FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 20, 2015

AGENDA

9:30	Presentations
10:30	Presentation of the History Commission Annual Report
10:40	Presentation of the Ad Hoc Police Practices Review Commission Recommendations
11:10	Board Appointments
11:10	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Springfield District)
2	Authorization to Advertise a Public Hearing to Establish the Twinbrook Community Parking District (Braddock District)
3	Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Port Royal Road, Woodruff Court, Forbes Place (Braddock District)
4	Authorization to Advertise a Public Hearing to Establish the London Towne Community Parking District (Sully District)
5	Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Sullyfield Circle and Parke Long Court (Sully District)
6	Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lewinsville Road - Western Portion (Dranesville District)
7	Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lewinsville Road - Eastern Portion (Dranesville District)
8	Extension of Review Period for 2232 Applications (Dranesville and Springfield Districts)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 20, 2015

ACTION ITEMS

1	Adoption of a Resolution to Authorize the Upper Occoquan Service Authority to Participate in the Virginia Pooled Trust Fund
2	Approve of a Resolution to Apply for FY 2017 Revenue Sharing Funds to Fund Route 28 Widening from the Prince William County Line (Bull Run Bridge) to Route 29 and Route 1 Widening from Mount Vernon Memorial Highway to Napper Road (Lee, Mount Vernon, Springfield and Sully Districts)
3	Endorsement of Applications for the Virginia Department of Transportation's FY 2017 Transportation Alternatives Grant Application (Lee, Providence & Hunter Mill Districts)
4	Approval of a Project Agreement Between the Department of Rail and Public Transportation (DRPT) and Fairfax County to Provide Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds for Operation of the Connector Store Project

11:10	Matters Presented by Board Members
12:00	Closed Session

PUBLIC HEARINGS

3:00	Public Hearing on RZ 2015-SU-002 (JLB Realty, LLC) (Sully District)
3:00	Public Hearing on PCA 86-S-071-04 (JLB Realty, LLC) (Sully District)
3:00	Public Hearing on PCA 2006-SU-025-02 and CDPA 2006-SU-025 (Regency Centers Acquisition, LLC) (Sully District)
3:00	Public Hearing on SEA 97-Y-002-02 (Chantilly Associates, Inc.) (Sully District)
3:00	Public Hearing on SE 2015-SU-018 (Chantilly Auto Care Center, LLC) (Sully District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 20, 2015

PUBLIC HEARINGS
(Continued)

3:00	Public Hearing on SE 2015-DR-016 (Metropolitan Washington Airports Authority (MWAA) and the Virginia Department of Rail and Public Transportation on Behalf of the Washington Metropolitan Area Transit Authority and the Board of Supervisors of Fairfax County, Virginia) (Dranesville District)
3:00	Public Hearing on SE 2015-SU-017 (BBCN Bank) (Sully District)
3:30	Public Hearing on RZ 2010-PR-022 (TMG Solutions Plaza Land, L.P.) (Providence District)
3:30	Public Hearing on AR 90-D-003-03 (Joan Lewis Jewett and Jewett Family Corporation, Inc.) (Dranesville District)
3:30	Public Hearing on AR 90-S-004-03 (JLB Associates) (Springfield District)
3:30	Public Hearing on AR 2005-DR-001 (Gary A. Simanson and Private Historic Preservation Group, LLC) (Dranesville District)
3:30	Public Hearing on AF 2015-SP-001 (Heather Scott-Molleda, Jose Maria Molleda) (Springfield District)
3:30	Public Hearing on SE 2015-LE-004 (Fatma Riahi, Fatma's Play House) (Lee District)
3:30	Public Hearing on SEA 83-V-083 (SEJ Asset Management and Investment Company) (Mount Vernon District)
4:00	Public Hearing on Proposed Plan Amendment 2013-CW-4CP, Conservation Areas and Community Improvement Areas
4:00	Public Hearing on Proposed Plan Amendment 2013-I-L1 (A), Lincolnia Planning District, Phase I (Mason District)
4:00	Public Hearing on Proposed Plan Amendment 2013-CW-T3, Completed Transportation Facilities
4:00	Public Hearing on Proposed Plan Amendment 2015-IV-MV2, Located West of the Huntington Metrorail Station, East of North Kings Highway, and South of Huntington Avenue (Mount Vernon District)
4:30	Public Hearing on a Proposed Amendment to Chapter 41.1 of the Fairfax County Code Regarding Cruelty to Animals, Including Dog Tethering

FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 20, 2015

PUBLIC HEARINGS
(Continued)

4:30	Public Hearing on PCA 2006-SU-007-02 (PHD Associates, LLC) (Sully District)
4:30	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Highland Street/Backlick Road/Amherst Avenue Pedestrian Intersection Improvements Project (Lee District)
4:30	Public Hearing to Establish the Braddock Green Community Parking District (Braddock District)
5:00	Public Hearing on SEA 89-Y-035 (Haft / Equities Sully Plaza Limited Partnership) (Sully District)
5:00	Public Hearing on SEA 86-C-066-03 (Hunter Mill Country Day School, Inc.) (Hunter Mill District)
5:00	Public Hearing on SE 2014-HM-066 (Sports Authority, Inc.) (Hunter Mill District)
5:00	Public Hearing on PRC 76-C-111 (Fairfax County School Board) (Hunter Mill District)
5:30	Public Hearing on SE 2015-MV-003 (First Years Learning Center LLC / Claudia Tramontana) (Mount Vernon District)
5:30	Public Hearing on RZ 2014-MA-011 (Spectrum Development, LLC) (Mason District)
5:30	Public Hearing on SE 2014-MA-013 (Spectrum Development, LLC) (Mason District)
5:30	Public Hearing on SEA 97-M-016 (Extra Space Storage Inc) (Mason District)

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
October 20, 2015

9:30 a.m.

PRESENTATIONS

SPORTS/SCHOOLS

- CERTIFICATE – To recognize the McLean Little League 10-11 Softball All-Stars for winning the state championship. Requested by Supervisor Foust.

RECOGNITIONS

- RESOLUTION – To recognize Northern Virginia Community College for its 50th anniversary. Requested by Chairman Bulova and Supervisor Cook.

DESIGNATIONS

- PROCLAMATION – To designate November 2015 as American Indian Heritage Month in Fairfax County. Requested by Chairman Bulova.

— more —

Board Agenda Item
October 20, 2015

- PROCLAMATION – To designate November 2015 as Dysautonomia Awareness Month in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate October 24, 2015, as VolunteerFest Day in Fairfax County. Requested by Chairman Bulova.

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

Board Agenda Item
October 20, 2015

10:30 a.m.

Presentation of the History Commission Annual Report

ENCLOSED DOCUMENTS:
Attachment 1: History Commission's 2014 Annual Report

PRESENTED BY:
Gretchen Bulova, Immediate Past Chairman, Fairfax County History Commission

Fairfax County History Commission

Annual Report

2014

Fairfax County History Commission

Mailing Address:

Fairfax County History Commission
10360 North Street
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www.fairfaxcounty.gov/histcomm

September 1, 2015

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CHAIRMAN'S REMARKS

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

In support of this mission, the History Commission is pleased to present its 2014 annual report that documents the wide array of projects undertaken by the Commission this year. In particular, the Commission focused efforts on the presentation of its annual History Conference, working with County staff to study and develop a Resident Curator program, and partnering with regional organizations to commemorate both the Sesquicentennial of the Civil War and the Bicentennial of the War of 1812. The Commission is proud of its contributions and looks forward to continuing its efforts to work with and educate the public about the County's diverse and rich historical interests.

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

Gretchen M. Bulova, 2014 Chairman

OVERVIEW

The Fairfax County Board of Supervisors officially created the Commission in 1969. It grew out of the Landmarks Preservation Committee established in 1965. There are 20 members. The Commission meets on the first Wednesday of each month. All meetings are open to the public. An independent contractor prepares minutes. In addition to the regular meetings, members put in many volunteer hours each month on the Commission's committees.

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

- The Commission maintains the Fairfax County Inventory of Historic Sites, which included 362 sites at the end of 2014.
- The Commission advises the Board of Supervisors and appropriate agencies on matters involving the history of the County in the following ways:
  - Works closely with the Department of Planning and Zoning; the Architectural Review Board; the Park Authority, especially the Cultural Resource Management and Protection programs; and the Public Libraries, especially the Virginia Room.
  - Proposes and monitors Historic Overlay Districts. A member of the Commission, Elise Ruff Murray, serves in an ex officio capacity on the Architectural Review Board.
  - The Commission is consulted on development or demolition of old or historic structures, whether on the Fairfax County Inventory of Historic Sites or not.
  - Advises the State Review Board and Historic Resources Board about historic and cultural sites recommended for inclusion on the National Register.
  - Participates in matters under Section 106 of the National Historic Preservation Act, which requires federal agencies to take into account the effects of their undertakings on historic properties, particularly with regard to Fort Belvoir and cell phone tower applications. Sallie Lyons is representing the Commission at reviews for the Route One improvements at Fort Belvoir.
- In order to generally promote the public interest in all matters bearing on the history of Fairfax County, the Commission:
  - Cooperates with the Fairfax County Public Schools, Northern Virginia Community College and George Mason University in local history activities.

- Provides advice and assistance to local historical societies, churches and citizens' groups on matters of historic preservation.
- Assists in negotiations for preservation easements.
- Pays special attention to the possibilities for tax incentives for preserving historic properties.
- Promotes the establishment of volunteer citizen special interest groups.
- Attends meetings, conferences and seminars for continuing education.
- Participates with other state, national and local organizations in joint programs. Carole Herrick represents Fairfax County on the War of 1812 Bicentennial Commemoration Planning Committee for the region—Maryland, D.C. and Northern Virginia. See also the Civil War Sesquicentennial section of this report.
- Acts as a liaison with public and private historical agencies in the County and on the state and national levels.
- Supports and encourages activities at all educational levels that will stimulate interest in the archeological and historical background of Fairfax County.
- Supports oral history programs in Fairfax County.
- Supports the collections of the Virginia Room of the City of Fairfax Regional Library and the preservation of materials held therein. The Commission makes an annual grant to the Virginia Room for preservation and research materials.
- Supports the Park Authority Cultural Resources Management and Protection programs (CRMP) that include the County archaeology program. The Commission makes grants to Cultural Resource Management Section for interns and consultants to perform archeological and architectural surveys as needed.

● Specific programs to promote the public interest in all matters bearing on history in Fairfax County include:

- Fairfax County's Historical Marker Program that marks appropriate historical sites throughout the County.
- Awards programs to honor achievements in Fairfax County history and historic preservation.
- Annual History Conference to educate County citizens about Fairfax County history.
- Compiles and makes available to the public a list of local historians willing to speak on a variety of topics related to the history of Fairfax County.
- Assists in reprinting County history publications.
- Provides a juror for the annual Fairfax County Exceptional Design Award.

● Since 1969 the Commission has contributed the following to the County:

- Completed a program to index, abstract and microfiche early Circuit Court Records.
- Prompted the creation of the Fairfax County Records Management Program.
- Initiated the establishment of the County Archaeology program.
- Published three books on Fairfax County history.
- Prepared property identification maps and a census of Fairfax County in 1860.

CIVIL WAR SESQUICENTENNIAL

In 2011, Fairfax County joined forces with other localities across the Commonwealth to form a local Sesquicentennial Committee in order to commemorate the 150th anniversary of the Civil War in Virginia. Members of the Commission collaborated with Visit Fairfax, the Park Authority, the City of Fairfax, and representatives from local groups and societies to work with the State Sesquicentennial Commission, plan events and activities that highlight the County's role in the Civil War, and to promote Fairfax County's rich Civil War history. Gretchen Bulova is the Commission's representative to the Fairfax County Sesquicentennial Steering Committee and serves as Chair of the History Commission's Sesquicentennial committee. Members of this committee include Carole Herrick, Mary Lipsey and Naomi Zeavin.

Throughout the five year commemoration, the Sesquicentennial Committee planned a wide variety of activities and educational resources to support the County Sesquicentennial initiatives. Some of these activities included collaboration with the City of Fairfax to commemorate the Skirmish of Fairfax Courthouse (June 1, 2011); suggested reading lists for both children and adults (2011); the coordination of a series of 18 Civil War Trail markers throughout the County (2012, 2013, 2014); the creation of a driving tour of Fairfax County Civil War sites "Footsteps to Fairfax Trail" (2012); and the research, development and marketing of nine "Civil War in Fairfax County" educational outreach kits for school teachers, groups and community organizations (2014). Information and links to these initiatives and historical resources can be found on the Commission's website (http://www.fairfaxcounty.gov/histcomm/civil-war.htm).

As the Commemoration drew to a close, the State Sesquicentennial Commission presented the Fairfax County Sesquicentennial Committee with an outstanding achievement award that recognized the activities and achievements of Fairfax County's historical organizations.

FAIRFAX COUNTY RESIDENT CURATOR PROGRAM

Robert Beach (Chair), Gretchen Bulova, Michael Irwin and Barbara Naef have served on the Commission's RCP Committee since 2011.

As reported in previous History Commission Annual Reports, the History Commission has continued to partner with the Department of Planning and Zoning and the Park Authority to explore the implementation of a Resident Curator Program. The County contracted with John Milner Associates to prepare a report that reviewed how states and localities with established resident curator programs operated and make recommendations for the establishment of a resident curator program in Fairfax County.

The Final Resident Curator Program Study report was delivered to the Board of Supervisors September 30, 2014. The Board of Supervisors adopted a new chapter, Chapter 125, Resident Curator Program Ordinance, to the Code of the County of Fairfax, Virginia, establishing Resident Curator Program, on November 18, 2014. The ordinance requires that in order to be eligible for the program, properties must be publicly owned and must be eligible for or listed in the Fairfax County Inventory of Historic Sites.

The Park Authority hired a limited term project manager and assigned staff to the Resident Curator project work team. Other Fairfax County agencies have assigned staff as project work team members. The Site Summaries compiled for each potential property are being updated to ADA acceptable format for the web page in preparation for the Request For Information. The project manager is currently developing drafts of Deliverables based on the Charter for committee review and adoption.

TENTH ANNUAL HISTORY CONFERENCE – 2014

"Fire, Flight & Fury" – The War of 1812 in Fairfax County – 200 Years Later!!

The 10th Annual Fairfax County History Conference was held on Saturday, November 8, 2014 at the Stacy C. Sherwood Community Center in the City of Fairfax. A record 120 participants, along with over 15 authors and exhibitors, were in attendance to enjoy the theme of "Fire, Flight & Fury" – The War of 1812 in Fairfax County – 200 Years Later!! The day was filled with living history including song and verse.

The conference featured the following presentations:

- "The Ships of the Potomac ", Michael Bosworth, DC Navy Yard, in the uniform of an 1812 Naval Commander
- "The 60th Militia of Fairfax City", Richard Orly in militia uniform
- "Dolley Madison's Flight into Fairfax County", Carole Herrick in period dress
- "The Battle of Bladensburg", Helen Wirka, Carlyle House, Alexandria, Virginia
- "Fairfax County & The War of 1812", Patrick O'Neill, local researcher and archaeologist
- "The Star Spangled Banner", Alan Gephardt, noted Francis Scott Key reenactor

Special guests included Virginia State Delegate Ken Plum from Reston. Eleventh District Congressman Gerry Connolly joined Fairfax County Board of Supervisors Chairman Sharon Bulova to share comments and to present the Commission's annual awards. The Awards are listed in the Awards Committee Report.

Conference attendee packets included an attractive and thorough War of 1812 timeline prepared by Committee members Michael Irwin and Esther McCullough. Trivia prizes included CDs of the works of the First Annual History Conference keynote presenter, Ron Maxwell, independent film director and writer, most famous for writing and directing American Civil War epics. Jason's Deli provided a superb breakfast and lunch – with remaining food taken to one of the county's homeless shelters.

Chaired by Lynne Garvey-Hodge, the Conference Planning Committee included History Commission members: Barbara Naef, Esther McCullough, Naomi Zeavin, Sallie Lyons, Carole Herrick, Mary Lipsey, Phyllis Walker Ford, Rachel Rifkind and Michael Irwin. In addition, the Committee included Liz Crowell, Fairfax County Park Authority; Susan Gray, City of Fairfax and Jenée Lindner, local historian.

The 11th Annual Fairfax County History Conference is scheduled for November 7, 2015 at the Stacy C. Sherwood Community Center in the City of Fairfax. For the details, see the website, http://www.fairfaxcounty.gov/histcomm/event.htm.

AWARDS PROGRAMS

The Fairfax County History Commission maintains awards programs to honor research and achievements in Fairfax County history and historic preservation:

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

These programs are open to the public. A full description of the programs, along with rules and requirements can be found on the Commission's website. (www.fairfaxcounty.gov/histcomm/awardsprogram.htm)

The following awards were presented at the November 8, 2014 Fairfax County History Conference:

Fairfax Heritage Awards:

The Ross Netherton Prize

Patrick O'Neill for his thoroughly researched and footnoted 311 page book, *To Annoy or Destroy the Enemy*, documenting the events that led to the Battle of the White House (near the Belvoir manor ruins) in the aftermath of the burning of Washington by the British during the War of 1812. This is a one of a kind publication that connects and describes people, places and events in a refreshing, singularly insightful fashion.

Recognition Awards:

Lifetime Achievement

Irma Clifton, a long-time member of the History Commission, for her lifelong passion to preserve, protect and promote the history of her native Lorton area. Particularly important to her is the Lorton Correctional Complex. Her efforts led to not only to the transfer of the property to Fairfax County, but also the creation of the Workhouse Arts Center, which includes a museum of the prison's history and the famous suffragists imprisoned there, as well as, the adaptive reuse of the penitentiary and the reformatory complexes.

Distinguished Service

L. Anthony Bracken for his comprehensive history of the creation and development of the Lake Barcroft community near Falls Church. He included extensive background information, photographs, and documentation of early citizen contributions and neighborhood events.

Neal McBride for his tireless community activism on behalf of the Newington Forest Community Association as well as his formal and informal community involvement in the Laurel Hill Planning Task Force, South County Schools' Alliance, Mt. Vernon Area Plan Review Task Force, Central Springfield Area Revitalization Committee, Lorton Arts Foundation's Workhouse Museum's Steering/Operating Committee, Sydenstricker Schoolhouse Committee, Turning Point Suffragist Memorial Committee, Occoquan Historical Society and many other organizations.

Win and David Meiselman for their dedication to preserving the history of one of Fairfax County's few remaining antebellum homes, "Merrybrook." In 2006, they founded the "Friends of Laura Ratcliffe House" an organization devoted to the preservation of the house and to preserving the legacy of Confederate spy Laura Ratcliffe, who once lived there. Further, they were instrumental persuading the State Legislature to pass legislation that allows the creation of Resident Curator Programs, which will allow the preservation of publicly-owned historic buildings.

The Awards Committee includes Lynne Garvey-Hodge (Chair), Naomi Zeavin, Jack L. Hiller and Elise Ruff Murray.

PUBLICATIONS

The Publications Committee currently has three projects: reprinting *Beginning at a White Oak*; an update and reprint of *Mount Air*; and publishing *Fairfax County in 1860: A Collective Biography*.

Members of the Publications Committee are Carrie Ann Alford, Anne Barnes, Carole Herrick, Elise Ruff Murray and Anne Stuntz. At present there is no chairman.

BUDGET

Fairfax County History Commission
Income and Expenses
FY 2014, FY 2015 and Estimated FY 2016

	FY 2014	FY 2015	Estimated FY 2016
Beginning Balance July 1	$30,780	$25,806	$32,170
Revenues:			
Fairfax County	$21,013	$21,013	$21,013
Interest Earned	3	4	—
Total, Revenues	$21,016	$21,017	$21,013
Total Available	$51,796	$46,823	$53,183
Operating Expenses	$25,990	$14,653	$25,000
Accruals for the preservation and publications programs	—	—	$28,183
Ending Balance June 30	$25,806	$32,170	—

Major expenditures in FY 2014 and FY 2015 included a grant to the Park Authority Cultural Resource Management and Protection Section, historical markers and their maintenance, and the history conference.

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

WEBSITE

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

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

HISTORICAL MARKERS

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

In the sixteen years the program has existed 51 historical roadside markers (including six state markers) have been approved for installation by the History Commission. Many requests for historical markers are initiated by the public, which provides for approximately one half of the funding. Some markers, including those requested by developers, are funded entirely by the requesting party. All requests are reviewed by a committee for historical accuracy and editorial continuity before being submitted to the entire Commission for approval.

During the 2012 calendar year, the Commission agreed to limit the funding of historical markers to the equivalent cost of two markers due to budget restraints. The current cost of fabricating a marker is $2040.

Three markers were approved and installed in 2014—The Huldah Coffer House in Burke, Clover Hill on Centreville Road near Franklin Farm Road in western Fairfax County, and William Watters (the first itinerant Methodist minister) in McLean. Clover Hill was a proffered marker funded by the Peterson Company, a developer. The William Watters marker was fully funded by the William Watters Foundation affiliated with the United Methodist Church, and the Huldah Coffer House marker was partially funded by the Burke Conservancy. In addition, two markers approved in 2013 were dedicated in 2014—The Bethlehem Baptist Church in Gum Springs and The George A. Malcolm marker in Lorton.

Serving on the Marker Committee are Jack Hiller (Chair), Anne Barnes, Michael Irwin, Mary Lipsey, Esther McCullough, Debbie Robison, Page Shelp and Carrie Ann Alford.

ETHNIC/ORAL HISTORY

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

In 2004, at the suggestion of then-Chairman Connolly, the Commission formed a subcommittee of the Ethnic Committee to create a program for recording and presenting oral history in Fairfax County. The Oral History subcommittee offers support to groups in Fairfax County seeking to record and collect oral histories.

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

CULTURAL RESOURCE MANAGEMENT AND PROTECTION SECTION GRANTS

The Commission provides grants to the Park Authority Cultural Resource Management and Protection Section (CRMP). Over the years the grants have funded a variety of things including data entry, archival supplies and interns. The most recent grant funded an intern who wrote computer code that integrated many of CRMP's various databases, excel spreadsheets and other tracking documents into one cohesive unit to assist in an upcoming American Alliance of Museums accreditation.

INVENTORY OF HISTORIC SITES

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

There was no Comprehensive Plan Amendment for 2014 to update the Inventory tables, references to Inventory sites in the text and other technical corrections because there were no additions to the Inventory.

As of December 2014, the Inventory stood at 362 listings. To date the following sites were added in 2015:

Additions to the Inventory of Historic Sites

As of July 2015

Site Name	Date Added	District	Location
Fairview Farm	1/7/2015	Lee	Alexandria
Northern Virginia Regional Park Authority Headquarters	7/1/2015	Springfield	Fairfax Station

The current Inventory list along with its background, nomination forms and research guidelines are accessible to staff and the general public on the County website. An Inventory nomination form, instruction guide and example are also available. (www.fairfaxcounty.gov/dpz/historic/ihs/) Laurie Turkawski, Heritage Resource Specialist, is working with the Tinner Hill community in Falls Church to prepare an example for a district nomination.

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

SPEAKERS BUREAU

At the Board of Supervisors request, the Commission compiled a list of people willing to speak on topics related to Fairfax County history. The resulting Speakers Bureau List includes a variety of countywide history topics with related speakers and contact information, including name, email address and phone number. It is updated from time to time and with additional information gathered from the 2014 Annual History Conference will reflect additional speakers beyond the Commission members listed here.

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

Anne Barnes presents talks on historical Fairfax County's Shiloh Baptist Church to interracial audiences.

Gretchen Bulova offered a series of preservation workshops to local community organizations, including the Vintage Ladies Society and the St. Mary's of Sorrows Italian Club. The workshops included hands on demonstrations, information, and practical tips on preserving family photographs, digital images, family textiles, and documents.

Carol Herrick gave numerous lectures throughout the Greater Washington area regarding the War of 1812, particularly the burning of the City of Washington on August 24, 1814 and the flights of the Madisons into Fairfax County. The McLean Community Center began a "Lifetime Learning" program for seniors for which she is a principal speaker in its lecture series.

Jack Hiller continued to have a busy speaking schedule in 2014, which included three presentations before the Osher Lifelong Learning Institute at George Mason University. Typically, he is asked to speak in public schools, to civic associations, historical groups, senior citizens or private groups. Many of Hiller's lectures are given with slides and focus on Springfield. Titles of his lectures include: "Murder at the Mill: Historian as Detective," "Henry Daingerfield and Origins of Springfield," "The Hidden History of Hidden Pond Park," and "An Introduction to Fairfax Archaeology."

Lynne Garvey-Hodge re-enacts Progressive Era Suffragist Mrs. Robert Walker for numerous community events, educational groups and Cox Cable Channel 10, traveling throughout Virginia to do so. Ms. Garvey-Hodge has also taken on two new characters: Angelina Grimké an early 19th century, abolitionist and Quaker women's rights activist from South Carolina; and from the Gilded Age and early days of America's railroad industry, Mrs. John Henry Devereux, wife of railroad magnate and Civil War Railroad General, John Henry Devereux. Lynne also speaks on the history and background of the historic Town of Clifton, has researched, and authored a book, published by Arcadia Publishers in their Images of America Series, *Clifton*. She has given presentations on the history of Clifton to local groups and cablevision shows. She speaks to local educational forums and civic organizations on "Women of the Progressive Era in Fairfax County," "The Progressive Era in Fairfax County," "Victorian Mourning Customs" and "Stories in Stone – Understanding Cemetery Iconography".

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

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

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

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

OUTREACH ACTIVITIES

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

Carrie Ann Alford was recently appointed to the Old Mount Vernon High School Reuse Task Force as the History Commission representative.

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

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

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

Gretchen Bulova serves as the Vice President (Programs) on the Virginia Association of Museum's (VAM) Board, and helped to plan the 2015 VAM Conference in Richmond for more than 400 museum professionals. She was appointed to the State War of 1812 Bicentennial Commemoration Commission, as a citizen member to plan the 2014 Legacy Conference in Hampton, representing Alexandria and Fairfax County. In addition, Gretchen planned Alexandria's War of 1812 Commemoration activities.

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

Carole Herrick served as chair of "An Afternoon with the Madisons," a War of 1812 bicentennial event held at the McLean Community Center exactly 200 years to the day after the British invaded and burned the City of Washington. She portrayed Dolley Madison, Montpelier's John Douglas Hall represented James Madison, and Roger Mudd stepped in as the honorary chair. She was chair of "McLean Remembers the Civil War," an all-day event commemorating 150 years of the beginning of the Civil War, held at the McLean Community Center on October 22, 2011. She is a past president of the McLean Historical Society and currently serves as vice-president.

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

Lynne Garvey-Hodge and **Mary Lipsey** co-founded the non-profit Fairfax County Cemetery Preservation Association, Inc., whose goal is to preserve and protect family cemeteries in Fairfax County. Both continue as directors and active members.

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

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

Elise Ruff Murray serves as vice president of the Friends of the Virginia Room and continues to serve on the Board of Directors of the Historical Society of Fairfax County.

Commissioner **Barbara Naef** continues to participate in the Park Authority American Alliance of Museums (AAM) reaccreditation project, working as a volunteer consultant with staff of the Resource Management Division charged with this multi-year effort.

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

Anne Stuntz serves as the president of Historic Vienna, Inc. She is an active member of the Historical Society of Fairfax County, serves on the Sully Foundation and Flint Hill Cemetery Association and Friends of the Virginia Room boards, and is secretary of the Fitzhugh Families in Virginia.

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

BIOGRAPHICAL SKETCHES

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

Carrie Ann Alford—our newest member is a native of Chicago, IL, who lived in the Alexandria area from 1996-2002 and returned in 2010 for graduate school at George Washington University where she earned a MPS in Legislative Affairs. She simultaneously completed an online program, the Certificate in Advanced International Affairs with an emphasis in National Security Policy from the Bush School of Government at Texas A&M University. She also holds dual BA degrees in Journalism and Old Testament Literature and Jewish Studies from the Moody Bible Institute in Chicago. Since 2013, Ms. Alford has worked as Legislative Assistant to Senator Toddy Puller, where among other responsibilities, she works closely with Mount Vernon and Gunston Hall on historical issues in the General Assembly, and with Fort Belvoir and Marine Corps Base Quantico on military issues. She is a member of the John Alexander Chapter, National Society Daughters of the American Revolution (NSDAR), in Alexandria, VA, where she is Chaplain, immediate past Project Patriot Chair and Page at the Virginia State Conference and Continental Congress. She is also a Prospective Member, Virginia Society, National Society of the Colonial Dames of America (NSCDA).

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

Robert E. Beach—after receiving his Bachelor of Architecture from Pratt Institute in New York in 1982, he practiced architecture in several notable New York City and Washington area architecture firms prior to starting his own practice in Falls Church in 1989, which provides design services for historic architectural restorations at the local, state and national levels. Mr. Beach has served as the Architect member of the Commission since 2000, as Vice Chairman in 2004–2005, and as Chairman in 2006–2008, as Committee Chairman of the Fairfax County Resident Curator Program and multiple times on behalf of the Commission as a juror for the Fairfax County Exceptional Design Awards. Professionally, Mr. Beach is a member of the American Institute of Architects (AIA) has served as a local Chapter Board member and represented the AIA Northern Virginia Chapter Board as a Virginia Society AIA Director. He is also a Leadership in Energy and Environmental Design Accredited Professional (LEED, AP, BD+C) specializing in building design and construction and is a member of the United States Green Building Council (USGBC). Mr. Beach is a Georgetown University Architectural Thesis Advisor in the Real Estate and Urban Design Studies Graduate Program. In addition, he is a Boy Scouts of America Architecture and Aviation Merit Badge Counselor and is a licensed instrument rated private pilot who volunteers flight time for Angel Flights several times a year. On November 7th, 2014 Mr. Beach was presented with the Distinguished Achievement Award from the Virginia Society of the American Institute of Architects (AIA Virginia). This accolade recognizes him for his outstanding work as a citizen architect as his efforts have raised the standard of architecture throughout the Commonwealth of Virginia. In March, Mr. Beach was presented with the 2015 Pratt Institute Alumni Achievement Award which recognizes outstanding graduates who have distinguished themselves in their fields; have earned a high degree of respect among their colleagues and in the general community, and whose impact has been felt on a regional, national and/or international level. These two awards also recognized Mr. Beach for his design of the Turning Point Suffragist Memorial, which will honor the lives of the suffragists who worked for the passage of the 19th Amendment giving women the right to vote. Bob lives in Fairfax, Virginia.

Gretchen M. Bulova—from the Braddock District, brings a wealth of museum experience to the Commission. She holds a BA in Anthropology and a BA in Classical Studies from the College of William and Mary and an MA in Museum Studies from The George Washington University. Ms. Bulova is the Director of Gadsby's Tavern Museum and the Stabler-Leadbeater Apothecary Museum in Alexandria, Virginia. She specializes in the interpretation of late 18th-century material culture and lectures widely on a variety of topics related to Alexandria and Gadsby's Tavern and is active in the local museum community. Ms. Bulova is Vice-President of Programs on the Virginia Association of Museums Council, and is President of the Historic House Museums Consortium of Washington, DC. Ms. Bulova is committed to the preservation of local history and inspiring the next generation to love museums and our nation's rich heritage. Elected the Commission's Chairman in 2012, she served through 2014.

Irma A. Clifton—retired from the Commission during 2014 when she moved to her home in the Falmouth, Virginia Historic District. She was born and raised in Lorton and resided in a 90-year-old farmhouse purchased by her parents in 1945. She is a longtime advocate for preservation and adaptive reuse issues. From 1967–1993, she held a variety of positions related to management and security at the D.C. Department of Corrections Correctional Institution in Lorton, Virginia. In addition to her regular assigned duties, she assembled and maintained a museum containing documents and items associated with the Department of Corrections and acted as Corrections historian. She studied Historic Preservation at Mary Washington College. After retiring in 1993, she volunteered for numerous charity and civic activities. She has served on numerous committees and task forces over the years to help develop a plan for use of the D.C. Prison at Lorton after it closed. On the Commission, she served as Treasurer 2007 through 2009.

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

Carole Herrick—lives with her husband, Philip, in McLean. As a nationally ranked tennis player, she attended Los Angeles State College, where she received her BA in history. In November of 2012 she was inducted into the National Women's Collegiate Tennis Hall of Fame. Herrick is the current Chairman of the Fairfax County History Commission and a re-enactor of Dolley Madison. She served three terms on the Governing Board of the McLean Community Center, followed by four years as Chair of Friends of the McLean Community Center and continues to serve on that board. She is a past president of the McLean Historical Society and serves today as its vice-president. Herrick chaired McLean & Great Falls Celebrate Virginia, 1607-2007, and served on the board of Fairfax 2007, two organizations that promoted the quadricentennial anniversary of the founding of Jamestown. She chaired the "McLean Centennial Celebration," an event held in June of 2010 commemorating the beginning of McLean. The following year she chaired "McLean Remembers the Civil War," an all-day event commemorating 150 years of the beginning of the Civil War, held at the McLean Community Center. She also chaired "An Afternoon with the Madisons," an event held at the McLean Community Center on August 24, 2014, exactly 200 years after the British burned the City of Washington. She has received the "Heartbeat of Rotary" and "Friend in Deed" awards. Herrick has written numerous articles for publication about McLean and the Northern Virginia area and has authored seven books: *A Chronological History of McLean; Virginia, Yesterday – 100 Recollections of McLean and Great Falls, Virginia; Yesterday – Additional Recollections of McLean and Great Falls, Virginia; Images of America: McLean, August 24, 1814: Washington in Flames*, and *Ambitious Failure: Chain Bridge, The First Bridge across the Potomac River*. Her most recent publication is *Legendary Locals: McLean*.

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

Lynne Garvey-Hodge—has been a resident of Fairfax County for 29 years and has been a resident of Clifton, Virginia for 14 years, where she is active in preserving the historicity of Clifton. She has a BFA from the University of Colorado, majoring in art history, an MPA (Masters in Public Administration) with a major in Human Resources also from the University of Colorado and a MTS (Masters in Theological Studies) from Wesley Theological Seminary. She re-enacts Progressive Era Suffragist Mrs. Robert Walker. Ms. Garvey-Hodge has also taken on two new characters: Angelina Grimké an early 19th century, abolitionist and Quaker women's rights activist from South Carolina; and from the Gilded Age and early days of America's railroad industry, Mrs. John Henry Devereux (wife of railroad magnate and Civil War Railroad General John Henry Devereux). Ms. Garvey-Hodge has published a book for Arcadia Publishers' Images of America Series, *Clifton* in 2009. She is in her fifth term on the Commission. She served as Chair in 2004 and 2005 and represented the Commission on the Exceptional Design Awards jury in 2005, 2006 and 2008. She spearheaded efforts to launch the First Annual Fairfax County History Conference in 2005 and has chaired the History Conference Committee since 2006. She currently is the chair of the Awards Committee and also sits on the Ethnic/Oral History, Advocacy and Bylaws Committees. She is the co-founder and an officer of the Fairfax County Cemetery Preservation Association, Inc. and sits on the Board of VolunteerFairfax, a non-profit organization. Lynne is a member of the Bull Run Civil War Round Table, Historic Centreville Society, Clifton Community Woman's Club, the Falls Church Victorian Society, the Burke Historical Society and the Fairfax Station Railroad Museum.

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

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

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

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

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

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

Rachel Rifkind—who stepped down in 2014, was raised in Stafford County Virginia in an old farmhouse where she grew to appreciate the historic significance of the area – site of one of several Union Army winter encampments. She earned a BA in English from Virginia Tech in 1976 and since 2000 has worked as a documentation specialist for a union pension fund in Washington, D.C. Prior to that, for 23 years she worked as a technical editor for a Department of Defense contractor in Alexandria. In 2003, Governor Mark Warner appointed her as his representative on the Virginia Horse Center, a public/private partnership focusing on preserving the equestrian tradition in Virginia. She served as Supervisor Penny Gross's appointee to the Fairfax County Environmental Quality Advisory Council (EQAC) from 1999-2009.

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

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

Steven Sherman—was born in Washington, D.C. and raised in Arlington, Virginia. He has lived in Northern Virginia for over 60 years, graduated from Wakefield High School in 1964 and attended Morris Harvey College in Charleston, West Virginia and Northern Virginia Community College in Annandale, Virginia, where he majored in Accounting and History. He is President/Broker of Sherman Properties, Inc., located in Franconia and has been in the real estate business for the past 40 years. Since 1984, he has owned the historic "Five Oaks Estates" manor house built in 1910 located off Blake Lane in Fairfax County. He is the former secretary of the Board of Directors of Celebrate Fairfax, served on the Board of Directors of the Franconia Museum for the past seven years and is a past president. Mr. Sherman served as the Commission's Secretary in 2011, served as Vice Chairman from 2012 through 2014, and is again the Commission's Secretary.

Anne Stuntz—grew up in Vienna, Virginia and comes from a family of historians and genealogists. She has a degree in art history from Princeton University and an MBA from Columbia University. After a career in finance on Wall Street and in the City of London, Anne returned to her historic family home in Vienna with her husband and three sons, and is devoted to preserving the history of the area. She is president of Historic Vienna Inc. She is active with the Historical Society of Fairfax County, the Sully Foundation, Flint Hill Cemetery Association, Friends of the Virginia Room and the Fitzhugh Families of Virginia.

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

Board Agenda Item
October 20, 2015

10:40 a.m.

Presentation of the Ad Hoc Police Practices Review Commission Recommendations

ENCLOSED DOCUMENTS:
Report available online at:
http://www.fairfaxcounty.gov/chairman/pdf/adhoc-final-10.8.15.pdf

PRESENTED BY:
Michael Hershman, Chair of the Ad Hoc Police Practices Review Commission

Board Agenda Item
October 20, 2015

11:10 a.m.

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

ENCLOSED DOCUMENTS:
Attachment 1: Appointments to be heard October 20, 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

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

APPOINTMENTS TO BE HEARD OCTOBER 20, 2015

(ENCOMPASSING VACANCIES PROJECTED THROUGH OCTOBER 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 Elizabeth D'Alelio; appointed 12/09-9/13 by Cook) Term exp. 9/17 *Resigned*	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Margaret Osborne; appointed 12/14 by McKay) Term exp. 9/16 *Resigned*	Lee District Representative		McKay	Lee

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

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 Thor Vue; appointed 3/14 by Herrity) Term exp. 5/18 *Resigned*	Citizen 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

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Austin Ford; appointed 3/14 by Bulova) Term exp. 8/15 *Resigned*	At-Large #4 Representative		By Any Supervisor	At-Large

ANIMAL SERVICES ADVISORY COMMISSION (2 years)
[Note: In addition to attendance at Commission meetings, members shall volunteer at least 24 hours per year in some capacity for the Animal Services Division.]

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

ARCHITECTURAL REVIEW BOARD (3 years)
[NOTE: Members shall be appointed by the Board of Supervisors as follows: at least two (2) members shall be certified architects; one (1) landscape architect authorized to practice in Virginia; one (1) lawyer with membership in the Virginia Bar; six (6) other members shall be drawn from the ranks of related professional groups such as archaeologists, historians, lawyers, and real estate brokers.]

