

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
January 14, 2014**

**AGENDA**

- 8:30 Reception – Burmester Day  
Conference Center Reception Area
- 9:30 Presentations
- 10:30 Board Organization and Appointments of Board Members to  
Various Regional and Internal Boards and Committees
- 10:40 Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

- 1 Supplemental Appropriation Resolution AS 14131 for the Fairfax  
County Economic Development Authority to Accept Grant Funding  
from the Commonwealth of Virginia – Governor’s Opportunity  
Fund for Cvent, Inc. (Providence District)
- 2 Authorization to Advertise a Public Hearing on Proposed Award of  
Taxicab Operator Certificates Pursuant to Chapter 84.1 of the  
Fairfax County Code
- 3 Streets into the Secondary System (Mount Vernon and Sully  
Districts)

**ACTION ITEMS**

- 1 Approval of the Board of Supervisors’ Meeting Schedule for  
Calendar Year 2014 and Authorization for the Chairman to  
Postpone a Scheduled Meeting in the Event of Weather or Other  
Hazardous Conditions
- 2 Expression of No Opposition to Virginia Department of  
Transportation Project to Construct a Roundabout at the Pleasant  
Valley Road (Route 609) and Braddock Road (Route 620)  
Intersection (Sully District)

**INFORMATION  
ITEMS**

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

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
January 14, 2014**

**INFORMATION  
ITEMS  
(Continued)**

- |       |  |
|-------|--|
| 2     | Contract Award – Government Relations Consultant   |
| 3     | Planning Commission Action on Application 2232-M13-14,<br>Fairfax County School Board (Mason District) |
| 10:50 | Matters Presented by Board Members   |
| 11:40 | Closed Session   |

**PUBLIC  
HEARINGS**

- |      |   |
|------|---|
| 3:30 | Public Hearing on RZ 2009-PR-022 (James Hollingsworth)<br>(Providence District)   |
| 3:30 | Public Hearing on SE 2013-SU-018 (The Centreville Pre-School,<br>Inc.) (Sully District)   |
| 3:30 | <b>Indefinitely<br/>deferred</b> Public Hearing on RZ 2013-PR-007 (EYA Development, LLC)<br>(Providence District)   |
| 3:30 | Public Hearing on RZ 2013-PR-006 (Fairfax Plaza, LLC)<br>(Providence District)  |
| 3:30 | Public Hearing on PCA 86-D-108 (William Weiss) (Dranesville<br>District)  |
| 3:30 | Public Hearing on SE 2013-HM-012 (Blue Ocean Development,<br>Inc.) (Hunter Mill District)   |
| 4:00 | Public Hearing on RZ 2013-LE-008 (Penn-Daw Associates<br>Limited Partnership) (Lee District)  |
| 4:00 | Public Hearing on RZ 2012-BR-020 (Eastwood Properties, Inc.)<br>(Braddock District)   |
| 4:00 | Public Hearing on Proposed Area Plans Review Nominations 09-<br>IV-IMV and 09-IV-15MV, Located Northwest of Richmond<br>Highway, and Northeast Huntington Avenue (Mount Vernon<br>District)       |
| 4:00 | <b>To be deferred</b> Public Hearing to Consider Amending Fairfax County Code<br>Section 82-5A and Appendix G (Residential Permit Parking<br>Districts) Related to Administration and Eligibility |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
January 14, 2014**

**PUBLIC  
HEARINGS  
(Continued)**

- 4:00 Public Hearing on a Proposal to Abandon a Part of Lyles Road and Convey the Abandoned Right-of-Way to ECHO, Incorporated (Lee District)
- 4:00 Public Hearing on Amendment to the Code of the County of Fairfax, Chapter 2, Article 2 (Disposal of Property Seized by Police)

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*Fairfax County, Virginia*  
***BOARD OF SUPERVISORS***  
***AGENDA***

**Tuesday**  
**January 14, 2014**

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9:30 a.m.

**PRESENTATIONS**

- CERTIFICATE – To recognize the Westfield High School Girls Hockey team for winning the state championship. Requested by Supervisor Frey.
- CERTIFICATE – To recognize Fairfax County high school football coaches for their efforts to bring the Heads Up Football program to Fairfax County. Requested by Supervisors Herrity and Frey.
- RESOLUTION – To recognize John W. Peterson for his accomplishments on behalf of the environment, resulting in a National Association of Conservation Districts Distinguished Service Award. Requested by Supervisors Herrity and Cook.
- PROCLAMATION – To designate January 14, 2014, as Jessica and Raymond Burmester Day in Fairfax County. Requested by Chairman Bulova and Supervisor Cook.
- PROCLAMATION – To designate January 2014 as Mentoring Month in Fairfax County. Requested by Chairman Bulova.

**STAFF:**

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

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Board Agenda Item  
January 14, 2014

10:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1 - Listing of Interjurisdictional Committees and Inter- and Intra-Governmental Boards and Committees for Calendar Year 2014

STAFF:

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

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**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-  
GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR  
YEAR 2014**

**INTERJURISDICTIONAL COMMITTEES**

**ALEXANDRIA**

**ARLINGTON**

**DISTRICT OF COLUMBIA**

**FAIRFAX CITY**

**FALLS CHURCH**

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

**HERNDON**

**LOUDOUN COUNTY**

**PRINCE WILLIAM**

**VIENNA**

**INTERGOVERNMENTAL BOARDS AND COMMITTEES**  
(including Federal and State)

**COMMUNITY CRIMINAL JUSTICE BOARD**

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

**COG BOARD OF DIRECTORS**

**COG METROPOLITAN WASHINGTON AIR QUALITY  
COMMITTEE**

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

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

**COG EMERGENCY PREPAREDNESS COUNCIL**

COG HUMAN SERVICES AND PUBLIC SAFETY  
COMMITTEE

COG REGION FORWARD COMMITTEE

COG TASK FORCE ON REGIONAL WATER SUPPLY  
ISSUES

COG NATIONAL CAPITAL REGION TRANSPORTATION  
PLANNING BOARD

CLEAN AIR PARTNERS

COLUMBIA PIKE TRANSIT INITIATIVE POLICY COMMITTEE

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY  
BOARD

INOVA HEALTH CARE SERVICES BOARD

INOVA HEALTH SYSTEMS BOARD

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

**NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)**

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)**  
(including WMATA and VRE Representatives)

**PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT  
DISTRICT COMMISSION**

**PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT  
DISTRICT COMMISSION**

**POTOMAC WATERSHED ROUNDTABLE**

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT  
COMMISSION**

**VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)**

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY  
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

**INTRAGOVERNMENTAL AND OTHER COMMITTEES**

**50+ COMMITTEE**

(Committee of the Whole)

**AUDIT COMMITTEE**

**BOARD PROCEDURES COMMITTEE**

**BUDGET POLICY COMMITTEE**

(Committee of the Whole)

**COMMUNITY REVITALIZATION AND REINVESTMENT COMMITTEE**

(Committee of the Whole)

**DEVELOPMENT PROCESS COMMITTEE**

(Committee of the Whole)

**ECONOMIC ADVISORY COMMITTEE**

(Committee of the Whole)

**ENVIRONMENTAL COMMITTEE**

(Committee of the Whole)

**HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE**  
(Committee of the Whole)

**HUMAN SERVICES COMMITTEE**  
(Committee of the Whole)

**INFORMATION TECHNOLOGY COMMITTEE**  
(Committee of the Whole)

**LEGISLATIVE COMMITTEE**  
(Committee of the Whole)

**PERSONNEL AND REORGANIZATION COMMITTEE**  
(Committee of the Whole)

**PUBLIC SAFETY COMMITTEE**  
(Committee of the Whole)

**TRANSPORTATION COMMITTEE**  
(Committee of the Whole)

Board Agenda Item  
January 14, 2014

10:40 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

Supplemental Appropriation Resolution AS 14131 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Governor’s Opportunity Fund for Cvent, Inc. (Providence District)

ISSUE:

Board of Supervisors’ approval of Supplemental Appropriation Resolution AS 14131 for the Fairfax County Economic Development Authority (FCEDA) to accept grant funding in the amount of \$1,000,000 from the Commonwealth of Virginia as part of the Governor’s Opportunity Fund (GOF) for Cvent, Inc. This grant will assist the County with the expansion of Cvent, Inc. No local cash match is required. However, Fairfax County will provide transportation improvements in the Providence District, near the firm’s new headquarters.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 14131 for the FCEDA to accept the grant funding in the amount of \$1,000,000 to convey to Cvent, Inc. as the state portion of the grant. No local cash match will be required. Fairfax County will provide transportation improvements in the Providence District. The transportation improvements identified for the GOF match (i.e. the Jones Branch Connector) are already planned and funded within the Fairfax County Department of Transportation, and will not require any additional County expenditure.

TIMING:

Board approval is requested on January 14, 2014.

BACKGROUND:

Fairfax County competed with other jurisdictions for the Cvent, Inc. headquarters expansion. As part of the negotiations, the Commonwealth of Virginia supported the expansion of the company in Fairfax County with a GOF grant. The grant is a performance grant and a performance agreement has been executed to ensure that, on behalf of Fairfax County and the Commonwealth of Virginia, the projected growth occurs.

As part of the GOF grant, Fairfax County must provide a “local match” which will be in the form of road improvements relevant to the firm’s new location in Tysons Corner.

Board Agenda Item  
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Road improvements (i.e. the Jones Branch Connector) in the vicinity of the company's new location were identified to provide the match.

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

- Estimated funding of \$250,000 from the Virginia Jobs Investment Program (VJIP).

FISCAL IMPACT:

Funding in the amount of \$1,000,000 will be provided to Fairfax County to be made available to Cvent, Inc. for the costs of the tenant build-out of its new headquarters facility in Tysons Corner as permitted by Section 2.2-115(C) of the Virginia Code and as permitted by the current GOF statute. There is no local cash match required. However, Fairfax County must provide road improvements relevant to the firm's new headquarters. These improvements have already been identified, planned, and funded within the Fairfax County Department of Transportation. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. One payment in the amount of \$1,000,000 will be made to Cvent, Inc.

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

CREATION OF NEW POSITIONS:

No County positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 14131

Attachment 2: Cvent, Inc. Performance Agreement

Attachment 3: Notification of GOF Award from the Commonwealth of Virginia

Board Agenda Item  
January 14, 2014

STAFF:

Robert Stalzer, Deputy County Executive  
Dr. Gerald L. Gordon, President, FCEDA  
Catherine Riley, Vice President, FCEDA

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**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 14131**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on January 14, 2014, at which a quorum was present and voting, the following resolution was adopted:

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2014, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G1616, Economic Development Authority	\$1,000,000
Grant:	1160005-2014, Governor’s Opportunity Fund–Cvent, Inc.	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$1,000,000
Fund:	500-C50000, Federal-State Grant Fund	

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

A Copy - Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors

**GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND**

**PERFORMANCE AGREEMENT**

This **PERFORMANCE AGREEMENT** made and entered this 22 day of October, 2013, by and between the **COUNTY OF FAIRFAX, VIRGINIA** (the "Locality") a political subdivision of the Commonwealth of Virginia (the "Commonwealth"), and **CVENT, INC.**, Delaware corporation authorized to transact business in the Commonwealth (the "Company").

WITNESSETH:

WHEREAS, the Locality has been awarded a grant of and expects to receive \$1,000,000 from the Governor's Development Opportunity Fund (a "GOF Grant") through the Virginia Economic Development Partnership Authority ("VEDP") for the purpose of inducing the Company to lease, improve, equip and operate, or cause to be leased, equipped and operated, a headquarters facility at existing adjoining buildings at located at 1707, 1709, and 1710 Solutions Drive, Tysons Corner, Virginia 22102 and further identified by Fairfax County Tax Map No. 29-3 ((15)) 4 -E, F, and D respectively (the "Facility"), thereby making or causing to be made a significant Capital Investment, as hereinafter defined, and creating and maintaining a significant number of New Jobs, as hereinafter defined;

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

WHEREAS, the Locality and the Company desire to set forth their understanding and agreement as to the payout of the GOF Grant, the use of the proceeds of the GOF Grant, the obligations of the Company regarding Capital Investment and New Job creation, and the repayment by the Company of all or part of the GOF Grant under certain circumstances;

WHEREAS, it is anticipated that leasing, improving, equipping and operating the Facility will entail a capital expenditure of approximately \$7,032,430, of which approximately \$2,100,000 will be invested in a capitalized lease, \$4,486,500 will be invested in leasehold improvements, and approximately \$445,930 will be invested in furniture, fixtures and equipment;

WHEREAS, it is anticipated that leasing, improving, equipping and operating the Facility will further entail the creation and maintenance of 400 New Jobs; and

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

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

**Section 1. Definitions.**

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

“Capital Investment” means a capital expenditure (including rent payments under a commercial lease) by or on behalf of the Company on or after June 1, 2013 in taxable real property, taxable tangible personal property, or both, at the Facility. A capital expenditure related to a leasehold interest in real property will be considered to be made “on behalf of the Company” if a lease between a developer (or other lessor) and the Company is a capital lease, or is an operating lease having a term of at least ten years, and the real property would not have been constructed or improved but for the Company’s interest in leasing the real property. Only the capital expenditures allocated to the portion of the real property to be leased by the Company will count as “Capital Investment.” The purchase or lease of furniture, fixtures, machinery and equipment, including under an operating lease, and expected building up-fit and tenant improvements (including fees for architecture, engineering and construction services) by or on behalf of the Company will qualify as Capital Investment. The Company may count as Capital Investment capital expenditures made on or after June 1, 2013 related to equipment and furniture purchased or leased to accommodate persons holding the New Jobs who may be temporarily housed at the Company’s existing facilities in the Locality, if that equipment and furniture is moved to the Facility as the Facility becomes available for occupancy by the Company.

“Maintain” means that the New Jobs created pursuant to the GOF Grant will continue without interruption from the date of creation through the Performance Date. Positions for the New Jobs will be treated as Maintained during periods in which such positions are not filled due to (i) temporary reductions in the Company’s employment levels (so long as there is active recruitment for open positions), (ii) strikes and (iii) other temporary work stoppages.

“New Job” means new permanent full-time employment of an indefinite duration at the Facility by the Company for which the standard fringe benefits (including medical insurance) are provided by the Company for the employee. Each New Job must require a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Company’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. The New Jobs must be in addition to the 451 full-time jobs at the Company’s existing facilities in the Locality as of June 1, 2013. The Company may count as New Jobs positions created on or after June 1, 2013 that are first housed at the Company’s existing facilities in the Locality, if those New Jobs are then moved to the Facility as the Facility becomes available for occupancy by the Company.

“Performance Date” means September 30, 2016. If the Locality, in consultation with VEDP, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets, the Locality may agree to extend the Performance Date by up to 15 months. If the Performance Date is extended, the Locality shall send written notice of the extension to the Company and VEDP and the date to which the Performance Date has been extended shall be the “Performance Date” for the purposes of this Agreement.

“Targets” means, as of the Performance Date, the Company’s obligations to make or cause to be made Capital Investments of at least \$7,032,430, to create and Maintain at least 133 New Jobs paying an average annual wage of at least \$79,268 and to create and Maintain an additional 267 New Jobs paying an average annual wage of at least \$53,782.

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

## **Section 2. Targets.**

By the Performance Date, the Company will lease, improve, equip and operate the Facility in the Locality, and make or cause to be made a Capital Investment of at least \$7,032,430. Further, by the Performance Date, the Company will create and Maintain at least 400 New Jobs, with at least 133 of the New Jobs paying an average annual wage of at least \$79,268 and the remaining 267 New Jobs paying an average annual wage of at least \$53,782.

The Locality hereby strongly encourages the Company to ensure that at least thirty percent (30%) of the New Jobs are offered to “Residents” of the Commonwealth, as defined in Virginia Code Section 58.1-302. In pertinent part, that definition includes natural persons domiciled in Virginia or natural persons who, for an aggregate of more than 183 days of the year, maintained a place of abode within the Commonwealth, whether domiciled in the Commonwealth or not.

The average annual wage of at least 133 of the New Jobs of at least \$79,268 is more than the prevailing average annual wage in the Locality of \$76,828. The Locality is not a high-unemployment locality, having an unemployment rate for 2012, which is the last year for which such data is available, of 4.2% as compared to the 2012 statewide unemployment rate of 5.9%. The Locality is not a high-poverty locality, with a poverty rate for 2011 which is the last year for which such data is available, of 6.8% as compared to the 2011 statewide poverty rate of 11.6%.

## **Section 3. Disbursement of Grants.**

By no later than December 31, 2013, the Locality will request the disbursement to it of the GOF Grant. If not so requested by the Locality by December 31, 2013, this Agreement will terminate. The Locality and the Company will be entitled to reapply for a GOF Grant thereafter, based upon the terms, conditions and availability of funds at that time.

The GOF Grant in the amount of \$1,000,000 will be paid to the Locality, upon its request. Within 30 days of its receipt of the GOF Grant proceeds, the Locality will disburse the



GOF Grant proceeds to the Company as an inducement to the Company to achieve the Targets. The Company will use the GOF Grant proceeds to defray the cost of the build-out of the Facility or the cost of training its employees, as permitted by Section 2.2-115(D) of the Virginia Code.

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

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

<u>Category of Incentive:</u>	<u>Total Amount</u>
GOF Grant	\$1,000,000
Virginia Jobs Investment Program (“VJIP”) (Estimated)	250,000

Provided that the Commonwealth pays the GOF Grant to the Locality, the Locality expects to provide the following incentives, as matching grants or otherwise, for the Facility:

<u>Category of Incentive:</u>	<u>Total Amount</u>
Acceleration of the Construction of the Jones Branch Connector (Estimated Cost to the Locality of such Acceleration)	\$1,000,000

If, by the Performance Date, the funds disbursed or committed to be disbursed by the Locality on or after September 1, 2013 associated with the acceleration of the construction of the Jones Branch Connector total less than the \$1,000,000 GOF Grant local match requirement, the Locality, subject to appropriation, will make an additional non-cash grant in the nature of public infrastructure improvements, to or for the benefit of the Company, of the difference at the Performance Date, so long as the Company has met its Targets. Any changes to the Locality’s incentives from the improvements described above will require the prior approval of the Company and VEDP.

The Company acknowledges and agrees that the acceleration of the construction of the Jones Branch Connector was an important factor in the Company’s decision to lease, improve, equip and operate the Facility in the Locality. The Locality believes that the construction of the Jones Branch Connector will benefit the Company, surrounding businesses and residents, and the traveling public.

The proceeds of the GOF Grant shall be used for the purposes described in Section 3. The VJIP grant proceeds shall be used by the Company to pay or reimburse itself for recruitment and training costs.

**Section 5. Repayment Obligation.**

(a) *If Statutory Minimum Eligibility Requirements are Not Met:* Section 2.2-115 of the Virginia Code requires that the Company make or cause to be made a Capital Investment of at least \$5,000,000 and create and Maintain at least 50 New Jobs paying an average annual wage of at least \$76,828 in order to be eligible for the GOF Grant. Failure by the Company to meet either of these statutory minimum eligibility requirements by the Performance Date shall constitute a breach of this Agreement and the entire GOF Grant must be repaid by the Company to the Locality.

(b) *If Statutory Minimum Eligibility Requirements are Met:* The provisions of this subsection (b) are only applicable if the Company has met the statutory minimum eligibility requirements for a GOF Grant, as described in subsection (a). Solely for purposes of repayment, the GOF Grant is to be allocated as \$500,000 (50%) for the Company's Capital Investment Target and \$500,000 (50%) for its New Jobs Target. Further, the \$500,000 allocated to the New Jobs Target shall be allocated as \$250,000 for the 133 New Jobs required to have an average annual wage of at least \$79,268 and \$250,000 for the additional 267 New Jobs required to have an average annual wage of at least \$53,782. If the Company has met at least 90% of all of the Targets at the Performance Date (meaning that it has made Capital Investments of at least \$6,329,187, has created and Maintained at least 120 New Jobs paying an average annual wage of at least \$79,268, and has created and Maintained another 240 New Jobs paying an average annual wage of at least \$53,782), then and thereafter the Company is no longer obligated to repay any portion the GOF Grant. If the Company has not met at least 90% of any of its Targets, the Company shall repay to the Locality that part of the GOF Grant that is proportional to the Target or Targets for which there is a shortfall. For example, if at the Performance Date, the Capital Investment is only \$5,625,944 (representing a 20% shortfall in its achievement of the Capital Investment Target), only 80 New Jobs paying an average annual wage of at least \$79,268 have been created and Maintained (representing a 40% shortfall in its achievement of that portion of the New Jobs Target requiring the higher wages), and only 187 additional New Jobs paying an average annual wage of at least \$53,782 have been created and Maintained (representing a 30% shortfall in its achievement of that portion of the New Jobs Target allowing the lower wages), the Company shall repay to the Locality 20% of the moneys allocated to the Capital Investment Target (\$100,000), 40% of the moneys allocated to that portion of the New Jobs Target requiring the higher wages (\$100,000), and 30% of the moneys allocated to that portion of the New Jobs Target allowing the lower wages (\$75,000).

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

(d) *Repayment Dates: Such repayment shall be due from the Company to the Locality within ninety days of the Performance Date or the Determination Date, as applicable.* Any moneys repaid by the Company to the Locality hereunder shall be repaid by the Locality promptly to VEDP for redeposit into the Governor's Development Opportunity Fund. The Locality shall use its reasonable efforts to recover such funds, including legal action for breach of the Company's obligation to make repayments as required by this Agreement. The Company shall be liable for all attorneys' fees and costs incurred by the Locality in connection with any legal action brought to collect such funds. The Locality shall have no responsibility for the repayment of any sums hereunder unless said sums have been received by the Locality from the Company.

**Section 6. Company Reporting.**

The Company shall provide, at the Company's expense, detailed verification reasonably satisfactory to the Locality and VEDP of the Company's progress on the Targets. Such progress reports will be provided annually, starting at December 31, 2015 and covering the period through the prior September 30, and at such other times as the Locality or VEDP may reasonably require. Such progress reports shall substantiate the amount of the Capital Investment, the number of New Jobs created and Maintained, the average annual wages paid to those employees (broken out by the number of New Jobs paying at least \$79,268 and those paying less than \$79,268) and the average level of fringe benefits provided to all of the employees. If the Company wishes to count as Capital Investments the capital expenditures made on its behalf by a lessor or a developer of the Facility, the Company is responsible for assembling and distributing the documentation necessary to verify the capital expenditures made on behalf of the Company.

With each such progress report, the Company shall report to VEDP the amount paid by the Company in the prior calendar year in Virginia corporate income tax. VEDP has represented to the Company that it considers such information to be confidential proprietary information that is exempt from public disclosure under the Virginia Freedom of Information Act and that such information will be used by VEDP solely in calculating aggregate return on invested capital analyses for purposes of gauging the overall effectiveness of economic development incentives.

**Section 7. Notices.**

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

if to the Company, to:

Cvent, Inc.  
8180 Greensboro Drive, Ninth Floor  
McLean, VA 22102  
Attention: Jason Wooten

with a copy to:

Cvent, Inc.  
8180 Greensboro Drive, Ninth Floor  
McLean, VA 22102  
Attention: Legal

if to the Locality, to:

County of Fairfax, Virginia  
12000 Government Center Parkway, Suite 552  
Fairfax, Virginia 22035-0066  
Attention: Mr. Edward L. Long, Jr., County  
Executive

with a copy to:

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

and with a further copy to:

Fairfax County Economic Development  
Authority  
8300 Boone Blvd, Suite 450  
Tysons Corner, VA 22182  
Attention: Gerald L. Gordon, Ph.D., President  
and CEO

if to VEDP, to:

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

with a copy to:

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

### **Section 9. Miscellaneous.**

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement between the parties hereto as to the GOF Grant and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the Locality and VEDP.

