FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 14, 2017

AGENDA

9:30	**Done**	Presentations
10:00	**Adopted Report #2**	Report on General Assembly Activities
10:30	**Done**	County Executive's Presentation of the Proposed FY 2018 and FY 2019 Multi-Year Budget Plan
11:00	**Done**	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	**Approved**	Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2018
2	**Approved**	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Medford Drive Walkway-Annandale HS-Davian Drive (Mason District)
3	**Approved**	Authorization to Advertise a Public Hearing for the Contraction of Small and Local Sanitary District for Vacuum Leaf Collection Service (Hunter Mill District)
4	**Approved**	Approval of a Street Name Change from Science Applications Court to Quantum Drive (Providence District)
5	**Approved**	Streets into the Secondary System (Dranesville and Hunter Mill Districts)
6	**Approved**	Extension of Review Period for 2232 Applications (Mount Vernon and Hunter Mill Districts)
7	**Approved**	Additional Time to Establish Use or Commence Construction for Special Exception SE 2013-LE-008, VTLC, LLC – Nguyen H.T. Vuong (Lee District)
8	**Approved**	Additional Time to Obtain a Non Residential Use Permit (Non-RUP) for Special Exception SE 2013-HM-024, University of North America, Inc. (Hunter Mill District)
9	**Approved**	Additional Time to Commence Construction for Special Exception SE 2013-LE-014, Hajimohammad Revocable Trust (Lee District)
10	**Approved**	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the McLean Residential Permit Parking District, District 21 (Dranesville District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 14, 2017

ADMINISTRATIVE ITEMS (Continued)

11	**Approved**	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mason and Dranesville Districts)
12	**Approved**	Authorization to Advertise a Public Hearing on the Application of Springfield Yellow Cab Regarding a Transfer of Control
13	**Approved**	Authorization to Advertise a Public Hearing to Approve Disposition of County-Owned Property Pursuant to a Real Estate Exchange Agreement Between the Board of Supervisors and Columbia Crossroads L.P. ("Columbia Crossroads") (Mason District)

ACTION ITEMS

1	**Approved**	Capital Improvement Project Final Plan Approval and Construction Contract Award – McLean Community Center Renovation and Expansion (Dranesville District)
2	**Approved**	Approval of a Letter Agreement Between Fairfax County and Fairfax County Park Authority for the Funding and Administration of the Cross County Trail Paving – Wakefield Park (Braddock District)
3	**Approved**	Endorsement of the Fairfax County Bicycle Parking Guidelines
4	**Approved**	Approval of Revisions to Chapters 2, 4, 6, 10, and 12 of the Personnel Regulations to Align Definitions, Correct Typographical Errors, Align Practice with Policy, and Provide Administrative Clarification
11:10	**Done**	Matters Presented by Board Members
12:00	**Done**	Closed Session

PUBLIC HEARINGS

3:00	**Withdrawn**	Decision Only on PCA B-715 (L & F Bock Farm, LLC) (Mount Vernon District)
3:00	**Withdrawn**	Decision Only on RZ 2015-MV-015 (L & F Bock Farm, LLC) (Mount Vernon District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 14, 2017

PUBLIC HEARINGS
(Continued)

3:00	**Withdrawn**	Decision Only on SE 2015-MV-030 (L & F Bock Farm, LLC) (Mount Vernon District)
3:30	**Approved**	Public Hearing on SE 2016-SP-019 (Virginia Electric and Power Company D/B/A Dominion Virginia Power) (Springfield District)
3:30	**Approved**	Public Hearing on PCA 78-V-125 (CHPPENN I, LLC) (Mount Vernon District)
3:30	**Approved**	Public Hearing on RZ 2016-MV-014 (CHPPENN I, LLC) (Mount Vernon District)
3:30	**Approved**	Public Hearing on RZ 2011-HM-012 (CARS-DB1, LLC) (Hunter Mill District)
3:30	**Approved**	Public Hearing on PCA 2008-SP-012 (Church of the Apostles (Anglican) (Braddock District)
4:00	**Approved**	Public Hearing to Consider Adopting an Ordinance to Establish Parking Restrictions on Fielding Street (Lee District)
4:00	**Approved**	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Riding and Boarding Stables
4:00	**Motion to Adopt; Not Approved**	Public Hearing on a Proposed Amendment to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance) Regarding the Posting of Signs on Private Property When an Infill Lot Grading Plan Is Submitted to the County for Review
4:00	**Approved**	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Infrastructure Replacement Program - Conveyance System Rehabilitation - Misc (Providence District)
4:30	**Approved**	Public Hearing on SE 2016-DR-011 (H&M of Virginia, LLC) (Dranesville District)

R E V I S E D

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
February 14, 2017

9:30 a.m.

PRESENTATIONS

- RESOLUTION – To thank Troy Marshall and Joe Kelly for their contribution to Fairfax County. Requested by Supervisor Storck.

- CERTIFICATE – To recognize Brandon McGorty from Chantilly High School for winning the 800 and 1600 meter Virginia 6A track championships. Requested by Supervisors Smith and Herrity.

- CERTIFICATE – To recognize the Chantilly High School Tennis Team for winning the Virginia 6A championship. Requested by Supervisors Smith and Herrity.

- CERTIFICATE – To recognize the Chantilly High School Baseball Team for winning the Virginia 6A championship. Requested by Supervisors Smith and Herrity.

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

Board Agenda Item
February 14, 2017

10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:
None. Materials to be distributed to the Board of Supervisors on February 14, 2017 and printed copy available for review in the Office of the Clerk to the Board.

The GA Report is also available online at:
http://www.fairfaxcounty.gov/government/legislation/

PRESENTED BY:
Supervisor Jeff McKay, Chairman, Board of Supervisors' Legislative Committee
Edward L. Long Jr., County Executive

Board Agenda Item
February 14, 2017

10:30 a.m.

County Executive's Presentation of the Proposed FY 2018 and FY 2019 Multi-Year Budget Plan

ENCLOSED DOCUMENTS:
None. Materials to be distributed on February 14, 2017.

PRESENTED BY:
Edward L. Long Jr., County Executive

Board Agenda Item
February 14, 2017

11:00 a.m.

Items Presented by the County Executive

Board Agenda Item
February 14, 2017

ADMINISTRATIVE – 1

Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2018

ISSUE:
Board of Supervisors (the Board) authorization is requested to advertise a public hearing on the proposed Consolidated Plan One-Year Action Plan for Fiscal Year (FY) 2018 (Action Plan), as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed Action Plan to be held at 4:30 p.m. on Tuesday, March 14, 2017. The public will have an opportunity to comment on the proposed use of funds as described in the proposed Action Plan in accordance with U.S. Department of Housing and Urban Development (HUD) regulations and guidelines. Citizens may also comment on housing and community service needs in Fairfax County as well as provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan for FY 2017 held in 2016.

TIMING:
Board action is requested on February 14, 2017, to advertise the public hearing in order to proceed in a timely manner with the public notification required by HUD, and to maintain the schedule for the Consolidated Plan process.

BACKGROUND:
HUD requires that a consolidated plan be submitted every five years for proposed uses of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants (ESG) funding and that an annual action plan be submitted for each year covered by the five-year plan. The proposed Action Plan (Attachment 1) presents the proposed uses of funding for programs to be implemented in the third year of the Five-Year Consolidated Plan for FY 2016 - 2020.

The proposed Action Plan also includes the second year of the two-year (FY 2017-2018) funding cycle for the Consolidated Community Funding Pool (CCFP). The CCFP awards are based on the recommendations of the Selection Advisory Committee

appointed to review the proposals received through the CCFP Request for Proposal process for FY 2017-2018. Although the CCFP FY 2018 funding awards will be made by the Board in May 2017, the awards are subject to annual appropriations.

Funding allocations under the proposed Action Plan have been reviewed by the Fairfax County Redevelopment and Housing Authority (FCRHA) and the CCFAC-FCRHA Working Advisory Group (WAG). The WAG is a group established to strengthen coordination between the FCRHA and the CCFAC for the development of the proposed use of funds. The WAG is composed of seven members: three appointed by the FCRHA Chairman, three appointed by the CCFAC Chairman, and one who serves on both the FCRHA and the CCFAC. WAG has presented its recommendations to the FCRHA and to the CCFAC. The proposed Action Plan incorporates the final recommendations of the WAG and, subsequently, the CCFAC.

Estimated allocations for FY 2018 are based on projected entitlement amounts for County FY 2018 (Federal FY 2017) of $4,923,230 for CDBG, $1,509,811 for HOME, and $438,751 for ESG. With the approval of this item, a total of $156,538 in anticipated FY 2017 balances from CDBG ($25,939) and HOME ($130,599) funds are projected to be carried forward from FY 2017 for use in FY 2018. A total estimated $331,885 of CDBG ($249,156) and HOME ($82,729) program income also will be programmed through this action.

Based on currently available information, the proposed Action Plan is based on Fairfax County's actual FY 2017 CDBG, HOME and ESG entitlement awards. However, the recommended CDBG, HOME, and ESG FY 2018 allocations in the proposed Action Plan are subject to reductions or increases based on the final formula allocations by HUD to Fairfax County. HUD mandated contingency language regarding actual allocation amounts has been added to the proposed Action Plan and approved by the WAG and the CCFAC.

The CCFAC released the proposed Action Plan to allow for a 30-day public comment period, and it will also be the subject of a public hearing by the Board on March 14, 2017, as authorized by this item. Following the public hearing and the conclusion of the public comment period, the CCFAC will make any necessary revisions and forward the Action Plan to the Board for adoption on May 2, 2017.

The Fairfax County Citizen Participation Plan and HUD regulations require advertisement of the public hearing prior to the date of the Board meeting. The notice will include sufficient information about the purpose of the public hearing to permit informed comment from citizens. Upon approval of the Board, a public hearing on the proposed Action Plan will be scheduled for Tuesday, March 14, 2017, at 4:30 p.m. An advertisement will appear in one or more newspapers of general circulation as well as in

one or more minority and non-English speaking publications at least 15 days prior to the date of the public hearing.

STAFF IMPACT:
None. No positions will be added as a result of this action.

FISCAL IMPACT:
Funds identified in the proposed Action Plan include CDBG ($4,923,230) (see Fund 50800, CDBG), HOME ($1,509,811) (see Fund 50810, HOME Investment Partnerships Program), and ESG ($438,751) (see Fund 500, Federal-State Gant Fund, Grant 1730004). In addition, a total of $156,538 in CDBG ($25,939) and HOME ($130,599) funds is recommended to be carried forward from FY 2017 for use in FY 2018. Total estimated CDBG program income of $249,156 and HOME program income of $82,729 also will be programmed for use in FY 2018 through this action.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Consolidated Plan One-Year Action Plan for FY 2018
(The Proposed Consolidated Plan One-Year Action Plan for FY 2018 is available on line at http://www.fairfaxcounty.gov/rha).

STAFF:
Patricia D. Harrison, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Hossein Malayeri, Deputy Director, Real Estate, Finance and Development, HCD
Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division (REFGM), HCD
Laura O. Lazo, Associate Director, REFGM, HCD
Beverly A. Moses, Senior Program Manager, REFGM, HCD

Board Agenda Item
February 14, 2017

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Medford Drive Walkway- Annandale HS- Davian Drive (Mason District)

ISSUE:
Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project, 5G25-060-000, Pedestrian Improvements 2014, Fund C30050, Transportation Improvements.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for March 14, 2017, at 4:00 p.m.

TIMING:
Board action is requested on February 14, 2017, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:
This project consists of approximately 475 linear feet of concrete sidewalk, pedestrian curb ramps, curb and gutter, storm drainage pipes and structures, minor grading and driveway reconstructions along the east side of Medford Drive from the intersection with Davian Drive to Four Year Run.

Land rights for these improvements are required on six (6) properties, four (4) of which have been acquired by the Land Acquisition Division (LAD). The fifth property is owned by the School Board of Fairfax County, which is in the process of signing the land rights required on this property. The construction of this project requires the acquisition of storm drainage easements, dedications for public street purposes, and grading agreement and temporary construction easements.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code

Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

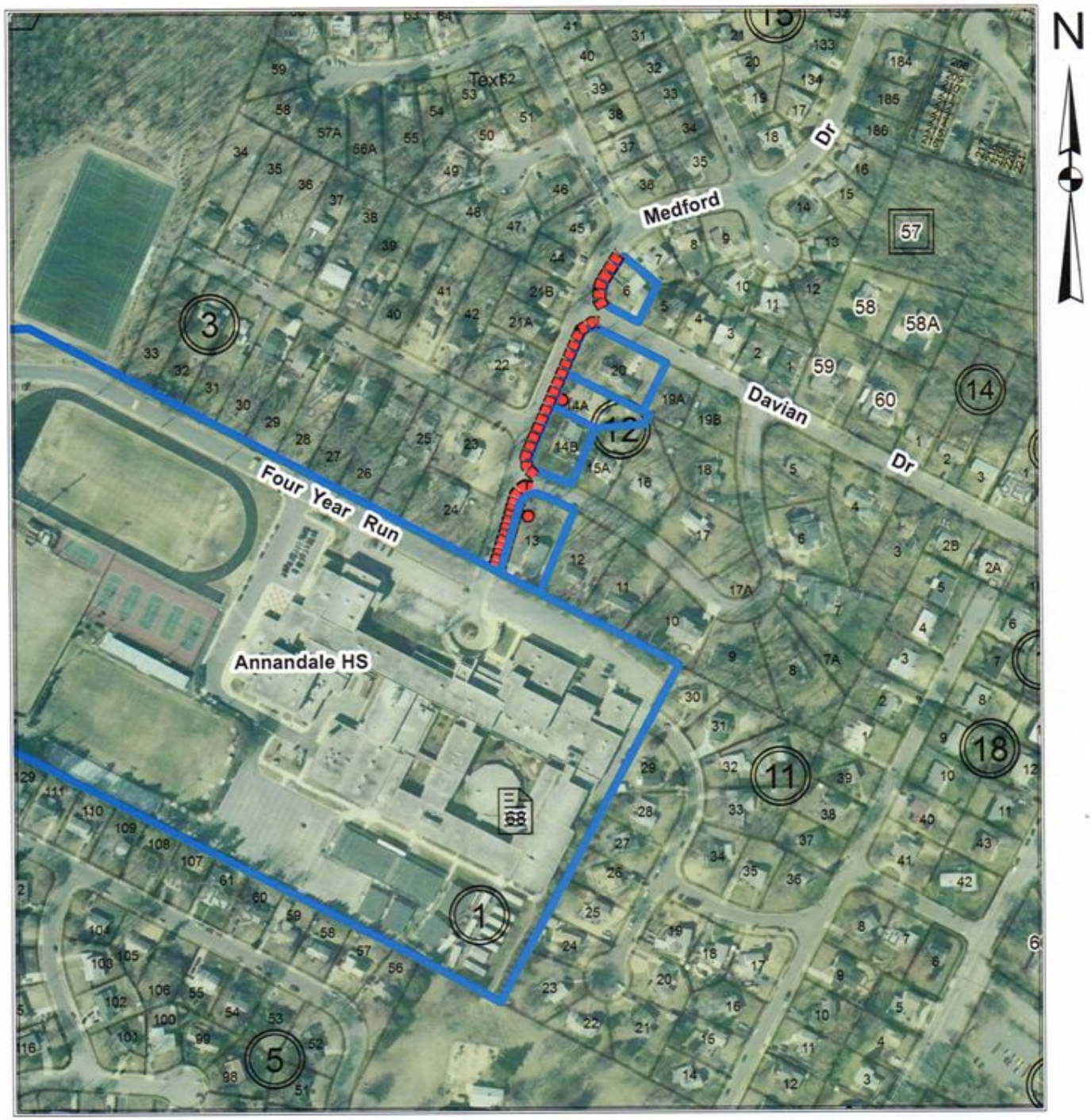
FISCAL IMPACT:
Funding is available for the Medford Drive Walkway- Annandale HS- Davian Dr., in Project 5G25-060-000, Pedestrian Improvements 2014, Fund C30050, Transportation Improvements. This project is included in the Adopted FY2017 - FY2021 Capital Improvement Program (with future Fiscal Years to FY2026). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:
Attachment A - Project Location Map
Attachment B - Listing of Affected Property

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:
Pamela K. Pelto, Assistant County Attorney

MEDFORD DRIVE WALKWAY - ANNANDALE HS - DAVIAN DRIVE **ATTACHMENT A**



Tax Map: 71-1

Project 5G25-060-031
Mason District

Affected Properties:

Proposed Improvements:

0 0.035 0.07 0.14 Miles

ATTACHMENT B

LISTING OF AFFECTED PROPERTY
Project 5G25-060-031
Medford Drive Walkway- Annandale HS- Davian Drive
(Mason District)

PROPERTY OWNER(S)

1. Sang Hy 071-1-12-0020
   Cathy Ngo

   Address:
   7555 Davian Drive
   Annandale, VA 22003

Board Agenda Item
February 14, 2017

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing for the Contraction of Small and Local Sanitary District for Vacuum Leaf Collection Service (Hunter Mill District)

ISSUE:
Board of Supervisors' authorization to advertise a Public Hearing for the Contraction of Small and Local Sanitary District for vacuum leaf collection service within Hunter Mill District.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing at 4:30 p.m. on Tuesday, March 14, 2017, to consider the following change to the small and local sanitary district for leaf collection service within Hunter Mill District (Equus Court Area) in accordance with the Board of Supervisors' adopted criteria for the administration of Small and Local Sanitary Districts.

Sanitary District	Action	Service	Recommendation
Small District within Hunter Mill District (Equus Court Area)	Contract	Vacuum leaf collection	Approve

TIMING:
Board of Supervisors' authorization to advertise on February 14, 2017, is required for a public hearing to be held on March 14, 2017, at 4:30 p.m.

BACKGROUND:
Pursuant to Virginia Code § 15.2-858, the Board has the power and authority for the creation, enlargement, contraction, merger, consolidation, and dissolution of small and local sanitary districts within the County of Fairfax. The administrative responsibility for such sanitary districts is with the Department of Public Works and Environmental Services (DPWES).

The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings pursuant to Virginia Code § 15.2-858(D). On October 18, 2016, upon request by the Applicant, a Sanitary District in Hunter Mill

District (Equus Court Area) was created for refuse and recycling collection, as well as curbside vacuum leaf collection. On October 19, the Applicant contacted the county to state that they had erroneously requested the curbside vacuum leaf collection and did not want the service. Staff performed administrative activities to request that the Board's prior approval authorizing contraction and dissolution of the Sanitary District for curbside vacuum leave collection in the Hunter Mill District (Equus Court Area) be reversed for curbside vacuum leaf collection.

Pursuant to Virginia Code § 15.2-858(D), once a sanitary district has been created, to contract or dissolve the rights and powers conferred on that sanitary district, the Board must give notice of its intention to do so and conduct a public hearing on the proposed resolution. This public hearing is to contract the curbside vacuum leaf collection power of the Sanitary District that was part of the original Petition.

Prior to any action by the Board of Supervisors on a proposed small and local sanitary district, certain relevant standards and criteria must be met in accordance with the DPWES' criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts. The submitted Petition has been reviewed, and it has been determined that the Petition meets the Board's criteria. Staff recommends that the authorization to advertise a public hearing for the contraction and dissolution of the Sanitary District for curbside vacuum leaf collection in the Hunter Mill District (Equus Court Area) be approved. If approved, the modification will become permanent in July 2017.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Summary Sheet
Attachment 2: Data Sheet with Proposed Resolution

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
John W. Kellas, Deputy Director, DPWES, Solid Waste Management Program

ASSIGNED COUNSEL:
Joanna L. Faust, Assistant County Attorney

Attachment 1

SUMMARY SHEET

Proposed alterations to the following small and local sanitary districts for leaf collection service:

1. Contract Small District within Hunter Mill District for the purpose of removing vacuum leaf collection service from the Equus Court Area.

Attachment 2

DATA SHEET

Contract Small District within the Hunter Mill District

Purpose: To remove vacuum leaf collection service from the Equus Court area.

- Petition requesting service received July 27, 2016.
- Petition Area: 80 Properties.
- 51 Property Owners in favor.
- 16 property owners opposed.
- 13 Non-responsive/unable to contact.
- The Department of Public Works and Environmental Services will not require additional equipment or manpower.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective July 1, 2017.

ADOPTION OF A RESOLUTION

TO CONTRACT

SMALL DISTRICT

WITHIN HUNTER MILL DISTRICT

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 the 14th day of March, 2017, at which a quorum was present and voting, the following resolution to be effective July 1, 2017, was adopted:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the contraction and dissolution by the Board of Supervisors of Fairfax County, Virginia, of a small sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district was initially created to include vacuum leaf collection, but this was an error in the initial sanitary district creation, that was approved by the Board of Supervisors of Fairfax County on October 18, 2016.

NOW, THEREFORE, BE IT RESOLVED, that there is hereby contracted and dissolved, for vacuum leaf collection only, by the Board of Supervisors of Fairfax County, Virginia, pursuant to Virginia Code Section 15.2-858, as amended, to be known as, Small District within Hunter Mill District to include the Equus Court area, Fairfax County, Virginia, which said small sanitary district shall be described as follows:

The contraction of Small District within Hunter Mill District to include the Equus Court area located in the County of Fairfax, Herndon, Virginia and as shown on the attached map for curbside vacuum leaf collection only.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District within Hunter Mill District is hereby contracted to wit:

To remove vacuum leaf collection for the citizens who reside therein.

Given under my hand this____day of March, 2017

_____

Catherine A. Chianese
Clerk to the Board

Board Agenda Item
February 14, 2017

ADMINISTRATIVE - 4

Approval of a Street Name Change from Science Applications Court to Quantum Drive (Providence District)

ISSUE:
Board of Supervisors approval of a street name change in the Official County Digital Property Map and the Master Addressing Repository from Science Applications Court to Quantum Drive on Tax Map #039-2.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve the street name change from Science Applications Court to Quantum Drive effective 30 days following Board approval, in accordance with Section 102-1-9 of The Code of the County of Fairfax, Virginia.

TIMING:
Routine.

BACKGROUND:
The Facilitation and Addressing Center has received a request from the property owners to change the street name from Science Applications Court to Quantum Drive. There are two properties roadway segment that are addressed on Science Applications Court. The owners have agreed to this change and the signatures are attached.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I - Request for change of address
Attachment II - Vicinity Map

STAFF:
Robert A. Stalzer, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Attachment I

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
Tysons, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Nicholas Nunn
Direct: 703.712.5381

McGUIREWOODS

nnunn@mcguirewoods.com
Fax: 703.712.5050

January 6, 2017

Alysia Gaskins
Facilitation and Addressing Center
12055 Government Center Parkway
Suite 216
Fairfax, VA 22035

Name Change Request for "Science Applications Court"

Dear Ms. Gaskins,

On behalf of our clients, Meridian Science 7980 LP and Meridian Science 7990 LLC, we are providing this letter to request the name of the road currently identified as "Science Applications Court" be changed to "Quantum Drive." Meridian Science 7980 LP and Meridian Science 7990 LLC constitute the entire population of property owners along Science Applications Court.

Please let me know if you have any questions regarding this request. My direct number is 703-712-5381 and my email is nnunn@mcguirewoods.com. Thank you and I look forward to hearing from you.

Sincerely,

Nicholas Nunn

This 13 day of DECEMBER, 2016

Alysia Gaskins
Facilitation and Addressing Center
12055 Government Center Parkway
Suite 216
Fairfax, VA 22035

RE: Property Owner Consent for Science Applications Court Name Change to Quantum Drive

Dear Ms. Gaskins,

The undersigned, constituting the property owners with Science Applications Court addresses, hereby confirm their request to change the name of the road from "Science Applications Court" to "Quantum Drive." The undersigned further agree to pay the cost of creating the new "Quantum Drive" street name sign.

Very truly yours,

Meridian Science 7990 LLC
Owner of 7990 Science Applications Court
Tax Map # 039-2((01))013D

By: _____

Name: Gary Block

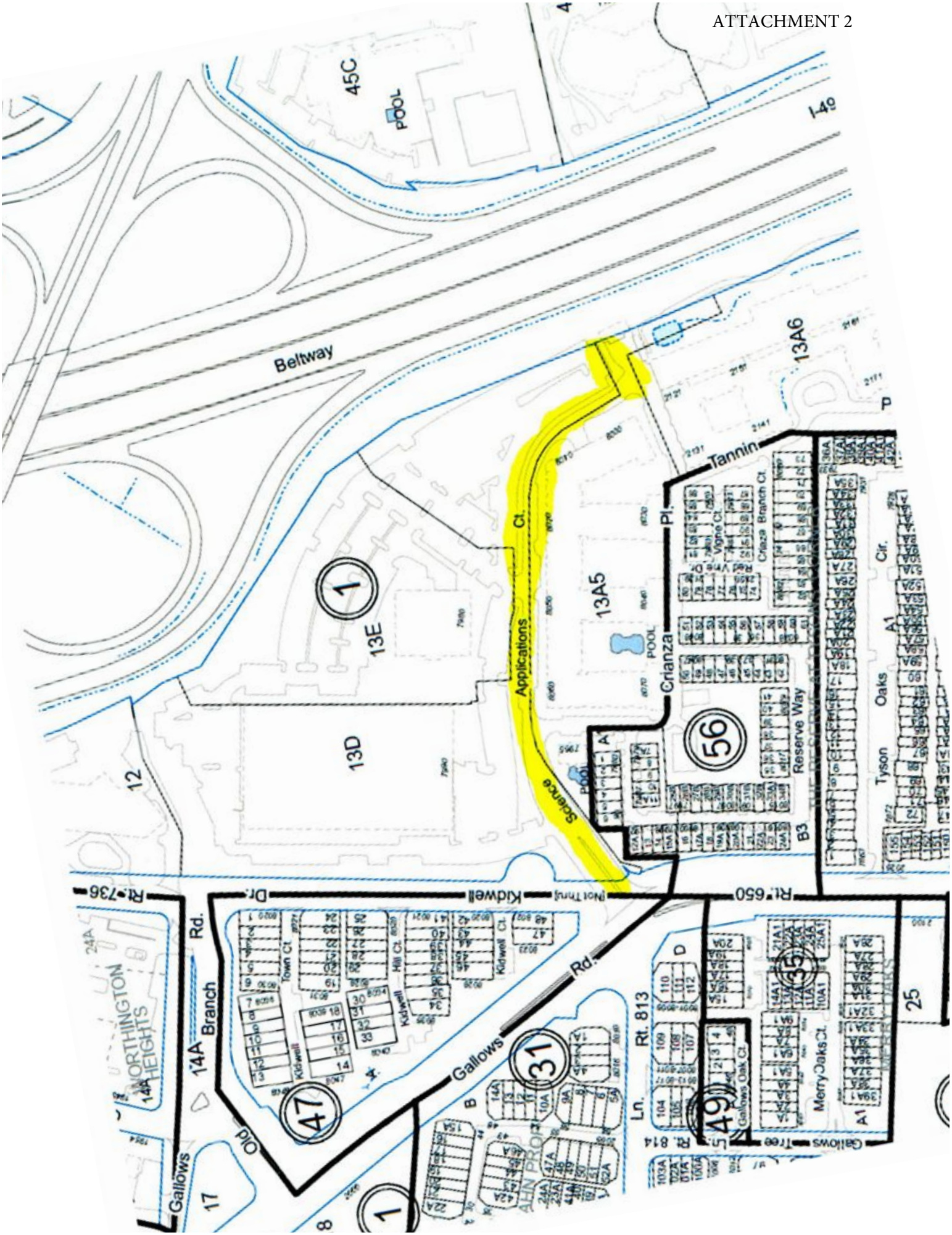
Title: Managing Director

Meridian Science 7980 LP
Owner of 7980 Science Applications Court
Tax Map # 039-2((01))0013E

By: _____

Name: Gary Block

Title: Managing Director


Beltway
Applications Ct.
Science
Tannin
Pl.
Crianza
Reserve Way
Tyson Oaks Cir.
Kidwell
Dr.
Rt. 736
Rt. 650
Rd.
Gallows
Rt. 813
Ln.
Rt. 814
Gallows Tree
Old
Branch
Town Ct.
Hill Ct.
Kidwell Ct.
Merry Oaks Ct.
Gallows Oak Ct.
NORTHINGTON HEIGHTS
POOL
45C
I-49
13A6
13A5
13E
13D
12
14A
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49
35
1

Board Agenda Item
February 14, 2017

ADMINISTRATIVE – 5

Streets into the Secondary System (Dranesville and Hunter Mill 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.

Subdivision	**District**	**Street**
Bachman Property Section 1	Hunter Mill	Hunting Crest Lane
		Hunting Crest Way
		Admirals Hill Court
Garfield Park Section Two	Dranesville	Centrillion Drive
		Alvermar Ridge Drive
		Ballestrade Court
		Dominion Reserve Drive
		Burford Drive
Goepfert Property	Dranesville	Autumn Mist Lane
		Aidan Run Court

TIMING:
Routine.

Board Agenda Item
February 14, 2017

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

STAFF:
Robert A. Stalzer, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Print Form

Attachment 1

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:** 9880-SD-001 **SUBDIVISION PLAT NAME:** Bachman Property Section 1 **COUNTY MAGISTERIAL DISTRICT:** Hunter Mill
ENGINEERING MANAGER: Imad A. Salous, P.E. **BY:** Nadia Alphonse	**FOR OFFICIAL USE ONLY** **DATE OF VDOT INSPECTION APPROVAL:** 11/10/2016

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Hunting Crest Lane	CL of Hunter Mill Road (Route 674) - 1,080' N CL Crowell Road (Route 675)	2,296' SW to CL Hunter Crest Way	0.43
Hunting Crest Way	CL Hunting Crest Lane - 2,296' SW CL Hunter Mill Road (Route 674)	2,162' NW to End of Cul-de-Sac and 202' SE to Beginning of Temporary Turnaround (2,364')	0.45
Admirals Hill Court	CL Hunting Crest Lane - 1,085' SW CL Hunter Mill Road (Route 674)	1,904' NW to End of Cul-de-Sac	0.36
NOTES:		**TOTALS:**	1.24

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:** 9649-SD-02 **SUBDIVISION PLAT NAME:** Garfield Park Section Two **COUNTY MAGISTERIAL DISTRICT:** Dranesville
ENGINEERING MANAGER: Imad A. Salous, P.E. **BY:** Nadia Alphonse	**FOR OFFICIAL USE ONLY** **DATE OF VDOT INSPECTION APPROVAL:** 11/04/2016

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Centrillion Drive	Existing Centrillion Drive (Route 10433) - 218' NE CL Crownhurst Court (Route 10447)	1,081' NE to CL Alvermar Ridge Drive	0.21
Alvermar Ridge Drive	CL Centrillion Drive - 1,299' NE CL Crownhurst Court (Route 10447)	687' N to End of Cul-de-Sac and 1,550' NE to End of Cul-de-Sac Total = 2,237'	0.42
Ballestrade Court	CL Alvermar Ridge Drive - 854' NE CL Centrillion Drive	454' SE to End of Cul-de-Sac	0.09
Dominion Reserve Drive	Existing Dominion Reserve Drive (Route 10644) - 201' NE CL Grovemont Drive (Route 10643)	219' NE to End of Cul-de-Sac	0.04
Burford Drive	Existing Burford Drive (Route 5001) - 257' W CL Lynton Place (Route 5005)	114' W to End of Cul-de-Sac	0.02
NOTES:		**TOTALS:**	0.78

Centrillion Drive: 4' Sidewalk on the East Side to be maintained by Fairfax County.

Alvermar Ridge Drive: 4' Sidewalk on the South Side to be maintained by Fairfax County.

Dominion Reserve Drive: 4' Walkway on the East Side to be maintained by Fairfax County.

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: 24964-SD-01

SUBDIVISION PLAT NAME: Goepfert Property

COUNTY MAGISTERIAL DISTRICT: Dranesville

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

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 11/02/2016

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Autumn Mist Lane	CL Georgetown Pike (Route 193) - 839' W CL Falls Chase Court (Route 10157)	946' S to End of Cul-de-Sac	0.18
Aidan Run Court	CL Autumn Mist Lane - 259' S CL Georgetown Pike (Route 193)	830' W to End of Cul-de-Sac	0.16
NOTES:		**TOTALS:**	0.34

Autumn Mist Lane: 5' Concrete Sidewalk on East Side to be maintained by Fairfax County.

Aidan Run Court: 5' Concrete Sidewalk on South Side to be maintained by Fairfax County.

Board Agenda Item
February 14, 2017

ADMINISTRATIVE – 6

Extension of Review Period for 2232 Applications (Mount Vernon and Hunter Mill Districts)

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

RECOMMENDATION:
The County Executive recommends that the Board extend the review period for the following applications: 2232-V16-2, 2232-H16-40, and FS-H16-41.

TIMING:
Board action is required on February 14, 2017, to extend the review period of the applications noted above before their expiration date.

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

The review period for the following applications should be extended:

2232-V16-2	Fairfax County Park Authority Mason Neck Park West 10418 Old Colchester Road Lorton, VA Mount Vernon District Accepted December 19, 2016 Extend to August 17, 2017

Board Agenda Item
February 14, 2017

2232-H16-40	Metropolitan Washington Airports Authority, Virginia Department of Rail and Public Transportation, and Board of Supervisors of Fairfax County 2000 Edmund Halley Drive Reston, VA Hunter Mill District Accepted December 21, 2016 Extend to August 19, 2017
FS-H16-41	AT&T Mobility Corporation 11800 Sunrise Valley Drive Reston, VA Hunter Mill District Accepted November 17, 2016 Extend to April 16, 2017

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

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

Board Agenda Item
February 14, 2017

ADMINISTRATIVE - 7

Additional Time to Establish Use or Commence Construction for Special Exception SE 2013-LE-008, VTLC, LLC – Nguyen H.T. Vuong (Lee District)

ISSUE:
Board consideration of additional time to Establish Use or Commence Construction for SE 2013-LE-008, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:
The County Executive recommends that the Board approve twelve months additional time for SE 2013-LE-008 to December 4, 2017.

TIMING:
Routine.

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

On June 3, 2014, the Board of Supervisors approved Special Exception SE 2013-LE-008, subject to development conditions. The application was filed in the name of VTLC, LLC – Nguyen H.T. Vuong for the purpose of permitting a child care center with a total enrollment of 184 children in the C-5 zoning district and Highway Corridor (HC) overlay district in a proposed two-story building located at 6309 Grovedale Drive, Tax Map 81-3 ((05)) 0013. The child care center, a Category 3 special exception use, is permitted pursuant to Section 4-504 of the Fairfax County Zoning Ordinance. SE 2013-LE-008 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board granted additional time. The development conditions for SE 2013-LE-008 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On December 2, 2016, the Department of Planning and Zoning (DPZ) received a letter dated November 21, 2016, from Derek Gestl, agent for the Applicant, requesting twelve (12) months of additional time until December 4, 2017 (see Attachment 3). The approved Special Exception will not expire pending the Board's action on the request for additional time.

Mr. Gestl states additional time is necessary to obtain a Non-RUP because there was a delay in the building permit approval due to the site plan not being approved. Staff has consulted with the Department of Public Works and Environmental Services and would note that, as of this writing, building permit approval was issued on October 6, 2016 and the site plan was approved on September 20, 2016. Also, according to Mr. Gestl's letter, a Non-RUP could not be obtained because it is an occupancy permit and cannot be applied for or issued until the building has been complete with all final inspections. As of this writing, construction has not commenced onsite. The request for twelve months of additional time will allow the requestor to commence construction and establish use.

Staff has reviewed Special Exception SE 2013-LE-008 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a child care center within a proposed two-story building in an C-5 zoning district and HC overlay district. Further, staff knows of no change in land use circumstances that affects compliance of SE 2013-LE-008 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2013-LE-008 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twelve months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Letter dated June 4, 2014, to Charles Ashley
Attachment 3: Letter dated November 21, 2016, to Winnie Williams

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ
Suzanne Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ
Denise James, Chief, Environment and Development Review Branch, Planning Division, DPZ

Proffered Condition Amendment

PCA 2004-LE-042

Applicant: VTLC, LLC - NGUYEN H.T. VUONG
Accepted: 05/10/2013
Proposed: MODIFY CONDITIONS ASSOCIATED WITH RZ 2004-LE-042 FOR USES TO ALLOW CHILD CARE CENTER

Area: 1.09 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: NORTHEAST SIDE OF GROVEDALE DRIVE 225 FEET SOUTH OF FRANCONIA ROAD

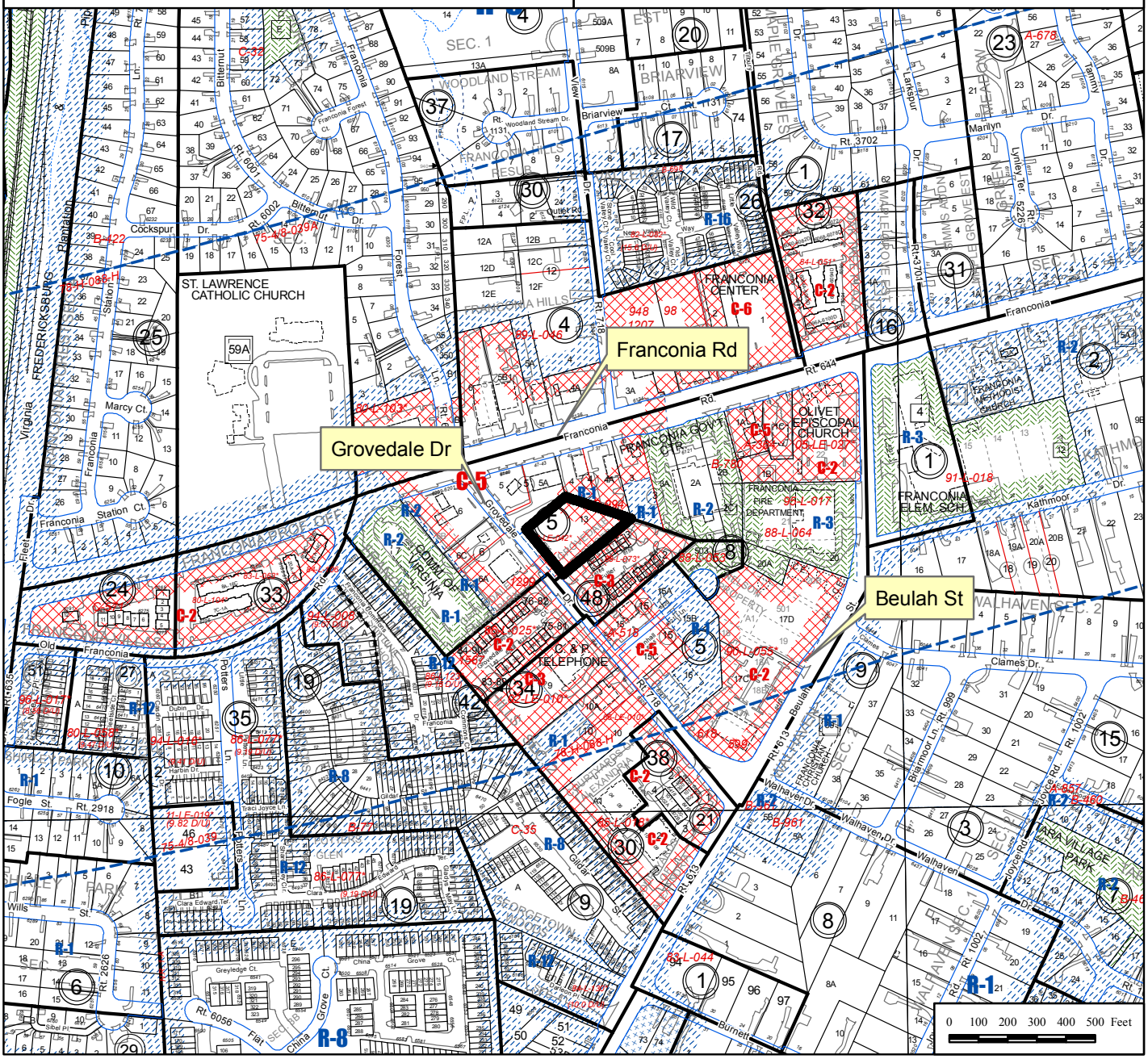
Zoning: C- 5
Overlay Dist: HC
Map Ref Num: 081-3- /05/ /0013

Special Exception

SE 2013-LE-008

Applicant: VTLC, LLC - ALEX VUONG
Accepted: 05/10/2013
Proposed: CHILD CARE CENTER
Area: 1.09 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect: 04-0504
Art 9 Group and Use: 3-10
Located: 6309 GROVEDALE DRIVE, ALEXANDRIA, VA 22310

Zoning: C- 5
Plan Area: 4,
Overlay Dist: HC
Map Ref Num: 081-3- /05/ /0013



County of Fairfax, Virginia

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

June 4, 2014

Charles "Chip" Ashley
PO Box 1408
3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712

Re: Special Exception Application SE 2013-LE-008
(Concurrent with Proffered Condition Amendment Application PCA 2004-LE-042)

Dear Mr. Ashley:

At a regular meeting of the Board of Supervisors held on June 3, 2014, the Board approved Special Exception Application SE 2013-LE-008 in the name of VTLC, LLC - Nguyen H.T. Vuong. The subject property is located at 6309 Grovedale Drive, on approximately 1.09 acres of land, zoned C-5 and HC in the Lee District [Tax Map 81-3 ((5)) 13]. The Board's action permits a child care center with a total enrollment of 184 children, pursuant to Section 4-504 of the Fairfax County Zoning, by requiring conformance with the following development conditions:

1. This special exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This special exception is granted only for the purpose, structure, and/or use indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right, special permit, and/or special exception uses may be permitted on the application property without the approval of a special exception Amendment if such uses do not affect this special exception.

3. This special exception is subject to the provision of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved General Development Plan/Special Exception Plat entitled "Spring Hill Academy 6309 Grovedale Drive", prepared by CEI Engineering Associates, Inc., and dated November 1, 2012, as revised through March 24, 2014, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

4. The maximum daily enrollment of the child care center shall be limited to 184 children.

5. The maximum number of staff permitted on-site at any one time shall not exceed 25.

6. The maximum number of children using the outdoor play area at any given time shall not exceed 113.

7. The hours of operation shall be limited to 6:00 a.m. to 6:30 p.m., Monday through Friday.

8. During regularly scheduled arrival and dismissal periods, staff and/or volunteers shall supervise and coordinate the unloading and loading of children outside of the building. All loading and unloading of children shall be done on-site. Drop-off and pick-up times shall be staggered and designated times shall be issued to parent in order to minimize the number of vehicles on-site at any one time. Carpooling shall be encouraged for both parents and employees as a mechanism to minimize daily vehicular trips to the site. To facilitate carpool arrangements, zip code rosters shall be provided to all families and employees.

9. A minimum of 34 parking spaces shall be provided, as shown on the GDP/SE Plat.

10. The height of any exterior light fixture shall not exceed 12 feet. All lighting shall be in conformance the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.

11. All signage shall comply with provisions of Article 12 of the Zoning Ordinance.

12. The Archaeological Survey, performed by ECS Mid-Atlantic, LLC, dated November 2, 2012, and identifying the 20th century building remains and associated 20th century archaeological site, shall be recorded with the Virginia Department of Historical Resources.

13. The trash dumpsters shall be screened with an enclosure that is designed to be compatible with the building and that utilizes the same exterior materials as the building. In any case, cinder block brick or architectural block shall not be utilized as exterior materials for the enclosure. The enclosure shall be located in the area shown on the Special Exception plat.

Sincerely,

Catherine A. Chianese

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

DEC 02 2016
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STRATION

FAIRFAX COUNTY
RECEIVED
DEC 05 2016
DIVISION OF
ZONING ADMINISTRATION
2016-1701

RECEIVED
Department of Planning & Zoning
DEC 05 2016
Zoning Evaluation Division

Hubert Construction

November 21, 2016

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway
Suite 250
Fairfax, VA 22035

ATTN: Winnie Williams

Re: Special Exception SE 2013-LE-008 – VTLC, LLC Nguyen H.T. Vuong
6309 Grovedale Drive
Tax Map Ref: #81-3 ((5)) 13
Zoning District: C-5

Subject: Permit Extension Request

Dear Ms. Winnie Williams,

Hubert Construction is the General Contractor for the upcoming child care construction project located at 6309 Grovedale Drive, Alexandria, VA. We are in receipt of a letter issued by your office to Charles Ashley of CEI Engineers dated October 5, 2016 stating that a Non-Residential Use Permit (Non-RUP) has not been obtained for this project and that in accordance with Sect. 9-015 of the Zoning Ordinance, the special exception will expire (30) months after the date of approval unless a Non-RUP has been obtained. Your records indicate an approval date of June 3rd, 2014 which produces an expiration date of December 3, 2016.

We are hereby requesting a time extension for the special exception for the following reasons. The nonresidential use permit is an occupancy permit that cannot be applied for or issued until the building has been completed with all final inspections. The building plans and application for this project were submitted on May 11, 2005, but the building permit approval was delay until the site plan was approved, and was just issued on October 6, 2016

We are requesting a time extension of 12 months to allow enough time to complete this construction project with all final inspections so that we can obtain the non-residential use permit.

Please feel free to contact me with any questions or comments regarding our request for extension.

Sincerely,

Derek Gestl
Project Manager
Hubert Construction, LLC

County of Fairfax, Virginia

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

RECEIVED
Department of Planning & Zoning
DEC 05 2016
Zoning Evaluation Division

October 5, 2016

Charles Ashley
P.O. Box 1408
3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712

Re: Special Exception SE 2013-LE-008 – VTLC, LLC – Nguyen H.T. Vuong
6309 Grovedale Drive
Tax Map Ref: #81-3 ((5)) 13
Zoning District: C-5

Dear Mr. Ashley:

A review of the above-referenced special exception finds no evidence that a Non-Residential Use Permit (Non-RUP) has been obtained for the child care center approved as part of SE 2013-LE-008. In accordance with Sect. 9-015 of the Zoning Ordinance, the above-referenced special exception shall expire, without notice, thirty (30) months after the date of approval unless a Non-RUP has been obtained for the child care center. Based on an approval date of June 3, 2014 by the Board of Supervisors, the special exception is due to expire, without notice, on December 3, 2016. The Board may grant additional time to obtain a Non-RUP if a written request is filed with the Zoning Administrator prior to the expiration date of December 3, 2016.

Should you need additional time to establish the use, you should submit a written request to the Zoning Administrator, Leslie B. Johnson, prior to the expiration date. This request must specify the amount of additional time requested and why additional time is required.

If you have any questions, please feel free to contact me at 703-324-1359.

Sincerely,

Winnie Williams
Planning Technician
Zoning Permit Review Branch

cc: Jeffrey C. McKay, Supervisor Lee District
Leslie B. Johnson, Zoning Administrator
Barbara C. Berlin, Director, Zoning Evaluation Division

N:\ZAD\WILLIAMS\SESPVCWARNLTRS\SE 2013-LE-008 10-2016.docx

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/

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Integrity * Teamwork* Public Service

Board Agenda Item
February 14, 2017

ADMINISTRATIVE - 8

Additional Time to Obtain a Non Residential Use Permit (Non-RUP) for Special Exception SE 2013-HM-024, University of North America, Inc. (Hunter Mill District)

ISSUE:
Board consideration of additional time to obtain a Non-RUP for SE 2013-HM-024, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:
The County Executive recommends that the Board approve six (6) months additional time for SE 2013-HM-024 to May 31, 2017.

TIMING:
Routine.

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

On June 3, 2014, the Board of Supervisors approved Special Exception SE 2013-HM-024, subject to development conditions. The application was filed in the name of University of North America, Inc. for the purpose of permitting a university in the I-4 zoning district in an existing office building located at 8618 Westwood Center Drive, Tax Map 29-3 ((20)) 9A pt. (see Locator Map in Attachment 1). The university, a Category 3 special exception use, is permitted pursuant to Section 5-404 of the Fairfax County Zoning Ordinance. SE 2013-HM-024 was approved with a condition that the use be established as evidenced by the issuance of a Non Residential Use Permit (Non-RUP) for the university use within thirty (30) months of the approval date unless the Board granted additional time. The development conditions for SE 2013-HM-024 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On December 1, 2016, the Department of Planning and Zoning (DPZ) received a letter dated December 1, 2016, from Carlos M. Montenegro, agent for the Applicant, requesting six (6) months of additional time until May 31, 2017 (see Attachment 3). The

approved Special Exception will not expire pending the Board's action on the request for additional time.

Mr. Montenegro states additional time is necessary to obtain the Non-RUP because the University of North America, Inc. is in the process of relocating the university to 4375 Fair Lakes Court for which a Final Development Plan Amendment is presently being prepared. Mr. Montenegro has confirmed the university use at its present location is short term. The request for six (6) months of additional time will allow the requestor to obtain the Non-RUP.

Staff has reviewed Special Exception SE 2013-HM-024 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a university within an existing office building in an I-4 zoning district. Further, staff knows of no change in land use circumstances that affects compliance of SE 2013-HM-024 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2013-HM-024 are still appropriate and remain in full force and effect. Staff believes that approval of the request for six (6) months additional time is in the public interest and recommends that it be approved.

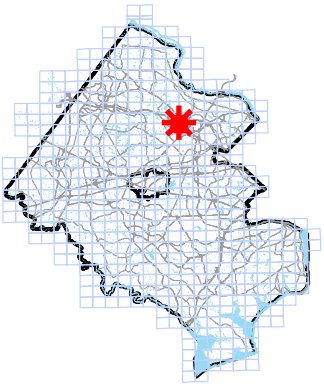
FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Letter dated June 4, 2014, to William M. Baskin, Jr.
Attachment 3: Letter dated December 1, 2016, to Leslie B. Johnson

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ
Suzanne Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ
Denise James, Chief, Environment and Development Review Branch, Planning Division, DPZ
Laura O'Leary, Staff Coordinator, ZED, DPZ

Special Exception

SE 2013-HM-024



Applicant:	UNIVERSITY OF NORTH AMERICA, INC.
Accepted:	12/31/2013
Proposed:	UNIVERSITY
Area:	3.87 AC OF LAND; DISTRICT - HUNTER MILL
Zoning Dist Sect:	05-0404
Art 9 Group and Use:	3-01
Located:	8618 WESTWOOD CENTER DRIVE, VIENNA, VA 22182
Zoning:	I- 4
Plan Area:	2,
Overlay Dist:	
Map Ref Num:	029-3- /20/ /0009A (part)

County of Fairfax, Virginia

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

June 4, 2014

William M. Baskin, Jr.
Baskin, Jackson & Duffett, PC
301 Park Avenue
Falls Church, VA 22046

Re: Special Exception Application SE 2013-HM-024

Dear Mr. Baskin:

At a regular meeting of the Board of Supervisors held on June 3, 2014, the Board approved Special Exception Application SE 2013-HM-024 in the name of University of North America, Inc. The subject property is located at 8618 Westwood Center Drive, on approximately 3.87 acres of land, zoned I-4 in the Hunter Mill District [Tax Map 29-3 ((20)) 9A pt.]. The Board's action permits a university, pursuant to Section 5-404 of the Fairfax County Zoning, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.

3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved As-Built Site Plan prepared by Huntley, Hogan and Nyce, Westwood Building 9A, 3741-SP-04-1, approved on June 24, 1983, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

4. Establishment of this use requires issuance of a Non-RUP after approval of this Special Exception, regardless of any which may have been issued previously.

5. Class sessions for the College/University use shall not exceed 9:30 a.m. to 10:00 p.m.

6. There shall be a minimum of 30 minutes between the conclusion of one class and the beginning of the next class session.

7. The total weekday maximum daily enrollment on site shall not exceed 500 students and 70 employees, and no more than 250 students or staff onsite at any one given time.

8. All parking shall be provided on-site. The applicant shall provide on-site directional signage that identifies the location of parking spaces that serve the college/university use.

9. A Transportation Demand Management Plan (the "TDM Plan") shall be implemented by the Applicant to encourage the college/university to use transit (Metrorail and/or bus), other high-occupancy vehicle commuting modes, walking and biking in order to reduce single-occupancy automobile trips generated by the college/university and comply with the proposed parking availability.

   a. TDM Program Manager. Prior to the approval of the Non-Residential Use Permit ("Non-RUP"), the Applicant shall designate an individual to act as the TDM Program Manager ("TPM") for the college/university, whose responsibility shall be to implement the TDM strategies. The TPM's contact information shall be provided to Fairfax County Department of Transportation (FCDOT) staff within 30 days of the initial appointment and every time thereafter that there may be a change. The duties of the TPM may be part of other duties assigned to the individual(s). The TPM shall participate in available Tysons area wide TDM Programs, activities and transportation improvement endeavors provided by Fairfax County and the various stakeholders in the Tysons area, and shall join groups such as Tytran.

   b. TDM Work Plan. Sixty (60) days after the appointment of the TPM, the TPM shall submit the TDM Work Plan to FCDOT for review. The TDM Work Plan and any amendments thereto shall include, but not be limited to, provisions for the following:

      i. Information Dissemination. The TPM shall make Metrorail and bus maps, schedules and forms, ridesharing and other relevant transit option information available to students, employees, and visitors in a common area such as the central lobby or admissions

office. The TPM shall also publish links to internet sites to mass transit providers with multimodal transportation information, transit data, and the possibility of online transit pass sales or value loading. All incoming students, faculty and staff shall be provided with information concerning the use of SmarTrip cards, including an application.

ii. Car Sharing/Pooling Information. The TPM shall make information available regarding the availability of car sharing program(s), such as ZipCar, to students, visitors and guests. In addition, but subject to student confidentiality and safety requirements, zip code rosters shall be made available to all students to facilitate car pool formation/usage.

iii. Preferential Parking. The TPM shall provide signed preferential parking for carpools, as needed.

iv. Bicycle Parking. Racks shall be provided to accommodate parking for at least 20 bicycles. The bike racks shall be inverted U-style racks or other design approved by FCDOT. Location of these racks will also be coordinated with FCDOT. The TPM shall begin the implementation of bicycle parking within prior to Non-RUP. Bicycle parking racks shall be installed no later than a year after SE approval.

v. Transit Incentives. Once the Metrorail Silver Line and Springhill Station becomes operational, the TPM shall institute transit incentives which may include, among other programs, the provision of pre-loaded smart trip cards to faculty, staff and new students and the establishment of a permit parking program.

vi. Coordination. The TPM shall work with FCDOT, and any other transportation management entities established in the local area of the development, to promote alternatives to single-occupant automobile commute trips.

c. FCDOT Response. If FCDOT has not responded with any comments to the TPM within sixty (60) days of receipt of the TDM Work Plan, the TDM Work Plan shall be deemed to be approved and the TPM shall implement the TDM Work Plan.

d. Vehicle Trip Objectives. The goal of the TDM Work Plan prior to the Metrorail Silver Line becoming operational shall be to reduce the number of vehicle trips generated by the college/university, students, employees, and visitors by twenty percent (20%) during the PM peak hour of the adjacent street as

projected by using methods based on ITE's, 8th edition, Trip Generation rates and/or equations (the "ITE Trip Generation Rate") for Land Use Code 540 (Junior/Community College).

Once the Metrorail Silver Line is operational for a period of 12 months, the goal of the TDM Plan shall be to reduce the number of vehicle trips generated by the college/university, students, employees, and visitors by thirty percent (30%) during the PM peak hour.

e. Annual Surveys & Coordination with FCDOT. One (1) year following approval of the TDM Work Plan by FCDOT, the TPM shall conduct an annual survey (the "Annual Survey") to be completed the next following October, and in October of each year thereafter, and provided to FCDOT. The Annual Survey shall be conducted during a week without any holidays and when Fairfax County Public Schools are in session. The Annual Survey shall gather information on the effectiveness of the TDM Work Plan and shall be used by the TPM to determine whether changes to the TDM Work Plan are needed to ensure that the vehicle trips are within the Vehicle Trip Objectives targeted goal. If the Annual Survey reveals that changes to the TDM Work Plan are needed, the TPM shall coordinate such reasonable changes with FCDOT that are acceptable to the Applicant and the college/university, and implement and adjust the TDM Work Plan accordingly. The TPM shall coordinate the preparation of the Annual Survey materials and the methodology for validating survey results with FCDOT at least thirty (30) days prior to completing each year's Annual Survey, and shall collect and analyze the results. Such analysis shall include at a minimum:

i. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;

ii. The number of people surveyed and the number of people who responded;

iii. The results of any surveys taken during the survey period;

iv. The number of students and employees participating in the TDM programs displayed by category of participants and by mode of use; and

v. An evaluation of the effectiveness of the TDM Work Plan and its program elements and, if necessary, proposed modifications to the plan and program elements.

Annual surveys shall be conducted until the TPM has demonstrated to FCDOT that the twenty percent (20%) or thirty percent (30%) trip reduction goal, whichever is applicable, is being met or exceeded. After the goal has been met

for three (3) consecutive years, the TPM shall conduct the surveys bi-annually. If it is demonstrated that the goal has been met for two (2) consecutive bi-annual surveys, the TPM may terminate the surveys, although it shall continue the TDM Programs.