Incumbent History	Requirement	Nominee	Supervisor	District
Susan W. Notkins (Appointed 11/96-9/03 by Hanley; 9/06 by Connolly; 10/09-10/12 by Bulova) Term exp. 9/15 *Architect*	Related Professional Group #3 Representative		By Any Supervisor	At-Large
Jason D. Sutphin (Appointed 9/09-9/12 by Frey) Term exp. 9/15 *Planner*	Related Professional Group #6	**Jason D. Sutphin** (Frey)	By Any Supervisor	At-Large

ATHLETIC COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Terry Adams (Appointed 11/11-7/13 by Gross) Term exp. 6/15	Mason District Alternate Representative		Gross	Mason
Chip Chidester (Appointed 3/10-2/14 by Bulova) Term exp. 10/15	Member-At-Large Alternate Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by David Lacey; appointed 2/99-3/15 by Frey) Term exp. 3/17 *Resigned*	Sully District Principal Representative		Frey	Sully

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

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

Incumbent History	Requirement	Nominee	Supervisor	District
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

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS
(2 years – limited to 3 consecutive terms)

Incumbent History	Requirement	Nominee	Supervisor	District
Jill Patrick (Appointed 9/09-9/14 by Gross) Term exp. 9/15 ***Not eligible for reappointment***	At-Large #3 Representative		By Any Supervisor	At-Large
Peter F. Murphy (Appointed 6/06-9/08; 9/09-11/13) Term exp. 9/15	At-Large #4 Representative		By Any Supervisor	At-Large

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Anne S. Kanter (Appointed 12/03 by Hanley; 9/07 by Connolly; 9/11 by Bulova) Term exp. 9/15	At-Large #1 Representative		Bulova	At-Large Chairman
Mary Cortina (Appointed 2/06-9/11 by Bulova) Term exp. 9/15	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Stephen Kirby; appointed 12/03-1/08 by Kauffman; 9/11 by McKay) Term exp. 9/15 *Resigned*	Lee District Representative		McKay	Lee

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CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE (4 years)
Continued

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Brian Loo; appointed 7/12 by Smyth) Term exp. 9/15 *Resigned*	Providence District Representative		Smyth	Providence
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 FOR WOMEN (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Mattie Palmore (Appointed 5/12-10/15 by Bulova) Term exp. 10/15	At-Large Minority Representative	**Mattie Palmore** (Bulova)	By Any Supervisor	At-Large
Robin Brown (Appointed 1/15 by Cook) Term exp. 10/15	Braddock District Representative		Cook	Braddock
Bing T. Nguyen (Appointed 4/13/15 by Foust) Term exp. 10/15	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Julia Boone; appointed 2/13 by Hudgins) Term exp. 10/15 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill

COMMISSION ON AGING (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Denton Urban Kent; Appointed 9/14 by Gross) Term exp. 5/16 *Resigned*	Mason District Representative		Gross	Mason

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

Incumbent History	Requirement	Nominee	Supervisor	District
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
VACANT (Formerly held by Jay Hilbert; appoint 7/12-2/13 by Frey) Term exp. 2/15 *Resigned*	Sully District Representative		Frey	Sully

CONSUMER PROTECTION COMMISSION
(3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Jason M. Chung; appointed 2/13 by Frey) Term exp. 7/15 *Resigned*	Fairfax County Resident #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Leah Durant; appointed 6/13 by Herrity) Term exp. 7/15 *Resigned*	Fairfax County Resident #12 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Howard Foard (Appointed 11/12 by Hudgins) Term exp. 8/15	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Marc Greidinger; appointed 4/13 by Cook) Term exp. 11/15 *Resigned*	Braddock District Representative		Cook	Braddock

Continued on next page

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Joseph A. Jay, appointed 11/06 by McConnell; 9/09-9/12 by Herrity) Term exp. 8/15 *Resigned*	Springfield District Representative		Herrity	Springfield
VACANT (Formerly held by Janice Shafer; appointed 9/14 by Frey) Term exp. 4/16 *Resigned*	Sully District Representative		Frey	Sully

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 Petra Osborne; appointed 5/12 by Bulova) Term exp. 11/15 *Resigned*	At-Large Fairfax County Representative		By Any Supervisor	At-Large
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 Kelly Greenwood; appointed 4/09-11/13 by Hyland) Term exp. 11/16 *Resigned*	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Ann Pimley; appointed 9/03-11/6 by Frey) Term exp. 11/09 *Resigned*	Sully District Representative		Frey	Sully

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Frank McNally; appointed 10/11-6/12 by Frey) Term exp. 6/15 *Retired*	Sully District Representative		Frey	Sully

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 #1 Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Susan Beeman; appointed 9/06-9/13 by Gross) Term exp. 6/16 *Resigned*	Mason District Representative		Gross	Mason

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
Sally Patterson (Appointed 7/12 by Bulova) Term exp. 6/15 ***Not eligible for reappointment*** (need 1 year lapse)	Consumer #3 Representative		By Any Supervisor	At-Large
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

HUMAN RIGHTS COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Michael Kwon (Appointed 12/09-11/12 by Bulova) Term exp. 9/15	At-Large #1 Representative		By Any Supervisor	At-Large
Janice Brangman (Appointed 2/13 by Herrity) Term exp. 9/15	At-Large #3 Representative		By Any Supervisor	At-Large
Amy Sanborn Owen (Appointed 5/09-9/12 by Cook) Term exp. 9/15	At-Large #10 Representative		By Any Supervisor	At-Large

INDUSTRIAL DEVELOPMENT AUTHORITY (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Charles R. Rainey (Appointed 4/85-9/91 by Davis; 9/95-10/99 by Dix; 1/04-10/11 by Hudgins) Term exp. 10/15	At-Large #2 Representative		By Any Supervisor	At-Large
Joseph Heastie (Appointed 10/99-10/03 by Hanley; 10/07 by Connolly; 10/11 by Smyth) Term exp. 10/15	At-Large #6 Representative	**Joseph Heastie** (Smyth)	By Any Supervisor	At-Large

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

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by John K. Kidwell; appointed 7/12-11/16 by Frey) Term exp. 12/16 *Resigned*	Sully District Representative		Frey	Sully

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Laura Grape (Appointed 7/14 by Bulova) Term exp. 10/15	Fairfax County #1 Representative		By Any Supervisor	At-Large

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
William Uehling (Appointed 3/10-7/12 by Bulova) Term exp. 6/15	Braddock District Representative		Cook	Braddock

Continued on next page

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
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
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 Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 *Deceased*	Condo Owner Representative		By Any Supervisor	At-Large

Continued on next page

TENANT LANDLORD COMMISSION (3 years)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
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

TRANSPORTATION ADVISORY COMMISSION (2 years)

CONFIRMATION NEEDED:

- Mr. Donald J. Kissinger, Jr. as the Disability Services Representative

TREE COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Jeanne Kadet (Appointed 2/12-10/12 by Cook) Term exp. 10/15	Braddock District Representative		Cook	Braddock
Robert D. Vickers (Appointed 4/07 by DuBois; 11/09-10/12 by Foust) Term exp. 10/15	Dranesville District Representative		Foust	Dranesville
Dragan Momcilovic (Appointed 1/14 by Hudgins) Term exp. 10/15	Hunter Mill District Representative		Hudgins	Hunter Mill
Mackell Mikell (Appointed 1/13 by McKay) Term exp. 10/15	Lee District Representative		McKay	Lee
VACANT (Formerly held by Scott J. Pearson; appointed 3/11-10/13 by Gross) Term exp. 10/16 *Resigned*	Mason District Representative		Gross	Mason
VACANT (Formerly held by Dean Dastvar; appointed 11/13 by Herrity) Term exp. 10/16 *Resigned*	Springfield District Representative		Herrity	Springfield

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

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Daniel Duncan; appointed 10/13 by Bulova) Term exp. 10/17 *Resigned*	Citizen appointed by BOS #2 Representative		By Any Supervisor	At-Large

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
October 20, 2015

11:10 a.m.

Items Presented by the County Executive

Board Agenda Item
October 20, 2015

ADMINISTRATIVE – 1

Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Springfield District)

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

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

- Huntsman Boulevard between Old Keene Mill Road and Spelman Drive (Springfield District)

In addition, the County Executive recommends that FCDOT request VDOT to schedule the installation of the approved "$200 Fine for Speeding" signs as soon as possible.

TIMING:
Board action is requested on October 20, 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. Huntsman Boulevard between Old Keene Mill Road and Spelman Drive (Attachment II) meets the RTAP requirements for posting of the "$200 Additional Fine for Speeding Signs". On August 31, 2015, FCDOT received written verification from the appropriate local supervisor confirming community support.

FISCAL IMPACT:
For the "$200 Additional Fine for Speeding" signs an estimated cost of $600 is to be paid out of the VDOT secondary road construction budget.

Board Agenda Item
October 20, 2015

ENCLOSED DOCUMENTS:
Attachment I: "$200 Additional Fine for Speeding" Signs Resolution- Huntsman Boulevard
Attachment II: Area Map of Proposed "$200 Additional Fine for Speeding" Signs- Huntsman Boulevard

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

Attachment I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
$200 ADDITIONAL FINE FOR SPEEDING SIGNS
HUNTSMAN BOULEVARD (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, October 20, 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 Huntsman Boulevard, from Old Keene Mill Road to Spelman Drive. Such roads also being identified as a Local Roads; and

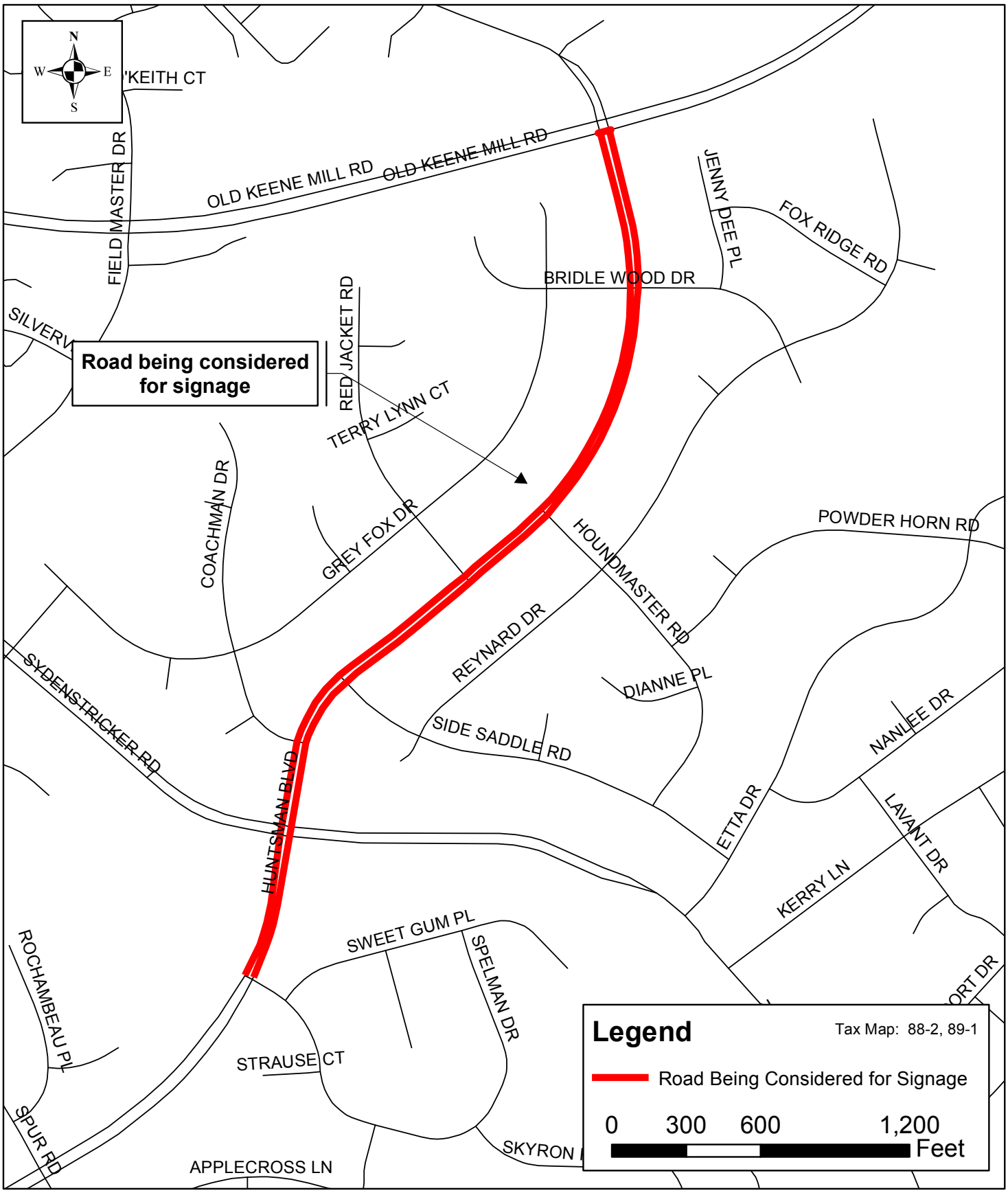
WHEREAS, community support has been verified for the installation of $200 Additional Fine for Speeding" signs on Huntsman Boulevard.

NOW, THEREFORE BE IT RESOLVED that "$200 Additional Fine for Speeding" signs are endorsed for Huntsman Boulevard from Old Keene Mill Road to Spelman Drive.

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



SEPTEMBER 2015

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

A Fairfax County, Va., Publication

Board Agenda Item
October 20, 2015

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Establish the Twinbrook Community Parking District (Braddock District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Twinbrook Community Parking District (CPD).

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2015, at 4:30 p.m. to consider adoption of a Fairfax County Code amendment to establish the Twinbrook CPD.

TIMING:
The Board of Supervisors should take action on October 20, 2015, to provide sufficient time for advertisement of the public hearing on November 17, 2015, at 4:30 p.m.

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

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

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of $10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

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

FISCAL IMPACT:
The cost of sign installation is estimated at $400 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Twinbrook CPD

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

Attachment I

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-88 Twinbrook Community Parking District

(a) *District Designation*.

(1) The restricted parking area is designated as the Twinbrook Community Parking District.

(2) Blocks included in the Twinbrook Community Parking District are described below:

Twinbrook Run Drive (Route 5628)

From Boyett Court to the northern property line of parcel 69-3((9))-C, west side only, and from Boyett Court to Head Court, east side only.

(b) *District Provisions*.

(1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.

(2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Twinbrook Community Parking District.

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

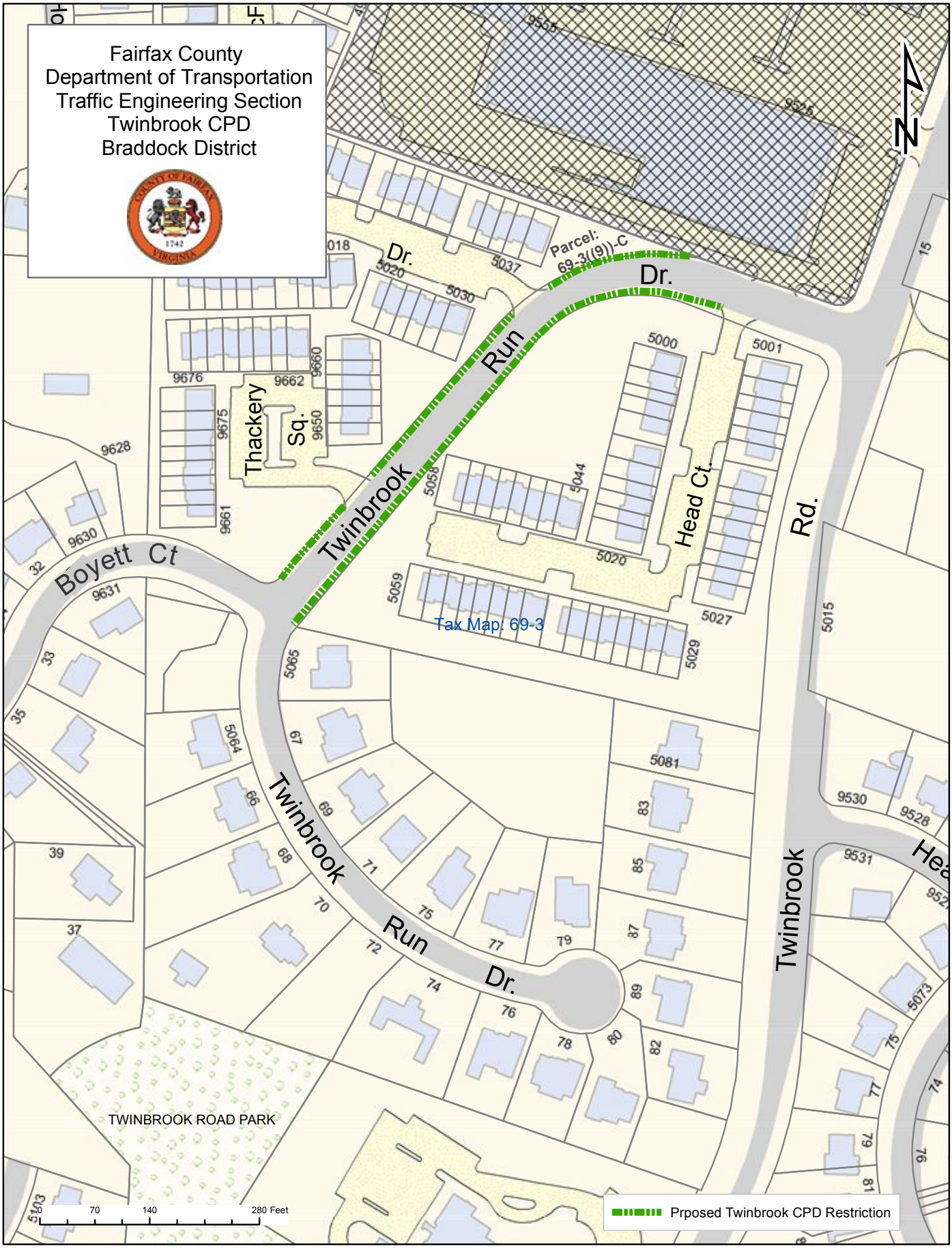
within any such District for use by federal, state, or local public agencies to provide services.

(c) *Signs*. Signs delineating the Twinbrook Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles ≥ 3 Axles
Vehicles GVWR ≥ 12,000 lbs.
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B

Attachment II



Board Agenda Item
October 20, 2015

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Port Royal Road, Woodruff Court, Forbes Place (Braddock District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Port Royal Road, Woodruff Court and Forbes Place in the Braddock District.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2015, at 4:30 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on Port Royal Road, Woodruff Court and Forbes Place from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).

TIMING:
The Board of Supervisors should take action on October 20, 2015, to provide sufficient time for advertisement of the public hearing on November 17, 2015, at 4:30 p.m.

BACKGROUND:
Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

Members of the Port Royal business community contacted the Braddock District office requesting assistance regarding the long term parking of large out of the area vehicles on Port Royal Road, Woodruff Court and Forbes Place to allow parking for their customers. They are specifically requesting a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of these roadways from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas not already designated as “No Parking” by the Virginia Department of Transportation (VDOT).

Staff has reviewed this area on several occasions over a period of time in excess of 30 days and verified that long term parking of large commercial vehicles, recreational

vehicles, and trailers is occurring.

FISCAL IMPACT:
The cost of sign installation is estimated at $1,500 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)
Attachment II: Area Map of Proposed Parking Restriction

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

Attachment I

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

Amend *The Code of the County of Fairfax*, *Virginia,* by adding the following to Appendix R, in accordance with Section 82-5-37:

Forbes Place (Route 3613).
Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on Forbes Place from Port Royal Road to the cul-de-sac inclusive from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).

Port Royal Road (Route 3090).
Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on Port Royal Road from the southern boundary of parcel 7-04((10))-12 to the cul-de-sac inclusive from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).

Woodruff Court (Route 4124).
Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on Woodruff Court from Port Royal Road to the cul-de-sac inclusive from 7:00 p.m. to 6:00 a.m., seven days per week, excluding areas designated as “No Parking” by the Virginia Department of Transportation (VDOT).

Attachment II

Board Agenda Item
October 20, 2015

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Establish the London Towne Community Parking District (Sully District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the London Towne Community Parking District (CPD).

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2015, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the London Towne CPD.

TIMING:
The Board of Supervisors should take action on October 20, 2015, to provide sufficient time for advertisement of the public hearing on November 17, 2015, at 4:00 p.m.

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

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

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of $10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

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

FISCAL IMPACT:
The cost of sign installation is estimated at $1,500 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed London Towne CPD

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

Attachment I

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-87 London Towne Community Parking District

(a) *District Designation*.

(1) The restricted parking area is designated as the London Towne Community Parking District.

(2) Blocks included in the London Towne Community Parking District are described below:

Billingsgate Lane (Route 5451)
From Wycombe Street, south to Stone Road.

Gothwaite Drive (Route 5450)
From Billingsgate Lane to Paddington Lane.

Lee Highway Service Road
From Stone Road to the western property line of parcel 53-4((2))B.

Paddington Lane (Route 4750)
From Lee Highway Service Road to Stone Road.

Regents Park Road (Route 5452)
From Wycombe Street to Billingsgate Lane.

Wycombe Street (Route 969)
From Billingsgate Lane to Stone Road.

(b) *District Provisions*.

(1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.

(2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school

buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the London Towne Community Parking District.

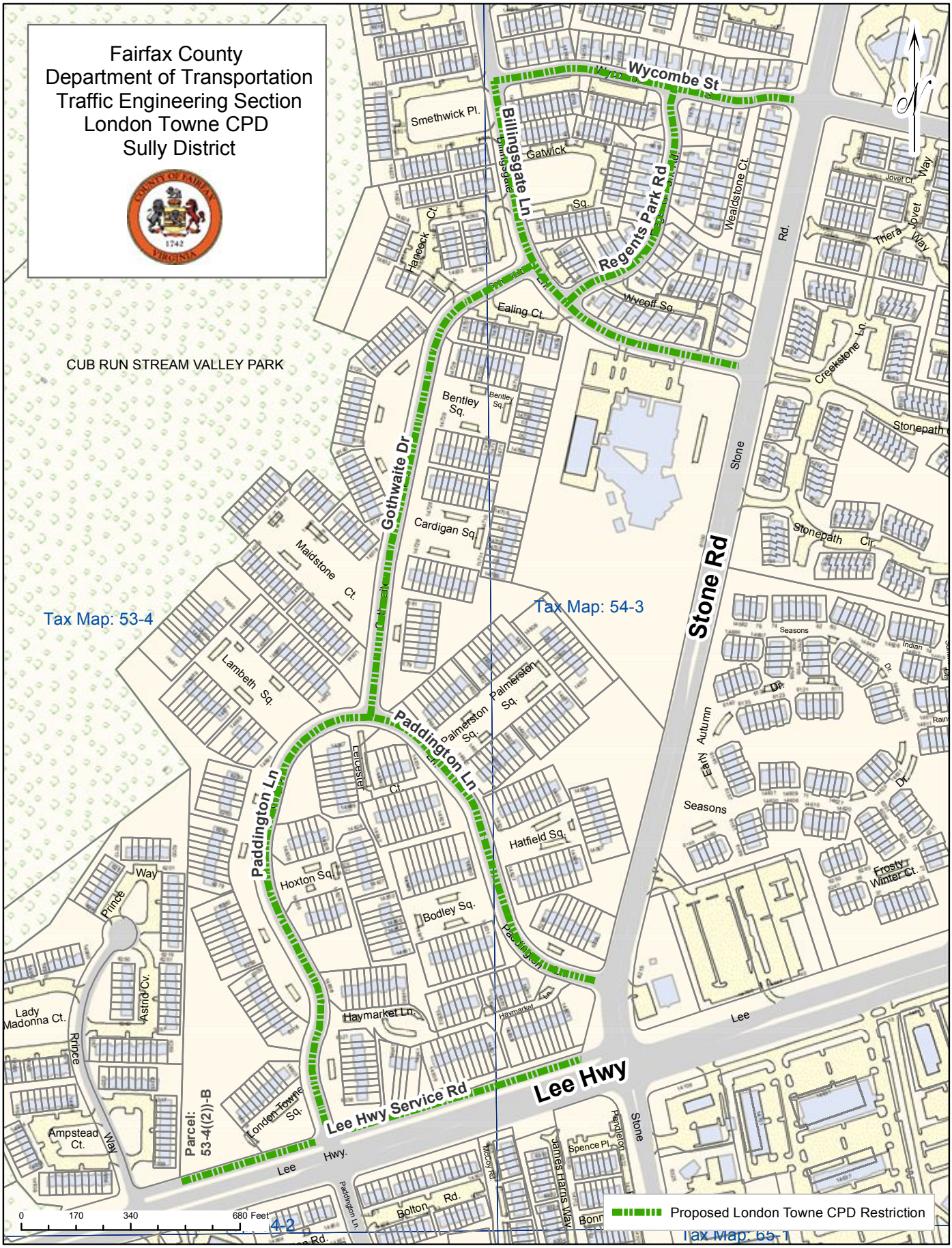
(3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during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

(c) *Signs*. Signs delineating the London Towne Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles ≥ 3 Axles
Vehicles GVWR ≥ 12,000 lbs.
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B

Attachment II



Board Agenda Item
October 20, 2015

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Sullyfield Circle and Parke Long Court (Sully District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Parke Long Court and a portion of Sullyfield Circle in the Sully District.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2015, at 4:30 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Fairfax County Code Chapter 82 from parking on Parke Long Court and a portion of Sullyfield Circle from 9:00 p.m. to 6:00 a.m., seven days per week.

TIMING:
The Board of Supervisors should take action on October 20, 2015, to provide sufficient time for advertisement of the public hearing on November 17, 2015, at 4:30 p.m.

BACKGROUND:
Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

The property owners along Parke Long Court, the entire inner circle of Sullyfield Circle and the outer circle at 14280 Sullyfield Circle contacted the Sully District office seeking relief from the long term parking that is occurring and impacting their businesses. They are specifically requesting a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of Parke Long Court, and the portions of Sullyfield Circle as shown on the attached map (Attachment II) from 9:00 p.m. to 6:00 a.m., seven days per week.

Staff has viewed this area over a period of time in excess of 30 days and has observed long term parking of out-of-area large commercial vehicles, recreational vehicles and

trailers. Such long term parking results in a lack of parking for the customers and employees of the businesses located on these streets.

FISCAL IMPACT:
The cost of sign installation is estimated at $3,000 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Proposed amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)
Attachment II: Area Map of Proposed Parking Restriction

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

Attachment I

PROPOSED CODE AMENDMENT

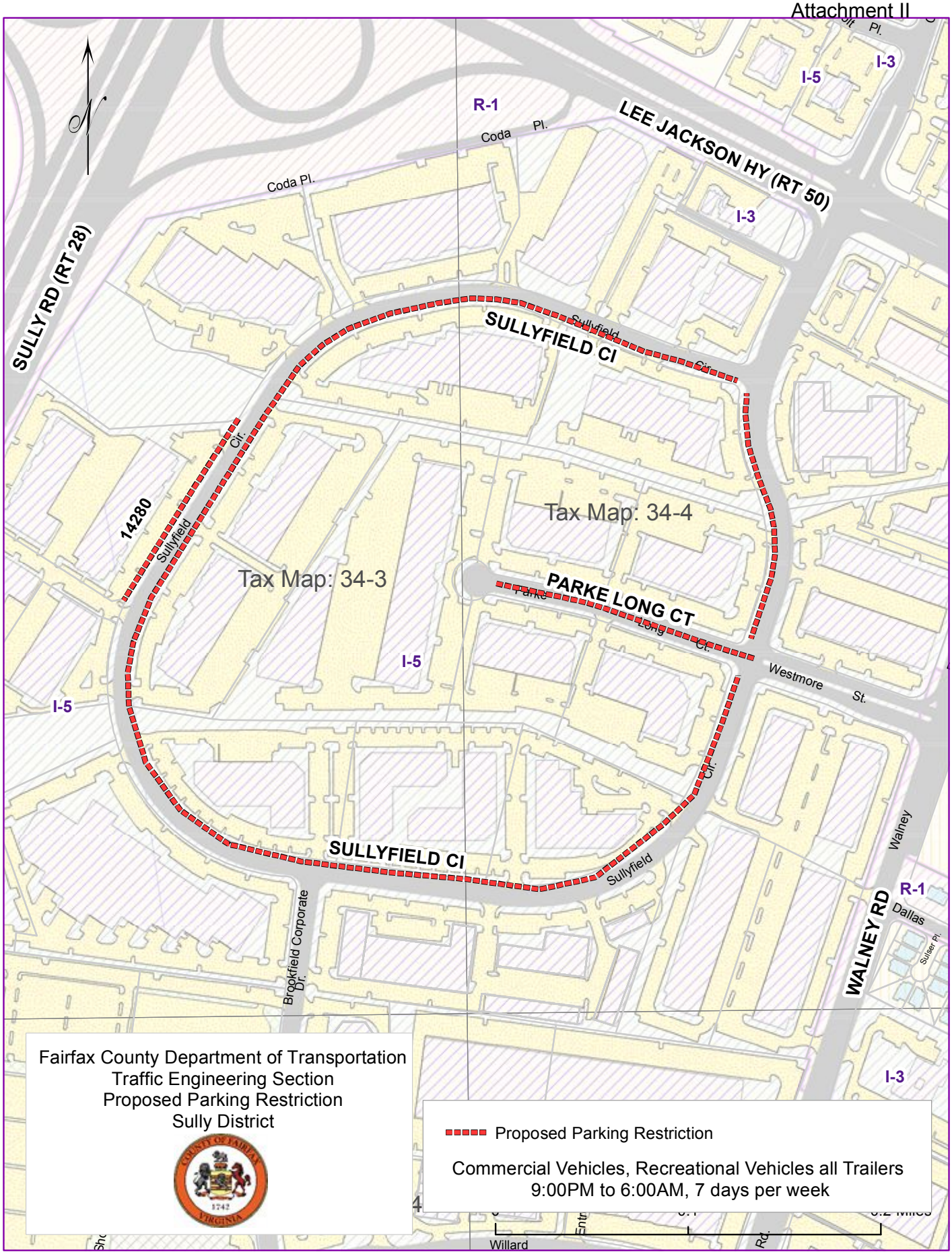
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

Amend *The Code of the County of Fairfax*, *Virginia,* by adding the following to Appendix R, in accordance with Section 82-5-37:

Parke Long Court (Route 3575).
Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Chapter 82 shall be restricted from parking on Parke Long Court from Sullyfield Circle to the cul-de-sac inclusive from 9:00 p.m. to 6:00 a.m., seven days per week.

Sullyfield Circle (Route 7680).
Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Chapter 82 shall be restricted from parking on the entire inner circle of Sullyfield Circle, and the outer circle of Sullyfield Circle along the entire road frontage with 14280 Sullyfield Circle, from 9:00 p.m. to 6:00 a.m., seven days per week.

Attachment II



Board Agenda Item
October 20, 2015

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lewinsville Road - Western Portion (Dranesville District)

ISSUE:
Board authorization to advertise a public hearing to be held on Tuesday, November 17, 2015, 4:30 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:

- Lewinsville Road between Leesburg Pike and Spring Hill Road.

RECOMMENDATION:
The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Lewinsville Road between Leesburg Pike and Spring Hill Road to be included in the RTAP for a through truck traffic restriction.

TIMING:
The Board should take action on October 20, 2015, to provide sufficient time for advertisement of the proposed public hearing scheduled for November 17, 2015, 4:30 p.m. (Attachment I).

BACKGROUND:
On August 28, 2015, Supervisor Foust requested staff to work with the Virginia Department of Transportation (VDOT) to implement through truck traffic restrictions on Lewinsville Road, due to continuing safety concerns of residents regarding through trucks utilizing Lewinsville Road as a shortcut between Leesburg Pike and Spring Hill Road. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Leesburg Pike to the Dulles Toll Road to Spring Hill Road.

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 has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

Board Agenda Item
October 20, 2015

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Resolution to Restrict Through Truck Traffic Lewinsville Road (Western Portion)
Attachment 2: Area Map of Proposed Through Truck Traffic Restriction

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

ATTACHMENT 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
LEWINSVILLE ROAD (WESTERN PORTION)
DRANESVILLE DISTRICT

WHEREAS, the residents who live along Lewinsville 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 Lewinsville Road starting at Lewinsville Road and Leesburg Pike to the intersection of the Dulles Toll Road and Leesburg Pike, and from the intersection of the Dulles Toll Road and Leesburg Pike to the intersection of the Spring Hill Road and Dulles Toll Road and then on to the intersection of Lewinsville Road and Spring Hill 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 Lewinsville Road, between Leesburg Pike and Spring Hill Road, as part of the County's Residential Traffic Administration Program (RTAP).

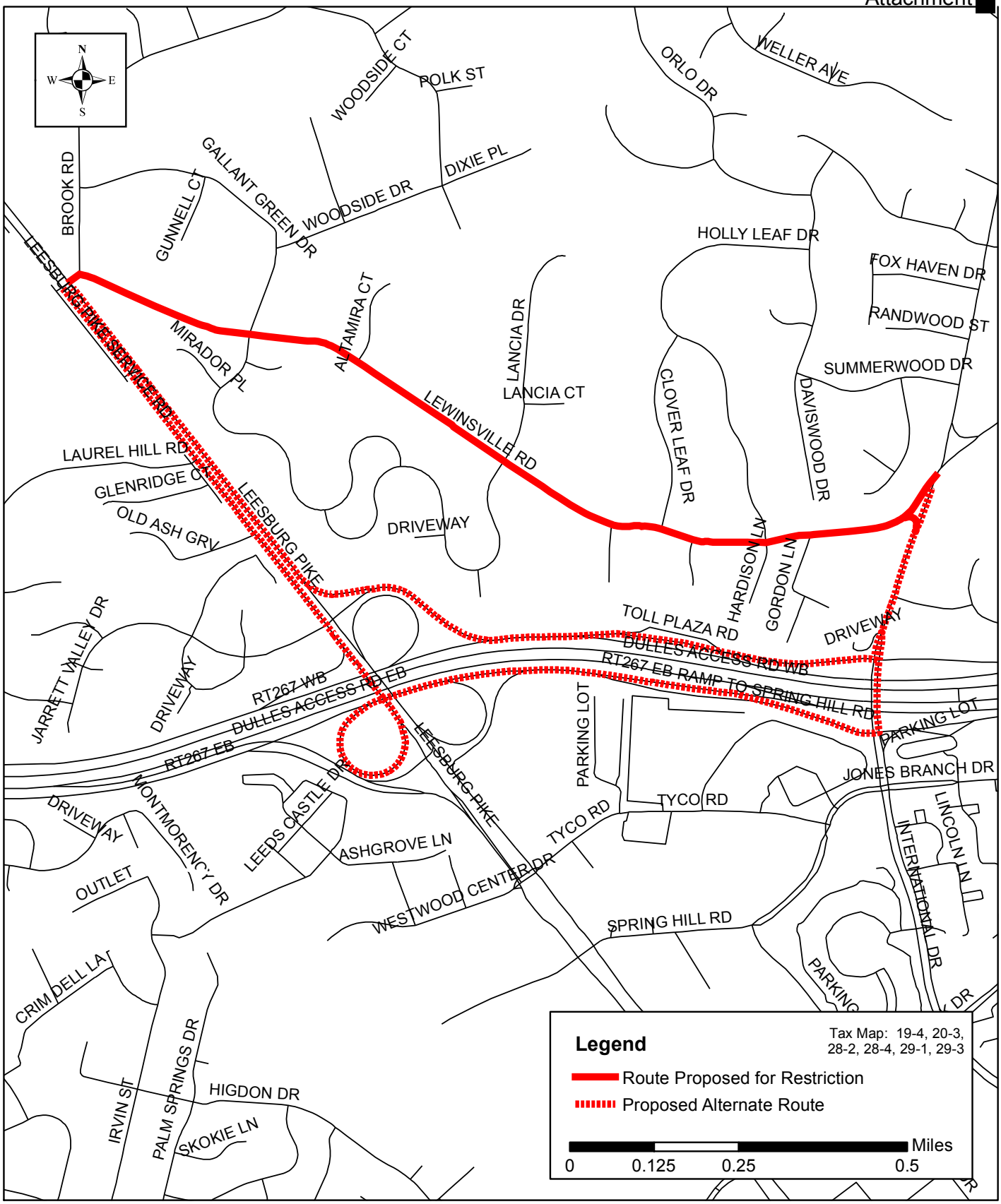
FURTHER BE IT RESOLVED, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

ADOPTED this 17th day of November, 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
LEWINSVILLE ROAD (WESTERN PORTION)
Dranesville District

A Fairfax County, Va., publication

June, 2015

Board Agenda Item
October 20, 2015

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lewinsville Road - Eastern Portion (Dranesville District)

ISSUE:
Board authorization to advertise a public hearing to be held on Tuesday, November 17, 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:

- Lewinsville Road between Spring Hill Road and Dolley Madison Boulevard.

RECOMMENDATION:
The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Lewinsville Road between Spring Hill Road and Dolley Madison Boulevard to be included in the RTAP for a through truck traffic restriction.

TIMING:
The Board should take action on October 20, 2015, to provide sufficient time for advertisement of the proposed public hearing scheduled for November 17, 2015, 4:00 p.m.

BACKGROUND:
On August 28, 2015, Supervisor Foust requested staff to work with the Virginia Department of Transportation (VDOT) to implement through truck traffic restrictions on Lewinsville Road, due to continuing safety concerns of residents regarding through trucks utilizing Lewinsville Road as a shortcut between Spring Hill Road and Dolley Madison Boulevard. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Spring Hill Road to the Dulles Toll Road to Dolley Madison Boulevard.

Board Agenda Item
October 20, 2015

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 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 1: Proposed Resolution to Restrict Through Truck Traffic Lewinsville Road (Eastern Portion)
Attachment 2: Area Map of Proposed Through Truck Traffic Restriction

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

ATTACHMENT 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
LEWINSVILLE ROAD (EASTERN PORTION)
DRANESVILLE DISTRICT

WHEREAS, the residents who live along Lewinsville 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 Lewinsville Road starting at Lewinsville Road and Dolley Madison Boulevard to the intersection of the Dulles Toll Road and Dolley Madison Boulevard, and from the intersection of the Dulles Toll Road and Dolley Madison Boulevard to the intersection of the Spring Hill Road and Dulles Toll Road and then on to the intersection of Lewinsville Road and Spring Hill 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 Lewinsville Road, between Dolley Madison Boulevard and Spring Hill Road, as part of the County's Residential Traffic Administration Program (RTAP).

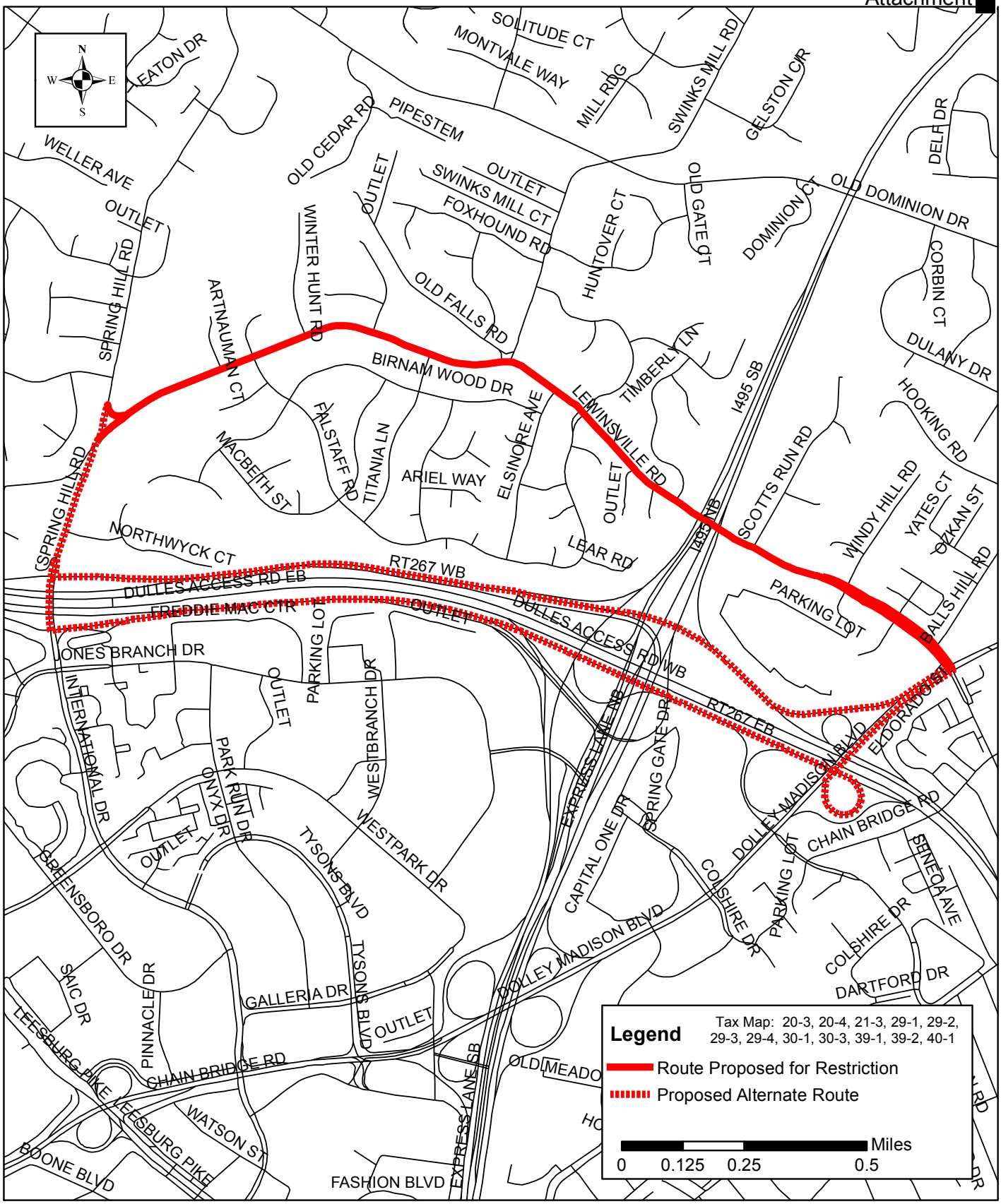
FURTHER BE IT RESOLVED, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

ADOPTED this 17th day of November, 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
LEWINSVILLE ROAD (EASTERN PORTION)
Dranesville District

A Fairfax County, Va., publication

June, 2015

Board Agenda Item
October 20, 2015

ADMINISTRATIVE – 8

Extension of Review Period for 2232 Applications (Dranesville and Springfield Districts)

ISSUE:
Extension of review period for 2232 applications to ensure compliance with review requirements of *Section* 15.2-2232 of the *Code of Virginia.*

RECOMMENDATION:
The County Executive recommends that the Board extend the review period for the following applications: FS-D15-19 and FS-S15-14.