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

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

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

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

COUNTY OF FAIRFAX, VIRGINIA

By Edward L. Long Jr.  
Name: EDWARD L. LONG JR.  
Title: COUNTY EXECUTIVE  
Date: 10/23/13

CVENT, INC.

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



*COMMONWEALTH of VIRGINIA*

*Office of the Governor*

James S. Cheng  
Secretary of Commerce and Trade

September 18, 2013

Mr. Edward L. Long, Jr.  
County Executive  
Fairfax County  
12000 Government Center Parkway, Suite 552  
Fairfax, Virginia 22035

Dear Mr. Long:

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

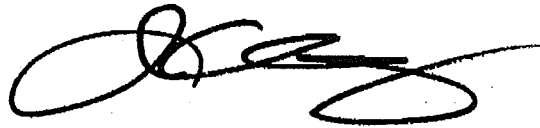
The Cvent facility is extremely important to both the Commonwealth and Fairfax County, and we are hopeful that the Opportunity Fund Grant will encourage Cvent to make a favorable decision. You certainly have our full support as we work to this end. If you are successful in securing this commitment from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

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

Mr. Edward L. Long, Jr.  
September 18, 2013  
Page Two

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

Sincerely,

A handwritten signature in black ink, appearing to read 'James S. Cheng', with a large, stylized flourish at the end.

James S. Cheng

JSC:kme

cc Mr. Martin J. Briley  
Virginia Economic Development Partnership

Ms. Suzanne Clark  
Virginia Economic Development Partnership



Board Agenda Item  
January 14, 2014

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Proposed Award of Taxicab Operator Certificates Pursuant to Chapter 84.1 of the Fairfax County Code

ISSUE:

On November 19, 2013, the Consumer Protection Commission (CPC) approved a recommendation to the Board to award 78 taxicab operator certificates to four operators.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the award of taxicab operator certificates pursuant to Chapter 84.1 of the Fairfax County Code.

TIMING:

Board authorization is requested on January 14, 2014 to advertise a public hearing for February 11, 2014 at 4 p.m., on the award of taxicab operator certificates pursuant to Chapter 84.1 of the Fairfax County Code.

BACKGROUND:

Section 84.1-2-5 of the Fairfax County Code requires that the Board of Supervisors (Board) determine the number of taxicab operator certificates that are available to be issued on a biennial basis. At its June 18, 2013 meeting, the Board approved the recommendations of the Consumer Protection Commission (CPC) and Department of Cable and Consumer Services (DCCS) to authorize an additional 39 taxicab operator certificates. The authorization increased the number of certificates from 576 to 615.

Following completion of the application process, seven companies filed requests for 421 new taxicab certificates in the 2013 review period. Two applicants requested certificates in excess of the 39 authorized by the Board.

On November 19, 2013, the CPC held a public hearing pursuant to Section 84.1-2-6 for the purposes of developing its recommendations to the Board regarding (1) whether demand for taxicab service and the enhancement of public welfare warranted certificates in excess of the 39 authorized and, if so, the number of such additional certificates; and (2) the allocation of taxicab operator certificates among the applicants.

Board Agenda Item  
January 14, 2014

In developing its recommendations, the CPC considered the applications, the staff report, and information provided during the public hearing.

At the public hearing, the CPC voted to recommend to the Board that (1) an additional 39 taxicab operator certificates, or a total of 78 certificates, be authorized to meet demand for taxicab service and to enhance public welfare, and (2) the 78 certificates should be allocated among four applicants. Three of the four applicants are currently providing taxicab service in Fairfax County, and the fourth applicant is a new entrant that is currently providing taxicab service in Arlington County.

If adopted, the CPC's recommendations will result in significant public benefits for those riders seeking trips from wheelchair accessible vehicles. The CPC's recommendation will nearly double the number of wheelchair-accessible taxicabs serving the Fairfax County market, increasing the number from 23 to 43, or 6.6 percent of the total fleet, which exceeds the Code requirement of 4 percent. With the exception of wheelchair-accessible taxicabs, the taxicabs to be placed in service will be new or later-model hybrid or plug-in electric hybrid vehicles.

The Board last awarded taxicab operator certificates in 2005. The staff report will be made available for the Public Hearing. A copy of Article 2 of Fairfax County Code Chapter 84.1, pertaining to Operator's Certificates, is provided as Attachment 1.

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County Code Chapter 84.1, *Public Transportation*, Article 2, *Operator's Certificates*

STAFF:

David J. Molchany, Deputy County Executive

Michael S. Liberman, Director, Department of Cable and Consumer Services

Steve Sinclair, Chief, Public Utility Branch, DCCS

John Burton, Assistant County Attorney

**Chapter 84.1 – Public Transportation**

**CODE  
County of  
FAIRFAX, VIRGINIA**

**Codified through  
Ord. No. 56-08-84.1, adopted October 20, 2008  
(Supplement No. 114, 12-08)**

**THE CODE  
OF THE  
COUNTY OF FAIRFAX  
VIRGINIA  
1976**

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**CHAPTER 84.1 Public Transportation.**

**Article 2. Operator's Certificates**

- Sec. 84.1-2-1. Operator's certificate required.
- Sec. 84.1-2-2. Application; forms; contents; notice of application.
- Sec. 84.1-2-3. False statements on applications.
- Sec. 84.1-2-4. Investigation of applicant; procedure.
- Sec. 84.1-2-5. Establishment of public convenience and necessity; burden of applicant.
- Sec. 84.1-2-6. Public hearing; requirements; regulations.
- Sec. 84.1-2-7. Issuance of operator's certificate; contents.
- Sec. 84.1-2-8. Certificate fee.
- Sec. 84.1-2-9. Duration of operator's certificates; nontransferable.
- Sec. 84.1-2-10. Notice of any sale agreement, transfer or change in management of the operating company.
- Sec. 84.1-2-11. Insurance requirements; self-insurance requirements.
- Sec. 84.1-2-12. Revocation or suspension of certificates.
- Sec. 84.1-2-13. Filing for vehicle substitution.
- Sec. 84.1-2-14. Filing after denial or revocation of operator's certificates.

## **ARTICLE 2. Operator's Certificates.**

### **Section 84.1-2-1. Operator's certificate required.**

No person will operate or permit to be operated a taxicab or taxicabs in the County without having been approved for and been issued operator's certificates by the County. The individual numbered certificate, issued by the Department, must be carried in the taxicab to which it pertains at all times during operation and must be presented, upon request, to any taxicab inspector or duly sworn law enforcement officer. The driver of a taxicab which is duly authorized as a taxicab in any other jurisdiction of this State or in any other state may convey into and discharge within the County a passenger or passengers; and, if required by the passenger or passengers, the taxicab driver who conveyed the passenger or passengers into the County may wait for the passenger or passengers and convey the passenger to his or her ultimate destination. The driver of a taxicab registered in any other jurisdiction will not otherwise convey, pick up, wait for or solicit a passenger or passengers within this County, except as permitted in Section 84.1-10-1 or Section 84.1-10-2. (4-00-84.1)

### **Section 84.1-2-2. Application; forms; contents; notice of application.**

(a) Applications for operator's certificates or for an increase in the number of individual certificates authorized to be issued to a certificate holder will be accepted by the Director on a biennial basis, in odd numbered years by 4:00 p.m. June 30. Incomplete applications will be returned to the applicant, who will be given seven calendar days after receipt of a rejected application to correct any deficiencies. A resubmitted application which remains incomplete will be returned and will not be processed. In the event that certificates are made available for redistribution as in Section 84.1-2-9, the Director will establish prescribed milestone dates for certificate application similar to the timing intervals for the biennial certificate application process as set forth herein.

(b) Application for operator's certificates, or for an increase in the number of individual certificates authorized to be issued, will be made by the proposed operator or its duly authorized agent upon forms provided and in the format requested by the Department. The applicant will provide full answers to all questions on the application, and that information will be submitted under oath. The Director may require full disclosure of all corporate, financial, and business interests of the applicant and of all corporate, financial and business interests of persons having a corporate, financial or business interest in the applicant. Information required on the application will be related to the considerations of the Commission in its investigation of the public convenience and necessity of additional certificates as stated in Section 84.1-2-6(b).

(c) The fee for processing operator's certificates applications will be \$100.00 for each vehicle to be operated under the application. This application processing fee is nonrefundable, and it will be paid by check or money order upon submission of the application to the Director.

(d) In order to carry out the purposes of this Chapter, the Department, the Commission, or the Board may ask for information in addition to that provided on the application from the applicant.

(e) An applicant for operator's certificates, or a certificate holder applying for an increase in the number of individual certificates authorized to be issued to such certificate holder, will, within seven calendar days of such application, provide written notice of such application to all other County certificate holders, to any driver association as defined herein, and if a current County Certificate holder, will conspicuously display notice of such application at the applicant's place of business. Such notice will be provided by certified mail to the regular place of business of other certificate holders and to the legal address of any driver association as defined herein. Notice will be sufficient if it describes the number of certificates sought, the area to be served, identification of the applicant, and the date of the application.

(f) If the Department has not received proof of notification by any applicant within 15 calendar days from the date of the receipt by the Department, that applicant's application will be returned and not processed. (4-00-84.1)

### **Section 84.1-2-3. False statements on applications.**

It will be unlawful for any person to make or cause to be made any false statement in writing for the purpose of procuring an operator's certificate or a hacker's license, or to make any false statements or entry on the records required to be kept by this Chapter. (4-00-84.1)

### **Section 84.1-2-4. Investigation of applicant; procedure.**

Upon the Director's determination that an application filed under Section 84.1-2-2 of this Chapter is technically complete, the Director will cause to be made a thorough investigation of the character, traffic criminal record, financial status and service plan of the applicant or its officers, among other relevant factors. Upon completion of the investigation, the information obtained as a result of this investigation, together with all pertinent documents, will be submitted to the Commission.

The Director's report pertaining to all applications for certificates will be distributed to members of the Commission and will be made available to applicant companies and the public not later than 10 calendar days before the scheduled hearing date. (4-00-84.1)

### **Section 84.1-2-5. Establishment of public convenience and necessity; burden of applicant.**

(a) The number of certificates that are available to be issued on a biennial basis, will be determined by the Board, based on public convenience and necessity, after considering any appropriate recommendations submitted by the Commission or the Director and such other information as the Board chooses to consider. That number will be reviewed and established by resolution of the Board after May 1 of each odd numbered year, but the Board reserves the right to revise that number by subsequent resolution as the Board deems appropriate. The burden will be upon the applicant to establish the existence of all facts and statements within the applicant's application and to provide such other information as is required or requested pursuant to this Chapter.

(b) If the applicant applies for certificates in excess of the number determined by the Board, based on public convenience and necessity, the burden of proof for the excess certificates shifts to the applicant. The applicant will then have the burden of establishing that public welfare will be enhanced by the award of the certificates of public convenience and necessity requested in the application. The applicant will be required to provide factual documented evidence indicating the demand and establishing public welfare. (4-00-84.1)

### **Section 84.1-2-6. Public hearing; requirements; regulations.**

(a) Upon the filing of applications for operator's certificates, or for any additions to the number of individually numbered certificates issued to an existing certificate holder, the Commission will hold hearings as promptly as practical, prior to September 30 of each year, or as soon thereafter as the Commission conveniently may schedule the matter for hearing. The Commission will give the applicant, certificate holders, and any driver association as defined herein notice of the hearing at least 14 calendar days prior to the hearing date and will cause notice to be published once a week for two successive weeks in a newspaper published or circulated in the County. If the application is for an increase in the number of certificates, the applying certificate holder must conspicuously display notice of such application and the hearing date and place at the applicant's place of business at least 10 calendar days prior to the hearing date.

(b) The Commission will, upon holding public hearings and after such further investigation as it may deem advisable, make recommendations to the Board of Supervisors the allocation of taxicab certificates among the certificate applicants, which have been designated by the Board for the given year. If an applicant meets the burden of proof for excess certificates as set forth in 84.1-2-5, the Consumer Protection Commission may recommend to the Board additional allocations. In making these recommendations, the Commission will consider the following:

- (1) Current and potential levels of usage of taxicab services in the Fairfax County market as set forth in 84.1-2-5;
- (2) Areas of the County to be served, and the adequacy of existing public vehicle service, existing taxicab service and other forms of passenger transportation in those areas;
- (3) The kind, class, fuel efficiency, character of the vehicles to be used, and the adequacy of the proposed dispatch system;
- (4) The conformance of proposed operational facilities with zoning and other legal requirements;
- (5) The financial status of the certificate applicant and its effect on permanence and quality of service, as demonstrated by the applicant's ability to provide, maintain, and operate the number of vehicles proposed in accordance with the character of service proposed in the application;
- (6) The character and responsibility and related business experience of the applicant;

(7) The investigative report of the Director and the applications of the applicants.

(c) All parties notified under Section 84.1-2-2(e) will have the right to present comments when the Commission holds public hearings to investigate the public convenience and necessity of applied for certificates. (4-00-84.1)

### **Section 84.1-2-7. Issuance of operator's certificate; contents.**

(a) Upon the approval by the Board of operator's certificates, the Director will issue such certificates upon receiving proof that each proposed vehicle is ready for service as set forth herein.

(b) All operators' certificates issued will contain the following information:

(1) Name, including trading as name if not the same as name, and business address of the certificate holder.

(2) The make, model, model year, vehicle identification number, seating capacity of the vehicle, and the lettering, marks and color scheme to be used on the vehicle authorized by the certificate to be operated.

(3) The date of issuance and expiration.

(4) A number assigned in a manner determined by the Director.

(5) Such other information as the Director determines may assist in carrying out the purpose of this Chapter.

(c) Each operator's certificate issued by the Director will remain the property of the DCCCP, may not be copied, and will be returned to the Director in the event that it is revoked or suspended in accordance with Section 84.1-2-12. (4-00-84.1)

### **Section 84.1-2-8. Certificate fee.**

The annual fee for each taxicab certificate will be \$150.00. However, the fee for newly authorized certificates will be established on a pro rata basis from the date of initial issuance until December 31 of that calendar year in which the certificate was issued. An annual vehicle inspection fee of \$20.00 will be paid for each certificate owned by an operator. That annual inspection fee will be paid on a calendar year basis, and be received no later than January 31 of each calendar year. If a vehicle substitution is made in accordance with Section 84.1-2-13, the operator will pay a substitution fee of \$25.00. The Director may issue replacement certificates when appropriate, and operators who are issued replacement certificates will be charged a replacement fee of \$25.00 per certificate. (4-00-84.1)

### **Section 84.1-2-9. Duration of operator's certificates; nontransferable.**

(a) No operator's certificates will be issued under this Article nor continued in effect until all fees and taxes imposed by this Chapter of the County Code, as amended, are paid.

(b) Such certificates will be nontransferable by sale, lease, or otherwise and will be valid from the date of issuance until relinquished or revoked as provided in this Chapter; provided, if any certificate holder will fail to place in operation, within 180 calendar days of the date of authorization for new or additional taxicab certificates, any taxicabs so authorized for operation under a numbered certificate, such unused certificates will become null and void and available for redistribution to other applicants in accordance with Section 84.1-2-2(a). If an operator faces extenuating circumstances which prohibit the operation of vehicles within 180 calendar days, an application for a one time 90 calendar day extension may be filed no later than 15 calendar days prior to the 180 calendar day deadline. Requests for extensions will be reviewed by the Director and granted based on the justification for non-compliance and planned corrective action.

(c) In the event that a taxicab is permanently removed from service, the certificate holder may substitute a replacement vehicle on that numbered certificate, but any such replacement vehicle will meet the requirements of Section 84.1-8-5 and the holder will submit that replacement vehicle to Director for inspection prior to placement in service. If the replacement vehicle is not placed in service within 180 calendar days, such unused certificates will become null and void and available for redistribution to other applicants in accordance with Section 84.1-2-2(a). If an operator faces extenuating circumstances which prohibit the operation of vehicles within 180 calendar days, an application for a one time 90 calendar day extension may be filed no later than 15 calendar days prior to the 180 calendar day deadline. Requests for extensions will be reviewed by the Director and granted based on the justification for non-compliance and corrective action planned. (4-00-84.1)

#### **Section 84.1-2-10. Notice of any sale agreement, transfer or change in management of the operating company.**

(a) Within 45 calendar days of any agreement to sell or transfer any company holding taxicab operator's certificates hereunder, including, but not limited to, any form of lease-purchase, inheritance, or other long-term arrangements, the owner or manager of the company authorized to operate taxicabs in Fairfax County must seek the approval of the County for the sale or ownership transfer of company held certificates. The prospective owner must submit appropriate information to the Director to establish the intended manager's or operator's ability to provide taxicab services consistent with requirements of this Chapter. Failure to do so, as herein required, may lead to certificate revocation.

(b) In the event any holder of Fairfax County taxicab operator's certificates enters into a contract or agreement with any person or company to operate the certificate holder's taxicab vehicles on the certificate holder's behalf, the company authorized to operate taxicabs in Fairfax County must provide notification of such agreement or contract, including the name and business address of the person or company which has been contracted with to operate the service, to the Director no less than 45 calendar days before such a change in the management and/or operation of the vehicles takes effect. The certificate holder must submit appropriate information to the Director to establish the intended manager's or operator's ability to provide taxicab services consistent with requirements of this Chapter. Failure to provide notice as herein required and to establish the capability of the intended manager or operator to provide service as required by this Chapter, may lead to certificate revocation. (4-00-84.1)



## **Section 84.1-2-11. Insurance requirements; self-insurance requirements.**

(a) Except as otherwise provided by Subsection (d) or (e) of this section, no operator's certificates will be issued or continued in effect unless there is in full force and effect a public liability automobile insurance policy for each authorized taxicab in the amount of at least \$100,000.00 for bodily injury or death to any person, and in the amount of at least \$300,000.00 for injuries or death to more than one person sustained in the same accident, and in the amount of \$50,000.00 for property damages resulting from any one accident.

(b) Such insurance policy will inure to the benefit of any person who may be injured or the estate in the event of death, or to the benefit of any persons sustaining damage to property for which the certificate holder may be liable.

(c) Evidence of such insurance will be filed with the Director prior to the issuance of any operator's certificate and will include provisions for notice by the insurance carrier to the Director prior to termination of such coverage. In the case where the certificate holder is not the vehicle owner, the certificate holder is fully responsible for providing evidence of insurance for all authorized taxicabs under his or her company, and for ensuring that all owner-operators maintain adequate insurance according to this Chapter. The certificate holder must notify the Director prior to termination of any owner-operator's insurance coverage. In the event an owner-operator's insurance has lapsed, and the owner-operator incurs a liability from an accident or other circumstance, the certificate holder's insurance must be so written that it will cover such liability up to the coverage levels prescribed in this Chapter.

(d) If the minimum State automobile insurance requirements exceed the above rates, those requirements will automatically apply.

(e) The requirements of this Section may be met in part by a self-insurance certificate which has been adopted and approved by the Commonwealth of Virginia in accordance with Code of Virginia, Section 46.2-368, as amended, and that such self-insurance certificate will be in full force and effect at all times and that evidence of such a policy will be filed with the Director prior to the issuance of any operator's certificates and will include provision for notice by the Commonwealth of Virginia to the Director prior to termination of such coverage; provided, if the minimum State insurance requirements do not equal or exceed the requirements of this Section, the certificate holder may self-insure up to the amount of \$100,000.00 and must carry an umbrella insurance policy against all risks specified above in an amount at least equal to the amounts specified in Subsection (a) above and further provided that the following requirements are met:

(1) Application for approval to partially meet County insurance requirements through self-insurance up to \$100,000.00 will be made by the certificate holder or duly authorized agent upon forms provided by the Department. The applicant will provide full answers to all questions on the application, and that information will be submitted under oath. In addition, the applicant must provide:

(A) Proof that all requirements for self-insurance established by the Virginia Department of Motor Vehicles and the Virginia State Corporation Commission have been met;

(B) Claims history for the company for the preceding four-year period.

(2) The certificate holder must file all documents and other materials required by the Virginia Department of Motor Vehicles and the Virginia State Corporation Commission with the Department of Cable Communications and Consumer Protection, simultaneous with the filing requirements established by the Virginia Department of Motor Vehicles and Virginia State Corporation Commission.

(3) The certificate holder must submit a report to the Department of Cable Communications and Consumer Protection two years to the day after receiving approval, and every other year thereafter, concerning the company's claims history and claims procedures. The report will be ordered and undertaken at the company's expense.

(4) If at any time it should appear that the certificate holder no longer meets the criteria required for approval as a self-insurer as set forth herein or fails to file any required documents, the certificate holder will be given written notice identifying the failure of criteria or filing default. The written notice will stipulate a reasonable date and time by which the certificate holder must furnish evidence, satisfactory to the Director, that the approval criteria are again met or the default cured. Failure to timely respond to the notice, failure to meet approval criteria or failure to cure a default will result in revocation of the right to self-insure. Nothing in this Subsection will preclude the suspension of a certificate holder's certificate(s) pursuant to the Code of Virginia, Section 84.1-2-12(a)(4) for failure to maintain adequate insurance during the time a certificate holder fails to meet the criteria for approval as a self-insurer. (4-00-84.1)

### **Section 84.1-2-12. Revocation or suspension of certificates.**

(a) In response to any finding that the public safety and welfare so demands, the Director may suspend any individual numbered certificate(s) of a certificate holder, until proof of compliance is met to the Director's satisfaction for any of the following reasons:

(1) Failure to maintain the taxicab(s) and/or meter(s) identified in such certificates in good order and repair, in accordance with Article 8 of this Chapter.

(2) Failure to pay any fees lawfully assessed upon the ownership or operation of any such vehicle(s), identified as taxicabs in such individual numbered certificates, under this Chapter.

(3) Failure to supply information required under Sections 84.1-2-11(c) and (e) and 84.1-5-2 of this Code pertinent to any taxicabs operated under such certificates.

(4) Failure to maintain proper insurance, as required by this Chapter, on any vehicle including any vehicle operated by an owner-operator. The certificate holder's right to operate such vehicle will be suspended for as long as the required amount of insurance is not in effect.

(5) Failure to comply with the vehicle inspection requirements set forth in Section 84.1-8-6.

(6) Failure of drivers to respond to or pick up a fare.

(b) A certificate holder's entire operating authority and all individual numbered certificates issued to the certificate holder may be suspended by the Director until proof of compliance is met to the satisfaction of the Director upon finding that the public safety and welfare are so impacted, or for any of the following reasons:

- (1) Discontinuance of service of the entire business of the certificate holder for more than five consecutive calendar days.
- (2) Failure to pay all fees and taxes imposed by this Chapter or any other Chapter of this Code insofar as such fees relate to operation of a taxicab business within the County.
- (3) Three or more violations by the certificate holder of any of the provisions of this Chapter within a twelve-month period.

The Director's failure to suspend an individual numbered operator's certificate for any of the causes set forth in Subsection (a) of this Section will not impair the authority of the Director to suspend all certificates held by an operator based on such causes.