In the event the applicant has not meet the trip reduction goal after the Metrorail Silver Line has been operational for a period of 24 months, the applicant shall meet with FCDOT to develop a remedy plan and provide up to $10,000 towards remedy initiatives.

10. The conditions relating to university operations shall only apply to university uses onsite, other uses (such as office) shall be governed by the Zoning Ordinance.

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

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

The Board also:

- Modified the transitional screening and barrier requirements on the northern and western property line pursuant to Section 13-305 of the Zoning Ordinance in favor of maintaining the existing conditions

- Modified the interior and peripheral parking lot landscaping requirements in accordance with Sections 13-202 and 13-203 of the Zoning Ordinance in favor of the existing conditions

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Catherine Hudgins, Hunter Mill District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

FAIRFAX COUNTY
RECEIVED
DEC 01 2016
DIVISION OF
ZONING ADMINISTRATION
2016-16899

ATTACHMENT 3

CARLOS M. MONTENEGRO, P.C.

Attorney and Counselor at Law
2821 Center Ridge Road
Oakton, Virginia 22124
Phone: (703) 819-0707

Member, Va. Bar

Fax: (703) 620-3345

December 1, 2016

VIA HAND DELIVERY

RECEIVED
Department of Planning & Zoning
DEC 01 2016
Zoning Evaluation Division

Ms. Leslie B. Johnson
Zoning Administrator
County of Fairfax
12055 Government Center Parkway
Suite 250
Fairfax, Virginia 22035-5508

Re: Special Exception SE 2013-HM-024 – University of North America, Inc.
8618 Westwood Center Drive
Tax Map# 29-3 ((20)) 9A pt.
Zoning Dsitrict: I-4

Dear Ms. Johnson:

I am writing on behalf of my client the University of North America, Inc. ("UoNA"), with regard to the notice dated October 5, 2016 (attached). Please consider this a request for additional time to obtain a Non-RUP at the above referenced premises. As justification, we advise that UoNA is presently in the process of transacting the relocation of uses to another location in Fairfax County (4375 Fair Lakes Court) for which a Final Development Plan Amendment is being prepared. We contemplate that the relocation will occur on or before May 31, 2017 and, accordingly, request that additional time to obtain a Non-RUP at its present premises be extended to that date.

Thanks very much for your kind attention to this matter.

Kind regards,

Carlos M. Montenegro

cc: Ms. Jill Martin, President

County of Fairfax, Virginia

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

October 5, 2016

William M. Baskin, Jr.
Baskin, Jackson & Duffett, PC
301 Park Avenue
Falls Church, VA 22046

Re: Special Exception SE 2013-HM-024 – University of North America, Inc.
8618 Westwood Center Drive
Tax Map Ref: #29-3 ((20)) 9A pt.
Zoning District: I-4

Dear Mr. Baskin:

A review of the above-referenced special exception finds no evidence that a Non-Residential Use Permit (Non-RUP) has been issued for the university approved as part of SE 2013-HM-024. In accordance with Sect. 9-015 of the Zoning Ordinance, the above-referenced special exception shall expire, without notice, thirty (30) months after the date of approval unless a Non-RUP has been obtained. Based on an approval date of June 3, 2014 by the Board of Supervisors, the special exception is due to expire, without notice, on December 3, 2016. The Board may grant additional time to obtain a Non-RUP if a written request is filed with the Zoning Administrator prior to the expiration date of December 3,, 2016.

Should you need additional time to establish the use, you should submit a written request to the Zoning Administrator, Leslie B. Johnson, prior to the expiration date. This request must specify the amount of additional time requested and why additional time is required.

If you have any questions, please feel free to contact me at 703-324-1359.

Sincerely,

Winnie Williams
Planning Technician
Zoning Permit Review Branch

cc: Catherine Hudgins, Supervisor Hunter Mill District
Leslie B. Johnson, Zoning Administrator
Barbara C. Berlin, Director, Zoning Evaluation Division

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Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz

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Board Agenda Item
February 14, 2017

ADMINISTRATIVE - 9

Additional Time to Commence Construction for Special Exception SE 2013-LE-014, Hajimohammad Revocable Trust (Lee District)

ISSUE:
Board consideration of additional time to commence construction for SE 2013-LE-014, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:
The County Executive recommends that the Board approve twelve (12) months additional time for SE 2013-LE-014 to November 13, 2017.

TIMING:
Routine.

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

On May 13, 2014, the Board of Supervisors approved SE 2013-LE-014, subject to development conditions. The application was filed in the name of Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee of the Hajimohammad Revocable Trust, for the purpose of permitting a vehicle sales, rental and ancillary service establishment within the C-6 zoning district for property located at 5630 South Van Dorn Street, Tax Map 81-2 ((3)) 8A (see Locator Map in Attachment 1). SE 2013-LE-014 was submitted in response to the issuance of a Notice of Violation for the operation of the vehicle sales establishment without a valid special exception. The vehicle sales, rental and ancillary service establishment, a Category 5 Commercial and Industrial Use of Special Impact, is permitted pursuant to Section 4-604(4)(u) and is subject to the additional standards found in Section 9-518 of the Zoning Ordinance. SE 2013-LE-014 was approved with a condition that the use be established or construction

commenced and diligently prosecuted within eighteen (18) months of the approval date unless the Board grants additional time. The development conditions for SE 2013-LE-014 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On October 30, 2015, the Department of Planning and Zoning (DPZ) received a letter dated October 27, 2015, from Lynne J. Strobel, agent for the Applicant, requesting twelve (12) months of additional time. The letter indicated that the applicant had been working to obtain site plan approval, which required a second submission. The letter also indicated that since additional items needed to be resolved prior to the second submission of the site plan, including finalizing the building footprint and pursuing other approvals, additional time is needed. On February 16, 2016, the Board approved twelve (12) months of additional time to commence construction for SE 2013-LE-014, until November 13, 2016.

On November 1, 2016, the Department of Planning and Zoning (DPZ) received a new letter dated October 31, 2016, from Ms. Strobel, requesting another twelve (12) months of additional time (see Attachment 3). The approved Special Exception will not expire pending the Board's action on the request for additional time.

The vehicle sales, rental and ancillary service establishment is currently in operation and doing business as Select Auto Imports. The development conditions require the submission of a site plan, and the issuance of all applicable permits, as a means to bring the property into compliance. A site plan was submitted to the Department of Public Works and Environmental Services (DPWES), and review comments were subsequently transmitted to the Applicant. In order to respond to the comments and finalize the building design it was necessary to add a small addition to ensure ADA compliance. On July 18, 2016, an interpretation request was submitted to DPZ to allow for the additional gross floor area needed for the addition, and a positive response to the interpretation was issued on August 30, 2016. Ms. Strobel states that the applicants have since then been diligently working on resolving a number of issues and responding to comments. Ms. Strobel states that the resolution of the issues has required a significant time and financial investment, which was unanticipated at the time the special exception was approved. Therefore, the request for twelve (12) months of additional time is intended to allow for the resubmission and approval of the site plan, the posting of bonds, obtaining building permits, and ultimately the issuance of a non-residential use permit (Non-RUP).

Staff would also note the property subject to SE 2013-LE-014 is ultimately intended to accommodate improvements to the South Van Dorn Street/Capital Beltway interchange. These intersection improvements are noted within the Fairfax County Comprehensive Plan. To facilitate these improvements, Development Condition # 5 stipulates the Special Exception shall remain valid for five years from the date of issuance of a Non-RUP.

Extensions in increments of two years may be approved by the Zoning Administrator if such does not interfere with noted transportation improvements. This new request for twelve (12) months of additional time would further delay the implementation of Development Condition # 5 by one year. However, at this time, according to the Fairfax County Department of Transportation (FCDOT), the noted transportation improvements have continued to be unfunded and there is no timeframe identified for funding. As such, FCDOT indicates that the status of this road improvement would not preclude the granting of the requested additional time.

Staff has reviewed Special Exception SE 2013-LE-014 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a vehicle sales, rental and ancillary service establishment within the C-6 zoning district. Further, staff knows of no other changes in land use circumstances that would affect compliance of SE 2013-LE-014 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2013-LE-014 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twelve (12) months of additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:
None

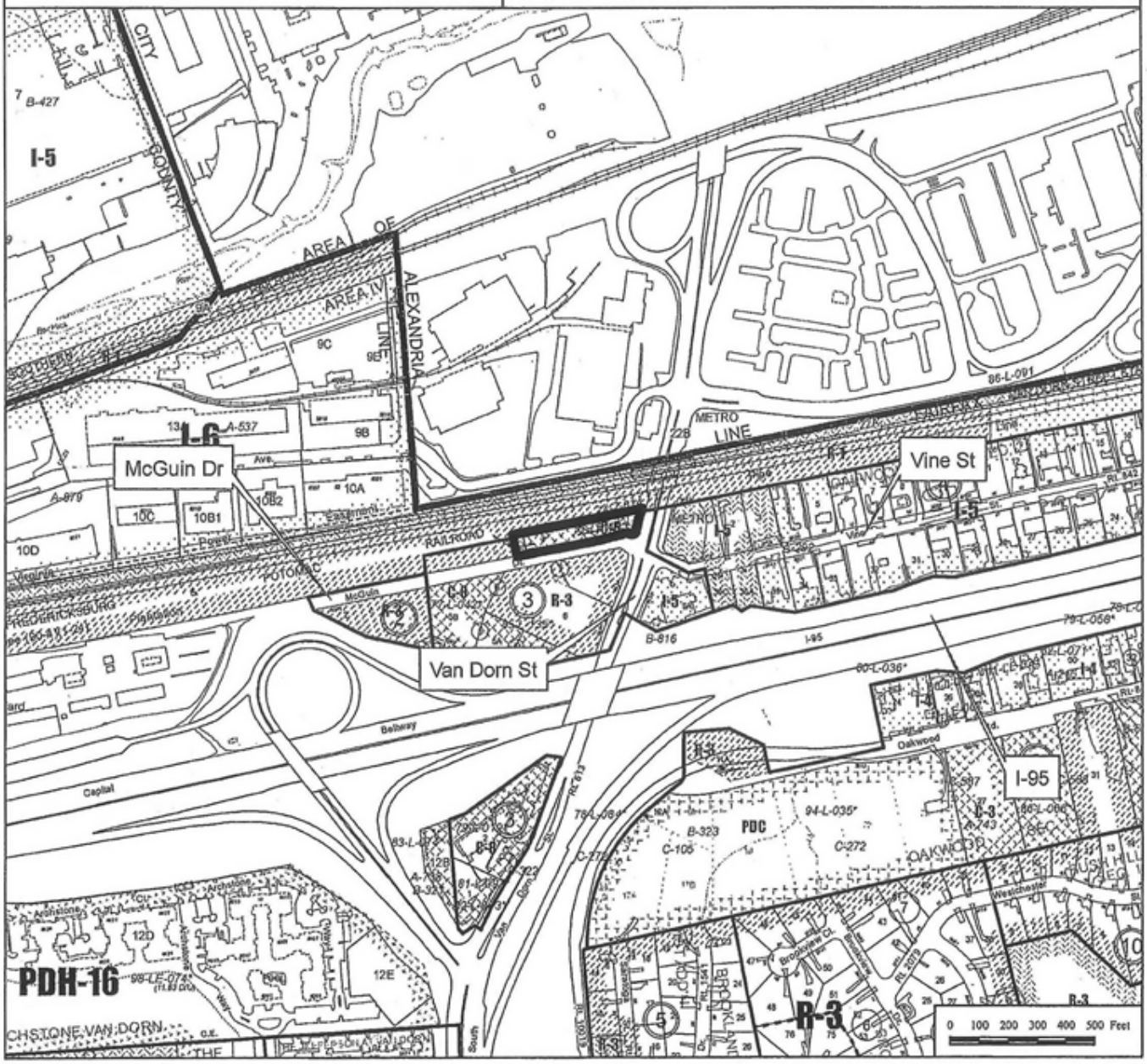
ENCLOSED DOCUMENTS:
Attachment 1: Locator Map
Attachment 2: Letter dated May 14, 2014, to Lynne J. Strobel
Attachment 3: Letter dated October 31, 2016, to Leslie B. Johnson

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ
Suzanne L. Wright, Chief, Special Projects/Applications/Management Branch, ZED, DPZ
Denise James, Chief, Environment and Development Review Branch, Planning Division, DPZ
Leila Mosadegh, Staff Coordinator, ZED, DPZ

Special Exception

SE 2013-LE-014

Applicant:	MOHAMMAD HAJIMOHAM..., TRUSTEE AND FLORA HAJIMOHAMMAD, TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TR
Accepted:	08/28/2013
Proposed:	VEHICLE SALES, RENTAL AND ANCILLARY SERVICE ESTABLISHMENT, WAIVER OF THE MINIMUM LOT SIZE, LOT WIDTH AND OPEN SPACE REQUIREMENTS
Area:	31451 SF OF LAND; DISTRICT - LEE
Zoning Dist Sect:	09-061009-061204-0604
Art 9 Group and Use:	6-06 6-09 5-25
Located:	5630 SOUTH VAN DORN STREET, ALEXANDRIA, VA 22310
Zoning:	C- 6
Plan Area:	4,
Map Ref Num:	081-2- /03/ /0008A



County of Fairfax, Virginia

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

May 14, 2014

Lynne J. Strobel
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2013-LE-014

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on May 13, 2014, the Board approved Special Exception Application SE 2013-LE-014 in the name of Mohammad Hajimohammad, Trustee, And Flora Hajimohammad, Trustee, of the Hajimohammad Revocable Trust. The subject property is located 5630 South Van Dorn Street, on 31,451 square feet, zoned C-6 in the Lee District [Tax Map 81-2 ((3)) 8A]. The Board's action permits a vehicle sales, rental and ancillary service establishment, waiver of minimum lot size and lot width and waiver of open space requirement, pursuant to Section 4-604, 9-518, 9-610 and 9-612 of the Fairfax County Zoning, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. A copy of the Special Exception conditions and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

3. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

4. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Select Auto Imports," consisting of five sheets, prepared by Tri-Tek Engineering, dated March 19, 2013, as revised through February 25, 2014, and these conditions. Minor modifications to the approved special exception may be permitted as determined by the Zoning Administrator.

5. This Special Exception shall remain valid for five years from the date of issuance of a Non-RUP. Extensions beyond that time may be granted by the Zoning Administrator for two-year increments only if the continuation of the use would not interfere with the Van Dorn Street and Capital Beltway transportation improvements. Any request for such extension shall be submitted by the applicants to the Zoning Administrator in writing.

6. Within 120 days of approval of the Special Exception and prior to the issuance of a Non-RUP, the applicants shall demonstrate through the submission of an approved Virginia Department of Transportation (VDOT) permit to the Fairfax County Department of Transportation (FCDOT) that they have obtained written permission from VDOT to allow the private features within the right-of-way to remain, such as aluminum fencing, columns, stone walls, and gates. A one-time extension of 60 days beyond the 120 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued such permission from VDOT. If any or all private features in the right-of-way are not permitted by VDOT, the applicants shall remove these features outside the right-of-way or relocate them on the property as generally shown in Attachment A of these conditions, provided this relocation does not interfere with sight distance. The applicants shall complete removal or relocation within six months of denial of a permit by VDOT. If the applicants remove or relocate the private objects in a manner that is not in substantial conformance with the SE/SP Plat or Attachment A, a Special Exception Amendment and/or a Special Permit Application will be required, as determined by the Zoning Administrator.

7. The applicants shall provide wheel stops for the vehicle storage and display area on the application property along McGuin Drive as generally shown on the SE/SP Plat for the purpose of ensuring that no portion of any vehicle for sale is located or overhanging within the right-of-way. The final location of the wheel stops shall be determined by VDOT and the Department of Public Works and Environmental Services (DPWES) at the time of site plan. The final location of the wheel stops shall allow for adequate circulation on the site, as determined by DPWES at the time of site plan. If the applicants must reconfigure this parking area in a manner that is not in substantial conformance with the SE/SP Plat in order to provide for such adequate circulation, a Special Exception Amendment and/or a Special Permit Amendment will be required, as determined by the Zoning Administrator.

8. Within 90 days of approval of the Special Exception, the applicants shall remove any signs prohibited by the Zoning Ordinance and any signs that have been installed without permit approval. The applicants shall obtain permits for all signs located on

the subject property. The applicants may install up to one building-mounted sign and one freestanding sign in accordance with Article 12 of the Zoning Ordinance prior to the issuance of a Non-RUP.

9. All freestanding signs shall be located in conformance with Section 2-505 of the Zoning Ordinance and shall not conflict with vehicle sight distance.

10. Prior to the issuance of a Non-RUP and if requested by VDOT at the time of site plan, the applicants shall install signs along the McGuin Drive frontage to ensure that vehicles are not parked in this area.

11. Prior to site plan approval, the applicants shall demonstrate that any existing or proposed fences and columns do not interfere with sight distance, as determined by VDOT.

12. The area devoted to vehicle storage and display shall be limited to that area so designated on the SE/SP Plat. Such areas shall not be used for the storage or display of vehicles that are not in operating condition. No parking shall be permitted within the adjacent right-of-way.

13. The applicants shall extend the existing curb and gutter from the intersection of South Van Dorn Street and McGuin Drive to the easternmost entrance along McGuin Drive. The applicants shall upgrade the existing rolled asphalt curb from the easternmost entrance along McGuin Drive to the western property line to meet the standards of the Public Facilities Manual (PFM), as determined by DPWES at the time of site plan.

14. Prior to site plan approval, the applicants shall provide a detailed comparison of existing versus proposed impervious area tabulation/map. The existing impervious area shall be established based on Special Exception SE 87-L-002, which was approved on September 14, 1997. Based on this, stormwater detention requirements and Best Management Practices shall be met pursuant to the Public Facilities Manual, unless waived by DPWES.

15. The applicants shall submit a site plan within 120 days of approval of this application. The applicants shall obtain site plan approval within eight months of the approval of this application. Extensions of up to 90 days may be granted by the Zoning Administrator if the applicants can demonstrate they have diligently pursued site plan approval.

16. All applicable permits and final inspections shall be obtained for the existing building within 120 days of site plan approval.

17. Within 120 days of site plan approval and prior to the issuance of a Non-RUP, the applicants shall remove the portion of the building that encroaches onto the adjacent property to the north.

18. The applicants shall obtain the necessary approvals from the adjacent property owner to the north (Tax map 90-4 ((1)) 24) prior to the removal of the portion of the structure that encroaches onto that property.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, eighteen (18) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the proposed buildings. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Modified the minimum lot size and lot width requirements in accordance with Sect. 9-610 of the Zoning Ordinance to permit a 31,451 square foot lot with a width of 82 feet

- Modified the open space requirements in accordance with Sect. 9-612 of the Zoning Ordinance to allow 13.4% open space

- Modified the transitional screening requirements to the south and west and the barrier requirements to the south pursuant to Sect. 13-305 of the Zoning Ordinance in favor of that shown on the SE/SP Plat

- Modified the peripheral parking lot landscaping requirements along the eastern boundary of the property in accordance with Sect. 13-203 of the Zoning Ordinance in favor of that shown on the SE/SP Plat

- Increased the height of the fence, walls, gates, and gate posts to that shown on the SE/SP Plat in accordance with Par. 3.H of Sect. 10-104 of the Zoning Ordinance.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Jeffrey McKay, Lee District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@thelandlawyers.com

WALSH COLUCCI
LUBELEY & WALSH PC

2016 - 1533
FAIRFAX COUNTY
RECEIVED
OCT 31 2016
DIVISION OF
ZONING ADMINISTRATION

October 31, 2016

RECEIVED
Department of Planning & Zoning
NOV 01 2016
Zoning Evaluation Division

ATTACHMENT 3

Via Hand Delivery

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

Re: SE 2013-LE-014
Applicants: Hajimohammad Revocable Trust, Mohammad Hajimohammad, Trustee and Flora Hajimohammad, Trustee
Fairfax County Tax Map Reference: 81-2 ((3)) 8A
Address: 5630 South Van Dorn Street

Dear Ms. Johnson:

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

The referenced application was approved by the Board of Supervisors (the "Board") at its hearing held on May 13, 2014. The Board granted SE 2013-LE-014 subject to development conditions, including a requirement that the use be established or construction commenced and diligently prosecuted within 18 months of the approval. The Board granted twelve (12) months of additional time to establish the use and SE 2013-LE-014 will expire on November 13, 2016 unless this requirement is met or additional time is granted to commence construction. Please accept this letter as a request for twelve (12) months of additional time to commence construction of the improvements approved in conjunction with SE 2013-LE-014.

The approval granted by the Board permits a vehicle sales, rental, and ancillary service establishment to be located on property identified among the Fairfax County tax assessment records as 81-2 ((3)) 8A (the "Subject Property"). Upon approval of SE 2013-LE-014, the Applicants began the process to prepare a site plan. The Applicants have made significant progress in the preparation, submission, and diligent prosecution of a site plan, which is referenced by Fairfax County as 1292-SP-002-1 (the "Site Plan").

As outlined in a previous request for additional time dated October 27, 2015, the Appellants have been working to obtain site plan approval which requires the second submission

of a site plan. As detailed in my previous letter, additional items need to be resolved prior to the second submission including finalizing the building footprint and pursuing other approvals. Since last fall, the Appellants have continued to work to resolve outstanding issues.

A number of issues are associated with the existing building located on the Subject Property. In order to respond to Fairfax County comments and finalize the building design, it was necessary to include a small addition to ensure ADA compliance. To allow for the additional gross floor area, the Appellants submitted an interpretation to the Zoning Evaluation Division requesting the approval of a minor building addition. The interpretation letter was submitted on July 18, 2016 and a positive response was received on August 30, 2016. The architect submitted revised building plans to Fairfax County on or about August 11, 2016. In conjunction with the building plans, the architect requested a modification of Section 705.8 of the Virginia Construction Code. In a letter issued by Brian Foley dated October 12, 2016, the request was denied. The architect will need to revise the building plans which will necessitate a redesign of the building.

As the building location has been established with the approval of the requested interpretation, the Appellants have contracted for the performance of a geotechnical report that will be prepared and submitted to DPWES. A geotechnical report is required for the second site plan submission. Upon completion of the necessary geotechnical evaluation and analysis, the Appellants will submit the geotechnical report and will resubmit the site plan for its second submission review.

Upon resubmission of the site plan, the Appellants will send out site notices and diligently pursue agency approvals with the expectation that the plan will be conditionally approved and forwarded to bonds and agreements. In addition, the Applicant's architect will revise and resubmit the building plans. The Appellants will then go through the appropriate processes to ensure final approval; obtain permits for site development; obtain a building permit; construct the improvements; and ultimately request the issuance of a Non-RUP.

The Appellants have been working diligently to resolve a number of complex issues associated with a challenged property in Fairfax County. Resolution of these issues has required a significant investment of time and money by the Appellants in the Subject Property. In addition, the length of time needed to process the site plan was unanticipated at the time the special exception application was approved.

In accordance with Section 9-015 of the Zoning Ordinance, I would appreciate the acceptance of this letter as a request for twelve (12) months of additional time to commence construction of the improvements approved with SE 2013-LE-014. The Applicants have faced a number of challenges regarding the preparation and submission of a site plan, including financial, but have continued to diligently pursue its processing with Fairfax County. There have been no changes in circumstances that would render the prior approval inconsistent with the Comprehensive Plan or the public interest.

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

Very truly yours,

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

Lynne J. Strobel /kae

Lynne J. Strobel

LJS/kae
cc: Mike Hajimohammad
Ted Britt

{A0730505.DOCX / 1 Johnson ltr re: additional time request - 10.31.16 007719 000002}

Board Agenda Item
February 14, 2017

ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the McLean Residential Permit Parking District, District 21 (Dranesville District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the McLean Residential Permit Parking District (RPPD), District 21.

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

TIMING:
The Board should take action on February 14, 2017, to advertise a public hearing for March 14, 2017, at 4:30 p.m.

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

Staff has verified that the petitioning blocks are within 2,000 feet walking distance of a pedestrian entrance of McLean High School, and all other requirements to expand the RPPD have been met.

FISCAL IMPACT:
The cost of sign installation is estimated at $550 to be paid from Fairfax County Department of Transportation funds.

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

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

Attachment 1

I

Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by adding the following streets in Appendix G-21, Section (b), (2), McLean Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Great Falls Street (Route 694):

From Sea Cliff Road to Baldwin Drive, north side only

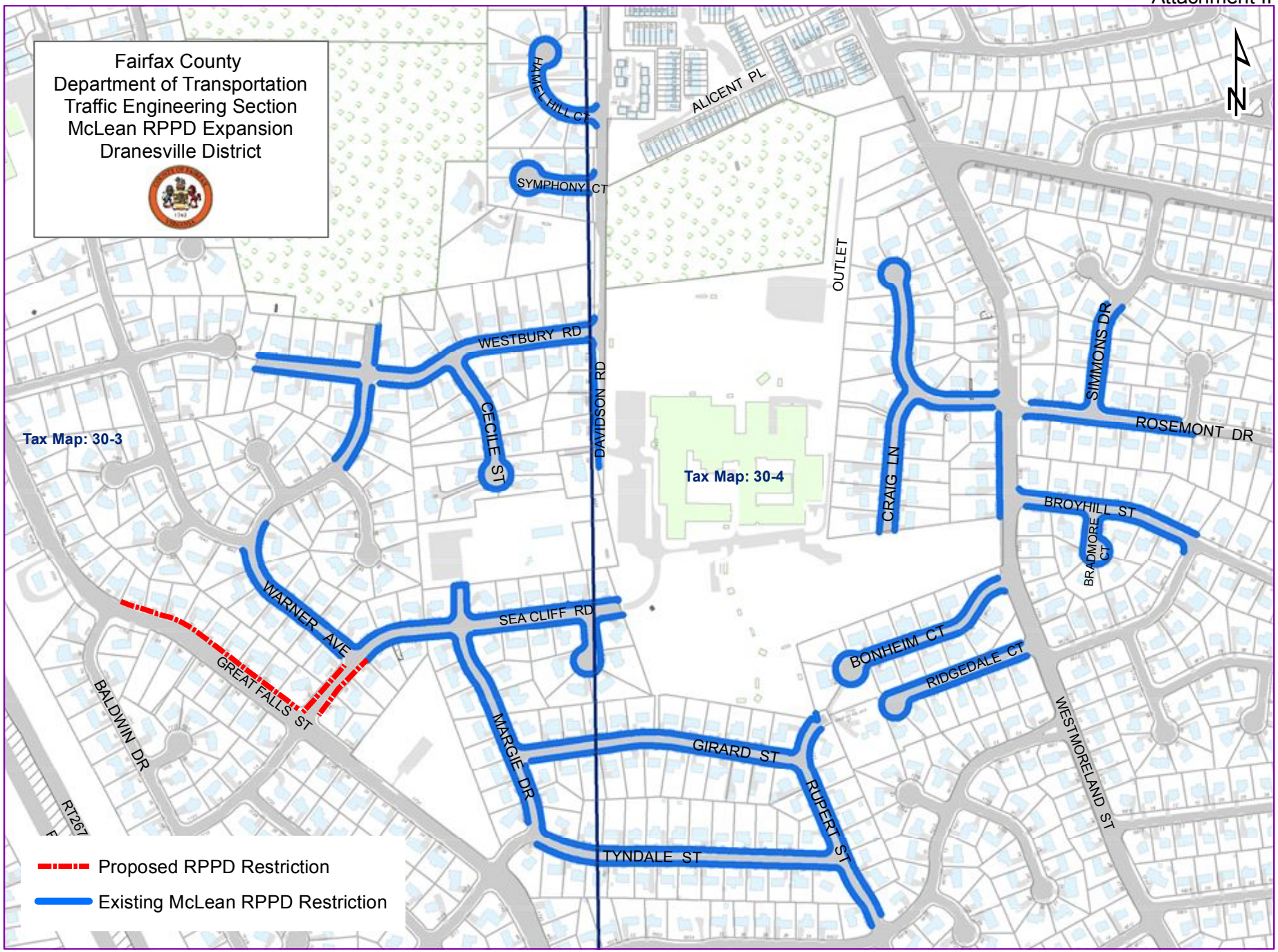
Sea Cliff Road (Route 2062):

~~From Margie Drive to the High School driveway.~~

~~From Warner Avenue to Margie Drive.~~

From the High School driveway to Great Falls Street

Attachment II



Board Agenda Item
February 14, 2017

ADMINISTRATIVE - 11

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mason and Dranesville Districts)

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

RECOMMENDATION:
The County Executive recommends that the Board endorse the traffic calming plans for Lebanon Drive (Attachment I) and Carper Street (Attachment II) consisting of the following:

- One speed hump adjacent to 6020 & 6021 Lebanon Drive (Mason District)
- One speed hump adjacent to 1106 & 1107 Carper Street (Dranesville District)

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

TIMING:
Board action is requested on February 14, 2017.

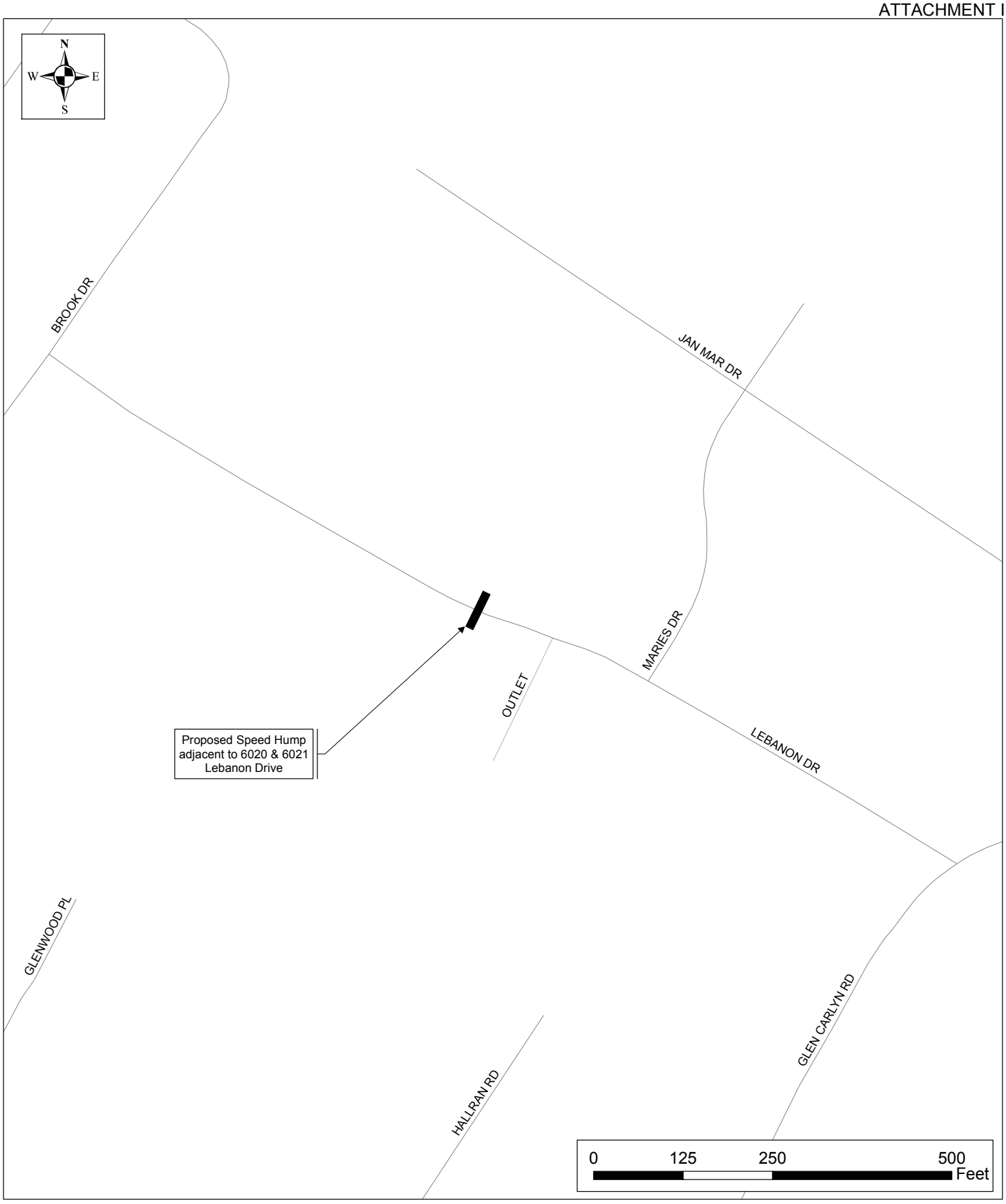
BACKGROUND:
As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners' or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, traffic circles, or multi-way stop signs (MWS), to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria. Staff worked with the local Supervisor's office and communities to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On December 12, 2016, (Lebanon Drive, Mason District) and on December 21, 2016, (Carper Street, Dranesville

District), FCDOT received verification from the local Supervisors' office confirming community support for the above referenced traffic calming plan.

FISCAL IMPACT:
Funding in the amount of $14,000 for the traffic calming measures associated with the Lebanon Drive and Carper Street projects is available in Fund 2G25-076-000, General Fund, under Job Number 40TTCP.

ENCLOSED DOCUMENTS:
Attachment I: Traffic Calming Plan for Lebanon Drive
Attachment II: Traffic Calming Plan for Carper Street

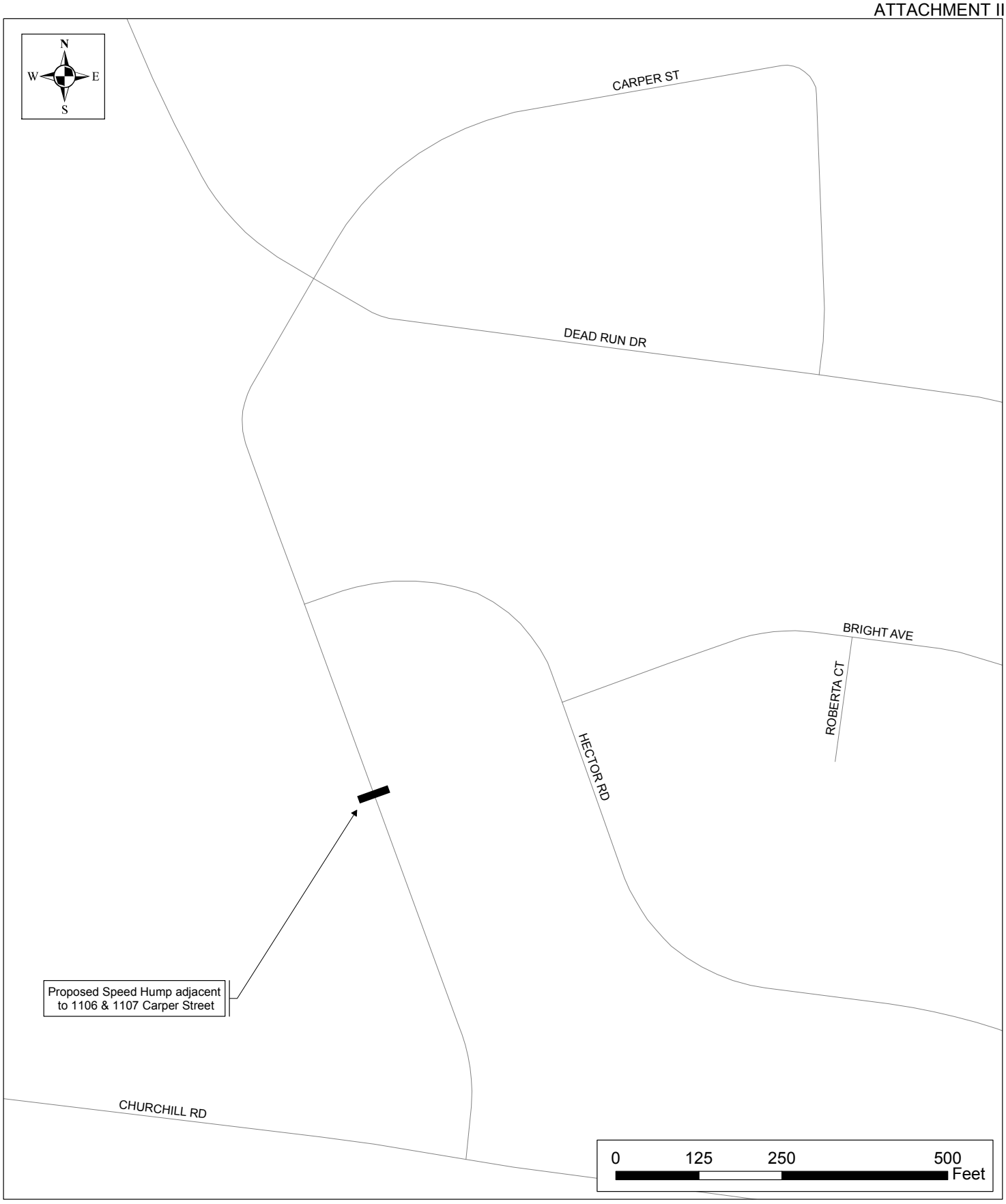
STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner,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



Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
PROPOSED TRAFFIC CALMING PLAN
LEBANON DRIVE
Mason District

Tax Map: 51-4, 61-2

December 2016



Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
PROPOSED TRAFFIC CALMING PLAN
CARPER STREET
Dranesville District

Tax Map: 21-3

January 2017

Board Agenda Item
February 14, 2017

ADMINISTRATIVE – 12

Authorization to Advertise a Public Hearing on the Application of Springfield Yellow Cab Regarding a Transfer of Control

ISSUE:
At its public hearing on January 17, 2017, the Consumer Protection Commission (CPC) voted unanimously to recommend to the Board that it approve the requested transfer of control of Springfield Yellow Cab.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of a public hearing on the CPC's unanimous recommendation to the Board that it approve the requested transfer of control of Springfield Yellow Cab.

TIMING:
Board authorization is requested on February 14, 2017, to advertise a public hearing for March 14, 2017, at 4:30 p.m. on the transfer of control of Springfield Yellow Cab.

BACKGROUND:
Currently, five taxicab companies hold certificates to operate a total of 654 taxicabs throughout Fairfax County. One of these companies is Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab (Springfield Yellow), which has been providing service in Fairfax County since 1982. Springfield Yellow is authorized to operate a total of 125 taxicabs in the county.

On October 3, 2016, the Department of Cable and Consumer Services (DCCS) received an application from Springfield Yellow requesting approval of the transfer of control from sole shareholder Nancy Meshasha to Mr. W. Spencer Kimball. Mr. Kimball owns and operates two taxicab companies in Northern Virginia in addition to Springfield Yellow: Alexandria Yellow Cab, with 285 authorized vehicles, and Northern Virginia Checker Cab, with 70 affiliated vehicles. The application was limited to the transfer of control; it did not include a request for additional taxicab certificates.

At the time Springfield Yellow submitted its application, former Fairfax County Code Section 84.1-2-10(a) governed the sale or transfer of any company holding taxicab certificates. (This provision was revised in December 2016 as part of a comprehensive update to Chapter 84.1, regarding taxicab regulation.) Former Section 84.1-2-10(a) required that the prospective owner "submit appropriate information" to the DCCS to establish "its ability to provide taxicab services consistent with requirements of this

Chapter." Because the section lacked evaluation standards, staff relied upon Section 84.1-2-6(b), regarding applications for new taxicab certificates, for guidance in evaluating the applicant's ability to provide taxicab service consistent with the requirements of Chapter 84.1. Section 84.1-2-6(b) directs an assessment of various factors that pertain to an applicant's ability to provide taxicab service, including the applicant's business experience and financial qualifications. The applicable versions of both Sections 84.1-2-6(b) and 84.1-2-10(a) are provided in Attachment A.

After reviewing the application and supplemental material provided by Springfield Yellow, DCCS concluded that the company had provided the information necessary to establish Mr. Kimball's ability, as owner, to provide taxicab service consistent with the requirements of Chapter 84.1.

On January 17, 2017, the CPC held a public hearing on the application. The sole speaker at the public hearing was Mr. Kimball, the new owner, who urged that the CPC recommend approval of the application. Following receipt of public comment and discussion, the CPC voted unanimously (9-0) to recommend to the Board that it approve the requested transfer of control.

Staff recommends that the Board authorize the advertisement of a public hearing on March 14, 2017 to consider the recommendation made by the Consumer Protection Commission at its February 14, 2017 public hearing.

ENCLOSED DOCUMENTS:
Attachment 1 - Excerpts from former Chapter 84.1: Section 84.1-2-6(b) and Section 84.1-2-10(a)
Attachment 2 - Consumer Protection Commission Recommendation on the Transfer of Control of Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab

STAFF:
David J. Molchany, Deputy County Executive
Michael S. Liberman, Director, Department of Cable and Consumer Services
Susan M. Hafeli, Senior Utility Analyst, DCCS

ASSIGNED COUNSEL:
John W. Burton, Assistant County Attorney

Excerpts from former Chapter 84.1, Public Transportation
Section 84.1-2-6(b) and Section 84.1-2-10(a)

Section 84.1-2-6 - Public hearing; requirements; regulations

(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.

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.

ATTACHMENT 2

Consumer Protection Commission
Recommendation to the Board of Supervisors on
Application of Paul Wallace Management, Inc.

Department of Cable and Consumer Services
Public Utilities Branch
January 18, 2017

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I. INTRODUCTION

This report was prepared by staff in the Department of Cable and Consumer Services to assist the Consumer Protection Commission (CPC or Commission) in its evaluation of the application of Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab for approval of a transfer of control. Following a public hearing on January 17, 2017, the CPC voted unanimously (9-0) to recommend that the Board of Supervisors (Board) approve the transfer of control.

II. BACKGROUND

Currently, five taxicab companies hold certificates to operate a total of 654 taxicabs throughout Fairfax County. One of these companies is Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab (PWM), which has been providing service in Fairfax County since 1982. Fairfax County has granted PWM authority to operate a total of 125 taxicabs in the county.

On October 3, 2016, the Department of Cable and Consumer Services (DCCS or Department) received an application from PWM requesting approval of the transfer of control of PWM from sole shareholder and transferor Nancy Meshasha to sole shareholder and transferee W. Spencer Kimball. PWM's application was limited to the transfer of control; it did not request any additional taxicab certificates. On November 7, 2016, DCCS requested that PWM submit supplemental information and documentation to assist its review and evaluation of PWM's application. PWM submitted supplemental responses on November 21, 2016 and December 21, 2016.

PWM's application and supplemental materials were reviewed pursuant to the requirements established in the Fairfax County Code in effect on the date that PWM submitted its application. For the reasons explained herein, DCCS recommends approval of PWM's application.

III. APPLICABLE CODE PROVISIONS

On December 6, 2016, approximately two months after PWM submitted its application, the Board adopted revisions to Chapter 84.1 of the Fairfax County Code, regarding taxicab regulation. Those revisions include changes to Section 84.1-2-10, regarding transfers of control. The revisions clarify the applicant's burden and the standards for evaluation of an application. The revisions also address procedural and substantive issues, such as a prospective owner's authority to provide taxicab service while an application is being reviewed and considered. Because the revised provisions were not in effect at the time PWM submitted its application, they are not cited or relied upon herein. **The Code provisions cited and quoted below are those that were in effect on October 3, 2016, when PWM submitted its application.**

In October 2016, former Fairfax County Code Section 84.1-2-10(a) governed the sale or transfer of any company holding taxicab certificates. The subsection obligated the prospective owner to "submit appropriate information" to the Department to establish "its ability to provide taxicab services consistent with requirements of this Chapter:"

> 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. (Emphasis added.)

Former Section 84.1-2-10(a) did not provide standards for evaluating the information submitted by a prospective owner. Consequently, staff relied upon Section 84.1-2-6(b) for guidance in evaluating the applicant's ability to provide taxicab service consistent with the requirements of Chapter 84.1. This subsection lists seven factors for CPC consideration when evaluating applications for operator certificates to provide taxicab service in Fairfax County. These factors, as in effect on October 3, 2016 were:

(1) Current and potential levels of usage of taxicab services in the Fairfax County market as set forth in Section 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.

Most, but not all, of these seven factors were deemed relevant in the evaluation of an application involving the transfer of control of a company holding Fairfax County taxicab certificates. Staff concluded that because a transfer does not involve the issuance of additional certificates, there is no need to conduct the analysis and assessment as set forth in Sec. 84.1-2-6(b)(1) and the second half of Sec. 84.1-2-6(b)(2) regarding current and potential demand for service and non-taxicab transportation options. However, staff deemed the remaining factors listed in Sec. 84.1-2-6(b) to be relevant when assessing an applicant's ability to provide taxicab service consistent with the county's requirements.

IV. PWM'S APPLICATION

PWM's application was submitted on October 3, 2016 by W. Spencer Kimball, identified in the application as PWM's president and sole shareholder. Mr. Kimball is the current owner of PWM, having acquired control of the company pursuant to a stock purchase agreement effective July 15, 2016.

PWM has been providing taxicab transportation service in Fairfax County since 1982. PWM provides taxicab service on a 24-hour, 365-day basis, and proposes to continue doing so under its new ownership. While PWM provides service throughout the county, Mr. Kimball anticipates a focus on Springfield and the southern part of Fairfax County.

PWM has been awarded a total of 125 taxicab certificates, five of which may be filled only by wheelchair-accessible vehicles. PWM reports that as of August 2016, 65 drivers were affiliated with the company, which means that at that time PWM lacked drivers for approximately half of the taxicab certificates it holds. As of the date of this report, 71 drivers were affiliated with PWM, an increase of six drivers or almost 10 percent since August 2016.

According to PWM's application, Mr. Kimball owns and operates two other taxicab companies in Northern Virginia, in addition to PWM: Alexandria Yellow Cab, with 285 authorized vehicles, and Northern Virginia Checker Cab, which has approximately 70 authorized vehicles. Mr. Kimball has served as the president of Alexandria Yellow Cab for seven years and as the president of Northern Virginia Checker Cab for two years.

V. ISSUES FOR COMMISSION CONSIDERATION

A. Section 84.1-2-6(b)(2): Areas of Fairfax County to be Served

In evaluating applications for authority to provide taxicab service, Section 84.1-2-6(b)(2) directs the CPC to consider the areas of the county to be served by the taxicab certificates requested as well as the adequacy of existing public vehicle service, existing taxicab service, and other forms of passenger transportation in those areas. As noted, that portion of Section 84.1-2-6(b)(2) that pertains to demand is not relevant in this case, as PWM is not requesting additional certificates beyond the 125 it currently holds.

While PWM provides service throughout the county, historically its operations have focused on the southern part of Fairfax County, including the Route 1 corridor, Springfield, Kingstown, Lorton, and Newington. Mr. Kimball anticipates the continued focus on the southern part of Fairfax County.

B. Section 84.1-2-6(b)(3): Kind, Class and Character of the Vehicles to be Used, and Adequacy of the Proposed Dispatch System

This Code provision pertains to two items: the vehicles to be used and the proposed dispatch system. These items are addressed separately.

1. Kind, Class and Character of the Vehicles to be Used

PWM requests no additional taxicab certificates and proposes no change in the kind, class and character of the vehicles to be used in providing taxicab service in Fairfax County. The transfer agreement between Ms. Meshasha and Mr. Spencer included 30 vehicles. Of these 30 vehicles, 14 have been sold. According to Department records, all of the remaining 16 vehicles comply with the county's vehicle age and mileage requirements, conform to the vehicle and equipment requirements set forth in Article 7 of Chapter 84.1, and have satisfied the Department's taxicab inspection procedures as set forth in Article 8 of Chapter 84.1.

PWM provided documentation demonstrating that all of the vehicles used to provide taxicab service – whether company-owned or driver-owned – are adequately insured.

2. Adequacy of the Proposed Dispatch System

PWM's new owners and management team appear to recognize the critical importance of dispatch both to the company's financial viability and the customer experience. As part of the change in ownership, PWM has recently made substantial investments in its dispatch and communications systems, including investments in new operating and dispatching software, new Samsung tablets for use in Springfield Yellow taxicabs, and a new VoIP-based call center. In addition PayPal® devices have been introduced to facilitate customer payment.

C. Section 84.1-2-6(b)(4): Conformance of Proposed Operational Facilities with Zoning and Other Legal Requirements

In evaluating applications for authority, the CPC has assessed whether the applicant's operational facilities comply with "zoning and other legal requirements." PWM currently maintains a place of business on Twist Lane in Springfield, Virginia. PWM has only limited operational facilities at its Springfield location; it has no radio antenna because it does not rely on private radio dispatch and has no maintenance and/or parking facilities because its vehicles are primarily owned and operated by independent contractors who maintain and park the vehicles elsewhere.

It has been previously determined that PWM's Springfield location conforms to zoning and other legal requirements. There is no basis to suggest that this determination needs to be revisited.

D. Section 84.1-2-6(b)(5): Financial Status of the Applicant and its Effect on Permanence and Quality of Service

Prior to Mr. Kimball's acquisition of PWM's stock, Springfield Yellow was experiencing a deteriorating financial position, as evidenced by a declining number of affiliated drivers and late payments of both its insurance premiums and regulatory fees. Based on documents accompanying the application – and assuming effective driver recruitment and retention – Mr. Kimball should be able to halt that decline and restore PWM to profitability. This documentation includes an innovative marketing plan, a business plan that anticipates cost efficiencies achieved by the consolidation of certain management, procurement and back-office functions among Mr. Kimball's companies, a demonstration of adequate financial resources

available to PWM and/or Mr. Kimball for use in operating PWM, and a three-year pro forma income statement for Springfield Yellow Cab.

According to the pro forma income statement, PWM's single largest revenue component is dispatch fees, also referred to as "stand dues." A dispatch fee is paid each week by an affiliated driver to PWM for dispatch service and the provision of certain administrative services. Because of the significance of dispatch fees to PWM's net income, the ability to recruit and retain drivers will be critical to PWM's success. According to the company's pro forma income statement, beginning August 2016 – the first year under new ownership – PWM incentivized taxicab drivers to work with Springfield Yellow Cab by offering reduced dispatch fees. Dispatch fees will increase in the second and subsequent years. So long as a sufficient numbers of drivers choose to affiliate with Springfield Yellow Cab and pay the dispatch fees that PWM projects, PWM's net income will exceed its total operating expenses and it should be financially viable.[1]

Transportation network companies (TNCs) like UberX and Lyft provide on-demand for-hire transportation in Fairfax County and compete with locally-regulated taxicab companies like PWM. TNC activity is impacting the taxicab industry's dispatch business. However, PWM's provision of contract service to commercial and government customers is likely to offset losses in its dispatch business, thereby enhancing its financial viability. For example, one PWM contract is with Fairfax County Public Schools (FCPS). As shown on Exhibit A, FCPS paid PWM a total of over $2.2 million from Fiscal Years 2014 through 2016 for the provision of transportation services to FCPS special-needs students. In June 2016, FCPS entered into a new five-year contract with PWM, ending June 30, 2021, with an option for three one-year renewal periods. Other county agencies and departments using PWM's services include the Departments of Family Services and Neighborhood and Community Services.

E. Section 84.1-2-6(b)(6): The Character and Responsibility and Related Business Experience of the Applicant

According to PWM's application, Mr. Kimball owns and operates two other taxicab companies in Northern Virginia in addition to PWM: Alexandria Yellow Cab, with 285 authorized vehicles, and Northern Virginia Checker Cab, with 70 affiliated vehicles. Mr. Kimball has served as president of Alexandria Yellow Cab for seven years and as president of Northern Virginia Checker Cab for two years.

Regulators in both the City of Alexandria and Prince William County provided positive assessments of Mr. Kimball and his companies. In an October 31, 2016 email, Bob Garbacz, Transportation Division Chief for the City of Alexandria, stated that:

> Alexandria Yellow Cab is one of the City's better cab companies and handles more dispatch calls than all of the other Alexandria companies combined. The other companies call Yellow Cab when they have more dispatch calls than they can accommodate. The management of the company improved significantly when Spencer

[1] Staff's financial evaluation of applicants for taxicab certificates historically has included financial ratio analysis, including calculations of profitability, liquidity and debt management ratios. Staff did not conduct such an analysis in this case because PWM is not seeking additional certificates.

> [Kimball] took over and he has turned the company into a forward thinking cab company. To answer your question, the City has had a good experience with Mr. Kimball and his management of Alexandria Yellow Cab.

Prince William County Taxicab (Hack) Inspector Dan Hooper stated in a November 9, 2016 telephone conversation that Northern Virginia Checker Cab was "fully compliant" with the Prince William County requirements and that he, as Taxicab Inspector, had had no issues with the company. Mr. Hooper was unaware of any customer complaints regarding Northern Virginia Checker Cab.

Fairfax County staff who have worked with the PWM team since the July 2016 transfer of control from Ms. Meshasha to Mr. Spencer are similarly positive in their assessment of PWM.

F. Section 84.1-2-6(b)(7): Report on Complaint Data and the Background Investigation of the Applicant

The Department has no record of open or pending complaints against Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab and/or Mr. W. Spencer Kimball.

The investigative report prepared by the Department's Regulation and Licensing Branch indicates that no criminal information was received that would reflect negatively on Mr. Kimball.

VI. STAFF FINDINGS AND RECOMMENDATION

On October 3, 2016, Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab filed an application for authority to transfer PWM's taxicab certificates. This filing followed a July 2016 agreement between Nancy Meshasha and W. Spencer Kimball under which Ms. Meshasha, sole PWM shareholder, sold 100 percent of PWM's corporate shares to Mr. Kimball, an experienced provider of taxicab service in Northern Virginia.

At the time this application was filed, former Fairfax County Code Section 84.1-2-10(a) governed the sale or transfer of any company holding taxicab certificates. The subsection obligated the prospective owner to "submit appropriate information" to the Department to establish "its ability to provide taxicab services consistent with requirements of this Chapter." Former Section 84.1-2-10(a) did not provide standards for evaluating the information submitted by a prospective owner. Consequently, staff relied upon Section 84.1-2-6(b) in effect at that time for guidance in evaluating the applicant's ability to provide taxicab service consistent with the requirements of Chapter 84.1. Staff concluded that because a transfer does not involve the issuance of additional certificates, there is no need to conduct the analysis and assessment as set forth in Sec. 84.1-2-6(b)(1) and the second half of Sec. 84.1-2-6(b)(2) regarding current and potential demand for service and other transportation options. However, staff deemed the remaining factors listed in Sec. 84.1-2-6(b) to be relevant when assessing an applicant's ability to provide taxicab service consistent with the county's requirements.

Staff concluded that PWM's application and supplemental materials adequately address the factors of Section 84.1-2-6(b) in effect at the time the application was filed and that were deemed

relevant in the evaluation of an application involving the transfer of control of a company holding Fairfax County taxicab certificates. Specifically, following its review and evaluation, staff found that:

A. **Area to be served:** PWM will continue to provide taxicab service throughout the county, but will continue its historical focus on the southern part of Fairfax County, including the Route 1 corridor.

B. **Vehicles and dispatch system:** PWM's vehicles comply with Fairfax County Code requirements, including those pertaining to permissible age, mileage, and insurance coverage, and its dispatch system – particularly in light of recent upgrades and investments – is adequate to provide service.

C. **Operational facilities:** PWM's operational facilities conform with zoning and other legal requirements.

D. **Financial status:** PWM has the financial resources to provide taxicab service in Fairfax County and is likely to be a financially viable provider capable of providing permanent and quality taxicab service.

E. **Character and responsibility:** PWM has a proven record of providing quality taxicab service to customers in the region and working well with its local taxicab regulators.

F. **Investigative report:** The Department's investigative report did not disclose any information that would reflect negatively on Mr. Kimball.

In light of the foregoing, staff supported the transfer of PWM from Ms. Meshasha to Mr. Kimball.

VII. CONSUMER PROTECTION COMMISSION RECOMMENDATION

On January 17, 2017, the Consumer Protection Commission held a public hearing on the application of Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab for a transfer of control. The sole speaker at the public hearing was Mr. Kimball, the new owner, who urged that the CPC recommend approval of the application. Following receipt of public comment and discussion, the CPC voted unanimously (9-0) to recommend to the Board that it approve the requested transfer of control.

EXHIBIT A
Fairfax County Transparency Webpage Excerpts

Transparency

The Fairfax County Transparency Application allows users to search and view summary information about payments to specific vendors and budget vs. actual expenditures.

Amounts displayed are year-to-date aggregates through the selected month for a fiscal year. The FCPS fiscal year spans from July 1 through June 30.

Aggregated data from each month will be posted by the end of the subsequent month. The financial data available on this site is unaudited and therefore have not been reviewed for accuracy by an outside party. An audited Comprehensive Annual Financial Report (CAFR) for each fiscal year is prepared annually and can be found on the Transparency website.

To view similar information for the Fairfax County Government, please visit the **Fairfax County Government Transparency website**.

Fiscal Year: 2016

Through Month: June

(All data displayed will be fiscal year-to-date through month selected)

Vendor Payments | Budget vs Actual Expenditures

Search by Vendor

(Ex: COMMONWEALTH for COMMONWEALTH OF VIRGINIA)

Search Criteria*: Contains | Paul Wallace | Find Vendor

Vendor: PAUL WALLACE MGT CO INC | Select Vendor

Payments to Vendor PAUL WALLACE MGT CO INC

Vendor	Payments
PAUL WALLACE MGT CO INC	$575,087.85

Transparency

The Fairfax County Transparency Application allows users to search and view summary information about payments to specific vendors and budget vs. actual expenditures.