TIMING:
Board action is required on October 20, 2015, to extend the review period of the applications noted above before their expiration date.

BACKGROUND:
Subsection B of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission." The need for the full time of an extension may not be necessary, and is not intended to set a date for final action.

The review period for the following applications should be extended:

Board Agenda Item
October 20, 2015

FS-D15-19	Fairfax County Department of Public Works and Environmental Services 1234 Ingleside Avenue (McLean Community Center) McLean, VA Dranesville District Accepted September 8, 2015 Extend to January 29, 2016
FS-S15-14	Verizon Wireless c/o Network Building & Consulting, LLC 13000 Fair Lakes Shopping Center Circle Fairfax, VA Springfield District Accepted June 16, 2015 Extend to November 13, 2015

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning, DPZ
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ
Douglas W. Hansen, Senior Planner, Facilities Planning Branch, Planning Division, DPZ

Board Agenda Item
October 20, 2015

ACTION - 1

Adoption of a Resolution to Authorize the Upper Occoquan Service Authority to Participate in the Virginia Pooled Trust Fund

ISSUE:
The Upper Occoquan Service Authority (UOSA) desires to participate in the Virginia Pooled Trust Fund (VPTF) to provide Other Post-Employment Benefits (OPEB) for the Authority's employees. The Authority is seeking the Fairfax County Board of Supervisors' authorization to participate in VPTF, as required by the Code of Virginia.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution.

TIMING:
Board action is requested on October 20, 2015.

BACKGROUND:
UOSA provides wastewater treatment services for a portion of Fairfax and Prince William Counties and Cities of Manassas and Manassas Park. UOSA is currently providing OPEB for retiree health insurance, which are benefits other than pensions, for its retirees by investing a portion of UOSA's funds for this purpose. After researching its investment options to provide for OPEB, UOSA desires to participate in the VPTF, which manages the investment of funds for OPEB for many jurisdictions in Virginia, including Fairfax County. The VPTF was established by the Virginia Municipal League and the Virginia Association of Counties. It is registered as a Municipal Advisor with Municipal Securities Rulemaking Board. Fairfax and Henrico Counties are the founders of VPTF. A copy of the Virginia Pooled OPEB Trust Fund Agreement is enclosed for informational purposes.

By participating in the VPTF, UOSA will benefit from a high rate of return through long-term investments, higher rate of return assumptions in actuarial analysis, and lower annual contribution. The VPTF is Virginia's only pooled trust fund and one of the largest in the nation and it is organized the same as an actively-managed pension fund. UOSA's savings realized from the higher rate of return will reduce the cost of funding OPEB for members of UOSA (i.e. Counties of Fairfax and Prince William and Cities of Manassas and Manassas Park).

Board Agenda Item
October 20, 2015

Under Virginia Code Section 15.2-1544, Board of Supervisors' approval is necessary for UOSA to participate in VPTF. UOSA is seeking Fairfax County's authorization to participate in VPTF upon the execution of a Trust Joinder Agreement, as required by VPTF (copy attached). The adoption of the attached resolution by the Board will authorize UOSA to participate in VPTF.

FISCAL IMPACT:
Savings due to a higher rate of return from investing in a trust fund as compared with investing outside of the trust fund will vary depending on the market. If UOSA had invested in the trust fund before June 2015, UOSA would have saved $100,000 in FY 2016. Fairfax County's pro-rata share of this saving would have been approximately $42,000.

ENCLOSED DOCUMENTS:
Attachment 1: Resolution
Attachment 2: Virginia Pooled OPEB Trust Fund Agreement
Attachment 3: Trust Joinder Agreement for Participating Employers Under Virginia Pooled Trust Fund

STAFF:
Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services
Randy Bartlett, Deputy Director, Department of Public Works and Environmental Services
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division

ATTACHMENT 1

RESOLUTION

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, October 20, 2015, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, in connection with the employment of certain officers and employees of Fairfax County, Fairfax County has provided for certain post-employment benefits other than pensions ("Other Post-Employment Benefits"), as defined in § 15.2-1545 of the Virginia Code, to those individuals who have ended their service to Fairfax County and to the beneficiaries of such individuals; and

WHEREAS, any two or more political subdivisions may enter into agreements with one another for joint action pursuant to the provisions of § 15.2-1300 of the Virginia Code provided that the participating political subdivisions shall approve such agreement before the agreement may enter into force; and

WHEREAS, the County of Henrico, Virginia and the County of Fairfax, Virginia have determined to jointly establish and participate in the Virginia Pooled OPEB Trust Fund (the "Trust Fund") as contemplated under Article 8, Chapter 15, Subtitle II of Title 15.2 of the Virginia Code (§§ 15.2-1544 *et seq.*); and

WHEREAS, Upper Occoquan Service Authority, trading as Upper Occoquan Service Authority ("UOSA") desires to establish a retirement board to participate in the Trust Fund; and

WHEREAS, Virginia Code § 15.2-1544 provides that the governing body of any county, city or town may authorize the governing body of any other political subdivision that is appointed in whole or in part by the governing body of such county, city or town to participate in a fund established pursuant to § 15.2-1544; and

WHEREAS, Fairfax County appoints members to the UOSA Board and thus, Fairfax County can authorize or permit UOSA to participate in the Trust Fund; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the governing body of the Upper Occoquan Service Authority to participate in the Trust Fund upon the execution and delivery of the Trust Joinder Agreement for Participating Employers under the Virginia Pooled OPEB Trust Fund and any additional document(s) that may be required by the Trust Fund.

A Copy Teste:

_____

Catherine A. Chianese
Clerk to the Board of Supervisors

VIRGINIA POOLED OPEB TRUST FUND AGREEMENT

THIS AGREEMENT (the "Agreement"), made by and between the Participating Employers and their Local Finance Boards who execute Trust Joinder Agreements to participate in the Virginia Pooled OPEB Trust Fund, and the individuals named as Trustees pursuant to Section 106 hereof and their successors (the "Board of Trustees"). The Participating Employers and their Local Finance Boards hereby establish with the Board of Trustees, and the Board of Trustees hereby accept, under the terms of this Agreement, a trust for the purpose of accumulating and investing assets to fund post-employment benefits other than pensions as provided in Article 8, Chapter 15, Subtitle II of Title 15.2 of the Virginia Code (§§ 15.2-1544 *et seq*.) to be held for the purposes set forth herein.

WITNESSETH:

WHEREAS, Section 15.2-1500 of the Virginia Code provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary and the employment of the officers and other employees needed to carry out the functions of government; and

WHEREAS, in connection with the employment of the officers and other employees needed to carry out the functions of government, a locality may establish certain plans to provide post-employment benefits other than pensions (referred to hereinafter as "Other Post-Employment Benefits"), as defined in Section 15.2-1545 of the Virginia Code, to individuals who have terminated their service to the locality and to the dependents of such individuals; and

WHEREAS, Article 8, Chapter 15, Subtitle II of Title 15.2 of the Virginia Code (§§ 15.2-1544 *et seq*.) provides that the governing body of a city, county, or town, school district or the governing body of any other political subdivision that is appointed by a city, county, or town, if so authorized, may establish a trust, trusts, or equivalent arrangements for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits; and

WHEREAS, Section 15.2-1300 of the Virginia Code provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, the County of Fairfax and the County of Henrico have adopted ordinances approving participation in the Virginia Pooled OPEB Trust Fund for each such locality; and

WHEREAS, the Participating Employers and their Local Finance Boards and the Board of Trustees of the Virginia Pooled OPEB Trust Fund (herein referred to as the "Trust Fund")

hereby establish a trust for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits for Participating Employers; and

WHEREAS, the parties intend that the Trust Fund hereby established, when taken together with the plans providing Other Post-Employment Benefits, shall constitute a tax-exempt governmental trust under Section 115 of the Internal Revenue Code of 1986, as amended;

NOW, THEREFORE, the parties hereto mutually agree as follows:

PART 1- GENERAL PROVISIONS

Section 100. APPLICATION.

The provisions of Part 1 are general administrative provisions applicable to each Part of this Agreement and provisions applicable to the Board of Trustees.

Section 101. DEFINITIONS.

The following definitions shall apply to this Agreement, unless the context of the term indicates otherwise, and shall govern the interpretation of this Agreement:

A. Administrator. The term "Administrator" means the Virginia Local Government Finance Corporation (d/b/a "VML/VACo Finance Program") or any successor designated by the Board of Trustees, with the consent of the Virginia Association of Counties and Virginia Municipal League, to administer the Trust Fund.

B. Beneficiary. The term "Beneficiary" means a person designated by an Employee, in accordance with the terms of a Plan, to be entitled to benefits under such Plan, and where the context requires, includes a dependent of the Employee.

C. Code. The term "Code" means the Internal Revenue Code of 1986, as amended, and, as relevant in context, the Internal Revenue Code of 1954, as amended.

D. Custodian. The term "Custodian" means the banks, mutual funds, insurance companies or other qualified entities selected by the Board of Trustees, under a separate written document with each, to hold the assets of the Trust Fund.

E. Effective Date. The term "Effective Date" means the date coinciding with the last to occur of each of the following events: (i) passage of an ordinance by each of the Counties of Fairfax and Henrico approving such Counties as Participating Employers in the Trust Fund; (ii) execution by the Local Finance Boards of the Counties of Fairfax and Henrico of the Trust Joinder Agreement; (iii) execution of this Agreement by all members of the initial Board of Trustees and the Administrator; and (iv) any contribution of cash to the Trust by a Participating Employer.

F. Employee. The term "Employee" means the employees and officials, if applicable, of an Employer, and where the context requires, includes former Employees who have terminated service with an Employer. The term may also include individuals who, though not employed by the political subdivision, are nonetheless eligible, as a result of their providing service to or on behalf of the political subdivision, to receive Other Post Employment Benefits under the Employer's Plan. Such individuals may include, but are not limited to, members of a volunteer fire company or rescue squad.

G. Employer. The term "Employer" means (i) the governing body of any county, city, or town within the State, (ii) the governing body of any other political subdivision within the State authorized to establish a trust under Section 15.2-1544 of the Virginia Code by the governing body of any county, city, or town that appointed in whole or in part such governing body, or (iii) any appointed or elected school board within the State.

H. Fiscal Year. The first fiscal year of the Trust Fund shall be a short fiscal year beginning on the Effective Date of this Agreement and ending on June 30, 2008. Each subsequent fiscal year of the Trust Fund shall begin on the first day of July and end on the thirtieth day of June.

I. Investment Policy. The term "Investment Policy" means the Virginia Pooled OPEB Trust Fund Investment Policy, as established by the Board of Trustees, as amended from time to time.

J. Local Finance Board. The term "Local Finance Board" means the finance board, or any retirement board or deferred compensation board appointed by the governing body of a Participating Employer to serve as the trustee of such Participating Employer with respect to the Trust Fund, in accordance with Section 15.2-1547 of the Virginia Code, by execution of the Trust Joinder Agreement. Each Local Finance Board shall be the trustee and representative of its Participating Employer for purposes of this Agreement and shall vote the beneficial interest of such Participating Employer in the Trust Fund, as prescribed in Part 3 of this Agreement.

K. Other Post-Employment Benefits. The term "Other Post-Employment Benefits" means any and all post-employment benefits other than pensions, including but not limited to medical, dental, vision, disability and life insurance which may be provided to Employees and Beneficiaries, as may be provided under Plans of Participating Employers.

L. Participating Employer. The term "Participating Employer" means an Employer whose governing body has passed an ordinance or resolution to participate in the Trust Fund, and whose Local Finance Board, serving as the trustee of such Employer in accordance with Section 15.2-1547 of the Virginia Code, executes a Trust Joinder Agreement, as provided in Section 301 hereof.

M. Plan. The term "Plan" means the plan or plans established to provide Other Post-Employment Benefits, which are maintained by Participating Employers pursuant to any applicable statute, regulation, ordinance, resolution, plan, program, policy, agreement, understanding or other arrangement for the benefit of Employees and their Beneficiaries.

N. State. The term "State" means the Commonwealth of Virginia.

O. Trust Fund. The term "Trust Fund" means the Virginia Pooled OPEB Trust Fund, comprised of all of the assets set aside hereunder for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits.

P. Trust Joinder Agreement. The term "Trust Joinder Agreement" means the agreement, in the form attached hereto as Exhibit A, pursuant to which the Local Finance Board joins in the Trust Fund, as the trustee of such Participating Employer, and agrees to be bound by the terms and conditions of the Virginia Pooled OPEB Trust Fund Agreement, as provided in Section 301 hereof.

Q. Trustees. The term "Trustees" means the individuals who serve on the Board of Trustees of the Trust Fund pursuant to Section 106 hereof and their successors.

R. Virginia Code. The term "Virginia Code" means the laws embraced in the titles, chapters, articles and sections designated and cited as the "Code of Virginia," under the laws of the State.

Section 102. GENERAL DUTIES AND MEETINGS OF THE BOARD OF TRUSTEES.

A. General Duties. The Board of Trustees and each Investment Manager appointed pursuant to this Agreement shall discharge their respective duties under this Agreement solely in the interest of Employees and Beneficiaries of the Participating Employers and: (i) except as otherwise provided by any applicable provision of any statute, regulation, ordinance, or resolution, for the exclusive purpose of providing Other Post-Employment Benefits to Employees and Beneficiaries of Participating Employers and defraying the reasonable expenses of administering the Trust Fund; (ii) with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with the same aims; and (iii) by diversifying the investments of the Trust Fund so as to minimize the risk of large losses unless under the circumstances, it is clearly prudent not to do so. However, the duties and obligations of the Board of Trustees and each Investment Manager, respectively, as such, shall be limited to those expressly imposed upon them, respectively, by this Agreement notwithstanding any reference herein to the Plans. The Board of Trustees shall administer the Trust Fund in compliance with Code Section 503(b).

1. Authority of the Trustees. The Trustees shall have the power and authority and shall be charged with the duty of general supervision and operation of the Trust Fund, and shall conduct the business and activities of the Trust Fund in accordance with this Agreement, the Trust Joinder Agreements, bylaws, rules and regulations adopted by the Board of Trustees and applicable law.

2. Trustees' Liabilities. No Trustee shall be liable for any action taken pursuant to this Agreement in good faith or for an omission except bad faith or gross

negligence, or for any act of omission or commission by any other Trustee. The Trustees are hereby authorized and empowered to obtain, at the expense of the Trust Fund, liability insurance fully protecting the respective Trustees, the Administrator, and the Trust Fund from any loss or expense incurred, including reasonable attorney's fees, for all acts of the Trustees except bad faith or gross negligence. The Trust Fund shall save, hold harmless and indemnify the Trustees and Administrator from any loss, damage or expense incurred by said persons or entities while acting in their official capacity excepting bad faith or gross negligence.

3. Standard of Review. In evaluating the performance of the Trustees, compliance by the Trustees with this Agreement must be determined in light of the facts and circumstances existing at the time of the Trustees' decision or action and not by hindsight.

4. Limitations on Liabilities. The Trustees' responsibilities and liabilities shall be subject to the following limitations:

(a) The Trustees shall have no duties other than those expressly set forth in this Agreement and those imposed on the Trustees by applicable laws.

(b) The Trustees shall be responsible only for money actually received by the Trustees, and then to the extent described in this Agreement. The Trustees shall not be under any duty to require payment of any contribution to the Trust Fund or to see that any payment made to them is computed in accordance with the provisions of the Plans.

(c) The Trustees shall not be responsible for the correctness of any determination of payments or disbursements from the Trust Fund.

(d) The Trustees shall have no liability for the acts or omissions of any predecessor or successor in office.

(e) The Trustees shall have no liability for (i) the acts or omissions of any Investment Advisor or Advisors, or Investment Manager or Managers; (ii) the acts or omissions of any insurance company; (iii) the acts or omissions of any mutual fund; or (iv) following directions that are given to the Trustees by the Local Finance Board in accordance with this Agreement.

B. Reliance on Counsel. The Board of Trustees may employ, retain or consult with legal counsel, who may be counsel for the Administrator, concerning any questions which may arise with reference to the duties and powers or with reference to any other matter pertaining to this Agreement; and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by the Trustees in good faith in accordance with the opinion of such counsel, and the Trustees shall not be individually or collectively liable therefor.

C. Meetings. The Board of Trustees shall meet at least quarterly, and more frequently if called, at the principal office of the Trust Fund or at such other location as may be acceptable to a majority of the Trustees. One such quarterly meeting of the Board of Trustees shall be held as soon as practicable after the adjournment of the annual meeting of Local Finance Boards of Participating Employers at such time and place as the Board of Trustees may designate. Other meetings of the Board of Trustees shall be held at places within the Commonwealth of Virginia and at times fixed by resolution of the Board of Trustees, or upon call of the Chairperson of the Board or a majority of the Trustees, on not less than ten (10) days advance notice. Such notice shall be directed to the Trustees by mail to the respective addresses of the Trustees as recorded in the office of the Trust Fund. The notice of any special meetings of the Board of Trustees shall state the purpose of the meeting.

A majority of the number of Trustees elected and serving at the time of any meeting shall constitute a quorum for the transaction of business. The act of a majority of Trustees present at a meeting at which a quorum is present shall be the act of the Board of Trustees. Less than a quorum may adjourn any meeting.

D. Office of the Trust Fund. The Administrator shall establish, maintain and provide adequate funding for an office for the administration of the Trust Fund. The address of such office is to be made known to the parties interested in or participating in the Trust Fund and to the appropriate governmental agencies. The books and records pertaining to the Trust Fund and its administration shall be kept and maintained at the office of the Trust Fund.

E. Execution of Documents. A certificate signed by a person designated by the Board of Trustees to serve as Secretary shall be evidence of the action of the Trustees, and any such certificate or other instrument so signed shall be kept and maintained at the office of the Trust Fund and may be relied upon as an action of the Trustees.

F. Appointment and Removal of Administrator. The Virginia Local Government Finance Corporation is hereby initially designated the Administrator pursuant to an administrative services agreement between the parties. The Board of Trustees shall provide compensation for the Administrator to administer the affairs of the Trust Fund. Any three (3) Trustees may schedule a vote of the Board of Trustees to remove the Administrator by providing no less than 30 days' notice to the other Trustees and to the Administrator. Provided there is sufficient notice given, a vote will be scheduled at the next meeting of the Board of Trustees at which the Administrator may be removed on a three-fourths (¾) vote of the Trustees. Upon removal of the Administrator, the Board of Trustees may designate a successor Administrator.

G. Duty to Furnish Information. The Local Finance Boards and the Board of Trustees shall furnish to each other any document, report, return, statement or other information that the other reasonably deems necessary to perform duties imposed under this Agreement or otherwise imposed by law.

H. Reliance on Communications. The Board of Trustees may rely upon a certification of a Local Finance Board with respect to any instruction, direction, or approval of its Participating Employer and may continue to rely upon such certification until a subsequent

certification is filed with the Trustees. The Trustees shall have no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as fully authorized by the Local Finance Board and its Participating Employer.

Section 103. ADMINISTRATIVE POWERS AND DUTIES.

A. Trustees. The Board of Trustees, in addition to all powers and authorities under common law or statutory authority, including Article 8, Chapter 15, Subtitle II of Title 15.2 of the Virginia Code (§§ 15.2-1544 *et seq*.), shall have and in its sole and absolute discretion may exercise from time to time and at any time, either through its own actions, delegation to the Administrator, or through a Custodian selected by the Board of Trustees, the following administrative powers and authority with respect to the Trust Fund:

1. To receive for the purposes hereof all cash contributions paid to them by or at the direction of the Participating Employers or their Local Finance Boards.

2. To hold, invest, reinvest, manage, administer and distribute cash balances as shall be transferred to the Trustees from time to time by the Participating Employers or their Local Finance Boards and the increments, proceeds, earnings and income thereof for the exclusive benefit of Employees and Beneficiaries under the Plans of each Participating Employer.

3. To continue to hold any property of the Trust Fund that becomes otherwise unsuitable for investment for as long as the Board of Trustees in its discretion deem desirable; to reserve from investment and keep unproductive of income, without liability for interest, cash temporarily awaiting investment and such cash as it deems advisable, or as the Administrator from time to time may specify, in order to meet the administrative expenses of the Trust Fund or anticipated distributions therefrom.

4. To hold property of the Trust Fund in the name of the Trust Fund or in the name of a nominee or nominees, without disclosure of the trust, or in bearer form so that it will pass by delivery, but no such holding shall relieve the Board of Trustees of its responsibility for the safe custody and disposition of the Trust Fund in accordance with the provisions of this Agreement; the books and records of the Board of Trustees shall show at all times that such property is part of the Trust Fund and the Board of Trustees shall be absolutely liable for any loss occasioned by the acts of its nominee or nominees with respect to securities registered in the name of the nominee or nominees.

5. To employ in the management of the Trust Fund suitable agents, without liability for any loss occasioned by any such agents, selected with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with the same aims.

6. To make, execute and deliver, as trustee, any deeds, conveyances, leases, mortgages, contracts, waivers or other instruments in writing that it may deem necessary or desirable in the exercise of its powers under this Agreement.

7. To do all other acts that it may deem necessary or proper to carry out any of the powers set forth in this Section 103 or Section 202, to administer or carry out the purposes of the Trust Fund, or as otherwise is in the best interests of the Trust Fund; provided, however, the Board of Trustees need not take any action unless in its opinion there are sufficient Trust Fund assets available for the expense thereof.

8. To adopt bylaws governing the Trustees' operations and procedures.

9. To contract with municipal corporations, political subdivisions and other public entities of State or of local government and private entities for the provision of Trust Fund services and for the use or furnishing of services and facilities necessary, useful, or incident to providing Trust Fund services.

10. To advise the Administrator on the establishment of expectations with regard to the provision of administrative services and the establishment of appropriate fee levels.

11. To establish and charge fees for participation in the Trust Fund and for additional administrative services provided to a Participating Employer in addition to any fees charged by other administrative service providers.

12. To collect and disburse all funds due or payable from the Trust Fund, under the terms of this Agreement.

13. To provide for and promulgate all rules, regulations, and forms deemed necessary or desirable in contracting with Local Finance Boards and their Participating Employers, in fulfilling the Trustees' purposes of providing Other Post-Employment Benefits through the Trust Fund, and in maintaining proper records and accounts.

14. To employ insurance companies, banks, trust companies, investment brokers, investment advisors, or others as agents for the receipt and disbursement of funds held in trust for Participating Employers.

15. To determine, consistent with the applicable law and the procedures under the Trust Fund, all questions of law or fact that may arise as to investments and the rights of any Participating Employer to assets of the Trust Fund.

16. Subject to and consistent with the Code and the Virginia Code, to construe and interpret the Trust Agreement and to correct any defect, supply any omissions, or reconcile any inconsistency in the Agreement.

17. To contract for, purchase or otherwise procure insurance and investment products.

B. Administrator. Pursuant to an administrative services agreement between the Board of Trustees and the Administrator, the Administrator shall have the power and authority to implement policy and procedural matters as directed by the Board of Trustees as they relate to the ongoing operation and supervision of the Trust Fund and the provisions of this Agreement and applicable law.

Section 104. TAXES, EXPENSES AND COMPENSATION OF TRUSTEES.

A. Taxes. The Administrator, without direction from the Board of Trustees, shall pay out of the Trust Fund all taxes, if any, imposed or levied with respect to the Trust Fund, or any part thereof, under applicable law, and, in its discretion, may contest the validity or amount of any tax, assessment, claim or demand respecting the Trust Fund or any part thereof.

B. Expenses and Compensation. The Board of Trustees is authorized to set aside from Participating Employer contributions received and the investment income earned thereon a reasonable sum for the operating expenses and administrative expenses of the Trust Fund. All remaining funds coming into the Trust shall be set aside, managed and used only for the payment of Other Post-Employment Benefits.

By resolution of the Board of Trustees, Trustees may be provided a reasonable per diem fee and/or reimbursement for expenses for attendance at all meetings. Notwithstanding the preceding sentence, any person employed by a public body, including elected officials or appointed members of governing bodies of a county, city or town or other political subdivision, shall not be eligible to receive fees for services as Trustee from the Trust Fund other than reimbursement for reasonable expenses incurred in connection with his or her responsibilities as a Trustee.

C. Payment of Expenses. The Board of Trustees may use and apply assets in the Trust Fund to pay or provide for the payment of all reasonable and necessary expenses which may be incurred in connection with the establishment and maintenance of the Trust Fund, including but not limited to, the employment of such administrative, legal, accounting, and other expert and clerical assistance, and the purchase or lease of such materials, supplies and equipment as the Trustees, in its discretion, may deem necessary or appropriate in the performance of its duties, or the duties of the agents or employees of the Trust Fund or the Trustees.

Section 105. COMMUNICATIONS.

Until notice is given to the contrary, communication to the Trustees or to the Administrator shall be sent to them at the Trust Fund's office in care of the Administrator. The Administrator's address is VML/VACo Finance at 919 E. Main Street, Suite 1100 Richmond, VA 23219.

Section 106. APPOINTMENT, RESIGNATION OR REMOVAL OF TRUSTEES.

A. Trustees. Except as otherwise provided for the initial group of Trustees and in subsections B.2 and E of this section, the Trustees shall be selected from the members of Local Finance Boards. Notwithstanding any other provision of this Agreement, no more than one member of the Local Finance Board of any particular Participating Employer shall be eligible to sit on the Board of Trustees at one time unless an individual seeking election to the Board of Trustees is, and upon election continues to serve as, a member of a Local Finance Board not otherwise represented on the Board of Trustees.

B. Appointment of Trustees and Length of Appointment. The number of Trustees serving on the Board of Trustees shall be between five (5) and nine (9). The actual number of Trustees may be increased or decreased from time to time within this range by the Board of Trustees by resolution of the Board of Trustees. Only the Local Finance Boards, by vote taken in accordance with Section 307 hereof, may increase or decrease the range in the number of Trustees. No decrease in number shall have the effect of shortening the term of any incumbent Trustee.

1. The initial group of Trustees shall be an interim group of five (5) Trustees to establish the Trust Fund as follows: (a) one (1) individual selected by the Local Finance Board of the County of Fairfax from among its members, (b) one (1) individual selected by the Local Finance Board of the County of Henrico from among its members, and (c) three (3) individuals designated by agreement of the Virginia Association of Counties ("VACo") and the Virginia Municipal League ("VML").

With the first annual meeting of the Local Finance Boards, the Board of Trustees shall be divided into no fewer than two classes, Class A (which includes representatives of the Local Finance Boards of the two founding Participating Employers until the annual meeting of the Local Finance Boards for the Fiscal Year ending June 30, 2015 (the "Fiscal Year 2015 annual meeting")) and Class B (which includes the Trustees selected by VML and VACo until the first annual meeting of Local Finance Boards for the Fiscal Year ending June 30, 2009 (the "Fiscal Year 2009 annual meeting")). An additional Class C with two seats may be created by the Board of Trustees prior to any annual meeting, but only if there are at least seven total Participating Employers. Provided there are at least nine total Participating Employers, the Board of Trustees may create a nine-member Board of Trustees, in which case one additional seat shall be allocated to Class A and one additional seat to Class C.

2. On or after July 1, 2008, the Trustees shall solicit nominations from the Local Finance Boards for open Trusteeships and such nominees shall constitute the candidates for the election of Trustees by vote at the Fiscal Year 2009 annual meeting of the Local Finance Boards as provided in Section 307. In the event that there are not a sufficient number of eligible nominees, nominations will be provided by the Executive Directors of the Virginia Association of Counties and the Virginia Municipal League from among the members of any Local Finance Board, local government officials or local government employees.

The initial group of Trustees described in B.1(a) and (b) above shall be classified as Class A Trustees and shall serve until the Fiscal Year 2012 annual meeting of the Local Finance Boards and for one three-year term thereafter until successor Trustees are elected at the Fiscal Year 2015 annual meeting of the Local Finance Boards, in accordance with Section 106E below, from the pool of nominees selected by all Local Finance Boards. If an additional Class A Trustee seat is created for a non-founding Participating Employer's Local Finance Board before the Fiscal Year 2011 annual meeting, that seat will expire at the Fiscal Year 2012 annual meeting. If such an additional Class A board seat is created subsequent to the Fiscal Year 2011 annual meeting, then it will expire at the annual meeting when the founding Participating Employers' board seats expires beginning at the annual meeting held in Fiscal Year 2015, if appropriate, and every third succeeding year thereafter.

The initial group of Trustees described in B.1(c) above shall be classified as Class B Trustees and shall serve until successor Trustees are elected at the Fiscal Year 2009 annual meeting of Local Finance Boards. At the Fiscal Year 2009 annual meeting of Local Finance Boards, Trustees of Class B shall be elected to hold office for a one-year term expiring at the Fiscal Year 2010 annual meeting of Local Finance Boards until successor Trustees are elected at the Fiscal Year 2010 annual meeting of the Local Finance Boards, in accordance with Section 106E below, from the pool of nominees selected by all Local Finance Boards.

Trustees of the third class (Class C), if such a class is created, shall be elected to hold office for a two-year term expiring at the Fiscal Year 2011 annual meeting of Local Finance Boards until successor Trustees are elected at the Fiscal Year 2011 annual meeting of the Local Finance Boards, in accordance with Section 106E below, from the pool of nominees selected by all Local Finance Boards.

At each annual meeting of Local Finance Boards after the annual meetings of Local Finance Boards described above, the successors to the class of Trustees whose terms shall then expire shall be identified as being of the same class as the trustees they succeed and elected to hold office for a term expiring at the third succeeding annual meeting of Local Finance Boards. If a Class C is created at a subsequent annual meeting, its seats will expire one year following the year in which the Class B seats expire. Trustees shall hold their offices until the next annual meeting of Local Finance Boards for such Trustee's respective Class and until their successors are elected and qualify.

3. At each annual meeting of the Local Finance Boards, the incumbent Trustees will present all nominations received for each class of Trustees (A, B, or C) for which an election is to be held. If a Local Finance Board does not designate a particular class for its nominee(s), such names will be included on the lists of eligible nominees for each class for which an election is to be held unless the individual named is elected to another seat.

4. No individual Trustee may be elected or continue to serve as a Trustee after becoming an owner, officer or employee of the Administrator, an Investment Advisor, an Investment Manager or a Custodian. Except as otherwise provided in B.2 above, following the first election for Trustees, no Trustee may be elected or continue to serve as a Trustee unless he or she is a member of a Local Finance Board.

5. Each Trustee and each successor Trustee shall acknowledge and consent to his or her election as a Trustee by giving written notice of acceptance of such election to the Chairperson of the Trustees.

C. Resignation of a Trustee.

1. A Trustee may resign from all duties and responsibilities under this Agreement by giving written notice to the Chairperson of the Trustees. The Chairperson may resign from all duties and responsibilities under this Agreement by giving written notice to all of the other Trustees. Such notice shall state the date such resignation shall take effect and such resignation shall take effect on such date but not later than sixty (60) days after the date such written notice is given.

2. Any Trustee, upon leaving office, shall forthwith turn over and deliver to the Chairperson at the principal office of the Trust Fund any and all records, books, documents or other property in his or her possession or under his or her control which belong to the Trust Fund. The Chairperson, upon leaving office, shall forthwith turn over and deliver to the Administrator at the principal office of the Trust Fund any and all records, books, documents or other property in his or her possession or under his or her control which belong to the Trust Fund.

D. Removal of a Trustee. Each Trustee, unless due to the resignation, death, incapacity, removal, or conviction of a felony or any offense for which registration is required as defined in Virginia Code § 9.1-902 and for whom all rights of appeal under Virginia law have expired, shall serve and shall continue to serve as Trustee hereunder, subject to the provisions of this Agreement.

A Trustee shall relinquish his or her office or may be removed by a majority vote of the Trustees or *ipso facto* when the Employer which he represents is no longer a Participating Employer in the Trust Fund. Notice of removal of a Trustee shall be furnished to the other Trustees by the Chairperson of the Trustees and shall set forth the effective date of such removal. Notice of removal of the Chairperson shall be furnished to the other Trustees by the Administrator and shall set forth the effective date of such removal.

E. Appointment of a Successor Trustee. Except as otherwise provided in part B.1 of this Section with respect to the initial two terms of Class A Trustees, in the event a Trustee shall die, resign, become incapacitated, be removed from office, or convicted of a felony or any offense for which registration is required as defined in Virginia Code § 9.1-902 and for whom all rights of appeal under Virginia law have expired, a successor Trustee shall be elected forthwith by the affirmative vote of the majority of the remaining Trustees though less than a quorum of

the Board of Trustees. The notice of the election of a successor Trustee shall be furnished to the other Trustees by the Chairperson. In case of the removal, death, resignation, etc. of the Chairperson, notice of the election of a successor Trustee, and the new Chairperson, shall be furnished to the other Trustees by the Administrator. Eligible nominees will be provided by the members of the Local Finance Board of the Trustee being replaced; however, no more than one member of such board may serve as Trustee at one time. If such nominees do not receive the affirmative vote of a majority of the remaining Trustees, additional eligible nominees will be provided by the Executive Directors of the Virginia Association of Counties and the Virginia Municipal League from among the members of any Local Finance Board, and, if there are an insufficient number of nominees to fill available positions, local government officials or local government employees. The term of office of any Trustee so elected shall expire at the next Annual Meeting of Local Finance Boards at which Trustees are elected where a successor shall be elected to complete the term for the Class to which such Trustee has been assigned. Any successor Trustee for a Class A Trustee from a founding Participating Employer with respect to the initial two terms shall be appointed by that Trustee's Local Finance Board.

F. Trustees' Rights. In case of the death, resignation or removal of any one or more of the Trustees, the remaining Trustees shall have the powers, rights, estates and interests of this Agreement as Trustees and shall be charged with the duties of this Agreement; provided in such cases, no action may be taken unless it is concurred in by a majority of the remaining Trustees.

Section 107. Bonding. All Trustees shall immediately make application for a fidelity bond, to any company designated by the Board of Trustees, in such amount as may be specified by the Board of Trustees. Premiums on such bonds shall be paid from the Trust Fund, which bonds shall be continued in force in such amount as the Board of Trustees may from time to time require. If a Trustee's bond is refused, or is ever cancelled, except with the Board of Trustee's approval, such Trustee may be removed from office by majority vote of the Board of Trustees and such Trustee shall be entitled to compensation, if any, to the date of such removal only. A bond for a Trustee is not required under this section if a bond is obtained for such Trustee pursuant to Section 408.

PART 2 – PROVISIONS APPLICABLE TO INVESTMENTS

Section 200. APPLICATION.

The provisions of Part 2 apply to the investments of the Trust Fund.

Section 201. ADMINISTRATION OF TRUST.

A. General. All such assets shall be held by the Trustees in the Trust Fund.

B. Contributions. The Board of Trustees hereby delegates to the Administrator the responsibility for accepting cash contributions to the Trust Fund and the Administrator shall have the responsibility for accepting cash contributions by Participating Employers. Contributions of a Participating Employer to fund Other Post-Employment Benefits are irrevocable. Assets held in the Trust Fund shall be dedicated to providing Other Post-Employment Benefits or to

defraying reasonable expenses of the Trust Fund. Neither the Trustees nor the Administrator shall be under any duty to determine whether the amount of any contribution is in accordance with the Participating Employer's Plan or Plans or to collect or enforce payment of any contribution. All contributions by a Participating Employer shall be transferred to the Trust Fund to be held, managed, invested and distributed as part of the Trust Fund by the Trustees in accordance with the provisions of this Agreement and applicable law.

C. Applicable Laws and Regulations, The Board of Trustees shall be authorized to take the steps it deems necessary or appropriate to comply with any laws or regulations applicable to the Trust Fund.

D. Accumulated Share. No Participating Employer shall have any right, title or interest in or to any specific assets of the Trust Fund, but shall have an undivided beneficial interest in the Trust Fund; however, there shall be a specific accounting of assets allocable to each Participating Employer.

Section 202. MANAGEMENT OF INVESTMENTS OF THE TRUST FUND.

A. Authority of Trustees. Except as set forth in subsections C, D, E, G or H of this Section, and except as otherwise provided by law, the Board of Trustees shall have exclusive authority and discretion to manage and control the assets of the Trust Fund held by them pursuant to the guidelines established by the Board of Trustees in the Investment Policy.

B. Investment Policy. The Board of Trustees, as its primary responsibility under this Agreement, shall develop a written Investment Policy establishing guidelines applicable to the investment of the assets of the Trust Fund, and from time to time shall modify such Investment Policy, in light of the short and long-term financial needs of the Plans. The Investment Policy shall serve as the description of the funding policy and method for the Trust Fund.

C. Investment Advisor. The Board of Trustees, from time to time, may direct the Administrator to appoint one (1) or more independent Investment Advisors ("Investment Advisor"), pursuant to a written investment advisory agreement with each, describing the powers and duties of the Investment Advisor with regard to the management of all or any portion of any investment or trading account of the Trust Fund. The Investment Advisor shall review, a minimum of every calendar quarter, the suitability of the Trust Fund's investments, the performance of the Investment Managers and their consistency with the objectives of the Investment Policy with assets in the portion of the Trust Fund for which the Investment Manager has responsibility for management, acquisition or disposition.

If the Administrator contracted with a lead Investment Advisor prior to the establishment of this Agreement, the Board of Trustees may ratify such contract. The lead Investment Advisor will serve at the pleasure of the Board of Trustees and will be compensated for its recurring, usual and customary services as part of the fee schedule established with the Administrator.

D. Investment Advisor Duties. Subject to the approval of the Board of Trustees, the Investment Advisor shall recommend an asset allocation for the Trust Fund that is consistent with the objectives of the Investment Policy. If the Board of Trustees shall approve a separate Investment Policy with respect to assets in a segregated portion of the Trust Fund, the Investment Advisor shall recommend an asset allocation for such segregated portion of the Trust Fund that is consistent with the objectives of such Investment Policy. At least annually, the Investment Advisor shall review the Investment Policy and asset allocation with the Board of Trustees. The Investment Advisor shall also advise the Board of Trustees with regard to investing in a manner that is consistent with applicable law, and, as advised by the Administrator, the expected distribution requirements of the Plans.

