breaker stations and other similar facilities

(30) *Zoning administrator* shall mean the Fairfax County Zoning Administrator or his/her duly authorized agent.

(31) *Zoning district classification:* Refers to the scheme of land use classification contained in the Fairfax County Zoning Ordinance.

ARTICLE 3. Administration, Penalties and Authority and Duties.

Section 108.1-3-1. Administration and Enforcement.

(a) The provisions of this Chapter shall be administered and enforced by the Director and/or his/her duly authorized agents, including the Zoning Administrator, the Department of Code Compliance, and the Department of Public Works and Environmental Services, and shall be assisted by other County departments as applicable.

(b) In addition, the provisions of this Chapter may also be enforced by the Police Department. If so enforced by the Police Department, the civil remedies referenced below shall not be applicable.

(c) The person operating, controlling or allowing the sound generation or source shall be guilty of any violation caused by that generation or source. If it cannot be determined which person is operating, controlling or allowing the sound generation or source, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the sound generation or source.

(d) Except as hereinbefore provided in Subparagraph (a) of this Section, a warrant may be obtained from a magistrate for the violation of any provision of this Chapter only upon the sworn complaint of a police officer or two (2) persons who are not members of the same household alleging the specific violation complained of, that either or both of the complainants requested or made a reasonable attempt to request abatement of the violation, and that the violation continued

after such request. Provided, however, that if there be no more than one (1) household within one half (½) mile of the sound source, a warrant may be issued upon the sworn complaint of one person making the foregoing allegations.

(e) For purposes of this Chapter, whenever a time parameter includes 12 a.m. or midnight, that time parameter shall be construed to end at the specified time on the following day.

Section 108.1-3-2. Penalties.

(a) Any violation of any provision of this Chapter shall constitute a Class 2 misdemeanor and upon conviction thereof, shall be punishable up to no more than six (6) months in jail and a fine of not more than $1,000, either or both. Failure to abate any such violation within the time period established by the Court shall constitute a separate Class 2 misdemeanor offense.

(b) In lieu of the criminal penalties set forth above, a violation of any provision of this Chapter may be punishable by a civil penalty of not more than $250, or $500 for each subsequent offense. However, this civil penalties provision shall not apply to noise generation in connection with business being performed on industrially zoned property, nor shall this provision apply to railroads or to sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy or any division thereof.

(c) In addition to, and not in lieu of, the penalties prescribed in this section, the Board may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this Chapter and may seek any other remedy or relief authorized by law.

Section 108.1-3-3. Authority and duties of the Director of Planning and Zoning.

In addition to any other authority vested in him by law, the Director or his/her duly authorized agent:

(a) May coordinate the sound control activities of all agencies and departments of the Fairfax County government and advise, consult, and coordinate sound control activities with other local governmental units, state agencies, inter-governmental agencies, the Federal government, and with interested persons and groups with respect to the provisions of this Chapter.

(b) Shall issue such orders, rules and regulations and measurement procedures and methodologies as may be necessary to effectuate the provisions of this Chapter and enforce the same by all appropriate administrative and judicial proceedings.

(c) May enter and inspect any property, premises or place at any reasonable time for the purpose of ascertaining compliance with any provision of this Chapter when granted permission by the owner, or some person with reasonably apparent authority to act for the owner. When permission is refused or cannot be obtained, a proper search warrant may be obtained from a Court of competent jurisdiction upon showing of probable cause to believe that a violation of this Chapter may exist.

(d) May obtain warrants for violations of any of the provisions of this Chapter and apply to any court of competent jurisdiction for such injunctive relief as shall be necessary to terminate continuing violations of this Chapter.

(e) May perform such other acts as may be necessary to carry out the functions of this Chapter and such other acts as may be specifically enumerated herein.

ARTICLE 4. Prohibited Sounds.

Section 108.1-4-1. Specific prohibitions.

The following acts are violations of this Chapter:

(a) Unless otherwise excepted by this Chapter, the use of a loudspeaker or other sound amplification device that is mounted on the exterior of any structure or motor vehicle between 10 p.m. and 7 a.m. on Sunday through Thursday, or between 10 p.m. and 9 a.m. on Fridays, Saturdays and the day before a Federal holiday. However, this prohibition shall not apply to loudspeakers that are required by State or Federal regulations or provide a public service announcement, such as train or bus arriving.

(b) Any action related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property in the outdoors between 9 p.m. and 7 a.m. on Sunday through Thursday, or between 9 p.m. and 9 a.m. on Fridays, Saturdays, and the day before a Federal holiday.

(c) Outdoor repairing or modifying~~,~~ any motor vehicle or other mechanical device between 9 p.m. and 7 a.m.

(d) The operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.

(e) Outdoor collection of trash or recyclable materials in residential districts and/or within 100 yards of a residential dwelling between 9 p.m. and 6 a.m.

(f) Any person that operates or permits to operate any motor vehicle, mechanical device, noise source, or any combination thereof, at a landfill between 9 p.m. and 6 a.m. and when located within 100 yards of a residential dwelling.

(g) Outdoor loading or unloading trucks within 100 yards of a residential dwelling between 9 p.m. and 6 a.m.

(h) Unless otherwise addressed by this chapter, the operation of power lawn equipment, including but not limited to lawn mowers, leaf blowers, chain saws, trimmers and edgers:

(1) Between 9 p.m. and 7 a.m. when operated within 100 yards from a residential dwelling, or

(2) Between 9 p.m. and 6 a.m. when operated 100 yards or more from a residential dwelling, or

(3) Between 9 p.m. and 5:30 a.m. for golf course maintenance when operated 50 yards or more from a residential dwelling; or

(4) Between 9 p.m. and 7 a.m. for golf course maintenance when operated less than 50 yards from a residential dwelling.

Notwithstanding the above, the operation of leaf blowers on all property, including on golf courses, is prohibited between 9 p.m. and 7 a.m.

(i) Unless otherwise excepted by this Chapter, the operation of mechanical devices within 100 yards of a residential dwelling for the cleaning of outdoor parking, pedestrian and/or loading areas between 9 p.m. and 7 a.m.

(j) Unless otherwise excepted by this Chapter, any person, motor vehicle or instrument that permits, operates, or causes any source of sound or sound generation to create a sound that is plainly audible in any other person's residential dwelling with the doors and windows closed:

(1) Between 10 p.m. and 7 a.m. on Sunday through Thursday, or between 11 p.m. and 7 a.m. on Fridays, Saturdays, and the day before a Federal holiday; or

(2) Between 1 a.m. and 7 a.m. on Saturdays, Sundays and federal holidays when the residence is located in a mixed use area and the sound is emanating from a nonresidential use.

In addition, the source of sound or sound generation must be discernible regardless of whether such doors and windows are closed.

(k) Any owner or person in control of any animal that allows or otherwise permits any such animal to bark, howl, bay, meow, squawk, quack, crow or make such other sound:

(1) Between 10 p.m. and 7 a.m. that is plainly audible in any other persons residence with doors and windows closed and the source of sound generation shall be discernible regardless of whether such doors or windows are closed; or

(2) Between 7 a.m. and 10 p.m. when the animal sound is plainly audible and discernible across real property boundaries or through partitions common to residential dwellings and such sound can be heard for more than two (2) consecutive or non-consecutive minutes in any ten (10) minute period of time. Animal sounds that can be heard for less than two (2) consecutive or non-consecutive minutes in any ten (10) minute period shall not be subject to this Chapter.

The provisions of this paragraph shall not apply to any animal that, at the time of the sound or sound generation, was responding to pain or injury or was protecting itself, its kennel, its offspring, or a person from an actual threat; when the animal is a police dog that is engaged in the performance of its duties at the time of making the sound; or when part of a bona fide agricultural operation. This provision shall apply to all animal sounds emanating from the same property. Notwithstanding the provisions of this paragraph, animals located in a dog park shall be subject to the provisions of Par. (l) below.

(l) The use of dog parks between dusk and 7 a.m. Sunday through Thursday, or between dusk and 8 a.m. on Friday, Saturday and the day before a Federal holiday.

Section 108.1-4-2. Sound generation.

(a) Unless otherwise addressed by this Chapter, no person shall permit, operate, or cause any source of sound or sound generation to create a sound which exceeds the limits set forth in the following table titled "Maximum Sound Levels" when measured at the property boundary of the sound source or at any point within any other property affected by the sound. When a sound source can be identified and its sound measured in more than one (1) zoning district classification, the sound shall not exceed the sound limits set forth in the following table for the zoning district or area in which the source of sound is located, and the sound levels on the affected properties shall not exceed the sound levels set forth in the table for the affected property.

MAXIMUM SOUND LEVELS			
Use and Zoning District Classification	Time of Day	Continuous Sound (dBA)	Impulse Sound (dB)
Residential Areas (as defined herein) in Residential Districts	7 a.m. to 10 p.m.	60	100
Residential Areas (as defined herein) in Residential Districts	10 p.m. to 7 a.m.	55	80
Non-Residential Areas in Residential Districts	All	60	100
Mixed Use Area (as defined herein)	All	65	100
Commercial Districts	All	65	100
Industrial Districts	7 a.m. to 10 p.m.	72	120
Industrial Districts	10 p.m. to 7 a.m.	65	100

ARTICLE 5. – Exceptions.

Section 108.1-5-1. Exceptions.

No provisions of this Chapter shall apply to:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency, provided that such alarm signals cease once any such threat is no longer imminent.

(b) The emission of sound in the performance of emergency work.

(c) Activities for which the regulation of sound has been preempted by Federal or State law.

(d) Motor vehicles on road right-of-way.

(e) Operation of airplanes and helicopters.

(f) Trains traveling on tracks located in railroad right-of-way or easements, including trains serving an interstate area and trains serving the Washington metropolitan region, and railroad track maintenance.

(g) Back-up generators subject to the following:

(1) The operation of back-up generators during power outages resulting from storms and other emergencies.

(2) The routine testing and maintenance of back-up generators provided that such activity occurs between 7 a.m. and 9 p.m. and the routine testing shall not occur for more than two (2) consecutive or non-consecutive hours in any one (1) day. The testing and maintenance of such generators is prohibited for (i) more than two (2) consecutive or non-consecutive hours in any one (1) day; or (ii) during the hours of 9 p.m. to 7 a.m.

(h) Heat pumps and/or air conditioners located on property containing single family detached or attached residential dwellings that are operating in accordance with the manufacturer's specifications.

(i) Activities associated with the removal of snow and/or ice from walkways, parking areas and travel lanes.

(j) Impulse sound that does not exceed the maximum impulse sound levels contained in the Maximum Sound Levels Table contained in Sect.108.1-4-2 above.

(k) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property between 7 a.m. and 9 p.m., provided that such activity does not exceed 90 dBA in residential areas, and it shall be a violation of this Chapter to commence such activity before 9 a.m. on Saturdays, Sundays, and Federal holidays.

(l) Operation of power lawn equipment:

(1) Between 7 a.m. and 9 p.m. when operated within 100 yards from a residential dwelling; or

(2) Between 6 a.m. and 9 p.m. when operated 100 yards or more from a residential dwelling; or

(3) Between 5:30 a.m. and 9 p.m. for golf course maintenance when operated 50 yards or more from a residential dwelling; or

(4) Between 7 a.m. and 9 p.m. for golf course maintenance when operated less than 50 yards from a residential dwelling.

Notwithstanding the above, the operation of leaf blowers is not permitted prior to 7 a.m. on any property, including on golf courses.

(m) Operation of mechanical devices to sweep or clean outdoor parking, pedestrian and/or loading areas, except it shall be a violation of this Chapter to operate such devices when located within 100 yards of a residential dwelling between 9 p.m. and 7 a.m.