Amounts displayed are year-to-date aggregates through the selected month for a fiscal year. The FCPS fiscal year spans from July 1 through June 30.

Aggregated data from each month will be posted by the end of the subsequent month. The financial data available on this site is unaudited and therefore have not been reviewed for accuracy by an outside party. An audited Comprehensive Annual Financial Report (CAFR) for each fiscal year is prepared annually and can be found on the Transparency website.

To view similar information for the Fairfax County Government, please visit the **Fairfax County Government Transparency website**.

Fiscal Year: 2015

Through Month: June

(All data displayed will be fiscal year-to-date through month selected)

Vendor Payments | Budget vs Actual Expenditures

Search by Vendor

(Ex: COMMONWEALTH for COMMONWEALTH OF VIRGINIA)

Search Criteria*: Contains | Paul Wallace | Find Vendor

Vendor: PAUL WALLACE MGT CO INC | Select Vendor

Payments to Vendor PAUL WALLACE MGT CO INC

Vendor	Payments
PAUL WALLACE MGT CO INC	$743,629.04

Transparency

The Fairfax County Transparency Application allows users to search and view summary information about payments to specific vendors and budget vs. actual expenditures.

Amounts displayed are year-to-date aggregates through the selected month for a fiscal year. The FCPS fiscal year spans from July 1 through June 30.

Aggregated data from each month will be posted by the end of the subsequent month. The financial data available on this site is unaudited and therefore have not been reviewed for accuracy by an outside party. An audited Comprehensive Annual Financial Report (CAFR) for each fiscal year is prepared annually and can be found on the Transparency website.

To view similar information for the Fairfax County Government, please visit the **Fairfax County Government Transparency website**.

Fiscal Year: 2014

Through Month: June

(All data displayed will be fiscal year-to-date through month selected)

Vendor Payments | Budget vs Actual Expenditures

Search by Vendor

(Ex: COMMONWEALTH for COMMONWEALTH OF VIRGINIA)

Search Criteria*: Contains | Paul Wallace | Find Vendor

Vendor: PAUL WALLACE MGT CO INC | Select Vendor

Payments to Vendor PAUL WALLACE MGT CO INC

Vendor	Payments
PAUL WALLACE MGT CO INC	$884,143.05

ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing to Approve Disposition of County-Owned Property Pursuant to a Real Estate Exchange Agreement Between the Board of Supervisors and Columbia Crossroads L.P. ("Columbia Crossroads") (Mason District)

ISSUE:
Authorization to advertise a public hearing to consider the disposition of County-owned property totaling approximately 1.32 acres identified as Tax Maps 61-2 ((19)) parcels 5A and 11A ("County Land") as required by Va. Code Ann. § 15.2-1800 (2012). The disposition of the County Land will be considered in connection with a Real Estate Exchange Agreement ("REEA") between the Board of Supervisors and Columbia Crossroads (an affiliate of Weissberg Development Corp.) concerning a portion of the property identified as Tax Maps 61-2 ((1)) parcels 113, 113A, 113C and 114 and 61-4 ((30)) parcels 15 and 17, totaling approximately 4.47 acres ("Weissberg Land"). It is intended that a rezoning action will be considered on the County Land and the Weissberg Land, along with an adjacent property identified as Tax Map 61-2 ((1)) parcel 112A ("Landmark Parcel"), to permit residential development by Columbia Crossroads, a future County office site, and the future connection to a realigned Seminary Road.

RECOMMENDATION:
The County Executive recommends the Board authorize advertisement of a public hearing on February 28, 2017, at 4:30 p.m., to consider disposition of the County Land in connection with the REEA with Columbia Crossroads providing for an exchange of real property and joint infrastructure development in conjunction with the development of the County Land, the Weissberg Land, and the Landmark Parcel (collectively, the foregoing will be referred to as the "Subject Property").

TIMING:
Board Action is requested on February 14, 2017, to provide sufficient time to advertise the proposed public hearing on February 28, 2017, at 4:30 p.m. in accordance with Va. Code Ann. §15.2-1800 (2012).

BACKGROUND:
The County is the owner of the County Land (approximately 1.32 acres), Columbia Crossroads is the owner of the Weissberg Land (approximately 4.47 acres), and the County is the contract purchaser of the Landmark Parcel pursuant to a contract ("Landmark Contract") with 5827 Columbia Pike Associates, LLC, an affiliate of

Landmark Atlantic, Inc.) (approximately 1.44 acres). These land areas are shown, approximately, on Attachment 1, with the County Land shown as Area A, the Weissberg Land shown as Areas B1 and B2, and the Landmark Parcel shown as Area C.

The Comprehensive Plan recommends that, with consolidation of at least five acres, the Subject Property may be appropriate for retail/office/residential mixed-use development at an intensity of up to 2.25 FAR. In addition, the Comprehensive Plan calls for a road realignment to connect Seminary Road with Columbia Pike and Moncure Avenue through the eastern portion of the Subject Property. The road realignment through the Subject Property will necessitate the removal of the office building on the Landmark Parcel.

The County Land is the site of the Baileys Crossroads Community Shelter ("Shelter"), identified in the adopted Capital Improvements Plan ("CIP") for reconstruction. In addition, the CIP identifies a need for a number of community services, currently housed in leased space in the area, to be consolidated into County-owned space in an East County Human Services Center ("ECHSC"), which could be constructed on the future County office site.

The Subject Property (ownership as described above) was the subject of a previous exchange contract dated April 11, 2016, ("AvalonBay Contract") with AvalonBay Communities, Inc. ("AvalonBay,"), who was at that time the contract purchaser of the Weissberg Land). In addition, at the time the County entered into the AvalonBay Contract, it entered into the Landmark Contract. AvalonBay terminated the AvalonBay Contract during the feasibility period, but the County elected to keep the Landmark Contract in effect pursuant to an amendment that reduced the purchase price from $6.6 million to $6.35 million (this reduction reflects the amount that AvalonBay was obligated to contribute toward the County purchase of the Landmark Parcel pursuant to the AvalonBay Contract). The Board authorized funding for the Landmark Contract and associated site work in February 2016 ($6,350,000 to purchase the Landmark Parcel, an estimated $1,440,000 for the demolition). After the AvalonBay Contract was terminated, Columbia Crossroads, the owner of the Weissberg Land, approached the County with an interest in entering into a similar agreement for a property exchange.

Columbia Crossroads will seek rezoning of the Subject Property to permit the construction of a residential mid-rise apartment development of approximately 355 dwelling units, a future County office building site, which may house the ECHSC, and the connection to Seminary Road. As proposed, the residential development would be located on the western portion of the site, fronting Moncure Avenue. The County office building site would be located on the eastern portion of the site, fronting on the new road (the first phase of the connection to Seminary Road envisioned by the Comprehensive Plan). This remains consistent with the previous AvalonBay Contract.

The initial step in this process is for the County to purchase the Landmark Parcel (Area C shown on Attachment 1) to effectuate the first phase of the road network

envisioned by the Comprehensive Plan and to allow for development of the entire site in a more comprehensive, cost effective manner. After purchase of the Landmark Parcel, the County's holdings will total approximately 2.76 acres (Areas A and C). The second step is for the County and Columbia Crossroads, through the REEA, to exchange real estate such that Columbia Crossroad's property will be located on the western side of the site (Areas A and B1) and the County's property will be consolidated on the eastern side of the site (Areas B2 and C). The REEA will provide for common infrastructure and rezoning costs to be equitably shared between the County and Columbia Crossroads. This remains consistent with the AvalonBay Contract.

The REEA will not require the County to move forward with any specific development of the future County office site, such as, for example, the ECHSC; any such design and construction will be subject to future Board approval. The Shelter on the County Land will be relocated prior to the Columbia Crossroads residential development; a site has been purchased for the relocation of the Shelter and the County is currently designing the facility and pursuing zoning and site plan approvals. All of this is consistent with the AvalonBay Contract , except that that the closing date has been extended by two years, to enable the County to move the Shelter to a permanent site and thereby avoid the significant costs of a temporary shelter.

Major terms of the REEA with Columbia Crossroads are as follows:

1. Exchange of the County Land (Area A shown on Attachment 1) for approximately 1.49 acres of the Weissberg Land (Area B2 shown on Attachment 1). *Consistent with the AvalonBay Contract.*
2. Closing on this exchange is contingent upon approval of the joint rezoning application to be pursued by Columbia Crossroads, which shall not be later than July 25, 2017. *Outside rezoning date extended one month compared to the AvalonBay Contract.*
3. Closing date for this exchange is set at October 31, 2019, with a provision allowing for the closing to occur sooner. If Columbia Crossroads elects to close sooner, the REEA allows the County to lease back the Shelter site at no cost until October 31, 2019. *Closing date extended two years compared to the previous AvalonBay Contract.*
4. The County agrees to demolish two structures on the Weissberg Land (a restaurant and an auto body shop), a new requirement not included in the AvalonBay Contract. Columbia Crossroads agrees to demolish the Shelter building (as well as the remainder of the buildings on the Weissberg Land), consistent with the AvalonBay Contract.

The full text of the REEA with Columbia Crossroads is available online at:
http://fcrevit.com/offsite/REEA021417.pdf

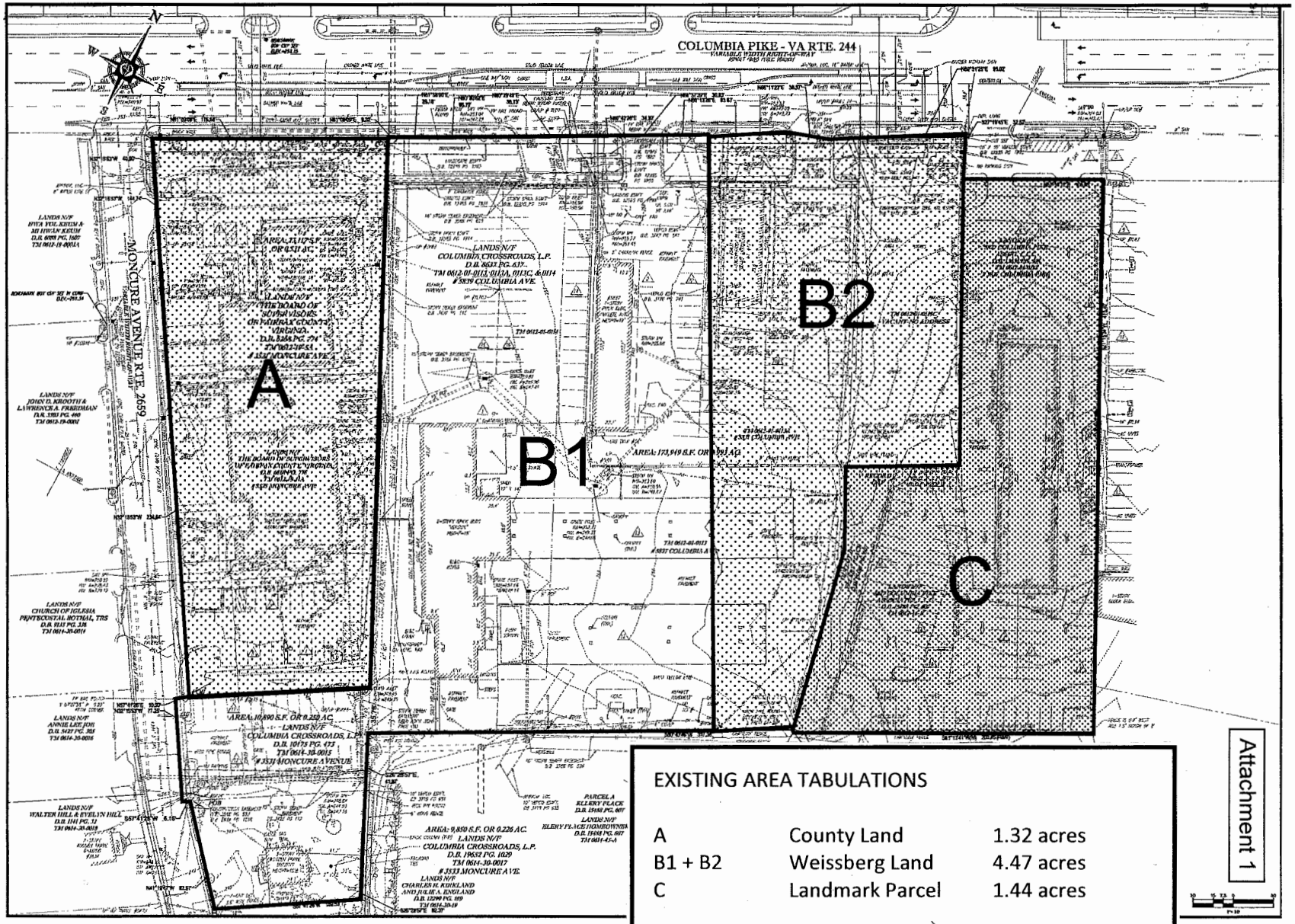
FISCAL IMPACT:
The County's share of the rezoning, common infrastructure, and pre-development costs to support the development agreement with Columbia Crossroads, as contemplated by the REEA, will be approximately $450,000. Funding to authorize the proposed development agreement, is available in Fund 30010, Project HS-000004, East County Human Services Center.

The total project estimate for the new shelter is $12 million as approved in the November 2016 Human Services Bond referendum. Funds are available in Fund 30010, Project HS-000013, Bailey's Crossroads Community Shelter.

ENCLOSED DOCUMENTS:
Attachment 1: Approximate land areas of ownership on the Subject Property

STAFF:
Robert A. Stalzer, Deputy County Executive
Katayoon Shaya, Department of Public Works and Environmental Services
Tracy Strunk, Office of Community Revitalization

ASSIGNED COUNSEL:
Alan Weiss, Office of the County Attorney



EXISTING AREA TABULATIONS

A	County Land	1.32 acres
B1 + B2	Weissberg Land	4.47 acres
C	Landmark Parcel	1.44 acres

Attachment 1

Board Agenda Item
February 14, 2017

ACTION - 1

Capital Improvement Project Final Plan Approval and Construction Contract Award – McLean Community Center Renovation and Expansion (Dranesville District)

ISSUE:
Approval of the final project plans and construction bid results for the renovation and expansion of the McLean Community Center. In accordance with the February 8, 1984, Memorandum of Understanding (MOU) between the Fairfax County Board of Supervisors (Board) and the Governing Board of the McLean Community Center (MCC Governing Board).

RECOMMENDATION:
The County Executive recommends that the Board approve the final project plans and resulting construction bid for the McLean Community Center Renovation and Expansion project, and authorize the award of the contract for construction to Sorensen Gross Company in the lump sum amount of $5,100,000.

TIMING:
The Board should take action on February 14, 2017, to allow the Department of Public Works and Environmental Services (DPWES) to proceed with the construction contract award and commence with the construction of the project in keeping with the closure of the McLean Community Center in April 2017. The closure of the center has been coordinated with the seasonal nature of the programs and performances.

BACKGROUND:
The approval of the capital improvement project final plans and award of the construction contract will provide for the interior renovation of approximately 33,000 square feet of the McLean Community Center originally built in 1975, and an approximately 7,700 square feet addition which includes new meeting rooms, a multi-purpose room, and an expanded lobby. Exterior improvements include the enclosure of an existing 2,820 square feet outdoor courtyard area, significant upgrades to the existing stormwater management system, and additional parking spaces. The capital improvement final plans can be viewed at the following link: X:_Transfer\Transfers\CAP\McLean Community Center. The final design was

approved by the MCC Governing Board on April 16, 2016, and has been coordinated with the Dranesville Supervisor, the McLean Citizens Association, and the residents of McLean. The plans were presented at five public meetings held between the dates of March 2015 and May 2015, and the Department of Planning and Zoning 2232 was approved on December 9, 2015.

On February 8, 1984, the Board and the MCC Governing Board entered into a MOU with respect to the McLean Community Center, a copy of which is attached. Pursuant to Article V.D of the MOU, the MCC Governing Board is to, among other things, coordinate major capital projects relating to the McLean Community Center with the Board. Specifically, the MOU states that "final plans and bid results" for capital projects "shall be presented to the Board for approval."

Five sealed bids were received and opened on January 6, 2017, for construction of the McLean Community Center Renovations, Project No. CC-000015-001/400-C40061. The lowest responsive and responsible bidder is Sorenson Gross Company whose base bid of $4,947,000 is $370,266 or 6.9% below the Engineer's Estimate of $5,317,266. The second lowest bid of $5,170,000 is $223,000 or 4.5% above the low bid. The highest bid of $6,417,000 is $1,470,000 or 29.7% above the low bid. Due to the competitive nature of the bid results, funds are available to award Alternate 1 ($115,000) expansion of the front entry façade, and Alternate 2 ($38,000) LED lighting upgrades in the lobby and hallways.

Sorenson Gross Company has satisfactorily completed several County projects and is considered a responsible contractor.

The Department of Tax Administration has verified that Sorenson Gross Company has the appropriate Fairfax County Business, Professional, and Occupational License.

This bid may be withdrawn after March 6, 2017.

Accordingly, DPWES seeks Board approval of the above-referenced plans and of the award of the project contract to Sorenson Gross Company in the amount of $5,100,000, which includes the base bid amount and both alternates.

FISCAL IMPACT:
The contract award amount is $5,100,000. Funding for the contract is available in Fund 400-C40061, McLean Community Center, in Project CC-000015-001. Total funding in the amount of $8,474,094 from the McLean Community Center's Capital Reserves was approved by the McLean Community Center Governing Board for renovation/expansion

project. This project is included in the FY 2017 – FY 2021 Adopted Capital Improvement Program (with Future Fiscal Years to 2026).

ENCLOSED DOCUMENTS:
Attachment 1 – Order of Bidders
Attachment 2 – Vicinity Map
Attachment 3 – Memorandum of Understanding

STAFF:
Robert A. Stalzer, Deputy County Executive
George Sachs, Executive Director, McLean Community Center
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ATTACHMENT 1

DEPARTMENT OF PUBLIC WORKS
& ENVIRONMENTAL SERVICES
BUILDING DESIGN & CONSTRUCTION DIVISION

COUNTY OF FAIRFAX
VIRGINIA

DATE OF BID OPENING: January 6, 2017

McLean Community Center Renovation and Expansion
PROJECT NO. CC-000015-001
CONTRACT NO. CN16000013

ORDER OF BIDDERS

1. Sorensen Gross Company…….$4,947,000
   22900 Shaw Road, Suite 105
   Sterling, VA 20166

2. Sumter Contracting Corp.……$5,170,000
   9667 Main Street, Suite A
   Fairfax, VA 22031

3. R.J. Crowley, Inc…….$5,175,000
   8740 Cherry Lane, #30
   Laurel, MD 20707

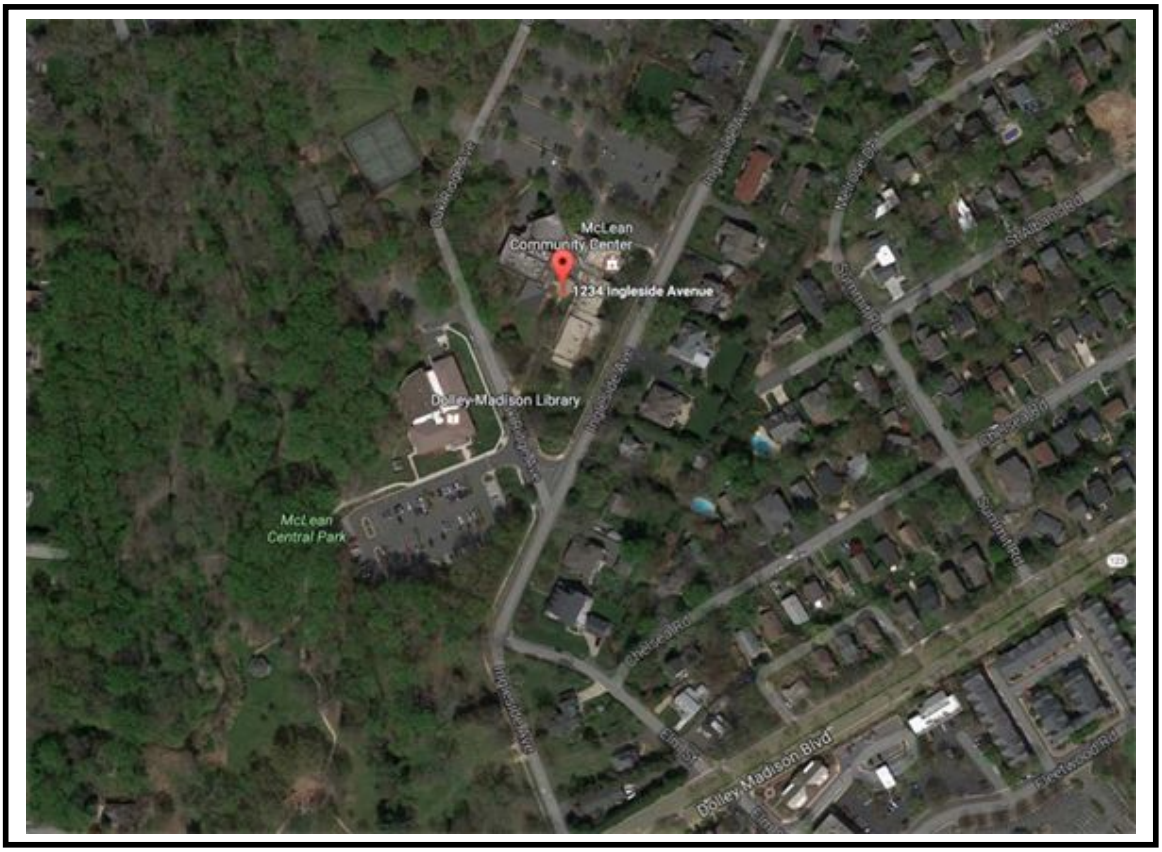
4. Tuckman-Barbee Construction Co., Inc…….. $5,530,000
   16000 Trade Zone Avenue, #102
   Upper Marlboro, MD 20774

5. Monarc Construction, Inc. …….. $6,417,000
   2781 Hartland Road
   Falls Church, VA 22043

ENGINEER'S ESTIMATE ……..$5,317,266

Contract Time: 425 Calendar Days

ATTACHMENT 2



VICINITY MAP

McLEAN COMMUNITY CENTER

1234 INGLESIDE AVENUE, McLEAN, VA 22101

CONTRACT NO. CN16000013
PROJECT NO. CC-000015-001

DRANESVILLE DISTRICT **TAX MAP 30-2**

MCLEAN COMMUNITY CENTER
MEMORANDUM OF UNDERSTANDING

I. Statement of Function

The Governing Board of the McLean Community Center is established to set policy and provide supervision for the McLean Community Center. The members of the Governing Board are charged with the responsibility of providing oversight and policy guidance to the Executive Director of the McLean Community Center.

II. Definitions

A. Small District #1: In accordance with the adoption of a resolution by the Board of Supervisors at a regular meeting held on Wednesday, the 5th day of August 1970, Small District #1 shall mean that portion of the Dranesville District which includes the area within the boundaries established by aforesaid resolution.

B. Special District Agency: In this document, Special District Agency shall mean any department, agency, commission, bureau, or other unit in the administrative service of Fairfax County for which special district revenues have been derived from special district assessments, and are being maintained as required by law and under procedures established and approved by the Board of Supervisors.

C. Board: In this document, Board shall mean the Governing Board of the McLean Community Center.

D. Board of Supervisors: In this document, Board of Supervisors shall mean the statutory governing body of Fairfax County which includes Small District #1, Dranesville.

E. Center: In this document, Center shall mean McLean Community Center.

F. Election: In this document, the term election shall refer to the procedures specified in this Memorandum of Understanding through which the citizens of Small District #1 select members of the Governing Board of the McLean Community Center. As used in this document, the term election does not refer to the procedures set forth in the Constitution of the Commonwealth of Virginia for the selection of public officials.

G. Memorandum: In this document, Memorandum shall mean the Memorandum of Understanding mutually agreed upon by the McLean Community Center Governing Board and the Board of Supervisors.

H. Local Media: In this document, Local Media will mean at least one local publication.

III. Organizational Status and Relationships

Through the adoption of this revised Memorandum of Understanding, the McLean Community Center shall be recognized as a special district agency relating to the County as a separate County agency. Its powers and responsibilities shall be those of a separate County agency except that it shall have those additional powers and responsibilities explicitly set forth in this document. The terms included herein shall take precedence over any other definitions of the powers and responsibilities of the McLean Community Center.

Consistent with its status as a separate County agency with a governing board, the McLean Community Center shall relate to the County through a liaison relationship to the County Executive or his designee. As a separate County agency, the McLean Community Center shall utilize the services of other County agencies as appropriate and in accordance with established County policies and procedures.

The Board of Supervisors delegates certain powers and responsibilities to the McLean Community Center Governing Board through the Memorandum of Understanding. The Governing Board is responsible and accountable directly to the Board of Supervisors. For purposes of day-to-day operations, the liaison between the Governing Board and the Board of Supervisors may be assumed by the County Executive and/or his designee. Any submission to the Board of Supervisors concerning the McLean Community Center prepared by County staff shall be presented for review to the Governing Board five (5) working days before submission to the Board of Supervisors.

IV. Composition of the Board of Governors

The Governing Board shall consist of eleven members, all members residing in Small District #1 of the Dranesville District, Fairfax County, two of which shall be 15 through 17 years of age, and nine shall be at least 18 years of age. Residents of Small District #1 of the

Dranesville District, Fairfax County, Virginia, shall elect members to the Governing Board as provided herein; however, the citizenry may vote only for those candidates in their own age category.

Adult members shall be elected for three year terms. Terms shall be staggered to promote continuity of experience. Three members shall be elected each year. Members may continue to be re-elected as long as they meet residency requirements.

Youth members aged 15 through 17 years shall be elected annually for a one-year term. One shall be elected from the area served by the McLean High School, and one shall be elected from the area served by the Langley High School. The areas served shall be set out in the current edition of Approved Boundaries, Fairfax County Public Schools, for those portions in Small District #1.

A. Eligibility

Any resident of Small District #1 is eligible to file for election to the Board if the resident meets the age qualifications and petitions for a place on the ballot in the manner approved by the Governing Board.

B. Election of Governing Board Members

The Governing Board shall establish an annual election day, which will correspond to the date of McLean Day and set up procedures for candidates to file. The Board of Supervisors shall approve election standards and procedures. The Governing Board will then issue a public notice sixty (60) days before the election for candidates to petition for a place on the ballot. The Governing Board will receive the petitions of candidates and issue the public notice of candidates at least thirty (30) days before the election. The Governing Board, through the Elections Committee, will prepare a ballot and conduct the election. No member of the Elections Committee will be a candidate for re-election. All expired terms will be filled first, then unexpired terms will be filled. The full results of the election will be reported to the Board of Supervisors at the first meeting following the election. The Fairfax County Board of Supervisors, after determining that it is in the public interest, shall appoint those persons receiving the greatest number of votes to the McLean Community Center Governing Board.

C. Vacancies

Appointment to vacated terms shall follow the election results of the most recent election of the Governing Board. The unsuccessful election candidate who received the highest number of votes will be the first appointed to the first unexpired term. The list of unsuccessful candidates will be followed in this manner until all vacancies are filled. If there is no unsuccessful candidate from the most recent election of the Governing Board, then the Governing Board will continue its responsibilities with a vacant seat until the next election of the Governing Board.

If a vacancy occurs on the Governing Board less than sixty (60) days before an election of the Governing Board members, that vacancy shall be filled by the upcoming election. If there is not a sufficient number of candidates on the ballot the vacancy will continue. A write-in candidate must receive at least the same number of votes as the number of signatures required on the petition for regular candidates to qualify for the purpose of filling unexpired terms of members of the Governing Board. If more than one vacancy occurs on the Governing Board, the Governing Board will announce a special election to be held sixty (60) days from its announcement. The announcement of said election should be made within two (2) weeks of the second vacancy.

If a vacancy occurs on the Governing Board more than sixty (60) days before an election of the Governing Board members, that vacancy shall be filled by appointment of the Board of Supervisors, according to the above stated procedure.

This appointment shall be valid:

1. to the expiration of the vacated term, if there is less than one year left at the time of the appointment.

2. to the next Governing Board election, if the vacated term has more than one year left at the time of the appointment. The remaining term shall be filled at the next scheduled Governing Board election.

D. Removal of Board Members

If a member of the Governing Board misses three (3) consecutive Governing Board meetings without an excuse, or misses six (6) regular Governing Board meetings, the Board may, by a two thirds vote of the entire Board, recommend that such person be taken off the Governing Board. The vacancy shall be filled according to regular procedures described previously. The decision of the Governing Board will be valid unless overturned by the Board of Supervisors within thirty (30) days of the Governing Board's action.

E. Officers

The following are the officers of the McLean Community Center Governing Board. All officers shall be elected annually by the members of the Governing Board, from among its members. No officer shall succeed to the same office for more than two (2) consecutive terms. If an officer is elected to serve an unexpired term, it shall not be considered as serving a full term if fewer than six (6) months remain in the unexpired terms. Any officer so elected may subsequently be elected to two (2) full consecutive terms.

1. Chairperson - The Chairperson shall preside over all meetings, represent the Board at official functions and ceremonial events, and perform such other duties as normally are inherent in similar positions.

2. Vice-Chairperson - The Vice-Chairperson shall preside in the absence of the Chairperson and perform such other duties as may be assigned by the Board.

3. Secretary - The Secretary shall be responsible for having the official minutes of all regular and special meetings of the Board kept and shall have these minutes preserved in a manner outlined by the Board. The Secretary shall also be responsible for the preparation of such correspondence as may be directed by the Chairperson of the Board, or as is normally performed by persons in similar positions.

4. Treasurer - The Treasurer shall act as the chief financial officer of the Board.

5. Parliamentarian and/or Timekeeper - The Chairperson may, at the will of the Board, appoint a Parliamentarian and/or a Timekeeper from among the Board membership.

V. Powers and Responsibilities

The Governing Board is responsible for the development of policies and long-range plans for the Center's operation, programming, personnel and financial management. Such policies and plans shall be in compliance with established policies and procedures of Fairfax County.

A. Personnel

The Governing Board will recommend personnel actions and will develop appropriate job descriptions with the assistance of the Office of Personnel. The Office of Personnel will recruit candidates and refer them to the Community Center, according to established procedures. As a Special District Agency, the Governing Board will act as appointing authority for the Executive Director, who will select all other employees (with the aid of the Office of Personnel).

The Executive Director is responsible to the Governing Board, acting through its Chairperson. Other Center employees are responsible to the Executive Director and shall be rated by the Executive Director. In the event the Executive Director's position is held under a personal services contract, the Director shall be rated by the Governing Board Chairperson and this rating shall be reviewed by the Governing Board. If the Executive Director is hired as a merit system employee, the Director shall be rated by the Governing Board Chairperson and the rating shall be reviewed by the Governing Board and the County Executive.

All personnel actions and payroll administrations shall be processed in accordance with applicable ordinances and established procedures of the County of Fairfax.

B. Program

The Governing Board shall have the responsibility for establishing policies in planning, design, promotion, and supervision of McLean Community Center programs and activities.

A long-range program plan will establish broad priorities and provide guidance to the staff. A yearly evaluation will be conducted by the Board to ascertain that goals are being met and targeted population groups are being reached.

Appropriate County agencies will be responsible for supervision of County programs conducted in McLean Community Center facilities. Scheduling policies and priorities shall be established by the Governing Board. The Governing Board shall provide a general written policy governing the use of the building. The Governing Board hold public meetings as it deems necessary and maintain other channels for citizen input.

The Governing Board shall maintain files for its copy of the Memorandum of Understanding and for documentation of the Center's history, Board minutes, and the Board's policy decisions.

In the event that the Governing Board decides to establish resident groups, it shall develop specific policies and guidelines governing the criteria for selection, maintenance and continuation of such groups.

C. Financial Responsibilities

1. The Governing Board initiates, oversees, and approves the preparation and submittal of the Community Center's budget including current and long-range financial objectives and a five year financial forecast in accordance with procedures and formats established by the Board of Supervisors and maintains standards of fiscal accountability. The annual budget submission, including fee schedules and the tax rate, shall be submitted to the Office of Management and Budget and to the County Executive for review prior to submission to the Board of Supervisors for their approval. Within the County's established financial policies and procedures, the system will allow for quarterly budget adjustments, administrative adjustments and the maintenance of gift funds.

2. The Governing Board may accept gifts, endowments, and grants where not prohibited by state law or County ordinance and in accordance with County policies and procedures regulating grants and gift funds.

3. The Office of Management and Budget provides fiscal review of Community Center operations, as appropriate.

4. The County Director of Finance shall invest all Community Center funds with the County General Fund "pooled cash" investments. All funds shall be accounted for in such a manner that an audit trail will be provided identifying the equity of any funds attributable to the Community Center.

5. Small District #1, Dranesville, funds (taxes and all other income) shall not be disbursed for any purpose other than for acquiring, constructing, maintaining or operating, or contracting for the acquisition, construction, maintenance or operation of a community center within Small District #1, Dranesville.

6. Integrity of fixed assets purchased by the McLean Community Center will be ensured based on the County's Fixed Assets Management System. Funds derived from the sale of property sold following County guidelines, shall be maintained by the Center.

D. Capital Improvement Planning

The Governing Board shall be responsible for projecting the long-range needs of the Center as these needs may involve capital projects.

The Governing Board shall, with the assistance of appropriate County agencies, develop a master capital improvement plan to include a five-year financial plan in support of the capital funding required, prior to proceeding with any major capital construction/acquisition requests. This plan, with justification for all proposed projects, shall be submitted to the Board of Supervisors for approval.

A provision shall be made for advising citizens of the fiscal impact of proposed major capital projects and for soliciting citizen input regarding the advisability of embarking on such capital projects.

Any plan, with justification for all proposed projects, shall be submitted to the Board of Supervisors for approval and any major changes in the scope of work shall follow County procedures.

Upon appropriation by the Board of Supervisors of necessary capital funds, the Governing Board shall work with the appropriate County agencies in the selection of an architect, review of plans, and preparation of the bid package in accordance with applicable County procedures. Final plans and bid results shall be presented to the Board of Supervisors for approval; and appropriate County agencies, in conjunction with Community Center staff and Board, will be responsible for supervision of the project during construction.

The Governing Board may recommend that projected major capital improvements be financed through a bond issue. Upon approval by the Board of Supervisors, the question will be presented to Small District #1 residents as an item on the official ballot on election day in November of the current year, based on County policies and procedures governing bond sales. In any sale of bonds, the Governing Board will project a funding timetable for recommendation to the Supervisors and will assist with publicity in the community. Following approval by the Board of Supervisors, the appropriate County departments will prepare and implement the plan.

E. Purchasing

1. The purchase of goods and services shall be administered according to Fairfax County purchasing procedures.

2. The following specific provisions shall be permissible:

   a. The Community Center may obtain, through established County bidding procedures, a contractor(s) to perform grounds main-

tenance in accord with specifications established by the Center in consultation with the Fairfax County Park Authority. The Park Authority will be available to perform basic minimum ground services upon timely request of the Community Center.

b. The Community Center may obtain, through established County bidding procedures, a contractor(s) to perform custodial services in accord with specifications established by the Center in consultation with the Fairfax County Facilities Management Division.

F. General

The Governing Board, as a member board of the County of Fairfax, has direct access to the Board of Supervisors.

VI. Rules and Procedures

A. Time and Place of Board Meetings

1. Regular monthly meetings shall be held by the Board of Governors. Such meetings shall be announced to the public in the local media and in the Weekly Agenda through the Office of Public Affairs, and shall be open and public.

2. Meetings may be cancelled or rescheduled by the Chairperson of the Board or a majority of the Board members. Notice of such scheduling shall be given to members of the Board and to the local media.

3. All meetings of the Board of Governors shall be held at the McLean Community Center or some other public place if space is not available at the McLean Community Center.

4. Special meetings may be called at the request of two (2) or more Board members. The Chairperson shall notify all members and at least one (1) local publication of such meetings.

B. Conduct of Board Meetings

1. All Board meetings shall be conducted in accordance with Roberts Rules of Order (newly revised). These rules may be amended or suspended by a two thirds vote of members present, for any specific matter or question.

2. For purposes provided in the Virginia Freedom of Information Act, the Board may meet in executive session upon motion made, seconded, and duly adopted. No resolution, rule, contract, regulation or motion adopted, passed, or agreed to in an executive or closed meeting shall become effective until the Board votes its adoption in an open meeting.

3. A majority of all the members of the Governing Board shall constitute a quorum. The Chairperson shall be included and counted in determining the presence or absence of a quorum.

4. Order of Business

   a. Commencement of Meeting - the Chairperson shall call Board meetings to order at the appointed time and shall direct the Secretary to make note of the presence or absence of Board members.

   b. The Chairperson, in consultation with other Board members, shall prepare an agenda for each meeting of the Board. At the start of all meetings, the agenda shall be announced or distributed in writing and the Board members shall be given an opportunity to make additions or revisions prior to its approval. Major agenda items shall be made known to the Board at least 24 hours prior to the regular meetings. Further changes in the meeting agenda may be made after the agenda has been approved, if there is a wide public interest or upon a 2/3 vote of the Board.

C. Committees

1. The Board may establish such committees and subcommittees as deemed necessary to fulfill its responsibilities. Board members may be restricted as to the number of committees on which they serve based upon guidelines established by the Governing Board. Committee

appointments shall be made by the Chairperson with the consent of the Board. The Chairperson may participate (as a voting member) in any or all committees the Chairperson so desires.

2 The Board may name residents of Small District #1 to serve as consulting members of any or all standing committees. The Governing Board should make specific efforts to involve a cross section of citizens. However, chairpersons of all committees shall be elected members of the Board.

3. Committee meetings shall be open to the public and attending residents of Small District #1 shall be invited to state their concerns.

D. Assurance of Public Accountability

1. Public Hearings

a. shall be held annually to discuss the budget proposed for the coming fiscal year. The hearing record will be open for one week to receive written comments from members of the public.

b. shall be held to discuss major capital improvement projects.

c. shall be held to discuss substantive changes in the Memorandum of Understanding.

d. shall be held to discuss any issue of major importance to the Community Center or to the citizens of Small District #1 with regard to the Community Center.

e. will follow all provisions of the Code of Virginia referencing public hearings.

2. Public Notification and Comment

a. Major actions taken by the Board, and significant agenda items, shall be communicated to at least one local publication for the information of Small District #1 residents.

b. The Board will notify the Office of Public Affairs, for inclusion in the Weekly Agenda, and at least one local publication of the time and place of Board meetings and public hearings. Notice will be given sufficiently in advance to allow publicity at least three (3) days in advance of a regular Board meeting and thirty (30) days in advance of a public hearing.

c. Members of the public present at any Board meeting or public hearing shall be given an opportunity to present their views and concerns to the Board. No advance notification will be required for such public comment.

MEMORANDUM OF UNDERSTANDING

The Fairfax County Board of Supervisors and the Governing Board of the McLean Community Center hereby mutually endorse and agree to the roles, responsibilities and duties of the respective parties as detailed in the attached document; McLean Community Center Memorandum of Understanding.

The Fairfax County Board of Supervisors hereby approves the relationship described in this "Memorandum of Understanding" on the basis that cooperative and mutually compatible working relationships can be achieved which will facilitate the operation and maintenance of the McLean Community Center.

February 8, 1984
Date

J. Herrity
Chairman, Fairfax County Board of Supervisors

February 7, 1984
Date

Judith D. Landry
Chairman, McLean Community Center Governing Board

Subscribed and sworn to before me this 7th day of February, 1984, a Notary Public in and for the Commonwealth of Virginia
F. Jeannine Buchu Jones

My Commission Expires May 18, 1987

Subscribed and sworn to before me this 8th day of February, 1984, a Notary Public in and for the State of Virginia, County of Fairfax, by John F. Herrity, Chairman, Fairfax County Board of Supervisors.

Barbara M. Jenkins
Notary Public

My commission expires April 23, 1984.

Original Document Under Legal

Board Agenda Item
February 14, 2017

ACTION - 2

Approval of a Letter Agreement Between Fairfax County and Fairfax County Park Authority for the Funding and Administration of the Cross County Trail Paving – Wakefield Park (Braddock District)

ISSUE:
Board approval of Letter Agreement between Fairfax County and Fairfax County Park Authority (FCPA) for the funding and administration of the Cross County Trail Paving – Wakefield Park.

RECOMMENDATION:
The County Executive recommends that the Board authorize the director of the Fairfax County Department of Transportation (FCDOT) to enter into the attached Letter Agreement (Attachment I) between Fairfax County and FCPA for the funding and administration of the Cross County Trail Paving – Wakefield Park, in substantial form.

TIMING:
The Board should act on this item on February 14, 2017, to allow the funding to be used by FCPA for construction activities related to the Cross County Trail Paving – Wakefield Park project.

BACKGROUND:
The Cross County Trail is a major trail that spans Fairfax County from the Occoquan River to the Potomac River. The trail consists of paved, gravel, and single track sections that provide hiking and bicycling options for a variety of users. Many sections of the Cross County Trail are used as commuting routes for bicyclists, including the section in Wakefield Park, which provides a north-south connection parallel to I-495.

This section of the trail contains a variety of surfaces including asphalt, stonedust, and natural surface, which can make commuting by bike difficult depending on weather. Additionally, there are maintenance issues associated with the unpaved sections during significant storms when Accotink Creek floods.

The plan to pave this section of the Cross County Trail is made possible by the partnership between FCPA and FCDOT and the combination of funds approved in previous bond referendums. FCPA has $400,000 available for this project, and FCDOT

has $200,000 available. Design work on the project is underway, fully funded by FCPA, and FCDOT is contributing $200,000 towards the construction phase of the project.

FISCAL IMPACT:
The attached Letter Agreement is for a total amount of $200,000. As part of the 2014 Transportation Bond $200,000 was approved for Cross County Trail Paving – Wakefield Park. These funds have been budgeted in Fund 30050 Transportation Improvements, project ST-000037-004. There is no impact to the General Fund or any other project in the Transportation Priorities Plan.

ENCLOSED DOCUMENTS:
Attachment I: Letter Agreement for Project Administration of the Cross County Trail Paving – Wakefield Park

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, P.E., Chief, Capital Projects and Traffic Engineering Division, FCDOT
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Ray Johnson, Coordination and Funding Division, FCDOT
Adam Lind, Capital Projects and Traffic Engineering Division, FCDOT

ASSIGNED COUNSEL:
Corinne N. Lockett, Office of the County Attorney

County of Fairfax, Virginia

DATE: January 9, 2017

TO: Kirk Kincannon
Director, Fairfax County Park Authority

FROM: Tom Biesiadny
Director, Fairfax County Department of Transportation

SUBJECT: Letter Agreement for Project Administration of Cross County Trail Paving – Wakefield Park, FCDOT Project #B289, FOCUS #ST-000037-004

This Letter Agreement made and executed between the Fairfax County Park Authority (Park Authority) and Fairfax County (County) will set forth the funding and administration for the "Cross County Trail Paving – Wakefield Park" (Project).

The Project will be designed, engineered, and constructed in accordance with all applicable federal, state and local laws and regulations and the "Project Schedule" (Attachment 1) established by the County and Park Authority.

The County and Park Authority agree to several Project specific conditions and requirements as outlined in this letter and its attachments to ensure a timely and smooth progression for Project completion.

It is the intention of the parties that when the Project is completed, the Fairfax County Park Authority will maintain the trail.

Pursuant to this Letter Agreement, the parties agree:

1. The Project, as described on "Conceptual Layout" (Attachment 2), is located between Braddock Road and Little River Turnpike on Park Authority property. No additional right-of-way is required to complete the project.

2. Park Authority shall act as the Project Manager for the Project as further described in this Letter Agreement. This includes design and construct of the Project.

3. Funding for this Project is available in Fund 30050 (Transportation Improvements), project number ST-000037-004, in the total amount of $200,000, to be applied toward the cost of construction. The Park Authority estimate to complete this project is $600,000 and agrees to fund the remaining balance of the project and any cost overruns associated with the design or construction of the project.

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

The Park Authority shall encumber $200,000 from FCDOT Fund 30050, project number ST-000037-004 and $400,000 from FCPA Fund C30400, project number PR-000091-029.

The Park Authority shall be responsible for all invoice tracking, budgeting and processing payment.

4. All design aspects for the Project shall be prepared in accordance with all applicable laws, regulations, and design standards to include compliance with all applicable Virginia and County procurement laws and regulations.

5. Park Authority shall adhere to the agreed upon schedule (Attachment 1) and will coordinate with the County on major milestones that may require modifications to the schedule. The agreed upon schedule will be adjusted for any delays in the schedule, due to Project related activities by County staff and/or required by the County.

6. FCDOT will be accorded the opportunity to review the design at each stage of Project development and prior to final review by Land Development Services

7. Park Authority shall provide to the County a copy of the final site plan for the Project upon completion of final design.

8. Park Authority shall retain all records for the Project for the time periods required by Virginia's Records Retention Act and shall make available to the County any such records upon request at no cost to the County.

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

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

11. Nothing herein shall be construed as a waiver of the County's or Park Authority's sovereign immunity and nothing herein shall create or vest any rights in any third parties.

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

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

Tom Biesiadny (Tom.Biesiadny@fairfaxcounty.gov), Director, FCDOT,
Adam Lind (Adam.Lind@fairfaxcounty.gov), Project Manager, FCDOT, 4050 Legato Road, Suite 400, Fairfax, VA 22033-2895.

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

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

Signatures below acknowledge Project concurrence.

_____
Tom Biesiadny
Director, Fairfax County Department of Transportation

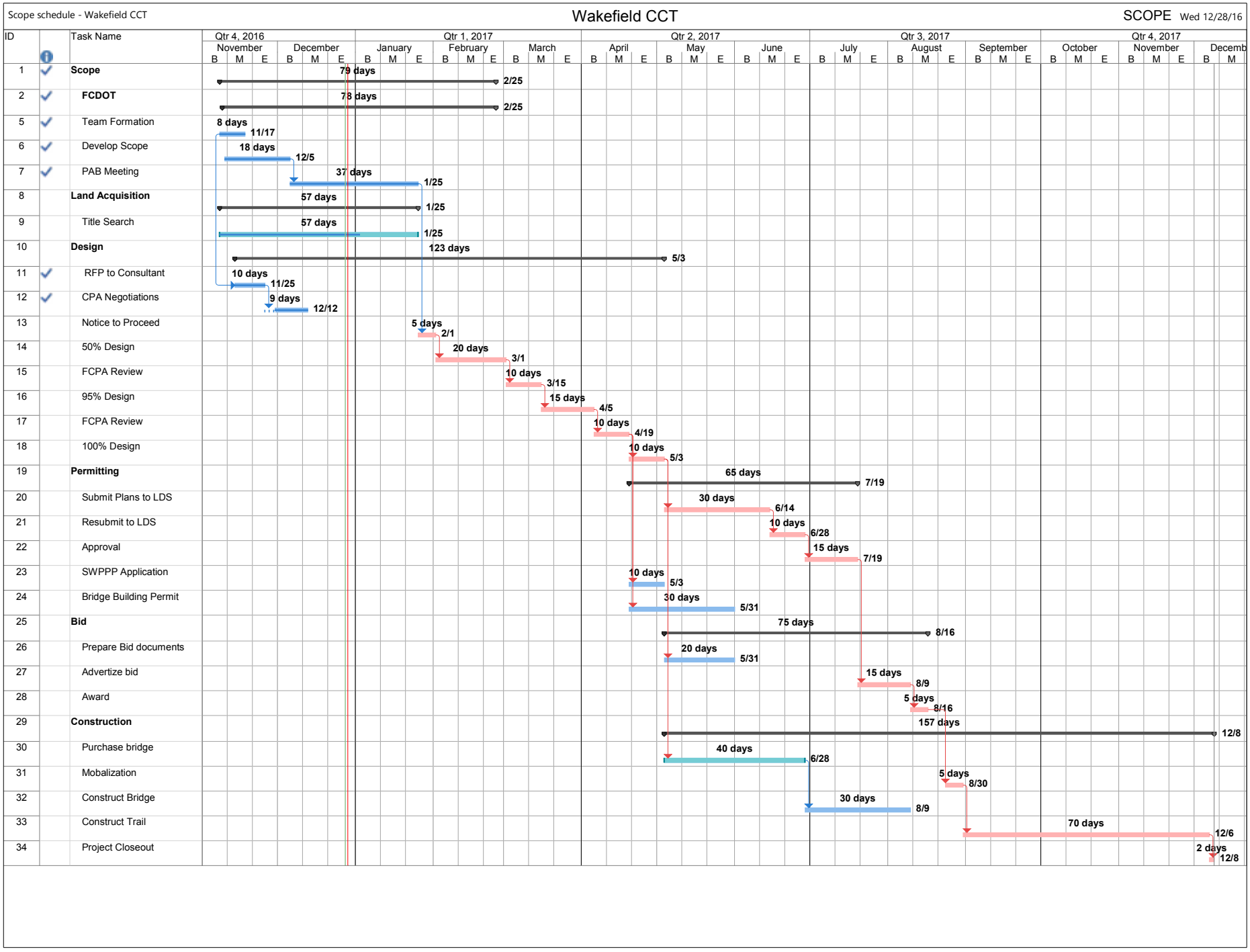
_____
Kirk Kincannon
Director, Fairfax County Park Authority

Attachments:

1-Project Schedule
2-Conceptual Layout
3-Cost Estimate

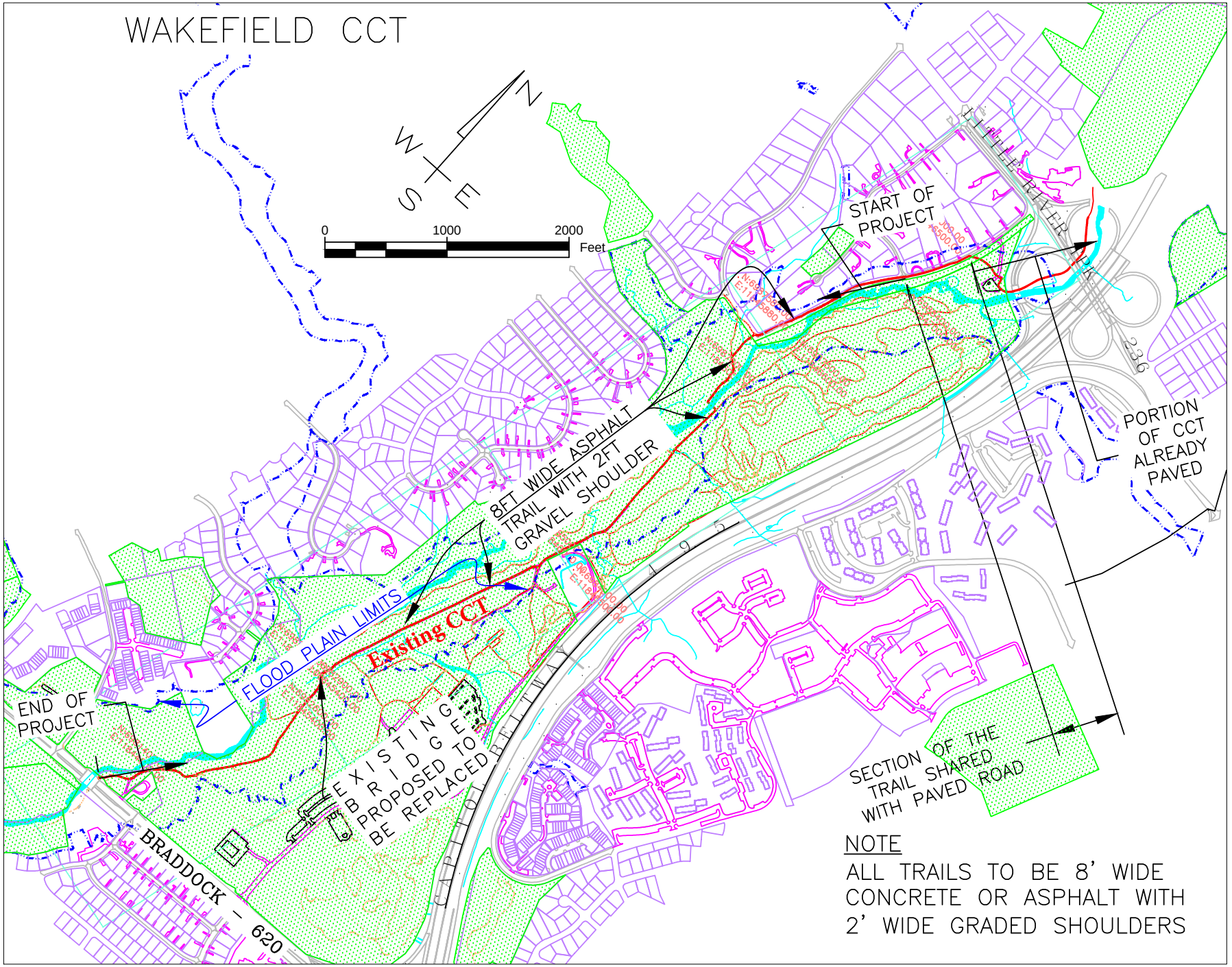
cc: Eric Teitelman, P.E., Chief, Capital Projects & Traffic Engineering, Division, FCDOT
W. Todd Minnix, P.E., Chief, Transportation Design Division, FCDOT
Ray Johnson, Transportation Planner III, CFD, FCDOT
Elizabeth Cronauer, Trails Program Manager, FCP
David Bowden, Chief, Planning & Development Division, FCPA
Michael Baird, Manager, Capital and Fiscal Services
Mohamed Kadasi, Branch Manager, Project Management Branch
Som Govender, Project Manager

Letter Agreement Attachment I



COST ESTIMATE – CCT Paving at Wakefield Park

Design phase:	
Pre-Scope	$20,000
Basic Design Services (Consultant)	$50,000
Permitting	$6,000
Design Subtotal	**$76,000**
Construction Phase:	
8600 LF asphalt paving	$351,000
Bridge Replacement	$40,000
Bridge Installation	$30,000
Culvert Replacement	$10,000
Construction Subtotal	**$431,000**
Administrative:	
10% Construction Contingency	$43,000
10% Administration	$50,000
Project Total (Design, Construction, Administrative)	**$600,000**


WAKEFIELD CCT
N
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Feet
START OF PROJECT
PORTION OF CCT ALREADY PAVED
8FT WIDE ASPHALT TRAIL WITH 2FT GRAVEL SHOULDER
FLOOD PLAIN LIMITS
Existing CCT
END OF PROJECT
EXISTING BRIDGE TO BE REPLACED
PROPOSED TO
BRADDOCK - 620
CAPITOL BELTWAY
495
236
SECTION OF THE TRAIL SHARED WITH PAVED ROAD
NOTE
ALL TRAILS TO BE 8' WIDE CONCRETE OR ASPHALT WITH 2' WIDE GRADED SHOULDERS

Board Agenda Item
February 14, 2017

ACTION - 3

Endorsement of the Fairfax County Bicycle Parking Guidelines

ISSUE:
Board of Supervisors endorsement of the Fairfax County Bicycle Parking Guidelines (Attachment I).

RECOMMENDATION:
The County Executive recommends that the Board endorse the Fairfax County Bicycle Parking Guidelines (Guidelines) to provide guidance to the development community on the number, type, and location of bicycle parking proposed with new development.

TIMING:
Board action is requested on February 14, 2017, to allow the recommendations in the Guidelines to be implemented expeditiously.

BACKGROUND:
Bicycle parking is needed for the County to meet its goals of encouraging multi-modal transportation as stated in the Comprehensive Plan. Residents who choose to bicycle need safe and secure locations to park when they visit friends and family, shop, and work. The type, quantity, and adequacy of bicycle parking that currently exists varies from location to location. The Guidelines will provide direction to facilitate adequate bicycle parking in all future development.

In the Washington D.C. metropolitan area, Arlington County's, the City of Alexandria's, and the District of Columbia's zoning ordinances prescribe the required number of bicycle parking spaces in each of their zoning districts. The parking ratios suggested by the Guidelines were determined after researching these ordinances, as well as bicycle parking ratios and guidance from multiple jurisdictions around the country.

Fairfax County Department of Transportation (FCDOT) staff presented information about the Guidelines to the Board Transportation Committee on May 19, 2015 (Attachment II). The presentation discussed the various sections of the document, what the process currently entails without these guidelines, and examples of how the document would be used to guide bicycle parking as a part of development. The Board instructed the Fairfax County Department of Transportation to conduct further public

outreach with the development community to supplement its previous outreach with the bicycle community.

FCDOT released an “Announcement to Industry” in November 2015, with a link to the Guidelines online and asked for feedback by the end of January 2016. The following is a summary of the comments received and the response by FDOT:

I. Comment: Short term bicycle parking ratios for commercial development appear to be high (1 space/20,000 sq. ft.) and location guidance within the streetscape may not be feasible.