E. Investment Managers. The Board of Trustees, from time to time, may appoint one (1) or more independent Investment Managers ("Investment Manager"), pursuant to a written investment management agreement with each, describing the powers and duties of the Investment Manager to invest and manage all or a portion of the Trust Fund. The Investment Manager shall have the power to direct the management, acquisition or disposition of that portion of the Trust Fund for which the Investment Manager is responsible.

The Board of Trustees shall be responsible for ascertaining that each Investment Manager, while acting in that capacity, satisfies the following requirements:

1. The Investment Manager is either (i) registered as an investment adviser under the Investment Advisers Act of 1940, as amended; (ii) a bank as defined in that Act; or (iii) an insurance company qualified to perform the services described herein under the laws of more than one state; and

2. The Investment Manager has acknowledged in writing to the Board of Trustees that it is a fiduciary with respect to the assets in the portion of the Trust Fund for which the Investment Manager has responsibility for management, acquisition or disposition.

F. Custodians. The Custodian(s) shall no less frequently than annually or at the request of the Board of Trustees certify the value of any property of the Trust Fund managed by the Investment Manager(s). The Trustees shall be entitled to rely conclusively upon such valuation for all purposes under the Trust Fund.

G. Investment in Insurance Contracts. The Trustees may offer one (1) or more investment options pursuant to one (1) or more agreements with insurance companies qualified to do business in the Commonwealth of Virginia. Any asset invested pursuant to such an agreement shall be held by the insurance company. Each insurance company so selected shall certify the value of the Trust Fund's interest in the property held by it at least annually. The Trustees shall be entitled to rely conclusively on such valuation for all purposes under this Agreement.

H. Investment in Mutual Funds. The Trustees may offer one (1) or more investment options pursuant to one (1) or more agreements with companies offering mutual fund products.

Any asset invested pursuant to such an agreement shall be held by the Trustees. Each mutual fund so selected shall certify the value of the Trust Fund's interest in that fund at least annually. The Trustees shall be entitled to rely conclusively on such valuation for all purposes under the Trust Fund.

I. Absence of Trustees' Responsibility for Investment Advisor and Manager. Except to the extent provided in paragraph A of Section 102 above, the Board of Trustees, collectively and individually, shall not be liable for any act or omission of any Investment Manager and shall not be under any obligation to invest or otherwise manage the assets of the Trust Fund that are subject to the management of any Investment Manager. Without limiting the generality of the foregoing, the Board of Trustees shall be under no duty at any time to make any recommendation with respect to disposing of or continuing to retain any such asset. Furthermore, the Board of Trustees, collectively and individually, shall not be liable by reason of its taking or refraining from taking the advice of the Investment Advisor any action pursuant to this Section, nor shall the Board of Trustees be liable by reason of its refraining from taking any action to remove or replace any Investment Manager on advice of the Investment Advisor; and the Trustees shall be under no duty to make any review of an asset acquired at the direction or order of an Investment Manager.

J. Reporting. The Board of Trustees shall be responsible for and shall cause to be filed periodic audits, valuations, reports and disclosures of the Trust Fund as are required by law or agreements. Notwithstanding anything herein to the contrary, the Board of Trustees shall cause the Trust Fund to be audited by a certified public accounting firm retained for this purpose at least once each year.

The Board of Trustees may employ professional advisors to prepare such audits, valuations, reports and disclosures and the cost of such professional advisors shall be borne by the Trust Fund.

K. Commingling Assets. Except to the extent prohibited by applicable law, the Board of Trustees may commingle the assets of all Participating Employers held by the Board of Trustees under this Agreement for investment purposes in the Trust Fund and shall hold the Trust Fund in trust and manage and administer the same in accordance with the terms and provisions of this Agreement. However, the assets of each Participating Employer shall be accounted for separately. The Board of Trustees and the Administrator shall be under no duty to determine whether the amount of any contribution is in accordance with the Plans, or to collect or enforce payment of any contribution, or distribution to Plan participants.

Section 203. ACCOUNTS.

The Trustees shall keep or cause to be kept at the expense of the Trust Fund accurate and detailed accounts of all its receipts, investments and disbursements under this Agreement, with the Trustees accounting separately for each Investment Manager's portion of the Trust Fund.

Section 204. DISBURSEMENTS FROM THE TRUST.

A. Trust Payments. The Board of Trustees hereby delegates to the Administrator the responsibility for making payments from the Trust Fund. In accordance with rules and regulations established by the Board of Trustees, the Administrator shall make payments from the Trust Fund for Other Post-Employment Benefits, as directed by the Local Finance Board of each Participating Employer. Such rules and regulations shall include procedures for certification by the Local Finance Board that payments from the Trust Fund are for the purpose of: (i) paying Other Post-Employment Benefits to or on behalf of Employees or Beneficiaries, (ii) paying premiums to an insurer for Other Post-Employment Benefits, (iii) an irrevocable transfer of assets to a trust, or equivalent arrangement, for providing Other Post-Employment Benefits to Employees and Beneficiaries, which trust assets are legally protected from creditors of the Participating Employer, or (iv) for any purpose permitted under Governmental Accounting Standards Board (GASB) Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions* or applicable Virginia law. Payments shall be made in such manner, in such amounts and for such purposes, including the payment of Other Post-Employment Benefits under participating Plans, as may be directed by the Local Finance Board. Payments from the Trust Fund shall be made by electronic transfer or check (or the check of an agent) for deposit to the order of the payee. Payments or other distributions hereunder may be mailed to the payee at the address last furnished to the Administrator. The Trustees shall not incur any liability on account of any payment or other distribution made by the Trust Fund in accordance with this Section. Such payment shall be in full satisfaction of claims hereunder against the Trustee, Administrator or Participating Employer.

B. Allocation of Expenses. The Trustees shall pay all expenses of the Trust Fund from the assets in the Trust Fund. All expenses of the Trust Fund, which are allocable to a particular investment option or account, may be allocated and charged to such investment option or account as determined by the Trustees. All expenses of the Trust Fund which are not allocable to a particular investment option or account shall be charged to each such investment option or account in the manner established by the Trustees.

Section 205. INVESTMENT OPTIONS.

The Trustees shall initially establish one (1) investment option within the Trust Fund pursuant to the Investment Policy, for communication to, and acceptance by, Local Finance Boards. Following development of the initial "investment option" pursuant to the Investment Policy, the Board of Trustees may develop up to two (2) additional investment options, reflecting different risk/return objectives and corresponding asset mixes, for selection by Local Finance Boards, as alternatives to the initial investment option. The determination to add alternative investment options to the Investment Policy, and the development of each such investment option, are within the sole and absolute discretion of the Board of Trustees. The Trustees shall transfer to any deemed investment option developed hereunder such portion of the assets of the Trust Fund as appropriate. The Trustees shall manage, acquire or dispose of the assets in an investment option in accordance with the directions given by each Local Finance Board. All income received with respect to, and all proceeds received from, the disposition of property held in an investment option shall be credited to, and reinvested in, such investment option. If multiple investment options are developed, the Board of Trustees shall establish one (1) default investment option in the absence of valid Local Finance Board investment direction.

If multiple investment options are developed, from time to time, the Board of Trustees may eliminate an investment option, and the proceeds thereof shall be reinvested in the default investment option unless another investment option is selected in accordance with directions given by the Local Finance Board.

Notwithstanding anything hereinabove to the contrary, the Board of Trustees, in its sole discretion, may establish a separate, short-term investment option or fund, to facilitate contributions, disbursements or other short-term liquidity needs of the Trust or of particular Participating Employers. Separate investment funds within the Trust Fund and varying percentages of investment in any such separate investment fund by the Participating Employers, to the extent so determined by the Board of Trustees, are expressly permitted.

PART 3 – PROVISIONS APPLICABLE TO PARTICIPATING EMPLOYERS

Section 300. APPLICATION.

The provisions of Part 3 set forth the rights of Participating Employers.

Section 301. PARTICIPATING EMPLOYERS.

A. Approval. The Board of Trustees or its designee shall receive applications from Employers for membership in the Trust Fund and shall approve or disapprove such applications for membership in accordance with the terms of this Agreement, the Trust Joinder Agreement, bylaws and the rules and regulations established by the Board of Trustees for admission of new Participating Employers. Before approving the participation of any Employer that has established a Plan, the Board of Trustees or its designee shall determine and affirm that such Employer is permitted to establish a trust pursuant to Article 8, Chapter 15, Subtitle II of Title 15.2 of the Virginia Code (§§ 15.2-1544 *et seq*.). The Board of Trustees shall have total discretion in determining whether to accept a new member. The Board of Trustees may delegate the authority for membership approval to the Administrator.

B. Execution of Trust Joinder Agreement by Local Finance Board. Each Employer will make its election to become a Participating Employer by directing its Local Finance Board to execute a Trust Joinder Agreement in such form and content as prescribed by the Board of Trustees. By the Local Finance Board's execution of the Trust Joinder Agreement, the Participating Employer agrees to be bound by all the terms and provisions of this Agreement, the Trust Joinder Agreement, the bylaws and any other rules and regulations adopted by the Trustees under this Agreement. The Local Finance Board of each Participating Employer, serving as such Employer's Trustee, in accordance with Virginia Code § 15.2-1547, shall represent such Participating Employer's interest in all meetings, votes, and any other actions to be taken by a Participating Employer hereunder. A Local Finance Board may designate one or more, but less than all, of its members to serve as the authorized representative of such Local Finance Board for purposes of this Agreement.

C. Continuing as a Participating Employer. Application for participation in this Agreement, when approved in writing by the Board of Trustees or its designee, shall constitute a continuing contract for each succeeding fiscal year unless terminated by the Trustees or unless the Participating Employer resigns or withdraws from this Agreement by written notice of its Local Finance Board. The Board of Trustees may terminate a Participating Employer's participation in this Agreement for any reason by vote of three-fourths (¾) of the Board of Trustees. If the participation of a Participating Employer is terminated, the Board of Trustees and the Administrator shall effect the withdrawal of such Participating Employer's beneficial interest in the Trust within one hundred eighty (180) days, by transfer of such assets to a trust, trusts or equivalent arrangement for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits, established for this purpose by such Participating Employer. If withdrawal is not completed within this time period, the Board of Trustees, in its discretion, may make reasonable alternative arrangements for the distribution of the Participating Employer's beneficial interest.

Section 302. Places of Meetings. All meetings of the Local Finance Boards shall be held at such place, within the Commonwealth of Virginia, as from time to time may be fixed by the Trustees.

Section 303. Annual Meetings. The annual meeting of the Local Finance Boards, for the election of Trustees and for the transaction of such other business as may come before the annual meeting, shall be held at such time on such business day between September 1st and October 31st as shall be designated by resolution of the Board of Trustees.

Section 304. Special Meetings. Special meetings of the Local Finance Boards for any purpose or purposes may be called at any time by the Chairperson of the Board of Trustees, by the Board of Trustees, or if Local Finance Boards together holding at least twenty percent (20%) of all votes entitled to be cast on any issue proposed to be considered at the special meeting sign, date and deliver to the Trust Fund's Secretary one or more written demands for the meeting describing the purpose or purposes for which it is to be held. At a special meeting no business shall be transacted and no action shall be taken other than that stated in the notice of the meeting.

Section 305. Notice of Meetings. Written notice stating the place, day and hour of every meeting of the Local Finance Boards and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be given not less than ten (10) nor more than sixty (60) days before the date of the meeting to each Participating Employer's Local Finance Board of record entitled to vote at such meeting, at the address which appears on the books of the Trust Fund.

Section 306. Quorum. Any number of Local Finance Boards together holding at least a majority of the outstanding beneficial interests entitled to vote with respect to the business to be transacted, who shall be physically present in person at any meeting duly called, shall constitute a quorum of such group for the transaction of business. If less than a quorum shall be in attendance at the time for which a meeting shall have been called, the meeting may be adjourned from time to time by a majority of the Local Finance Boards present. Once a beneficial interest is represented for any purpose at a meeting of Local Finance Boards, it shall be deemed present

for quorum purposes for the remainder of the meeting and for any adjournment of that meeting unless a new record date is, or shall be, set for that adjourned meeting.

Section 307. Voting. At any meeting of the Local Finance Boards, each Local Finance Board entitled to vote on any matter coming before the meeting shall, as to such matter, have one vote, in person, for each whole dollar invested in the Trust Fund standing in its name on the books of the Trust Fund on the date, not more than seventy (70) days prior to such meeting, fixed by the Board of Trustees, for the purpose of determining Local Finance Boards entitled to vote, as the date on which the books of the Trust Fund are to be closed or as the record date. Notwithstanding the preceding sentence, at any meeting held after the date the fifth (5th) Participating Employer joins the Trust, no one Local Finance Board may vote more than forty-five percent (45%) of the total votes cast. In the event that more than one member of a Local Finance Board attends a meeting, the Local Finance Board will designate one member authorized to cast its votes.

If a quorum is present at a meeting of the Local Finance Boards, action on a matter other than election of Trustees shall be approved if the votes cast favoring the action exceed the votes cast opposing the action, unless a vote of a greater number is required by this Agreement. If a quorum is present at a meeting of the Local Finance Boards, Trustees for all open seats for each class of Trustees on the Board of Trustees shall be elected by a plurality of the votes cast by the beneficial interests entitled to vote in such election.

Local Finance Boards at the annual meeting will vote at one time to fill all open positions within a single class of Trustees. Elections will be held by class, in the order of the length of the terms to be filled, beginning with the longest term. The designated representative of each Local Finance Board will cast up to the full number of its votes for each open position within a class of Trustees, but it may not cast votes for more than the number of open positions in such class. Those nominees receiving the largest plurality of votes, up to the number of positions to be filled, will be declared elected. Subsequent votes may be held to break any ties, if necessary, in order to elect the correct number of Trustees.

PART 4 – PROVISIONS APPLICABLE TO OFFICERS

Section 401. Election of Officers; Terms. The Board of Trustees shall appoint the officers of the Trust Fund. The officers of the Trust Fund shall consist of a Chairperson of the Board, a Vice-Chairperson, and a Secretary. The Secretary need not be a member of the Board of Trustees and may be the Administrator. Other officers, including assistant and subordinate officers, may from time to time be elected by the Board of Trustees, and they shall hold office for such terms as the Board of Trustees may prescribe. All officers shall hold office until the next annual meeting of the Board of Trustees and until their successors are elected.

Section 402. Removal of Officers; Vacancies. Any officer of the Trust Fund may be removed summarily with or without cause, at any time, on a three-fourths (¾) vote of the Board of Trustees. Vacancies may be filled by the Board of Trustees.

Section 403. Duties. The officers of the Trust Fund shall have such duties as generally pertain to their offices, respectively, as well as such powers and duties as are prescribed by law or are hereinafter provided or as from time to time shall be conferred by the Board of Trustees. The Board of Trustees may require any officer to give such bond for the faithful performance of such officer's duties as the Board of Trustees may see fit.

Section 404. Duties of the Chairperson. The Chairperson shall be selected from among the Trustees. Except as otherwise provided in this Agreement or in the resolutions establishing such committees, the Chairperson shall be ex officio a member of all Committees of the Board of Trustees. The Chairperson shall preside at all Board meetings. The Chairperson may sign and execute in the name of the Trust Fund stock certificates, deeds, mortgages, bonds, contracts or other instruments except in cases where the signing and the execution thereof shall be expressly delegated by the Board of Trustees or by this Agreement to some other officer or agent of the Trust Fund or as otherwise required by law. In addition, he shall perform all duties incident to the office of the Chairperson and such other duties as from time to time may be assigned to the Chairperson by the Board of Trustees. In the event of any vacancy in the office of the Chairperson, the Vice-Chairperson shall serve as Chairperson on an interim basis until such vacancy is filled by subsequent action of the Board of Trustees.

Section 405. Duties of the Vice-Chairperson. The Vice-Chairperson, if any, shall be selected from among the Trustees and shall have such powers and duties as may from time to time be assigned to the Vice-Chairperson.

Section 406. Duties of the Secretary. The Secretary shall act as secretary of all meetings of the Board of Trustees and the Local Finance Boards in the Trust Fund. When requested, the Secretary shall also act as secretary of the meetings of the Committees of the Board of Trustees. The Secretary shall keep and preserve the minutes of all such meetings in permanent books. The Secretary shall see that all notices required to be given by the Trust Fund are duly given and served. The Secretary may sign and execute in the name of the Trust Fund stock certificates, deeds, mortgages, bonds, contracts or other instruments, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Trustees or by this Agreement. The Secretary shall have custody of all deeds, leases, contracts and other important Trust Fund documents; shall have charge of the books, records and papers of the Trust Fund relating to its organization and management as a trust; and shall see that all reports, statements and other documents required by law (except tax returns) are properly filed.

Section 407. Compensation. The Board of Trustees shall have authority to fix the compensation, if any, of all officers of the Trust Fund. Notwithstanding the preceding sentence, any person employed by a public body, including elected officials or appointed members of governing bodies, shall not be eligible to receive compensation for services as an officer of the Trust Fund other than reimbursement for reasonable expenses.

Section 408. Bonding. All officers shall immediately make application for a fidelity bond, to any company designated by the Board of Trustees, in such amount as may be specified by the Board of Trustees. Premiums on such bonds shall be paid from the Trust Fund, which bonds shall be continued in force in such amount as the Board of Trustees may from time to time

require. If an officer's bond is refused, or is ever cancelled, except with the Board of Trustees' approval, such officer may be removed from office as provided in Section 402 and such officer shall be entitled to compensation, if any, to the date of such removal only.

PART 5 – MISCELLANEOUS PROVISIONS

Section 501. Titles. The titles to Parts and Sections of this Agreement are placed herein for convenience of reference only, and the Agreement is not to be construed by reference thereto.

Section 502. Successors. This Agreement shall bind and inure to the benefit of the successors and assigns of the Trustees, the Local Finance Boards, and the Participating Employers.

Section 503. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute but one instrument, which may be sufficiently evidenced by any counterpart. Any Participating Employer that formally applies for participation in this Agreement by its Local Finance Board's execution of a Trust Joinder Agreement which is accepted by the Trustees shall thereupon become a party to this Agreement and be bound by all of the terms and conditions thereof, and said Trust Joinder Agreement shall constitute a counterpart of this Agreement.

Section 504. Amendment or Termination of this Agreement; Termination of Plans.

A. Amendment. This Agreement may be amended in writing at any time by the vote of a majority of the Trustees. Notwithstanding the preceding sentence, this Agreement may not be amended so as to change its purpose as set forth herein or to permit the diversion or application of any funds of the Trust Fund for any purpose other than those specified herein.

The Board of Trustees, upon adoption of an amendment to this Agreement, shall provide notice by sending a copy of any such amendment to each Local Finance Board within 15 days of adoption of such amendment. If a Local Finance Board objects to such amendment, the Local Finance Board must provide written notice of its objection and intent to terminate its participation in the Trust Fund by registered mail delivered to the Administrator within ninety (90) days of such notice, and if such notice is given, the amendments shall not apply to such Participating Employer for a period of 180 days from the date of adoption of such amendments. The Participating Employer's interest shall be terminated in accordance with the provisions of paragraph B of this section.

B. Termination. This Agreement and any trust created hereby may be terminated at any time by the Trustees with respect to a Participating Employer when the Participating Employer's participation interest in the Trust Fund is terminated or when a Trust Joinder Agreement has been terminated. The Trust Fund may be terminated in its entirety when all participation interests of all Participating Employers have been terminated in their entirety. This Agreement and the Trust Fund may be terminated in their entirety pursuant to Virginia law.

In case of a termination of this Agreement, either in whole or in part, the Trustees shall hold, apply, transfer or distribute the affected assets of the Trust Fund in accordance with

the applicable provisions of this Agreement and the direction of the Local Finance Board of each Participating Employer. Upon any termination, in whole or in part, of this Agreement, the Trustees shall have a right to have their respective accounts settled as provided in this Section 504.

In the case of the complete or partial termination of this Agreement as to one or more Participating Employers, the affected assets of the Trust Fund shall continue to be held pursuant to the direction of the Trustees, for the benefit of the Employees and Beneficiaries of such Participating Employer, until the Trustees, upon recommendation of the Administrator, distribute such assets to a trust, trusts or equivalent arrangement established by such Participating Employer for the purpose of funding Other Post-Employment Benefits, or other suitable arrangements for the transfer of such assets have been made. This Agreement shall remain in full effect with respect to each Participating Employer that does not terminate its participation in the Trust Fund on behalf of its Employees and Beneficiaries, or whose participation is not terminated by the Trustees. However, if distributions must be made, the Local Finance Board of each Participating Employer shall be responsible for directing the Administrator on how to distribute the beneficial interest of such Participating Employer. In the absence of such direction, the Administrator may take such steps as it determines are reasonable to distribute such Participating Employer's interest.

A Participating Employer must provide written notice of its intent to terminate its participation in the Trust Fund by registered mail signed by its Local Finance Board and delivered to the Administrator at least ninety (90) days in advance. Notwithstanding the preceding sentence, during its first year of participation, a Participating Employer must provide notice of its intent to terminate no less than one hundred eighty (180) days in advance.

Notwithstanding the foregoing, the Trustees shall not be required to pay out any assets of the Trust Fund to Participating Employers upon termination of this Agreement or the Trust Fund, in whole or in part, until the Trustees have received written certification from the Administrator that all provisions of law with respect to such termination have been complied with. The Trustees shall rely conclusively on such written certification and shall be under no obligation to investigate or otherwise determine its propriety.

When the assets of the Trust Fund affected by a termination have been applied, transferred or distributed and the accounts of the Trustees have been settled, then the Trustees and Administrator shall be released and discharged from all further accountability or liability respecting the Trust Fund, or portions thereof, affected by the termination and shall not be responsible in any way for the further disposition of the assets of the Trust Fund, or portions thereof, affected by the termination or any part thereof so applied, transferred or distributed; provided, however, that the Trustees shall provide full and complete accounting for all assets up through the date of final disposition of all assets held in the Trust.

Section 505. Spendthrift Provision; Prohibition of Assignment of Interest.

The Trust Fund shall be exempt from taxation and execution, attachment, garnishment, or any other process to the extent provided under Article 8, Chapter 15, Subtitle II of Title 15.2 of

the Virginia Code (§§ 15.2-1544 *et seq*.). No Participating Employer or other person with a beneficial interest in any part of the Trust Fund may commute, anticipate, encumber, alienate or assign the beneficial interests or any interest of a Participating Employer in the Trust Fund, and no payments of interest or principal shall be in any way subject to any person's debts, contracts or engagements, nor to any judicial process to levy upon or attach the interest or principal for payment of those debts, contracts, or engagements.

Section 506. Meetings; Virginia Freedom of Information Act.

The Administrator shall give the public notice of the date, time, and location of any meeting of the Board of Trustees' or of the Local Finance Boards in the manner and as necessary to comply with the Virginia Freedom of Information Act (Va. Code §§ 2.2-3700 *et seq*.). The Secretary or its designee shall keep all minutes of all meetings, proceedings and acts of the Trustees and Local Finance Boards, but such minutes need not be verbatim. Copies of all minutes of the Trustees and Local Finance Boards shall be sent by the Secretary or its designee to the Trustees.

All meetings of the Board of Trustees and Local Finance Boards shall be open to the public, except as provided in § 2.2-3711 of the Virginia Code. No meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business, except as provided in §§ 2.2-3708 or 2.2-3708.1 of the Virginia Code.

Section 507. Jurisdiction. This Agreement shall be interpreted, construed and enforced, and the trust or trusts created hereby shall be administered, in accordance with the laws of the United States and of the Commonwealth of Virginia.

Section 508. Situs of the Trust. The situs of the trust or trusts created hereby is the Commonwealth of Virginia. All questions pertaining to its validity, construction, and administration shall be determined in accordance with the laws of the Commonwealth of Virginia. Venue for any action regarding this Agreement is the City of Richmond, Virginia.

Section 509. Construction. Whenever any words are used in this Agreement in the masculine gender, they shall be construed as though they were also used in the feminine or neuter gender in all situations where they would so apply and whenever any words are used in this Agreement in the singular form, they shall be construed as though they were also used in the plural form in all situations where they would so apply, and whenever any words are used in this Agreement in the plural form, they shall be construed as though they were also in the singular form in all situations where they would so apply.

Section 510. Conflict. In resolving any conflict among provisions of this Agreement and in resolving any other uncertainty as to the meaning or intention of any provision of the Agreement, the interpretation that (i) causes the Trust Fund to be exempt from tax under Code Sections 115 and 501(a), and (ii) causes the participating Plan and the Trust Fund to comply with all applicable requirements of law shall prevail over any different interpretation.

Section 511. No Guarantees. Neither the Administrator nor the Trustees guarantee the Trust Fund from loss or depreciation or for the payment of any amount which may become due to any person under any participating Plan or this Agreement.

Section 512. Parties Bound; No Third Party Rights. This Agreement and the Trust Joinder Agreements, when properly executed and accepted as provided hereunder, shall be binding only upon the parties hereto, *i.e.*, the Board of Trustees, the Administrator and the Participating Employers and their Local Finance Boards. Neither the establishment of the Trust nor any modification thereof, nor the creation of any fund or account, the payment of any Other Post-Employment Benefits, shall be construed as giving to any person covered under any Plan of a Participating Employer or any other person any legal or equitable right against the Trustees, or any officer or employee thereof, except as may otherwise be provided in this Agreement. Under no circumstances shall the term of employment of any Employee be modified or in any way affected by this Agreement.

Section 513. Necessary Parties to Disputes. Necessary parties to any accounting, litigation or other proceedings relating to this Agreement shall include only the Trustees and the Administrator. The settlement or judgment in any such case in which the Trustees are duly served or cited shall be binding upon all Participating Employers and their Local Finance Boards and upon all persons claiming by, through or under them.

Section 514. Severability. If any provision of this Agreement shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of the Agreement shall continue to be fully effective. If any provision of the Agreement is held to violate the Code or to be illegal or invalid for any other reason, that provision shall be deemed to be null and void, but the invalidation of that provision shall not otherwise affect the trust created by this Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, each of the members of the initial Board of Trustees has executed this Trust Agreement.

Date: 4/11/08 _____, County of Fairfax

Date: 4/11/08 _____, County of Henrico

Date: 4/11/08 _____, Designee of VACo/VML

Date: 4/11/08 _____, Designee of VACo/VML

Date: 4-11-08 _____, Designee of VACo/VML

Accepted by the Administrator

VIRGINIA LOCAL GOVERNMENT FINANCE CORPORATION

By: _____
President

City of Richmond
Commonwealth of Virginia

The forgoing instrument was acknowledged before me this 11th day of April 2008 by:

Jesse Hall, Leon T. Johnson, Victoria Lucente, Deidra M. McLaughlin, Robert L. Mears, and Robert W. Lauterberg.

_____

James D. Campbell
Notary Public #22055
M commission expires October 31, 2009.

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ATTACHMENT 3

TRUST JOINDER AGREEMENT FOR PARTICIPATING EMPLOYERS UNDER VIRGINIA POOLED OPEB TRUST FUND

THIS TRUST JOINDER AGREEMENT is made by and between the Local Finance Board of _____ ,Virginia (herein referred to as the "Local Finance Board") of _____, Virginia (herein referred to as the "Participating Employer"), and the Board of Trustees (herein collectively referred to as the "Trustees") of the Virginia Pooled OPEB Trust Fund (herein referred to as the "Trust Fund").

WITNESSETH:

WHEREAS, the Participating Employer provides post-employment benefits other than pensions (herein referred to as "Other Post-Employment Benefits"), as defined in section 15.2-1545 of the Virginia Code, for Employees and Beneficiaries; and

WHEREAS, the governing body of the Participating Employer desires to establish a trust for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits as it may appropriate; and

WHEREAS, the governing body of the Participating Employer has adopted an ordinance and/or resolution (a certified copy of which is attached hereto as Exhibit A) to authorize participation in the Virginia Pooled OPEB Trust Fund and establish a Local Finance Board, and, pursuant to Virginia Code § 15.2-1547, has directed the Local Finance Board to enter into this Trust Joinder Agreement; and

WHEREAS, the Trust Fund, in accordance with the terms of the Virginia Pooled OPEB Trust Fund Agreement (the "Agreement"), provides administrative, custodial and investment services to the Participating Employers in the Trust Fund; and

WHEREAS, the Local Finance Board, upon the direction of the governing body of _____, Virginia, desires to submit this Trust Joinder Agreement to the Trustees to enable _____, Virginia, to become a Participating Employer in the Trust Fund and a party to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements flowing to each of the parties hereto, it is agreed as follows:

1. Pursuant to the Board of Trustees' acceptance of this Trust Joinder Agreement, the _____, Virginia, is a Participating Employer in the Trust Fund, as provided in the Agreement, and the Local Finance Board is authorized to enter into this Trust Joinder Agreement, and to represent and vote the beneficial interest of _____, Virginia, in the Trust Fund in accordance with the Agreement.

2. Capitalized terms not otherwise defined in this Trust Joinder Agreement have the meaning given to them under the Agreement.

3. The Local Finance Board shall cause appropriations designated by the Participating Employer for deposit in the Trust Fund to be deposited into a depository designated by the Trustees.

4. The Local Finance Board shall timely remit, or timely approve the remittance of, administrative fees as may be due and payable by the Participating Employer under the Agreement into a depository designated by the Trustees.

5. The Participating Employer shall have no right, title or interest in or to any specific assets of the Trust Fund, but shall have an undivided beneficial interest in the Trust Fund; however, there shall be a specific accounting of assets allocable to the Participating Employer.

6. The Local Finance Board shall provide to the Administrator designated by the Trustees all relevant information reasonably requested by the Administrator for the administration of the Participating Employer's investment, and shall promptly update all such information. The Local Finance Board shall certify said information to be correct to the best of its knowledge, and the Trustees and the Administrator shall have the right to rely on the accuracy of said information in performing their contractual responsibilities.

7. The Trust Fund provides administrative, custodial and investment services to the Participating Employer in accordance with the Agreement.

8. The Trustees and the Administrator, in accordance with the Agreement and the policies and procedures established by the Trustees, shall periodically report Trust activities to the Participating Employer on a timely basis.

9. The Local Finance Board and the Participating Employer agree to abide by and be bound by the terms, duties, rights and obligations as set forth in the Agreement, as may be amended by the Trustees, which is attached hereto and is made a part of this Trust Joinder Agreement.

10. The Local Finance Board, in fulfillment of its duties as the trustee of the Participating Employer, retains the services of the Investment Manager or Managers selected by the Trustees pursuant to the Agreement.

11. The term of this Trust Joinder Agreement shall be indefinite; however, the Participating Employer may not terminate this Trust Joinder Agreement until 180 days after its initial investment. Thereafter, the Local Finance Board may terminate this Trust Joinder Agreement on behalf of the Participating Employer by giving at least 90 days prior notice in writing to the Trustees. Termination shall be governed by the provisions of the Agreement.

IN WITNESS WHEREOF, the Local Finance Board has caused this Trust Joinder Agreement to be executed this _____ day of _____, 20____.

LOCAL FINANCE BOARD OF
_____, VIRGINIA

_____

_____

_____

ATTEST:

_____

* * * *

ACCEPTANCE:

VIRGINIA POOLED OPEB TRUST FUND
Virginia Local Government Finance Corporation

By:_____
Administrator

#::ODMA\PCDOCS\DOCSNFK\1259891\7

Board Agenda Item
October 20, 2015

ACTION – 2

Approval of a Resolution to Apply for FY 2017 Revenue Sharing Funds to Fund Route 28 Widening from the Prince William County Line (Bull Run Bridge) to Route 29 and Route 1 Widening from Mount Vernon Memorial Highway to Napper Road (Lee, Mount Vernon, Springfield and Sully Districts)

ISSUE:
Board approval of the applications for and use of a maximum of $10,000,000 in FY 2017 Virginia Department of Transportation (VDOT) Revenue Sharing Program funds to enable VDOT to complete the preliminary engineering phases of the following roadway widening projects: Route 28 and from the Prince William County Line (Bull Run Bridge) to Route 29 in Fairfax County and Route 1 from Mount Vernon Memorial Highway (south) to Napper Road.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the Department of Transportation to apply for FY 2017 VDOT Revenue Sharing Funds, and approve the attached resolution designating a maximum of $10,000,000 in FY 2017 VDOT Revenue Sharing Program funds for the following roadway widening projects: Route 28 from the Prince William County Line (Bull Run Bridge) to Route 29 in Fairfax County and Route 1 from Mount Vernon Memorial Highway (south) to Napper Road. There is a Local Cash Match of $10,000,000 required for these funds.

TIMING:
The Board of Supervisors should act on this item on October 20, 2015, for staff to complete the application process by VDOT's October 30, 2015, deadline.

BACKGROUND:
The Revenue Sharing program is administered by VDOT, in cooperation with the participating localities, under the authority of Section 33.1-23.05 (Section 33.2-357, effective October 1, 2014) of the *Code of Virginia* and the Commonwealth Transportation Board's Revenue Sharing Program Policy. An annual allocation of funds for this program is designated by the Commonwealth Transportation Board.

The Revenue Sharing Program provides additional funding for use by a county, city, or town to construct, reconstruct, improve or maintain the highway systems within such county, city, or town, and for eligible rural additions in certain counties of the

Commonwealth. Locality funds are matched, dollar for dollar, with state funds, with statutory limitations on the amount of state funds authorized per locality.

These funds may be equally matched, up to $10,000,000, by VDOT funds. Therefore, if awarded, these funds results in a net increase of state funds available for transportation projects in the County.

These funds will be combined with other funds currently programmed for this project through VDOT's Six Year Improvement Plan. The total cost for the Route 28 widening project is $47,350,000, and the cost for the Route 1 project is $90,000,000.

FISCAL IMPACT:
There is no fiscal impact on the General Fund for this project. Funding for the local match will be provided by Fund 40010, County and Regional Transportation Projects and/or Northern Virginia Transportation Authority regional funds already allocated to these projects.

ENCLOSED DOCUMENTS:
Attachment 1: Resolution - Designation of FY 2017 Revenue Sharing Program Funds

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation, FCDOT
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Malcolm Watson, Transportation Planner, FCDOT

Attachment 1

RESOLUTION

DESIGNATION OF FY 2017 REVENUE SHARING PROGRAM FUNDS

At a regularly scheduled meeting of the Fairfax County Board of Supervisors held in the Board Auditorium, of the Fairfax County Government Center, at Fairfax, Virginia, on Tuesday, October 20, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

WHEREAS, Fairfax County desires to submit applications for an allocation of funds of up to S10,000,000 through the Virginia Department of Transportation Fiscal Year 2017, Revenue Sharing Program; and,

WHEREAS, $10,000,000 of these funds are requested to fund the Route 28 widening project from the Prince William County Line (Bull Run Bridge) to Route 29 and the Route 1 widening project from Mount Vernon Memorial Highway to Napper Road; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Fairfax County hereby supports this application for an allocation of $10,000,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of Fairfax County hereby grants authority for the Director of the Department of Transportation to execute project administration agreements for any approved revenue sharing projects.

ADOPTED this 20th day of October 2015.

A COPY ATTEST

_____
Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
October 20, 2015

ACTION - 3

Endorsement of Applications for the Virginia Department of Transportation's FY 2017 Transportation Alternatives Grant Application (Lee, Providence & Hunter Mill Districts)

ISSUE:
Board of Supervisors approval of four resolutions endorsing projects for submission to the Virginia Department of Transportation (VDOT) for consideration under the Transportation Alternatives Program (TAP). Each application requires a separate resolution of support from the local governing body.

RECOMMENDATION:
The County Executive recommends the Board of Supervisors endorse the proposed list of applications as further described in Attachment 1 and their respective resolutions for the FY 2017 Transportation Alternatives Program as listed below:

- Vienna Metrorail Bicycle Access Improvements
- Cinder Bed Bikeway
- Van Dorn Street Bicycle and Pedestrian Improvements
- Reston Bike Share Capital Equipment

TIMING:
Board endorsement is requested on October 20, 2015, to meet the November 1, 2015, application deadline.

BACKGROUND:
The Transportation Alternatives Program (TAP), included in the Federal Surface Transportation Act, Moving Ahead for Progress in the 21st Century (MAP-21), replaced Transportation Enhancements Program (TEP), Recreational Trails, Safe Routes to Schools, and several other discretionary programs, wrapping them into a single funding source in FY 2014.

The TAP program is similar in nature to the old TEP. Applicants will be required to provide the same 20 percent match, with grant awards covering the 80 percent remaining. Some of the major differences are outlined as follows:

- TEP included 12 categories of projects that were eligible. TAP now includes nine. No County projects were affected by this change. The project types

removed include beautification, operation of historic transportation facilities, and scenic or historic highway programs.

- Since the Safe Routes to Schools and Recreational Trails Programs merged with the enhancement program in the TAP, Safe Routes to Schools applicants will now need to provide the 20 percent local match.

The Board should be aware that any approved funds will be distributed through the jurisdiction endorsing the project, and that the jurisdiction endorsing the TAP project will be responsible for any cost overruns. Although the Project Endorsement Resolution indicates Fairfax County agrees to pay 20 percent of the total cost of a project, staff has advised each applicant that they alone will be completely responsible for the 20 percent match and any cost overruns. Proposed applications to be completed by County staff have the source of the local match identified in the project listing.

The Board should also be aware that VDOT's TAP regulations require the sponsoring jurisdiction to accept responsibility for future maintenance and operating costs of any projects that are funded.

On September 17, 2015, county staff conducted a public meeting in response to VDOT modified guidelines that allow for other means of public participation other than public hearings for TAP. The meeting minutes and presentation are shown in Attachment 3.

Applications are due to VDOT on November 1, 2015. The applications submitted to VDOT will be reviewed by both VDOT staff with recommendations forwarded to the Commonwealth Transportation Board and the Transportation Planning Board (TPB). Both the CTB and TPB will make announcements on funding decisions in Summer 2016.

County staff recommends forwarding four applications to VDOT and TPB for FY2017:

Vienna Metrorail Bicycle Access Improvements	$400,000
Cinder Bed Bikeway	$400,000
Van Dorn Street Bicycle and Pedestrian Improvements	$400,000
Reston Bike Share Capital Equipment	$400,000

Details of each project are shown in Attachment 1.

Although the federal funding for the FY 2017 has not yet been approved by Congress, VDOT will continue the application process in anticipation of future approval of the funds.

FISCAL IMPACT:
If any of the projects are awarded grant allocations, FCDOT staff will return to the Board to appropriate the funding. TAP projects require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match. VDOT has implemented new requirements for jurisdictional sponsors (like Fairfax County) to provide technical guidance and oversight throughout project development. Additionally, the sponsor must ensure that the budget accurately reflects project cost and accept responsibility for future maintenance and operating cost of the completed project.

For the FY 2017 applications, the County is both the Applicant and the Endorser of each project; therefore, the County is required to provide the local cash match. The identified local cash match for each project is in Fund 40010 (County and Regional Transportation Projects) and is consistent with the Board's Transportation Priorities Plan approved January 28, 2014. Staff will also pursue future funding opportunities, such as future TAP grants or other resources, to reduce the total commitment from the County.

CREATION OF POSITIONS:
No positions will be created through this action.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed FY 2017 Transportation Alternative Projects
Attachment 2 – Project Endorsement Resolutions
Attachment 3 – Public Meeting Minutes and Presentation (9/17/2015)

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Ken Kanownik, Transportation Planner, Coordination and Funding Division, FCDOT

Attachment 1

Proposed Transportation Alternatives Projects, FY2017
(Descriptions Based on Information Provided by Applicant)

1. Cinder Bed Bikeway

As part of the County's bicycle master planning efforts, staff identified an opportunity to improve non-motorized access to the Franconia-Springfield Metrorail Station from the south, including Fort Belvoir. This project will provide approximately three miles of bikeway, the majority being shared use path extending from the Fairfax County Parkway near Telegraph Road north to the south side of the Metrorail station. The southern segment could utilize portions of an abandoned railroad spur previously serving Fort Belvoir, then transition to an on-road facility on Cinder Bed Road to the roadway end, and then travel on a pathway ending at the Metrorail station. The grant will provide funding for preparing preliminary engineering (30%) plans.