(n) Trash and recycling collection, except it shall be a violation of this chapter to collect trash or recyclable materials in the outdoors in residential districts and/or within 100 yards of a residential dwelling between 9 p.m. and 6 a.m.

(o) Operation of a landfill, except it shall be a violation of this Chapter for any person to operate or permit to operate any motor vehicle, mechanical device, noise source, or any combination thereof, at a landfill between 9 p.m. and 6 a.m. and when located within 100 yards of a residential dwelling.

(p) The testing of plainly audible and discernible signal devices which are employed as warning or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger, provided that such testing occurs between 7 a.m. and 9 p.m. and shall not occur for more than two (2) consecutive or nonconsecutive hours in any one (1) day. The testing of such signal devices is prohibited for (i) more than two (2) consecutive or non-consecutive hours in any one (1) day; or (ii) during the hours of 9 p.m. to 7 a.m.

(q) Operation of transportation facilities between 7 a.m. and 9 p.m.

(r) Band performances or practices, athletic contests or practices and other such activities on school or recreational grounds, or any activity on recreational grounds customarily associated with its intended use shall not be subject to the provisions of this Chapter between 7 a.m. to 10:00 p.m. on Sunday through Thursday, or between 7 a.m. and 11:00 p.m. on Friday and Saturday or the day before a Federal holiday. Loudspeakers or instruments associated with such activities shall be subject to the following:

(1) Notwithstanding the other provisions of this Chapter, the use of loudspeakers or instruments, except for unamplified musical instruments, shall not be permitted prior to 9 a.m. on Saturdays, Sundays and Federal holidays; and

(2) The overall noise levels for the loudspeakers and/or instruments and the associated activities shall not exceed 72 dBA at the property boundary of the noise source. ***[The advertised range is between 60 and 72 dBA]***

(s) The use of dog parks between 7 a.m. and dusk Monday through Friday, or between 8 a.m. and dusk on Saturday, Sunday and Federal holidays.

(t) Bells, carillons, and other calls to worship shall not be subject to this chapter between 7 a.m. and 10 p.m. provided that any such sounds do not occur for more than five (5) consecutive or nonconsecutive minutes in any one (1) hour.

ARTICLE 6. Waivers

Section 108.1-6-1. Waivers.

(a) Any person responsible for any noise source may apply to the Director for a waiver or partial waiver from the provisions of this Chapter. The Director may grant such waiver or partial waiver if he/she finds that:

(1) The noise does not endanger the public health, safety or welfare; or

(2) Compliance with the provisions of this Chapter from which waiver is sought would produce serious hardship without producing equal or greater benefit to the public.

(b) In determining whether to grant such waiver, the Director shall consider the time of day when noise will occur, duration of the noise, its loudness relative to the required limits of this Chapter, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this Chapter and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community and the degree of hardship which may result from the enforcement of the provisions of this Chapter.

(c) No waiver or partial waiver issued pursuant to this Section shall be granted for a period to exceed one (1) year, but any such waiver or partial waiver may be renewed for like periods if the Director shall find that such renewal is justified after again applying the standards set forth in this Section. No renewal shall be granted except upon application therefor.

(d) Any person aggrieved by a decision of the Director made pursuant to this Section may obtain review of such decision by the County Executive by delivering a written statement of grievance to the Office of the County Executive within thirty (30) days from the date of the decision.

The County Executive shall review all statements of grievances and shall, within sixty (60) days from the date of the Director's decision, either affirm or set it aside, making such further order as shall be necessary to effectuate the provisions of this Section.

ARTICLE 7. Proffered and Development Condition Applicability

Section 108.1-7-1 Proffered and Development Condition Applicability.

The provisions of this Chapter shall not negate any applicable proffered condition, development condition, special permit or special exception condition pertaining to noise or sound. In the event of any conflict between the conditions and this Chapter, the text of the Noise Ordinance in effect at the time the conditions were approved shall govern.

ARTICLE 8. Severability

Section 108.1-8-1. Severability.

If any of the Articles, Sections, Paragraphs, sentences, clauses, or phrases of this Chapter shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Chapter in its entirety or any of the remaining Articles, Sections, Paragraphs, sentences, clauses, and phrases.

ATTACHMENT B

APPLICABILITY OF PROPOSED NOISE ORDINANCE

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
1. Outdoor Loudspeakers	Unless otherwise regulated: 1. Between 10 p.m. and 7 a.m. on Sun. – Thurs.; or 2. Between *10 p.m. and 9 a.m. on Fri, Sat., and the day before Fed. Holidays.	Use of certain loudspeakers that: 1. Are required by state or federal regulations; or 2. Provide a public service announcement, such as train or bus arriving.	Unless otherwise regulated: 1.*7 a.m. to 10 p.m. Mon. – Fri. 2. 9 a.m. to 10 p.m. Sat, Sun, Fed. Holidays
2. Outdoor Construction	Between 9 p.m. and 7 a.m. on Sun. – Thurs.; or Between 9 p.m. and 9 a.m. on Fri.*, Sat, and the day before a Fed. Holiday.	7 a.m. to 9 p.m. Mon. – Fri. 9 a.m. to 9 p.m. Sat*, Sun, Fed. Holidays provided that a maximum decibel level of 90 dBA is not exceeded in residential areas.	
3. Outdoor Motor Vehicle or Mechanical Device Repair	Between 9 p.m. to 7 a.m.		*7 a.m. to 9 p.m.
4. Operation of Powered Model Vehicles	Between 9 p.m. to 7 a.m.		*7 a.m. to 9 p.m.
5. Outdoor Trash and Recycling Collection	In residential districts and/or within 100 yards of a residential dwelling prohibited from 9 p.m. to 6 a.m.	1. At any location from 6 a.m. to 9 p.m. and, 2. When located 100 yards or more from a residential dwelling and not in a residential district, from 9 p.m. to 6 a.m.	
6. *Land Fill Operation	Within 100 yards of a residential dwelling prohibited from 9 p.m. to 6 a.m.	1. At any location from 6 a.m. to 9 p.m. and, 2. When located 100 yards or more from a dwelling, from 9 p.m. to 6 a.m.	
7. Outdoor Truck Loading/ Unloading	When located within 100 yards of a residential dwelling prohibited from 9 p.m. to 6 a.m.		*1. At any location between 6 a.m. and 9 p.m.; and 2. When located 100 yards or more from a residential dwelling between 9 p.m. and 6 a.m.

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
8. *Lawn Equipment Operation	Unless otherwise excepted or prohibited 1. When operated within 100 yards from a residence, between 9 p.m. and 7 a.m.; or 2. When operated 100 yards or more from a residence, between 9 p.m. and 6 a.m.; or 3. Between 9 p.m. & 5:30 a.m. for golf course maintenance when operated 50 yards or more from a residence; or 4. Between 9 p.m. and 7 a.m. for golf course maintenance when operated less than 50 yards from a residence. Notwithstanding the above, the operation of leaf blowers on all property, including on golf courses, is prohibited between 9 p.m. and 7 a.m.	1.When operated within 100 yards from a residence, between 7 a.m. and 9 p.m., or, 2.When operated 100 yards or more from a residence, between 6 a.m. and 9 p.m., or 3. Between 5:30 a.m. and 9 p.m. for golf course maintenance when operated 50 yards or more from a residence, or 4. Between 7 a.m. and 9 p.m. for golf course maintenance when operated less than 50 yards from a residence.	
9. *Operation of Mechanical Devices for cleaning outdoors	When located within 100 yards of a residential dwelling, between 9 p.m. to 7 a.m., unless otherwise excepted.	1. At any location from 7 a.m. to 9 p.m. and, 2.When located 100 yards or more from a residential dwelling from 9 p.m. to 7 a.m.	
10. *Person, Motor Vehicle or Instrument	Unless otherwise excepted, prohibited when plainly audible inside a residential dwelling with doors and window closed, and the sound must be discernible regardless of whether such doors and windows are closed: 1. Between 10 p.m. & 7 a.m. on Sun.-Thurs., or between 11 p.m. & 7 a.m. on Fri., Sat., and the day before a Fed. Holiday; or 2. Between 1 a.m. & 7 a.m. on Sat., Sun. and Fed. Holidays when the residence is located in a mixed use area and the sound is emanating from a nonresidential use.		1. Within any residential area between 7 a.m. to 10 p.m. on Sun. – Thurs; or from 7 a.m. to 11 p.m. on Fri, Sat., and day before a Fed holiday. 2. When the residence is located in a mixed use area and the sound is emanating from a nonresidential use, then 7 a.m. to 1 a.m. on Fridays, Saturdays and the day before a Fed holiday.
11. *Animals	Animal noise:	1.When the animal is	

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
	1. Between 10 p.m. and 7 a.m. that is plainly audible in any other persons residence with doors and windows closed and the source of source of sound generation is discernible regardless of whether such doors or windows are closed; or 2. Between 7 a.m. and 10 p.m. when the animal noise is plainly audible and discernible across property boundaries or through partitions common to residential dwellings and such sound can be heard for more than 2 consecutive or nonconsecutive minutes in any 10 minute period. Animal sounds that can be heard for less than 2 consecutive or non-consecutive minutes in any 10 minute period shall not be subject to the Noise Ordinance.	responding to pain or injury or is protecting itself, its kennel, its offspring, a person from a real threat, or 2.When the animal is a police dog that is engaged in the performance of its duties at the time of making the noise. 3. When part of a bona fide agricultural operation.	
12. Emergency Work		Any time	
13. *Alarms		1. Emission of sound for purpose of alerting people to the existence of an emergency, provided that such alarm signals cease when any such threat is no longer imminent. 2. The routine testing of plainly audible alarms for fire, emergency, theft or imminent danger between 7 a.m. to 9 p.m., provided that such testing does not occur for more than 2 consecutive or nonconsecutive hours in any one day. The testing of such signal devices is prohibited for (i) more than 2 consecutive or nonconsecutive hours in any one day; or (ii) during the hours of 9 p.m. to 7 a.m.	1. Emergency alarm testing between 9 p.m. and 7 a.m.; and 2. Routine testing that occurs between 7 a.m. and 9 p.m. and for more than 2 consecutive or nonconsecutive hours in any one day.