   Response: The FCDOT bicycle parking ratios were developed after a review of local and national jurisdictional bicycle parking rates, and are the same as Arlington County and the City of Alexandria. The guidance on bike rack location is the ideal siting, and may not always be possible. FCDOT understands the need to be flexible and work with developers on the design and location for bicycle parking.

II. Comment: Long term parking ratio in urban activity centers and transit station areas (1/7,500 sq. ft.) is high and location guidance may be difficult to meet.

   Response: The FCDOT bicycle parking ratios were developed after a review of local and national jurisdictional bicycle parking rates, and are in line with these jurisdictions. The guidance on bike rack location is the ideal siting, and may not always be possible. FCDOT understands the need to be flexible and work with developers on the design and location for bicycle parking.

III. Comment: Guidance on wayfinding and bicycle parking signs should be included in the document

   Response: FCDOT added information about bicycle parking signage to the document.

IV. Comment: Fairfax County might want to look into the alternative framework in line with LEED v4 BD&C bicycle facility credit criteria, which is based on the use and projected number of visitors to a building (with an example of a data center or server farm).

   Response: FCDOT selected to use the model many of the surrounding jurisdictions use and recommended by the Association of Pedestrian and Bicycle Professionals *Bicycle Parking Guidelines,* which identifies bicycle

parking rates by building use and size. However, adjustments may be appropriate, depending on the building use. Adjustments can be discussed on a case by case basis.

In addition to these specific comments, many stylistic comments were received and incorporated into the document.

FISCAL IMPACT:
There is no fiscal impact to the County as a result of this endorsement.

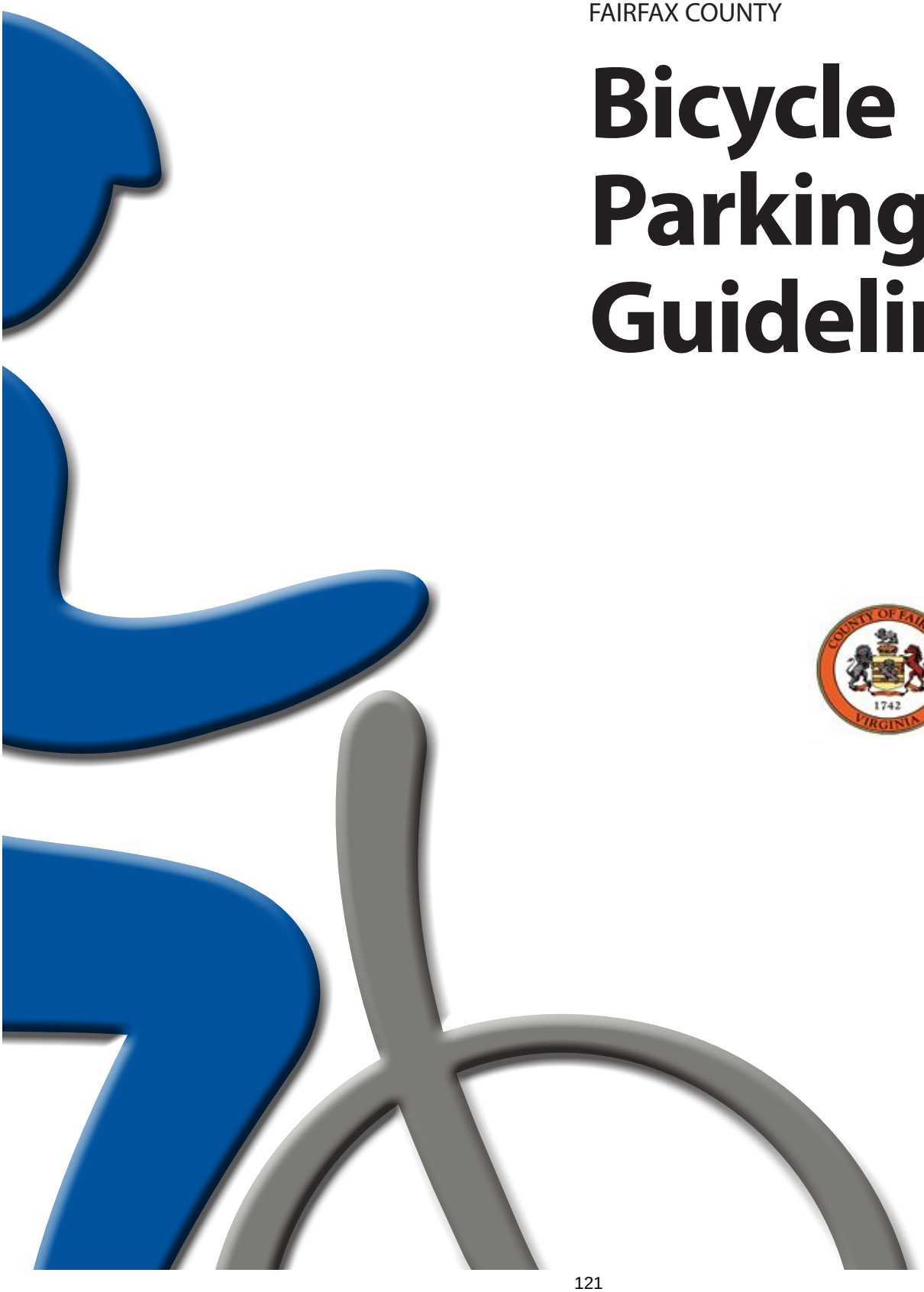
ENCLOSED DOCUMENTS:
Attachment I: Fairfax County Bicycle Parking Guidelines
Attachment II: Presentation to Board of Supervisors on May 19, 2015

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, P.E., Chief, Capital Projects and Traffic Engineering Division, FCDOT
Chris Wells, Capital Projects and Traffic Engineering Division, FCDOT
Adam Lind, Capital Projects and Traffic Engineering Division, FCDOT

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney
Sara G. Silverman, Assistant County Attorney

FAIRFAX COUNTY

Bicycle Parking Guidelines



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V. Placement and Installation Guidelines 11

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Fairfax County Department of Transportation would like to acknowledge all those who helped in making this document come together: the Association of Pedestrian and Bicycle Professionals (APBP), Fairfax County Department of Planning and Zoning, Fairfax County Office of Commercial Revitalization, the City of Alexandria, Arlington County, Washington Metropolitan Area Transit Administration (WMATA), Dero, Cycle-safe, and the Fairfax Alliance for Better Bicycling (FABB).

I. Introduction

In late 2005, the Fairfax County Board of Supervisors unanimously approved the Comprehensive Bicycle Initiative, a program designed to make Fairfax County both bicycle friendly and safe. One of the major goals of the program is to encourage bicycling as a reasonable mode of transportation for commuting to and from employment, shopping or running errands, visiting friends and neighbors, as well as for recreation. Bicycling is a healthy and environmentally friendly way to get around the County.

A major obstacle to promoting bicycling is the lack of ample, safe, and secure bicycle parking. Initial surveys of existing bike parking facilities in Fairfax County revealed not only a shortage of racks but that many racks have been installed incorrectly or placed in undesirable locations. The Board of Supervisors directed the Fairfax County Department of Transportation (FCDOT) to develop a policy and design guidelines for bicycle parking.

This document will serve as a resource and provide direction to the development community and government entities directly involved with the planning, design, installation, and maintenance of bicycle racks throughout Fairfax County. It outlines best practices and defines the preferred types of racks, the proper placement/installation, and the number of racks suggested based on land use classifications. These guidelines should guide all new development in Fairfax County, as well retrofits to existing sites.

II. Classifications of Bicycle Parking

Similar to automobile parking needs, well designed accommodations should be made for bicycle parking. Surveys have shown that the leading deterrent to potential bicycle commuters is lack of safe, secure, and convenient parking.

Bicycle parking is defined by two general categories: short-term and long-term.

Table 1, adapted from the "Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines, 2nd Addition" summarizes the differences and applications of short-term and long-term bicycle parking.

Table 1
Short-Term and Long-Term Bicycle Parking

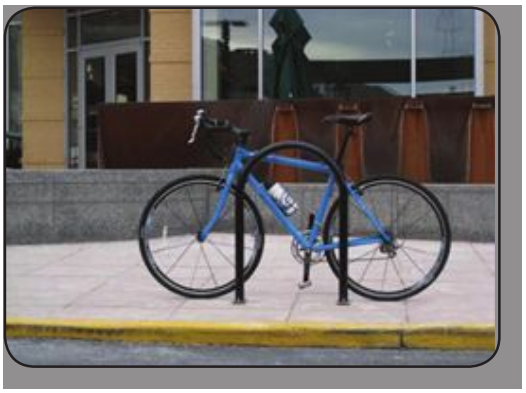
Criteria	**Short-Term Parking** (Emphasizes Convenience and Accessibility)	**Long-Term Parking** (Emphasizes Convenience and Security)
Duration	Less than two hours	Greater than two hours
Fixture Type	Rack	Locker, Rack in secure location
Weather/Elements	Unsheltered, but Sheltered is desirable	Sheltered or Enclosed
Security	Unsecured - Passive Surveillance	Secured - Active or passive surveillance. Individual - secure such as lockers. Shared - Secure such as bike rooms or cages.
Land Use Applications	Commercial/retail centers, schools, libraries, multi-family residential (visitors), places of employment, and transit facilities	Places of employment, multifamily residential, and transit facilities (e.g. transit stations, park and ride lots)
Desirable Location	≤ 50 FT from primary building entrance	Desirable ≤ 300 FT Preferred ≤ 100 FT from primary building entrance*

*While it is desirable to locate bicycle parking facilities in close proximity to the primary entrance, many long-term parking facilities are located in structured parking garages separated from the residence or place of employment. In these situations, bicycle parking should be located in a safe and convenient location in close proximity to the elevator core, garage entrance/exit, or employee entrance.

Short-term Parking (for Visitors, Residents, Shoppers, Guests, and Employees)

Short-term parking emphasizes convenience and accessibility. These include the racks located at the library, municipal buildings, schools, cafes, and retail centers. Bicycle racks should be integrated into the overall streetscape design.

Short-term bicycle parking consists of a bicycle rack(s) intended for site users. Preferably, these racks should be located within 50 feet, but no more than 100 feet of the primary entrance and should be under cover, protected from the elements, and be highly visible. The preferred bicycle rack type is the inverted "U" rack (or variation of the "U" rack) but other racks can be used in consultantation with the Fairfax County Department of Transportation (FCDOT).



Each "U" rack can accommodate two bicycles. This simple design provides two contact points for the bicycle and allows multiple alternatives for locking the bicycle (frame and one or both wheels). Additional types of custom bike racks are shown below Section IV describes in greater detail equipment choices and installation guidance.

Tysons Corner Shopping Mall, Tysons, VA

Source: Macerich

Chinatown, Washington, DC

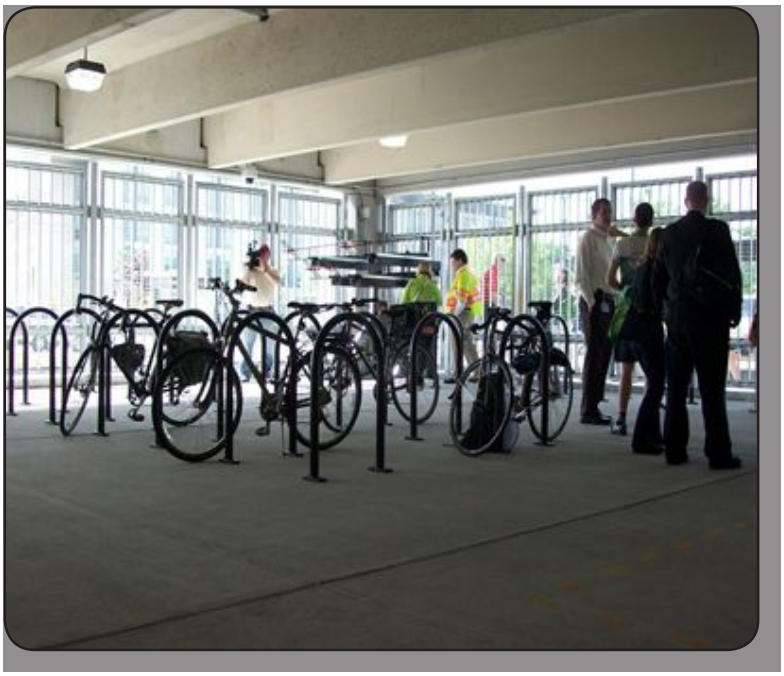
Source: DDOT

Long-term Bicycle Parking (for Employees, Commuters, and Residents)

Long-term bicycle parking, sometimes referenced as Class I bicycle parking, emphasizes not only convenience but also security. This type of bicycle parking accommodates commuters, employees at their place of employment, and residents of multi-family dwellings where the duration of parking is usually two hours or more. These parking amenities include bike lockers, bike cages, and bike rooms. These facilities offer fully enclosed and locked storage and are accessed with a key, a coded lock, or an electronic access device.

Bicycle cages or bike rooms are usually interior spaces and can be located in parking garages, office buildings, or multi-family residential buildings. In addition to providing secure storage for bicycles, some rooms include additional amenities such as lockers, showers, changing areas, and, in some cases, equipment and tools for minor repairs.

To maximize usage, rooms and cages can be configured with space-saver racks, including wall/floor mounted vertical racks and/or two-tier or double-decker style racks (if ceiling clearances are adequate). It is advisable to incorporate standard "U" racks in the room/cage design to accommodate individual needs and special equipment. A minimum of 30 percent of the total parking capacity should be allocated to floor mounted inverted "U" racks.



Bicycle lockers are free standing units usually grouped together in clusters ranging from two units and up, and are generally located outdoors convenient to the primary entrance to places of employment or transit facilities. Each locker accommodates one bicycle. Lockers provide a secure enclosure and protection from weather. They are anchored to the ground and are constructed of durable tamper resistant materials such as steel, aluminum, or fiberglass reinforced plastic. Individual lockers are normally assigned to one user and rented on an annual basis or provided free by the employer. Some jurisdictions are experimenting with shorter term rentals. Bicycle lockers are available at most park and ride lots, transit transfer centers, and Metrorail stations in Fairfax County.

III. Bicycle Parking Requirements and Ratios

How many bicycle parking spaces do you need? The parking calculations as shown in Tables 2A and 2B are based on national trends using a mode share of one percent to five percent bicycle. They define the number of required bicycle parking spaces, including both short-term and long-term parking.

Fairfax County is a large, complex county with land uses ranging from agricultural and low density residential to suburban office campuses and emerging urban centers, such as Tysons.

After reviewing trends for bicycle parking in adjacent jurisdictions, as well as other American and Canadian cities, it was determined that a "one size fits all" parking recommendations for bicycles would not work. Tables 2A and 2B provide a matrix outlining the recommended minimum number of parking spaces using the Land Classification System as defined in the Policy Plan element of the County's Comprehensive Plan.

As the matrix indicates, higher levels of bicycle parking requirements are suggested as part of the mixed use centers, specifically, urban centers and transit station areas, including all transit oriented developments. Higher bicycle mode share is anticipated in these centers.

Table 2A
Bicycle Parking Recommendations *excluding* Urban Centers and Transit Station Areas (TSA)

Use	Short-Term Parking	Long-Term Parking
Single Family Detached Residential	n/a	n/a
Multi Family Residential	One visitor space/50 units of portion thereof	One space/10 units or portion thereof
Commercial Retail	One visitor space/10,000 SF of floor area or portion thereof	One employee space/25,000 SF of floor area or portion thereof
Office	One visitor space/20,000 SF of floor area or portion thereof	One employee space/10,000 SF of floor area space or portion thereof
Industrial Areas	One visitor space/20,000 SF of floor area or portion thereof	One employee space/25,000 SF of floor area or portion thereof
Institutional Uses (e.g. Libraries, Schools, Government Facilities)	To be determined in consultation with FCDOT. (Factors include: size of building, number of students, surrounding bicycle infrastructure, number of vehicle parking spaces, etc.)	

Bicycle parking spaces should be installed at interior and/or exterior locations that are convenient to the retail customers and employees. Locations should be reviewed by FCDOT.

Table 2A
Bicycle Parking Recommendations for Urban Centers and Transit Station Areas (TSA)

Use	Short-Term Parking	Long-Term Parking
Single Family Detached Residential	n/a	n/a
Multi-Family Residential	One visitor space/25 units of portion thereof	One space/3 units or portion thereof
Commercial Retail	One visitor space/5,000 SF of floor area or portion thereof	One employee space/12,500 SF of floor area or portion thereof
Office	One visitor space/20,000 SF of floor area or portion thereof	One space/7,500 SF of floor area space or portion thereof

Bicycle parking spaces should be installed at interior and/or exterior locations that are convenient to the retail customers and employees. Locations should be reviewed by FCDOT.

IV. Equipment Choices

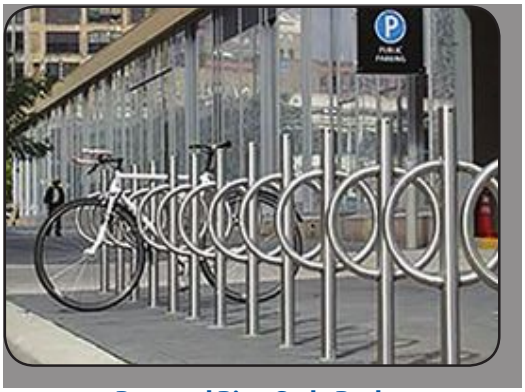
What makes a good bicycle rack? Its function is simple. The rack should be securely anchored to the ground; it should support the bicycle in at least two places preventing it from tipping over; it should provide multiple points of locking securing both the frame and one or both wheels; it should be constructed of tamper resistant materials; and it should accommodate a variety of bicycle types and sizes. An effective bicycle rack should also complement area aesthetics and reflect the design elements of the streetscape.

Inverted "U" Rack and Variations

The inverted "U" or hoop rack is the preferred bicycle rack. This rack is simple in design, low cost, and available in a multitude of colors and finishes. The tubing can be round, elliptical, or square. Mounting options include: in-ground, surface mount with base plate, and rail mounting. The standard specification and installation requirements for an inverted "U" rack are attached in Appendix B of this report.

Inverted "U" or Hoop Rack, Chantilly Library, Fairfax, VA

Variations of the "U" rack design are acceptable as long as basic rack functions and security features are maintained. Some examples of good, acceptable racks include the: post and ring, hitch rack, and swerve rack.



Post and Ring Style Rack

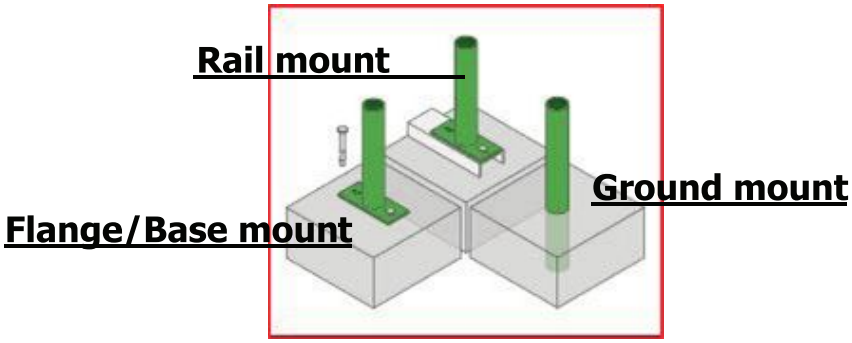
Source: DERO Bike Racks

Swerve Rack

Source: DERO Bike Racks

Installation Guidance

Racks can be installed individually or clustered together. There should be at least 36" between each inverted "U" rack to allow for two bicycles to park adjacent to each other. Mounting options include flange/base plate, rail mounted, or ground/core drilled.



Source: DERO Bike Racks

Art Racks

Specially designed bicycle racks are becoming more popular. These "art racks" can incorporate a municipal or corporate logo, a design reflective of the neighboring environment, or simply capture the imagination of the artist. These racks are acceptable as long as the basic rack functions as stated earlier are met. The examples below are a sampling of how municipalities and businesses are customizing their bicycle parking.

PNC Bank: Fairfax County, VA

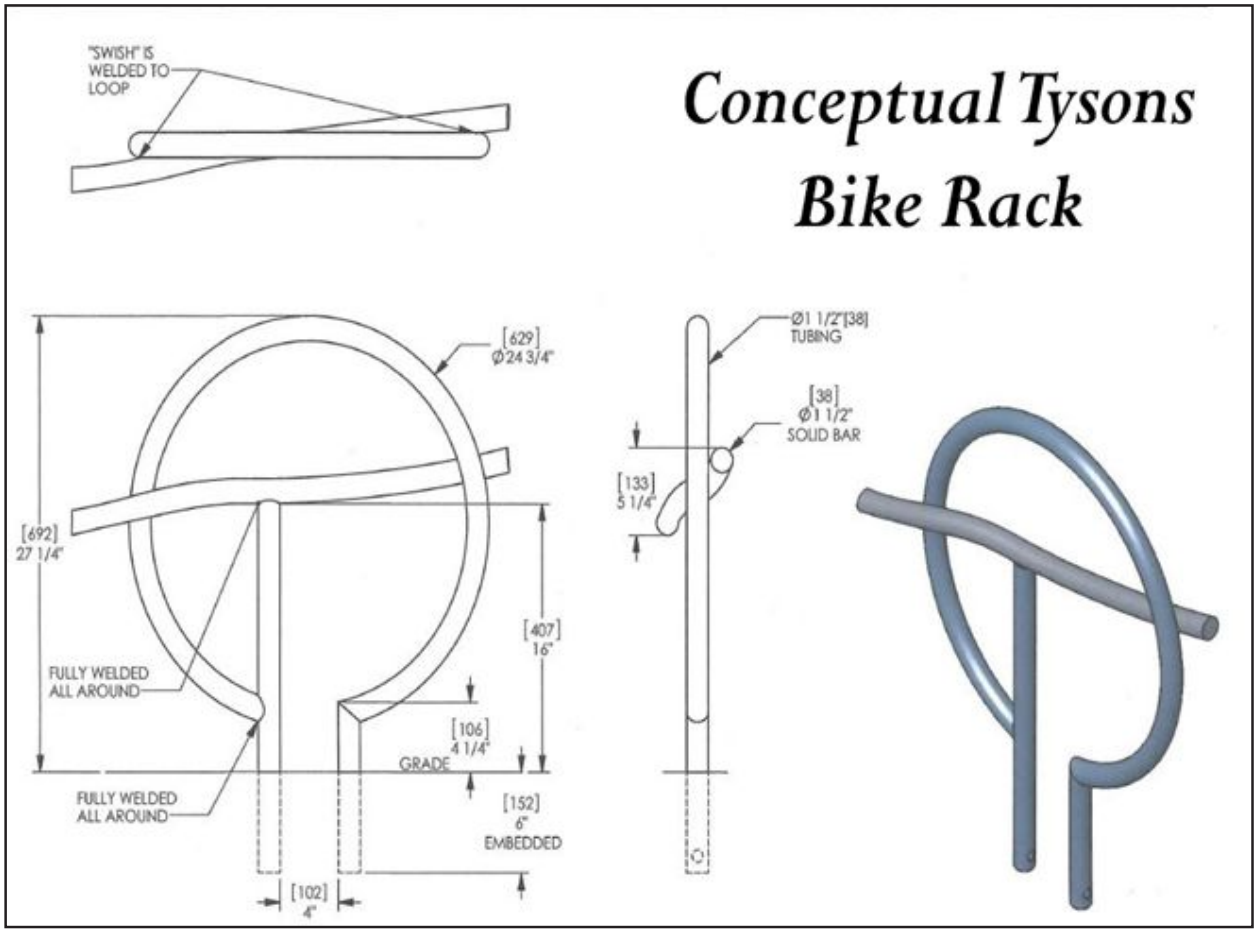
Source: FCDOT

Pittsburgh, PA

Source: BikePGH.org

Areas and Districts with Urban Design Guidelines

Several areas within Fairfax County including McLean, Annandale, Merrifield, and Tysons have design guidelines that identify street furniture specific to that area or district. These Urban Design Guidelines provide guidance on bicycle parking. The type of bicycle parking equipment, including material and color, should be compatible to the street furnishings selected for that specific area. The example below shows a conceptual design specific to Tysons. The rack is a variation of the "ring" style rack from Landscape Forms incorporating the Tysons branding into the design. This design meets FCDOT specifications.



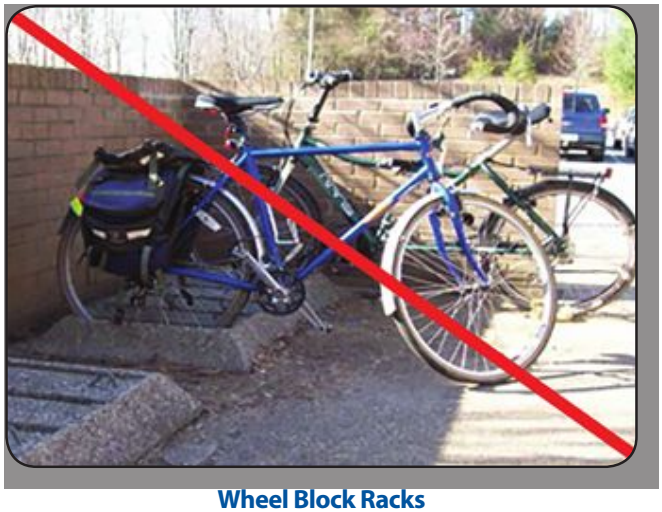
Undesirable Racks

Many bicycle racks currently on the market do not address the basic elements of good bicycle parking. They do not provide adequate support, nor do they provide multiple contact points for locking the bicycle. In many cases, bicyclists will use them in a way not intended by the manufacturer. The photo to the right shows a bicycle locked parallel to a schoolyard (radiator, grid, or grill) style rack. This is a typical occurrence with this style rack as well as the undulating (wave) style rack and significantly reduces the parking capacity of the rack.

Types of bicycle racks that are not recommended for use in Fairfax County include, but are not limited to: schoolyard or radiator style racks, wheel blocks, and undulating or wave racks. If in doubt about a specific rack, contact FCDOT for design assistance.

The photographs on this page show examples of bike racks that are not recommended.

Radiator Style Rack



Wheel Block Racks

Wave (Undulating) Rack

V. Placement and Installation Guidelines

Selecting the right equipment is only the beginning. Placement and location of racks and lockers is important and ensures the proper use, capacity, and security of these amenities.

Initial surveys of existing bike parking amenities in Fairfax County revealed that many racks have been installed incorrectly and/or placed in undesirable locations. This section will outline the proper placement, layout, and spacing required for both bicycle racks and bicycle lockers. Appendix A provides a series of figures graphically depicting typical placement dimensions for various situations including converting on-street parking and garage parking stalls

Inadequate distance between racks restricts use

Incorrect positioning of Inverted "U" Racks

Poor location and choice of equipment restricts usage

Bicycle Rack Placement

Use the following guidelines when locating and placing bicycle racks. If the installation falls within an area or district with urban design guidelines, additional criteria regarding rack placement may be defined in those guidelines. Consult those specific guidelines in the Fairfax County Comprehensive Plan.

- Bicycle racks should be conveniently located to building entrances, preferably within 50 feet of the primary entrance but no more than 100 feet. Long-term bicycle parking should be located as close as possible to the building entrance, but can exceed these distances if conditions warrant.
- Racks should be located so as not to impede pedestrian movement. A minimum clear pedestrian area of seven feet should be maintained (measured from rack to obstacle).
- Racks should not be located within five feet of a crosswalk or accessible curb cut ramp.
- At intersections, racks should be placed a minimum of ten feet back from the beginning point of curvature of the curb radius.
- Racks should not be located within five feet of a fire hydrant or within ten feet of a siamese fire connection.
- Rack placement should not impact sight distance requirements at intersections, driveways, or commercial entrances, as specified in the VDOT Road Design Manual.
- Racks can be located adjacent to on-street parking spaces, but should be located away from door zones and not impede access. Avoid locating racks adjacent to spaces delineated for handicap parking.
- At bus stops, rack placement should not impede the loading/unloading of transit passengers and restrict ADA circulation.
- Bicycle racks should not be located within three feet of sign posts, light poles, manholes, trees, and other street furniture.
- For the safety of the rider and to minimize theft, locate bicycle parking amenities in visible, well lit, and well-travelled areas.
- Bike racks placed in the VDOT right-of-way will require a VDOT permit

VI. Interior Bicycle Storage Options

As bicycling grows in popularity and bicycle parking demands increase, more employers, government agencies, and transit providers are providing secure rooms, cages, or designated interior spaces dedicated to bicycle parking. These areas are normally located within buildings, structured parking garages, or transit stations and offer added security and convenience for the user. The facilities offer secure controlled access and bicycle securing apparatus, and can also include convenience features such as: seating, lockers and showers, changing rooms, a water fountain, vending machines, and dedicated repair/maintenance stations equipped to perform basic repairs/adjustments. The US Green Building Council (USGBC) has identified these elements in its Leadership in Energy and Environmental Design (LEED) certification guidelines.

- To maximize storage, rooms can be configured with space-saver racks, including wall/floor mounted vertical racks and/or two-tier or double-decker style racks (if ceiling clearances are adequate).
- These interior spaces can be configured in many different ways to meet the needs of the users. A bike room in a multi-family apartment building may be different from one designed for employees or transit system users. Although different, there are some common design elements that make a well-designed bike room.
- Access can be as simple as a keyed lock, coded cipher lock, or electronically controlled with a card reader device. Make sure interior handles or lock releases cannot be reached through the fencing from outside the room.
- If locating the facility in a structured parking garage, minimize bicycle travel in the garage by locating it on the ground floor convenient to the entrance/exit. Site the facility to reduce or eliminate vehicular conflicts.
- The facility should be located in an area that is heavily traveled or near the garage attendant's booth and well lit.
- Clear visibility is critical for safety. Avoid designs that create secluded areas. Walls should be open utilizing architectural fencing, glazing, or other open design treatments. Make sure the room is well lit. If the room is enclosed with solid walls inhibiting visibility, video surveillance should be included in the room design.
- Fencing should run floor to ceiling. Openings or gaps, if unavoidable, should be less than eight inches.
- To enhance personal safety, the room should be cell phone signal enabled. Providing emergency call boxes or similar alarm options should be evaluated.

- Before ordering equipment, make sure there is a workable plan/layout. Room height and vertical clearances from pipes, vents, and lighting could limit the use of double stack racks and vertical style racks.

- Think of the design vehicle/equipment and the users when laying out the room. Some bikes can't fit vertically on a wall or on a double stack rack. The room should accommodate a wide range of bikes, including bikes with trailers. Use the 70/30 rule: A minimum of 30% of the total parking capacity should be allocated to floor mounted inverted "U" racks or an equivalent style rack. With the growing popularity of electric assist bicycles, special parking areas with access to electrical outlets/charging stations should be evaluated as part of your room design.

Wiehle-Reston East Metrorail Station Bike Room, Reston, VA

- Bicycle Parking signage should also be including around the site to inform users where indoor bike parking is located

Appendix A: Placement Guidelines

Figure A: Typical Rack Spacing: Curb/Sidewalk Section I

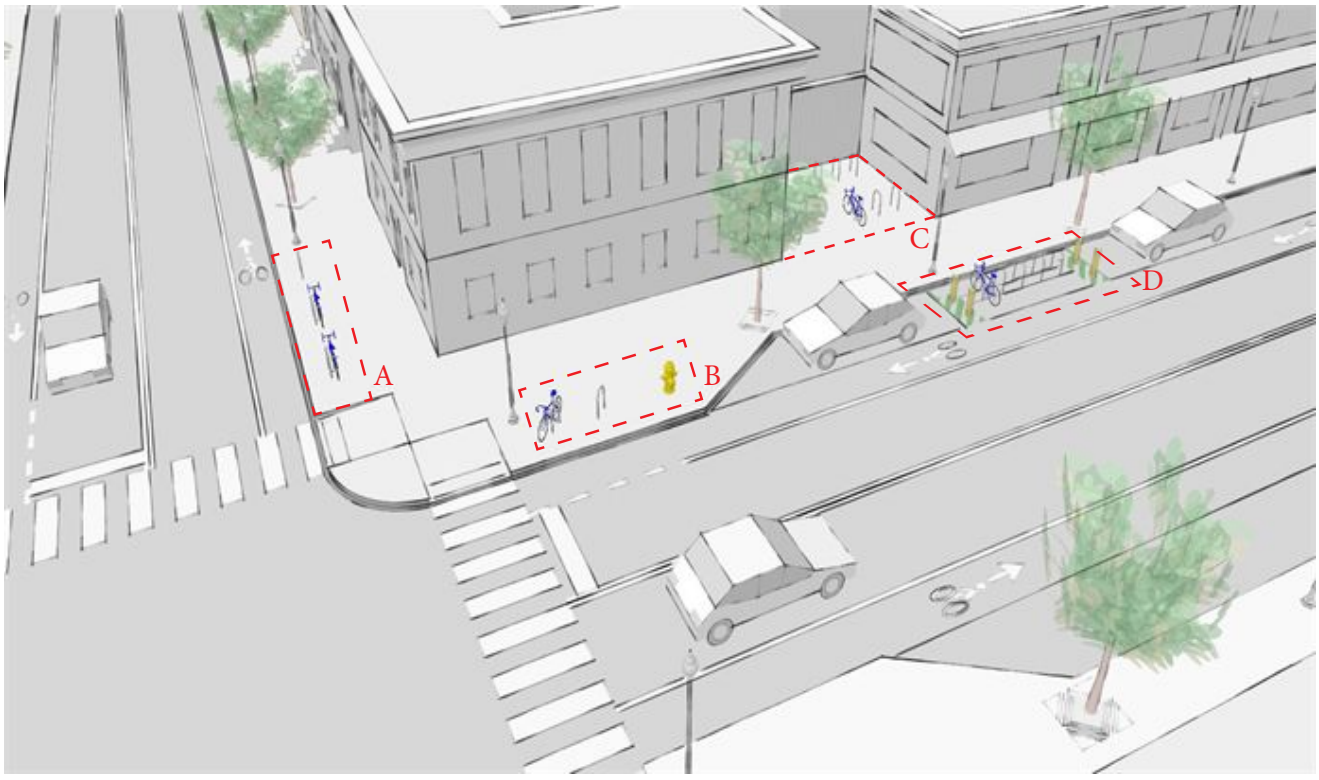
Figure B: Typical Rack Spacing: Curb/Sidewalk Section II

Figure C: Typical Rack Spacing: Wall Section

Figure D: Converting On-Street Parking to Bicycle Parking*

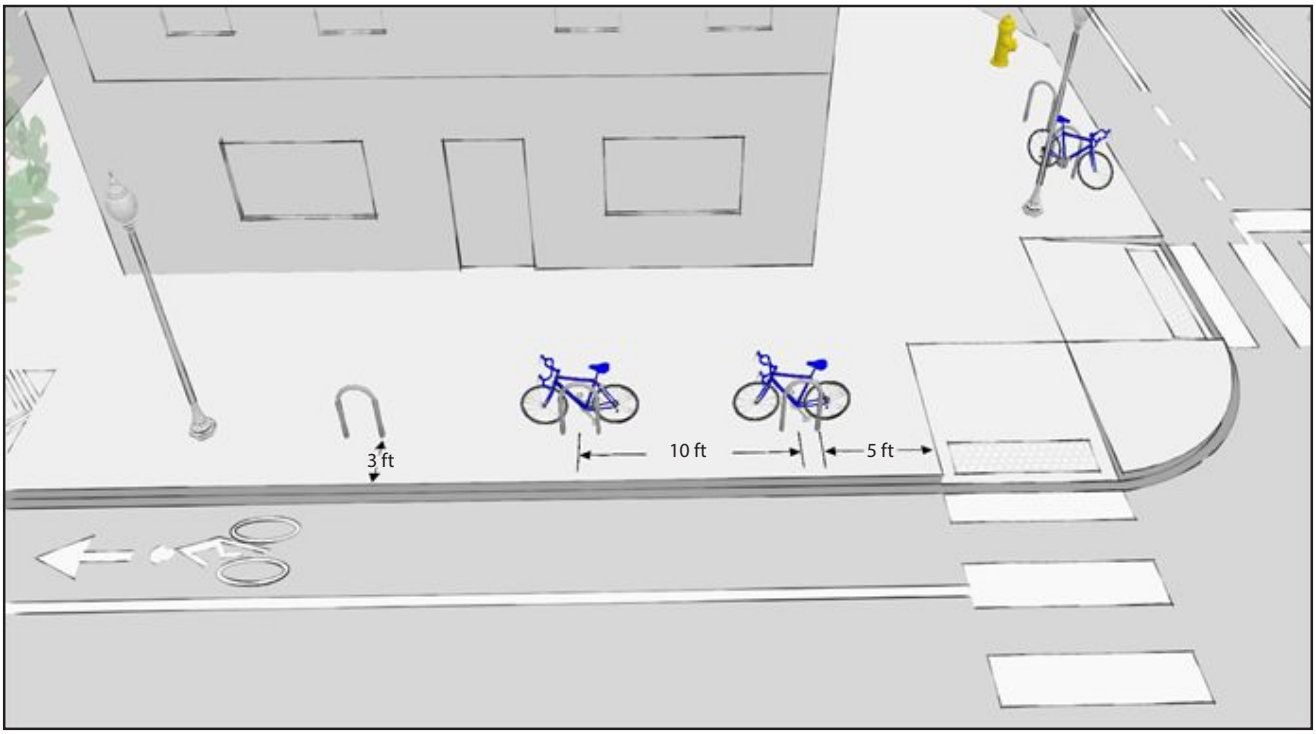
Figure E: Typical Bicycle Locker Site Layout

Figure F: Typical Bike Room Layout



*Requires Virginia Department of Transportation (VDOT) approval if within the VDOT right of way

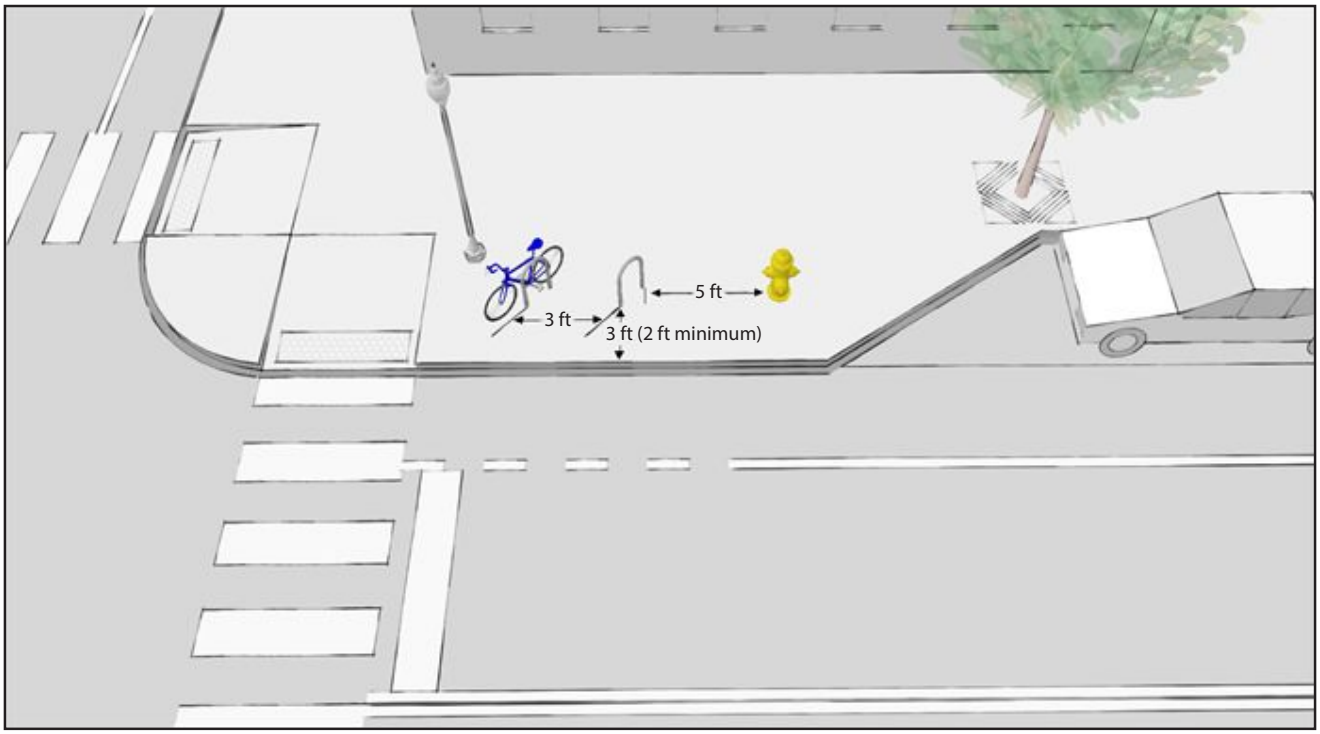
Figure A Typical Rack Spacing: Curb/Sidewalk I



General Design Notes:

- Minimum spacing between racks = 3 ft
- Minimum distance between rows of racks = 10 ft (measured from centerline of rack)
- Minimum distance from rack to back of curb (rack is perpendicular to curb) = 2 ft
- Minimum distance from rack to back of curb (rack is parallel to curb) = 3 ft
- Minimum distance from rack to curb (diagonal installation) = 2 ft

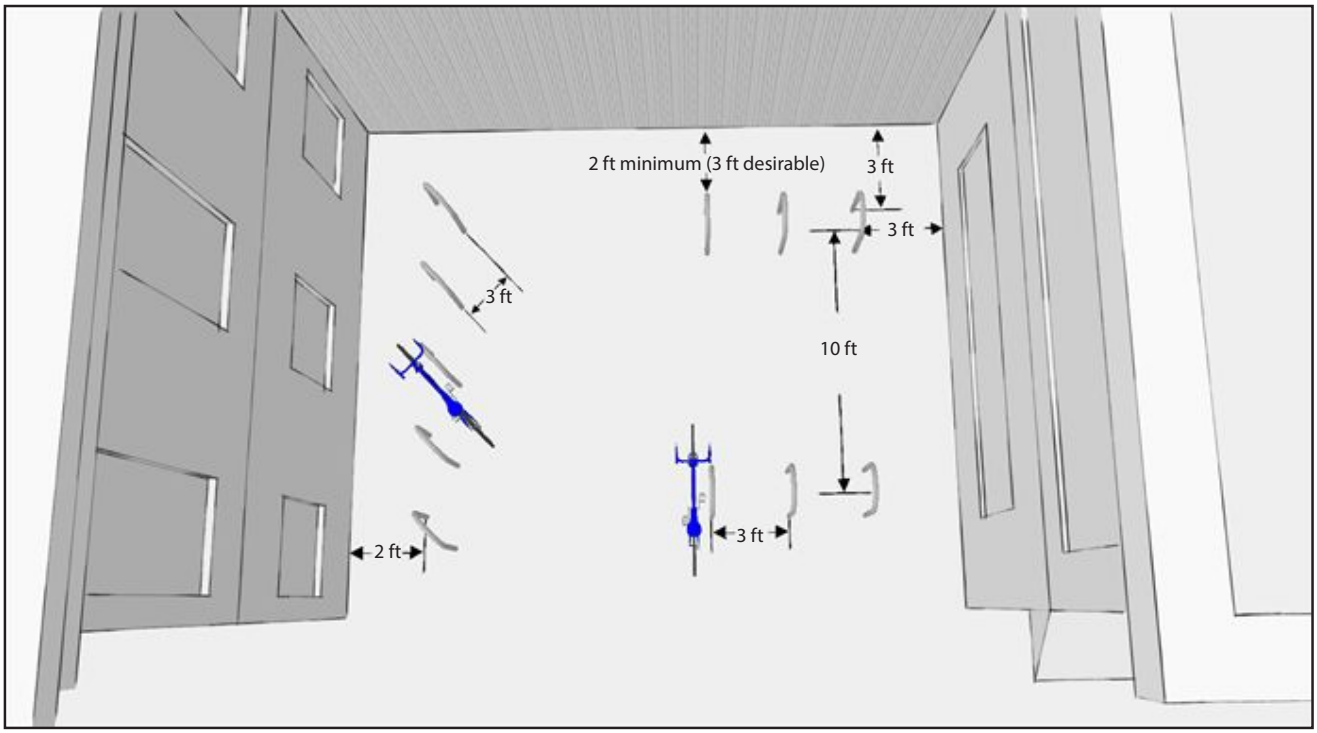
Figure B Typical Rack Spacing: Curb/Sidewalk II



General Design Notes:

- Minimum spacing between racks = 3 ft
- Minimum distance between rows of racks = 10 ft (measured from centerline of rack)
- Minimum distance from rack to back of curb (rack is perpendicular to curb) = 2 ft
- Minimum distance from rack to back of curb (rack is parallel to curb) = 3 ft
- Minimum distance from rack to curb (diagonal installation) = 2 ft
- Minimum distance from rack to fire hydrant = 5 ft

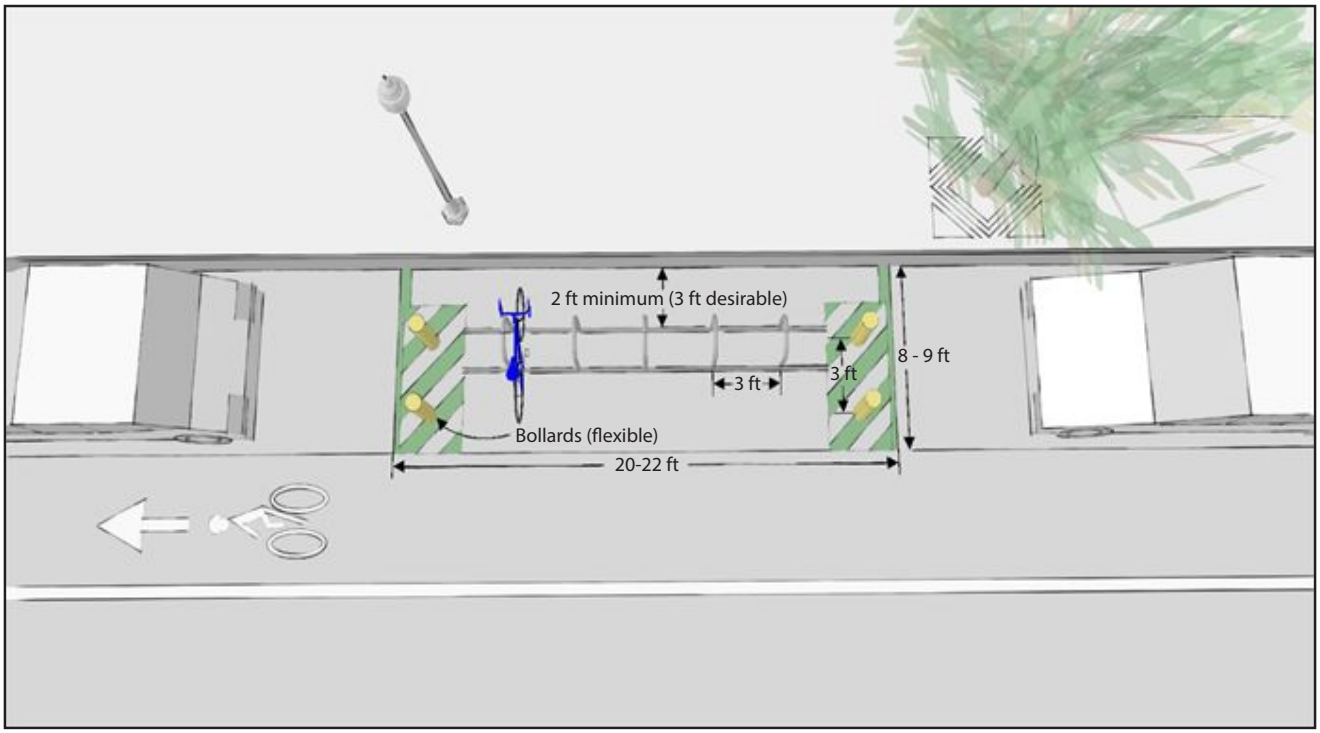
Figure C Typical Rack Spacing: Wall



General Design Notes:

- Minimum spacing between racks = 3 ft
- Minimum distance between rows of racks = 10 ft (measured from centerline of rack)
- Minimum distance from rack to wall (rack is perpendicular to wall) = 2 ft
- Minimum distance from rack to wall (rack is parallel to wall) = 3 ft
- Minimum distance from rack to wall (diagonal installation) = 2 ft

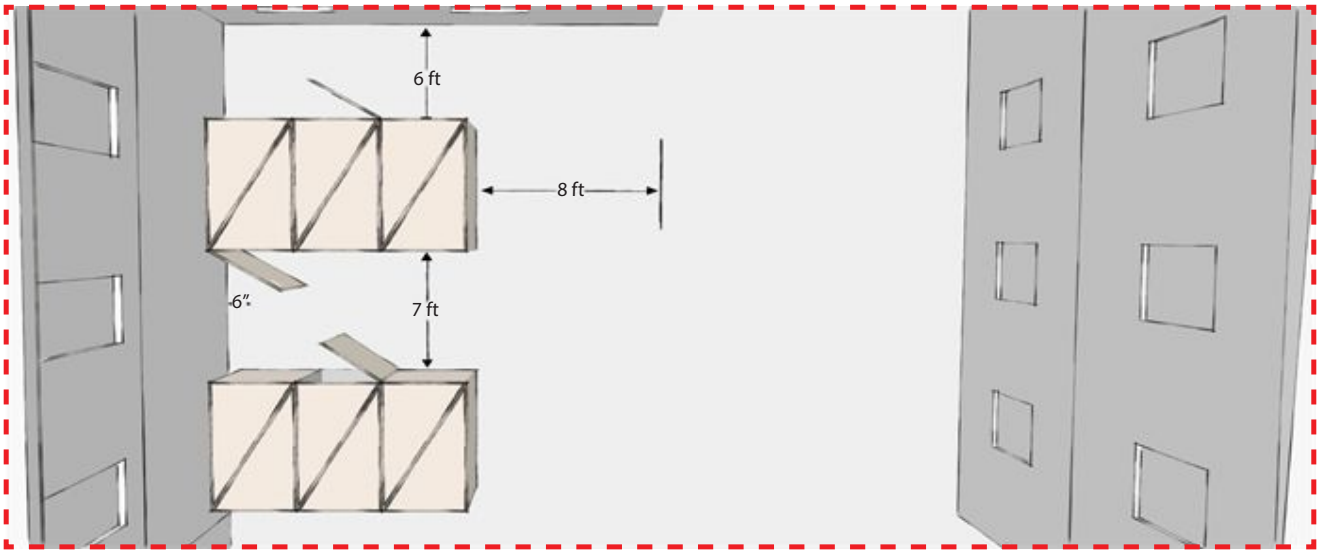
Figure D Converting On-Street Parking to Bicycle Parking

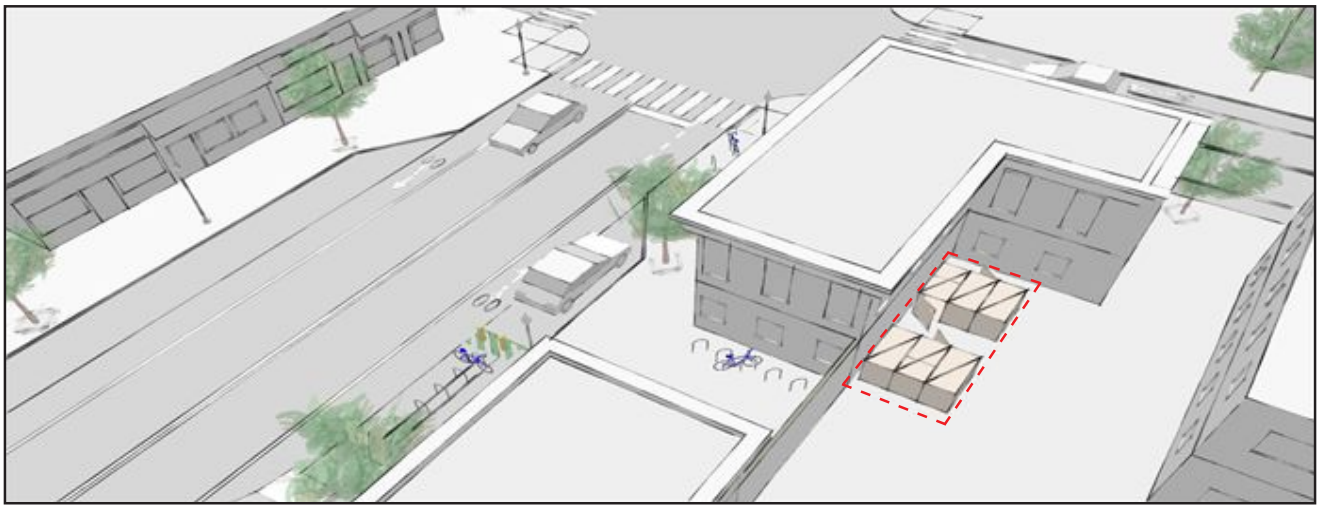


General Design Notes:

- An on-street parking space is typically 20 - 22 ft in length and 7 - 9 ft in width
- One parking space can normally accommodate 10 - 12 bicycles. This example shows five "U" racks mounted on rails, providing parking for up to 10 bicycles.
- The on-street area designated for bicycle parking should be visually and physically delineated using pavement markings and bollards (rigid or flexible)
- It is advisable to use removable bollards and movable bicyle racks (e.g. inverted "U" racks mounted on rails or cycle stalls). This installation option provides for flexibility and easy removal (for maintenance and snow events)

Figure E Typical Bicycle Locker Layout

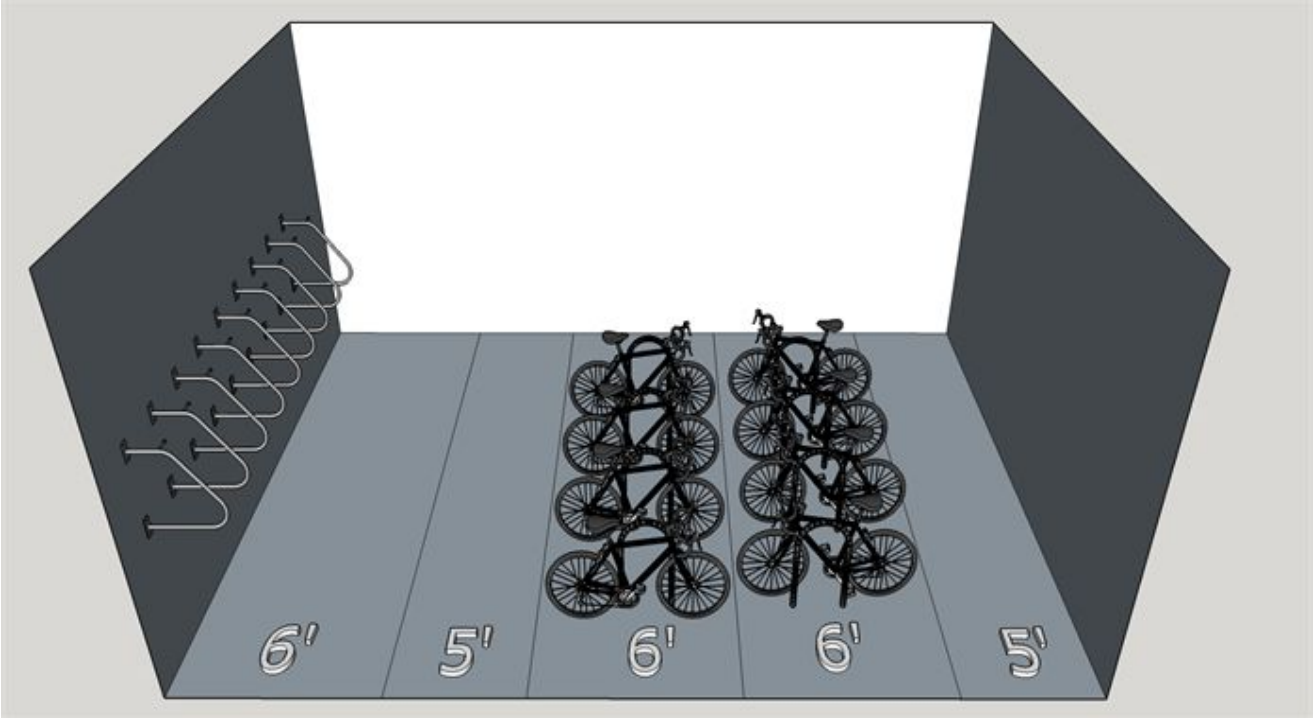




General Design Notes:

- Minimum spacing between lockers = 7 ft
- Minimum distance from locker to wall (side of locker) = 6 in
- Minimum distance from locker to wall (front of locker) = 6 ft
- Minimum distance between locker and pedestrian area (walkway) = 8 ft

Figure F Typical Bike Room Layout



General Design Notes:

- Combine use of ground mounted bike racks and wall mounted/vertical bike racks to maximize parking capacity of a bike room
- Follow manufacturer specifications for spacing of wall mounted/vertical bike racks
- Minimum distance from wall to walkway aisle for vertical bike racks = 6 ft
- Minimum distance of walkway aisle between racks and wall/verticle bike rack area = 5 ft
- Minimum width for ground mounted bike rack = 6 ft
- Minimum spacing between ground mounted bike racks = 3 ft

Appendix B: Equipment Suppliers

Fairfax County Department of Transportation does not endorse any particular vendor. The list below represents a sampling of vendors who manufacture and/or sell bicycle racks and lockers. Not all racks/lockers offered by these vendors meet Fairfax County specifications. Questions regarding particular rack design and acceptability can be addressed to the Fairfax County Department of Transportation Bicycle Program staff.