(c) A certificate holder's entire ability to operate within Fairfax County and all individual numbered certificates thereunder may be revoked by the Director for any of the following reasons:

- (1) If the certificate holder makes or causes or allows to be made any false statement in writing for the purpose of procuring operator's certificates or any additions to an existing number of operator's certificates;
- (2) If the certificate holder makes or causes or allows to be made any false statement or entry on the records required to be kept by this Chapter; or
- (3) Operates or permits to be operated a taxicab in the County that the individual numbered operator's certificate under which the taxicab was placed in service is under suspension.
- (4) Operates or permits to be operated in the County any taxicab for which an individual numbered operator's certificate has not been issued.

(d) Written notice of any suspension or revocation pursuant to Section 84.1-2-12(a), (b), or (c) will be given to the certificate holder by certified mail by the Director. Such suspension or revocation will be effective seven calendar days after deposit in the mails of the notice of such action; except that no delayed effective date will be required for a suspension pursuant to Section 84.1-2-12(a)(4). The Director will notify the Commission of any revocation or suspension of any operator's certificate within seven calendar days of mailing the notice to the certificate holder.

(e) The Director, upon a determination that the certificate holder is not operating the authorized taxicabs in such a manner as to serve the public adequately, safely, efficiently or legally, may suspend or revoke its grant of authority to the certificate holder to operate a taxicab business and all individual numbered certificates issued there under. Such determination will be based upon the Director's consideration of evidence showing violation, by the certificate holder, of one or more of the provisions of Article 7 or Article 8 of this

Chapter. Such suspension or revocation will only be taken after such certificate holder has been notified of such proposed action and given an opportunity for a hearing.

(f) It will be unlawful for a person to operate or permit to be operated a taxicab in the County when the operator's certificate under which the taxicab was placed in service is under suspension or revocation.

(g) A certificate that has been suspended or revoked will be returned to the Director within seven calendar days from the effective date of the revocation or suspension. (4-00-84.1)

### **Section 84.1-2-13. Filing for vehicle substitution.**

(a) A certificate holder or its designated agent may at any time substitute a new vehicle for a vehicle that has an individual numbered certificate and is to be removed from service, if the addition does not increase the total number of taxicabs authorized by the operator's certificates.

(b) Such substituted vehicle will comply with all provisions of this Chapter, including Section 84.1-2-11. The Director will, upon receipt of insurance certificate and vehicle data, issue an addendum to the operator's certificate.

(c) If the substituted vehicle is a used vehicle, the certificate holder or its designated agent will present to the Director for inspection the title or current registration for the vehicle, and documented proof of the vehicle's mileage.

(d) The fee for vehicle substitution is \$25.00 per vehicle. (4-00-84.1)

### **Section 84.1-2-14. Filing after denial or revocation of operator's certificates.**

(a) An applicant who has had his application for operator's certificate(s) denied or a certificate holder who has had his operator's certificates revoked may not file another application for certificates until the following open period specified in Section 84.1-2-2.

(b) A certificate holder who has had his application for the addition of vehicles to his authorized number of individual certificates denied may not file another application until the following open period specified in Section 84.1-2-2. (4-00-84.1)

Board Agenda Item  
January 14, 2014

ADMINISTRATIVE – 3

Streets into the Secondary System (Mount Vernon and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Laurel Crest Drive Phase II	Mt. Vernon	Laurel Crest Drive
		Hooes Road (Route 636) (Additional Right-of-Way (ROW) Only)
Lorton Market Street	Mt. Vernon	Lorton Market Street
		Lorton Road (Route 642) (Additional ROW Only)
Faircrest Landbay Five	Sully	Coreopsis Court (Route 10336)
The Reserve at Oakton Phase I	Sully	Westwood Hills Drive (Route 6300)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

Board Agenda Item  
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ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle Brickner, Deputy Director, DPWES, Land Development Services

Print Form

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

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

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

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

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

**PLAN NUMBER:** 1183-SP-07 & 016  
**SUBDIVISION PLAT NAME:** Laurel Crest Drive Phase II  
**COUNTY MAGISTERIAL DISTRICT:** Mount Vernon

**FOR OFFICIAL USE ONLY**

**DATE OF VDOT INSPECTION APPROVAL:** 08/29/2013

**ENGINEERING MANAGER:** Terry L. Yates, P.E.  
 BY: *Melia Anthony*

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Laurel Crest Drive	CL Hooes Road (Route 636) - 832' N CL Talbert Road (Route 1912)	3,259' N/SE to Section Line	0.62
Hooes Road (Route 636) (Additional Right-of-Way Only)	288' N CL Talbert Road (Route 1912)	1,053' N to End of Dedication	0.0
<b>NOTES:</b>			<b>TOTALS:</b>
Laurel Crest Drive: 6' Asphalt Trail on North Side of to be maintained by Fairfax County.			0.62

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

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 4865-SP-05</p> <p>SUBDIVISION PLAT NAME: Lorton Market Street</p> <p>COUNTY MAGISTERIAL DISTRICT: Mount Vernon</p> <p style="text-align: center;"><b>FOR OFFICIAL USE ONLY</b></p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>10/17/2013</u></p>		
<p><b>ENGINEERING MANAGER: Terry L. Yates, P.E.</b></p> <p>BY: <u>Ardia Apples</u></p>			
STREET NAME	LOCATION	LENGTH MILE	
Lorton Market Street	FROM CL Lorton Road (Route 642) - 695' NW CL Timarand Drive (Route 1820)	TO 3,261' S to Existing Gunston Cove Road ((Route 600) to be Re-Numbered to (Route 1572))	0.62
Lorton Road (Route 642) (Additional Right-of-Way Only)	FROM 339' NW CL Timarand Drive (Route 1820)	TO 799' NW to End of Dedication	0.0
<p><b>NOTES:</b></p> <p>Lorton Market Street: 5' Concrete Sidewalk on Both Sides to be maintained by Fairfax County.</p> <p>Lorton Market Street (South of Groom Cottage Drive): 5' Concrete Sidewalk on East Side to be maintained by VDOT.</p> <p>Lorton Road: Additional ROW Dedication was utilized by VDOT Construction Project # 0642-029-221 C501.</p>			<p><b>TOTALS:</b> 0.62</p>



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

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

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

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

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

PLAN NUMBER: 0915-5D-03

SUBDIVISION PLAT NAME: Faircrest Landbay Five

COUNTY MAGISTERIAL DISTRICT: Sully

ENGINEERING MANAGER: Terry L. Yates, P.E.

BY: *Nadia Aphonel*

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: *10/16/2013*

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Coreopsis Court (Route 10336)	Existing Coreopsis Court (Route 10336) - 292' N CL Lamium Lane (Route 10337)	345' N to End of Cul-de-Sac	0.07
<b>NOTES:</b>			<b>TOTALS:</b>
4' Concrete Sidewalk on West Side to be maintained by VDOT.			0.07

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

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

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

**ENGINEERING MANAGER:** Terry L. Yates, P.E.

BY: *Nadira Alghorif*

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

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

**PLAN NUMBER:** 0386-SD-005

**SUBDIVISION PLAT NAME:** The Reserve at Oakton Phase I

**COUNTY MAGISTERIAL DISTRICT:** Sully

**FOR OFFICIAL USE ONLY**

**DATE OF VDOT INSPECTION APPROVAL:** 09/25/2013

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Westwood Hills Drive (Route 6300)	Existing Westwood Drive (Route 6300) - 386' SW CL Bronzegate Court (Route 6304)	205' SW to End of Cul-de-Sac	0.04
<b>NOTES:</b>			<b>TOTALS:</b>
5' Concrete Sidewalk on South Side to be maintained by VDOT.			0.04

ACTION – 1

Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2014 and Authorization for the Chairman to Postpone a Scheduled Meeting in the Event of Weather or Other Hazardous Conditions

ISSUE:

Board approval of its meeting schedule for January through December 2014.

RECOMMENDATION:

The County Executive recommends that the Board (1) approve the Board meeting schedule for January through December 2014 and (2) authorize the Chairman to defer any scheduled meeting to the Tuesday following a scheduled Board meeting if the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for members to attend.

TIMING:

Immediate. Virginia law requires the Board to adopt its regular schedule of meetings for calendar year 2014 at the first meeting in January.

BACKGROUND:

Previously, on September 10, 2013, staff presented the Board with a preliminary meeting schedule for calendar year 2014 for planning purposes, but Virginia Code Section 15.2-1416 requires the governing body of each county to establish the days, times, and places of its regular meetings at the annual meeting, which is the first meeting of the year. For that reason, the meeting schedule for calendar year 2014 is being presented to the Board again for formal approval. Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need may rise.

In addition, Virginia Code Section 15.2-1416 authorizes the Board to fix the day or days to which a regular meeting shall be continued if the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regularly scheduled meeting. If those provisions are made, then all hearings and other matters previously advertised for that date shall be conducted at the continued meeting. In order to take advantage of that authority in such an emergency, staff recommends that the Board also authorize the Chairman to continue any scheduled meeting to the following

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Tuesday when weather or other conditions make attendance hazardous. In that circumstance, the Board then would consider the agenda for that rescheduled meeting on that following Tuesday without further advertisement.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENT:

Attachment 1 – Proposed Meeting Schedule for Calendar Year 2014

Attachment 2 – Virginia Code Section 15.2-1416

Attachment 3 – Proposed Resolution Adopting Meeting Schedule and Authorizing the Chairman to Reschedule a Meeting in an Emergency

STAFF:

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

## **2014 Board of Supervisors Meeting Schedule**

<b>January 14, 2014</b>
<b>January 28, 2014</b>
<b>February 11, 2014</b>
<b>February 25, 2014</b>
<b>March 4, 2014</b>
<b>March 25, 2014</b>
<b>April 8, 2014</b> <b>9:30 to 6:00 pm Board Meeting</b> <b>6:00 pm Budget Public</b> <b>Hearing</b> <b>and</b>
<b>April 9 - April 10 , 2014</b> <b>3:00 pm – Budget Public</b> <b>Hearings</b>
<b>April 22, 2014</b> <b>Budget Markup</b>
<b>April 29, 2014</b> <b>(Includes Budget Adoption)</b>

<b>May 13, 2014</b>
<b>June 3, 2014</b>
<b>June 17, 2014</b>
<b>July 1, 2014</b>
<b>July 29, 2014</b>
<b>September 9, 2014</b>
<b>September 23, 2014</b>
<b>October 7, 2014</b>
<b>October 28, 2014</b>
<b>November 18, 2014</b>
<b>December 2, 2014</b>

**§ 15.2-1416. Regular meetings.**

The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed.

Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

(Code 1950, § 15-241; 1950, p. 8; 1954, c. 286; 1958, c. 291; 1960, c. 33; 1962, cc. 218, 623, § 15.1-536; 1964, c. 403; 1980, c. 420; 1994, cc. [371](#), [591](#); 1997, c. [587](#); 2004, c. [549](#).)

**Resolution Establishing the Board Meeting Schedule for Calendar Year 2014 and Authorizing the Chairman to Reschedule a Meeting in the Event of Weather or Other Hazardous Conditions**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 14, 2014, at which a meeting quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Virginia Code Section 15.2-1416 requires the Board of Supervisors of Fairfax County, Virginia, to assemble at its first meeting in January to adopt a schedule of the days, times, and places of its regular meetings in calendar year 2014; and

**WHEREAS**, Virginia Code Section 15.2-1416 authorizes the Board of Supervisors of Fairfax County, Virginia, to fix the day or days to which a regularly scheduled meeting shall be continued if the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Fairfax County that

1. During Calendar Year 2014, the Board of Supervisors will meet in the Board Auditorium at 12000 Government Center Parkway, Fairfax, Virginia, on January 14, January 28, February 11, February 25, March 4, March 25, April 8, April 9, April 10, April 22, April 29, May 13, June 3, June 17, July 1, July 29, September 9, September 23, October 7, October 28, November 18, and December 2;
2. All such meetings shall generally begin at 9:30 A.M. in the morning except that the Board meetings on April 9 and 10 begin at 3 P.M. in the afternoon; and
3. If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regularly scheduled meeting, then that meeting shall be postponed and conducted

ATTACHMENT 3

on the following Tuesday and all hearings and other matters shall be conducted at that time without further advertisement.

A Copy Teste:

---

Catherine A. Chianese  
Clerk of the Board of Supervisors



ACTION - 2

Expression of No Opposition to Virginia Department of Transportation Project to Construct a Roundabout at the Pleasant Valley Road (Route 609) and Braddock Road (Route 620) Intersection (Sully District)

ISSUE:

Board expression of no opposition to the Virginia Department of Transportation (VDOT) project to construct a new roundabout at the Pleasant Valley Road (Route 609) and Braddock Road (Route 620) intersection to replace the existing four-way stop intersection which is inadequate for the current traffic volumes.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors expresses no opposition to VDOT's conceptual plans to construct a new single-lane 100 foot in diameter roundabout at the intersection of Pleasant Valley Road (Route 609) and Braddock Road (Route 620) in Fairfax County, including raised landscaped central island, right turn bypass lane on the northbound approach of Pleasant Valley Road (Route 609), curb cut ramps, crosswalks, sidewalk tied to existing trail along the east side of Pleasant Valley Road south of the intersection to enhance pedestrian access, and lighting to enhance safety of the intersection as presented at the October 9, 2013, Public Hearing with the following considerations:

- Continue coordination with the Fairfax County Park Authority regarding access to Mount Road District Park and Rock Hill District Park.
- Review and implement potential maintenance improvements to the "S-curve" segment of Braddock Road east of the Braddock Road/Pleasant Valley Road intersection.
- Consider reducing a lane on the southbound Pleasant Valley Road through Virginia Run community similar to a "road diet" existing on the northbound side of Pleasant Valley Road through the Virginia Run community.
- Consider monitoring and review of the ingress/egress situation, i.e., availability of gaps in traffic after the roundabout is constructed and conduct unsignalized intersection analysis at the following intersections: Braddock Road/Pleasant Forest Drive and Braddock Road/Tre Towers Court.

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- Continue coordination with the Fairfax County Department of Transportation regarding construction of the pedestrian access/walkway on the south side of Braddock Road within the existing right-of-way along Pleasant Valley Properties and park frontage from Pleasant Forest Drive to the existing trail on the east side of Pleasant Valley Road at the Braddock Road/Pleasant Valley Road intersection.

TIMING:

The Board should take action on this matter on January 14, 2014, to allow VDOT to proceed with Advertisement of a Request for Proposals for a design build contract.

BACKGROUND:

This project would improve the operations at the intersection of Pleasant Valley Road (Route 609) and Braddock Road (Route 620) in western Fairfax County. The intersection is currently controlled with a four-way stop, with a single lane in each direction.

During weekday peak hours, the intersection experiences substantial congestion, operating at full capacity with extensive backups on Braddock Road eastbound in the mornings and westbound in the evenings. The congestion results in severe delays causing the intersection to operate at the level of service "F" (failing) during peak hours.

The design of the improvements at this intersection must consider the parkland on three corners of the intersection, commercial property in Agricultural – Forestal District on the fourth corner of the intersection, wetlands, rare habitats, and significant overhead utilities.

Taking these constraints into consideration, VDOT in coordination with Fairfax County Department of Transportation (FCDOT) and Fairfax County Park Authority (FCPA), has developed a concept and preliminary plans for a roundabout.

The plans will be refined during the next phase of the project – Design/Build method of project delivery. The Design-Build approach provides a shorter timeframe for implementation and reduced impacts to the traveling public and surrounding community.

This project is being designed and will be constructed by VDOT, but is funded by a combination of Federal, State and Local (Loudoun County) funds.

A copy of the public hearing brochure is attached.

### Environmental Considerations

A Categorical Exclusion/Section 4(f) Evaluation was prepared in accordance with National Environmental Policy Act (NEPA), 23, CFR Part 771 and CFR 774.

The site of the roundabout is abutted on all four sides by properties having environmental constraints. Three of the quadrants (SE, NE, and NW) are properties owned by the Fairfax County Park Authority (FCPA) and VDOT is obligated by federal law to avoid impacts to parkland to the greatest extent possible. The fourth quadrant (SW) is owned by Cox Farms, which is designated by the County as an Agricultural/Forestal District (AFD). State law requires that only a minimal amount of right-of-way can be taken from AFD for highway purposes without Board of Supervisors approval.

The following environmental constraints exist in the immediate vicinity of the project:

- Wetlands, including rare upland forested wetlands in the NW quadrant
- Parkland
- Agricultural/Forestal District
- A rare plant species which is located outside of the project limits in the NW quadrant

Through a series of negotiations with the stakeholders, including Federal Highways Administration (FHWA), FCPA, and FCDOT, VDOT has been able to adjust the design of the project to minimize impacts to sensitive resources while still retaining a design that can be expected to function safely and efficiently. All impacts to environmental resources will be avoided, minimized, and /or mitigated in full accordance with applicable state and federal laws.

### Public Hearing Comments

A public hearing was held on Wednesday, October 9, 2013, from 6 p.m. to 8 p.m. at Ormond Stone Middle School at 5500 Sully Park Drive in Centreville. A total of 158 people attended the public hearing. Subsequently, a Citizen Information Meeting was held at the Little River Elementary School at 25450 Riding Center Drive in South Riding in Loudoun County.

VDOT records indicate that 656 members of the public at both meetings submitted comments orally, in writing, by mail, and by email before the October 30, 2013 comment closing date.

468 citizens responded in support of the project

180 citizens responded in opposition to the project

3 citizens responded with conditional support for the project

5 citizens responded with questions but without expression of their position on the project

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Project Cost and Schedule

The current estimated project cost is \$4.1 million, which includes design, right-of-way acquisition, utility relocation, and construction. The latest anticipated schedule is:

Design Build Contract Execution: June 18, 2014  
Notice to Proceed (NTP): June 19, 2014  
Contract Completion Date: May 4, 2016

FISCAL IMPACT:

No Fairfax County funds will be used for this project.

Project is funded by a combination of the following:

Federal Funds - \$1,344,400  
State Funds - \$1,725,397  
Loudoun County - \$1,000,000

ENCLOSED DOCUMENTS:

Attachment I: Location and Design Public Hearing Handout

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT  
Karyn L. Moreland, Section Chief, Capital Projects, FCDOT  
Jane Rosenbaum, Senior Transportation Planner, FCDOT

**Get Involved**

VDOT representatives will review and evaluate any information received as a result of this meeting. The comment sheet in this brochure is provided to assist in making your comments. You may leave the sheet or any other written comments in the comment box at the meeting, provide oral comments to the court reporter tonight, or mail/email your comments.

Comments must be postmarked, emailed or delivered to VDOT by **October 23, 2013** to be included in the public hearing record.

Comments may be mailed to Mr. Bud Siegel at the address below or emailed to [meeting\\_comments@vdot.virginia.gov](mailto:meeting_comments@vdot.virginia.gov). Please include "Braddock and Pleasant Valley Roundabout" in the email subject line.

Project information shared here, including a summary of comments received during the comment period will be available at [www.virginiadot.org/projects](http://www.virginiadot.org/projects) and at VDOT's Northern Virginia District Office.

**Contact Information**

<p><b>Primary Contact:</b>  <b>Bud Siegel, PE</b>                  Bud.Siegel@VDOT.Virginia.gov</p>	<p>VDOT Northern Virginia                  Preliminary Engineering</p>	<p>4975 Alliance Drive                  Fairfax, VA 22030</p>	<p>703-259-2118</p>
<p><b>Amir Salahshoor, PE</b>                  A.Salahshoor@VDOT.Virginia.gov</p>	<p><b>VDOT Northern Virginia                  Project Manager</b></p>	<p>4975 Alliance Drive                  Fairfax, VA 22030</p>	<p>703-259-1957</p>
<p><b>Joan Morris</b>                  Joan.Morris@VDOT.Virginia.gov</p>	<p><b>VDOT Northern Virginia                  Public Affairs Manager</b></p>	<p>4975 Alliance Drive                  Fairfax, VA 22030</p>	<p>703-259-1799</p>
<p><b>D. Brian Costello</b>                  Brian.Costello@VDOT.Virginia.gov</p>	<p><b>VDOT Regional Right of                  Way &amp; Utilities Manager</b></p>	<p>4975 Alliance Drive                  Fairfax, VA 22030</p>	<p>703-259-2986</p>

TTY/TDD Dial 711



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**Design Public Hearing**

**Braddock Road and Pleasant Valley Road Roundabout  
 Fairfax County**

**Wednesday, October 9, 2013, 6 - 8 p.m.**

Ormond Stone Middle School  
 5500 Sully Park Drive  
 Centreville, VA 20120

**Public Meeting**

**The Virginia Department of Transportation welcomes you to the design public hearing on the proposed roundabout at Braddock Road and Pleasant Valley Road. We look forward to your active participation.**

This meeting is being held to provide an opportunity for citizens and organizations to give VDOT comments and/or suggestions on the proposed project. VDOT strives to ensure that all members of the community have the opportunity to participate in public decisions on transportation projects and programs affecting them.

VDOT representatives are present to discuss the project and answer your questions.

A comment sheet is included in the handouts for this meeting, and your input is encouraged. All oral and written comments received on this project will be included in a transcript for review by VDOT personnel, citizens and other interested parties.

VDOT staff will address questions and concerns raised as a result of this meeting before the project is presented to VDOT's Chief Engineer for consideration.

**Project Overview**



**Purpose** – Construct a new roundabout to replace the existing 4-way stop intersection, which is inadequate for current traffic volumes

**Location** – Braddock and Pleasant Valley Roads

**Total Length** – 0.200 miles

**Improvements** – Enhance operational and safety performance of the intersection

State Project Number: (INFO) 0620-029-017, P-101, R-201, C-501 UPC: 103318  
 Federal Project Number: STP-5A01 (382)



## PROJECT DESCRIPTION

This design/build project will construct a new roundabout at the intersection of Braddock Road (Rte. 620) and Pleasant Valley Road (Rte. 609) in Fairfax County.

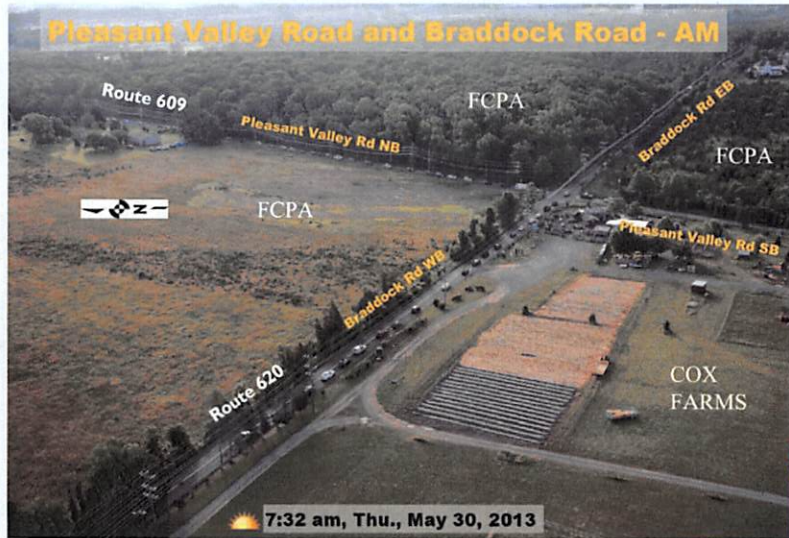
As of 2012, about 7500 vehicles per day travelled this section of Braddock Road and about 8500 travelled along Pleasant Valley Road.