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
14. *Preempted Activities		Activities for the regulation of sound that have been preempted by Federal or State law.	
15. *Snow and Ice Removal		Any time	
16. ***Motor Vehicles**		Motor vehicles on the road right-of-way - any time	
17. Airplanes and Helicopters		Airplanes and helicopter flying overhead - any time	
18. Trains		Anytime, trains traveling on tracks located in railroad right-of-way or easements, and rail road track maintenance.	
19. *Heat Pumps/Air Conditioners		Use of heat pumps/air conditioners on single family dwelling lots when operating in accordance with the manufacturer's specifications.	1. Use of heat pump/air conditioner on a single family dwelling lot not operating in accordance with the manufacturer's specifications; and 2. Use of heat pump/air conditioner on all non-single family dwelling lots
***20. Back-Up Generators**		1. Use of back-up generators during power outages resulting from storms and other emergencies. 2. Routine testing and maintenance of back-up generators between 7 a.m. and 9 p.m. provided that such testing does not occur for more than 2 consecutive or nonconsecutive hours in any one day. The testing and maintenance of such generators is prohibited for (i) more than 2 consecutive or non-consecutive hours in any one day; or during the hours of 9 p.m. to 7 a.m.	1. Use of generators during power outages not caused by a storm or other emergency; 2. Routine testing and maintenance of back-up generators between 7 p.m. and 9 a.m.; and 3. Routine testing that occurs between 7 a.m. and 9 p.m. and for more than 2 consecutive or nonconsecutive hours in any one day.
21.*Impulse Sound		Impulse sound that does not exceed the maximum decibels listed in the Maximum Sound Level Chart.	Anytime

SOURCE OF SOUND	PROHIBITIONS	EXCEPTIONS (Not Subject to Noise Ordinance)	MAX DECIBELS (Pursuant to Proposed Maximum Sound Level Chart)
22. Transportation Facility		7 a.m. to 9 p.m.	9 p.m. to 7 a.m.
23. *Bells, Carillons and other Calls to Worship		7 a.m. to 10 p.m., provided that any such sounds do not occur for more than 5 consecutive or nonconsecutive minutes in any one hour.	1. 10 p.m. to 7 a.m., and 2. Between 7 a.m. to 10 p.m. when the sounds last for more than 5 consecutive or nonconsecutive minutes in any one hour.
24. *Band performances or practices, athletic contests or practices and other such activities on school or recreational grounds	Notwithstanding the other provisions of this Chapter, the use of loudspeakers or instruments, except for unamplified musical instruments, shall not be permitted prior to 9 a.m. on Saturdays, Sundays and Fed. Holidays. The overall noise levels for the loudspeakers and/or instruments and the associated activities shall not exceed 72 dBA at the property boundary of the noise source. *[The advertised range is between 60 and 72 dBA.]*	7 a.m. to 10 p.m. Sun. – Thurs and Fed. Holidays; or 7 a.m. to 11 p.m. Fri. Sat, and the day before a Fed. Holiday	10 p.m. to 7 a.m. Sun. – Thurs., Fed. Holidays 11 p.m. to 7 a.m. Fri., Sat. and day before a Fed. holiday
25. Dog Parks	Notwithstanding the other provisions, the use of dog parks between dusk and 7 a.m. on Sun. – Thurs.; or between dusk and 8 a.m. on Fri. Sat. and the day before a Fed. Holiday	Notwithstanding the other provisions, the use of dog parks between 7 a.m. and dusk Mon. – Fri., and between 8 a.m. and dusk on Sat., Sun. and Fed. Holidays	
26. All Other Sound Sources Not Listed Above			All other sound sources not listed above.

ATTACHMENT C

PROPOSED COUNTY CODE AMENDMENT

April 7, 2015

Amend Chapter 108, Noise, by repealing it in its entirety.

~~**ARTICLE 1. General Provisions.**~~

~~**Section 108-1-1. Short title.**~~

~~This Chapter may be referred to as the "Noise Ordinance" of the County of Fairfax.~~
~~(24-75-16A; 1-1-76)~~

~~**Section 108-1-2. Declarations of findings and policy.**~~

~~It is hereby declared to be the public policy of Fairfax County, in cooperation with Federal, State and local governments and regional agencies, to promote an environment for its citizens free from noise that jeopardizes their health or welfare or degrades the quality of life. Nothing contained in this Chapter shall be construed to authorize or direct any action which shall result in any substantial increase in noise levels from any noise source in Fairfax County.~~
~~(24-75-16A; 1961 Code, § 16A.1.2.)~~

~~**Section 108-1-3. Penalties.**~~

~~Any violation of any provision of this Chapter shall constitute a misdemeanor and any person violating this Chapter shall, upon conviction, be punishable by imprisonment not to exceed thirty (30) days or by a fine not to exceed one thousand dollars ($1,000.00), or both. Each separate act on the part of the person violating the Chapter shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall be deemed to constitute a separate offense.~~
~~(24-75-16A; 1961 Code, § 16A.1.3.)~~

~~**Section 108-1-4. Severability.**~~

~~If any of the Articles, Sections, Paragraphs, sentences, clauses, or phrases of this Chapter shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Chapter in its entirety or any of the remaining Articles, Sections, Paragraphs, sentences, clauses, and phrases.~~
~~(24-75-16A; 1961 Code, § 16A.1.4.)~~

~~**Section 108-1-5. Enforcement.**~~

~~(a) Whenever the Zoning Administrator has reason to believe that a violation of any provision of this Chapter or a rule or regulation issued pursuant thereto has occurred, he may give notice of~~

~~such violation to the person failing to comply with this Chapter and order said person to take such corrective measures as are necessary within a reasonable time thereafter.~~

~~Such notice and order shall be in writing and shall be served personally upon the person to whom directed, or if he be not found, by mailing a copy thereof by certified mail to his usual place of abode and conspicuously posting a copy at the premises, if any, affected by the notice and order.~~

~~If such person fails to comply with the order issued hereunder, the Zoning Administrator may institute such actions as are necessary to terminate the violation, including obtaining criminal warrants, and applying to courts of competent jurisdiction for injunctive relief.~~

~~Failure on the part of such person to take steps to comply with such order within the time provided for therein shall constitute a separate violation of this Chapter. If such person complies with such order promptly, no further action to terminate the violation shall be required, but compliance shall not be deemed to inhibit prosecution of such person for the violation.~~

~~(b) If the noise source is a motor vehicle moving on a public right-of-way, violation of this Chapter shall be cause for the Zoning Administrator to obtain a criminal warrant forthwith.~~

~~(c) Except as hereinbefore provided in Subparagraph (a) of this Section, a warrant may be obtained for the violation of any provision of Article 5 of this Chapter only upon the sworn complaint of a police officer or two (2) persons who are not members of the same household alleging the specific violation complained of, that either or both of the complainants requested or made reasonable attempt to request abatement of the violation and that the violation continued after such request. Provided, however, that if there be no more than one household within one half mile of the noise source, a warrant may be issued upon the sworn complaint of one person making the foregoing allegations.~~

~~(d) Section 108-5-2(b) shall also be enforced by the Director of the Department of Animal Control, or his duly authorized agent.~~
~~(7-17-68, § 17-5; 24-75-16A; 1961 Code, § 16A.1.5; 3-75-108.)~~

~~ARTICLE 2. Definitions.~~

~~Section 108-2-1. Definitions.~~

~~(a) The following words and phrases, when used in this Chapter, shall for the purposes of this Chapter, have the meanings respectively ascribed to them in this Section, except in those situations where the context clearly indicates a different meaning:~~

~~(1) *A-weighted sound pressure level* shall mean the sound pressure level as measured on a sound level meter using the A-weighted network. The level so read shall be postscripted dB(A) or dBA.~~

~~(2) *Decibel* shall mean a unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.~~

~~(3) *Device* shall mean any mechanism which is intended to, or which actually produces noise when operated or handled.~~

~~(4) *Disposal* shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land.~~

~~(5) *Emergency work* shall mean work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to danger, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety, or welfare of the community.~~

~~(6) *Equivalent sound level (Leq)* shall mean the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound pressure level.~~

~~(7) *Landfill* shall mean a site used for the disposal of solid waste.~~

~~(8) *Motor vehicle* shall mean any vehicle which is self-propelled or designed for self-propulsion including but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motor boats and racing vehicles; and any motorcycle (including but not limited to motor scooters and mini-bikes) as defined in Paragraph 14 of § 46.1.1. Va. Code Ann.~~

~~(9) *Noise* shall mean any sound which may cause or tend to cause an adverse psychological or physiological effect on human beings.~~

~~(10) *Noise disturbance* shall mean any unnecessary sound which annoys, disturbs, or perturbs reasonable persons with normal sensitivities; or any unnecessary sound which reasonably may be perceived to injure or endanger the comfort, repose, health, peace or safety of any person.~~

~~(11) *Octave band analyzer* shall mean an instrument to measure the octave band composition of a sound by means of a bandpass filter. It shall meet the specifications of the American National Standards Institute publications. S1.4-1961, S1.6-1967, and S1.11-1966, or their successor publications.~~

~~(12) *Person* shall mean any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.~~

~~(13) *Powered model vehicles* shall mean any mechanically powered vehicle, either airborne, waterborne or landborne, which is not designed to carry persons or property including, but not limited to, model airplanes, boats, cars and rockets.~~

~~(14) *Public right-of-way* shall mean any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public governmental entity.~~

~~(15) *Solid waste* shall mean any garbage, trash, refuse, debris, construction rubble and other discarded material.~~

~~(16) *Sound* shall mean a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rare fraction of that medium, and which propagates at finite speed to distant points.~~

~~(17) *Sound level meter* shall mean an instrument to measure sound pressure levels which shall meet or exceed performance standards for a "Type Two" meter as specified by the American National Standards Institute.~~

~~(18) *Sound pressure* shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.~~

~~(19) *Stationary noise source* shall mean any equipment or facility, fixed or movable, capable of emitting sound beyond the property boundary of the property on which it is used.~~

~~(20) *Zoning Administrator* shall mean the Fairfax County Zoning Administrator or his duly authorized agent.~~

~~(21) *Zoning district classification:* Refers to the scheme of land use classification contained in the Fairfax County Zoning Ordinance.~~

~~(7-17-68, § 17-5.2; 24-75-16~~

~~ARTICLE 3. Administration, Authority and Duties.~~

~~Section 108-3-1. Administration of the Ordinance.~~

~~The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or his duly authorized agent.~~

~~(24-75-16A; 1961 Code, § 16A.3.1; 3-79-108.)~~

~~Section 108-3-2. Authority and duties of the Zoning Administrator.~~

~~In addition to any other authority vested in him by law, Zoning Administrator:~~

~~(a) May conduct, or cause to be conducted, studies, research and monitoring related to noise and its prevention, abatement and control.~~

~~(b) May conduct programs of public education regarding the causes and effects of noise and the means for its abatement, and encourage the participation of public interest groups in related public information efforts.~~

~~(c) May coordinate the noise control activities of all agencies and departments of the Fairfax County government and advise, consult, cooperate and coordinate noise control activities with other local governmental units, state agencies, interstate and interlocal agencies, the Federal government, and with interested persons and groups with respect to the provisions of this Chapter.~~

~~(d) Shall issue such orders, rules and regulations and measurement procedures and methodologies as may be necessary to effectuate the provisions of this Chapter and enforce the same by all appropriate administrative and judicial proceedings.~~

~~(e) May make recommendations to the Board of Supervisors for changes to this Chapter to make it consistent with all preemptive State and Federal legislation.~~

~~(f) May enter and inspect any property, premises or place at any reasonable time for the purpose of ascertaining compliance with any provision of this Chapter when granted permission by the owner, or some person with reasonably apparent authority to act for the owner. When permission is refused or cannot be obtained, a proper search warrant may be obtained from a Court of competent jurisdiction upon showing of probable cause to believe that a violation of this Chapter may exist.~~

~~(g) May administer grants or other funds or gifts from public and private agencies, including the State and Federal governments, for the purpose of carrying out any of the provisions of this Chapter.~~

~~(h) May secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.~~

~~(i) May obtain warrants for violations of any of the provisions of this Chapter and apply to any court of competent jurisdiction for such injunctive relief as shall be necessary to terminate continuing violations of this Chapter.~~

~~(j) Shall make an annual report to the Board of Supervisors on the status and effectiveness of the Noise Ordinance, including the reasonableness of the noise standards prescribed therein, and shall make recommendations for improvement of this Ordinance.~~

~~(k) May perform such other acts as may be necessary to carry out the functions of this Chapter and such other acts as may be specifically enumerated herein. (24-75-16A; 1961 Code, § 16A.3.2; 3-79-108.)~~

~~ARTICLE 4. Noises Prohibited.~~

~~Section 108-4-1. Specific prohibitions.~~

~~The following acts are violations of this Chapter:~~

~~(a) Using or operating a loudspeaker or other sound amplification device in a fixed or movable position exterior to any building, or mounted upon any motor vehicle for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 11 p.m. and 7 a.m. the following day.~~

~~(b) Operating or causing to be operated any equipment used in construction, repair, alteration, or demolition work on buildings, structures, streets, alleys, or appurtenances thereto in the outdoors between the hours of 9 p.m. and 7 a.m. the following day, except that no such activity shall commence prior to 9 a.m. on Sundays and Federal holidays.~~