Project Estimate:		$4,000,000
TEP/TAP Awards to Date: Through FY 2016:	$ 800,000	
Local Match Pledged Through FY 2016:	$ 200,000	
FY 2016 Funding Total:		$1,000,000
FY 2016 Balance:		$3,000,000
FY 2017 TAP Request:		$ 400,000
FY 2017 Local Match:		$ 100,000
Remaining Funding Required:		$2,500,000

2. Vienna Metrorail Bicycle Access Improvements

Enhance bike access to the Vienna Metrorail and Metro West Town Center via the local road network. The improvements can include wide curb lane, bicycle lanes and other improvements including signage. The improvements should complement the new facilities constructed with the I-66 Express Lanes project on the Vaden Drive Bridge and Virginia Center Boulevard. Currently, FCDOT has been awarded a Transportation and Land Use Connections grant from the Transportation Planning Board to help identify which streets in the local network are the best candidates for on-road bicycle facilities.

Project Estimate:		$1,000,000
TEP/TAP Awards to Date: Through FY 2016:	$0	
Local Match Pledged Through FY 2016:	$0	
FY 2016 Funding Total:		$ 0
FY 2016 Balance:		$1,000,000
FY 2017 TAP Request:		$400,000
FY 2017 Local Match:		$100,000
Remaining Funding Required:		$500,000

3. Van Dorn Street Bicycle and Pedestrian Improvements

Reconstruct the trail extending from Oakwood Road (ramp underpass) to the Alexandria City Line to current geometric standards, including those segments under the Capital Beltway (I-95) and the railroad. Lighting and way finding signage included as needed. This is in addition to the current bridge replacement under the I-495 underpass.

Project Estimate:		$ 500,000
TEP/TAP Awards to Date: Through FY 2016:	$0	
Local Match Pledged Through FY 2016:	$0	
FY 2016 Funding Total:		$ 0
FY 2016 Balance:		$ 500,000
FY 2017 TAP Request:		$ 400,000
FY 2017 Local Match:		$ 100,000
Remaining Funding Required:		$ 0

4. Reston Bike Share – Capital Equipment

Bike Share in Reston is an expanded transportation option for users of the Metrorail and Fairfax Connector who will travel to and within Reston. A bike share is a program of "public use" bicycles that users who have registered with the program can rent a bike for short periods of time. The bikes can be used to go from bike dock to bike dock located at activity centers and employment centers throughout the Reston area. Capital Bikeshare, in operation in Arlington County, the City of Alexandria, and the District of Columbia, offers system users with several membership options ranging from an annual membership to daily passes. Subscribers are given an electronic key that is used for renting a bicycle. The first 30 minutes of usage are free with each additional 30 minutes escalating in cost.

The capital equipment needed for a Bike Share station includes, but is not limited to, the docking stations, bicycles and kiosks. The current projection is to purchase the capital equipment for 13 stations that will support 130 bicycles.

Project Estimate:		$ 766,000
TEP/TAP Awards to Date: Through FY 2016:	$0	
Local Match Pledged Through FY 2016:	$0	
FY 2016 Funding Total:		$ 0
FY 2016 Balance:		$ 0
FY 2017 TAP Request:		$ 400,000
FY 2017 Local Match:		$ 100,000
Remaining Funding Required:		$ 266,000

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, October 20, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency for the Virginia Department of Transportation to program funding for a Transportation Alternatives project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide funding for the Van Dorn Street Pedestrian and Bicycle Access Improvements; and

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 20th day of October, 2015, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, October 20, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency for the Virginia Department of Transportation to program funding for a Transportation Alternatives project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Cinder Bed Bikeway; and

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 20th day of October, 2015, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, October 20, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency for the Virginia Department of Transportation to program funding for a Transportation Alternatives project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide funding for Vienna Metrorail Station Area Bicycle Connectivity Improvements; and

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 20th day of October, 2015, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, October 20, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency for the Virginia Department of Transportation to program funding for a Transportation Alternatives project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide funding for the Reston Bike Share – Capital Equipment; and

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 20th day of October, 2015, Fairfax, Virginia

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

County of Fairfax, Virginia

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

Fairfax County – Transportation Alternatives Program Public Meeting
September 17, 2015
7:00 PM
Fairfax County Department of Transportation
4050 Legato Road, Suite 400, Fairfax, VA 22033

Minutes

I. Introductions and Summary of Meeting

Staff Introductions Made: Ken Kanownik, Coordination and Funding

Attendees: Kristy Cartier (Greater Greater Washington), Joe Chudzik (Mason Neck Citizens), Tom Burnside (Cinnamon Creek HOA), Anand Dater (HNTB), Fionnuala Quinn, Jill Harte, Sally Smallwood (FCPS SRTS Coordinator), Ted Troscianecki (Virginia Run HOA), Jenifer Joy Madden (TAC), Susan Hanson (Aimfield HOA), Kevin Mentz (HNTB), Philip Pifer (Great Falls Citizens Association), Brian Domschke (Cinnamon Creek HOA)

II*. Introduction to Transportation Alternatives Program (TAP)

Eligibility and Guidelines –

III*. Virginia Department of Transportation (VDOT) and TAP

VDOT – Procedures
Selection Process

IV*. FY2017 TAP Application – Brief Walk Through

V*. Status of Previous Grant Awards (TAP only)

Mason Neck Trail
Cross County Trail (Lorton)
Cinder Bed Bikeway
Reston Bike Share

*Included in presentation

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

FCDOT
Serving Fairfax County for 25 Years and More

Westbriar Elementary School – Safe Routes to School (Old Courthouse Road)

VII. TAP Question and Answer Session

- Multiple Questions Asked, topics included: status on other projects; how staff will assist with applications; when the Board will endorse the applications; how much funding is available.
- Staff walked through the application in further detail on information requested from citizens.
- Staff will follow up with Cinnamon Run HOA to pursue a future TAP Grant under the Recreational Trails Program. This will require coordination with the Park Authority.
- Staff will work with Virginia Run HOA to pursue an additional FY2017 project using Virginia Run HOA funds as the local match. If the local match and project scope cannot be obtained in time for the November 1, 2015 deadline, staff will work with Virginia Run HOA to pursue a FY2018 TAP grant. If the deadline can be made, staff will pursue an additional resolution of support from the Board of Supervisors at the November 17, 2015 meeting. (VDOT has approved resolutions being sent after the November 1, 2015 deadline, as long as the application is submitted on time.)

VIII. Public Input on Project Selection

- County staff presented the four projects solicited for FY2017 applications
- Several attendees spoke in support of the selected projects.
- There was no dissent for any of the projects.
- Several projects were recommended for future TAP grant applications from the public. The citizens would like to have the following proposed projects considered for TAP

funding (Staff will work with citizens to gather information and develop the scope for each project):

- Old Court House Road Trail (Connect Westbriar Elementary SRTS to Beasley Road project improvements) – Suggested by Jennifer Joy Madden
- Lees Corner Road Safe Routes to School Project – Susan Hanson
- Mason Neck Trail (If additional funding is needed) – Joe Chudzik
- Virginia Run Elementary SRTS – Ted Troscianecki
- Forestville Elementary Safe Routes to School – Phil Pifer
- Great Falls Elementary Safe Routes to School – Phil Pifer
- Great Falls Village Pedestrian Access – Phil Pifer
- Turner Farm Park Trail – Phil Pifer
- Reston Parkway Trail – Fionnuala Quinn

Board Agenda Item
October 20, 2015

ACTION – 4

Approval of a Project Agreement Between the Department of Rail and Public Transportation (DRPT) and Fairfax County to Provide Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds for Operation of the Connector Store Project

ISSUE:
The Fairfax County Department of Transportation (FCDOT) is seeking the Board's approval of a project agreement between DRPT and the County to provide CMAQ program funds for the operation of five Connector Stores.

RECOMMENDATION:
The County Executive recommends that the Board approve the attached Project Agreement with DRPT and authorize the Director of the Department of Transportation to execute the finalized agreement in substantially the form of Attachment I on behalf of Fairfax County.

TIMING:
Board action is requested on October 20, 2015, so DRPT can begin the process of reimbursing the County for its expenses for this project.

BACKGROUND:
With passage of the Clean Air Act Amendments of 1990, the Congress made great strides in America's efforts to attain the National Ambient Air Quality Standards (NAAQS). The 1990 amendments required further reduction in the amount of allowable vehicle tailpipe emissions, initiated more stringent control measures in areas that still failed to meet the NAAQS-known as nonattainment areas-and provided for a stronger, more rigorous link between transportation and air quality planning. Further establishing this link, one year later, the Congress passed the Intermodal Surface Transportation Efficiency Act-the ISTEA of 1991. This far-reaching legislation brought transportation into the multi-modal arena and also set the stage for an unprecedented focus on environmental programs. Part of this approach was the newly authorized CMAQ Program. The CMAQ program was implemented to support surface transportation projects and other related efforts that contribute air quality improvements and provide congestion relief.

Jointly administered by the FHWA and the Federal Transit Administration (FTA), the CMAQ Program provides a flexible funding source for transportation projects and

programs that help improve air quality and reduce congestion. State and local governments can use the funding to support efforts to meet NAAQS under the Clean Air Act in both nonattainment and maintenance areas for carbon monoxide, ozone, and particulate matter.

As of January 2015, the Washington DC metropolitan area was designated by the Environmental Protection Agency (EPA) as “Marginal” nonattainment for the 2008 ozone standard. The Connector Stores grant is used to help fund the operating costs of five Fairfax Connector Stores. The stores provide information to potential riders of the Fairfax Connector bus system and Metrobus. They distribute schedules and help plan trips using public transportation with the end result of reducing emissions on the roads. This grant has been awarded to the County for several years.

FISCAL IMPACT:
Funding from the Commonwealth is provided on a reimbursement basis after the purchase and/or project is completed. These funds are already included Fairfax County’s FY 2016 Adopted Budget, and there will be no fiscal impact, if this item is approved. These funds are available through January 31, 2016.

ENCLOSED DOCUMENTS:
Attachment 1: Agreement for the Use of Federal Highway Administration Congestion Mitigation Air Quality Program Funds, FY 2015
Attachment 2: Project Agreement between the Virginia Department of Rail and Public Transportation and Fairfax County for the Provision of Funding for the Connector Transit Stores

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Dwayne Pelfrey, Director, Transit Services Division
Malcolm Watson, Transportation Planner, FCDOT
Judy Carleton, Coordination and Funding, FCDOT

Attachment 1

AGREEMENT

FOR THE USE OF

FEDERAL HIGHWAY ADMINISTRATION

CONGESTION MITIGATION AIR QUALITY PROGRAM FUNDS

FISCAL YEAR 2015

PROJECT 47015-02

CM 5A01 (610)

UPC T207

FAIRFAX COUNTY

Section No.	Description
	Introduction
1	Purpose and Source of Funds
2	Project Budget
3	Requisitions and Payments
4	Termination
5	Contracts of the Grantee
6	Restriction, Prohibitions, Controls and Labor Provisions
7	Liability Waiver
8	Compliance with Title VI of the Civil Rights Act of 1964
9	Incorporation of Provisions
10	Special Provisions
Appendix A	Project Description and Budget
Appendix B	Restrictions, Prohibitions, Controls, and Labor Provisions
Appendix C	Title VI
Appendix D	Audit Guidelines

This Project Agreement ("Agreement"), effective November 6, 2014, by and between the Commonwealth of Virginia Department of Rail and Public Transportation ("Department") and Fairfax County ("Grantee"), is for the provision of funding for the Fairfax Connector Transit Stores ("Project").

WHEREAS, under provisions set forth under 23 U.S.C. § 149, the Congestion Mitigation Air Quality ("CMAQ") program was established to fund transportation projects or programs that will contribute to attainment of national ambient air quality standards or maintaining national ambient air quality standards in maintenance areas; and

WHEREAS, the Department and the Grantee desire to secure and utilize these grant funds; and

WHEREAS, on November 6, 2014, the Federal Highway Administration ("FHWA") approved funding for the Project.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Department and the Grantee agree as follows.

SECTION 1: <u>Purpose and Source of Funds</u>

Provided the requirements of this Agreement are met, the Department agrees to make available to the Grantee the sum of $400,000 in 23 U.S.C. § 149 CMAQ Federal funds. This amount is provided to carry out the work activities described in the approved Project scope of work in Appendix A, attached and made a part of this Agreement. The Project is contained in the approved Transportation Improvement Plans of both the urbanized area of which the Grantee is a part and the Commonwealth of Virginia.

SECTION 2: Project Budget

The Project Budget is the latest requested by the Grantee and approved by the Department. The Project Budget is contained in the attached Appendix A and is made a part of this Agreement. The Grantee shall carry out the Project and shall incur obligations against and make disbursements of the Project funds only in conformity with the latest approved budget for the Project. Indirect costs are an allowable expense if they are based on a cost allocation plan that has been approved by the Department.

Federal funds provided in this Agreement are contingent upon FHWA funding. In no event shall the Department be liable to the Grantee for any portion of the Federal share of the Project cost. The Department's responsibility for the Project cost shall be limited to the cost of coordination and processing the Grantee's reimbursement requests to the FHWA.

SECTION 3: Requisitions and Payments

a. Requests for Payment by the Grantee. The Grantee will make requests for payment of eligible costs as defined in 23 U.S.C. § 601. The request for payment will be for the Federal share of the total Project cost at the rate of Federal participation shown in the Project Budget. In order to receive payments, the Grantee must:

1. Submit a reimbursement request in the OLGA Grants Management System to the Department; and
2. Identify the source or sources of the non-Federal share of financial assistance under this Project from which the payment is to be derived.

b. Upon receipt of satisfactory documentation, the Department will use all reasonable means to electronically transfer funds for the Federal share of allowable costs to the Grantee within 30 days.

SECTION 4: Termination

For convenience. The Department may terminate this Agreement at any time without cause by providing written notice to the Grantee of such termination. Termination shall be effective on the date of the receipt of notice by the Grantee. In the event of such termination, the Grantee shall be compensated for allowable costs through the date of receipt of the written termination notice from the Department.

SECTION 5: Contracts of the Grantee

Without prior written authorization by the Department, the Grantee shall not: (1) assign any portion of the work to be performed under this Agreement; (2) execute any contract, amendment, or change order concerning this Agreement; or (3) obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement. Further, no Request for Proposal ("RFP") which uses CMAQ funds may be issued prior to review and approval of the RFP by the Department.

SECTION 6: Restrictions, Prohibitions, Controls, and Labor Provisions

The Grantee shall comply with all of the restrictions, prohibitions, controls, and labor provisions set forth in Appendix B, attached and made a part of this Agreement.

SECTION 7: Liability Waiver

The Grantee hereby certifies that it is covered by and will keep in force an insurance policy from the Department of Risk Management, or its equivalent, which protects the Commonwealth, the Department, and their officers, agents and employees, against damage, injury, or any other loss caused by the negligence of the Grantee or its officers, agents or employees, which arise from the use of funds provided under this Agreement.

SECTION 8: Compliance with Title VI of the Civil Rights Act of 1964

The Grantee shall comply with the provisions of Title VI of the Civil Rights Act of 1964, and the provisions in Appendix C, attached and made a part of this Agreement.

SECTION 9: Incorporation of Provisions

All covenants and provisions of this Agreement shall be expressly made a part of any subcontracts executed by the Grantee, and the Grantee shall include provisions in every contract with a contractor or subcontractor which makes these covenants and provisions binding on the contractor, subcontractor, and their agents and employees. In addition, the following required provision shall be included in any advertisement for procurement for the Project:

Statement of Financial Assistance: This contract is subject to a financial assistance contract between the Commonwealth of Virginia and the United States Department of Transportation ("U.S. DOT").

SECTION 10: Special Provisions

a. **Special Condition Pertaining to Financing CMAQ Projects**

Sufficient funds must be available from the U.S. DOT and an adequate liquidating cash appropriation must have been enacted into law before payments may be made to the Grantee under this Agreement.

b. All funds made available by this Agreement are subject to audit by the Department or its designee, and by the FHWA or its designee. Current audit guidelines for the Department are set forth in Appendix D, hereto attached and made part of this Agreement.

c. Nothing in this Agreement shall be construed as a waiver of the Grantee's or the Commonwealth's sovereign immunity.

This area intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

Fairfax County

By: _____

Title: Director, Department of Transportation

Date Signed: _____

Appendix A: Project Description and Budget

Grantee: Fairfax County

Project: Funding for the Fairfax Connector Transit Stores

FHWA Grant CM 5A01 (610)
UPC T207

Project Number: 47015-02
Project Start Date: November 6, 2014
Project Expiration Date: January 31, 2016

Fund Code		Item Amount
401	Grant Amount (Federal share of Project cost – 80%)	$400,000
472	State expense (100% of non-Federal Project costs)	$100,000
	Total Project Expense	$500,000

In no event shall this grant exceed $400,000.

Appendix B: <u>Restrictions, Prohibitions, Controls, and Labor Provisions</u>

a. The Grantee, its agents, employees, assigns, or successors, and any persons, firms, or agency of whatever nature with whom it may contract or make agreement, in connection with this Agreement, shall not discriminate against any employee or applicant for employment because of age, race, religion, handicap, color, sex, or national origin. The Grantee shall take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to their age, race, religion, handicap, color, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

b. Disadvantaged Business Enterprises ("DBE"). It is the policy of the U.S. DOT that DBEs, as defined in 49 C.F.R. pt. 26, have the maximum opportunity to participate in the performance of contracts financed in whole or in part with the Federal funds under this agreement. Consequently, the DBE requirements of 49 C.F.R. pt. 26 apply to this agreement.

   The recipient or its contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. DOT-assisted contract or in the administration of its DBE program or the requirements of 49 C.F.R. pt. 26. The recipient shall take all necessary and reasonable steps under 49 C.F.R. pt. 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts. The recipient will utilize the Virginia Department of Transportation's DBE program, as required by 49 C.F.R. pt. 26 and as approved by the U.S. DOT, which is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. § 3801 *et seq.*).

   Pursuant to the requirements of 49 C.F.R. pt. 26, the following clause must be inserted in each third party contract:

   > "The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. pt. 26 in the award and administration of U.S. DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate."

c. Interest of Member of, or Delegates to, Congress. No member of, or delegate to, the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.

d. Conflict of Interest. The Grantee and its officers and employees shall comply with the provisions of the State and Local Governments Conflicts Act, §§ 2.2-3100 *et seq*. of the *Code of Virginia* (1950), as amended.

e. The Grantee, its agents, employees, assigns, or successors, and any persons, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Virginia Fair Employment Contracting Act, §§ 2.2-4200 *et seq.* of the *Code of Virginia* (1950), as amended.

Appendix C: Title VI

During the performance of this Agreement, the Grantee, for itself, its assignees, and successors in interest agrees as follows:

a. **Compliance with Regulations**: The Grantee shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (U.S. DOT), 49 C.F.R. pt. 21, as amended ("Regulations").

b. **Nondiscrimination**: The Grantee, with regard to the work performed by it during the term of this Agreement, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Grantee shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations.

c. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment**: In all solicitations, either by competitive bidding or negotiation, made by the Grantee for work to be performed under a subcontract, including procurements of materials, leases, or equipment, each potential subcontractor or supplier shall be notified by the Grantee of the Grantee's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.

d. **Information-Reports**: The Grantee shall provide all information and reports developed as a result of or required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the Federal Transit Administration ("FTA") to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Grantee is in the exclusive possession of another who fails or refuses to furnish this information, the Grantee shall so certify to the Department or the FTA, as appropriate, and shall set forth the efforts it has made to obtain this information.

e. **Sanctions for Noncompliance**: In the event of the Grantee's noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such Agreement sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

    1. Withholding of payments to the Grantee under the Agreement until the Grantee complies; and/or
    2. Cancellation, termination, or suspension of the Agreement in whole or in part.

f. **Incorporation of Provisions**: The Grantee shall include the requirements of paragraphs a through f in every subcontract (making clear that the requirements on the Grantee are in turn required of all subcontractors), including procurements of materials and leases of equipment, unless exempt by the regulations or directives issued pursuant thereto. The Grantee shall take such action with respect to any subcontract or procurement as the Department or the FTA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Grantee becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Grantee must immediately notify the Department so that steps can be taken to protect the interests of the Department and the United States.

Appendix D: Audit Guidelines

a. OMB Circular A-133, Audits of State and Local Governments and Non-profit Organizations, was issued pursuant to the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156. It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards. A-133 is applicable to recipients of funds under this Agreement. U.S. DOT regulations implementing A-133 are contained in 49 C.F.R. pt. 19 and 23 C.F.R. pt. 420. In addition, other regulations/publications which are applicable and should be referred to as necessary are:

   1. OMB Circular A-87 Revised, "Cost Principles for State, Local and Indian Tribal Governments."

   2. 49 C.F.R. pt. 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" (also referred to as "The Common Rule").

   3. Government Auditing Standards - "Yellow Book" - 2011 Revision.

   4. "Compliance Supplement for Single Audits of State and Local Governments."

   In preparing the audit reports, Part 6 of OMB Circular A-133 should be referenced and complied with.

b. Additional guidance is as follows:

   1. Eligibility of costs is stressed for expenditures made within the grants. OMB Circular A-87 Revised should be referenced and applied. Generally, some of the problems encountered are:
      A. Unacceptable or no cost allocation plan, usually for "indirect costs."
      B. Arbitrary allocation of costs.
      C. Failure to maintain time and attendance records.
      D. Failure to keep accurate track of employee time spent on each of several grants.
      E. Improper documentation.

   2. The report should have sufficient schedules, either main or supplementary, that identify beginning balances, revenues, expenditures by line item and individual grants, and fund balances. Department-issued grants should be separated. A schedule of ineligible costs should also be included if such costs are found.

3. The report should present a schedule of indirect costs and be presented in a manner that indicates the method of developing the costs (including fringe benefits). Indirect costs should be analyzed for eligibility of costs included (interest, taxes, etc.).

4. Costs should be classified to identify expenditures by the grantee in contract to disbursements actually passed through to subrecipients. The scope of the audit should include expenditures made by the subrecipients and be identified in the audit report. This includes consultants, subconsultants, and any other recipient of pass through funds.

5. Generally speaking, it is left up to the auditor's professional judgment to determine materiality in selection of parameters for sample testing and recognition of errors. However, it is suggested that the size of each individual grant in the entity be considered when selecting parameters rather than total overall operation of the entity.

6. The following groups should be sent copies of the audit reports:

   A. Two copies of the audit reports and two copies of the OIG Review of the Report are to be sent to:

      Virginia Department of Rail and Public Transportation
      Attention: Donald Karabaich, Audit Manager
      600 East Main Street, Suite 2102
      Richmond, VA 23219

   B. Grantees expending more than $500,000 a year in Federal assistance must forward a copy of the audit to a central clearinghouse designated by OMB.

      Federal Audit Clearinghouse
      Bureau of the Census
      1201 E. 10th St.
      Jefferson, IN 47132

   C. If your independent annual single audit contains U.S. DOT program findings, a copy of the entire audit report must be submitted to your FTA Regional Office. If your agency receives funds from more than one U.S. DOT agency and FTA is your point of contact for all DBE program issues, then you must submit the entire audit report if it contains any findings related to any U.S. DOT program.

D. If your independent annual single audit report contains no U.S. DOT program findings, a copy of only the Federal Clearinghouse transmittal sheet must be submitted to your FTA Regional Office.

Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2015
Six Year Improvement Program Approved Project
Grant Number 47015-02

This Project Agreement ("Agreement"), effective November 6, 2014, by and between the Commonwealth of Virginia Department of Rail and Public Transportation ("Department") and Fairfax County ("Grantee"), is for the provision of funding for the Fairfax Connector Transit Stores ("Project").

WHEREAS, on November 6, 2014, the Federal Highway Administration ("FHWA") approved funding for the Project; and

WHEREAS, on June 18, 2014, the Commonwealth Transportation Board ("CTB") allocated funding for the Project; and

WHEREAS, the Department provides state matching funds to federal funds for approved projects in the Six Year Improvement Program; and

WHEREAS, the parties wish to define the extent of the Project, the responsibilities of each party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. The Work under the terms of this Agreement is as follows:

    a. Operation of the Fairfax Connector Transit Stores.

2. The Department agrees to provide funding as detailed below:

    a. State grant funding to match federal funds in the amount of $100,000 for the Project approved in the Fiscal Year 2015 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, attached and made a part of this Agreement.

3. The Grantee hereby acknowledges that state grant funding for this grant cannot exceed the amount allocated by the CTB and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.

ARTICLE 2. INCORPORATION OF MASTER AGREEMENT FOR USE OF COMMONWEALTH FUNDS

The parties hereby agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

This space intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

Fairfax County

By: _____

Title: Director, Department of Transportation

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Funding for the Fairfax Connector Transit Stores

FHWA Grant CM 5A01 (610)
UPC T207

Project Number: 47015-02
Project Start Date: November 6, 2014
Project Expiration Date: January 31, 2016

Fund Code		Item Amount
401	Federal expense (share of Project cost – 80%)	$400,000
472	Grant Amount (State share Project cost–100% of non-Federal)	$100,000
	Total Project Expense	$500,000

In no event shall this grant exceed $100,000.

Board Agenda Item
October 20, 2015

11:10 a.m.

Matters Presented by Board Members

Board Agenda Item
October 20, 2015

12:00 p.m.

CLOSED SESSION:

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

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

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

1. *Gary S. Pisner v. Fairfax County Board of Zoning Appeals*, Case No. CL-2012-0017764 (Fx. Co. Cir. Ct.) (Springfield District)

2. *Quan Ho v. Fairfax County, Virginia, Stacey Kincaid, Stan Barry, Ayuhan Vaanjilnorov, David M. Rohrer, John Does 1-3, Jane Does 1-3, John Roes 1-3, and Jane Roes 1-3*, Case No. 1:15cv483 (E.D. Va.)

3. *Huixuan Zhou v. Matthew Marcialis*, Case No. GV15-014315 (Fx. Co. Gen. Dist. Ct.)

4. *Kaveh Sari v. Board of Supervisors of Fairfax County, Fairfax County Park Authority, et al.*, Case No. CL-2015-0012396 (Fx. Co. Cir. Ct.) (Mount Vernon District)

5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2014-0001444 (Fx. Co. Cir. Ct.) (Providence District)

6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)

8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janak R. Sachdev and Neelam Sachdev*, Case No. CL-2014-0010732 (Fx. Co. Cir. Ct.) (Mount Vernon District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan*, Case No. CL-2013-0012453 (Fx. Co. Cir. Ct.) (Sully District)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ross Spagnolo*, Case No. CL-2011-0005847 (Fx. Co. Cir. Ct.) (Providence District)

11. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammad Ali*, Case No. CL-2015-0009648 (Fx. Co. Cir. Ct.) (Dranesville District)

12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yurie C. Chigna*, Case No. CL-2015-0012344 (Fx. Co. Cir. Ct.) (Hunter Mill District)

13. *Gilbert Rivera v. Fairfax County Board of Supervisors and Chad Crawford, Director of Maintenance and Stormwater Management*, Case No. GV15-018984 (Fx. Co. Gen. Dist. Ct.)

14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jubilo Incorporated*, Case No. GV15-015625 (Fx. Co. Gen. Dist. Ct.) (Sully District)

15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edgar Gramajo and Miryam Gramajo*, Case No. GV15-014952 (Fx. Co. Gen. Dist. Ct.) (Lee District)

16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James E. Watkins*, Case No. GV15-018998 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. James E. Watkins*, Case No. GV15-018999 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mahmud Rashid*, Case No. GV15-018997 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer L. Audibert and Joseph G. Henry*, Case Nos. GV15-019074 and GV15-019075 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)

20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jennifer C. Markley*, Case No. GV15-019382 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

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Board Agenda Item
October 20, 2015

3:00 p.m.

Public Hearing on RZ 2015-SU-002 (JLB Realty, LLC) to Rezone from PDC, HC, WS, and SC to PRM, HC, WS, and SC to Permit Residential Use with an Overall Density of 50.1 Dwelling Units Per Acre (du/ac) and Approval of the Conceptual Development Plan, Located on Approximately 7.08 Acres of Land (Sully District)

Also Under the Board's Consideration will be the Applicant's Water Quality Impact Assessment Request # 7265-WQ-001-1 and a Resource Protection Area Encroachment Exception Request # 7265-WRPA-002-1 Under Section 118-6-9 (Chesapeake Bay Preservation Ordinance) of Chapter 118 of the Code of the County of Fairfax, Located on Approximately 7.08 Acres of Land to Permit Encroachment within a Resource Protection Area (RPA) for the Purpose of Constructing Publically Accessible Amenities (Sully District) (Concurrent with PCA 86-S-071-04)

This Property is located North of Lee Highway on the South Side of Trinity Parkway. Tax Map 54-4 ((15)) 12A.

and

Public Hearing on PCA 86-S-071-04 (JLB Realty, LLC) to Amend the Proffers for RZ 86-S-071 Previously Approved for Mixed Use Development to Permit Deletion of 7.08 Acres of Land Area to be Included in the Concurrent RZ 2015-SU-002, Located on Approximately 7.08 Acres of Land Zoned PDC, SC, WS, and HC (Sully District) (Concurrent with RZ 2015-SU-002)

This Property is Located North of Lee Highway on the South Side of Trinity Parkway Tax Map 54-4 ((15)) 12A

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 15, 2015, the Planning Commission voted 9-0 (Commissioners Lawrence, Murphy, and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 86-S-071-04;

- Approval of RZ 2015-SU-002 and the associated Conceptual Development Plan, subject to the execution of Proffers consistent with those dated October 15, 2015;

- Approval of a modification of Section 2-505 of the Zoning Ordinance to allow the proposed structures, as shown on the CDP/FDP, to be located within corner lot restriction areas;

- Approval of a modification of loading requirements (per Section 11-202, Par. 3A of the Zoning Ordinance), to allow two indoor loading docks instead of five required loading spaces;

- Approval of a modification of parking lot landscaping requirements, in lieu of landscaping shown the CDP/FDP;

- Approval of a modification of bike trail requirements along Trinity Parkway, in favor of the cross section shown on CDP/FDP;

- Direct the Director of the Department of Public Works and Environmental Services to approve a PFM deviation from the Tree Preservation Target (per Section 12-0508.3A(1)), as described on the CDP/FDP; and

- Approval of the associated RPA exception request and Water Quality Impact Assessment, subject to exception conditions consistent with those contained in the Staff Report.

In a related action, the Planning Commission voted 9-0 (Commissioners Lawrence, Murphy, and Strandlie were absent from the meeting) to approve FDP 2015-SU-002, subject to the Board's approval of RZ 2015-SU-002.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4502635.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), Mike Lynskey, Planner, DPZ

RZ/FDP 2015-SU-002/PCA 86-S-071-04 – JLB REALTY, LLC

After the Close of the Public Hearing

Commissioner Litzenberger: Thank you, Mr. Chairman. I do have a question for Mr. Looney. Sir, will you request that the applicant confirm for the confirm for the record their agreement to the proposed RPA Exception conditions contained in Appendix 10 of the staff report and the and dated September 16th, 2015?

Mark Looney, Esquire, Applicant's Agent, Cooley LLP: Yes, sir, we do.

Commissioner Litzenberger: Okay, thank you. We don't need to ask for the development conditions since there aren't any, and the proffered conditions have already been signed. So, should I go ahead with the motions?

Vice Chairman de la Fe: Go ahead.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 86-S-071-04.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

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

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2015-SU-002 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 15TH, 2015.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2015-SU-002, SUBJECT TO THE BOARD APPROVAL OF RZ 2015-SU-002.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Litzenberger: Two more. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS LISTED IN THE STAFF REPORT, WHICH HAVE ALSO BEEN DISTRIBUTED TO YOU ON A SHEET, DATED OCTOBER 14TH, 2015.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

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

Commissioner Litzenberger: Thank you. Lastly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE ASSOCIATED RPA EXCEPTION REQUEST AND WATER QUALITY IMPACT ASSESSMENT, SUBJECT TO EXCEPTION CONDITIONS CONSISTENT WITH THOSE CONTAINED IN THE STAFF REPORT.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. All those in - any discussion? Seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

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(Each motion carried by a vote of 9-0. Commissioners Lawrence, Murphy, Strandlie were absent from the meeting.)

JN

Board Agenda Item
October 20, 2015

3:00 p.m.

Public Hearing on PCA 2006-SU-025-02 and CDPA 2006-SU-025 (Regency Centers Acquisition, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2006-SU-025 Previously Approved for a Mixed Use Development to Permit Approximately 186,000 Square Feet of Retail/Commercial Uses and Associated Modifications to Proffer and Site Design with an Overall Floor Area Ratio (FAR) of 0.20, Located on Approximately 20.97 Acres of Land Zoned PDC WS (Sully District)

This property is located on the North East Quadrant of the Intersection of Newbrook Drive Park Meadow Drive and Westfields Boulevard approximately 1,250 Feet East of Sully Road. Tax Map 44-1 ((1)) 6pt.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 14, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Murphy were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2006-SU-025-02, subject to the execution of Proffers, consistent with those dated October 5, 2015;
- Approval of CDPA 2006-SU-025; and
- Approval of a deviation to the Tree Preservation Target, in favor of the alternatives as shown on the proposed plan and as conditioned.

In a related action the Planning Commission voted 10-0 (Commissioners Lawrence and Murphy were absent from the meeting) to approve FDPA 2006-SU-025-02, subject to Development Conditions dated September 30, 2015, and subject to the Board of Supervisors' approval of the concurrent PCA application.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4502638.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), Joe Gorney, Planner, DPZ

PCA 2006-SU-025-02/CPA 2006-SU-025/FDPA 2006-SU-025-02 – REGENCY CENTERS ACQUISITION, LLC

After the Close of the Public Hearing

Vice Chairman de la Fe: The public hearing is closed. This is in the Sully District. Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. First, I want to thank Mr. McDermott, Ms. Yantis, Ms. Abrahamson, and Mr. Gorney for their fine staff work on this project. It was a complicated one and we're under a bit of a time constraint with the end of the year approaching rapidly so, therefore Mr. Chairman, I move the planning commission recommend to the board of supervisors the following – oh and first, I forgot Mr. Chairman I request the applicant to confirm for the record their agreement to development conditions dated September 30, 2015 and the proffers dated October 5th, 2015.

Francis McDermott, Applicant's Agent, Hunton & Williams LLP: We do.

Commissioner Litzenberger: Thank you. Mr. Chairman I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING:

- APPROVAL OF PCA 2006-SU-025-02, SUBJECT TO THE EXECUTION OF THE PROFFERS, CONSISTENT WITH THOSE DATED OCTOBER 5TH, 2015;
- APPROVAL OF CDPA 2006-SU-025; AND
- APPROVAL OF A DEVIATION TO THE TREE PRESERVATION TARGET, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Any discussion? Hearing and seeing none for these three motions, all those in favor please signify your vote in favor.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

Commissioner Litzenberger: One more motion: I FURTHER MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2006-SU-025-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED SEPTEMBER 30TH, 2015, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT PCA APPLICATION.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

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(The motions carried by a vote of 10-0. Commissioners Lawrence and Murphy were absent from the meeting.)

TMW

Board Agenda Item
October 20, 2015

3:00 p.m.

Public Hearing on SEA 97-Y-002-02 (Chantilly Associates, Inc.) to Amend SEA 97-Y-002 Previously Approved for a Service Station Quick Service Food Store and Car Wash to Permit Modification of Development Conditions, Located on Approximately1.16 Acres of Land Zoned I-5, WS (Sully District)

This property is located at 5000 Westone Plaza, Chantilly 20151. Tax Map 44-3 ((6)) 21D.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, September 30, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Strandlie were absent from the meeting) to recommend to the Board of Supervisors approval of SEA 97-Y-002-02, subject to the Development Conditions dated September 15, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500969.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Sharon Williams, Planner, DPZ

SEA 97-Y-002-02 – CHANTILLY ASSOCIATES, INC

After the close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed; recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. I MOVE THE PLANNING COMMISSION APPROVE SEA 97-Y-002-02 SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER -

Chairman Murphy: Do you need to get someone to come up and -

Commissioner Litzenberger: Oh.

Chairman Murphy: Ms. Strobel, please.

Commissioner Litzenberger: Does your applicant understand and agree to the development conditions?

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Yes, the applicant agrees, thank you.

Commissioner Flanagan: I second the motion.

Chairman Murphy: Did you finish it?

Commissioner Litzenberger: No.

Chairman Murphy: Okay, we are not in any hurry tonight, we just don't want to be here when it starts raining.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION APPROVE SEA 97-Y-002-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 15th, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-Y-002-02, say aye.

Commissioners: Aye.

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

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting.)

TMW

Board Agenda Item
October 20, 2015

3:00 p.m.

Public Hearing on SE 2015-SU-018 (Chantilly Auto Care Center, LLC) to Permit a Service Station Mini-Mart in a Highway Corridor Overlay District and to Permit a Waiver of the Minimum Lot Width Requirements for the C-8 Zoning District, Located on Approximately 1.06 Acres of Land Zoned C-8, WS and HC (Sully District)

This property is located at 13704 Lee Jackson Memorial Highway, Chantilly, 20151.
Tax Map 34-4 ((5)) A.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 15, 2015, the Planning Commission voted 9-0 (Commissioners Lawrence, Murphy, and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2015-SU-018, subject to the Development Conditions dated September 30, 2015;
- Approval of a modification of the peripheral parking lot landscaping in favor of the landscaping treatment as depicted on the SE Plat and as conditioned; and
- Approval of a modification of the trail requirements on Route 50, which is Lee Jackson Memorial Highway, in favor of the existing eight-foot wide trail and the proposed ten-foot wide trail shown on the SE Plat.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4502655.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
William O'Donnell, Planner, DPZ

SE 2015-SU-018 – CHANTILLY AUTO CARE CENTER

After the Close of the Public Hearing

Vice Chairman de la Fe: I'll will close the public hearing; Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. Mr. Martin, could you please confirm for the record to the proposed development conditions dated September 30th, 2015?

Keith Martin, Esquire, Applicant's Agent, Tramonte, Yeonas,Roberts & Martin, PLLC: Yes, we agree to that.

Commissioner Litzenberger: This is a fairly straightforward application. It's the result of the elder-care facility going in across the street and they had to kind of clean up the site here to have access on the service road, so therefore, I MOVE THAT THE PLANNING RECOMMEND APPROVAL OF SE 2015-SU-018, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 30TH, 2015.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Is there any discussion?

Commissioner Flanagan: Yes.

Vice Chairman de la Fe: Yes, Mr. Flanagan.

Commissioner Flanagan: On page 4 of the staff report, there is a layout of the station and it shows that the station faces Lee Jackson Memorial Highway. Is that correct?

William O'Donnell: That's correct.

Commissioner Flanagan: And it shows an access into the station fairly close to Lee Jackson Highway. Is that correct?

Mr. O'Donnell: What it shows is there's - - Actually there's four existing access points on the site today. There's two on Downs Drive. Oh, there it goes. There's two on Downs Drive, and then there's the service road, and then there's two existing off of Lee Jackson Memorial Highway. Those were built - those were available when the station was first built, probably in the 70s. This applicant with the proposal is proposing to close the access- - The two on the service drive stay, but they're closing this access point here and then one of the Downs Drive access points here, and then they're doing the sidewalk improvement. They're adding the ability to store more cars here for their service station and then in this location right here they're adding an ability to queue up for state inspections. So they're actually doing quite a good amount of improvements to the existing site as it is today.

Commissioner Flanagan: But right up there, just to the right of your cursor -

Commissioner Litzenberger: Do you know we're on verbatim, Mr. Flanagan?

Vice Chairman de la Fe: Yes, we - we are on verbatim and this is, you know, we

Commissioner Litzenberger: If you want a staff report -

Vice Chairman de la Fe: You had the - you had the opportunity before.

Commissioner Flanagan: I just wanted to draw attention to the similarity of the geometry of this case and the one we were previously talking about.