Bicycle Rack Vendors

Creative Metalworks	**www.creativemetalworksllc.com**
Creative Pipe	**www.creativepipe.com/bike_racks**
Cyclesafe	**www.cyclesafe.com**
Dero Bike Racks	**www.dero.com**
Josta	**www.josta.de**
Landscapeforms	**www.landscapeforms.com**
Madrax	**www.madrax.com**
Saris	**www.saris.com**
Sportworks	**www.sportworks.com**

Bicycle Locker Vendors

Cyclesafe	**www.cyclesafe.com**
American Bicycle Security Company	**www.ameribike.com**
Madrax	**www.madrax.com**
Dero	**www.dero.com**

Notes:

FCDOT
Serving Fairfax County
Since 1977

bikefairfax
bikesafe.bikesmart.

County of Fairfax, Virginia

www.fairfaxcounty.gov/fcdot • 703-877-5600, TTY 711

To request this information in an alternate format, call the Department of Transportation at 703-877-5600, TTY 711.

Bicycle Parking Guidelines

Board Transportation Committee

May 19, 2015

Adam Lind

Transportation Planner

Fairfax County Department of Transportation

Overview

- Purpose & Need
- Process
- Current Conditions
- Next Steps

Purpose & Need

- People who ride bikes need places to park
  - If not, bikes are chained to trees, sign poles, railings, etc…
  - Increases possibility of stolen bikes, disruption of walkways
  - Negatively affects the appearance of the community
- Site review provides opportunity to install correct bicycle parking
- Different types of bicycle parking based on development type

Purpose & Need

- Short-term parking
  - For guests, customers, and visitors

Purpose & Need

- Long term parking
  - For employees and residents

Purpose & Need

- Lots of opportunity for incorrect bicycle parking design

Process

- Development of draft Fairfax County Bicycle Parking Guidelines started in 2010
- Developed in a partnership with DPZ, OCR
  - VDOT reviewed and commented
- Bicycle parking rates based on local/national survey
  - Number of bicycle parking spots needed based on type of development and size

- **Multifamily Residential: 1 visitor space per 50 units**
- **Multifamily Residential TSA: 1 visitor space per 25 units**

- **Retail: 1 visitor space per 10,000 SF**
- **Retail TSA: 1 visitor space per 5,000 SF**

- **5600 Columbia Pike-Bailey's Crossroads**
  - **432 Residential Units**
    - **9 bike racks for visitors**
    - **Bike parking room in garage with 72 bike racks**

Table 2A
Bicycle Parking Requirements

Use	Short-Term Parking	Long-Term Parking
Single Family Detached Residential	n/a	n/a
Multi Family Residential	One visitor space/50 units of portion thereof	One space/10 units or portion thereof
Commercial Retail*	One visitor space/10,000 SF of floor area or portion thereof	One employee space/25,000 SF of floor area or portion thereof
Office	One visitor space/20,000 SF of floor area or portion thereof	One employee space/10,000 SF of floor area space or portion thereof
Industrial Areas	One visitor space/20,000 SF of floor area or portion thereof	One employee space/25,000 SF of floor area or portion thereof
Institutional Uses (e.g. Libraries, Schools, Government Facilities)	To be determined in consultation with FCDOT	

Table 2B
Bicycle Parking Requirements for Urban Centers and Transit Station Areas (TSA)

Use	Short-Term Parking	Long-Term Parking
Single Family Detached Residential	n/a	n/a
Multi-Family Residential	One visitor space/25 units of portion thereof	One space/3 units or portion thereof
Commercial Retail*	One visitor space/5,000 SF of floor area or portion thereof	One employee space/12,500 SF of floor area or portion thereof
Office	One visitor space/20,000 SF of floor area or portion thereof	One space/7,500 SF of floor area space or portion thereof

*Bicycle parking spaces should be installed at interior and/or exterior locations that are convenient to the retail customers and employees. Locations shall be reviewed by FCDOT

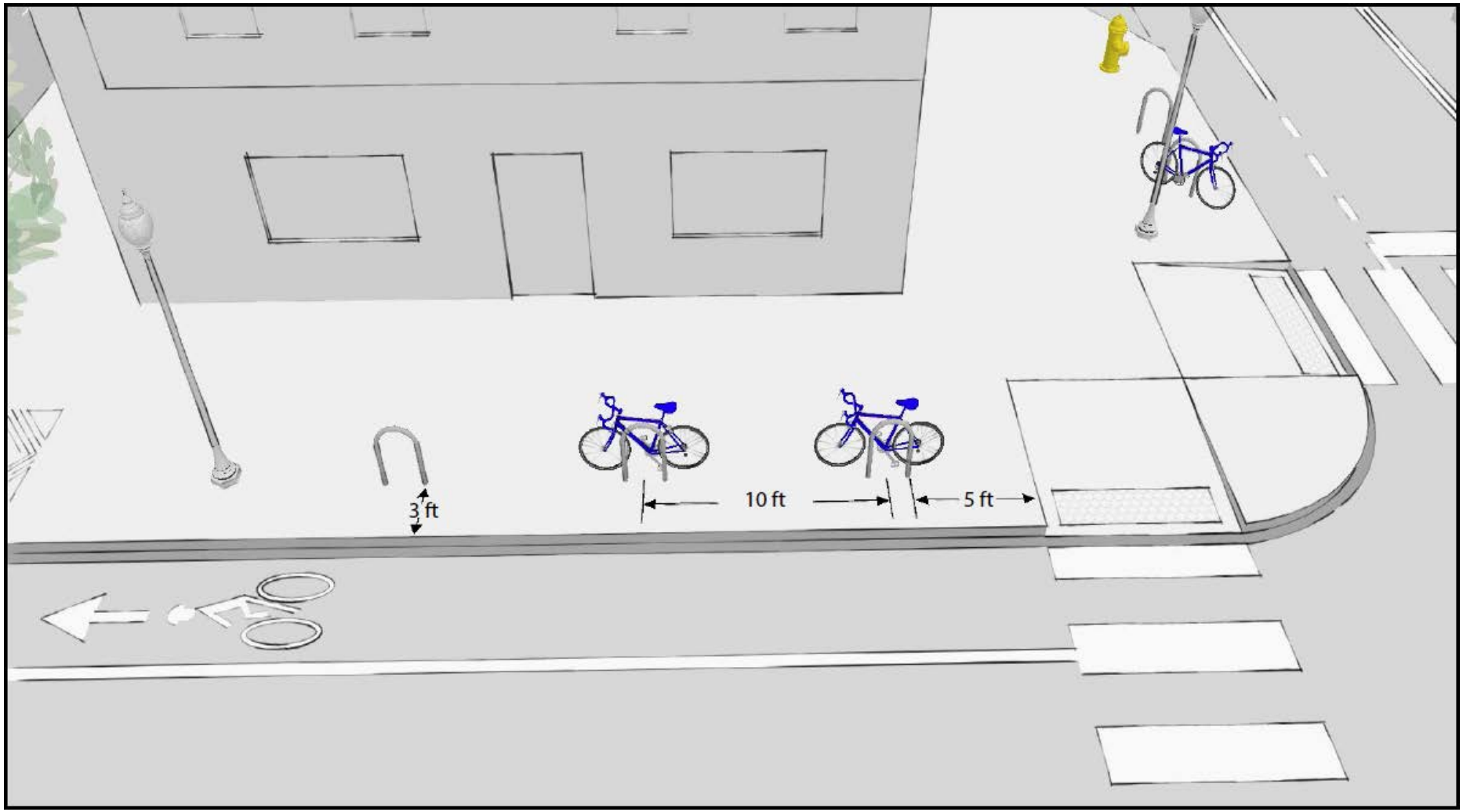
DRAFT

Project Example

- 5600 Columbia Pike-Bailey's Crossroads
  - 432 Residential Units
    - 9 bike racks for visitors
    - Bike parking room in garage with 72 bike racks
- TD Bank - Dranesville
  - 2,600 Sq. Ft
    - 2 bike racks for customers/employees

Process

- Contains information and graphics on:
  - Acceptable style of bicycle racks
  - Placement of bicycle racks in a variety of situations
  - Number of bicycle racks suggested based on development type and location in the county
    - Mixed-Use/Transit Station Areas vs Other


3 ft
10 ft
5 ft

Current Conditions

- No set standard in PFM for type of bicycle parking or number of spots required
- No guidelines for proper placement or location of bicycle parking
- Current proffer language states that number of racks, location, and layout must be approved by FCDOT Bicycle Program

Current Conditions

- Development community has no guide or starting place for bicycle parking
  - Inefficient process
  - Staff spends a significant amount of time explaining details on number of bicycle parking needed, type, location, design
  - Creates opportunity for errors and inconsistency

Next Steps

- Board of Supervisor review and comment on Bicycle Parking Guidelines

- Begin public process to have elements of guide adopted into PFM as standard

Questions?

Thank You

adam.lind@fairfaxcounty.gov

Board Agenda Item
February 14, 2017

ACTION - 4

Approval of Revisions to Chapters 2, 4, 6, 10, and 12 of the Personnel Regulations to Align Definitions, Correct Typographical Errors, Align Practice with Policy, and Provide Administrative Clarification

ISSUE:
Revisions to the Fairfax County Personnel Regulations are proposed to ensure compliance with Virginia Code, provide administrative direction and policy clarification.

RECOMMENDATION:
The County Executive recommends the Board of Supervisors approve the proposed revisions to Chapters 2, 4, 6, 10, and 12 of the Personnel Regulations, as specified below.

TIMING:
Routine.

BACKGROUND:
Periodically, the Department of Human Resources (DHR) brings forward proposed revisions to the Personnel Regulations for Board consideration.

Following an advertised public hearing held on December 5, 2016, the Civil Service Commission considered the below referenced proposed revisions to the Personnel Regulations. Prior to the hearing, extensive discussions occurred between DHR Staff, Office of County Attorney (OCA), employee groups and agency personnel to promote aligned understanding and agreement with the proposed changes. OCA reviewed all proposed. At the hearing the Director of Human Resources gave an overview of the proposed changes for each chapter. Testimony was offered by members of Public Safety employee groups and the Service Employees International Union (SEIU), as well as department senior management.

The following content highlights proposed changes, by chapter.

Chapter 2 – Definitions (Attachment #1)

- FLSA Exempt and Straight-Pay Eligible: Aligns definitions with approved changes to the Fire Captain I and Fire Captain II job classifications.
- Overtime (FLSA): Corrects typographical error regarding the earning of compensatory time or overtime for FLSA eligible law enforcement personnel in the Police Department and Office of the Sheriff scheduled to work a 40 hour week. Linked corrections in Chapter 4 are referenced below.
- The Civil Service Commission supports the HR Director's statement that a comprehensive review of FLSA designations will be done as part of public safety reviews currently in process.

Chapter 4 – Pay Plan, Hours of Work and Overtime (Attachment # 2)

- Corrects typographical errors regarding the earning of compensatory time or overtime for FLSA eligible law enforcement personnel in the Police Department and Office of the Sheriff scheduled to work a 40 hour week.

Chapter 6 - Certification and Eligible Lists (Attachment # 3)

- Aligns County practice with Federal law and County policy by repealing two reasons for removing an applicant from job consideration.

Chapter 10 Leave (Attachment #4)

- Corrects the definition of Unauthorized Absence.
- Clarifies the requirement that leaders of recognized employee groups are accountable for monitoring and ensuring compliance with the use of Administrative Leave as outlined in Personnel Payroll Administration Policies and Procedure #39.
- Aligns policy with the existing practice of paying Administrative Leave to employees serving as elections workers within Fairfax County.
- DHR supports the Civil Service Commission recommendation to not proceed with the proposed change to Section 10.37.2 at this time. The HR Director recommended and the Commissioners concur that additional employee input be solicited to deepen understanding of employee concerns, and, DHR provide overarching guidance for and review of department-specific Emergency Service Personnel (ESP) policies to promote equitable and reasonable management of ESP staff. Additionally, in support of the Commission's request, DHR will initiate a review of safety concerns articulated in Attachment 6.

Chapter 12 Performance Management (Attachment #5)

- Codifies existing career management planning requirements.
- Clarifies Performance Improvement Plan documentation requirements.
- Section 12.11 was modified to reflect the proposal by the Civil Service Commission.

In accordance with the Merit System Ordinance, the proposed revisions were forwarded to the Civil Service Commission for public hearing. The public hearing was held on December 5, 2016 and the Commission's comments are included as Attachment 6.

FISCAL IMPACT:
The annual impact of the required FLSA change outlined in Chapter Two (2) is approximately $2.3 million.

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Revisions to Chapter 2 of the Personnel Regulations
Attachment 2: Proposed Revisions to Chapter 4 of the Personnel Regulations
Attachment 3: Proposed Revisions to Chapter 6 of the Personnel Regulations
Attachment 4: Proposed Revisions to Chapter 10 of the Personnel Regulations
Attachment 5: Proposed Revisions to Chapter 12 of the Personnel Regulations
Attachment 6: Civil Service Commissioners' Memorandum

STAFF:
Catherine Spage, Director, Department of Human Resources

ASSIGNED COUNSEL:
Karen Gibbons, Deputy County Attorney, Office of the County Attorney

ATTACHMENT 1

CHAPTER 2
Definitions

Allocation

The assignment of a position to its appropriate class in relation to duties performed.

Appeal

An application or procedure for review of an alleged grievance submitted or instituted by an employee to the Civil Service Commission or to other higher authority.

Appointing Authority

The officer, board, commission, person, or group of persons having the power by virtue of state law or County ordinance to make appointments. The appointing authority is generally responsible for personnel administration within a given department. As used in these regulations, the term “appointing authority” is synonymous with the term “department head.”

Appointment

The offer to and acceptance by a person of a position.

Assembled Examination

An examination for which applicants are required to appear at a specific place for the purpose of taking a test.

Break in Service

Any separation from the service of Fairfax County whether by resignation, lay-off, dismissal, unsatisfactory service, disability, retirement, or absence without leave of three days or more when the employee is subsequently reemployed. An authorized leave without pay shall not be considered as constituting a "break in service."

Business Day

Calendar days exclusive of Saturdays, Sundays, and legal holidays.

Class

A group of positions, which are sufficiently alike in general duties and responsibilities to

warrant the use of the same title, specification and pay range.

Class Series

A number of classes of positions which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties and degree of responsibility involved and the amount of training and experience required. Such classes constitute a series and each is usually given a designation either by Roman numerals, beginning with the lowest level as I, next level II, or by rank adjectives such as the junior, intermediate or senior level, etc.

Class Specification

A written description of a class consisting of a class title, a general statement of the level of work, a statement of the distinguishing features of work, some examples of work, and the minimum qualifications for the class.

Classification

The grouping of positions in regard to: (a) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience and ability; (d) tests of fitness; (e) ranges of pay.

Classification Review or Reclassification Review

An evaluation of the duties and responsibilities of a position performed by the Department of Human Resources to determine the appropriateness of the present class. Appropriateness will be determined on the basis of: (a) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience and ability; (d) tests of fitness; (e) ranges of pay. The review will result in the position retaining its present class assignment; or being assigned to an existing lower class, or being assigned to an existing higher class; or being assigned to a new class created by amendment to the Classification and Compensation Plans.

Classification Plan

The official or approved system of grouping positions into appropriate classes, consisting of three parts: (1) a schematic index to the class specifications; (2) the class specifications; and (3) rules for administering the classification plan.

Compensation

The standard rates of pay, which have been established for the respective classes of work, as set forth in the compensation plan.

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ATTACHMENT 1

Compensation Plan

The official schedule of pay approved by the Board of Supervisors assigning one or more rates of pay to each pay grade.

Compensatory Leave

Time off in lieu of monetary payment for overtime worked.

Compensatory Time Eligible

Employees in pay grades S-26, P/O/C-27, F-31 or above and L-02 or above, excluding any classes designated as exceptions in a procedural memorandum issued by the Human Resources Director.

Competitive Promotion

A promotion based on a competitive examination with appointment to the higher-level position restricted to a specific number of persons receiving the highest ratings.

Competitive Service

All officers and positions in the service of Fairfax County as defined in the Merit System Ordinance.

Continuous Service

Employment without interruption, including merit service with the Fairfax County School System, except for absences on approved leave or absences to serve in the Armed Forces of the United States, or absences of less than one calendar year when followed by reemployment or reinstatement. Service prior to normal or early retirement from a County retirement system shall not be counted.

Deferred Retirement Option Plan (DROP)

An option in lieu of immediate retirement in which an employee remains employed by his/her department, but no longer contributes to his/her respective retirement system and must retire within 3 years of election to DROP. DROP participants retain the rights and privileges of merit employees.

Definition of Duties

The work requirements for each position in terms of the importance, difficulty, and extent of

supervision and responsibility attaching thereto.

Demotion

Assignment of an employee from one class to another, which has a lower maximum rate of pay.

Department

An administrative branch including a line of work and a group of employees under the immediate charge of a chief executive officer or officers of a department, institution, court, board, or commission of the County government, which latter officer or officers shall be known as the department head.

Dismissal

Separation from County employment for cause.

Department Head

An employee appointed by the Board of Supervisors to oversee, direct or manage a major functional division of County government, whether formally known as a department or not, under the general direction of the County Executive, and to act as the appointing authority for the positions assigned to that organization. As used in these regulations, the term "department head" is synonymous with the term "appointing authority."

Deputy

One or more individuals authorized to act in specific functional areas for the department head.

Eligible

A person who has successfully met required qualifications for a particular class.

Eligible List

The ranking of eligibles by class in order of score earned.

Employee

An individual who is legally employed by the County and is compensated through the County payroll for his services. Individuals or groups compensated on a fee basis are not included.

Examination

The process of testing, evaluating or investigating the fitness and qualifications of applicants.

Exempt Service

Those positions not included in the competitive service as defined in the Merit System Ordinance.

Extended Family Including Household Member

Includes employee's spouse, son, daughter, parents, parent in-laws, siblings, grandparents, grandchildren, aunt, uncle, niece, nephew, employee's respective in-laws, first cousin, or children for whom the employee has legal guardianship or is designated as primary caregiver, and any person who resides in the employee's home.

Fire Protection Personnel

24-hour shift employees in the Fire and Rescue Department who perform suppression and rescue duties as defined in the Fair Labor Standards Act (29 CFR Sec. 553.3).

Fair Labor Standards Act (FLSA)

Legislation originally enacted by Congress in 1938, which establishes requirements with respect to minimum wage, overtime, compensation and record keeping.

FLSA Eligible (FLSA Non-exempt)

An employee who holds a position covered by the minimum wage, mandatory overtime, or recordkeeping provisions of the FLSA. FLSA Eligible employees must be compensated with overtime pay or compensatory time for all hours worked over the FLSA threshold for overtime, as outlined in the definition of overtime. FLSA Eligible employees are in pay grades S-21, P-23, O/C-21, F-272 and below. Exceptions are noted in a procedural memorandum issued by the Human Resources Director.

FLSA Exempt

An employee who holds a position that is not covered by the mandatory overtime provisions of the Fair Labor Standards Act.

Full-Time Employee

Any employee who is regularly scheduled to work at least 2,080 hours in 12 consecutive months, or fire protection personnel regularly scheduled to work at least 2, 912 hours in 12 consecutive months.

ATTACHMENT 1

Full-Time Position

Any position which is authorized to be filled for at least 2,080 hours in 12 consecutive months or fire protection personnel position authorized for at least 2,912 hours in 12 consecutive months.

Hourly Rate of Pay

The hourly rate of pay is shown on the County pay plans for the minimum, midpoint, and maximum of each pay range. Public safety pay plans shall include such intermediate rates as deemed appropriate. Hourly rates are carried out to four places after the decimal. The hourly rate is derived by dividing annual salary by 2,080, which is the number of scheduled hours for a full time employee. The hourly rate for fire protection personnel assigned to a 24-hour shift is derived by dividing the annual salary by 2,912, which is the number of scheduled hours for a full time fire protection employee.

Immediate Family Including Household Member

Includes employee's spouse, son, daughter, parents, parents-in-law, siblings, grandparents, children for whom the employee has legal guardianship or is designated as primary caregiver, and any person who resides in the employee's home.

Incumbent

An employee occupying a position in the County service.

Law Enforcement Personnel

Sworn employees of the Police Department (including animal control officers), Fire and Rescue Department, and Office of the Sheriff who are empowered to enforce laws, have the power of arrest and have undergone (or will be undergoing) on-the-job training or similar instruction as defined in the Fair Labor Standards Act (29 CFR Sec. 553.4). The term also includes security personnel in correctional institutions.

Lay-Off

Separation of an employee from a position to which he was legally certified and appointed as a result of the abolition of a position, lack of work or lack of funds.

Longevity Pay Increment

An increase in compensation established in the compensation plan as a reward for long and faithful service for public safety employees. Longevity pay increments are granted in accordance with the conditions specified in Chapter 4 of the Personnel Regulations and are subject to Board of Supervisors appropriation.

Merit Employee

Any employee in the competitive service, as defined in the Merit System Ordinance.

Merit System

The system of personnel administration applicable to the competitive service. It includes the Merit System Ordinance, any applicable provisions of other County ordinances, Personnel Regulations, and all applicable and lawful personnel management directives of the Board of Supervisors, County Executive, or Human Resources Director.

Minimum Wage

The minimum hourly wage to be paid to employees as designated by the United States Department of Labor.

Multi Rater Option

The use of feedback from persons in addition to the immediate supervisor as part of the performance review process.

Negative Time Reporting

The time and attendance reporting method for employees only required to report exceptions to scheduled hours.

Open Examination

An examination open to the public and not limited to applicants in County service.

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Overtime (FLSA)

Time worked or on paid leave by an employee (excluding employees in law enforcement and fire protection as defined herein) in excess of 40 hours during his/her seven consecutive days work period. Overtime for law enforcement personnel shall be time worked or on paid leave in excess of 86 hours (80~~2~~ hours for sworn Police Officers, Animal Control Officers, and Deputy Sheriffs scheduled to work a 40-hour week) during his/her 14 consecutive day work period. Overtime for fire protection personnel shall be time worked or on paid leave in excess of 212 hours during his/her 28 consecutive day work period.
Non-FLSA overtime includes hours worked in excess of the employee's scheduled hours but less than the eligibility requirement for FLSA overtime stated above.

Overtime Pay

Compensation paid to an employee for overtime work performed in accordance with these rules. The rate of pay for overtime compensation will be either 1 times the hourly rate or 1 and 1/2 times the regular rate of pay as prescribed in Section 4.15 of these rules.

Part-Time Employee

An employee who is not regularly scheduled to work at least 2,080 hours in 12 consecutive months, or fire protection personnel not regularly scheduled to work at least 2, 912 hours in 12 consecutive months.

Part-Time Position

Any position, which does not meet the definition of full-time position.

Pay Grade

A combination of letter and number symbol indicating the pay range on a county pay schedule assigned to one or more classes in the Compensation Plan.

Pay Grade Reallocation Review

An evaluation of a class performed by the Department of Human Resources to determine the appropriateness of the present pay grade. The review will result in the class retaining its present pay grade assignment; or being assigned a higher or lower pay grade requiring amendment to the Compensation Plan. Such a review may include, but is not limited to pay factors including prevailing area levels of pay, internal evaluation of the relative worth of the class and economic and related fiscal concerns.

Pay Period

The 14 consecutive calendar day period utilized for the calculation of paychecks and the crediting of leave earned.

Pay Range

Rates of pay assigned to a pay grade on a County pay schedule in the Compensation Plan. For non-public safety employee classes, a pay range shall consist of the minimum and maximum rates of pay and the mid-point of the range. Pay ranges assigned to grades allocated to classes of public safety employees shall consist of the minimum (step 1) and maximum rates of pay (step 9) as well as intermediate and longevity steps.

Pay Rate

A specific dollar amount expressed as an annual rate, a bi-weekly rate, or an hourly rate, as shown in a County Pay Plan.

Pay Status

Any period in which an employee is actually working or using paid leave.

Performance Pay Bonus

A lump sum payment made to an employee who is earning the maximum salary in his/ her pay grade. A department head or designee may grant an employee who is earning the maximum salary in his/her pay grade following his or her annual performance review, a bonus of up to 5 % of his/her salary if he/she meets or exceeds the performance requirements set for the award of such bonuses. The award of such a bonus does not change the employee's salary.

Performance Pay Increase

An increase in compensation, which may be granted to an employee by his/her department head or designee for performance that meets the requirements specified for such pay increases.

Performance Pay Increase (PPI) Date

The date an employee's performance pay increase is effective. The PPI date for non-uniformed public safety employees will be at the start of the first full pay period at the beginning of the fiscal year, during years when performance pay increases are granted by the Board of Supervisors. Public safety employees' PPI dates will be the beginning of the first full pay period following the incumbent's anniversary date, during years when performance pay increases are granted.

ATTACHMENT 1

Performance Review Period

The 12-month performance evaluation review period for non-uniformed public safety employees begins July 1 and concludes on June 30, each year. Review periods for public safety staff correspond to each incumbent's anniversary date.

Position

Any office or employment, whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual by competent authority.

Positive Time Reporting

The time and attendance reporting method for employees required to report all absences and hours worked.

Primary Position

When an employee holds more than one position with the County, one of the positions is designated as the primary and the other as the secondary for the purpose of calculating pay and benefits and tracking employment history. If the two positions are equal in pay and scheduled hours, the primary position is the one the employee occupied first. Otherwise, the primary position is the position with higher pay and/or hours.

Probationary Period

The working test or trial period of employment beginning with the date of appointment to a particular class.

Promotion

Assignment of an employee from one class to another, which has a higher maximum rate of pay.

Promotional Examination

A competitive examination restricted to persons who are on regular appointment in the County classified service or to persons who are eligible to reinstatement thereto.

Public Safety Employees

For the purposes of these regulations, public safety employees include all uniformed

employees in the Police Department, Fire and Rescue Department and the Office of the Sheriff. It also includes all other job classes that are included on P/O/C/F pay scales.

Qualifications

The minimum educational, experience and personal requirements, which must be fulfilled by a person preliminary to appointment or promotion.

Reduction in Rank

Assignment of an employee from one class to another class, which has a lower maximum rate of pay. Same as demotion.

Reemployment

Reappointment of a former merit employee, who had completed the probationary period and was separated in good standing but did not retire, which is not considered a reinstatement as defined herein.

Reemployment List

A list of names of former County employees with a break in service of less than one calendar year, arranged in order of their right to reinstatement as defined in Section 2.60, or reemployment in lower classes of the same or similar series as that in which the employee was serving at the time of termination.

Regular Rate of Pay

The rate of pay to be utilized for the calculation of overtime pay in accordance with FLSA requirements. The regular rate is derived by dividing the total amount of eligible pay for the work period (including the hourly rate and shift differential) by the number of hours worked during the work period.

Reinstatement

Reappointment of a former merit employee who had completed the probationary period and was separated in good standing, but did not retire, after a break in service of less than one calendar year to the position or class formerly held.

Restoration

A return to a position in a class in which status was formerly held where there has been no break in service.

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Scheduled Hours

The number of hours that an employee is scheduled to work on a recurring basis as reflected in the personnel record for the position occupied. Scheduled hours serve as the basis for planning and budgeting activities as well as leave calculation rules as specified in Chapter 10 of the Personnel Regulations.

Self-Assessment

The completion of a performance evaluation form by the employee to provide his/her assessment of their performance during the review period.

Separation

Leaving a position including resignation, lay-off, dismissal, unsatisfactory service, disability, and death.

Straight Pay Eligible

Employees in pay grades S-22 to S-25, P-24 to P-26, O-22 to O-26, C-22 to C-26, ~~F-25 to~~ F-29 and L-01. Exceptions are noted in a procedural memorandum issued by the Human Resources Director.

Suspension

An enforced leave of absence without pay for disciplinary purposes or pending investigation of charges made against an employee.

Transfer

Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of different pay ranges, between positions of the same class or between positions of different classes.

Unassembled Examination

An examination in which qualifications are evaluated on the basis of records or education and experience submitted by the applicants, supplemented by any information obtained by an investigation.

ATTACHMENT 1

Vacancy

A position which has been newly established or which has been rendered vacant by the resignation, death or other removal of the previous incumbent.

Veteran

Any person who has received an honorable discharge and has (i) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

Workday

Days of the week and number of hours an employee is scheduled to work. Work schedules vary by operation and agency.

Workweek

The seven consecutive day period beginning at 12:00 a.m. Saturday and ending the following Friday at 11:59 p.m. during which an employee (excluding law enforcement and fire protection personnel as defined herein) is scheduled to work.

Work Period

The period during which an employee is scheduled to work. For all employees except law enforcement and fire protection personnel as defined herein, the work period shall be the work week which comprises one half of a pay period. The work period for fire protection personnel shall be a 28 consecutive calendar day period beginning at 12:00 a.m. Saturday and ending at 11:59 p.m. Friday and covering two pay periods. The work period for law enforcement personnel shall be a 14 consecutive calendar day period beginning at 12:00 a.m. Saturday, ending at 11:59 p.m. Friday, and covering one pay period.

CHAPTER 4

Pay Plan, Hours of Work and Overtime

4.1 *Pay Ranges*

-1 In preparing the pay plan, consideration shall be given to the duties and responsibilities of the various types of positions, the prevailing rates paid for comparable services in public and private employment and to experience in recruiting for such positions. Pay ranges shall include a minimum rate, a midpoint rate and a maximum rate for each class. Pay ranges assigned to classes consisting of public safety employees shall include such intermediate rates or steps as deemed necessary.

-2 The rate of pay set forth in the plan shall include total pay in every form, except that it shall not include allowance for actual and necessary travel expense authorized and included as incident to employment. If subsistence, quarters or other maintenance is furnished to an employee, the reasonable value thereof shall be deducted from the rate of pay set forth in the plan. Exceptions to this provision must be approved by the Board of Supervisors.

-3 When, in the opinion of the department head or deputy, following these rules results in an inequity, the Human Resources Director may authorize a salary adjustment if he /she concurs in the opinion of the department head or deputy.

-4 Except as provided in these rules, performance pay increase dates shall not be affected by the adoption of the new pay plan.

4.2 *Starting Rate of Pay*

-1 The minimum rate of pay for a class shall normally be paid upon appointment.

-2 Original appointment not to exceed the midpoint rate may be made if any of the following conditions exist:

a. The qualifications of the applicant significantly exceed the requirements for the class.

b. Difficulty of recruitment requires payment of a higher rate.

-3 Original appointment above the midpoint rate requires the approval of the Human Resources Director.

-4 A former employee being reinstated, as defined in Chapter 2, will be appointed at a rate of pay equal to or greater than the rate he/she was receiving at the time of his/her separation, adjusted to reflect any cost of living or market pay adjustments pay to that pay grade since his/her separation.

4.3 *Performance Pay Increase*

-1 Performance pay increases may be granted to those employees who meet the requirements specified for such increases. Employees considered not qualified for a performance pay increase shall be handled in accordance with the provisions of Chapter 12.

-2 Eligibility

A non-public safety employee receiving less than the maximum scheduled rate for his/her grade may be granted a percentage salary increase not to exceed the amount authorized by the Board of Supervisors. A performance pay increase for a public safety employee advances him/her to the next step in the grade. Eligibility for performance pay increases is subject to available funding and the following:

a. His/her work has met or exceeded the performance requirements established by his/her department head or designee to qualify for a pay increase. Public safety employees' performance must exceed the minimum performance standards to qualify for a performance pay increase. Effective August 1, 1990 employees who enlist, or are inducted into military service, or who are members of a reserve component of the armed forces of the United States who are ordered to active duty and return to County employment; upon their release from active duty and whose service is other than dishonorable shall be deemed to have satisfied this requirement for the period they are on active duty. The total length of active military service may not exceed five years.

b. A performance review period is 12 months. The only exception is for public safety employees who serve 2 years in step 8 before being eligible to move to step 9.

Notwithstanding the merit review periods listed above, effective July 13, 1991, the beginning of the first full pay period in FY 1992, all employees who have merit increment dates shall have their merit increment date extended by one year.

Thus, for example, an employee who had a merit increment date of the first day of payroll number 15 in 1991, which falls on July 13, 1991, would have a new increment date of the first day of payroll number 15 in 1992. An employee who had a merit increment date of the first day of payroll number 15 in 1992, which falls on July 11, 1992, would have a new merit increment date of the first day of payroll number 15 in 1993, which falls on July 10,

1993. An employee who had a merit increment date of the first day of payroll number 15 in 1993, which falls on July 10, 1993, would have a new merit increment date of the first day of payroll number 15 in 1994, which falls on July 9, 1994.

Notwithstanding the merit review periods listed above, effective July 11, 1992, the beginning of the first full pay period in FY 1993, all employees who have merit increment dates shall have their merit increment date extended by one year. Thus, for example, an employee who had a merit increment date of the first day of payroll number 15 in 1992 which falls on July 11, 1992, would have a new merit increment date of the first day of payroll number 15 in 1993, which falls on July 10, 1993. An employee who had a merit increment date of the first day of payroll number 15 in 1993 which falls on July 10, 1993, would have a new merit increment date of the first day of payroll number 15 in 1994 which falls on July 9, 1994. An employee who had a merit increment date of the first day of payroll number 15 in 1994, which falls on July 9, 1994, would have a new merit increment date of the first day of payroll number 15 in 1995, which falls on July 8, 1995.

-3 Each employee shall have a performance pay increase date established when he/she is initially appointed to a merit position. For uniformed public service employees, that date corresponds to the beginning of the pay period in which she or is appointed; the performance pay increase date for other employees corresponds with the first full pay period of the fiscal year. Partial pay periods do not count towards the performance pay increase date and performance pay increases are granted only as authorized by the Board of Supervisors.

-4 Creditable service in the completion of performance review periods includes:

a. Continuous employment in the competitive service not including overtime.

b. Period of involuntary separation initiated by the department head followed by reinstatement after appeal by the Civil Service Commission under the grievance procedure, for which the Commission determines that the employee is entitled to back pay.

c. Honorable service with the armed forces by employees who enlist or are inducted into military service or who are members of a reserve component of the United States who are ordered to active duty and who return to County employment upon their release from active duty. The total length of active military service, which can be credited, may not exceed five years.

4.4 *Outstanding Performance Award*

-1 An employee who has completed their initial probationary period and performs the duties and responsibilities of his/her position in an outstanding manner and whose work generally is well above expectations shall be eligible to be considered for an outstanding performance award.

-2 An outstanding performance award may be recommended by a department head or designee. Such outstanding performance award recommendation shall be in writing, shall state the reason for such recommendation and shall be submitted through the Deputy County Executive to the Human Resources Director, as appropriate, for implementation.

-3 Outstanding performance awards may be granted in any dollar amount not to exceed $1,000 the amount authorized by the Board of Supervisors.

4.5 *Longevity Pay Increment for Public Safety Employees*

Public Safety employees shall receive a longevity increment increase after 15 years of service and reaching top step in grade. A second longevity increase is awarded after 20 years of service and reaching top step in grade (step 9).

4.6 *Within-Grade Adjustment*

When in the opinion of the County Executive, it is in the best interest of the County to do so, he/she may authorize a salary adjustment to encourage retention of highly qualified County employees and address pay inequities not to exceed the maximum rate of pay assigned to the employee's class.

4.7 *Pay Rate in Promotion, Demotion, Reallocation of Position or Transfer - Except Public Safety Employees*

If an employee other than a public safety employee is promoted, demoted, appointed to a reallocated position or transferred, his/her rate of pay for the new position shall be determined as follows:

-1 When a position is filled by promotion, the appointee shall receive a salary increase equal to 10% for one and two-grade promotions and 15% for promotions of three or more grades not to exceed the maximum rate of pay assigned to the new job class or the minimum rate of pay for the new job class whichever is greater.

-2 With the exception of disciplinary demotions or demotions during a promotional probationary period, when an employee is demoted, he/she shall be placed at the same salary in the new pay grade. If the employee's salary is greater than the maximum salary of the new pay grade he/she shall be placed at the maximum salary for the new pay grade.

When an employee is promoted or reinstated to his or her former job class within a year from the date of demotion, he or she shall remain at the same salary or be placed at the salary he or she was receiving prior to the demotion, whichever is greater.

-3 When an employee is demoted for disciplinary reasons he or she shall be placed at the salary in the new grade that is 5% less than his/her current salary not to exceed the maximum salary for the pay grade.

-4 When an employee is demoted during a promotional probationary period, the employee's former rate of pay shall be reinstated in the new lower pay grade, not to exceed the maximum salary for the pay grade.

-5 When an employee is transferred from a position of one class to a position of another class at the same level, he/she shall continue to be paid at the same rate of pay.

-6 Upon upward reclassification of a position, the incumbent shall receive a pay increase equal to 5% of the midpoint of the salary range for the new, higher pay job class or move to the minimum of the new range, which ever is greater not to exceed the maximum rate of pay for the new pay grade.

-7 Upon review of a job class to determine if a regrade is warranted, the incumbents in the job class may be entitled to a pay adjustment regardless of whether the job class is regraded or not. The determination of pay increase eligibility and the amount of such pay increase will be made in accordance with procedures approved by the County Executive and the Board of Supervisors. In no case shall the employee's salary be less than the minimum or greater than the maximum for the new pay range.

4.8 *Pay Rate in Promotion, Demotion, Reallocation of Position or Transfer - Public Safety Employees*

If a public safety employee is promoted, demoted, appointed to a reallocated position or transferred, his/her rate of pay for the new position shall be determined as follows:

-1 When a position is filled by promotion, except as noted elsewhere in this chapter, the appointee shall receive the greater amount of the minimum rate for the class of the new position or an amount in excess of one normal within grade increase in the pay grade of the class of the position held prior to promotion. Such increase shall not be less than 6% and if the promotion is three grades or more, the employee shall be placed in the new grade at a step closest to, but not in excess of a 15 % increase. The appointee shall receive a new performance pay increase date, which shall be calculated from the payroll number and year of his/her promotion.

-2 When an employee is demoted, he/she shall be placed in the pay step in the new pay grade, which represents the closest dollar amount that is less than the former pay. An employee may be placed in a longevity step under this provision only if the employee meets the length of service requirement for that step. The performance pay increase date shall not change.

When an employee is promoted or reinstated to his or her former job class within a year from the date of demotion, he or she shall remain at the same salary or be placed at the salary he or she was receiving prior to the demotion, whichever is greater and the performance pay increase date shall not change.

-3 When an employee is demoted to his or her former job class during a promotional probationary period, the employee's former grade and step shall be reinstated. When an employee is demoted to a job class other than that in which he/she was serving at the time of promotion, he/she shall be placed at the step in the lower grade that is closest to, but not less than the employee was making prior to promotion. If the employee's pre-promotion performance pay increase (PPI) date falls between the date of promotion and the date of the subsequent demotion, the promotion date will be retained as the PPI date; otherwise the pre-promotion PPI date shall be reinstated.

-4 When an employee is transferred from a position of one class to a position of another class at the same level, he/she shall continue to be paid at the same rate of pay.

-5 Upon upward reclassification/reallocation of a position, the incumbent shall receive the greater amount of either the minimum rate for the new grade or the next higher dollar rate in the new pay grade as compared to the dollar rate in the lower grade except in the following instances:

a. Employees who have served one year or more in a two year review period and who upon reclassification/reallocation, move to a step with a one year review period, shall receive an additional step upon reclassification/ reallocation to the new grade. The employee shall receive a new performance pay increase date, which shall be calculated from the payroll number and year of the reclassification/reallocation using the performance review period for the new step.

b. Except as noted above, the performance pay increase date shall not change unless the reclassification/reallocation moves the employee to a step with a shorter review period. In such cases, the year of the performance pay increase date is reduced if the time between the effective date of the reclassification/reallocation action and the employee's performance pay increase date is more than one year.

4.9 *Pay Rate in Promotion, Demotion, Reallocation of Position or Transfer - Police Officers and Deputy Sheriffs*

-1 A Police Officer I promoted to Police Officer II or a Deputy Sheriff I promoted to Deputy Sheriff II shall receive an increase in pay not to exceed one within grade increase and the performance pay increase date will not change.

-2 A Police Officer II or Deputy Sheriff II who is receiving a proficiency pay adjustment and is promoted to Police Sergeant or Deputy Sheriff Sergeant respectively, shall receive an increase in pay not to exceed one within grade increase and the performance pay increase date will not change.

-3 In all other cases, the normal rules affecting promotion, demotion, reallocation of positions, and transfer for public safety employees shall apply.

4.10 *Allowances Granted Police Officers*

-1 Police Officers required to wear civilian clothes while on duty shall be granted a clothing allowance while such assignment lasts.

-2 A Police Officer II who has a minimum of five (5) years of service as a sworn officer with Fairfax County and who is certified by the Chief of Police or designee as demonstrating exemplary expertise in an authorized Police Officer II specialty, may be eligible to receive a police proficiency pay adjustment and assume the work title of "Master Police Officer".

a. A Police Officer II who is eligible for a police proficiency pay adjustment shall be reassigned to pay grade O-19 and shall receive an increase in pay not to exceed one within grade increase, and the performance pay increase date will not change.

b. The number of Police Officers receiving a proficiency pay adjustment shall at no time be greater than one-third of the total number of authorized and established Police Officer II positions.

4.11 *Allowances Granted Deputy Sheriffs*

-1 A Deputy Sheriff II who has a minimum of five (5) years of service as a sworn Deputy Sheriff with Fairfax County and who is certified by the Sheriff or designee as demonstrating exemplary expertise in an authorized Deputy Sheriff position, may be eligible to receive a proficiency pay adjustment and assume the work title of "Master Deputy Sheriff".

a. A Deputy Sheriff who is eligible for a proficiency pay adjustment shall be reassigned to pay grade C-19 and shall receive an increase in pay not to exceed one within grade increase and the performance pay increase date will not change.

b. The number of Deputy Sheriff II's receiving a proficiency pay adjustment shall at no time be greater than one-third of the total number of authorized and established Deputy Sheriff II positions.

4.12 *Allowances Granted Uniformed Fire Employees*

-1 A Fire Technician who has a minimum of five (5) years of service as a uniformed Fire employee with Fairfax County, and who is certified by the Chief of Fire and Rescue or designee as demonstrating exemplary expertise in an authorized Fire Technician specialty, may be eligible to receive a fire proficiency pay adjustment and assume the work title of "Master Firefighter."

a. A Fire Technician who is eligible for a fire proficiency pay adjustment shall be reassigned to pay grade F-20 and shall receive an increase in pay not to exceed one within grade increase, and the performance pay increase date will not change.

b. The number of Fire Technicians receiving a fire proficiency pay adjustment shall at no time be greater than one-third of the total number of authorized and established Fire Technician positions.

4.13 *Allowances Granted Animal Control Officers*

-1 An Animal Control Officer II who has a minimum of five (5) years of service as an Animal Control Officer with Fairfax County and who is certified by the Chief of Police or designee as demonstrating exemplary expertise in an authorized Animal Control Officer specialty, may be eligible to receive a proficiency pay adjustment and assume the work title of "Master Animal Control Officer."

a. An Animal Control Officer II who is eligible for a proficiency pay adjustment shall be reassigned to pay grade P-21 and shall receive an increase in pay not to exceed one within grade increase, and the performance pay increase date will not change.

b. The number of Animal Control Officer II's receiving a proficiency pay adjustment shall at no time be greater than one-third of the total number of authorized and established Animal Control Officer II positions.

4.14 *Hours of Work*

-1 The regular work period for all full-time County employees, excluding law enforcement and fire protection personnel, shall be 40 hours worked or on paid leave (excluding meal periods) within a seven consecutive calendar day period beginning and ending as defined in Chapter 2. The schedule of hours for the workweek shall be determined by the department head or designee.

-2 The regular work period for fire protection personnel shall be 28 consecutive calendar days, beginning and ending as defined in Chapter 2. The number of hours worked during the 28-day work period may vary depending on shift schedules and department needs.

-3 The regular work period for law enforcement personnel shall be 14 consecutive calendar days, beginning and ending as defined in Chapter 2. The number of hours worked during the 14-day work period may vary depending on shift schedules and department needs.

-4 The County Executive may authorize the inclusion of the meal period as actual work for shift positions.

-5 All employees in the Merit System shall be entitled to a 15 minute rest period for each four hours of assigned work, during a duty day, as scheduled by the department head or designee. Whenever possible, the rest period shall be scheduled at the middle of each such four-hour period of work.

-6 Shift Differential Premium Pay shall be authorized for all merit employees who are scheduled to work on fixed and/or rotating shifts that start at or after 1:00 P.M. wherein the hours scheduled on a shift after 4:00 P.M. are greater than the hours scheduled prior to 4:00 P.M., excluding employees who work flex-time schedules. If an employee whose regular shift schedule qualifies him/her for shift differential premium pay, reports to work prior to the start of their regular shift hours, he/she remains eligible for shift differential premium pay for all hours worked after 1:00 P.M. regardless of the time he/she actually begins working on that day. The hours worked before the beginning of the regular shift schedule are not eligible for shift differential.

-7 The Evening Shift shall encompass all shift schedules, which begin between the hours of 1:00 P.M. and 7:59 P.M. The premium pay rate established for the Evening Shift shall apply for all regularly scheduled hours actually worked between 1:00 P.M. and 7:59 P.M.

-8 The Night Shift shall encompass all shift schedules, which begin at 8:00 P.M. and thereafter. The premium pay rate established for the Night Shift shall apply for all regularly scheduled hours actually worked between 8:00 P.M. and 6:59 A.M.

-9 Employees assigned to 24-Hour Shift Schedules shall be paid Shift Differential Premium Pay for all regularly scheduled hours actually worked between the hours of 4:00 P.M. and 7:00 A.M. and in accordance with established payroll procedures.

-10 Employees are paid and earn leave based on data recorded in official time and attendance records. An “online” timesheet is used to document time worked and leave taken. There are two types of time and attendance reporting:

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a. Employees required to use positive time reporting must record all absences and hours worked each pay period.

b. Employees required to use negative time reporting only record exceptions to their scheduled work hours. If no exceptions are entered, the employee is paid a biweekly amount based on their scheduled hours.

4.15 *Overtime, Compensatory Time, Call-Back Time, Consecutive Shift Time*

-1 Overtime.

FLSA overtime shall include all hours worked or on paid leave by an FLSA eligible employee (other than law enforcement and fire protection personnel) in excess of 40 hours in a work week.

Overtime for FLSA eligible law enforcement personnel (excluding sworn Police Officers, Animal Control Officers, and Deputy Sheriffs scheduled to work a 40 hour week) shall include all hours worked or on paid leave in excess of 86 hours in a 14-day work period. Overtime for FLSA eligible law enforcement personnel in the Police Department and Deputy Sheriffs scheduled to work a 40 hour week shall include all hours worked or on paid leave in excess of 80 ~~2~~ hours in a 14-day work period. Overtime for FLSA eligible fire protection personnel shall include all hours worked or on paid leave in excess of 212 hours in a 28-day work period. Non-FLSA overtime includes hours worked in excess of the employee's scheduled hours but less than the eligibility requirement for FLSA overtime. Overtime shall be kept to a minimum and shall be used to relieve occasional excessive workloads or emergencies, and not to provide for constant recurring requirements. Overtime may be mandated when related to the health, welfare or safety of either the public or employees. Except in emergency situations, all overtime worked by an employee shall be approved by the employee's supervisor or designee, verbally or in writing prior to the overtime being worked. Employees shall not work in excess of authorized scheduled hours without express approval of the supervisor.

-2 Eligibility.

Employees shall earn compensatory time or be paid for overtime hours actually worked in accordance with the following provisions:

a. FLSA eligible employees excluding law enforcement and fire protection personnel as defined in Chapter 2:

(1) shall be compensated at one and one-half times their regular rate of pay for all eligible hours worked or on paid leave in excess of 40 hours during the designated seven consecutive day work period. If requested by the employee and approved by the department head or

designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.

(2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the time actually worked is less than forty hours in a seven day work period. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at the hourly rate of pay must be awarded.

b. Straight pay eligible employees shall, at the discretion of the department head or designee, earn straight compensatory time or be compensated at their hourly rate of pay for all time worked in excess of their scheduled work hours.

c. Compensatory time eligible employees shall earn straight compensatory time for time worked in excess of their scheduled work hours.

d. FLSA eligible fire protection personnel:

(1) shall be compensated at one and one-half times their regular rate of pay for all eligible hours worked or on paid leave in excess of 212 hours during the 28 consecutive day work period. If requested by the employee and approved by department head or designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 336 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.

(2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the hours actually worked are less than 212 hours in a 28 day work period. If the employee's compensatory leave balance is 336 hours or greater, overtime pay at the hourly rate of pay must be awarded.

All other Fire and Rescue Department employees shall be treated as described in Section 4.15 - 2a, b, or c.

e. FLSA eligible law enforcement personnel:

(1) shall be compensated at one and one-half times their regular rate of pay for all hours worked or on paid leave in excess of 86 hours (80~~2~~ hours for sworn Police Officers and Deputy Sheriffs scheduled to

work a 40 hour week) during the 14 consecutive day work period. If requested by the employee and approved by the department head or designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.

(2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the hours actually worked are less than 86 hours (80~~2~~ hours for sworn Police Officers and Deputy Sheriffs scheduled to work a 40 hour week) in a 14 day work period. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at the hourly rate of pay must be awarded.

(3) shall be compensated at one and one-half times their hourly rate of pay for actual court time worked when such court time falls on the employee's scheduled day off or begins more than two hours prior to the employee's scheduled shift, regardless of the number of hours worked in a given work period.

All other public safety employees shall be treated as described in Section 4.15 - 2a, b, or c.

-3 Holiday/Emergency Administrative Leave.

Pro-rata adjustments shall be made for the holiday usage rate for shift schedules other than 40 hours per week to ensure compliance with the provisions of Chapter 10.

a. Part-time merit employees shall be granted holiday time off with pay on a pro-rated basis regardless of the number of hours scheduled on the day on which a holiday falls computed at the rate of one-tenth of an hour times the employees bi-weekly scheduled hours.

b. When an employee is required to work due to an emergency, staff shortage or hours worked that are a part of the regular work week on a holiday (actual or observed), the employee shall be compensated for the hours actually worked at the employee's hourly rate of pay or in accordance with the rules governing overtime, if applicable.

To receive holiday compensation on an actual holiday, an employee must be directed by his/her supervisor to work due to staff shortage or other operational necessity.

In addition, employees shall receive holiday compensation as follows:

(1) FLSA eligible employees shall, at the employee's discretion, be granted holiday compensatory time or be paid holiday pay not exceeding the employee's regularly scheduled hours or one half of the employee's regularly scheduled hours for a half-day holiday. If the employee's compensatory leave balance is 240 hours or greater, holiday pay at the employee's hourly rate must be granted.

(2) Straight pay eligible employees shall, at the discretion of the department head or designee, be granted holiday compensatory time or be paid holiday pay not exceeding the employee's regularly scheduled hours or one half of the employee's regularly scheduled hours for a half-day holiday) at the employee's hourly rate of pay.

(3) Compensatory time eligible employees shall be granted holiday compensatory time not exceeding the employee's regularly scheduled hours or one half of the employee's regularly scheduled hours for a half-day holiday) at the employee's hourly rate of pay.

c. When a holiday falls on an employee's scheduled day off, the employee shall be compensated as follows:

(1) FLSA eligible employees shall, at the employee's discretion, be granted holiday compensatory time or be paid holiday pay not exceeding eight hours (4 hours for a half-day holiday) at the employee's hourly rate of pay. If an employee's compensatory leave balance is 240 hours or greater, holiday pay at the employee's hourly rate must be granted.

(2) Straight pay eligible employees shall at the discretion of the department head or designee, be granted holiday compensatory time or be paid holiday pay not exceeding eight hours (4 hours for a half-day holiday) at the employee's hourly rate of pay.

(3) Compensatory time eligible employees shall be granted holiday compensatory time not exceeding eight hours (4 hours for a half-day holiday).

d. When a holiday falls on an employee's scheduled work day and the employee does not work, the employee shall receive holiday pay at the employee's hourly rate of pay. Full-time merit employees (other than Fire and Rescue Department employees on the 24-hour shift schedule) who are scheduled to work more than 8 hours due to departmental operational needs (this does not include employees who elect to work a compressed work week or flex schedule), shall be granted holiday time off with pay up to the regularly scheduled hours for a full holiday (or one-half of the regularly scheduled hours for a half holiday).

e. In the event of extreme inclement weather or other emergency, wherein the general County government is closed by the County Executive and all employees are granted Emergency Administrative Leave, those employees required to perform emergency services shall be compensated for the hours actually worked at the employee's hourly rate of pay or in accordance with the rules governing overtime. In addition, the employee shall be compensated as follows:

(1) FLSA eligible employees shall at the employee's discretion, be granted compensatory time or be paid at the employee's hourly rate of pay for the number of hours that coincide with the employee's work schedule for the day itself not to exceed the maximum amount granted by the County Executive. If the employee's compensatory leave balance is 240 hours (336 hours for fire protection personnel) or greater, the employee must be paid for these hours.

(2) Straight pay eligible employees shall, at the discretion of the department head or designee, be granted compensatory time or be paid at the employee's hourly rate of pay for the number of hours that coincide with the employee's work schedule for the day itself not to exceed the maximum amount granted by the County Executive.

(3) Compensatory time eligible employees shall be granted compensatory time for the number of hours that coincide with the employee's work schedule for the day itself not to exceed the maximum amount granted by the County Executive.

-4 Compensatory Time.

Compensatory time shall be earned and credited to an employee's records on the basis of actual hours worked in excess of the employee's scheduled hours. FLSA eligible employees who earn compensatory time for FLSA overtime hours worked (as defined 4.15 – 2 a(l), d(l), and e(l) shall accrue 1 1/2 hours of compensatory time for each overtime hour worked.

All other compensatory time shall be accrued on an hour for hour basis. Compensatory time off for overtime worked shall be granted upon request of the employee, when approved by the department head or designee.

a. In the event that an employee is granted compensatory time off in excess of the employee's accrued balance, the excess shall be charged against the employee's annual leave balance.

b. Compensatory time not to exceed 240 hours may be carried forward from one calendar year to the next calendar year.

c. County employees shall be awarded a terminal leave payment for any accrued compensatory time not to exceed a maximum of 240 hours (336 hours for fire protection personnel). This will be paid at the employee's current hourly rate of pay at the time of termination with the exception that FLSA eligible employees will be paid at the current regular rate or at the average regular rate for the last 3 years, whichever is greater.

d. Notwithstanding the provisions of this section or any other provision of these personnel regulations or of the procedural directives governing the exempt service, effective July 1, 1998, senior managers shall not be eligible to earn or accrue compensatory leave. For purposes of this section, "senior managers" are noted in a procedural memorandum issued by the Human Resources Director.

Senior managers shall be credited with the amount of unused compensatory leave accrued as of July 1, 1998. Subject to the provisions of these regulations and any other applicable procedural directive, they may take such compensatory leave after July 1, 1998 until such leave balances are exhausted. Senior managers may carry over no more than 240 hours of previously accrued and unused compensatory leave into the 1999 calendar year. Upon separation, senior managers shall be granted a terminal leave payment for any such accrued and unused compensatory leave paid at the senior manager's current rate of pay, on an hourly basis, at the time of separation not to exceed a maximum of 240 hours.

-5 Call-Back Time.

Call-back time refers to situations wherein an employee is off duty and is called to return to work after departing from the work place. It does not apply to those incidents where an employee is at work or has not departed from the work site and the work period is extended.

Employees called back to work shall be credited with a minimum of four hours overtime in each separate instance, excluding travel time, regardless of the hours actually worked.

(a) FLSA eligible employees shall, at the employee's discretion, be granted compensatory time (at the time and one-half rate) or be paid at one and one-half times their hourly rate of pay for call-back hours. If the employee's compensatory leave balance is 240 hours or greater, the employee must be paid.

(b) Straight pay eligible employees shall, at department head's or designee's discretion, earn straight compensatory time or be compensated at their hourly rate of pay for all call-back time.

(c) Compensatory time eligible employees on all pay scales shall earn straight compensatory time for all call-back time.

-6 Consecutive Shift Time.

Consecutive Shift time refers to situations wherein an employee has completed a full eight or more hour shift and is required to remain on duty a second consecutive shift to perform essential services during an emergency situation or to meet minimum State certification standards in the Department of Public Works and Environmental Services.

Employees required to perform 2nd consecutive shifts shall be compensated as follows:

(a) FLSA eligible employees shall, at the employee's discretion, be granted compensatory time (at the time and one-half rate) or be paid at one and one-half times their hourly rate of pay for consecutive shift hours. If the employee's compensatory leave balance is 240 hours or greater, the employee must be paid.