~~(c) Repairing, rebuilding, or modifying, any motor vehicle or other mechanical device in the outdoors between the hours of 9 p.m. and 7 a.m. the following day.~~

~~(d) Operating or permitting the operation of powered model vehicles in the outdoors between the hours of 9 p.m. and 7 a.m. the following day.~~

~~(e) The collection of trash or refuse in residential use districts between the hours of 9 p.m. and 6 a.m. the following day.~~

~~(f) Loading or unloading trucks in the outdoors within one hundred (100) yards of a residence between the hours of 9 p.m. and 6 a.m. the following day. (7-17-68, § 17.9; 24-75-16A; 1961 Code, § 16A.4.1; 34-76-108; 24-98-108.)~~

~~Section 108-4-2. Places of public entertainment or assembly.~~

~~It shall be unlawful after the Zoning Administrator has given appropriate notice requesting abatement, for any person to operate, or permit to be operated, any loudspeaker or other device for the production of sound in any place of public entertainment or other place of public assembly which produces sound pressure levels of 90 dB(A) or greater at any point that is normally occupied by a person, as read with the slow response on a sound level meter, unless a conspicuous and legible sign is located outside such place, near the entrance, stating "WARNING! PROLONGED EXPOSURE TO SOUND ENVIRONMENT WITHIN MAY CAUSE HEARING IMPAIRMENT." (24-75-16A; 1961 Code, § 16A.4.2; 3-79108.)~~

~~Section 108-4-3. Quiet zone.~~

~~(a) It shall be unlawful for any person to create any noise in excess of that prescribed within any area designated as a "quiet zone" in conformance with the provisions of Sup-paragraph~~

~~(b) of this Section; provided conspicuous signs are displayed in adjacent or continuous streets indicating that said area is a quiet zone.~~

~~(b) Whenever the protection of the public health, safety and welfare so require, after a duly advertised public hearing, the Board of Supervisors may designate any geographical area of Fairfax County as a "quiet zone." Such designation shall include a description of the subject area, the reasons for its designation as a quiet zone, and shall prescribe the level of noise which shall be permitted in such quiet zone. (24-75-16A; 1961 Code, § 16A.4.3.)~~

~~Section 108-4-4. Maximum permissible sound pressure levels.~~

~~(a) It shall be unlawful for any person to operate, or permit to be operated, any stationary noise source in such a manner as to create a sound pressure level which exceeds the limits set forth in the table following titled "Maximum Sound Pressure Levels" when measured at the property boundary of the noise source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.~~

~~(b) Notwithstanding the provisions of the foregoing Subsection, sound created by the operation of power equipment, such as power lawn mowers and chain saws, between the hours of 7 a.m. and 9 p.m. the same day shall be permitted so long as they do not constitute a noise disturbance. (7-17-68, § 17-4-3; 24-75-16A; 1961 Code, § 16A.4.4.; 34-76-108.)~~

~~MAXIMUM SOUND PRESSURE LEVELS~~				
~~ZONING DISTRICT CLASSIFICATION~~	~~MAXIMUM dBA~~	~~OCTAVE BAND LIMIT~~		
			~~CENTER FREQUENCY HERTZ (HZ)~~	~~dB~~
		~~31.5~~	~~70~~	
		~~63~~	~~69~~	
		~~125~~	~~64~~	
		~~250~~	~~59~~	
~~RESIDENTIAL~~	~~55~~	~~500~~	~~53~~	
		~~1,000~~	~~47~~	
		~~2,000~~	~~42~~	
		~~4,000~~	~~38~~	
		~~8,000~~	~~35~~	
		~~31.5~~	~~75~~	
		~~63~~	~~74~~	

		~~125~~	~~69~~
		~~250~~	~~64~~
~~COMMERCIAL~~	~~60~~	~~500~~	~~58~~
		~~1,000~~	~~52~~
		~~2,000~~	~~47~~
		~~4,000~~	~~43~~
		~~8,000~~	~~40~~
		~~31.5~~	~~85~~
		~~63~~	~~84~~
		~~125~~	~~79~~
		~~250~~	~~74~~
~~INDUSTRIAL~~	~~72~~	~~500~~	~~68~~
		~~1,000~~	~~62~~
		~~2,000~~	~~57~~
		~~4,000~~	~~53~~
		~~8,000~~	~~50~~

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~~**Section 108-4-5. Permissible motor vehicle sound pressure levels.**~~

~~(a)~~ ~~The maximum sound pressure level emitted by motor vehicles not equipped with a muffler conforming to the requirements of §§ 46.1-301 and 46.1-302, Va. Code Ann., operated on a public right-of-way as measured at a point fifty (50) feet from the motor vehicle shall be as provided in the table below titled "Motor Vehicle Noise Limits."~~

~~MOTOR VEHICLE NOISE LIMITS~~

~~Vehicle Class~~	~~Sound Pressure Level, dB(A) Speed limit 35 mph or less~~	~~Speed limit above 35 mph~~
~~Any motor vehicle with a manufacturers gross vehicle rating of 10,000 pounds or more, and any combination of vehicles towed by such motor vehicle~~	~~86~~	~~90~~
~~Any motorcycle~~	~~82~~	~~86~~
~~Any other motor vehicle and any combination of vehicles towed by such motor vehicle~~	~~76~~	~~82~~

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~~(24-75-16A; 1961 Code, § 16A.4.5.)~~

~~Section 108-4-6. Civil transport category airplane operations; noise limitations.~~

~~(a) No person may operate, to or from an airport wholly or partially located within Fairfax County, Virginia, any civil transport category airplane unless:~~

~~(1) That airplane complies with the noise level requirements of the Federal Aviation Administration (14 CFR, Part 36) for subsonic transport category airplanes; or~~

~~(2) That airplane had flight time before December 31, 1974.~~

~~(b) This amendment shall remain in full force and effect only until such time as its provisions are superseded by FAA standards (established under § 711 of the FAA Act) which can be enforced by any citizen of Fairfax County.~~

~~(c) Notwithstanding any other provision of this ordinance, the Zoning Administrator shall enforce the noise limitations for civil transport category airplane operations only in the following manner. He shall serve a notice of violation on any person who violates these provisions, providing a reasonable time for abatement or discontinuance of the violation. Should the person in violation of these provisions fail to take such corrective steps, the Zoning Administrator shall request the County Attorney to seek injunctive relief.~~
~~(3-76-108; 21-76-208; 3-79-108.)~~

~~Section 108-4-7. Landfills; maximum sound pressure levels.~~

~~It shall be unlawful for any person to operate, or permit to be operated, any motor vehicle, stationary noise source or device, or any combination thereof, at a landfill in such a manner as to create noise which:~~

~~(a) When measured at any point within any other property affected by the noise, exceeds the following equivalent sound levels (Leq):~~

~~(1) Property used for residential—Leq of 55 dB(A).~~
~~(2) Property used for commercial—Leq of 60 dB(A).~~
~~(3) Property used for industrial—Leq of 72 dB(A).~~

~~or~~

~~(b) When measured at the property boundary of the landfill or at any point within any other property affected by the noise exceeds an A-weighted sound pressure level of seventy-five (75) dB(A).~~

~~For the purpose of this Section, a minimum test period of one (1) hour shall be used for the Leq, and the survey shall be conducted in accordance with the standards and procedures specified in Procedural Memorandum 103.~~ ~~2~~ ~~H~~
~~(37-81-108.)~~

~~Section 108-4-8. Measurement procedures.~~

~~(a) Field measurement procedures for the enforcement of the sound pressure levels set forth in this Chapter shall be promulgated by the Zoning Administrator.~~

~~(b) Noise shall be measured with a sound level meter and octave band analyzer.~~
~~(24-75-16A; 1961 Code, § 16A.4.6; 3-76-108; 3-79-108; 37-81-108.)~~

~~ARTICLE 5. Reserved.~~

~~ARTICLE 6. Variances and Exemptions Permitted.~~

~~Section 108-6-1. Emergencies.~~

~~An exemption from the provisions of this Chapter is granted for noise caused in the performance of emergency work. Nothing in this Section shall be construed to permit law enforcement, ambulance, fire or other emergency personnel to make excessive noise in the performance of their duties when such noise is clearly unnecessary.~~
~~(24-75-16A; 1961 Code, § 16A.6.1.)~~

~~Section 108-6-2. Undue hardship.~~

~~(a) Any person responsible for any noise source may apply to the Zoning Administrator for a variance or partial variance from the provisions of this Chapter. The Zoning Administrator may grant such variance or partial variance if he finds that:~~
~~(1) The noise does not endanger the public health, safety or welfare; or~~
~~(2) Compliance with the provisions of this Chapter from which variance is sought would produce serious hardship without producing equal or greater benefit to the public.~~

~~(b) In determining whether to grant such variance, the Zoning Administrator shall consider the time of day when noise will occur, duration of the noise, its loudness relative to the required limits of this Chapter, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this Chapter and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community and the degree of hardship which may result from the enforcement of the provisions of this Chapter.~~

~~(c) No variance or partial variance issued pursuant to this Section shall be granted for a period to exceed one (1) year, but any such variance or partial variance may be renewed for like periods if the Zoning Administrator shall find that such renewal is justified after again applying the standards set forth in this Section. No renewal shall be granted except upon application therefor.~~

~~(d) Any person aggrieved by a decision of the Zoning Administrator made pursuant to Article 6 of this Chapter may obtain review of such decision by the County Executive by delivering a written statement of grievance to the Office of the County Executive within thirty (30) days from the date of the decision.~~

~~The County Executive shall review all statements of grievances and shall, within sixty (60) days from the date of the Zoning Administrator's decision, either affirm or set it aside, making such further order as shall be necessary to effectuate the provisions of this Section.~~

~~(24-75-16A; 1961 Code, § 16A.6.2; 3-79-108.)~~

ATTACHMENT D

PROPOSED COUNTY CODE AMENDMENT

Amend Chapter 5, Offenses, Article 6, An Ordinance to Regulate Certain Excessive Sound Generation in Residential Areas and Dwellings, by repealing it in its entirety.

