

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 17, 2015**

AGENDA

- | | |
|-------|--------------------------------------------------------------------------------------------|
| 9:30 | Presentations |
| 10:30 | Report on General Assembly Activities |
| 10:35 | County Executive's Presentation of the Proposed FY 2016 and FY 2017 Multi-Year Budget Plan |
| 11:05 | Board Appointments |
| 11:10 | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Approval of a Portion of a Street Name Change from Roseland Drive to Roseland Ridge Road (Springfield District) |
| 2 | Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II) @ Ladson Ln (Phase 4C) @ Mohawk Lane and Belford Drive (Lee and Mount Vernon Districts) |
| 3 | Streets into the Secondary System (Lee District) |
| 4 | Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Braddock and Hunter Mill Districts) |
| 5 | Extension of Review Period for 2232 Applications (Sully and Mason Districts) |
| 6 | Supplemental Appropriation Resolution AS 15204 for the Fire and Rescue Department to Accept a Subgrant Award from the Department of Homeland Security Urban Areas Security Initiative from the Government of the District of Columbia Homeland Security and Emergency Management Agency |
| 7 | Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual (PFM) Regarding the Use of Underground Stormwater Detention Facilities in Residential and Mixed-Use Developments |
| 8 | Authorization to Advertise a Public Hearing on the Proposed Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016 |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 17, 2015**

ADMINISTRATIVE ITEMS (Continued)

9 Authorization for the Fairfax-Falls Church Community Services
Board to Apply for and Accept Funding from the Substance
Abuse and Mental Health Services Administration for a Primary
and Behavioral Health Care Grant

ACTION ITEMS

1 Approval of a Parking Reduction for Dulles Station Parcel 5A
(Dranesville District)

2 Approval of an Agreement Between the Northern Virginia Radio
Control Club and Fairfax County to Utilize a Portion of the I-95
Landfill Complex as an Aircraft Park (Mount Vernon District)

3 Approval of Resolution Authorizing Execution of a Project
Agreement with the Virginia Department of Transportation for the
Design and Construction of Pleasant Forest Trail (Sully)

4 Approval of Additional Funding for the Construction of
Improvements at Fairfax Connector's Huntington Bus Facility
(Braddock, Lee, Mason, Mount Vernon, Springfield Districts)

5 Approval of a Parking Reduction for Lake Anne Village Center
(Hunter Mill District)

6 Supplemental Appropriation Resolution 15169 and Authorization to Execute Standard Project Agreements for the Department of Transportation to Accept Grant Funding for the Lorton Cross County Trail, Cinderbed Bikeway, Reston Bike Share Infrastructure and Old Courthouse Road Safe Routes to School Improvements (Mount Vernon, Lee, and Hunter Mill Districts)

7 Approval of a Resolution to Authorize the Fairfax County
Redevelopment and Housing Authority to Issue a Crescent
Property Direct Loan

8 Authorization to Sign an Agreement Between Fairfax 2015, Inc.
and Fairfax County to License Venues for Conducting Events
Related to Staging of the 2015 World Police and Fire Games
(Braddock and Sully Districts)

9 Approval of Comments on I-66 Tier 2 Corridor Improvement
Project (Braddock, Hunter Mill, Providence, Springfield and Sully
Districts)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 17, 2015**

**ACTION ITEMS
(Continued)**

- | | |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | Approval of Comment Letter to the Virginia Department of Environmental Quality on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System |
| 11:40 | Matters Presented by Board Members |
| 12:30 | Closed Session |

PUBLIC HEARINGS

- | | |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3:00 | Public Hearing on SE 2014-SU-059 (Chantilly Plaza LLC) (Sully District) |
| 3:00 | Public Hearing on DPA A-502-07 (Lake Anne Development Partners LLC) (Hunter Mill District) |
| 3:00 | Public Hearing on PRC A-502-03 (Lake Anne Development Partners LLC) (Hunter Mill District) |
| 3:00 | Public Hearing on PCA A-502 (Lake Anne Development Partners LLC) (Hunter Mill District) |
| 3:30 | Public Hearing on SE 2014-BR-063 (Laura Bernhardt; John Bernhardt Bernhardt's Busy Bears Childcare, Inc.) (Braddock District) |
| 3:30 | Public Hearing on SEA 94-D-002-02 (Wesley Hamel Lewinsville LLC) (Dranesville District) |
| 3:30 | Public Hearing on SE 2014-SU-061 (Shalini Rajkumar) (Sully District) |
| 3:30 | Public Hearing on SE 2014-SP-038 (Seoul Presbyterian Church, Trustees) (Springfield District) |
| 3:30 | Public Hearing on SE 2014-MV-045 (Zahida Babar DBA Azeem Day Care Home) (Mount Vernon District) |
| 4:00 | Public Hearing on SE 2014-SP-053 (Rolling Valley Mall LLC) (Springfield District) |
| 4:00 | Public Hearing on Adoption of Proposed Amendments to the Public Facilities Manual (PFM), and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia, Regarding As-Built Requirements |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 17, 2015**

**PUBLIC HEARINGS
(Continued)**

- | | |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4:00 | Public Hearing on Proposed Amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fee Schedule) of The Code of the County of Fairfax, Virginia Re: Implementation of the Virginia Stormwater Management Act and Virginia Stormwater Management Program (VSMP) Regulation) |
| 4:00 | Public Hearing to Consider Adopting an Ordinance Expanding the Sunset Manor Residential Permit Parking District, District 18 (Mason District) |
| 4:00 | Public Hearing on RZ 2014-MA-011 (Spectrum Development, LLC) (Mason District) |
| 4:00 | Public Hearing on SE 2014-MA-013 (Spectrum Development, LLC) (Mason District) |
| 4:30 | Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District) |
| 4:30 | Public Hearing on Revisions to The Code of the County of Fairfax, Virginia—Chapter 109.1 (Solid Waste Management) |
| 4:30 | Public Hearing to Consider Adopting an Ordinance Expanding the Graham Residential Permit Parking District, District 34 (Providence District) |
| 4:30 | Public Hearing to Establish the Cardinal Forest II Community Parking District (Braddock District) |
| 5:00 | Public Hearing on Proposed Plan Amendment 2014-III-P1, Located on the East Side of Burke Lake Road Between Shipplet Boulevard and Lee Chapel Road (Springfield District) |
| 5:00 | Public Comment |



Fairfax County, Virginia

BOARD OF SUPERVISORS

AGENDA

**Tuesday
February 17, 2015**

9:30 a.m.

PRESENTATIONS

DESIGNATIONS

- PROCLAMATION – To designate March 2015 as Intellectual and Developmental Disabilities Inclusion Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate March 2015 as Alternative Dispute Resolution Month in Fairfax County. Requested by Supervisor Cook.

RECOGNITIONS

- CERTIFICATE – To recognize Fort Belvoir and Fairfax County firefighters for their partnership to jointly train to strengthen their skills and promote teamwork. Requested by Supervisor McKay.
- RESOLUTION – To recognize Lt. Kenneth Baine for his years of service to Fairfax County. Requested by Supervisor McKay.
- RESOLUTION – To recognize the Town of Vienna for its 125th anniversary. Requested by Supervisor Hudgins.
- RESOLUTION – To recognize Wynndolyn Thompson for her years of service to Fairfax County. Requested by Supervisor Hudgins.

— more —

Board Agenda Item
February 17, 2015

- RESOLUTION – To recognize the NOVA-Annandale Symphony for its 20th anniversary. Requested by Chairman Bulova and Supervisors Cook and Gross.

STAFF:

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

Board Agenda Item
February 17, 2015

10:30 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 17, 2015

PRESENTED BY:

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

Board Agenda Item
February 17, 2015

10:35 a.m.

County Executive's Presentation of the Proposed FY 2016 and FY 2017 Multi-Year
Budget Plan

ENCLOSED DOCUMENTS:

None. Materials to be distributed on February 17, 2015.

PRESENTED BY:

Edward L. Long Jr., County Executive

Board Agenda Item
February 17, 2015

11:05 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard February 17, 2015
(An updated list will be distributed at the Board meeting.)

STAFF:

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

February 17, 2015

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

APPOINTMENTS TO BE HEARD FEBRUARY 17, 2015
(ENCOMPASSING VACANCIES PROJECTED THROUGH **FEBRUARY 28, 2015**)
(Unless otherwise noted, members are eligible for reappointment)

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

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sydney Stakley; appointed 6/07-9/13 by Smyth) Term exp. 9/17 <i>Resigned</i>	Providence District Representative		Smyth	Providence
VACANT (Formerly held by Robert Kyle McDaniel; appointed 10/08-9/12 by Herrity) Term exp. 9/16 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 <i>Resigned</i>	Builder (Single Family) Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Carol Hawn (Appointed 1/97-1/03 by Hanley; 1/06 by Connolly; 2/09-2/12 by Bulova) Term exp. 1/15	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason

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AIRPORTS ADVISORY COMMITTEE (3 years)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mark Searle (Appointed 9/98-2/12 by Frey) Term exp. 1/15	Sully Business District Representative		Frey	Sully
Vikki Kinsman (Appointed 2/07-1/13 by Frey) Term exp. 1/15	Sully District Representative		Frey	Sully

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jefferson Boggs; appointed 5/07-3/13 by Hyland) Term exp. 3/15	Mount Vernon District Alternate Representative	Keith Salisbury	Hyland	Mount Vernon

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE
(1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Glenda DeVinney (Appointed 5/12-6/13 by McKay) Term exp. 6/14	Lee District Representative		McKay	Lee

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17 <i>Resigned</i>	Alternate #2 Representative		By Any Supervisor	At-Large
John B. Scott (Appointed 2/08-2/11 by Frey) Term exp. 2/15	Alternate #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 by Hudgins) Term exp. 2/15 <i>Resigned</i>	Alternate #4 Representative		By Any Supervisor	At-Large
Matthew Arnold (Appointed 1/05-2/07 by DuBois; 2/11 by Foust) Term exp. 2/15	Design Professional #2 Representative		By Any Supervisor	At-Large
Michael F. LeMay (appointed 2/87 by Pennino; 1/99 by Dix; 2/03-2/11 by Hudgins) Term exp. 2/15	Design Professional #4 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert Mansker; appointed 9/06-11/13 by Gross) Term exp. 12/15 <i>Resigned</i>	At-Large #3 Representative	Robert Mansker (Gross)	By Any Supervisor	At-Large

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

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

CHILD CARE ADVISORY COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Pamela Nilsen; appointed 6/13-9/13 by McKay) Term exp. 9/15 <i>Resigned</i>	Lee District Representative		McKay	Lee

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CHILD CARE ADVISORY COUNCIL (2 years)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence
Gita D'Souza Kumar (Appointed 7/12-2/13 by Frey) Term exp. 2/15	Sully District Representative		Frey	Sully

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Adeel Mufti; appointed 7/06-5/12 by Hudgins) Term exp. 5/14 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

<p align="center">COMMISSION ON AGING (2 years)</p>

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tena Bluhm; appointed 5/09-5/13 by Bulova) Term exp. 5/15 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Julie Bloom Ellis; appointed 5/09-6/14 by Hyland) Term exp. 5/16 <i>Resigned</i>	Mount Vernon District Representative	Robert Kuhns	Hyland	Mount Vernon

<p align="center">COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION (4 years)</p>

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard Leroy Kelley; Appointed 8/01-1/13 by Hudgins) Term exp. 1/17 <i>Resigned</i>	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Carmen A. Cintron; appointed 2/13 by Hyland) Term exp. 1/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by William Stephens; appointed 9/02-1/03 by McConnell; 1/07- 1/11 by Herrity) Term exp. 1/15 <i>Resigned.</i>	Springfield District Representative		Herrity	Springfield

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Douglas Dane (Appointed 2/09-2/12 by Bulova) Term exp. 2/15	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Michelle Jefferson (Appointed 4/14 by Cook) Term exp. 2/15	Braddock District Representative		Cook	Braddock
Benjamin Zuhl (Appointed 6/13 by Foust) Term exp. 2/15	Dranesville District Representative		Foust	Dranesville

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jeannine Deem Purdy (Appointed 2/12 by McKay) Term exp. 2/15	Lee District Representative		McKay	Lee
Philip Rosenthal (Appointed 1/01-2/16 by McConnell; 2/09- 2/12 by Herrity) Term exp. 2/15	Springfield District Representative		Herrity	Springfield

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert Gehring (Appointed 1/14 by Hudgins) Term exp. 2/15	Hunter Mill District Representative		Hudgins	Hunter Mill
Justin E. Fairfax (Appointed 12/13 by Gross) Term exp. 2/15	Mason District Representative		Gross	Mason

**DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT ADVISORY BOARD, PHASE II
(4 years)**

CONFIRMATION NEEDED:

- Mr. Michael J. Cooper as the BOS At-Large #2 Representative

ECONOMIC ADVISORY COMMISSION (3 years)

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Glen White (Appointed 3/09-1/12 by Gross) Term exp. 1/15	Mason District Representative		Gross	Mason

FAIRFAX AREA DISABILITY SERVICES BOARD

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Richard Nilsen; appointed 6/13 by McKay) Term exp. 11/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
Jacqueline Browne (Appointed 9/08- 12/11 by Gross) Term exp. 11/14 <i>Not eligible for reappointment</i>	Mason District Representative		Gross	Mason

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FAIRFAX AREA DISABILITY SERVICES BOARD**(3 years- limited to 2 full consecutive terms per MOU, after initial term)****continued**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ann Pimley; appointed 9/03-11/6 by Frey) Term exp. 11/09 <i>Resigned</i>	Sully District Representative		Frey	Sully

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

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

GEOTECHNICAL REVIEW BOARD (3 years)

CONFIRMATION NEEDED:

- Mr. Daniel S. Rom as the Primary #2 Representative

HEALTH CARE ADVISORY BOARD (4 years)

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

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

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

HISTORY COMMISSION (3 years)

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

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

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

HUMAN SERVICES COUNCIL (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard Gonzalez (Appointed 7/97-7/05 by Kauffman; 8/09 by McKay) Term exp. 7/13	Lee District #1 Representative		McKay	Lee

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

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Paul Langley; appointed 4/10-1/12 by Cook) Term exp. 1/14 <i>Resigned</i>	Braddock District Representative		Cook	Braddock

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)

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

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OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)
continued

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

REDEVELOPMENT AND HOUSING AUTHORITY
(4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by 2/01-4/13 by Hyland) Term exp. 4/17 <i>Resigned</i>	Mount Vernon District Representative	Matthew Bell	Hyland	Mount Vernon

ROAD VIEWERS BOARD (1 year)

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

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Suchada Langley; appointed 11/11-12/11 by Hudgins) Term exp. 12/14 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large
Michael Doherty (Appointed 12/11 by Bulova) Term exp. 12/14	Braddock District Representative		Cook	Braddock

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)

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

TENANT LANDLORD COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael Schwarz; appointed 1/14 by Herrity) Term exp. 12/15 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 <i>Deceased</i>	Condo Owner Representative		By Any Supervisor	At-Large

Continued on next page

TENANT LANDLORD COMMISSION (3 years)
continued

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

TRAILS AND SIDEWALKS COMMITTEE (2 years)

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

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD
(2 YEARS)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Laurie DiRocco (Appointed 5/14 by Bulova) Term exp. 2/15	Adjacent Community Member Representative #1	Laurie DiRocco	Bulova	At-Large
Tim Stephan (Appointed 2/13 by Bulova) Term exp. 2/15	Commercial or Retail Ownership Representative #2		Bulova	At-Large
Kip Killmon (Appointed 2/13 by Bulova) Term exp. 2/15	Commercial or Retail Ownership Representative #3		Bulova	At-Large
Maria Hawthorne (Appointed 2/13 by Smyth) Term exp. 2/15	Providence District Representative #1		Smyth	Providence
Michael Bogasky (Appointed 2/13 by Smyth) Term exp. 2/15	Residential Owners and HOA/Civic Association Representative #1		Smyth	Providence

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (4 years)

CONFIRMATIONS NEEDED:

- Mr. Shahram Mohsenin as the Fairfax County #1 Representative
- Mr. Michael McGrath as the Fairfax County Alternate #1 Representative

WETLANDS BOARD (5 years)

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

Board Agenda Item
February 17, 2015

11:10 a.m.

Items Presented by the County Executive

Board Agenda Item
February 17, 2015

ADMINISTRATIVE - 1

Approval of a Portion of a Street Name Change from Roseland Drive to Roseland Ridge Road (Springfield District)

ISSUE:

Board of Supervisors approval of a portion of a street name change in the Official County Digital Property Map and the Master Addressing Repository from Roseland Drive to Roseland Ridge Road on Tax Map #096-4.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the street name change to Roseland Ridge Road 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 Site and Addressing Center has received a request from property owners to change a portion of the street name from Roseland Drive to Roseland Ridge Road. There are six properties on this stretch of roadway that are addressed from this street.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Road Name Petition and Application
Attachment II – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Bill Hicks, Director, Land Development Services, DPWES

ROAD NAME PETITION AND APPLICATION

APPLICATION SECTION

Date: 12/10/2014
 Contact Person: Katie Burke Phone: 678-596-9799 (c) or 703-646-4881
 (person filling out form)
 Address: 8226 B Roseland Drive
 City/State/Zip: Fairfax Station VA, 22039

Current Road Name: Roseland Drive

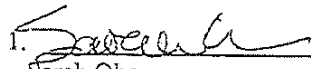
Alternative Road Name Choice(s):

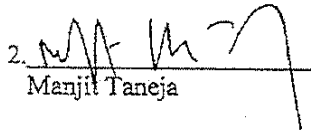
First Choice: Roseland Ridge Road
 Second Choice: Roseland Ridge
 Third Choice: Roseland Ridge Drive

We, the undersigned property owners, request that an existing portion of a private road granting access to certain properties (designated on the attached plat as Parcels A, B, C, and D) as well as the Calvin Davis Heirs Cemetery (designated as Tax Map # 0964 01 0004A) be renamed and we hereby give permission to Fairfax County Development Services Department to rename said road. We understand this petition does not obligate Fairfax County in any way towards the maintenance, repair or replacement of the roadway. Also, a minimum of 75% of the property owners possessing property that borders this private roadway must concur with the suggested names. A one-time payment fee of \$280.00 will be issued to Fairfax County for the cost to manufacture and install the new street sign.

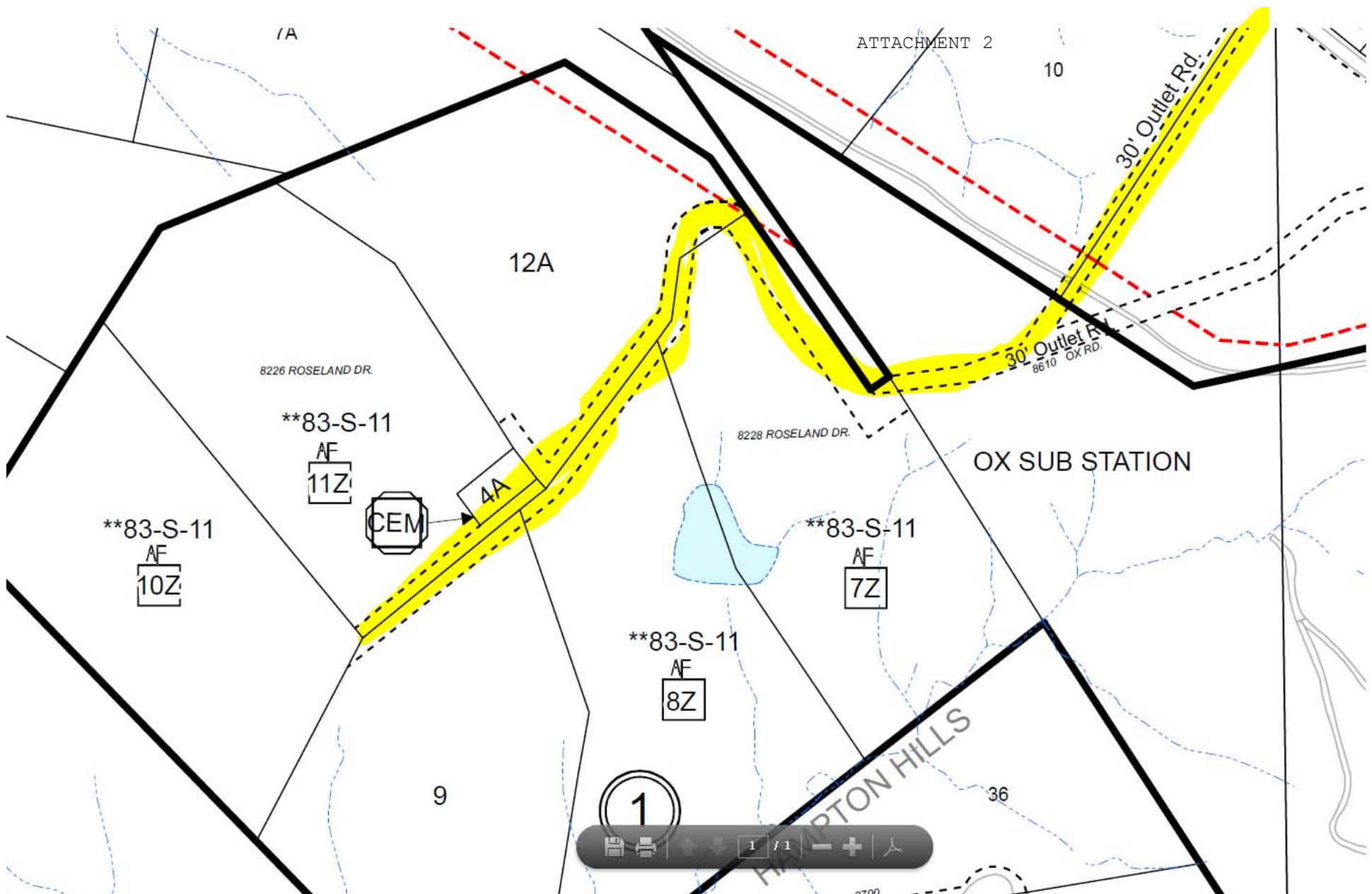
Please note that we, the undersigned property owners, are only requesting to rename the gravel portion of the road Roseland Drive which serves lots/parcels A, B, C and D and the cemetery. 8228 Roseland Drive is to retain the current address, and Lot/Parcel E should be assigned the 8226 Roseland Drive address; these two properties will continue to be served by the current paved portion of the road, Roseland Drive. Please also note that the Fairfax County tax records currently list Lot/Parcel D as 8226 Roseland Drive.

Name of Property Owner (Signature) Tax Number or Existing Address Phone

1.  8228 Roseland Drive/0964 01 0007Z/703-643-9393
 Sarah Ober

2.  Lot/Parcel E/0964 01 0012A/703-690-7258
 Manjit Taneja

3. Katie Burke Lot/Parcel B/0964 01 0009/ 8226 B Roseland Drive/ 703-6464881
Katie and Brian Burke
4. Sarah Ober Lot/Parcel A/0964 01 0008Z/703-643-9393
Sarah Ober on behalf of Mary Webster Ober Revocable Trust ("Ober Trust")
By Right of "Power of Attorney"
5. Sarah Ober Lot/Parcel C/0964 01 0010Z/703-643-9393
Sarah Ober on behalf of Mary Webster Ober Revocable Trust ("Ober Trust")
By Right of "Power of Attorney"
6. Sarah Ober Lot/Parcel D/0964 01 0011Z/703-643-9393
Sarah Ober on behalf of Mary Webster Ober Revocable Trust ("Ober Trust")
By Right of "Power of Attorney"



ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II) @ Ladson Lane (Phase 4C) @ Mohawk Lane and Belford Drive (Lee and Mount Vernon Districts)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project AA1400012-06, Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II), Fund 500-C50000, Federal-State Grant Fund; Project AA1400012-06, Intersection Design @ Ladson Ln (Phase 4C), Fund 500-C50000, Federal-State Grant Fund; and Project AA1400017-06, Intersection Design @ Mohawk and Belford, Fund 500-C50000, Federal-State Grant Fund.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 24, 2015, at 4:30 p.m.

TIMING:

Board action is requested on February 17, 2015, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep these projects on schedule.

BACKGROUND:

These projects consist of the construction of pedestrian and intersection improvements along Richmond Highway (Route 1), which include installation of ADA compliant sidewalks and curb ramps, the upgrading of existing bus stop facilities, curb and gutter, installation of various medians, pavement markings, and storm drainage improvements.

Land rights for these improvements are required on 22 properties. The construction of these projects requires the acquisition of deed of dedication, storm drainage easements, sidewalk easements, a perpetual street easement, a traffic signal easement, and grading agreement and temporary construction easements.

Negotiations are in progress with the affected property owners; however, because

Board Agenda Item
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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 these projects on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. §§ 15.2-1903 through 15.2-1905 (2012). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project AA1400012-06, Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II), Fund 500-C50000, Federal-State Grant Fund; Project AA1400012-06, Intersection Design @ Ladson Ln (Phase 4C), Fund 500-C50000, Federal-State Grant Fund; and Project AA1400017-06, Intersection Design @ Mohawk and Belford, Fund 500-C50000, Federal-State Grant Fund. These projects are included in the Adopted FY2015 - FY2019 Capital Improvement Program (with future Fiscal Years to FY2024). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

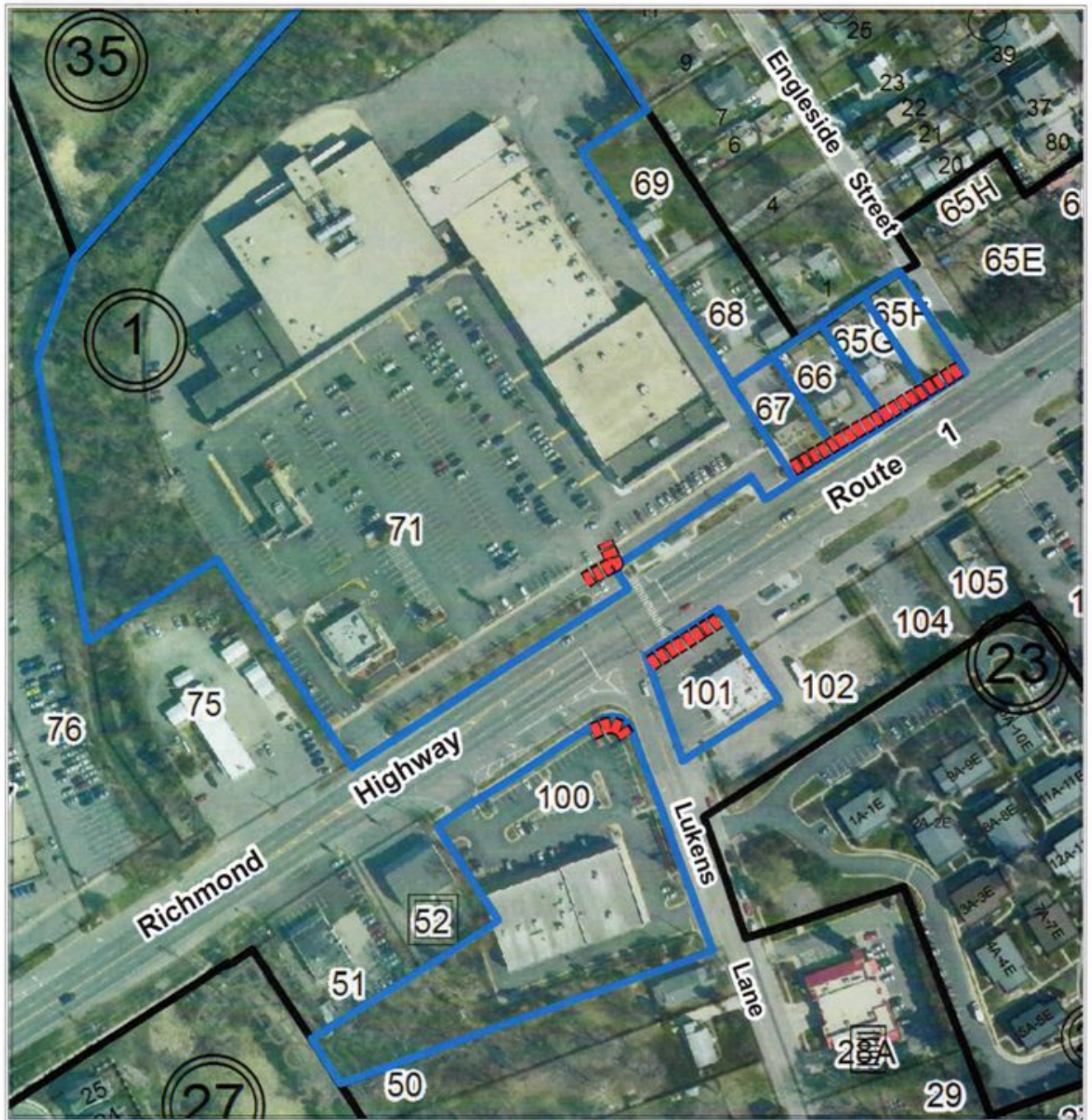
Attachment A1 and A2 - Project Location Map (Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II))
Attachment B – Project Location Map (Intersection Design @ Ladson Ln (Phase 4C))
Attachment C1 and C2 – Project Location Map (Intersection Design @ Mohawk and Belford)
Attachment D - Listing of Affected Properties

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

INTERSECTION DESIGN @ LUKENS LANE (PHASE II) AND FRYE ROAD (PHASE II)

ATTACHMENT A1



Tax Map: 101-3

Project AA1400012-06
Mount Vernon District

Affected Properties: 

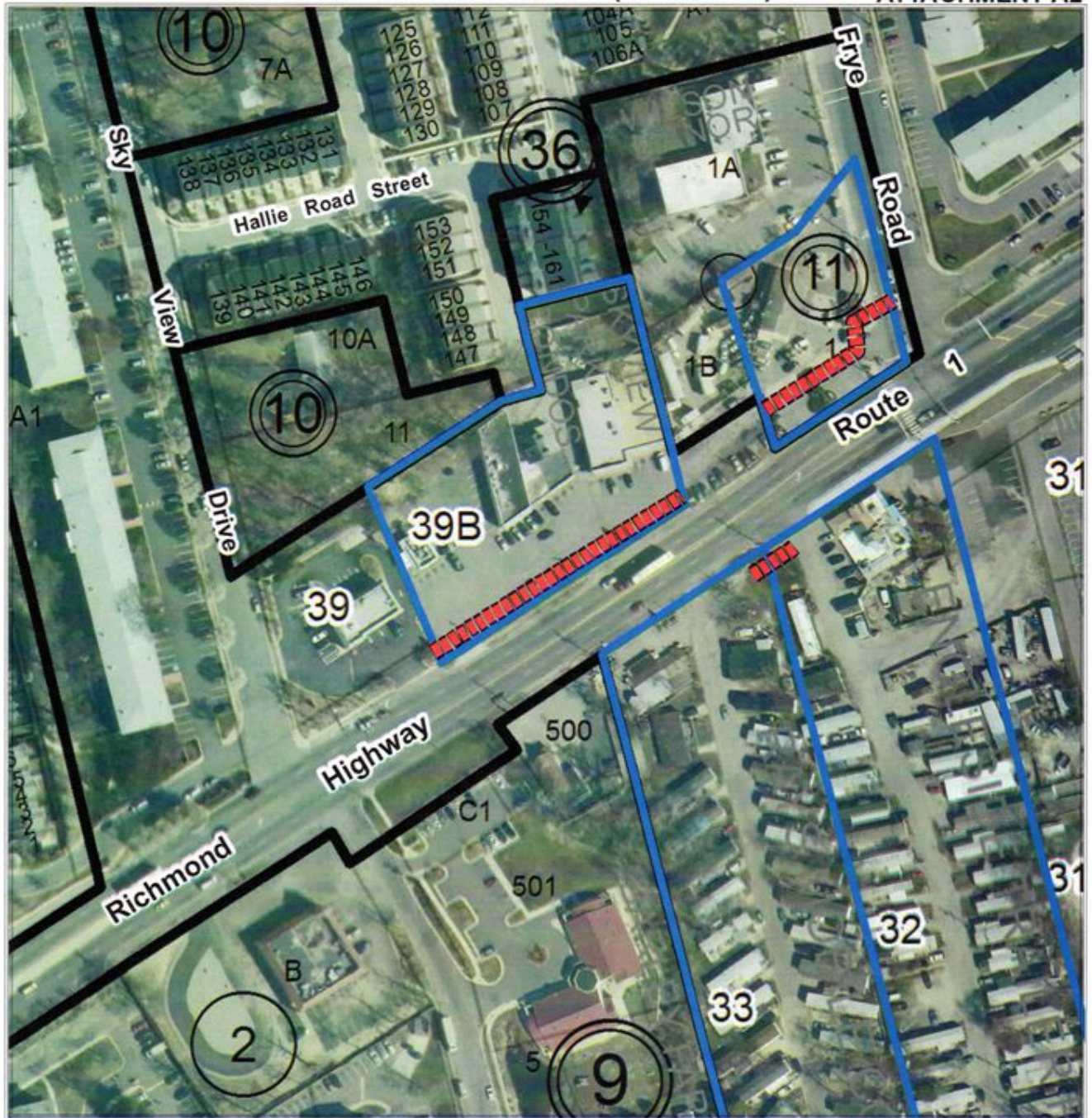
Proposed Improvements: 

0 0.02 0.04 0.08 Miles



INTERSECTION DESIGN @ LUKENS LANE (PHASE II) AND FRYE ROAD (PHASE II)


ATTACHMENT A2



Tax Map: 101-3

Project AA1400012-06
Mount Vernon and Lee District

Affected Properties: 

Proposed Improvements: 

0 0.0175 0.035 0.07 Miles



INTERSECTION DESIGN @ LADSON LANE (PHASE 4C)

ATTACHMENT B



Tax Map: 101-2

Project AA1400012-06
Lee District

Affected Property:



Proposed Improvements:



0 0.0175 0.035 0.07
Miles



INTERSECTION DESIGN @ MOHAWK AND BELFORD

ATTACHMENT C1



Tax Map: 101-2

Project AA1400017-06
Mount Vernon District

Affected Properties:

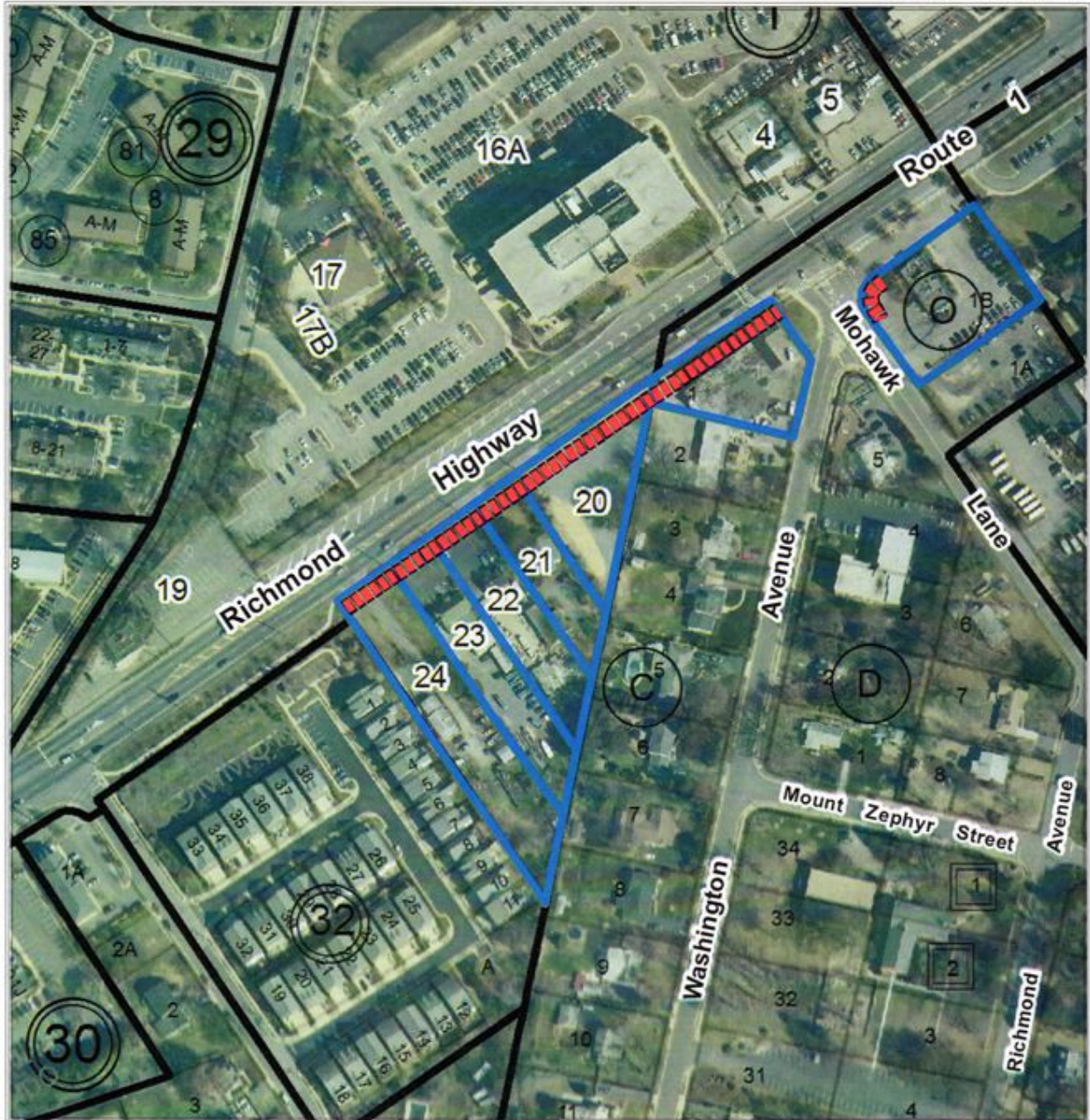
Proposed Improvements:

0 0.025 0.05 0.1 Miles



INTERSECTION DESIGN @ MOHAWK AND BELFORD

ATTACHMENT C2



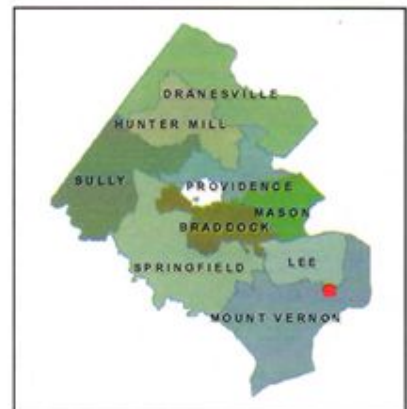
Tax Map: 101-3
and 101-4

Project AA1400017-06
Mount Vernon and Lee District

Affected Properties: 

Proposed Improvements: 

0 0.0225 0.045 0.09
Miles



ATTACHMENT D

LISTING OF AFFECTED PROPERTIES
Project AA1400012-06
Intersection Design @ Lukens Ln (Phase II) and Frye Rd (Phase II)
(Lee and Mount Vernon Districts)

PROPERTY OWNER(S)

- | | | |
|----|---------------------------------------------------------------|----------------|
| 1. | Demetrios Demetriou
Androula Demetriou | 101-3-01-0065F |
| | Address:
(No property address; adjacent to 101-3-01-0065G) | |
| 2. | Demetrios Demetriou
Androula Demetriou | 101-3-01-0065G |
| | Address:
8618 Richmond Highway
Alexandria, VA 22309 | |
| 3. | Demetrios Demetriou
Androula Demetriou | 101-3-01-0066 |
| | Address:
8620 Richmond Highway
Alexandria, VA 22309 | |
| 4. | Aasef Shafik | 101-3-01-0067 |
| | Address:
8622 Richmond Highway
Alexandria, VA 22309 | |
| 5. | Demetrios Nicholakos
George Nicholakos | 101-3-01-0071 |
| | Address:
8630 Richmond Highway
Alexandria, VA 22309 | |

- | | | |
|-----|----------------------------------------------------------------|-----------------|
| 6. | Demetrios Nicholakos
George Nicholakos | 101-3-01-0100 |
| | Address:
8643 Richmond Highway
Alexandria, VA 22309 | |
| 7. | D & G Associates RLLP | 101-3-01-0101 |
| | Address:
8629 Richmond Highway
Alexandria, VA 22309 | |
| 8. | Engleside Investors Two, Inc.
Ahora Company, L.C. | 101-3-01-0032 |
| | Address:
8501 Richmond Highway
Alexandria, VA 22309 | |
| 9. | Rapido Company, LC | 101-3-01-0033 |
| | Address:
8515 Richmond Highway
Alexandria, VA 22309 | |
| 10. | Fry Road Associates, L.L.C. | 101-3-01-0039-B |
| | Address:
8510-8526 Richmond Highway
Alexandria, VA 22309 | |
| 11. | Nova Petroleum Realty, LLC | 101-3-11-0001 |
| | Address:
8500 Richmond Highway
Alexandria, VA 22309 | |

LISTING OF AFFECTED PROPERTIES
Project AA1400012-06
Intersection Design @ Ladson Ln (Phase 4C)
(Lee District)

PROPERTY OWNER(S)

- | | | |
|----|-----------------------------------------------------------|-----------------|
| 1. | Shanti Corporation | 101-2-06-0030-A |
| | Address:
8000 Richmond Highway
Alexandria, VA 22306 | |

LISTING OF AFFECTED PROPERTIES
Project AA1400017-06
Intersection Design @ Mohawk and Belford
(Lee and Mount Vernon District)

PROPERTY OWNER(S)

- | | | |
|----|----------------------------------------------------------------|-----------------|
| 1. | United Investments, Inc. | 101-2-01-0071 |
| | Address:
3100 Sherwood Hall Lane
Alexandria, VA 22306 | |
| 2. | Fairfax County Redevelopment and Housing Authority | 101-2-01-0073 |
| | Address:
7837 Richmond Highway
Alexandria, VA 22306 | |
| 3. | Hybla Center Limited Partnership | 101-2-06-0507-B |
| | Address:
7800-7844 Richmond Highway
Alexandria, VA 22306 | |
| 4. | Bernard M. Fagelson, Trustee
Robert L. Travers, Trustee | 101-2-06-0513 |
| | Address:
7848 Richmond Highway
Alexandria, VA 22306 | |

5. 6551, LLC 101-3-01-0020
Address:
8357 Richmond Highway
Alexandria, VA 22309
6. James F. Delano 101-3-01-0021
Address:
8359 Richmond Highway
Alexandria, VA 22309
7. Kyriacos S. Kolas 101-3-01-0022
Stephen F. Kolas
Paula A. Kolas
Address:
8361 Richmond Highway
Alexandria, VA 22309
8. Alexandrios Plioutis 101-3-01-0023
Andoniki Plioutis
Address:
8365 Richmond Highway
Alexandria, VA 22309
9. Stephen P. Carter 101-3-01-0024
Judith M. Carter
Address:
8369 Richmond Highway
Alexandria, VA 22309
10. 6551, LLC 101-3-08-C-0001
Address:
8351 Richmond Highway
Alexandria, VA 22309
11. Le Restaurant, Inc. 101-4-08-O-0001-B
Address:
8339 Richmond Highway
Alexandria, VA 22309

Board Agenda Item
February 17, 2015

ADMINISTRATIVE – 3

Street into the Secondary System (Lee District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Groveton Woods	Lee	Holly Hill Road

TIMING:

Routine.

BACKGROUND:

Inspection has been made of the street, and it is recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Form

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Bill Hicks, Director, Land Development Services, DPWES

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: 1653-SP-01

SUBDIVISION PLAT NAME: Groveton Woods

COUNTY MAGISTERIAL DISTRICT: Lee

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

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 10/09/2014

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Holly Hill Road	Existing Holly Hill Road (Route 1408) - 2,203' W CL Richmond Highway (Route 1)	110' W to End of Cul-de-Sac	0.02

NOTES:

4' Concrete Sidewalk around cul-de-sac to be maintained by VDOT.

TOTALS: 0.02

ADMINISTRATIVE - 4

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program (Braddock and Hunter Mill Districts)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution for the installation of “\$200 Additional Fine for Speeding” signs on Broadwater Drive from Paynes Church Drive to James Halley Drive (Braddock District) and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive (Hunter Mill District).

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

TIMING:

Board action is requested on February 17, 2015.

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. On December 18, 2014, and November 14, 2014, FCDOT received written verification from the appropriate local supervisor confirming community support.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Broadwater Drive from Paynes Church Drive to James Halley Drive (attachment II) and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive (attachment III) meets the RTAP requirements for posting of the “\$200 Additional Fine for Speeding Signs”.

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FISCAL IMPACT:

The estimated cost of \$600 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Broadwater Drive and Thunder Chase Drive

Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Broadwater Drive

Attachment III: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Thunder Chase Drive

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Neil Freschman, Chief, Traffic Operations Section, FCDOT

Guy Mullinax, Transportation Planner, Traffic Operations Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
BROADWATER DRIVE, THUNDER CHASE DRIVE
BRADDOCK AND HUNTER MILL DISTRICTS

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, February 17, 2015, at which a quorum was present and voting, the following resolution was adopted:

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

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Broadwater Drive from Paynes Church Drive to James Halley Drive and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive. Such roads also being identified as Local Roads; and

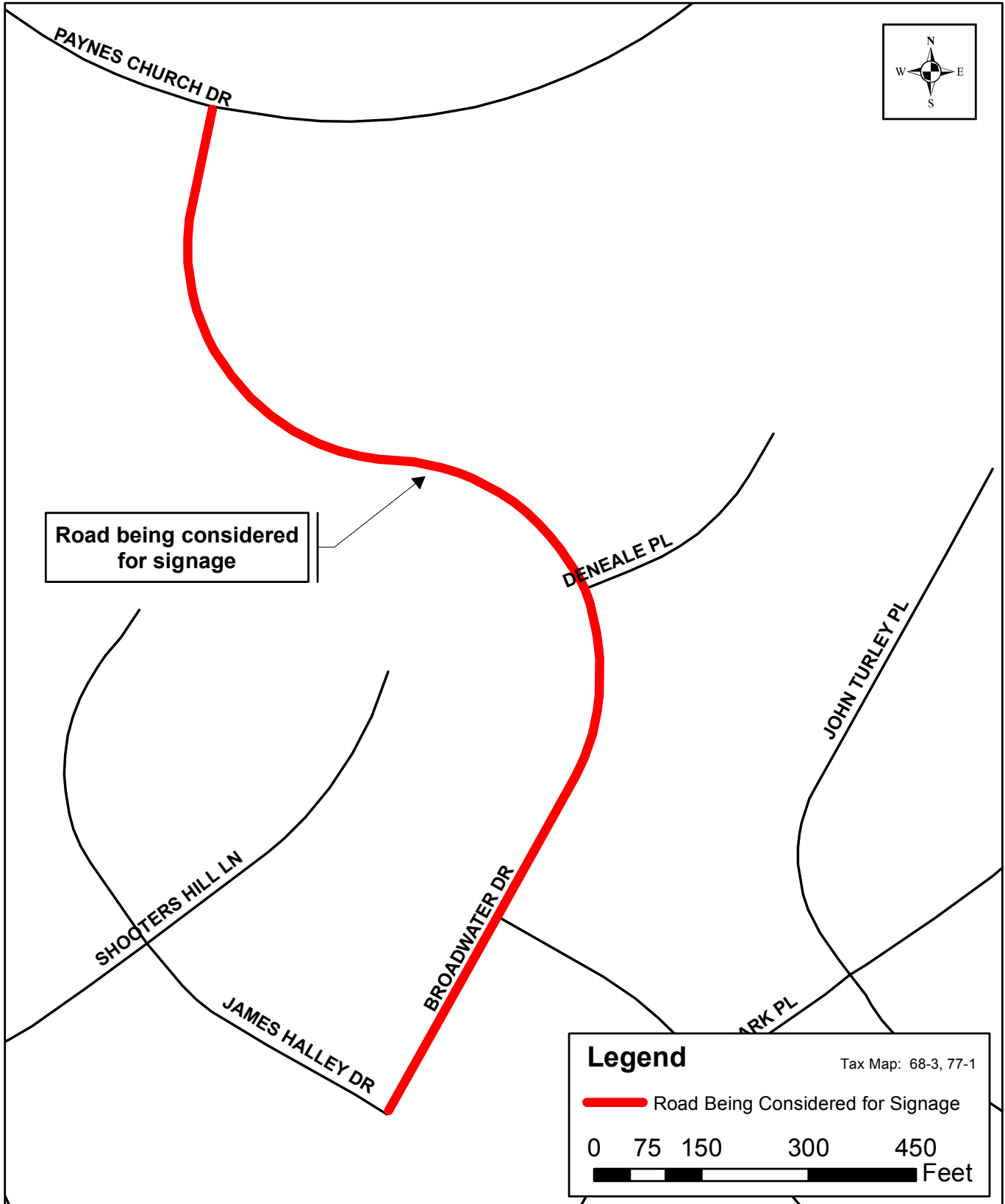
WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Broadwater Drive from Paynes Church Drive to James Halley Drive and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Broadwater Drive from Paynes Church Drive to James Halley Drive and Thunder Chase Drive from Colts Brook Drive to Sunrise Valley Drive.

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

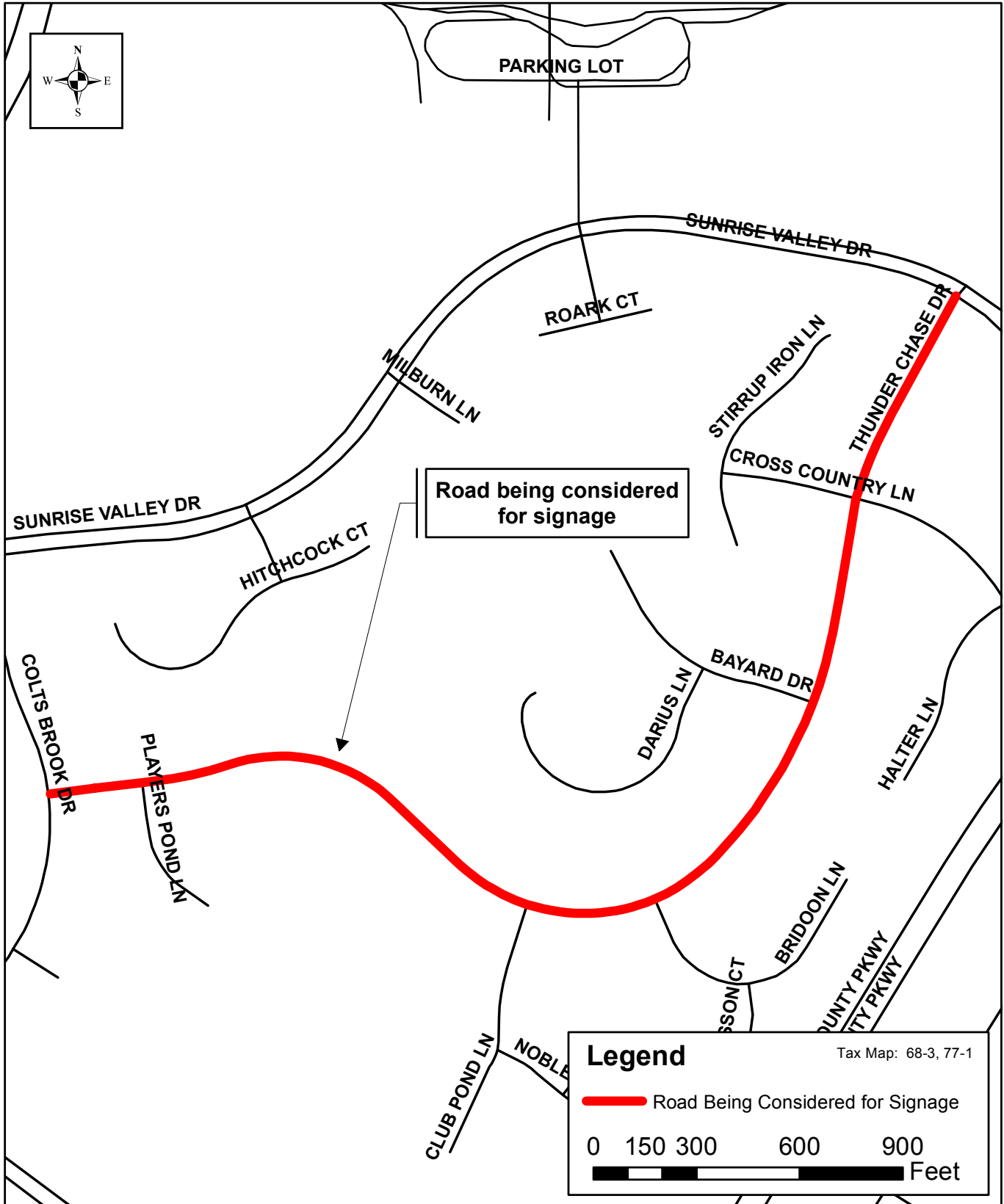
A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
PROPOSED \$200 FINE FOR SPEEDING
BROADWATER DRIVE
Braddock District





**Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
PROPOSED \$200 FINE FOR SPEEDING
THUNDEER CHASE DRIVE
Hunter Mill District**



ADMINISTRATIVE – 5

Extension of Review Period for 2232 Applications (Sully and Mason Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following applications: FS-Y14-44 and FSA-M04-46-2.

TIMING:

Board action is required on February 17, 2015, to extend the review period of the applications noted above before their expiration date.

BACKGROUND:

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:

FS-Y14-44	T-Mobile 5858 Old Centreville Road Centreville, VA Sully District Accepted December 3, 2014 Extend to May 2, 2015
-----------	----------------------------------------------------------------------------------------------------------------------------------

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FSA-M04-46-2 Sprint
7910T Towerbell Court
Annandale, VA
Mason District
Accepted December 10, 2014
Extend to May 9, 2015

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

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

ADMINISTRATIVE - 6

Supplemental Appropriation Resolution AS 15204 for the Fire and Rescue Department to Accept a Subgrant Award from the Department of Homeland Security Urban Areas Security Initiative from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board of Supervisors' approval of Supplemental Appropriation Resolution AS 15204 for the Fire and Rescue Department to accept grant funding in the amount of \$179,550 from the Department of Homeland Security (DHS) FY 2013 Urban Areas Security Initiative (UASI) subgrant award. These funds are made available by DHS through the District of Columbia, which is serving as the State Administrative Agency (SAA) and will be used to purchase 120 sets of Technical Rescue Personal Protective Equipment (PPE). This equipment will assist the department with meeting the NIMS Type II Typed Search & Rescue Resource definition. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant period for this award is September 1, 2013 through May 31, 2015. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 15204 in the amount of \$179,550. These funds will be used to procure 120 sets of Technical Rescue PPE for Fairfax County. No new positions will be created with this grant and no Local Cash Match is required.