Vice Chairman de la Fe: Well, that's okay. Any further discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Litzenberger: I have three more, Mr. Chairman. We support this 100 percent, which is one of the reason we're doing this at this time. I move that the planning commission recommend approval of a modification of the transitional screening and barrier requirements to the north, west, and east, in favor of the landscaping treatments depicted on the SE plat as conditioned.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Litzenberger: Two more. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING IN FAVOR OF THE LANDSCAPING TREATMENT AS DEPICTED ON THE SE PLAT AND AS CONDITIONED.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Litzenberger: Lastly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRAIL REQUIREMENTS ON ROUTE 50, WHICH IS LEE JACKSON MEMORIAL HIGHWAY, IN FAVOR OF THE EXISTING EIGHT-FOOT WIDE TRAIL AND THE PROPOSED TEN-FOOT WIDE TRAIL SHOWN ON THE SE PLAT.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

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(Each motion carried by a vote of 9-0. Commissioners Lawrence, Murphy, Strandlie were absent from the meeting.)

JN

Board Agenda Item
October 20, 2015

3:00 p.m.

Public Hearing on SE 2015-DR-016 (Metropolitan Washington Airports Authority (MWAA) and the Virginia Department of Rail and Public Transportation on Behalf of the Washington Metropolitan Area Transit Authority and the Board of Supervisors of Fairfax County, Virginia) to Permit Electronically Powered Regional Rail Transit Facilities on Approximately 6,515 Square Feet of Land Zoned PRM (Dranesville District)

This property is located on the South East Side of Sunrise Valley Drive, West Side of Dulles Station Boulevard and North of Sayward Boulevard. Tax Map 15-2 ((1)) 13A pt.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 1, 2015, the Planning Commission voted 10-0 (Commissioner Hedetniemi and Lawrence were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2015-DR-016, subject to the Development Conditions dated September 16, 2015.

In a related action the Planning Commission voted 10-0 (Commissioner Hedetniemi and Lawrence were absent from the meeting) to approve 2232-D15-6. 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 and was substantially in accord with the provisions of the Comprehensive Plan.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500982.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
William O'Donnell, Planner, DPZ

SE 2015-DR-016/2232-D15-6 – VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION o/b/o THE WASHINGTON METROPOLITAN AREA METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

After Close of the Public Hearing

Chairman Murphy: Without objection – public hearing is closed. Recognize Mr. Ulfelder.

Commissioner Ulfelder: Barely. Mr. Klein, would you come forward? Yes. Would you confirm for the record that the applicants agree with the proposed development conditions now dated September 16th, 2015?

Noah Klein, Applicant's Agent, Odin, Feldman & Pittleman, PC: I so confirm.

Commissioner Ulfelder: Okay. Thank you. This is another one of the Silver Line entrances for the – for what will be here eventually – the extensions part – the second part of the Silver Line. This is the southern entrance at the innovation center, which used to be the – was called the Route 28 center. And we're just approving the pavilion there, as well as the elevated pedestrian walkway. There's one slight difference with this than some of the others. They found a little extra room for some additional bike lockers underneath the – underneath the proposed pedestrian walkway. If you recall, at the Wiehle Avenue parking garage, the people – they ran out of spaces quickly for bicyclists. There's a lot of people prepared to use bicycles as their way to get to the Metro. And we want to do whatever we can to help them do that. With that, I concur with staff's conclusion that the proposed electrically-powered regional rail transit facilities, to be located on the south side of the Dulles Airport Access Road and at the – at the Innovation Station – proposed Innovation Station of the Silver Line – satisfies the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND 2232-D15-6, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN. And, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-DR-016, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 16TH, 2015.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All right, first – all those in favor of the motion to approve 2232-D15-6, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And secondly, all those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-DR-016, say aye.
Commissioners: Aye.

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

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(Each motion carried by a vote of 10-0. Commissioner Hedetniemi and Lawrence were absent from the meeting.)

JLC

Board Agenda Item
October 20, 2015

3:00 p.m.

Public Hearing on SE 2015-SU-017 (BBCN Bank) to Permit a Drive-In Financial Institution in a Highway Corridor Overlay District, Located on Approximately 1.26 Acres of Land Zoned C-6, SC, WS, and HC (Sully District)

This property is located at 13890 Braddock Road, Centreville 20121. Tax Map 54-4 ((1)) 87D pt.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 1, 2015, the Planning Commission voted 10-0 (Commissioners Hedetniemi and Lawrence were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2015-SU-017, subject to the Development Conditions dated September 16, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500983.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Sharon Williams, Planner, DPZ

SE 2015-SU-017 – BBCN BANK

After Close of the Public Hearing

Chairman Murphy: Without objection – public hearing is closed. Recognize Mr. Litzenberger.

Commissioner Litzenberger: Mr. Chairman, can I have the applicant confirm for the record their agreement to development conditions dated September 16th, 2015?

Inda Stagg, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes, we agree to these conditions.

Commissioner Litzenberger: Thank you. I MOVE THE PLANNING COMMISSION APPROVE SE 2015-SU-017, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 16TH, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. 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 2015-SU-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Thank you, Mr. Chairman.

Chairman Murphy: Thank you.

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(The motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

JLC

Board Agenda Item
October 20, 2015

3:30 p.m.

Public Hearing on RZ 2010-PR-022 (TMG Solutions Plaza Land L.P.) to Rezone from C-4, SC and HC to PTC, SC and HC to Permit Mixed Use Development with an Overall Floor Area Ratio up to 5.33 and Approval of the Conceptual and Final Development Plans, Located on Approximately 18.10 Acres of Land (Providence District)

This property is located in the South West Quadrant of the Intersection of Westpark Drive and Greensboro Drive and North of Solutions Drive. Tax Map 29-3 ((15)) 4D1, 4E1, 4F1, 4G, 7A1, 7B1, 7C1, and 7E1.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 7, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Litzenberger were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2010-PR-022, subject to the Proffers now dated October 5, 2015;
- Approval of a waiver of Section 2-505 of the Zoning Ordinance (ZO) to permit structures and vegetation on a corner lot as shown on the CDP/FDP;
- Approval of a modification of Section 2-506 of the ZO to allow for a parapet wall, cornice or similar projection to exceed the height limit established by more than three (3) feet as may be indicated on the FDP to screen mechanical equipment;
- Approval of a modification of Paragraph 3E of Section 10-104 of the ZO, which limits fence height to seven feet, to permit a maximum fence height of 14 feet around outdoor recreational courts and fields shown on an FDP;
- Approval of a modification of Paragraph 4 of Section 11-202 of the ZO requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on the CDP/FDP;
- Approval of a waiver of Section 11-302 of the ZO to allow a private street to exceed 600 feet in length as shown on the CDP;
- Approval of a waiver of Paragraph 8 of Section 13-202 of the ZO to modify the peripheral landscaping requirements for the interim surface parking lots to that which are shown on the CDP/FDP;

- Approval of a waiver of Paragraph 5 of Section 13-203 of the ZO to modify the peripheral landscaping requirements for the surface parking lots that will remain on an interim basis to that which are shown on the CDP/FDP;

- Approval of a waiver of Section 16-403 of the ZO in order to permit a public improvement plan for public streets and park spaces without the need for an FDP;

- Approval of a waiver of Section 17-201 of the ZO, to not require the provision of a service road along Leesburg Pike;

- Approval of a modification of Section 17-201 of the ZO to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan;

- Approval of a waiver of Paragraph 3 of Section 17-201 of the ZO to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP/FDP and as proffered;

- Approval of a waiver of Paragraph 4 of Section 17-201 of the ZO to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers;

- Approval of a waiver of Paragraph 7 of Section 17-201 of the ZO to permit the applicant to establish parking control signs and parking meters along private streets within and adjacent to the development;

- Approval of a modification of Section 12-0508 of the PFM to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3); and

- Approval of a modification of Section 12-0510 of the PFM to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions.

In a related action, on Wednesday, October 7, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Litzenberger were absent from the meeting) to approve FDP 2010-PR-022, subject to the Development Conditions dated September 9, 2015, and subject to the Board's approval of RZ 2010-PR-022.

Board Agenda Item
October 20, 2015

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500258.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Bob Katai, Planner, DPZ

Planning Commission Meeting Attachment 1
October 7, 2015
Verbatim Excerpt

RZ/FDP 2010-PR-022 – TMG SOLUTIONS PLAZA LAND LP

Decision Only During Commission Matters

Commissioner Hart: Thank you, Mr. Chairman. On September 24, the Planning Commission held a public hearing on a combined rezoning and final development plan application by TMG Solutions Plaza Land LP, on approximately 18 acres of land at the Greensboro Metro station on the Silver Line in the Providence District. We deferred decision until tonight to work on proffer wording, principally regarding the library, and also to consider citizen objections. We are basically ready, subject to two minor issues staff has mentioned, which will be fine tuned before this gets to the Board on the 20th; but to still maintain a 2015 Board date, we need to move forward tonight. The application had been pending for five years and represents the culmination of many discussions between the applicant, county staff, Supervisor Smyth's office, and the community. Once again, I am pinch hitting for Commissioner Lawrence; I only got involved earlier this year. I want to thank staff, particularly Bobby Katai, Cathy Lewis, and Tracy Strunk, as well as Mike Wing in Supervisor Smyth's office, for their assistance. I also want to thank Commissioner Lawrence for his analysis and thoughts and, finally, the applicant and Elizabeth Baker for their willingness to work with us. This application represents the type of dynamic mixed-use development Fairfax County wants to promote around Metro stations, including both residential and office together, a retail district including a full size grocery store for which Whole Foods will be the tenant and a cinema complex, as well as a public library, public park spaces, an offsite athletic field, and other significant commitments. The application has received a thorough vetting and has staff's support. The McLean Citizens Association, however, opposes the application on the basis that the heights proposed for the – for three buildings are not in conformance with the adopted Comprehensive Plan. That issue was the most difficult aspect of this case. I have carefully considered both staff's position and that of the MCA. I have concluded that the application deserves our favorable recommendation for the reasons stated in the staff report. I would add the following observations: I do not view the height recommendations in the Comprehensive Plan as a rigid template, and every application is viewed individually. Working around existing structures and infrastructure may require some flexibility. This site has varied topography to begin with, including some of the highest ground in Tysons. Significantly, the Board of Supervisors already approved the Dittmar application on the adjacent property to the immediate west, somewhat further from the station, which building also exceeded the height recommendation in the Plan. Significantly also, this applicant is proposing to retain three existing office buildings at a much lower height, which are still in good condition but which occupy the portion of the site closest to the station. The three buildings to which the MCA objects are located further away from the station than the lower existing buildings but closer than the Dittmar site. To retain the existing office but achieve the contemplated intensity desirable at a Metro station requires some relocation of the intensity to the west of the ring on the Plan and in the direction of the Dittmar site. Stated another way, retaining the existing buildings requires that the new buildings be slightly further away from the station than if the site were vacant. The applicant's proposed configuration represents, in my view, a logical shift or displacement of the intensity contemplated at a rail station, rather than disregarding the Comprehensive Plan guidance. The Comprehensive Plan is a guide. The Board of Supervisors retains the flexibility to evaluate each application on its merits and on some sites we may conclude that the ring-shaped

height recommendations in the Plan do not require a strict wedding cake tiered ring. To the contrary, we want to encourage variety and an interesting skyline in Tysons. Here also, the orientation and massing of the buildings has been carefully handled. The building designs, in relation to the integrity of the project, further support staff's conclusion. The lower stories form a podium, but the taller towers are stepped back and not immediately apparent at sidewalk level. The taller buildings are both visually separated and oriented to different axes so that windows are not facing directly into other windows. The stepping back of the buildings from the street also avoids the effect of a barrier wall or canyon and helps integrate the project into its context. The design also incorporates a proposed street grid and a well planned pedestrian system. At Commissioner Lawrence's request, I am noting also that if this proposal is approved, the plan intensity close to the Metro station will be met and, if in the future the existing buildings are to be redeveloped, their designs will need to take into account what we have done on this approval. The applicant is not getting more intensity through this approval, they are getting slightly reconfigured intensity. The Comprehensive Plan recognizes that projects are not going to be identical and that building design and height will not be uniform. Harmony also does not require the entire orchestra to be playing the same note. Here on this site, given the existing buildings, the prior approval of the taller building to the west, and the site constraints, I agree with staff's conclusion about the height issue and am satisfied that the proposal is in harmony with the adopted Comprehensive Plan. Following the public hearing, the applicant has revised the library proffer, with detailed changes distributed yesterday, found on pages 58 through 67 of the latest proffers. The applicant also has committed to construct a pedestrian bridge to the Metro station, significantly improving access to the library, and the recreational amenities in Energy Park. The applicant also has a revised proffer regarding flexibility for office space above the street level retail uses, but within the overall cap for office space, which may allow what is known as office loft spaces in this interesting mix. Staff is supportive of all these changes to the proffers. With the resolution of the proffer wording issues, pending two minor details still being fine tuned, and the foregoing analysis of the height issue, I believe, as does staff, that the applications are ready to move forward. At this time, I request the applicant to confirm for the record its agreement to the proposed development conditions, dated September 9, 2015.

Elizabeth Baker, Senior Land Use Coordinator, Walsh, Colucci, Lubeley & Walsh PC: Good evening. I'm Elizabeth Baker with Walsh, Colucci and I do agree that the applicant is accepting of those development conditions.

Commissioner Hart: And Ms. baker, if you also could please confirm that the applicant will continue to work with staff on the two library proffer details the Mr. Katai discussed before this gets to the Board.

Ms. Baker: Absolutely, we will continue to, and I don't imagine there will be any problem resolving those.

Commissioner Hart: Thank you. Therefore, Mr. Chairman, I will have three motions: First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-022, SUBJECT TO THE PROFFERS NOW DATED OCTOBER 5, 2015.

Commissioners Sargeant and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2010-PR-022, say aye.

Commissioners: Aye.

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

Commissioner Hart: Second, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 9, 2015, AND SUBJECT TO THE BOARD'S APPROVAL OF RZ 2010-PR-022.

Commissioners Sargeant and Ulfelder: Second.

Chairman Murphy: Same seconds. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2010-PR-022, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

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

Commissioner Hart: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS, AS LISTED ON THE HANDOUT DATED SEPTEMBER 9, 2015, THAT WAS PROVIDED TO YOU PREVIOUSLY AND MADE A PART OF THE RECORD OF THIS CASE.

Commissioners Sargeant and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Ulfelder. Discussion? All those in favor of that, 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 Litzenberger were absent from the meeting.)

JN

Board Agenda Item
October 20, 2015

3:30 p.m.

Public Hearing on AR 90-D-003-03 (Joan Lewis Jewett and Jewett Family Corporation, Inc.) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 25.19 Acres of Land Zoned R-1 (Dranesville District)

This property is located at 8700 Lewinsville Road, McLean, 22102. Tax Map 29-1 ((1)) 71 Z, 72 Z, 73 Z, 74 Z.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 14, 2015, the Planning Commission 10-0 (Commissioners Lawrence and Murphy were absent from the meeting) to recommend that the Board of Supervisors approve AR 90-D-003-03 and amend Appendix F of the county code to renew the Jewett Local Agricultural and Forestal District, subject to ordinance provisions dated September 30, 2015, which were contained in the Staff Report.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4502634.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Mike Lynskey, Planner, DPZ

AR 90-D-003-03 – JEWETT FAMILY CORPORATION INC.

After Close of the Public Hearing

Vice Chairman de la Fe: I'll close the public hearing and move to your motion, thank you.

Commissioner Ulfelder: This property, this will be I think the fourth time that we are going to be approving this for the Jewett property. It is literally within a stone's throw of Tysons Corner. You could stand on their road frontage and probably hit a couple of large buildings in Tysons Corner. In that sense, it's very unusual to have a property of this size, and in an A&F District, and one that's been in that kind of a district for so long. And people love it and people are happy to see it, and a lot of people drive by it on Lewinsville Road every morning and every evening. With that being said Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 90-D-003-03 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE JEWETT LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 30th, 2015, WHICH WERE CONTAINED IN THE STAFF REPORT.

Commissioner Migliaccio: Second.

Commissioner Ulfelder: Do we need to have them…

Vice Chairman de la Fe: I don't think they're in there.

Commissioner Ulfelder: I don't think we need to. So, if I move that –

Vice Chairman de la Fe: And if there are any, you know, development conditions, those are standards. Okay, Mr. Migliaccio seconded. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Murphy were absent from the meeting.)

TMW

Board Agenda Item
October 20, 2015

3:30 p.m.

Public Hearing on AR 90-S-004-03 (JLB Associates) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 34.10 Acres of Land Zoned R-C (Springfield District)

This property is located on the North and South Sides of Popes Head Road Approximately 3,000 Feet West of its intersection with Colchester Road. Tax Map 66-4 ((1)) 19Z.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 7, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Litzenberger were absent from the meeting) to recommend to the Board of Supervisors that it approve Appendix F of the County Code to be amended to renew the JLB Local Agricultural and Forestal District, subject to the proposed Ordinance Provisions contained in Appendix 1.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4501762.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Mike Lynskey, Planner, DPZ

AR 90-S-004-03 – JLB ASSOCIATES

After Close of the Public Hearing

Vice Chairman de la Fe: Public hearing is closed; Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. This is 34 wooded acres Popes Head Road. It has been renewed in 1999 and 2009 and, again, this year; so I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE APPENDIX F OF THE COUNTY CODE TO BE AMENDED TO RENEW THE JLB LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE PROPOSED ORDINANCE PROVISIONS CONTAINED IN APPENDIX 1.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Ms. Hedetniemi. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

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

//

(Each motion carried by a vote of 10-0. Commissioners Lawrence and Litzenberger were absent from the meeting.)

JN

Board Agenda Item
October 20, 2015

3:30 p.m.

Public Hearing on AR 2005-DR-001 (Gary A. Simanson and Private Historic Preservation Group, LLC) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 23.81 Acres of Land Zoned R-E (Dranesville District)

This property is located at 840 Leigh Mill Road, Great Falls, 22066. Tax Map 13-3 ((1)) 19Z, 20Z, 24Z, 26Z, and 43Z.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 7, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Litzenberger were absent from the meeting) to recommend that the Board of Supervisors approve AR 2005-DR-001 and amend Appendix F of the County Code to renew the Simanson Local Agricultural and Forestal District, subject to Ordinance Provisions dated September 24, 2015, which were contained in the Staff Report.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4501763.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Mike Lynskey, Planner, DPZ

AR 2005-DR-001 – GARY A. SIMANSON & PRIVATE HISTORIC PRESERVATION GROUP, LLC

After Close of the Public Hearing

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

Commissioner Ulfelder: This is a property – well known property in Great Falls. It involves a historic home and is being – and has been renovated and updated and at the same time - - I should say restored and – to be the proper term. And the gentleman who owns this property is trying to return it to what it looked like in the 1780s when it was initially built and I think everyone in Great Falls is aware of this particular property. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 2005-DR-001 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE SIMANSON LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 24TH, 2015, WHICH WERE CONTAINED IN THE STAFF REPORT.

Commissioners 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 AR 2005-DR-001, 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 Litzenberger were absent from the meeting.)

JN

Board Agenda Item
October 20, 2015

3:30 p.m.

Public Hearing on AF 2015-SP-001 (Heather Scott-Molleda, Jose Maria Molleda) to Permit the Creation of an Agricultural and Forestal District, Located on Approximately 23.17 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 6500 Clifton Road, Clifton 20124. Tax Map 75-1 ((1)) 3.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, September 24, 2015, the Planning Commission voted 9-0 (Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors approval of AF 2015-SP-001 and to amend Appendix F of the Fairfax County Code to establish the Molleda Local Agriculture and Forestal District, subject to the ordinance provisions dated September 9, 2015, which are contained in the Staff Report.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500261.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Mike Lynskey, Planner, DPZ

AF 2015-SP-001 – HEATHER SCOTT-MOLLEDA, JOSÉ MARIA MOLLEDA

After Close of the Public Hearing

Vice Chairman de la Fe: Any Commission comments? Hearing and seeing none, I'll close the public hearing. This is in the Springfield District – Mr. Chairman.

Commissioner Murphy: Thank you very much. Are the Molledas here? No, they're not. Well anyway, I want to thank them for dedicating about 24 acres in Springfield to the Agriculture and Forestal Area. This is their initial application for a four-year Agriculture and Forestal District. It is in conformance with the Zoning Ordinance and so forth. And so forth – and therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AF 2015-SP-001 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO ESTABLISH THE MOLLEDA LOCAL AGRICULTURE AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED SEPTEMBER 9, 2015, WHICH ARE CONTAINED IN THE STAFF REPORT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

Commissioner Murphy: Thank you very much. Thank you, Mr. Lynskey.

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(The motion carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Ulfelder were absent from the meeting.)

JLC

Board Agenda Item
October 20, 2015

3:30 p.m.

Public Hearing on SE 2015-LE-004 (Fatma Riahi, Fatma's Play House) to Permit a Home Child Care Facility, Located on Approximately 1,560 Square Feet of Land Zoned PDH-8 and NR (Lee District)

This property is located at 6812 Ericka Avenue, Alexandria 22310. Tax Map 91-2 ((13)) 56.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, September 30, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Strandlie were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2015-LE-004, subject to Development Conditions dated September 30, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500974.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Bob Katai, Planner, DPZ

SE 2015-LE-004 – FATMA RIAHI, FATMA'S PLAY HOUSE

After the close of the Public Hearing

Chairman Murphy: Without objection, public hearing is closed; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. Can I please have the applicant come up to the podium again please? You have seen the new set of development conditions that are different than the staff report that are dated September 30th, 2015, in which there's two changes: one in Development Condition 5, going from two non-resident employees to one.

Fatma Riahi, Applicant: Yes.

Commissioner Migliaccio: You're in agreement with that?

Ms. Riahi: Yes.

Commissioner Migliaccio: And then the second change was Number 10, to include the number in ages of children that you care for the state license. You are in agreement with that?

Ms. Riahi: Yes, I agree.

Commissioner Migliaccio: You are in agreement with all the other development conditions?

Ms. Riahi: Yes, yes.

Commissioner Migliaccio: Okay, thank you Mr. Chairman. Thank you. This application has gone through the Lee District Land Use Committee and it was voted on, last – I guess this month – 18-0-2, you've received the letters in support and some in opposition. I would like to make certain that they all become part of the record, Mr. Chairman. The HOA that has jurisdiction over this townhouse is in support. The umbrella HOA also is in support. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-LE-004, SUBJECT TO DEVELOPMENT CONDITIONS DATED SEPTEMBER 30TH, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-LE-004, say aye.

Commissioners: Aye.
Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting.)

TMW

Board Agenda Item
October 20, 2015

3:30 p.m.

Public Hearing on SEA 83-V-083 (SEJ Asset Management and Investment Company) to Amend SE 83-V-083 Previously Approved for a Service Station and Quick Service Food Store to Permit Modifications to Site Design and Development Conditions and to Permit Modifications to Minimum Yard Requirements for Certain Existing Structures and Uses, Located on Approximately 30,856 Square Feet of Land Zoned C-8 (Mount Vernon District)

This property is located at 9402 Richmond Highway, Lorton 22079. Tax Map 107-4 ((1)) 22 and 23.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 15, 2015, the Planning Commission voted 5-4-3 (Commissioners Hart, Hedetniemi, Hurley, and Ulfelder opposed the motion and Commissioners Lawrence, Murphy, and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 83-V-083, subject to the Development Conditions dated October 14, 2015, with the following changes:

  Condition 6 shall be replaced as follows:
  "Notwithstanding the improvements shown on the SEA Plat, the applicant may continue use of the Armistead Road access point in a manner acceptable to VDOT. Improvements to the Armistead Road access point, such as those required as a result of an Access Management Exception Review, shall be subject to the review and approval of VDOT and shall be incorporated into the applicant's site plan submission prior to final site plan approval.";

- Approval of a modification of the minimum rear yard requirement for the existing service station/quick service food store building in accordance with Section 9-625 of the Zoning Ordinance to permit the building to remain as shown on the SEA Plat;

- Approval of a modification of the frontage improvements requirement found in Section 17-201 of the Zoning Ordinance in favor of that shown on the SEA Plat; and

Board Agenda Item
October 20, 2015

- Approval of a waiver of the transitional screening and barrier requirements in Section 13-302 of the Zoning Ordinance along the western property boundary.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4502651.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nick Rogers, Planner, DPZ

SEA 83-V-083 – SEJ ASSET MANAGEMENT AND INVESTMENT COMPANY

Decision Only During Commission Matters

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 83-V-083, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 14, 2015, WITH THE FOLLOWING CHANGES: CONDITION 6 SHALL BE DELETED. That took place between yester- last night and today. And A NEW CONDITION SHALL BE ADDED AS FOLLOWS: "NOTWITHSTANDING THE IMPROVEMENTS SHOWN ON THE SEA PLAT, THE APPLICANT MAY CONTINUE USE OF THE ARMISTEAD ROAD ACCESS POINT IN A MANNER ACCEPTABLE TO VDOT. IMPROVEMENTS TO THE ARMISTEAD ROAD ACCESS POINT, SUCH AS THOSE REQUIRED AS A RESULT OF AN ACCESS MANAGEMENT EXCEPTION REVIEW, SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF VDOT AND SHALL BE INCORPORATED INTO THE APPLICANT'S SITE PLAN SUBMISSION PRIOR TO FINAL SITE PLAN APPROVAL."

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Commissioner Flanagan, you may just want to ask the representative of the applicant to come up and agree on the record to that change.

Commissioner Flanagan: Okay. Is the - - oh the applicant is here. Okay, fine.

Karen Cohen, Esquire, Applicant's Agent, Vanderpool, Frostick, and Nishanian, PC: Karen Cohen with Vanderpool, Frostick, and Nishanian, on behalf of the applicant.

Commissioner Flanagan: Last -- after the public hearing there was not an opportunity to ask you to - whether you confirm the conditions of SEA that were dated October 14. Do you agree with the conditions that are dated October 14, 2015?

Ms. Cohen: As revised tonight.

Commissioner Flanagan: And also do you - - Do you also affirm the - your acceptance of the new condition that I - that I just read?

Ms. Cohen: We do.

Commissioner Flanagan: You do? Thank you.

Vice Chairman de la Fe: Okay.

Commissioner Hart: Mr. Chairman?

Commissioner Flanagan: That’s the - the motion.

Commissioner Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Mr. Litzenberger. Any discussion? Questions? Let's go down - - Ms. Hurley first? Or -

Commissioner Migliaccio: Do we have it written down anywhere that we can see it? And has staff looked at this and approved it?

Mr. O'Donnell: Yes, staff has reviewed it internally and it's a - it's a condition that's being modified per the discussion from the Planning Commission and, therefore, it was prudent that he made the motion to make the change. But staff has reviewed it; it's okay, the applicant has agreed to it; and what it's doing is it's basically giving VDOT the - the ability to review any changes to that access point and make sure it meets the Access Management requirements.

Commissioner Migliaccio: And do you have copies so we can at least say we read it before I vote on it?

Mr. O'Donnell: This - - On a change like this, we've - we've done this on other applications before. I mean, it could have been done yesterday. And this is a situation where Commissioner Flanagan and the applicant both agree that we're changing it through a motion rather than through a staff-imposed development condition. Because staff's - staff's development condition was Condition Number 6, which is being deleted.

Commissioner Migliaccio: I understand that. I was just curious if we had a written thing, if Commissioner Flanagan had copies or anything that we could look at. That's all.

Vice Chairman de la Fe: Okay, Commissioner Hurley.

Commissioner Hurley: Yes. In part because we don't have a written copy of what you just read, I still don't understand. Are we still telling people that, okay, for now the entrance will remain as it is, but if VDOT wants to, we're going to tell people to make 180-degree turns and all of those other really bizarre changes to try to get to the south light at Richmond Highway? Is that what it says?

Mr. O'Donnell: The condition is saying that the applicant can use the access point but if it becomes a problem VDOT has the ability to make the change, and - and that's basically what we're trying to do. Our development condition before was trying to, you know, improve the - the access as best as possible through signage and - and deterring the ability. This condition is saying VDOT is going to look at it through the Access Management process.

Commissioner Hurley: But I'm not understanding. It's not - - I'm not concerned about the applicant's access. We already said that the trucks, the gas tankers are still going to have to use the existing access, but the general public is going to have to make that bizarre u-turn through the veterinary hospital. So I'm not talking about the applicant's access. I'm talking about the general public. And so from what this motion says, VDOT could impose that weird 180-degree turn to get out of - and through the veteran's [*sic*] - I'm sorry, the veterinary hospital to get out to the

stop light. I'm still not sure what we're voting on and I can't support the motion when I really don't understand it.

Vice Chairman de la Fe: Okay, Commissioner Hart.

Commissioner Hart: Yes, thank you, Mr. Chairman. I have objected from time to time when we try and vote on last-minute handouts that we haven't had a chance to understand, and we don't even have a handout now. I heard what Commissioner Flanagan said. I was trying to listen to it and I was trying to understand, and about the best I can understand from it is that it's something like notwithstanding what's on the plat, we're going to try and leave it the way it is for now until VDOT says no. And then, I guess, when VDOT says no, we're back to the mish-mash that nobody seemed to like last night. I'm not sure that's a resolution so much as a - a - kicking it down the road a little bit or - or avoiding the - the - us taking a position on what the - that confusing traffic movement was. And so procedurally, I have a problem voting on something that's not in front of me and I haven't been able to think about, and we haven't really vetted with staff. We had a lot of questions last night that - - I think I might have had more. Having said that, under 9-006, General Standards for a Special Exception, Subsection 4, all these standards have to be met. But Subsection 4 says the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. I was not satisfied last night that the proposed use - and this is - "shall" is mandatory - that the proposed use shall be such that pedestrian and vehicular traffic associated with such use would not be hazardous or conflict with the existing and anticipated traffic. I thought there were conflicts with the in-coming left-turn traffic crossing directly in front of the people going out to Armistead Road with that, sort of, left-hand movement through the veterinary hospital. I thought there was another conflict with all of the in and out in that very narrow spot with the three parking spaces in front it. And I hadn't quite heard how we were getting around that, so I think - - if I understand what we're voting on - and we have to vote tonight to get this to the Board by Tuesday - I'm not persuaded at least that 9-006, Subsection 4 has been satisfied. Because I think we're still leaving open, as long as VDOT says no, this - this strange crisscrossing tangle at the point where they cross over to the animal hospital. So unless somebody can explain that to me, I don't think I can support this. Thank you.

Vice Chairman de la Fe: Commissioner Sargeant, you had -

Commissioner Sargeant: Two questions - - just to confirm that there was a conversation with the occupants and operators at the animal hospital.

Commissioner Flanagan: Yes, today I did make a trip down - - I had to down to Dale City. They have another animal hospital in Dale City, so I had to go all the way down to Dale City to meet with the owner at their facility there. And they did indicate to me that they had received the letter - registered letter - that asked them to review and to object if they wished, you know, to the arrangements that are in this application about crossing their property, and they indicated that they had no problem with that. In fact, when they got the building permit for their building, they had to agree to allow the - the station to have access to the site across their property. And so I then asked the owner if the - there was anything in the proffer - or the condition, rather, that they had any limitation on the, you know, the number of vehicles that could cross in front of their

property. And they said no, it was just unlimited; any amount of vehicles coming across their property was okay. And then I asked them if they had any objection to this application as it has been presented to the Planning Commission and they said they had no. And I asked for that to be confirmed in a - in an email to me, which I had not yet received when I came out here this evening, but I can, probably, you know, provide that as part of the record if you wish.

Commissioner Sargeant: And my second question is if you could re-read the motion.

Commissioner Flanagan: The condition?

Commissioner Sargeant: Yes.

Vice Chairman de la Fe: Okay, Mr. Ulfelder. Do you want the -

Commissioner Flanagan: He wants me to - he wants me to - to read it again.

Vice Chairman de la Fe: Yes, read it again.

Commissioner Flanagan: Yes.

Vice Chairman de la Fe: Slowly, so that everybody understands it.

Commissioner Flanagan: The new condition that replaces Condition Number 6, which is on the same subject, is that, "Notwithstanding the improvements shown on the SEA plat, the applicant may continue the use of the Armistead Road access point in a manner acceptable to VDOT. Improvements to the Armistead Road access point, such as those required as a result of an Access Management Exception Review, shall be subject to the review and approval of VDOT and shall be incorporated into the applicant's site plan submission prior to the final site plan approval." Now, I received this latest revision a few minutes before I left for the meeting tonight, and it may be that the staff has some explanation of the Access Management Review that is mentioned.

Mr. O'Donnell: I - I wasn't the coordinator. It's - it's my understanding that, you know, the access it too close to the main intersection as it is and this is a situation where there's minor changes occurring to the site and we did not want to preclude those changes and the ability for the - for the, I guess it's the 7-Eleven, to continue to operate. We did have a development condition as part of our recommendation that tried to make it as less usable as possible, but still usable. This development condition is no longer - is basically saying show - show us at site plan with VDOT at the table to make sure that this is safe. And as part of that, if it's not, well then they have to go through this access management process and it's - it's even more rigorous from that point. So in both - both regards, I think the development condition is doing the same thing. It's making sure that this access is safe while allowing for the continued operation of the use. That's the best I can go without being the coordinator on the case.

Vice Chairman de la Fe: Okay, I know that there's some more questions; however, I would just remind you that we are on verbatim; so, Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. If paragraph 6 [*sic*] is struck, and if VDOT says no, why don't they have to come back for an SEA for a - for - going back through what I consider not to be a minor issue - the ingress/egress issue - concerning the neighboring property and Armistead Road?

Mr. O'Donnell: No, they will have to come back for an SEA. That's the risk they're taking by not addressing this now. They could have filed the Access Management waiver earlier in the process and we would have had a better idea. That was a choice they didn't - they decided not to do. It's not a requirement of the zoning, it's a requirement of the site plan. So it is a risk.

Commissioner Ulfelder: And with that in mind, is the only solution if VDOT decides there isn't enough space between the - the stop light - the stop line and the access ingress/egress that's currently there, is the only solution to go back through the animal hospital parking lot?

Mr. O'Donnell: Yes. You would have to close this access and you would have to establish an interparcel access from there. Yes. But again, I don't know the full details of it, but I mean…

Commissioner Ulfelder: Well, that's an awfully big question to leave hanging at this point, to me.

Mr. O'Donnell: Understood.

Vice Chairman de la Fe: Commissioner Hedetniemi.

Commissioner Hedetniemi: Last night, the applicant agreed to a development condition that would essentially say that if it became a problem you would be willing to close off the - the access point between 7-Eleven and the veterinary hospital. Is this amendment taking the place of that?

Mr. O'Donnell: Well, they don't have it - - To my knowledge, we don't an option on the development plan that shows that the access is closed. We can ask the applicant to verify that - what I'm saying, but it's my understanding that we don't have an option. If they could - if they could close the access in a manner that's in substantial conformance and they get permission to - to do the access off the veterinarian, we could look at it from the administrative approval process, but more than likely it would require an SEA. So they'd have to come back through this process.

Commissioner Hedetniemi: You're at a disadvantage because you weren't case handler.

Mr. O'Donnell: I feel it. Yes.

Commissioner Hedetniemi: But there is a real issue here in terms of safety as far as I'm concerned and I'm just not comfortable with VDOT having the final say on - on something that is so open-ended.

Vice Chairman de la Fe: Okay, Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. I'm wading in here on behalf of Mr. O'Donnell. After the Trinity Center negotiations in Sully, I asked Kris Abrahamson about this case because it was so unusual. Her response was that when the veterinary clinic got their rezoning approved, they agreed to all the requirements of that cut-through to comply with the requests of VDOT, so they really don't have a say. The fact that they stuck some parking spots adjacent to that, that was their decision because it's their property. But part of their rezoning approval was creating that cut-through, so I don't think we could close it even if we wanted to because then they would be in - in violation of their rezoning. So the way Kris explained it is that this is perfectly legal and that VDOT will support it. I just wanted to help us through this, since we're all on verbatim.

Vice Chairman de la Fe: Okay, Mr. Migliaccio. I just realized that misspoke when I said this was going to be the easy.

Commissioner Migliaccio: I was just thinking that. After - during this debate, I had a chance to walk over and read the new development condition. We've had it read twice. Based on what staff has said and what Mr. Flanagan has said, I'm going to support his motion tonight to get this to the Board. And I think that if we fell back to Development Condition Number 6 that we had last night, I was in support of that option also. So, thank you.

Vice Chairman de la Fe: Okay, any further comments? None. Having heard all that discussion, all those in favor of approving SEA 83-V-083, subject to the development conditions as outlined tonight by Commissioner Flanagan - all those in favor please signify by saying aye.

Commissioners de la Fe, Flanagan, Litzenberger Migliaccio, and Sargeant: Aye.

Vice Chairman de la Fe: Opposed?

Commissioner Hurley: Aye. Aye. [*sic*] Nay.

Vice Chairman de la Fe: Okay, no. Okay.

Commissioner Hart: No.

Vice Chairman de la Fe: Okay, let's - let's take division. Mr. Ulfelder?

Commissioner Ulfelder: No.

Vice Chairman de la Fe: Ms. Hurley?

Commissioner Hurley: No.

Vice Chairman de la Fe: Mr. Migliaccio?

Commissioner Migliaccio: Aye.

Vice Chairman de la Fe: Mr. Sargeant?

Commissioner Sargeant: Aye.

Vice Chairman de la Fe: Mr. Hart?

Commissioner Hart: No.

Vice Chairman de la Fe: Mr. Flanagan?

Commissioner Flanagan: Aye.

Vice Chairman de la Fe: Mr. Litzenberger?

Commissioner Litzenberger: Aye.

Vice Chairman de la Fe: Ms. Hedetniemi?

Commissioner Hedetniemi: No.

Vice Chairman de la Fe: And the Chairman votes aye, and the motion carries five to four, if I did it - if my scribblings are correct. Okay, the motion carries.

Commissioner Flanagan: Thank you, Mr. Chairman.

Vice Chairman de la Fe: Mr. - okay, well you have others.

Commissioner Flanagan: Yes, I have another -

Vice Chairman de la Fe: No, I mean on this one. Don't you have some -

Commissioner Flanagan: Yes, we have two more motions.

Vice Chairman de la Fe: Okay.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE MINIMUM REAR YARD REQUIREMENT FOR THE EXISTING SERVICE STATION/QUICK SERVICE FOOD STORE BUILDING IN ACCORDANCE WITH SECTION 9-625 OF THE ZONING ORDINANCE TO PERMIT THE BUILDING TO REMAIN AS SHOWN ON THE SEA PLAT.

Commissioner Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Commissioner Litzenberger. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners de la Fe, Flanagan, Litzenberger, Migliaccio, and Sargeant: Aye.

Vice Chairman de la Fe: Opposed?

Commissioners Hart, Hedetniemi, Hurley, and Ulfelder: Nay.

Vice Chairman de la Fe: So it's the same division, I assume, and the motion carries five to four.

Commissioner Flanagan: Thank you, Mr. Chairman. I NOW MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE FRONTAGE IMPROVEMENTS REQUIREMENT FOUND IN SECTION 17-201 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Commissioner Litzenberger. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners de la Fe, Flanagan, Litzenberger, Migliaccio, and Sargeant: Aye.

Vice Chairman de la Fe: Opposed?

Commissioners Hart, Hedetniemi, Hurley, and Ulfelder: Nay.

Commissioner Hart: Nay. I'm sorry. I'm reading the wrong one again here.

Vice Chairman de la Fe: Same division as before; the motion carries five to four.

Commissioner Flanagan: And then the last motion that I have, Mr. Chairman, is I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN SECTION 13-302 OF THE ZONING ORDINANCE ALONG THE WESTERN PROPERTY BOUNDARY, and that's it.

Commissioner Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Commissioner Litzenberger. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners de la Fe, Flanagan, Litzenberger, Migliaccio, and Sargeant: Aye.

Vice Chairman de la Fe: Opposed?

Commissioners Hart, Hedetniemi, Hurley, and Ulfelder: Nay.