~~**5-6-1. Declaration of findings and policy.**~~

~~The Board hereby finds and declares that certain audible and discernible sounds are a serious hazard to the public health, welfare, peace and safety and the quality of life of the citizens of Fairfax County; that the people have a right to and should be ensured an environment free from such sound that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the Board to prevent such sound to the extent such action is not inconsistent with a citizen's First Amendment rights.~~

~~**5-6-2. Definitions.**~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Audible* means the sound can be heard by the human ear with or without a medically approved hearing aid or device.~~

~~*Discernible* means that the sound is sufficiently distinct such that its source can be clearly identified.~~

~~*Emergency* means any occurrence or set of circumstances involving actual or imminent physical injury or illness or property damage that requires immediate action.~~

~~*Emergency work* means any work performed for the purpose of preventing or alleviating the physical injury or illness or property damage threatened or caused by an emergency, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety, or welfare of the community.~~

~~*Instrument, machine or device* means and refers to any musical instrument, radio, phonograph, compact disc player, cassette tape player, amplifier or any other machine or device for producing, reproducing or the amplification of sound.~~

~~*Residential area* means the parcel on which a residential dwelling is located and any contiguous rights of way, roads, streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.~~

~~*Residential dwelling* means any building or other structure, including multifamily and mixed use structures, in which one or more persons lives on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.~~

~~*Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.~~

~~*Sound generation or to generate sound* means any conduct, activity or operation, whether human, mechanical, electronic or other, including but not limited to, any animal or bird, and any instrument, machine or device, whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in a sound that is audible and discernible to the human ear.~~

~~**5-6-3. Administration and enforcement.**~~

~~(a) The police department may issue a summons for enforcement of the noise control program established by this article and may be assisted by other County departments as required.~~

~~(b) Nothing in this section shall preclude a private citizen from obtaining a magistrate's summons based upon a probable cause determination by the magistrate's office.~~

~~**5-6-4.Violations.**~~

~~(a) Any person who violates any provision of this article shall be deemed to be guilty of a Class 3 misdemeanor for a first offense. Any person who violates a provision of this article within one (1) year from the date of a prior conviction under this ordinance shall be guilty of a Class 2 misdemeanor.~~

~~(b) The person operating or controlling the sound generation or source shall be guilty of any violation caused by that generation or source. If it cannot be determined which person is operating or controlling the sound generation or source, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the sound generation or source.~~

~~(c) In addition to and not in lieu of the penalties prescribed in this section, the Board may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this ordinance and may seek any other remedy or relief authorized by law.~~

~~**5-6-5. Exceptions.**~~

~~No provisions of this ordinance shall apply to:~~

~~(1) The emission of sound for the purpose of alerting persons to the existence of an emergency, provided that such alarm signals cease once any such threat is no longer imminent;~~

~~(2) The emission of sound in the performance of emergency work;~~

~~(3) Activities for which the regulation of noise has been preempted by federal or state law;~~

~~(4) Motor vehicles travelling on a public right of way;~~

~~(5) Back-up generators operating during power outages resulting from storms and other emergencies;~~

~~(6) Heat pumps and/or air conditioners located on property containing single family detached or attached dwellings that are operating in accordance with the manufacturer's specifications;~~

~~(7) Operation of public transportation facilities;~~

~~(8) Work authorized by a variance or partial variance pursuant to Article 6 of Chapter 108 of the Code.~~

~~**5-6-6. Sound generation and residential dwellings.**~~

~~(a) No person in any residential dwelling or residential area, including the common areas of multifamily dwellings or mixed use structures, shall permit, operate, or cause any source of sound or sound generation to create a sound that is audible in any other person's residential dwelling with the doors and windows to the other person's residential dwelling closed. In addition, the source of sound or sound generation must be discernible regardless of whether such doors and windows are closed.~~

~~(b) *Exemptions*. The following activities or sources of sound shall be exempt during the hours of 7 a.m. to 9 p.m. from the prohibition set forth in section (a) of this section:~~

~~(1) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property, except no such activities shall commence before 9 a.m. on Saturdays, Sundays, and federal holidays.~~
~~(2) Gardening, lawn care, tree maintenance or removal, and other landscaping activities.~~
~~(3) Refuse collection and sanitation services, except that refuse collection and sanitation services may begin at 6:00 a.m.~~
~~(4) The testing of audible signal devices which are employed as warning or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger.~~

~~(c) The following activities or sources of sound shall be exempt during the hours of 7 a.m. to 11 p.m. from the prohibition set forth in section (a) of this section:~~

~~(1) Band performances or practices, athletic contests or practices and other such activities on school or recreational grounds.~~

~~(2) Bells, carillons, and other calls to worship provided that any such sounds do not occur for a duration of longer than 5 minutes per hour.~~

~~(d) *Prohibitions.*~~

~~(1) Use of a loudspeaker or other sound amplification device that is mounted in a fixed or movable position on the exterior of any structure between the hours of 11 p.m. and 7 a.m.~~

~~(2) Repairing or modifying any motor vehicle or other mechanical device in the outdoors between 9 p.m. and 7 a.m.~~

~~(3) Operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.~~

~~(4) Collection of trash in residential districts and/or within 100 yards of a residence between 9 p.m. and 6 a.m.~~

~~(5) Operation of power lawn equipment between 9 p.m. and 7 a.m.~~

~~(6) Loading or unloading trucks in the outdoors within 100 yards of a residence between 9 p.m. and 6 a.m.~~

~~(7) Sound generation in an area designated by the Board as a quiet zone.~~

~~**5-6-7. Severability.**~~

~~A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this article shall not affect the validity of the remaining parts thereto.~~

~~**5-6-8. Effect on Chapter 108.**~~

~~(a) Article 5 of Chapter 108 of the Fairfax County Code is hereby repealed in its entirety. *But see* Article 6 of Chapter 5 of this Code.~~

~~(b) To the extent that anything in this Ordinance in regard to the regulation of certain sound generation in residential areas and dwellings, conflicts with any provision of Chapter 108 of this Code entitled "Noise," this article supersedes any such provision in Chapter108. In addition, notwithstanding anything in this article, all development conditions and proffers of any nature that refer to the Noise Ordinance shall be deemed to apply to Chapter 108 and not this article, and all such development conditions and proffers are unaffected by this article and shall remain in full force and effect. Nor shall anything in this Ordinance be construed to exempt any use from any future development conditions or proffers related to noise.~~

Attachment 2

PROPOSED COUNTY CODE AMENDMENT

April 20, 2015

Recommended Changes since the April 7, 2015 Staff Report are Noted with Italics, Strike-Outs and Underlining

Amend the Fairfax County Code by adding a new Chapter 108.1, Noise Ordinance, to read as follows:

ARTICLE 3. Administration, Penalties and Authority and Duties.

Section 108.1-3-1. Administration and Enforcement.

(f) All sound requiring analysis or measurement under this Chapter shall be such sound that traverses a property boundary or a partition between residential dwellings.

ARTICLE 4. Prohibited Sounds.

Section 108.1-4-1. Specific Prohibitions

The following acts are violations of this Chapter:

(j) Unless otherwise excepted by this Chapter, any person, motor vehicle or instrument that permits, operates, or causes any source of sound or sound generation to create a sound that is plainly audible in any other person's residential dwelling with the doors and windows closed:

(1) Between 10 p.m. and 7 a.m. on Sunday through Thursday, or between 11 p.m. and 7 a.m. on Fridays, Saturdays, and the day before a Federal holiday; or

(2) Between 1 a.m. and 7 a.m. on Saturdays, Sundays and federal holidays when the ~~*residence*~~ *residential dwelling* is located in a mixed use area and the sound is emanating from a ~~*nonresidential use*~~ *location that is not another residential dwelling.*

In addition, the source of sound or sound generation must be discernible regardless of whether such doors and windows are closed.

(k) Any owner or person in control of any animal that allows or otherwise permits any such animal to bark, howl, bay, meow, squawk, quack, crow or make such other sound:

(1) Between 10 p.m. and 7 a.m. that is plainly audible in any other ~~*persons residence*~~ *person's residential dwelling* with doors and windows closed and the source of

sound generation shall be discernible regardless of whether such doors or windows are closed; or

(2) Between 7 a.m. and 10 p.m. when the animal sound is plainly audible and discernible across real property boundaries or through partitions common to residential dwellings and such sound can be heard for more than two (2) consecutive or non-consecutive minutes in any ten (10) minute period of time. Animal sounds that can be heard for less than two (2) consecutive or non-consecutive minutes in any ten (10) minute period shall not be subject to this Chapter.

The provisions of this paragraph shall not apply to any animal that, at the time of the sound or sound generation, was responding to pain or injury or was protecting itself, its kennel, its offspring, or a person from an actual threat; when the animal is a police dog that is engaged in the performance of its duties at the time of making the sound; or when part of a bona fide agricultural operation. This provision shall apply to all animal sounds emanating from the same property. Notwithstanding the provisions of this paragraph, animals located in a dog park shall be subject to the provisions of Par. (l) below.

ARTICLE 5. Exceptions.

Section 108.1-5-1. Exceptions.

No provisions of this Chapter shall apply to:

(r) Band performances or practices, athletic contests or practices and other such activities on school or recreational grounds, or any activity on recreational grounds customarily associated with its intended use shall not be subject to the provisions of this Chapter between 7 a.m. to 10:00 p.m. on Sunday through Thursday, or between 7 a.m. and 11:00 p.m. on Friday and Saturday or the day before a Federal holiday. Loudspeakers or instruments associated with such activities shall be subject to the following:

(1) Notwithstanding the other provisions of this Chapter, the use of loudspeakers or instruments~~*, except for unamplified musical instruments,*~~ shall not be permitted prior to 9 a.m. on Saturdays, Sundays and Federal holidays; and

(2) The overall noise levels for the loudspeakers and/or instruments and the associated activities shall not exceed 72 dBA at the property boundary of the noise source, *except when a residential dwelling is located within fifty (50) yards of such loudspeaker and/or instrument, the noise level from the loudspeaker and/or instrument shall be subject to the Maximum Sound Levels Table contained in Sect. 108.1-4-2 above*. ***[The advertised range is between 60 and 72 dBA]***

For the purposes of this provision, instrument shall exclude unamplified musical instruments.

ARTICLE 7. Proffered and Development Condition Applicability

Section 108.1-7-1. Proffered and Development Condition Applicability.

The provisions of this Chapter shall not negate any applicable proffered condition, development condition, special permit or special exception condition pertaining to noise or sound. ~~*In the event of any conflict between the conditions and this Chapter, the text of the Noise Ordinance in effect at the time the conditions were approved shall govern.*~~ *Any condition that refers to the Noise Ordinance shall be deemed to refer to the text of the Noise Ordinance in effect at the time the condition was approved.*

Board Agenda Item
May 12, 2015

4:00 p.m.

Public Hearing on SE 2014-PR-032 (Virginia Electric & Power Company D/B/A Dominion Virginia Power) to Permit an Electrical Substation and Telecommunication Facility, Located on Approximately 7.15 Acres of Land Zoned R-3 (Providence District)

This property is located at 7701 and 7707 Shreve Road, Falls Church 22043. Tax Map 49-2 ((1)) 151 and 49-2 ((12)) 1 A

PLANNING COMMISSION RECOMMENDATION:
On Wednesday March 4, 2015, the Planning Commission voted 10-0 (Commissioners Hurley and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approve SE 2014-PR-032, subject to Development Conditions consistent with those dated March 2, 2015;

- Approve the landscaping waivers as described in the staff report, dated January 28, 2015; and

- Direct staff to work with Dominion Virginia Power, Northern Virgina Electric Cooperative and State officials to explore the feasibility and practicality of various approaches to harmonizing objectives in mitigating the impact on adjacent and nearby properties, of electric power station construction or expansion, including but not necessarily limited to, the five tasks listed here:

1. Formulating requests for encroachment into easements in proximity to residential areas at ground stations, with a view to relief from the “lowest common denominator” growth height policy at and near the edges of the easements to allow better vegetative screening while preserving the safety and reliability clearance requirements;

2. Making the undergrounding of distribution lines a part of expansion activities at sites in residential areas;

3. Identifying any and all dominion stations located in commercial or industrial areas and determining whether and what share of service capacity addition for the county can be done using those stations as the sites to be expanded;

4. For stations in residential areas, explore the potential for relocation to commercial or industrial areas in terms of the need for new easements for transmission lines and the likelihood of obtaining them, as well as the lead times required; and

5. For stations in residential areas that are likely to be expanded, explore the avenues for reducing the above-ground profile of the equipment, such as pads sunk below grade level.

Staff should perform a preliminary review of the tasks and report to the board on the prospects for each one, on any other tasks that would be in order, on the staff resources needed, and on the times required; on a date to be determined by the Board.