The roundabout will provide additional capacity for forecasted traffic volumes and improve safety by reducing conflict points and eliminating the potential for turn/angle crashes at the intersection. It will also enhance pedestrian access for residents in the area.

The new roundabout includes crosswalks, landscaping, and lighting to enhance the intersection.

Pedestrians will be provided with painted crosswalks, and curb ramps to walk around the intersection.

The sidewalk will be tied into the existing trail along the east side of Pleasant Valley Road south of the intersection.



FCPA: Fairfax County Park Authority

## Estimated Project Cost

Total cost:  
**\$4,079,041**

Preliminary Engineering Plans:  
**\$516,531**

Right of Way Acquisition and Utility Relocation:  
**\$300,000**

Construction:  
**\$3,262,510**

*This cost is subject to change as development of the project is in early design stages.*

## Civil Rights

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the *Civil Rights Act of 1964*.

If you need more information in regards to your civil rights on this project or special assistance for persons with disabilities or limited English proficiency, contact the project manager listed on the back of this brochure.

## Right of Way

Construction will not require displacement of any families, businesses or non-profit organizations.

As design of this project is finalized, additional easements may be required beyond the proposed right of way shown on the public hearing plans. The property owners will be informed of the exact location of the easements during the right of way acquisition process and prior to construction.

Information about right of way purchase is discussed in VDOT's brochure, "Right of Way and Utilities: a Guide for Property Owners and Tenants." Copies of this brochure are available here from a VDOT Right of Way agent.

After this meeting, information regarding right of way may be obtained from the Right of Way contact listed on the back of this brochure.

## Anticipated Schedule (Design/Build)

Public Hearing:  
**October 9, 2013**

Public Hearing Comment Period Ends:  
**October 23, 2013**

Adopt Location/Design:  
**December 16, 2013**

Right of Way Funds Authorized:  
**December 31, 2013**

Advertise Design/Build Project:  
**December 31, 2013**

## Environmental Review

A Categorical Exclusion/Section 4(f) Evaluation was prepared in accordance with the *National Environmental Policy Act (NEPA)*, 23 CFR Part 771 and 23 CFR 774.

In compliance with the *National Historic Preservation Act*, Section 106 and 36 CFR Part 800, information concerning the potential effects of the proposed improvements on properties listed in or eligible for listing in the National Register of Historic Places is also included in the document.

Copies of the document are available for review here tonight, or it can be viewed at VDOT's website, [www.virginiaadot.org/projects](http://www.virginiaadot.org/projects).

## Roundabout Benefits

- ✓ Improved Safety
- ✓ Increased Capacity
- ✓ Reduced Queuing
- ✓ Improved Geometric Design to Accommodate Larger Vehicles (School Buses)
- ✓ Improved Access to Cox Farms

INFORMATION - 1

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

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

The County's CAFR was awarded the Certificate of Achievement for Excellence in Financial Reporting for the thirty-sixth consecutive year and the Integrated Sewer System received this certificate for the tenth consecutive year. The Certificate of Achievement for Excellence in Financial Reporting was also awarded to all three Fairfax County retirement systems (the Employees', Police Officers and Uniformed Retirement Systems) by GFOA for their respective CAFRs. This marks the third consecutive year that all three systems have received this award since first applying for consideration. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. An impartial panel determined that the CAFRs demonstrated a constructive "spirit of full disclosure" to clearly communicate their financial stories and motivate potential users to read the CAFRs. All awards were based on the CAFRs for the fiscal year ended June 30, 2012.

This is the 29<sup>th</sup> consecutive year that Fairfax County has received GFOA's Distinguished Budget Presentation Award. In November 2013, GFOA notified the County that the FY 2014 Budget met the criteria for this award, which represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff in meeting the highest principles of public budgeting. To receive this award, a budget must be judged proficient in each of four major categories: as a policy document, financial plan, operations guide and communications guide. As part of the Distinguished Budget Presentation Award, GFOA also recognized the County with "Special Performance Measures Recognition."

In July 2013, the International City/County Management Association (ICMA) announced that it had awarded its Certificate of Excellence to Fairfax County for the sixth

Board Agenda Item  
January 14, 2014

consecutive year. The County is among only 28 jurisdictions across the nation being recognized for their superior efforts and results in performance measurement and management with this award – the organization's highest level of recognition – from the ICMA Center for Performance Measurement™ (CPM). The Certificate of Excellence is the highest of CPM's three levels of recognition, and pays special tribute to the County's efforts in identifying and reporting to the public key outcome measures and surveying of residents and employees, as well as the pervasiveness of performance measurement in our organization's culture.

The Association of Public Treasurers of the U.S. and Canada presented the County with the Association's Investment Policy Certificate of Excellence Award. This was the fifteenth consecutive year the County's investment policy received this award – recognition of the County's comprehensive written policy that meets stringent criteria set forth by this organization of treasury professionals.

ENCLOSED DOCUMENTS:

None

STAFF:

Susan W. Datta, Chief Financial Officer  
Victor L. Garcia, Director, Department of Finance  
Jeffrey Weiler, Director, Retirement Administration



INFORMATION - 2

Contract Award – Government Relations Consultant

BACKGROUND:

Government Relations and the Department of Transportation require the services of a lobbyist to represent the County with the U.S. Congress on a myriad of funding and policy issues relating to transportation, Base Realignment and Closure and other military-related issues, public safety, telecommunications, taxation, homeland security, human services, and the environment. In addition, supplemental lobbying services are required on certain targeted, high-priority issues at the General Assembly. In order to establish a contract for government relations consultant services, the Department of Purchasing and Supply Management issued a request for proposal (RFP 2000000873) on September 24, 2013. The solicitation was publicly advertised in accordance with the County's Purchasing Resolution. Four offerors submitted responsive proposals before the closing date of October 22, 2013. The Selection Advisory Committee (SAC), approved by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon final evaluation of the proposals and subsequent interviews, the SAC negotiated with the top-ranked offeror and unanimously recommended contract award to Alcalde & Fay based upon their demonstration of experience and expertise in areas such as transportation, Base Realignment and Closure, as well as other military-related issues, and federal appropriations.

The Fairfax County Department of Tax Administration has verified that Alcalde & Fay possesses the appropriate Fairfax County Business, Professional, & Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will award a three year contract with three one-year renewal options to Alcalde & Fay. The contract value for the initial three year term will be \$514,800, based on a monthly retainer fee of \$14,300 for both federal and state lobbying.

FISCAL IMPACT:

The fiscal impact will be \$171,600 annually.

ENCLOSED DOCUMENTS:

Attachment 1: List of Offerors

STAFF:

Cathy A. Muse, Director, Department of Purchasing and Supply Management  
Claudia Arko, Legislative Director, Office of the County Executive  
Tom Biesiadny, Director, Department of Transportation

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ATTACHMENT 1

RFP 2000000873 – List of Offerors

Name	SWAM Status
Alcalde & Fay	Small Business
McDonald Hopkins Government Strategy	Large Business
Smith Dawson & Andrews	Small Business
The Livingston Group, LLC	Small Business

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Board Agenda Item  
January 14, 2014

INFORMATION – 3

Planning Commission Action on Application 2232-M13-14, Fairfax County School Board  
(Mason District)

On Wednesday, December 4, 2013, the Planning Commission voted (Commissioners Hedetniemi and Sargeant absent from the meeting) to approve 2232-M13-14.

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

Application 2232-M13-14 sought approval to retrofit the existing building for an elementary school. The property is located at 6245 Leesburg Pike, Falls Church, VA 22044. Tax Map 51-3 ((1)) 30, 31; 51-3 ((11)) 188A; 51-3 ((13)) 5, 10, 11.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Chris Caperton, Public Facilities Branch Chief, Planning Division, DPZ

Jill Cooper, Executive Director, Planning Commission Office

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Planning Commission Meeting  
December 4, 2013  
Verbatim Excerpt

2232-M13-14 – FAIRFAX COUNTY SCHOOL BOARD

After Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed; Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. After - - One, I want to thank everybody for coming out here. I thought a lot of you had wonderful comments, obviously very well thought out, and I really appreciate you coming here. And I hope that you will continue your involvement. I also appreciate the input from my fellow commissioners. And based on the information they've provided this evening, I feel comfortable that I concur with the staff's conclusion that the proposal by Fairfax County School Board to retrofit the building, located at 6245 Leesburg Pike, Falls Church, satisfies the criteria of location character and extent as specified in *Virginia Code* Section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, 2232-M13-14, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-M13-14, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley votes no.

//

The motion carried by a vote of 9-1. Commissioner Hurley voted no. Commissioners Hedetniemi and Sargeant were absent from the meeting.

JN

# PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



**Number:** 2232-M13-14

**Acreage:** 3.43 Ac.

**District:** Mason

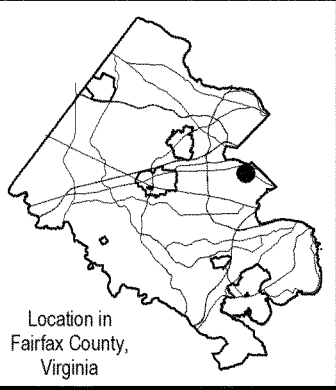
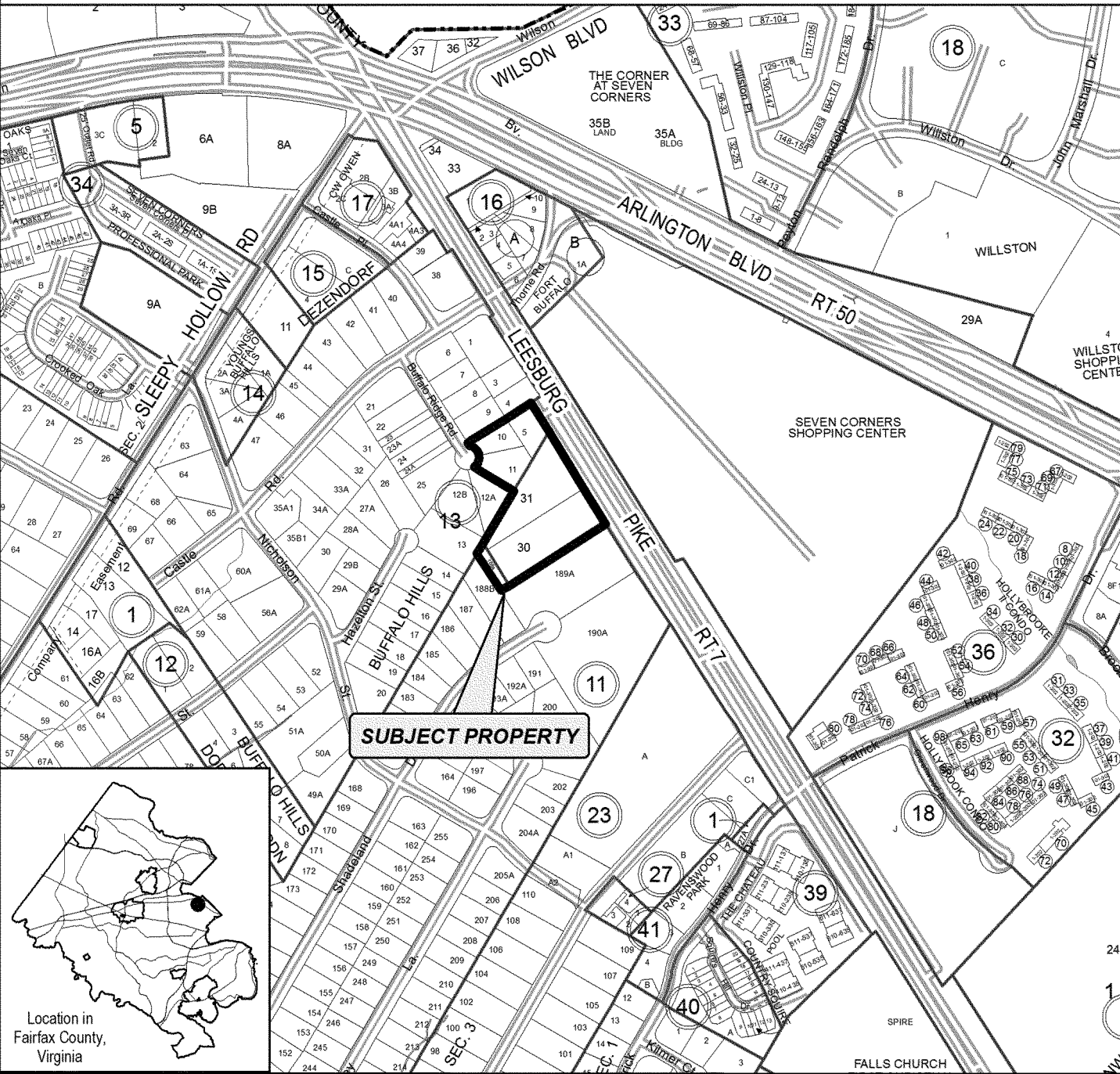
**Tax Map I.D. Number:** 51-3 ((1)) 30, 31;  
51-3 ((11)) 188A; 51-3 ((13)) 5, 10, 11

**Address:** 6245 Leesburg Pike  
Falls Church, VA 22044

**Planned Use:** Office

**Applicant:** Fairfax County School Board

**Proposed Use:** Elementary School



Location in Fairfax County, Virginia

500 FEET





Board Agenda Item  
January 14, 2014

10:50 a.m.

Matters Presented by Board Members

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11:40 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *Louise Root v. County of Fairfax*, Case No. 12-2545 (U.S. Ct of App. for the Fourth Cir.)
  - 2. In Re: February 13, 2013, Decision of the Fairfax County Board of Zoning Appeals; *Trang P. Mai v. Fairfax County Department of Planning and Zoning*, Case No. 131348 (Va. Sup. Ct.) (Mason District)
  - 3. *Carla Thomas v. Fairfax County, Fairfax County Department of Tax Administration, Howard Goodie, and Bruce Schuette*, Case No. CL-2013-0004770 (Fx. Co. Cir. Ct.)
  - 4. In Re: July 31, 2013, Decision of the Fairfax County Board of Zoning Appeals Denying Application of New Cingular Wireless, PCS, LLC, and Parklawn Recreation Association, Inc., for an Amendment to Special Permit No. 76-M-088 (Fx. Co. Cir. Ct.) (Mason District)
  - 5. *Virginia Ann Brown v. County of Fairfax, Brian Joseph Byerson, Delvine John Egan, and John Doe*, Case No. CL13008303-00 (Pr. Wm. Co. Cir. Ct.)
  - 6. *Manuel J. Sandoval v. Fairfax County, Virginia and Officer J. Luety*, Case No. CL-2013-0007609 (Fx. Co. Cir. Ct.)
  - 7. *Kohl's Department Stores, Inc. and Rocks Dulles, LLC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County, Virginia*, Case No. 2012-0019486 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 8. *MEPT 1660 International Drive LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. 2013-0015435 (Fx. Co. Cir. Ct.) (Providence District)

9. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Reynaldo C. Medrano and Carla Munoz-Lopez*, Case Nos. CL-2006-0010659 and CL-2011-0002181 (Fx. Co. Cir. Ct.) (Mason District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Christine A. Bucierka*, Case No. CL-2007-0004195 (Fx. Co. Cir. Ct.) (Sully District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official v. Reina Meza and Silvio Meza*, Case No. CL-2012-0014556 (Fx. Co. Cir. Ct.) (Providence District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clyde E. Nishimura*, Case No. CL-2012-0005565 (Fx. Co. Cir. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George L. Karsadi and Trisha D. Karsadi*, Case No. CL-2012-0010272 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sidney B. Hill and Wanda C. Hill*, Case No. CL-2012-0011053 (Fx. Co. Cir. Ct.) (Hunter Mill District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald M. Douglas and Louise L. Douglas*, Case No. CL-2013-0003838 (Fx. Co. Cir. Ct.) (Springfield District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Apolonia G. Fuentes*, Case No. CL-2009-0008361 (Fx. Co. Cir. Ct.) (Providence District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phillip Shane Blevins and Denise Clare Blevins*, Case No. CL-2011-0018229 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sun Ja Yoon*, Case No. CL-2012-0004128 (Fx. Co. Cir. Ct.) (Sully District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Elise Ann Brandenburger Brown, Case No. CL-2013-0005149 (Fx. Co. Cir. Ct.) (Dranesville District)*
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tania Soto-Yapura, Case No. CL-2013-0008359 (Fx. Co. Cir. Ct.) (Mason District)*
23. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Freddie L. Gaskins and Sandra M. Gaskins, Case No. CL-2013-0002780 (Fx. Co. Cir. Ct.) (Providence District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Francis R. Baffa, Jr., and Shui Ching Kao-Baffa, Case No. CL-2012-0010168 (Fx. Co. Cir. Ct.) (Lee District)*
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John W. Schmeling, Case No. CL-2012-0017864 (Fx. Co. Cir. Ct.) (Mason District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert E. Barnes and Dale A. Barnes, Case No. CL-2013-0011895 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Afkhamolmoolook Khamnei, and Ming, LLC d/b/a B & M Therapy, Case No. CL-2013-0009085 (Fx. Co. Cir. Ct.) (Providence District)*
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Milagros B. Iglesias, Trustee, or Successor Trustee(s), as Trustee(s) of The Milagros B. Iglesias Trust 25AUG10, Case No. CL-2012-0018398 (Fx. Co. Cir. Ct.) (Providence District)*
29. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Heirs of Dorothy E. Pounders, Darlyn Elaine Sandgren, Dwight David Pounders, and Lori L. Pounders, Case No. CL-2013-0003258 (Fx. Co. Cir. Ct.) (Dranesville District)*
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adnan A. Ashkar, Case No. CL-2013-0012524 (Fx. Co. Cir. Ct.) (Mason District)*
31. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Francine S. Liem, Case No. CL-2013-0017624 (Fx. Co. Cir. Ct.) (Providence District)*

32. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Albert E. Mays, Case No. CL-2013-0017866 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
33. *In Re: November 6, 2013, Decision of the Board of Zoning Appeals of Fairfax County; Board of Supervisors, Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. NRG EV Services, LLC, d/b/a eVgo, and Westview Associates, LLC (Fx. Co. Cir. Ct.) (Sully District)*
34. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen Ruth Carlson, Trustee of the Helen Ruth Carlson Revocable Trust, and Mark Gunnard Carlson, Trustee of the Helen Ruth Carlson Revocable Trust, Case No. CL-2013-0018743 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gary S. Pisner, Case No. CL-2013-0018994 (Fx. Co. Cir. Ct.) (Springfield District)*
36. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares, Case No. CL-2013-0019056 (Fx. Co. Cir. Ct.) (Mason District)*
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard C. Arnold, Case No. GV13-021384 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
38. *Leslie B. Johnson, Fairfax County Zoning Administrator, Virginia v. John M. King and Jaime L. Schisler, Case No. GV13-019695 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salvador Garcia, Case No. GV13-016925 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Keun Hoon Lee and Yong Ja Lee, Case No. GV13-024383 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Orlando Torrez, Case No. GV13-022999 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Potomac Relocation Services, LLC, Case No. GV13-019826 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
43. *Noel Arguelles v. Amanda Wallace, Case No. GV13-012458 (Fx. Co. Gen. Dist. Ct.); Amanda Wallace v. Dora Alicia Navarro, Case No. GV13-023570 (Fx. Co. Gen. Dist. Ct.)*

44. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Myla M. Archer*, Case No. GV13-025142 (Fx. Co. Gen. Dist. Ct.) (Mt. Vernon District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. GV13-024608 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hyung Kon Kim and Eun Hee Kim*, Case No. GV13-024988 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert T. Hancasky and Marianne L. Hancasky*, Case No. GV13-024607 (Fx. Co. Gen. Dist. Ct.) (Lee District)
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William Garcia and Flor Garcia*, Case No. GV13-025141 (Fx. Co. Gen. Dist. Ct.) (Mason District)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edson J. Barbosa and Michele P. Meloni-Barbosa*, Case No. GV13-025143 (Fx. Co. Gen. Dist. Ct.) (Mason District)
50. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ali H. Shwikhat and Anisa H. Sayoud*, Case No. GV13-027579 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
51. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Christopher Brinsko*, Case No. GV13-027580 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Danielle M. Pletka and Stephen G. Rademaker*, Case No. GV13-019696 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Irving Bernstein, Trustee of the Irving Bernstein Revocable Trust*, Civil Case No. GV13-012357 (Fx. Co. Gen. Dist. Ct.) (Providence District)
54. *Alfred William Massey by GEICO, as subrogee v. Shawn C. Carroll, Fairfax County, and David Bobzien*, Case No. GV13-019232 (Fx. Co. Gen. Dist. Ct.)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wilfredo Bermudez and Carranza Romero*, Case No. GV13-027015 (Fx. Co. Gen. Dist. Ct.) (Lee District)

56. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Roger W. Webb, Jr.*, Case No. GV13-027242 (Fx. Co. Gen. Dist. Ct.) (Providence District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gregory A. Hutton and Vera A. Kochanowsky*, Case No. GV13-027244 (Fx. Co. Gen. Dist. Ct.) (Mason District)
58. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Waldo Pinto-Lopez*, Case No. GV13-027243 (Fx. Co. Gen. Dist. Ct.) (Mason District)
59. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ebrahim A. Babazadeh Family Trust*, Case No. GV13-027378 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
60. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stephanie C. Ataide*, Case No. GV13-027578 (Fx. Co. Gen. Dist. Ct.) (Mason District)
61. *Leslie B. Johnson v. Richard E. During and Eugenia F. During*, Case No. GV13-027244 (Fx. Co. Gen. Dist. Ct.) (Braddock District)



Board Agenda Item  
January 14, 2014

3:30 p.m.

Public Hearing on RZ 2009-PR-022 (James M. Hollingsworth) to Rezone from R-1 to R-4 to Permit 3 Single-Family Detached Dwellings at a Density of 2.07 Dwelling Units per Acre, Located on Approximately 1.45 Acres of Land (Providence District)

This property is located on the West side of Cedar Lane, approximately 150 feet North of its intersection with Willowmere Drive. Tax Map 49-1 ((4)) 16A.

The Board of Supervisors deferred this public hearing from December 3, 2013.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 30, 2013, the Planning Commission voted (Commissioner Sargeant abstained from the vote) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2009-PR-022, subject to proffers dated October 30, 2013, with editorial corrections.
- Approval of a modification of the Comprehensive Plan Trail Requirement to allow an eight-foot-wide trail.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4391133.PDF>

STAFF:

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

William Mayland, Planner, DPZ

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Planning Commission Meeting  
October 30, 2013  
Verbatim Excerpt

RZ 2009-PR-022 – JAMES HOLLINGSWORTH

Decision Only during Commission Matters

Commissioner Lawrence: We have had for some time a deferral, -PR-022 [*sic*], under the name of James Hollingsworth. They have been working on the material that needed to be done to the proffers. You may recall that at the public hearing most of the issues we had were proffer related. There was one concerning the location of a line indicating the limits of clearing and grading close to a tree that was on the border of the site with the next site north. We've looked at that and UFM worked with the applicant on locating that line so as to be the best fit. So there is no change in plans because UFM has put their stamp of approval on it. As to proffers, we were able to get in what was needed so that the impact on the neighbors is now, for the residential development criteria all safe. The question of the trail is a cost item for anybody who's going to buy a house there. And that's just going to be part of it. It will be shown to perspective buyers. There will also be a public access easement for the trail. So we think we have gotten the thing to the point where we can send it forward to the Board. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2009-PR-022, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 30<sup>TH</sup>, 2013, WITH EDITORIAL CORRECTIONS BY THE TIME A BOARD DATE IS REACHED. I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE COMPREHENSIVE PLAN TRAIL REQUIREMENT TO ALLOW AN EIGHT-FOOT-WIDE TRAIL.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan.