(b) Straight pay eligible employees shall, at the department head's or designee's discretion, earn straight compensatory time or be compensated at their hourly rate of pay for all consecutive shift time.

(c) Compensatory time eligible employees shall earn straight compensatory time for all consecutive shift time.

4.16 *Outside Employment; Violation of State Law on Conflict of Interests*

-1 Employees in the competitive service shall not engage in any employment, activity or enterprise, which has been or may be determined to be inconsistent, incompatible, or in conflict with duties, functions, or responsibilities of their County employment.

-2 No employee in the competitive service shall hold any other position in any other governmental jurisdiction or in private employment, when such other position may have the effect of reducing the efficiency of such employee in the competitive service.

-3 Employees in the competitive service who desire to accept outside employment in addition to their regular County positions shall inform their respective department head or designee of the nature and extent of such outside employment. The department head or designee shall thereupon determine whether or not the holding of such employment conflicts with the duties and responsibilities of said employee to the County.

-4 Violation of the County's rules on outside employment or the Virginia State and Local Government Conflict of Interests Act or any successor statute thereto may be grounds for dismissal.

4.17 *Application of Pay Policies to Deferred Retirement Option Plan (DROP) Participants*

Notwithstanding any provision of this chapter to the contrary, employees who are participating in the Deferred Retirement Option Plan (DROP) are considered as merit employees and the pay provisions included in this chapter continue to apply during their DROP participation.

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CHAPTER 6

Certification and Eligible Lists

6.1 *Definitions*

-1 An eligible list is a list of applicants who meet the minimum qualifications for the class for which they applied, as determined under the provisions of Chapter 5.

-2 A certification list is a list of applicants who have been determined to meet the minimum qualifications for the class for which they have applied, and who have also been determined to be among the best qualified for that specific job. A certification list may either be a promotional list (based upon competition that is restricted to current Fairfax County employees as described in Chapter 5 or an open, competitive list based upon competition that is open to outside applicants as well as current County employees).

The format of the certification list may take various forms, such as a spreadsheet, memorandum, computer generated format, etc., as long as the format has been issued by the Human Resources Director or designee.

6.2 *Reinstatement/Reemployment*

-1 A former merit employee who satisfactorily completed his/her probation period and was separated in good standing but did not retire may be eligible to be non-competitively reinstated to the position or class formerly held, or to be non-competitively reemployed in any class at the same or a lower grade for which he/she is qualified, for a period of one year from the date of separation. Reemployment eligibility of an employee who was laid off is governed by the provisions of Chapter 9.

-2 A non-competitive reinstatement or reemployment may be requested by the former employee but requires the approval of the department head or deputy.

a. Non-competitive reinstatements to the class formerly held do not require submission of a resume or certification of the former employee.

b. Non-competitive reemployments into a lower grade of the former class series do not require submission of a resume or certification of the former employee.

c. Non-competitive reemployment into a different class series than that formerly held requires submission of a resume and certification of the former employee.

6.3 *Duration of Certification Lists and Eligibility of Individuals*

- 1 A certification/eligible list is normally used to fill a vacancy/vacancies that currently exist, or that are expected to occur during the short term after it is established. However, a certification/eligible list may be used for up to one year after it has been established, in order to fill unanticipated vacancy/vacancies, with the approval of the Human Resources Director or designee. Factors that the Human Resources Director may consider in granting this approval include business necessity, whether the list is promotional or open, whether the list still contains a viable, diverse pool of certified applicants, difficulty of recruitment for the vacancy, etc.

- 2 At the request of a department head or designee and with respect to certification and/or eligibility lists for positions entirely under that department head, the Human Resources Director may extend the duration of an open competition list to a maximum of two years and that of a promotion list to a maximum of three years. No list may be extended beyond these time limits.

- 3 When an eligibility list is dissolved prior to the expiration date in the announcement, individuals remaining on the list shall be so notified.

6.4 *Removal of Certified Applicant From Job Consideration*

A certified applicant (from either a certification or eligible list) may be ruled ineligible for job consideration for any of the reasons listed in the section on disqualification of applicants in Chapter 5 or for any of the following reasons:

-1 Appointment through certification from such list to fill a merit position.

-2 Appointment through certification from a list for another class at the same or higher salary. At the request of the appointee, however, his/her name may be continued on any lists other than the one from which the appointment was made.

-3 Notification from the applicant that he/she desires his/her name removed from consideration.

-4 Refusal of appointment by the applicant under such conditions as he/she previously indicated he/she would accept.

-5 Inability to locate the applicant by mail or telephone within five business days.

-6 Failure by the applicant to reply to inquiry from the Human Resources Director or his/her designee within five business days of the date of such inquiry.

-7 Failure to accept appointment within three business days when offered, or to report for duty on the date prescribed by the department head or designee, provided that no candidate shall be required to report for duty less than two weeks from the date an appointment is offered.

~~-8 Failure to receive appointment after three certifications for the same class.~~

-~~8~~9 Separation of an employee on a promotional list from the County service.

~~-10 Disability that prevents the applicant from performing satisfactorily the duties of the position even with reasonable accommodation.~~

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ATTACHMENT #4

CHAPTER 10

Leave

10.1 *Leave Defined*

Leave is any authorized absence during regularly scheduled work hours that has been approved by proper authority. Leave may be authorized with or without pay. Absence without ~~leave~~ approval is considered unauthorized absence.

10.2 *Leave Policy*

All merit employees are encouraged to take annual leave for vacation purposes of two consecutive weeks each year. During the year, careful consideration shall be given to the desire and needs of employees in the granting of shorter periods of annual leave. Department heads or designees shall grant leave in accordance with these rules on the basis of the work requirements in the department, and whenever possible, the personal wishes of the employee.

10.3 *Maintenance of Leave Records*

The Department head or his/her designee shall be responsible for the maintenance of accurate leave records. Such records shall be kept on a form prescribed by the Human Resources Director, who may periodically inspect them to insure that departments are adhering to the provisions of these rules.

10.4 *Procedures for Requesting Leave*

-1 For all leave, with the exception of official holiday, unscheduled sick and administrative emergency leave, a request indicating the kind of leave, duration and dates of departure and return must be approved prior to the taking of the leave. The request for leave should be submitted to the department head or designee the same number of days prior to beginning the leave as the number of days leave requested. In the case of unscheduled sick leave, the request shall be completed and submitted for approval immediately upon the employee's return to duty.

-2 Unless an absence is approved by the department head or his/her designee, an employee shall not be paid for any absences from scheduled work hours.

10.5 *Unauthorized Absence*

-1 An employee who is absent from duty without approval shall:

a. Receive no pay for the duration of the absence;

b. Be subject to disciplinary action, which may include dismissal.

-2 It is recognized there may be extenuating circumstances for unauthorized absence and due consideration shall be given each case.

-3 Failure of an employee to report for work at the expiration of an authorized leave or to request an extension of such leave shall be considered an absence without leave.

10.6 *Types of Leave*

The following types of leave, and no other, are officially established:

- 1 Annual leave (Section 10.7 - 10.12);

- 2 Sick leave (Section 10.13 - 10.21);

- 3 Extraordinary sick leave (Section 10.16);

- 4 Parental Leave (Section 10.23)

- 5 Leave for injury in line of duty (Section 10.24);

- 6 Bereavement leave (Section 10.25);

- 7 Compensatory leave (Section 10.26 - 10.28);

- 8 Military leave (Section 10.29);

- 9 Civil leave (Section 10.30);

- 10 Volunteer activity leave (Section 10.31);

- 11 Leave without pay (Section 10.32);

- 12 Education leave (Section 10.3~~4~~);

- 13 Holiday leave (Section 10.3~~4~~5 - 10.3~~5~~6);

- 14 Administrative leave (Section 10.3~~6~~7);

- 15 Leave for inclement weather or other emergencies (Section 10.3~~7~~8).

10.7 *Granting Annual Leave*

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Department heads or designees shall grant annual leave with pay in accordance with the following provisions:

-1 Annual leave shall normally be granted unless a department head or designee specifically defers an employee's absence because of work requirements.

-2 Annual leave shall not exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs.

10.8 *Crediting of Annual Leave*

Annual leave shall be credited as follows for merit employees and senior managers as designated in Chapter 4.

-1 During pay periods in which a merit employee is in paid status for at least one hour, annual leave shall be credited according to scheduled hours. Incumbents in positions with 80 scheduled work hours per pay period will receive the following annual leave credits, based on length of service:

a. Less than three years of service receive four (4) hours;
b. Three (3) years but less than fifteen (15) years receive six (6) hours;
c. Fifteen (15) and greater years of service receive eight (8) hours.

-2 Merit employees with scheduled hours other than 80 hours per pay period shall receive leave prorated according to total scheduled hours. Employees working in more than one merit position will accrue annual leave in all positions.

-3 Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting annual leave.

-4 Employees reemployed or reinstated within one calendar year of their separation in good standing should have their annual leave computed on the basis of total years of service. Revised leave computation dates shall be rounded to the nearest day.

-5 Employees with less than ten (10) years of service may accumulate annual leave up to 240 hours. Employees with ten (10) or more years of service may accumulate annual leave up to 320 hours.

-6 Annual leave in excess of the limits imposed by this section existing at the end of each calendar year shall be converted to sick leave.

-7 Employees shall not receive dual compensation from the County for annual leave.

-8 Employees designated as senior managers shall receive 208 hours (26 days) of annual leave at the beginning of each calendar year. Senior managers appointed after the start of a

calendar year shall receive annual leave credit on a prorated basis for that year.

10.9 *Debiting Annual Leave*

Annual leave shall be debited as follows:

-1 The amount of annual leave to be debited shall be computed on the basis of the exact number of days or hours an employee is scheduled to work in the period when leave is taken.

-2 Annual leave shall be debited in no less than one-tenth hour units.

-3 Overdrawn annual leave shall be debited in the following order: compensatory leave, leave without pay.

10.10 *Transfer of Annual and Sick Leave*

Annual or sick leave may be transferred from one employee to another employee in the following situations:

-1 Annual or sick leave may be transferred from one employee to another when the employee-in-need has exhausted his/her sick leave and is facing an absence without pay due to his/her extended illness or that of an immediate family or household member as defined in Chapter 2, with the following provisions:

a. Annual or sick leave may be transferred to any County employee eligible to receive sick leave.

b. Employees transferring sick leave may not transfer more than 80 hours in any calendar year.

c. The employee transferring annual or sick leave relinquishes all rights to that leave. Annual or sick leave transferred under this policy cannot be recovered at a later date.

d. An employee may not transfer leave to his/her immediate supervisor or reviewing authority for performance evaluations.

e. Unused transferred leave may be transferred to another leave recipient or returned to the donor.

f. Transferred leave may be granted only to employees who have exhausted their sick leave balance and whose combined annual and compensatory leave balance does not exceed 80 hours (120 hours for 24-hour shift employees).

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g. This policy does not preclude or in any way limit the right of an employee to apply for advanced or extraordinary sick leave under existing procedures.

h. Final approval of leave transfer requests rests with the department head or designee.

i. An employee who returns to work before using all received transferred leave may use the balance for subsequent treatment or recuperation from the ailment for which the leave was granted. This balance may be used for up to one year from the date transferred leave was approved.

-2 Annual leave may be transferred from one employee to another when the employee-in-need is a member of the National Guard or an organized military reserve of the United States who has volunteered or been ordered to active duty pursuant to an order by the President of the United States or a competent State authority. The transfer of annual leave under this Section is subject to the following conditions:

a. Annual leave may be transferred to any merit County employee who is a member of the National Guard or an organized military reserve of the United States.

b. The employee transferring annual leave relinquishes all rights to that leave. Annual leave transferred under this policy cannot be recovered at a later date. Once the leave has been used by the employee, it cannot be recovered.

c. An employee may not transfer leave to his/her immediate supervisor or reviewing authority for performance evaluations.

d. Transferred annual leave may only be used when the employee called to active military duty has reduced his/her accrued annual and compensatory leave to a combined balance no greater than 80 (120 hours for 24-hour shift employees) hours.

e. Final approval of leave transfer requests rests with the department head or designee.

10.11 *Effect of Transfers on Annual Leave Credits*

A merit employee who transfers from one department to another shall have his/her total annual leave credits transferred to the new department.

10.12 *Effect of Separation on Annual Leave Credits*

Upon separation, an employee shall be paid for the unused portion of his/her accrued annual leave, except as modified by the rules governing resignation without sufficient notice.

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10.13 *Sick Leave Policy*

Sick leave shall be used when an employee is incapacitated by sickness or injury; for childbirth, placement of a child for adoption or foster care; for medical, dental, or optical diagnosis or treatment; for necessary care and attendance or death of a member of the employee's immediate family or household member, as defined in Chapter 2; exposure to a contagious disease when the attendance at duty jeopardizes the health of others. Sick leave for childbirth and adoption/foster care placement shall comply with the provisions in Section 10.22 of these Regulations.

10.14 *Granting Ordinary Sick Leave*

Department heads or designees shall grant sick leave with pay to merit employees in accordance with the following provisions:

-1 Ordinary sick leave shall not exceed the total amount credited to an employee at the beginning of the pay period in which the absence occurs;

-2 Leave without pay may be granted for sickness extending beyond the earned credit;

-3 For merit employees' annual or compensatory leave credits may be used for sick leave.

10.15 *Granting Advance Sick Leave*

-1 Advance sick leave, not to exceed 192 hours (288 hours for 24 hour shift employees), may be granted to merit employees qualified to earn ordinary sick leave in cases of serious disability or ailments of the employee, the spouse, minor or disabled child, parent or parent-in-law of an employee when it is to the advantage of the County to do so.

-2 Advance sick leave may be granted to employees whose combined annual and compensatory leave balance does not exceed 80 hours.

-3 Advance sick leave shall not normally be advanced to a merit employee qualified to earn ordinary sick leave during his/her first year of service with the County.

-4 Advance sick leave shall not be approved retroactively to restore hours previously charged to the employee's annual or compensatory leave balance for an ailment or disability.

-5 When a department head or designee believes that a request for advance sick leave is justified, a personnel action form shall be prepared with the following supporting

documentation:

a. The circumstances and the need for such leave verified by a physician's statement;

b. The time and date when accrued sick leave will be exhausted;

c. The number of hours of advance sick leave requested and date to which such leave will extend;

d. Probable return to duty and prospect for continued employment;

e. Recommendation of the department head or designee;

f. Statement notifying employee of the repayment requirement if advance sick leave is approved.

-6 The Human Resources Director shall consider the information provided and make a recommendation to the County Executive.

-7 Advance sick leave shall be approved by the County Executive or his/her designee.

-8 Advance sick leave shall be charged to future accruals of sick leave. An employee may not use regular sick leave until the approved advance sick leave is repaid.

-9 An employee who returns to work before using all approved advance sick leave may use the balance for subsequent treatment or recuperation from the ailment for which the leave was granted. This balance may be used for up to one year from the date advance sick leave was first used.

-10 An employee returning to work before using all approved advance sick leave may request an adjustment to his/her leave record to eliminate or reduce the remaining approved advance sick leave.

-11 When an employee who receives advance sick leave leaves County service for any reason and the advance sick leave has not been repaid, the County will be financially reimbursed for the balance of sick leave remaining, except in the case of full disability or death.

10.16 *Granting Extraordinary Sick Leave*

-1 When the above provisions do not adequately allow for the illness or injury of a merit employee qualified to earn sick leave, and when the department head or designee believes that it is to the advantage of the County to do so, he/she may request of the

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County Executive, through the Human Resources Director, that the employee be granted an extraordinary sick leave not to exceed 4 hours (6.0 hours for 24-hour shift employees) for each month of service.

-2 Extraordinary sick leave shall be recorded on the employee's leave record but shall not be charged to future accrued leave of any kind.

10.17 *Crediting Sick Leave*

Sick leave shall be credited as follows for merit employees and senior managers as designated in Chapter 4.

-1 During pay periods in which a merit employee is in paid status for at least one hour, sick leave shall be credit based on scheduled hours. Incumbents in positions with 80 scheduled work hours per pay period will receive a four (4) hour sick leave credit.

-2 Merit employees with scheduled hours other than 80 shall receive sick leave prorated accordingly. Employees holding multiple merit positions are eligible to accrue sick leave on scheduled hours in all positions.

-3 Unused sick leave may be accumulated without limit.

-4 Employees, when separated in good standing and reemployed or reinstated within one calendar year of separation, shall have their unused sick leave reinstated.

-5 Senior managers shall receive 104 hours (13 days) of sick leave at the beginning of each calendar year. Sick leave balances granted senior managers appointed after the start of a calendar year shall be prorated accordingly.

-6 Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting sick leave.

10.18 *Debiting Sick Leave*

Sick leave shall be debited as follows:

-1 The amount of sick leave to be debited shall be computed on the basis of the exact number of days or hours an employee is scheduled to work in the period when leave is taken.

-2 Sick leave shall be debited in no less than one-tenth hour units.

-3 Overdrawn sick leave shall be debited in the following order: annual leave, compensatory leave, and leave without pay.

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10.19 *Effect of Transfer on Sick Leave Credits*

A merit employee who transfers from one department to another shall have his/her total sick leave credits transferred to the new department.

10.20 *Effect of Separation on Sick Leave Credits*

1. Sick leave credits shall not be paid to an employee upon separation.

2. Upon application for retirement, an employee's sick leave credits can be applied towards membership service credit at the rate of one month of credit for each 172 hours of accrued unused sick leave, and prorated for any fraction of this amount.

3. Employees who are participants in the Deferred Retirement Option Plan may apply all sick leave credits towards membership service credit for retirement, or retain 40 hours as an initial sick leave balance, while the remaining sick leave credits are applied towards membership service credit for retirement.

10.21 *Other Factors Relative to Sick Leave*

-1 Reporting of sickness.
Employees who are absent from duty for reasons which entitle them to sick leave shall notify their respective supervisors within the time frame established by the Department unless physically unable to do so. Upon return to work, the employee shall submit immediately to his/her supervisor an authorization for leave form.

-2 Medical certificate.
A department head or designee may require a medical statement for sick leave when it occurs before or after a holiday or other scheduled day off, or when it is in excess of two workdays. When an employee has a record of repetitious usage of short amounts of sick leave over an extended period a department head or designe**e** may require a medical certificate for each day of sick leave taken. Employees shall be provided advance notice that a medical certificate will be required for future absences.

-3 The department head or designee may require an employee returning from sick leave to take a medical examination, or, with the concurrence of the Human Resources Director, on such other occasions that he/she deems it in the best interest of the County. The medical examination shall be given by a medical doctor designated by the Human Resources Director or his designee.

-4 Investigation of sickness. A department head or designee may investigate the alleged illness of an employee absent on sick leave.

-5 False or fraudulent use of sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action against the offending employee. Such disciplinary action may include dismissal.

-6 An employee on annual leave who presents a medical certificate giving the dates of illness may have that portion of his/her annual leave converted to sick leave.

-7 Conversion of sick leave. Conversion of sick leave to annual leave shall not be permitted.

-8 State worker's compensation insurance. An employee, who is eligible to receive state worker's compensation payments beyond the year of injury leave, may elect to use accumulated sick leave and/or annual leave. The use of such leave will be coordinated with worker's compensation payments so that the total amount received from both sources does not exceed the employee's full wage or salary until such sick and/or annual leave is depleted or until the employee returns to work.

Leave hours used will be calculated only on that portion of total compensation over the workers' compensation payment. While using sick and/or annual leave the employee will continue accruing sick and annual leave.

10.22 *Family and Medical Leave*

Eligible employees, as defined by the implementing regulations of the Family and Medical Leave Act, may take job-protected, unpaid leave, or substitute appropriate paid leave, for up to a total of 12 workweeks in any 12 months for the birth of a child, for the placement of child for adoption or foster care, because the employee is needed to care for a family member (child, spouse, parent or parent-in-law) with a serious health condition, because the employee's own serious health condition makes the employee unable to perform the functions of his or her job, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent or parent-in-law is a covered military member on covered active duty. In addition, eligible employees may take job-protected, unpaid leave or substitute appropriate paid leave for up to a total of 26 workweeks in a single 12-month period to care for a covered service member with a covered serious injury or illness. The terms "covered military member," "covered active duty," and "covered serious injury or illness" shall be defined as set forth in the Family and Medical Leave Act as amended.

Family and medical leave consists of any combination of sick leave, annual leave, compensatory leave, and leave without pay. Sick leave used for the purpose of family or medical leave must conform to the requirements in Section 10.13. If parental leave (Section 10.22) is taken for the birth, adoption, or foster care placement of a child, the leave must be applied towards the employee's Family and Medical Leave entitlement if applicable.

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-1 Family and medical leave shall be granted to any merit employee for a period of up to twelve work weeks over a twelve-month period. The twelve-month period during which family leave may be taken for the birth of or placement of a child shall expire at the end of the twelve-month period beginning on the date of birth or placement. Service member caregiver leave is granted for up to 26 workweeks during a single 12-month period on a per-covered service member and per-injury/illness basis. Work week is defined as the hours an employee is regularly scheduled to work in a seven (7) consecutive day period.

-2 The twelve-month period for family and medical leave usage shall commence with the first use of family or medical leave. The single twelve-month period for service member caregiver leave shall commence with the first day the eligible employee takes service member caregiver leave and ends 12 months after that date regardless of the 12 month period established for prior FMLA qualifying events.

-3 Requests for leave beyond 12/26 work weeks are subject to regular leave policies with approval determined by the department head or designee.

-4 Requests for family and medical leave must be made in writing and submitted 30 calendar days in advance whenever the necessity for such leave is foreseeable.

-5 The mother may take six (6) weeks of sick leave immediately following the birth of her child. Use of additional sick leave requires medical certification. The father may take four (4) weeks of sick immediately following the birth of his child. Use of additional sick leave requires medical certification.

-6 Mothers and/or fathers may take four (4) weeks of sick leave immediately following placement of a child for adoption or foster care. Use of additional sick leave requires medical certification.

-7 Family leave to include exigency leave may be taken on an intermittent or reduced schedule basis with the approval of the department head or designee. Medical leave may be taken on an intermittent or reduced schedule basis if certified as necessary by the health provider.

-8 At the request of the department head or designee**,** the employee shall provide certification from a health care provider in connection with a request for medical leave. Additionally, an employee may be required to provide medical documentation concerning the continuing necessity for medical leave and in connection with any issue concerning his/her ability to return to work at the expiration of medical leave.

-9 At the request of the department head or designee, the employee shall provide certification of a qualifying exigency in connection with a request for exigency leave.

-10 At the discretion of the department head or designee**,** an employee requesting family leave for the birth or adoption of a child may be required to use accrued annual or sick leave prior to use of leave without pay. Employees requesting family or medical leave for all other reasons may be required to use accrued sick, and/or annual leave prior to use of leave without pay.

-11 During the leave period, the County will provide coverage under the health insurance plan which the employee had selected prior to going on leave at the level and under the conditions coverage would have been provided if the employee had not gone on leave.

-12 If the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a serious health condition for him or herself, children, spouse, parents, parents-in-law, or injured family service member or other circumstances beyond the control of the employee, the County may recover the employer's contribution to the health insurance premium paid during any period of unpaid leave.

-13 No employee shall be prevented from returning to work prior to the expiration of the 12/26 week period.

-14 Employees shall return to the position vacated or, with the approval of the Human Resources Director, to another position in the same class.

-15 Employees who do not plan to return to work should notify their department no later than at the expiration of the leave. Failure to return to work without giving notice at the expiration of the leave without good cause may result in an unsatisfactory service separation.

-16 This regulation shall be construed as to ensure compliance with the minimum requirements of the Family and Medical Leave Act of 1993.

10.23 Parental Leave

Paid leave granted for the birth, adoption, or foster care placement of a child. Merit employees are provided 80 hours per qualifying event (120 hours for full time 24-hour shift fire protection employees). Merit employees scheduled to work less than 80 hours per pay period shall have parental leave pro-rated on the basis of scheduled hours. The parental leave must be applied towards the employee's Family and Medical Leave entitlement if applicable. If an employee has already exhausted that entitlement for the qualifying period, the mother or father is still eligible to take the 80 hours of parental leave (120 hours for full time 24-hour shift fire protection employees).

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Mothers and/or fathers are entitled to take up to 80 hours of paid parental leave (120 hours for full time 24-hour shift fire protection employees) up to 12 months immediately following the birth, adoption, or foster care placement of a child. Such time will run concurrently with Family Medical Leave (FML) to the extent that FML is available to the employee. In some instances when deemed medically necessary, parental leave may be taken prior to the birth. If an employee has already exhausted FML for the qualifying period, the mother or father is still eligible to take the 80 hours of parental leave.

10.24 *Leave for Injury in Line of Duty*

-1 A merit employee who is injured while performing the duties of his/her position, without fault or negligence on his/her part, and who is accepted as compensable under the Virginia Worker's Compensation Act, shall be granted injury leave with pay, as approved by the County Executive or his/her designee. Such eligibility for injury leave with pay begins on the first day of injury and shall expire not later than twelve calendar months from the original injury date. Reinjuries do not extend the period of eligibility for injury leave. Such leave requires a medical certificate from an approved licensed physician authorized by the County to treat worker's compensation claims. This certificate must set forth the nature and extent of the injury and the probable period of disability.

-2 Extensions of injury leave beyond twelve calendar months may be granted by the department head or designee**.** In no case shall the employee be granted injury leave in excess of 2080 (2912 for 24-hour shift fire protection employees) total hours. In evaluating such requests, the following elements shall be considered:

a. The circumstances in which the injury occurred to include consideration of the nature and extent of the injury;

b. The nature and extent of treatment providing that the employee has continued under the regular care of the authorized physician requiring an office visit at minimum intervals of at least once every three months; and providing that the medical records clearly substantiate a relationship between the current prescribed treatment and the original injury;

c. The likelihood of the employee's return to duty;

d. The employee's past injury, leave and service record;

e. The employee's compliance with injury leave policies and requirements.

-3 When possible, employees who have been injured but are not totally disabled, will be placed in temporary assignments without loss of pay with duties that fall within the medical restrictions prescribed by the treating physician.

-4 When injury leave is used other leave benefits shall not accrue.

-5 An employee on injury leave is expected to follow medical procedures and complete necessary forms/reports so as to insure that worker's compensation payment will be credited to the appropriate account.

-6 An employee on injury leave is specifically prohibited from engaging in activities that may impair his/her recovery. This includes:

a. Engaging in strenuous recreational or other physical activities without the approval of the authorized physician.

b. Being employed or self-employed to perform work of any kind without the prior written approval of the authorized physician and the Human Resources Director.

-7 An employee on injury leave is not required to remain at home, but is required to be available for contact by his/her supervisor and to notify the supervisor of any change of residence during authorized absence.

-8 Failure of an employee on injury leave to follow prescribed procedures or to accept appropriate medical treatment, vocational rehabilitation, or medically appropriate temporary assignments, may result in disallowal of full salary continuation and reversion to straight worker's compensation wages, if eligible, for the time period of noncompliance, with the employee being liable for repayment of the monetary differential.

10.25 *Bereavement Leave*

Bereavement leave may be used to cover an absence resulting from the death of an employee's extended family or household member, as defined in Chapter 2. Department heads or designees shall grant bereavement leave with pay to merit employees in accordance with the following provisions:

-1 Full time merit employees shall be eligible to use up to 16 hours of bereavement leave per calendar year (24 hours for full time 24-hour shift fire protection employees). Merit employees scheduled to work less than 80 hours per pay period shall be eligible for bereavement leave on a pro-rated basis.

-2 Bereavement leave may not be carried over from one calendar year to the next.

-3 The amount of bereavement leave to be debited shall be computed on the basis of the exact number of hours an employee is scheduled to work in the period when the leave is taken.

-4 Bereavement leave shall be debited in no less than one-tenth hour units.

-5 Sick leave may be granted for absences extending beyond bereavement leave eligibility in accordance with the sick leave provisions herein.

10.26 *Compensatory Leave*

-1 Compensatory leave shall be credited to an employee as provided for in the rules governing overtime. Employees who are participants in the Deferred Retirement Option Plan (DROP) will be considered as merit employees for purposes of crediting compensatory leave.

-2 Compensatory time for overtime worked shall be granted at the discretion of the employee at a time convenient to and approved by the department head or designee.

-3 Overdrawn compensatory leave shall be debited in the following order: annual leave, leave without pay.

10.27 *Effect of Transfers on Compensatory Leave*

An employee who transfers from one department to another shall have his/her compensatory leave transferred to the new department.

10.28 *Effect of Separation on Compensatory Leave*

An employee who is separated from service may only be paid for any accrued overtime for which he/she has not been granted compensatory leave in accordance with the provisions of section 4.15-4.

10.29 *Military Leave*

-1 A merit employee who is a member of the National Guard or an organized military reserve of the United States, or is a former member of the Armed Services and has been reactivated by a competent authority shall be allowed military leave under the following circumstances:

a. Leaves of absence with pay not to exceed fifteen workdays during any one federal fiscal year (October 1 - September 30) to attend federally funded military duty, including duty for training. For the purposes of this section, one 24-hour shift workday shall equate to two military leave workdays. The employee shall report to work in accordance with the following schedule:

1. If the period of service is less than 31 days, the employee must report back to work not later than the beginning of the next regularly scheduled

workday after the military duty, including travel time and an 8-hour rest period, is completed.

2. If the period of service is more than 30 days but less than 181 days, the employee must report back to work not later than 14 calendar days after completing service.

3. If the period of service is more than 180 days, the employee must report back to work not later than 90 days after completing service.

4. If the employee is hospitalized or convalescing from an injury or illness incurred during the period of service, then the time for the employee to report back to work will be extended.

b. Leaves of absence without pay for training not covered above. The employee shall report to work the next regularly scheduled workday after the training period, including travel time and an 8-hour rest period, is completed.

-2 A merit employee who is a member of the Virginia National Guard and who is called to emergency duty by the Governor to combat floods, riots, winter storms, hurricanes, or other disasters shall be allowed military leave with pay for each day of such service. A merit employee who is a member of any National Guard organization other than the State of Virginia and who is called to emergency duty by the competent authority of that state may elect to be placed on military leave without pay for each day of such service.

-3 The employee shall notify his/her supervisor as far in advance as possible when taking military leave. The employee's notice may be either verbal or written. A copy of military orders may be requested, but cannot be required. Failure to notify the County in advance shall not deprive the employee of rights and benefits.

-4 An employee who leaves the County service in order to join the military forces of the United States or who is inducted into such service has resigned and is not considered to be on military leave. (Section 9.2-5).

-5 In the event of any conflict between County regulations and federal or state law, the latter shall take precedence.

10.30 *Civil Leave*

A merit employee shall be given time off without loss of pay when performing jury duty, when subpoenaed or requested to appear before a court, public body or commission except when the employee is a party to the suit, when performing emergency civilian duty in connection with national defense, or for the purpose of voting. Leave for the purpose of voting shall only be granted when the employee's work schedule prohibits voting before or after duty hours or through absentee balloting.

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10.31 *Volunteer Activity Leave*

Volunteer activity leave may be used to participate in volunteer activities and initiatives to support the neighborhoods in which employees live and work to include educational and charitable institutions, religious/faith-based, and community service entities. Department heads or designees shall grant volunteer activity leave with pay to merit employees in accordance with the following provisions:

-1 Full time merit employees shall be eligible to use up to 16 hours of volunteer activity leave per calendar year (24 hours for full time 24-hour shift fire protection employees). Merit employees scheduled to work less than 80 hours per pay period shall be eligible for voluntary activity leave on a pro-rated basis.

-2 Voluntary activity leave may not be carried over from one calendar year to the next.

-3 The amount of voluntary activity leave to be debited shall be computed on the basis of the exact number of hours an employee is scheduled to work in the period when the leave is taken.

-4 Voluntary activity leave shall be debited in no less than one-tenth hour units.

10.32 *Leave Without Pay*

A department head or designee may grant a merit employee a leave without pay for a period not to exceed one year, subject to the following conditions:

-1 Leave without pay shall be granted only when it is in the interests of the County to do so. The interests of the employee shall be considered when he/she has shown by his/her record to be of more than average value to the County and when it is desirable to return the employee even at some sacrifice.

-2 At the expiration of a leave without pay, the employee shall be reinstated in the position he/she vacated or in any other vacant position in the same class.

-3 The employee does not earn leave while on leave without pay.

-4 Failure on the part of the employee to report promptly at the expiration of a leave without pay may be cause for dismissal.

10.33 *Education Leave*

A merit employee engaged in professional or technical work may be granted a leave of

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absence with full or partial pay for enrollment in a special institute or course of study of direct benefit to the County service, at the discretion of the department head or designee**.**

Such leave may be granted on the assumption that the employee will remain with the County service for a reasonable period to be recommended by the department head or designee, upon completion of the institute or course of study.

10.34 *Holiday Leave*

-1 The following holidays are observed by the County and shall be granted to merit employees with pay, unless such employees are required to be on scheduled duty.

a. New Year's Day (January 1);

b. Martin Luther King, Jr.'s Birthday (Third Monday in January);

c. Washington's Birthday (Third Monday in February);

d. Memorial Day (Last Monday in May);

e. Independence Day (July 4);

f. Labor Day (First Monday in September);

g. Columbus Day (Second Monday in October);

h. Veteran's Day;

j. Thanksgiving Day (Fourth Thursday in November);

k. Fall Holiday (Friday after Thanksgiving);

l. Christmas Eve (One-half day on December 24);

m. Christmas Day (December 25);

n. Inauguration Day (January 20, every fourth year) when it falls on a business day, Monday through Friday.

-2 The County Executive may also set aside other days as holidays.

10.35 *Granting Holiday Leave*

The granting of holidays observed by the County shall be subject to the following provisions:

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-1 Holidays on a weekend.
When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed as the holiday.

-2 Holiday on scheduled workday

a. Holiday on scheduled workday; employee works**.**

Employees who are required to work on a holiday (actual or County observed) shall be compensated for the time worked in accordance with the rules governing hours and overtime. Holiday compensation will be provided on an hour for hour basis for an employee's regular scheduled hours not to include overtime hours. If an employee who would not normally work the holiday, is scheduled to work to meet staffing or other operational needs, the employee is entitled to receive holiday compensation for hours worked not to exceed the number of his/her regularly scheduled hours.

b. Holiday on scheduled workday; employee does not work. Employees who are required to work on a holiday (actual or County observed) but do not work, shall be compensated as follows. Holiday compensation will be provided on an hour for hour basis up to the number of regularly scheduled hours for that day.

-3 Holiday on scheduled day off. Within the policy established in the section on holiday leave, whenever one of the designated holidays falls on an employee's scheduled day off, the employee shall be granted either holiday pay or holiday compensatory time in accordance with the rules governing hours and overtime. To receive holiday compensation on an actual holiday, an employee must be directed by his/her supervisor to work due to staff shortage or other operational necessity.

-4 Holidays for merit part-time employees. Part-time merit employees shall be granted holiday time off with pay on a pro-rated basis regardless of the number of hours scheduled on the day a holiday falls computed at the rate of one-tenth of an hour times the employees bi-weekly scheduled hours.

-5 Holidays during paid leave. A holiday falling within a period of paid leave shall not be counted as a workday in computing the amount of leave debited.

-6 Holiday during unpaid leave. When a holiday falls within a period of leave without pay, the employee shall be granted either holiday pay or holiday compensatory time in accordance with the rules governing hours and overtime.

-7 Appointment on a holiday. The appointment of a merit employee shall not be effected on a holiday except when the employee works that day.

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10.36 *Administrative Leave*

-1 Administrative leave shall be any paid leave authorized by the County Executive, which is not otherwise classified by these Regulations.

-2 Administrative leave will normally[1] be granted to any full-time or part-time employee by an appointing authority or the County Executive for any of the following reasons:

a. Where an employee is required to appear before a public body, public agency, board or commission during normal working hours on matters relating to County business.

b. For the attendance in an official capacity during normal working hours as a representative of the County at meetings, symposiums, conferences, conventions or hearings.

c. During the investigation of an alleged improper act by an employee which may result in formal disciplinary actions and/or when the retention of the employee on an active duty status may be detrimental to the interests of the County or injurious to the employee, his/her fellow workers or the general public. Administrative Leave for this purpose will not exceed ten business days without prior approval of the County Executive. A memorandum to the Human Resources Director will be submitted by the department head or designee giving details of the Administrative Leave for all situations covered by this paragraph. In lieu of the use of Administrative Leave for situations of this type, a department head or designee may temporarily assign the employee to other duties.

d. For participation in the blood donor program for which purpose up to four hours may be granted, at the discretion of department head or designee, for each recuperative purpose.

e. For the purpose of undergoing a medical examination as may be required by the employee's department head or designee.

f. To recognize long term service to general county employees who earn length of service awards of 20, 25, 30, 35, 40 and 45 years or more shall be eligible for one day of administrative leave (12 hours for 24 hour shift firefighters) in the year after they have qualified for the length of service award.

g. To recognize outstanding performance such as Outstanding Performance Awards

1 Exceptions to be justified and made a matter of record.

or Team Excellence Awards. The number of hours received for Outstanding Performance Awards or Team Excellence Awards shall be equal to two days of administrative leave (24 hours for 24 hour shift firefighters).

h. For officers of the Employees Advisory Council and employee organizations, which participate in payroll dues deduction to attend conventions and training related to employee relations. Administrative Leave for this purpose shall not exceed 30 workdays (240-hours) per year per employee organization. In the accrual of hours toward the 240-hour limit, one 24-hour shift shall equate to 16 hours of administrative leave. Employees must submit such leave requests as far in advance as possible and provide written verification upon return to duty of attendance at the convention or employee relations training. Respective employee group leaders are accountable for monitoring and ensuring compliance with this policy.

~~h.~~ i. When a non-Office of Elections employee volunteers to work for *Fairfax County's* Office of Elections on an election day or completes training for election volunteer workers.

-3 In addition to the provisions of paragraph -2 above, Administrative Leave may be granted to any full-time or part-time employee by the County Executive or his/her designee for any of the following reasons:

a. Breakdown of essential facility services such as heating, air conditioning, or water or other problems wherein facilities must be closed and employees released early from work or not required to report to work.

b. Breakdowns of equipment making it impossible to accomplish assigned tasks.

10.37 *Leave for Inclement Weather or Other Emergency*

-1 When extreme inclement weather or other emergencies occur, the County Executive or his/her designee shall have the option to declare one of the following types of leave:

a. Unscheduled Leave - may be declared by the County Executive or his/her designee when it is deemed advisable to provide employees flexibility regarding reporting to work due to inclement weather or other emergency. Unscheduled leave authorizes all employees, except those designated as emergency service personnel, to use their own leave to remain home from work or to leave work early without obtaining prior approval from their supervisor. Employees, however, must notify their supervisors if they opt to stay home on unscheduled leave. Employees may only use annual leave, compensatory leave, or leave without pay for this purpose. Such leave is authorized only for the period of time designated by the County Executive or his/her designee.

b. Emergency Administrative Leave - may be declared by the County Executive or his/her designee when it is determined necessary to close the general County government due to extreme inclement weather or other emergency. Emergency administrative leave authorizes all merit County employees, except those designated as emergency service personnel, to remain home from work or to leave work early without prior approval of the supervisor and without the use of personal leave or leave without pay. Such leave shall be limited to the time periods designated by the County Executive or his/her designee. Employees required to work during a period of such emergency administrative leave shall receive extra compensation in accordance with provisions contained in Chapter 4.

-2 When leave for inclement weather or other emergency is declared, emergency service personnel must report to work. Emergency service personnel are those employees, designated by the department head or designee, who due to the nature of the emergency, which has occurred, must report to work to ensure that public health and safety needs or critical departmental requirements are met.

Formally designated emergency service personnel must report as directed. Employees who are unable to report must comply with written department-level policies governing such absences. Failure to report or comply with departmental exception policies will be considered an unauthorized absence, as outlined in section 10.5 of this regulation.

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CHAPTER 12

Performance Management

12.1 *Introduction*

Performance management is a continuing process for establishing a shared understanding between the supervisor and the employee about what is expected on the job and how it is to be achieved. Performance management promotes improved job performance, encourages skill development, and fosters performance at the highest level while increasing the probability of success for the employee and the workgroup through enhanced communication. The process has defined roles for both the employee and the supervisor.

-1 In performance management, the supervisor:

a. Sets performance expectations for all positions under his/her control through accurate job descriptions.

b. Discusses the employee's position description, his/her evaluation and performance expectations.

c. Coaches each employee on their performance at regular intervals throughout the rating period, helps set goals for performance improvement, and supports professional development.

d. Evaluates each employee's performance in writing at least annually.

e. Assists in identifying training and developmental solutions to support maximum performance in the current position, and, career development opportunities to support future career advancement.

-2 To actively participate in the performance management process, the employee:

a. Ensures an understanding of expectations and responsibilities by reviewing the position description and evaluation.

b. Solicits performance feedback, periodically, throughout the year, including discussions of any obstacles or challenges that might hinder performance.

c. Completes the self-assessment evaluation.

d. Participates in the review discussion with his/her supervisor.

e. Is accountable for his/her own improvement and development.

12.2 Authority and Responsibility

-1 Responsibility

a. Department heads have authority for implementing and administering performance management and career development within their agencies to the same extent that they are responsible for other aspects of agency management.

b. The immediate supervisor has responsibility for day-to-day performance management including coaching and formal evaluation of the employee. In unusual circumstances, department heads or designee may designate a higher-level supervisor to perform the function of the immediate supervisor when warranted.

- 2 Training

a. Employees:

1) Shall attend mandatory training, to include performance management training, and

2) Shall certify that they understand their role and responsibilities in the performance management process.

b. Supervisors and Reviewers:

1) Shall attend mandatory training in performance management, offered periodically by the Department of Human Resources, as soon as possible after appointment to a supervisory role.

2) Shall certify that they understand their role in performance management, including the process, proper form use, coaching, expectation setting, and career management support as soon as possible after appointment to a supervisory role.

3) Shall ensure his or her subordinate staff attends mandatory training, including performance management training.

c. Department heads shall ensure that all supervisors understand Fairfax County's performance and career management philosophies and procedures.

12.3 *Performance Management Cycle*

Performance management is a year-round collaborative process between the employee and his/her immediate supervisor. The process involves planning, coaching, developing, and reviewing job performance throughout the year. Performance management takes into consideration "what" the employee accomplishes during the performance cycle and "how" the employee accomplishes the work. The ongoing, two-way communication between an employee and his/her supervisor assists the employee in maximizing his/her job performance and career potential.

-1 Planning

a. During the planning phase, both the employee and supervisor discuss job requirements and performance to ensure a common understanding of the evaluation criteria.

b. During the planning phase, employees work with their supervisors to define, clarify and understand their performance expectations using the class specifications and position descriptions for guidance.

1) Class specifications provide an overview of the typical duties associated with a job classification, as well as, outline the minimum qualifications and necessary knowledge, skills and abilities for each job class.

2) Positions descriptions list requirements and job duties that are unique to each established position. Each department head or designee must maintain current position descriptions and performance requirements for all positions under his/her control.

c. A Career Management Plan (CMP) is also initiated as part of the annual evaluation period planning process. The CMP documents development initiatives for the upcoming evaluation period designed to support employee growth and learning in the current position and/or prepare the employee for career advancement within the County.

1) CMP completion is mandatory unless the supervisor and employee mutually agree it is not necessary for the given review period.

2) CMPs are also completed for initial and promotional probationary employees soon after appointment, in order to promote necessary development and successful onboarding.

-2 Coaching

a. The coaching phase is a continuous cycle of observation, feedback, and redirection to ensure that the employee is on track to achieve the defined performance expectations. Coaching supports the employee in his or her efforts to perform at the optimal level.

b. At any time during the review period, if the supervisor assesses the employee's overall performance as unsatisfactory or any component of performance as needing improvement; a coaching performance improvement plan (Coaching PIP) should be initiated. A Coaching PIP is a document which identifies employee performance and/or behavioral issues requiring improvement and the specific changes required for the employee to demonstrate passing performance in these areas on the next performance evaluation.

c. Coaching PIPs are documents designed to support and coach the employee and are not disciplinary documents. Supervisors are responsible for issuing Coaching PIPs in a timely manner. Ideally the Coaching PIP will be completed early enough in the review cycle to enable the employee time to improve performance to an overall satisfactory level in each evaluation category. The length of the Coaching PIP period and when it is issued will vary based on the individual circumstances, not to exceed120 days.

During the coaching performance improvement period, the employee and supervisor shall meet regularly to discuss performance progress; the employee shall be given biweekly written progress reports. The Coaching PIP is retained by the agency.

-3 Reviewing

During the reviewing phase, the supervisor and the employee discuss the employee's job performance throughout the rating period concluding with the formal written performance evaluation to be retained in the employee's personnel file. A critical component of the performance management process is ensuring that evaluations are conducted as required.

a. Timing of Formal Performance Evaluations

1) The Human Resources Director shall establish guidelines on how agencies will be informed that employee performance reviews are due. The Human Resources Director shall also establish guidelines to ensure that performance reviews are completed timely in accordance with these regulations. These guidelines shall be distributed to all department heads so they can inform the managers and supervisors within their respective departments.

2) Formal written performance evaluations must be conducted as follows:

a) Probationary

The initial probationary period is the working test or trial period of employment as set forth in section 7.5 of these regulations. If performance circumstances so warrant, a department head may terminate a probationary employee whose performance is unsatisfactory at any point during the initial probationary period.

i. Non-Public Safety

Newly appointed county employees, other than police officers, deputy sheriffs, animal control officers, public safety communicators and firefighters, shall receive a written evaluation before the end of the first sixth months in the position and again during the annual performance review period.

The six-month performance review should assess the employee's performance and formally advise the employee if improvement is needed in order to complete the probationary period successfully. The designated performance evaluation form is used for this 6 month evaluation.

Successful completion of the 12-month probationary period must be documented using the designated performance evaluation form. After completion of the initial probationary period, employees will continue to be evaluated at the conclusion of each annual performance review period.

ii. Public Safety

At the discretion of the Chief of Police, the Sheriff and the Chief of Fire and Rescue, the performance of newly appointed police officers, animal control officers, deputy sheriffs and firefighters may be reviewed formally in writing upon

graduation from the Criminal Justice Academy or Fire and Rescue Academy, at which point their probationary periods begin. They also shall be reviewed during their probationary periods as specified above for other newly appointed employees. Because the Performance Pay Increase (PPI) date is determined by the date of appointment to the respective training academy, the first PPI date will occur before the probationary period ends. These employees therefore will be reviewed not less than two weeks before the PPI date and need not be reevaluated at the end of the probationary period unless a negative determination rating was given at the PPI date or is to be made at the end of the probationary period.

iii DPSC

At the discretion of the Director, Department of Public Safety Communications, the performance of newly appointed public safety communicators may be reviewed formally in writing upon graduation from the Department of Public Safety Communications Academy and completion of a 10 week on the job training program at which point their probationary periods begin. They also shall be reviewed during their probationary periods as specified above for other newly appointed employees. Because the PPI date is determined by the date of appointment to the academy, the first PPI date will occur before probation is ended. Therefore, these employees will be reviewed not later than two weeks before the PPI date. They do not need to be reevaluated at the end of the probationary period unless a negative determination rating was given at the PPI date or is to be made at the end of the probationary period.

b) Non-Probationary

All non-probationary, non-uniform public safety employees shall be evaluated in writing, at least annually, during the performance review period. Annual evaluation is required whether or not the employee is otherwise eligible for a performance pay increase.

c) Newly Promoted

Non-uniformed public safety employees who are promoted shall serve a 12-month promotional probationary period. Such employees shall be reviewed before the end of the sixth month following the date of the promotion and will be reviewed again

during the annual performance review period. Additionally, successful completion of the 12-month probationary period must be documented on a form prescribed by the Director, Department of Human Resources, and maintained in the employee's personnel file.

d) Evaluations required due to transfer of employee or supervisor changes (change of rater):

i) Non-Public Safety

Except as otherwise noted in this chapter, if an employee's supervisor changes during the review period, the employee shall be reviewed by the incumbent supervisor prior to the supervisor's departure if he or she has supervised the employee for four months or more. When the new supervisor submits the next review, the time period covered will begin upon the transfer of supervisory responsibility.

In instances where a non-public safety employee is rated by more than one supervisor during the rating period, if the current supervisor has supervised the employee for eight months or more, the current supervisor's rating will be used as the final rating. If the current supervisor has supervised the employee for less than eight months, the final rating shall be calculated by weighting the ratings of all supervisors (who have supervised the employee for four months or more) during the rating period based on the number of months covered by their individual reviews.

ii) Public Safety

Because internal transfers often occur in the lower ranks, the public safety department heads or designees may establish procedures to determine how evaluations will be performed. These procedures will affect police first lieutenants, sheriff sergeants, fire captains and uniformed personnel of lesser ranks having two or more supervisors in a twelve-month period. They will be rated jointly by all supervisors who had the individual under their command for two months or longer.

In the case of Police, Sheriff or Fire and Rescue personnel in higher ranks, where an employee is rated by more than one supervisor during the rating period, the final rating by the

current supervisor shall be used for purposes of determining pay increase eligibility. When the current supervisor has supervised for less than three months, the evaluation shall be made after consideration of ratings conducting by previous supervisors.

12.4 ***Evaluation Completion Process***

Standardized forms for formal performance evaluations are provided for both public safety and non-public safety employees.

-1 Preparation

a. Non-Public Safety

1) Self-Assessment/Employee

Employees shall be encouraged to complete a self-assessment performance evaluation, including the development plan for his or her current position. Unless the multi rater option is being used, this self-assessment is used for discussion purposes only and does not count as part of the final rating.

2) Draft Evaluation by Supervisor

The supervisor prepares the draft evaluation and consults with the reviewing authority as needed. The draft evaluation must identify any mandatory development areas.

b. Public Safety

Each public safety agency will conduct evaluations in accordance with the department's operating procedures. Although not required, employees may be invited to submit a self-evaluation for their job class or function as part of the annual evaluation process.

-2 Discussion

a. Non-Public Safety

During the initial discussion, the employee and supervisor meet to discuss the employee's self-assessment as well as the supervisor's preliminary assessment of the employee's performance for the review period. This provides an opportunity for the supervisor and employee to clarify their

mutual understanding of job tasks and performance requirements. It also enables them to jointly set performance goals for the coming evaluation period.

Employee strengths as well as areas needing improvement should be discussed. Ideas from the employee about how the supervisor can better support the employee in achieving his/her performance expectations and career objectives can also be discussed at this time. The employee and supervisor should jointly determine the development plan for the upcoming year.

b. Public Safety

Public safety employees and supervisors should meet to discuss performance requirements and accomplishments during the rating period. Employees may be invited to submit a self-evaluation as part of that process.

-3 Completion of Performance Evaluation Form

Supervisor finalizes the evaluation form based on input from the employee's self-assessment and/or the discussion with the employee.

-4 Review of Completed Performance Evaluation Forms

a. Reviewer's Role

Each completed performance evaluation form shall be reviewed by a higher level supervisor designated by the department head or designee. Usually, the immediate supervisor of the evaluator serves as the reviewing authority. In all cases, the reviewing authority shall be at least one level above the supervisor who prepared and signed the evaluation. In no case shall the evaluator and reviewing authority be the same person.

b. Reviewer's Revision Rights

If the reviewing authority does not agree with the supervisor's rating, where possible, differences will be resolved between the reviewing authority and supervisor prior to issuing the final evaluation to the employee. Additionally, the reviewing authority may choose to revise the original rating(s) on the evaluation which would supersede the supervisor's ratings. Changes must not obscure the original supervisor's rating and must be initialed by the reviewer. In addition, the reviewer should provide an explanation for the changes.

-5 Final Evaluation Discussion

The final evaluation (including the career management plan) is then presented to the employee for signature and additional discussion. This discussion is an important part of the performance management process and should be used to provide any additional clarity needed to support the employee in the next review period.

At the end of the discussion, the employee is asked to sign the evaluation. The employee's signature attests only to the fact that the employee has seen and discussed the evaluation. It does not affect the employee's right to appeal if he or she disagrees with the evaluation. If the reviewer has made changes, the employee shall be afforded the opportunity to discuss the changes with the reviewer.

12.5 Advance Notice of Possible Negative Determination (10-Week Advance Notice)

-1 Negative Determination Definition

The term "negative determination" refers to a decision by a supervisor, with the concurrence of the reviewing authority, that an employee's performance is unsatisfactory and she or he is not eligible for an performance pay increase; or a public safety employee who is ineligible for a PPI due his/her step in grade, whose performance is rated below the level that would otherwise be necessary to qualify him/her for a PPI.

- 2 Ten Week Advance Notice and Performance Improvement Plan

Ten Week PIPs are documents designed to support and coach the employee. It is not a disciplinary document. When a supervisor determines that an employee might receive a negative determination, the supervisor shall consult with the reviewing authority. If the reviewing authority concurs, the supervisor shall notify the employee in writing at least 10 weeks in advance of the PPI date. The advance notice shall include a performance improvement plan that identifies the performance deficiencies and related improvements in performance or changes in behavior required to obtain a satisfactory performance rating. A copy of the 10-week advance notice shall be forwarded to ~~with the attached performance improvement plan should be forwarded to~~ Employee Relations staff in the Department of Human Resources; the 10-week PIP is retained by the agency.

During the 10-week performance improvement period, the employee and supervisor shall meet regularly to discuss performance progress; the employee shall be given biweekly written progress reports.

If the behaviors/events causing the negative determination occurred less than ten weeks before the due date or in those cases where timely advance notice is not given, the supervisor should follow the procedures in Section 12.5-3.

- 3 Untimely Advance Notice And 10-week Performance Improvement Plan

In the event that a supervisor does not give the employee written notice of a possible negative determination at least ten weeks before the annual evaluation due date, the following procedures shall be followed:

a. The written ten-week notice should be given as soon as possible stating the performance deficiencies and improvements required.

b. The department head or designee shall advise the Human Resources Director, in writing, as to why the prescribed notice was not given to the employee ten weeks prior to due date, and, if appropriate, what measures have been taken to prevent recurrence.

c. A copy of the 10-week advance notice ~~with the attached performance improvement plan should~~ shall be forwarded to Employee Relations staff in the Department of Human Resources.

d. After completion of the ten-week period, an evaluation must be given as specified in 12.3-3.

12.6 ***Annual Evaluation Following 10-Week Advance Notice***

The employee's evaluation should be given ten weeks after the written notice of a possible negative determination.

-1 Satisfactory Determination

a. If, in the supervisor's, reviewing and/or appointing authority's opinion, the employee's performance has improved sufficiently, a satisfactory determination is made and the evaluation is entered into the human resources information system. The evaluation shall be forwarded to the Department of Human Resources.

b. If the 10-week notice was given timely, the Performance Pay Increase (PPI) will be processed as scheduled, if applicable.

-2 *Negative Determination*

If, in the supervisor's, reviewing and/or appointing authority's opinion, the employee's performance has *not* improved sufficiently to warrant a satisfactory determination at the end of the ten-week notice period, a negative determination is made and the evaluation is entered into the human resources information system. The evaluation shall be forwarded to the Department of Human Resources.

a. The PPI is not processed and a follow-up 120-day evaluation date is generated.

b. A 120-day performance improvement plan is given to a non-probationary employee who receives a negative determination on the annual evaluation.

1) 120-day PIPs are documents designed to support and coach the employee and are not disciplinary documents.

2) This plan shall be in writing and shall identify the performance deficiencies and related improvements in performance or changes in behavior required to obtain a performance rating that would qualify the employee for a salary increase (if employee is otherwise eligible).

3) The 120-day Performance Improvement Plan shall be issued concurrent with the evaluation. A copy shall be retained by the agency and a copy submitted to Employee Relations staff in the Department of Human Resources.

3) During this 120-calendar day performance improvement period, the employee and supervisor shall meet regularly to discuss performance progress; the employee shall be given biweekly written progress reports.

12.7 ***Follow-up to 120-Day Evaluation***

At the end of the 120-calendar day performance improvement period, an additional evaluation must be conducted.

- 1 Satisfactory Evaluation
The employee will receive the appropriate pay increase effective the first full pay period after the date of the 120 calendar day review if the advance notice was given timely. The PPI will be awarded retroactively to the PPI due date if the advance notice was not given in a timely manner.

- 2 Negative Determination

The employee will receive no pay increase and will not be eligible for further consideration for a pay increase until his or her next annual performance pay increase date. Additionally, the supervisor, working with the department head or designee, will determine what additional employment action, if any, is appropriate.

12.8 ***Disciplinary Actions Issued To Employees On Performance Improvement Plans***

The county is committed to working productively with employees to improve performance and/or behavioral problems. All PIPs are intended to facilitate such improvement.

However, participation in a PIP does not preclude employees from receiving disciplinary actions, up to and including proposed dismissal from county employment. Such disciplinary actions shall be issued in accordance with Chapter 16 of these regulations.

Written reprimands, involuntary demotions, suspensions and separation from county employment, issued concurrently with a PIP, while the employee is subject to the conditions of a PIP, or closely following the completion of a PIP require the advance approval of the Human Resources Director.