In a related action, the Planning Commission voted 10-0 (Commissioners Hurley and Sargeant were absent from the meeting) to approve 2232-P14-4. The Commission noted that the applications, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia,* as amended.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4476413.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Suzanne Wright, Planner, DPZ

Planning Commission Meeting Attachment 1
March 4, 2015
Verbatim Excerpt

SE 2014-PR-032/2232-P14-4 – VIRGINIA ELECTRIC & POWER COMPANY d/b/a DOMINION VIRGINIA POWER

During Commission Matters

Commissioner Lawrence: Mr. Chairman, tonight we have the decision on SE2014-PR-032 and its accompanying 2232 plan. We had the public hearing on this matter on February 11th. There are two items I will move tonight. The first is the instant application and I will have a follow-on motion after we vote that matter. During the deferral of the decision on this application, we met with representatives of the applicant and the community. We reviewed community concerns and considered specific contributions – thoughtful contributions – they made to the development conditions. Commissioners have received the resulting set, now dated March 2nd, 2015, along with a summary of the changes made to the conditions. Mr. Chairman, I want to say that the efforts by staff, the applicant, and the thoughtful work of the community deserve many thanks. I also want to thank those who took the time to comment on the application by speaking at the hearing and through correspondence since. There are two areas of community concern that I need to address now. First, there are people who are concerned about the presence of electromagnetic fields at the power station. I must repeat what I said at the public hearing. The Planning Commission has no authority to rule on this aspect of electrical service provision. We can only consider land use rules here. Second, there is concern about the impact of the proposed expansion of the station on the value of residential properties close by. We have not been able to ascertain in any decisive way whether or to what degree or for how long there might be such effects. The grounds for deciding recommendations to the Board of Supervisors on the application those to be found in the staff analysis, the SE plat, and the development conditions in their present form. I believe we have achieved all that we can in terms of mitigating the impact of the proposed expansion of the power station capacity at this site; however, I do not believe that our recommendations on the instant application are enough or that this should be the end of the matter. For those reasons I will have a further motion to make following the ones on the case. In preparation for motions, and to report on one other item, will the applicant's representative please come forward?

Gregory Riegle, Esquire, McGuireWoods, LLP: Good evening, Mr. Chairman, members of the Commission. I'm Greg Riegle and I represent the applicant.

Commissioner Lawrence: Mr. Riegle, does the applicant accept the development conditions now dated March 2nd, 2015?

Mr. Riegle: Yes, Mr. Lawrence, we do.

Commissioner Lawrence: Thank you. Mr. Riegle, do you have something to report on a communication about further work on this site?

Mr. Riegle: I'm delighted to report on that and to give the commission context, this was something we discussed in the community meeting that was referenced and – and I would, to begin, echo your comments and your praise for the constructive tone of the discussions and the

constructive participation of all involved. If you may recall from the public hearing, we described sort of an evolutionary tale of this application where it was originally proposed to be much larger, made smaller, and we made a representation at the time of the time of the public hearing that what was in front of the commission was all that was currently in the planning process for Dominion. The community understandably has had ongoing concerns about whether or not we're going to be immediately back with something else. We've done our best to assuage those concerns and Mr. Lawrence had suggested very correctly that between now and the finish line it would perhaps be helpful for Dominion to put a declarative statement – written statement in the record from someone of responsibility in the company. And we will do that before this goes to the Board of Supervisors. And I say that not to undercut typical development conditions, but it's more of a reflection just to transparency and openness and I think the essence of that message is – is that yes, utility planning is ongoing, but we would not anticipate coming back to this site unless there is a – it's preceded by a thorough planning process, consideration of alternatives, and there's a compelling reason to need to be back. And that's certainly not where we are now, but if we want to be transparent and open with the community, we'll make sure that's in the record before we finish this process.

Commissioner Lawrence: Thank you, Mr. Riegle. If I understood you correctly, it means the community will have an interlude of peace.

Mr. Riegle: That's was know at the moment, yes, sir.

Commissioner Lawrence: Thank you very much. Mr. Chairman. I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY VIRGINIA DOMINION POWER TO REDEVELOP THE IDYLWOOD SUBSTATION AT 7701 AND 7707 SHREVE ROAD, FALLS CHURCH, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232; THEREFORE, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232-P14-4 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-P14-4, say aye.

Commissioners: Aye.

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

Commissioner Lawrence: In addition, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-PR-032, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE NOW DATED MARCH 2ND, 2015.

Commissioners Litzenberger, Flanagan, and Hart: Second.

Chairman Murphy: Seconded by Mr. Litzenberger, Mr. Flanagan, and Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE LANDSCAPING WAIVERS AS DESCRIBED IN THE STAFF REPORT, DATED JANUARY 28TH, 2015.

Commissioners Litzenberger, Flanagan, and Hart: Second.

Chairman Murphy: Seconded by Mr. Litzenberger, Mr. Flanagan, and Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you, Mr. Chairman. I move Now, to my follow-on motion. Mr. Chairman, during the work with Dominion on the Idylwood application, it became apparent that county policies on mitigating the visual impact of power station facilities are not congruent with those of the State Corporation Commission and Dominion. While there are very good reasons for this divergence, it has the practical effect of limiting what we can do to help nearby residential. For example, we depend on vegetation screens to shield residential from the appearance of the ground equipment, but there are severe limits on the height of plantings at Dominion sites and in transmission line easements. As a second example, we encourage working equipment locations into the contours of the terrain at sites. Dominion engineers plan for level sites with a two- or thee-percent grade. As the county continues to grow, and as demand per capita also grows, there will surely be expansions needed at Dominion sites in many places. I believe we should proactively seek ways to get better solutions on mitigation. Dominion has an undergrounding program in its initial stages. There is a procedure for requesting encroachments into transmission line easements, and there are procedures for determining the alignment of new easements. I believe we can use these and other avenues to gain better achievement of County goals while respecting those of our state-regulated electric power utility. Therefore, Mr. Chairman, I make the following motion: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO WORK WITH DOMINION AND STATE OFFICIALS TO EXPLORE THE FEASIBILITY AND PRACTICALITY OF VARIOUS APPROACHES TO HARMONIZING OBJECTIVES IN MITIGATING THE IMPACT ON ADJACENT AND NEARBY PROPERTIES, OF ELECTRIC POWER STATION

CONSTRUCTION OR EXPANSION, INCLUDING BUT NOT NECESSARILY LIMITED TO, THE FIVE TASKS LISTED HERE:

1. FORMULATING REQUESTS FOR ENCROACHMENT INTO DOMINION EASEMENTS IN PROXIMITY TO RESIDENTIAL AREAS AT GROUND STATIONS, WITH A VIEW TO RELIEF FROM THE "LOWEST COMMON DENOMINATOR" GROWTH HEIGHT POLICY AT AND NEAR THE EDGES OF THE EASEMENTS TO ALLOW BETTER VEGETATIVE SCREENING WHILE PRESERVING THE SAFETY AND RELIABILITY CLEARANCE REQUIREMENTS;

2. MAKING THE UNDERGROUNDING OF DISTRIBUTION LINES A PART OF EXPANSION ACTIVITIES AT DOMINION SITES IN RESIDENTIAL AREAS;

3. IDENTIFYING ANY AND ALL DOMINION STATIONS LOCATED IN COMMERCIAL OR INDUSTRIAL AREAS AND DETERMINING WHETHER AND WHAT SHARE OF SERVICE CAPACITY ADDITION FOR THE COUNTY CAN BE DONE USING THOSE STATIONS AS THE SITES TO BE EXPANDED;

4. FOR STATIONS IN RESIDENTIAL AREAS, EXPLORE THE POTENTIAL FOR RELOCATION TO COMMERCIAL OR INDUSTRIAL AREAS IN TERMS OF THE NEED FOR NEW EASEMENTS FOR TRANSMISSION LINES AND THE LIKELIHOOD OF OBTAINING THEM, AS WELL AS THE LEAD TIMES REQUIRED; finally,

5. FOR STATIONS IN RESIDENTIAL AREAS THAT ARE LIKELY TO BE EXPANDED, EXPLORE THE AVENUES FOR REDUCING THE ABOVE-GROUND PROFILE OF THE EQUIPMENT, SUCH AS PADS SUNK BELOW GRADE LEVEL.

STAFF SHOULD PERFORM A PRELIMINARY REVIEW OF THE TASKS AND REPORT TO THE BOARD ON THE PROSPECTS FOR EACH ONE, ON ANY OTHER TASKS THAT WOULD BE IN ORDER, ON THE STAFF RESOURCES NEEDED, AND ON THE TIMES REQUIRED, ON A DATE TO BE DETERMINED BY THE BOARD.

Commissioners Litzenberger and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Ms. Hedetniemi. Is there a discussion on –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: I'd just – I'd like to suggest a friendly amendment. Those of us in the R-C don't have Dominion. We have NOVEC. But we have the same substations. We have the same screening issues. And in the motion where it says "Dominion" –

Commissioner Lawrence: Do you want to include NOVEC?

Commissioner Hart: Let's include NOVEC, too, and –

Commissioner Lawrence: AMENDMENT ACCEPTED.

Commissioner Hart: The issue should be the same.

Commissioner de la Fe: You can just say electric providers.

Commissioner Hart: Yes, or industry or something like that.

Commissioner Lawrence: Amendment accepted.

Chairman Murphy: Seconders accept?

Commissioners Litzenberger and Hedetniemi: Yes.

Chairman Murphy: All those in favor of the motion as articulated – I won't repeat the motion, thank you. All those in favor of the motion as articulated by Mr. Lawrence, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(Each motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.)

JN

Board Agenda Item
May 12, 2015

4:00 p.m.

Joint Public Hearing on the Proposed Virginia Department of Transportation Six-Year Secondary System Construction Program for Fiscal Years 2016 through 2021 and FY 2016 Budget

ISSUE:
Public hearing and Board approval of the proposed Virginia Department of Transportation (VDOT) Six-Year Secondary System Construction Program (SSYP) for Fiscal Years (FY) 2016 through 2021.

RECOMMENDATION:
The County Executive recommends that the Board approve the attached Secondary System Construction Program for FY 2016 through 2021 (Attachment 1), the FY 2016 Budget, and the resolution (Attachment 2) required by VDOT.

TIMING:
The Board is requested to act on this item on May 12, 2015, following the public hearing.

BACKGROUND:
The proposed SSYP has been prepared by VDOT, in coordination with County staff, pursuant to Section 33.2-331 of the *Code of Virginia*. This is an update of the previous Program which was the subject of a public hearing before the Board on June 17, 2014. Project schedule information is also included in the proposed program.

Until FY 2020, the CTB has the authority to allocate up to $500 million from the Transportation Trust Fund to priority projects before funds are provided to the construction fund. This continues to prevent any significant new funds from flowing to the primary, secondary, and urban allocation formulas. Additionally, due to recently enacted legislation (HB 1887) that replaces both the $500 million formula and the "40-30-30" (primary-secondary-urban) formula with a new formula that focuses on state of good repair and grant programs in FY 2021, no additional secondary road funds are expected in the future. However, HB 1887 specifies that this change will not affect the expenditure of the secondary funds that are allocated by July 1, 2016. Therefore, the County can continue to utilize those secondary funds already allocated to projects. Although the program has limited funds, there are several changes to the program.

The projects in the previously approved SSYP have undergone the following changes:

- $58,120 from Beach Mill Road Bridge Replacement (84385, 103781) to Guinea Road Culvert Replacement (97219)
- $2,256 from Lee Road Box Culvert Extension (92143) to Guinea Road Culvert Replacement (97219)
- $23,740 from Walney Road Bridge Replacement (104103) to Walney Road Bridge Rehab Over Flatlick Branch (82214)
- $20,243 from Walney Road Bridge Replacement (104103) to Walney Road Bridge Replacement PE (102105)

Table A shows the annual VDOT Secondary System Construction Program for Fairfax County from FY 2008 through FY 2021.