Commissioner Flanagan: Right.

Chairman Murphy: 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 2009-PR-022 and a waiver of the modification of the Comprehensive Plan trail requirement to allow an eight-foot-wide trail, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, I will abstain; not present for the public hearing.

Planning Commission Meeting  
October 30, 2013  
RZ 2009-PR-022

Chairman Murphy: Mr. Sargeant abstains.

//

(The motion carried by a vote of 11-0-1. Commissioner Sargeant abstained from the vote.)

Board Agenda Item  
January 14, 2014

3:30 p.m.

Public Hearing on SE 2013-SU-018 (The Centreville Pre-School, Inc.) to Permit a Nursery School with a Total Maximum Enrollment of 66 Children, Located on Approximately 1.07 Acres of Land Zoned C-8, R-1, HC, HD, SC and WS (Sully District)

This property is located at 13916 Braddock Road, Centreville, 20120. Tax Map 54-4 ((1)) 32.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, January 8, 2014. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

STAFF:

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

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Board Agenda Item  
January 14, 2014

3:30 p.m.

Public Hearing on RZ 2013-PR-007 (EYA Development, LLC) to Rezone from I-5 to PDH-30 to Permit Residential Development with an Overall Density of 22.11 du/ac, Approval of the Conceptual Development Plans, Waiver of Open Space Requirements, Waiver of Minimum District Size and Waiver #561-WPFM-005-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 1.07 Acres of Land (Providence District)

This property is located in the North East quadrant of the intersection of Eskridge Road and Merrifield Town Center. Tax Map 49-3 ((1)) 87, 88 and 89B.

On Wednesday, December 4, 2013, the Planning Commission indefinitely deferred its Public Hearing; therefore, this public hearing is to be indefinitely deferred.

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Board Agenda Item  
January 14, 2014

3:30 p.m.

Public Hearing on RZ 2013-PR-006 (Fairfax Plaza, LLC) to Rezone from R-2, C-8 and HC to C-8 and HC to Permit Commercial Development and Waiver of Minimum Lot Size Requirement with an Overall Floor Area Ratio of 0.17, Located on Approximately 20,989 Square Feet of Land (Providence District)

This property is located on the West side of Lee Highway approximately 300 feet South of its intersection with Blake Lane. Tax Map 48-3 ((1)) 31.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 7, 2013, the Planning Commission voted 9-0 (Commissioners Hall, Hart, and Lawrence were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2013-PR-006 and the GDP, subject to the execution of proffers consistent with those dated October 9, 2013;
- Modification of Section 13-303 of the Zoning Ordinance for the transitional screening along the western property line to that shown on the GDP;
- Waiver of Section 4-806 of the Zoning Ordinance for the 40,000 square foot minimum lot area requirement of the C-8 district;
- Deviation of the tree preservation target, pursuant to Public Facilities Manual Section 12-0508.3a; and
- Modification of Section 10-104 of the Zoning Ordinance to increase the height of a fence located in the rear yard to that shown on the GDP.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4432171.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Mary Ann Tsai, Planner, DPZ

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Planning Commission Meeting  
November 7, 2013  
Verbatim Excerpt

RZ 2013-PR-006 – FAIRFAX PLAZA, LLC

After Close of the Public Hearing

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

Commissioner Sargeant: Thank you, Mr. Chairman. And there will be a sale on donuts in the back after this. Mr. Chairman, with that, I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2013-PR-006, AND THE GENERALIZED DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 9<sup>TH</sup>, 2013.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-PR-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

NUMBER 1: MODIFICATION OF SECT. 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING ALONG THE WESTERN PROPERTY LINE TO THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN;

NUMBER 2: WAIVER OF SECT. 4-806 OF THE ZONING ORDINANCE FOR THE 40,000 SQUARE FOOT MINIMUM LOT AREA REQUIREMENT OF THE C-8 DISTRICT;

NUMBER 3: DEVIATION OF THE TREE PRESERVATION TARGET, PURSUANT TO PUBLIC FACILITIES MANUAL SECTION 12-0508.3A; AND

NUMBER 4: MODIFICATION OF SECTION 10-104 OF THE ZONING ORDINANCE TO INCREASE THE HEIGHT OF A FENCE LOCATED IN THE REAR YARD TO THAT SHOWN ON THE GDP.

Planning Commission Meeting  
November 7, 2013  
RZ 2013-PR-006

Page 2

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. All those in favor of the motion as articulated by Mr. Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried by a vote of 9-0. Commissioners Hall, Hart, and Lawrence were absent from the meeting.)

JN

Board Agenda Item  
January 14, 2014

3:30 p.m.

Public Hearing on PCA 86-D-108 (William Weiss) to Amend the Proffers for RZ 86-D-108 Previously Approved for Residential Development to Permit Modification of Approved Proffers at a Density of 1.54 Dwelling Units per Acre with Associated Modifications to Proffers and Site Design, Located on Approximately 36,000 Square Feet of Land Zoned R-2 (Dranesville District)

This property is located at 9416 Atwood Road, Vienna, 22182. Tax Map 19-3 ((17)) 23.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 21, 2013, the Planning Commission voted 11-0 (Commissioner Hall was absent from the meeting) to recommend that the Board of Supervisors approve PCA 86-D-108, subject to the execution of proffers consistent with those dated November 6, 2013, and adding one proffer as follows: “install a 10-foot wide landscape berm along the entire rear of the property, planted with evergreen and deciduous trees.”

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4429182.PDF>

STAFF:

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

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Planning Commission Meeting  
November 21, 2013  
Verbatim Excerpt

PCA 86-D-108 – WILLIAM WEISS

Decision Only During Commission Matters  
(Public Hearing held on October 3, 2013)

Commissioner Donahue: Thank you, Mr. Chairman. A number of weeks ago, we held a public hearing on PCA 86-D-108, the Weiss application on Akron Road. And there were a number of issues we wanted to consider further so we put it off for decision only until this evening. I'm going to move on it, but I would like to call the applicant or the applicant's representative down for a word or two before I do.

Chairman Murphy: Please.

Commissioner Flanagan: Is this on verbatim?

Commissioner de la Fe: Yes.

Chairman Murphy: Are we on verbatim now? Okay, we are on verbatim.

Commissioner Hart: Apparently.

Chairman Murphy: Come on up and identify – come on up and identify yourself for the record.

Gregory Budnik, Civil Engineer, GJB Engineering, Inc.: Greg Budnik, engineer for the application.

Commissioner Donahue: Thank you. Thank you, Mr. Budnik. The report we have and the proffers we have – I want to speak with you about adding one proffer, if we could. And it's something that you initially, I think, posed to some of the neighbors. It was – it's really considered a voluntary situation at heart with the wording of the proffer. And it has to do with the landscape berm at the rear of the property in question. And the wording we would like to have you to consider or add will be the follow: "Install a 10-foot wide landscape berm along the entire rear of the property, planted with evergreen and deciduous trees." Would you have an objection to that type of wording of a proffer or something very close to that?

Mr. Budnik: The applicant would agree to that language.

Commissioner Donahue: Thank you. And that can be worked out and added as it – well, I'll make a motion to add here this evening, but also in the time you have when you go to the board – if it would be worked out with staff, as far as the wording is concerned.

Mr. Budnik: Yes sir.

Planning Commission Meeting  
November 21, 2013  
PCA 86-D-108

Commissioner Donahue: Thank you very much, Mr. Chairman. If that's it, I'm prepared to make a motion.

Chairman Murphy: Okay, go ahead. Thank you, sir.

Mr. Budnik: Thank you.

Commissioner Donahue: Thank you, Mr. Chairman. Mr. Chairman, I WOULD LIKE TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 86-D-108, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 6<sup>TH</sup>, 2013, AND ADDING ONE PROFFER AS FOLLOWS: "INSTALL A 10-FOOT WIDE LANDSCAPE BERM ALONG THE ENTIRE REAR OF THE PROPERTY, PLANTED WITH EVERGREEN AND DECIDUOUS TREES."

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 PCA 86-D-108, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: Thank you, Mr. Chairman. That's it.

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(The motion carried by a vote of 11-0. Commissioner Hall was absent from the meeting.)

JLC



Board Agenda Item  
January 14, 2014

3:30 p.m.

Public Hearing on SE 2013-HM-012 (Blue Ocean Development, Inc.) to Permit Waiver of the Minimum Lot Width Requirements, Located on Approximately 2.45 Acres of Land Zoned R-1 (Hunter Mill District)

This property is located at 9805 Leesburg Pike, Vienna, 22182. Tax Map 19-1 ((1)) 27.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 21, 2013, the Planning Commission voted 8-0-3 (Commissioners Donahue, Lawrence, and Litzenberger abstained. Commissioner Hall was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2013-HM-012, subject to the development conditions dated November 21, 2013; and
- Approval of a waiver of Section 17-201 of the Zoning Ordinance and Section 8-0201 of the Public Facilities Manual requiring a trail along Leesburg Pike.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4432978.PDF>

STAFF:

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

Megan Duca, Planner, DPZ

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Planning Commission Meeting  
November 21, 2013  
Verbatim Excerpt

SE 2013-HM-012 – BLUE OCEAN DEVELOPMENT, INC.

Decision Only During Commission Matters  
(Public Hearing held on November 14, 2013)

Commissioner de la Fe: Thank you, Mr. Chairman. The public hearing on this case was held last week and it really was not a controversial case. However, there – I deferred decision only because the Hunter Mill Land Use Committee had not had a chance to make its final recommendation to us. And they met earlier this week and they did unanimously recommend approval for this. I might add that – although, it really was not raised by anyone except me in the – in my comments, the applicant had an issue with one of the Development Conditions requiring an easement for tree preservation. And during the deferral period, staff and the applicant have worked to attempt to resolve the issue to everyone’s satisfaction. Unfortunately, that has not happened. You received by email and then by hardcopy tonight a change to the easement provision on Development Condition 8J and I had characterized the easement as perhaps part of Fairfax County’s desire to have belts and suspenders because there were an awful lot of tree preservation things for a one-lot case. However, I will, at this time, side with staff because I believe, ultimately, the applicant would rather not have an easement placed at all. And I – staff actually believes, and I agree, that having the easement does make it more enforceable than otherwise. But if the applicants and staff want to continue to work during the period between our recommendation and the Board of Supervisors’ date, which has not been scheduled yet, they can do so. I would not object to that – to see if they can come up with a solution to this case. This is a small case and I commend the applicant for doing an awful lot to meet everything that was requested, and perhaps even more than is usually requested. So with that, Mr. Chairman, as I said, the Land Use Committee did recommend unanimously approval of this case and I MOVE THAT THE PLANNING COMMISSIONER RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2013-HM-012, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 21<sup>ST</sup>, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2013-HM-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Litzenberger: Mr. Chairman?

Chairman Murphy: Motion carries.

Commissioner Litzenberger: Not present for the public hearing.  
Chairman Murphy: Okay, Mr. Litzenberger is –

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Lawrence: Not present for the public hearing.

Chairman Murphy: Mr. Litzenberger and Mr. Lawrence abstain.

Commissioner de la Fe: Mr. Donahue wasn't here.

Commissioner Donahue: Also Mr. Chairman.

Chairman Murphy: And Mr. Donahue. Is anybody –

Commissioner de la Fe: There were a lot of people – there were a lot of people that were not here.

Chairman Murphy: A really popular application, I might add. Mr. Donahue, Mr. Litzenberger, and Mr. Litzenberger are not – okay, here we go.

Commissioner de la Fe: Okay. And second motion, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 17-201 OF THE ZONING ORDINANCE AND SECTION 8-0201 OF THE Facilities – PUBLIC FACILITIES MANUAL REQUIRING A TRAIL ALONG LEESBURG PIKE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

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(Each motion carried by a vote of 8-0-3. Commissioners Donahue, Lawrence, and Litzenberger abstained. Commissioner Hall was absent from the meeting.)

JLC

4:00 p.m.

Public Hearing on RZ 2013-LE-008 (Penn-Daw Associates Limited Partnership) to Rezone from R-4, C-8, CRD and HC to PDH-40, CRD and HC to Permit Mixed Use Development of 42.2 du/ac and Overall Floor Area Ratio (Including Bonus Density for WDU and ADUs) of 1.36, Waiver of Open Space Requirements and Approval of the Conceptual Development Plans, Located on Approximately 10.45 Acres of Land (Lee District)

This property is located in the South West quadrant of the intersection of Kings Highway and Poag Street. Tax Map 83-3 ((1)) 7.

The Board of Supervisors deferred this public hearing from December 3, 2013.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 21, 2013, the Planning Commission voted 9-0-1 (Commissioner Lawrence not present for the vote; Commission Hall absent from the meeting; and Commissioner Flanagan abstained) to recommend that the Board of Supervisors approve RZ 2013-LE-008 and the associated CDP, subject to the execution of proffers consistent with those dated November 21, 2013.

In related actions the Planning Commission voted unanimously (Commissioner Lawrence not present for the vote and Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Modification of Section 13-303 and 13-304 of the Zoning Ordinance for the transitional screening planting materials and barrier requirement along the northeastern property line; waiver of the transitional screening requirement along the southeastern property line; modification of the transitional screening requirement along the northwest property line; waiver of the transitional screening requirement between the multi-family and single family attached uses; and waiver of the transitional screening requirement between multi-family and retail uses; pursuant to Section 13-305 of the Zoning Ordinance to that shown on the CDP/FDP;
- Waiver of Section 13-202 of the Zoning Ordinance for dispersing of the interior parking landscaping for the surface parking lot area and landscaping on the top level of the parking structure;
- Modification of the Countywide Trails Plan along North Kings Highway to permit six foot wide sidewalks as shown on the CDP/FDP;
- Waiver of Section 2-505 of the Zoning Ordinance on use limitation on corner lots for a corner of a building; and
- Waiver of Section 17-201 of the Zoning Ordinance and Section 7-0104.1 of the Public Facilities Manual for a service drive.

Board Agenda Item  
January 14, 2014

In a related action, the Planning Commission voted unanimously (Commission Lawrence not present for the vote and Commissioner Hall absent from the meeting) to approve FDP 2013-LE-008, subject to the Board's approval of RZ 2013-LE-008 and the Conceptual Development Plan.

ENCLOSED DOCUMENTS:

Attachment: Planning Commission verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4433830.PDF>

STAFF:

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

Mary Ann Tsai, Planner, DPZ

Planning Commission Meeting  
November 21, 2013  
Verbatim Excerpt

RZ/FDP 2013-LE-008 – PENN-DAW ASSOCIATES LIMITED PARTNERSHIP

After Close of the Public Hearing

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

Commissioner Migliaccio: Thank you, Mr. Chairman. As we heard, quite a bit tonight, this application will bring a true mixed use to the Penn-Daw CBC and it will help – this project will help keep the revitalization of Penn-Daw on track and hopefully add a much needed grocery store for community members on this side of Route 1. I will briefly go over the items with Mr. Looney to verify that these will indeed become part of the proffer package as we send this up to the Board. The first item is, Mr. Looney, the commitment from the applicant to not allow any accessory use such as dance floor/karaoke. Is that correct?

Mark Looney, Esquire, Attorney/Agent, Cooley, LLP: Yes, sir, we will add a proffer to that effect.

Commissioner Migliaccio: The commitment regarding the Poag/Shaffer connection – that you commit that you are in support of what is in the Comprehensive Plan, as is there is no connection and there will be not – will not be a connection in the future.

Mr. Looney: We will add a proffer that says that, as far as we're concerned, there will not be a connection in the future.

Commissioner Migliaccio: Okay, thank you. Number three, on the tot lot issue, you will change the proffer to at least a minimum of two items in the tot lot, if not more.

Mr. Looney: Correct.

Commissioner Migliaccio: Thank you. You will have a commitment to electrical vehicle charging.

Mr. Looney: We will certainly look at it. Yes sir. – Yes, sir.

Commissioner Migliaccio: Look at or commit? Because we're talking about two or three spaces in a 736-space garage.

Mr. Looney: We have not evaluated it yet, but if – we haven't evaluated it yet and so I can't say for certain exactly what we will do. It could be that we provide a conduit; it could be we provide the spaces there; but we will add a proffer to address the electric vehicle charging stations to the proffers between now and the Board. I just can't speak to exactly what it will say.

Commissioner Migliaccio: Okay. And a proffer regarding that the retail and the HOA for the multi-family housing and townhomes – we’ll work out some agreement regarding the spaces that is being used in the garage for overflow parking.

Mr. Looney: We will add a proffer that addresses management of the retail and extra parking spaces for the townhomes. y Yes, sir.

Commissioner Migliaccio: And a commitment regarding the fence that will be along the Kings Garden side – a commitment that it’s not going to be cinderblock or chain link fence – that we’ll come up with some type of options that will not include those two; that we’ll – perhaps, we can make certain that the – we can include the Supervisor’s Office in that one to make certain that they’re satisfied with the type of material that’s being used.

Mr. Looney: Correct.

Commissioner Migliaccio: And lastly, the minimum on the ADU.

Mr. Looney: We will address a proffer looking at the percentage of ADUs that are committed to the project. y Yes, sir.

Commissioner Migliaccio: Okay. That is what I have and I believe we just – we just talked about the fence.

Chairman Murphy: Okay.

Commissioner Migliaccio: Thank you, Commissioner Hurley. The grocery store proffer, but that will be worked out between the applicant and the Supervisor in greater detail. That’s the one loose end I’m leaving as we move it forward tonight. With all that being said, Mr. Chairman, once I find my motions, I have a few to make. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2013-LE-008 AND THE ASSOCIATED CDP, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED November 7<sup>th</sup> – NOVEMBER 21<sup>ST</sup>, 2013 – is it 7<sup>th</sup> or 21<sup>st</sup>?

Commissioner Sargeant: 21<sup>st</sup>.

Commissioner Migliaccio: 21<sup>st</sup>, 2013.

Commissioner Sargeant: Second.

Chairman Murphy: You want to say to include the agreements made by the applicant?

Commissioner Migliaccio: Thank you, Mr. Chairman – TO INCLUDE THE PREVIOUSLY AGREED-UPON ADDITIONS TO THE PROFFER.



Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-LE-008, subject to the proffers as stated in the staff report and also the agreements made by the applicant this evening on the record, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: This time, I want to abstain, Mr. Chairman.

Chairman Murphy: Mr. Flanagan abstains.

Commissioner Migliaccio: Okay, thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2013-LE-008, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS DATED NOVEMBER 7<sup>TH</sup>, 2013, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2013-LE-008.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to approve the FDP 2013-LE-008, subject to the Board's approval of the rezoning with the stated proffers and those we agreed to tonight, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I'm going to combine all of the waivers and modifications into one motion. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FIVE WAIVERS AND MODIFICATIONS AS STATED IN THE HANDOUT DATED NOVEMBER 14<sup>TH</sup>, 2013.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstention, I presume-

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(The first motion carried by a vote of 9-0-1. Commissioner Flanagan abstained. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.)

(The second and third motions carried by a vote of 10-0. Commissioner Lawrence was not present for the vote. Commissioner Hall was absent from the meeting.)

JLC

4:00 p.m.

Public Hearing on RZ 2012-BR-020 (Eastwood Properties, Inc.) to Rezone from R-1 to PDH-3 to Permit Residential Development with an Overall Density of 2.5 du/ac and Approval of the Conceptual Development Plan, Located on Approximately 5.15 Acres of Land (Braddock District)

This property is located on the East side of Ox Road, approximately 100 Feet North of its intersection with Adare Drive. Tax Map 77-1 ((1)) 36, 37 and 38.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 21, 2013, the Planning Commission voted 11-0 (Commissioner Hall was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2012-BR-020, subject to the proffers consistent with those dated November 13, 2013;
- Waiver of the service drive requirement along Route 123 in favor of the frontage improvements shown on the CDP/FDP;
- Modification of the trail requirement along Route 123 in favor of the eight-foot wide asphalt trail shown on the CDP/FDP;
- Waiver of the on-road bike trail requirement along Route 123 in favor of the asphalt trail shown on the CDP/FDP;
- Waiver of the parallel crushed stone pedestrian path along Route 123 in favor of the asphalt path shown on the CDP/FDP; and
- Modification of the sight distance requirement for corner lots to allow the entry feature and sound wall to be located as shown on the CDP/FDP.