TIMING:

Board approval is requested on February 17, 2015.

BACKGROUND:

These funds will enable the Fairfax County Technical Rescue Team to maintain a constant readiness for response. The intent of this project is to provide technical rescue Personal Protective Equipment to 63 percent of the technical rescue teams in each COG jurisdiction (120 personnel in Fairfax County).

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Technical rescue gear ensures that first responders are able to respond to a technical rescue incident with appropriate protective gear. This project will enhance responder safety and protect expensive structural firefighting PPE from damage when personnel respond to technical rescue incidents.

The project fully meets the objective of implementing Presidential Policy Directive 8 (PPD-8) by supporting the development and sustainment of core capabilities and will enhance the ability of the community to address a host of threats and risks posed by natural and man-made disasters and thus would meet Priority One of PPD-8 and the Whole Community Approach to Security and Emergency Management. During the immediate response phase of a CBRNE/WMD/Technical rescue incident, when the greatest impact is made on rescuing civilian casualties, the initial fire and EMS responders will rely on technical rescue PPE for their primary protection due to the continued threat of collapse or explosion.

FISCAL IMPACT:

Grant funding in the amount of \$179,550 is available in the DHS FY 2013 UASI grant funds through the District of Columbia. These funds will be used to procure 120 sets of Technical Rescue PPE for Fairfax County. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2015. Indirect cost recovery is allowed but the agency is not requesting the recovery of indirect costs in order to maximize funds available to accomplish the objectives of the project. There is no Local Cash Match requirement.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution AS 15204

Attachment 2 – Grant Award Document

STAFF:

David M. Rohrer, Deputy County Executive

Richard R. Bowers, Fire Chief, Fire and Rescue Department

Nicole Varnes, Financial Specialist III, Fire and Rescue Department

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 15204

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 February 17, 2015, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2015, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G9292, Fire and Rescue Department	\$179,550
Grant:	1HS0079-2013, Technical Rescue PPE (FRD)	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$179,550
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: U.S. Department of Homeland Security, \$179,550

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Muriel Bowser
Mayor



Chris T. Geldart
Director

January 6, 2015

Mr. Edward L. Long
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Long:

I am pleased to send your FY 2013 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title **Technical Rescue PPE - Fairfax County**
- Amount **\$179,550.00**
- Project ID **13UASI529-09** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2013–May 31, 2015**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by **January 20, 2015**. If you have questions regarding this award, please contact Charles Madden at charles.madden@dc.gov or 202.724.6568.

Sincerely,

Chris T. Geldart
Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Homeland Security and Emergency Management Agency

FISCAL YEAR 2013 HOMELAND SECURITY GRANT PROGRAM URBAN AREAS SECURITY INITIATIVE

SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Fire and Rescue Department**
- Project Title **Technical Rescue PPE - Fairfax County**
- Amount **\$179,550.00**
- Project ID **13UASI529-09**

As the duly authorized representative of the above-listed organization, I hereby accept the subgrant award and certify that I have read and understand the terms and conditions presented in the following documents:

- FY 2013 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2013 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

ADMINISTRATIVE – 7

Authorization to Advertise Public Hearings on a Proposed Amendment to the Public Facilities Manual (PFM) Regarding the Use of Underground Stormwater Detention Facilities in Residential and Mixed-Use Developments

ISSUE:

Board authorization to advertise public hearings on a proposed amendment to the PFM. The amendment is a revitalization initiative to streamline the plan review process for the use of underground stormwater detention facilities in residential and mixed-use developments by eliminating the need to process a Board waiver, and to clarify a developer's maintenance escrow requirements.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of two options to the proposed amendment as set forth in the Staff Report dated February 17, 2015.

TIMING:

Board of Supervisors authorization to advertise – February 17, 2015

Planning Commission Public Hearing – March 25, 2015

Board of Supervisors Public Hearing – April 28, 2015 at 4 p.m.

The proposed amendment will become effective at 12:01 a.m. on the day following adoption.

The proposed amendment has been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of Community Revitalization (OCR) and the Office of the County Attorney. The PFM amendment has also been recommended for approval by the Engineering Standards Review Committee (ESRC).

BACKGROUND:

Underground detention facilities are pipes or other structures constructed underground for the purpose of capturing and detaining stormwater runoff from a site. Stormwater runoff is conveyed to the underground detention facility by pipes and channels and is slowly released at a controlled rate, which decreases the peak flow from the site and mitigates the potential of downstream flooding and erosion problems. Detention ponds have historically been used to control a site's stormwater runoff; however, they are land

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intensive features that are not consistent with the character of development envisioned in the urbanizing areas of the County. When projects are located in urbanized areas with higher population densities and pedestrian oriented development patterns, the use of underground detention facilities can be a viable stormwater management alternative to address the increase in stormwater runoff from a site.

Pursuant to § 6-0303.6 of the PFM, underground detention facilities are allowed in commercial and industrial developments, where private maintenance agreements are executed and the facility is not located in a County storm drainage easement. Underground detention facilities, however, may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. Underground detention facilities are privately owned and maintained and all costs associated with them are assumed by the property owner(s). Accordingly, the PFM requires that any residential project owner seeking a waiver provide for adequate funding for maintenance of the facility. Historically, the amount of the required funding is sufficient to cover a 20-year maintenance cycle and a 20-year portion of the facilities' replacement cost, which is provided to a homeowners' or condominiums' association in an escrow fund.

The proposed amendment implements one of the County's revitalization initiatives. On February 14, 2014, the Office of Community Revitalization (OCR) presented information to the Board's Revitalization Committee that included incentives aimed at encouraging investment and development, particularly in revitalization areas and districts. One of the revitalization incentives identified for implementation by DPWES was to streamline the plan review process by eliminating the waiver process to allow the use of underground detention in residential and mixed-use developments, including reviewing the associated escrow from a developer to help fund any maintenance burden on prospective homeowners.

On September 16, 2014, a framework of the proposed amendment was presented to the Board's Revitalization Committee. At that time, two conceptual options were put forward by DPWES staff. After discussion, the Committee directed staff to move the amendment forward with both options for the Board to consider. The proposed amendment reflects a refinement of these two options.

PROPOSED AMENDMENT:

The following two amendment options are presented for consideration by the Board, although staff recommends the adoption of Option 2:

Option #1: For any development having less than 50 units, the Board would continue to process waiver requests for the use of underground detention facilities in conjunction

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with the approval of a rezoning, special exception, proffer condition amendment, or special exception amendment (RZ/SE/PCA/SEA) application in residential and mixed use developments. “By-right” residential and mixed use developments having less than 50 units would also require Board approval for the use of underground detention facilities. For any development greater than 50 units, underground detention facilities in residential and mixed-use developments would be subject to approval by the DPWES Director without the need for a waiver. Based on a review of Board-approved waivers for use of underground detention facilities in residential developments, staff has determined that there is a significantly lower maintenance and replacement cost to home owners in residential developments with 50 or more units as compared to the cost to home owners in residential developments with less than 50 units. In short, in larger residential developments, maintenance and replacement costs are low—if not negligible—when viewed on a per unit basis. Accordingly, there is little necessity of setting aside an escrow fund to deal with such costs because property owners can manage the costs relatively easily when they occur. In contrast, for smaller developments, the per unit maintenance and replacement costs are significantly larger. When such costs are incurred in smaller developments, a financial burden to individual unit owners is created unless an escrow exists to offset these costs.

Option #2: The Director would approve the use of underground detention facilities in all residential and mixed-use developments. This option, recommended by staff and the ESRC, completely eliminates the need to process a waiver for underground detention facilities. Option 2 aligns the PFM regulations with similar regulations of the following municipalities where there are no restrictions on underground detention in residential areas:

- Arlington County: no restrictions in residential areas
- Prince George’s County: no restrictions in residential areas
- Montgomery County: no restrictions in residential areas

Both amendment options codify the developer’s escrow requirements for maintenance and replacement costs for underground detention facilities. To avoid the complexity of lifecycle determinations for various material types, the replacement cost portion of the escrow has been simplified to equate to 40 percent of the total facility replacement cost rather than relating the developer’s replacement cost to a prorated yearly portion of the estimated replacement cost. The escrow amount for maintenance remains unchanged and continues to include a 20-year maintenance cycle cost.

The PFM provision for underground detention facility use in commercial and industrial developments would remain unchanged. Currently such facilities are allowed by right, and no escrow is required for maintenance and replacement costs.

REGULATORY IMPACT:

The proposed amendment is a revitalization incentive that, if adopted, would streamline the review process for approving the use of underground detention facilities in residential or mixed use developments. Specifically, the amendment revises the PFM to:

1. Retain a Portion of the Current Board Waiver Process for Developments with Less than 50 Units/Lots (Option 1 only) and Expand the Use to By-right Developments

Option 1 retains the current process whereby the use of underground detention in residential areas is subject to approval by the Board via a waiver in conjunction with the approval of a RZ/SE/PCA/SEA application only in residential or mixed use developments, but limits the waiver process to only those developments with less than 50 units. Option 1 also revises the PFM to expand the allowable use of underground detention facilities to by-right developments, although such use would also be subject to Board approval via the waiver process.

Option 2 also expands the use of underground detention facilities to by-right development, but any such use would be subject to Director approval.

2. Revise the Process to Allow Designers to Propose Underground Facilities Directly on the Plan for the Director's Approval

Option 2 provides flexibility and makes it easier to use underground detention facilities by allowing designers to propose facilities directly on plans without the requirement to obtain advance approval from the Board via a waiver. This reduces project processing times and potential risks associated with a formal waiver process. This process streamlining applies to Option 1, but only where a development has 50 units/lots or more.

3. Clarify the Developer's Requirement to Provide Funds for Maintenance and Eliminate the Need for Maintenance Funds for Residential and Mixed-Use Developments with 50 or More Units

Under the current PFM provisions, any property owner seeking a residential waiver shall provide adequate funding for maintenance. The amendment codifies the current practice that funds shall be provided in an amount sufficient to cover a 20-year maintenance cycle and it also includes a 40 percent replacement cost, rather than a twenty-year portion of the replacement cost.

In addition, the amendment eliminates the need for maintenance and replacement funds from the developer for developments with 50 units or more

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(unless a modification is required). The elimination of such funding acknowledges that developments of this size have the financial resources to fund facility maintenance without placing a financial burden on the prospective owners of the facility. Escrows are not currently required for underground detention facilities in privately owned and maintained commercial and industrial developments, and this requirement remains unchanged with the proposed amendment.

4. Clarify the Current Process for a Product Modification

The amendment adds text to the PFM to clarify the current process where a “product modification” is required in cases when the underground facility deviates from standard PFM materials or configurations. The modification request must include details of the proposed underground detention facility including, but not limited to, design computations, material specifications, technical details, structural calculations, procedures for installation and maintenance, and estimated maintenance costs when required. In such instances, escrow funds from a developer would still be required in all residential developments, even those greater than 50 units.

A comparison table of the current provisions versus proposed amendment options (Options 1 and 2) is shown on Attachment C of the Staff Report.

FISCAL IMPACT:

The proposed amendment has no anticipated fiscal impact to the County.

ENCLOSED DOCUMENT:

Attachment 1- Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, DPWES

Bill Hicks, Director, LDS, DPWES

Paul Shirey, Director, Code Development and Compliance Division, LDS, DPWES

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- ☐ PROPOSED COUNTY CODE AMENDMENT
- ☒ PROPOSED PFM AMENDMENT
- ☐ APPEAL OF DECISION
- ☐ WAIVER REQUEST

Proposed Amendment to the Public Facilities Manual Regarding the Use of Underground Detention Facilities in Residential and Mixed-Use Developments

Authorization to Advertise

February 17, 2015

Planning Commission Hearing

March 25, 2015

Board of Supervisors Hearing

April 28, 2015, 4 p.m.

Prepared by:

Thakur Dhakal, P.E.
SCRD, LDS, DPWES
(703) 324-2992
February, 17, 2015

STAFF REPORT

A. ISSUE:

Board of Supervisor's (Board) authorization to advertise public hearings on a proposed amendment to the PFM. The amendment is a revitalization initiative to streamline the plan review process for the use of underground stormwater detention facilities in residential and mixed-use developments by eliminating the need to process a Board waiver, and to clarify a developer's maintenance escrow requirements. .

B. RECOMMENDED ACTION:

Staff recommends that the Board authorize the advertisement of two options to the proposed amendment as set forth in the Staff Report dated February 17, 2015.

C. TIMING:

Board of Supervisors authorization to advertise – February 17, 2015
Planning Commission Public Hearing – March 25, 2015
Board of Supervisors Public Hearing – April 28, 2015 at 4 p.m.
The proposed amendment will become effective at 12:01 a.m. on the day following adoption.

The proposed amendment has been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of Community Revitalization (OCR) and the Office of the County Attorney. The PFM amendment has also been recommended for approval by the Engineering Standards Review Committee (ESRC).

D. Source:

The Department of Public Works and Environmental Services.

E. Coordination:

The proposed amendments have been prepared by DPWES and coordinated with the Department of Planning and Zoning, the Office of Community Revitalization and the Office of the County Attorney. The proposed amendment has been recommended for approval by the Engineering Standards Review Committee.

F. BACKGROUND:

Underground detention facilities are pipes or other structures constructed underground for the purpose of capturing and detaining stormwater runoff from a

Attachment 1

site. Stormwater runoff is conveyed to the underground detention facility by pipes and channels and is slowly released at a controlled rate, which decreases the peak flow from the site and mitigates the potential of downstream flooding and erosion problems. Detention ponds have historically been used to control a site's stormwater runoff; however, they are land intensive features that are not consistent with the character of development envisioned in the urbanizing areas of the County. When projects are located in urbanized areas with higher population densities and pedestrian oriented development patterns, the use of underground detention facilities can be a viable stormwater management alternative to address the increase in stormwater runoff from a site.

Pursuant to § 6-0303.6 of the PFM, underground detention facilities are allowed in commercial and industrial developments, where private maintenance agreements are executed and the facility is not located in a County storm drainage easement. Underground detention facilities, however, may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. Underground detention facilities are privately owned and maintained and all costs associated with them are assumed by the property owner(s). Accordingly, the PFM requires that any residential project owner seeking a waiver provide for adequate funding for maintenance of the facility. Historically, the amount of the required funding is sufficient to cover a 20-year maintenance cycle and a 20-year portion of the facilities' replacement cost, which is provided to a homeowners' or condominiums' association in an escrow fund.

The proposed amendment implements one of the County's revitalization initiatives. On February 14, 2014, the Office of Community Revitalization (OCR) presented information to the Board's Revitalization Committee that included incentives aimed at encouraging investment and development, particularly in revitalization areas and districts. One of the revitalization incentives identified for implementation by DPWES was to streamline the plan review process by eliminating the waiver process to allow the use of underground detention in residential and mixed-use developments, including reviewing the associated escrow from a developer to help fund any maintenance burden on prospective homeowners.

On September 16, 2014, a framework of the proposed amendment was presented to the Board's Revitalization Committee. At that time, two conceptual options were put forward by DPWES staff. After discussion, the Committee directed staff to move the amendment forward with both options for the Board to consider. The proposed amendment reflects a refinement of these two options.

G. PROPOSED AMENDMENTS

The following two amendment options are presented for consideration by the Board, although staff recommends the adoption of Option 2:

Option #1: For any development having less than 50 units, the Board would continue to process waiver requests for the use of underground detention facilities in conjunction with the approval of a rezoning, special exception, proffer condition amendment, or special exception amendment (RZ/SE/PCA/SEA) application in residential and mixed use developments. "By-right" residential and mixed use developments having less than 50 units would also require Board approval for the use of underground detention facilities. For any development greater than 50 units, underground detention facilities in residential and mixed-use developments would be subject to approval by the DPWES Director without the need for a waiver. Based on a review of Board-approved waivers for use of underground detention facilities in residential developments, staff has determined that there is a significantly lower maintenance and replacement cost to home owners in residential developments with 50 or more units as compared to the cost to home owners in residential developments with less than 50 units. In short, in larger residential developments, maintenance and replacement costs are low—if not negligible--when viewed on a per unit basis. Accordingly, there is little necessity of setting aside an escrow fund to deal with such costs because property owners can manage the costs relatively easily when they occur. In contrast, for smaller developments, the per unit maintenance and replacement costs are significantly larger. When such costs are incurred in smaller developments, a financial burden to individual unit owners is created unless an escrow exists to offset these costs.

Option #2: The Director would approve the use of underground detention facilities in all residential and mixed-use developments. This option, recommended by staff and the ESRC, completely eliminates the need to process a waiver for underground detention facilities. Option 2 aligns the PFM regulations with similar regulations of the following municipalities where there are no restrictions on underground detention in residential areas:

- Arlington County: no restrictions in residential areas
- Prince George's County: no restrictions in residential areas
- Montgomery County: no restrictions in residential areas

Both amendment options codify the developer's escrow requirements for maintenance and replacement costs for underground detention facilities. To avoid the complexity of lifecycle determinations for various material types, the replacement cost portion of the escrow has been simplified to equate to 40 percent of the total facility replacement cost rather than relating the developer's replacement cost to a prorated yearly portion of the estimated replacement cost. The escrow amount for maintenance remains unchanged and continues to include a 20-year maintenance cycle cost.

The PFM provision for underground detention facility use in commercial and industrial developments would remain unchanged. Currently such facilities are allowed by right, and no escrow is required for maintenance and replacement costs.

H. REGULATORY IMPACT:

The proposed amendment is a revitalization incentive that, if adopted, would streamline the review process for approving the use of underground detention facilities in residential or mixed use developments. Specifically, the amendment revises the PFM to:

1. Retain a Portion of the Current Board Waiver Process for Developments with Less than 50 Units/Lots (Option 1 only) and Expand the Use to By-right Developments

Option 1 retains the current process whereby the use of underground detention in residential areas is subject to approval by the Board via a waiver in conjunction with the approval of a RZ/SE/PCA/SEA application only in residential or mixed use developments, but limits the waiver process to only those developments with less than 50 units. Option 1 also revises the PFM to expand the allowable use of underground detention facilities to by-right developments, although such use would also be subject to Board approval via the waiver process.

Option 2 also expands the use of underground detention facilities to by-right development, but any such use would be subject to Director approval.

2. Revise the Process to Allow Designers to Propose Underground Facilities Directly on the Plan for the Director's Approval

Option 2 provides flexibility and makes it easier to use underground detention facilities by allowing designers to propose facilities directly on plans without the requirement to obtain advance approval from the Board via a waiver. This reduces project processing times and potential risks associated with a formal waiver process. This process streamlining applies to Option 1, but only where a development has 50 units/lots or more.

3. Clarify the Developer's Requirement to Provide Funds for Maintenance and Eliminate the Need for Maintenance Funds for Residential and Mixed-Use Developments with 50 or More Units

Under the current PFM provisions, any property owner seeking a residential waiver shall provide adequate funding for maintenance. The amendment codifies the current practice that funds shall be provided in an amount sufficient to cover a 20-year maintenance cycle and it also includes a 40 percent replacement cost, rather than a twenty-year portion of the replacement cost.

In addition, the amendment eliminates the need for maintenance and replacement funds from the developer for developments with 50 units or more (unless a modification is required). The elimination of such funding acknowledges that developments of this size have the financial resources to fund facility maintenance without placing a financial burden on the prospective owners of the facility. Escrows are not currently required for underground detention facilities in privately owned and maintained commercial and industrial developments, and this requirement remains unchanged with the proposed amendment.

4. Clarify the Current Process for a Product Modification

The amendment adds text to the PFM to clarify the current process where a “product modification” is required in cases when the underground facility deviates from standard PFM materials or configurations. The modification request must include details of the proposed underground detention facility including, but not limited to, design computations, material specifications, technical details, structural calculations, procedures for installation and maintenance, and estimated maintenance costs when required. In such instances, escrow funds from a developer would still be required in all residential developments, even those greater than 50 units.

A comparison table of the current provisions versus proposed amendment options (Options 1 and 2) is shown on Attachment C.

G. FISCAL IMPACT:

The proposed amendment has no anticipated fiscal impact to the County.

H. ATTACHMENTS:

Attachment A- Proposed PFM Amendment -Option 1

Attachment B- Proposed PFM Amendment -Option 2

Attachment C- Comparison of Current Requirements versus Amendment Options

Proposed Amendment to the Public Facilities Manual Related to the Use of
Underground Detention Facilities

Option 1

Amend the Public Facilities Manual Section 6-0303 (Location and Maintenance of Stormwater Management and BMP Facilities) by revising paragraph 6-0303.6 to read as follows:

6-0303.6 (83-04-PFM, 24-88-PFM) Underground Detention Facilities

~~6-0303.6 (83-04-PFM, 24-88-PFM) Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g., individual members of a homeowners' or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.~~

Underground detention facilities may be used in residential or mixed use developments, commercial developments, and industrial developments subject to the conditions specified below.

6-0303.6A For residential or mixed use developments with greater than or equal to 50 residential units, underground detention facilities may be shown on the plans for approval by the Director. In such instances, no maintenance and replacement cost escrow except as set forth herein shall be required. Underground detention facilities shall not be used in residential or mixed use developments with less than 50 residential units unless waived by the Board (hereinafter a "Waiver"). Any decision to grant a Waiver shall take into consideration possible impacts to the environment and the burden placed on prospective owners for maintenance of the facility.

6-0303.6B All underground detention facilities shall be privately maintained, shall not be located in a County stormwater-related easement, and shall have a private maintenance agreement in a

form acceptable to the Director executed before the construction plan is approved. Prior to final plan approval, any such private maintenance agreement shall be recorded in the chain of title of the property to give notice to all future owners of such maintenance requirements.

6-0303.6C Underground detention facilities may consist of reinforced concrete box-shaped vaults or large diameter reinforced concrete, metal, or plastic pipe meeting the requirements of PFM. Other underground storage systems may be considered on a case-by-case basis by a modification subject to the approval of the Director (hereinafter a "Modification"). The Director may approve any such Modification provided that the underground storage facility nonetheless functions in the manner intended by the PFM. The modification request shall include full details and supporting data including, but not limited to justification, design computations, material specifications, technical details, structural calculations, procedures for installation, inspection and acceptance testing, procedures for operation and maintenance, safety considerations, and estimated 20-year maintenance cost and 40% of the facility's replacement cost.

6-0303.6D An escrow equal to a 20-year maintenance cycle plus 40 percent of the facility replacement cost shall be required when:

- (1) A Waiver is granted pursuant to § 6-0303.6(A); or
- (2) A Modification is granted pursuant to § 6-0303.6(B) for a facility that will be maintained by future residential owners.

The developer shall place any such escrow with the applicable homeowner or condominium association prior to bond release.

No escrow shall be required for any underground detention facility in an industrial or commercial development; nor shall any escrow be required for residential developments greater than 50 units or more, unless a Modification has been approved as set forth herein.

6-0303.6E The owner shall provide for inspection during construction of the underground detention facility by a professional engineer(s) with structural and geotechnical engineering specialization. The licensed professional shall certify that the facility was constructed and installed in accordance with the approved plans and manufacturer's recommendations. The developer or licensed engineer shall also submit product assurance documentation including, but not limited to, any material delivery tickets and certifications from material suppliers, and results of tests and inspections. For projects requiring as-built plans, the required certification and supporting documentation set forth herein shall be submitted with or incorporated in the as-built plans. For projects that do not require as-built plans, the required certification and supporting documents shall be submitted prior to the issuance of the Residential Use Permit or Non-Residential Use Permit. In either event, all such documents, certifications, and test and inspection results shall be submitted before bond release.

Proposed Amendment to the Public Facilities Manual Related to the Use of
Underground Detention Facilities

Option 2

Amend the Public Facilities Manual Section 6-0303 (Location and Maintenance of Stormwater Management and BMP Facilities) by revising paragraph 6-0303.6 to read as follows:

6-0303.6 (83-04-PFM, 24-88-PFM) Underground Detention Facilities

~~6-0303.6 (83-04 PFM, 24-88 PFM) Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g., individual members of a homeowners' or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.~~

Underground detention facilities may be used in residential or mixed use developments, commercial developments, and industrial developments subject to the conditions specified below.

6-0303.6A All underground detention facilities shall be privately maintained, shall not be located in a County stormwater-related easement, and shall have a private maintenance agreement in a form acceptable to the Director executed before the construction plan is approved. Prior to final plan approval, any such private maintenance agreement shall be recorded in the chain of title of the property to give notice to all future owners of such maintenance requirements.

6-0303.6B Underground detention facilities may consist of reinforced concrete box-shaped vaults or large diameter reinforced concrete, metal, or plastic pipe meeting the requirements of PFM. Other underground storage systems may be considered on a case-by-case basis by modification subject to conditions as deemed appropriate by the Director (hereinafter a "Modification"). The Director may approve any such Modification provided that the underground storage facility

nonetheless functions in the manner intended by the PFM. The modification request shall include full details and supporting data including, but not limited to justification, design computations, material specifications, technical details, structural calculations, procedures for installation, inspection and acceptance testing, procedures for operation and maintenance, safety considerations, and estimated 20-year maintenance cost and 40% of the facility's replacement cost.

6-0303.6C An escrow equal to a 20-year maintenance cycle plus 40 percent of the facility replacement cost shall be required when:

- (1) A Modification is granted pursuant to § 6-0303.6(B) for a facility that will be maintained by future residential owners; or
- (2) An underground detention facility is located in a residential or mixed use development with less than 50 residential units.

The developer shall place any such escrow with the applicable homeowner or condominium association prior to bond release.

No escrow shall be required for any underground detention facility in an industrial or commercial development; nor shall any escrow be required for residential developments greater than 50 units or more, unless a Modification has been approved as set forth herein.

6-0303.6D The owner shall provide for inspection during construction of the underground detention facility by a professional engineer(s) with structural and geotechnical engineering specialization. The licensed professional shall certify that the facility was constructed and installed in accordance with the approved plans and manufacturer's recommendations. The developer or licensed engineer shall also submit product assurance documentation including, but not limited to, any material delivery tickets and certifications from material suppliers, and results of tests and inspections. For projects requiring as-built plans, the required certification and supporting documentation set forth herein shall be submitted with or incorporated in the as-built plans. For projects that do not require as-built plans, the required certification and supporting documents shall be submitted prior to the issuance of the Residential Use Permit or Non-Residential Use Permit. In either event, all such documents, certifications, and test and inspection results shall be submitted before bond release.

ISSUE: Use of Underground Detention Facilities

Comparison of Current Requirements versus Proposed Amendment Options

Description	Residential Project Density Less than 50 Units	Residential Project Density 50 Units or More	Commercial / Industrial
Current Requirements*	*Board approval via waiver during RZ/SE/PCA/SEA; *Not permitted in by-right developments *Escrow required		*Allowed by right *No escrow required
Proposed Option 1*	*Board approval of a waiver during RZ/SE/PCA/SEA *Board approval of a waiver for by-right developments *Escrow required	*DPWES Director Approval *Escrow required only if modification of the facility is granted	*Allowed by right *No escrow required
Proposed Option 2* (recommended)	*DPWES Director approval *Escrow required	*DPWES Director Approval *Escrow required only if modification of the facility is granted	*Allowed by right *No escrow required

* Prior to plan approval, a product modification is required to be approved in all cases when the underground facility deviates from the standard PFM materials or configurations.

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing on the Proposed Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016

ISSUE:

Board of Supervisors' authorization to advertise a public hearing on the *Proposed Five Year Consolidated Plan for FY 2016-2020* and the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* 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 Five-Year Consolidated Plan for FY 2016-2020* and the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* to be held at 4:30 p.m. on Tuesday, March 24, 2015. The public will have an opportunity to comment on both the Five-Year Consolidated Plan for FY 2016 - 2020 and the proposed use of funds as described in the Proposed One-Year Action Plan for FY 2016 in accordance with United States 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 in 2014.

TIMING:

Board authorization on February 17, 2015 to advertise the public hearing is requested in order to proceed in a timely manner with required public notification and to maintain the schedule for the Consolidated Plan process.

BACKGROUND:

The Five-Year Consolidated Plan for FY 2016 - 2020 replaces the County's Five-Year Consolidated Plan for FY 2011 - 2015 which is in the fifth and final year that ends on June 30, 2015. The Five-Year Consolidated Plan for FY 2016 - 2020 is required for funding through three federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants (ESG). The Five-Year Plan identifies a wide range of needs, current programs and strategies, and gaps and priorities for housing, community service, homeless, community development, neighborhood preservation and revitalization, employment and economic opportunity programs and services in the County. The Five-Year Plan also includes broad goals and objectives to address priority needs with the use of resources available through the Consolidated Plan.

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The Proposed One-Year Action Plan for FY 2016 will contain the proposed uses of funding for programs to be implemented in the first year of the Five-Year Consolidated Plan for FY 2016 - 2020. An annual action plan is required by the U.S. Department of Housing and Urban Development (HUD). These programs include: CDBG, HOME, and ESG. The *Proposed Consolidated Plan One-Year Action Plan for FY 2016* includes the second year of the two-year (FY 2015-2016) funding cycle for the Consolidated Community Funding Pool (CCFP). The CCFP was established by the Board and provides funding to non-profit organizations through a competitive solicitation process. The FY 2016 CCFP funding awards will be made by the Board in April, subject to annual appropriations.

Funding allocations under the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* 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 in the proposed use of funds and was 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. Recommendations from the WAG were presented to the FCRHA and forwarded to the CCFAC. The final recommendations contained in the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* are consistent with what the WAG and subsequently the CCFAC recommended.

Estimated allocations for FY 2016 are based on current funding levels. The County's FY 2015 CDBG grant is \$4,837,674, the HOME grant is \$1,535,471, and ESG is \$385,886. It is estimated that there will be approximately \$290,942 in CDBG program income and \$45,407 in HOME program income. With approval of the Plan, a total of \$4,330,960 in prior year funds will be carried over.

It should be noted that the anticipated CDBG, HOME, and ESG allocations may be subject to reductions or increases depending on the final formula allocation provided by HUD. Based on available information, it is anticipated that Fairfax County's CDBG, HOME, and ESG allocations would remain at levels similar to those in FY 2015. HUD mandated contingency language regarding actual allocation amounts has been added to the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* and approved by the WAG and the CCFAC.

The *Proposed Five-Year Action Plan for FY 2016-2020* and the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* are being released by the CCFAC to allow for a 30-day public comment period, and will also be the subject of the public hearing, as authorized by this item, and adoption by the Board on April 28, 2015. The One-Year Action Plan for FY 2016 will include the funding allocations to the CCFP. The CCFP awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the CCFP Request for Proposal process for FY 2015-2016.

The Fairfax County Citizen Participation Plan and HUD regulations require advertisement of the public hearing (Attachment 2) 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*

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Five-Year Consolidated Plan for FY 2016-2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016 will be scheduled for Tuesday, March 24, 2015 at 4:30 p.m. An advertisement will appear in newspaper(s) of general circulation and minority non-English speaking publications at least 15 days prior to the date of the public hearing, and will be included in the Weekly Agenda, as well as in information released by the Fairfax County Office of Public Affairs.

FISCAL IMPACT:

Funds identified in the *Proposed Consolidated Plan One-Year Action Plan for FY 2016* include CDBG (\$4,837,674 entitlement and \$290,942 estimated program income), HOME (\$1,535,471 entitlement and \$45,407 estimated program income), and ESG (\$385,886) funds. In addition, allocations of prior year funding, in an amount of \$4,330,960, have also been recommended.

ENCLOSED DOCUMENTS:

Attachment 1: *Proposed Five-Year Consolidated Plan for FY 2016-2020* (that includes *Proposed Consolidated Plan One-Year Action Plan for FY 2016*)

The *Proposed Five-Year Consolidated Plan for FY 2016-2020* is available on line at <http://www.fairfaxcounty.gov/rha>

Attachment 2: Public Hearing Advertisement

STAFF:

Patricia D. Harrison, Deputy County Executive

Kurt Creager, Director, Department of Housing and Community Development (HCD)

Hossein Malayeri, Deputy Director, Real Estate, HCD

Thomas Fleetwood, Director, FCRHA Policy, Reporting and Communications Division, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management (REFGM) Division, HCD

Robert C. Fields, Interim Associate Director, REFGM Division, HCD

Stephen Knippler, Senior Program Manager, FCRHA Policy, Reporting and Communications Division, HCD

David P. Jones, Senior Program Manager, REFGM Division, HCD

**PUBLIC HEARING ON
PROPOSED FIVE-YEAR CONSOLIDATED PLAN FOR FY 2016 – 2020
AND PROPOSED CONSOLIDATED PLAN
ONE-YEAR ACTION PLAN FOR FY 2016**

The Fairfax County Board of Supervisors will hold a public hearing on Tuesday, March 24, 2015 at 4:30 p.m. in the Board Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016.

The Proposed Five-Year Consolidated Plan for FY 2016 - 2020 is required for funding three federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants (ESG). The Five-Year Plan identifies a wide range of needs, current programs and strategies, and gaps and priorities for housing, community service, homeless, community development, neighborhood preservation and revitalization, employment and economic opportunity programs and services in the County. The Five-Year Plan also includes broad goals and objectives to address priority needs with the use of resources available through the Consolidated Plan.

The Consolidated Community Funding Advisory Committee (CCFAC) is the citizen advisory group that oversees the preparation of the Proposed One-Year Action Plan for FY 2016 and Five-Year Consolidated Plan. The FY 2016 Action Plan covers the first year of the County's Five-Year Consolidated Plan for Fiscal Years 2016-2020.

The Proposed One-Year Action Plan for FY 2016 identifies the proposed use of funds for the three federal programs with an estimated amount of \$6.8 million: Community Development Block Grant (CDBG - \$4,837,674), HOME Investment Partnerships Program (HOME - \$1,535,471), and Emergency Solutions Grants (ESG - \$385,886). The funding levels used reflect the funding levels of FY 2015 until HUD notification of FY 2016 grant awards. It is estimated that there will be approximately \$290,942 in CDBG program income and \$45,407 in HOME program income. The Proposed Action Plan also proposes utilizing CDBG and HOME funds of \$4,330,960 carried over from prior years.

The Proposed One-Year Action Plan for FY 2016 also includes the second year of the two-year funding cycle for the Consolidated Community Funding Pool (CCFP) for FY 2015-2016. It identifies funding, which includes \$1.4 million of CDBG funds, to be made available to non-profit organizations for community-based programs that are recommended for awards. The awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the

competitive CCFP solicitation process for FY 2015-2016. However, final awards for FY 2016 are subject to appropriations by the Fairfax County Board of Supervisors, to be decided through the County budget approval process in April 2015.

In addition, the Proposed Consolidated Plan One-Year Action Plan for FY 2016 identifies: (1) various public and private resources available for housing; and (2) the goals and objectives for the Five-Year Consolidated Plan.

Citizens are also invited to express their views on housing, community development, fair housing, homelessness and community service needs in Fairfax County, as well as comment on Fairfax County's community development performance. The public is encouraged to provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan in March 2014.

To Obtain Copies of the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and Proposed Consolidated Plan One-Year Action Plan for FY 2016:

Copies of the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016 are available for review on line at <http://www.fairfaxcounty.gov/rha>, at the Citizen Information Desk located on the lobby level of the Government Center, and at the information desk of all branches of the Fairfax County Public Library system. Copies may be obtained at the Fairfax County Department of Housing and Community Development, 3700 Pender Drive, Suite 300, Fairfax, Virginia 22030. All of the above mentioned locations are accessible to persons with disabilities.

To Testify at the Public Hearing:

Citizens wishing to comment on the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016 may do so by testifying in person at the Public Hearing on Tuesday, March 24, 2015. All persons wishing to testify may register in advance by calling the Clerk to the Board of Supervisors at 703-324-3151 (TDD 703-324-3903).

To Submit Written Comments:

Citizens wishing to comment on the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016 may also do so by writing to the attention of Stephen Knippler, Senior Program Manager, at the Department of Housing and Community Development, 3700 Pender Drive, Fairfax, Virginia 22030. The deadline for receipt of written comments on the Proposed Five-Year Consolidated Plan for FY 2011 - 2015 and the Proposed One-Year Action Plan for FY 2016 will be 4:00 p.m. on Tuesday, March 24, 2015.

For additional information on the Proposed Five-Year Consolidated Plan for FY 2016 - 2020 and the Proposed Consolidated Plan One-Year Action Plan for FY 2016, contact the Department of Housing and Community Development at 703-246-5170, TTY: 703-385-3578.



Fairfax County is committed to a policy of nondiscrimination in all county programs, services and activities and will provide reasonable accommodations upon request. To request special accommodations call 703-246-5101 or TTY 703-385-3578. Please allow 48 hours in order to make the necessary arrangements.

ADMINISTRATIVE - 9

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Substance Abuse and Mental Health Services Administration for a Primary and Behavioral Health Care Grant

ISSUE:

Board authorization for the Fairfax-Falls Church Community Services Board (CSB) to apply for and, if received, accept \$400,000 per year for up to four years in grant funding from the Substance Abuse and Mental Health Services Administration (SAMHSA) for Primary and Behavioral Health Care Integration funds (RFA No. SM-15-005). These are federal funds and no local cash or in-kind match is required. There is no anticipated future county funding commitment. The funding period is up to four years, based on successful implementation each year, starting from date of announced award which will be prior to October 1, 2015.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept funding, if received, from the Substance Abuse and Mental Health Services Administration for a Primary and Behavioral Health Care Grant, totaling \$400,000 each year for up to four years based on successful annual performance and funding availability. No positions are requested to be established with the grant application. Funds will be used to establish a contracted peer recovery health coaching team that will support required wellness and health promotion activities, integrated treatment teams, and outreach to help engage highest risk populations in integrated services and supports. Funds will also be used for necessary training, evaluations, and enhanced performance management processes.

TIMING:

Board action is requested on February 17, 2015. The proposal is due to SAMHSA no later than February 27, 2015.

BACKGROUND:

SAMHSA released a Request for Proposals (RFP) on December 22, 2014 to establish projects for the provision of coordinated and integrated services through the co-location of primary and specialty care medical services in community based behavioral health settings. Integrated primary and behavioral health care will be located at the new Merrifield Center and the Gartlan Center through established partnerships with the Health Department's Community Health Care Network, Herndon HealthWorks and Neighborhood Health Services, Inc. Outcomes will be used to inform future integration efforts across our community and other localities as well.

The CSB Board approved moving forward with the application process on January 28 and has requested approval from the BOS for submission by February 27.

Target Population

The target population for this proposal is adults with serious mental illness who receive CSB services and are in need of health care.

Fairfax County Project Goal

The goal is to improve the overall physical health status of adults with serious mental illnesses (SMI) and those with co-occurring substance use disorders who have or who are at risk for co-morbid primary care conditions and chronic diseases. The objective is to support the triple aim of improving the health of individuals with SMI, enhancing the experience of care (including quality, access, and reliability) and reducing/controlling the per capita cost of care.

FISCAL IMPACT:

If awarded, grant funding in the amount \$400,000 annually for up to four years, based on successful annual implementation, will provide for the costs to implement this proposal. No local match is required.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Application

STAFF:

Patricia Harrison, Deputy County Executive
Tisha Deeghan, Executive Director, Fairfax-Falls Church CSB
Laura Yager, Director, CSB Partnership and Resource Development

BE WELL: PRIMARY AND BEHAVIORAL HEALTH CARE INTEGRATION

SUMMARY OF GRANT PROPOSAL

Grant Title: Be Well: Primary and Behavioral Health Care Integration

Funding Agency: Substance Abuse and Mental Health Services Administration

Funding Amount: \$400,000 per year for up to 4 years, based on successful performance

Proposed Use of Funds: The grant purpose is to establish projects for the provision of integrated and coordinated services through the co-location of primary and specialty care medical services in community based behavioral health settings. The goal is to improve the physical health states of adults with serious mental illnesses (SMI) and those with co-occurring substance use disorders who have or are risk for co-morbid primary care conditions and chronic diseases. The overall objective is to support the triple aim of improving the health of individuals with SMI; enhancing the consumer experience of care; and reducing/ controlling the per capita cost of care. The grant will fund the following:

1. Establishment of a contracted Peer Health Coaching team that will support required wellness and health promotion activities, outreach efforts, serve on the integrated treatment teams and outreach to engage the most at risk populations
2. Required tobacco cessation programs, health and nutrition programs
3. Establish Coordination and Integrated Treatment Teams
4. Provide required training
5. Support evaluation and performance management requirements

Target Populations: People with serious mental illness (SMI), who receive CSB services, and who are in need of health care.

Performance Measures: 1. Enroll >10% of the people with SMI served by the CSB and in need of health care by the end of year one; >25% by the end of year 2; >40% by the end of year 4; and >50% by the end of year 4.

2. Improve overall health outcomes of participants using the following measures: annual blood pressure; semiyearly Body Mass Index; semiyearly waist circumference; semiyearly breath CO (carbon monoxide); annual Plasma Glucose and/or Hgb1c; and annual lipid profile (HDL, LDL, triglycerides).
3. Complete all required Adult Consumer Outcome Measures for Discretionary Programs National Outcome Measures (NOMS) and required measures at baseline, discharge, and also at intervals every 6 months.
4. Outcomes required by the evidence-based practices implemented related to tobacco use, exercise levels, and nutrition.
5. Process measures related to required Coordination Team and Integrated Treatment Team performance and success.
6. Success at reducing cost of care and tracking performance using the electronic health record and other monitoring tools.

Grant Period: From date of award which will occur prior to October 1, 2015 for 12 months, with up to three annual renewals based on successful performance.

ACTION – 1

Approval of a Parking Reduction for Dulles Station Parcel 5A (Dranesville District)

ISSUE:

Board approval of a 21.3 percent reduction of the required parking (up to 140 fewer parking spaces) for the proposed residential uses for the Dulles Station Parcel 5A development, Tax Map Number 15-4-05-0005A1, Dranesville District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 21.3 percent for the proposed residential uses at Dulles Station Parcel 5A pursuant to Paragraph 5, Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a parking study, #6848-PKS-001-1.

The County Executive further recommends that the Board approve the requested reduction subject to the following conditions:

1. A minimum of 518 garage parking spaces must be maintained at all times to serve the residential uses. The parking spaces for residents shall be secured by controlled access within the parking garage. The site plan shall clearly identify how the parking spaces for residents will be secured for residential use only.
2. All non-residential uses on the site will be parked according to Code.
3. The Transportation Demand Management (TDM) Strategies and Bicycle Parking proffers that were approved in conjunction with the approval of the Dulles Rockhill Partners, LP, and Nugget Joint Venture, LC, rezoning case (RZ 2012-DR-016 approved December 3, 2013) shall be implemented.
4. The current owners, their successors, or assigns of the parcels identified as Fairfax County Tax Map Number 15-4-5-0005A1 shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after its request, the Board, in its sole discretion, may rescind this parking reduction or require alternative measures to satisfy parking needs which may include compliance with the full parking requirements specified in Article 11 of the Zoning Ordinance.

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5. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director of the Department of Public Works and Environmental Services (DPWES) shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of its submission.
6. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
7. All parking shall comply with applicable requirements of Article 11 of Zoning Ordinance and the Fairfax County Public Facilities Manual including the provisions referencing the Americans with Disabilities Act and the Virginia Uniform Statewide Building Code.
8. The conditions approved as part of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
9. The approval of this parking reduction shall expire 6 months after its approval date if Condition #8 has not been satisfied, unless an extension has been granted by the Board.

TIMING:

Board action is requested on February 17, 2015.

BACKGROUND:

On December 3, 2013, the Board approved RZ 2012-DR-016 for Dulles Rockhill Partners, LP, and Nugget Joint Venture, LC (Developers). Pursuant to the proffer conditions, the Developers have requested a parking reduction for the residential uses on the site. The basis for the reduction is the proposed development's proximity to a planned mass transit station as authorized under Zoning Ordinance § 11-102(5). Specifically, the subject 4.26-acre parcel is located approximately a 1/4 mile from the entrance of the planned Innovation Center Metrorail Station (Metro Station) and immediately south of the Dulles Toll Road, as shown in Figure 1 of the attached study.

The proposed development consists of a 6-story building with up to 411 multi-family dwelling units and the possibility of up to 10,000 gross square feet (GSF) of ground-floor retail uses. A multi-level parking facility, surrounded on 3 sides by the building and with one level below grade, is proposed as the parking supply for the development. The

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proposed 411 residential dwelling units require 658 parking spaces according to the Fairfax County Zoning Ordinance.

The Developers have requested a 21.3 percent reduction in the parking rate from 1.6 spaces per dwelling unit to 1.3 spaces per dwelling unit. The requested parking supply (518 spaces) is based on the 41 studio units, 251 1-bedroom units, and 119 2-bedroom units. The residential uses are forecasted to be ready for occupancy in 2018, which is the same year that the Metro Station is scheduled to open. Additionally, full occupancy of the building is expected to take at least one year. In the event that the Metro Station's opening is delayed significantly beyond the building's full occupancy, the existing bus service, some of the TDM strategies, and, possibly, the County's nearby Metrorail parking garage will ensure that adverse impacts to the site and the area will not occur.

The parking study indicates that the proximity to the Metro Station and other transit services will support this parking reduction request. Specifically, the transit station is expected to reduce the demand for parking spaces; no adverse impact to either the site or the adjacent area is expected; and the transit station is scheduled for completion in same time frame as the development. Therefore, staff recommends approving a 21.3 percent parking reduction for the residential uses on the site subject to the conditions listed above. This recommendation reflects a coordinated review by the Department of Transportation, Department of Planning and Zoning, Office of the County Attorney, and DPWES.

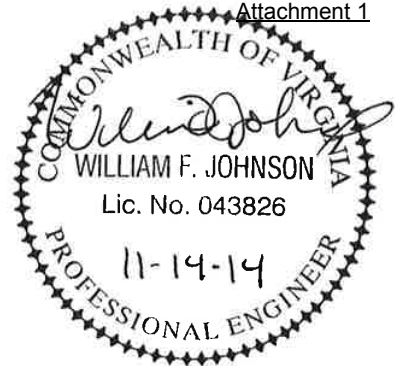
FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Revised Parking Study requesting a parking reduction (6848-PKS-001-1) dated November 14, 2014, from Brian J. Horan and William F. Johnson, P.E., Wells and Associates (without attachments)

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, DPWES
Bill Hicks, Director, Land Development Services, DPWES



WELLS + ASSOCIATES



MEMORANDUM

TO: Jan Leavitt
Code Development and Compliance Division
Fairfax County Department of Public Works and Environmental Services

FROM: Brian J. Horan, E.I.T.
William F. Johnson, P.E.

RE: Parking Reduction Request

SUBJECT: RZ 2012-DR-016/PCA C-696-09/PCA C-698-3; Dulles Rockhill Partners, LP
Fairfax County, Virginia

DATE: June 3, 2014
Revised November 14, 2014

Introduction

This memorandum presents the results of a parking reduction analysis completed in conjunction with the Dulles Station Parcel 5A1 project in Fairfax County, Virginia. The approximately 4.26 acre site (Tax Map 15-4 ((5)) 5A1) is part of Dulles Station and is located on the south side of the Dulles Airport Access and Toll Road (Route 267), west of Carta Way, north of Sayward Boulevard, and east of Sunrise Valley Drive, as shown on Figure 1. Parcel 5A1, which was the subject of a recently approved rezoning and Final Development Plan (FDP), is located in the northwest quadrant of the Sayward Boulevard/Carta Way intersection.

Parcel 5A1 consists of approximately 4.26 acres and was rezoned on December 3, 2013 to the PRM District subject to proffers dated November 19, 2013 in order to allow residential development with an overall floor-area ratio (FAR) of 2.23 (or 411 dwelling units). Access to the site is oriented to/from a new east-west roadway at a new full movement driveway. Additionally, two loading areas are also located on this new east-west roadway. A reduction of the approved CDP/FDP layout is provided on Figure 2. A full size copy of the relevant plan sheet is enclosed herein. This memorandum specifically addresses the parking associated with the site.

The applicant is requesting a **residential parking reduction of approximately 21.3% (or 140 fewer parking spaces)** from the number that would be required by a strict application of the current Fairfax County Zoning Ordinance. Therefore, the minimum number of parking spaces provided on-site, at build out, would total 518 with the approval of the requested reduction based on the current anticipated unit mix at 411 units.

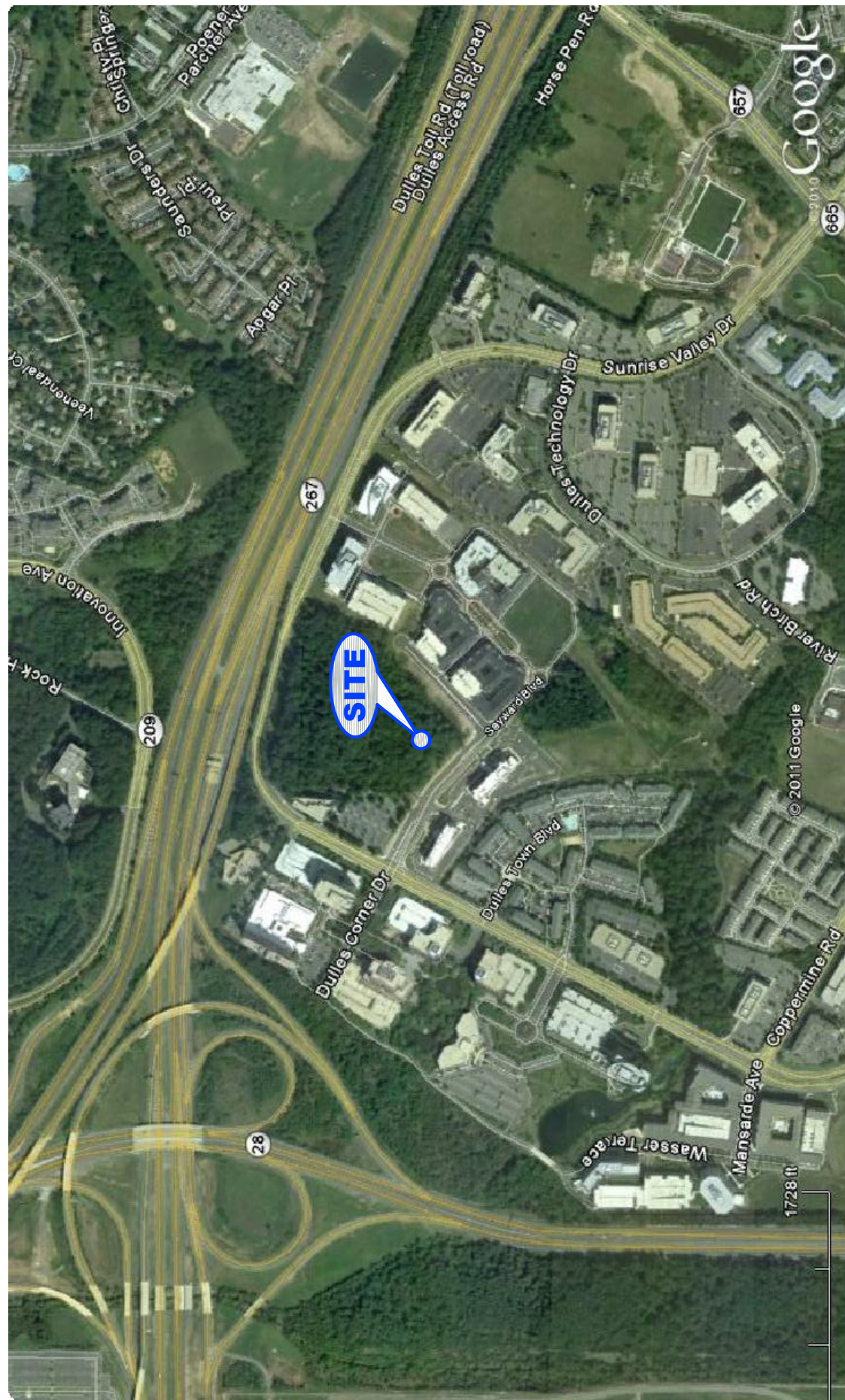
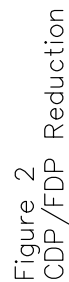


Figure 1
Site Location





Sources of data for this analysis include, but are not limited to, a literature review of parking requirements both locally and nationally; the CDP/FDP prepared by Urban Ltd., the Fairfax County Departments of Transportation and Planning & Zoning, the files and library of Wells + Associates, Inc., The Tysons Corner Urban Center Comprehensive Plan Text dated March 4, 2013, Dulles Rockhill Partners, LP and McGuire Woods.

Background

Pursuant to a recent rezoning, the site is currently zoned to the Planned Residential Mixed (PRM) district and the Conceptual and Final Development Plan (CDP/FDP) associated with the application reflects up to 411 multifamily residential dwelling units. Based on a preliminary unit mix chart provided by architect RTKL, the break down of residential units by type and amount within the site is approximately as follows:

- Studio - 41
- One bedroom units - 235
- One bedroom unit with den – 16
- Two bedroom units – 119

A reduced copy of the approved CDP/FDP is provided as Figure 2.

As reflected on the submitted CDP/FDP, parking for the proposed uses would be provided in a parking structure located internal to the site. Sole vehicular access will be provided via a new east-west roadway on the north side of the site.

Fairfax County Zoning Ordinance Requirements

Article II of the Fairfax County Zoning Ordinance establishes weekday parking requirements for various land uses by providing parking rates per unit of land use (per dwelling unit, for example). Article 11, Section 11-103 of the Ordinance outlines the requirements for multi-family dwellings as “One and six-tenths (1.6) spaces per unit.”

Based on a strict application of the Zoning Ordinance as shown on Table 1, a total of 658 parking spaces would be required to accommodate the parking demand associated with the proposed new residential uses.

Requested Parking Reduction

Under certain specific circumstances the parking requirements outlined in Article 11 can be reduced by the Board of Supervisors. Sections 11-102.5 and 102.26 of the Ordinance provide for parking reductions based on the proximity of the subject site to an existing or programmed mass transit station and the implementation of a proffered transportation demand management (TDM) program,

Table 1
Dulles Station Parcel 5A Parking Reduction
Parking Requirements (1)

Land Use	Amount	Units	Code Requirement	
Dwelling, Multiple Family	411 DU	41 DU	One and six-tenths (1.6) spaces per unit	658
<i>Studio</i>		<i>41 DU</i>		
<i>1 Bedroom</i>		<i>251 DU</i>		
<i>2 Bedroom</i>		<i>119 DU</i>		
			Residential Provided Spaces	518
			Residential Percentage Reduction Sought	21.3%

Note(s): (1) All calculations conducted per the Fairfax County Zoning Ordinance.

respectively. This memorandum intends to justify the parking demand based on the site's proximity to mass transit (Section 11-102.5). The applicant is committed to developing a TDM program, and parking/vehicle reductions will likely be an element of said program; such details will be elaborated further into the site development process and are not specifically addressed herein.