Vice Chairman de la Fe: Same division as before; the motion carries five to four. Thank you very much.

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(Each motion carried by a vote of 5-4-3. Commissioners Hart, Hedetniemi, Hurley, and Ulfelder opposed the motion; Commissioners Lawrence, Murphy, Strandlie were absent from the meeting.

JN

Board Agenda Item
October 20, 2015

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2013-CW-4CP, Conservation Areas and Community Improvement Areas

ISSUE:
Plan Amendment (PA) 2013-CW-4CP proposes to remove references to six expired Conservation Area Plans and 26 completed Community Improvement Area Plans from the Area Plan volumes of the Comprehensive Plan and their boundaries from the Comprehensive Land Use Plan Map.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, September 17, 2015 the Planning Commission voted 9-0-1 with Commissioner Sargeant abstaining and Commissioners Flanagan and Lawrence absent, to recommend that the Board of Supervisors adopt the staff recommendation as found on pages 5-18 of the Staff Report dated April 16, 2015 for PA 2013-CW-4CP with the following modifications: 1) that the references to the Gum Springs Conservation Area Plan as well as the boundary shown on the Comprehensive Land Use Plan Map proposed to be deleted on pages 6-8 of the Staff Report be retained and, 2) that the proposed deletion of the reference to the Willston Conservation Area Plan from Subunit A2 of the Seven Corners Community Business Center shown on page 6 of the Staff Report be disregarded as PA 2013-I-B2 adopted on July 28, 2015 deleted this reference.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – April 30, 2015
Planning Commission decision – September 17, 2015
Board of Supervisors' public hearing – October 20, 2015

BACKGROUND:
Conservation Area Plans were designed to create and preserve affordable housing, maintain the stability of residential neighborhoods by preventing the intrusion of non-residential uses, and construct and/or upgrade public facilities such as curbs and

gutters, sidewalks, streets, streetlights and stormwater management facilities. The plans also may contain general land use guidance, consistent with the Comprehensive Plan guidance. Many of these areas included expiration dates, six of which have passed. The expired plans are no longer actively used as guidance for neighborhood preservation and protection, and consideration should be given to removing the references from the Comprehensive Plan. The Community Improvement Area Plans were developed to construct and/or upgrade public facilities such as curbs and gutters, sidewalks, streets, streetlights and stormwater management facilities in residential neighborhoods. Twenty-six Community Improvement Area Plans have been deemed completed, and the references should be removed from the Comprehensive Plan.

In the future, existing guidance within the Comprehensive Plan will continue to serve to support similar goals of the conservation area plans, such as creating and preserving affordable housing, encouraging compatible infill development in residential areas, and protecting these areas from the intrusion of non-residential uses. In regards to the community improvement area plans, the county currently uses different methods for residents to identify needs for public improvements in residential neighborhoods and to address those needs, such as proffer negotiations during rezoning review, periodic bond referendums and general fund appropriations.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim and Recommendation.

The Staff Report for PA 2013-CW-4CP has been previously furnished and is available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2013-cw-4cp.pdf

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Meghan Van Dam, Chief, Policy and Plan Development Branch, DPZ-PD
Aaron Klibaner, Planner II, Policy and Plan Development Review Branch, PD, DPZ
Hossein Malayeri, Deputy Director, Real Estate, Finance, and Development, Department of Housing and Community Development (HCD)
Robert Fields, Associate Director for Grants Management, HCD

PA 2013-CW-4CP (CONSERVATION AREAS AND COMMUNITY NEIGHBORHOOD IMPROVEMENTS AREAS

Decision Only During Commission Matters
(Public Hearing held on May 13, 2015)

Commissioner Hedetniemi: Thank you, Mr. Chairman. This is in reference to Plan Amendment 2013-CW-4CP, Conservation Areas and Community Improvement Areas. Plan Amendment 2013-CW-4CP proposes to delete references to six expired conservation areas and twenty-six completed community improvement area plans from the Area Plan volumes of the Comprehensive Plan and the Comprehensive Land Use Plan Map. At the public hearing for the plan amendment, held on April 30, 2015, the president of the new Gum Springs Community Association presented testimony indicating their opposition to the removal of references to the Gum Springs Conservation Area, which expired in 2004, from the Comprehensive Plan. The Planning Commission voted to defer their decision until tonight and directed staff to meet with the community to try to resolve their issues. Staff from the Department of Housing and Community and the Department of Planning and Zoning has met with the new Gum Springs Community Association four times between the April public hearing and tonight. The community and staff have discussed the purpose and need for a conservation area plan for the Gum Springs area and alternatives to the plan, and the Gum Springs Community Association has presented a draft plan for staff to review. At this time, staff has recommended that work is still needed to complete this process. Because the review remains ongoing, the references to the Comprehensive Plan, in the Comprehensive Plan of the Gum Springs Conservation Area Plan should be retained. In addition, it should be noted that the recent adoption of Plan Amendment 2013-1-B2 Seven Corners Community Business Center Study on July 28, 2015, deleted references to the Willston Conservation Area, one of the six expired conservation areas from the Seven Corners CBC Plan Guidance. Therefore, the staff recommendation to remove the reference to the Conservation Area Plan for the Seven Corners CBC guidance is no longer needed. However, the recommendations to remove the reference from the underlying Community Planning Sector and the Plan Map did not occur as part of the Seven Corners Amendment and will still need to be addressed as part of this amendment. Therefore, Mr. Chairman, if you followed all of that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2013-CW-4CP, AS SHOWN ON PAGES 5 THROUGH 18 OF THE STAFF REPORT DATED APRIL 16, 2015, WITH THE FOLLOWING EXCEPTIONS: 1) THAT THE REFERENCES TO THE GUM SPRINGS CONSERVATION AREA PLAN PROPOSED TO BE DELETED ON PAGES 6 THROUGH 8 OF THE STAFF REPORT, AS WELL AS THE BOUNDARY SHOWN ON THE CONSERVATION COMPREHENSIVE LAND USE MAP, BE RETAINED, AND 2) THAT THE REFERENCES TO THE WILLSTON CONSERVATION AREA PLAN PROPOSED TO

BE DELETED FROM SUBUNIT A2 OF THE SEVEN CORNERS COMMUNITY BUSINESS CENTER RECOMMENDATIONS ON PAGE 6 OF THE STAFF REPORT BE DISREGARDED, AS PLAN AMENDMENT 2013-I-B2 ADOPTED ON JULY 28, 2015, DELETED THE REFERENCE. THE PROPOSED DELETION OF THE REFERENCE TO WILLSTON CONSERVATION AREA PLAN UNDERLYING B1-WILLSTON COMMUNITY PLANNING SECTOR, SHOWN ON PAGE 6 OF THE STAFF REPORT AND THE PROPOSED REMOVAL OF THE BOUNDARY, CURRENTLY SHOWN ON THE COMPREHENSIVE LAND USE PLAN MAP, WILL STILL NEED TO OCCUR AS THE PREVIOUS AMENDMENT DID NOT ADDRESS REFERENCES TO THE EXPIRED CONSERVATION AREA IN THE UNDERLYING PLANNING SECTOR OR THE PLAN MAP. Thank you, Mr. Chairman.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion of Plan Amendment 2013-CW-4CP and the recommendation by the staff of that plan amendment with the exceptions noted by Ms. Hedetniemi be adopted by the Board of Supervisors say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, I'm abstaining, not present.

Chairman Murphy: Mr. Sargeant abstains.

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(The motion carried by a vote of 9-0-1. Commissioners Flanagan and Lawrence were absent from the meeting. Commissioner Sargeant abstained.)

TMW

Board Agenda Item
October 20, 2015

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2013-I-L1 (A), Lincolnia Planning District, Phase I (Mason District)

ISSUE:
Plan Amendment (PA) 2013-I-L1 (A) proposes revisions to the existing Comprehensive Plan guidance for the Lincolnia Planning District to reflect existing conditions, recent planning efforts, such as the Great Parks, Great Communities 2010-2020 Park System Plan and editorial changes.

PLANNING COMMISSION RECOMMENDATION:
On September 17, 2015, the Planning Commission voted 10-0 (Commissioners Flanagan and Lawrence were absent from the meeting) to recommend that the Board of Supervisors adopt the staff recommendation for PA 2013-I-L1 (A) as shown in Attachment I of the staff report dated September 3, 2015 with one minor editorial modification to page 31 of the staff report, which is to change “Grant Mart Plaza” to “Grand Mart Plaza”.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – September 17, 2015
Board of Supervisors public hearing – October 20, 2015

BACKGROUND:
On June 19, 2012, the Board of Supervisors adopted PA S11-CW-2CP, the Update to the Concept for Future Development, which included several follow-on considerations. One of these directed staff to further evaluate the Lincolnia Planning District. The Pilot Comprehensive Plan Amendment Work Program, adopted by the Board of Supervisors on July 9, 2013 as part of Fairfax Forward, included the authorization for this amendment.

Board Agenda Item
October 20, 2015

The Lincolnia Planning District study is divided into two phases. Phase I, the subject of this Plan Amendment, proposes revisions to the Plan guidance to reflect existing conditions and recent planning efforts, and editorial changes. Substantive changes to recommended land uses and density/intensity, transportation facilities, transit service, the environment, and other elements of the Plan guidance for the Lincolnia Planning District will be considered in Phase II.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim and Recommendation for PA 2013-I-L1 (A)

The staff report for PA 2013-I-L1 (A) has been previously furnished and is available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2013-i-l1-a.pdf

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Meghan D. Van Dam, Chief, Policy & Plan Development Branch, PD, DPZ
Jennifer L. Garcia, Planner III, Policy & Plan Development Branch, PD, DPZ

Planning Commission Meeting
September 17, 2015
Verbatim Excerpt

PA 2013-I-L1(A) – COMPREHENSIVE PLAN AMENDMENT (LINCOLNIA PLANNING DISTRICT: PHASE I EDITORIAL CHANGES)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Strandlie.

Commissioner Strandlie: Thank you. This is a very straightforward plan amendment and thank you very much to the staff for a great job on it. As the staff indicted the amendment proposes revisions to the Comprehensive Plan guidance to ensure the guidance is updated to current conditions. The recommended revisions reflect existing conditions and more recent planning efforts such as Great Parks, Great Communities, 2010 to 2020 Park Systems Plan. Mr. Chairman, I therefore MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2013-I-L1(A), AS FOUND ON PAGES 5 THROUGH 48 OF THE STAFF REPORT DATED SEPTEMBER 3RD, 2015, WITH ONE MINOR EDITORIAL MODIFICATION TO PAGE 31 OF THE STAFF REPORT, WHICH IS TO CHANGE "GRANT MART PLAZA" TO "GRAND," G-R-A-N-D, "MART PLAZA." Thank you.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by 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 adopt PA 2013-I-L1(A) as amended by Ms. Strandlie say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.)

TMW

Board Agenda Item
October 20, 2015

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2013-CW-T3, Completed Transportation Facilities

ISSUE:
Plan Amendment (PA) 2013-CW-T3 considers removing completed transportation improvements from the Comprehensive Plan, including the Area Plans, the Countywide Transportation Plan Map, and the Comprehensive Land Use Plan Map. The amendment also proposes to add county-owned commuter parking facilities to the maps, to modify the maps' legends, and to correct editorial oversights.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, September 16, 2015, the Planning Commission voted 9-0 (Commissioners Flanagan, Lawrence and Strandlie being absent from the meeting) to recommend that the Board of Supervisors adopt Plan Amendment 2013-CW-T3, as shown on pages 5 through 20 of the Staff Report dated September 2, 2015.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – September 16, 2015
Board of Supervisors' public hearing – October 20, 2015

BACKGROUND:
On July 9, 2013, the Board of Supervisors authorized countywide Plan Amendment (PA) 2013-CW-T3 on the 2013 Pilot Comprehensive Plan Amendment Work Program to update the county's Comprehensive Plan by reflecting completed transportation facilities. The Countywide Transportation Plan Map, part of the Comprehensive Plan, depicts existing transportation facilities and planned transportation improvements. The improvements also are recommended on the Comprehensive Land Use Plan Map and the Area Plans volumes of the Comprehensive Plan. This Amendment is editorial in nature and does not make any substantive changes to the recommendations in the Transportation Plan or Comprehensive Plan.

Board Agenda Item
October 20, 2015

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim and Recommendation for PA 2013-CW-T3.

The Staff Report for PA 2013-CW-T3 has been previously furnished and is available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2013-cw-t3.pdf

STAFF:
Tom Biesiadny, Director, Department of Transportation (FCDOT)
Daniel Rathbone, Division Chief, Transportation Planning, FCDOT
Leonard Wolfenstein, Section Chief, Transportation Planning, FCDOT
Kristin Calkins, Transportation Planner III, Transportation Planning Division, FCDOT
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Marianne Gardner, Director, Planning Division, DPZ
Meghan Van Dam, Chief, Policy and Plan Development Branch, DPZ
Lilian Cerdeira, Planner II, Policy and Plan Development Branch, DPZ

Planning Commission Meeting
September 16, 2015
Verbatim Excerpt

PA 2013-CW-T3 (COMPLETED TRANSPORTATION FACILITIES)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Recognize Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I want to commend staff for their hard work on this. As you can see by the heft of the document, it's a complicated and carefully constructed approach to amending this transportation plan. Therefore, Mr. Chairman, as staff mentioned, the proposed Plan Amendment 2013-CW-T3 would revise the Countywide Transportation Plan Map, Comprehensive Land Use Plan Map, and Area Plan volumes of the Comprehensive Plan to reflect completed transportation facilities since the last Plan adoption. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENT OF THE COMPREHENSIVE PLAN, AS SHOWN ON PAGES 5 THROUGH 20 OF THE STAFF REPORT, FOR PA 2013-CW-T3, DATED SEPTEMBER 2ND, 2015. Thank you, Mr. Chairman.

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 adopt Plan Amendment 2013-CW-T3, say aye.

Commissioners: Aye.

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

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(The motion carried by a vote of 9-0. Commissioners Flanagan, Lawrence, and Strandlie were absent from the meeting.)

JLC

Board Agenda Item
October 20, 2015

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2015-IV-MV2, Located West of the Huntington Metrorail Station, East of North Kings Highway, and South of Huntington Avenue (Mount Vernon District)

ISSUE:
Plan Amendment (PA) 2015-IV-MV2 proposes to amend the Comprehensive Plan guidance for an approximately 19.5-acre area [Tax Map Parcels 83-1((1))32 and ((23))All], located on the south-side of Huntington Avenue, west of the Huntington Metrorail Station in the MV1-Huntington Community Planning Sector, Mount Vernon Planning District. The subject area is planned with an option for mixed-use, transit-oriented redevelopment up to an intensity of 3.0 floor area ratio (FAR) to include residential, office, retail, and potentially hotel uses. The amendment considers altering or eliminating the office component of the option to provide the flexibility for the site to redevelop with primarily residential uses and some ground floor retail use.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 15, 2015, the Planning Commission voted 8-0-1 (Commissioner Hedetniemi abstained from the motion and Commissioners Lawrence, Murphy, and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the adoption of the Planning Commission alternative for Plan Amendment 2015-IV-MV2 with the following added language to the existing Plan option:

"A phasing plan should be a component of any rezoning application to ensure a viable, well-designed mixed-use project. The phasing plan should establish the ultimate vision for redevelopment of the site and address each phase of development. Commitments to priorities, such as parks, open spaces, and connectivity through the site and to the Metro station, should be made as part of the phasing plan. The plan should be reviewed for conformance with the overall vision and the county's transit-oriented development policies, with careful consideration given to interim conditions."

In a related action on Thursday, October 15, 2015, the Planning Commission voted 8-0-1 (Commissioner Hedetniemi was not present for the vote and Commissioners Lawrence, Murphy, and Strandlie were absent from the meeting) to recommend that the Board of Supervisors authorize a Plan amendment to direct staff to consider a mix of uses up to 4.0 FAR, with a focus on an increased proportion of residential units and office use. The authorization would be subject to an analysis of impacts to the surrounding neighborhoods; transportation network; parks; public facilities including schools; among other considerations. See Attachment I for the Planning Commission Verbatim and Recommendation and Attachment II for Planning Commission Handout, dated October 15, 2015.

Board Agenda Item
October 20, 2015

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the proposed Plan Amendment 2015-IV-MV2 and follow-on motion as recommended by the Planning Commission and shown in the handout dated October 15, 2015.

TIMING:
Planning Commission public hearing – October 1, 2015
Planning Commission deferral of decision – October 7, 2015
Planning Commission decision – October 15, 2015
Board of Supervisors' public hearing – October 20, 2015

BACKGROUND:
On February 26, 2013, the Board adopted Area Plan Review nominations 09-IV-2MV and 09-IV-27MV that added the current Plan option for the subject area for mixed-use, transit-oriented development. Among other redevelopment conditions, the option recommends a land use mix to include: approximately seventy-five (75) percent residential use, approximately twenty-five (25) percent office use, ground floor retail uses, and the option to convert approximately 120,000 square feet (SF) of office use to hotel use.

On June 23, 2015, the Board authorized Plan Amendment (PA) 2015-IV-MV2 and directed staff to consider altering or eliminating the recommended 25 percent office component of the redevelopment option, as previously described.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim and Recommendation, dated October 15, 2015.
Attachment II: Planning Commission Handout, dated October 15, 2015.

The Staff Report for 2015-IV-MV2 has been previously furnished and is available online at: http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2015-iv-mv2.pdf

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Meghan Van Dam, Chief, Policy & Plan Development Branch (PPDB), PD, DPZ
Kenneth Sorenson, Planner II, PPDB, PD, DPZ

PA 2015-IV-MV2 – PLAN AMENDMENT (HUNTINGTON CLUB CONDOMINIUMS)

After the Close of the Public Hearing

Vice Chairman de la Fe: I'll will close the public hearing; Mr. Flanagan.

Commissioner Flanagan: On June 23, 2015, the Board of Supervisors authorized Plan amendment 2015-IV-MV2. The authorization directed staff to consider altering or eliminating the office component from the planned mixed-use redevelopment option for an intensity of up to 3.0 FAR for Land Unit I of the Huntington Transit Station Area. The Huntington Club's 364 condominium units, which occupy almost all of the land unit, are now 50 years old and badly in need of redevelopment. This action was intended to facilitate reuse of the property and overcome a concern that demand for office space near the Huntington Metro station may be unlikely in the short term. A public hearing was held on October 1, 2015. Decision was deferred to allow time for further discussion on the amendment. Planning and Zoning and Economic Development Authority staff, representatives from the Huntington Club Home Owners Association, Commissioner Sargeant and myself, and the potential developers of the site have met at various points since the deferral. Resulting from these meetings, an agreement to modifications of the current Plan option has been reached - and that is supported by all of the parties, including staff - as well as recognition that another amendment should be evaluated for an alternative development proposal on the site at a higher planned intensity. Therefore, I believe that the Planning Commission should recommend revising the existing Comprehensive Plan option to add text in support of phasing, allowing the development to be sequenced to include office at a later date. Such a phasing plan at the rezoning stage would ensure a viable, well-designed mixed use project, with careful consideration given to interim conditions. I have included proposed language in support of this notion below. Following the Commission's action on this text, I will offer a follow-on motion to encourage further consideration of the intensity and the mix - mix of uses at Huntington Club. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT A PLANNING COMMISSION ALTERNATIVE FOR PLAN AMENDMENT 2015-IV-MV2, AS FOUND ON MY HANDOUT DATED OCTOBER 15, 2015.

Commissioner Sargeant: Second.

Vice Chairman de la Fe: Seconded by Commissioner Sargeant. Is there any discussion? Let's start with Mr. Ulfelder.

Commissioner Ulfelder: I just have one suggestion in the language itself. The underscored language in the first line where it talks about, it should be a component of "the" rezoning application. I would SUBSTITUTE "ANY" FOR "THE," because we don't actually have a rezoning application in connection with this.

Vice Chairman de la Fe: Is that a friendly amendment?

Commissioner Flanagan: I do accept that.

Commission Hurley: I just want to verify, you know, there's no change to the comprehensive land use map plans, so 25 percent - just under 5 acres - will be reserved for office space. Is that correct?

Commissioner Flanagan: That's right.

Commissioner Hurley: Thank you.

Vice Chairman de la Fe: Okay, any further discussion. Okay, this was the difficult one. Hearing and seeing none, all those in favor of the motion as friendly amended by Commissioner Ulfelder, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: All opposed? The motion carries.

Commissioner Hedetniemi: Abstain; I was not here.

Vice Chairman de la Fe: Okay. Motion carries with one abstention; Commissioner Hedetniemi was not here for the public hearing. That you very much.

Commissioner Flanagan: No, I have a couple of motions.

Vice Chairman de la Fe: Oh, I'm sorry. You have the follow-on motion.

Commissioner Hart: Wait, there's more.

Vice Chairman de la Fe: Well, thank you very much for this one.

Commissioner Flanagan: Very important follow-on motion. Mr. Chairman, recent discussions suggest that there may be benefit in considering an increase in the residential units while retaining the current adopted level of office, retail, and hotel use. In an effort to facilitate dialogue on the matter, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS AUTHORIZE A PLAN AMENDMENT TO DIRECT STAFF TO CONSIDER A MIX OF USES UP TO 4.0 FAR, WITH A FOCUS ON AN INCREASED PROPORTION OF RESIDENTIAL UNITS AND OFFICE USE. THE AUTHORIZATION WOULD BE SUBJECT TO AN ANALYSIS OF IMPACTS TO THE SURROUNDING NEIGHBORHOODS, TRANSPORTATION NETWORK, PARKS, PUBLIC FACILITIES INCLUDING SCHOOLS, AMONG OTHER CONSIDERATIONS.

Commissioner Sargeant: Second.

Vice Chairman de la Fe: Seconded by Commissioner Sargeant. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

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

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(The first motion carried by a vote of 8-0-1. Commissioner Hedetniemi abstained from the motion; Commissioners Lawrence, Murphy, Strandlie were absent from the meeting.

The second motion carried by a vote of 8-0-1. Commissioner Hedetniemi was not present for the vote; Commissioners Lawrence, Murphy, Strandlie were absent from the meeting.)

JN

DRAFT MOTION
PLANNING COMMISSION

Planning Commissioner Earl Flanagan
Mount Vernon District

PLAN AMENDMENT 2015-IV-MV2
October 15, 2015

Motion:

On June 23, 2015, the Board of Supervisors authorized Plan amendment 2015-IV-MV2. The authorization directed staff to consider altering or eliminating the office component from the planned mixed-use redevelopment option for an intensity of up to 3.0 FAR for Land Unit I of the Huntington Transit Station Area. The Huntington Club's 364 condominium units, which occupy almost all of the land unit are now 50 years old and badly in need of redevelopment. This action was intended to facilitate reuse of the property and overcome a concern that demand for office space near the Huntington Metro station may be unlikely in the short term.

A public hearing was held on October 1, 2015. The decision was deferred to allow time for further discussion on the amendment. Planning and Zoning and Economic Development Authority staff, representatives from the Huntington Club Home Owners Association, Commissioner Sargeant and myself, and the potential developers of the site have met at various points since the deferral. Resulting from these meetings, an agreement to modifications of the current Plan option has been reached, as well as recognition that another amendment should be evaluated for an alternative development proposal on the site at a higher planned intensity.

Therefore, I believe the Planning Commission should recommend revising the existing Comprehensive Plan option to add text in support of phasing, allowing the development to be sequenced to include office at a later date. Such a phasing plan at the rezoning stage would ensure a viable, well-designed mixed use project, with careful consideration given to interim conditions. I have included proposed language in support of this notion below. Following the Commission's action on this text, I will offer a follow-on motion to encourage further consideration of the intensity and the mix of uses at Huntington Club.

Mr. Chairman, I move that the Planning Commission recommend that the Board of Supervisors adopt a Planning Commission alternative for Plan Amendment 2015-IV-MV2, as found on my handout dated October 15, 2015.

End of Motion 1

Follow-on Motion:

Mr. Chairman, recent discussions suggest that there may be benefit in considering an increase in residential units while retaining the current adopted level of office, retail and hotel use. In an effort to facilitate dialogue on the matter, I move that the Planning Commission recommend that the Board of Supervisors authorize a Plan amendment to direct staff to consider a mix of uses up to 4.0 FAR, with a focus on an increased proportion of residential units and office use.

The authorization would be subject to an analysis of impacts to the surrounding neighborhoods; transportation network; parks; public facilities, including schools; among other considerations.

End of Motion 2

PLANNING COMMISSION ALTERNATIVE
Plan Amendment 2015-IV-MV2

Modifications to the Comprehensive Plan are shown as underlined for text to be added and as ~~strikethrough~~ as text to be deleted.

ADD: Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, amended through 6-2-2015, Land Unit I, page 110, as the last paragraph for Land Unit I:

"**Land Unit I**

Land Unit I is planned for 16-20 dwelling units per acre and is presently predominantly developed with the Huntington Club Condominiums. This land unit presents an opportunity for redevelopment due to its location within the Transit Development Area, adjacent to the Huntington Metrorail Station.

As an option, redevelopment of Land Unit I with transit-oriented mixed-use up to an intensity of 3.0 FAR is planned. Tax Map parcel 83-1((1))32 should be consolidated with the Huntington Club Condominiums (Tax Map parcels 83-1((23)) ALL) to redevelop under this option. The land use mix should consist of approximately to 75 percent residential use and 25 percent office use, with ground floor retail use. Approximately 120,000 square feet of office use may be converted to hotel use. To reduce the visual impact of new development upon the surrounding community, development height should taper as shown in Figure 25. A maximum height of 200 feet is recommended for the northeastern portion of the land unit, adjacent to the Metrorail property. Building heights are recommended to taper down to 55 feet along the western and southern edges of the site to be compatible with the existing residential development.

Well-designed, publicly accessible urban plazas and parks that are integrated with the sloping terrain should enhance recreational options and create a sense of place for the development, consistent with the Urban Park Framework document, as modified by the Fairfax County Park Authority. Internal roadways, trails, sidewalks, and street crossings should connect buildings and open spaces. Streetscape treatments should include trees, landscaping, sidewalks, bicycle facilities, street furniture, and various paving textures, to the extent possible.

Redevelopment should address the Guidelines for Neighborhood Redevelopment and be phased in accordance with guidance set forth within the Guidelines for Transit-Oriented Development contained in Appendix 8 and 11, respectively, of the Land Use Element of the Policy Plan. Phasing should be done in such a way as to

accommodate the relocation of existing residents of the Huntington Club Condominiums.

Given the projected capacity issues in the Huntington Transit Station Area, the number of single occupancy vehicle (SOV) trips made to the subject site should be reduced. Steps should be taken to encourage carpooling, vanpooling, ridesharing, bicycle and pedestrian use, transit use, teleworking, flexible work schedules, and alternative work schedules. Integrated pedestrian and bicycle systems with features such as, walkways, trails and sidewalks, amenities such as street trees, benches, bus shelters, and adequate lighting should be provided. To more easily facilitate transit ridership, a new direct pedestrian and bicycle connection to the Huntington Metrorail Station should be constructed from within the site.

In accordance with the Guidelines for Transit-Oriented Development, a higher level of delay may be acceptable as a result of redevelopment within Land Unit I. If the necessary transportation improvements are found to be in conflict with pedestrian and bicycle access recommendations found in the Guidelines for Transit-Oriented Development, improvements, measures and/or monetary contributions to a fund to enable the application of techniques to reduce vehicle trips by an appropriate amount in and around the area should be made.

As a component of transportation mitigation, a substantial Transportation Demand Management (TDM) program should be implemented within Land Unit I. The following TDM program elements should be considered:

- A TDM trip reduction goal of 45 percent TDM goal should be sought for both the residential and office components of the site;

- TDM program components appropriate for a moderate to full TDM plan;

- A substantial monitoring and reporting program which would include annual traffic counts and model split surveys every three years;

- Annual reports, to be submitted to the Fairfax County Department of Transportation, relaying the results of the monitoring and any programmatic highlights;

- Monetary contributions to an incentive fund and a remedy fund, as well as fees for non-compliance;

- Parking reductions, providing less parking than required by code; and

- Bicycle amenities, including multi-use trails and bicycle lanes, covered and secure bicycle storage facilities, and shower/locker facilities.

Stormwater quantity and quality control measures that are substantially more extensive than minimum requirements should be provided, with the goal of reducing the total runoff volume. The emphasis should be on low impact

development (LID) techniques and best management practices (BMPs) that evapotranspire water, filter water through vegetation and/or soil, and return water in to the ground or reuse it and should include such features as rooftop landscaping. Stormwater management measures that are sufficient to attain the stormwater design-quantity control credit and stormwater design-quality control credit of the most current version of the Leadership in Energy and Environmental Design for New Construction (LEED®-NC) or Leadership in Energy and Environmental Design for Core and Shell (LEED®-CS) rating system (or third party equivalent of these credits) should be provided. If this goal is demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal.

In addition to the satisfaction of Criterion 6 of the Transit Development Area general development criteria and Criterion 3 of the Guidelines for Neighborhood Redevelopment, consideration should be given to providing affordable housing in partnership with a non-profit organization.

Affordable housing units should be provided on-site and dispersed throughout the development to the extent feasible. The provision of a portion of the affordable units as accessible units is strongly encouraged.

A phasing plan should be a component of any rezoning application to ensure a viable, well-designed mixed-use project. The phasing plan should establish the ultimate vision for redevelopment of the site and address each phase of development. Commitments to priorities, such as parks, open spaces, and connectivity through the site and to the Metro station, should be made as part of the phasing plan. The plan should be reviewed for conformance with the overall vision and the county's transit-oriented development policies, with careful consideration given to interim conditions."

COMPREHENSIVE LAND USE PLAN MAP: The Comprehensive Land Use Plan Map will not change.

TRANSPORTATION PLAN MAP: The Countywide Transportation Plan Map will not change.

Board Agenda Item
October 20, 2015

4:30 p.m.

Public Hearing on a Proposed Amendment to Chapter 41.1 of the Fairfax County Code Regarding Cruelty to Animals, Including Dog Tethering

ISSUE:
Public hearing to consider a proposed amendment to Chapter 41.1 of the Fairfax County Code, Animal Control and Care. The proposed amendment will adopt the cruelty to animals provisions of the Code of Virginia, with additional regulations concerning dog tethering.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed amendment to Chapter 41.1 of the Fairfax County Code.

TIMING:
On September 22, 2015, the Board authorized an advertisement for a public hearing on the proposed amendment to Chapter 41.1 of the Fairfax County Code. The public hearing is scheduled for October 20, 2015, at 4:30 p.m. If adopted, the provisions of the amendment will become effective immediately.

BACKGROUND:
The proposed amendment will add a new Section 41.1-2-20 to the Fairfax County Code. This new section adopts the cruelty to animals provisions in the Code of Virginia, with additional regulations concerning dog tethering.

Earlier this year, the Board directed Animal Control staff to research the best practices for regulation of dog tethering, in part because several neighboring jurisdictions have recently enacted such regulations. Animal Control staff surveyed jurisdictions across the Commonwealth and determined that the City of Richmond's dog tethering ordinance provides the best model for the County. The Virginia Federation of Humane Societies and the Animal Law Unit of the Virginia Attorney General's Office both endorse the Richmond ordinance as model legislation. The Richmond ordinance limits the tethering of dogs to one cumulative hour in a twenty-four hour period, and this limitation is a sub-part of a broader cruelty to animals ordinance. The penalty for a first offense is a Class 3 misdemeanor, with subsequent offenses punished as Class 2 or Class 1 misdemeanors. The one-hour limitation provides for effective enforcement of the

ordinance because it is a feasible amount of time for an animal control officer to remain on-site and fully observe a violation.

This proposed amendment adopts the one cumulative hour tethering limit in a twenty-four hour period and provides for the same penalty structure as in Richmond's ordinance. These provisions are incorporated into a cruelty to animals ordinance based on the current version of the cruelty to animals provisions in the Code of Virginia. Currently, Animal Control Officers charge cruelty to animals as a state law violation. On June 9, 2015, the Public Safety Committee endorsed this proposed amendment.

At the Public Safety Committee meeting, staff also presented a proposed amendment to prohibit the confinement of unattended animals in vehicles in situations where the internal vehicle temperature was above or below certain thresholds. After further consultation with the Animal Law Unit of the Virginia Attorney General's Office, and further internal discussion, staff has determined that it needs to do additional research on best practices in this area before presenting any proposed amendment.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Amendment to Chapter 41.1, Animal Control and Care

STAFF:
David Rohrer, Deputy County Executive
Colonel Edwin C. Roessler, Jr., Chief of Police
Captain John Naylor, Director of Animal Control
John W. Burton, Assistant County Attorney
Barbara Hutcherson, Acting Animal Shelter Director

AN ORDINANCE AMENDING CHAPTER 41.1 OF THE FAIRFAX COUNTY CODE, RELATING TO ANIMAL CONTROL AND CARE

Draft of August 25, 2015

AN ORDINANCE to amend the Fairfax County Code by adopting a new Section 41.1-2-20, related to cruelty to animals.

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

1. That Section 41.1-2-20 of the Fairfax County Code is adopted as follows:

Section 41.1-2-20, Cruelty to animals, penalties.

A. Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (vi) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

B. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (iv) instigates, engages in, or in any way furthers any

act of cruelty to any animal set forth in clauses (i) through (iv); or (v) causes any of the actions described in clauses (i) through (iv), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A, is guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection A.

C. Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

D. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under the Code of Virginia, including Title 29.1, or to farming activities as provided under Title 3.2 or regulations adopted thereunder.

E. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor. A second or subsequent violation of this subsection is a Class 6 felony.

F. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another; and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, is guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not overrule Section 41.1-2-7 of this Chapter or §§ 3.2-6540, 3.2-6540.1 and 3.2-6552 of the Code of Virginia, as amended.

G. It shall be unlawful for any person to tether a dog for more than one hour cumulatively within any twenty-four hour period, whether or not the tethered dog has been provided adequate space as defined in the Code of Virginia, § 3.2-6500, as amended. Each violation of this subsection constitutes a separate violation of this subsection. The first violation of this subsection shall be punished as a Class 3 misdemeanor. However, a second violation of this subsection, whether or not involving the same dog, within one year after conviction of the first violation shall be punished as a Class 2 misdemeanor. The third and each subsequent violation of this subsection, whether or not involving the same dog,

within one year after conviction of the first violation shall be punished as a Class 1 misdemeanor.

H. Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

2. **That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.**

3. **That the provisions of this ordinance shall be effective upon adoption.**

GIVEN under my hand this _____day of October 2015.

_____

Clerk to the Board of Supervisors

Board Agenda Item
October 20, 2015

4:30 p.m.

Public Hearing on PCA 2006-SU-007-02 (PHD Associates, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2006-SU-007 Previously Approved for Residential Mixed Use Development to Permit Residential Development and a Public Facility with an Overall Floor Area Ratio of 0.67 and a Modification of the Minimum Privacy Yard Requirement for Single Family Attached Dwelling Units, Located on Approximately18.49 Acres of Land Zoned PRM and WS (Sully District)

This property is located in the North West Quadrant of the Intersection of Air and Space Museum Parkway and Wall Road. Tax Map 24-4 ((1)) 6 B4

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, September 30, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2006-SU-007-02 and the associated Conceptual Development Plan, subject to the proffers dated September 10, 2015;

- Approval of a modification of the 200 sq. ft. minimum privacy yard requirement for single family attached dwellings in favor of the open space shown on the CDPA/FDPA;

- Direct the Director of the Department of Public Works and Environmental Services (DPWES) to permit a deviation from the tree preservation target pursuant to Section 12-0508.3A of the Public Facilities Manual;

- Approval of a modification of the trail requirements in favor of the existing and proposed trail network shown on the CDPA/FDPA; and

- Reaffirm the previously approved waiver and modification:
    - Modification to permit private streets in excess of 600 linear feet; and
    - Waiver of the interparcel access requirement to the EDS Campus to the west at Tax Map 24-4 ((1))6B.

In a related action the Planning Commission voted 10-0 (Commissioners Lawrence and Strandlie were absent from the meeting) to approve FDPA 2006-SU-007-02, subject to the Development Conditions dated September 15, 2015 and the Board of Supervisors' approval of PCA 2006-SU-007-02 and the associated Conceptual Development Plan.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500971.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Carmen Bishop, Planner, DPZ

PCA/FDPA 2006-SU-007-02 – PHD ASSOCIATES, LLC

After the close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. I again want to thank all the folks who came out to speak this evening. As far as the concerns about the ADU's, I know they spoke – the applicant spoke extensively with staff and they kind of came up with the need for family oriented affordable dwelling units. I agree with Mr. Migliaccio that, maybe, putting them all in one spot isn't perfect but, if you look at the overall community it's right smack dab in a very, walkable, enjoyable community. We have the facilities close by. They have shopping close by, so, I don't think they'll be isolated like as if they were in the Mount Vernon District so…

Chairman Murphy: Glad you brought that up, Earl.

Vice Chairman de la Fe: They will be at the Sully District. They will be at the Sully District, not at the…

Commissioner Flanagan: Downtown.

Commissioner Litzenberger: Therefore, Mr. Chairman I request the applicant confirm for the record their agreement to the proposed Final Development Plan Amendment conditions dated September 15th, 2015.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C: Yes, the applicant agrees.

Commissioner Litzenberger: Thank you, Ms. Strobel. Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2006-SU-007-02 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLANS, SUBJECT TO THE PROFFERS DATED SEPTEMBER 10TH, 2015.

Commissioners de la Fe and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Ms. Hedetniemi. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Maybe this is a friendly amendment – that – I thought Ms. Strobel had indicated that she was going to look at a couple more issues before it got to the Board, like maybe, saving the visitor parking or a couple of other things that she said she would look at.

Chairman Murphy: Are those proffers?

Ms. Strobel: Those are proffers.

Chairman Murphy: Okay.

Ms. Strobel: We'll take a look at those proffers prior to going to the Board.

Commissioner Hart: With that understanding.

Chairman Murphy: Okay, without objection. All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2006-SU-007-02, say aye.

Commissioners: Aye.

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

Commissioner Litzenberger: Two more Mr. Chairman, I MOVE THE PLANNING COMMISSION APPROVE FDPA 2006-SU-007-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 15, 2015 AND THE BOARD OF SUPERVISORS' APPROVAL OF PCA 2006-SU-007-02, AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 2006-SU-0007-02 (sic), SUBJECT TO THE BOARD'S APPROVAL OF THE PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: The last thing Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS DATED SEPTEMBER 30TH, 2015, WHICH SHALL BE MADE PART OF THE RECORD IN THIS CASE.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 10-0. Commissioners Lawrence and Strandlie were absent from the meeting.)

TMW

Board Agenda Item
October 20, 2015

4:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Highland Street/Backlick Road/Amherst Avenue Pedestrian Intersection Improvements Project (Lee District)

ISSUE:
Public hearing to consider a public hearing on the acquisition of certain land rights necessary for the construction of pedestrian intersection improvements for Project 5G25-060-005, Highland Street/Backlick Road/Amherst Avenue, in Fund 30050, Transportation Improvements.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:
On September 22, 2015, the Board authorized advertisement of a public hearing to be held on October 20, 2015, at 4:30 p.m.

BACKGROUND:
This project consists of the installation of ADA compliant curb ramps, pedestrian signals, crosswalks, and portions of sidewalk. Additionally, a replacement bus shelter will be installed along northbound Backlick Road.

Land rights for these improvements are required on four properties. The construction of this project requires the acquisition of deeds of dedication, grading agreement and temporary construction easements, and a permit from the Fairfax County School Board.

Land rights on three of the four properties have been acquired; however, the remaining property owner is a defunct corporation for which no contact or representative information can be located, and because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (2012). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item
October 20, 2015

FISCAL IMPACT:
Funding in the amount of $35,528,724 is available in project 5G25-060-000, Pedestrian Improvements – 2014, in Fund 30050, Transportation Improvements. No additional funding is being requested from the Board and there is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment A – Project Location Map
Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 1A).