In a related action, the Planning Commission voted 11-0 (Commissioner Hall was absent from the meeting) to approve FDP 2012-BR-020, subject to the Board's approval of RZ 2012-LE-013 and the Conceptual Development Plan.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4430573.PDF>

STAFF:

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

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Decision Only During Commission Matters  
(Public Hearing held on October 16, 2013)

Commissioner Hurley: Thank you, Mr. Chairman. The application under discussion is RD/FDP 2012-020 [sic], Eastwood Properties, or the Ox Road Estates. In response to considerable neighborhood including the very well prepared remarks presented at the public hearing by Middleridge Civic Association President Rick Jones, my remarks this evening will be rather lengthy, but I hope, in time, we'll save time by addressing most of the outstanding questions. First, I mentioned the letter that was distributed this evening. That was from the landowner. Mr. Thompson's family has lived in Fairfax County for 425 years and has lived on this – his family has lived on this particular land for only 56 years. Mr. Thompson points out that this parcel was treeless farmland in the early 70s – make that the early 1970s. Earlier this week, the Braddock Land Use Committee Chair transmitted to this Commission a detailed chronology of its review of this application. The analysis delineates the many community concerns that have been expressed over the last year and highlights many changes, including smaller and fewer houses that the applicant has submitted to the original plans in response to community input. The first major recurring concern of the neighbors is density. The design yields 2.5 houses per acre, mid-way in the Comp Plan recommended range of two to three and compatible with the adjoining neighborhoods. In view of existing stormwater issues, the unusual parcel shape, and to create useful open space areas, the proposed PDH-3 zoning is appropriate for this site. A related concern is the preservation of trees and open space. One of the features of and reasons for this P-District is the creation of common open space, including tree save areas and the resultant smaller individual lots. The 30 percent ten-year tree canopy in the proposal exceeds the requirement of 25 percent. The target of preserving existing trees as required by ordinance standards is exceeded by 1,000 square feet. The 40 percent open space is double the amount required in a P-District. When the commonly-owned open space areas are added to the private yard spaces, then the lot coverage and the effective setbacks around the houses will be similar to or greater than neighboring properties. And thus the proposal is compatible with surrounding neighborhood. As with all new developments, traffic is a concern. The traffic impact analysis indicates no significant cut-through traffic problem at this specific location. The applicant has proffered to request VDOT to examine during the subdivision phase the perceived need to extend the green light time on Adare Drive to clear traffic queues. Cycle and pedestrian crossing of Adare will be made safer by the new "Stop Here on Red" sign on Adare that will also alert cars not to block the service road. Regarding the existing trail along Ox Road and located on public right of way, it will remain eight feet wide and will continue to be maintained by the County until the road is widened, at which time the State would widen and assume responsibility for trail maintenance, as well as address any new stormwater and noise concerns – occasioned by widening Ox Road. While the private roads will need to be maintained by the HOA, they consume less space. It is noted that the developer will initiate funding of this HOA to begin building a reserve for this future expense. The specific concern of one resident pertains to the use of the existing sewer easement on her land, between lots 259 and 260. The Public Facilities Manual states, "Generally, proposed sanitary sewers shall not be located closer than 15 feet from existing or proposed

buildings.” However, as shown in the sketch in the attachment at the end of the staff addendum, the existing easement begins less than four feet from the corner of the house on lot 260. And because the easement is only ten feet wide, the word “generally” applies and the sewer line must be placed closer than 15 feet from the corner of this house. The applicant will be required to place the new sewer line so that the exterior will be at least six feet from the exterior of an existing stormwater line. The sketch indicates the eight-inch sewer line is planned to be located about 10 feet from the house on lot 260 and 6 feet below ground, which is below the two-foot deep foundation of the closest corner of the house. DPWES sanitary sewer personnel have indicated the proposed placement of this sewer line is appropriate. An overarching issue on this site, even without development, is that of managing the stormwater that not only falls directly onto the property, but also drains from the neighboring yards to the south and from Ox Road to the west. Existing issues include ponding in yards downhill from this parcel, downstream stream erosion, and Woodglen – Woodglen Lake siltation. In these latest revised plans, the applicant would access the existing stormwater easement on lot 261 only to connect new lines under the manhole in the northwest corner of their property. As indicated at the bottom of page 2 of the staff addendum, the underground storage area and rain gardens will detain and treat two-year and ten-year storms and will retain a proportion of hundred-year storms. In a significant storm event, delaying a portion of untreated stormwater flowing overland from offsite will improve the downstream situation. This proportional improvement will prevent exacerbating the existing drainage problems downstream. The current 27-inch stormwater line that eventually conveys much of this water off property has been inspected by Maintenance and Stormwater staff using a pole camera. No blockages or other operation or structural issues were found. The lines are functioning adequately and are appropriately sized. Additional flow elsewhere on the property would be controlled by channeling sheet flow through a network of pipes that would carry water to other existing storm drains. Earlier versions of the proposal indicated a small drainage diversion that would require additional overland relief, but that diversion has been eliminated. Therefore, the proposal has been revised to meet overland relief and adequate outfall requirements entirely on-site. The plan continues to exceed the standards required for phosphorous removal by 5 percent. The new Proffer 39 was added at my request and that of the County staff in recognizing the ongoing stormwater concerns of the residents in lots 261 and 262. To alleviate existing drainage issues, the applicant is offering to assist in the re-grading of land on lots 261 and 262, if requested to do so by the neighbors in writing. However, the staff addendum indicates the application fully complies with stormwater regulations and such re-grading is not needed for the applicant to meet any and all requirements. Also at my request, and at the recommendation of DPWES site review staff, the applicant has further engineered its stormwater management design to demonstrate that it can fully detain two and ten-year storms onsite and create a proportional improvement for hundred-year storms that will greatly improve the current situation because it would remove a majority of the surface runoff that currently flows overland to the inlet on the southwest corner of lot 261. The applicant has completed stormwater calculations extensive enough for site plan review, at which time a thorough and rigorous analysis, including review of the rain garden facility, will be conducted by County engineers. Because the applicant has performed these calculations much earlier than usual in the

development process, the community has more months in which to review the computations. I do have a question for the applicant.

Chairman Murphy: Please come forward and identify yourself for the record.

Lori Greenlief, Land Use Planner, McGuireWoods LLP: Good evening. Lori Greenlief with McGuireWoods.

Commissioner Hurley: Thank you. I refer you to Sheets 6 and 7 of the staff addendum and in these, they are talking about saving the trees directly south of Lot 259, especially trees 46 and 47. On one chart, they're shown as being saved. But on the spreadsheet, they're shown as being removed. Can you clarify this discrepancy?

Ms. Greenlief: Yes, both of those trees will be preserved. And that Sheet 7 will be changed to indicate preservation rather than removal.

Commissioner Hurley: Okay, and any other comments on the tree save near Lot 259?

Ms. Greenlief: There is also another tree, I think Lot 39, that was in question. That is on the subject property. It is shown on Sheet 6 as half-shaded because half of its canopy is on the property. Half of its canopy is off of the property and we can only take credit for that part of the canopy that is on the property.

Commissioner Hurley: Thank you. And I also have a question for staff. And Mr. Krasner, can you show – these questions about traffic and cut-through traffic – can you indicate the possible routes of the cut-through traffic that would arrive from this neighborhood.

Brent Krasner, Zoning Evaluation Division, Department of Planning and Zoning: During the public hearing, there was a member of the public who lives on Kipp Court, who came to testify about cut-through traffic concerns. Staff reviewed that issue. Kipp Court is located – a circuitous one and four tenths of a mile away from the subject site. And while we don't doubt there is existing cut-through traffic in this large subdivision of Middleridge, it was staff's opinion that the impact of this site was not going to create a tangible effect on that gentleman's situation, which perhaps could be pursued through other means other than through this application.

Commissioner Hurley: And could you also clarify why staff considers the rain garden, which is not supposed to be played on by little kids, et cetera – why is that considered usable open space?

Mr. Krasner: Well, stormwater facilities are accounted in the 40 percent open space calculation. And in this particular case, you have the situation where there are walking trails that are provided that also – there's also a tot lot. And so that portion of the site is certainly considered usable open space in our opinion, as contrasted with a wooded area with no facilities that would be considered unusable.

Commissioner Hurley: Thank you. And one more question about the driveway length. There was a question from the neighbors about whether 20 feet is sufficient for a driveway.

Mr. Krasner: The County standard is 18 feet – to be considered a parking space. This is 20 feet. So in staff's opinion, it's more than adequate.

Commissioner Hurley: So again, they're exceeding the County standards.

Mr. Krasner: Correct.

Commissioner Hurley: Thank you. I have no further questions. Would with the rest of the Commission?

Chairman Murphy: Go ahead. I don't think so. Oh you do? I'm sorry. I can't hear you. Ms. Hedetniemi.

Commissioner Hedetniemi: I had been critical of the tree preservation plan in this original presentation and I'm not satisfied that they indeed have identified trees that are not healthy enough to be retained and that their offer of planning new growth is a good solution. So I just wanted to clarify that in terms of my original position.

Chairman Murphy: Thank you. Ms. Hurley.

Commissioner Hurley: Thank you. I mentioned at the beginning of my remarks the extensive analysis of this project that has been conducted by the Braddock Land Use Committee. I applaud their efforts and that of the community, who have been extremely involved, and especially the ongoing expert advice of staff, most notably Brent Krasner, Kris Abrahamson, and – from Supervisor John Cook's office – Rosemary Ryan. That being said, no further deferral by the Commission is appropriate. And therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2012-BR-020, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED 13 NOVEMBER, 2013, CONTAINED IN THE STAFF REPORT ADDENDUM.

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 approve RZ 2012-BR-020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; Ms. Hurley.



Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2012-BR-020, CONTINGENT ON BOARD APPROVAL OF RZ 2012-BR-020.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2012-BR-020, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE space – of the SERVICE DRIVE REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE FRONTAGE IMPROVEMENTS SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE TRAIL REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE EIGHT-FOOT WIDE ASPHALT TRAIL SHOWN ON THE CDP/FDP.

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.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE ON-ROAD BIKE TRAIL REQUIREMENT ALONG ROUTE 123 IN FAVOR OF THE ASPHALT TRAIL SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE PARALLEL CRUSHED STONE PEDESTRIAN PATH ALONG ROUTE 123 IN FAVOR OF THE ASPHALT PATH SHOWN ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE SIGHT DISTANCE REQUIREMENT FOR CORNER LOTS TO ALLOW THE ENTRY FEATURE AND SOUND WALL TO BE LOCATED AS SHOWN ON THE CDP/FDP.

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.

Commissioner Hurley: Thank you, Mr. Chairman.

//

(Each motion carried by a vote of 11-0. Commissioner Hall was absent from the meeting.)

JLC

Board Agenda Item  
January 14, 2014

4:00 pm

Public Hearing on Proposed Area Plans Review Nominations 09-IV-IMV and 09-IV-15MV, Located Northwest of Richmond Highway, and Northeast Huntington Avenue (Mount Vernon District)

ISSUE:

Area Plans Review (APR) Nominations 09-IV-1MV and 09-IV-15MV propose to amend the Comprehensive Plan for Sub-unit A-1 (approximately 15.3 acres) and Sub-unit A-2 (approximately 2.5 acres), respectively, of the North Gateway Community Business Center of the Richmond Highway Corridor. Sub-unit A-1 is planned for retail, office and/or residential uses up to an intensity of .50 Floor Area Ratio (FAR), with an option for mixed-use development to include office, retail and residential uses up to an intensity of 1.0 FAR with conditions relating to consolidation, circulation, urban design, transportation and the environment. There is an alternative option for residential use at a density up to 30 dwelling units per acre (du/ac). Sub-unit A-2 is planned for neighborhood-serving retail use at an intensity up to .25 FAR, with an option for consolidation with Sub-unit A-1 in a unified mixed-use development at an intensity up to 1.0 FAR with conditions. The nominations propose to add an option for mixed-use development to include office, hotel and retail uses at an intensity up to 2.0 FAR with similar conditions and to delete the alternative option for residential use at a density up to 30 du/ac.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 14, 2013, the Planning Commission voted unanimously (Commissioners Donahue, Hall, Hedetniemi, Lawrence and Litzenberger not present for the vote) that the Board of Supervisors adopt an alternative for APR Nominations 09-IV-IMV and 09-IV-15MV. The Planning Commission alternative, as set forth in Attachment 1, supports the staff alternative for residential, office, hotel and retail mixed-use development up to an intensity of 1.65 FAR with additional language recommending: the reevaluation of guidance for Sub-units A-1 and A-2 after upcoming transportation studies have been completed; the access from Sub-unit A-2 be determined at the rezoning stage; and the transportation figures and text in the Plan be revised to show that Old Richmond Highway would be vacated from Cameron Run Terrace to Richmond Highway with redevelopment under the proposed option.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation as shown in the Planning Commission verbatim (Attachment I) and handout (Attachment II).

Board Agenda Item  
January 14, 2014

TIMING:

Planning Commission public hearing – November 14, 2013  
Board of Supervisors public hearing – January 14, 2014

BACKGROUND:

The Board of Supervisors designated 2009-2010 as the years to review and evaluate recommendations contained in the Comprehensive Plan for the southern part of the County.

The Mount Vernon APR Task Force recommended an alternative to the proposed nominations. The task force alternative retained the adopted Comprehensive Plan for a portion of Sub-unit A-1 and supported the nominated change to the Plan for the remainder of Sub-units A-1 and Sub-unit A-2. The alternative resulted in mixed-use development to include residential, office, hotel and retail uses at an overall intensity up to 1.65 FAR.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim Excerpt  
Attachment II: Planning Commission Handout dated November 14, 2013 with annotations to show the final Planning Commission Recommendations  
Attachment III: Mount Vernon APR Task Force Recommendation, dated April 13, 2010.

Staff Report previously furnished and available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/09-iv-1mvand15mv.pdf>

STAFF:

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)  
Marianne Gardner, Director, Planning Division (PD), DPZ  
Meghan Van Dam, Chief, Policy & Plan Development Branch, PD, DPZ  
Aaron Klibaner, Planner II, PD, DPZ

Planning Commission Meeting  
November 14, 2013  
Verbatim Excerpt

APR 09-IV-1MV – COMPREHENSIVE PLAN AMENDMENT (NORTH GATEWAY)  
APR 09-IV-15MV – COMPREHENSIVE PLAN AMENDMENT (NORTH GATEWAY)

After Close of the Public Hearing

Chairman Murphy: All right, we're going to – the public hearing is – public hearing is closed; Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. The Area Plan Review nomination 09-IV-1MV and 09-IV-15MV propose a change in land use and intensity at the northern gateway of the Richmond Highway Corridor, a location that provides an initial impression of the corridor and the County. By the way, this is one of only two commercial business centers that's on the Beltway, the other one being Tysons Corner. On April 3<sup>rd</sup>, 2010, the Mount Vernon APR Task Force recommended an alternative that reduced the overall intensity of the combined nominations and reintroduced residential use into the proposed mix of uses on a portion of the subject area. This recommendation is the basis of the staff alternative. Since the time of the task force recommendations, new transportation studies for the Huntington area and the Richmond Highway Corridor have either recently begun or are starting shortly. These studies may warrant a reexamination of the Plan recommendations. As a result, I support the staff alternative with a modification to encourage the future reevaluation of the subject area after the transportation studies have been completed and funding for improvements has been procured. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF AN ALTERNATIVE TO THE STAFF RECOMMENDATIONS, AS SHOWN ON PAGES 1 THROUGH 6 OF MY HANDOUT DATED NOVEMBER 14, 2013. THE ALTERNATIVE SUPPORTS THE STAFF RECOMMENDATIONS WITH ADDITIONAL LANGUAGE THAT RECOGNIZES THE UPCOMING TRANSPORTATION STUDIES AND POSSIBLE FUTURE NEED TO REEXAMINE THE PLAN RECOMMENDATIONS. THE ALTERNATIVE ALSO MODIFIES LANGUAGE ABOUT ACCESS IN SUB-UNIT A-2, TO ALLOW FLEXIBILITY TO DETERMINE THE LOCATION AT REZONING STAGE.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: A FRIENDLY AMENDMENT, I hope. THE BOTTOM OF PAGE 2 OF MR. FLANAGAN'S HANDOUT FROM TONIGHT, THE LAST BULLET – THAT BEFORE

Planning Commission Meeting  
November 14, 2013  
APR 09-IV-1MV AND APR 09-IV-15MV

Page 2

THE BOARD, STAFF WAS GOING TO CLARIFY THAT THAT FIRST BLOCK OF OLD RICHMOND HIGHWAY FROM HUNTINGTON AVENUE UP TO CAMERON RUN TERRACE, I GUESS, IS NOT BEING VACATED – THAT THAT WOULD STAY AND IT’S JUST THE PART TO THE RIGHT OF THAT THAT WOULD BE VACATED – in that last bullet on the bottom of page two.

Commissioner Flanagan: YES, I’LL ACCEPT THAT AS A FRIENDLY AMENDMENT.

Commissioner Hart: Thank you.

Chairman Murphy: All right, further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the alternative to these Plan Amendments, as articulated by Mr. Flanagan on items 09-IV-1MV and 09-IV-15MV, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you folks for your work on this Plan Amendment. Mr. Klibaner, thank you – Ms. Van Dam – et. al.

//

(The motion carried by a vote of 7-0. Commissioners Donahue, Hall, Hedetniemi, Lawrence, and Litzenberger were absent from the meeting.)

JLC

**MOTION**

**November 14, 2013**

**Commissioner Early Flanagan, Mount Vernon District**

**Planning Commission Public Hearing**

**2009-2010 South County Area Plans Review items 09-IV-1MV and 09-IV-15MV**

**Motion:**

Mr. Chairman, Area Plans Review nominations 09-IV-1MV and 09-IV-15MV propose a change in land use and intensity at the northern gateway of the Richmond Highway Corridor, a location that provides an initial impression of the corridor and the county.

On April 3, 2010, the Mount Vernon APR Task Force recommended an alternative that reduced the overall intensity of the combined nominations and reintroduced residential use into the proposed mixture of uses on a portion of the subject areas. This recommendation is the basis for the staff alternative.

Since the time of the task force recommendation, new transportation studies for the Huntington area and the Richmond Highway Corridor have either recently begun or are starting shortly. These studies may warrant a reexamination of the Plan recommendations. As a result, I support the staff alternative with a modification to encourage the future reevaluation of the subject area after the transportation studies have been completed and funding for improvements has been procured.

Therefore, I move that the Planning Commission recommend to the Board of Supervisors the adoption of an alternative to the staff recommendation as shown on pages 1-6 of my handout dated November 14, 2013. The alternative supports the staff recommendation with additional language that recognizes the upcoming transportation studies and a possible future need to reexamine the Plan recommendations. The alternative also modifies language about access in Sub-unit A-2 to allow flexibility to determine the locations at the rezoning stage.

End of Motion

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**PLANNING COMMISSION RECOMMENDED PLAN TEXT  
NOVEMBER 14, 2013**

*(Additional modifications recommended by the Planning Commission during the public hearing are shown in italics.)*

2009-2010 SOUTH COUNTY APR NOMINATIONS 09-IV-1MV & 09-IV-15MV

Text to be added is shown as underlined and text to be deleted is shown as ~~strickethrough~~.

**MODIFY:** Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, amended through 4-9-2013, Richmond Highway Corridor Area, page 31.

Text to be added is shown as underlined and text to be deleted is shown as ~~strickethrough~~.

⋮  
**“North Gateway Community Business Center**

Redevelopment in this area is anticipated to occur adjacent to I-495 primarily at the location of the auto dealerships. This area is planned to redevelop as a mixed-use project including residential, office, hotel, and retail uses. ~~or in the alternative as high rise residential use.~~ These planned uses complement the advantageous location near rail transit/transportation-oriented location and are compatible with the surrounding character and density.”

**MODIFY:** Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, Amended through 4-9-2013, Richmond Highway Corridor Area, pages 33-34.

**“Sub-unit A-1**

The area along the northwest side of Richmond Highway between the Capital Beltway and Old Richmond Highway I-495 and northeast of Huntington Avenue is planned for retail, office and/or residential uses up to .50 FAR.

As an option, mixed-use development to include residential, office, hotel and retail uses at an intensity up to 1.065 FAR may be appropriate as part of a unified redevelopment with full consolidation of Sub-units A-1 and A-2. If full consolidation is not achievable, an alternative may be pursued that logically consolidates parcels in Sub-unit A-1 and/or Sub-unit A-2 in order to provide the extension of Fort Hunt Road to Cameron Run Terrace in the initial phase. Further, a master plan for redevelopment of both Sub-units should be prepared to demonstrate how the future integration of unconsolidated parcels can be achieved.

In either option, if the following conditions are should be met:



- ~~A mix of uses, which may include office, retail and residential, is provided;~~
- ~~Substantial and logical parcel consolidation is achieved;~~
- ~~Pedestrian and vehicular connections are provided;~~
- Project Urban design and layout provide a high quality development elements incorporating the recommendations found at the end of the Richmond Highway Corridor section, such as complete streets, public art, pedestrian plazas, cultural/recreation facilities, landscaped open space, landmarks or building designs which will denote this area as a focal point of the North Gateway Community Business Center are included;
- A pedestrian circulation system is provided. Circulation should encourage pedestrian traffic within the development, and to and from adjacent developments, the Huntington Metrorail Station, and existing and planned pedestrian and bicycle routes, such as the Cameron Run Trail and other planned facilities. Streetscaping that includes elements such as space for outdoor dining, pedestrian sidewalks, landscaping, crosswalks, bicycle facilities, on-street parking, lighting, and/or transit accommodations, should be incorporated in the internal transportation network within the development. Adequate, well-positioned and safe pedestrian crossings across Richmond Highway and Huntington Avenue, with ramps, pavement markings and pedestrian countdown signals, should also be provided;
- A parking management program that may include parking reductions, providing less parking than required by code is prepared;
- Parking is consolidated into structures and integrated into the streetscape in order to avoid adverse visual impacts to major pedestrian, bicycle, or vehicular corridors. Façade treatment of parking structures should contribute to the visual appeal of the streetscape. Surface parking lots should be avoided or located in the rear of the buildings when necessary;
- ~~The A thorough traffic impact analysis of the proposed development is conducted with appropriate mitigation identified, thoroughly analyzed and mitigated so that Huntington Avenue and Richmond Highway adjacent to the site will operate at levels of service no less than Level of Service D; Grade-separated interchanges, new or extended roadways, roadway widening, and/or intersection turn lane improvements should be considered to assist in alleviating traffic congestion through the immediate area;~~
- An efficient, pedestrian friendly, internal grid design for vehicular circulation system is provided;
- Old Richmond Highway should be vacated between Cameron Run Terrace and Richmond Highway and the extension of Fort Hunt Road from Richmond Highway to Cameron Run Terrace should be

constructed with any redevelopment of the subject area as shown on Figure 13;

- Access points are should be consolidated, and placed away from existing intersections and operate at levels of service no less than Level of Service D—Adequate storage capacity at the site access points should be provided to accommodate anticipated turn lane demands, into and out of the site;
- Adequate right-of-way is provided for the planned, grade-separated interchange at Richmond Highway and Huntington Avenue/Fort Hunt Road or for suitable, at-grade alternative mitigation developed through further study, and for any adjacent intersection, bicycle/pedestrian improvements, and/or road widenings to be defined through further study;
- Any proposed site design is coordinated with existing and planned transit in the area with bus shelters;
- A substantial Transportation Demand Management (TDM) program should be implemented as a component of the transportation mitigation. The TDM program should consider, but is not limited to, the following elements:
  - A TDM trip reduction goal of 30 percent should be sought for the office component of the site,
  - A TDM coordinator,
  - A commuter center/kiosk,
  - Incentives for residents and office workers to use alternative modes, such as transit, carpools, vanpools, bicycles and walking and to participate in flexible work schedules, alternative work schedules and teleworking,
  - Provision of, or funding for, long-term shuttle service and/or enhanced transit connections between the site, other area development, and the Huntington Metrorail Station, and
  - Covered and secure bicycle storage facilities and shower/locker facilities;
- A contribution for area-wide transportation improvements, including roadway and other multi-modal improvements that are generally proportional to the share of trips generated by the proposed development is provided at each improvement location. The contribution at each improvement location should be calculated based on a comparison of site generated trips versus regional/through trips;
- A pedestrian circulation system which encourages pedestrian traffic within the development, to adjacent developments and to the Huntington Metro Station is provided;

- ~~Adequate measures to mitigate against environmental impact should be provided. The related floodplain and wetland areas should be protected in accordance with Plan objectives, as well as, other applicable guidelines and regulations; and~~
- ~~Urban design elements, such as public art, pedestrian plazas, cultural/recreation facilities, landscaped open space, streetscaping, landmarks or building designs which will denote this area as a focal point of the North Gateway Community Business Center are included. The urban design recommendations found at the end of this Plan should be used as a guide.~~
- A linear park along the shoreline of Cameron Run that includes wayside areas with benches and construction of a portion of the proposed Cameron Run trail is provided;
- The Cameron Run floodplain is re-vegetated and the Resource Protection Area restored to the maximum extent possible;
- The amount of impervious surfaces is reduced to the maximum extent possible; if this is not achievable, there is no net increase in impervious surfaces;
- The total volume of stormwater runoff released from the site post-development for the 2-year, 24-hour storm should be at least 25% less than the total volume of runoff released in the existing condition for the same storm;
- Stormwater runoff is controlled such that either (a) the total phosphorus load for the property is no greater than what would be required for new development pursuant to Virginia's Stormwater Regulations and the County's Stormwater Management Ordinance; or (b) an equivalent level of water quality control is provided;
- As an alternative to the previous two bullets, stormwater management measures may be provided sufficient to attain the Rainwater Management credit(s) of the most current version of LEED-New Construction or LEED-Core and Shell rating system;
- As an alternative to the previous three bullets, stormwater management measures/and or downstream improvements may be pursued to optimize site-specific stormwater management and/or stream protection/restoration efforts, consistent with the adopted watershed management plan(s) that is/are applicable to the site. Such efforts should be designed to protect downstream receiving waters by reducing stormwater runoff volumes and peak flows from existing and proposed impervious surfaces to the maximum extent practicable, consistent with watershed plan goals; and
- A noise study is prepared to determine the extent of noise impacts and appropriate mitigation measures for interior areas of any residential, hotel and office uses and if necessary, outdoor activity areas.