In accordance with the above citation and given the site's proximity to transit, the applicant is requesting a 21.3% reduction in the total number of residential parking spaces required by a strict interpretation of the Zoning Ordinance (or 140 fewer spaces than required by current code). The following sections of this memorandum will evaluate the requested reduction with respect to the above citations. A copy of the relevant Ordinance text is provided herein as Attachment I.

Proximity to Mass Transit. As shown on Figure 3, the site is located within ¼ mile of the planned Innovation Center Metrorail station. As discussed above, the Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites located in close proximity to transit. Article 11, Section 11-102.5 states:

"Within the area in proximity to a mass transit station, which station either exists or is programmed for completion within the same time frame as the completion of the subject development, or along a corridor served by a mass transit facility, which facility is conveniently accessible to the proposed use and offers a regular scheduled service, the Board may, subject to conditions it deems appropriate, reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part. Such reduction may be approved when the applicant has demonstrated to the Board's satisfaction that the spaces proposed to be eliminated are unnecessary based on the projected reduction in the parking demand resulting from the proximity of the transit station or mass transit facility and such reduction in parking spaces will not adversely affect the site or the adjacent area."

The extension of metrorail (Silver Line Phase 2) and the associated Innovation Center station is slated for completion and service in 2018. The subject development is anticipated to be completed within the same time frame as metrorail. The timeline for site completion includes several necessary steps: including site plan approval, building permit approvals, as well as site grading and construction. These components, in total, typically require three to four years to complete which result in the subject development having an approximate opening date within 2018. Beyond the opening of the site, it will likely take one or more years to fully lease/occupy the development. Therefore, the full operation of the subject site will most likely not be experienced until beyond the anticipated opening of the metrorail station.

Although the site will most likely not be ready to occupy all 411 anticipated units prior to the completion of the Silver Line Phase 2 (as stated previously), the subject parking reduction request will not adversely impact the site or adjacent area in the event that the

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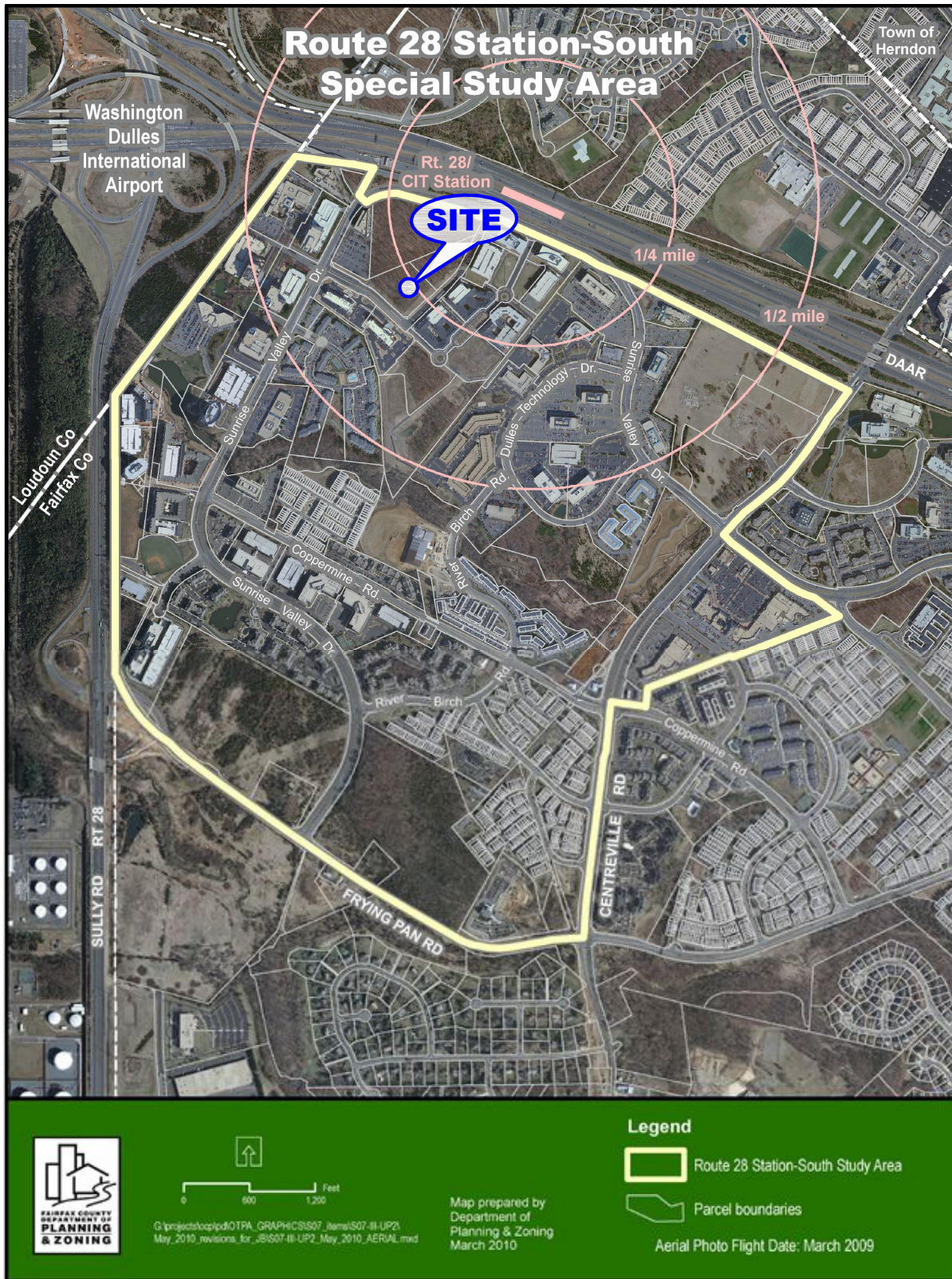


Figure 3
Site Proximity to Metro Station



North

subject development is complete prior to the opening of metrorail, based on the following:

Existing Bus Service. Fairfax Connector currently operates two bus routes along Sunrise Valley Drive adjacent to the site: Route 927 “Dulles Corner – McNair Farms” and Route 985 “Dulles Corner – Wall Road”. These bus routes connect the site locally to points within Herndon and Reston with available connections to the existing Silver Line Phase 1. Therefore, the site is currently well served by public transit, even prior to the completion of the Silver Line Phase 2.

Transportation Demand Management. As elaborated later in this document, the Applicant has proffered to implement a Transportation Demand Management (TDM) program which will serve to reduce vehicular demand generated by the site. Proffer 14 states that the TDM trip reduction goal is 18% prior the opening of metrorail and 35% following the opening of metrorail. Therefore, the Applicant is required, by proffer, to initiate these TDM strategies even before the completion of rail in the vicinity.

Based on the preceding, the proposed parking supply is projected to adequately serve the residential development should the site be ready to occupy prior to the opening of metrorail. However, the Applicant has agreed to work with staff to mitigate parking concerns if and when such concerns are evident in the future. Such efforts may include the Applicant pursuing off-site parking within the future County metrorail parking garage adjacent to the site. The County metrorail parking garage provides a potential opportunity for overflow parking associated with the site during off-peak periods (such as during evenings and weekends) if such a need is demonstrated. Additional off-site parking may be available in the existing parking garages serving Dulles Station.

Comprehensive Plan Recommendations. The subject property is located within the larger Land Unit A of the Dulles Suburban Center as defined by the Comprehensive Plan. On December 3, 2013 the Board of Supervisors approved an amendment to the Comprehensive Plan in order to recommend additional density for parcels surrounding the future metrorail station. The northern portion of Land Unit A is envisioned to develop with increased density on certain parcels with a mix of uses including office, hotel and residential uses. To that end, this project was designed to incorporate pedestrian friendly internal streets and sidewalk connections in order to facilitate easy access to the planned WMATA facilities to the north. As a transit-oriented development, this new project will encourage transit and/or multi-modal trip choices.

The plan further recommends that parking reduction measures be implemented to further reduce reliance on auto modes of travel. As stated in the Plan “To facilitate the achievement of TDM goals and encourage transit use, shared parking for uses which have different peak demand periods, instituting paid parking, or other parking reduction strategies are encouraged... For development within a half mile of the Metrorail station, a parking plan should be submitted along with a development application that demonstrates that the amount of parking that is provided is sized to support the development. Provisions for parking reductions and other incentives to lower parking should be utilized if it is supported by the parking plan... Residential

uses should take into account the number of bedrooms per unit when establishing the amount of parking to supply.” This parking reduction request, therefore, conforms to the goals and objectives of the Comprehensive Plan for this Land Unit. Relevant excerpts from the Comprehensive Plan are provided in Attachment II.

Auto Ownership. In harmony with the transit-oriented nature of the project, the residential units will be target marketed toward a demographic inclined to use transit on a regular basis. Of the 411 dwelling units currently proposed, 292 (71%) will be studio or single bedroom models. The remaining 119 units (29%) would not exceed two bedrooms.

Dr. Robert Cervero of the University of California at Berkley has conducted extensive research over the past decade or more on residents of transit-oriented communities (primarily in California) and their travel behavior. Among Cervero’s primary findings were the following:

- Most TOD residents are young professionals, singles, retirees, childless households, and immigrants from foreign countries.
- These groups tend to require less housing space than traditional “nuclear families”, and are more likely to live in attached housing units for financial and convenience reasons, regardless of where the units are located.
- Most TOD residents tend to work downtown and in other locations that are well served by transit.

Cervero’s findings in California were further supported by a study of vehicle ownership in TOD’s in British Columbia. In this study, Bunt and Associates Engineering surveyed households are six “Skytrain” transit stations. Primary findings from this study found:

- Households located near Skytrain stations use transit much more often than more distant households (i.e., residential sorting is occurring).
- Households near stations generally owned 10% fewer vehicles than more distant households. Frequent users of Skytrain, however, owned 29% fewer vehicles than households using Skytrain less frequently. The difference in Skytrain use translates directly to lower car ownership rates.

Other factors were found to affect car ownership in addition to transit proximity. These are: household income; number of people in a household; and the size of dwelling units (which was assumed to be correlated with the other two factors).

Locally, Wells + Associates completed similar surveys in June 2001 to assess the impact of transit proximity on parking demands associated with high-rise multifamily projects. The scope of that study was developed in close consultation with staff from the Department of Public Works & Environmental Services (DPW&ES) and the Fairfax County Department of Transportation (FCDOT). Steps undertaken in that study included, but were not limited to the following:

- Nine comparable sites were identified and parking demand counts conducted on a series of typical weekdays and Saturdays
- Demographic data was collected for each of the comparable sites in terms of number and type of units, tenant characteristics, auto ownership, parking spaces provided, availability of off-site parking and local ordinance requirements
- A description of parking controls/operations were provided, if available, for each of the comparable sites
- A review of national and local data sources to determine the impact of mass transit on area parking requirements

The results of our study were generally consistent with the findings of Cervero et al. Specifically, the data indicated auto ownership at high-rise multifamily developments was lower than other types of residential units, especially proximate to transit facilities. The data collected by Wells + Associates in 2001 was supplemented with demographic data from the *Development – Related Ridership Survey II* prepared by JHK + Associates for WMATA. Both the *Development – Related Ridership Survey II* and the subsequent *2005 Development – Related Ridership Survey* assessed the impact of auto-ownership and metro ridership. Both reports found locating residential units in close proximity to transit services resulted in reduced auto ownership and increased mode splits.

Auto ownership, as measured in the Wells study taken together with the *Development Ridership Survey II* data, ranged from a low of 0.25 vehicles per unit to a high of 1.87 vehicles per unit (as measured at Fairfax Towers, a non-TOD product). Average auto ownership was calculated at 1.07 vehicles per unit. Based on the information collected in 2001 with regard to average auto ownership, the projected number of vehicles expected with the proposed 411 units at Dulles Station Parcel 5A would be 440. In addition to auto ownership, parking demand counts were collected at a number of metro and non-metro related sites. The results of this report, in the absence of any project related TDM commitments, supported a 16% reduction in parking from the County's Ordinance requirements. Excerpts from the June 2001, Wells study are included as Attachment III.

Tysons Corner Urban Center Comprehensive Plan. In response to the advent of metrorail in Tysons Corner and as a result of the 2004 Area Plan Review (APR) process, the Board of Supervisors established the Tysons Land Use Task Force to “update the 1994 [Comprehensive] Plan.” In conjunction with this update to the Tysons Corner Plan, parking recommendations for residential and commercial uses were provided in the Plan text. According to the adopted Plan text, as amended through March 4, 2014, minimum parking requirements should be substantially reduced from County wide standards proximate to a rail station. These recommendations included proposed minimum and maximum parking ratios for residential developments in proximity to rail stations. For multifamily residential uses located between one-quarter and one-half mile from a Metro station, a minimum parking ratio of 1.1 spaces per unit is recommended for one bedroom apartment units and 1.35 spaces per unit for two bedroom units

as shown in Table 2. Based on these parking recommendations, the parking demand for Parcel 5A was calculated based on the proposed unit mix discussed above. At build out, the residential parking demand would be 482 parking spaces (or 176 fewer spaces than the current code requirement), as shown in Table 2. The 21.3% reduction requested herein for the proposed new uses is within the TOD minimum parking requirements recommended in Tysons Corner.

Parcel 5A Parking Provided. The applicant is proposing to provide 1.26 parking spaces per residential unit. A total of 518 parking spaces would be provided to serve the 411 proposed residential units. The residential demand could be further reduced due to the implementation of transportation demand management (TDM) strategies currently proffered by the applicant. Proffer 14 states that the TDM trip reduction goal is 18% prior to the opening of metrorail and 35% following the opening of the metrorail. Details and specific elements of the TDM plan will be elaborated further into the site development process.

Parcel 5A Proposed Parking Reduction and TDM

Based on the proposed mix of residential units (one-bedroom vs. two-bedroom) and the site's proximity to mass transit, a parking reduction from the code requirement of 658 parking spaces associated with the residential use is proposed. Based on the analysis provided herein, the residential uses would be parked at the rate of 1.26 spaces per dwelling unit. Based on the proposed number of units shown in Table 1, the residential demand would be 518 parking spaces (or equal to approximately 1.26 spaces per unit). This rate would correspond to a residential parking reduction of approximately 21.3% from code requirements (140 fewer spaces than code requirement). The spaces proposed to be reduced are unnecessary based on the projected reduction in parking demand as a result of the proximity to mass transit. The proposed reduction will not adversely affect the site or the adjacent area. Additionally, this reduction is generally consistent with those parking standards currently recommended for TOD's in Tysons Corner.

Reductions in parking supply are often cited as a key component of any TDM program. Research by Cervero and others has demonstrated that constraining parking supply results in increased transit ridership thereby reducing peak hour vehicle trips. The TDM program proffered by the Applicant requires an 18% peak hour residential trip reduction at build out and a 35% reduction following the opening of the Innovation Center Metrorail station. The 21.3% parking reduction then is an additional means of reducing peak hour trips and is identified throughout the proffer as a desirable means of mitigation. Specific elements related to vehicle trip and parking reductions as part of the TDM plan will be elaborated further into the site development process.

Table 2
Dulles Station Parcel 5A Parking Reduction
Tysons TOD Parking Rate Comparison

Land Use	Amount		Fairfax County ⁽¹⁾		Proposed Development		Tysons Comprehensive Plan Amendment		Tysons Comprehensive Plan Amendment	
			Code Requirement	Spaces	Parking Rate	Spaces	Maximums ^(2,3)	Code Requirement	Minimums ^(2,4)	Spaces
Dwelling, Multiple Family	411 DU					518				
	Studio	41 DU	1.6 spaces/DU	66			1.4 spaces/DU	1.1 spaces/DU		45
	1 Bedroom	251 DU	1.6 spaces/DU	402			1.4 spaces/DU	1.1 spaces/DU		276
	2 Bedroom	119 DU	1.6 spaces/DU	191			1.7 spaces/DU	1.35 spaces/DU		161
			Residential Spaces Required	658	Residential Spaces Required	518				482
			Percent Residential Reduction	n/a	Percent Residential Reduction	21%				27%
Total Spaces Required			658			518				482
Percent Total Reduction			n/a			21.3%				27%

Note(s): (1) Calculations based on the Fairfax County Zoning Ordinance.

(2) Calculations based on the Fairfax County Comprehensive Plan's *Plan Amendment*, dated June 22, 2010.

(3) Calculations based on the maximum number of parking spaces allowed in a TOD area in the 1/4 -1/2 mile radius to a metro station.

(4) Calculations based on the minimum number of parking spaces allowed in a TOD area in the 1/4 -1/2 mile radius to a metro station.

Future Determination of Adequate Parking Supply

The preceding sections of this report demonstrate that the proposed parking supply is more than sufficient to serve the proposed residential development. However, as per standard practice, the Applicant will agree to future monitoring of the on-site parking demand at the direction of Fairfax County. Based on conversations with staff, the following standard condition will be associated with the parking reduction approval:

“The current owners, their successors or assigns of the subject property shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after the request, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.”

Conclusions

Based on the documentation provided herein, the following can be concluded:

1. Under a strict application of the current Zoning Ordinance, 658 parking spaces would be required to accommodate the proposed 411 residential dwelling units.
2. The applicant is seeking a **residential parking reduction of 21.3% (140 fewer parking spaces)** for a total minimum of 518 parking spaces to serve the proposed new residential uses at total build out.
3. The location of the site in close proximity to existing bus transit service as well as the proposed Innovation Center metrorail station (within ¼ mile) and the planned/proffered design of the site as a transit-oriented development (TOD) will serve to reduce parking demand and attract residents who will be inclined to choose non-auto modes of travel.
4. The proposed unit mix (single-bedroom vs. two-bedroom units) would result in a residential parking demand less than the strict application of the Zoning Ordinance would require.
5. Given the site's proximity to existing mass transit and the proposed mix of residential unit types, the 21.3% residential parking reduction requested by the applicant should be supported.
6. The parking reduction requested by the Applicant is within the TOD minimum parking requirements recommended in Tysons Corner, as well as consistent with local and national experience.

Board Agenda Item
February 17, 2015

ACTION – 2

Approval of an Agreement Between the Northern Virginia Radio Control Club and Fairfax County to Utilize a Portion of the I-95 Landfill Complex as an Aircraft Park (Mount Vernon District)

ISSUE:

Board of Supervisors' authorization is requested for the County to enter into an agreement with the Northern Virginia Radio Control Club (NVRC) to allow use of a portion of the I-95 Landfill Complex as an aircraft park.

RECOMMENDATION:

The County Executive recommends that the Board approve and authorize the County Executive or his designee to sign the agreement with NVRC.

TIMING:

Board approval is requested on February 17, 2015.

BACKGROUND:

The NVRC has requested approval to operate a radio control model aircraft park on a portion of the I-95 Landfill Complex. The NVRC submitted Special Exception No. SE 2014-MY-041 (the Special Exception) for this use. On December 11, 2014, the Planning Commission recommended approval of the Special Exception, and, at its meeting on January 27, 2015, the Board of Supervisors approved the Special Exception.

A Memorandum of Agreement (MOA) between the Board and NVRC is required to finalize the arrangement and set in place the terms of use of the property. The MOA contains provisions related to: allowed use; safety; operation and maintenance; insurance; coordination with landfill operations; and compensation. The term of the agreement is for five years with additional extensions possible.

FISCAL IMPACT:

The NVRC will compensate the County \$5,000 per year for use of the property; however the cost can be partially or totally offset by maintenance service provided by club members.

Board Agenda Item
February 17, 2015

CREATION OF POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1: Agreement Between the Board of Supervisors of Fairfax County, Virginia and the Northern Virginia Radio Control Club.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

John W. Kellas, Acting Deputy Director, DPWES, Solid Waste Management Program

**Memorandum of Agreement—RC Model Aircraft Use at
the I-95 Sanitary Landfill**

THIS MEMORANDUM OF AGREEMENT (hereinafter “Agreement”), is between the Northern Virginia Radio Control Club (“NVRC”), a non-profit Virginia Corporation, and the Board of Supervisors of Fairfax County (the “Board”).

WITNESSETH:

WHEREAS, the Board recognizes that many of its constituents are radio control (“RC”) model aircraft enthusiasts, and that the making and flying of RC model aircraft is recognized as a healthy and constructive recreation activity; and

WHEREAS, a portion of the I-95 Landfill Complex property (Tax Map No. 113-1 ((1)) Parcel 14) (“the Landfill”), known as the Landfill RC Model Aircraft Park (“Aircraft Park”), has been identified and will be specifically designated for radio control model aircraft use; and

WHEREAS, the Board desires safe and controlled RC model aircraft use by a qualified and experienced organization; and

WHEREAS, NVRC is an experienced and qualified RC model aircraft flying organization which desires the use of a portion of the I-95 Landfill Complex; and

WHEREAS, the Board recognizes that the authority and control of the Landfill is operated and managed by the Fairfax County Department of Public Works and Environmental Services (“DPWES”), and that as such, the Director of DPWES, or his designee, shall be responsible for implementing and managing this Agreement (hereinafter the Board and the Director shall be referred to as “the County”); and

WHEREAS, Special Exception No. SE 2014-MV-041 (“Special Exception No. SE 2014-MV-041” or “SE 2014-MV-041”) for use of this portion of the Landfill as the Aircraft Park relates to and is contingent upon this Agreement;

NOW, THEREFORE, in consideration of the respective covenants and agreements to be kept and performed by the parties, as well as other valuable consideration which the Parties hereby acknowledge, the County and NVRC do mutually agree as follows:

ARTICLE I

SCOPE AND OPERATION

- A. The recitals above are incorporated in full herein.
- B. The County has identified a specific area of the Landfill for NVRC to use to fly RC model aircraft. This specific area is labeled as the “Aircraft Park” on Exhibit A, which is attached hereto and incorporated herein by reference.

C. NVRC shall prepare rules governing the use of the Aircraft Park, which rules shall be in accordance with Academy of Model Aeronautics (“AMA”) regulations and safety provisions, as amended (“the rules”). A copy of these rules is attached hereto and incorporated herein by reference as Exhibit B.

D. These rules shall take effect only when they are approved in writing by the County. Upon such approval, NVRC shall promptly post these rules at the Aircraft Park in a conspicuous place and ensure that they remain posted so that people at the Aircraft Park can easily read them. The rules shall be revised upon the request of the County. Once they are approved by the County, these rules shall remain in effect at all times that the Aircraft Park is in use. If any changes are made to the rules, NVRC must provide a copy of the latest version to the County before continuing use of the Aircraft Park.

E. NVRC shall administer the rules of the Aircraft Park and provide on-site supervision during use. The County may, but shall not be required, to administer or enforce these rules in addition to NVRC.

F. While on the Landfill, NVRC, its members, and guests shall comply with all requests and directions of the County, its employees, designees, and agents.

G. NVRC and the County shall each have independent authority in the Aircraft Park to require the removal of anyone from the Landfill or Aircraft Park who violates the posted rules.

H. NVRC shall supervise radio controlled model aircraft flying at the Aircraft Park at all times. The terms “radio controlled model aircraft” and “aircraft” as used in this Agreement means all model aircraft that flies, including, but not limited to, planes, helicopters, and any other propeller-operated or other radio or other remotely controlled flying model. The County shall have the sole discretion to limit in any way or to completely prohibit the use of a specific aircraft or type or class of aircraft at the Aircraft Park. It shall be sufficient notice to NVRC if the Board or DPWES provides NVRC notice of any such limitation or prohibition in accordance with the Notice Provisions in Article XIV of this Agreement.

I. At its cost, NVRC shall recruit, train, and provide at least one appointed Safety Officer who shall administer the safety and flight rules in the Aircraft Park. NVRC shall provide the current name and phone number of all appointed Safety Officers to DPWES and the County’s Insurance Manager. If NVRC decides that an individual no longer serves as a Safety Officer, NVRC must notify DPWES and the County’s Insurance Manager and provide the new name

and phone number of any newly appointed Safety Officer to DPWES and the County's Insurance Manager immediately.

J. Use of and access to the Aircraft Park is restricted to the County, its employees, guests, designees, and agents, NVRC's Safety Officer, members in good standing of NVRC, and their guests. Prior to proceeding to the Aircraft Park and upon leaving the Aircraft Park and the Landfill, NVRC's Safety Officer, members in good standing of NVRC, and their guests shall each check-in and check-out with the County's staff at the Landfill so that the Landfill staff will know who is on the site and whether they have left.

K. While a guest of NVRC is at the Aircraft Park, the guest must be escorted by a member in good standing of NVRC.

L. NVRC shall be responsible for the acts of its agents, Safety Officers, members, and their guests, including, but not limited to, negligent and intentional acts and omissions.

M. NVRC may operate the Aircraft Park only on Saturdays and Sundays from 9:00 AM until sunset as determined by the County or until the Recycling and Disposal Center that is located on the Landfill closes if earlier than sunset. If NVRC wants to use the Aircraft Park on additional days and times, including but not limited to holidays that do not fall on Saturdays or Sundays, the County must agree in writing with NVRC for such additional use prior to the date of the use.

NVRC shall post these days and hours that use of the Aircraft Park is allowed in a conspicuous place at the Aircraft Park so that people at the Aircraft Park can easily read them.

N. During any use of the Aircraft Park, at least one Safety Officer must be available by phone. This Safety Officer need not be present at the Aircraft Park while it is in use. New NVRC members must be supervised by at least one NVRC member who is in good standing, who is also approved by NVRC to fly without supervision according to the current NVRC Pilot Training and Qualifications Guide (“Training Guide”). New Members shall qualify to fly without this supervision only when NVRC has determined that such new member may do so in accordance with the current Training Guide.

O. Before beginning the use of the Aircraft Park under this Agreement, the NVRC shall provide a complete copy of the current Training Guide and a list of the names of all NVRC members whom NVRC has determined have qualified to fly without supervision to the County. If any changes to the Training Guide or to the list of names are made, NVRC must provide an updated copy of this Training Guide or the updated list of names to DPWES before continuing use of the Aircraft Park.

P. All aircraft and radios shall undergo a standard written preflight check in accordance with the written provisions of such standard preflight checks in the Training Guide.

Q. No one shall fly or use the Aircraft Park while impaired by the use of alcohol, medications, or drugs. Any use of alcohol or recreational or illicit drugs of any kind at the field are strictly prohibited.

R. No explosives or fireworks of any kind are allowed at the field at any time.

S. No more than 25 cars may be parked at the Aircraft Park at any one time during the hours that the Aircraft Park is in use except for permitted special events as described in Article III of this Agreement. NVRC shall not allow or cause its members, Safety Officers, or their guests to park any larger type of vehicle, including, but not limited to, any large commercial vehicle or multi-passenger vehicle such as a bus, at the Aircraft Park without the County's prior written approval.

T. Each model aircraft at the Aircraft Park shall not exceed 55 lbs. in weight and shall have a muffler to suppress noise. Each model aircraft at the Aircraft Park, whether on the ground or being flown, shall not violate any applicable law regulating noise or sound levels.

U. All participants are responsible for removing their trash from the Landfill including, but not limited to, the Aircraft Park.

V. NVRC shall ensure that no more than 5 model aircraft are in flight at any one time.

W. Users of the Aircraft Park shall always fly aircraft within the boundaries of the Overflight Area that is identified on Exhibit A.

X. All aircraft shall be flown in the same traffic pattern as fixed-wing aircraft. Helicopters and similar aircraft shall not be hovered in front of a pilot station or anywhere over the Active Area. All helicopters and similar aircraft shall be started in the pit area. The rotor head shall be held stationary whenever the model is at rest. Helicopters and similar aircraft shall be carried (not flown) between the pit area and the runway.

Y. Flyers shall obtain the proper frequency control pin and attach it to the antenna when in use, and shall maintain their transmitter on the impound stand when not in use. When obtaining a frequency pin, a flyer shall leave his NVRC card in the associated control pin slot or equivalent storage area.

Z. All receivers are to be of the narrow-band type of operation at 20 KHz frequency separation. The 27 MHz, 53 MHz and 2.4 GHz bands are exempt from these requirements.

AA. The use of transmitters on frequencies in the Amateur Radio Service bands above 50 MHz is restricted to persons holding a Technician, General, Advanced or Extra class Amateur Radio Service License issued by the FCC.

ARTICLE II

USE AREA

A. The Aircraft Park consists of the RC model aircraft activities area, also called the pits area, for staging and aircraft maintenance, a runway for take-off and landing, the Overflight Area, and the vehicle parking area. All of these areas are labelled on Exhibit A hereto and are defined in Special Exception No. SE 2014-MV-041.

B. The portion of the Overflight Area, as designated and labeled on Exhibit A hereto, that is outside of the pits area, the runway, and the vehicle parking area will remain in its natural state without any improvements other than stated herein. NVRC, its Safety Officer, members, and their guests shall not enter this area, except as necessary to retrieve an aircraft that was not able to return to the runway.

C. NVRC shall create an improvement to be used as the runway, as designated and labeled on Exhibit A hereto, by removing existing vegetation and planting turf grass. NVRC shall regularly mow the grass and maintain it at height of approximately 2 inches. From time to time, when the ground is suitably soft,

NVRC shall roll the runway to achieve a smooth surface. Other than a Safety Officer and approved and qualified members of the NVRC, no one shall go on the runway without being escorted by a Safety Officer or approved and qualified members of the NVRC.

D. NVRC shall create an improvement to be used as the pits area, as designated and labeled on Exhibit A hereto, by removing existing vegetation and planting turf grass. The pits area will be used for assembling aircraft and as a lounging area for pilots and spectators. In the pits area, NVRC may erect the open pavilion, as designated and labeled on Exhibit A hereto, to provide shelter from the elements. Also, in the pits area, as designated and labeled on Exhibit A hereto and as further described in the Agreement, NVRC may also place no more than 2 picnic tables, a small garden shed for storing site maintenance equipment, and a portable toilet. NVRC shall store gasoline on-site only in "safety cans" that are designed to safely store gas and are constructed of metal.

ARTICLE III

SPECIAL EVENTS

A. NVRC may conduct special events at the Aircraft Park. A “special event” is an advertised activity that is anticipated to have more than 35 attendees and is organized for a specific purpose such as a competition. A special event shall have no more than 50 people in attendance and no more than 35 cars at one time at the Aircraft Park.

B. NVRC shall give DPWES notice of all special events. NVRC must not conduct a special event unless it has received the County’s written approval for the special event prior to the date of a special event, and which approval shall be in the County’s sole discretion.

C. Vehicles parked for a special event must first use all of the 25 spaces in the designated parking area and any overflow parking may temporarily be on an unimproved area in accordance with the County’s instructions, including, but not limited to, location and the times during which such overflow parking may occur. Unless approved in writing by the County prior to the day of a proposed use of overflow parking, such overflow parking must not be used for the Aircraft Park on days when there is no special event at the Aircraft Park.

ARTICLE IV

TERM

The term of this Agreement shall be five (5) years from the date of the last signature hereon unless terminated by either party as set forth herein, or unless otherwise limited Special Exception No. SE 2014-MV-041. By mutual written consent of both parties, whenever the term of this Agreement ends, this Agreement may be extended for additional periods of time not to exceed three-years. NVRC shall not use the Aircraft Park unless it has an agreement with the County that sets forth the terms and conditions of the operation of the Aircraft Park. NVRC specifically acknowledges that it does not have an independent right to use the Aircraft Park without the consent of the County and that such consent is established by this Agreement and other agreements of this nature.

ARTICLE V

NVRC SITE ACTIVITIES

NVRC shall be responsible for the following:

- A. NVRC shall monitor activities and participants to ensure safe and proper utilization of the Aircraft Park in accordance with the rules as amended over time.
- B. At no cost to the County, NVRC shall recruit, train, and provide at least one appointed Safety Officer, who is also familiar with the rules and who is

available to the County by phone while the Aircraft Park is in use. The Safety Officer shall enforce the rules.

C. NVRC shall take all reasonable steps to ensure that its Safety Officers are aware of and adhere to all provisions of this Agreement.

D. NVRC shall distribute the most updated version of the Training Guide to all pilots who use the Aircraft Park and require all such pilots to be familiar with the Training Guide.

E. NVRC shall provide educational opportunities to the public for radio-controlled model aircraft activities including learning-to-fly opportunities.

F. While NVRC is responsible for routine maintenance of the Aircraft Park, landfill-related maintenance may be required on the Aircraft Park property or the service road to the Aircraft Park from time to time. As soon as NVRC, whether through the Safety Officer, an NVRC member, guest, or other person, becomes aware of any maintenance or repair needs for the Aircraft Park or the service road to the Aircraft Park that requires County attention, NVRC shall report maintenance and repair needs immediately upon discovery to the County.

G. Every year, on the first day of February, May, July, and October on which day the County's Offices are open, NVRC shall report in writing to DPWES all of the specifically planned events, including, but not limited to, all special events and activities that NVRC expects will occur at the Aircraft Park at any time

in the future (“quarterly reports”). For each event, NVRC shall tell DPWES the nature of the event, the date, time and duration of the event, the expected number of people who will be in attendance, and the expected number of vehicles to be parked at the Aircraft Park. If any accident or injury occurs at the Aircraft Park, NVRC shall immediately or as soon as practical thereafter notify DPWES and the County’s Insurance Manager. NVRC also shall immediately provide DPWES and the County’s Insurance Manager with any information that is requested that is related in any way to the accident, injury, or questions that arise from the occurrence of the accident or injury.

H. NVRC shall be allowed to erect an open pavilion (approximately 14’ by 24’) as identified on Exhibit A hereto to provide shelter from the elements. The pavilion’s design and installation specifications must be approved by DPWES prior to erection.

I. To store site maintenance equipment, NVRC may install a small garden shed after receiving approval for the shed, including but not limited to the shed’s location and size, from DPWES.

J. NVRC shall contract for the installation and maintenance of a portable toilet as identified on Exhibit A hereto. NVRC is responsible to ensure that such sanitation facilities are provided, properly maintained, and available for use at all times that the Aircraft Park is in use. NVRC shall install and maintain additional

portable toilets if attendance at an event warrants additional capacity. NVRC shall be responsible for the acts and omissions of its contractor or other person or entity that installs or maintains such facilities, including, but not limited to, negligence and intentional acts and omissions

ARTICLE VI

INSURANCE AND LIABILITY

A. NVRC agrees to secure and keep in force during the term of this Agreement a liability insurance policy covering itself and, through the Academy of Model Aeronautics (“AMA”), its Safety Officers, members, and their guests with the coverage as set forth in a policy with limits to be not less than \$2,500,000.

B. NVRC shall obtain from AMA additional Commercial General Liability site insurance in the amount of \$2,500,000. The County, the Board, their agents, officials, employees and volunteers (referred to in this Article VI as the “County”) shall be named as “additional insured” on the policy, and on the insurance certificate. NVRC shall provide DPWES and the County’s Insurance Manager with a copy of the certificate of insurance prior to any use of the Aircraft Park and when received from AMA.

C. NVRC shall indemnify, keep and save harmless the County, the Board, their agents, officials, employees and volunteers against claims of any nature, including, but not limited to injuries, death, damage to property, judgments,

suits, liabilities, cost and expenses which may otherwise accrue against the County, the Board, their agents, officials, employees and volunteers in consequence of the granting of this Agreement if it shall be determined that the act was caused through the negligence, error, or omission of NVRC, its members, guests, or other agents. NVRC shall, at its expense appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment shall be rendered against the County in any such action, NVRC shall, at its expense, satisfy and discharge the same.

D. NVRC expressly understands and agrees that any insurance protection required by this Agreement shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County, the Board, their agents, officials, employees and volunteers as herein provided.

ARTICLE VII

LICENSES AND RESPONSIBILITIES OF NVRC

A. NVRC shall be solely responsible for obtaining any necessary licenses and for complying with any applicable Federal, State and municipal laws, codes and regulations in connection with their use of the Aircraft Park. In the event of a violation of any regulations governing such licenses or any Federal, State and municipal laws, codes and regulations in connection with their use of the Aircraft

Park, the County may terminate this Agreement and prohibit all access to the Aircraft Park by NVRC, including but not limited to, any of its members or guests.

B. If NVRC becomes aware of a violation of any regulations governing such licenses or any Federal, State and municipal laws, codes and regulations in connection with their use of the Aircraft Park, NVRC shall immediately or as soon as practical thereafter notify DPWES and the County's Insurance Manager. NVRC also shall immediately provide DPWES and the County's Insurance Manager with any information that is requested that is related in any way to the violation or questions that arise from the violation.

ARTICLE VIII

MAINTENANCE RESPONSIBILITIES

A. The County shall level the runway and pits area for grass planting for model airplane operations, and prepare the parking area with gravel, millings, or suitable material. The County shall also maintain the service road leading to the Aircraft Park.

B. NVRC agrees to maintain the Aircraft Park in a clean and undamaged state and may make minor repairs such as repairing depressions which result from settling.

C. Changes or alterations to the Aircraft Park shall be permitted only with the prior written consent of the County which it may grant or deny in its sole discretion.

D. All improvements to and permanent fixtures upon the Aircraft Park shall become the property of the County.

E. The County may temporarily displace aircraft use at any time, without any advance notice, for any reason including but not limited to conducting maintenance activities or for emergency response.

F. Gas extraction well EW242 is within the overflight area and is located at the western edge of the runway. Prior to the use of the Aircraft Park, and at the County's expense, the County shall move or bury this gas extraction well to provide a clear path for models taking-off and landing.

ARTICLE IX

COMPENSATION AND FEES FOR USE AND MAINTENANCE

A. NVRC shall compensate DPWES the equivalent of five thousand and 00/100 dollars (\$5,000) per year for use of the Aircraft Park, pro-rated for a partial year. This compensation may be provided in dedicated volunteer hours, which shall be based on an hourly rate of twenty dollars (\$20) per hour. Volunteer hours may be earned for mowing of grass, repairing indentations in the ground, maintaining structures used for the Aircraft Park (including repairing and painting

of fencing, picnic tables, pavilion and other structures), and similar maintenance activities, as well as such other tasks as mutually agreeable to the Parties. The annual payment shall be made at the end of each fiscal year, which is on June 30th. This Agreement does not change any of NVRC's agreements with or obligations imposed upon its membership.

B. If the value of volunteer hours provided over the previous year has not amounted to \$5,000, then payment for that year shall be the difference between \$5,000 and the total value of volunteers hours actually worked. If the value of volunteer hours provided is greater than \$5,000, any such overage shall be applied to the next year.

C. NVRC shall include in its quarterly reports to the County, described above in Article V, an accounting of the volunteer hours performed, which shall include the name of the volunteer, the activities performed, the date, and the total number of such hours.

D. All payments shall be in US Dollars made payable to "Fairfax County" and sent to the following address:

Fairfax County
c/o Solid Waste Management Program
12000 Government Center Parkway, Suite 458
Fairfax, Virginia 22035
Attn: Director, Solid Waste Management Program
Lease Payment- NVRC I-95 Landfill RC Model Aircraft Park

E. This compensation shall be consideration for the use and maintenance of the Aircraft Park.

ARTICLE X

TERMINATION FOR CONVENIENCE

A. Either Party may rescind this Agreement for convenience by giving written notice as set forth herein. The County reserves and has the sole right and discretion at all times to cancel and terminate this Agreement without recourse whether with or without cause.

B. This Agreement grants only a license to NVRC to use the property where the Aircraft Park shall be located. In its sole discretion, the County may revoke this license at any time without recourse whether with or without cause.

C. Any special exception or other land use approval granted to it that is related to the Aircraft Park is contingent upon NVRC's full and complete compliance with this Agreement. In the event that this Agreement ceases or terminates, the Aircraft Park may not be used for radio-controlled aircraft use unless and until a new Agreement is in place.

D. This Agreement is contingent upon NVRC's full and complete compliance with all conditions of SE 2014-MV-041 or other land use approvals for the property on which the Aircraft Park is located.

E. Termination hereunder shall be effected by delivery to the other party of a written Notice of Termination as set forth in this Agreement. Termination by the County for cause shall be effective immediately, which determination shall be in the County's sole discretion. Otherwise, termination shall be effective at 5:00 p.m. on the thirtieth calendar day after the day of such mailing. In the event of termination, any payment received by the County from NVRC under the Compensation provisions above shall be refunded on a monthly pro-rata basis less any amounts owed to the County for any reason, whether related to this Agreement or not, including, but not limited to, taxes, damages to person or property, failure to adhere to any provision of this Agreement, or any other reason.

F. This Agreement shall automatically expire and terminate without the need for a Notice of Termination upon the expiration or termination of SE 2014-MV-041.

ARTICLE XI

ASSIGNMENT

NVRC shall not assign or transfer any obligations or rights in this Agreement without the express written authorization of the County. Any such assignment or transfer that is done without the County's prior express written authorization shall be null, void, and of no effect on the Parties' obligations and rights herein.

ARTICLE XII

NON-DISCRIMINATION

NVRC shall not discriminate against any person or group by refusing membership or use of the Aircraft Park to any person on the basis of race, color, sex, age, religious creed, ancestry, national origin, marital status, disability or any similar status that may be protected by any Federal, State, or local law that regulates discrimination by the County.

ARTICLE XIII

NO AGENCY RELATIONSHIP

NVRC shall not be considered nor hold itself out as an agent of the County. None of NVRC's employees, agents, officers, directors, members, Safety Officers or other personnel shall be considered or hold itself out as an agent or sub-agent of the County. If NVRC learns that a person or entity believes or suspects that NVRC is an agent of the County, NVRC must immediately take all practical steps available to clearly communicate to the person or entity that NVRC has never been and is not such an agent, and so notify the County of those efforts.

ARTICLE XIV

NOTICE PROVISIONS

Whenever this Agreement requires that any information, report, or notice shall be given to a Party, such notice shall be deemed sufficient if it complies with the following:

Notice to NVRC shall be adequate when sent by certified mail to its Authorized Representative at the address on file with DPWES and the County's Insurance Manager or to any officer or director of NVRC at the following address:

Robert M. Freas
Treasurer
Northern Virginia Radio Control Club
8006 Chippenham Court
Fairfax Station, Virginia
Tel. (703) 395-9503
Fax (571) 227-7217

Notice to the County shall be adequate only when copies are sent by certified mail to both of the following:

DPWES
Mark Katrina, or his successor
I-95 Landfill Complex Manager
9850 Furnace Road
Lorton, Virginia 22079
Tel. (703) 690-1703

and

David Bobzien or his successor
County Attorney for Fairfax County, Virginia
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Tel. (703) 324-2421
Fax (703) 324-2665
RE: I-95 Landfill Complex – Remote Control Model Aircraft Park

If a specific provision of this Agreement requires that notice be given to the County's Insurance Manager, such notice shall be given to DPWES and to the County Attorney as set forth above and also to the County's Insurance Manager by certified mail and email addressed as follows:

Leonard S. Clark, Insurance Manager or his successor
Risk Management Division
Department of Finance
Risk Management Division
12000 Government Center Parkway, Suite 215
Fairfax, VA. 22035
Email: Leonard.Clark@fairfaxcounty.gov
Tel. (703) 324-3051

If a provision of this Agreement requires that the County or the County's Insurance Manager be given notice immediately, NVRC must send such information in writing accordance with the provisions above and must also give such information immediately by telephone by calling each of the telephone numbers of DPWES, the County Attorney, the County's Insurance Manager listed above and providing in each telephone call the information required in the respective provision of this Agreement either to a person or to an answering service.

When giving notice pursuant to this Article, the party giving the notice shall include the name, position or title, physical address, mailing address, and telephone number of the individual giving such notice or to whom any response or questions should be sent so that the person may be contacted by the recipient of the notice.

ARTICLE XV

GOVERNING POLICIES

NVRC shall comply with all conditions of all land use approvals for the Aircraft Park and the Landfill including but not limited to any conditions of SE 2014-MV-041, all terms and conditions of this Agreement and any other agreements entered into with the County or any of its agencies, all applicable Federal, State, and local rules, regulations, procedures, and any and all policies of the County. In the event of a conflict between this Agreement and the conditions of SE 2014-MV-041, the terms of the conditions of SE 2014-MV-041 shall govern.

ARTICLE XVI

GOVERNING LAWS AND INTERPRETATION

This Agreement shall be construed, interpreted, and enforced according to the laws of Fairfax County and the Commonwealth of Virginia, without regard to its choice of laws.

ARTICLE XVII

ENTIRE AGREEMENT AND COUNTERPARTS

This Agreement, including all exhibits that are attached hereto and incorporated herein by reference, contains all of the terms and conditions made between the parties and may not be modified orally or in any other manner other than by written Agreement signed by all the parties or their respective successors in interest. This Agreement may be executed in two counterparts, each of which shall be deemed an original, but all of which together shall constitute one in the same Agreement.

IN WITNESS WHEREOF, the parties executed this Agreement:

Signed, sealed, and delivered this _____ day of _____ 20____

(SEAL)
Board of Supervisors for Fairfax County
David Molchany, Deputy County Executive

STATE OF _____, COUNTY OF _____, to wit:-

I, _____, a Notary Public in and for the State and County aforesaid, do certify that _____, the above-named, whose name is signed to the writing above bearing date on the _____ day of _____ 20____, has acknowledged the same before me this _____ day of _____ 20____.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____

Signed, sealed, and delivered this _____ day of _____ 20____

(SEAL)
Northern Virginia Radio Control Club
Gary Quinn, President

STATE OF _____, COUNTY OF _____, to wit:-

I, _____, a Notary Public in and for the State and County aforesaid, do certify that _____, the above-named, whose name is signed to the writing above bearing date on the _____ day of _____ 20____, has acknowledged the same before me this _____ day of _____ 20____.

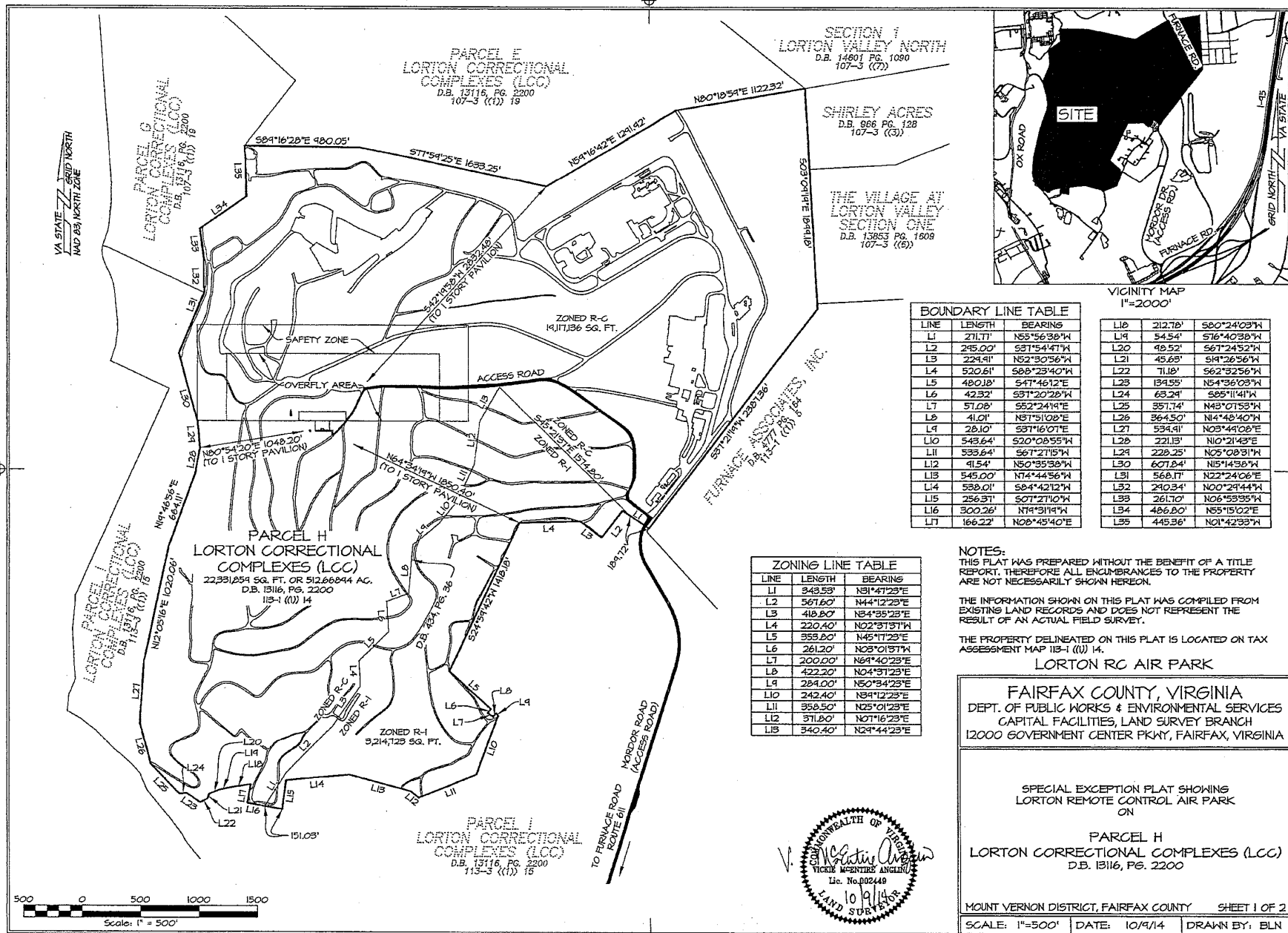
Notary Public

My Commission Expires: _____

Notary Registration Number: _____

Exhibit A

Landfill RC Model Aircraft Park



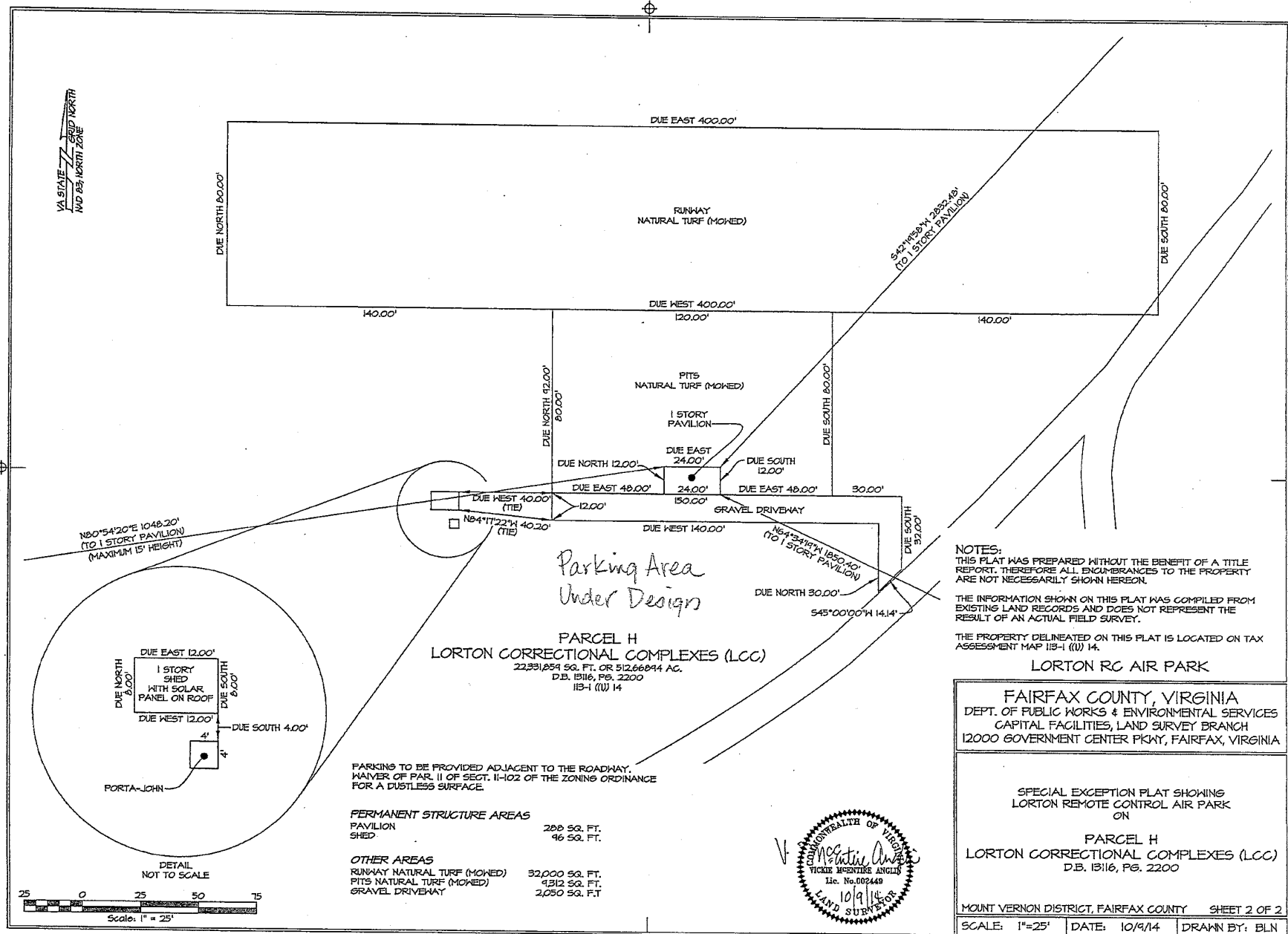


Exhibit B

FIELD ETIQUETTE AND RECOMMENDED OPERATING PROCEDURES

1. Each member is responsible for removing his trash.
2. Pilots should use the appropriate preflight inspection and/or initial inspection checklist contained in the current NVRC Pilot Training/Qualification guide prior to the first flight of the day on each aircraft to be flown.
3. Only NVRC members, pilots and escorted guests are allowed on North side of the spectator fence. An escorted guest is one who is under the direct supervision of an NVRC club member. The guest should have been briefed by the member as to proper, safe behavior, and should be acting in a responsible manner. The guest should never be at the impound area, on the flight line, walking among other pit areas unsupervised, or be inattentive to the hazards of the field.
4. It is recommended that flying be done north of the runway whenever practical.
5. Taxiways are defined at the east and west ends of the pilot area, and at the edge of the runway just north of the Foul Line. Aircraft should not be taxied in the area between the pilot line and the transmitter impound stand, nor into the pits.
6. Runway usage should be controlled by good **communications** between flyers. Announce your intentions.
7. AMA guidelines for propeller spinners or safety nuts should be followed whenever practical.
8. Engines should not be stopped by contact with the spinner or propeller except in emergencies.
9. Engine restarts on the runway are not recommended.
10. Transmitters should be marked with the owner's name clearly visible.
11. If others are waiting for the frequency pin, the **maximum time allowed** for engine testing/other maintenance and flight should be 15 minutes.