STAFF:
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

HIGHLAND STREET/BACKLICK ROAD/AMHERST AVENUE

Tax Map: 80-2 & 80-4

Project 5G25-060-005
Lee District

Affected Properties:

Proposed Improvements:

0 0.0225 0.045 0.09 Miles

ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, October 20, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 5G25-060-005, Highland Street/Backlick Road/Amherst Avenue Pedestrian Intersection Improvements has been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than October 23, 2015.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 1A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of constructing new roadway, sidewalk improvements and to provide adequate storm drainage as shown and described in the plans of Project 5G25-060-005, Highland Street/Backlick Road/Amherst Avenue Pedestrian Intersection Improvements on file in the Land Acquisition Division of the Department of Public Works and Environmental Services,

12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the *Code of Virginia* and does hereby authorize and direct the Director, Land Acquisition Division, on or before October 23, 2015, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the *Code of Virginia* as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project 5G25-060-005 – Highland Street/Backlick Road/Amherst Avenue Pedestrian Intersection Improvements
(Lee District)

PROPERTY OWNER(S)	TAX MAP NUMBER
1. Crestwood Construction Corporation and/or Unknown Owners Address: (No property address; Vacant land situated between Backlick Road, Amherst Avenue, and Highland Street)	080-4-04-0000-A

A Copy – Teste:

_____
Catherine A. Chianese
Clerk to the Board of Supervisors

ATTACHMENT 1

1. AFFECTED PROPERTY

Tax Map Number: 080-4-04-0000-A
Street Address: (No property address; Vacant land situated between Backlick Road, Amherst Avenue, and Highland Street)

2. OWNER(S): Crestwood Construction Corporation and/or Unknown Owners

3. INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication for Public Street Purposes - 158 sq. ft.

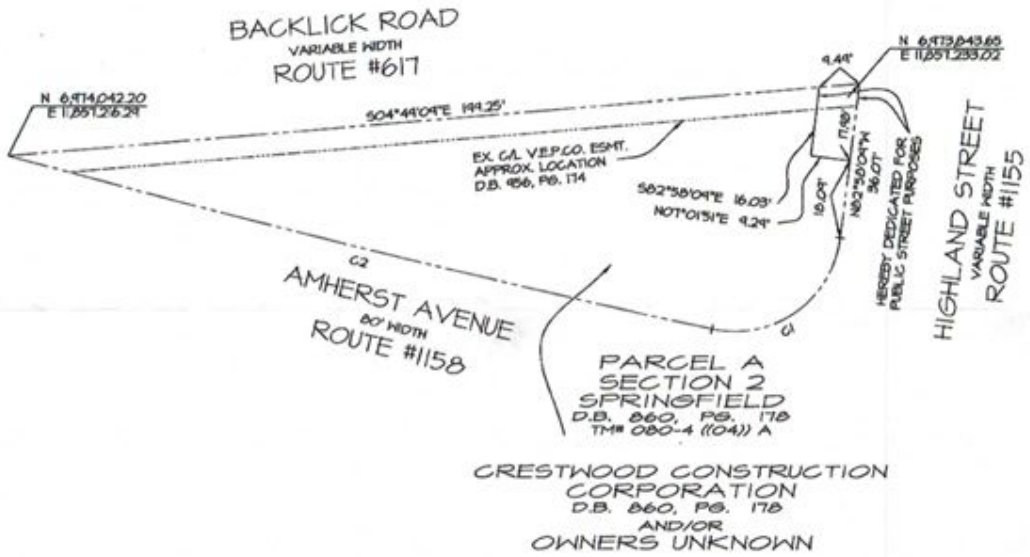
4. VALUE

Estimated value of interests and damages:

ONE HUNDRED DOLLARS ($100.00)

GRID NORTH VCS 83
NORTH ZONE

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHD BRG	CHD	DELTA
C1	25.00'	41.57'	27.41'	N35°20'19"W	36.94'	95°15'40"
C2	3110.00'	168.93'	84.44'	N13°50'53"E	168.91'	03°06'44"



NOTES:
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHTS-OF WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 080-4 ((04)) A.

PEDESTRIAN INTERSECTION IMPROVEMENTS
HIGHLAND STREET/AMHERST
AVENUE/BACKLICK ROAD

PROJECT #5625-060-005

FAIRFAX COUNTY, VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING
DEDICATION FOR PUBLIC STREET PURPOSES
THROUGH

PARCEL A, SECTION 2, SPRINGFIELD
D.B. 860, PG. 178

PROPERTY BEING IN THE NAME OF
CRESTWOOD CONSTRUCTION CORPORATION
D.B. 860, PG. 178
AND/OR
OWNERS UNKNOWN

LEE DISTRICT, FAIRFAX COUNTY — SHEET 1 OF 1

SCALE: 1"=20'	DATE: 01/22/15	DRAWN BY: BWS

AREA TABULATION

DEDICATION FOR PUBLIC STREET PURPOSES 158 SQ. FT.

20 0 20 40 60
Scale: 1" = 20'

PLAT PREPARED BY:
RICE ASSOCIATES
10661 GASKINS WAY
MANASSAS, VA 20109
703-468-3200
WWW.RICESURVEYS.COM

COMMONWEALTH OF VIRGINIA
WILLIAM C. RIPPY, JR.
Lic. No. 2887
3-19-15
LAND SURVEYOR

ATTACHMENT 1-A

Board Agenda Item
October 20, 2015

4:30 p.m.

Public Hearing to Establish the Braddock Green Community Parking District (Braddock District)

ISSUE:
Proposed amendment to Appendix M, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Braddock Green Community Parking District (CPD).

RECOMMENDATION:
The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Braddock Green CPD.

TIMING:
On September 22, 2015, the Board authorized advertisement of a Public Hearing to consider the proposed amendment to Appendix M, of the *Fairfax County Code* to take place on October 20, 2015, at 4:30 p.m.

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

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

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of $10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

On January 13, 2015, the Board waived the minimum size requirement for the proposed Braddock Green CPD. Staff has verified that all other requirements for a petition-based CPD have been satisfied.

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

FISCAL IMPACT:
The cost of sign installation is estimated at $475 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Amendment to *The Fairfax County Code*, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Braddock Green CPD

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

Attachment I

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-86 Braddock Green Community Parking District

(a) *District Designation*.

(1) The restricted parking area is designated as the Braddock Green Community Parking District.

(2) Blocks included in the Braddock Green Community Parking District are described below:

Braddock Green Court (Route 7752)
From Braddock Road Frontage to the cul-de-sac end.

Braddock Road Frontage
From Braddock Green Court south to the end

(b) *District Provisions*.

(1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.

(2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Braddock Green Community Parking District.

(3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv)

restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

(c) *Signs*. Signs delineating the Braddock Green Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles ≥ 3 Axles
Vehicles GVWR ≥ 12,000 lbs.
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B

Attachment II

Board Agenda Item
October 20, 2015

5:00 p.m.

Public Hearing on SEA 89-Y-035 (Haft / Equities Sully Plaza Limited Partnership) to Amend SE 89-Y-035 Previously Approved for a Drive-In Financial Institution and a Waiver of Minimum Lot Size and Lot Width Requirements to Permit Modifications to Site Design and Development Conditions to Permit Waiver of Certain Sign Regulations and an Increase in Sign Height and Sign Area in a Highway Corridor Overlay District and Reaffirm Waivers of Minimum Lot Size and Lot Width Requirements, Located on Approximately 20,600 Square Feet of Land Zoned C-8, WS and HC (Sully District)

This property is located at 13960 Lee Jackson Memorial Highway, Chantilly 20151. Tax Map 34-4 ((1)) 16C pt.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, September 16, 2015, the Planning Commission voted 9-0 (Commissioners Flanagan, Lawrence, and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 89-Y-035, subject to the Development Conditions dated September 14, 2015; and

- Reaffirmation of the waivers of minimum lot area and minimum lot width requirements.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4499285.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Sharon Williams, Planner, DPZ

SEA 89-Y-035 – HAFT/EQUITES-SULLY PLAZA LIMITED PARTNERSHIP

After Close of the Public Hearing

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION APPROVE SEA 89-Y-035, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 14TH, 2015.

Chairman Murphy: Is there a second to the-

Commissioner Hart: Sure. Second.

Chairman Murphy: You sure?

Commissioner: Yes.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those –

Commissioner Ulfelder: The applicant – do we need the applicant to-

Commissioner Hart: -to get the development conditions?

Chairman Murphy: Oh, do you want to do the development conditions? We have been – we're really rusty.

Commissioner Sargeant: I came in. I got lost.

Chairman Murphy: This is going down in history as the shortest case the Haft Empire ever had and we're screwing it up here.

Commissioner de la Fe: They're all the same except – only three and seven are changed?

Chairman Murphy: Would you come up and satisfy the requirement put on us by the legislator that you understand the development-

Inda Stagg, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: We agree to these development conditions.

Chairman Murphy: All right. Thank you very much. All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 89-Y-035, as articulated by everyone who is confused, say aye.

Commissioners: Aye.
Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: One more motion.

Chairman Murphy: Okay.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION APPROVE THE REAFFIRMATION OF THE WAIVERS OF MINIMUM LOT AREA AND MINIMUM LOT WIDTH REQUIREMENTS.

Commissioner Hart: Second.

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

Commissioners: Aye.

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

//

(Each motion carried by a vote of 9-0. Commissioners Flanagan, Lawrence, and Strandlie were absent from the meeting.)

JLC

Board Agenda Item
October 20, 2015

5:00 p.m.

Public Hearing on SEA 86-C-066-03 (Hunter Mill Country Day School, Inc.) to Amend SE 86-C-066-02 Previously Approved for a Private School of General Education Nursery School, and Child Care Center to Permit an Increase in Enrollment from 80 to 99 Children and Associated Modifications to Site Design and Development Condition, Located on Approximately 4.86 Acres of Land Zoned R-E (Hunter Mill District)

This property is located at 2021 Hunter Mill Road, Vienna 22181. Tax Map 27-4 ((1)) 3.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 1, 2015, the Planning Commission voted10-0 (Commissioners Hedetniemi and Lawrence were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 86-C-066-03, subject to the Development Conditions dated September 17, 2015;
- Approval of a modification of the transitional screening and barrier requirements along all property lines pursuant to Section 13-305 of the Zoning Ordinance in favor of the existing vegetation and barriers depicted on the SE Plat;
- Approval of a waiver of the stream valley trail requirement in accordance with Section 17-201 of the Zoning Ordinance; and
- Approval of a waiver of construction of the on-road bike lane in accordance with Section 17-201 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500981.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Megan Duca, Planner, DPZ

SEA 86-C-066-03 – HUNTER MILL COUNTRY DAY SCHOOL, INC. (Hunter Mill District)

After Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. Could the applicant please confirm, for the record, their agreement to the proposed development conditions?

Elizabeth Potemra, Applicant's Agent, BuildEase, LLC: Yes. We do confirm the development conditions of September 17th, 2015.

Commissioner de la Fe: Okay.

Chairman Murphy: Can you just pull that microphone down a tad? We're just having a difficult time hearing you.

Commissioner de la Fe: So you – you do confirm that you agree with the development-

Ms. Potemra: I confirm the development conditions – conditions of September 17th, 2015.

Commissioner de la Fe: Thank you – thank you very much. Mr. Chairman – again, this – we – the Board of Supervisors approved the original SE for this that we are amending tonight. All – everything that was approved back then has been constructed and all of the – you know, waivers, modifications, and so on were approved. And all we're doing tonight is permitting an increase from, I believe, 80 to 99 students and whatever additional staff is necessary. But there are no changes to the physical plan or – and VDOT has confirmed that the previous waiver that they had granted for this – for the original case was still in effect. So Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 86-C-066-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 17, 2015.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 86-C-066-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL

PROPERTY LINES PURSUANT TO SECTION 13-305 OF THE ZONING ORDINANCE IN FAVOR OF THE EXISTING VEGETATION AND BARRIERS DEPICTED ON THE SE PLAT.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE STREAM VALLEY TRAIL REQUIREMENT IN ACCORDANCE WITH SECTION 17-201 OF THE ZONING ORDINANCE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And lastly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF CONSTRUCTION OF THE ON-ROAD BIKE LANE IN ACCORDANCE WITH SECTION 17-201 OF THE ZONING ORDINANCE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much.

Chairman Murphy: Thank you.

//
(Each motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

JLC

Board Agenda Item
October 20, 2015

5:00 p.m.

Public Hearing on SE 2014-HM-066 (Sports Authority, Inc.) to Permit Modification in Certain Sign Regulations to Permit an Increase in Sign Area, Located on Approximately 14.02 Acres of Land Zoned C-7, SC and HC (Hunter Mill District)

This property is located at 8355 Leesburg Pike, Vienna 22182. Tax Map 29-3 ((1)) 32

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 1, 2015, the Planning Commission voted 10-0 (Commissioners Hedetniemi and Lawrence were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-HM-066, subject to Development Conditions dated September 16, 2015

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4500980.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), Bob Katai, Planner, DPZ

SE 2014-HM-066 – SPORTS AUTHORITY, INC.

After Close of the Public Hearing

Chairman Murphy: Without objection – public hearing is closed. Recognize Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, could the applicant please step forward and – are you in agreement with the proposed development conditions dated September 16th, 2015?

Shawn Smith, Applicant's Agent, Trulie Investment Corporation: Yes sir.

Commissioner de la Fe: Thank you very much. This is a – in effect, it's a Special Exception because of the district it's in. And the – that's yours.

Chairman Murphy: Sorry.

Commissioner de la Fe: But – you know, so it's not a sign plan, but it is a sign change. And all that they are requesting is to add the name of the – Sports Authority to an existing sign that is already there – that is to be placed below the other two major tenants. And therefore, it doesn't increase the size of the – or height of the sign, station, or anything like that. So it is, I believe, quite simple. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-HM-066, SUBJECT TO CONDITIONS DATED SEPTEMBER 16, 2015.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-HM-066, say aye.

Commissioners: Aye.

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

//

(The motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

JLC

Board Agenda Item
October 20, 2015

5:00 p.m.

Public Hearing on PRC 76-C-111 (Fairfax County School Board) to Approve the PRC Plan Associated with RZ 76-C-111 to Permit a Building Addition and Site Improvements to the Existing Public School Facility, Located on Approximately 48.40 Acres of Land Zoned PRC (Hunter Mill District)

This property is located on the North Side of South Lakes Drive approximately 1,600 Feet East of Soapstone Drive. Tax Map 26-2 ((18)) 7 and 8pt.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 15, 2015, the Planning Commission voted 9-0 (Commissioners Lawrence, Murphy, and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PRC 76-C-111, subject to the Development Conditions dated October 1, 2015 with the following addition to the conditions:

  "The applicant shall extend the existing path located to the north of the northernmost parking lot to provide a pedestrian connection from this path to the existing path located to the east of the basketball court."; and

- Approval of a modification of the transitional screening requirements and a waiver of the barrier requirements along the southern, eastern, and western property boundaries, pursuant to Section 13-305 of the Zoning Ordinance, in favor of that shown on the PRC plans.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4502653.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Megan Duca, Planner, DPZ

PRC 76-C-111/FS-H14-41 – FAIRFAX COUNTY SCHOOL BOARD

After the Close of the Public Hearing

Secretary Hart: I'll close the public hearing and recognize Commissioner de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. Like any school, this presents problems and we - we all have heard about, you know, traffic - bicycle, pedestrian, living on a street that fronts an elementary school. We learned 40 years ago that there was a 15 to 20 minute period that we avoided getting out of this street. But what I think with the development conditions that we have we are trying to minimize the number of cars to what is required by Code - increase, although it is not specified because it will be done at site plan, the number of bicycle racks and spreading them out. Hopefully, you will consider the signage of the shared road. I will add a condition, which you have agreed to already, but I will ask you later: The applicant shall extend the existing asphalt path located to the north of the northernmost parking lot to provide a pedestrian connection from this path to the existing asphalt path located to the east of the basketball courts. I believe that that is what was required, but if not you could - but that - that would be my - you know, my - my recommended additional condition to take care. If that is too specific, I will just say that you will extend the existing path so that there isn't that gap that was shown in the photograph, but that's the - the - that's what it - the addition means.

John McGranahan, Jr., Esquire, Applicant's Agent, Hunton & Williams LLP: And - and we would agree with that condition and - and may agree with this one. I - I'm - - Mr. Sarno and I was talking - is it asphalt or is it concrete; I think it's asphalt, though, from the photograph, and I don't know if those are tennis courts or basketballs courts -

Commissioner de la Fe: No, it - it is asphalt.

Mr. McGranahan: I think - I think it is asphalt. See, because it's the left.

Commissioner de la Fe: There's - there's the concrete entrance but then there's asphalt.

Secretary Hart: Looks like both

Mr. McGranahan: So I - I think certainly addressing the gap shown in that photo and perhaps -

Commissioner de la Fe: If you look at it across the way…

Mr. McGranahan: Mr. Sarno's making a good point; if it needs to be ADA accessible, it may be -

Commissioner de la Fe: Right.

Mr. McGranahan: - better to use concrete to pick up from there and go to the curb with a curb cut, because you're going to need a - not a curb cut but a - an ADA compliant ramp.

Commissioner de la Fe: If we don't say what you will - - We say said you will extend but it doesn't -

Mr. McGranahan: How about -

Commissioner de la Fe: It says the existing - so you - you can extend it with something else, you know, whether it's concrete or asphalt. But we - we - the reference for the asphalt there is the paths that are being connected are asphalt; so, you know, that you - you connect with something -

Mr. McGranahan: I - I think if you strike "asphalt" in the first line - the applicant shall extend the existing path -

Commissioner de la Fe: The existing path.

Mr. McGranahan: - located to the north of the northernmost parking lot to provide a pedestrian connection from this path to the existing asphalt path located to the east of the basketball courts. And I do -

Commissioner de la Fe: Well, why don't we just drop "asphalt" -

Mr. McGranahan: Okay.

Commissioner de la Fe: - from that the condition so it says, "the applicant shall extend the existing path," and then in the last, it will say, again, the - again, dropping the word "asphalt."

Mr. McGranahan: Okay.

Commissioner de la Fe: Okay?

Mr. McGranahan: Then that's acceptable and I think everyone here and staff know the intent. So - this will fill the gap.

Commissioner de la Fe: Okay.

Mr. McGranahan: Thank you.

Commissioner de la Fe: Mr. Chairman, with that I move - - First of all, Mr. McGranahan, do you accept the development conditions that are contained in the staff report plus the one that we just -

Mr. McGranahan: Yes, on behalf of the applicant we agree with the conditions.

Commissioner de la Fe: Okay. Okay, thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRC 76-C-111, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 1ST, WITH THE FOLLOWING ADDITION TO THE CONDITIONS:

THE APPLICANT SHALL EXTEND THE EXISTING PATH LOCATED TO THE NORTH OF THE NORTHERNMOST PARKING LOT TO PROVIDE A PEDESTRIAN CONNECTION FROM THIS PATH TO THE EXISTING PATH LOCATED TO THE EAST OF THE BASKETBALL COURT.

Commissioner Flanagan: Second.

Secretary Hart: The motion is seconded by Commissioner Flanagan. Any discussion? Seeing none, we'll move to vote. All in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN, EASTERN, AND WESTERN PROPERTY BOUNDARIES, PURSUANT TO SECTION 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF THAT SHOWN ON THE PRC PLANS.

Commissioner Flanagan: Second.

Secretary Hart: Seconded by Commissioner Flanagan. Any discussion? Seeing none, we'll move to vote. All in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

Commissioner de la Fe: And Mr. Chairman, in conjunction with this application - this PRC application - there also as you notice in the agenda - there is a 22 - a "feature shown."

Secretary Hart: A "feature shown."

Commissioner de la Fe: - which I did not move earlier because it was concurrent with this. But I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE "FEATURE SHOWN" FS-H14-41, FAIRFAX COUNTY SCHOOL BOARD AT 11400 SOUTH LAKES DRIVE, IS IN CONFORMANCE WITH THE PROVISIONS OF 2232 [*sic*] AND THE COMPREHENSIVE PLAN.

Commissioner Flanagan: Second.

Secretary Hart: Seconded by Commissioner Flanagan. Any discussion? Seeing none, we'll move to vote. All in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

//

(Each motion carried by a vote of 9-0. Commissioners Lawrence, Murphy, Strandlie were absent from the meeting.)

JN

Board Agenda Item
October 20, 2015

5:30 p.m.

Public Hearing on SE 2015-MV-003 (First Years Learning Center LLC / Claudia Tramontana) to Permit a Home Child Care Facility, Located on Approximately 10,488 Square Feet of Land Zoned PDH-2 (Mount Vernon District)

This property is located at 6614 Winstead Manor Court, Lorton, 22079. Tax Map 99-2 ((17)) 34.

On June 23, 2015, the Board of Supervisors deferred this public hearing to July 28, 2015, at 3:00 p.m.; at which time it was deferred to September 22, 2015 at 3:00 p.m.; and, then was deferred to October 6, 2015 at 3:00 p.m.; at which time it was deferred to October 20, 2015 at 5:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, July 22, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Migliaccio were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2015-MV-003, subject to the development conditions dated July 21, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4488469.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mary Ann Tsai, Planner, DPZ

SE 2015-MV-003 - FIRST YEARS LEARNING CENTER LLC/CLAUDIA TRAMONTANA

During Commission Matters

Commissioner Flanagan: Mr. Chairman. I have a decision only tonight, SE 2015-MV-003 First Years Learning Center, and I request that the applicant, come forward to the lectern and confirm for the record, agreement to the proposed development conditions now dated July 21, 2015, with two changes – recent changes - to the conditions and with the inclusion of the following language to condition one, which restricts the special exception approval to the applicant only. Do you agree with the conditions?

Lawrence McClafferty, Applicant's Agent, McCandlish & Lillard, PC: Mr. Flanagan and Mr. Chairman and members of the Commission, we hereby agree with that additional condition.

Commissioner Flanagan: Thank you.

Chairman Murphy: Sir, identify yourself for the record please, just to make it –

Mr. McClafferty: Lawrence McClafferty, of McCandlish & Lillard, here on behalf of the applicant, First Years Learning Center, LLC and Claudia Tramontana.

Chairman Murphy: Thank you very much, Mr. Flanagan.

Commissioner Flanagan: The conditions, are we on – verbatim?

Chairman Murphy: Yes.

Commissioner Flanagan: - okay, the conditions, number one that I refer to, was passed out to all the Commissioners in the handouts so you should all have that text, I will repeat it here. But based upon public testimony not previously available to staff and the applicant's willingness to achieve neighborhood harmony by amending staff's conditions so as to improve pipestem traffic and parking by eventually reducing the number of children on the site from 12 to 9. Second, improve playground safety by adding play equipment ground cover and fencing as recommended by Commissioners Strandlie and Hedetniemi and limiting the SE to the applicant rather than the site, as we are doing this evening. I therefore Mr. Chairman, MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-MV-003, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JULY 21, 2015.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger.

Commissioner Sargeant: Mr. Chairman.

Chairman Murphy: Is there a discussion of the motion?

Commissioner Sargeant: Mr. Chairman.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: I was not present for the public hearing however, I have reviewed the information and also the video recording of the public testimony and I intend to vote.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-MV-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 10-0. Commissioner Lawrence and Migliaccio absent from the meeting.)

TMW

Board Agenda Item
October 20, 2015

5:30 p.m.

Public Hearing on RZ 2014-MA-011 (Spectrum Development, LLC) to Rezone From R-3, C-2, CRD, HC and SC to C-6, CRD, HC, and SC to Permit Retail, Pharmacy with Drive-Through and Fast Food Uses With an Overall Floor Area Ratio (FAR) of 0.22, and Waivers and Modifications in a CRD, Located on Approximately 2.72 Acres of Land (Mason District) (Concurrent with SE 2014-MA-013).

This property is located on the South Side of Leesburg Pike between Charles Street and Washington Drive. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5

and

Public Hearing on SE 2014-MA-013 (Spectrum Development, LLC) to Permit a Pharmacy with Drive-Through and Fast Food Restaurant(s) and Waivers and Modifications in a CRD, Located on Approximately 2.72 Acres of Land Zoned C-6, CRD, HC, and SC (Mason District) (Concurrent with RZ 2014-MA-011).

This property is located at 5885 Leesburg Pike, 3408 & 3410 Washington Drive and 3425 & 3401 Charles Street, Falls Church 22041. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5

This public hearing was deferred from October 6, 2015 at 3:30 p.m. to October 20, 2015 at 5:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, February 12, 2015, the Planning Commission voted 8-0 (Commissioner Hart was not present for the vote and Commissioners Hurley, Murphy, and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2014-MA-011, subject to the execution of proffers consistent with those dated February 11, 2015;

- Approval of SE 2014-MA-013, subject to development conditions consistent with those dated February 9, 2015, contained in Attachment 3 of the Staff Report Addendum;

- Approval of a 20 percent parking reduction as permitted in a Commercial Revitalization District (CRD) to allow 108 parking spaces where 135 are required;

- Approval of a waiver of the front yard setback requirement in the C-6 District per the CRD provisions to permit a 10-foot setback to Leesburg Pike and 7-foot setback to Washington Drive;

- Approval of a waiver of the minimum lot width standard in the C-6 District per the CRD provisions to allow 160 feet after the dedication of the right-of-way along Charles Street;

- Approval of a modification of the trail requirement along Leesburg Pike to permit an 8-foot wide paver walkway in accordance the Bailey's Crossroads Streetscape Standards;

- Approval of a modification of the transitional screening and barrier requirements along all or portions of the east, south, and west property lines, in favor of the plantings and masonry walls shown on the GDP/SE Plat;

- Approval of a waiver of the tree preservation target area in favor of the proposed plantings shown on the GDP/SE Plat;

- Approval of a waiver of the service drive requirement along Leesburg Pike in favor of the frontage improvements shown on GDP/SE Plat;

- Approval of a modification of the loading space requirements to permit one loading area as depicted on the GDP/SE Plat; and

- Direct staff to study options for achieving the desired transportation improvements in the area, including the realignment envisioned by the plan, for the goal of minimizing impact to both existing residential neighborhoods and commercial developments while still providing adequate opportunities for redevelopment and understanding that the options may need to extend beyond the limits of the current application.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4474375.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Carmen Bishop, Planner, DPZ

Planning Commission Meeting Attachment 1
February 12, 2015
Verbatim Excerpt

RZ 2014-MA-011/SE 2014-MA-013 – SPECTRUM DEVELOPMENT, LLC

Decision Only During Commission Matters
(Public Hearing held on January 14, 2015)

Commissioner Strandlie: Thank you, Mr. Chairman. Tonight, the commission will make a decision on a proposed plan submitted by Spectrum Development, LLC, referred to as The Shops at Baileys Crossroads. As we discussed at the January 14th hearing, the site has been in need of redevelopment for over 20 years. A portion of the site has been sitting as a vacant lot since 2007 and a good portion of this vacant lot is needed to realign Charles Street in Glen Forest, making development close to impossible. Geico owns an addition – an adjacent lot and building and they have now shut down business at that location. The applicant cobbled together the vacant lot, the Geico property, and two additional residential properties immediately to the rear to have sufficient land for this development. Since the January 14th public hearing, the applicant, neighbors, and staff have diligently worked to try address issues with the design and other matters raised by commissioners, including my concerns about the design of CVS. In addition to meeting with the applicants, Fairfax County Division chief Kris Abrahamson and I met with Irene Xenos and Brian Lovitt for two hours on site in a snow storm, and we appreciated very much their meeting with us. Ms. Xenos is a zealous advocate on behalf of her grandmother, and I can definitely understand and appreciate her concerns. I want to thank everyone who's worked on this, especially Kris and Brent Krasner for their efforts, and ask them to briefly go through the design and proffer changes, including responses to requests for improvements to Lot 8.

Brent Krasner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Thank you. I prepared a few slides just to briefly summarize where we – what we've been doing since the – during the deferral period, just to refresh everyone's memory that the property is on Leesburg Pike between Charles Street and Washington Drive on the west side of the Baileys Crossroads area. The applicant has submitted a revised GDP. The overall layout has not changed; however, they have incorporated a series of revisions to address various staff and neighborhood concerns. Some of the more changes were additional landscaping and a pedestrian path within the right-of-way at the intersection of Charles Street and Leesburg Pike. These were added at staff's recommendation to improve – both improve the visual appearance of the development as well as to prevent pedestrians from trampling on any plantings in that area. They've added a right-turn lane along Charles Street onto Leesburg Pike. The monument sign has been relocated from the intersection to the small seating area and we support this change. It would make it less prominent and it provides a pedestrian feature. They've also made a change to – to the bus shelter detail to provide additional right-of-way as requested by FDOT (Fairfax County Department of Transportation) to accommodate a future cycle track. They've also made significant architectural revisions to the pharmacy. The new elevations now show a more articulated building façade with a greater variety of colors and materials on all sides. They've added additional faux windows and awnings. There's also a proffer that now indicates that the windows fronting on Leesburg Pike as well as the ones that face the other retail building, will feature images of historic themes relevant to Baileys Crossroads and overall staff feels that the architectural revisions have improved the building and they have gone some way to address our

concerns about compatibility with the rest of the development as well as meeting the guidelines of the Baileys CBC in the comprehensive plan. These are additional renderings that show the new design; flip through these quickly. You can see the additional windows and awnings. And this is a bird's eye perspective. And I'll note that these images don't contain all the landscaping that will be provided in that right-of-way, but it gives you a sense of the architecture. The applicant has also submitted revised proffers in conjunction with the revised plan. The most current set, dated February 11th, was distributed to you yesterday. They've been updated to provide enhanced commitments to address various staff commission and neighborhood concerns. Some of the key changes were moving the monument sign, the additional landscaping in the right-of-way; the deliveries of the largest trucks will be restricted to non-peak periods; and of course there will be no loading on Washington Drive or any blocking of access to the site. They have increased the contribution for the off-site work on Lot 8, which is the adjacent residential property directly to the east of the site's entrance on Washington Drive, including funds for plantings, a fence, as well as a vehicle turnaround in their driveway so they can pull out forwards onto Washington Drive. They've added proffers clarifying that there will be no outdoor speakers or vending machines or anything like that on the site, and additional proffers related to trash, lighting, noise, parking enforcement, and construction, which were originally in the – in the – in the proffers have remained and been strengthened. The conditions were revised just to remove conditions that have now been addressed in the – in the proffers. We issued a staff report addendum and as we stated in that addendum staff feels that the applicant should be credited for making significant improvements to the architectural design as well making improvements to their proffer commitments. We feel the pharmacy more closely resembles the remainder of the development. It will provide a more pleasing appearance from Leesburg Pike. Ultimately, staff however – we were unable to reverse our recommendations for denial, the improved architectural notwithstanding. The building – in staff's opinion, it still faces rearwards, and it places that drive-through in a highly visible location at the intersection. In addition the right-of-way, based on what the Comp Plan currently recommends today, we feel that what they have provided is insufficient without needing additional private land. For those specific reasons, we're unable to reverse our – our recommendation; however, we do feel the applicant has made significant strides in addressing other concerns. Thank you very much.

Vice Chairman de la Fe: Thank you very much.

Commissioner Strandlie: There's a - - there was a question of the alignment of the exit on the Washington Street side and alignment with the Lot 8 driveway. Can you address the safety concerns of that as –

Mr. Krasner: Sure. Ultimately, having the driveway aligned with the access actually is the safest alternative. Just like with any other intersection, if it's skewed or offset, it introduces a potential conflict, as opposed to when it's head-on and the visibility is excellent for cars that come from either side. Also with the provision for a turnaround for the residential property, they will now be able to pull out forwards without having to back out, and we feel that provides a safe condition and it ameliorates that concern.

Commissioner Strandlie: Okay, thank you. On Proffer 26, I had some concerns about the amount of – included to provide the mitigation to Lot 8 for landscaping and/or fence and the driveway,

and I was hoping the applicant can come down and – and confirm a conversation that we had today – Peter Batten. They are going to address this. The amount currently calls for $10,000 to reimburse for construction costs and we were concerned that that was not the right amount. Can you please confirm our conversation that we were going to have to work with the Xenos Family to make sure that the amount is sufficient to address their concerns as in the invoice and estimate that the previously provided?

Peter Batten, Applicant: We talked about that we would go out actually and do a design of the turnaround and the fencing and landscaping and then get a – a firm to provide a bid to us. So we can confirm the amount that we have in the proffer allocated for those – those improvements.

Commissioner Strandlie: So between now and the time that this may go to the Board, you will work with the Xenos Family to make sure that the amount is the sufficient amount to cover those costs.

Mr. Batten: Yes. We're going to start tomorrow to – to get the design together and then get with our construction folks and get the pricing –

Commissioner Strandlie: Okay.

Mr. Batten: – for the landscaping.

Commissioner Strandlie: And the other issue is that the proffer originally called for reimbursement after the expenses and we had discussed providing an escrow account so that they did not have to put any costs upfront.

Mr. Batten: Correct.

Commissioner Strandlie: Good.

Commissioner Strandlie: Thank you.

Vice Chairman de la Fe: Just for the record, could you identify yourself?

Mr. Batten: Yes.

Vice Chairman de la Fe: We know you are the applicant, but –

Mr. Batten: Yes. I'm with the applicant, Spectrum Development, and my name is Peter Batten and I'm one of the managing directors of the firm.

Vice Chairman de la Fe: Thank you.

Mr. Batten: Thanks.

Commissioner Strandlie: Thanks. Thank you. Brent or Kris, do you have anything else to add?

Kris Abrahamson, ZED, DPZ: Not with this question.

Commissioner Strandlie: Thank you. In – in this particular circumstance, there is overriding community needs and development challenges that have convinced me to switch me as – from a no when I was a land use – on the land use committee following the many changes and as this has moved forward. In addition, the chair of the Mason District Land Use Committee now supports this application and asked me to read his February 11th, 2015, email into the record and he said, the chair of the Mason District Land Use Committee, Dan Aminoff, while having concerns about the project's specifics, feels that the opportunity for development outweighs keeping the status quo. The Bailey's Revitalization corporation previously endorsed the project; Glen Forest Neighbors support the redevelopment, the owner of the shopping center across the street, Adrian Dominguez, supports the project because it adds additional retail and shoppers to the neighborhood; however, their support is contingent upon future road realignment not taking much of her much needed parking lot. The property at hand is the Gateway to Baileys Crossroads and many see it as an impetus for further redevelopment, a jumpstart to revitalizing this area. Again, the lot has been vacant for 8 years and undeveloped for about 20; however, there are still impediments to redevelopment that came to light during the review of this application. There is a question of how to protect the neighborhoods and existing business while improving transportation and making it a more attractive community; therefore, following the initial motion to approve the application with conditions, I will offer a supplemental motion addressing the need to identify additional redevelopment options for this area.

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Thank you. So, Mr. Chairman I would like to make a motion to –

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-MA-011, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 11, 2015;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MA-013, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED FEBRUARY 9TH, 2015, CONTAINED IN ATTACHMENT 3 OF THE STAFF REPORT ADDENDUM;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A 20 PERCENT PARKING REDUCTION AS PERMITTED IN A COMMERCIAL REVITALIZATION DISTRICT (CRD) TO ALLOW 108 PARKING SPACES WHERE 135 ARE REQUIRED;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE FRONT YARD SETBACK REQUIREMENT IN THE C-6 DISTRICT PER THE CRD PROVISIONS TO PERMIT A 10-FOOT SETBACK TO LEESBURG PIKE AND 7-FOOT SETBACK TO WASHINGTON DRIVE;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE MINIMUM LOT WIDTH STANDARD IN THE C-6 DISTRICT PER THE CRD PROVISIONS TO ALLOW 160 FEET AFTER THE DEDICATION OF THE RIGHT-OF-WAY ALONG CHARLES STREET;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRAIL REQUIREMENT ALONG LEESBURG PIKE TO PERMIT AN 8-FOOT WIDE PAVER WALKWAY IN ACCORDANCE THE BAILEY'S CROSSROADS STREETSCAPE STANDARDS;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL OR PORTIONS OF THE EAST, SOUTH, WEST – AND WEST PROPERTY LINES, IN FAVOR OF THE PLANTINGS AND MASONRY WALLS SHOWN ON THE GDP/SE PLAT;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE TREE PRESERVATION TARGET AREA IN FAVOR OF THE PROPOSED PLANTINGS SHOWN ON THE GDP/SE PLAT;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG LEESBURG PIKE IN FAVOR OF THE FRONTAGE IMPROVEMENTS SHOWN ON GDP/SE PLAT; and

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENTS TO PERMIT ONE LOADING AREA AS DEPICTED ON THE GDP/SE PLAT.

Commissioner Flanagan: I second all nine of those motions.

Commissioner Hedetniemi: I do too.

Vice Chairman de la Fe: Seconded by Commissioners Hedetniemi and Flanagan. Any discussion?

Commissioner Migliaccio: Just on the special exception? Did we need the applicant to agree to those? Or did you get them on the record already? The development conditions, when they were up here?

Commissioner Strandlie: I believe those were all in the motion.

Ms. Abrahamson: Do you want to ask the applicant to come down?

Vice Chairman de la Fe: Yes, if the applicant - - if - before – before we take a vote, could the applicant please come down and confirm that he agrees with the development conditions as stated by and agreed to by Commissioner Strandlie.

William B. Lawson, Esquire, The Law Office of William B. Lawson, P.C.: Mr. Chairman, for the record, my name is William B. Lawson, Jr. I represent the applicant. The conditions are acceptable.

Vice Chairman de la Fe: Thank you very much. Okay. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motions carry. Thank you very much..

Commissioner Strandlie: Thank you. I have – I have my supplemental motion if you –

Vice Chairman de la Fe: Yes.

Commissioner Strandlie: – would bear with me.

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Mr. Chairman, acknowledging the difficulties encountered in trying to adequately and safely accommodate the necessary road realignments, including the additional right-of-way for the proposed realignment of Charles Street intersection on the application property, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO STUDY OPTIONS FOR ACHIEVING THE DESIRED TRANSPORTATION IMPROVEMENTS IN THE AREA, INCLUDING THE REALIGNMENT ENVISIONED BY THE PLAN, FOR THE GOAL OF MINIMIZING IMPACT TO BOTH EXISTING RESIDENTIAL NEIGHBORHOODS AND COMMERCIAL DEVELOPMENTS WHILE STILL PROVIDING ADEQUATE OPPORTUNITIES FOR REDEVELOPMENT AND UNDERSTANDING THAT THE OPTIONS MAY NEED TO EXTEND BEYOND THE LIMITS OF THE CURRENT APPLICATION.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion? Hearing and seeing none, all those in favor of the motion, please signify by saying aye.

Commissioners: Aye.

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

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(Each motion carried by a vote of 8-0. Commissioner Hart was not present for the votes; Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.)

JN

Board Agenda Item
October 20, 2015

5:30 p.m.

Public Hearing on SEA 97-M-016 (Extra Space Storage Inc) to Amend SE 97-M-016, Previously Approved for a Mini Warehouse Establishment to Permit Modifications to Site and Development Conditions in a Commercial Revitalization District, Located on Approximately 2.09 Acres of Land Zoned C-8, CRD, HC, and SC (Mason District)

This property is located at 5821 Seminary Road, Falls Church 22041. Tax Map 61-2 ((21)) 1

This public hearing was deferred from October 6, 2015 at 3:30 p.m. to October 20, 2015 at 5:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 7, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Litzenberger were absent from the meeting) to recommend to the Board of Supervisors approval of SEA 97-M-016, subject to Development Conditions consistent with those dated September 1, 2015.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4499284.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Joe Gorney, Planner, DPZ

SEA 97-M-016 – EXTRA SPACE STORAGE INC.

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. And the affidavit is the one dated September 25th, 2015. Mr. Chairman, I request that the applicant confirm for the record their agreement to the development conditions dated September 1st, 2015?

Jack M Wilbern Jr., Applicant's Agent: Yes, we agree.

Commissioner Strandlie: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF SEA 97-M-016, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED SEPTEMBER 1ST, 2015.

Commissioners Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. 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 SEA 97-M-016, say aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Lawrence and Litzenberger were absent from the meeting.)

JN