12.9 ***Signature Requirements***

Both the supervisor and the reviewer must sign the evaluation prior to the presentation of the final review to the employee for signature. Prior to entering the evaluation in the human resources information system, the employee must have been presented the evaluation with the opportunity to sign it, except when the employee is unavailable due to extended absence. If the employee elects *not* to sign the evaluation, the supervisor should note the date the employee was given the evaluation and that the employee opted not to sign.

12.10 ***Distribution of and Access to Completed Evaluation Forms***

Evaluations provide a permanent record of employee performance and serve as a basis and documentation for a variety of formal personnel actions.

-1 Distribution

Completed performance evaluation forms shall be distributed as follows:

a. One signed copy to the Department of Human Resources for permanent retention in the employee's official personnel file.

b. One signed copy to the employee.

c. One signed copy to be filed within the agency at an organizational level designated by the department head or designee. Large agencies may retain an additional copy to permit filing both at a central point and at a remote sub-unit within the agency.

-2 Confidentiality

Performance evaluation forms are confidential records. Access to them shall be restricted to the following:

a. The employee rated.

b. The department head and personnel within the department specifically authorized access to such records by the department head or designee.

c. The Human Resources Director, who may make them available when needed in connection with personnel actions related to the employee.

d. The Civil Service Commission in connection with any appeal or grievance where such records are pertinent to the matter before the Commission.

e. The Office of the County Attorney in connection with any personnel actions, grievances, appeals, charges of discrimination filed with the U. S. Equal Opportunity Commission, or any other matters related to the employee's employment in which the County Attorney's Office is providing advice, legal counsel or representation.

f. The Office of Human Rights and Equity Programs in connection with any personnel actions, grievances, appeals, charges of discrimination filed with the U. S. Equal Opportunity Commission, or any other federal or state agencies, or any other matters referred to it for investigation, recommendation or mediation.

Except as provided above, in no case shall any evaluator, reviewing authority or other person with access to completed forms show any such form to any person other than the employee evaluated thereon without specific permission from the employee, appointing authority, or the Human Resources Director. Failure to

maintain confidentiality of personnel records may result in disciplinary action. Department heads are responsible for establishing the necessary security for locally held copies of evaluations.

No public disclosure of information from such records shall be made except with the approval of the Human Resources Director after a determination that such disclosure is in the public interest and is allowable under the law.

12.11 ***Employee Complaint Rights~~ of Appeal~~***

-1 An employee who feels that an evaluation is inaccurate or unfair should first attempt to resolve the matter during the discussion with the supervisor mandated by Sec. 12.4-2(a) and12.4-5, ~~/~~or discuss the concern with the reviewing authority.

-2 If the employee remains dissatisfied, he/she may grieve ~~appeal~~ the evaluation as a non-grievable complaint eligible to receive an advisory decision as set forth in Chapter 17 of these regulations.

-3 Non-public safety employees who have completed their initial probationary period and are not satisfied with their 120-day performance improvement plan that followed a negative determination on a performance review, may appeal the 120 day performance improvement plan as a non-grievable complaint eligible to receive an advisory decision as set forth in Chapter 17 of these regulations.

DRAFT

County of Fairfax, Virginia

MEMORANDUM

DATE: December 8, 2016

TO: Catherine Spage, Director
Department of Human Resources

FROM: Sara J. Simmons, Executive Director
Civil Service Commission

SUBJECT: Public Hearing on Proposed Revisions to the Personnel Regulations - Chapters 2, 4, 6, 10 & 12

Following an advertised public hearing held on December 5, 2016, the Civil Service Commission considered the above referenced proposed revisions to the Personnel Regulations. Members of the Commission present at the public hearing included: Rosemarie Annunziata; Ronald Copeland; Broderick Dunn; Nicole Foster; John Harris; Lee Helfrich; Herb Kemp; Pat Morrison; Nancy Rice; and, John Townes.

Cathy Spage, Director, Department of Human Resources (DHR) gave an overview regarding the proposed changes for each chapter; she was assisted by Leslie Amiri, Manager, Employee Relations and Policy Administration, DHR. Other staff in attendance included Shelley Cobb, Assistant Director, DHR. Ms. Amiri noted that the proposed revisions had been reviewed by the County Attorney's Office.

The following speakers signed up in advance or at the public hearing to speak on the proposed changes: Tor Bennett, Ret. FCPD; Karen Conchar, SEIU; Jennifer McCullough, SEIU; David Edelman, SEIU; James Patteson, DPWES; Tim Burgess, EAC/ FCPD; Hans Christenson, DPWES; Odalee Fair, SEIU; Kirt Cleveland, SEIU; Mike Smith, SEIU; Teddy Hines, SEIU; Joan MaGuire, SEIU; Tammie Wondong, SEIU; Michelle Starr, SEIU, and, Daniel Bunaugh, SEIU. In addition, there were Human Resource Managers present, who did not speak, from several agencies, including Department of Public Works & Environmental Services, Department of Family Services, Department of Housing and Community Development and Facilities Management Department. There were also approximately 80 employees in attendance, a majority members of the Service Employees International Union, but also from the IAFF, Local 2068 and IUPA, Local 5000.

Ms. Spage explained that the Department of Human Resources (DHR) routinely requests updates to align the Personnel Regulations with changes in law, policy, classifications or other reasons. The proposed changes to Chapter 2 align the definitions of *FLSA Exempt* and *Straight-Pay Eligible* with approved changes to the Fire Captain I and Fire Captain II job classifications. The proposed changes to Chapter 4 correct several typographical errors. Chapter 6's changes align County practice with Federal Law and County policy regarding

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promotional lists. Proposed changes to Chapter 10 correct and clarify several issues, including emergency service personnel. And, the proposed changes to Chapter 12 codify existing requirements for the Career Management Plan and provide additional clarification on several issues, including the Performance Improvement Plans (PIPs).

Ms. Spage also discussed the meetings held with leadership from the Service Employees International Union (SEIU) over the past several months to discuss their concerns regarding the proposed change to Chapter 10.37-2 *Leave for Inclement Weather or Other Emergencies*, and the proposed language for emergency service personnel. As a result of those discussions, the Department of Human Resources suggested that the DHR would hold focus groups with employees from all agencies who have been designated emergency service personnel to get their input and concerns regarding policies and practices. This would allow DHR staff to have a better understanding of the concerns and differences between agencies who have designated personnel. Ms. Spage also proposed that DHR would act as a clearing house for all departmental policies on emergency service personnel, ensuring that there is consistency, equity, and reasonableness among the policies. Concerns raised from the speakers included such issues as lodging, per diem and scheduling / hours for employees in this designation. There appears to be inconsistency among employees in different agencies on these items, as well as compensation.

Mr. Bennett and Mr. Burgess spoke regarding the proposed changes to Chapter 2; their concern being that the changes only affected the Fire & Rescue Department Captains, which would create a parity issue with other public safety employees in the Fairfax County Police Department, Sheriff's Office, Animal Services, 911 Call Center, etc. Their request is that the Department of Human Resources and the Board of Supervisors ensure that other groups are also reviewed and if there are parity issues they be resolved. Ms. Spage explained that the County does regularly look at this type of situation, and that along with this change, and the proposed changes from a recent study done by an outside consultant regarding the FCPD, they would be making this review. However, the proposed changes reflect an immediate need to make changes to the FRD Captain series to bring them into compliance with recent rulings.

The other speakers spoke in response to the proposed addition of language in Chapter 10.37-2, which is:

> Formally designated emergency service personnel must report as directed. Employees who are unable to report must comply with written department-level policies governing such absences. Failure to report or comply with departmental exception policies will be considered an unauthorized absence, as outlined in section 10.5 of this regulation.

Several themes emerged from the speakers, regarding their concerns with this proposed language:

- There is currently no continuity or conformity between agencies who have designated emergency service personnel (ESP).

- Employee health and safety is a concern – employees are designated as ESP, with no seeming regard to age or health. Although it is apparently now a condition of employment for many positions with the designation, there are some employees who were not hired as such, years ago, but have been since been designated with little or no recourse.
- Employees are concerned about the Leave Without Pay given to employees who are designated ESP, but unable to make it in. There was also concern that there was a loss of grievance rights, however, it was not made clear from any speaker as to why this was believed to be the case, or how this was allegedly being imposed. The testimony also indicated that employees are not allowed extenuating circumstances if they are unable to come in during a declared emergency.
- There is a fairness concern, within agencies and Countywide. There is also a compensation balance concern – away from families with health concerns. Testimony indicated that they would welcome oversight from the Department of Human Resources on these specific agency policies so that there is fairness and equity among all County employees.

James Patteson, Director, Department of Public Works & Environmental Services testified that one of his primary lines of business is emergency response; DPWES has approximately 300-400 employees designated as ESP. For example, during a snow event, his staff is a first responder in clearing snow away from other County facilities, including police and fire stations. His primary objective with the DPWES written policy is safety, equity and accountability for all employees. Mr. Patteson testified that his agency provides hotel rooms, food and scheduled shifts during the ramp up to and throughout a snow emergency. He further testified, that although the current DPWES written policy was drafted by the agency's executive leadership team, he has regular "dialog" sessions with all 1,300 employees in DPWES, and gets feedback at these sessions, which often results in change to policy; Mr. Patteson cited changes to the meal's policy as a result. He stated that unplowed snow is not considered an extenuating circumstance, neither is travel distance from home. The County provides hotel stays and food, to offset those concerns. If those items were allowed as reasons to not come in, he would have a harder time ensuring the necessary work is done, and it would be even more unfair and unsafe for those employees who do come in or who stay. He also testified that his current policy has been reviewed by DHR and he would be happy to continue to do that.

Chapter 2

The members of the Civil Service Commission present at the public hearing voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted and advertised for Chapter 2.

The Commission also noted and concurred with the Department of Human Resources statement that they review all public safety positions to ensure that there is equity among positions and agencies.

Chapter 4
The members of the Civil Service Commission present voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted and advertised for Chapter 4.

Chapter 6
The members of the Civil Service Commission present voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted and advertised for Chapter 6.

Chapter 10
The members of the Civil Service Commission present voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted for Chapter 10 with the exception that the proposed paragraph in 10.37-2 be excluded at this time.

Although not before the Commission at this time, it was suggested to Department of Human Resources that they review Chapter 10.5, *Unauthorized Leave* as part of their overall review and discussion with the employee groups, to ensure that it is in line with other recommendations, policies.

The concerns that the Commission had regarding 10.37-2 included the inherent lack of standardization among County agencies that have ESP, incorporating issues such as standardized benefits, recall policies, guidelines and compensation (overtime, on call/callback, per diem). The Commission also expressed concern and asked DHR to review the safety issues for employees who are hired to do one task, but also asked during an emergency to do a task that may be more physical in nature then the one they were hired to do (e.g. a truck driver vs. shoveling snow).

The recommendation is that the Department of Human Resources create an "umbrella" guideline for all County agencies, which would still allow agency directors autonomy on execution ensuring that they can meet their missions, but would not contradict other County policy, and would provide a standardization. The Civil Service Commission also commends the proposals put forward by Ms. Spage, to continue working with the employee groups, and focus of groups of employees to gather all concerns. It is realized that there are currently policies in place, which can address the upcoming winter months, while these recommendations are worked through.

Chapter 12
The members of the Civil Service Commission present voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted and advertised for Chapter 12 with the following revisions:

12.11 *Employee Complaint Rights*

-1 An employee who feels that an evaluation is inaccurate or unfair should first attempt to resolve the matter during the discussion with the supervisor mandated by Sec. ~~12.4-4~~ 12.4-2(a) and 12.4-5, and/or discuss the concern with the reviewing authority.

If the Commission can be of further assistance in clarifying these proposed changes, please let me know.

cc: Board of Supervisors
Commissioners, Civil Service Commission
Edward L. Long, Jr., County Executive
Karen Gibbons, Deputy County Attorney
Randy Creller, Chair, EAC
John Niemiec, President, Local 2068
Kevin Pittman, President, Fairfax Deputy Sheriff's Union, SEIU
Brad Carruthers, President, Fraternal Order of Police, Lodge 77
Sean Corcoran, IUPA, Local 5000
Joe Wilhelm, President, FCEGU, SEIU
Karen Conquer, FCEGU, SEIU

Board Agenda Item
February 14, 2017

11:10 a.m.

Matters Presented by Board Members

Board Agenda Item
February 14, 2017

12:00 p.m.

CLOSED SESSION:

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

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

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

1. Application of Dominion Virginia Power, PUR-2017-00002 (Va. State Corp. Comm'n) (Providence District)

2. *Magaly Hernandez v. Fairfax County*, *Virginia*, Case No. 1:16-cv-502 (E.D. Va.)

3. *Patricia Tomasello v. Michael Reilly, Peter Pullins, Tim Young, Edward Brinkley, Glen Jackson, Michael Louis, Daniel Kwiatkowski, Sheryl Hemmingway, James Sobota, John Diamantes, Manuel Anthony Barrero, Guy Morgan, Phyllis Schwartz, Terry Hall, John Caussin, Richard Bowers, and Brian Edmonston*, Case No. CL-2016-0007306 (Fx. Co. Cir. Ct.)

4. *Lenir Richardson v. Officer O.J. Faulk, Officer D.N. Custer, Officer Rizza, Commonwealth of Attorney [sic], Sergeant Mario Torres*, Record No. 16-1911 (U.S. Ct. of App. for the Fourth Cir.)

5. *Shirley A. Stewart v. Eric H. Holder (U.S. Dept. of Justice), Stephen Holl (Metropolitan Washington Airports Authority), Edwin C. Roessler (Fairfax County Police Dept.), Stacy Kincaid (Fairfax County Sheriff Dept.), Mark Chapman (Loudoun County Sheriff Dept.), Jeh Johnson (U.S. Homeland Security), John F. Kerry (U.S. Dept. of State), Sarah Saldana (Immigration and Customs Enforcement), and Thomas S. Winkowski (Custom and Border Protection)*, Case No. 1:15-cv-682 (E.D. Va.)

6. *Justin C. Cuffee v. Fairfax County Fire and Rescue Department*, Case No. 1:16-cv-584 (E.D. Va.)

7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tony Duy Ta and Huong Lan Thi Dao*, Case Nos. GV16-023469 and GV16-023468 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

8. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sumati Krishnan*, Case No. CL-2017-0000908 (Fx. Co. Cir. Ct.) (Dranesville District)

9. *I.G.S. Limited Liability Company v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, and CESC Commerce Executive Park L.L.C.* Case No. CL-2017-0000197 (Fx. Co. Cir. Ct.) (Hunter Mill District)

10. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Sweet Heat BBQ LLC*, Case No. CL-2017-0000063 (Fx. Co. Cir. Ct.) (Hunter Mill District)

11. *David J. Laux and Tara K. Laux a/k/a Tara K. Long v. Board of Supervisors of Fairfax County, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and the Commonwealth of Virginia*, Record No. 17-1051 (U.S. Ct. of App. for the Fourth Cir.) (Mason District)

12. *David J. Laux and Tara K. Laux, a/k/a Tara K. Long v. James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and Brian J. Foley, Fairfax County Building Official*, Record No. 161808 (Va. Sup. Ct.) (Mason District)

13. In Re: December 7th, 2016, Decision of the Fairfax County Board of Zoning Appeals; Case No. CL-2017-0000249 (Fx. Co. Cir. Ct.) (Mason District)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Joseph C. Merek and Kerry P. Merek*, Case No. GV17-000486 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph C. Merek and Kerry P. Merek*, Case No. GV17-000488 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

16. *Gregory Shawn Mercer v. Fairfax County Child Protective Services, Alicia Wasklewicz, Tanya E. Powers, Fairfax County Department of Code Compliance, Elizabeth Perry, Jack Blair, LaTycia Tanks, Kerry S. Allander, Kenneth S. Houtz, Kathleen H. MacKay, Walter S. Felton, Jr., Larry G. Elder, Elizabeth A. McClanahan, Leroy R. Hassell, Sr., Barbara M. Keenan, Lawrence L. Koontz, Donald W. Lemons, Leroy F. Millette, S. Bernard Goodwyn, and Cynthia D. Kinser;* Record No. 16-1138 (U.S. Ct. of App. for the Fourth Cir.) (Providence District)

17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Natividad Rojas*, Case No. CL-2017-0000361 (Fx. Co. Cir. Ct.) (Providence District)

18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Amin Barek, Case No. GV17-000487* (Fx. Co. Gen. Dist. Ct.) (Springfield District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)

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Board Agenda Item
February 14, 2017

3:00 p.m.

Decision Only on PCA B-715 (L & F Bock Farm, LLC) to Amend the Proffers for RZ B-715, Previously Approved for Residential Use, to Permit Deletion of Land Area, Located on Approximately 4.38 Acres of Land Zoned PDH-5 (Mount Vernon District) (Concurrent with RZ 2015-MV-015 and SE 2015-MV-030)

and

Decision Only on RZ 2015-MV-015 (L & F Bock Farm, LLC) to Rezone from PDH-5 to R-8 to Permit Independent Living Facilities and Modification of the Minimum District Size Requirements with a Total Density of 29.22 Dwelling Units per Acre, Located on Approximately 4.38 Acres of Land (Mount Vernon District) (Concurrent with PCA B-715 and SE 2015-MV-030)

and

Decision Only on SE 2015-MV-030 (L & F Bock Farm, LLC) to Permit Independent Living Facilities, Located on Approximately 4.38 Acres of Land Zoned PDH-5 and Proposed as R-8 (Mount Vernon District) (Concurrent with RZ 2015-MV-015 and PCA B-715)

This property is located at approximately 0.1 mile SouthWest of the Intersection of Hinson Farm Road and Parkers Lane. Tax Map 102-1 ((1)) 3C (part).

Decision Only was deferred to February 14, 2017, by the Board of Supervisors at the November 1, 2016 meeting.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, July 13, 2016, the Planning Commission voted 10-0 (Commissioners Lawrence and Murphy were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA-B-715;
- Approval of RZ 2015-MV-015, subject to the proffers contained in Appendix 1 of the Staff Report;
- Approval of SE 2015-MV-030, subject to the proposed Development Conditions contained in Appendix 2 of the Staff Report; and

- Approval of the following waivers and modifications:
    - Modification of Section 3-806 of the Zoning Ordinance for a 5 acre minimum district size to permit 4.38 acres;
    - Modification of the age requirement listed in Paragraph 1 of Section 9-306 of the Zoning Ordinance from 62 years of age to 55 years of age;
    - Waiver of the direct access requirement to a collector street or a major thoroughfare in Paragraph 9 of Section 9-306 of the Zoning Ordinance;
    - Modification of the maximum building height listed in Paragraph 9 of Section 9-306 of the Zoning Ordinance from 50 feet to 55 feet;
    - Modification of the eastern minimum side yard requirement contained in Paragraph 10A of Section 9-306 from 50 feet to 41 feet;
    - Modification of the minimum front yard requirements contained in Paragraph 10B of Section 9-306 of the Zoning Ordinance from 30 feet to 25 feet;
    - Modification of the transitional screening and barrier requirements in Sections 13-303 and 13-304 of the Zoning Ordinance to permit landscaping and barriers as shown on the GDP/SE Plat; and
    - Modification of the required loading space requirement listed in Section11-203 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

Board Agenda Item REVISED
February 14, 2017

3:30 p.m.

Public Hearing on SE 2016-SP-019 (Virginia Electric and Power Company D/B/A Dominion Virginia Power) to Permit an Electric Substation and Construction of a Security Fence, Located on Approximately 56.13 Acres of Land Zoned R-C, and WS (Springfield District)

This property is located at 8234 Roseland Drive, Fairfax, 22039. Tax Map 97-3 ((01)) 14, 97-3 ((15)) 8, 106-1 ((01)) 1 and 2

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, February 8, 2017, the Planning Commission voted 10-0 (Commissioner Sargeant recused himself from the vote and Commissioner Strandlie was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approve SE 2016-SP-019, subject to Development Conditions consistent with those contained in Appendix 1 of the Staff Report to include an additional condition regarding the repair of Roseland Road if it is damaged;

- Approval of the modification of Section 13-303 of the Zoning Ordinance for transitional screening to permit the existing vegetation to meet the requirement; and

- Approval of a waiver of Section 13-304 of the Zoning Ordinance for the Barrier Requirement.

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

Board Agenda Item REVISED
February 14, 2017

3:30 p.m.

Public Hearing on PCA 78-V-125 (CHPPENN I, LLC) to Amend the Proffers for RZ 78-V-125 to Permit Deletion of Land Area Totaling 11.49 Acres, Located on Approximately 25.24 Acres of Land Zoned R-MHP and HC (Mount Vernon District) (Concurrent with RZ 2016-MV-014)

and

Public Hearing on RZ 2016-MV-014 (CHPPENN I, LLC) to Rezone from C-8, R-2, R-MPH and HC to PDH-20 and HC to Permit Residential Development with an Overall Density of 13.0 Dwelling Units Per Acre and Approval of the Conceptual Development Plan, Located on Approximately 34.88 Acres of Land (Mount Vernon District) (Concurrent with PCA 78-V-125)

This property is located in the NorthEast Quadrant of the intersection of Richmond Highway and Dart Drive. Tax Map 92-4 ((01)) 82A (pt.)

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, February 8, 2017, the Planning Commission voted 9-0-2 (Commissioners Hedetniemi and Migliaccio abstained and Commissioner Strandlie was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 78-V-125, subject to the execution of proffered conditions consistent with those dated February 7, 2017;

- Approval of a modification of Paragraph 1 of Section 3-M06 of the Zoning Ordinance to permit the minimum district size to be 13.75 acres rather than 15 acres as required in the R-MHP District;

- Approval of a waiver of Paragraph 2 of Section 3-M06 of the Zoning Ordinance to eliminate the 4,000 square foot average lot area requirement in the R-MHP District;

- Approval of a waiver of Paragraph 3 of Section 3-M06 of the Zoning Ordinance to eliminate the 5,000 square foot minimum lot area requirement in the R-MHP District;

- Approval of a waiver of Paragraph 2A, B and C of Section 3-M07 of the Zoning Ordinance to eliminate the 35 foot front yard, 25 foot side yard and 25 foot rear yard requirements in the R-MHP District for mobile homes;

- Approval of a waiver of Paragraph 2D of Section 3-M07 of the Zoning Ordinance to eliminate the 35 foot minimum yard requirement between a mobile home and a public street in the R-MHP District;

- Approval of a modification of Section 3-M08 of the Zoning Ordinance to increase the maximum density to 9 dwelling units per acre rather than 6 mobile homes or dwelling units per acre as required in the R-MHP District;

- Approval of a waiver of Paragraph 2 of Section 11-302 of the Zoning Ordinance to permit a private street to exceed a maximum 600 feet in length.

- Approval of RZ 2016-MV-014 and the Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated February 7, 2017;

- Approval of a modification of Section 13-303 and waiver of Section 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements between the multi-family and single-family attached dwelling units in favor of the landscaping shown on the CDP/FDP;

- Approval of a waiver of Paragraph 2 of Section 6-107 of the Zoning Ordinance for the 200-square foot privacy yard for single-family attached dwelling units;

- Approval of a waiver of Paragraph 2 of Section 11 -302 of the Zoning Ordinance to permit the maximum lengths of the proposed private streets to exceed 600 feet; and

- Approval of a modification of Paragraph 1 of Section 9-306 of the Zoning Ordinance to permit housing and general care for persons who are 55 years of age or over rather than the required 62 years of age or over.

In a related action, on Wednesday, February 8, 2017, the Planning Commission voted 9-0-2 (Commissioners Hedetniemi and Migliaccio abstained and Commissioner Strandlie was absent from the meeting) to approve FDP 2016-MV-014, subject to the Development Conditions dated February 1, 2017.

Board Agenda Item REVISED
February 14, 2017

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

Board Agenda Item
February 14, 2017

3:30 p.m.

Public Hearing on RZ 2011-HM-012 (CARS-DB1, LLC) to Rezone from C-7, HC and SC to PTC, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 7.25 and Approval of a Conceptual Development Plan, Located on Approximately 7.63 Acres of Land (Hunter Mill District)

This property is located in the NorthWest Quadrant of the intersection of Spring Hill Road and Leesburg Pike. Tax Map 29-3 ((01)) 2C1, 2C2 and 2D

PLANNING COMMISSION RECOMMENDATION:
On Thursday, January 26, 2017, the Planning Commission voted 10-0-1 (Commissioner Strandlie abstained and Commissioner Sargeant was not present for the vote) to recommend the following action to the Board of Supervisors:

- Approval of RZ 2011-HM-012, subject to the proffers dated January 17, 2017, to be amended, as discussed tonight concerning Proffer 32C(ii), prior to the Board of Supervisors public hearing; and

- Approval of the following waivers and modifications:

    - Waiver of Section 2-505 of the Zoning Ordinance (ZO) to permit structures and vegetation on a corner lot as shown on the CDP/FDP;

    - Modification of Section 2-506 of the ZO to allow for a parapet wall, cornice or similar projection to exceed the established height limit by more than three feet but not more than 12 feet to screen mechanical equipment, as may be indicated on an FDP;

    - Waiver of Paragraph 14 of Section 6-505 of the ZO to allow outdoor display and outdoor storage of vehicles associated with existing vehicle sales, rental, and ancillary service establishments;

    - Wavier of Section 6-506 of the ZO, which requires a minimum district size of 10 acres;

    - Modification of Paragraph 3E of Section 10-104 of the ZO, which limits fence height to seven feet, to permit a maximum fence height of 14 feet around outdoor recreational courts and fields shown on an FDP;

- Modification of Paragraph 4 of Section 11-202 of the ZO requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on the CDP/FDP;

- Waiver of Paragraph 2 of Section 11-302 of the ZO to allow a private street to exceed 600 feet in length to that shown on the CDP/FDP;

- Waiver of Paragraph 8 of Section 13-202 of the ZO to modify the interior landscaping requirements for parking lots to that which are shown on the CDP/FDP;

- Waiver of Section 16-403 of the ZO in order to permit a public improvement plan for public streets, park spaces, and interim parking spaces without the need for an FDP;

- Waiver of Section 17-201 of the ZO, to not require provision of a service road along Leesburg Pike;

- Modification Section 17-201 of the ZO to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan;

- Waiver of Paragraph 3 of Section 17-201 of the ZO to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP/FDP and as proffered;

- Waiver of Paragraph 4 of Section 17-201 of the ZO to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers;

- Waiver of Paragraph 7 of Section 17-201 of the ZO to permit the applicant to establish parking control signs (including spacing and location) and parking meters along private streets within and adjacent to the development in coordination with the Fairfax County Department of Transportation;

- Modification of Section 12-0508 of the Public Facilities Manual (PFM) to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3); and

- Modification of Section 12-0510 of the PFM to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions.

In a related action, on Thursday, January 26, 2017, the Planning Commission voted 10-0-1 (Commissioner Strandlie abstained and Commissioner Sargeant was not present for the vote) to approve FDP 2011-HM-012, subject to the Development Conditions dated January 4, 2017 and subject to the Board of Supervisors' approval of RZ 2011-HM-012.

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

Board Agenda Item
February 14, 2017

3:30 p.m.

Public Hearing on PCA 2008-SP-012 (Church of the Apostles (Anglican) to Amend the Proffers for RZ 2008-SP-012 Previously Approved for Office to Permit Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.24, Located on Approximately 1.78 Acres of Land Zoned C-2 (Braddock District)

This property is located on the South side of Lee Highway, East of its intersection with McKenzie Avenue. Tax Map 56-2 ((1)) 66

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, February 1, 2017, the Planning Commission voted 10-0-1 (Commissioner Strandlie abstained and Commissioner Hedetniemi was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2008-SP-012, subject to the execution of proffers, consistent with those dated January 31, 2017; and

- Approval of the following waivers in favor of the alternatives, as shown on the proposed Generalized Development Plan:

    - Reaffirmation of the modification of the construction of an on-road bike lane on Lee highway, in favor of a 10-foot wide bicycle trail;

    - Deviation from the Tree Preservation Target, pursuant to Section 12-0508.3A of the Public Facilities Manual, in favor of the plantings shown on the proposed plan and as conditioned;

    - Modification of the Transitional Screening Requirements along a portion of the eastern boundary of the subject property adjacent to lots 26 and H, and along southern boundary of the subject property adjacent to lot G, pursuant to Paragraph 4 of Section 13-305 of the Zoning Ordinance, in favor of the 7-foot high architectural block wall and as conditioned; and

    - Modification of the Barrier Requirement along Lee Highway, pursuant to Paragraph 7 of Section 13-305 of the Zoning Ordinance, in favor of landscape plantings that include the mixture of category 3 deciduous trees, shrubs, and groundcovers.

Board Agenda Item
February 14, 2017

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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

Board Agenda Item
February 14, 2017

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance to Establish Parking Restrictions on Fielding Street (Lee District)

ISSUE:
Public hearing on a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on the south side of Fielding Street in the Lee District.

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R, of the Fairfax County Code, to prohibit all vehicles from parking along the south side of Fielding Street from Ashton Street to the western driveway of Mount Vernon Woods Elementary School, 24 hours per day, seven days per week.

TIMING:
The public hearing was authorized on January 24, 2017, for February 14, 2017, at 4:00 p.m.

BACKGROUND:
Fairfax County Code Section 82-5-37(3) authorizes the Board of Supervisors to restrict parking along secondary roads where it creates a safety hazard for pedestrians, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road.

Based on multiple requests from the community and Fairfax County Police, the Lee District office has requested that all parking be prohibited along the south side of Fielding Street from Ashton Street to the western driveway of Mount Vernon Woods Elementary School, 24 hours per day, seven days per week.

Staff reviewed the requested portion of Fielding Street and the surrounding area and found the street to be narrow, making it difficult to traverse if vehicles are parked on both sides. Narrow streets are not unusual for the area. However, the close proximity of the street to Mount Vernon Woods Elementary School results in a safety hazard for pedestrians and motorists, including school buses. Lee District representatives and personnel from the Fairfax County Police Department have agreed that restricting

parking on the south side of Fielding Street from Ashton Street to the western driveway of Mount Vernon Woods Elementary School would mitigate the situation.

FISCAL IMPACT:
The cost of sign installation is estimated at $200 to be paid from Fairfax County Department of Transportation funds.

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

STAFF:
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Attachment I

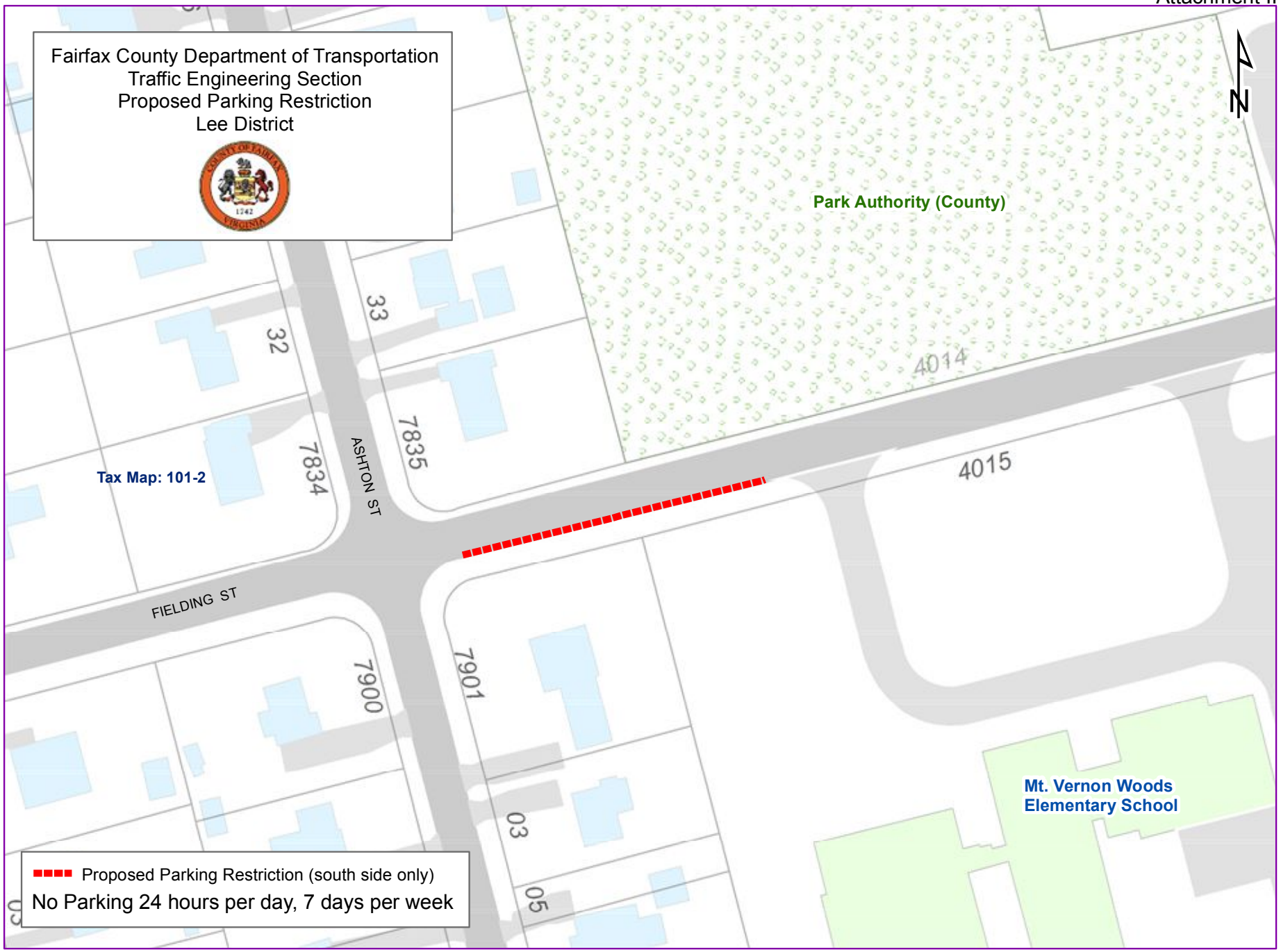
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

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

Fielding Street (Route 3123) from Ashton Street to the western driveway of Mount Vernon Woods Elementary School.
No parking along the south side of Fielding Street from Ashton Street to the western driveway of Mount Vernon Woods Elementary School, seven days per week.

Attachment II



Board Agenda Item
February 14, 2017

4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Riding and Boarding Stables

ISSUE:
The proposed Zoning Ordinance amendment is on the 2016 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a request from the Board of Supervisors to consider allowing small-scale horseback riding lessons as a home occupation subject to specific limitations designed to minimize the impact of the riding lessons on surrounding properties.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, January 12, 2017, the Planning Commission voted 10-0 (Commissioners Sargeant and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors the adoption of the proposed Zoning Ordinance Amendment regarding Riding and Boarding Stables, as advertised with an effective date of 12:01 a.m. on the day following adoption.

RECOMMENDATION:
The County Executive concurs with the Planning Commission recommendation.

TIMING:
Board of Supervisors' authorization to advertise – December 6, 2016; Planning Commission public hearing - January 12, 2017; Board of Supervisors public hearing - February 14, 2017, at 4:00 p.m.

BACKGROUND:
The proposed Zoning Ordinance amendment is in response to a Board request for staff to consider permitting an increase in the number of horses that can be boarded on property by right, as well as allowing small-scale riding lesson operations to be approved as a home occupation, subject to use limitations. The Board request was the result of the findings made by the 2012 Equestrian Task Force report in which it was noted that certain zoning regulations can act as obstacles which limit equestrian opportunities for private horse owners as well as commercial equestrian related providers. Staff met with representatives of the equestrian community to further understand the issues. In response, staff developed a proposed amendment that would

increase the number of horses that can be boarded by right on a property and would also allow limited horseback riding lessons as a home occupation. The proposal was presented to representatives of the equestrian community for their comment, and they were supportive of the proposal with a few suggested modifications. Specifically, the amendment:

(1) Modifies the existing riding/boarding stable definition to add clarity to the existing provisions and to increase the maximum number of horses or ponies that can be boarded by right on a property from 3 horses on any lot, to up to 5 horses on lots containing a minimum of 2 acres and less than 5 acres, and up to 8 horses on lots containing 5 or more acres. The maximum number of horses that may kept, boarded or maintained does not include the horses owned by the resident of the property.

(2) Revises Sect. 10-304, Home Occupation Use Limitations, to require that all outdoor lighting must be in accordance with the Zoning Ordinance outdoor lighting provisions; and, except for schools of special education and horseback riding lessons, there shall be no customers or clients.

(3) Allows horseback riding lessons as a home occupation use requiring Zoning Administrator approval provided that on lots containing a minimum of 2 acres but less than 5 acres, no more than 2 students are permitted at any given time and up to 8 students in any one day; and on lots containing 5 or more acres, a maximum of 4 students are permitted at any given time and up to 8 students in any one day.

(4) Requires horseback riding home occupations to be subject to the same use limitations contained in Sect. 10-304 as other home occupation uses, except as noted in Par. 5 below.

(5) Adds a new Par. 12 to Sect. 10-304 which adds use limitations that are specific to horseback riding lesson home occupations. Par. 12 may include, but is not limited to, the following: (a) the resident of the property shall be the applicant and shall not be required to conduct the horseback riding lessons and/or care for the horses; (b) allows one nonresident person to assist with the horseback riding lessons and/or care for the horses; (c) limits the hours of horseback riding lessons, the attendance of any nonresident person described in 5(b) above, and the use of lighted outdoor riding rings or riding areas for riding lessons; (d) requires that all horses used in the horseback riding lessons be kept on the property and no horses can be transported or ridden onto the property for the lessons; (e) requires the submission of a Conservation Plan approved by the Northern Virginia Soil and Water Conservation District for the property and all activity on the property must conform to such Plan; and (f) riding lessons, other

than as permitted by Sections 10-302 and 10-304, shall require special permit approval in those districts where permitted.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

REGULATORY IMPACT:
The proposed amendment would enhance equestrian opportunities in Fairfax County by increasing the number of horses that can be boarded by right on a property and allowing small scale horseback riding lessons as a home occupation. Currently all horseback riding lessons and the boarding of four or more horses require special permit approval from the Board of Zoning Appeals and such applications require a public hearing, submission of a plat and an $8,180 application fee. This amendment establishes an administrative process for horseback riding lesson home occupations with a $50 application fee. The streamlined approval process would facilitate the establishment of small scale equestrian operations.

FISCAL IMPACT:
It is anticipated that there will be an increase in the number of home occupation permit applications as the proposed amendment would add horseback riding lessons as a permitted home occupation. The home occupation application requests would be processed through available resources.

ENCLOSED DOCUMENTS:
Attachment 1 – Staff Report
Attachment 2 – Planning Commission Verbatim Excerpt

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
St.Clair Williams, Senior Assistant to the Zoning Administrator, DPZ

ATTACHMENT 1

FAIRFAX COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Riding/Boarding Stables

PUBLIC HEARING DATES

Planning Commission January 12, 2017 at 8:15 p.m.

Board of Supervisors February 14, 2017 at 4:00 p.m.

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

December 6, 2016

SDW

Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

The proposed Zoning Ordinance amendment is on the 2016 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a request from the Board of Supervisors (Board) to consider allowing small scale horseback riding lessons as a home occupation subject to specific limitations designed to minimize the impact of the lessons on surrounding properties. The proposed amendment would allow the Zoning Administrator to approve a home occupation for limited horseback riding lessons and would increase the number of horses that can be boarded by right.

CURRENT ZONING ORDINANCE PROVISIONS

Riding/boarding stables are defined in Article 20 of the Zoning Ordinance as follows:

> STABLE, RIDING/BOARDING: A structure and/or use of land where four (4) or more horses or ponies are kept, maintained and/or boarded for profit, or in connection with which saddle horses or ponies are rented to the general public, made available to members of a private club, or boarded for the convenience of their absentee owners. Exercise rings and show rings shall be considered uses accessory to the use of the premises of a stable.

Riding/boarding stables are permitted in the PDH and PDC Districts when shown on an approved development plan and require the approval of a Group 6 Special Permit from the Board of Zoning Appeals (BZA) in the R-A, R-P, R-C, R-E and R-1 Districts. All special permits for riding/boarding stables are subject to the additional standards contained in Sect. 8-809, which include a minimum lot size requirement of 2 acres and minimum specified distances for stable structures, riding rings and/or associated parking and loading spaces from property lines. The application filing fee for a Group 6 Riding/Boarding Stable Special Permit is $8,180.

A riding school is specifically excluded from the School of Special Education definition and therefore, the teaching of horseback riding lessons, regardless of the number of students, is a riding/boarding stable requiring special permit approval in the R-A through R-1 Districts. As noted above, the boarding of 4 or more horses for profit is a riding and boarding stable and such boarding requires special permit approval. Furthermore, the boarding of up to 3 horses for profit is not a riding/board stable and, such boarding, is subject to the limitations for the keeping of animals in Sect. 2-512. Under Sect. 2-512, the keeping of horses (which includes ponies, mules, burros and donkeys) is allowed as an accessory use on any lot containing at least 2 acres. The number of horses permitted as an accessory use cannot exceed the ratio of 3 horses per acre.

The Zoning Ordinance allows certain home based businesses to be permitted as a home occupation, subject to certain use limitations. Home occupations require Zoning Administrator approval and have an application fee of $50. The emphasis of the home occupation use limitations is to maintain the residential character of the area and to minimize impacts from the home based business on surrounding residences. A school of special education with a class size not exceeding 4 pupils at any given time and not more than 8 pupils in any one day is a specifically permitted home occupation. Examples of school of special education home occupations may include piano lessons, dance lessons, fitness training and tutoring. In addition, certain uses are specifically prohibited as a home occupation, including riding or boarding stables.

BACKGROUND

The Board of Supervisors commissioned the establishment of an Equestrian Task Force to address equestrian concerns within the County, identify opportunities for horses and their riders, and provide recommendations for ways the Board could support, provide and promote equestrian opportunities within Fairfax County. The Task Force published a report on March 31, 2012, which included recommendations to the Board. The report noted that certain zoning regulations can act as obstacles in providing equestrian opportunities for private horse owners as well as commercial equestrian-related providers.

The special permit requirement for the teaching of riding lessons and the boarding of more than 3 horses can be viewed as being overly burdensome to those wishing to engage in small scale equestrian activities that are more residential than commercial in character. The special permit process, including an $8,180 special permit application fee, the special permit plat submission requirement, and the BZA public hearing, require time and money and may be cost prohibitive for those boarding a small number of horses or providing horseback riding lessons to a limited number of students. In addition, the special permit standard that requires minimum distances between stable structures and parking areas from property lines may make it difficult, if not impossible, for certain riding/boarding stable special permits to be approved. While evidence is anecdotal, the equestrian community has seen a long term decline in the number of riding programs available in Fairfax County, as property owners and horse trainers are concerned about the consequences of potential zoning violations associated with the boarding of more than 3 horses or with offering any riding lessons.

Staff has reached out to horse owners and horse related civic groups within the County for feedback. Some of the concerns expressed by the equestrian community are that there are not enough facilities for riding lessons within Fairfax County. Due to the lack of equestrian facilities, the waiting lists for the limited facilities are very long, and as a result, many County residents travel outside of the County for equestrian activities. The same feedback was received regarding the limited number of boarding stables within the County. Many of the equestrian community indicated that they would prefer to stay within the County for riding and boarding activities, but do not have that option given the current zoning restrictions.

In response, staff developed a proposed amendment that would increase the number of horses that can be boarded by right on a property and would also allow limited horseback riding lessons as a home occupation. The proposal was presented to representatives of the equestrian community for their comment, and they were supportive of the proposal with a few suggested modifications.

PROPOSED AMENDMENT

The proposed amendment would increase the number of horses that can be boarded by right and allow limited riding lessons as a home occupation.

Increase the Number of Horses that can be Boarded by Right

The riding/boarding stable definition would be modified to increase the number of horses or ponies, not including those belonging to the resident of the property, which can be boarded on a property without requiring special permit approval. Currently the maximum number of horses that

can be boarded on property as a permitted accessory use is 3. Initially staff had recommended increasing the number of horses that can be boarded by right to 5 regardless of the lot size where the boarding activity took place. However, it was subsequently determined that it may be appropriate to allow the boarding of a greater number of horses on larger size lots, as the impact of such boarding activities would be mitigated by the larger acreage. The representatives of the equestrian community supported this recommendation. Therefore, the proposed amendment would revise the riding/boarding stable definition to allow a maximum of 5 horses or ponies to be boarded by-right on lots containing a minimum of 2 acres but less than 5 acres, and a maximum of 8 horses to be boarded by-right on lots containing 5 or more acres. The maximum number of horses permitted on a lot by right would still be subject to the provisions contained in Sect. 2-512. The boarding of more than 8 horses on lots containing 5 acres or more and the boarding of more than 5 horses on lots containing at least 2 acres and up to 5 acres would still require special permit approval for a riding/boarding stable.

A number of other clarifying changes are also proposed to the riding/boarding stable definition. The current definition requires that the horses or ponies be kept, maintained or boarded for profit. Several appeals of Notices of Violations for riding/boarding stables have centered on the words "for profit". Owners of small scale riding programs maintain that profits are not typically achieved, and that is the basis for many appeal applications. Further, members of the equestrian community have stated that given the high costs of horse ownership, horse owners may wish to offer riding lessons or to board horses to offset their expenses, rather than for profit. Staff has consistently interpreted the term "for profit" to be inclusive of any exchange of money or services received for the boarding or keeping of horses. As such, staff is proposing to remove the "for profit" language from the riding/boarding stable definition. Therefore, the boarding of horses, in excess of the numbers set forth in the definition would be deemed a riding and boarding stable regardless if any money is exchanged for such services. For example, a horse that is owned by a non-resident caretaker and is being kept on the property without any payment to the property owner would count as a horse that is being boarded.

Allow Limited Riding Lessons as a Home Occupation

The amendment revises Part 3 of Article 10 to specifically allow horseback riding lessons as a permitted home occupation use.

In determining the appropriate maximum number of students that would be allowed to receive riding lessons as a home occupation at any given time, staff first considered the student limitations for other school of special education home occupations. Such schools are limited to no more than 4 students at any given time and no more than 8 pupils in any given day. Given that riding lessons are typically provided outdoors and therefore could cause adverse impacts on adjacent residences, staff believed that it might be appropriate to allow fewer riding students at any given time than for other types of schools of special education home occupations which are typically conducted indoors. Initially, staff considered limiting riding lessons to only properties of 5 or more acres. It was believed that lots of at least 5 acres were required in order to minimize impacts of the riding lessons on adjacent properties and to provide sufficient space for both the equestrian lesson and the applicant's residence and associated septic drain field. However, after meeting with members of the Fairfax County equestrian community, staff now believes that under limited circumstances, smaller lots could accommodate riding lessons. Furthermore, it may be appropriate to allow more riding students at one time on lots that are 5 acres or more than on lots less than 5 acres. This would

provide opportunities for riding lessons in parts of the County where minimum lot sizes of 2 acres are more common and would also alleviate the costs of owning a horse. In order to minimize the impact of these small operations on adjacent residences, the following student limitations are proposed:

- On lots containing a minimum of 2 acres but less than 5 acres, no more than 2 students at any given time and up to 8 students in any one day.
- On lots containing 5 acres or more, a maximum of 4 students at any given time and up to 8 students in any one day.

The riding lesson home occupation would be subject to the same use limitations that are applicable to all other home occupations that are contained in Sect. 10-304, including, but not limited to:

- Except for articles produced on the premises, no stock in trade shall be stored, displayed or sold on the premises.
- There shall be no exterior evidence that the property is used on any way other than for a dwelling.
- No sign shall be permitted.

In addition to the use limitations that are applicable to all home occupation uses, the proposed home occupation use limitations that would be specific to riding lessons would include:

- The primary residence of the home occupation permit applicant must be located on the same lot where the horseback riding lessons are being given; however, the applicant shall not be required to conduct the horseback riding lessons and/or care for the horses.

The current home occupation use limitations contained in Sect. 10-304 require that all home occupations be conducted by the home occupation permit applicant within the dwelling which is the primary residence of the applicant or in an associated accessory building. However, in discussions with the equestrian community, it was realized that there are many property owners and/or residents that own or board horses on their property, but are not responsible for the care of the horses and/or not conducting the riding lessons themselves. In such cases, the actual horseback riding lessons and/or care of the horses may be provided by a non-resident employee. Staff believes the requirement that the property owner or resident conduct the riding lessons may be an obstacle for some property owners or residents and require them to obtain special permit approval to use their horses for providing riding lessons.

- Hours of horseback riding lessons are limited to 7:00 a.m. and 7:00 p.m. and one nonresident person, whether paid or not for their services, may assist with the horseback riding lessons and/or care for the horses, provided that the hours of such attendance shall be limited to 7:00 a.m. to 7:00 p.m. .

Although there are no hours of operation for other home occupations, staff believes that it would be appropriate to limit the riding lesson hours as such activities usually takes place outdoors during daylight hours and could have adverse impacts on adjacent properties. Given that it is healthier for both the horse and rider for riding activities to not occur during the heat of the day during hot weather, the proposed amendment would permit the hours of horseback riding lessons to occur

between 7:00 a.m. and 7:00 p.m. Additionally, Sect. 10-304 allows a home occupation to include one non-resident employee between the hours 8:00 a.m. and 5:00 p.m., Monday through Friday. The non-resident employee hours are the same as normal business hours and are intended to reduce the impacts associated with having non-resident employees participate in the home occupation. However, riding lessons can be operationally different than other home occupations as riding lessons are typically given on the weekends and in the mornings and evenings. Therefore, the proposed amendment would allow one nonresident employee to assist with the care of the horses and/or riding lessons. In addition, the nonresident employee can only be in attendance on the property between 7:00 a.m. and 7:00 p.m. The proposed hours of nonresident employee attendance are consistent with the hours of horseback riding lessons.

- All horses used in the horseback riding lessons must be kept on the property and no horses can be transported or ridden onto the property for lessons.

The transporting of horses to and from the property for lessons could have adverse traffic, noise and visual impacts on adjacent properties. In order to minimize these impacts, all horses used in the riding lessons must be kept on the property and no horses used for the lessons can be transported or ridden onto the property.

- If there is a lighted outdoor riding ring or riding area, the use of outdoor lighting for such areas is limited to 7:00 a.m. to 7:00 p.m.

Lighted outdoor riding rings or riding areas are subject to the outdoor lighting provisions contained in Part 9 of Article 14 of the Zoning Ordinance. Under the outdoor lighting provisions, outdoor riding rings are outdoor recreation/sports facilities, and facilities that are greater than 10,000 sq. ft. in size and/or contain light poles greater than 20 feet in height require the submission of a sports illumination plan. When such facility is not part of a rezoning, special permit, special exception or development plan submission, or is not included on a site plan, the submission of a sports illumination plan to Land Development Services is required. In addition, the use of an outdoor recreation/sports facility is prohibited between 11:00 p.m. and 7:00 a.m.

Given that one of the proposed home occupation use limitations would limit the hours of riding lessons to between 7:00 a.m. and 7:00 p.m., and the current outdoor lighting provisions allow outdoor riding rings that are greater than 10,000 sq. ft. and/or have light poles that are greater than 20 feet in height to use outdoor lighting until 11:00 p.m., an inconsistency would occur. Therefore, the proposed amendment would limit the use of lighting for outdoor riding rings and areas to be the same as the proposed hours of horseback riding lessons.

- A conservation plan approved by the Northern Virginia Soil and Water Conservation District would be required for the property and all activity on the property must conform to such plan.

Staff believes that it is important to ensure that any property where riding lessons are being provided is properly managed to keep pollutants out of streams, prevent pasture erosion, and to mitigate waste produced by horses. Therefore, staff has proposed that all home occupations for riding lessons must obtain approval of a conservation plan by the Northern Virginia Soil and Water Conservation District prior to the issuance of a home occupation permit. A conservation plan is

prepared based on the desires of the applicant and would address water quality, animal waste management, integrated pest management and site planning issues.

If any of the above use limitations cannot be met, approval of a special permit for a riding/boarding stable would be required.

CONCLUSION

The proposed amendment is intended to alleviate obstacles which may limit the establishment of equestrian opportunities within the County while minimizing impacts on adjacent properties. The proposed amendment would increase the number of horses that can be boarded on residential property by-right, and provides a process for residents to obtain home occupation permits for providing horseback riding lessons, subject to use limitations designed to minimize the impact on surrounding properties. As such, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of December 6, 2016 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by modifying the STABLE, RIDING/BOARDING definition to read as follows:

STABLE, RIDING/BOARDING: A structure and/or use of land where ~~four (4)~~ six (6) or more horses or ponies, on lots containing a minimum of two (2) acres and less than five (5) acres, and nine (9) or more horses or ponies, on lots containing five (5) acres or more, not including those belonging to the resident of the property, are kept, maintained ~~and/~~or boarded ~~for profit, or in connection with which saddle horses or ponies are rented,~~ and/or where riding lessons are made available to the general public~~, made available to and/~~or members of a private club~~, or boarded for the convenience of their absentee owners~~. ~~Exercise rings and show rings~~ Riding facilities ~~shall~~ may be considered ~~uses~~ accessory to the ~~use of the premises of a~~ riding/boarding stable.

Amend Article 10, Accessory Use, Accessory Service Uses and Home Occupations, Part 3, Home Occupations, as follows:

- **Amend Sect. 10-302, Permitted Home Occupations, by adding a new Par. 8 to read as follows:**

Home occupations include, but are not necessarily limited to, the following:

8. Horseback riding lessons, in accordance with the following limitations:

   A. On lots containing a minimum of two (2) acres but less than five (5) acres, no more than two (2) students at any given time and up to eight (8) students in any one day.

   B. On lots containing five (5) acres or more, a maximum of four (4) students at any given time and up to eight (8) students in any one day.

- **Amend Sect. 10-303, Home Occupations Not Permitted, by revising Par. 6 to read as follows:**

Permitted home occupations shall not in any event be deemed to include the following:

6. ~~Riding or boarding stables or~~ Kennels.

- **Amend Sect. 10-304, Use Limitations, by revising Paragraphs 10 and 11 and adding a new Par. 12 to read as follows:**

In addition to the use limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations:

10. No sign shall be permitted, and all outdoor lighting shall be in accordance with Part 9 of Article 14.

11. Except for schools of special education and horseback riding lessons as permitted in Sect. 302 above, there shall be no customers or clients.

12. In addition to Paragraphs 1 through 11 above, horseback riding lessons shall be subject to the following:

    A. Notwithstanding Par.1 above, the primary residence of the home occupation permit applicant shall be located on the same lot where the horseback riding lessons are given; however the applicant shall not be required to conduct the horseback riding lessons and/or care for the horses that are kept, boarded or maintained on the property.

    B. The hours of horseback riding lessons shall be limited to 7:00 AM to 7:00 PM and notwithstanding Par. 6 above, one (1) nonresident person, whether paid or not for their services, may assist with the horseback riding lessons and/or care for the horses, provided that the hours of such attendance shall be limited to 7:00 AM to 7:00 PM.

    C. All horses used in the horseback riding lessons shall be kept on the property and no horses shall be transported or ridden onto the property for the lessons.

    D. If there is a lighted outdoor riding ring or riding area, the use of outdoor lighting for such areas shall be limited to 7:00 AM to 7:00 PM.

    E. A Conservation Plan approved by the Northern Virginia Soil and Water Conservation District shall be prepared for the property and all activity on the property shall conform to such Plan.

Riding lessons, other than as permitted above, shall be deemed a riding/boarding stable and shall require special permit approval in those districts where permitted.

Amend Article 8, Special Permits, Part 6, Outdoor Recreation Uses, Sect. 8-601, Group 6 Special Permit Uses, by revising Par. 6 to read as follows:

6. ~~Riding and boarding~~ Riding/boarding stables, except those permitted in accordance with Part 3 of Article 10.

County of Fairfax, Virginia **ATTACHMENT 2**
Planning Commission Meeting
January 12, 2016
Verbatim Excerpt

Z.O. Amendment - RIDING/BOARDING STABLES – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

(1) Modify the existing riding/boarding stable definition to add clarity to the existing provisions and to increase the maximum number of horses or ponies that can be boarded by right on a property from 3 horses on any lot, to up to 5 horses on lots containing a minimum of 2 acres and less than 5 acres, and up to 8 horses on lots containing 5 or more acres. The maximum number of horses that may kept, boarded or maintained shall not include the horses owned by the resident of the property.

(2) Revise Section 10-304, Home Occupation Use Limitations, to require that all outdoor lighting must be in accordance with the Zoning Ordinance outdoor lighting provisions; and, except for schools of special education and horseback riding lessons, there shall be no customers or clients.

(3) Amend Sections 10-302 and 10-303 to allow horseback riding lessons as a home occupation use requiring Zoning Administrator approval provided that on lots containing a minimum of 2 acres but less than 5 acres, no more than 2 students are permitted at any given time and up to 8 students in any one day; and on lots containing 5 or more acres, a maximum of 4 students are permitted at any given time and up to 8 students in any one day.