~~As an alternative option, future redevelopment of Sub-unit A-1 northwest of Old Richmond Highway for residential use at a density up to 30 dwelling units per acre to be compatible with the surrounding high-rise residential uses may be appropriate. Substantial parcel consolidation, minimization of access points, provision of an efficient internal circulation pattern and mitigation of environmental and transportation impacts are required. See land use recommendations for Sub-units A-2 and B-2 for additional options.~~

Sub-units A1 and A2 may be appropriate for redevelopment at a higher intensity in the future when areawide transportation issues can be addressed. The plan for the mixture of uses and intensity should be evaluated following the completion of transportation studies for the Huntington area and the Richmond Highway Corridor, when mitigation strategies are identified.

### **Sub-unit A-2**

The redevelopment of the "island" formed by Richmond Highway and Old Richmond Highway would enhance the "gateway" character of this area and should be encouraged. Consolidation of all parcels within this "island" and redevelopment of this area with neighborhood-serving retail use up to .25 FAR is recommended. Building orientation should be to Richmond Highway but access should be to Old Richmond Highway.

As an option, if Sub-unit A-2 is fully consolidated and included in a unified mixed-use development plan with Sub-unit A-1, then Sub-unit A-2 may be appropriate for mixed-use development at an intensity up to 1.065 FAR. If full consolidation with Sub-unit A-1 is not achievable, an alternative option for logical consolidation of Sub-unit A-2 with at least Tax Map Parcel 83-2((1))2A is recommended for a mixed-use development to include residential, office, hotel and retail uses at a lower intensity than the maximum of 1.65 FAR. In addition to meeting the same conditions stated in the land use recommendation for Sub-unit A-1, as part of this mixed-use development, Old Richmond Highway should be vacated between Cameron Run Terrace and Richmond Highway and access should be provided from Sub-unit A-1 Richmond Highway."

**MODIFY FIGURES:** Figure 2, Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, Overview, Amended through 4-9-2013, page 6.

At the intersection of Richmond Highway and Huntington Avenue, replace the symbol and note that refers to the recommendation of a grade separated interchange, with the symbol and note that explains that further study is required to establish preliminary concepts and/or limits of restricted access.

Figure 13, Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, Amended through 4-9-2013, Richmond Highway Corridor Area, page 78.

Insert an arrow pointing to Old Richmond Highway with a caption that reads “Vacate Old Richmond Highway”. At the intersection of Richmond Highway and Huntington Avenue, replace the symbol and note that refers to the recommendation of a grade separated interchange, with the symbol and note that explains that further study is required to establish preliminary concepts and/or limits of restricted access.

Figure 29, Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, Amended through 4-9-2013, MV1-Huntington Community Planning Sector, page 123.

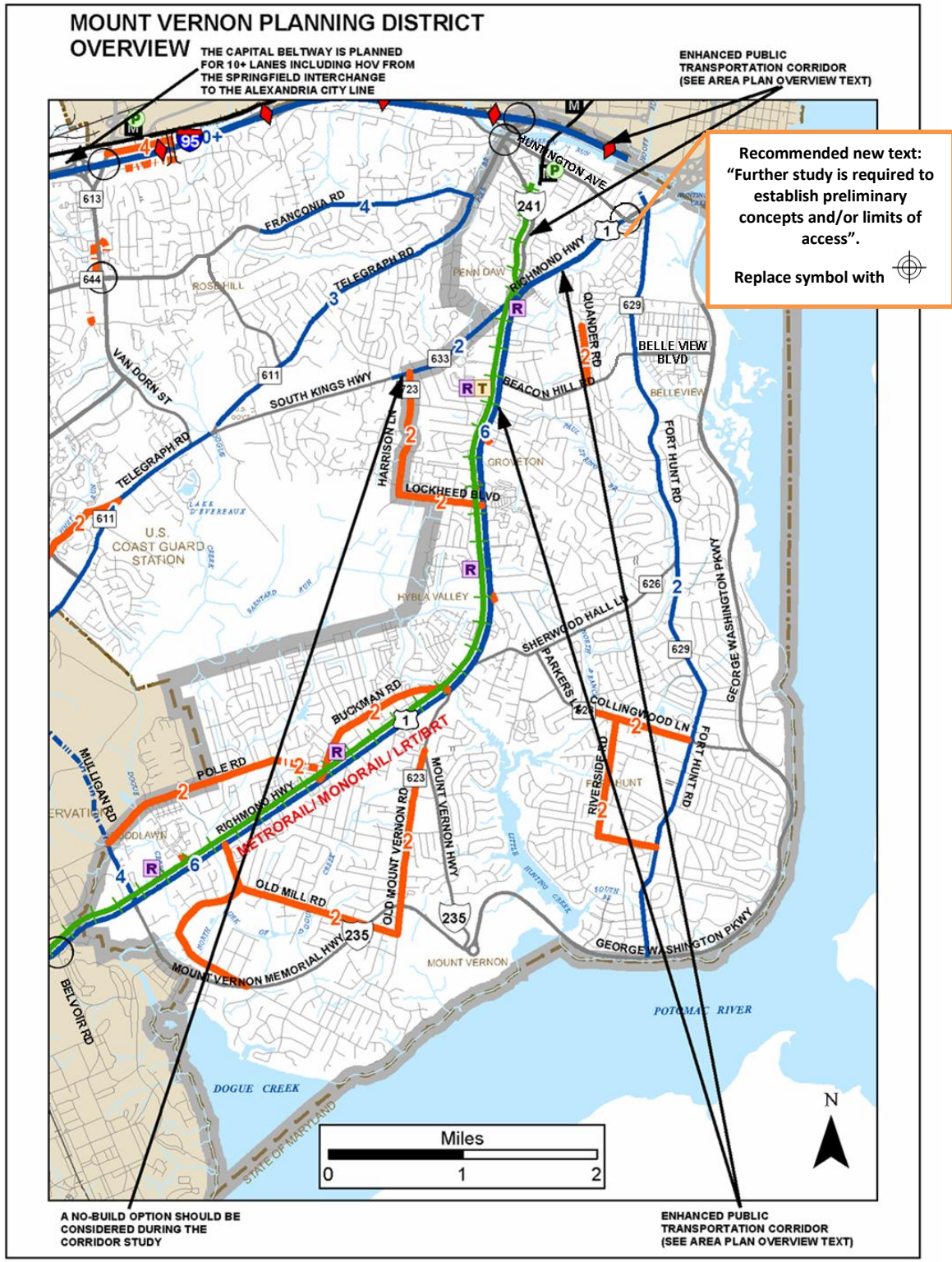
Insert an arrow pointing to Old Richmond Highway with a caption that reads “Vacate Old Richmond Highway”. At the intersection of Richmond Highway and Huntington Avenue, replace the symbol and note that refers to the recommendation of a grade separated interchange, with the symbol and note that explains that further study is required to establish preliminary concepts and/or limits of restricted access.

Figure 30, Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, Amended through 4-9-2013, MV1-Huntington Community Planning Sector, page 124.

Insert an arrow pointing to Old Richmond Highway with a caption that reads “Vacate Old Richmond Highway”. At the intersection of Richmond Highway and Huntington Avenue, replace the symbol and note that refers to the recommendation of a grade separated interchange, with the symbol and note that explains that further study is required to establish preliminary concepts and/or limits of restricted access.

**PLAN MAP:** The Comprehensive Land Use Plan Map will not change.

Proposed Changes To Transportation Figures  
 MV1 Huntington Community Planning Sector and North Gateway CBC



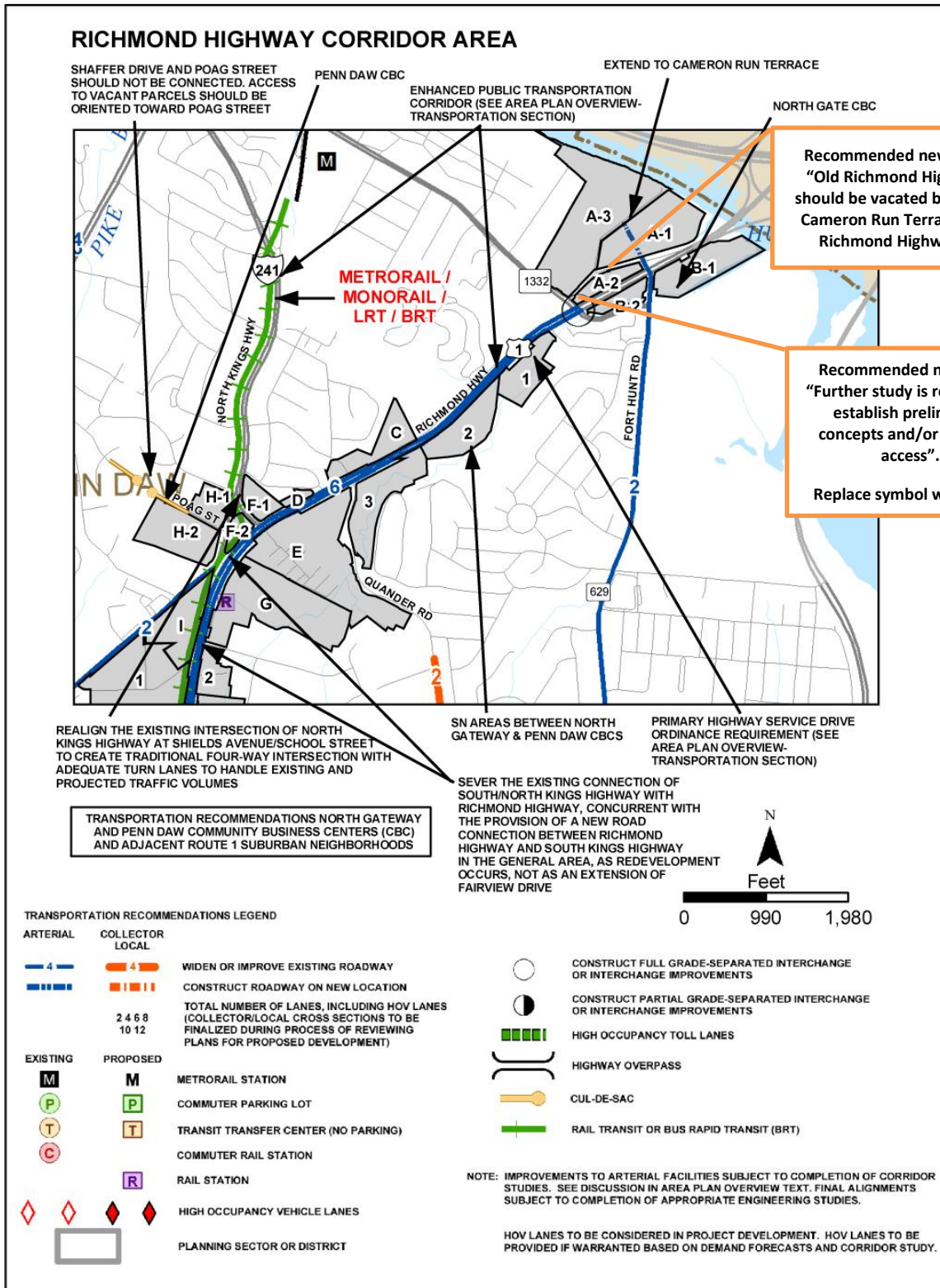
COUNTYWIDE TRANSPORTATION RECOMMENDATIONS  
 MOUNT VERNON PLANNING DISTRICT

FIGURE 2

(SEE SECTOR MAPS FOR DETAILED TRANSPORTATION RECOMMENDATIONS)



Proposed Changes To Transportation Figures  
 MV1 Huntington Community Planning Sector and North Gateway CBC



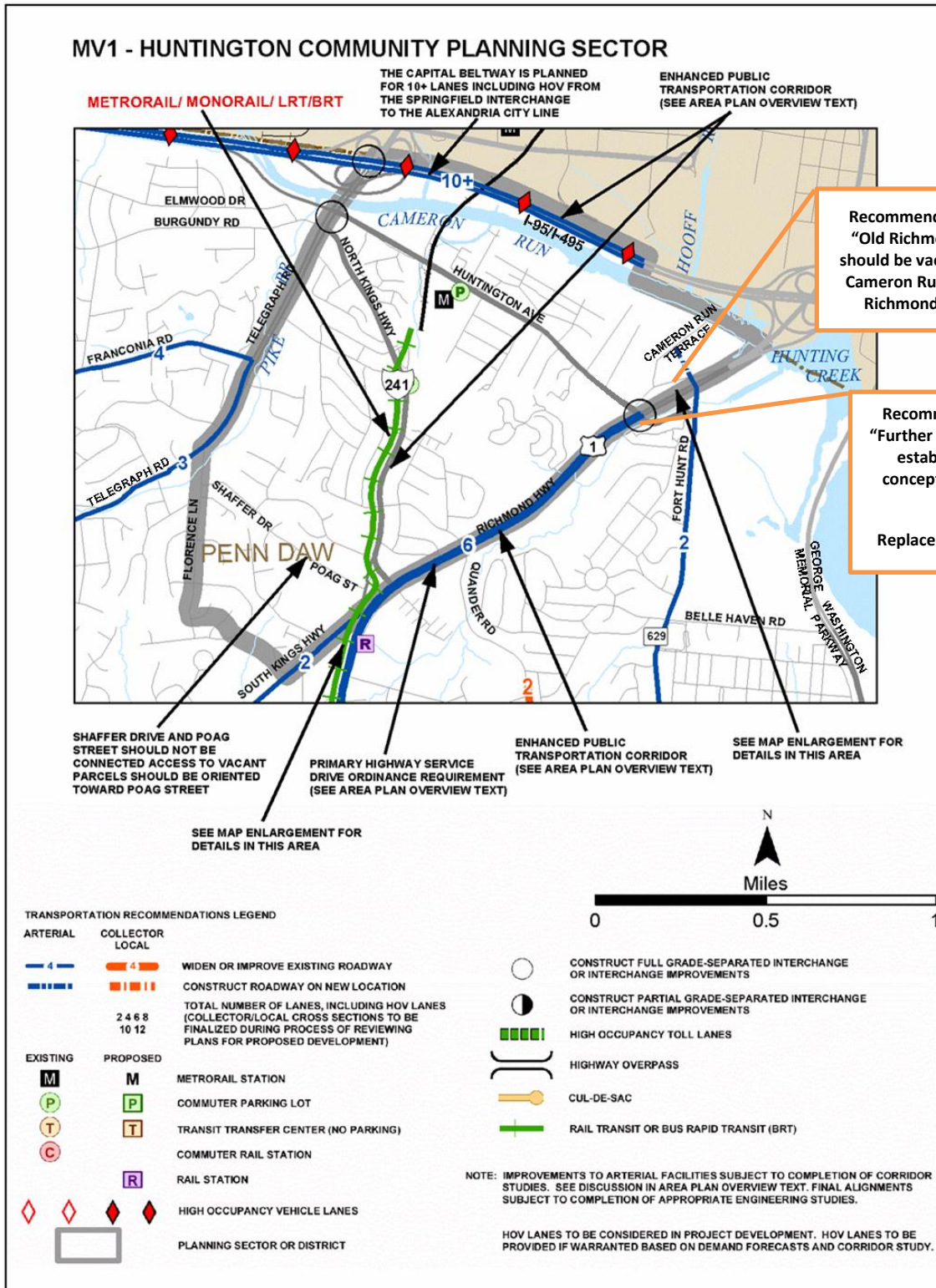
**TRANSPORTATION RECOMMENDATIONS** **FIGURE 13**

**NORTH GATEWAY AND PENN DAW CBCS AND**

**ADJACENT RICHMOND HIGHWAY SUBURBAN NEIGHBORHOODS**

(127)

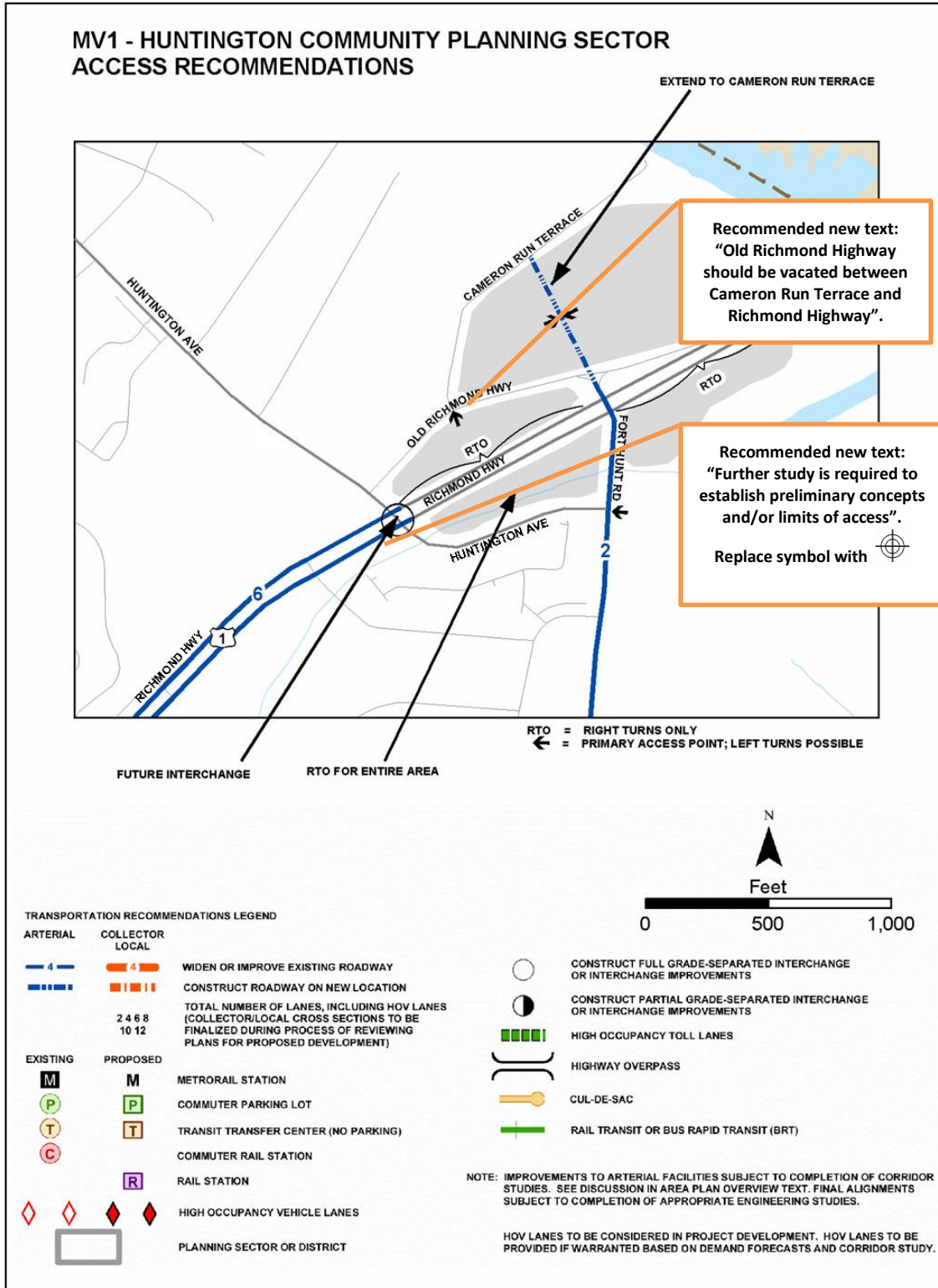
Proposed Changes To Transportation Figures  
 MV1 Huntington Community Planning Sector and North Gateway CBC



TRANSPORTATION RECOMMENDATIONS **FIGURE 29**



Proposed Changes To Transportation Figures  
 MV1 Huntington Community Planning Sector and North Gateway CBC



**ACCESS RECOMMENDATIONS  
 MV1 HUNTINGTON COMMUNITY PLANNING SECTOR**

**FIGURE 30**

MOUNT VERNON APR TASK FORCE  
RECOMMENDATION  
2009-2010 SOUTH COUNTY AREA PLANS REVIEW

APR ITEM # APR 1 MV & 15 MV

DATE(S) REVIEWED BY TASK FORCE: Reconciled on 4-13-2010  
NOMINATOR(S):

SUMMARY TASK FORCE RECOMMENDATION:

Approve Nomination as submitted \_\_\_\_\_  
Approve Nomination with Modification \_\_\_\_\_  
Retain Adopted Plan \_\_\_\_\_

see below

VOTE TALLY

In favor: 19  
Opposed: 0  
Abstentions: 0

Task Force member(s) who recused themselves from the vote:

TASK FORCE EXPLANATION/COMMENTS:

Retain the comp plan for Parc. ZA 6.24 Ac.  
and accept the nomination as submitted  
on the remaining parc.

Task Force Chairman (initials): JRB

Board Agenda Item  
January 14, 2014

4:00 p.m.

Public Hearing to Consider Amending Fairfax County Code Section 82-5A and  
Appendix G (Residential Permit Parking Districts) Related to Administration and  
Eligibility

**This public hearing is to be deferred.**

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Board Agenda Item  
January 14, 2014

4:00 p.m.

Public Hearing on a Proposal to Abandon a Part of Lyles Road and Convey the Abandoned Right-of-Way to ECHO, Incorporated (Lee District)

ISSUE:

Public hearing on a proposal to abandon a part of Lyles Road and convey the abandoned right-of-way to ECHO, Incorporated (the Applicant).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order (Attachment III) for abandonment of a part of Lyles Road and Resolution (Attachment IV) to convey the abandoned right-of-way to the Applicant.

TIMING:

On December 3, 2013, the Board authorized the public hearing to consider the proposed abandonment and conveyance for January 14, 2014, at 4:00 p.m.

BACKGROUND:

The Applicant is requesting that part of Lyles Road be abandoned and that the abandoned parcel be conveyed to it for fair market value. Lyles Road is unimproved; and, therefore, not in the Virginia Department of Transportation (VDOT) State Secondary System.

The request is being made as part of ECHO's long-term planning. As an independent community services nonprofit the applicant is requesting the abandonment and conveyance of part of Lyles Road to incorporate into a future planned development of the site.

The right-of-way is not eligible for vacation under Virginia Code §15.2-2270 or Virginia Code §15.2-2272, because it was acquired through condemnation.

Traffic Circulation and Access

The abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access. The applicant has committed to maintain the existing pedestrian and bike access through the right-of-way being abandoned. There is no current through motor vehicle access on this right-of-way.

Board Agenda Item  
January 14, 2014

Easements

Public easement needs have been identified by the Department of Transportation, the Department of Public Works and Environmental Services, and Fairfax Water. Verizon and Dominion Virginia power had also identified facilities within the area to be abandoned. The easement commitments will be executed as part of the final conveyance to the Applicant. No other easement needs were identified.

Conveyance

Since the area to be abandoned is no longer needed for road improvement purposes and since the small size of the parcel (2,713 sq. ft.) makes it unsuitable for any other public use, the County will serve the greater public benefit by conveying the parcel to Applicant for its fair market value of \$2,713.