FIELD RULES (Exhibit B Continued)

1. Flyers must be AMA members and must strictly abide by the Official AMA National Model Aircraft Safety Code. This code is published annually by the AMA and is made available to AMA members at the time of their annual renewal. Additionally, they must be either a NVRC club member or an accompanied guest of a NVRC club member.
2. New club members will qualify for unsupervised flight status in accord with the current NVRC Pilot Training and Qualification Guide.
3. No pilot will fly while impaired by the use of alcohol, medications, or drugs.
4. All flying will be done north of the FOUL LINE, Flyers will not stand on the airfield and/or the taxiways when flying.
5. No more than five (5) aircraft may be in the air at the same time.
6. Engines will not be run up in the pits.
7. No torque rolls over the short grass, also known as the runway.
8. Flyers will obtain the proper frequency control pin and attach it to the transmitter antenna when in use. When obtaining a frequency pin, a flyer will leave his NVRC club card (or his AMA card if he is a guest) in the associated control pin slot.
9. Radios will be range checked before the first flight of the day.
10. No explosives or fireworks of any kind are allowed at the field at any time.
11. All engines having a displacement of more than 0.10 cubic inches must be fitted with an effective silencing device when being operated at the flying site.
12. All receivers are to be of the narrow-band type for operation at 20 KHz frequency separation. The 27 MHz, 53 MHz bands, and 2.4GHz are exempt from these requirements.
13. The use of transmitters on frequencies in the Amateur Radio Service bands above 50 MHz is restricted to persons holding a Technician, General, Advanced, or Extra class Amateur Radio Service License issued by the FCC.
14. All transmitters will be marked with the appropriate channel number and/or colored wind streamers) as outlined in the AMA Membership Manual.
15. Members of the Safety Committee may inspect aircraft to insure that it complies with the narrow-band receiver requirement. Instructors, while doing a safety inspection of a student's aircraft, should also ensure that the narrow-band requirements are met before the aircraft is allowed to fly.

Board Agenda Item
February 17, 2015

ACTION - 3

Approval of Resolution Authorizing Execution of a Project Agreement with the Virginia Department of Transportation for the Design and Construction of Pleasant Forest Trail (Sully)

ISSUE:

Board of Supervisors' approval of a resolution authorizing the Fairfax County Department of Transportation to execute a Project Agreement with the Virginia Department of Transportation (VDOT) for the design and construction of Pleasant Forest Trail.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution granting the Director of the Department of Transportation authorization to execute a project agreement, in substantial form, with VDOT for the design and construction of Pleasant Forest Trail.

TIMING:

Board approval is requested on February 17, 2015, so that the project can be implemented concurrently with the VDOT Braddock Road and Pleasant Valley Road roundabout project.

BACKGROUND:

On January 14, 2014, the Fairfax County Board of Supervisors expressed no opposition to a VDOT project to construct a roundabout at the Pleasant Valley Road (Route 609) and Braddock Road (Route 620) intersection in Sully District. One of the conditions to expressing no opposition was a recommendation to VDOT to coordinate with the Fairfax County staff on the construction of a pedestrian access/walkway for the Pleasant Forest community. The walkway will be located on the south side of Braddock Road generally within existing right of way along Pleasant Valley Properties and Fairfax County Park Authority frontage from Pleasant Forest Drive to the existing trail on the east side of Pleasant Valley Road at the Braddock Road and Pleasant Valley Road intersection. The approximate length of the walkway is 1,450 feet, and is shown along with the project scope in Attachment II.

Board Agenda Item
February 17, 2015

FISCAL IMPACT:

The current total project estimate for the Pleasant Forest Trail is \$600,000. Staff has identified available local revenues in the County and Regional Transportation Projects (Fund 40010) to be reallocated from the construction reserve to implement the project. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment I – Resolution to Execute Agreement
Attachment II – Project Agreement with Attachments

STAFF:

Robert A. Stalzer, Deputy County Executive
Patricia McCay, Assistant County Attorney, Office of the County Attorney
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division (CPOD), FCDOT
Jane Rosenbaum, Transportation Planner, CPOD, FCDOT
Todd Wigglesworth, Acting Chief, Coordination and Funding Division (CFD), FCDOT
Ray Johnson, Transportation Planner, CFD, FCDOT
Janet Nguyen, Transportation Planner, CFD, FCDOT

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, a Project Administration Agreement in the amount of \$600,000 with the Virginia Department of Transportation for the Pleasant Forest Trail Project by the County of Fairfax.

Adopted this ____ day of _____, 2015, Fairfax, Virginia

ATTEST _____
Catherine Chianese
Clerk to the Board of Supervisors

**VDOT ADMINISTERED – LOCALLY FUNDED
PROJECT ADMINISTRATION AGREEMENT**

FAIRFAX COUNTY
PROJECT NUMBER 0620-029-197 UPC 106581

THIS AGREEMENT, made and executed in triplicate on this the ____ day
of _____, 20__, between the COMMONWEALTH OF
VIRGINIA DEPARTMENT OF TRANSPORTATION, hereinafter referred
to as the "DEPARTMENT" and the COUNTY OF FAIRFAX, hereinafter
referred to as the "COUNTY."

WITNESSETH

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

WHEREAS, the funds as shown in Appendix A have all been allocated by the COUNTY to finance the project; and

WHEREAS, the COUNTY has requested that the DEPARTMENT design and construct this project in accordance with the scope of work described in Appendix B, and the DEPARTMENT has agreed to perform such work; and

WHEREAS, both parties have concurred in the DEPARTMENT's administration of the project identified in this Agreement and its associated Appendices A and B in accordance with applicable federal, state, and local law and regulations; and

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

WHEREAS, Section 33.2-338 of the Code of Virginia authorizes both the DEPARTMENT and the COUNTY to enter into this Agreement;

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

- A. The DEPARTMENT shall:
 - 1. Complete said work as identified in Appendix B, advancing such diligently, and all work shall be completed in accordance with the schedule established by both parties.
 - 2. Perform or have performed, and remit all payments for, all preliminary engineering, right-of-way acquisition, construction, contract administration, and inspection services activities for the project(s) as required.

3. Provide a summary of project expenditures to the COUNTY for charges of actual DEPARTMENT cost.
 4. Notify the COUNTY of additional project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the COUNTY prior to performing those activities.
 5. Return any unexpended funds to the COUNTY no later than 90 days after the project(s) have been completed and final expenses have been paid in full.
- B. The COUNTY shall:
1. Provide funds to the Department for Preliminary Engineering (PE), Right of Way (ROW) and/or Construction (CN) in accordance with the payment schedule outlined in Appendix A.
 2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the COUNTY and modification of this Agreement.
- C. Funding by the COUNTY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
- D. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
- E. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the County or the Department shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the

County or the Department has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- F. Nothing in this Agreement shall be construed as a waiver of the COUNTY's or the Commonwealth of Virginia's sovereign immunity.
- G. Should funding be insufficient and county funds be unavailable, both parties will review all available options for moving the project forward, including but not limited to, halting work until additional funds are allocated, revising the project scope to conform to available funds, or cancelling the project.
- H. Should the project be cancelled as a result of the lack of funding by the COUNTY, the COUNTY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.
- I. This Agreement may be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in this Agreement.

THE COUNTY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

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

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

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

COUNTY OF FAIRFAX, VIRGINIA:

_____	_____
	Date
_____	_____
Typed or Printed Name of Signatory	Date
_____	_____
Signature of Witness	Date

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

_____	_____
Chief of Policy	Date
Commonwealth of Virginia	
Department of Transportation	
_____	_____
Signature of Witness	Date

Attachments: Appendix A (UPC 106581)
Appendix B (UPC 106581)

Appendix B

Project Number: 0620-029-197 UPC 106581 **Locality:** Fairfax County

Project Scope	
Work Description:	Braddock Road Pleasant Forest Trail
From:	Pleasant Valley Road
To:	Pleasant Forest Drive
Locality Project Manager Contact Info: Jane Rosenbaum 703-877-5756 jane.rosenbaum@fairfaxcounty.gov Department Project Coordinator Contact Info: Mark Gibney 703-259-2734 Mark.Gibney@vdot.virginia.gov	

Detailed Scope of Services
<p>VDOT will administer the design, right of way acquisition, utility relocation, and construction of a 10 foot wide paved trail along the south side of Braddock Road from Pleasant Valley Road to Pleasant Forest Drive. The trail will have an approximate length of 1500 feet. Right of way acquisition on one parcel owned by the Fairfax County Park Authority is anticipated. VDOT will complete the required Environmental document. VDOT will coordinate this project with the VDOT design build project to construct a roundabout at the intersection of Braddock Road and Pleasant Valley Road, UPC 103318.</p> <p>VDOT will:</p> <ul style="list-style-type: none">• Make the Project available for review during its design, right of way, and construction by the County personnel upon request• Maintain accurate records of all Project costs and make available for review by the County upon request• Present the County with proper documentation of all costs incurred and paid, and billing for the necessary costs incurred in the design, ROW, and/or construction phases of the project up to the total of the approved County funding allocated to the project. <p>Expenditure documentation deemed acceptable by the County includes VDOT Cardinal “Financial Summary – Project Expenditure by Activity” report.</p>

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

Authorized Locality Official and date

Residency Administrator/PE Manager/District Construction Engineer
Recommendation and date

Typed or printed name of person signing

Typed or printed name of person signing

Project Number: 0620-029-197

UPC: 106581

CFDA#20.205

Locality: Fairfax County

Project Location ZIP+4: 20120-1249

Locality DUNS# 074837626

Locality Address (incl ZIP+4): 4050 Legato Road,
Suite 400, Fairfax VA 22033-2867**Project Narrative**

Scope: Braddock Road Pleasant Forest Trail, Construct a 10' trail on the south side of Braddock Road.

From: Pleasant Valley Road

To: Pleasant Forest Drive

Locality Project Manager Contact info: : Jane Rosenbaum, 703-877-5767, jane.rosenbaum@fairfaxcounty.gov

Department Project Coordinator Contact Info: Mark Gibney, 703-259-2734, mark.gibney@vdot.virginia.gov

Project Estimates

Phase	Estimated Project Costs
Preliminary Engineering	\$ 100,000.00
Right of Way & Utilities	\$ 50,000.00
Construction	\$ 450,000.00
Total Estimated Cost	\$600,000.00
Estimate for Current Billing	\$600,000.00

Project Cost

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$100,000	Local Funds	100.00%	\$100,000
Total PE	\$100,000			\$100,000
Right of Way & Utilities	\$50,000	Local Funds	100.00%	\$50,000
Total RW	\$50,000			\$50,000
Construction	\$450,000	Local Funds	100.00%	\$450,000
Total CN	\$450,000			\$450,000
Total Estimated Cost	\$600,000			\$600,000

Total Maximum Reimbursement / Payment by Locality to VDOT

\$600,000

Project Financing

Local Funds	Fund Source B (Choose from drop down box)	Fund Source C (Choose from drop down box)	Fund Source D (Choose from drop down box)	Fund Source E (Choose from drop down box)	Aggregate Allocations (A+B+C+D+E)
\$600,000	\$0	\$0	\$0	\$0	\$600,000

Payment Schedule

FY 2015	FY 20__	FY 20__	FY 20__
\$600,000			

Program and project Specific Funding Requirements

- This is a limited funds project. The county shall be responsible for any additional funding in excess of **\$600,000** (if applicable)
- The county will be billed the county share above upon execution of the Agreement.

This attachment is certified and made an official attachment to this document by the parties to this agreement

Authorized Locality Official and date

Authorized VDOT Official
Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

ACTION - 4

Approval of Additional Funding for the Construction of Improvements at Fairfax Connector's Huntington Bus Facility (Braddock, Lee, Mason, Mount Vernon, Springfield Districts)

ISSUE:

Board of Supervisors' approval of additional funding for the construction of improvements at Fairfax Connector's Huntington bus facility.

RECOMMENDATION:

The County Executive recommends that the Board approve additional funding in the amount of \$1.2 million for the Huntington bus facility construction.

TIMING:

Board approval is requested on February 17, 2015, so that the contract can be awarded and advanced to construction in Spring 2015.

BACKGROUND:

The Fairfax County Department of Transportation (FCDOT) is renovating the Huntington Fairfax Connector bus facility to enable the system to operate more efficiently. Built in 1985, the Huntington facility is the oldest Fairfax Connector garage and has had several renovations to improve the site operability and conditions.

As part of the FY 2015 Adopted Budget Plan, the Board approved \$4 million in funding for facility improvements at the Huntington bus facility. These improvements are necessary to enable continued efficient maintenance of the revenue bus fleet. Upgrading the existing facility to current transit facility standards will include: a chassis wash bay, in-ground lifts, Storm Water Management (SWM) improvements, expanded storage space and a new tire shop. Funds for these improvements are included in Fund 40010 (County and Regional Transportation Projects).

FCDOT is requesting an additional \$1.2 million in funding to expand and replace the asphalt bus parking area with concrete. Although concrete is more expensive, concrete parking areas have numerous benefits over asphalt, including:

- Maintenance - concrete would likely require minimal maintenance; life cycle-

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- approx. 20 - 40 years;
- Durability - concrete is a very stiff and rigid material, and will avoid rutting under the wheel loads from buses;
- Environmental - concrete is recyclable and will result in a higher value of reflectivity and thus reduce heat absorption.

FISCAL IMPACT:

The current total project estimate for the construction of the Huntington bus facility project is \$5.2 million. The Board approved \$4 million for the project as part of its FY 2015 Adopted Budget Plan. The additional \$1.2 million needed to fully fund construction at the Huntington garage will come from savings realized from the reduced cost of the parking expansion project at the West Ox Facility (TF-000003, 400-C40011). On July 13, 2009, the Board approved \$2.5 million for the implementation of expanded parking at the West Ox Facility. Total costs are approximately \$1.3 million, leaving a \$1.2 million balance to be transferred to the Huntington bus bays project. All available funding for project construction will come from Fund 40010 (County and Regional Transportation Projects). There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works
Teresa Lepe, Building Design, Department of Public Works
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
Ray Johnson, Transportation Planner, Coordination and Funding Division, FCDOT

ACTION – 5

Approval of a Parking Reduction for Lake Anne Village Center (Hunter Mill District)

ISSUE:

Board approval of a reduction of the required parking of 18.0 percent (477 fewer parking spaces) for the proposed redevelopment of Lake Anne Village Center.

The redevelopment site consists of multiple properties generally located south of the North Shore Drive/Village Road intersection and to the north of Lake Anne more particularly identified as Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)) common elements part and a portion of Village Road to be vacated/abandoned. The existing Lake Anne Village Center retail and existing church use, which are part of this request, include Tax Map Parcels 17-2 ((31)) 1591A, 1591B, 1609B, 1600, 1611, 1612, 1613, 1625, 1641, and 1656; 17-2 ((6)) (E) 1 thru 6; 17-2 ((5)) 6D; 17-2 ((31)) (11) 11400, 11404, and 11440, Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 18.0 percent for Lake Anne Village Center pursuant to Paragraphs 4(B) and 26 of Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and the attached Parking Reduction Study, #8260-PKS-001-1.

The County Executive further recommends that the Board approve the requested reduction subject to the following conditions:

1. A minimum 1,031 parking spaces shall be provided for the West Side of the development and a minimum of 1,136 parking spaces shall be provided for the East Side of the development for a project total of 2,167 parking spaces at full build-out of the development. For purposes of these conditions, the “West Side” of the development is the area of the Lake Anne Village Center development that is west of the existing North Shore Drive, and the “East Side” is the area that is east of North Shore Drive, all as set forth more fully in #PCA-A-502.
2. At full build-out, a minimum of 388 garage parking spaces shall be maintained on the West Side of the development to serve the West Side residential dwelling units, as well as any additional garage parking spaces that are necessary to serve the East Side residents in accordance with proffer No. 44.J associated with

#PCA-A-502. All such resident parking spaces shall be distinguished from the parking spaces available to the site's other uses and shall be separated by a physical barrier or controlled access subject to approval by the Director of the Department of Public Works and Environmental Resources (Director). The site plan shall clearly note how the residential parking spaces will be separated. No other parking spaces required to meet the parking requirements for this parking reduction shall be restricted except to meet the requirements of the Americans with Disabilities Act.

3. The uses permitted per this parking reduction are:

West Side:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]
 - 406 table seats
 - 46 counter seats
 - 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

East Side

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)

4. The Applicant shall implement the Transportation Demand Management (TDM) program and Parking Management Plan (PMP) proffered in conjunction with the approval of the Lake Anne Village Center Proffer Condition Amendment #PCA-A-502. In the event the TDM and PMP program does not achieve the parking reduction proposed with this study as determined by the monitoring and evaluation methodology approved as part of the TDM/PMP, the applicant shall provide additional parking spaces in the amount equivalent to the reduction.
5. At the time of site plan approval the Applicant shall demonstrate that based on the reduced parking rates in parking study #8260-PKS-001-1, an adequate number of parking spaces will be provided for each phase of development and that during the construction period of each phase, an adequate number of parking spaces will be provided to serve the residential and nonresidential uses, including the existing uses that are to remain.

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6. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)), shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
7. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
8. All parking provided shall be in accordance with applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
9. The owners may implement and the Director may approve future modifications to the mix of non-residential uses between shopping center retail and restaurant eating establishments provided that (a) the total gross square footage of non-residential development established on the Property does not increase; and (b) a new parking generation study demonstrates to the satisfaction of the Director that the synergy among the proposed uses is comparable to the approved synergy associated with the parking reduction. The percent reduction granted by the Board must not be exceeded and a minimum of 643 shared spaces (not including the 388 spaces reserved for West Side residents, nor any spaces that may be reserved in the future to serve the East Side residents) shall be maintained onsite. Upon receipt of the modification request, the Director may also require submission of a parking utilization study if it is determined to be needed to evaluate the existing parking conditions at the time of the request.
10. Shared parking with any additional use(s) shall not be permitted without the submission of a new or amended parking study prepared in accordance with the applicable requirements of the Zoning Ordinance in effect at the time and shall be subject to the Board's approval.
11. A shared parking agreement for the West Side uses shall be executed between the Applicant and the owner(s) of the existing non-residential uses that are included in the parking reduction request, and shall be recorded in the Fairfax

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County land records in a form acceptable to the County Attorney prior to site plan approval for either Building A1 or A2, whichever comes first.

12. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
13. Unless an extension has been approved by the Board, the approval of this parking reduction request shall expire without notice 6 months from the date of Board approval if Condition #12 has not been satisfied.

TIMING:

Board action is requested on February 17, 2015.

BACKGROUND:

The subject parcels consist of approximately 24.3 acres including Land Units A, D, and portions of Land Units C and F, Lake Anne Village Center, which is centered on Washington Plaza at the northern end of Lake Anne, Reston. The area was designated as the Lake Anne Village Center Historic Overlay District in 1984 and designated as the Lake Anne Commercial Revitalization Area in 1998. The parcels are zoned PRC (Planned Residential Commercial) and are the subject of Proffer Condition Amendment #PCA A-502, Development Plan Amendment #CDPA A-502-07, and Planned Residential Community #PRC A-502-3.

The parking addressed in this application will serve both new and existing uses within the Lake Anne Village Center. A combination of structured and surface parking will replace the existing surface parking that serves Washington Plaza.

The redevelopment project is physically divided by a significant elevation difference as well as being bisected by existing North Shore Drive. Since these physical barriers create a challenge to shared parking across the entire project, the parking analysis and reduction request is presented in two parts identified as the West Side and the East Side.

West Side

The parking reduction request for the West Side is based on the following uses:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]

Board Agenda Item
February 17, 2015

- 406 table seats
 - 46 counter seats
 - 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

The parking reduction request for the West Side is based on a “Shared Parking” analysis using the Urban Land Institute methodology, which demonstrates that the hourly parking accumulation characteristics justify a reduction in parking under Zoning Ordinance §11-102(4B) and that the reduction will not adversely affect the site or adjacent area. A shared parking reduction of 19.5% (249 fewer parking spaces) for a total of 1,031 parking spaces is requested to serve the West Side mix of uses where 643 spaces are shared parking spaces (non-residential and resident visitor spaces) and 388 spaces are reserved for residents.

East Side

The parking reduction request for the East Side is based on the following uses:

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)

The justification for reducing residential parking spaces on the East Side is implementation of a Transportation Demand Management (TDM) program and Parking Management Plan (PMP), which is proffered in Proffer Condition Amendment #PCA A-502, and that includes strategies to reduce the need for parking. A TDM parking reduction of 16.7 percent (228 fewer parking spaces) for a total of 1,136 parking spaces is requested to serve the new East Side residential uses.

Pursuant to Zoning Ordinance § 11-102.26, reductions based on a TDM program must also *provide “a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand.”* Pursuant to paragraph 44 of the proffers associated with #PCA-A-502, the Applicant shall be responsible for monitoring and enforcement of the proffered TDM / PMP. In the event the TDM/PMP does not achieve the desired parking reduction, the Applicant has agreed to provide the needed parking by adding parking levels to parking structure D2.

Project Total

A minimum total 2,167 spaces is proposed at full build-out to serve the East and West Sides resulting in an overall maximum site reduction of 477 parking spaces, or an 18.0 percent reduction in the code-required parking.

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Based on a review of the parking study, the mix of uses and shared parking and the presence of a proffered TDM program will support this parking reduction request. The parking study indicates that should the reduction be granted there will be no impact to parking in the surrounding areas. Therefore, staff recommends approving an overall 18.0 percent parking reduction (477 fewer spaces than the strict application of the code) subject to the conditions listed above. This recommendation reflects a coordinated review by the Department of Transportation, Department of Planning and Zoning, the Office of the County Attorney and Department of Public Works and Environmental Services.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Request for a Parking Reduction and a Parking Study (#8260-PKS-001-1) from Kevin R. Fellin, P.E., Wells and Associates, dated September 29, 2014 and as revised through November 5, 2014.

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, DPWES
William Hicks, Director, Land Development Services, DPWES

WELLS + ASSOCIATES
MEMORANDUM



To: Jan Leavitt, P.E., Chief
Site Code Research & Development Branch
Department of Public Works & Environmental Services

From: Kevin R. Fellin, P.E.

Re: DPA A-502-07/PCA-A-502/PRC A-502-3; Lake Anne Village Center

Subject: Parking Reduction Request (#8260-PKS-001)
3rd Submission

Date: September 29, 2014 as revised through November 5, 2014

11441 Robertson Drive
Suite 201
Manassas, VA 20109
703-365-9262
703-365-9265 FAX
www.mjwells.com

INTRODUCTION

This memorandum presents the results of a revised parking reduction analysis conducted in support of the referenced pending application(s) for a new mixed-use redevelopment (referred to as the “Lake Anne Village Center”) in Fairfax County, Virginia. The revisions herein are based on comments dated October 15, 2014 and October 30, 2014 as received from the Department of Public Works and Environmental Services (DPWES) as well as meetings held with County staff on Wednesday, October 15, 2014, Friday, October 17, 2014, and Wednesday, October 29, 2014. Responses to each comment received from DPWES are included as Attachment I.

The properties that comprise Lake Anne Village Center are located in the Hunter Mill Magisterial District on either side of North Shore Drive in the vicinity of its intersection with Village Road (see Figure 1). This area falls within the Upper Potomac Planning District of the Fairfax County Comprehensive Plan. The Lake Anne Village Center is divided into six (6) land units (see Figure 2), A through F, of which Land Units A, a portion of C, and D are proposed for redevelopment. Land Unit F includes existing non-residential uses that are included in this parking reduction request. Land Units A and C are generally located south of the North Shore Drive/Village Road intersection and to the north of Lake Anne. Land Unit D is located south of Baron Cameron Avenue, east of Village Road, and north of North Shore Drive.

The Lake Anne Village Center redevelopment site consists of multiple properties identified as 2014 Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)) common elements pt. and a portion of Village Road to be vacated/abandoned. The parcels

Transportation Consultants
INNOVATION + SOLUTIONS

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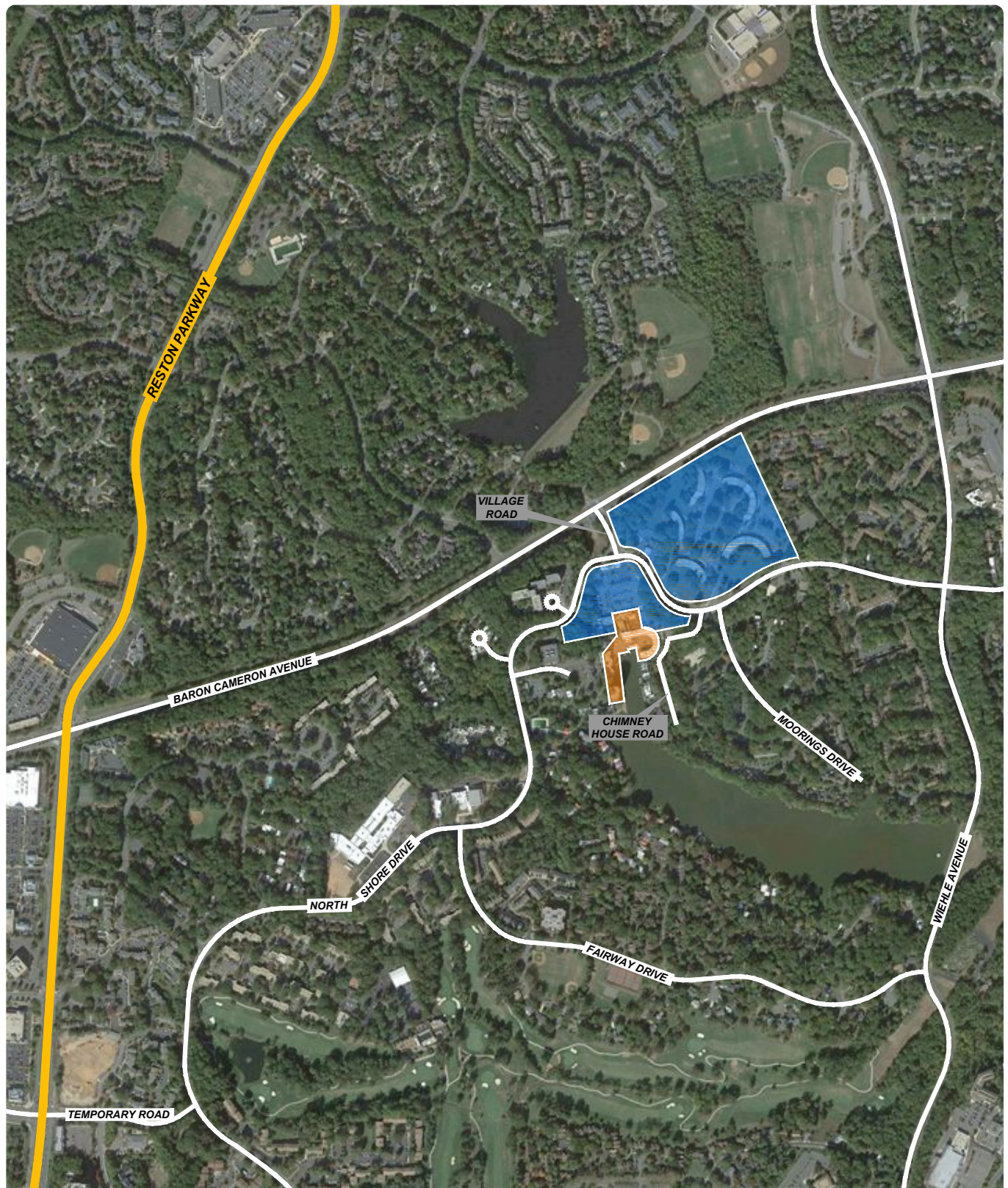




Figure 1
Site Location Map

-  Site Area (PRC Plan)
-  Site Area (Existing Non-Residential Uses)



North

Lake Anne Village Center Land Units and the Lake Anne Village Center Historic Overlay District

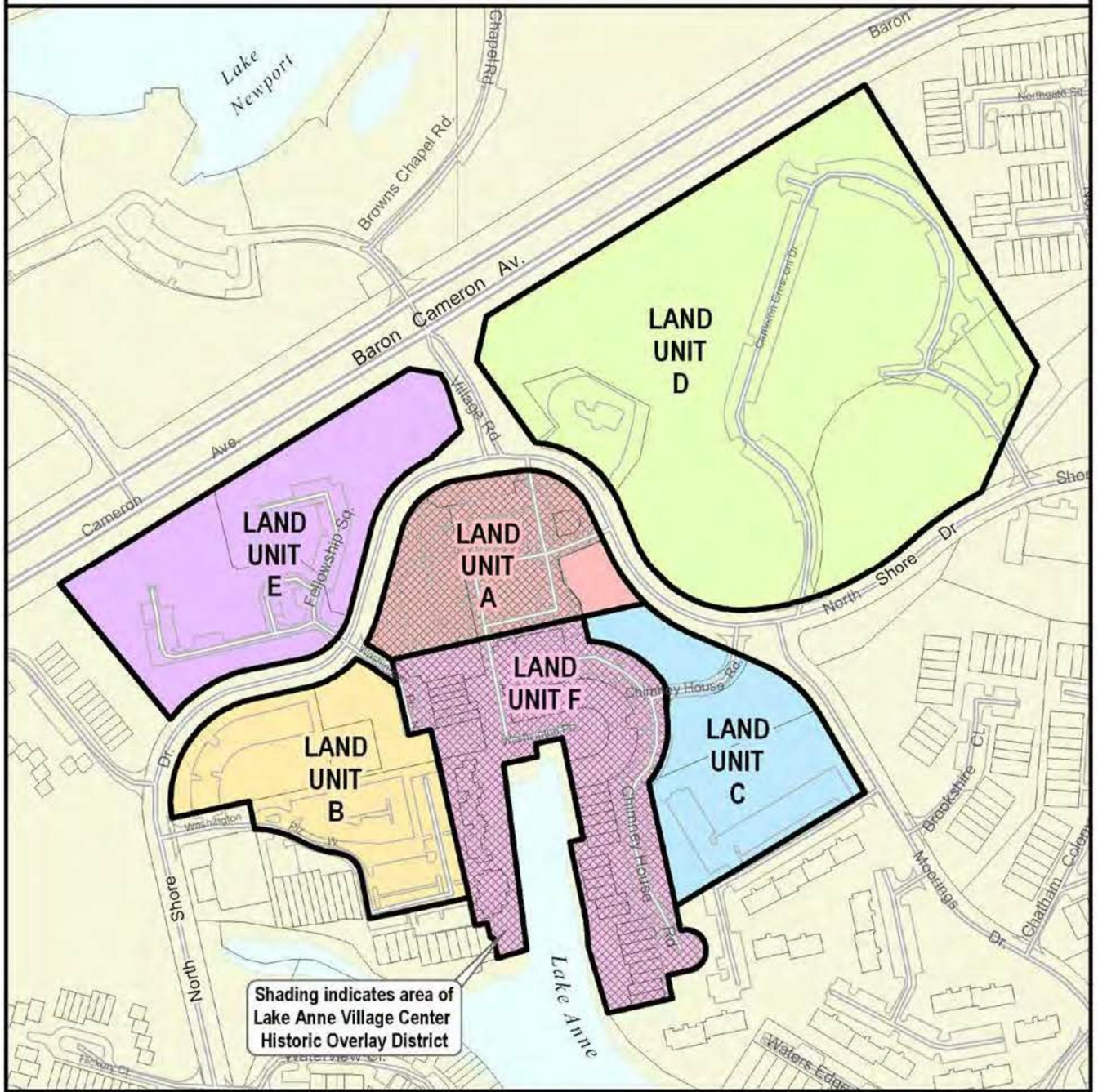


Figure 2
Existing Land Bays





total approximately 24.3 acres and are all zoned PRC (Planned Residential Commercial). The overall PRC Plan for the redevelopment area is shown on Figure 3. The existing Lake Anne Village Center retail and church use that are outside of the PRC Plan application area but included in the parking reduction request are identified as 2014 Tax Map Parcels 17-2 ((31)) 1591A, 1591B, 1609B, 1600, 1611, 1612, 1613, 1625, 1641, and 1656; 17-2 ((6)) (E) 1 thru 6; 17-2 ((5)) 6D; 17-2 ((31)) (11) 11400, 11404, and 11440.

Sources of data for this analysis include, but are not limited to, the files and library of Wells+Associates, Inc., Republic Land Development LLC, Renaissance Centro, Community Preservation Development Corporation, Hickok Cole Architects, Carvalho & Good PLLC, Grimm+Parker Architects Inc, Dewberry Consultants LLC, Walsh, Colucci, Lubeley & Walsh, P.C., Fairfax County, and the Urban Land Institute's (ULI) Shared Parking methodologies.

BACKGROUND

Overview. The Lake Anne Village Center was the first part of Reston to be developed and is centered on Washington Plaza, which is adjacent to Lake Anne at its northern end. The area surrounding Washington Plaza was designated as the Lake Anne Village Center Historic Overlay District in 1984 in recognition of its significance in the community as Reston's original Village Center and to ensure the preservation of this historic and architectural landmark. The Board of Supervisors designated Lake Anne as a Commercial Revitalization Area in 1998 with the intent of stimulating reinvestment in existing businesses and encouraging redevelopment as appropriate. The Village Center is divided into six land units (A through F). Land units A, a portion of C, and D would be consolidated by the proposed redevelopment plan.

The goals for the Lake Anne Village Center are to create opportunities to:

1. Foster residential, office and community-enhancing retail and entertainment uses that will provide a more vital village center environment;
2. Support the long-term economic viability of the business community; and,
3. Protect and enhance the historic and architectural quality of Washington Plaza and retain the village character of an expanded village center. The proposal prepared by the Applicant for redevelopment of the Lake Anne Village Center was selected for award based on the degree to which these goals were met.

Specific planning objectives to help achieve these goals in the Village Center include, but are not limited to the following:

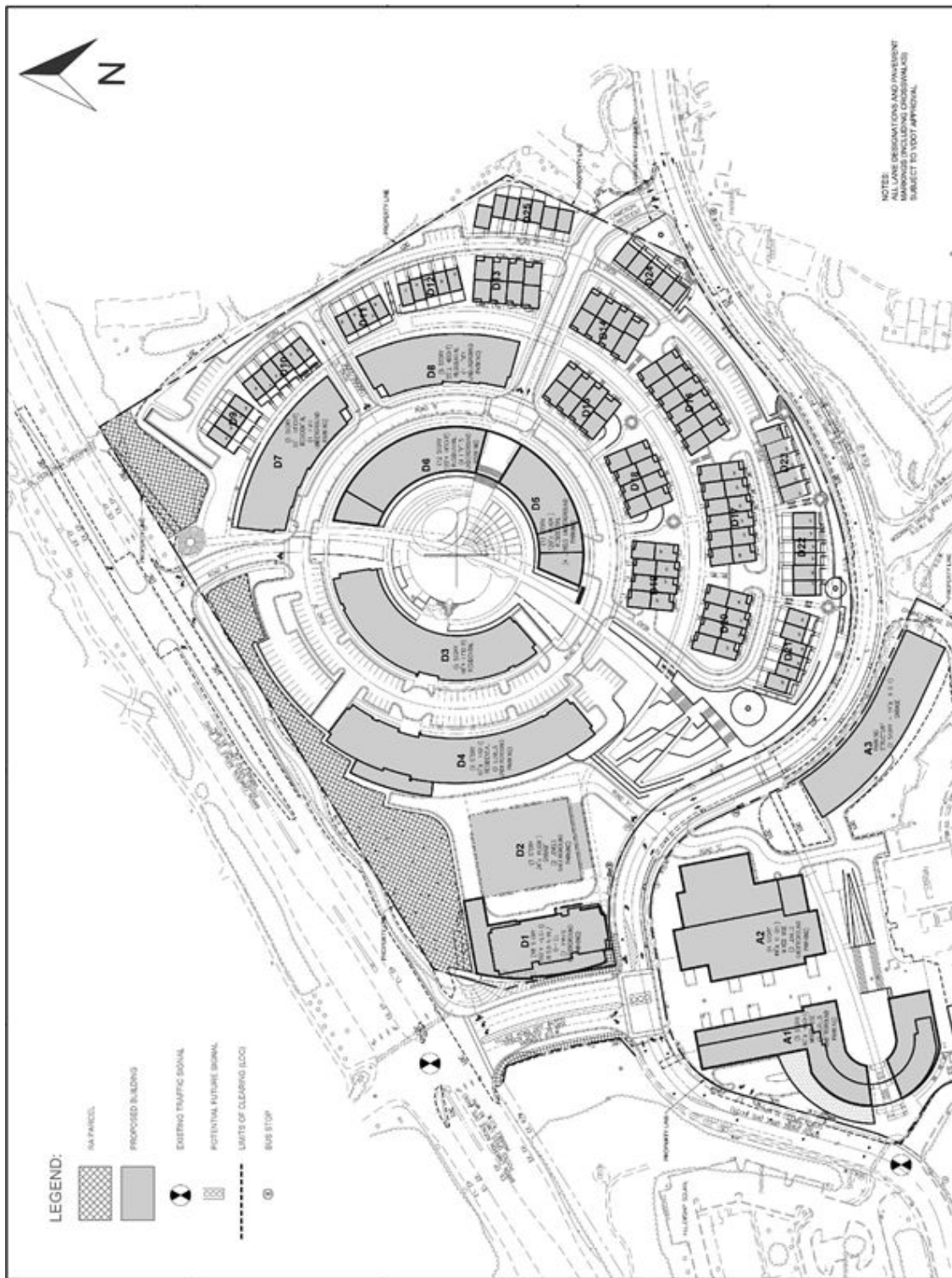


Figure 3
Overall PRC Plan





1. Promote a vibrant community where people can live, play and work;
2. Encourage development that complements rather than competes with existing development;
3. Ensure diverse housing options such as senior, workforce, affordable housing;
4. Enhance bicycle and pedestrian connections; and
5. Improve the visibility of Lake Anne Village Center and Washington Plaza from Village Road and Baron Cameron Avenue.

To those ends, the Plan's preferred approach for redevelopment of the Lake Anne Village Center is through the coordinated redevelopment of Land Units A, D and E. This would include consolidation of the Washington Plaza surface parking lot (Land Unit A); the Crescent apartment property and the gas station (Land Unit D) and the Fellowship House property (Land Unit E). In addition, parcels in Land Units B and C may be considered for inclusion in a consolidation effort.

Site Specific Land Use. The baseline Plan recommendations for Land Unit A are for a mix of uses with a neighborhood serving retail component up to a 0.25 FAR and office and residential components in addition to the retail. The Plan does provide for a redevelopment option under certain conditions if the parking area is redeveloped independently. Under this option, the total amount of development allowed is 235,000 GSF of which 85,000 GSF is non-residential uses and 150,000 GSF is residential. A second option (the "*full consolidation option*"), recommends a residential component and non-residential components including retail, civic, office and other complementary uses with a maximum development area of 315,000 square feet. Of this, 210,000 square feet would be residential and 105,000 would be non-residential.

Land Unit C. This land unit is located on the south side of North Shore Drive, immediately to the east of Washington Plaza. The baseline Plan recommendations for this Land Unit are medium and high density residential uses and community facilities as set forth on the Reston Master Plan. Like Land Unit A, Land Unit C also has a redevelopment option recommendation. The redevelopment option recommendation language for Land Unit C proposes no more than 100 multifamily dwelling units, as well as usable open space and tree preservation to the greatest extent possible.

Land Unit D. Land Unit D is located south of Baron Cameron Avenue, north of North Shore Drive and east of Village Road. The property is currently developed with the Crescent apartments (±181 units) and a service station. The baseline Plan



recommendations for Land Unit D specify high and medium density residential development. The area of the gas station is considered part of the Village Center. A

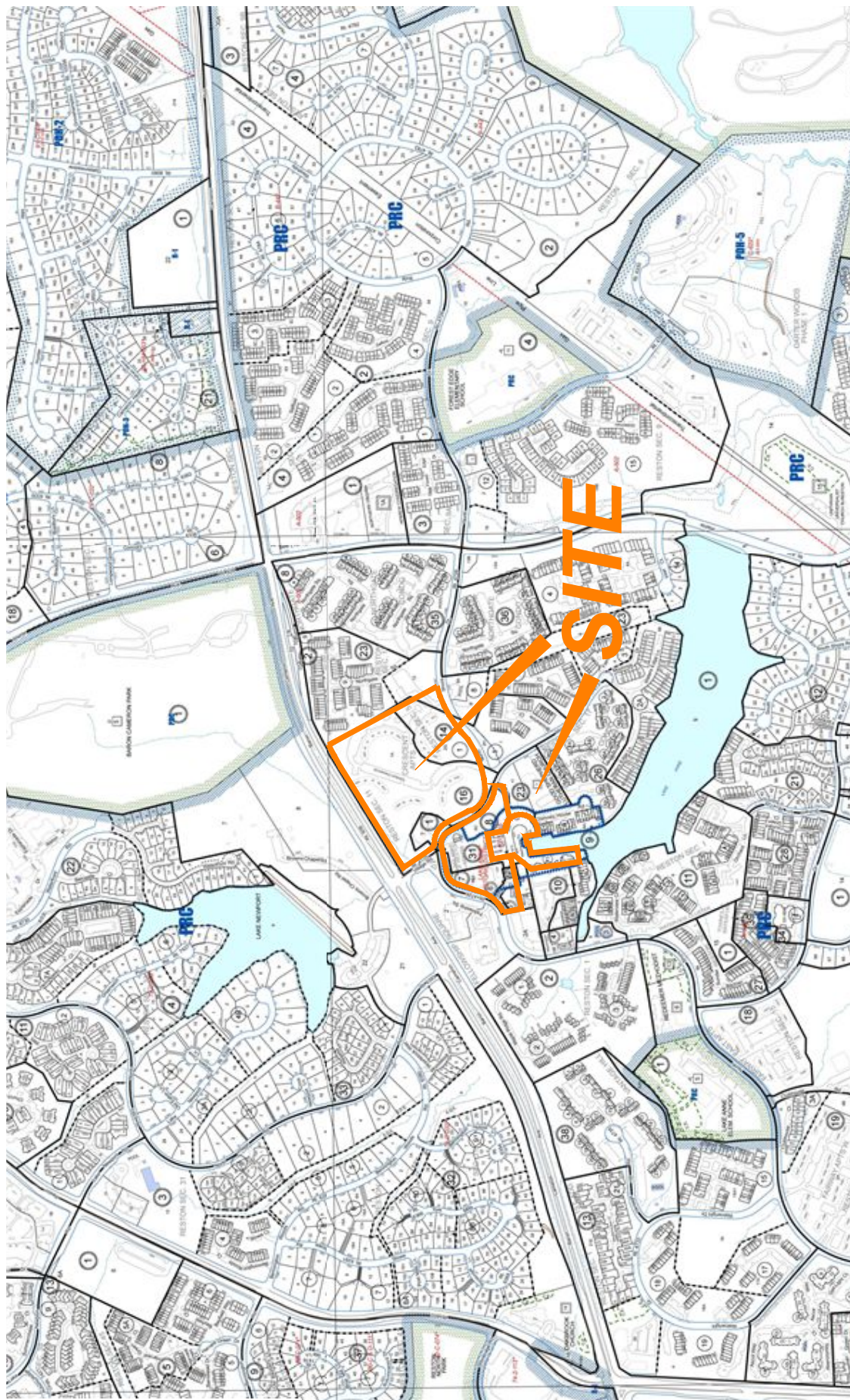
redevelopment option for Land Unit D recommends no more than 902,000 square feet of development area consisting of up to 750 multifamily dwelling units and 2,000 square feet of complementary non-residential uses. In addition, a “full consolidation option” may be achieved if all of Land Units A, D and E are consolidated. The total amount of development permitted by this option is 1,126,000 GSF. The proposed redevelopment plan proposes additional non-residential density within Land Unit D, some of which would be transferred from Land Unit A which is proposed to be developed at a lower density than what is allowed.

A copy of the adopted Plan language is provided in Attachment II. It should be noted however that in order to facilitate the redevelopment as proposed by the Applicant, an out-of-turn Plan Amendment was authorized by the Board of Supervisors on September 10th, 2013. A copy of the Board’s authorization is also included in Attachment III.

The Lake Anne Village Center site is currently zoned Planned Residential Community (PRC). The PRC District regulations are designed to permit a greater amount of flexibility by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to developers to achieve excellence in physical, social and economic planning. Permitted uses generally include residential and recreational uses; however, areas may be designated as Neighborhood Convenience Centers, Village Centers, Town Centers, or Convention/Conference Centers which allow for increased retail and office uses.

The portion of the site located south of North Shore Drive is part of the Lake Anne Village Center Historic Overlay District (HOD) and as such is subject to the Lake Anne HOD Design Guidelines. The Lake Anne HOD is unique among Fairfax County Historic Overlay Districts. Instead of being a composition of landmarks which have evolved over time, Lake Anne Village Center was designed and built at one time. Thus, the standards and guidelines are concerned with preserving the as-built character of the existing structures, urban design relationships, and landscape design rather than new construction.

Adjacent Development. The site is bordered on all sides by areas zoned PRC. The neighboring parcels to the east are developed with exclusively residential uses. Parcels to the west and south are developed with a mix of uses including residential, retail, and office. To the north, the site is bordered by Baron Cameron Avenue, Brown’s Chapel Church and Baron Cameron Park. Figure 4 also displays the existing zoning designations for the surrounding parcels.



Source: Fairfax County

Figure 4
Existing Zoning Map





STUDY METHODOLOGY

Overview. The Applicant, Lake Anne Village Partners, LLC, proposes to redevelop the existing Crescent apartment site, as well as the Washington Plaza surface parking lot with a mix of new residential, office and/or retail uses. The proposed redevelopment meets the goals and objectives of the County's Comprehensive Plan for Lake Anne as outlined above. As reflected on the Applicant's PRC plan (see Figure 3) the existing Crescent apartments will be razed and a new mix of residential unit types will be constructed including multifamily high-rise units, age-restricted units and townhomes. In addition, the existing service station located to the east of the Crescent site will also be razed and a new vertically integrated building will be constructed to include an approximate 15,800 GSF grocery store and new office uses. On the Washington Plaza surface lot an extension to the existing plaza will be constructed along with a mix of new office/retail space and residential apartments. A full size copy of the PRC/PCA plan is provided as Attachment IV.

In order to facilitate the redevelopment of the Village Center, a parking reduction is needed. A single shared parking reduction was initially explored to encompass the entire site. Upon further review, the following key challenges precluded this option:

- The East Side area (Buildings Areas D3 through D25) which includes approximately 770 dwelling units is separated from the rest of the project by topographic challenges evidenced by a distinct difference in grade (approximately 30 feet or more from north to south). North Shore Drive also provides an additional physical boundary. These barriers inherently divide the project and create a challenge to shared parking across the entire project.
- It was deemed infeasible to conveniently serve the non-residential uses within the higher grade residential areas while at the same time securing spaces for residents to use.
- In order for the established non-residential uses to remain fiscally viable, there was a desire to separate a significant portion of the residential parking supply from the established and planned non-residential uses.

The parking reduction request presented herein, therefore includes two (2) separate parking reductions (the East and West Sides,) which are distinct due to the reasons above. Figure 5 delineates the properties that comprise each side.

The West Side. The area designated as the West Side is primarily located south of North Shore Drive; a portion of the West Side is also located north of North Shore Drive and east of Village Road. The West Side is sited at the lowest elevation within the application area and is predominately comprised of existing commercial uses.

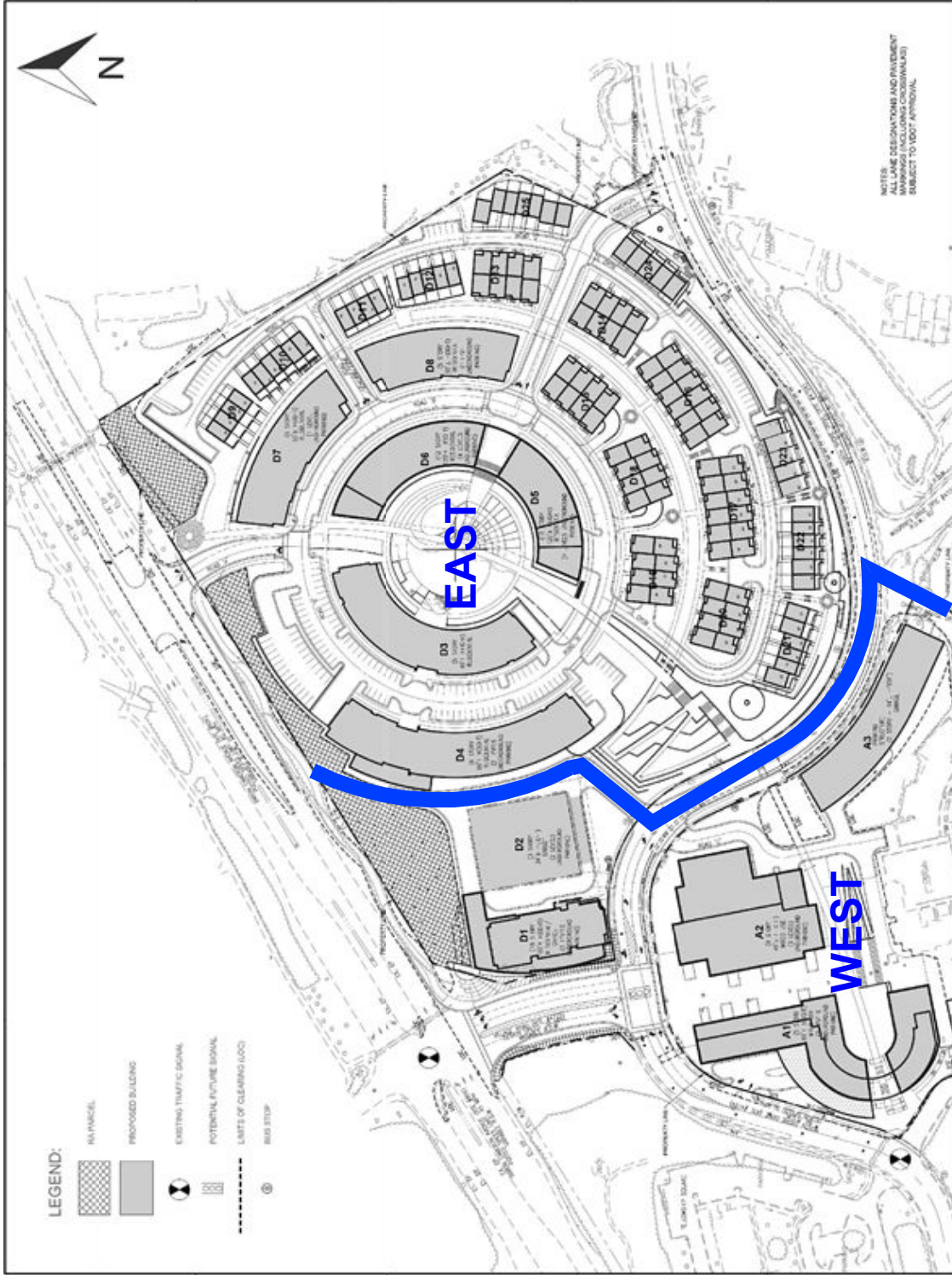


Figure 5
PRC Plan (East and West Sides)





With the redevelopment as proposed, new office and residential uses will be incorporated into the West Side as follows:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]
 - 406 table seats
 - 46 counter seats
 - 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

The parking reduction request for the West Side is based on a “Shared Parking” analysis that evaluates all the commercial and residential uses proposed within new Buildings A1, A2, and D1. It also includes the existing commercial and institutional uses to remain. A **“Shared Parking” reduction of 19.5% (or 249 fewer parking spaces)** for a total of 1,031 parking spaces is requested to serve the West Side mix of uses where 643 spaces are shared parking spaces (non-residential and resident visitor spaces) and 388 spaces are reserved for residents.

The East Side. The East Side is sited at a higher elevation than the rest of the property and encompasses the Crescent apartment property. The East Side is located on the north side of North Shore Drive. With its redevelopment, the site will include a mix of residential uses as follows:

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)

The parking reduction request for the East Side is based on a “Transportation Demand Management” parking reduction request that evaluates all the new residential uses within new Buildings D3, D4, D6, D7, D8, and new single-family detached uses (Buildings D9 through D25). A “Transportation Demand Management” parking reduction of 16.7% (228 fewer parking spaces) for a total of 1,136 parking spaces is requested to serve the new East Side residential uses.

The minimum number of parking spaces on-site, at full build out of the East and West Sides would therefore total 2,167 spaces with approval of the requested reductions resulting in an overall site reduction of 18.0% from code. The overall parking tabulation summary is presented on Table 1.