Table A

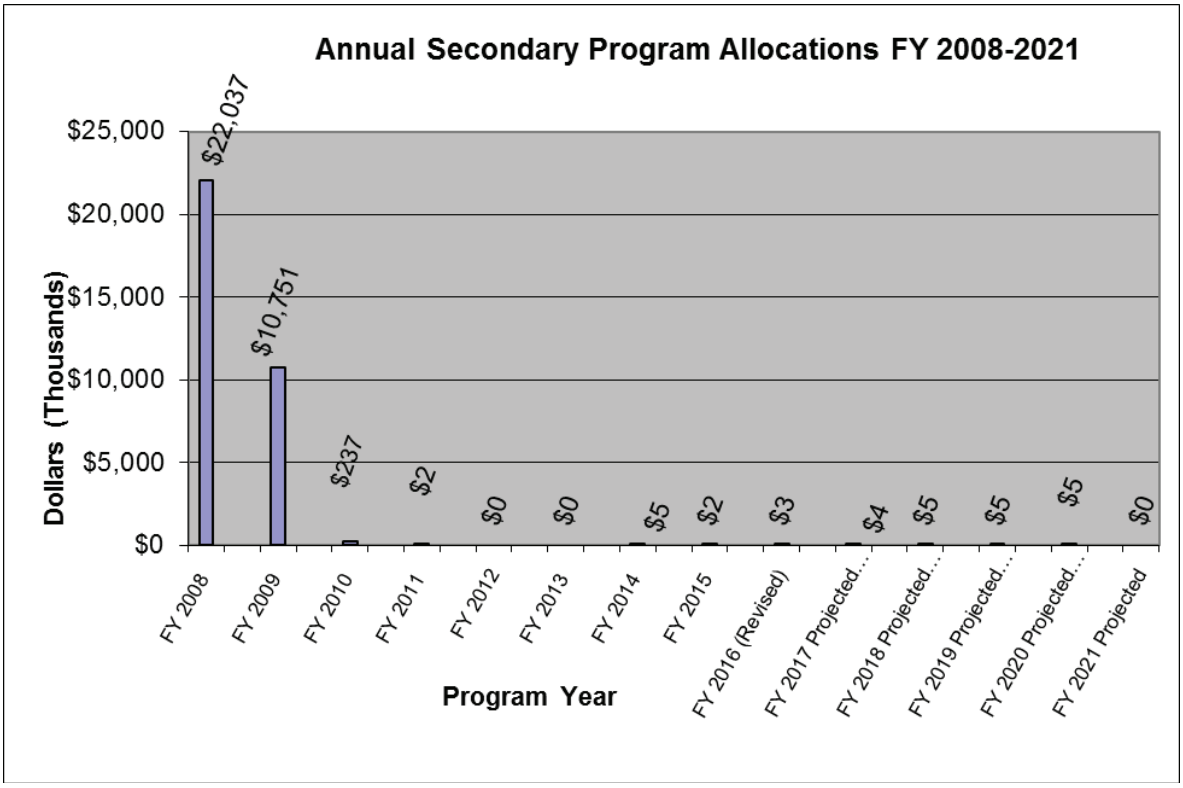

Table B shows the changes in the Six-Year Secondary Construction Program amounts from the FY 2003 to FY 2008 Program through the current Program.

Table B: Secondary Program Comparison

2003-2008	$138,335,526
2004-2009	$153,442,084
2005-2010	$113,686,186
2006-2011	$131,445,086
2007-2012	$78,270,291
2008-2013	$119,121,972
2009-2014	$10,994,320
2010-2015	$1,443,761
2011-2016 (revised)	$11,798
2012-2017 (revised)	$18,538
2013-2018 (revised)	$9,674
2014-2019 (revised)	$23,556
2015-2020 (revised))	$23,810
2016-2021 (projected)	$21,905

FISCAL IMPACT:
There is no impact to the Fairfax County budget at this time. At such time as individual projects are constructed, the County may send VDOT any related funds that have been collected for a particular project by the County through proffers, construction escrows and/or other local funds.

ENCLOSED DOCUMENTS:
Attachment 1: Secondary System Construction Program for FY 2016 through FY 2021
Attachment 2: Resolution approving budget and program.
Attachment 3: Secondary Priority Road Widening Status Update

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Kenneth Kanownik, Coordination and Funding Division, FCDOT
Terry Yates, Arlington/Fairfax Preliminary Engineering Manager, VDOT

Attachment 1

Secondary System
Fairfax County
Construction Program
Estimated Allocations

Fund	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	Total
CTB Formula - Unpaved State	$3,336	$4,073	$4,656	$5,018	$4,822	$0	$21,905
Secondary Unpaved Roads	$0	$0	$0	$0	$0	$0	$0
TeleFee	$0	$0	$0	$0	$0	$0	$0
Residue Parcels	$0	$0	$0	$0	$0	$0	$0
STP Converted from IM	$0	$0	$0	$0	$0	$0	$0
Federal STP - Bond Match	$0	$0	$0	$0	$0	$0	$0
Formula STP	$0	$0	$0	$0	$0	$0	$0
MG Formula	$0	$0	$0	$0	$0	$0	$0
BR Formula	$0	$0	$0	$0	$0	$0	$0
Other State Match	$0	$0	$0	$0	$0	$0	$0
State Funds	$0	$0	$0	$0	$0	$0	$0
Federal STP	$0	$0	$0	$0	$0	$0	$0
Total	$3,336	$4,073	$4,656	$5,018	$4,822	$0	$21,905

Board Approval Date:

Residency Administrator Date

County Administrator Date

SSYP Budget Detail Report

Fairfax County

Fairfax County (029)

UPC	Description
100162	**COUNTYWIDE TRAFFIC SERVICES**

0000.03 Budget Item 1204007 VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$96	$0	$0	$0	$0	$0	$0
6030601	Regular :Secondary :Fairfax (CNS601)	$17	$0	$0	$0	$0	$0	$0
6030623	Local Project Contributions - Secondary (CND247)	$45	$0	$0	$0	$0	$0	$0
6030672	Secondary Formula - State : Fairfax (CNS672)	$441	$0	$0	$0	$0	$0	$0

100373 **COUNTYWIDE RIGHT OF WAY ENGR.**

0000.04 Budget Item 1204008 VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$0	$0	$0	$0	$0	$0	$0
6030672	Secondary Formula - State : Fairfax (CNS672)	$20	$0	$0	$0	$0	$0	$0

99180 **Countywide Traffic Calming**

0000.05 Project 9999029S37 Countywide Subdivision Streets

Previous	Budget	Projected	Total
$366,407	$0	$0	$366,407

Total Estimate $366,407

Balance: $0

	PE	RW	CN
Schedule:			10/01/17
Estimate:	$0	$0	$366,407

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$366	$0	$0	$0	$0	$0	$0

76256 **COLCHESTER ROAD - RTE 612 -RECON & PAVE GRAVEL ROAD**

0003.01 Project 0612029P87 CHAPEL ROAD (ROUTE 641) 0.24 MILE NORTHWEST OF ROUTE 641

Previous	Budget	Projected	Total
$77,362	$3,336	$18,569	$99,267

Total Estimate $445,000

Balance: $345,733

	PE	RW	CN
Schedule:	01/15/18	01/15/19	01/15/20
Estimate:	$60,000	$50,000	$335,000

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
3001500	CTB Formula: Unpaved - Fairfax	$5	$3	$4	$5	$5	$5	$0
6030605	Secondary Formula - Unpaved Roads : Fairfax	$72	$0	$0	$0	$0	$0	$0

Fairfax County (029)

UPC	Description
104103	WALNEY RD - RTE 657 - BRIDGE REPLACEMENT AND WIDENING - D/B

5000.00 Project 0657029099 .083 MI. South of Flatlick Branch 0.033 MI. North of Dallas St

Previous	Budget	Projected	Total
$14,883,774	$0	$0	$14,883,774
		Total Estimate	$14,839,791
		Balance:	-$43,983

	PE	RW	CN
Schedule:	08/08/13	09/13/13	09/13/13
Estimate:	$195,251	$1,071,658	$13,572,882

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030473	RSTP - Primary : Northern Virginia MPO (CNF273)	$854	$0	$0	$0	$0	$0	$0
6030474	RSTP Match - Primary : Northern Virginia MPO (CNS273)	$214	$0	$0	$0	$0	$0	$0
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$918	$0	$0	$0	$0	$0	$0
6030653	Federal Formula - Secondary Bond Match : Fairfax (CNB653)	$7	$0	$0	$0	$0	$0	$0
6030668	Secondary Formula - EB(MG) : Fairfax (CNF668)	$194	$0	$0	$0	$0	$0	$0
6030669	Secondary Formula - Bridge : Fairfax (CNF669)	$1,729	$0	$0	$0	$0	$0	$0
6030670	Secondary Formula - Match : Fairfax (CNB670)	$481	$0	$0	$0	$0	$0	$0
6030672	Secondary Formula - State : Fairfax (CNS672)	$2,379	$0	$0	$0	$0	$0	$0
6030673	RSTP - Secondary : Northern Virginia MPO (CNF273)	$13	$0	$0	$0	$0	$0	$0
6030673	RSTP :Secondary :Federal STP Regional - Fairfax (CNF273)	$6,452	$0	$0	$0	$0	$0	$0
6030674	RSTP Match - Secondary : Northern Virginia MPO (CNS273)	$3	$0	$0	$0	$0	$0	$0
6030674	Secondary :State Match Non-Formula - Fairfax (CNS273)	$1,613	$0	$0	$0	$0	$0	$0
6030675	Federal Formula STP - Secondary : Fairfax (CNF675)	$27	$0	$0	$0	$0	$0	$0

UPC	Description
97219	GUINEA ROAD - ROUTE 651 - REPLACE CULVERT OVER LONG BRANCH

5000.01 Project 0651029899 0.066 mi. S. of Long Branch 0.047 mi. N. of Long Branch

Previous	Budget	Projected	Total
$4,690,601	$0	$0	$4,690,601
		Total Estimate	$4,750,976
		Balance:	$60,375

	PE	RW	CN
Schedule:	03/29/11		08/23/11
Estimate:	$515,299	$0	$4,235,677

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$564	$0	$0	$0	$0	$0	$0
6030620	Residue Parcel - Fairfax County (CNS620)	$2	$0	$0	$0	$0	$0	$0
6030653	Federal Formula - Secondary Bond Match : Fairfax (CNB653)	$46	$0	$0	$0	$0	$0	$0
6030668	Secondary Formula - EB(MG) : Fairfax (CNF668)	$396	$0	$0	$0	$0	$0	$0
6030669	Secondary Formula - Bridge : Fairfax (CNF669)	$7	$0	$0	$0	$0	$0	$0
6030670	Secondary Formula - Match : Fairfax (CNB670)	$93	$0	$0	$0	$0	$0	$0

UPC	Description								
	6030672	Secondary Formula - State : Fairfax (CNS672)	$1,516	$0	$0	$0	$0	$0	$0
	6030673	RSTP :Secondary :Federal STP Regional - Fairfax (CNF273)	$1,506	$0	$0	$0	$0	$0	$0
	6030674	Secondary :State Match Non-Formula - Fairfax (CNS273)	$376	$0	$0	$0	$0	$0	$0
	6030675	Federal Formula STP - Secondary : Fairfax (CNF675)	$184	$0	$0	$0	$0	$0	$0

84383 WALKER RD - RTE 681 - REPLACE BRIDGE OVER PINEY RUN

5000.02 Project 0681029717 0.3 Mi. N of Route 743 (Colvin Run Road) 0.4 Mi N of Route 743 (Colvin Run Road)

Previous	Budget	Projected	Total
$378,215	$0	$0	$378,215

Total Estimate $378,215

Balance: $0

	PE	RW	CN
Schedule:	02/22/10		
Estimate:	$378,215	$0	$0

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$303	$0	$0	$0	$0	$0	$0
6030672	Secondary Formula - State : Fairfax (CNS672)	$76	$0	$0	$0	$0	$0	$0