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

FISCAL IMPACT:

The proceeds from the sale will be deposited in the County's general fund.

ENCLOSED DOCUMENTS:

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

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Jose Comayagua, Jr., Director, Facilities Management Department  
Donald Stephens, FCDOT

David R. Lasso

(703) 760-1678

drlasso@venable.com

August 23, 2011

Mr. Donald Stephens  
FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
4050 Legato Road, Suite 400  
Fairfax, Virginia 22033-2895

**RE: LETTER OF REQUEST AND JUSTIFICATION FOR THE ABANDONMENT  
OF A PORTION OF THE LYLES ROAD RIGHT-OF-WAY LYING BETWEEN 7205  
AND 7209 OLD KEENE MILL ROAD**

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Dear Mr. Stephens:

This firm represents Ecumenical Community Helping Others, Inc. (“ECHO” or the “Applicant”) on a pro bono basis with regard to the Applicant’s real estate and zoning matters. ECHO respectfully requests that Fairfax County abandon that portion of the Lyles Road right-of-way which lies between 7205 Old Keene Mill Road (Tax Map # 0901 ((01)) 0051A) and 7209 Old Keene Mill Road (Tax Map # 0901 ((01)) 0051).

ECHO currently owns the lots on either side of the referenced portion of the Lyles Road right-of-way. ECHO’s offices are located at 7205 Old Keene Mill Road and 7209 Old Keene Mill is vacant. ECHO has not yet decided upon the best use of the vacant parcel and will have to raise funds prior to any sort of development. In the interim, ECHO intends to take good care of the vacant parcel, but needs to be able to have full access to this lot. As a consequence, ECHO is requesting that the County eliminate the existing Lyles Road right-of-way that bisects the two parcels.

In anticipation of the abandonment, ECHO agrees to continue to preserve and maintain the existing pedestrian trail through its property, as a substitute for the abandoned Lyles Road, so that pedestrian and bike access to Old Keene Mill Road will remain. ECHO retains the right to traverse the trail for ECHO’s uses and, while the Applicant intends for the trail to be located in generally the same area as the Lyles Road right-of-way, will have the right to relocate the trail should a future development require a relocation.

VENABLE<sup>®</sup><sub>LLP</sub>

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Mr. Donald Stephens  
FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
August 23, 2011  
Page 2 of 2

Thank you for your assistance with this abandonment request. On behalf of ECHO, we look forward to working with the County to secure its approval. Should you have any questions, please feel free to contact the undersigned.

Sincerely,



David R. Lasso

cc: Mr. Bob Diegelman, President  
*Ecumenical Community Helping Others, Inc.*



## NOTICE OF INTENT TO ABANDON AND CONVEY

PORTIONS OF  
LYLES ROAD  
LEE DISTRICT,  
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on January 14, 2013, at 4:00 PM during its regular meeting in the Board Auditorium at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA, pursuant to Virginia Code 33.1-157, to consider the proposed abandonment of portions of a public road known as Lyles Road in the vicinity of Old Keene Mill Road and, concurrently, the conveyance of the same to ECHO, Incorporated. The road is located on Tax Map 90-1 between Tax Map 90-1 ((1)) Parcel 39 and Tax Map 90-1 ((1)) Parcel 51, and is described and shown on the metes and bounds schedule dated May 13, 2011, and abandonment plat dated March 13, 2012, both prepared by Christopher Consultants and on file in the Fairfax County Department of Transportation, 4050 Legato Road, Ste. 400, Fairfax Virginia, 22033, telephone number 703-877-5600.

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

LEE DISTRICT

ORDER OF ABANDONMENT OF

PORTIONS OF  
LYLES ROAD

LEE DISTRICT,  
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 14th day of January, 2014, it duly moved and seconded that:

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

BE IT ORDERED:

That portions of LYLES ROAD in the vicinity of Old Keene Mill Road, located between Tax Map 90-1 ((1)) Parcel 39 and Tax Map 90-1 ((1)) Parcel 51, and described and shown on the metes and bounds schedule dated May 13, 2011, and abandonment plat dated March 13, 2012, both prepared by Christopher Consultants and attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code § 33.1-157.

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

A Copy Teste:

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

**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, January 14, 2014, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the Board of Supervisors has approved the abandonment of part of Lyles Road located between Tax Map 90-1 ((1)) Parcel 39 and Tax Map 90-1 ((1)) Parcel 51, described and shown on the metes and bounds schedule dated May 13, 2011 and abandonment plat dated March 13, 2012, both prepared by Christopher Consultants,

**WHEREAS**, ECHO, Incorporated, (Applicant) seeks to acquire the fee simple interest in the parcel created by said abandonment for fair market value consideration,

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

**WHEREAS**, the Board of Supervisors finds that it would be in the best interest of the residents of Fairfax County to convey in consideration of fair market value the real property as described above to the Applicant.

**NOW, THEREFORE**, upon public hearing duly advertised according to law, it is **RESOLVED** that, in consideration of the fair market value of the parcel, the County Executive or Deputy County Executive is hereby authorized to execute all necessary documents to convey the real property described above to the Applicant.

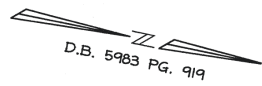
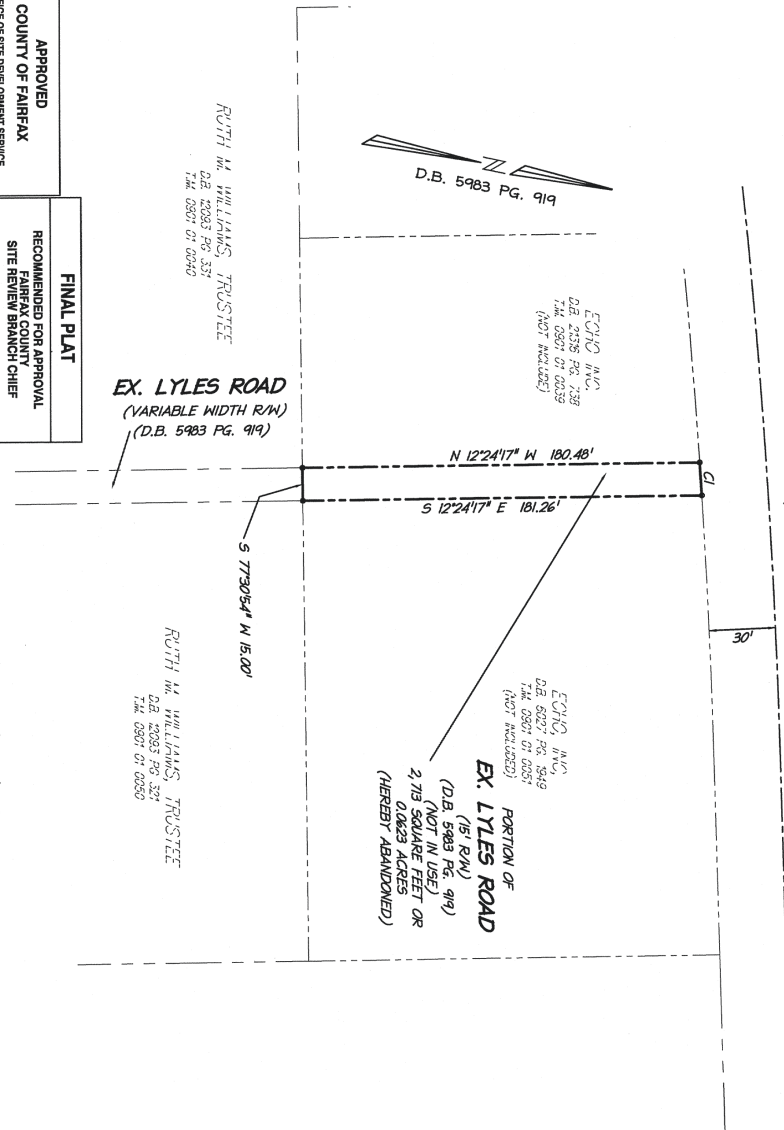
A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors

ATTACHMENT V

OLD KEENE MILL ROAD - ROUTE #644  
(VARIABLE WIDTH R/W)



<p>APPROVED COUNTY OF FAIRFAX OFFICE OF SITE PERMITS SERVICE SANITARY SEWER SECTION</p> <p>DATE: _____ BY: _____</p>	<p>APPROVED FOR APPROVAL FAIRFAX COUNTY SITE PERMIT BRANCH CHIEF</p> <p>DATE: _____ BY: _____</p>
<p>DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES OFFICE OF PERMITS AND INSPECTION FAIRFAX, VIRGINIA</p> <p>ALL STREET LOCATIONS AVOID EXISTING CONDUITS TO THE REQUIREMENTS OF THIS OFFICE AND THE NECESSARY ADJUSTMENTS TO BE MADE HAVE BEEN REVIEWED.</p> <p>DATE: _____ BY: _____</p>	<p>APPROVED FOR BOARD OF SUPERVISORS FAIRFAX COUNTY, VIRGINIA</p> <p>DATE: _____ BY: _____</p>
<p>APPROVED COUNTY OF FAIRFAX OFFICE OF PUBLIC WORKS SERVICES PERMITS DIVISION - SITE PERMITS SECTION STREET ADDRESS FUNCTION</p> <p>DATE: _____ BY: _____</p>	<p>APPROVED COUNTY OF FAIRFAX OFFICE OF PUBLIC WORKS SERVICES PERMITS DIVISION - SITE PERMITS SECTION STREET ADDRESS FUNCTION</p> <p>DATE: _____ BY: _____</p>

THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER

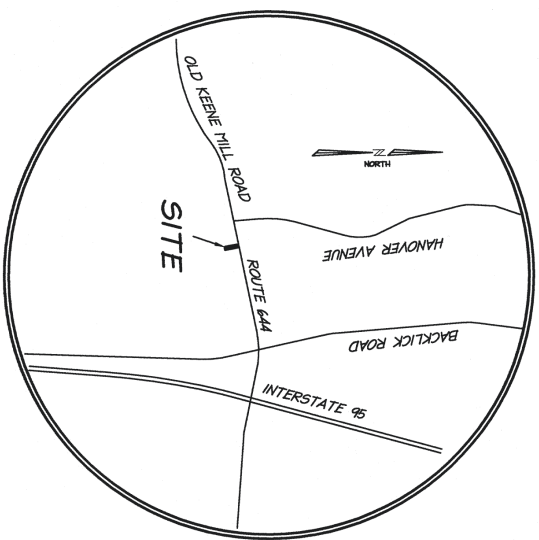
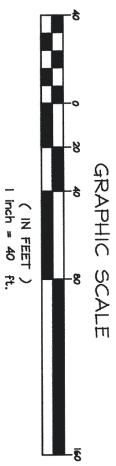
I HEREBY CERTIFY THAT ALL NECESSARY PERMITS REQUIRED FOR THIS PROJECT HAVE BEEN OBTAINED FROM ALL APPLICABLE AGENCIES AND THAT ALL NECESSARY ADJUSTMENTS TO BE MADE HAVE BEEN REVIEWED.

*Brian W. Siner*  
DATE: 3/16/2012

FLOOD ZONE NOTE

THE PROPERTY SHOWN HEREON IS LOCATED ON THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 580620200E, EFFECTIVE DATE SEPTEMBER 17, 2006. A FIELD SURVEY WAS NOT PERFORMED TO DETERMINE THE FLOOD ZONES LISTED HEREON. AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS INFORMATION OR APPLICABLE FOR A VARIANCE FROM THE FEDERAL EMBAYMENT (VARIED BY AGENCY).

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	BEARING	CHORD
C1	3404.65'	15.02'	075.07'	75.01'	N 75.01° E	15.02'



GENERAL NOTES

- THE ADJOINING PROPERTIES SHOWN HEREON ARE IDENTIFIED ON FAIRFAX COUNTY RECORDS AS DEED BOOK 5983 PAGE 919 AND DEED BOOK 5983 PAGE 917. THE ADJOINING PROPERTIES ARE ZONED R-4.
- TAX MAP 0801-01-0201 IS CURRENTLY IN THE NAME OF ECHO, INC. AS RECORDED IN DEED BOOK 5983 PAGE 919. THE PROPERTY SHOWN HEREON IS SHOWN PER DEED BOOK 5983 PAGE 917 IN THE NAME OF ECHO, INC. AS RECORDED IN DEED BOOK 5983 PAGE 919 AT PAGE 78A.
- THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A SURVEY BY THIS FIRM ON APRIL 19, 2011.
- HORIZONTAL DATUM SHOWN HEREON IS RECORD NORTH AS SHOWN IN DEED BOOK 5983, PAGE 919, AROUND THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
- A TITLE REPORT WAS FURNISHED BY WALKER TITLE, LLC AND HAS BEEN INCORPORATED HEREON. REFERENCED UNDER THE TITLE LINES, RIGHT-OF-WAY'S, EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE SUBJECT PROPERTY ARE SHOWN PER DEED NUMBER AROUND EFFECTIVE DATE APRIL 5, 2011 AT PAGE 78A.
- SHOULD ANY OF THE EXISTING UTILITIES LOCATED WITHIN THE EXISTING RIGHT-OF-WAY BE FOUND TO BE IN CONFLICT WITH THE PROPOSED ABANDONMENT, SUCH EASEMENTS WILL BE GRANTED.

SURVEYOR'S CERTIFICATE

I, BRIAN W. SINER, A DUTY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTY DEPICTED BY THIS PLAT IS NOW IN THE NAME OF BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS RECORDED IN DEED BOOK 5983 AT PAGE 919 AROUND THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

I FURTHER CERTIFY THAT THE LAND EMPRACED IN THIS VACATION AND ABANDONMENT HAS BEEN THE WHOLE OF THE ORIGINAL TRACT AND THAT ALL CORNERS ARE REFERENCED TO DEED BOOK 5983 PAGE 919 IN ACCORDANCE WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION ORDINANCE.



PLAT SHOWING  
THE ABANDONMENT OF A PORTION OF  
**LYLES ROAD**  
(DEED BOOK 5983 PAGE 919)

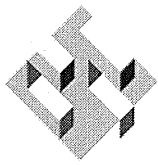
LEE DISTRICT FAIRFAX COUNTY, VIRGINIA



**christopher consultants**  
engineering - surveying - land planning  
9417 innovation drive manassas, va 20110  
703.393.9887

(140)

SCALE: 1"=40'  
DATE: 03/13/12  
DRAWN: BMS  
CHECKED: KLS  
SHEET NO. 1 OF 1



**Description of  
 A portion of Lyles Road  
 (to be abandoned)  
 Lee Magisterial District  
 Fairfax County, Virginia  
 May 13, 2011**

Beginning at a point on the southerly right-of-way of Old Keene Mill Road – Route #644 (variable width R/W), said point being the northwesterly corner of the land of Echo, Inc. (Deed Book 5983 Page 1949) (Tax Map 0901-01-0051);

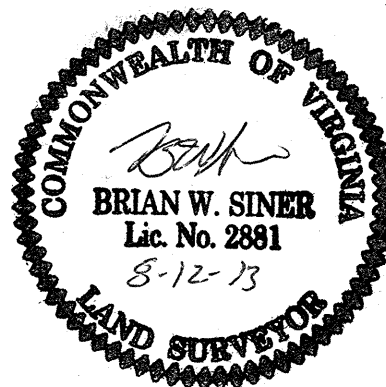
Thence, departing the southerly right-of-way of Old Keene Mill Road and with the land of Echo, Inc. (Tax Map 0901-01-0051) S 12°24'17" E a distance of 181.84 feet (passing over an iron pipe found at 0.57 feet) to a point, said point being the southeasterly corner of the land of Echo, Inc. (Tax Map 0901-01-0051) and the northwesterly corner of the land of Ruth M. Williams, Trustee (Deed Book 12093 page 321) (Tax Map 0901-01-0050);

Thence, departing the land of Echo, Inc. (Tax Map 0901-01-0051) and Ruth M. Williams, Trustee (Tax Map 0901-01-0050) and as to cross and include the existing right-of-way of Lyles Road S 77°30'54" W a distance of 15.00 feet to a point, said point being the northeasterly corner of the land of Ruth M. Williams, Trustee (Deed Book 12093 Page 331) (Tax Map 0901-01-0040) and the southeasterly corner of the land of Echo, Inc. (Deed Book 21316 Page 738) (Tax Map 0901-01-0039);

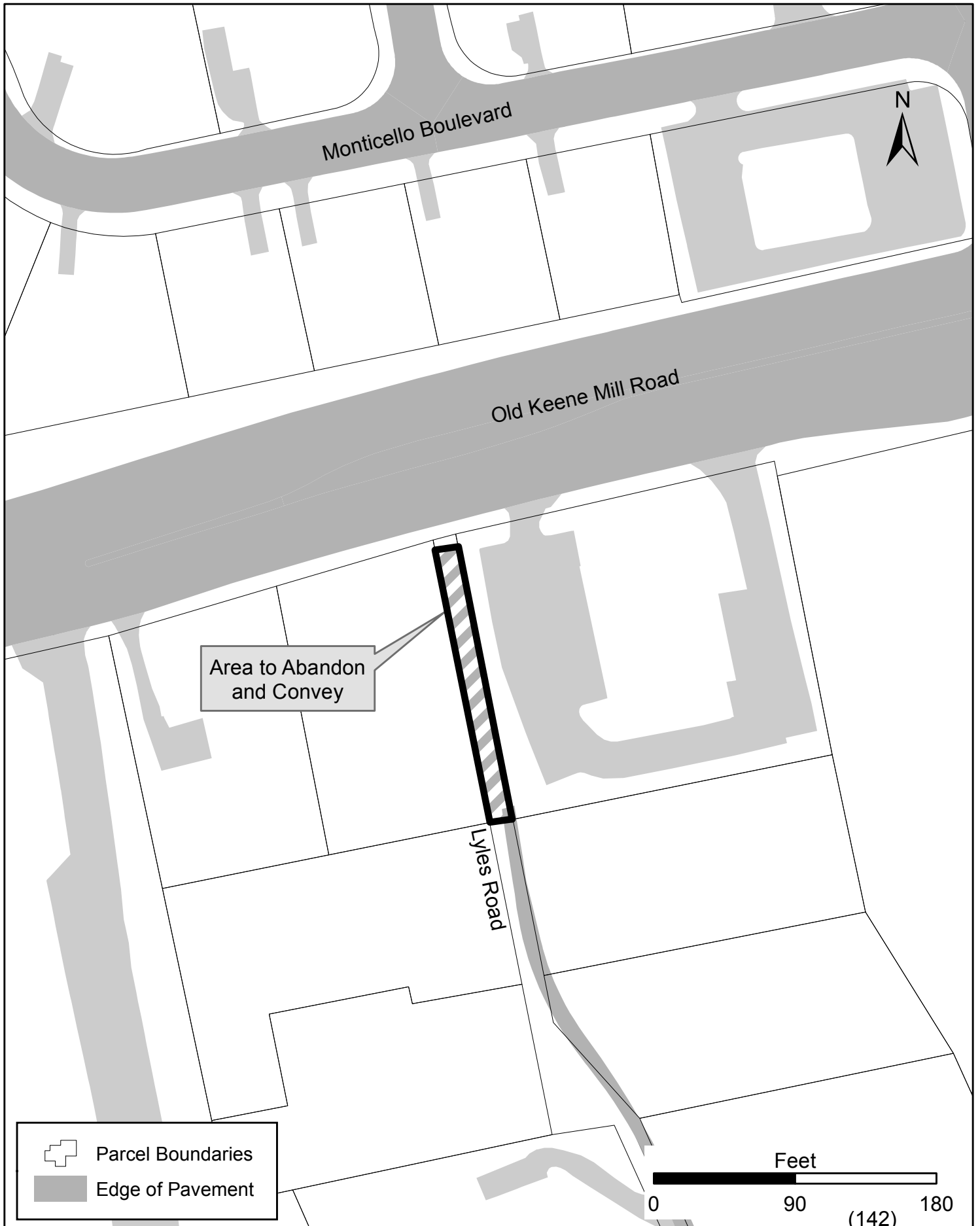
Thence, departing the land of Ruth M. Williams, Trustee (Tax Map 0901-01-0040) and with the land of Echo, Inc. (Tax Map 0901-01-0039) N 12°24'17" W a distance of 180.86 feet to a point on the aforementioned southerly right-of-way of Old Keene Mill Road;

Thence, departing the land of Echo, Inc. (Tax Map 0901-01-0039) and with the southerly right-of-way of Old Keene Mill Road N 77°35'43" E a distance of 15.00 feet to the point of beginning.

**Containing 2,728 square feet or 0.06263 acres, more or less.**



Vicinity Map - Tax Map 80-3 & 90-1



4:00 p.m.

Public Hearing on Amendment to the Code of the County of Fairfax, Chapter 2, Article 2  
(Disposal of Property Seized by Police)

ISSUE:

Public hearing to amend Chapter 2, Article 2 (Disposal of Property) regarding the disposal of weapons by the Police Department.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendment to Chapter 2, Article 2 (Disposal of Property).

TIMING:

Board of Supervisors authorized the advertisement of a public hearing on the proposed amendment on November 19, 2013; for January 14, 2014 at 4:00 p.m. If adopted, the provisions of the amendment will become effective immediately.

BACKGROUND:

Fairfax County Code § 2-2-4 (Property seized by police; applicability of Sections 2-2-1 to 2-2-6) currently requires weapons seized or taken possession of by the Police Department to be disposed of pursuant to Virginia State Code § 18.1-269. In 1990, the Virginia General Assembly adopted § 15.1-133.01:1 to address the disposal of weapons by local law enforcement agencies. This state code was later recodified in 1997 as § 15.2-1721. County Code § 2-2-4 is being amended to refer to the appropriate state code section.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendment to Fairfax County Code Section 2-2-4  
Attachment 2 – State Code Section 15.2-1721

STAFF:

Colonel Edwin C. Roessler Jr., Chief of Police  
Jamie Greenzweig, Assistant County Attorney

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**Section 2-2-4. Property seized by police; applicability of Sections 2-2-1 to 2-2-6.**

Nothing in Sections 2-2-1 to 2-2-6 shall be held to require the Chief of Police to take possession of or to make disposition of any lost or stolen property, the disposition or possession of which is otherwise provided for by law, and none of the provisions of Sections 2-2-1 to 2-2-6 shall apply to pistols, revolvers, derringers, Bowie knives, dirks, slingshots, metallic knuckles or other deadly weapons of like character, but all such weapons shall be disposed of in accordance with as required by Va. Code Ann § 18.1-269 15.2-1721, Va. Code Ann.<sup>4</sup>

*(9-11-57, § 3; 1961 Code, § 17-10; 12-78-2*

<sup>4</sup> As to illegal weapons generally, see Va. Code Ann., §§ ~~18.1-269 to 18.1-272~~ 18.2-308 to 18.2-308.8.

**§ 15.2-1721. Disposal of unclaimed firearms or other weapons in possession of sheriff or police.**

Any locality may destroy unclaimed firearms and other weapons which have been in the possession of law-enforcement agencies for a period of more than sixty days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ [55-210.1](#) et seq.).

At the discretion of the chief of police, sheriff, or their duly authorized agents, unclaimed firearms and other weapons may be destroyed by any means which renders the firearms and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the chief of police, sheriff, or their duly authorized agents shall comply with the notice provision contained in § [15.2-1719](#).

(1990, c. 324, § 15.1-133.01:1; 1997, c. [587](#).)