Table 1
Lake Anne Village Center
Lake Anne Parking Tabulation Summary

Area	Land Use	Land Unit-Building	Amount	Unit	Article 11 - Parking Rates	Required Spaces	ULI Shared Parking Reduction Model	Proposed Required Spaces	Percent Reduction from Article 11
WEST	Office (New)	A1	17,730	GFA	3.6 Spaces/1,000 GFA	281	Includes all non-residential uses with residential parking spaces. Calculated based on 0.15 Spaces/DU and ULI 2nd Ed. Shared Parking methodologies	643	
		A2	30,230	GFA					
		A1, A2, D1	77,980	GFA					
	Retail (New)	A1	28,543	GFA	4.0 Spaces/1,000 GFA	388			
		A2	13,870	GFA					
		A1, A2, D1	15,800	GFA					
	Retail (Existing) ⁽¹⁾	F	58,213	GFA	1.0 Spaces/2 employees	33			
		F	38,973	GFA					
	Place of Worship (Existing) ⁽¹⁾	F	36,792	GFA	1.0 Spaces/4 seats	25			
		F	6,500	GFA					
	Eating Establishment (Existing) ⁽¹⁾	F	12,880	GFA	1.0 Spaces/4 table seats 1.0 Spaces/2 counter seats 1.0 Spaces/2 employees	102			
		F	406	Seats					
		F	46	Seats					
Residential-Multi Family (New)	A1	DU	54	1.6 Spaces/DU - 1.45 Spaces/DU = 388 resident spaces - 0.15 Spaces/DU = 40 visitor spaces Total - Article 11 Requirement	428	1,45 Spaces/DU (excludes visitors per above)	388	19.5% (249) Spaces	
		DU	48						
		DU	165						
	A1, A2, D1	267	DU	1,280	1,031	50 Spaces			
Area	Land Use	Land Unit-Building	Amount	Unit	Article 11 - Parking Rates	Required Spaces	TDM Parking Reduction Rates	Proposed Required Spaces	
EAST	Residential-Multi Family - Replacement Affordable Dwelling Units (New) Residential-Multi Family (New) Residential-Single Family Attached (New)	D3, D4 D5, D6 D7, D8 D9 - D25	185	DU	1.6 Spaces/DU 1.6 Spaces/DU 2.7 Spaces/DU Total	298	1.35 Spaces/DU 1.35 Spaces/DU 2.15 Spaces/DU 1.35 Spaces/DU Total	259	15.6% 15.6% 20.4% 16.7% (228) Spaces
			310	DU					
			120	DU					
			770	DU					
									5 Spaces

Area	Land Use	Land Unit-Building	Amount	Unit	Article 11 - Parking Rates	Required Spaces	Parking Reduction Rates	Proposed Required Spaces
EAST + WEST	Office (New)	A1 A2 D1	17,730 GFA 30,230 GFA 39,860 GFA 77,880 GFA	GFA GFA GFA	3.6 Spaces/1,000 GFA	281		
	Retail (New)	A1 A2 D1	28,543 GFA 13,870 GFA 15,980 GFA 58,393 GFA	GFA GFA GFA	4.0 Spaces/1,000 GFA	388	Includes all non-residential uses with residential visitors where A2, A2, D1 residential visitors based on 0.15 Spaces/DU and U.I. 2nd Ed. Shared Parking methodologies	643
	Retail (Existing) ⁽ⁿ⁾	F	38,579 GFA 98,792	GFA				
	Place of Worship (Existing) ⁽ⁿ⁾	F	6,500 GFA 100 Seats	GFA Seats	1.0 Space/4 seats	25		
	Eating Establishment (Existing) ⁽ⁿ⁾	F	12,860 GFA 408 Seats 48 Employees	GFA Seats Employees	1.0 Space/4 table seats 1.0 Space/2 counter seats 1.0 Space/2 employees	102 23 33		
	Residential-Multi Family (New) Residential-Multi Family - Replacement Affordable Dwelling Units (New) Residential-Multi Family (New) Residential-Single Family Attached (New)	A1 A2 D1 A1, A2, D1 D3, D4 D5, D6 D7, D8 D9 - D25	54 DU 161 DU 185 DU 267 DU 185 DU 310 DU 155 DU 207 DU 1382 DU 1,037 DU	DU DU DU DU DU DU DU DU DU	1.6 Spaces/DU 1.6 Spaces/DU 1.6 Spaces/DU 1.6 Spaces/DU 1.6 Spaces/DU 1.6 Spaces/DU 1.6 Spaces/DU 1.6 Spaces/DU 1.6 Spaces/DU Total	428 445 286 486 248 248 352 352 258 2,644	428 445 Spaces/DU (excludes visitors per above) 286 486 248 248 352 352 258 2,167	388 250 419 208 208 258 2,167
								18.0% (477) Spaces
							Proposed Parking Supply with TDM Red. 1,037 (WEST Supply) + 1,147 (EAST Supply)	55 Space
							Parking Requirement without TDM red. (2) 1,037 (WEST Res.) + 1,364 (EAST Core)	2,395 9.4% (249) Spaces

Note(s):

- (1) Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship + 57,939 GFA), comprised of:
- 38,579 GFA of Shopping Center Retail (51,439 GFA - 12,860 GFA = 38,579 GFA)
- 6,500 GFA of Other establishments (including food) totaling non-residential area (61,439 GFA - 25% = 12,860 GFA) is an existing establishment.
- 6,500 GFA of existing non-residential area (100% of the existing FPC = 6,500 GFA)
- (2) Need to show provision for 173 spaces (TDM not successful (2,395 - 2,222 = 173))



PART I – SHARED PARKING ANALYSIS (WEST SIDE)

Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (square feet of shopping center space, for example). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. Off-street parking may serve two or more uses; however, in such case, the total number of spaces must equal the sum of the spaces required for each separate use except that the Board [of Supervisors] may reduce the total number of parking spaces required to serve two or more uses by reason of the hourly parking accumulation characteristics of such uses (Section 11-102.4.B). A copy of the relevant Ordinance text is provided herein as Attachment V.

Article 11, Sections 11-103 and 11-104 of the Ordinance outlines the parking requirements for the following types of uses found in the West Side:

Office:	"50,000 square feet of gross floor area or less: Three and six-tenths (3.6) spaces per 1000 square feet of gross floor area"
Shopping Center:	"Greater than 100,000 but equal to or less than 400,000 square feet of gross floor area: Four (4) spaces per 1000 square feet of gross floor area"
Eating Establishments:	"One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables, and/or one (1) space per two (2) seats plus one (1) space per two (2) employees where seating is at a counter"
Place of Worship	"One (1) space per four (4) seats in the principal place of worship"
Dwelling, Multiple Family:	"One and six-tenths (1.6) spaces per unit"

Build out of the West Side of the Lake Anne Village Center would consist of the following non-residential and residential mix of uses:



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- 77,960 GFA of office space (new) [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center retail (58,213 GFA new + 38,579 GFA existing) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA of place of worship space (existing), served by: [Land Unit F]
 - 100 seats
- 12,860 GFA of eating establishment space (existing), served by: [Land Unit F]
 - 406 table seats
 - 46 counter seats
 - 65 employees
- 267 multi-family dwelling units (DUs) (new) [A1, A2, and D1]

As stated above and reflected on Table 2, based on a strict application of the Zoning Ordinance, a total of 1,280 parking spaces would be required to accommodate the parking demand associated with full build out of the proposed West Side mix of uses.

Shared Parking Concept

The Urban Land Institute (ULI) publication Shared Parking, 2nd edition has established a model and methodology for determining parking demand for various types of development. This methodology is especially useful in cases such as for the Lake Anne Village Center, where a single parking space may be used for office, shopping center uses, place of worship, eating establishments, and visitors to the on-site (west side) residents. Because each land use within a development may experience a peak parking demand at different times of day, or different months of the year, relative to the other land uses on-site, the actual peak parking demand of the subject development may be less than if the peak parking demand of each land use was considered separately. For example, a sit-down restaurant (a.k.a. an eating establishment) tends to experience peak parking demand during the evening hours, while shopping center and office uses experience peak demand just after the noon hour. Residential visitors, in general, experience peak parking demands in the late evening hours while a place of worship typically peaks on a Sunday.

Shared Parking Analysis: Fairfax County Parking Requirements

The Fairfax County Zoning Ordinance, Article 11-102(4), provides an opportunity for approval of a parking reduction due to “shared parking” resulting from different peak hours for uses comprising a mixed-use scenario. According to data compiled by

Table 2

Lake Anne Village Center

WEST SIDE - Fairfax County Ordinance Parking Requirement Summary with ULI Inputs for Shared Parking (2) (3) (4) (5) (6) (7)

Area	Land Use	Land Unit-Building	Amount	Unit	Article 11 - Parking Rates	Article 11 - Required Spaces	ULI Inputs for Shared Parking Customer/ Visitor	Employee
WEST	Office (New)	A1	17,730					
		A2	30,230					
		D1	<u>30,000</u>	GFA	3.6 Spaces/1,000 GFA	281	21	260
	Retail (New)	A1	28,543					
		A2	13,870					
		D1	<u>15,800</u>	GFA				
	Retail (Existing) (1)	F	58,213	GFA				
			<u>38,579</u>	GFA	4.0 Spaces/1,000 GFA	388	313	75
			96,792	GFA				
	Place of Worship (Existing) (1)	F	6,500	GFA				
	Eating Establishment (Existing) (1)		100	Seats	1.0 Space/4 seats	25	20	5
			12,860	GFA				
			406	Seats	1.0 Space/4 table seats	102	102	
			46	Seats	1.0 Space/2 counter seats	23	23	
	Residential-Multi Family (New)		65	Employees	1.0 Space/2 employees	33		33
		A1	54	DU	1.6 Spaces/DU			
		A2	48	DU	- 1.45 Spaces/DU = 388 resident spaces			
		D1	165	DU	- 0.15 Spaces/DU = 40 visitor spaces			
			<u>267</u>	DU		<u>428</u>	40	
					Fairfax County Code Requirement	1,280		

Note(s):

(1) Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:

- 38,579 GFA of Shopping Center Retail (51,439 GFA - 12,860 GFA = 38,579 GFA)

- 12,860 GFA of eating establishment (non-fast food) assuming 25% of total existing non-residential area (51,439 GFA x 25% = 12,860 GFA) is an eating establishment.

- 6,500 GFA of existing church space with 100 seats per FX Co street files.

(2) GFA = Gross Floor Area

(3) DU = Dwelling Unit

(4) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.

(5) ULI input breakdown for "Customer/Visitor" and "Employee" for office, retail, and residential based on the Urban Land Institute (ULI) publication Shared Parking, 2nd Edition.

(6) ULI input breakdown for "Customer/Visitor" and "Employee" for eating establishment based on the County's ordinance breakdown between seats (customers) and employees.

(7) ULI input breakdown for "Customer/Visitor" and "Employee" for Place of Worship was based on an assumption that 80% of church required spaces are for visitors and 20% for employees.



ULI, the peak parking demand associated with office, shopping centers, eating establishments/restaurants, places of worship, and residential visitors typically occurs at different times. Therefore, a shared parking scenario can be applied to the proposed uses due to variations in the hours of peak parking demand.

Paragraph 4 of the Zoning Ordinance states in part that:

“Required off-street parking spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Director.

The amount of such combined space shall equal the sum of the amounts required for the separate uses, except... (b) that the Board may reduce the total number of parking spaces required by strict application of said requirements when it can be determined that the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses.”

ULI provides base weekday and weekend hourly parking accumulations for individual land uses for the purpose of establishing a base peak parking demand. For

purposes of this study, the Fairfax County parking rates were applied to the ULI parking model to be consistent with County parking requirements. As Table 2 indicates, when each land use is considered separately, a maximum of 1,280 parking spaces are required for full build out of the West Side.

The ULI model applies various hourly, monthly and weekday/weekend adjustment factors to the parking demands of each land use. For informational purposes, these adjustment factor tables are provided in Attachment VI. Based on the monthly and weekday adjustment calculations, the model establishes a peak demand hour and month during which the proposed new development’s parking requirements would be at their highest.

Residential Visitors. Due to the complimentary peak demand for residential visitor spaces (late evening and weekends) as compared to the non-residential uses (mid-weekday), the residential visitor spaces were incorporated into the shared parking model. The County minimum parking requirement for multifamily DUs is 1.6 spaces per DU or 428 spaces for the proposed 267 DUs within the West Side area. According to ULI, the total residential visitor parking demand is 0.15 spaces per DU or 40 spaces for the proposed 267 DUs. This would provide the remaining 1.45 spaces per DU (out of 1.6 spaces per DU) to be allocated to on-site residents. Therefore, approximately 40 residential visitor parking spaces ($0.15 \times 267 = 40$) and 388 resident spaces ($1.45 \times 267 = 388$) would be required, absent any reductions. In



the interest of separating the residential visitor spaces from the resident spaces, the residential visitor spaces were incorporated into the shared parking model while the resident spaces were restricted to residents only. At the time of site plan submission, details will be provided on how the West Side resident parking areas will be segregated from the shared parking spaces within respective West Side parking garages.

Captive Market (or Synergy). Certain land use relationships, specifically in mixed-use projects, produce greater reductions in parking demand, exceeding those accounted for by virtue of complementary hours of peak demand as outlined above. According to ULI, there are two major types of “market synergy” possible in mixed-use developments:

1. On-site market support (i.e., office employees and on-site/nearby residential uses who would utilize shopping center uses in the development)
2. Improved market image and penetration (associated with the unique or prestigious environment of the development)

Shopping center. The reduction of shopping center trips would be primarily associated with shopping center patrons that originate from the total planned 1,037 on-site residential dwelling units that will be subject to extensive Transportation Demand Management (TDM) proffered programs to reduce trips and manage parking. Additional shopping center trip reductions would also be associated with other nearby residential uses, on-site restaurant/eating establishment uses, and the planned office uses.

Restaurants/Eating Establishments. The reduction in restaurant/ eating establishment trips would be primarily associated with the customers captured from the nearby office, shopping center retail, and residential uses. According to the 2005 Development-Related Ridership Survey prepared for the Washington Metropolitan Area Transit Authority (WMATA), the average captive market for patrons arriving to retail sites based solely on walking/bicycle trips was up to 27% (see Attachment VII). Based on the areawide residential uses (existing/ proposed) and the proposed on-site office development; a captive market adjustment was limited to 15% in the ULI model for the shopping center retail and eating establishment uses.

Non-Auto Mode-Adjustment (or TDM). A Transportation Demand Management (TDM) program would provide additional reduction opportunities for the office, retail, and restaurant employees and well as residents and their visitors. A TDM program would decrease reliance on the personal automobile, which would reduce the number of parking spaces a project would need to supply. This is typically achieved by encouraging the use of transit, ridesharing, bicycling, and walking. TDM



is a general term for strategies that result in more efficient use of transportation resources. There are many different TDM strategies with a variety of impacts. Some improve the transportation options available to consumers, while others provide an incentive to choose more efficient travel patterns. Some reduce the need for physical travel through mobility substitutes or more efficient land use. TDM strategies can change travel timing, route, destination, or mode. The draft TDM proffers for the project have been coordinated with FCDOT staff to establish a peak hour trip reduction goal of 25% (see Attachment VIII).

According to the ULI 2nd Edition *Shared Parking* methodologies, parking demand factors should be adjusted to reflect the modes of transportation used. For projects in areas where transit may be used by patrons, the adjustment for mode adjustment may be significant. Based on draft proffered TDM commitments, the shared parking model incorporated an appropriate mode adjustment of 25% for only those employees serving the non-residential uses (office, retail, and restaurants). It should be noted however that the parking reduction request for the West Side is not based on a transportation demand management program, but on complementary hour of demand (shared parking).

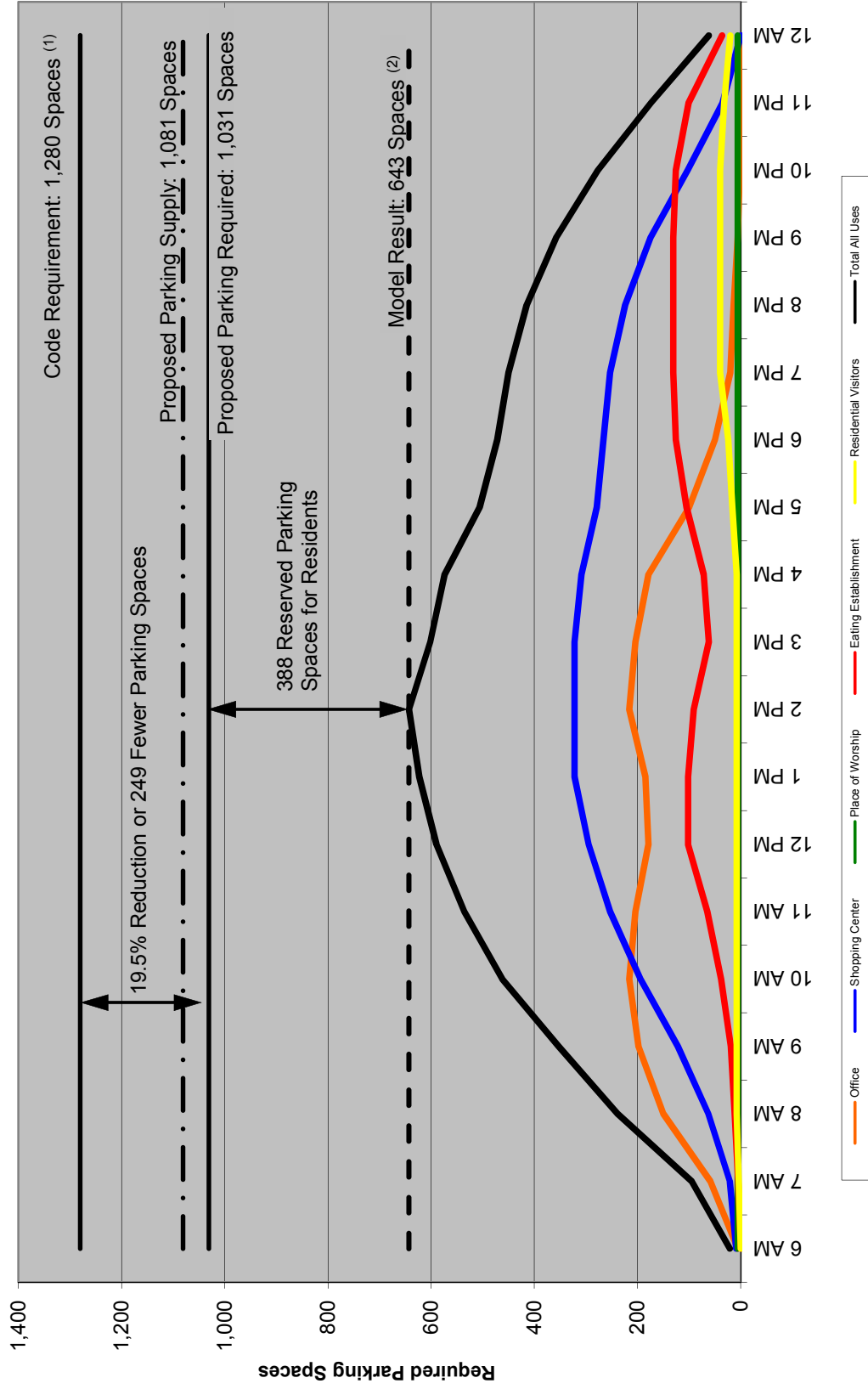
Shared Parking Model Results

The ULI 2nd edition shared parking model results are based on the ULI inputs shown on Table 2 which are based on the County's Article 11 minimum parking requirements, the sharing of residential visitor spaces with the non-residential uses, appropriate non-captive/mode adjustment ratios, and the baseline resident parking requirement of 1.45 spaces per DU. The shared parking results including the resident parking is shown graphically on Figure 6. As summarized in Table 3, a total peak shared parking demand of 643 parking spaces is realized for full build out of the West Side area with the application of ULI's hourly, monthly, and weekday/weekend adjustment factors.

Parking Provided (West Side)

Based on the full size PRC plan provided as Attachment IV, approximately 1,081 parking spaces are proposed to be provided within the West Side area in a combination of various structured garages (see Table 4).

Figure 6
ULI Shared Parking Model Results (Weekday)



(1) Required spaces based on strict application of Fairfax County Zoning Ordinance requirements.

(2) Required spaces based on Fairfax County Zoning Ordinance requirements, and by applying ULI methodologies.

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Manassas, Virginia

Table 3
Lake Anne Village Center
WEST SIDE - Proposed Shared Parking Requirement Summary (2) (3) (4)

Area	Land Use	Land Unit-Building	Amount	Unit	ULI Shared Parking Reduction Reduction Model (5)	Required Spaces
WEST	Office (New)	A1 A2 D1	17,730	GFA	Includes all non-residential uses with residential visitors where (A-2, A-2, D-1 residential visitors) based on 0.15 Spaces/ DU, and ULI 2nd Ed. Shared Parking methodologies	643
			30,230	GFA		
			30,000	GFA		
	77,960	GFA				
	Retail (New)	A1 A2 D1	28,543			
			13,870			
			15,800			
	Retail (Existing) (1)	F	58,213	GFA		
			38,579	GFA		
			96,792	GFA		
	Place of Worship (Existing) (1)	F	6,500	GFA	1.45 Spaces/DU (excludes visitors per above)	388
	Eating Establishment (Existing) (1)	F	100	Seats		
			12,860	GFA		
			406	Seats		
	Residential-Multi Family (New)	A1 A2 D1	46	Seats		
			65	Employees		
			54	DU		
48			DU			
165			DU			
			267	DU		
					Fairfax County Code Requirement Reduction from Code Requirement % Reduction from Code Requirement	1,280 249 19.5%

Note(s):

- (1) Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:
 - 38,579 GFA of Shopping Center Retail (51,439 GFA - 12,860 GFA = 38,579 GFA)
 - 12,860 GFA of eating establishment (non-fast food) assuming 25% of total existing non-residential area (51,439 GFA x 25% = 12,860 GFA) is an eating establishment.
 - 6,500 GFA of existing church space with 100 seats per FX Co street files.
- (2) GFA = Gross Floor Area
- (3) DU = Dwelling Unit
- (4) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.
- (5) "Shared Parking" based on the Urban Land Institute (ULI) publication Shared Parking, 2nd Edition.
 - ULI Model includes a 15% internal captive ratio adjustment for shopping center retail and eating establishment customers.
 - ULI Model includes a 25% mode adjustment for employees serving the office, shopping center retail, and eating establishment customers.

Table 4
Lake Anne Village Center
Proposed Parking Supply WEST and EAST SIDES

Location	Spaces
WEST SIDE PARKING SUPPLY	
Building A1 Garage	210
Building A2 Garage	366
Building A3 Garage	120
Building D1 Garage	232
Building D2 Garage	<u>153</u>
WEST SIDE TOTAL	1,081
EAST SIDE PARKING SUPPLY	
Buildings D3/D4 Garage	250
Buildings D5/D6 Garage	385
Buildings D7/D8 Garage	210
Townhome (Traditional)	96
Townhome (Hybrid)	144
Area D - Surface Spaces	<u>56</u>
EAST SIDE TOTAL	1,141
TOTAL PARKING SUPPLY (WEST + EAST SIDES)	2,222



Requested Parking Reduction (West Side)

Accounting for the shared parking model results (643 spaces) and the remaining resident only parking (1.45 spaces/DU or 388 spaces when excluding visitors), a total of 1,031 parking spaces (643+388=1,031) would be required to meet the parking demand associated with the West Side area. This equates to 249 fewer spaces when compared to strict application of the County's Zoning Ordinance or an overall 19.5% percent reduction. The overall parking summary tabulation summary is shown on Table 1.

Future Flexibility

The Applicant would like to request a condition within those imposed by the Board to accommodate future potential changes in market conditions between shopping center retail and restaurant/eating establishments. A minimum percent parking reduction would reflect the instance where all, or a portion of, the allowable eating establishment space would be converted to shopping center retail. Shopping center retail space requires less parking per square foot (4 spaces/1,000 GFA) when compared to eating establishments (± 12 spaces/1,000 GFA). Therefore converting uses from eating establishment to shopping center retail would result in a reduced parking demand.

Under strict application of the County's Article 11 parking requirement, the project as currently proposed would require 1,173 spaces if all the allowable eating establishments were converted to shopping center retail. As summarized in Table 5, while the project would still adhere to maintaining a minimum of 1,031 spaces per the maximum 19.5% request noted above, the percent reduction in such instance would be a minimum of 12.1% (1,173 code spaces reduced to the proposed minimum of 1,031 spaces). This established range would permit any portion of the allowable eating establishments to convert to shopping center retail without submitting a new parking study and thereby a new action by the Board of Supervisors. Any other alternative for future flexibility may require further discussion with DPWES staff.

Building D1 Construction Phasing

As discussed at meetings with County staff, this section serves to describe the interim parking conditions for the D1 building where the office ($\pm 30,000$ GFA) and the shopping center grocery store ($\pm 15,800$ GFA) components are constructed first and followed by the ± 165 multi-family residential DUs constructed afterwards. The D1 Building area is currently served by a gasoline service station. When the D1 office/retail is constructed, the service station would be razed to develop $\pm 30,000$ GFA of office uses in 2 levels above a $\pm 15,800$ GFA ground floor shopping center grocery store. The office/retail building would require ± 176 spaces based on strict

Table 5

Lake Anne Village Center
WEST SIDE - Minimum Percent Reduction Request (2) (3) (4)

Area	Land Use	Land Unit-Building	Amount	Unit	Article 11 - Parking Rates	Article 11 - Required Spaces
WEST	Office (New)	A1	17,730			
		A2	30,230			
		D1	<u>30,000</u>			
			77,960	GFA	3.6 Spaces/1,000 GFA	281
	Retail (New)	A1	28,543			
		A2	13,870			
		D1	<u>15,800</u>			
			58,213	GFA		
	Retail (Existing) (1)	F	<u>51,439</u>	GFA		
			109,652	GFA	4.0 Spaces/1,000 GFA	439
	Place of Worship (Existing) (1)	F	6,500	GFA		
			100	Seats	1.0 Space/4 seats	25
	Eating Establishment (Existing) (1)	F	0	GFA		
			0	Seats	1.0 Space/4 table seats	0
			0	Seats	1.0 Space/2 counter seats	0
			0	Employees	1.0 Space/2 employees	0
	Residential-Multi Family (New)	A1	54	DU		
		A2	48	DU		
		D1	165	DU		
			<u>267</u>	DU		
Note(s):					1.6 Spaces/DU - 1.45 Spaces/DU = 388 resident spaces - 0.15 Spaces/DU = 40 visitor spaces	<u>428</u>
					Fairfax County Code Requirement	1,173
					Proposed Minimum Parking Supply Reduction from Code Requirement % Reduction from Code Requirement	1,031 142 12.1%

(1) Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:
 - 51,439 GFA of Shopping Center Retail (Assumes all allowable eating establishments are converted to shopping center retail)
 - 6,500 GFA of existing church space with 100 seats per FX Co street files.

(2) GFA = Gross Floor Area

(3) DU = Dwelling Unit

(4) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.



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application of the County's zoning ordinance when also considering the A1 and A2 buildings and would be served by approximately 232 permanent garage spaces in the 2 level below grade that span beneath the D1 building and future D2 garage. An additional ± 53 temporary surface spaces would be provided in the area of the future D2 garage to further serve the D1 office/retail uses with a total of 285 spaces until the D1 residential construction begins. These excess spaces would also serve the existing retail uses to remain during the construction of Buildings A1 and A2.

During construction of the D1 residential building, the ± 53 temporary surface spaces would be displaced leaving the 232 spaces in the D1 garage to more than adequately serve the D1 office/retail code requirement (± 176 spaces). The excess spaces (± 56 spaces) in the D1 garage will be made available to serve the existing non-residential uses in the West Side area. During the construction of the D1 residential building, the D2 garage will be constructed to provide ± 153 additional spaces to ultimately serve not only the D1 building but the overall parking demand and shared parking supply for the West Side area. As described above, more than sufficient parking will be provided at completion of the D1 office/retail uses and during construction of the D1 residential building. At build out, the overall parking supply in this area will serve the overall West Side project area.

Development phasing plans are included in the plan submission and a detailed parking tabulation phasing summary is provide as Table 6. As shown on Table 6, adequate parking is accommodated at all times (including construction).

Buildings A1 and A2 Construction Phasing

The construction of the A1 and A2 buildings will displace the existing Washington Plaza surface parking lot which effectively provides ± 216 surface parking spaces which have historically served the existing non-residential uses that are either planned to be razed during construction or will remain. According to the Applicant's coordination with the existing tenants, ± 143 spaces out of the current ± 216 parking supply are attributable to existing uses to remain which must be maintained in the area at all times during construction. As summarized in the project's phasing plans, this is accomplished by constructing upfront ± 120 new spaces in the A3 garage plus the ± 285 parking spaces with the construction of the D1 office/retail buildings (as described above for the Building D1 construction). As noted above, the D1 office/retail buildings would require ± 176 spaces based on strict application of the zoning ordinance thereby providing approximately 109 excess spaces ($285 - 176 = 109$). Therefore, during the interim construction period for Buildings A1 and A2, the existing Lake Anne Village Center uses to remain will be served by approximately 219 spaces ($120 + 109 = 229$) which is ± 86 more spaces than the ± 143 spaces currently required to be maintained. As discussed above, a detailed parking tabulation summary is provided in Table 6 including construction periods.

Table 6
Lake Anne Village Center
Parking Tabulation by Phase

Phase	Area	Building-Land Unit	Use	Amount	Unit	Required and Provided Parking	Spaces
Phase I	West Side Parking Required	D1 D1	Office Retail Various Existing Uses (1)	30,000 15,800	GSF GSF	3.6 per 1,000 GSF 4.3 per 1,000 GSF Existing Requirement (1)	108 68 216 Required 392
	West Side Parking Supply					D1 Garage D2 Surface Existing Supply Provided	232 53 216 501
	East Side Parking Required	D3/D4 D13-16,18,24-25	Multi-family Townhome	185 56	DU DU	1.35 per dwelling unit 2.15 per dwelling unit Required	250 121 371
	East Side Parking Supply					Townhome Parking Surface Spaces D3/D4 Parking Provided	112 27 250 389
	Total Required						763
	Total Provided						890
Phase II Construction	West Side Parking Required	D1 D1	Office Retail Various Existing Uses (1)	30,000 15,800	GSF GSF	3.6 per 1,000 GSF 4.3 per 1,000 GSF Existing Requirement (1)	108 68 216 Required 392
	West Side Parking Supply					D1 Garage D2 Surface Existing Supply Provided	232 53 216 501
	East Side Parking Required	D3/D4 D13-16,18,24-25	Multi-family Townhome	185 56	DU DU	1.35 per dwelling unit 2.15 per dwelling unit Required	250 121 371
	East Side Parking Supply					Townhome Parking Surface Spaces D3/D4 Parking Provided	112 27 250 389
	Total Required						763
	Total Provided						890
Phase II	West Side Parking Required	D1 D1	Office Retail Various Existing Uses (1)	30,000 15,800	GSF GSF	3.6 per 1,000 GSF 4.3 per 1,000 GSF Existing Requirement (1)	108 68 216 Required 392
	West Side Parking Supply					D1 Garage D2 Surface A3 Garage Existing Supply Provided	232 53 120 216 621
	East Side Parking Required	D3/D4 D13-25	Multi-family Townhome	185 101	DU DU	1.35 per dwelling unit 2.15 per dwelling unit Required	250 218 468
	East Side Parking Supply					Townhome Parking Surface Spaces D3/D4 Parking Provided	202 27 250 479
	Total Required						860
	Total Provided						1,100
Phase III Construction	West Side Parking Required	D1 D1	Office Retail Various Existing Uses (2)	30,000 15,800	GSF GSF	3.6 per 1,000 GSF 4.3 per 1,000 GSF Existing Requirement (2)	108 68 143 Required 319
	West Side Parking Supply					D1 Garage A3 Garage Provided	232 120 352
	East Side Parking Required	D3/D4 D13-25	Multi-family Townhome	185 101	DU DU	1.35 per dwelling unit 2.15 per dwelling unit Required	250 218 468
	East Side Parking Supply					Townhome Parking Surface Spaces D3/D4 Parking Provided	202 27 250 479
	Total Required						787
	Total Provided						831
Phase III (Build Out)	West Side Parking Required	A1,A2,D1 A1,A2,D1,F F F A1,A2,D1	Office Retail Church Eating Est. Multi-family	77,960 96,792 100 406 46 65 267	GSF GSF Seats Table Seats Bar Seats Employees DU	Shared Parking Reduction 1.45 per dwelling unit Required	643 388 1,031
	West Side Parking Supply					D1 Garage D2 Garage A1 Garage A2 Garage A3 Garage Provided	232 153 210 366 120 1,081
	East Side Parking Required	D3/D4 D5/D6 D7/D8 D9-25	Multi-family Multi-family Multi-family Townhome	185 310 155 120	DU DU DU DU	1.35 per dwelling unit 1.35 per dwelling unit 1.35 per dwelling unit 2.15 per dwelling unit Required	250 419 209 258 1,136
	East Side Parking Supply					Townhome Parking Surface Spaces D3/D4 Parking D5/D6 Parking D7/D8 Parking Provided	240 56 250 385 210 1,141
	Total Required						2,167
	Total Provided						2,222

Note(s):

(1) Represents the existing non-residential uses that exist today which have historically been served by the 216 spaces in the Washington Plaza parking lot.

(2) According to the Applicant, the non-residential uses to be razed (+15,600 GSF), as a result of the Phase III construction period, currently require 73 spaces out of the 216 space parking supply serving Washington Plaza. As a result, 143 spaces (216-73 = 143) will need to be maintained for those remaining uses. The uses to remain are accounted for in the West Side Phase III (build out) program.



WELLS + ASSOCIATES



Part I – Conclusions (West Side)

Based on the documentation provided herein, the following can be concluded for the West Side:

1. Under strict application of the Zoning Ordinance, the West Side uses would require a minimum of 1,280 spaces in total for the non-residential and residential uses.

Approximately 852 spaces of the total would be required in support of the following non-residential uses:

- 77,960 GFA of office uses,
- 96,792 GFA of shopping center retail uses (58,213 GFA existing and 38,579 GFA proposed),
- 12,860 GFA of eating establishments (406 table seats, 46 counter seats, 65 employees), and
- 6,500 GFA Place of Worship (100 seats).

Approximately 428 spaces would be required to support the 267 multi-family DUs.

2. Based on ULI, the resident visitor parking demand is assumed to be 0.15 visitor spaces per DU and are included in the County requirement of 1.6 spaces/DU. The 40 visitor spaces are proposed to be shared with the non-residential uses.
3. Applying the ULI shared parking methodology to the Fairfax County indices for the non-residential uses that include appropriate adjustments to the model as well as resident visitor spaces, approximately 643 shared parking spaces would be required.
4. The residents parking for the multi-family DUs would be parked at 1.45 spaces per DU when excluding the resident visitor spaces (0.15 spaces/DU).
5. The applicant is seeking an overall parking reduction of 19.5% percent (or 249 fewer spaces) for a total minimum of 1,031 spaces to serve the mix of uses in the West Side area.
6. To accommodate future potential changes in market conditions between shopping center retail and restaurant/eating establishments, a minimum parking reduction of 12.1% should be included with the parking reduction request stated above to create a range from the maximum reduction of 19.5%



to a minimum reduction of 12.1%. The minimum reflects the instance where all the allowable eating establishment uses become shopping center retail. Under a scenario where all, or a portion of, the allowable eating establishments are converted to shopping center retail due to changing market conditions; the number of parking spaces established above (1,031 spaces) would continue to be required at all times.

7. An assessment of the development phasing plans indicate an adequate number of parking spaces will be provided during the interim construction periods which include the spaces that currently serve the existing uses to remain.



PART II – TRANSPORTATION DEMAND MANAGEMENT ANALYSIS (EAST SIDE)

Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (i.e., per residential dwelling unit, per 1,000 GSF of retail uses, etc.). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. A copy of the relevant Ordinance text is provided herein as Attachment V.

Article 11, Section 11-103 of the Ordinance outlines the parking requirements for residential uses as follows:

- | | |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Dwelling, Multiple Family: | “One and six-tenths (1.6) spaces per unit” |
| Dwelling, Single Family Attached: | “Two and seven-tenths (2.7) spaces per unit, provided, however, that only one (1) such space must have convenient access to the street” |

Full build out of the East Side of the Lake Anne Village Center would consist of the following mix of residential mix of uses:

- 650 multi-family DUs (new)
 - 185 replacement affordable multi-family DUs (new)
 - *Entire Buildings D3 and D4*
 - 465 multi-family DUs (new)
 - *Buildings D5, D6, D7, D8*
- 120 single-family attached DUs (new) [Buildings D9 thru D25]

The Fairfax County Zoning Ordinance does not provide a specific residential parking rate for “affordable” dwelling units that separately encompass an entire building(s). Therefore, as reflected on Table 7 and based on a strict application of the Zoning Ordinance, a total of 1,364 parking spaces would be required to accommodate the East Side area parking demand associated with full build out of the proposed mix of residential unit types.

Table 7

Lake Anne Village Center

EAST SIDE - Fairfax County Ordinance Parking Requirement Summary and Proposed Residential TDM Rates(1) (2)

Area	Land Use	Land Unit-Building	Amount	Unit	Article 11 - Parking Rates	Required Spaces	Proposed TDM Parking Reduction Rates	Proposed Required Spaces
EAST	Residential+Multi Family - Replacement Affordable Dwelling Units (New)	D3, D4	185	DU	1.6 Spaces/DU		296 1.35 Spaces/DU	250
	Residential+Multi Family (New)	D5, D6	310	DU	1.6 Spaces/DU		496 1.35 Spaces/DU	419
	Residential+Multi Family (New)	D7, D8	155	DU	1.6 Spaces/DU		248 1.35 Spaces/DU	209
	Residential+Single Family Attached (New)	D9 - D25	120	DU	2.7 Spaces/DU		324 2.15 Spaces/DU	258
			770	DU	Total	1,364	Total	1,136

Note(s):

(1) DU = Dwelling Unit

(2) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.



Requested Parking Reduction (East Side)

The Applicant is requesting an overall **16.7% residential parking reduction (or 228 fewer parking spaces)** based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):

- Multi-Family Dwelling units (including the Replacement Affordable Dwelling Units):
 - Parking reduction request from 1.6 spaces/DU to **1.35 spaces/DU (or a 15.6% reduction)**
- Single-Family Attached:
 - Parking reduction request from 2.7 spaces/DU to **2.15 spaces/DU (or a 20.4% reduction)**

The basis for each parking reduction request outlined above is based on the Ordinance (Section 11-102.26) provision that establishes a parking reduction through the presence of a TDM program. The following sections evaluate the requested parking reductions with respect to this provision.

Transportation Demand Management

Overview. The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites establishing a Transportation Demand Management (TDM) program. Article 11, Section 11-102.26 states:

“In conjunction with the approval of a proffer to establish a transportation demand management (TDM) program, or if a development is subject to an approved proffer for the establishment of a TDM program, the Board may, subject to conditions it deems appropriate, reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part when the applicant has demonstrated to the Board’s satisfaction that, due to the proffered TDM program, the spaces proposed to be eliminated for a site are unnecessary and such reduction in parking spaces will not adversely affect the site or the adjacent area. In no event shall the reduction in the number of required spaces exceed the projected reduction in parking demand specified by the proffered TDM program.

For the purposes of this provision, a proffered TDM program shall include: a projected reduction in parking demand expressed as a percentage of overall parking demand and the basis for such projection; the TDM program actions



to be taken by the applicant to reduce the parking demand; a requirement by the applicant to periodically monitor and report to the County as to whether the projected reductions are being achieved; and a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand.”

A copy of the draft Parking Management and TDM proffers is included in Attachment VIII.

Transportation Demand Management Program (TDM). As part of the proposed proffers for the Lake Anne Village Center, the Applicant will commit to the development and implementation of a TDM program customized for both the residential and non-residential uses within Lake Anne Village Center, and specifically the East Side. The program will be developed in accordance with the *TDM Guidelines for Fairfax County* (the “Guidelines”) dated January 1, 2013.

Based on the Guidelines, the East Side residential uses would be considered as being located in a Non-Tyson, Non-TOD area (or more than ½ mile from a rail station). As a result, the Guidelines recommend a trip reduction goal of between 15 and 25%. The Applicant has committed to proffer a 25% trip reduction goal for the entire redevelopment including the East Side residential uses. This higher end reduction is recommended for areas located in walkable, mixed-use environments or proximate to the same. Towards that end, the Guidelines recommend implementation of a “light” level of participation with requirements for funding, monitoring and reporting.

The Guidelines also recommend certain elements be incorporated into the plan to further reduce trips and auto ownership rates. The following is a list of potential strategies referenced in the Guidelines which would have been incorporated into the TDM program for the overall redevelopment area including the East Side:

1. Designate a TDM Program Manager (TPM) to develop and implement the program in consultation with FCDOT (Fairfax County Department of Transportation)
2. Establish a TDM Network between the TPM and building managers to coordinate implementation of the TDM plan
3. TDM website
4. Personal outreach
5. Transit Benefits
6. Information on Telework programs and telework facility
7. Car sharing
8. Ridematching
9. Parking Management Plan to include dedication of convenient parking spaces for carpools/van pools and/or shared car services



10. Pedestrian connections

11. Bicycle facilities

A copy of the Lake Anne Village Center TDM Plan dated October 22, 2014 is provided as Attachment IX.

In light of the above, the implementation of a 25% TDM parking reduction would result in a total required parking supply of 1,023 spaces to meet the needs of the 770 residential units. This equates to 341 fewer spaces than required by a strict application of the code. In addition to certain transportation strategies listed above, the Applicant has also committed to the following to further reduce vehicle trips specifically associated with the East Side to insure the parking proposed is sufficient to meet demand. A discussion on how these trip reductions goals correspond to limiting parking supply is further described under the "Parking Management" section below.

Parking Demand Management. According to the TDM Plan for the Lake Anne Village Center, one of the industry-recognized strategies that have a significant impact on vehicle trip reductions is parking management. TDM programs work where parking is not over-supplied and coordinated with parking reductions and/or management programs. There are several parking demand management techniques that incentivize travelers to use an alternate mode. Each of those proposed for implementation as part of the Lake Anne Village Center TDM program is described below:

- 1) **Limited Parking Supply.** Managing parking by reducing supply helps to reduce the undesirable impacts of parking demand on local and regional traffic levels and the resulting impacts on community livability.
- 2) **Carsharing Placement and Services.** Refers to short-term automobile rental service available to the general public for a limited timeframe, typically only a few hours. Carsharing is an effective tool that can be used to reduce vehicle ownership because the service can eliminate the need for a private vehicle to complete non-work trips. The service also encourages office travelers to use alternatives to SOVs (like transit) because they can use carshare vehicles for mid-day trips rather than be forced to rely on their private vehicles.
- 3) **Unbundled Parking.** Unbundling refers to a strategy where parking is rented or sold separately, rather than automatically included with the rent for a building space. This element reveals the true cost of parking which allows users to consider a more accurate travel cost trade-off when deciding what transportation to choose. Towards that end, the Applicant has committed to a proffer that would dedicate a minimum of one dedicated parking space to each of the replacement affordable dwelling units (ADUs) (Buildings D3 and



D4) and other ADU and/or workforce dwelling units (WDUs) constructed on the Application property. Otherwise dwelling units shall be offered exclusive parking such that parking shall be available at a separate market rate cost.

- 4) Establish Vehicle Parking Space Limits. Due to limited parking supplies and a lower parking space rate per residential unit, protections need to be set in order to ensure that a single residential unit does not offset parking availability. As a means to ensure enough parking availability, the number of spaces issued per multi-family unit is limited to one (1) car per unit and to single-family attached units two (2) spaces per unit.

Existing Transit Service. The subject site is served by two (2) Fairfax Connector bus routes (552 and 574), as well as the Reston Internal Bus System (RIBS) Routes 1 and 3. A map showing the existing bus routes serving Lake Anne Village Center is shown on Figure 7. Multiple bus stops are located along North Shore Drive along the site frontages serving Fairfax Connector Routes 552 and 574 and RIBS Routes 1 and 3. Route 552, RIBS 1, and RIBS 3 connect the site to the new Wiehle-Reston East metrorail station. An exhibit illustrating the existing and proposed bus stop locations is shown on Figure 8. A summary of each existing bus route is provided below:

1. Fairfax Connector 552. Fairfax Connector 552 (North Shore – Lake provides weekday service along North Shore Drive while serving the Lake Anne Village Center and the Wiehle-Reston East Metrorail Station. Weekday peak period peak directional headways are approximately 18 minutes.
2. Fairfax Connector 574. Fairfax Connector 574 (Reston Town Center-Tysons) provides weekday and weekend service between the Reston Town Center Transit Station, the Lake Anne Village Center, and the Spring Hill Metrorail Station via Leesburg Pike (Route 7). Weekday peak period headways are typically 30 minutes. Saturday and Sunday peak period headways are approximately 40 minutes.
3. RIBS 1 and 3. RIBS 1 (clockwise) and RIBS 3 (counterclockwise) provides weekday and weekend service between the Reston Town Center Transit Station, the North County Government Center, Lake Anne Village Center, Tall Oaks Village Center, Hunters Woods Village Center, and the Wiehle-Reston East Metro Station. Weekday peak period headways are approximately 30 minutes. Saturday and Sunday peak period headways will typically be 30 and 60 minutes, respectively.

WMATA Metrorail Service. Metrorail service is provided in the general vicinity of the subject site with the opening of the Silver Line on July 26, 2014. As shown on

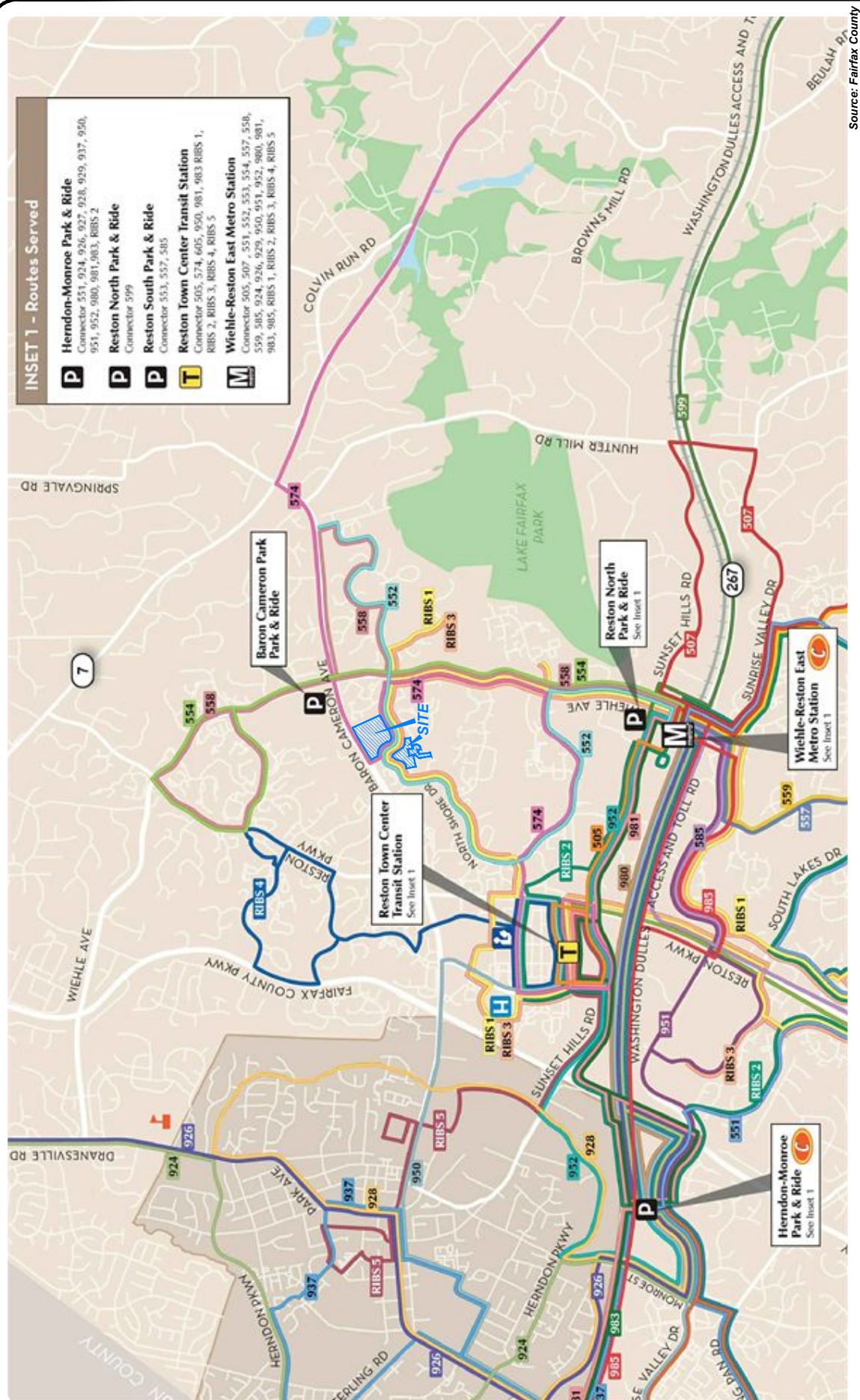


Figure 7
Existing Transit Service

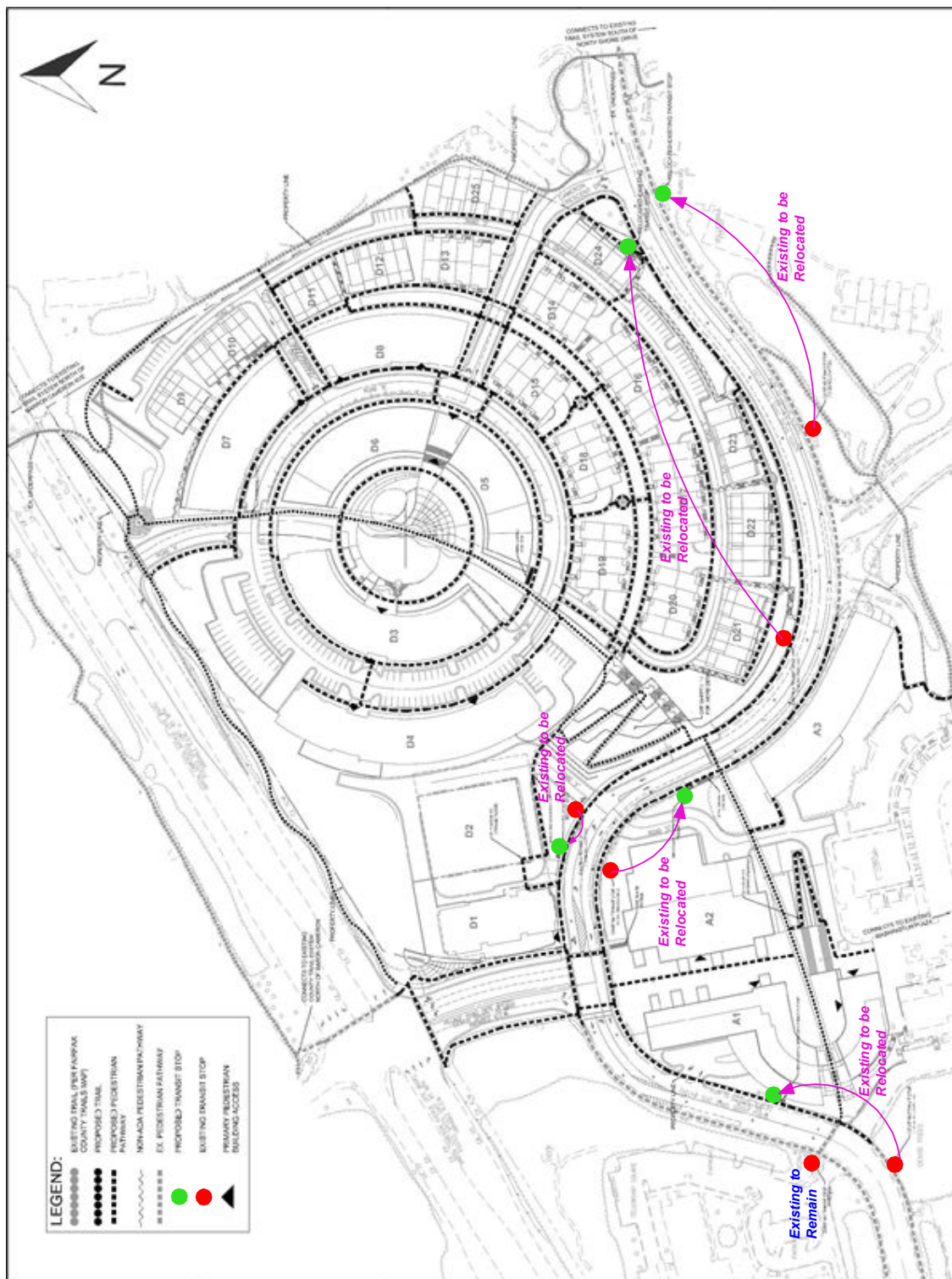




Figure 9, the entire site is located within 1.65 mile radius of the Wiehle-existing Reston East metrorail station portal and within approximately 1.75 mile radius of the planned Reston Town Center Station. Phase 1 of the Silver Line provides a new Metrorail connection from the Wiehle-Reston East Station to the existing Orange line just east of the West Falls Church-VT/UVA Metrorail station. Phase 1 of the Silver Line serves five (5) new stations with one (1) at Wiehle Avenue and four (4) serving Tysons. Ultimately, Phase 2 would provide a total of 11 new rail stations along a 23.1 extension of Metrorail service extending from the existing Orange Line to Dulles International Airport and then beyond along the Dulles Greenway into Loudoun County, Virginia.

With the prevalence of bus service proximate to the site and in accordance with the Guidelines, the Applicant shall contribute monies for an incentive fund at the rate of \$0.01 per square foot of new residential uses within the East Side. This contribution is reflected in the proffers.

Parking Provided (East Side)

Based on the submitted PRC plan provided as Attachment IV, approximately 1,136 parking spaces are proposed within the East Side area in a combination of surface lots, structured garages, and garage/driveway spaces for the single-family attached dwelling units (see Table 4). It should be noted each single-family attached dwelling unit will be served by two (2) parking spaces per unit provided in either a 2-car townhome garage or a one-car townhome garage with one-driveway space. Approximately six (6) single-family attached dwelling units (within D21 and D22) would provide a two-car townhome garage with two (2) driveway spaces. An exhibit summarizing the single-family attached dwelling units by number of parking garage/driveway spaces is shown on Figure 10.