84385 BEACH MILL ROAD - RTE 603 - BR. OVER NICHOLS RUN

5000.03 Project 0603029718 0.55 MI W. OF RTE 674 (SPRINGVALE RD) 0.45 MI W. OF RTE 674 (SPRINGVALE RD)

Previous	Budget	Projected	Total
$535,824	$0	$0	$535,824

Total Estimate $487,824

Balance: -$48,000

	PE	RW	CN
Schedule:	07/23/09		04/10/12
Estimate:	$383,579	$0	$104,245

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030669	Secondary Formula - Bridge : Fairfax (CNF669)	$429	$0	$0	$0	$0	$0	$0
6030670	Secondary Formula - Match : Fairfax (CNB670)	$107	$0	$0	$0	$0	$0	$0

76247 TOWLSTON RD - RT 676 - REPLACE BRIDGE OVER ROCKY RUN

5000.04 Project 0676029389 BRIDGE REPLACEMENT OVER ROCKY RUN (0.15 MILE FROM ROUTE 738) STRUCTURE # 6137

Previous	Budget	Projected	Total
$434,000	$0	$0	$434,000

Total Estimate $593,000

Balance: $159,000

	PE	RW	CN
Schedule:	05/21/07		
Estimate:	$593,000	$0	$0

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030210	Federal Demonstration Funds :Access Demo (CNF210)	$240	$0	$0	$0	$0	$0	$0
6030669	Secondary Formula - Bridge : Fairfax (CNF669)	$155	$0	$0	$0	$0	$0	$0
6030670	Secondary Formula - Match : Fairfax (CNB670)	$39	$0	$0	$0	$0	$0	$0

Fairfax County (029)

UPC	Description
82213	BEULAH ROAD - RT 702 BRIDGE REHAB - SCOUR COUNTERMEASURE

5000.04 Project 0702029395 0.70 miles E of intersection of Rte 7 and Rte 702 0.65 mile N of intersection of Rte 267 and Rte 702

Previous	Budget	Projected	Total
$738,571	$0	$0	$738,571

Total Estimate $950,000

Balance: $211,429

	PE	RW	CN
Schedule:	08/01/07		04/10/12
Estimate:	$336,425	$0	$613,575

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030669	Secondary Formula - Bridge : Fairfax (CNF669)	$183	$0	$0	$0	$0	$0	$0
6030670	Secondary Formula - Match : Fairfax (CNB670)	$46	$0	$0	$0	$0	$0	$0
6040000	Maintenance Funds :Statewide :Highway System Maintenance - State (MNS000)	($211)	$0	$0	$0	$0	$0	$0
6040300	Maintenance Funds :Statewide - State :Secondary Maintenance - State (MNS000)	$270	$0	$0	$0	$0	$0	$0
6040302	Maintenance Funds :Statewide - State :Federal Bridge Funds on Secondary System (MNF002)	$20	$0	$0	$0	$0	$0	$0
6040305	Maintenance Funds :Statewide - State :Federal STP Funds on Secondary System (MNF005)	$341	$0	$0	$0	$0	$0	$0
6040309	Maintenance Funds :Statewide - Match :Secondary Maintenance - Match (MNS000)	$90	$0	$0	$0	$0	$0	$0

82214	WALNEY RD - RT 657 - BRIDGE REHAB OVER FLATLICK BRANCH

5000.05 Project 0657029396 0.42mi S INT Rte 6215 0.03mi N INT Rte 6755

Previous	Budget	Projected	Total
$810,000	$0	$0	$810,000

Total Estimate $833,740

Balance: $23,740

	PE	RW	CN
Schedule:	08/02/07		
Estimate:	$833,740	$0	$0

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$810	$0	$0	$0	$0	$0	$0

92143	EXTEND BOX CULVERT TO WIDEN LEE ROAD

5000.07 Project 0661029831 0.3 mile North of Int. Willard Road 0.5 mile South of Int. Route 50

Previous	Budget	Projected	Total
$3,537,135	$0	$0	$3,537,135

Total Estimate $3,400,100

Balance: -$137,035

	PE	RW	CN
Schedule:	10/01/09	03/11/13	02/11/14
Estimate:	$760,330	$601,770	$2,038,000

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030473	RSTP - Primary : Northern Virginia MPO (CNF273)	$776	$0	$0	$0	$0	$0	$0
6030474	RSTP Match - Primary : Northern Virginia MPO (CNS273)	$194	$0	$0	$0	$0	$0	$0
6030672	Secondary Formula - State : Fairfax (CNS672)	$762	$0	$0	$0	$0	$0	$0

UPC	Description								
	6030673	RSTP :Secondary :Federal STP Regional - Fairfax (CNF273)	$1,121	$0	$0	$0	$0	$0	$0
	6030674	Secondary :State Match Non-Formula - Fairfax (CNS273)	$280	$0	$0	$0	$0	$0	$0
	6040100	Maintenance Funds :Statewide - State :Interstate Maintenance - State (MNS000)	$3	$0	$0	$0	$0	$0	$0
	6040106	Maintenance Funds :Statewide - State :Federal CMAQ Funds on Interstate System (MNF006)	$243	$0	$0	$0	$0	$0	$0
	6040206	Maintenance Funds :Statewide - State :Federal CMAQ Funds on Primary System (MNF006)	$126	$0	$0	$0	$0	$0	$0
	6040306	Maintenance Funds :Statewide - State :Federal CMAQ Funds on Secondary System (MNF006)	$31	$0	$0	$0	$0	$0	$0

11012 TELEGRAPH RD -RTE 611 - WIDEN TO 4-LANES

9999.00 Project 0611029303 ROUTE 613 (BEULAH STREET) LEAF ROAD

Previous	Budget	Projected	Total
$24,868,000	$0	$0	$24,868,000
		Total Estimate	$24,868,000
		Balance:	$0

	PE	RW	CN
Schedule:	07/14/87	09/30/10	03/16/11
Estimate:	$1,225,000	$1,292,000	$22,351,000

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$1,202	$0	$0	$0	$0	$0	$0
6030620	Residue Parcel - Fairfax County (CNS620)	$14	$0	$0	$0	$0	$0	$0
6030653	Federal Formula - Secondary Bond Match : Fairfax (CNB653)	$3	$0	$0	$0	$0	$0	$0
6030670	Secondary Formula - Match : Fairfax (CNB670)	$113	$0	$0	$0	$0	$0	$0
6030672	Secondary Formula - State : Fairfax (CNS672)	$2,274	$0	$0	$0	$0	$0	$0
6030673	RSTP :Secondary :Federal STP Regional - Fairfax (CNF273)	$517	$0	$0	$0	$0	$0	$0
6030674	RSTP Match - Secondary : Northern Virginia MPO (CNS273)	$394	$0	$0	$0	$0	$0	$0
6030674	Secondary :State Match Non-Formula - Fairfax (CNS273)	$747	$0	$0	$0	$0	$0	$0
6031204	.Bond Proceeds :NVTD Project Funds	$911	$0	$0	$0	$0	$0	$0
9030211	Special Grants Projects : Federal : DOD Grants	$8,731	$0	$0	$0	$0	$0	$0
9030601	Secondary Funds :Access :All	$2,225	$0	$0	$0	$0	$0	$0
9030667	Secondary Formula - STP: NOPOST (NOP667)	$410	$0	$0	$0	$0	$0	$0
9030668	Secondary Formula - EB(MG) (NOP668)	$42	$0	$0	$0	$0	$0	$0
9030673	RSTP Federal STP Regional (No Post)	$3,659	$0	$0	$0	$0	$0	$0
9030675	Federal Formula STP - Secondary : NOPOST (NOP675)	$11	$0	$0	$0	$0	$0	$0
9030676	Minimum Guarantee: Equity Bonus (MG) (No Post)	$388	$0	$0	$0	$0	$0	$0
9090623	Local Project Contributions - Urban (NO POST)	$3,227	$0	$0	$0	$0	$0	$0

Fairfax County (029)

UPC	Description
103781	Bridge Replacement at Beach Mill Rd over Nichols Br

9999.99 Project 0603029718 0.55 Mi W of Rte 674 (Springvale Rd) 0.45 Mi W of Rte 674 (Springvale Rd)

Previous	Budget	Projected	Total
$1,246,248	$0	$0	$1,246,248
		Total Estimate	$1,246,248
		Balance:	$0

	PE	RW	CN
Schedule:			12/18/12
Estimate:	$0	$0	$1,246,248

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030601	.Formula - Secondary :Federal/State - Fairfax (CNS601)	$197	$0	$0	$0	$0	$0	$0
6030669	Secondary Formula - Bridge : Fairfax (CNF669)	$800	$0	$0	$0	$0	$0	$0
6030670	Secondary Formula - Match : Fairfax (CNB670)	$200	$0	$0	$0	$0	$0	$0
6030672	Secondary Formula - State : Fairfax (CNS672)	$49	$0	$0	$0	$0	$0	$0

106327	COUNTYWIDE DRAINAGE IMPROVEMENTS

9999.99 Project 9999029120 VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY

Previous	Budget	Projected	Total
$100,000	$0	$0	$100,000
		Total Estimate	$100,000
		Balance:	$0

	PE	RW	CN
Schedule:	09/03/14		
Estimate:	$100,000	$0	$0

Funding Detail (in $1000s)		Previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
6030672	Secondary Formula - State : Fairfax (CNS672)	$100	$0	$0	$0	$0	$0	$0

Attachment 2

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, May 12, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

PROGRAM ENDORSEMENT RESOLUTION

WHEREAS, Sections 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, Terry Yates, Arlington/Fairfax Preliminary Engineering Manager , Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (FY2016 through FY2021) and the FY 2016 Budget for Fairfax County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Fairfax County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (FY2016 through FY2021) and FY 2016 Budget are hereby approved as presented at the public hearing;

Adopted this 12th day of May, 2015, Fairfax, Virginia

ATTEST _____

Catherine A. Chianese
Clerk to the Board of Supervisors

Attachment 3

FY 2016 - 2021 Secondary Six Year Program Summary

COST ESTIMATES IN THOUSANDS

#	SSYP Project	FY 2015 COST Jun-14	FY 2016 COST May-15	CHANGE/ COST INCREASE	PERCENT COST INCREASE SINCE Jun-13	Bid/Advertisement Date	
						FY15	FY16
1	STRINGFELLOW, U.S. RT 50 TO FAIR LAKES BLVD.	$60,987	$60,987	$0	0.0%	Under Construction	
2	COLCHESTER ROAD RECONSTRUCTION AND PAVE GRAVEL ROAD	$445	$445	$0	0.0%	N/A	January-20
3	WALNEY ROAD - BRIDGE REPLACEMENT AND WIDENING	$14,980	$14,840	-$140	-0.9%	Under Construction	
4	GUINEA ROAD - REPLACE CULVERT OVER LONG BRANCH	$4,734	$4,751	$17	0.4%	Complete	
5	WALKER ROAD- REPLACE BRIDGE OVER PINEY RUN	$378	$378	$0	0.0%	N/A	N/A
6	BEACH MILL ROAD - BRIDGE REPAIRS OVER NICHOLS RUN	$1,782	$1,734	-$48	-2.7%	Complete, Awaiting Closeout	
7	TOWLSTON ROAD - REPLACE BRIDGE OVER ROCKY RUN	$593	$593	$0	0.0%	Complete	
8	BEULAH ROAD - SCOUR COUNTER MEASURE	$950	$950	$0	0.0%	Complete	
10	LEE ROAD - EXTEND BOX CULVERT TO WIDEN LEE ROAD	$3,342	$3,400	$58	1.7%	Complete, Awaiting Closeout	
11	TELEGRAPH ROAD - WIDENING BEULAH TO LEAF ROAD	$24,868	$24,868	$0	0.0%	Major Construction Complete, Punch List	
	TOTALS	$113,059	$112,946	-$113	-0.1%		