(4) Require horseback riding home occupations to be subject to the same use limitations contained in Section 10-304 as other home occupation uses, except as noted in Par. 5 below.

(5) Add a new Paragraph 12 to Section 10-304 which adds use limitations that are specific to horseback riding lesson home occupations and which minimize the impacts of such activity on surrounding properties. Paragraph 12 may include, but is not limited to, the following: (a) the resident of the property shall be the applicant and shall not be required to conduct the horseback riding lessons and/or care for the horses; (b) allows one nonresident person to assist with the horseback riding lessons and/or care for the horses; (c) limits the hours of horseback riding lessons, the attendance of any nonresident person described in 5(b) above, and the use of lighted outdoor riding rings or riding areas for riding lessons; (d) requires that all horses used in the horseback riding lessons be kept on the property and no horses can be transported or ridden onto the property for the lessons; (e) may require the submission of a Conservation Plan approved by the Northern Virginia Soil and Water Conservation District for the property and all activity on the property must conform to such Plan; and (f) riding lessons, other than as permitted by Sections 10-302 and 10-304, shall require special permit approval in those districts where permitted. (Countywide)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Hart?

Commissioner Hart: No, it's not mine. It's Jan.

Chairman Murphy: Oh, I am sorry. Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you.

Chairman Murphy: I got…

Commissioner Hedetniemi: Remember, I'm the rider. Mr. Chairman, thank you for allowing the opportunity for the people to speak up in support of this amendment and I feel strongly that the concern here is to encourage riding and boarding stables throughout the County. Accordingly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING RIDING AND BOARDING STABLES, AS ADVERTISED.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? Ms. Hurley?

Commissioner Hurley: I support the motion, but I would still like clarification on the number of people that can assist. Especially, ADA rules override our local Zoning Ordinance because courses are used for therapeutic instruction, as well. I would just like clarification. I recommend that we get clarification of that before it goes to the Board.

Chairman Murphy: Ms. Keys-Gamarra?

Commissioner Keys-Gamarra: I will also be supporting the motion. I wanted to say, as someone who has worked with a number of children who I have searched for support and how they can get their appropriate therapy and how you can reach that child, I am encouraged that perhaps this will be more available in Fairfax County.

Chairman Murphy: Further discussion? Mr. Flanagan and Ms. Strandlie.

Commissioner Flanagan: Yes, I just would like to say that I appreciate the – the testimony of Mrs. Huffman and that I would encourage you, as we go forward with this particular change, to keep in touch and let us know any fine-tuning that we need to consider in the future. I think we'd all be happy, particularly on the number of employees that I think various Commissioners have some concern with. Thank you.

Chairman Murphy: Ms. Strandlie?

Commissioner Strandlie: I wanted to concur with Commissioner Hurley's statement. I, too, had questions about the additional help for disabled students so I – I would prefer to get clarification of that before we move forward. Thank you.

Chairman Murphy: Further discussion of the motion?

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Yes, thank you. I, too, am going to support the motion. I just wanted to say I appreciated staff coming in explaining the changes to Sully District Council and WFCCA and there were a number of horse people in attendance and – and appreciated the opportunity to learn about this. Thank you.

Chairman Murphy: Okay, all those in favor of the motion to recommend to the Board of Supervisors that it adopt the Zoning Ordinance Amendment concerning riding/boarding stables, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Sargeant and Ulfelder were absent from the meeting.

TMW

Board Agenda Item **REVISED**
February 14, 2017

4:00 p.m. -

Public Hearing on a Proposed Amendment to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance) Regarding the Posting of Signs on Private Property When an Infill Lot Grading Plan Is Submitted to the County for Review

ISSUE:
Board of Supervisors' (Board's) adoption of a proposed amendment to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code), for posting signs to inform the public of proposed infill residential development.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, January 18, 2017, the Planning Commission voted ~~**10-0-1**~~ **10-1** (Commissioner Ulfelder ~~**abstained from the vote**~~ **voted in opposition** and Commissioner Strandlie was absent from the meeting) to recommend ~~**the following actions**~~ to the Board of Supervisors~~**: Denial**~~ denial of the proposed Amendment to Chapter 122 of the Tree Conservation Ordinance of the Code of the County of Fairfax, as set forth in the Staff Report dated November 7, 2016~~***; and.***~~

In a related motion, on Wednesday, January 18, 2017, the Planning Commission voted 10-0-1 (Commissioner Ulfelder abstained from the vote and Commissioner Strandlie was absent from the meeting) to recommend that the Board of Supervisors~~**Direct**~~ **direct** staff to consider alternative means to notify the public that an infill lot grading plan has been submitted for review. The alternative means can include both technology-based solutions and traditional mailings to the surrounding property owners, with the goal of preventing unnecessary expenses and a false set of expectations relating to public input in the process.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed amendment as set forth in the Staff Report dated November 7, 2016.

TIMING:
Board action is requested on February 14, 2017. On December 6, 2016, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on January 11, 2017. If adopted, the proposed amendment will become

effective on March 1, 2017, at 12:01 a.m. The County will execute a contract with a vendor that will post the signs as close to March 1 as possible.

BACKGROUND:
During the last legislative session, the General Assembly passed legislation that resulted in the enactment of § 15.2-961.2 of the *Code of Virginia*, effective July 1, 2016. The legislation provides the enabling authority for an amendment to the Tree Conservation Ordinance to allow the County to post signs on private property that notify the public that an infill lot grading plan is pending for review by the County. The legislation also specifies that the County cannot require the applicant to be responsible for such posting, and the failure to post the sign at the property cannot be a reason for denial of the grading plan.

At the July 26, 2016, Board meeting, the Board directed staff to study the enabling legislation, identify the requisite amendments to the County Code, and present a proposal for implementation to the Development Process Committee (Committee) for further consideration. Staff presented to the Committee on September 13, 2016, and provided additional information to the Committee on October 11, 2016.

PROPOSED AMENDMENT:
The proposed amendment to Chapter 122 (Tree Conservation Ordinance) will add a new Article 8 (Notice), and renumber the subsequent article accordingly. The new provision authorizes the County to post a sign on private property to notify the public that an infill lot grading plan has been submitted to the County for review. The proposed provision specifies the minimum information that will be included on the sign and incorporates the state mandated limitation that the County cannot disapprove the plan for the failure to post the notice.

The proposed amendment to Chapter 122 (Tree Conservation Ordinance) is included as Attachment A to the Staff Report.

REGULATORY IMPACT:
The proposed provision applies to existing single-family detached residential lots when construction of a new home, or an addition to an existing home, will include land-disturbing activity in excess of 2,500 square feet and requires approval of an infill lot grading plan per Paragraph 3 of Section 2-601 of the Zoning Ordinance.

The proposed provision does not apply to other projects on residential lots when an infill lot grading plan is not required, including, but not limited to:

- Building permits for residential projects when construction will not include land-disturbing activity in excess of 2,500 square feet, such as additions or tear downs and rebuilds on existing foundations;
- Conservation plans for additions, accessory structures and demolitions, where a certified plat may be submitted for approval by the Director in accordance with Paragraph 4 of Section 2-601 of the Zoning Ordinance; and
- Rough grading plans for land-disturbing activity in excess of 2,500 square feet which do not include construction of, or an addition to, a single-family home.

FISCAL IMPACT:
Implementation of the proposed amendment will cost the County an estimated $141,323 annually. This includes the cost of the vendor contract for installation of the signs, as well as the cost of 1/1.0 Full Time Equivalent position due to the increased demand on staff resources for the coordination, review and response to the comments received from the public.

These resources have been included as part of the County Executive's proposed Fiscal Year 2018 budget for the Board's consideration and approval. Additional activities, such as the administration of the contract, coordination with the vendor when plans are submitted, and providing copies of the submitted plans to interested parties upon request, will be assigned to existing staff resources.

There is no anticipated additional cost to homeowners and homebuilders because the County will be responsible for posting the signs in accordance with the state legislation.

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Verbatim
Attachment 2 – Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
Bill Hicks, Director, Land Development Services

County of Fairfax, Virginia **ATTACHMENT 1**
Planning Commission Meeting
January 18, 2017
Verbatim Excerpt

CODE AMENDMENT – CHAPTER 122 TREE CONSERVATION ORDINANCE AMENDMENT (SIGNS) – The proposed amendment to Chapter 122 (Tree Conservation Ordinance) will add a new Article 8, Notice, and renumber the subsequent article accordingly. Pursuant to the authority granted by § 15.2-961.2 of The Code of Virginia, the new provision authorizes the Director of Land Development Services to post a sign on private property to notify the public that an infill lot grading plan has been submitted to the County for review. The proposed provision specifies the minimum information that will be included on the sign and incorporates the state mandated limitation that the County cannot disapprove the plan for the failure to post the notice. (Countywide)

Decision Only During Commission Matters
(Public Hearing held on January 11, 2017)

Commissioner Sargeant: Thank you, Mr. Chairman. I have one motion on a – actually, two motions tonight regarding a decision only for a Code Amendment regarding Chapter 122 of the Tree Conservation Ordinance Amendment regarding signs Countywide. First of all, let me begin by thanking Jerry Stonefield with Land Development Services, as well as Jan Leavitt and Bill Hicks, for their thorough and diligent work regarding this particular amendment. Please be assured that my fellow Planning Commissioners and I appreciate all the professional experience and consideration that you provided for this proposed Code Amendment. However, as we heard during the January 11th public hearing from Planning Commissioners, the text and guidance from the General Assembly has left Planning Commissioners wanting and the County with incomplete instructions about implementing this particular amendment. There were multiple concerns about the proposed amendment expressed during the January 11th hearing, such as there is no clear guidance regarding the posting of signs to announce grading plan reviews, no clear consequence if the sign is not posted. At this time, there is no certainty that the amendment will truly help citizens become more aware of a proposed grading plan that is under review. And, as expressed by more than one Planning Commissioner, there is concern that it may even become more frustrating for citizens when they realize where the process is and what input they do and do not have for this process. Therefore, Mr. Chairman, my first motion on this matter, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS NOT ADOPT THE PROPOSED AMENDMENT TO CHAPTER 122 OF THE TREE CONSERVATION ORDINANCE OF THE CODE OF THE COUNTY OF FAIRFAX, AS SET FORTH IN THE STAFF REPORT DATED NOVEMBER 7TH, 2016.

Commissioner Flanagan: Second.

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

Commissioner Ulfelder: Thank you, Mr. Chairman. Unfortunately, I was not here for the public hearing and was not able to pose questions to the staff about this, but this is actually a simple amendment designed to address a serious problem. And it is – involves infill, which – as was pointed out that hearing – I did have an opportunity to review the hearing – 50 percent of which fall within the Dranesville District. And I understand the concern that people will be flooded

with calls when they find out that their call to the plan reviewer results in nothing, if that's the case, which isn't going to – wouldn't always be the case. But right now, they get flooded with calls from people who live in older existing neighborhoods when somebody buys the property or when the existing homeowner decides it's time to build a great big new house and to rip out a bunch of older mature trees in connection with that development. Now that alone is not a reason to deny the plan that's been submitted. But the fact is that in Dranesville we have found out after the fact that there have been plans that were submitted that were inaccurate as to the number, location, and importance of trees on certain lots. And we have found out that the review was not as complete as it should have been. But once the plan is approved and a bulldozer – the chainsaws arrive, they come first – it's too late. And so, I think, this was – is an important step to try to give neighbors – immediate neighbors, as well as neighborhoods the opportunity to find out when a plan has been submitted. Even though the time for review is short, but the opportunity to have a number to call to talk to the person who is reviewing the plan, and to have the opportunity to go in and see the plan and to say, "Heck, half the trees on that property aren't on this plan," or whatever the inaccuracy is or the mistake that exists within the plan. And I understand that there are others that would just call up and say, "I don't want the trees taken out." But the fact is we have a lot of people who have gotten more sophisticated about the Tree Ordinance and about the issue of tree coverage and the need for people to meet the requirements of the ordinance and to be able to review these kinds of plans in a sophisticated way and to, perhaps, make a difference. And, therefore, I will vote against this motion.

Chairman Murphy: Further discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. I'm going to support the motion and I – I wanted to make a couple observations, which I think may help the Board understand where the Commission maybe is coming down on this. I generally would support notices to the community regarding development and making a transparent and accessible process. I think that what's – the disconnect here is partly between citizen frustration about by-right development in general, on the one hand, and the difficulty of reacting to what – what may be a poorly-written State Code provision, which doesn't really address that problem. We had no speakers in support of the proposal. We had no letters or anything in support of it. I think that many of the points that Commissioner Sargeant made about potential for increased frustration and provoking that frustration with the Board members are valid. I think we can do a better job and I think Commissioner Sargeant's going to have a follow-on motion. We can do a better job on the subject of by-right development and how to deal with community frustration about that. And some of the suggestions that were made at the public hearing or afterwards had to do with things like – options like "Could we send out letters? Could we send out postcards? Could we have some kind of electronic opt-in notification system, much as we've got with traffic tie-ups or bad weather or that sort of thing?" There may be other things that we can do also that cover a broader spectrum of by-right development activity than just this type of infill lot grading plan for one house. I think if we take a more holistic look at it, and I agree what I think the follow-on motion is going to be, that we can come up with a better suggestion for the Board. Maybe there's legislative implications for that as well. But we can do better than this. I think in a budget year

like this, which is going to be very tight, it's very difficult, also, for us to recommend as a policy decision that, even though we're forbidden from making the applicants pay for these signs and the associated staffing, and the associated vehicle, and all that that entails, we're going to ask the rest of the County to pay for that ahead of schools and firefighters and everything else. I don't think the Board necessarily wants to go there this year and I think if we come back with a more coherent approach to by-right development and citizen interaction we'd come up with something that we can all support. And so I'm going to support this particular motion. Thank you.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. I seconded the motion because I intend to support the motion as well. Actually, this is – I agree with Commissioner Ulfelder. This is peculiar to Dranesville and I think that the Zoning Ordinance, as it pertains to all of Fairfax County, that the cost of this probably wouldn't be sufficient, you know, to provide what can be provided by each district office when there are questions of this sort. I think there's a simpler process of – I think it's a valid problem, but I think there are probably simpler and less costly ways of addressing that particular problem. I know that in my neighborhood – well everyone – all my neighbors who watch the vacant lots like hawks and they – the first opportunity that anybody proposes anything on those vacant lots, the supervisor's office gets a call immediately, as do I, so I think we've got, probably, a better answer for this question.

Chairman Murphy: Further discussion of the motion? Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I just wanted to indicate that I will be supporting the motion. I support the principle, the purpose. I just don't support the mechanism that was defined by the legislation and I am eager to find other solutions that might achieve the intended result.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I think the cost issue is a little overblown. I think we – it – there is a cost associated with hiring a firm to go out and put out the signs. I think the staff is asking for at least one FTE – one full-time employee to, sort of, "make up for something." The reality is the people that are reviewing these plans, if somebody did get wind of it on their own and calls them, they're going to have to take the time – and they should take the time – to talk to them, to invite them in, and to review the plan with them. It's part of their job and, therefore, I don't really think – to me, the cost is not that – is not as significant as was originally painted and I think it's not a real factor in this case.

Chairman Murphy: Further discussion? Mr. Migliaccio.

Commissioner Migliaccio: Just – just on that one point. I will be supporting Mr. Sargeant's motion. The cost is not a factor in my decision-making. I think it is a poor amendment and was crafted off of poor legislation and this – that's where we are today so I'll be supporting Mr. Sargeant.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it deny Code Amendment Chapter 122, Tree Conservation Ordinance Amendment, Signs, Countywide, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder.

Commissioner Ulfelder: Nay.

Chairman Murphy: Votes nay. Thank you very much. Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. Mr. Chairman, there is one thing that I think we are all in agreement with and that is the need for improving communication with our fellow citizens regarding land use issues and, in this case, infill lot grading. So with that, while we may not be in agreement with the previous Code Amendment, we do share the goal of improved and increased communication and timely communication, including the issue at hand regarding grading plan review. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE BOARD DIRECT STAFF TO CONSIDER ALTERNATIVE MEANS TO NOTIFY THE PUBLIC THAT AN INFILL LOT GRADING PLAN HAS BEEN SUBMITTED FOR REVIEW. THE ALTERNATIVE MEANS CAN INCLUDE BOTH TECHNOLOGY-BASED SOLUTIONS AND TRADITIONAL MAILINGS TO THE SURROUNDING PROPERTY OWNERS, WITH THE GOAL OF PREVENTING UNNECESSARY EXPENSES AND A FALSE SET OF EXPECTATIONS RELATING TO PUBLIC INPUT IN THE PROCESS.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of that motion? Voice of one crying in the desert. Mr. Ulfelder.

Commissioner Ulfelder: Did you recognize me, Mr. Chairman?

Chairman Murphy: Yes, I did. I always do.

Commissioner Ulfelder: I'm fine with that, except for a couple of things you threw in at the end of the – that you throw in at the end of that motion without expectations because it assumes something about the main issue. And, therefore, I – I – while I agree that, in light of the passage of the – the first motion – that it makes sense – the second motion makes sense – I'm going to abstain on the follow-on motion.

Chairman Murphy: All those in favor of the motion articulated by Commissioner Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder abstains.

Commissioner Sargeant: Thank you, Mr. Chairman.

The first motion carried by a vote of 10-1. Commissioner Ulfelder voted in opposition. Commissioner Strandlie was absent from the meeting.

The second motion carried by a vote of 10-0-1. Commissioner Ulfelder abstained from the vote. Commissioner Strandlie was absent from the meeting.

JLC

LAND DEVELOPMENT SERVICES

STAFF REPORT

☑ PROPOSED COUNTY CODE AMENDMENT

☐ PROPOSED PFM AMENDMENT

☐ APPEAL OF DECISION

☐ WAIVER REQUEST

Proposed Amendment to Chapter 122 (Tree Conservation Ordinance) of The Code of the County of Fairfax, Virginia, Regarding the Posting of Signs on Private Property When an Infill Lot Grading Plan is Submitted to the County for Review.

Authorization to Advertise	December 6, 2016
Planning Commission Hearing	January 11, 2017 at 8:15 p.m.
Board of Supervisors Hearing	February 14, 2017 at 4:00 p.m.
Prepared by:	Site Code Research and Development Branch, LDS Jerry Stonefield (703) 324-1780
	November 7, 2016

Staff Report

A. Issue:

Proposed amendment to Chapter 122 (Tree Conservation Ordinance) of The Code of the County of Fairfax, Virginia regarding the posting of signs on private property when an Infill Lot Grading Plan is submitted to the County for review.

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendment as set forth in Attachment A. Staff further recommends that the Board make the proposed amendment effective March 1, 2017, to allow for the execution of a contract with a vendor that will post the signs.

C. Timing:

Board of Supervisors Authorization to Advertise – December 6, 2016

Planning Commission Public Hearing – January 11, 2017

Board of Supervisors Public Hearing – February 14, 2017, 4:00 p.m.

Effective Date – 12:01 a.m. on March 1, 2017

D. Source:

Land Development Services (LDS)

E. Coordination:

The proposed amendments have been prepared by LDS and coordinated with the Urban Forest Management Division of the Department of Public Works and Environmental Services, and Office of the County Attorney.

F. Background:

Recently, the General Assembly passed legislation that resulted in the enactment of § 15.2-961.2 of the *Code of Virginia*, effective July 1, 2016. The legislation provides the enabling authority for an amendment to the Tree Conservation Ordinance to allow the County to post signs on private property that notify the public that an infill lot grading plan is pending for review by the County. The legislation also specifies that the County

cannot require the applicant to be responsible for such posting, and the failure to post the sign at the property cannot be a reason for denial of the grading plan. A copy of the legislation is included as Attachment B.

At the July 26, 2016, meeting, the Board directed staff to study the enabling legislation, identify the requisite amendments to the County Code, and present a proposal for implementation to the Development Process Committee (Committee) for further consideration. Staff presented to the Committee on September 13, 2016, and provided additional information to the Committee on October 11, 2016.

The proposed amendment to Chapter 122 (Tree Conservation Ordinance) is necessary to implement the legislation. A summary of the proposed amendment is set forth below.

G. Summary of Proposed Amendment:

The proposed amendment to Chapter 122 (Tree Conservation Ordinance) will add a new Article 8, Notice, and renumber the subsequent article accordingly. The new provision authorizes the County to post a sign on private property to notify the public that an infill lot grading plan has been submitted to the County for review. The proposed Code provision specifies the minimum information that will be included on the sign and incorporates the state mandated limitation that the County cannot disapprove the plan for the failure to post the notice.

The proposed amendment to Chapter 122 is included as Attachment A.

H. Regulatory Impact:

The proposed provision applies to existing single-family detached residential lots when the construction of a new home, or addition to an existing home, will include land-disturbing activity in excess of 2,500 square feet and will require approval of an infill lot grading plan as required in accordance with Paragraph 3 of Section 2-601 of the Zoning Ordinance.

The proposed provision does not apply to other projects on residential lots when approval of an infill lot grading plan is not required, including, but not limited to:

- Building permits for residential projects when construction will not include land-disturbing activity in excess of 2,500 square feet, such as additions or tear downs and rebuilds on existing foundations;
- Conservation plans for additions, accessory structures and demolitions, where a certified plat may be submitted for approval by the Director in accordance with Paragraph 4 of Section 2-601 of the Zoning Ordinance; and
- Rough grading plans for land-disturbing activity in excess of 2,500 square feet which do not include construction of, or addition to, a single-family home.

I. Attached Documents:

Attachment A – Proposed Amendment to Chapter 122 (Tree Conservation Ordinance)
Attachment B – Virginia Acts of the Assembly, 2016 Session, Chapter 412

Proposed Amendments to Chapter 122 (Tree Conservation Ordinance)
of
The Code of the County of Fairfax, Virginia

Amend Chapter 122 (Tree Conservation Ordinance), by adding a new Article 8, and renumbering the subsequent article accordingly, to read as follows:

ARTICLE 8.

Notice

Section 122-8-1. Notice for Infill Lot Grading Plans

(a) Upon submission and acceptance for review of an infill lot grading plan, required in accordance with Paragraph 3 of Section 2-601 of Article 2 of the Zoning Ordinance, the Director will, except for minor revisions to approved plans that do not affect the limits of clearing and grading, post a sign on the property to notify the public that the plan has been submitted for review. The sign shall include, at a minimum, the following information:

1. Notice that an infill lot grading plan has been submitted to the County for review,
2. The reference number of the plan,
3. The street address of the property (if assigned), and
4. The address and telephone number of the County office where a copy of the plan may be viewed.

(b) The failure to post the sign at the property shall not be grounds for denial of the plan.

2016 SESSION

REPRINT

CHAPTER 412

An Act to amend the Code of Virginia by adding a section numbered 15.2-961.2, relating to tree conservation ordinance; notice.

[H 647]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-961.2 as follows:

§ 15.2-961.2. Conservation of trees; notice of infill lot grading plan.

An ordinance adopted pursuant to § 15.2-961.1 may allow a locality to post signs on private property that is proposed to be redeveloped with one single-family home that notify the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for such posting. The failure to post the property shall not be a ground for denial of such grading plan.

Board Agenda Item
February 14, 2017

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Infrastructure Replacement Program - Conveyance System Rehabilitation - Misc (Providence District)

ISSUE:
Public Hearing on the acquisition of certain land rights necessary for the construction of Project SD-000034, Conveyance System Rehabilitation, Fund 400-C40100, Stormwater Services.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:
On January 24, 2017, the Board authorized advertisement of a public hearing to be held on February 14, 2017, at 4:00 p.m.

BACKGROUND:
The County is planning to install a cured-in-place pipe liner to repair an existing underground storm drainage pipe located in the rear of several properties on Tod Street as shown on Attachment A. This method of repair requires no land disturbance and will extend the life of the pipe by more than 50 years. The storm drainage facilities were installed in the late 1940's, but land rights to maintain these facilities were not conveyed to the County at that time.

The implementation of the project and future maintenance of the storm sewer line requires the acquisition of storm drainage easements (Easements). The Easements are required on seven (7) properties, two (2) of which have already been acquired by the Land Acquisition Division.

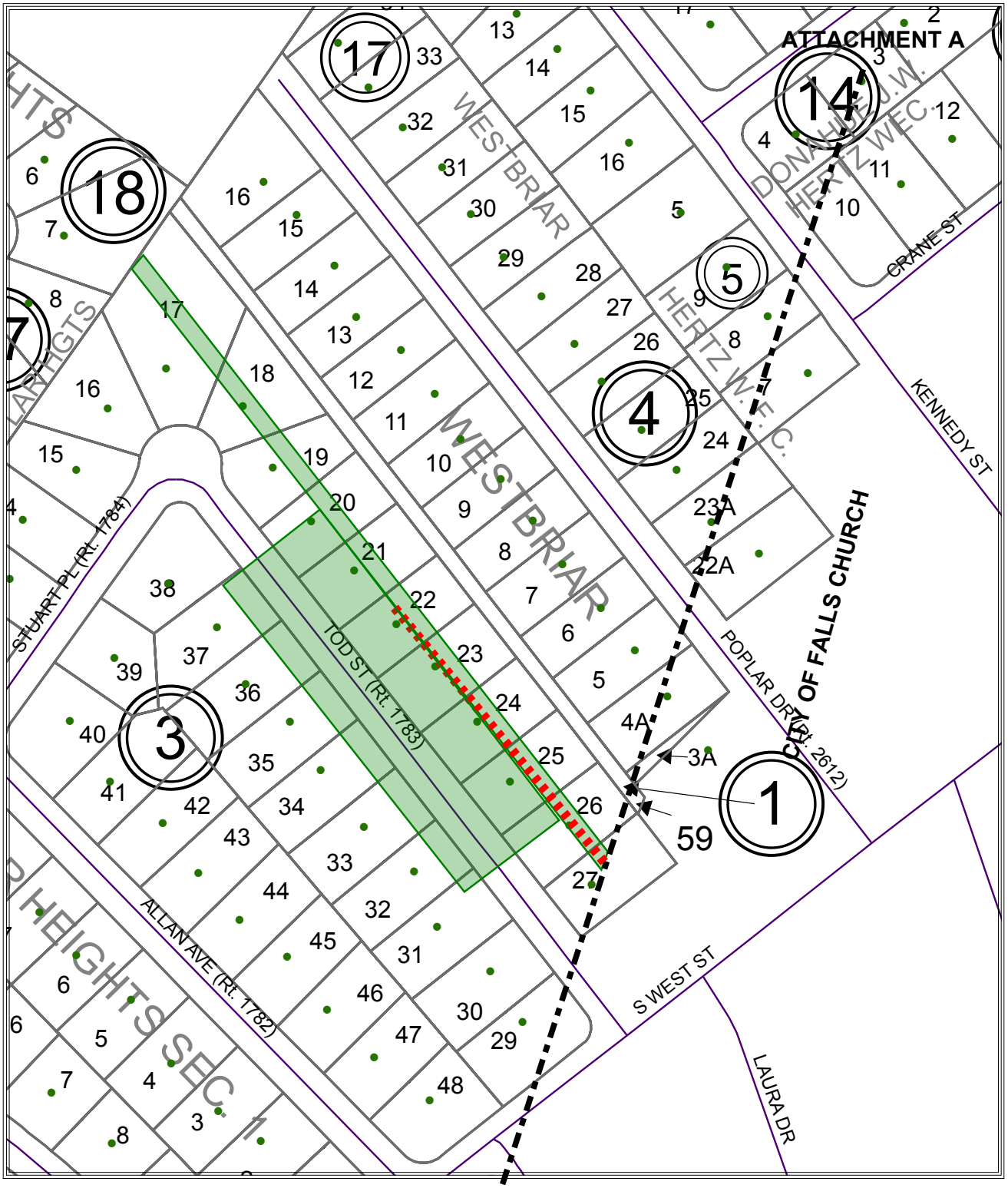
Negotiations are in progress with the remaining owners of properties through which the sewer line passes; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property

interests can be acquired by quick-take.

FISCAL IMPACT:
Funding is available in Project SD-000034, Conveyance System Rehabilitation, Fund 400-C40100, Stormwater Services. This project is included in the FY 2017 – FY 2021 Adopted Capital Improvement Program (with Future Fiscal Years to 2026). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:
Attachment A – Project Location Map
Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 5A).

STAFF:
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



CONVEYANCE SYSTEMS REHABILITATION - MISC

Project SD-000034-040

Tax Map: 50-1 **Providence District** **Scale: Not to Scale**

Affected Properties: **Proposed Improvements:**

ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, February 14, 2017, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Project SD-000034, Conveyance System Rehabilitation was approved by virtue of the FY2017 Adopted Budget; and

WHEREAS, pursuant to advertisement of notice a public hearing was held, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than February 23, 2017.

NOW THEREFORE BE IT RESOLVED that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 5A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire those property interests and that this Board intends to enter and take the said property interests for the purpose of installing a cured-in-place pipe liner to repair an existing underground storm drainage pipe as shown and described in the plans of Project SD-000034, Conveyance System Rehabilitation, on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the *Code of Virginia* and does hereby authorize and direct the Director, Land Acquisition Division, on or after February 15, 2017, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the *Code of Virginia* as to the property owners, the indicated estimate of fair market value of the property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project SD-000034 - Conveyance System Rehabilitation
(Providence District)

	PROPERTY OWNER(S)	TAX MAP NUMBER
1.	N/F LENA SEWALL STAPLES, HEIRS & ASSIGNS AND/OR UNKNOWN OWNERS Address: Right-of-Way behind Lots 17 through 27 Tod Street	050-1-01-0059
2.	Dan L. Chadwick Patricia Mott Address: 7226 Tod Street, Falls Church, Virginia 22046	050-1-03-0020
3.	Edd N. Williams, Jr. Shirley M. Williams	050-1-03-0021

Address:
7224 Tod Street, Falls Church, Virginia 22046

4. Raven Saks Molloy 050-1-03-0022
David G. Molloy

Address:
7222 Tod Street, Falls Church, Virginia 22046

5. Chihwei Liu 050-1-03-0024
Karina Chen
Yenyen Yu

Address:
7218 Tod Street, Falls Church, Virginia 22046

A Copy – Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 050-1-01-0059

Street Address: Fifteen-foot-wide Right-of-Way behind Lots 17 through 27 Tod Street

OWNER(S): N/F LENA SEWALL STAPLES, HEIRS & ASSIGNS AND/OR UNKNOWN OWNERS

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Storm Drainage Easement – 7,200 sq. ft.

VALUE

Estimated value of interests and damages:

ONE HUNDRED DOLLARS ($100.00)

ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 050-1-03-0020

Street Address: 7226 Tod Street, Falls Church, Virginia 22046

OWNER(S): Dan L. Chadwick
Patricia Mott

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Storm Drainage Easement –1,450 sq. ft.

VALUE

Estimated value of interests and damages:

FIVE THOUSAND ONE HUNDRED TWENTY DOLLARS ($5,120.00)

ATTACHMENT 3

AFFECTED PROPERTY

Tax Map Number: 050-1-03-0021

Street Address: 7224 Tod Street, Falls Church, Virginia 22046

OWNER(S): Edd N. Williams, Jr.
Shirley M. Williams

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Storm Drainage Easement –1,560 sq. ft.

VALUE

Estimated value of interests and damages:

FIVE THOUSAND FIVE HUNDRED TEN DOLLARS ($5,510.00)

ATTACHMENT 4

AFFECTED PROPERTY

Tax Map Number: 050-1-03-0022

Street Address: 7222 Tod Street, Falls Church, Virginia 22046

OWNER(S): Raven Saks Molloy
David G. Molloy

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Storm Drainage Easement –1,170 sq. ft.

VALUE

Estimated value of interests and damages:

FOUR THOUSAND ONE HUNDRED THIRTY DOLLARS ($4,130.00)

ATTACHMENT 5

AFFECTED PROPERTY

Tax Map Number: 050-1-03-0024

Street Address: 7218 Tod Street, Falls Church, Virginia 22046

OWNER(S): Chihwei Liu
Karina Chen
Yenyen Yu

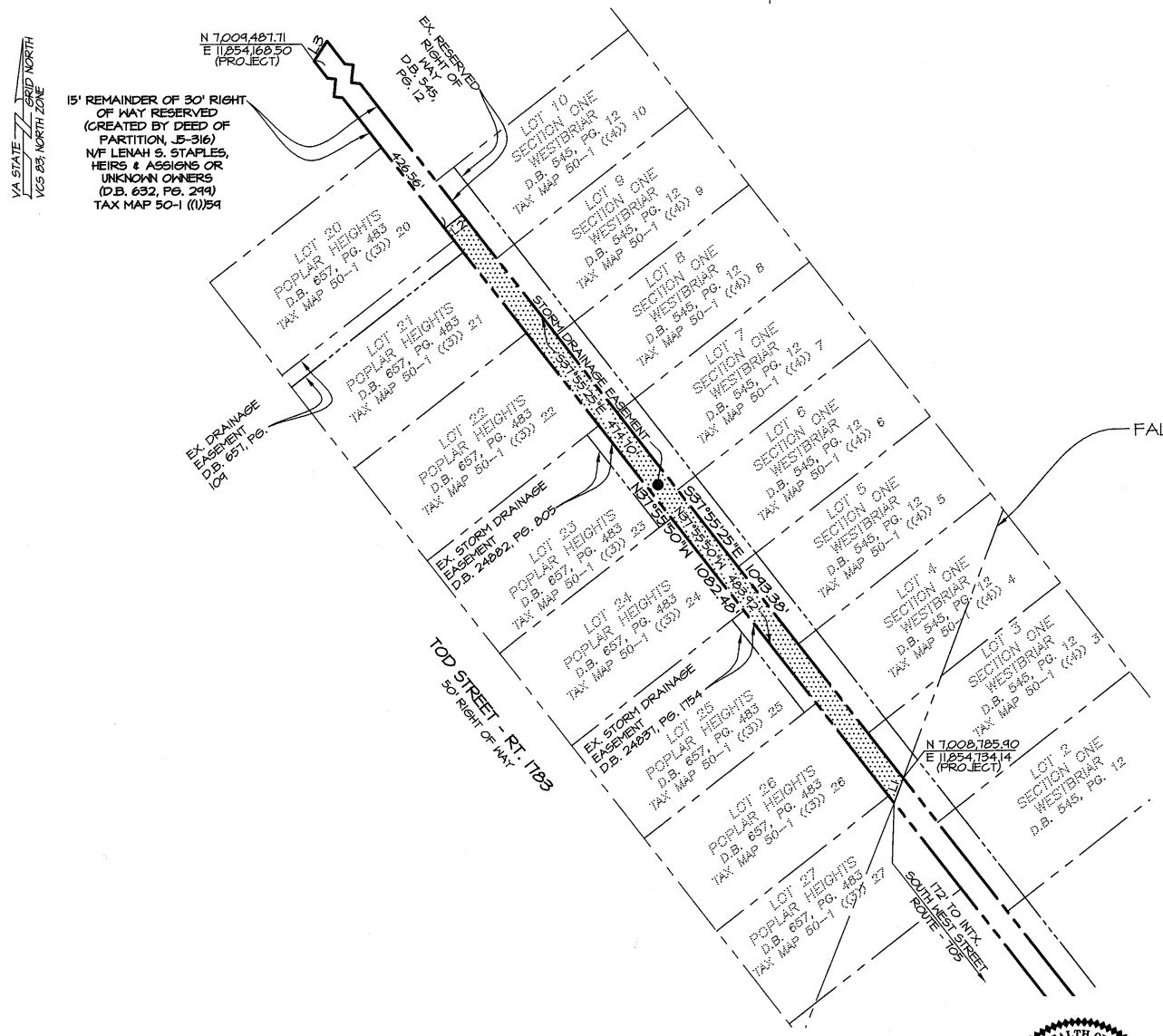
INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Storm Drainage Easement –780 sq. ft.

VALUE

Estimated value of interests and damages:

TWO THOUSAND SEVEN HUNDRED SIXTY DOLLARS ($2,760.00)



LINE TABLE		
NO.	BEARING	LENGTH
L1	S20°02'35"W	17.69'
L2	N52°04'10"E	15.00'
L3	N33°20'51"E	15.68'

NOTES:

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 50-1 ((1)) 59.

TOD STREET

PROJECT NUMBER SD-000034-040

EASEMENT AREA

STORM DRAINAGE EASEMENT 7,188 SQ. FT.

50 0 50 100 150

Scale: 1" = 50'

COMMONWEALTH OF VIRGINIA
V. M. Anglin
VICKIE McENTIRE ANGLIN
Lic. No. 002449
12/20/16
LAND SURVEYOR

FAIRFAX COUNTY, VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

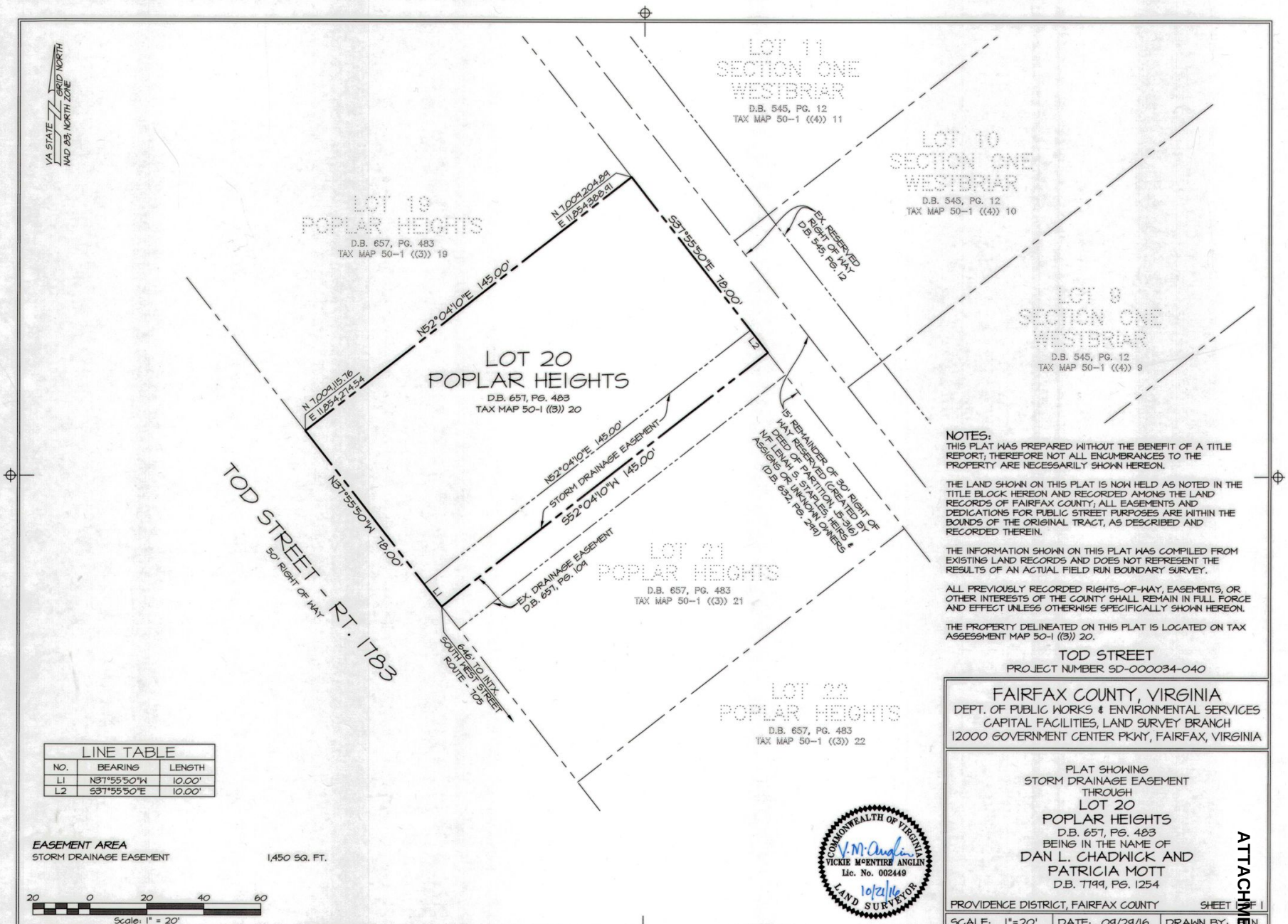
PLAT SHOWING
STORM DRAINAGE EASEMENT
THROUGH
15' REMAINDER OF 30' RIGHT OF WAY
DEED OF PARTITION J5-316
BEING IN THE NAME OF
N/F LENA S. STAPLES, HEIRS & ASSIGNS
AND/OR UNKNOWN OWNERS
D.B. 632, PG. 299

PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

SCALE: 1"=50'	DATE: 12/20/16	DRAWN BY: JJ

ATTACHMENT 1A

J:\CAP\Projects\Land Survey\0501 SD-000034-040 Tod Street\Dwg\PLATS\050-1 ((1)) 59 Plat.dwg



LINE TABLE		
NO.	BEARING	LENGTH
L1	N37°55'50"W	10.00'
L2	S37°55'50"E	10.00'

EASEMENT AREA
STORM DRAINAGE EASEMENT 1,450 SQ. FT.

20 0 20 40 60
Scale: 1" = 20'

NOTES:
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

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ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 50-1 ((3)) 20.

TOD STREET
PROJECT NUMBER SD-000034-040

COMMONWEALTH OF VIRGINIA
V.M. Anglin
VICKIE McENTIRE ANGLIN
Lic. No. 002449
10/21/16
LAND SURVEYOR

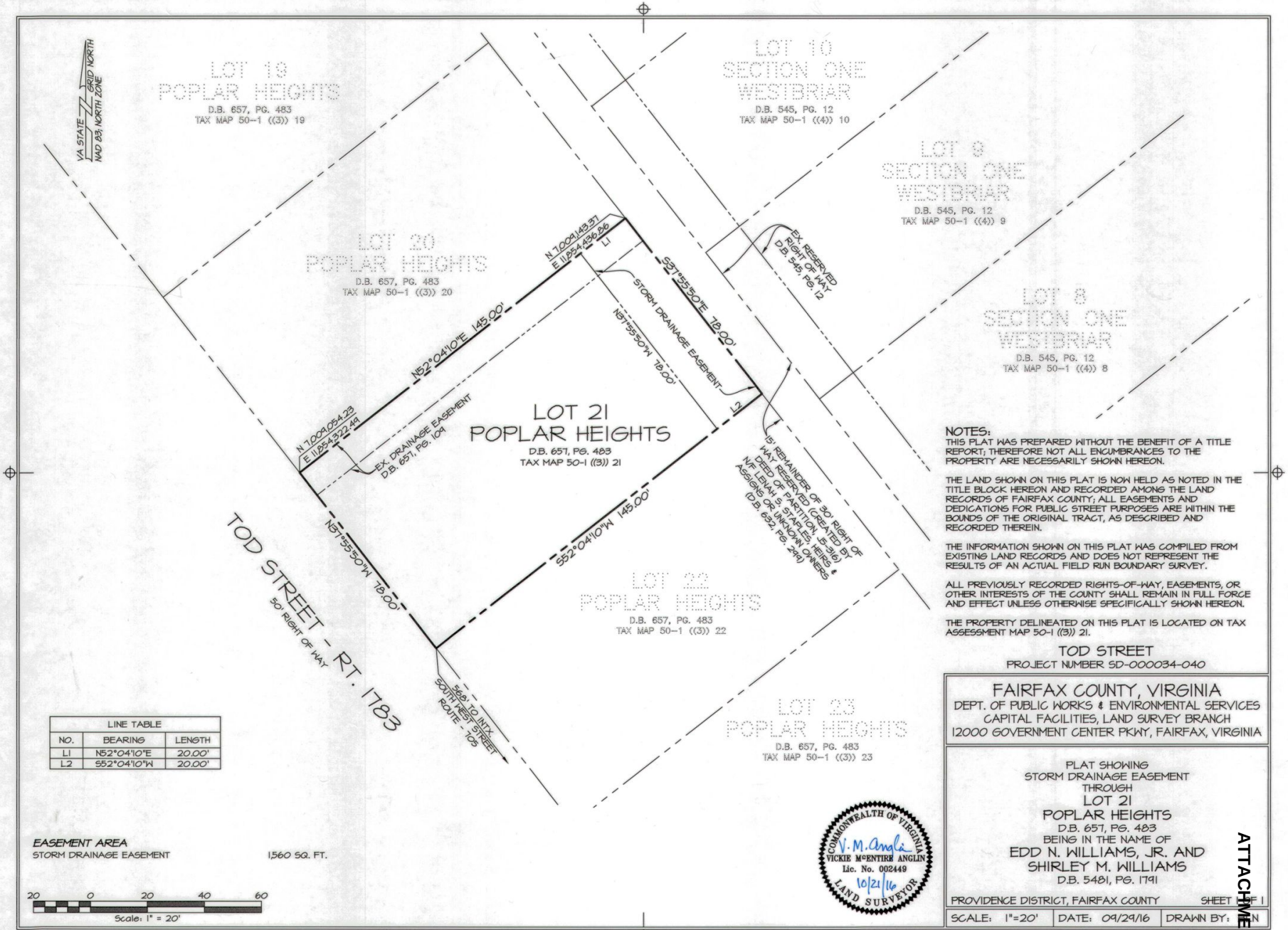
FAIRFAX COUNTY, VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING
STORM DRAINAGE EASEMENT
THROUGH
LOT 20
POPLAR HEIGHTS
D.B. 657, PG. 483
BEING IN THE NAME OF
DAN L. CHADWICK AND
PATRICIA MOTT
D.B. 7799, PG. 1254

PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

SCALE: 1"=20'	DATE: 09/29/16	DRAWN BY: EN

ATTACHMENT 2A



LINE TABLE		
NO.	BEARING	LENGTH
L1	N52°04'10"E	20.00'
L2	S52°04'10"W	20.00'

EASEMENT AREA
STORM DRAINAGE EASEMENT 1,560 SQ. FT.

20 0 20 40 60
Scale: 1" = 20'

COMMONWEALTH OF VIRGINIA
V. M. Angle
VICKIE McENTIRE ANGLIN
Lic. No. 002449
10/21/16
LAND SURVEYOR

NOTES:
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THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 50-1 ((3)) 21.

TOD STREET
PROJECT NUMBER SD-000034-040

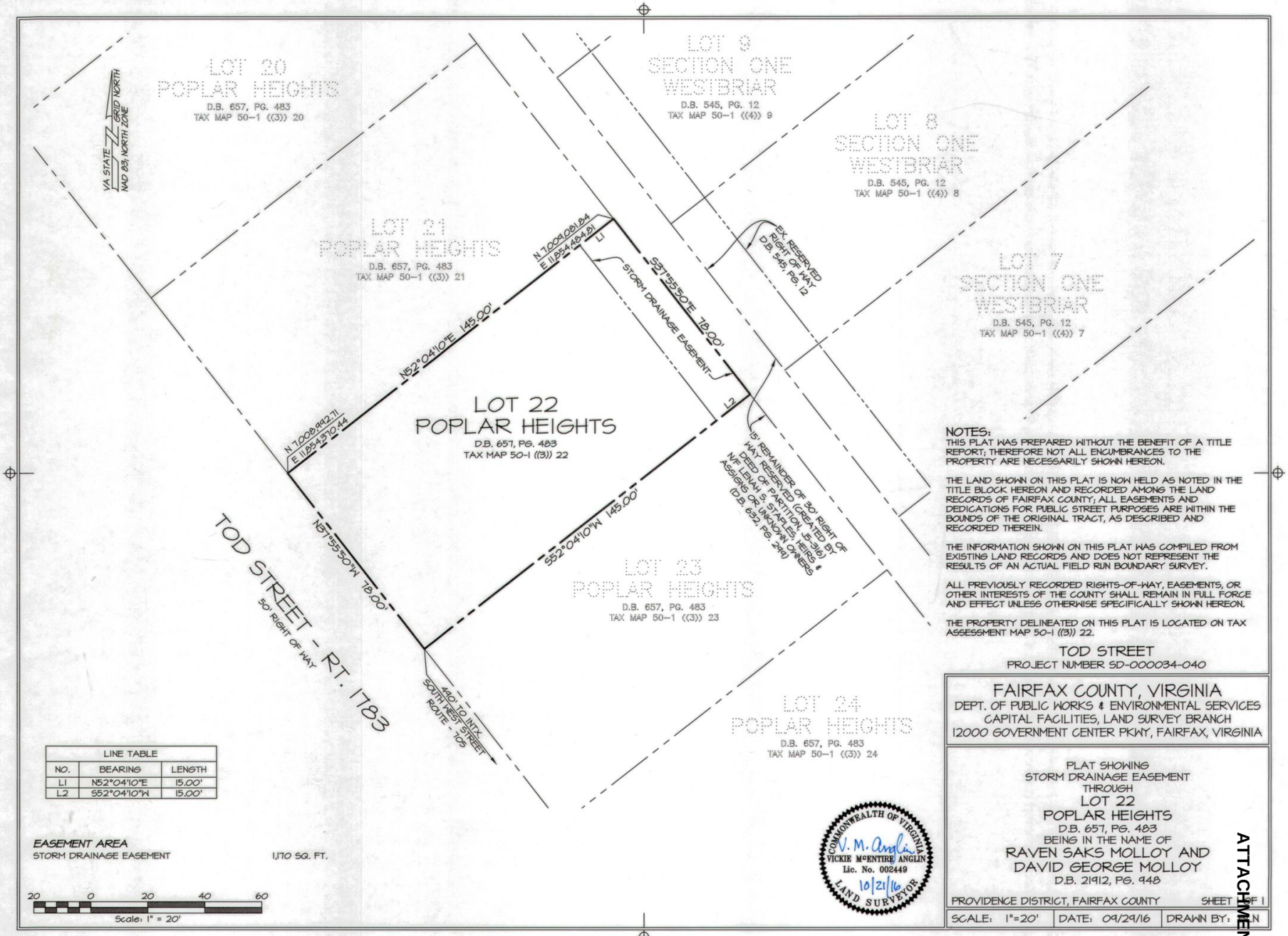
FAIRFAX COUNTY, VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING
STORM DRAINAGE EASEMENT
THROUGH
LOT 21
POPLAR HEIGHTS
D.B. 657, PG. 483
BEING IN THE NAME OF
EDD N. WILLIAMS, JR. AND
SHIRLEY M. WILLIAMS
D.B. 5481, PG. 1791

PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

SCALE: 1"=20'	DATE: 09/29/16	DRAWN BY: [illegible]N

ATTACHMENT 3A



LINE TABLE		
NO.	BEARING	LENGTH
L1	N52°04'10"E	15.00'
L2	S52°04'10"W	15.00'

EASEMENT AREA
STORM DRAINAGE EASEMENT 1,170 SQ. FT.

20 0 20 40 60
Scale: 1" = 20'

NOTES:
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 50-1 ((3)) 22.

TOD STREET
PROJECT NUMBER SD-000034-040

COMMONWEALTH OF VIRGINIA
V. M. Anglin
VICKIE McENTIRE ANGLIN
Lic. No. 002449
10/21/16
LAND SURVEYOR

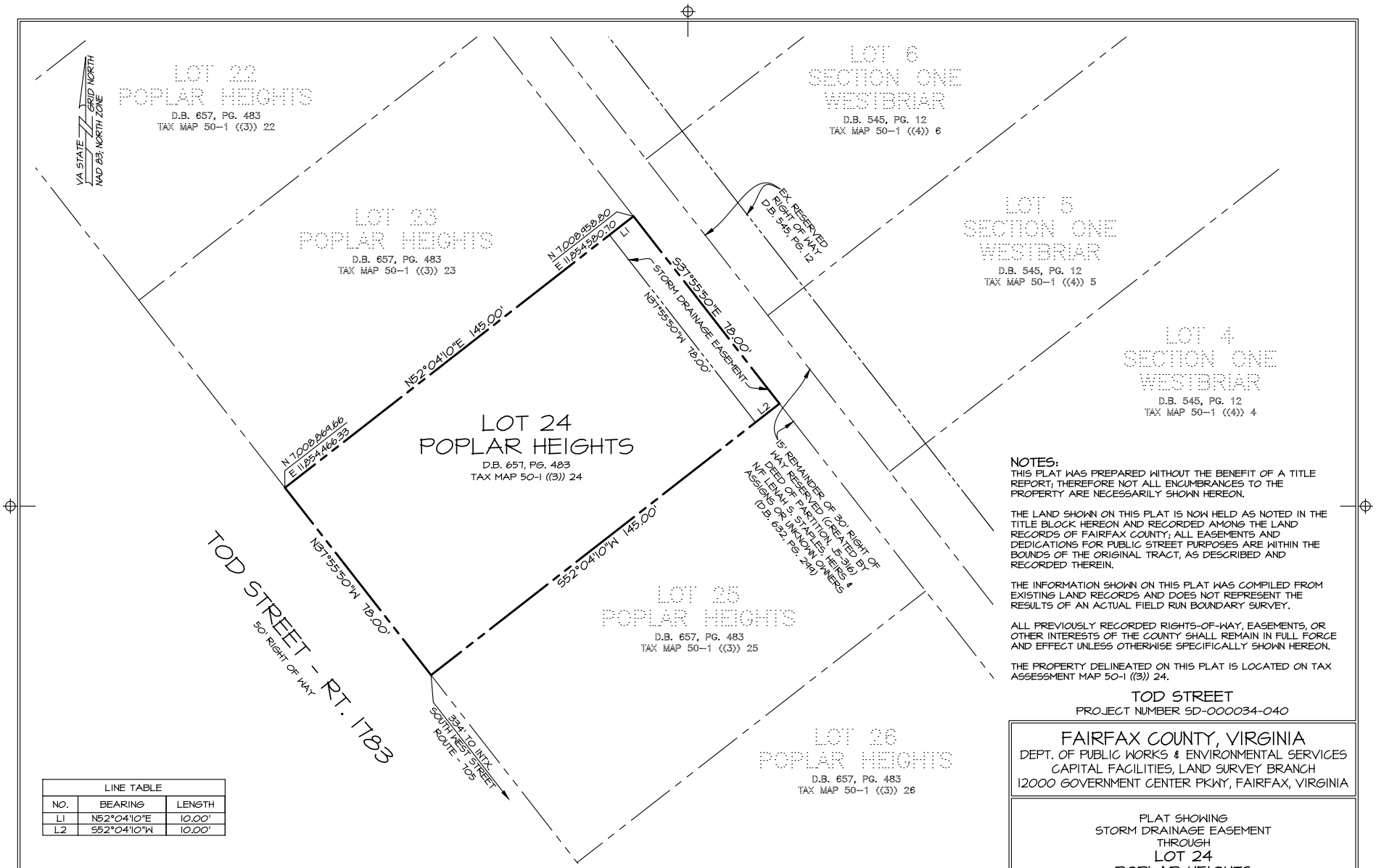
FAIRFAX COUNTY, VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING
STORM DRAINAGE EASEMENT
THROUGH
LOT 22
POPLAR HEIGHTS
D.B. 657, PG. 483
BEING IN THE NAME OF
RAVEN SAKS MOLLOY AND
DAVID GEORGE MOLLOY
D.B. 21912, PG. 948

PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

SCALE: 1"=20'	DATE: 09/29/16	DRAWN BY: [illegible]N

ATTACHMENT 4A



LINE TABLE		
NO.	BEARING	LENGTH
L1	N52°04'10"E	10.00'
L2	S52°04'10"W	10.00'

EASEMENT AREA

STORM DRAINAGE EASEMENT 780 SQ. FT.

20 0 20 40 60

Scale: 1" = 20'

NOTES:

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THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 50-1 ((3)) 24.

TOD STREET

PROJECT NUMBER SD-000034-040

FOR YOUR REVIEW

Proj. Engineer	
Land Acq.	
Surveys	

FAIRFAX COUNTY, VIRGINIA

DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES

CAPITAL FACILITIES, LAND SURVEY BRANCH

12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING
STORM DRAINAGE EASEMENT
THROUGH
LOT 24
POPLAR HEIGHTS
D.B. 657, PG. 483
BEING IN THE NAME OF
CHIHWEI LIU, KARINA CHEN AND YENYEN YU
D.B. 22502, PG. 1763

PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

SCALE: 1"=20'	DATE: 09/29/16	DRAWN BY: BE

ATTACHMENT 5A

Board Agenda Item
February 14, 2017

4:30 p.m.

Public Hearing on SE 2016-DR-011 (H&M of Virginia, LLC) to Permit a Reduction in the Lot Width Requirement from 100 Feet to 40 Feet, Located on Approximately 1.27 Acres of Land Zoned R-2 (Dranesville District)

This property is located at 7072 Idylwood Road, Falls Church, 22043. Tax Map 40-1 ((1)) 12

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, January 18, 2017, the Planning Commission voted 8-0-2 (Commissioners Keys-Gamarra and Niedzielski-Eichner abstained from the vote; Commissioner Sargeant recused himself from the vote; and Commissioner Strandlie was were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2016-DR-011, subject to the proposed Development Conditions dated January 18, 2017; with the following amendment to Development Condition Number 7:

- The last line of Development Condition Number 7 will now read, “attached to any deed of conveyance”.

ENCLOSED DOCUMENTS:
Planning Commission Verbatim Excerpt and Staff Report available online at:
http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/

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