Requested Parking Reduction (East Side)

The Applicant is requesting an overall **16.7% residential parking reduction (or 228 fewer parking spaces)** based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):

- Multi-Family Dwelling Units (including the Replacement Affordable Dwelling Units):
 - Parking reduction request from 1.6 spaces/DU to **1.35 spaces/DU (or a 15.6% reduction)**
- Single-Family Attached:
 - Parking reduction request from 2.7 spaces/DU to **2.15 spaces/DU (or a 20.4% reduction)**

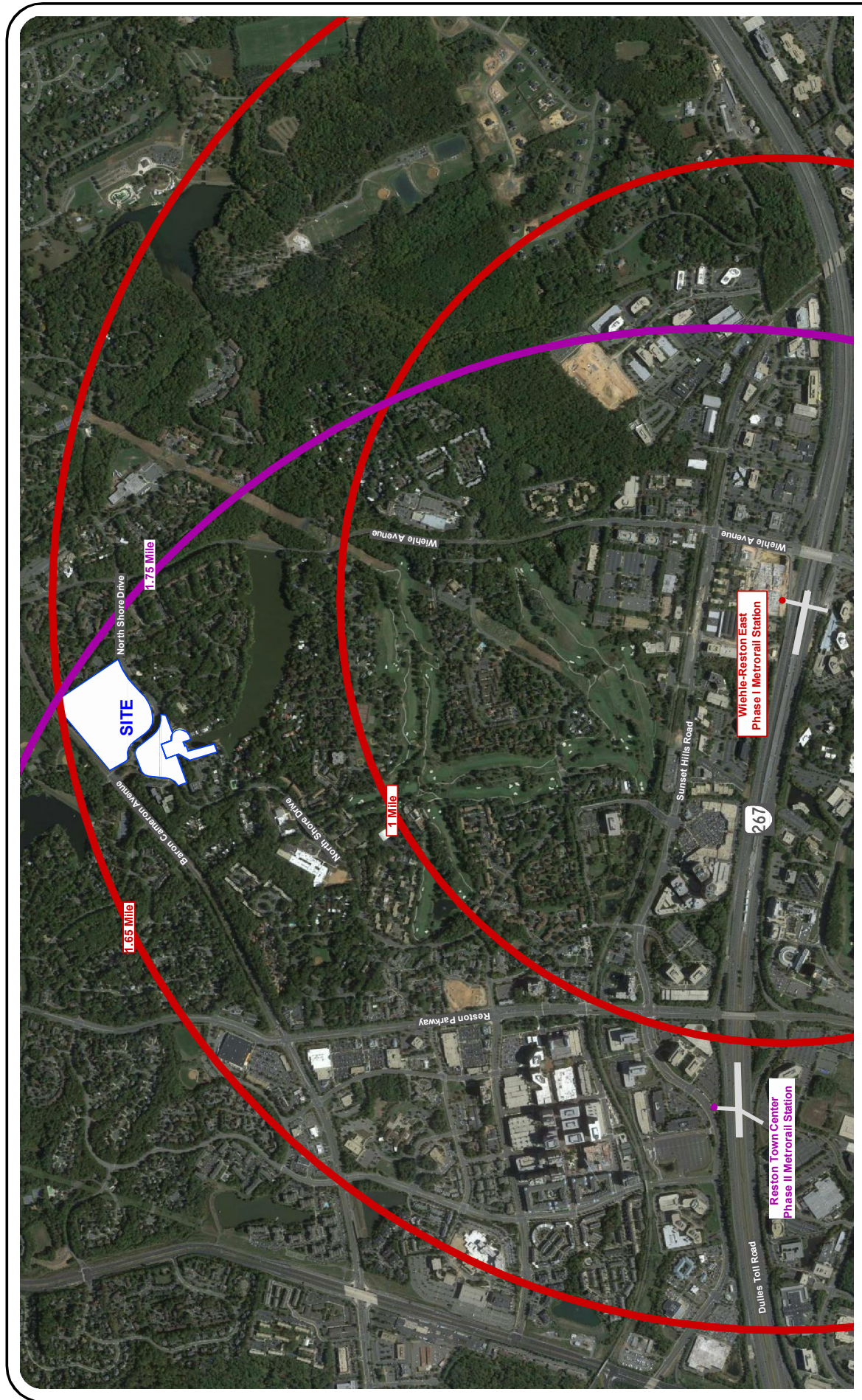


Figure 9
Distance From Existing Wiehle-Reston East and
Planned Reston Town Center Metrorail Station



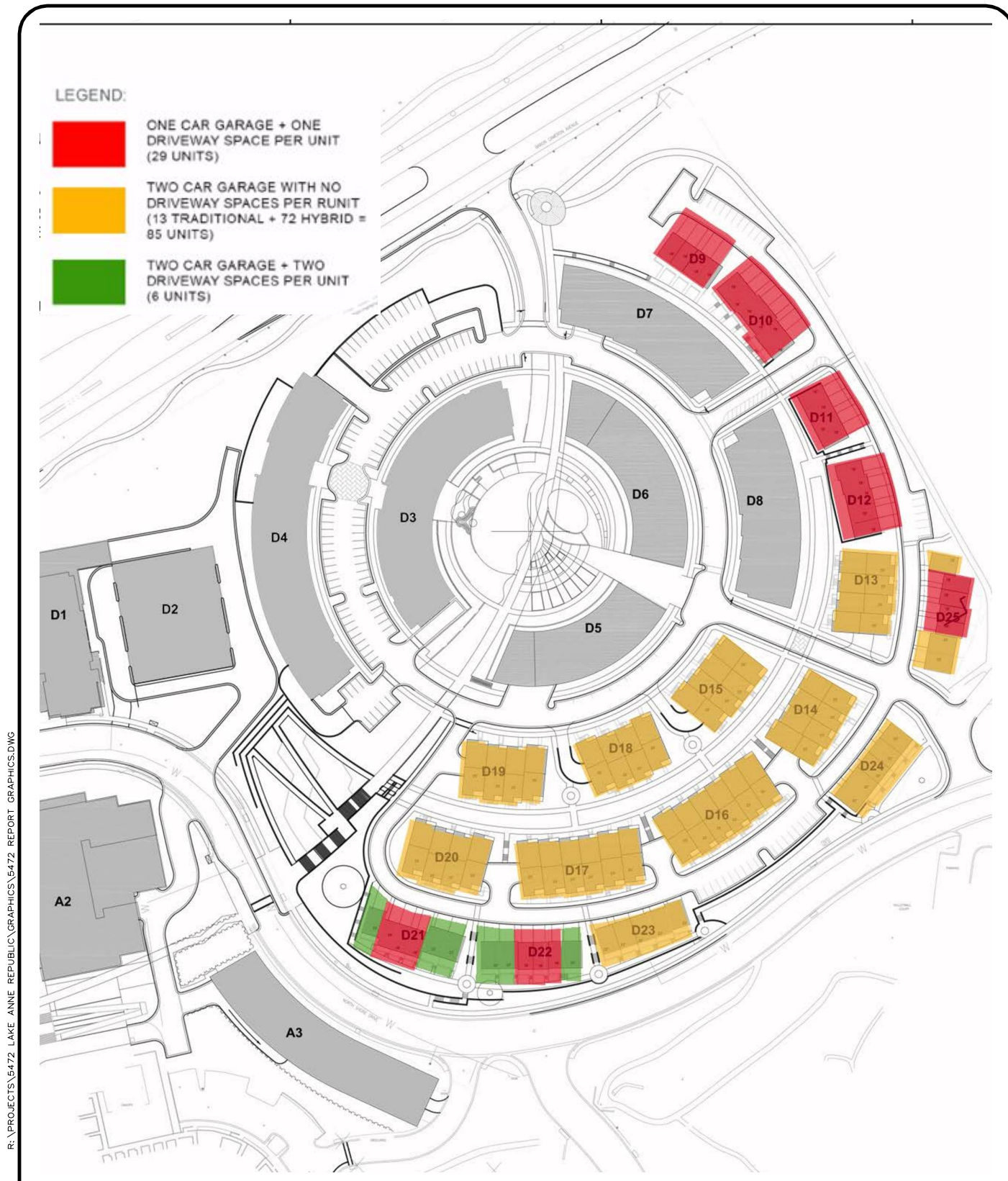


Figure 10
Townhome Parking Distribution Summary





The overall parking tabulation summary is shown on Table 1.

Basis for the Parking Reduction Request (Z.O. 11-102.26)

The following summarizes the basis for the parking reduction request:

- The project has proffered a comprehensive TDM Plan with specific goals and strategies targeted to reduce auto-ownership among future residents as well as reducing parking supply.
- The project has proffered a comprehensive plan to measure the effectiveness of the TDM Plan while outlying strategies to improve and enhance measures if the goals are not achieved.
- The project has proffered an overall 25% trip reduction goal for the resident and office users which corresponds to a strategy that reduces the parking supply. Managing parking by reducing supply helps to reduce the undesirable impacts of
- parking demand on local and regional traffic levels and the resulting impacts on community livability.
- The project seeks to promote a vibrant community where people can live, play and work providing opportunities to limit auto-ownership among residents;
- The project is being developed with enhanced bicycle and pedestrian connections to encourage non-SOV trips.
- This site is served by existing established Fairfax Connector and RIBs bus routes along North Shore Drive.
- The site is located entirely within 1.65 miles of the Wiehle-Reston East Silver Line metrorail station providing a mass transit commuter option in the nearby proximity.
- The project has proffered to provided additional parking spaces on-site to serve the East Side area should the TDM program not result in the projected reduction.

Based on the above, the requested parking spaces to be eliminated are unnecessary to serve the site.

Impacts to Adjacent Properties (Z.O. 11-102.26)

The overall project is generally isolated from neighboring communities. The adjacent properties to the north are separated from the project by Baron Cameron Avenue, which is a four-lane divided roadway. The adjacent properties to the south are generally separated from the project by Washington Plaza and Lake Anne which is a body of water that extends east to Wiehle Avenue. In the immediate vicinity of the project, North Shore Drive extends approximately ¼ along the site's frontage between the East and West Side areas providing the potential for on-street parking,



which could provide additional parking opportunities. These spaces would be available not only to the subject property, but for neighboring developments in the immediate vicinity. The scope of the project is also meant to serve the area's nearby residents who would be provided new retail uses and services thereby potentially reducing auto ownership in the general area. Most importantly, the project has proffered a comprehensive TDM and Parking Management Plan that will monitor and measure the project's traffic and parking reduction goals. If the parking reductions are not achieved in the East Side, a plan to provide additional spaces has been proffered. In summary, if the TDM parking reduction request were granted, there would be no impact on the site or surrounding areas.

Additional TDM Parking Spaces (Z.O. 11-102.26)

The following summarizes the proffer commitment to provide additional parking spaces and where they will be provided, if required. Should the TDM program not result in the projected reduction in parking demand, with coordination with FCDOT staff, the Applicant shall provide additional parking spaces for the East Side area in an amount equivalent to the reduction. Where the overall proposed parking requirement (without the TDM reduction) for the East and West Sides is 2,395 spaces and the total proposed parking supply (East and West Sides) is approximately 2,222 spaces, approximately 173 additional spaces would be needed if the TDM program does not result in the projected reduction for the East Side at build out. These additional spaces would be provided in additional parking levels of the D2 parking garage (see Figure 3).

A pedestrian connection providing direct access to the East Side area to/from the D2 garage will be provided with or without the additional TDM parking levels added to the D2 garage. If required, each additional parking level added to the D2 garage would provide approximately 53 spaces per level. The D2 garage will be designed such that the garage foundations and infrastructure can support a total of two (2) below grade and up to five (5) above grade levels in order to provide for approximately 212 additional parking spaces. Under the circumstance additional spaces are required to recoup the TDM parking reduction, the construction staging for the expansion of the D2 parking garage is estimated to remove approximately 32 spaces during its construction. The anticipated surplus of approximately 50 spaces in the West Side area's parking supply would compensate for this construction period shortfall (see Figure 11). The construction period for the garage expansion is anticipated to take between 10 to 14 months.

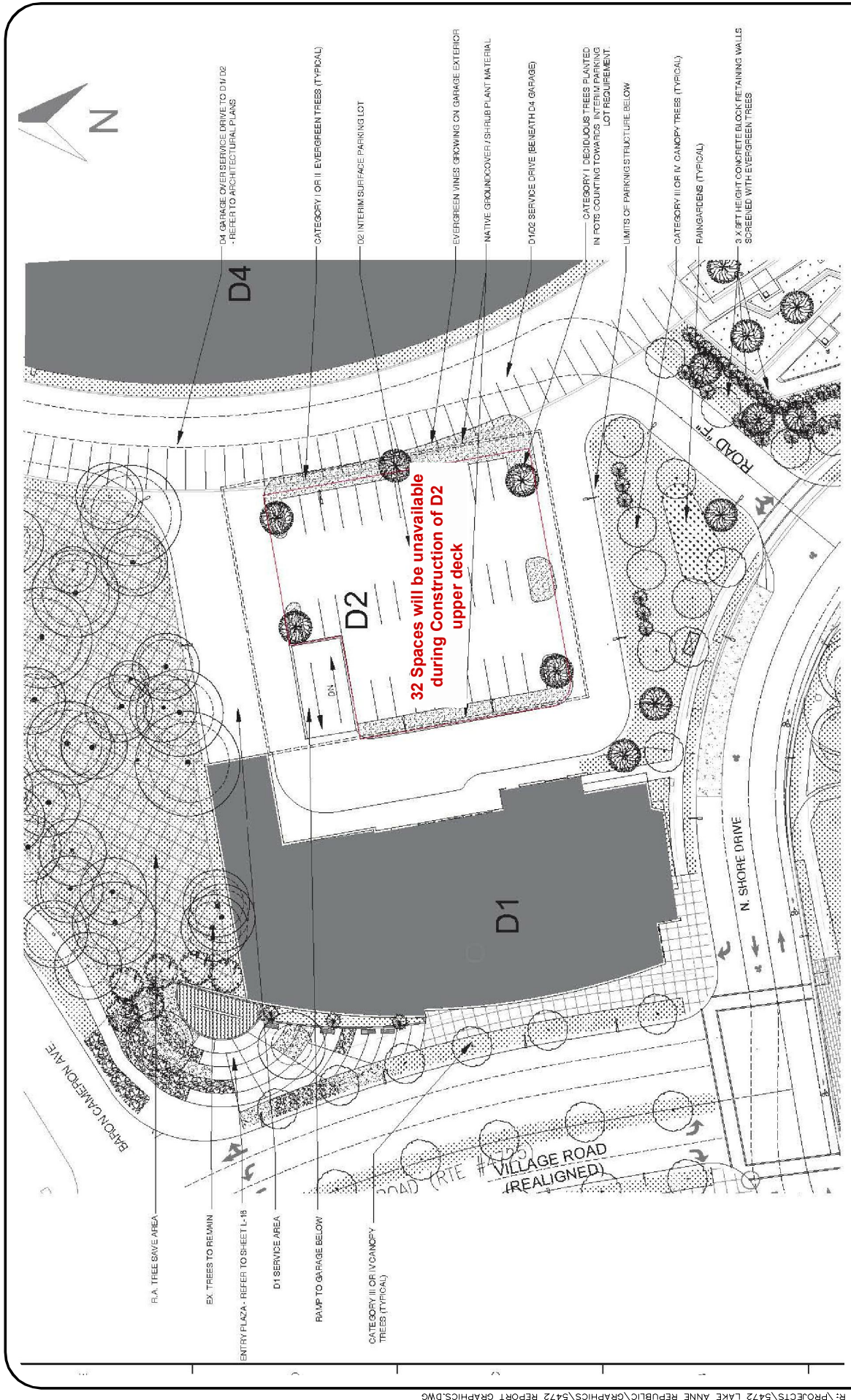


Figure 11
Parking Loss During Expansion of the D-2 Garage



Evaluation and Monitoring (Z.O. 11-102.26)

The following explains how the TDM Plan works with the parking reduction. As described in the proffers and TDM Plan, one of the primary tools for monitoring the effectiveness of the Lake Anne Village Center TDM program and associated parking program will be annual residential parking occupancy counts and/or surveys. These methods and others are outlined in the proffers (see Attachment VIII) will be reviewed and approved by FCDOT a minimum of 30 days prior to the initiation of such counts and/or surveys. At a minimum, parking occupancy counts shall be recorded every 60 minutes and referenced by residential unit type. Residential parking occupancy counts, as approved by FCDOT, shall be conducted annually each calendar year beginning one year following issuance of the first initial RUP for the first of Buildings D3 or D4 to be constructed on the East Side of the Application Property. Such parking occupancy counts shall be conducted on a typical weekday between the hours of 6:00 PM and 6:00 AM.

If the results of the parking occupancy counts show that the number of occupied parking spaces for each of the residential unit types is equal to or greater than 97% of the available parking supply, as averaged over the twelve (12) hour count period, then the parking supply is deemed insufficient to meet the demand associated with that particular unit type.

If the parking supply is insufficient as described above, the Applicant shall then, within two weeks of the submission of the annual report, request a meeting with FCDOT to discuss what additional TDM strategies, if any, shall be implemented as part of the TDM Plan to reduce parking demand levels to less than 97% average occupancy of the available parking supply. In such event and no earlier than six months after the implementation of any additional strategies, the TPM shall conduct a supplemental parking occupancy count consistent with the methodology process described above. Six (6) months after implementation of such additional TDM strategies, the TPM shall present the results of the same to FCDOT in the next annual report.

If the results of any supplemental parking occupancy count reveals that parking occupancies continue to be equal to or exceed 97% of the available parking supply, then the Applicant shall contribute additional funds towards the next year's annual budget in order to provide for greater financial incentives towards the reduction of parking demand. The Transportation Program Manager will continue to refine the program in consultation and with the approval of FCDOT.

The above process shall be repeated annually as necessary until the measured parking occupancy averaged over the twelve (12) hour period is less than 97% or until such time as the results of three consecutive annual counts conducted after



Stabilization of the East Side show that the residential parking supply is adequate. At such time, residential parking demand counts will thereafter no longer be required and this proffer in no further force or effect. "Stabilization" of the East Side of the Application Property is defined as occurring one year after the issuance of the first initial RUP for the last of Buildings D3 through D25.

If after Stabilization of the East Side, the parking occupancy is still being exceeded as evidenced by the occupancy counts for the three years after Stabilization, then the Applicant shall meet with FCDOT and the Hunter Mill District Supervisor to discuss the timing and extent of remedial measures, such as the construction of additional levels on the D2 garage.

After stabilization of the East Side and prior to the Applicant filing a building plan for the residential tower on Building D1 on the West Side of the Application Property, the Applicant shall provide an additional report to FCDOT, DPZ and DPWES that summarizes the results of a parking occupancy assessment for each residential use type on the East Side to determine again if additional parking levels on the D2 garage structure will be required to meet the 2014 Zoning Ordinance requirement.



Part II – Conclusions (East Side)

Based on the documentation provided herein, the following can be concluded for the East Side area of the Lake Anne Village Center:

1. If the TDM parking reduction request were granted, there would be no impact on the site or surrounding areas.
2. Under strict application of the Zoning Ordinance, the East Side uses would require a minimum of 1,040 spaces for the 650 multi-family DUs and 324 spaces for the 120 single-family attached DUs for a total of 1,364 spaces.
3. The Applicant is requesting an overall **16.7% residential parking reduction (or 228 fewer parking spaces)** from 1,364 spaces to 1,136 spaces based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):
 - Multi-Family Dwelling Units (including the Replacement Affordable Dwelling Units):
 - Parking reduction request from 1.6 spaces/DU to **1.35 spaces/DU (or a 15.6% reduction)**
 - Single-Family Attached:
 - Parking reduction request from 2.7 spaces/DU to **2.15 spaces/DU (or a 20.4% reduction)**
4. Based on the requested residential parking reductions, the East Side uses would require a minimum of 878 spaces for the 650 multi-family DUs and 258 spaces for the 120 single-family attached DUs for a total of 1,136 spaces.
5. The TDM program proffered for the site will reduce the demand for residential parking by promoting and encouraging other modes of travel, implementing a parking management plan, as well as providing essential secondary uses on-site. As such the requested parking spaces to be eliminate are unnecessary.
6. Should the TDM program not result in the projected reduction in parking demand based results from the proffered evaluation and monitoring plan, in coordination with FCDOT and the Hunter Mill District Supervisor, the Applicant shall provide sufficient additional parking spaces in the D2 parking garage in an amount equivalent to the reduction.

ACTION - 6

Supplemental Appropriation Resolution 15169 and Authorization to Execute Standard Project Agreements for the Department of Transportation to Accept Grant Funding for the Lorton Cross County Trail, Cinderbed Bikeway, Reston Bike Share Infrastructure and Old Courthouse Road Safe Routes to School Improvements (Mount Vernon, Lee, and Hunter Mill Districts)

ISSUE:

Board of Supervisors' approval of Supplemental Appropriation Resolution AS 15169 for the Fairfax County Department of Transportation (FCDOT) to accept grant funding in the amount of \$1,498,057 from the Virginia Department of Transportation (VDOT), including:

- \$353,057 for the Lorton Cross County Trail;
- \$375,000 for the Cinderbed Bikeway;
- \$385,000 for Reston Bike Share Infrastructure; and
- \$385,000 for the Old Courthouse Road Safe Routes to School Improvements project.

Authorization is also requested for the Director of Transportation to enter into Standard Project Administration Agreements with VDOT for the Cinderbed Bikeway project, Reston Bike Share Infrastructure project, and the Old Courthouse Road Safe Routes to School Improvements project. The project agreement for the Lorton Cross County Trail was previously approved by the Board on February 28, 2012. These projects require a Local Cash Match of \$388,264 (\$88,264 for the Lorton Cross County Trail, \$100,000 for the Old Courthouse Road Safe Routes to School Improvements, \$100,000 for Reston Bike Share Infrastructure and \$100,000 for the Cinderbed Bikeway). The total required Local Cash Match has been identified in Fund 40010, County and Regional Transportation Projects. No new General Fund resources are required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 15169 for the FCDOT to accept grant funding from the VDOT in the amount of \$1,498,057, and authorize the director of FCDOT to enter into Standard Project Administration Agreements with the VDOT. Required Local Cash Match of \$388,264 has been identified in Fund 40010, County and Regional Transportation Projects. There are no positions associated with these awards.

TIMING:

Board approval is requested on February 17, 2015, to enable staff to immediately continue progress on these projects.

DISCUSSION:

On June 18, 2013, and then on October 29, 2013, the Board of Supervisors voted to endorse the applications for Transportation Alternatives Projects for the four projects that were awarded grants. The Commonwealth Transportation Board awarded \$353,057 for the Lorton Cross County Trail, \$400,000 for the Cinderbed Bikeway and \$400,000 for the Old Courthouse Road Safe Routes to School Improvements. The Regional Transportation Planning Board awarded \$400,000 for the Reston Bike Share Infrastructure project. Since the Cinderbed Bikeway, Reston Bike Share Infrastructure and Old Courthouse Road Safe Routes to School Improvements are new Transportation Alternative Projects, the County has to allocate part of the funding for VDOT review. The amounts for VDOT review are \$25,000 for Cinderbed Bikeway and \$15,000 for Old Courthouse Road Safe Routes to School Improvements and Reston Bike Share Infrastructure, resulting in net awards of \$375,000 for the Cinderbed Bikeway and \$385,000 for the Old Courthouse Road Safe Routes to School Improvements and Reston Bike Share projects.

The Lorton Cross County Trail is a new segment of multi-use trail that will provide non-motorized access between the Occoquan Regional Park and the Laurel Hill Greenway. The preliminary design was completed November 5, 2014. The anticipated construction start date is July 2018, with an estimated completion date of January 2019. Grant funding will provide preliminary engineering, right-of-way, and utility work.

The Cinderbed Bikeway project will ultimately provide a connection from the Franconia-Springfield Metrorail/VRE Station to Ft. Belvoir. Grant funding will provide for preliminary engineering work to survey and design the final Cinderbed Bikeway alignment.

The Old Courthouse Road Safe Routes to School Improvements project includes the installation of missing segments of sidewalk along Old Courthouse Road to Westbriar Elementary. Grant funding will provide for preliminary engineering and will fully fund design of the project. These two projects are currently in scoping. After the project agreements are executed with VDOT, design work will start on both projects.

The Reston Bike Share Infrastructure project will provide improvements identified throughout Reston to provide connections to potential Bike Share stations. These locations have been identified in the Reston Bike Share Feasibility Study.

Board Agenda Item
February 17, 2015

The funding status for each project is outlined below (each of FY2015 projects were included in the application for TAP FY2016 Funding). It should be noted that the completion of these projects will require additional funding of \$322,520 for the Lorton Cross County Trail, \$350,000 for the Old Courthouse Road Safe Routes to School Improvements, and \$3,500,000 for the Cinderbed Bikeway. The FCDOT will continue to pursue additional grant awards to support the remaining funding needed for these projects. If no additional grant funding is received, funding in Fund 40010, County and Regional Transportation Projects will be used to complete the projects, no additional General Fund resources will be requested.

Lorton Cross County Trail

Project Estimate:	\$2,328,841
Enhancement/TAP Awards to Date:	1,605,057
Local Match Already Committed	313,000
<u>Additional Local Match Committed with this Agreement:</u>	<u>88,264</u>
Remaining County Requirement:	\$322,520

Old Courthouse Road Safe Routes to School Improvements

Project Estimate:	\$850,000
TAP Awards to Date:	400,000
<u>Local Match:</u>	<u>100,000</u>
Remaining County Requirement:	\$350,000

Cinderbed Bikeway

Project Estimate:	\$4,000,000
TAP Awards to Date:	400,000
<u>Local Match:</u>	<u>100,000</u>
Remaining County Requirement:	\$3,500,000

Reston Bike Share Infrastructure

Project Estimate:	\$500,000
TAP Awards to Date:	400,000
<u>Local Match:</u>	<u>100,000</u>
Remaining County Requirement:	\$0

FISCAL IMPACT:

Total grant funding of \$1,498,057 is available from the VDOT, with a Local Cash Match requirement of \$388,264. This amount includes grant funding of \$353,057 and Local Cash Match of \$88,264 for the Lorton Cross County Trail Transportation Alternatives/Enhancement Project; grant funding of \$375,000 and Local Cash Match of \$100,000 for the Cinderbed Bikeway; grant funding of \$385,000 and Local Cash Match of \$100,000 for Reston Bike Share Infrastructure and grant funding of \$385,000; and

Board Agenda Item
February 17, 2015

Local Cash Match of \$100,000 for the Old Courthouse Road Safe Routes to School Improvements project. The total required Local Cash Match of \$388,264 has been identified in Fund 40010, County and Regional Transportation Projects. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution AS 15169

Attachment 2 – Resolution to Authorize Staff to Execute Standard Project Agreements

Attachment 3 – Standard Project Agreements

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, FCDOT

Todd Minnix, Chief, Transportation Design Division, FCDOT

Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT

Ken Kanownik, Transportation Planner II, Coordination and Funding Division, FCDOT

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 15169

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 February 17, 2015, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2015, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G4040, Department of Transportation	\$353,057
Grant:	1400091-2013, Lorton Cross County Trail Enhancement Project	
Agency:	G4040, Department of Transportation	\$375,000
Grant:	1400137-2015, Cinderbed Bikeway	
Agency:	G4040, Department of Transportation	\$385,000
Grant:	1400138-2015, Old Courthouse Road Safe Routes to School	
Agency:	G4040, Department of Transportation	\$385,000
Grant:	1400139-2015, Reston Bike Share Infrastructure	

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$1,498,057
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Department of Transportation, \$1,498,057

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes County staff to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation for the Cinderbed Bikeway Transportation Alternatives Project by the County of Fairfax.

Adopted this 17th day of February, 2015, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes County staff to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation for the Old Courthouse Road Safe Routes to School Improvements Transportation Alternatives Project by the County of Fairfax.

Adopted this 17th day of February, 2015, Fairfax, Virginia

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes County staff to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation for the Reston Bike Share Infrastructure Transportation Alternatives Project by the County of Fairfax.

Adopted this 17th day of February, 2015, Fairfax, Virginia

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

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN14-029-107, P101, R201, C501	106143	Fairfax County Cinder Bed Road Bikeway

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20____, by and between the COUNTY of FAIRFAX, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

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

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

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

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

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

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over

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

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements

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

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be

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

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

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

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

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

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

COUNTY OF FAIRFAX, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

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

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A

Appendix A

Project Number: EN14-029-107, P101,
R201, C501

UPC: 106143

Locality: Fairfax County
Cinder Bed Road Bikeway

Project Location ZIP+4: 22033	Locality DUNS# 74837626	Locality Address (incl ZIP+4): 4050 Legato Road Suite 400, Fairfax VA 22033-2895
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Project Narrative

Scope:	Preliminary engineering for the proposed Cinder Bed Road bikeway connecting Fort Belvoir with the Franconia-Springfield Metrorail Station. Preliminary work will include preparation of a location study, environmental coordination and preliminary plans (up to 30%).
From:	Fairfax County Parkway in vicinity of Cinder Bed Road
To:	Franconia-Springfield Metrorail Station (south side)
Locality Project Manager	Charlie Strunk - Bicycle Program Coordinator, Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033-2895 (703) 877-5600 charlie.strunk@fairfaxcounty.gov
Department Project Coordinator Contact	Bud Siegel - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2118 Info: Bud.Siegel@VDOT.Virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$785,000	\$115,000	\$3,075,000	\$3,975,000
Estimated VDOT Project Expenses	\$15,000		\$10,000	\$25,000
Estimated Total Project Costs	\$800,000	\$115,000	\$3,085,000	\$4,000,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$500,000	Transportation Alternatives	20%	\$100,000	\$400,000	
	\$300,000	Local Funds	100%	\$300,000	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$800,000			\$400,000	\$400,000	\$385,000
Right of Way & Utilities	\$115,000	Local Funds	100%	\$115,000	\$0	
				\$0	\$0	
Total RW	\$115,000			\$115,000	\$0	\$0
Construction	\$3,085,000	Local Funds	100%	\$3,085,000	\$0	
			0%	\$0	\$0	
Total CN	\$3,085,000			\$3,085,000	\$0	-\$10,000
Total Estimated Cost	\$4,000,000			\$3,600,000	\$400,000	\$375,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$400,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$375,000

Project Financing

Transportation Alternatives	Local Match	Local Funds				Aggregate Allocations (A+B+C+D+E+F)
\$400,000	\$100,000	\$3,500,000				\$4,000,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.
- Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: \$400,000**
- Total project allocations: \$4,000,000

Any ineligible items identified through project development will not be reimbursable. Note that federal TAP funds cannot be used exclusively for feasibility and/or location studies; if this project does not proceed to construction within 10 years (federal maximum), any federal funds expended may be subject to repayment to FHWA.

The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

In accordance with CTB policy, the project must be completed and the \$400,000 federal Alternatives allocation expended by **October 1, 2018** or the project may be subject to de-allocation.

Authorized Locality Official and date

Authorized VDOT Official and date

Typed or printed name of person signing

Typed or printed name of person signing
Version 8/19/11

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN14-029-105, P101, R201, C501	105990	Fairfax County Old Courthouse Road SRTS Improvements

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20____, by and between the COUNTY of FAIRFAX, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

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

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

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

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

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

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements

- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over \$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.
 - k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- 9 This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.
10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

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

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

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

COUNTY OF FAIRFAX, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

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

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A

Appendix A

Project Number: EN14-029-105, P101,
R201, C501

UPC: 105990

Fairfax County
Locality: Old Courthouse Road SRTS Sidewalk

Project Location ZIP+4: 22033	Locality DUNS# 74837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400, Fairfax, VA 22033-2895
Project Narrative		
Scope:	Install missing segments of sidewalk along Old Courthouse Road to Westbriar Elementary including curb and gutter and curb ramps as needed.	
From:	Creek Crossing Road	
To:	Country Club Drive	
Locality Project Manager	Todd Minnix - Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033 (703) 877-5725	
Department Project Coordinator Contact	Bud Siegel - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2118	
Info:	Bud.Siegel@VDOT.Virginia.gov	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$245,000	\$255,000	\$335,000	\$835,000
Estimated VDOT Project Expenses	\$10,000		\$5,000	\$15,000
Estimated Total Project Costs	\$255,000	\$255,000	\$340,000	\$850,000

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$255,000	Transportation Alternatives	20%	\$51,000	\$204,000	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$255,000			\$51,000	\$204,000	\$194,000
Right of Way & Utilities	\$245,000	Transportation Alternatives	20%	\$49,000	\$196,000	
	\$10,000	Local Funds	100%	\$10,000	\$0	
Total RW	\$255,000			\$59,000	\$196,000	\$196,000
Construction	\$340,000	Local Funds	100%	\$340,000	\$0	
			0%	\$0	\$0	
Total CN	\$340,000			\$340,000	\$0	-\$5,000
Total Estimated Cost	\$850,000			\$450,000	\$400,000	\$385,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$400,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$385,000

Project Financing				Aggregate Allocations (A+B+C+D+E+F) \$850,000
Transportation Alternatives	Local Match	Local Funds		
\$400,000	\$100,000	\$350,000		
Program and project Specific Funding Requirements				
<ul style="list-style-type: none"> This project shall be administered in accordance with VDOT's <u>Locally Administered Projects (LAP) Manual</u> and the <u>Transportation Alternatives Program Guide</u>. Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: \$400,000 Total project allocations: \$850,000 				
Any ineligible items identified through project development will not be reimbursable.				
The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.				
For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.				
In accordance with CTB policy, the project must be completed and the \$400,000 federal Alternatives allocation expended by October 1, 2018 or the project may be subject to de-allocation.				

Authorized Locality Official and date

Authorized VDOT Official and date

Typed or printed name of person signing

Version 8/19/11

Typed or printed name of person signing

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN13-029-148, P101, C501	105266	Fairfax County Reston Bike Share Infrastructure

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20 ___, by and between the COUNTY OF FAIRFAX, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

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

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

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

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

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

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all

federal, state, and local laws and regulations. If the locality expends over \$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- 9 This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.
10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

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

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

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

COUNTY OF FAIRFAX, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

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

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A

Appendix A

Project Number: EN13-029-148, P101,
C501

UPC: 105266

Fairfax County
Locality: Reston Bike Share Infrastructure

Project Location ZIP+4: 20190-5614	Locality DUNS# 74837626	Locality Address (incl ZIP+4): 4050 Legato Road Suite 400, Fairfax VA 22033-2895
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Project Narrative

Scope:	Reston bike share infrastructure improvements including the installation of stations / docking facilities and hardware to implement the bike share program.
From:	Various locations
To:	Various locations
Locality Project Manager	Charlie Strunk - Bicycle Program Coordinator, Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033-2895 (703) 877-5600 charlie.strunk@fairfaxcounty.gov
Contact info:	
Department Project Coordinator Contact	Bethany Mathis - VDOT Northern VA District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-1777; Bethany.Mathis@VDOT.Virginia.gov
Info:	

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$40,000	\$0	\$445,000	\$485,000
Estimated VDOT Project Expenses	\$10,000		\$5,000	\$15,000
Estimated Total Project Costs	\$50,000	\$0	\$450,000	\$500,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$50,000	Transportation Alternatives	20%	\$10,000	\$40,000	
				\$0	\$0	
				\$0	\$0	
Total PE	\$50,000			\$10,000	\$40,000	\$30,000
Right of Way & Utilities	\$0			\$0	\$0	
				\$0	\$0	
Total RW	\$0			\$0	\$0	\$0
Construction	\$450,000	Transportation Alternatives	20%	\$90,000	\$360,000	
				\$90,000	\$360,000	\$355,000
Total CN	\$450,000			\$90,000	\$360,000	\$355,000
Total Estimated Cost	\$500,000			\$100,000	\$400,000	\$385,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)

\$400,000

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

\$385,000

Project Financing

Transportation Alternatives	Local Match					Aggregate Allocations (A+B+C+D+E+F)
\$400,000	\$100,000					\$500,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.
- Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests

- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of:** **\$400,000**

- Total project allocations: \$500,000

Any ineligible items identified through project development will not be reimbursable. Note that operating and / or maintenance costs for the bike share program are not eligible for reimbursement with federal TAP funds.

The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

In accordance with CTB policy, the project must be completed and the **\$400,000** federal Alternatives allocation expended by **October 1, 2017** or the project may be subject to de-allocation.

Authorized Locality Official and date

Authorized VDOT Official and date

Typed or printed name of person signing

Typed or printed name of person signing
Version 8/19/11

Appendix A - Agreement Amendment No. 4

Project Number: EN09-029-120, P101,
R201, C501

UPC: 94287

Locality: Fairfax County
Arts - Cross County Trail

Lorton

Project Location ZIP+4: 22033	Locality DUNS# 074837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400, Fairfax, VA 22033-2895
Project Narrative		
Scope:	Construction of a shared-use trail connecting Occoquan Regional Park and the Laurel Hill Greenway	
From:	Lorton Road	
To:	Rte. 123	
Locality Project Manager	Seyed Nabavi, FCDOT 4050 Legato Road, Suite 400, Fairfax VA 22033 (703) 877-5600 seyed.nabavi@fairfaxcounty.gov	
Contact info:		
Department Project Coordinator Contact	Bud Siegel - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2118	
Info:	Bud.Siegel@VDOT.Virginia.gov	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$427,749	\$20,000	\$1,866,092	\$2,313,841
Estimated VDOT Project Expenses	\$10,000		\$5,000	\$15,000
Estimated Total Project Costs	\$437,749	\$20,000	\$1,871,092	\$2,328,841

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$437,748	Enhancement	20%	\$87,550	\$350,198	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$437,748			\$87,550	\$350,198	\$340,198
Right of Way & Utilities	\$20,000	Enhancement	20%	\$4,000	\$16,000	
				\$0	\$0	
Total RW	\$20,000			\$4,000	\$16,000	\$16,000
Construction	\$628,935	Enhancement	20%	\$125,787	\$503,148	
	\$919,638	Transportation Alternatives	20%	\$183,928	\$735,710	
	\$322,520	Local Funds	100%	\$322,520	\$0	
Total CN	\$1,871,093			\$632,235	\$1,238,858	\$1,233,858
Total Estimated Cost	\$2,328,841			\$723,784	\$1,605,057	\$1,590,057

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$1,605,057
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$1,590,057

Project Financing					
Transportation Alternatives	Transportation Enhancement	Local Match	Local Funds		Aggregate Allocations (A+B+C+D+E+F)
\$735,710	\$869,347	\$401,264	\$322,520		\$2,328,841

Program and Project Specific Funding Requirements	
<ul style="list-style-type: none"> This project shall be administered in accordance with VDOT's <u>Locally Administered Projects (LAP) Manual</u> and the <u>Transportation Alternatives Program Guide</u>. Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: \$1,605,057 Total project allocations: \$2,328,841 	
Any ineligible items identified through project development will not be reimbursable.	
<p>The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.</p> <p>For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.</p> <p>In accordance with CTB policy, the project must be completed and the combined \$1,605,057 federal Alternatives / Enhancement allocation expended by December 31, 2015 or the project may be subject to de-allocation.</p>	

Authorized Locality Official and date

Authorized VDOT Official and date

Typed or printed name of person signing

Version 8/19/11

Typed or printed name of person signing

ACTION - 7

Approval of a Resolution to Authorize the Fairfax County Redevelopment and Housing Authority to Issue a Crescent Property Direct Loan

ISSUE:

Approval by the Board of Supervisors of a resolution to authorize a Direct Loan to refinance a previous Bond Anticipation Note (BAN) issued to finance the acquisition of the Crescent Apartments.

RECOMMENDATION:

The County Executive recommends approval of the resolution relating to the issuance of a Fairfax County Redevelopment and Housing Authority (FCRHA) 3-year Direct Loan and authorizes the following actions: *Please refer to the link located at the "Enclosed Documents" which lists these comprehensive agreements as outlined below.*

1. Approves the Loan Agreement among FCRHA, the Board of Supervisors, and the vendor
2. Approves the Payment Agreement between FCHRA and the Board of Supervisors
3. Approves the form of a Ground Lease between FCRHA and the Board of Supervisors
4. Approves the form of the FCRHA Promissory Note and the Assignment Agreement from FCRHA

TIMING:

Approval by the Board is requested on February 17, 2015.

BACKGROUND:

Fairfax County purchased the Crescent Apartments complex, a 16.5 acre site with 180 units located at 1527 Cameron Crescent Drive in Reston, Virginia, on February 16, 2006. This property is adjacent to the Lake Anne Revitalization District and is leased to the FCRHA.

In January 2006, the complex's first interim financing, in the amount of \$40.6 million, was obtained through a competitive private placement bidding process with Wachovia Bank for a one year note. The interest rate was fixed at a taxable rate of 4.92 percent and repayment was due on February 12, 2007. This note was taxable pending completion of a tax exempt due diligence process in order to ensure that the use of the property qualified for tax exemption.

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In February 2007, second interim financing, in the amount of \$40.5 million, was obtained through a competitive sale with Lehman Brothers for a one year tax exempt BAN while the FCRHA reviewed options for redevelopment of the property. The interest rate was 3.66 percent and repayment was due on February 12, 2008.

In February 2008, the FCRHA sold a five year, tax-exempt BAN in the amount of \$37.62 million, which was obtained via a competitive sale to UBS Securities LLC. The interest rate was 3.31 percent with a final maturity on March 1, 2013. The intent of the five year interim financing was to enable FCRHA to begin repayment of principal annually, and allow FCRHA to draft development plans for the property in coordination with the proposed revitalization and redevelopment of the Lake Anne Community.

In May 2011(Series 2011), the County conducted a refinancing sale for the remaining two years of payments in order to reduce the interest rate on the BAN. The 2011 BAN, totaling \$28.91 million, was sold to JP Morgan Securities LLC at an interest rate of 0.57 percent. This refinancing generated savings of \$1.64 million or 5.4 percent of the refunded par amount.

In the interim, a Request for Proposal (RFP-2000000-125) was issued seeking redevelopment of the Crescent property. The County's Selection Advisory Committee (SAC) reviewed submissions and selected a development team. However, this process was not completed by March 1, 2013, when the payment for the outstanding principal of \$26.73 million for the five year BAN became due. As a result, County staff rolled the BAN for another two-year period (Series 2013) at an interest rate of 0.8 percent with a maturity of March 1, 2015. The County's Bond Counsel advised that the Series 2013 BAN should be sold on a taxable basis per IRS guidelines due to the fact that there is expected to be a private sector component to the Crescent property when it is redeveloped.

The Series 2013 BAN has an outstanding balance of \$21.47 million due on March 1, 2015, reflecting the County's continued practice of reducing principal. County staff is requesting to refinance the balance of the Series 2013 BAN with a new fixed rate taxable direct loan for a three year term maturing on March 1, 2018. The direct loan structure will provide the County flexibility for prepayment of the new direct loan upon receipt of the proceeds from the sale of the Crescent property and low costs of issuance. Debt service payments of approximately \$3 million will be earmarked from annual revenues in Fund 30300, the Affordable Housing Fund to continue to pay down the outstanding principal on the loan and make interest payments. It is anticipated that proceeds from the sale of the property from the developer beyond the outstanding debt on the direct loan will be allocated to this Fund 30300.

The FCRHA Board will consider the Crescent Property Direct Loan item for approval at its February 19, 2015 meeting.

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The Fairfax County Department of Tax Administration has verified that Bank of America, N.A. possesses the appropriate Fairfax County Business, Professional, & Occupational License (BPOL).

FISCAL IMPACT:

An equity contribution of \$3.4 million included in current year appropriations from Fund 30300, the Affordable Housing Fund, will be used to reduce the amount financed for the direct loan from \$21.47 million to \$18.07 million. Debt service payments of approximately \$3 million will be earmarked from annual revenues in Fund 30300, the Affordable Housing Fund to continue to pay down the outstanding principal on the loan and make interest payments. It is anticipated that proceeds from the sale of the property from the developer beyond the outstanding debt on the direct loan will be allocated to Fund 30300.

ENCLOSED DOCUMENTS:

Attachment 1 - The Comprehensive Agreement (with exhibits) can be viewed at:

http://www.fairfaxcounty.gov/dpsm/board_items

Attachment 2 - Resolution

STAFF:

Cathy A. Muse, Director, Department of Purchasing and Supply Management
Kurt Creager, Director, Department of Housing and Community Development (HCD)
Aseem Nigam, Director, Real Estate Finance and Grants Management Division, HCD
Joseph LaHait, Debt Coordinator, Department of Management and Budget
Hossein Malayeri, Deputy Director of Real Estate, HCD
Thomas Fleetwood, Director, FCRHA Policy, Reporting and Communications

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION REQUESTING THE ISSUANCE BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) OF A PROMISSORY NOTE IN A PRINCIPAL AMOUNT OF UP TO \$19 MILLION TO EVIDENCE A LOAN TO BE PROVIDED BY BANK OF AMERICA, N.A., AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AMONG FCRHA, THE BOARD OF SUPERVISORS AND BANK OF AMERICA, N.A., AND A PAYMENT AGREEMENT WITH FCRHA, ALL FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE REFINANCING OF NOTES PREVIOUSLY ISSUED FOR REFINANCING A PORTION OF THE PURCHASE PRICE OF A MULTI-FAMILY RENTAL HOUSING COMPLEX LOCATED IN FAIRFAX COUNTY; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE WITH FCRHA FOR THE LEASE OF THE PROPERTY TO FCRHA; APPROVING THE FORM OF THE FCRHA PROMISSORY NOTE AND AN ASSIGNMENT AGREEMENT FROM FCRHA; AND GRANTING THE AUTHORITY TO EXECUTE AND DELIVER SUCH OTHER DOCUMENTS AND AGREEMENTS RELATING TO SUCH TRANSACTIONS AND TO DETERMINE CERTAIN DETAILS OF SUCH TRANSACTION

WHEREAS, the Fairfax County Redevelopment and Housing Authority (“FCRHA”), in furtherance of its goal to preserve existing affordable housing in Fairfax County, requested that the Board of Supervisors (the “Board”) of the County of Fairfax, Virginia (the “County”), contract for the purchase of the 180-unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent Drive in Reston, Virginia (the “Property”); and

WHEREAS, on February 6, 2006, the Board entered into an Agreement of Purchase and Sale (the “Purchase Contract”) for the purchase of the Property; and

WHEREAS, the Board, upon entering into the Purchase Contract, requested that FCRHA provide interim financing for a portion of the purchase price of the Property and related costs and offered to enter into a payment agreement pursuant to which the County agreed to make payments, to or for the account of FCRHA, in amounts sufficient, with the proceeds of any permanent financing and renewal notes financing (as herein provided) and any other sources of funds available for the purpose, for FCRHA to pay

ACTION 7 – Attachment 2 REVISED

timely the interest on and the principal of notes to be issued for such interim financing; and

WHEREAS, FCRHA, pursuant to the Board's request and a payment agreement, issued on February 16, 2006 a bond anticipation note (the "Original Note"), the proceeds of which were used to pay a portion of the purchase price of the Property; and

WHEREAS, FCRHA, pursuant to the Board's request and the terms of a payment agreement, issued on February 13, 2007, a bond anticipation note (the "2007 Note") the proceeds of which were used to pay the principal of the Original Note; and

WHEREAS, FCRHA, pursuant to the Board's request and the terms of a payment agreement, issued on February 11, 2008, bond anticipation notes (the "2008 Notes") the proceeds of which were used to pay a portion of the principal of the 2007 Note; and

WHEREAS, FCHRA, pursuant to the Board's request and the terms of a payment agreement, issued on May 19, 2011, bond anticipation notes (the "2011 Notes") the proceeds of which were issued to pay the principal of and interest on the outstanding 2008 Notes; and

WHEREAS, FCHRA, pursuant to the Board's request and the terms of a payment agreement, issued on February 14, 2013, bond anticipation notes (the "Outstanding Notes") the proceeds of which were issued to pay the principal of and interest on the outstanding 2011 Notes; and

WHEREAS, the Outstanding Notes are maturing on March 1, 2015, and FCRHA desires to provide new financing, which together with other County funds, shall pay the principal of and interest on the Outstanding Notes; and

WHEREAS, FCRHA and the Board propose to enter into a Loan Agreement (the "Affordable Housing Loan Agreement") by and among FCRHA, the Board and Bank of America, N.A. (the "Bank") to provide a loan in an amount not to exceed \$19,000,000 (the "2015 Loan") to refinance the Outstanding Notes; and

WHEREAS, FCRHA proposes to issue a promissory note (the "Affordable Housing Loan Note") to the Bank in a principal amount of up to \$19,000,000 pursuant to the Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended, as evidence of its obligation to make principal and interest payments on the 2015 Loan under the Affordable Housing Loan Agreement; and

WHEREAS, the County and FCRHA anticipate providing further interim financing or long term permanent financing for the Property, including, in either case, provision for payment of the Affordable Housing Loan Note not later than the stated maturity of the Affordable Housing Loan Note in Fiscal Year 2018; and

WHEREAS, the County proposes to enter into a payment agreement with FCRHA (the "Payment Agreement") by the terms of which the County will agree to make payments to FCRHA in sufficient amounts for FCRHA to pay timely the interest

ACTION 7 – Attachment 2 REVISED

and, if and to the extent that provision for payment is not made from other sources, the principal of the Affordable Housing Loan Note and all other amounts due and owing under the Affordable Housing Loan Agreement (the “County Payments”); and

WHEREAS, the Board proposes to enter into a ground lease with FCRHA (the “Ground Lease”) by the terms of which the Board has leased the Property to FCRHA; and

WHEREAS, there has been presented to the Board a proposed form of an assignment agreement (the “Assignment Agreement”) pursuant to which FCRHA will assign to the Bank all of FCRHA’s rights under the Payment Agreement, including FCRHA’s rights to County Payments under, and to enforce the terms and provisions of, the Payment Agreement; and

WHEREAS, there has been presented to the Board a proposed form of the Affordable Housing Loan Note as Exhibit B to the Affordable Housing Loan Agreement; and

WHEREAS, the Board has duly reviewed and considered the forms of the Affordable Housing Loan Agreement, the Payment Agreement, the Ground Lease, the Assignment Agreement, and the Affordable Housing Loan Note and has determined that each is in acceptable form; and

WHEREAS, the Board has determined that it is necessary to delegate to appropriate County officials authority to request the issuance of the Affordable Housing Loan Note and the details of the transaction, but subject to the guidelines and standards established hereby; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, as follows:

SECTION 1. The form of the Affordable Housing Loan Agreement presented to this meeting is approved, and the Fairfax County Chairman or Vice Chairman of the Board or the County Executive or Chief Financial Officer (each a “Delegate”), as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County, and the Clerk or any Deputy Clerk is authorized and directed to impress the County’s seal upon, the Affordable Housing Loan Agreement in substantially such form, with such additions and modifications as shall be approved by the Delegate executing the Affordable Housing Loan Agreement, such execution being conclusive evidence of such approval.

SECTION 2. FCRHA is hereby requested to issue the Affordable Housing Loan Note to the Bank in a principal amount not to exceed \$19,000,000 ~~million~~ sufficient, along with other money to be provided by the County, to refinance the Outstanding Notes; such Affordable Housing Loan Note to have an interest rate not to exceed ~~3.0%~~. The form of the Affordable Housing Loan Note presented to this meeting as Exhibit B to the Loan Agreement is approved. The execution by a Delegate of the Affordable Housing Loan Agreement shall provide conclusive evidence of any additions or modifications to the Affordable Housing Loan Note presented to this meeting.

ACTION 7 – Attachment 2 REVISED

SECTION 3. The form of the Payment Agreement presented to this meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County, and the Clerk or any Deputy Clerk is authorized and directed to impress the County's seal upon, the Payment Agreement in substantially such form, with such additions and modifications as shall be approved by the Delegate executing the Payment Agreement, such execution being conclusive evidence of such approval.

SECTION 4. The form of the Ground Lease presented to this meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County, and the Clerk or any Deputy Clerk is authorized and directed to impress the County's seal upon, the Ground Lease in substantially such form, with such additions and modifications as shall be approved by the Delegate executing the Ground Lease, such execution being conclusive evidence of such approval.

SECTION 5. The form of the Assignment Agreement presented to meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County an acknowledgment of such Assignment Agreement in substantially such form, with such additions and modifications as shall be approved by the Delegate executing such acknowledgement such execution being exclusive evidence of such approval.

SECTION 6. The execution and delivery by any Delegate of the Affordable Housing Loan Agreement, the Payment Agreement, the Ground Lease and the Assignment Agreement and any other agreements, documents, closing papers and certificates executed and delivered pursuant to this Resolution shall be conclusive evidence of the Delegate's approval, on behalf of the County, of the changes, if any, in the form and content of the Affordable Housing Loan Agreement, the Affordable Housing Loan Note, the Payment Agreement, the Ground Lease and the Assignment Agreement.

SECTION 7. The Delegates and other members, officers and employees of the Board of Supervisors and the County are hereby authorized and directed to do all acts and things required of them by the provisions of the Affordable Housing Loan Note, the Affordable Housing Loan Agreement, the Ground Lease, the Payment Agreement and the Assignment Agreement for the full, punctual and complete performance of all the terms, covenants, provisions and agreements of the Affordable Housing Loan Note, the Affordable Housing Loan Agreement, the Ground Lease, the Payment Agreement and the Assignment Agreement and also to do all acts and things required of them by the provisions of this Resolution.

SECTION 8. Each of the Delegates is authorized to execute one or more certificates evidencing the determinations made or other actions carried out pursuant to the authority granted in this Resolution, and any such certificate shall be conclusive evidence of the actions or determinations as stated therein.

ACTION 7 – Attachment 2 REVISED

SECTION 9. All actions taken by any of the Delegates and other members, officers and employees of the County in connection with the transactions authorized and approved hereby are hereby ratified and confirmed.

SECTION 10. Any and all resolutions of the Board of Supervisors or portions thereof in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

SECTION 11. This resolution shall take effect immediately upon its adoption.

A Copy Teste:

Clerk to the Board of Supervisors

(Seal)

Board Agenda Item
February 17, 2015

ACTION - 8

Authorization to Sign an Agreement Between Fairfax 2015, Inc. and Fairfax County to License Venues for Conducting Events Related to Staging of the 2015 World Police and Fire Games (Braddock and Sully Districts)

ISSUE:

Board approval of a License Agreement between Fairfax 2015, Inc. ("Fairfax 2015") and Fairfax County (the "County") that will allow Fairfax 2015 to use County-owned space for the World Police and Fire Games.

RECOMMENDATION:

The County Executive recommends that the Board approve the License Agreement substantially in the form of Attachment 2, and authorize the County Executive or his designee to execute this Agreement on behalf of the County.

TIMING:

Board action is requested on February 17, 2015, to allow Fairfax 2015 to begin planning to use the space.

BACKGROUND:

In the summer of 2015, Fairfax County will host the World Police and Fire Games ("WPFG"), which will provide recreational, Olympic-style sports competitions for police and fire professionals around the world. Fairfax 2015 was created to oversee all aspects of the WPFG including, but not limited to, ensuring that the multi-million dollar fundraising goals necessary to successfully run the WPFG are met. In addition, Fairfax 2015 will oversee the direction of various events and competitions leading up to and taking place during the WPFG. In order for Fairfax 2015 to successfully oversee the WPFG, Fairfax 2015 requires the use of certain County-owned venues to conduct certain events.

The County agreed to license rent-free to Fairfax 2015 several County-owned sites solely for conducting the events described in the agreement. Fairfax 2015 has agreed to accept the venues "as is" and to pay for any necessary modifications and repairs to make them acceptable for the approved use. Also, Fairfax 2015 will be responsible for removing and dismantling of all equipment and personal property and restoring the venues and County property that many have been damaged by or on behalf of Fairfax 2015 after the events.

The License Agreement between the County and Fairfax 2015 will commence on February 17, 2015, and terminate on January 1, 2016. Sponsorship Agreements to provide funding to support the Games are referenced in the License Agreement. Fairfax 2015 shall ensure that its Sponsorship Activities are conducted in a manner that does not compromise the integrity of the County or its reputation. In addition, Fairfax

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2015 shall make all Sponsorships widely known by public invitation without targeting firms that traditionally do business or have matters pending with the County and shall not limit appeals to select individuals. Further, Sponsorship Agreements shall clearly state that Fairfax 2015 is a legal entity separate and apart from Fairfax County and that the sponsorship arrangement does not provide any entitlement or benefit except as expressly stated in the agreement.

Fairfax 2015 will confine its use of the Licensed Space to the areas specifically designated by the County. The License may be terminated upon written notice if Fairfax 2015 breaches the agreement and fails to remedy the breach within ten days.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – Location Maps
Attachment 2 – License Agreement between County and Fairfax 2015, Inc.

STAFF:
David J. Molchany, Deputy County Executive
David M. Rohrer, Deputy County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department





**AGREEMENT BETWEEN FAIRFAX 2015, INC. AND FAIRFAX COUNTY TO
LICENSE VENUES FOR CONDUCTING EVENTS RELATED TO STAGING OF THE
2015 WORLD POLICE AND FIRE GAMES**

THIS AGREEMENT ("Agreement") is made effective this ____ day of _____, 2015 ("Commencement Date") by and between Fairfax 2015, Inc., a Virginia non-stock, nonprofit corporation, located at 12000 Government Center Parkway, Suite 251, Fairfax, Virginia 22035 ("Fairfax 2015"), and Fairfax County, Virginia, located at 12000 Government Center Parkway, Fairfax, Virginia 22035 ("County").

RECITALS

WHEREAS, in the summer of 2015, Fairfax County will host the World Police and Fire Games (the "Games"), which provide recreational Olympic-style sports competitions for police and fire professionals around the world;

WHEREAS, the County desired to host this event as it provided a unique opportunity to showcase to the world its community and culture, highlight the talents of the County's first responders, increase County businesses' revenue with the arrival of tens of thousands of athletes and visitors to the County, and provide once in a lifetime entertainment to the County's residents;

WHEREAS, Fairfax 2015 was created to oversee all aspects of the Games including, but not limited to, ensuring that the multi-million dollar fundraising goals necessary to successfully run the Games were met;

WHEREAS, in order for Fairfax 2015 to successfully oversee the Games, Fairfax 2015 requires the use of certain County-owned venues to conduct certain events;

WHEREAS, the County desires to license to Fairfax 2015 said certain County-owned venues, subject to the terms and conditions of this Agreement, without charge for monetary rent;

WHEREAS, the County is mindful of its obligation to preserve its integrity in all of its transactions, protect the public trust and public perception of impartiality, and to avoid impropriety or the appearance thereof; and

WHEREAS, both Fairfax 2015 and the County desire to promote the success of the Games while protecting the integrity of the County and its reputation;

NOW, THEREFORE, for adequate and sufficient consideration and the mutual promises hereinafter contained, the parties mutually agree as follows:

1.0 RELATIONSHIP BETWEEN THE COUNTY AND FAIRFAX 2015

While members of the County Board of Supervisors and other County officials and employees proudly serve on the Fairfax 2015 Board of Directors, Fairfax 2015 is a separate, private, incorporated entity. As such, Fairfax 2015, and Fairfax 2015 alone, is

solely responsible for any contracts it has entered into to date and any contracts it will enter into in the future. The provisions of this Agreement shall not be construed to grant any rights other than a license as set forth herein. None of the provisions in this Agreement shall be construed to create any agency, partnership, or other joint venture between the County and Fairfax 2015.

2.0 **TERM**

The term of this Agreement shall commence on the Commencement Date and shall continue through January 1, 2016 ("Term").

3.0 **VENUES:**

3.1 The venues, the sporting events associated with them, and any venue-specific regulations, are more specifically described in Exhibit A, which is attached hereto and incorporated herein by reference ("Venues").

3.2 Competitions for the Games shall be free of any admission charge. No deviation from this "free admission" policy may be made without a written addendum to this Agreement.

4.0 **USE:**

4.1 The Venues shall be used by the Fairfax 2015 solely for conducting the events described in Exhibit A. Except as otherwise provided in this Agreement, Fairfax 2015 shall use the Venues only for such purposes as consistent with the permitted uses allowed in this Agreement.

4.2 Fairfax 2015 agrees to accept the Venues "as is" and to pay for any necessary modifications and repairs in order to make the Venues acceptable for the approved use.

4.3 The parties understand and agree that any provision of food or drink (both alcoholic and non-alcoholic) by Fairfax 2015 requires a permit, which shall be the responsibility of Fairfax 2015. This Agreement does not alleviate Fairfax 2015 of its duty to obtain proper permits and Fairfax 2015 shall be responsible for compliance with all laws and regulations applicable to the sale of food and drinks.

4.4 Exclusive Access Period / Exclusive Use Period

- 4.4.1 Except as otherwise limited herein, the County will provide Fairfax 2015 exclusive access to each of the Venues for the venue license term specified in Exhibit A (the “Exclusive Access Period”). Upon mutual agreement, Exhibit A may be amended by writing signed by both parties to add additional venues and/or regulations.

The Exclusive Access Period for each Venue includes move in and move out access, as well as the sport competition. During the Exclusive Access Period, the County will not grant use of that Venue to any other party without the prior written approval and consent of the Fairfax 2015.

- 4.4.2 The County, its agents, contractors, and employees shall retain the right to access the Venues during the Exclusive Access Period for the purpose of inspection, in the event of a fire or other emergency, or for performing any work which the County considers necessary or desirable to be performed.

- 4.4.3 At the end of the Exclusive Access Period, Fairfax 2015 shall leave each Venue in good repair, order, and condition in all respects. Fairfax 2015 shall be responsible for removal and dismantling of all its equipment and other personal property and shall be responsible for restoring the Venues and other County property which has been damaged by or on behalf of Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers to the condition that existed on the date the Exclusive Access Period commenced.

- 4.5 Throughout the Term of this Agreement, the County will permit Fairfax 2015 reasonable access to the Venues during normal business hours, for the purposes of planning, surveying, and other operational needs. Such reasonable access shall, in no way, impact County business at the site.

5.0 SPONSORSHIP

- 5.1 Definitions: As used in this Agreement, the following terms shall have the indicated meanings:

- 5.1.1 “Sponsorship” shall refer to business transactions between business entities and that involves payment of predetermined consideration in exchange for advertising space, marketing benefits, and exposure of commensurate value.

- 5.1.2 “Sponsorship Activities” shall mean anything done to secure a sponsorship agreement.
- 5.1.3 “Sponsorship Agreement” shall mean an agreement by and between Fairfax 2015 and a business entity to promote that entity in exchange for a monetary contribution to the Games.
- 5.2 Fairfax 2015 intends to enter into Sponsorship Agreements to provide funding to support the Games and shall ensure that its Sponsorship Activities are conducted in a manner that does not compromise the integrity of the County or its reputation.
- 5.3 Fairfax 2015 shall make the availability of Sponsorships widely known by public invitation without solely targeting firms that traditionally do business or have matters pending with the County and shall not limit appeals to select invited groups.
- 5.4 The requirements and benefits of Sponsorship should be made available in a broad manner based upon explicit, predetermined criteria for various levels of sponsorship.
- 5.5 Individual Sponsorship Agreements may be slightly tailored to the particular corporate sponsor.
- 5.6 Value of the Sponsorship, including advertising and branding of monetary value or in-kind value, shall be determined in accordance with and supported by advertising industry rates and standards.
- 5.7 Sponsorship Agreements shall be evidenced in a writing that identifies the value paid for advertising/branding and all benefits of the sponsorship arrangement.
- 5.8 Sponsorship Agreements shall clearly state that Fairfax 2015 is a legal entity separate and apart from Fairfax County and that the sponsorship arrangement does not provide any entitlement or benefit except as expressly stated in the agreement.
- 5.9 Sponsorship Agreements may provide for sponsor advertisement or branding to be included on signage promoting the Games to be displayed at real property locations within the County, as identified and approved by the County, under the terms and conditions discussed in Section 8, infra.

- 5.10 No advertisements shall be permitted on any County personal property including, but not limited to, vendor proprietary products, or digital property, unless and until separately authorized by the County.
- 5.11 Fairfax 2015 shall cooperate with any request from the County Executive or his designee to provide information to ensure compliance with this Agreement and any other applicable law or agreement.
- 5.12 In no event shall any employee or official of Fairfax 2015 receive any personal benefit from Sponsorships or other funding arrangements for the Games.

6.0 **OTHER REPRESENTATIONS, RESERVATIONS, OBLIGATIONS AND DUTIES OF FAIRFAX 2015**

- 6.1 Fairfax 2015 agrees and covenants:
 - 6.1.1 Not to injure or deface or suffer to be injured or defaced the Venues or any part thereof and to promptly replace or repair any injury or defacement to said Venues caused by Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers.
 - 6.1.2 To conduct a walk-through of the Venues immediately prior to the Exclusive Access Period, and to give the County prompt notice of any defects in, or damage to any part of the Venues before the commencement of the Exclusive Access Period.
 - 6.1.3 To give the County prompt notice of any defects in, or damage to any part of the Venues that occurs during the Exclusive Access Period.
 - 6.1.4 To be responsible for repairs or maintenance necessitated by use of Venue by Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers; and all damage to the Venues caused by Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers, shall be repaired promptly by Fairfax 2015, or at the option of the County, by the County at the expense of the Fairfax 2015.
 - 6.1.5 To comply with all rules, regulations, and conditions of this Agreement and of the Venues (as indicated in Exhibit A). Any violation of said rules, regulations and conditions shall be a violation of this Agreement.

- 6.1.6 To obtain all necessary permits for use of the Venues.
- 6.1.7 To provide sufficient staff and volunteers to support Games functions, such as Registration, Accreditation, Results Management and Athletes Services.
- 6.1.8 Not to use or allow to be used the Venues or any part thereof for any illegal, unlawful, or improper purpose, or for any activity which will be noisy, boisterous or in any other manner constitute a nuisance, to adjacent properties or the adjacent neighborhood or which may be likely to endanger or affect any insurance on the said Venues.
- 6.1.9 Not to provide to any employee or official of the County any personal benefit from Sponsorships or other funding arrangements for the Games.
- 6.2 All covenants of Fairfax 2015 relating to the use of, or misuse of, the Venues and of the property of which they are a part or anything therein shall be construed to include use or misuse thereof by Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers.

7.0 **COUNTY RESERVATIONS**

- 7.1 The County reserves its full rights and its full discretion to restrict access to County property as required by state or federal law, County ordinance, or any other contractual agreement to which the County is a party.
- 7.2 To the extent that there are any financial obligations incurred by the County under the terms of this Agreement, such financial obligations shall be subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations.

8.0 **SIGNAGE**

- 8.1 Signage may be permitted at the Venues and at other locations, whether such locations are County-owned or privately-owned, within the County (“Signage Locations”), subject to the terms and conditions stated in this Agreement, the County Zoning Ordinance, and any other applicable zoning regulations.
- 8.2 The erection or display of any sign at any Signage Location is subject to the sole discretion of the owner of that Signage Location, and to any applicable laws and regulations.
- 8.3 For County-owned Signage Locations:
 - 8.3.1 The County reserves the right to limit the placement, quantity, size, and materials of any signage in its sole and complete discretion.
 - 8.3.2 Should the County determine that a sign erected at a County-owned Signage Location must be removed, the County shall notify Fairfax 2015 in writing of such determination, and Fairfax 2015 shall remove the sign within twenty-four (24) hours.
 - 8.3.3 Should Fairfax 2015 fail to comply with such notice, Fairfax 2015 will be deemed in breach of this Agreement.
- 8.4 Sponsor identification on all signage erected or displayed at any Signage Location shall be limited to identifying the sponsor by name or logo as a sponsor of the Games.
- 8.5 Fairfax 2015 alone shall be responsible for the erection, care, maintenance, and timely removal of any signage. Further, Fairfax 2015 assumes all liability as set forth herein for sign-related claims or injuries subject to any other governing laws, regulations, or agreements. Notwithstanding the foregoing, the County shall have no liability for sign-related claims or injuries.

9.0 **LIABILITY AND INSURANCE**

- 9.1 **LIABILITY FOR DAMAGE TO PERSONAL PROPERTY AND PERSON:** All personal property of Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers, in and on said Venues, shall be and remain at the sole risk of the Fairfax 2015, and the County shall not be liable to them for any damage to, or loss of such personal property arising from any act

of any other persons. The County shall not be liable for any personal injury to Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers arising from the use, occupancy and condition of the Venues.

- 9.2 LIABILITY INSURANCE: During the Term, Fairfax 2015 will maintain a policy of commercial general liability insurance insuring the County and Fairfax 2015 against liability arising out of this Agreement. The insurance will be for not less than \$3,000,000 per occurrence and \$4,000,000 aggregate. Fairfax 2015 will also maintain a Liquor Liability insurance policy with limits of at least \$1,000,000 per occurrence and \$2,000,000 aggregate to cover all events where alcoholic beverages are provided for sale. This may be accomplished through a single insurance policy or combination of policies. The limits of the insurance will not limit the liability of Fairfax 2015. If Fairfax 2015 fails to maintain the required insurance the County may, but does not have to, maintain the insurance at Fairfax 2015's expense. The policy shall expressly provide that it is not subject to invalidation of the County's interest by reason of any act or omission on the part of Fairfax 2015.

9.3 FAIRFAX 2015'S INSURANCE POLICIES:

- 9.3.1 Insurance carried by Fairfax 2015 will be with companies acceptable to the County. Fairfax 2015 will deliver to the County certificate evidencing the existence and amounts of the insurance. No policy shall be cancelable or subject to reduction of coverage or other modification except after 60 days prior written notice to the County. Fairfax 2015 shall, at least 60 days prior to the expiration of the policies, furnish County with renewals of "binders" for the policies, or County may order the required insurance and charge the cost of Fairfax 2015.
- 9.3.2 Fairfax 2015 will not do anything or permit anything to be done or any hazardous condition to exist ("Increased Risk") which shall invalidate or cause the cancellation of the insurance policies carried by Fairfax 2015. If Fairfax 2015 does or permits any Increased Risk which causes an increase in the cost of insurance policies then Fairfax 2015 shall reimburse County for additional premiums attributable to any act, omission or operation of Fairfax 2015 causing the increase in the premiums. Payment of additional premiums will not excuse Fairfax 2015 from terminating or removing the Increased Risk unless County agrees in writing. Absent agreement, Fairfax 2015 shall promptly terminate or remove the Increased Risk.

9.3.3 The County, its officers, employees and volunteers, shall be named as an "additional insured" on the General Liability policy and it shall be stated on the Insurance Certificate with the provision that this coverage "is primary to all other coverage the County may possess."

9.4 **INDEMNIFICATION**: Fairfax 2015 hereby agrees to indemnify and hold harmless the Board of Supervisors, Fairfax County, Virginia, its officers, employees, volunteers and agents, from any and all claims for bodily injuries and personal injuries, death or property damage, including cost or investigation, all expenses of litigation, including reasonable attorney fees and the cost of appeals arising out of any claims or suits because of the Fairfax 2015, its employees, contractors, agents, volunteers, invitees, family members, guests, or trespassers arising from the use, occupancy and condition of the Premises.

10.0 **DEFAULT AND TERMINATION**

10.1 If Fairfax 2015 breaches this Agreement and fails to remedy such breach within ten (10) days of written notice stating the basis for such breach, Fairfax 2015 shall be in default of the terms of this Agreement.

10.2 Upon such a default, the County may immediately terminate this Agreement upon written notice to Fairfax 2015. In the event of such a termination for default, Fairfax 2015 shall remain liable for all its obligations under this Agreement, and for such losses and damages as the County may sustain as a result of Fairfax 2015's breach thereof.

10.3 The County's right to terminate is without prejudice to the remedies at law or in equity which the County, its successors or assigns, may have for the breach of covenants of this Agreement.

10.4 Unforeseen circumstances may result in the cancellation or relocation of the sports subject to the terms of this Agreement. In such an event, Fairfax 2015 has a right to terminate this Agreement with respect to that venue upon ninety (90) days' notice to the County.

11.0 **COMPLIANCE WITH LAW**

11.1 This Agreement shall be governed by the laws (including without limitation those relating to nondiscrimination) of the United States; the Commonwealth of Virginia, Fairfax County, and appropriate County Regulations. It is understood,

agreed and covenanted by and between the parties hereto that Fairfax 2015 will, at its expense, will promptly comply with, observe, and perform all of the requirements of all of the statutes, ordinances, policies, rules, orders, procedures, and regulations now in effect or hereinafter promulgated whether required by the Federal Government, Commonwealth of Virginia, Fairfax County Government, Fairfax County School Board, Fairfax County Fire and Rescue Services Office, or other governmental agencies located within Fairfax County. If any act or failure to act on Fairfax 2015's part results in a violation of any of the above referred to statutes, ordinances, rules, orders, and regulations, upon due notice, Fairfax 2015 will act promptly to comply therewith. Any violation of any of the above referred to statutes, ordinances, rules order and regulations is subject to the default provisions in Section 10 of this Agreement.

- 11.2 The County and Fairfax 2015 agree to be bound by the Laws of the Commonwealth of Virginia in any proceeding, whether in law or in equity, with respect to any dispute arising under this Agreement. They further agree that the appropriate venue for any dispute arising under this Agreement is Fairfax Circuit Court.

12.0 **MISCELLANEOUS PROVISIONS**

- 12.1 Amendment. This Agreement may be amended at any time by mutual agreement of the County and Fairfax 2015. In order to be valid and binding, any amendment to this Agreement must be in writing and signed by the County and Fairfax 2015.
- 12.2 Assignment. Due to the specific nature of the Games and other terms of this Agreement, no assignment shall be permitted hereunder.
- 12.3 Authority. The County and Fairfax 2015 each represent that it has the right to enter into this Agreement.
- 12.4 Counterparts. This Agreement may be executed in multiple original counterparts, each of which will be deemed an original and all of which will constitute one and the same instrument.
- 12.5 Entire Agreement. This Agreement constitutes the entire Agreement between the County and Fairfax 2015 with respect to the subject matter of this Agreement and supersedes all prior agreements and understandings, written and oral, between them with respect to the subject matter of this Agreement.

- 12.6 Headings. The headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provision of this Agreement.
- 12.7 Notice. Any notice required under this Agreement shall be deemed sufficiently given or rendered, if such notice is in writing, and either delivered by hand or mailed by certified or registered mail, return receipt requested as follows:

If to Fairfax 2015:

Fairfax 2015, Inc.
12000 Government Center Parkway, Suite 251
Fairfax, Virginia 22035

If to the County:

Facilities Management Department
Fairfax County Government Center
12000 Government Center, Suite 424
Fairfax, Virginia 22035
Attention: Leasing Department

Any notice given hereunder shall be deemed delivered when the return receipt is signed or refusal to accept the notice is noted thereon.

- 12.8 Severability. If any portion of this Agreement is found to be void or illegal, the validity or enforceability of any other portion shall not be affected.
- 12.9 Waiver. No waiver by the County of any breach of any covenant, condition, or agreement herein contained shall operate as a waiver of the covenant, condition, or agreement itself or of any subsequent breach thereof.

SIGNATURE PAGE

IN WITNESS WHEREOF the parties hereto have affixed their signatures all as of the date first above written.

WITNESS:

THE COUNTY:

The Board of Supervisors for Fairfax County
12000 Government Center Parkway
Fairfax, Virginia 22035

By: David J. Molchany
Deputy County Executive

WITNESS:

FAIRFAX 2015:

Fairfax 2015, Inc.

By: William B. Knight
President & CEO

\\s17PROLAWPGC01\Documents\124052\SAH\668300.docx

Exhibit A

Venue Summary

1. Fairfax County Government Center
12000 Government Center Parkway
Fairfax, VA 22035
Exclusive Access Period: June 30, 2015 – July 1, 2015*

2. Fairfax County Criminal Justice Academy
3721 and 3725 Stonecroft Boulevard
Chantilly, VA 20151
Exclusive Access Period: June 26, 2015 – July 3, 2015
Note: Participants must comply with facility admission procedures and requirements for personal identification.

3. Fairfax County Criminal Justice Academy
3725 Stonecroft Boulevard
Chantilly, VA 20151
Exclusive Access Period: June 27, 2015
Note: Participants must comply with facility admission procedures and requirements for personal identification.

* Exclusive access provisions of Section 4.4 do not apply to the main building or parking facilities.

ACTION - 9

Approval of Comments on I-66 Tier 2 Corridor Improvement Project (Braddock, Hunter Mill, Providence, Springfield and Sully Districts)

ISSUE:

The Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (DRPT) are working on a project to transform 25 miles of I-66 into a multimodal facility between the Capital Beltway (I-495) in Fairfax County and U.S. Route 15 in Prince William County. A series of Public Information Meetings were held in Fairfax County on January 29, and February 3, and 5, 2015, and in Prince William County on January 28, 2015. Since VDOT is seeking public comments, it is necessary to formally transmit key design and implementation comments important to Fairfax County, so that they will be considered during the project's planning and development process, and before the National Environmental Policy Act (NEPA) Public Hearing scheduled for May 2015.

RECOMMENDATION:

The County Executive recommends that the Board approve the letter, included in Attachment 1, containing Fairfax County's comments on the I-66 Tier 2 Corridor Improvement Project.

TIMING:

Board approval is requested on February 17, 2015, so that the comments can be transmitted in a timely manner following the Public Information Meetings.

BACKGROUND:

In May 2011, VDOT, in cooperation with DRPT and the Federal Highway Administration (FHWA), initiated a study of the I-66 Corridor between the Capital Beltway (I-495) in Fairfax County and U.S. Route 15 in Prince William County. This Tier 1 Environmental Impact Statement (EIS) defined existing and future transportation conditions and needs within the 25 mile corridor. Tiering is a staged approach to preparing documents in compliance with the NEPA policy. The Tier 1 analysis examined potential impacts at a broad conceptual level.

The Tier 1 Record of Decision (ROD) was issued by FHWA and signed in November 2013. It specified ten potential improvement concepts to advance to a Tier 2 EIS:

- General Purpose Lanes;

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- Managed Lanes;
- Metrorail Extension;
- Light Rail Transit;
- Bus Rapid Transit;
- Virginia Railway Express Extension;
- Improve Spot Locations/Chokepoints;
- Intermodal Connectivity;
- Safety Improvements; and
- Transportation Communication and Technology.

In addition, the consideration of tolling as a funding source to pay for the improvements was proposed to advance to Tier 2. None of the concepts, as stand-alone concepts, fully satisfied the purpose and need. However each improvement concept contributes to meeting the purpose and need and would provide transportation benefits. FHWA advanced all ten concepts and allowed the Commonwealth of Virginia to identify Tier 2 projects for subsequent study.

In July 2014, a Tier 2 Environmental Assessment process began. Virginia Governor McAuliffe initiated the process on July 17, 2014, with a proposed plan to provide the following on I-66:

- Three regular general purpose lanes in each direction;
- Two express lanes in each direction based upon the conversion of the existing high-occupancy vehicle (HOV) lanes to an express lane and an additional new express lane constructed in each direction; and
- Direct access between the express lanes and new or expanded commuter park-and-ride lots.

The proposed improvements include an option to allow the extension of Metrorail in the I-66 corridor in the future.

Similar to the I-95 and Capital Beltway Express Lanes project, the I-66 project will be a public-private partnership. VDOT plans to issue procurement documents for the project in late 2015. The overall project cost is expected to be in the \$2 billion to \$3 billion dollar range.

Key milestones for the project are:

January/February 2015	Public Information Meetings
February 2015	Request for Qualifications (RFQ) for a private partner to develop, finance and operate the project
Spring (May) 2015	Public Hearings on Environmental Assessment
Summer 2015	Draft Request for Proposals (RFP) for a private

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February 17, 2015

	partner to develop, finance and operate the project
Late 2015	Federal approval on Environmental Assessment
Late 2015	Final RFP
Late 2016	Finalize project contract and funding
2017	Begin construction
2021	Open to traffic

The attached comment letter highlights a number of key items for VDOT to address as the project proceeds. These include:

- Right-of-way (minimizing the need for additional right-of-way)
- Not to Preclude Extension of Rail Service (within the I-66 Corridor)
- Key Transportation Network Assumptions (and their future implementation)
- Enhanced Transit Funding (to fully realize the benefits of the express lanes)
- Bike/Pedestrian Facilities (including a multi-use trail paralleling I-66)
- Traffic Impact Area Analyses (within a quarter-mile of the I-66 Corridor)
- Public/Private Partnership (providing flexibility for future rail service extension)
- Implementation Issues
 - Sound Walls
 - Park Impacts
 - Maintenance of Traffic
 - Night Construction
 - Stormwater Management During Construction
 - Landscaping and Tree Replacement

FISCAL IMPACT:

There is no fiscal impact resulting from this action. Subsequent implementation of the I-66 project could result in fiscal impacts for the County. These potential impacts will be better defined as project-development proceeds.

ENCLOSED DOCUMENTS:

Attachment 1: Draft Comment Letter to VDOT on Tier 2 I-66 Corridor Improvement Project

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Daniel B. Rathbone, Chief, Transportation Planning Division, FCDOT
Leonard Wolfenstein, Chief, Transportation Planning Section, FCDOT
Robert E. Kuhns, Senior Transportation Planner, FCDOT



COMMONWEALTH OF VIRGINIA
County of Fairfax
BOARD OF SUPERVISORS

12000 GOVERNMENT CENTER PKWY
SUITE 530
FAIRFAX, VIRGINIA 22035-0071
TELEPHONE: 703/324-2321
FAX: 703/324-3955
TTY: 711

chairman@fairfaxcounty.gov

SHARON BULOVA
CHAIRMAN

February 17, 2015

The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation
1111 E. Broad Street, Room 3054
Richmond, Virginia 23219

Reference: Fairfax County Comments on I-66 Tier 2 Corridor Improvement Project

Dear Secretary Layne:

On February 17, 2015, the Fairfax County Board of Supervisors approved the following comments regarding the Tier 2 I-66 Corridor Improvement Project. I-66 is critically important to Fairfax County. As the Tier 1 EIS demonstrated, most of the congested segments of the I-66 study corridor now and in the future, as well as most of the safety deficiencies, are in Fairfax County. In addition, I-66 is a critical link in Fairfax County's transportation system. Consequently, the County strongly supports the Commonwealth's efforts to improve mobility in this corridor and appreciates your willingness to actively engage the County in the development of the project. Decisions made in this Corridor Improvement Project will have a significant impact on the daily lives of Fairfax County citizens and others who work and visit Fairfax County. They will also significantly affect the ability to implement future improvements in the I-66 corridor. Therefore, we believe there are a number of key items that need to be addressed as part of this process:

- Right-of-Way
 - One matter of utmost importance to the Board and our residents is the extent of right-of-way impacts to residences, businesses, parks and natural resources. While we recognize that a mobility solution for the corridor will have impacts, we want to make sure that the mobility benefits of selected solutions warrant the resultant community and environmental impacts. We caution that the community is unlikely to support significant right-of-way expansion, particularly into established residential neighborhoods. Based upon the draft plans exhibited at the Public Information Meetings, the County is likely to request further design refinements and examinations related to the mainline, interchange and the new state stormwater management regulations to minimize the need for additional right-of-way. The County encourages VDOT to work with the Virginia Department of Environmental Quality (DEQ) in achieving possible innovative approaches to minimize the right-of-way impact due to the new stormwater management regulations and pursue reasonable design exceptions with the Federal Highway Administration to minimize right-of-way requirements. In addition, extensive outreach efforts should be planned with affected communities.
- Not to Preclude Extension of Rail Service
 - As indicated in the previous Tier 1 broad conceptual analysis, the County stated in its July 9, 2013, letter, its interest in protecting the option of extending Metrorail service within the I-66

right-of-way in the future, as is included in the County's Comprehensive Plan. To preserve the future option of this extension, the County encourages the consideration of techniques used in

other urban areas that require less right-of-way or restrictive geometrics within the median and minimize the impact on transportation infrastructure and adjacent properties.

Two typical sections are being considered for the accommodation of current and future modes on I-66. Typical Section 2A allows for an expanded median to accommodate an extension of rail service from its current terminus at the Vienna Metrorail Station. Typical Section 2B has no expanded median for rail service. There is a 40 foot difference in right-of-way between the two sections. As previously indicated, the County desires to protect the ability to extend rail service along I-66 in the future. While preserving the median provides the most expedient way to preserve the future rail option, we recognize that this will not be possible for the entire corridor and that the best aspects of each section should be considered in developing the final project design. We also encourage VDOT to be flexible and not limited to either option 2A or 2B, but seek creative solutions that do not make a future Metrorail extension cost prohibitive.

- Key Network Assumptions

- There are a number of transportation network assumptions that are important to the conversion of a multimodal I-66 within the highway system serving the central part of Fairfax County. Some of these may be built at a later time period than the 'managed lanes' on I-66; however it is important to preserve the opportunity and not preclude the ability to build the following in later years. Therefore, it is important to take into account these future projects included on Fairfax County's Comprehensive Plan in the design process:

- HOV lanes along Route 28 north of I-66,
- HOV lanes along the Fairfax County Parkway and interconnections with I-66, and
- Additional southbound lane along Beltway from Route 7 in Tysons to I-66.

We are pleased that the study team has identified several options for our HOV connection between I-66 and the Fairfax County Parkway, in particular.

- Enhanced Transit

- A clear advantage of the managed lanes is that they support more reliable and more efficient bus service in the corridor, and, therefore, facilitate moving more people in fewer vehicles. As part of the I-66 Corridor Improvement Project, a preliminary proposed new transit service plan has been put forward. A funding plan will be important as the project moves forward, because without funding, the transit service plan cannot be implemented and the benefits of the express lanes will not be fully realized. We would encourage the Commonwealth to incorporate mechanisms that allow project revenues to help fund the enhanced transit service for the corridor.

- Bike/Pedestrian Facilities

- As was done with the construction of the Capital Beltway Managed Lanes project, this project presents an opportunity to provide improved bike/pedestrian facilities on rebuilt bridge crossings. We are pleased that VDOT is including bike and pedestrian facilities on the bridges it is rebuilding. Although the Blake Lane bridge is not expected to be rebuilt, it is recommended that enhancements regarding bike/pedestrian applications for Blake Lane be included within this I-66 Corridor Improvement Project.

The County's Trail Plan and the recently adopted Bicycle Master Plan call for a Major Regional Trail along I-66 with a minimum width of eight feet. The I-66 Corridor Improvement Project may be the best opportunity in the foreseeable future to begin

implementation of such a trail. Therefore, the County requests consideration be given to serving the immediate vicinity of the I-66 mainline similar in concept and operations and interconnecting with the Custis Trail inside the Beltway. It is recognized that there may be difficulty in accommodating a trail within the I-66 right-of-way and that this regional trail may need to cross I-66 between north and south sides at other bridge crossings expected to be improved for bike/pedestrian enhancements as part of the I-66 Corridor Improvement Project. We also recognize that in some cases it will be more appropriate for this trail facility to be located on a parallel facility, and we request that you coordinate this aspect of the project closely with the County.

- Traffic Impact Area Analyses

- As part of the implementation of the Capital Beltway Managed Lanes, a limited analysis of adjacent congested intersections was conducted. However, these efforts only minimally considered the nearby impacts of the new facilities on the Beltway and the related traffic congestion. It is recommended that prior to the implementation of a multimodal design along I-66, that cross-street traffic congestion resulting from this project be addressed within the nearby interconnecting roadway system within a quarter-mile of the I-66 corridor.

- Public-Private Partnership

- The County recognizes that the capital costs and the annual operation and maintenance costs for this project are substantial, and that participation by the private sector is essential to the funding and implementation of the project. However, the County is concerned about the financial risks involved and understands that the Commonwealth will do further analysis to refine these risks. One concern is that the initial Term of Agreement should not prevent the extension of rail service when required. The Virginia Office of Public-Private Partnerships (VAP3) has suggested that the term of the agreement could be as much as 40 years. Fairfax County requests that flexibility be provided in the private partner agreements to consider the extension of rail service before the term expires and to also consider public-private opportunities for the rail service extension. As a result, any "non-compete" language in the agreement should be carefully drafted.

- Implementation Issues

- While this process is still in the planning stages, it is also important to consider impacts during the construction period. Establishing a TMP (Transportation Management Plan) as has been done for the construction of other Northern Virginia megaprojects is desirable. Expedited construction and consideration towards the residents and businesses in the vicinity of the project should be prominent in the implementation program. These considerations should include:
 - Ensuring that sound walls are replaced rapidly after the existing wall are removed
 - Minimizing park impacts
 - Developing an aggressive maintenance of traffic plan for roadway and existing Metrorail service
 - Minimize night construction in areas adjacent to residential neighborhoods
 - Maintain proper erosion, siltation and stormwater management equipment and facilities during construction
 - Developing an effective landscaping and tree replacement plan

The Honorable Aubrey Layne
February 17, 2015
Page 4

Fairfax County appreciates the work that has been undertaken to date in this study and the opportunity to provide comments. We look forward to providing further comments as part of the upcoming NEPA Public Hearing scheduled in May 2015 and as part of subsequent implementation. We also look forward to working closely with the Commonwealth and developing a mutually beneficial project to County residents and the region.

If you have any questions or need additional information, please contact Robert Kuhns of the Department of Transportation at Robert.kuhns@fairfaxcounty.gov or 703-877-5600.

Sincerely,

Sharon Bulova
Chairman

cc: Members, Fairfax County Board of Supervisors
Edward L. Long Jr., County Executive
Robert A. Stalzer, Deputy County Executive
Catherine A. Chianese, Assistant County Executive
Tom Biesiadny, Director, Department of Transportation
Helen Cuervo, District Administrator, VDOT, Northern Virginia
Renee Hamilton, Deputy District Administrator, VDOT, Northern Virginia
Susan Shaw, Megaprojects Director, VDOT
Young Ho Chang, Project Manager

ACTION – 10

Approval of Comment Letter to the Virginia Department of Environmental Quality on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System

ISSUE:

On February 2, 2015, the Virginia Department of Environmental Quality (DEQ) released for public comment a draft Virginia Stormwater Management Program (VSMP) Permit for Fairfax County's Municipal Separate Storm Sewer System (MS4). The deadline for written comments is March 4, 2015.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors submit the attached letter containing Fairfax County's comments on the draft permit to the Virginia Department of Environmental Quality.

TIMING:

Board action is requested on February 17, 2015 so that the letter can be sent prior to the comment deadline of March 4, 2015.

BACKGROUND:

Phase I MS4 Permits in Virginia have been administratively continued for more than a full permit cycle. Following reissuance of Arlington County's Phase I MS4 permit on June 26, 2013, the VSMP was transferred from the Department of Conservation and Recreation (DCR) to DEQ. This resulted in an additional 18 month delay before the next two Phase I MS4 permits were reissued on December 17, 2014.

The draft permit contains a number of specific, quantifiable commitments over the course of the five-year permit cycle including:

- Implementation of 30 retrofit projects
- Development of certified nutrient management plans for all county lands where nutrients are applied to a contiguous area of more than one acre
- Inspection of 750,000 linear feet of sanitary sewer
- Inspection of all stormwater management facilities, best management practices and storm drainage systems

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The draft permit drives a considerable ramp-up of activities, at a fast pace, for many new or expanded requirements, in addition to continuing on-going implementation of many current activities.

Staff has reviewed the draft permit and prepared the attached cover letter and detailed comments for submittal to DEQ.

FISCAL IMPACT:

The FY 2015 - FY 2019 Adopted Capital Improvement Program includes an annual increase in the stormwater service rate of ¼ penny each year that reflects a phased approach for funding and staffing to support the anticipated regulatory increases.

ENCLOSED DOCUMENTS:

Attachment 1: Comment Letter to the Virginia Department of Environmental Quality on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randy Bartlett, Deputy Director, DPWES

Craig Carinci, Director, Stormwater Planning, DPWES

Kate Bennett, MS4 Program Coordination Section Chief, Stormwater Planning, DPWES



County of Fairfax, Virginia

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

Ms. Jamie L. Bauer
Environmental Specialist II
Virginia Department of Environmental Quality
629 E. Main Street
Richmond, VA 23219

Reference: Comments on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System

Dear Ms. Bauer:

The purpose of this letter is to provide comments on behalf of the Fairfax County Board of Supervisors (herein after referred to as the "Board") on the Draft Virginia Stormwater Management Program (VSMP) Permit for Fairfax County's Municipal Separate Storm Sewer System (MS4), which was released for public comment on February 2, 2015. The Board recognizes the challenges Virginia has faced in reissuing the Phase I MS4 Permits and would like to commend both the Commonwealth and the Department of Environmental Quality (herein after referred to as "DEQ") on the recent reissuance of two of the ten remaining administratively continued Phase I MS4 permits, and on the current release of two more draft permits for public comment.

Fairfax County (herein after referred to as the "County") has demonstrated leadership in environmental stewardship and water quality protection a far back as the 1950s, including acquisition of stream valley land for protection; early adoption of erosion and sediment and peak flow control requirements; rezoning and requiring water quality controls to protect the Occoquan Reservoir; adoption of resource protection and resource management areas; implementation of a stream protection strategy; and development of watershed management plans. The Board has adopted an Environment Agenda that establishes goals and procedures for continued water quality protection and environmental stewardship efforts in the County.

Given this long-standing and continued commitment to the environment, the Board looks forward to the reissuance of the County's Phase I MS4 Permit and to the water quality improvements that it will support. While the requirements of the draft permit will substantially increase the level of effort needed to implement the County's MS4 Program, we believe that the effectiveness of the program will also increase. As the holders of a Phase I MS4 permit that has been administratively continued since 2007, one of the biggest challenges that we have perceived in reissuing these permits in Virginia has been finding the most effective balance between increased administrative and reporting requirements and the implementation of stormwater practices that provide tangible water quality benefits. The draft permit represents significant

progress towards finding that balance by establishing accountability in program documentation, providing clear compliance goals, incorporating mechanisms to support continuous program improvement, and increasing transparency through enhanced public involvement.

The draft permit contains a number of specific, quantifiable commitments including implementation of 30 retrofit projects, development of certified nutrient management plans, inspection of 750,000 linear feet of sanitary sewer, and more frequent stormwater infrastructure inspections. The inclusion of quantifiable commitments as permit requirements is relatively new to MS4 permitting in Virginia and raises the potential for enforcement actions should the County be unable to meet any of these commitments. However, on the whole we believe that this approach will improve urban stormwater management by focusing implementation efforts on effective practices, clarifying permit compliance expectations, and facilitating MS4 program planning.

The draft permit also places a strong emphasis on good housekeeping and pollution prevention at County, industrial and commercial facilities. We welcome the opportunity to model effective pollution prevention at County facilities and recognize that substantial improvements in water quality cannot be achieved through government efforts alone. However, the draft arbitrarily requires the inclusion of major automotive facilities in the County's Industrial and High Risk Runoff program without requiring evidence that they are in fact affecting water quality. While we would prefer to have the flexibility to target those industrial and commercial activities that have the biggest impact on local water quality, we hope that the draft permit's increased focus on pollution prevention will help raise awareness of and support for improved stormwater management, both of which are important steps in changing individual and corporate behavior, and will lead to cultural change over time.

The draft permit also recognizes that the County's MS4 and that of the Virginia Department of Transportation (VDOT) are completely interconnected because VDOT maintains virtually all of the roads, and it includes a new framework to improve coordination of these systems. The framework requires the County to share information related to system mapping and TMDL Action Plan development with VDOT, and it encourages the County to partner with VDOT on TMDL Action Plan implementation, illicit discharge detection and elimination, and water quality monitoring. This improved coordination will ultimately benefit water quality, however the requirement to coordinate will be applicable only to the County through this renewed permit. It is the County's expectation that similar requirements will be incorporated into VDOT's individual MS4 permit when it is reissued. VDOT operates a significant portion of the impervious cover in the County and working together will enhance both of our efforts to improve water quality.

By far the most significant new requirement in the draft permit is the development of Total Maximum Daily Load (TMDL) Action Plans for both the Chesapeake Bay and for local streams. While these requirements will help guide the County's planning and implementation efforts, we cannot emphasize enough that the water quality impairments that have triggered TMDL development reflect the impacts of decades or more of human activity on our watersheds and streams. Just as it took time for these impacts to occur, it will take time for them to be reversed, and some may in fact be irreversible. Because TMDLs are pollutant- and waterbody-specific, the development of TMDL Action Plans will represent a significant new workload and cost for the County and has the potential to dwarf the workload associated with all of the other MS4 permit requirements combined. The adaptive, iterative approach to TMDL Action Plan development and implementation taken in the draft permit is absolutely essential to allow the County to

Ms. Jamie L. Bauer

Comments on the Draft Virginia Stormwater Management Program Permit for Fairfax County's Municipal Separate Storm Sewer System

Page 3 of 3

effectively target and sustainably manage its efforts to achieve the water quality improvements identified in each TMDL.

In the professional opinion of qualified County staff, the overall schedule of increased activities and requirements under the draft permit is very aggressive, even with the high level of commitment of the County described above. Some of these requirements are described above, others are described in the fact sheet, and all are reflected in the expanded requirements of the draft permit as compared to the current permit now in effect. Clearly the draft permit drives a considerable ramp-up of activities, at a fast pace, for many new or expanded requirements, in addition to continuing on-going implementation of many current activities. This is especially so given the new TMDL requirements of the draft permit both for the Chesapeake Bay TMDL and for other TMDLs. The County strongly supports the concept of multiple permit cycle implementation for the Chesapeake Bay TMDL, particularly the 24 month action planning process and five percent progress requirement applicable in this five-year permit. For all of these reasons, the County finds the required activities and schedules to be the maximum level we can reasonably be expected to manage given the draft permit's provisions taken as a whole and specifically requests that no requirements be made more stringent, that no additional requirements be added, and that no new or shorter timelines be imposed in the final permit.

Finally, a brief list of comments related to minor corrections or inconsistencies in the draft permit is enclosed for your consideration.

The County remains fully committed to implementing a comprehensive MS4 Program that will control pollutant sources, maintain and improve stormwater infrastructure, and protect receiving streams. I appreciate the opportunity to comment on the draft permit and look forward to continuing to work with the Commonwealth to help improve urban stormwater management in Fairfax County and in Virginia.

Sincerely,

Sharon Bulova
Chairman
Fairfax County Board of Supervisors

**Detailed Comments on the Draft Virginia Stormwater Management Program Permit for
Fairfax County's Municipal Separate Storm Sewer System**

Page	Section	Draft Language	Comment
General	Formatting	There are general formatting issues related to section headings at the bottom of pages and tables spanning pages.	Recommend keeping headings with their corresponding sections and tables on one page for clarity.
Cover Sheet	Watersheds	"Stormwater from Fairfax County discharges into <u>twenty-two</u> 6th order hydrologic units"	"Stormwater from Fairfax County discharges into <u>eighteen</u> 6th order hydrologic units"
6	Planning, SPECIFIC REPORTING REQUIREMENTS	"The permittee shall provide the Department a web link to the plans <u>no later than 12 months after the effective date of this state permit</u> with each annual report."	"The permittee shall provide the Department a web link to the plans with each annual report."
7	Roadways, SPECIFIC REPORTING REQUIREMENTS	"The permittee shall include a copy of the written protocols identified in Part I.B.2. <u>d</u>)(2) with the next annual report that is due after development of the protocols."	Reference should be to Part I.B.2. <u>c</u>)(2)
9	Illicit Discharges and Improper Disposal	"4) [...] Such programs shall be readily available to all <u>private</u> residents and shall be publicized and promoted on a regular basis not less than twice per year."	"4) [...] Such programs shall be readily available to all <u>county</u> residents and shall be publicized and promoted on a regular basis not less than twice per year."
13	Stormwater Infrastructure Management	"2)(a)(3)(ii) No later than 15-months after the effective date of the permit, the permittee shall implement these draft procedures and policies including the proposed options identified in subsection Part I.B.2. <u>i</u>)2)a)(3)(i) above;"	Reference should be to Part I.B.2. <u>h</u>)2)a)(3)(i)

Page	Section	Draft Language	Comment
13	Stormwater Infrastructure Management	"2)(a)(3)(iii) No later than 36-months after the effective date of the permit, the permittee shall modify the draft policy and procedures required by Part I.B.2.i)2)a)(3)(i) for the inspection of privately maintained SWM facilities based on the findings of Part I.B.2.i)2)a)(3)(ii) and finalize the inspection procedures."	References should be to Parts I.B.2.h)2)a)(3)(i) and I.B.2.h)2)a)(3)(ii), respectively
14	Stormwater Infrastructure Management, SPECIFIC REPORTING REQUIREMENTS	"The MS4 service area map including outfalls and information included in Part I.B.2.h)3) shall be <u>submitted no later than 18 months after the effective date of this state permit.</u> "	An 18 month submittal date does not correspond with the annual reporting schedule. Is it DEQ's expectation that this information will be submitted separately from an annual report?
14	Stormwater Infrastructure Management, SPECIFIC REPORTING REQUIREMENTS	"The <u>fourth annual report</u> shall include an updated list of all information requested in Part I.B.2.h)5)"	The fourth annual report will cover the period from 36 to 48 months after the effective date of this state permit, however the information requested in Part I.B.2.h)5) is not due until 54 months after the effective of this state permit. Is it DEQ's expectation for this information to be submitted with the County's permit renewal application?
29	Annual Reporting	"The permittee shall submit the annual report to the Department, <u>no later than March 31st</u> of each year. The report shall cover the previous fiscal year from July 1st to June 30th and include the following separate sections"	Submitting a fiscal-year report on March 31 st equates to a nine month gap between the close of the reporting year and report submittal. Should the annual report submittal deadline be "no later than October 1st" instead?

Board Agenda Item
February 17, 2015

11:40 a.m.

Matters Presented by Board Members

12:30 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. Consent Order with the State Water Control Board Resolving Enforcement Action Regarding Unpermitted Discharges from Fairfax County's Sanitary Sewer System (Mason District, Lee District)
 - 2. *Cellco Partnership d/b/a Verizon Wireless and CWS VII, LLC v. Fairfax County, Virginia, and The Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:15cv2 (E.D. Va.) (Dranesville District)
 - 3. *Eric S. Clark v. The County of Fairfax, Virginia, John H. Kim, T. B. Smith, and John Spata*, Case No. 14-1767 (U.S. Ct. of App. for the Fourth Cir.)
 - 4. *Joyce Banin v. Brian Byerson*, Case No. 15-1037 (U.S. Ct. of App. for the Fourth Cir.)
 - 5. *David T. Clenney v. Officer V.R. Swartz*, Case No. 1:14CV1702 (E.D. Va.)
 - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nicolas D. Parada and Louisa A. Parada*, Case No. CL-2012-0008793 (Fx. Co. Cir. Ct.) (Lee District)
 - 7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Delfin Farfan and Mary I. Farfan*, Case No. CL-2011-0002183 (Fx. Co. Cir. Ct.) (Providence District)
 - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Hanson A. Gyamfi and Emelia A. Gyamfi*, Case No. CL-2012-0004306 (Fx. Co. Cir. Ct.) (Lee District)
 - 9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2013-0000221 (Fx. Co. Cir. Ct.) (Mason District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Randal S. Cordes*, Case No. CL-2013-0000441 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2014-0014446 (Fx. Co. Cir. Ct.) (Providence District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Madison Gunston Plaza, LLC, and Las Colinas Restaurant, Inc.*, Case No. CL-2014-0015036 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Catherine Macorol and Sharon Macorol*, Case No. CL-2015-0001083 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Unknown Heirs of Albert E. Mays*, Case No. CL-2015-0001081 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Domingos C. Costa and Maria Graciete Costa*, Case No. CL-2015-0001165 (Fx. Co. Cir. Ct.) (Lee District)
17. *Melissa Rioja v. Fairfax County Park Authority and Abasto Howard*, Case No. GV14-014434 (Fx. Co. Gen. Dist. Ct.)
18. *Karen Payne v. Sharman G. Harris*, Case No. GV14-014868 (Fx. Co. Gen. Dist. Ct.)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard E. Coppola*, Case No. GV14-026433 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura Novella Green West*, Case Nos. GV14-026434 and GV14-026435 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Norah Borda*, Case No. GV14-010710 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

22. *Ingrid Vasquez Sunun v. Ligia Gonzalez and County of Fairfax Government*, Case No. GV15-000424 (Fx. Co. Gen. Dist. Ct.)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Linda L. Tynes*, Case No. GV14-024949 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gwendolynn T. Naraghi and Ali Naraghi*, Case No. GV15-000515 (Fx. Co. Gen. Dist. Ct.) (Sully District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gwendolynn T. Naraghi and Ali Naraghi*, Case No. GV15-000514 (Fx. Co. Gen. Dist. Ct.) (Sully District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Dewey L. Newman and Bobbie R. Newman*, Case No. GV15-000717 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Walter H. Pfanmuller and Davi T. Pfanmuller, Trustees of the Walter H. Pfanmuller Trust*, Case No. GV15-001725 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert J. Sherman*, Case No. GV15-001724 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Pierre Doose Eicher and Pamela J. Eicher*, Case No. GV15-001893 (Fx. Co. Gen. Dist. Ct.) (Providence District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Stephen G. Reggio d/b/a Crossfit Lorton*, Case No. GV15-002035 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tysons Springhill Limited Partnership and Nancy Griswold d/b/a Jazzercise McLean Tyson's Corner Fitness Center*, Case No. GV15-002036 (Fx. Co. Gen. Dist. Ct.) (Providence District)

Board Agenda Item
February 17, 2015

3:00 p.m.

Public Hearing on SE 2014-SU-059 (Chantilly Plaza LLC) to Permit Waiver of Certain Sign Regulations. Located on Approximately 8.26 Acres of Land Zoned C-6, WS and HC (Sully District)

Property is located at 13653 A Lee Jackson Memorial Highway, Chantilly, 20151 Tax Map 44-2 ((1)) 9C.

This public hearing was deferred by the Board at the January 27, 2015 meeting.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 11, 2014, the Planning Commission voted 12-0 to recommend that the Board of Supervisors approve SE 2014-SU-059, subject to the Development Conditions dated November 26, 2014, with the following revision to Condition Number 6:

“Sign lettering may include text in languages other than English; however, if so, than the Non-English text must also be translated into English (the translated text) and the translated text must be equal to or greater in text size than the Non-English text to ensure legibility.”

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4470978.PDF>

STAFF:

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

SE 2014-SU-059 – CHANTILLY PLAZA, LLC

After Close of the Public Hearing

Chairman Murphy: Close the public hearing; Mr. Litzenberger, please.

Commissioner Litzenberger: Thank you, Mr. Chairman. Ms. Stagg, could you once again confirm that the applicant agrees with all the conditions, including the one on the sign?

Inda Stagg, Senior Urban Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, sir, the applicant agrees with the conditions.

Commissioner Litzenberger: Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE 2014-SU-059, BY CHANTILLY PLAZA, LLC BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 26TH, 2014, WITH THE FOLLOWING CONDITION TO CONDITION NUMBER 6: “ SIGN LETTERING MAY INCLUDE TEXT IN LANGUAGES OTHER THAN ENGLISH; HOWEVER, IF SO, THAN THE NON-ENGLISH TEXT MUST ALSO BE TRANSLATED INTO ENGLISH (THE TRANSLATED TEXT) AND THE TRANSLATED TEXT MUST BE EQUAL TO OR GREATER IN TEXT SIZE THAN THE NON-ENGLISH TEXT TO ENSURE LEGIBILITY.”

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-059, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JN

Board Agenda Item
February 17, 2015

3:00 p.m.

Public Hearing on DPA A-502-07 (Lake Anne Development Partners LLC) to Permit the 7th Amendment of the Development Plan for RZ A-502 to Permit a Mixed Use Development with an Overall Floor Area Ratio of 1.11 Associated Modifications to Site Design and a Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property is located on the South Side of Baron Cameron Avenue at its Intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, and 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Rd. to be vacated/abandoned. (Concurrent with PCA A-502 and PRC A-502-3).

and

Public Hearing on PRC A-502-03 (Lake Anne Development Partners LLC) to Approve a PRC Plan Associated with RZ A-502 to Permit a Mixed Use Development, with an Overall Floor Area Ratio of 1.11, and Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property located on the South side of Baron Cameron Avenue at its Intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Road to be vacated/ abandoned (Concurrent with DPA A-502-07 and PCA A-502).

and

Public Hearing on PCA A-502 (Lake Anne Development Partners LLC) to Add Proffers to RZ A-502 Previously Approved for Residential Commercial, Institutional and Park Uses to Permit a Mixed Use Development Associated Proffers and Associated Modifications to Site Design with an Overall Floor Area Ratio of 1.11 and Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property is located on in the south side of Baron Cameron Avenue at its intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Road to be vacated/abandoned (Concurrent with DPA A-502-07 and PRC A-502-3)

These public hearings were deferred by the Board of Supervisors at the January 27, 2015 meeting.

Board Agenda Item
February 17, 2015

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 5-502, subject to the execution of proffers consistent with those dated January 22, 2015;
- Approval of DPA A-502-07 and PRC A-502-03, subject to the proposed PRC Development Conditions consistent with those dated January 22, 2015; and
- Approval of the following waivers and modifications:
 - Waiver of Paragraph 2 of Section 6-306 of the Zoning Ordinance for privacy yards a minimum of 200 feet for buildings D12 and D21 through D24;
 - Modification of Section 11-203 of the Zoning Ordinance for the minimum required loading spaces for residential, office, retail, and other uses to that shown on the DPA/PRC plan;
 - Waiver of Paragraph 2 of Section 11-302 of the Zoning Ordinance on the requirement that no private streets in a residential development shall exceed 600 feet in length;
 - Waiver of Paragraph 1 of Section 17-305 of the Zoning Ordinance for transitional screening and barriers between uses; and
 - Waiver Number 8260-WPFM-001-1 to permit underground stormwater facilities within a residential development in accordance with Section 6-0303.6 of the Public Facilities Manual, and subject to the conditions contained in attachment A of Appendix 8a, dated June 18, 2014.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4473560.PDF>

STAFF:

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

DPA A-502-07/PCA A-502/PRC A-502-03 – LAKE ANNE DEVELOPMENT PARTNERS, LLC Hunter Mill District)

Decision Only During Commission Matters
(Public Hearing held on January 8, 2015)

Commissioner de la Fe: Thank you, Mr. Chairman. The public - - this is on a number of cases related to Lake Anne Development Partners, LLC. They are DPA A-502-07/PCA A-502/PRC A-502-03, all in the name of Lake Anne Development Partners. The public hearing for these cases was held on January 8th. There were, if I remember correctly nine speakers and we also received a number of community input through other means, such as letters and emails and so forth. In almost every - - Actually in every case, they supported these cases; however there were some issues that were brought to our attention. The main one related to - by the speakers - related to the assurance - - they're concerned that they have assurances of continued affordability currently enjoyed by the residents there. I have to stress as we have done before that the new development will in fact replace the 181 current units with at least 181 units - possibly under the new proffers up to 185 units - whose income limits will be, at most, below 60 percent of AMI. The proffered percentages are 10 percent below 30 percent of AMI, 20 percent below 50 percent of AMI, and 70 percent below 60 percent of AMI. In addition to these, all of the new market rate units - or the new market rate units will be subject to the 20 percent county policy for affordable dwelling units; so, I believe that the spirit of maintaining the affordability for current and future residents is there right now through the proffers and the - also the work that will have to be done by the Housing staff to make sure that this does occur. The staff recommended approval; however, they identified a number of issues that they felt needed further attention. One of them had to do with the Parks contribution, which they felt and I felt was too low. During the deferral period it was raised from \$100,000 to \$300,000 and, in a rather lengthy meeting that we had today it was raised to \$500,000. And I will get the - we'll change the proffers tonight to that effect because we haven't - - since the meeting ended at approximately 6:30, we really didn't get a chance to come up with new proffers. You received the proffers last night and today; you received a hard copy for the - - what had been achieved during the deferral period. There were also other issues related to this which relate to transportation improvements that - I mean hard transportation improvements such as the realignment of Village Road, which will require further discussion between numerous parties, which I don't think any further deferral by us or by the Board of Supervisors necessarily would serve - - could be accomplished - but they can be accomplished before the first submissions for, you know, building on this can be handled. The project has undergone an extensive community involvement process and to my knowledge there really are no opponents to this project. The actions that we take tonight are a step forward in a long-envisioned and desired redevelopment of Reston's first center at Lake Anne Village. I would like to ask the applicant's attorney to come forward, identify herself, and remind us of the things that we agreed to tonight.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Thank you, Commissioner de la Fe, members of the Planning Commission. My name is Lynne Strobel. I represent the applicant and we did have a fairly extensive meeting this afternoon and the proffers

that were delivered to you by email yesterday – I guess hardcopy today – I think, do address a number of the comments that were in the staff report. As Commissioner de la Fe mentioned we have increased the Parks contribution verbally, up to a total of \$500,000 and that will be reflected in the proffers that go to the Board on Tuesday of next week. There's also kind of some minor tweaking language that we will also accommodate. And I did want to note that I received some comments late last night from the attorney representing LARCA (*Lake Anne Reston Condo Association*) and those will also be incorporated to the extent as agreed upon with staff prior to the Board. But I think that we are in agreement with all the changes.

Commissioner de la Fe: Okay, and can I – while you're up there, can I ask you if you concur with the proposed PRC development condition which is now dated 1/22, because we are deleting one tonight.

Ms. Strobel: Yes, sir, we do.

Commissioner de la Fe: Okay, thank you very much.

Ms. Strobel: Thank you.

Commissioner de la Fe: Mr. Chairman, I know that this is - - I mean, there are - - I can't remember how many pages this is. This is – this is almost as big as the Tysons case, if not even more complicated by the fact that it's in Reston and we have to have PRC plans as well as PCAs and everything else. However this, as I said, is the first step of a number of others that have to be taken. We are also - - I'm going to move on this tonight because of - - the Board of Supervisors must act on this by a certain date. And they only meet once in February, so we hope that they can act on this next Tuesday, which is when it's currently scheduled. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 5-502 [*sic*], SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED 1/22/15 - - AND THE CHANGE THERE IS THE UPPING OF THE CONTRIBUTION FROM THE ONES YOU RECEIVED THAT SAID \$300,00 TO \$500,000 - - THE PARK CONTRIBUTION; ALSO DPA A-502-07 AND PRC A-502-03, SUBJECT TO THE PROPOSED PRC DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOW 1 – JANUARY 22ND, '15. THERE WERE ORIGINALLY TWO CONDITIONS AND WE DELETED THE SECOND CONDITION BECAUSE IT HAS BEEN TAKEN CARE OF BY CHANGING - - CHANGES IN THE PROFFER. Those – That's my motion.

Commissioner Hart: Second.

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

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I note with – with satisfaction the presence of a bird-friendly section in the architectural design proffer. Proffers are voluntary. This responsible has some concern for the other creatures living with us on this planet. I urge staff to solicit such proffers as a routine matter. Thank you very much, Mr. Chairman.

Commissioner de la Fe: We have a lot of geese in Lake Anne and we hope that not too many of them get hurt.

Chairman Murphy: Is there further discussion of the motions? All those in favor of the motions as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISOR APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

- WAIVER OF PARAGRAPH 2 OF SECTION 6-306 OF THE ZONING ORDINANCE FOR PRIVACY YARDS A MINIMUM OF 200 FEET FOR BUILDINGS D12 AND D21 THROUGH D24;
- MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE MINIMUM REQUIRED LOADING SPACES FOR RESIDENTIAL, OFFICE, RETAIL, AND OTHER USES TO THAT SHOWN ON THE DPA/PRC PLAN;
- WAIVER OF PARAGRAPH 2 OF SECTION 11-302 OF THE ZONING ORDINANCE ON THE REQUIREMENT THAT NO PRIVATE STREETS IN A RESIDENTIAL DEVELOPMENT SHALL EXCEED 600 FEET IN LENGTH; AND
- WAIVER OF PARAGRAPH 1 OF SECTION 17-305 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING AND BARRIERS BETWEEN USES AND; FINALLY
- WAIVER 8260-WPFM-001-1 TO PERMIT UNDERGROUND STORMWATER FACILITIES WITHIN A RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH SECTION 6-0303.6 OF THE PUBLIC FACILITIES MANUAL, AND SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 8A, DATED JUNE 18, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

//

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

JN

Board Agenda Item
February 17, 2015

3:30 p.m.

Public Hearing on SE 2014-BR-063 (Laura Bernhardt; John Bernhardt Bernhardt's Busy Bears Childcare, Inc.) to Permit a Home Child Care Facility, Located on Approximately 1,540 Square Feet of Land Zoned PDH-3 (Braddock District)

Property is Located at 5509 Mitcham Court Springfield 22151 Tax Map 79-1 ((8)) 20.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 14, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-BR-063 subject to the Development Conditions dated January 13, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4473442.PDF>

STAFF:

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

SE 2014-BR-063 – BUSY BEARS CHILD CARE, INC.

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I request that the applicant confirm their agreement to the proposed development conditions dated January 13th, 2015.

Laura Bernhardt, Co-Applicant/Title Owner: Thank you. I'm Laura Bernhardt, the applicant, and I do agree to the proposed development conditions. Thank you.

Commissioner Hedetniemi: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Hedetniemi: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-BR-063, SUBJECT TO DEVELOPMENT CONDITIONS DATED JANUARY 13TH, 2015.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-BR-063, say aye.

Commissioners: Aye.

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

//

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

JLC

Board Agenda Item
February 17, 2015

3:30 p.m.

Public Hearing on SEA 94-D-002-02 (Wesley Hamel Lewinsville LLC) to Amend SEA 94-D-002 Previously Approved for Alternate Use of Public Facility to Permit Elderly Housing and Modifications to Site and Development Conditions and a Waiver #011348-WPFM-001-01 to Permit the Location of Underground Stormwater Management Facilities in a Residential Area, Located on Approximately 8.66 Acres of Land Zoned R-3 (Dranesville District)

Property is Located at 1609 Great Falls Street, McLean 22101. Tax Map 30-3 ((1)) 42.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 29, 2015, the Planning Commission voted 7-0 (Commissioners de la Fe, Hedetniemi, Hurley, Lawrence, and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approve SEA 94-D-002-02, subject to the Development Conditions dated January 28, 2015;
- Approve a modification of the transitional screening requirements along the periphery of the site in favor of that shown on the SEA plat;
- Approve a modification of the barrier requirements along the periphery of the site in favor of those shown on the SEA plat;
- Approve a modification of Standard 1 of Section 9-306 of the Zoning Ordinance to permit residents 55 years of age or older in the proposed independent living facility;
- Approve a modification of Standard 10 of Section 9-306 of the Zoning Ordinance to permit the front yard setback along Great Falls Street for that depicted on the SEA plat; and
- Approve a modification of Standard 15(B) of Section 9-306 of the Zoning Ordinance in favor of the deed of lease, which is subject to federal low income housing tax credit provisions.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4475124.PDF>

STAFF:

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

SEA 94-D-002-02 – WESLEY HAMEL LEWINSVILLE, LLC

Decision Only During Commission Matters
(Public Hearing held on January 22, 2015)

Commissioner Ulfelder: Thank you, Mr. Chairman. Last week, we had the hearing on the matter – the SEA 94-D-002-02, Wesley Hamel Lewinsville. There were several issues that came up. In the intervening week, several of these issues have been addressed and you have before you the revised proposed development conditions reflecting changes that are addressed. They add a playground near the athletic field, which is also consistent with an agreement by the applicants to have a split stormwater system with an underground vault on the northern portion of the property and a smaller dry pond on the southern portion – which allows them to fit in this – this playground near the athletic field. And they also have some revisions for the parking conditions that will require the parties to come to an agreement at the time of site plan in connection with the parking. Therefore, Mr. Chairman, I'm going to move – I would – well, first we need to have the representative of the applicant come down.

Evan Pritchard, Applicants Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening – Evan Pritchard, here on behalf of the applicant.

Commissioner Ulfelder: Would you confirm the applicant's agreement to the conditions that are now consistent with those dated January 28th, 2015?

Mr. Pritchard: Sure – yes, we're fine with the conditions. Thank you.

Commissioner Ulfelder: Thank you. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 94-D-002-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JANUARY 28TH, 2015.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 94-D-002-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE:

- A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE PERIPHERY OF THE SITE IN FAVOR OF THAT SHOWN ON THE SEA PLAT; AND

- A MODIFICATION OF THE BARRIER REQUIREMENTS ALONG THE PERIPHERY OF THE SITE IN FAVOR OF THOSE SHOWN ON THE SEA PLAT; AND
- A - MODIFY STANDARD 1 OF SECTION 9-306 TO PERMIT RESIDENTS 55 YEARS OF AGE OR OLDER IN THE PROPOSED INDEPENDENT LIVING FACILITY; AND
- MODIFY STANDARD 10 OF SECTION 9-306 TO PERMIT THE FRONT YARD SETBACK ALONG GREAT FALLS STREET FOR THAT DEPICTED ON THE SEA PLAT; AND
- MODIFY STANDARD 15(B) OF SECTION 9-306 IN FAVOR OF THE DEED OF LEASE, WHICH IS SUBJECT TO FEDERAL LOW INCOME HOUSING TAX CREDIT PROVISIONS.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Mr. Chairman, I would like to thank staff that have worked very hard on this application. Suzanne Wright has been stalwart and I think she realizes that between now and the Board hearing in February that there is going to be some more work done on this application – and Cathy Lewis as well. But also Camylyn Lewis of the DPWES and Betsy Smith, DPWES, John Bell from Planning, Gayle Hooper from the Park Authority, Jeff Hermann from Fairfax County DOT, and Craig Herwig from the Urban Forester. They've all worked very hard on this. There's been a push to try to get this completed so that the applicants can file in a timely fashion for state tax credits within the 2015 window. And I really appreciate the efforts that they've made.

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(Each motion carried by a vote of 7-0. Commissioners de la Fe, Hedetniemi, Hurley, Lawrence, and Strandlie were absent from the meeting.)

JLC

Board Agenda Item
February 17, 2015

3:30 p.m.

Public Hearing on SE 2014-SU-061 (Shalini Rajkumar) to Permit a Home Child Care Facility Located on Approximately 1,490 Square Feet of Land, Zoned PDH-8 and WS (Sully District)

This property is located at 4611 Deerwatch Drive, Chantilly 20151. Tax Map 44-2 ((22)) 53.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-SU-061, subject to the Development Conditions dated January 21, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4473321.PDF>

STAFF:

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

SE 2014-SU-061 – SHALINI RAJKUMAR

After Close of the Public Hearing

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

Commissioner Litzenberger: Thank you, Mr. Chairman. This is one of those situations where you have to differentiate between the homeowners association covenants and the criteria that the staff operates under. In this case the concerns of the homeowners association really fall under the covenants and the staff confirmed that. When I first got this letter late this afternoon, it jumped out at me that this is more of a covenants issue than a – than a special exception issue. Therefore, Mr. Chairman, I wonder if Ms. Shalini [sic] will come back up and reaffirm the proposed development conditions? I'll read this: I request that the applicant confirm for the record and agree to the proposed development conditions now dated January 21st, 2015.

Shalini Rajkumar, Applicant: Sorry?

Commissioner Litzenberger: I request that the applicant confirm for the record and agree to the proposed development conditions now dated January 21st, 2015.

Shalini Rajkumar, Applicant: Yes.

Commissioner Litzenberger: Okay, thank you.

Commissioner Litzenberger: I MOVE THAT PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-SU-061, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 21ST, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-061, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JN

Board Agenda Item
February 17, 2015

3:30 p.m.

Public Hearing on SE 2014-SP-038 (Seoul Presbyterian Church, Trustees) to Permit a Church With Child Care and Elder Care Center Located on Approximately 21.05 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 6426 and 6428 Ox Road and 6401 Wolf Run Shoals Road, Fairfax Station 22039. Tax Map 77-3 ((1)) 35, 36, and 36B.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 4, 2015, the Planning Commission voted 10-0 (Commissioner Sargeant was not present for the vote and Commissioner Hurley was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-SP-038, subject to the Development Conditions dated February 3, 2015;
- Approval of a modification of the transitional screening and barrier requirements along all property lines, pursuant to Section 13-305 of the Zoning Ordinance in favor of that shown on the SE Plat;
- Approval of a waiver of the frontage improvements for the widening of Ox Road in accordance with Section 17-201.4 of the Zoning Ordinance for Phase 1; and
- Approval of a waiver of construction of a service drive along Ox Road in accordance with Section 17-201.4 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4475272.PDF>

STAFF:

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

SE 2014-SP-038 – SEOUL PRESBYTERIAN CHURCH, A VIRGINIA NON-STOCK CORPORATION

After Close of the Public Hearing

Vice Chairman de la Fe: I will close the public hearing; Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. This is an application filed by the Seoul Presbyterian Church Trustees to permit a church with a childcare center for childcare, elderly care with up to 99 students, and elderly. This is perfect match: senior citizens and children in a daycare center in an environment that will be conducive to both. The application has no problems. It is a straightforward application. I concur with the staff recommendation that it is in conformance with the Comprehensive Plan and the appropriate zoning ordinances; so therefore, Mr. Chairman, I move that the Planning Commission recommend to the Board of – oh first of all I'd like the applicant to please come forward. I'm sorry. And I think I need to have your applicant to come forward to reaffirm that she understands the development conditions. Now, if you'd both like to do it in sync, I will not object to that.

Jane Kelsey, President, Jane Kelsey & Associates, Inc.: We understand the development conditions and agree with them.

Chairman Murphy: And you accept them?

Ms. Kelsey: Yes.

Commissioner Murphy: Okay, thank you very much. Therefore, Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-SP-038, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 3RD.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL PROPERTY LINES, PURSUANT TO SECTION 13-305 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE FRONTAGE IMPROVEMENTS FOR THE WIDENING OF OX ROAD IN ACCORDANCE WITH SECTION 17-204.4 [*sic*] OF THE ZONING ORDINANCE FOR PHASE 1.

Commissioner Hart: Second.

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

Commissioner Hart: Wait, wait, wait, wait. Excuse me, Mr. Chairman. Ms. Duca is pointing out – I think there is ANOTHER LINE TO THAT MOTION ABOUT THE FRONTAGE IMPROVEMENTS.

Megan Duca, Zoning Evaluation Division, Department of Planning and Zoning: Yes, there is a – it should be SECTION 17-201.4.

Commissioner Hart: You said -204.4.

Commissioner Murphy: Oh, I'm sorry. Okay, -201.4. I'm sorry.

Vice Chairman de la Fe: – the section being...

Commissioner Murphy: – of the Zoning Ordinance, yes.

Vice Chairman de la Fe: It would be Section 17-201.4. Okay. Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Murphy: Mr. Chairman, I THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF CONSTRUCTION OF A SERVICE DRIVE ALONG OX ROAD IN ACCORDANCE WITH SECTION 17-201.4 OF THE ZONING ORDINANCE.

Commissioner Hart: Second.

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

Commissioners: Aye.

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

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(Each motion carried by a vote of 10-0. Commissioner Sargeant was not present for the vote. Commissioner Hurley was absent from the meeting.)

JN

Board Agenda Item
February 17, 2015

3:30 p.m.

Public Hearing on SE 2014-MV-045 (Zahida Babar DBA Azeem Day Care Home) to Permit a Home Child Care Facility, Located on Approximately 1,400 Square Feet of Land Zoned PDH-16 and HC (Mount Vernon District)

Property is located at 8467 Byers Dr., Alexandria, 22309, Tax Map 101-3 ((34)) 127.

The Board of Supervisors deferred this public hearing from the January 27, 2015 meeting.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-MV-045, subject to the Development Conditions dated January 15, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4470597.PDF>

STAFF:

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

SE 2014-MV-045 – ZAHIDA BABAR d/b/a AZEEM DAY CARE

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: I think we've already had a confirmation of the covenants –

Chairman Murphy: No, we have to call her back up again.

Commissioner Flanagan: – and the conditions. We don't have to call her back, do we?

Chairman Murphy: Ms. Babar, will you please come back up again and reaffirm that you agree with the development conditions and that you understand them?

Commissioner Flanagan: Is this on verbatim, by the way?

Chairman Murphy: It is.

Zahida Babar, Owner, Azeem Day Care: Yes, sir, I agree with the with the conditions.

Chairman Murphy: And you understand them?

Ms. Babar: Yes, I do.

Chairman Murphy: Okay, thank you very much.

Ms. Babar: Yes, sir.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. With that affirmation, I MOVE THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-045, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-045, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JN

Board Agenda Item
February 17, 2015

4:00 p.m.

Public Hearing on SE 2014-SP-053 (Rolling Valley Mall LLC) to Permit Waiver of Certain Sign Regulations, Located on Approximately 19.43 Acres of Land Zoned C-6 (Springfield District)

This property is located at 9276 Old Keene Mill Road, Burke, 22015. Tax Map 88-2 ((1)) 4 A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-SP-053 subject to the Development Conditions dated November 25, 2014.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4470973.PDF>

STAFF:

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

SE 2014-SP-053 – ROLLING VALLEY MALL, LLC

Decision Only During Commission Matters
(Public Hearing held on December 11, 2014)

Commissioner Murphy: Mr. Chairman, I have a decision only. Is Ms. Stagg still in the house – and come down please? It is SE 2014-SP-053. The applicant is Rolling Valley Mall, LLC. We had a public hearing. This is for a retail sign and it's a waiver of certain sign regulations at the Rolling Valley Mall. The reason I deferred this - it's in conformance with the Plan and there's no problem with the Zoning Ordinance - but I wanted to be assured that the placement of this sign would not create a blind corner at the corner of Keene Mill Road and Shiplett Boulevard. And I have been assured by our staff and our transportation staff and the – excuse me – the applicant's transportation advisors that this will not be the case. So I'm satisfied that this is in conformance with the Plan and the Zoning Ordinances and should be approved, but before we do that, Ms. Stagg would you please identify yourself for the record with your name and address?

Inda Stagg, Senior Urban Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, my name is Inda Stagg. I'm a senior land use planner with Walsh, Colucci.

Commissioner Murphy: Thank you. Do you reaffirm the development conditions in the staff report dated November 25th and understand them?

Ms. Stagg: Yes, we do – we do agree to those conditions.

Commissioner Murphy: Okay, thank you very much. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2014-SP-053, WITH THE DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT DATED NOVEMBER 25TH, 2014.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Mrs. Hedetniemi. Any comments? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

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

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

JN

Board Agenda Item
February 17, 2015

4:00 p.m.

Public Hearing on Adoption of Proposed Amendments to the Public Facilities Manual (PFM), and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia, Regarding As-Built Requirements

ISSUE:

Public Hearing on proposed amendments to the Public Facilities Manual (PFM), and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, Regarding As-Built Requirements. The proposed amendments are necessary to comply with the State Code's requirement to provide geographic coordinates on stormwater structures. In addition, the amendments revise the as-built requirements for site and subdivision plans and relocate the detailed provisions from the Zoning and Subdivision Ordinances into a new section of the PFM.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 8, 2015, the Planning Commission unanimously voted to recommend the following actions by the Board of Supervisors:

- Adoption of the proposed amendment to the PFM and Chapters 101 (Subdivision Ordinance and 112 (Zoning Ordinance) regarding as-built requirements, as set forth in the staff report dated December 2, 2014; and
- That the proposed amendment becomes effective at 12:01 a.m. on February 18, 2015.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendments as recommended by the Planning Commission and that the amendments become effective at 12:01 a.m. on February 18, 2015.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Department of Planning and Zoning and the Office of the County Attorney. The proposed amendments have also been recommended for approval by the Engineering Standards Review Committee (ESRC).

TIMING:

The Board action is requested on February 17, 2015. On December 2, 2014, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on January 8, 2015. If approved these amendments will become effective at 12:01 a.m. on February 18, 2015

BACKGROUND:

The primary purpose of an as-built (record) drawing is to demonstrate that certain elements of the site or subdivision plan have been constructed in conformance with the approved plans. After land development project construction is complete, a licensed professional engineer or land surveyor conducts a field survey to obtain the relevant information required on as-built drawings, and prepares a plan that depicts the actual surveyed information alongside the design data for comparison by County staff.

Approval of the as-built plan by the Director of DPWES is required prior to the County's acceptance of utilities and release of the developer's bond.

As-built drawings serve as a record of the County's infrastructure for operation and maintenance purposes. In addition, the as-built survey information is used by designers and developers when future plans rely on as-built information of the infrastructure for connections and extensions. As-built utility information is incorporated into the County's Geographic Information System (GIS) database for public use.

The requirements for as-built drawings are currently provided in Section 17-301 of the Zoning Ordinance, Section 101 Article 2-5 of the Subdivision Ordinance and Chapter 6 of the PFM. Pursuant to the adopted Stormwater Management Ordinance (SWMO), construction record drawings (also referred to as "as-built" drawings) of all permanent stormwater management (SWM) facilities must be submitted to the DPWES Director for review and approval. These as-built drawings are intended to demonstrate that the SWM facilities have been constructed in substantial conformance with the approved plans and serve as a record for the location of the SWM facilities when inspections are performed for reporting purposes to the Virginia Department of Environmental Quality.

PROPOSED AMENDMENTS

The proposed amendments are necessary to align the PFM with the State Code and the County's Stormwater Management Ordinance. Specifically, the PFM is being revised to:

1. Require geographic coordinates of stormwater management structure locations and documentation to align with the Stormwater Management Ordinance. This information is necessitated by Virginia Stormwater Management Program (VSMP) Permit Regulation (§ 4VAC50-60-126) and the Stormwater Management Ordinance (§ 124-2-11).
2. Relocate and consolidate the detailed provisions of the as-built site plan and subdivision plan requirements into the PFM. Specifically, the amendment relocates the as-built requirements from the Zoning and Subdivision Ordinances into the new PFM Section 2-1300. In addition, existing as-built provisions in PFM Section 6-1607 are being moved to the new PFM Section 2-1300.

Board Agenda Item
February 17, 2015

3. Revise the PFM to clarify the existing as-built requirements, and add retaining wall, number of parking spaces, pedestrian bridges, bus shelters and critical slopes as-built requirements.

REGULATORY IMPACT:

If adopted by the Board, the proposed amendments to the as-built requirements will:

- Assist the County in the future operation and maintenance of stormwater facilities, tracking the same through the GIS, and reporting the stormwater management program to the State.
- Relocate and consolidate the as-built site plan and subdivision plan requirements into the PFM, thus streamlining the preparation and review of as-built plans.
- Clarify some of the existing as-built requirements and require additional survey information to ensure code compliance.

FISCAL IMPACT:

The proposed amendments have no anticipated significant fiscal impact on industry or on County staff or budget.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim

Attachment 2 – Staff Report (Staff report is also located at:

<http://www.fairfaxcounty.gov/dpwes/publications/pfm/amendments.htm>)

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, DPWES

Bill Hicks, Director, Land Development Services, DPWES

Leslie B. Johnson, Zoning Administrator

Planning Commission Meeting
January 8, 2015
Verbatim Excerpt

FAIRFAX COUNTY CODE AMENDMENT (AS-BUILT REQUIREMENTS)

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL AND CHAPTERS 101 (SUBDIVISION ORDINANCE) AND 112 (ZONING ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, REGARDING AS-BUILT REQUIREMENTS, AS SET FORTH IN THE STAFF REPORT DATED DECEMBER 2ND, 2014, AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THIS AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON FEBRUARY 18TH, 2015.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Fairfax County Code Amendment, As-Built Requirements, as articulated by Mrs. Hedetniemi, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 12-0.)

JN

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- ☒ PROPOSED COUNTY CODE AMENDMENT
- ☒ PROPOSED PFM AMENDMENT
- ☐ APPEAL OF DECISION
- ☐ WAIVER REQUEST

Proposed Amendments to the Public Facilities Manual and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia, Regarding As-Built Requirements

Authorization to Advertise

December 2, 2014

Planning Commission Hearing

January 8, 2015

Board of Supervisors Hearing

February 17, 2015

Prepared by:

Code Development and
Compliance Division
JSM (703) 324-8449
December 2, 2014

STAFF REPORT

A. Issue:

The proposed amendments are necessary to comply with the State Code's requirement to provide geographic coordinates on stormwater structures. In addition, the amendments revise the as-built requirements for site and subdivision plans and relocate the detailed provisions from the Zoning and Subdivision Ordinances into a new section of the Public Facilities Manual (PFM).

B. Recommended Action:

The County Executive recommends that the Board of Supervisors (Board) authorize the advertisement of the proposed amendments as set forth in the Staff Report dated December 2, 2014.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Department of Planning and Zoning and the Office of the County Attorney.

C. Timing:

Board of Supervisors authorization to advertise – December 2, 2014
Planning Commission Public Hearing – January 8, 2015
Board of Supervisors Public Hearing – February 17, 2015
Effective Date – 12:01 a.m. on the day following adoption

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments have been prepared by DPWES and coordinated with the Department of Planning and Zoning and the Office of the County Attorney. The proposed amendments have been recommended for approval by the Engineering Standards Review Committee.

F. Background:

The primary purpose of an as-built (record) drawing is to demonstrate that certain elements of the site or subdivision plan have been constructed in conformance with the approved plans. After land development project construction is complete, a licensed professional engineer or land surveyor conducts a field survey to obtain the relevant information required on as-built drawings, and prepares a plan that depicts the actual surveyed information alongside the design data for comparison by County staff. Approval of the as-built plan by the Director of DPWES is required prior to the County's acceptance of utilities and release of the developer's bond.

As-built drawings serve as a record of the County's infrastructure for operation and maintenance purposes. In addition, the as-built survey information is used by designers and developers when future plans rely on as-built information of the infrastructure for connections and extensions. As-built utility information is incorporated into the County's Geographic Information System (GIS) database for public use.

The requirements for as-built drawings are currently provided in Section 17-301 of the Zoning Ordinance, Section 101 Article 2-5 of the Subdivision Ordinance and Chapter 6 of the PFM. Pursuant to the adopted Stormwater Management Ordinance (SWMO), construction record drawings (also referred to as "as-built" drawings) of all permanent stormwater management (SWM) facilities must be submitted to the DPWES Director for review and approval. These as-built drawings are intended to demonstrate that the SWM facilities have been constructed in substantial conformance with the approved plans and serve as a record for the location of the SWM facilities when inspections are performed for reporting purposes to the Virginia Department of Environmental Quality.

G. Proposed Amendments:

The proposed amendments are necessary to align the PFM with the State Code and the County's Stormwater Management Ordinance. Specifically, the PFM is being revised to:

1. Require geographic coordinates of stormwater management structure locations and documentation to align with the Stormwater Management Ordinance. This information is necessitated by Virginia Stormwater Management Program (VSMP) Permit Regulation (§ 4VAC50-60-126) and the Stormwater Management Ordinance (§ 124-2-11).
2. Relocate and consolidate the detailed provisions of the as-built site plan and subdivision plan requirements into the PFM. Specifically, the amendment relocates the as-built requirements from the Zoning and Subdivision Ordinances into the new PFM Section 2-1300. In addition, existing as-built provisions in PFM Section 6-1607 are being moved to the new PFM Section 2-1300.
3. Revise the PFM to clarify the existing as-built requirements, and add retaining wall, number of parking spaces, pedestrian bridges, bus shelters and critical slopes as-built requirements.

H. Regulatory Impact:

If adopted by the Board, the proposed amendments to the as-built requirements will:

- Assist the County in the future operation and maintenance of stormwater facilities, tracking the same through the GIS, and reporting the stormwater management program to the State.
- Relocate and consolidate the as-built site plan and subdivision plan requirements into the PFM, thus streamlining the preparation and review of as-built plans.
- Clarify some of the existing as-built requirements and require additional survey information to ensure code compliance.

I. Fiscal Impact:

The proposed amendments have no anticipated significant fiscal impact on industry or on County staff or budget.

J. Attached Documents:

Attachment A – Amendments to Chapter 101 (Subdivision Ordinance)

Attachment B – Amendments to Chapter 112 (Zoning Ordinance)

Attachment C – Amendments to the Public Facilities Manual

**Proposed Amendment to
Chapter 101 (Subdivision Provisions)**

1 **Amend Article 2 (Subdivision Application Procedures and Approval Process), Section 101-**
2 **2-5 (Final Subdivision Plat), Paragraph (d) (Approval), subparagraph (5), to read as**
3 **follows:**

4
5 ~~(5) Upon final satisfactory completion, seven (7) four (4) copies of a certified "as-built" plan~~
6 ~~prepared by a licensed professional engineer or licensed land surveyor registered in the state~~
7 ~~shall be submitted to the Director for review and approval for conformance with the approved~~
8 ~~plan. The certified "as-built" plan shall include the following: be prepared in accordance with the~~
9 ~~provisions set forth in the Public Facilities Manual.~~

10
11 ~~A. Boundary of the site as shown on the approved subdivision construction plan or final plat of~~
12 ~~record. The as-built plan shall show any geodetic reference points located on the site.~~

13
14 ~~B. Locations of all storm sewers, sanitary sewers, fire hydrants, and associated easements~~
15 ~~including all waterline easements. For storm and sanitary sewers, the pipe sizes, lengths, top and~~
16 ~~invert elevations and percent grade of pipe as computed shall also be shown.~~

17
18 ~~C. Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing~~
19 ~~elevation of tops of embankments, toes of embankments, weirs, spillways, drainage structures,~~
20 ~~access easements and capacities of such ponds. Capacities shall be shown both volumetrically~~
21 ~~and topographically with sufficient elevations to calculate the capacities.~~

22
23 ~~D. Horizontal locations of all designed trails included on the approved subdivision construction~~
24 ~~plan. Vertical location of any trail which exceeds an eight (8) percent grade (whether designed or~~
25 ~~not as an eight (8) percent grade) and shown on the approved subdivision construction plan.~~
26 ~~Elevations may be used in lieu of an as-built profile.~~

27
28 ~~E. Deed book and page number(s) of the recordation in the land records of Fairfax County of~~
29 ~~dedications and easements reflected on the approved subdivision construction plan.~~

30
31 ~~F. A statement of certification by a licensed professional engineer or land surveyor registered in~~
32 ~~the State, certifying that the as-built site plan conforms with the criteria listed above and~~
33 ~~represents actual conditions on the site for those items only, and bearing the engineer's or~~
34 ~~surveyor's seal, signature and Virginia registration number.~~

35
36 ~~G. All utility locations, except building and service drive connections, with the notation "from~~
37 ~~available records. Such plans and records shall be furnished by the appropriate utility~~
38 ~~companies.~~

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of December 2, 2014 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 **Amend Article 17, Site Plans, Part 3, As-Built Site Plans, Sect. 17-301, General Provisions,**
 2 **to read as follows:**

- 3
- 4 1. ~~Upon satisfactory completion, inspection and approval of the installation of all required~~
 5 ~~improvements as shown on the approved site plan or a section thereof, seven (7) four (4)~~
 6 ~~copies of an as-built site plan and the corresponding filing fee as provided for in Sect. 109~~
 7 ~~above, shall be submitted to the Director for review and approval for conformance with the~~
 8 ~~approved site plan. Such plan shall be prepared in accordance with the sheet size and scale~~
 9 ~~provisions set forth in the Public Facilities Manual, and shall be prepared by a licensed~~
 10 ~~land surveyor or licensed professional engineer registered in the State of Virginia. Such~~
 11 ~~submission shall contain the following information:~~
- 12
- 13 A. ~~Boundary of the site as shown on the approved site plan. The as-built plan shall show~~
 14 ~~any geodetic reference points located on the site.~~
- 15
- 16 B. ~~Area of the site as shown on the approved site plan and subsequent to any fee simple~~
 17 ~~dedications to Fairfax County, State of Virginia or the Virginia Department of~~
 18 ~~Transportation, and the land area of such dedications.~~
- 19
- 20 C. ~~Location of all buildings showing the yard dimensions and all official building~~
 21 ~~numbers (addresses) posted.~~
- 22
- 23 D. ~~The location of all storm sewers, sanitary sewers, fire hydrants, and associated~~
 24 ~~easements including all waterline easements. For storm and sanitary sewers, the pipe~~
 25 ~~sizes, lengths, top and invert elevations and percent grade of pipe as computed shall~~
 26 ~~also be shown.~~
- 27
- 28 E. ~~Ponds, including detention, retention and Best Management Practice (BMP) ponds,~~
 29 ~~showing elevation of top of embankments, toes of embankments, weirs, spillways,~~
 30 ~~drainage structures, access easements and capacities of such ponds. Capacities shall~~
 31 ~~be shown both volumetrically and topographically with sufficient elevations to~~
 32 ~~calculate the capacities.~~

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- F. ~~Horizontal locations of all designed trails included on the approved site plan. Vertical location of any trail which exceeds an eight (8) percent grade (whether designed or not as an eight (8) percent grade) and shown on the approved site plan. Elevations may be used in lieu of an as-built profile.~~
 - G. ~~Deed book and page number(s) of the recordation in the land records of Fairfax County of dedications and easements reflected on the approved plan.~~
 - H. ~~A statement of certification by a licensed professional engineer or land surveyor certifying that the as-built site plan conforms with the criteria listed above and represents actual conditions on the site for those items only, and bearing the engineer's or surveyor's seal, signature and Virginia registration number.~~
2. ~~As-built site plans may be submitted and approved for any appropriately completed part of the total area of an approved site plan, with such part to be known as a section.~~

**Proposed Amendment to the
Public Facilities Manual**

Amend Chapter 2 (General Subdivision and Site Plan Information) of the Public Facilities Manual by adding Section 2-1300 (As-Built Drawings), to read as follows:

2-1300 AS-BUILT DRAWINGS

2-1301 Submission Requirements and Certifications

2-1301.1 As-built drawings shall be prepared in accordance with Article 17 of the Zoning Ordinance, and the Subdivision Ordinance, § 101-2-5 of the Code. When required, an as-built plan prepared by a professional engineer or land surveyor licensed in the Commonwealth of Virginia shall include:

A. Dimensions and Elevations Survey. The as-built drawings shall show actual elevations alongside planned elevations as required by § 2-1302. As-built information shall be shown [boxed in] for comparison to the design information. All existing plans to be modified for use as the as-built plan shall be redrafted where necessary so that the information is accurate and readable.

B. Certification Statement and Seal.

Each as-built plan shall have an Engineer's or Surveyor's statement and seal. Except for Category D dams, the certification of all geotechnical work will be by the geotechnical engineer of record. The certification shall state as follows:

(i) In accordance with Article 17 of the Zoning Ordinance, and the Subdivision Ordinance, § 101-2-5 of the Code, and the Public Facilities Manual, I, (submitting engineer/surveyor's name), do hereby certify that this as-built conforms to the approved plans, except as shown, which represents actual conditions on this site as of this date.

(submitting engineer/surveyor's signature/date) (seal)

(ii) I have reviewed the as-built plan and hereby certify that the geotechnical aspects of the embankment dam/pond were constructed in accordance with the approved plans, except as indicated below, which represents the actual conditions of the dam on this site as of this date.

(geotechnical engineer's signature/date) (seal)

(iii) All storm/sanitary structures fall within their respective easements and all dedications and all off-site easements are recorded in DB _____, at PG _____.

C. Copies of the licensed professional's certification that the stormwater and best management facility was constructed in accordance with the approved plans and specifications, along with copies of all material delivery tickets, certifications from the material suppliers and results of tests and inspections required under § 6-1300 et. seq. shall be submitted with or incorporated in the as-built plan. For documenting construction, checklists specific to the type of stormwater and best management facilities being constructed, as approved by the Director, shall be used. If readily available, an electronic file of the professional's certification and related documentation shall also be submitted, in an acceptable electronic industry standard CADD file format (such as a .dwg) or in a standard scanned and readable format.

2-1302 Information Required on the As-Built Drawing. The record drawing shall include, at a minimum, the following information:

A. Boundary of the site as shown on the final plat of record. The as-built plan shall show any geodetic reference points located on the site.

B. The area of the site as shown on the approved site plan and subsequent to any fee simple dedications to Fairfax County, State of Virginia or the Virginia Department of Transportation, and the land area of such dedications. As shown on the approved building plans, the total gross floor area and the number of dwelling units, if applicable.

C. Location of all buildings on the approved site plan showing the yard dimensions and all official building numbers (and/or addresses) posted.

D. Locations of all storm sewers, sanitary sewers mains, fire hydrants, and associated easements including all waterline easements. For storm and sanitary sewers, the pipe materials based on visual inspection only, sizes, lengths, upper and lower invert elevations, and percent grade of pipe as computed. The structure number, type, size/configuration, top elevation, type and size of any outlet protection, and latitude and longitude (in degrees, minutes, and seconds to the nearest 15 seconds) shall be provided on all structures and outfalls. Latitude and longitude of the approximate center and a major appurtenance of BMPs shall be provided in decimal degrees to 6 decimal places. For all projects on the Virginia coordinate system, coordinates of all structures and outfalls shall also be provided in a digital, GIS compatible format, generally an industry standard CADD or Shape file, which can be incorporated directly in the County's overall GIS. The digital submittal should be delivered in CD/DVD format, be named to match the as-built plan hard copy, and include a map of the full project in PDF format. If the outfall area is inaccessible and an offset method cannot be performed, a note shall be made on the as-built plan about the conditions preventing the survey team from recording the position. (Refer to § 10-0104.6B for as-built requirements for sanitary facilities).

E. Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing elevations of top of embankments, toes of embankments, weirs, spillways, drainage structures, low flow channels, access easements and capacities of such ponds. Capacities shall be shown both volumetrically and topographically with sufficient elevations to calculate the capacities.

F. Horizontal locations, widths and surface material of all designed trails included on the approved plan. Vertical location of any trail which exceeds an eight (8) percent grade (whether designed or not as an eight (8) percent grade) and shown on the approved plan. Elevations may be used in lieu of an as-built profile. Location of all designed pedestrian bridges and bus shelters included on the approved plan. As-built information showing bridge surface, length, number of abutments and bus pad size and material.

G. Deed book and page number(s) of the recordation in the land records of Fairfax County of dedications and easements reflected on the approved plan. The deed book and page numbers of all easements shall be shown on the applicable plan and profile sheet.

H. Locations of improved channels and swales in dedicated easements with spot elevations and slopes.

I. All utility locations within the subdivision as they are made readily available from the utility companies, owners and/or operators, except building and service connections, with the notation "from available records". Such plans and records shall be furnished by the appropriate utility companies, owners and/or operators.

J. Retaining walls requiring permits, indicating the type and showing the top elevations and the adjacent finished grades.

K. Number of parking and loading spaces.

L. Spot elevations of critical slope areas to determine grade of finished slope. Critical slopes consist of areas shown on the approved plan with gradients greater than 20% which contain Class III or Class IVA soils as defined in § 4-0200 et. seq.

M. Information related to dams and impoundments as follows:

(1) A profile (with spot elevations) of the top of dam

(2) A cross-section (with spot elevations) of the emergency spillway at the control section

(3) A profile (with spot elevations) along the centerline of the emergency spillway

(4) A profile along the centerline of the principal spillway extending at least 100 feet downstream of the toe of the embankment

(5) All structure tops, throats and invert elevations

(6) All pipe, orifice and weir sizes and invert elevations

(7) The elevation of the principal spillway crest

(8) The elevation of the principal spillway conduit invert (inlet and outlet)

(9) The elevation of the emergency spillway crest

(10) Spot elevations around the entire pond/dam adequate to depict the shape and size

(11) Spot elevations along the top and crest of the dam width

(12) Spot elevations through the drainage way to the riser structure.

(13) Notes and measurements to show that any special design features were met

(14) Statement regarding seeding and fencing in place per the approved plan.

(15) Show all drainage and access easements for maintenance of the pond/dam and related facilities with Deed Book and Page Number.

N. Field observations and measurements of other areas having the potential to be critical, as depicted on the approved plans and profiles.

Amend Chapter 6 (Storm Drainage) of the Public Facilities Manual, by deleting 1607.3 (As-Built Requirements and Certification), to read as follows:

~~6-1607.3 As-Built Requirements and Certification~~

~~6-1607.3A (57-96 PFM) Upon satisfactory completion, inspection, and approval of all components of the facility, as-built plans shall be prepared in accordance with the Zoning Ordinance, § 17-300, and the Subdivision Ordinance, § 101-2-5 of the Code.~~

~~6-1607.3B All existing plans to be modified for use as the as-built plan shall be redrafted where necessary so that the information is accurate and readable. The information included on the as-built plan shall include, at a minimum, the following information:~~

~~6-1607.3B(1) A profile (with spot elevations) of the top of dam~~

~~6-1607.3B(2) A cross-section (with spot elevations) of the emergency spillway at the control section~~

~~6-1607.3B(3) A profile (with spot elevations) along the centerline of the emergency spillway~~

~~6-1607.3B(4) A profile along the centerline of the principal spillway extending at least 100 feet downstream of the toe of the embankment~~

~~6-1607.3B(5) All structure tops, throats and invert elevations~~

~~6-1607.3B(6) All pipe, orifice and weir sizes and invert elevations~~

~~6-1607.3B(7) The elevation of the principal spillway crest~~

~~6-1607.3B(8) The elevation of the principal spillway conduit invert (inlet and outlet)~~
~~6-1607.3B(9) The elevation of the emergency spillway crest~~
~~6-1607.3B(10) Spot elevations around the entire pond/dam adequate to depict the shape and size~~
~~6-1607.3B(11) Spot elevations along the top and crest of the dam width~~
~~6-1607.3B(12) Spot elevations through the drainage way to the riser structure.~~
~~6-1607.3B(13) Notes and measurements to show that any special design features were met~~
~~6-1607.3B(14) Statement regarding seeding and fencing~~
~~6-1607.3B(15) Show all drainage and access easements for maintenance of the pond/dam and related facilities with Deed Book and Page Number.~~
~~6-1607.3C Each as-built plan shall have a Engineer's or Surveyor's certification statement and seal. Except for Category D dams, the certification of all geotechnical work will be by the geotechnical engineer of record. The certification shall state as follows:~~
~~6-1607.3C(1) In accordance with the Zoning Ordinance, § 17-300, and the Subdivision Ordinance, § 101-2-5 of the Code, I, (submitting engineer's name), do hereby certify that this as-built conforms to the approved plans, except as shown, which represents actual conditions on this site as of this date.~~
~~(submitting engineer's signature/date) (seal)~~
~~6-1607.3C(2) I have reviewed the as-built plan and hereby certify that the geotechnical aspects of the embankment dam/pond were constructed in accordance with the approved plans, except as indicated below, which represents the actual conditions of the dam on this site as of this date.~~
~~(geotechnical engineer's signature/date) (seal)~~
~~6-1607.3C(3) All storm/sanitary structures fall within their respective easements and all dedications and all off site easements are recorded in DB ____, at PG ____.~~

209 **Amend Chapter 2 (General Subdivision and Site Plan Information), Section 2-0502.2,**
210 **(Inspections During Construction), by adding Paragraph 2G, to read as follows:**

211
212 2-0502.2G Refer to § 6-1300 *et seq.* for information regarding required inspections during
213 construction and certification of stormwater and best management facilities.

214
215
216
217 **Amend Chapter 2 (General Subdivision and Site Plan Information), Section 2-0212,**
218 **(General Required Information on Plans and Profiles), by revising 2-0212.13, to read as**
219 **follows:**

220
221 2-0212.13 (~~Reserved~~) The plans and profiles shall depict areas where additional field
222 observations and as-built measurements are necessary pursuant to § 2-1302 (L) and (N).
223
224

Board Agenda Item
February 17, 2015

4:00 p.m.

Public Hearing on Proposed Amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fee Schedule) of The Code of the County of Fairfax, Virginia Re: Implementation of the Virginia Stormwater Management Act and Virginia Stormwater Management Program (VSMP) Regulation)

ISSUE:

Public Hearing on proposed amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fee Schedule) of *The Code of the County of Fairfax, Virginia*. The proposed amendments implement the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Regulation (9 VAC 25-870 et seq.).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 8, 2015, the Planning Commission voted 12-0 to recommend that the Board adopt the proposed amendments as set forth in the Staff Report dated December 2, 2014.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to *The Code of the County of Fairfax, Virginia* as set forth in the Staff Report dated December 2, 2014, as recommended by the Planning Commission.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney.

TIMING:

Board action is requested on February 17, 2015. On December 2, 2014, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on January 8, 2015. The amendments will become effective at 12:01 a.m. on February 18, 2015, except that Final Subdivision Plats submitted to the Department of Public Works and Environmental Services prior to February 18, 2015, and approved prior to August 18, 2015, shall be grandfathered from the amendment to the Subdivision Ordinance.

BACKGROUND:

On January 28, 2014, the Board adopted Chapter 124 (Stormwater Management Ordinance) and amendments to Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance), 118 (Chesapeake Bay Preservation Ordinance), and Appendix Q (Land Development Services Fee Schedule) of *The Code of the County of Fairfax, Virginia* (County Code); repealed Chapters 105 (Pollution of State Waters) and 106 (Storm Drainage) of the County Code; and adopted amendments to the Public Facilities Manual (PFM) all of which became effective on July 1, 2014. After adoption, the new Stormwater Management Ordinance, amendments to the County Code, amendments to the PFM, and related materials were transmitted to the Department of Environmental Quality (DEQ) for review and approval of the County's Virginia Stormwater Management Program (VSMP) by the State Water Control Board (SWCB) in accordance with § 62.1-44.15:27(G) of the Virginia Stormwater Management Act. On July 1, 2014, the County received provisional approval of its VSMP from DEQ acting on behalf of the SWCB (Attachment 1). As part of their consistency review DEQ has requested that the County make some minor changes to the Stormwater Management Ordinance.

Amendments to the Virginia Stormwater Management Act (HB 1173) were enacted by the General Assembly during the 2014 legislative session (Chapter 303 of the 2014 Acts of Assembly). The amendments to the Stormwater Management Act eliminate requirements for state permit registration statements for the construction of single family detached residential structures, eliminate or reduce some permit fees for the construction of single family detached residential structures, and clarify appeals procedures for decisions made by localities. On June 26, 2014, the SWCB adopted amendments to the Virginia Stormwater Management Regulation (9VAC25-870 et seq.) and the General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880 et seq.) to implement the changes to the Virginia Stormwater Management Act.

The proposed amendments to the Stormwater Management Ordinance, Subdivision Ordinance, and Appendix Q of the County Code have been prepared in response to DEQ's consistency review and the changes to the Virginia Stormwater Management Act and amended regulations. The proposed amendments include some clarifications of existing ordinance language generated by staff. Because of the primacy of state law over local ordinances, the changes related to state permit registration statements in HB 1173 went into effect on July 1, 2014.

PROPOSED AMENDMENTS:

Chapter 124 (Stormwater Management Ordinance):

The proposed amendments include the following:

Board Agenda Item
February 17, 2015

- Definitions were amended for consistency with the regulations.
- Definitions were added for consistency with the regulations.
- A minor change to one of the exemptions was made for consistency with the regulations. The change clarifies that the common plan of development or sale referred to in the exemption is one that disturbs one acre or greater of land.
- New provisions were added and existing provisions were modified indicating that registration statements are not required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale. These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.
- Requirements were added that a stormwater management plan approved for a residential, commercial, or industrial subdivision governs the development of the individual parcels, including those parcels developed under subsequent owners and that a note be placed on the subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision. These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.
- The appeals procedure has been rewritten to streamline it and eliminate the requirement for the Director of DPWES to appoint a hearing officer. The Director or his designee will evaluate and act on appeals. The final decision of the Director will still be subject to review by appeal to the Circuit Court of Fairfax County, Virginia.
- A clarification was added to the requirements for grandfathered projects and projects subject to time limits that BMPs for such projects are subject to current requirements for testing, inspection, plan submission, and dam standards in effect at the time of plan submission.

Chapter 101 (Subdivision Ordinance)

The proposed amendment adds a requirement for a note on the final subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision. This change implements the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

Appendix Q

The proposed amendments include the following:

- A clarification that a permit fee is not required for Chesapeake Bay Preservation Act land-disturbing activities exempt from the Stormwater Management Ordinance under §124-1-7 of the ordinance has been added.
- Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from construction activities for Small Construction Activity/Land Clearing for: 1) areas within common plans of development or sale with land-disturbance acreage less than one acre; and 2) sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures have been set at \$0.
- Fees for annual permit maintenance for Chesapeake Bay Preservation Act land-disturbing activities have been set at \$0 eliminating the existing \$20 permit maintenance fee. Such land-disturbing activities rarely take a year to complete construction and collection of the fee is not considered cost effective.
- Fees for annual permit maintenance for: 1) areas within common plans of development or sale with land-disturbance acreage less than one acre; and 2) sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures have been set at \$0.

These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

REGULATORY IMPACT:

The minor changes to the Stormwater Management Ordinance resulting from DEQ's consistency review of the ordinance have no regulatory impact. The changes to the Stormwater Management Ordinance resulting from changes to the Stormwater Management Act reduce the regulatory burden for the construction of single family detached residential structures by eliminating the requirement to submit registration statements for state permits for discharges of stormwater from construction activities. It is noted that only the submission of the registration statement has been eliminated and that the construction is still subject to the General Permit for Discharges of Stormwater from Construction Activities.

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FISCAL IMPACT:

The fiscal impact of the changes to the permit fees for discharges of stormwater from construction activities is insignificant. These fees are basically for the paperwork involved in administering the permit program. Collection of these small fees is generally not cost effective. Fees for plan review and inspection are accounted for elsewhere in the fee schedule and are unchanged.

ENCLOSED DOCUMENTS:

Attachment 1 – Provisional Approval of County VSMP, July 1, 2014, Letter from DEQ
Attachment 2 – Staff Report Dated December 2, 2014
Attachment 3 – Planning Commission Verbatim

STAFF:

Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Bill Hicks, Deputy Director, DPWES



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

July 1, 2014

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

Dear Mr. Long:

In accordance with §62.1-44.15:27 G of the Virginia Stormwater Management Act (Act), the Department of Environmental (DEQ) has completed its review of Fairfax County's final Virginia Stormwater Management Program (VSMP) application package submitted on June 27, 2014. Based on this review, DEQ has determined that the Fairfax County's VSMP is consistent with the requirements of the Act and the VSMP regulation in place prior to the 2014 session of the General Assembly. As you know, the General Assembly made changes to the Act during this past session that were signed into law on March 24, 2014.

Because these amendments to the Act were made late in the VSMP development process, DEQ recognizes that you were unable to include these revisions in your VSMP application package and grants provisional approval of Fairfax County's VSMP. This provisional approval is conditioned upon your locality making the required revisions operational by July 1, 2014, and authorizes the County to operate a VSMP on July 1, 2014. When the required revisions are made, DEQ will provide the final approval of the County's VSMP.

Thank you for your cooperation in developing a VSMP. We look forward to continuing to assist the County with the implementation of its VSMP.

Sincerely,

A handwritten signature in black ink that reads "Melanie D. Davenport".

Melanie D. Davenport
Director, Water Division DEQ

C: Melanie Davenport, Director, Water Division
Frederick Cunningham, Director, Office of Water Permits
Joan Salvati, Manager, Local Government Stormwater Programs

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- ☒ PROPOSED COUNTY CODE AMENDMENT
- ☐ PROPOSED PFM AMENDMENT
- ☐ APPEAL OF DECISION
- ☐ WAIVER REQUEST

Proposed Amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of The Code of the County of Fairfax, Virginia Re: Implementation of the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Regulation (9 VAC 25-870 et seq.).

Authorization to Advertise	December 2, 2014
Planning Commission Hearing	January 8, 2015
Board of Supervisors Hearing	February 17, 2015
Prepared by:	Code Development and Compliance Division JAF (703) 324-1780 December 2, 2014

STAFF REPORT

A. Issues:

Adoption of proposed amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of The Code of the County of Fairfax, Virginia. The new ordinance and proposed amendments implement the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Regulation (9 VAC 25-870 et seq.).

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendments to Chapter 124 (Stormwater Management Ordinance), Chapter 101 (Subdivision Ordinance), and Appendix Q (Land Development Services Fees) of The Code of the County of Fairfax, Virginia. The proposed amendments implement the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Permit Regulations (9 VAC 25-870 et seq.).

C. Timing:

Board of Supervisors authorization to advertise – December 2, 2014

Planning Commission Public Hearing – January 8, 2015

Board of Supervisors Public Hearing – February 17, 2015

Effective Date – February 18, 2015, at 12:01 a.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney.

F. Background:

On January 28, 2014, the Board adopted Chapter 124 (Stormwater Management Ordinance) and amendments to Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance), 118 (Chesapeake Bay Preservation Ordinance), and Appendix Q (Land Development Services Fees) of *The Code of the County of Fairfax, Virginia* (County Code); repealed Chapters 105 (Pollution of State Waters) and 106 (Storm Drainage) of the County Code; and adopted amendments to the Public Facilities Manual (PFM) all of which became effective on July 1, 2014. After adoption, the new Stormwater Management Ordinance, amendments to the County Code, amendments to the PFM, and related

materials were transmitted to the Department of Environmental Quality (DEQ) for review and approval of the County's Virginia Stormwater Management Program (VSMP) by the State Water Control Board (SWCB) in accordance with § 62.1-44.15:27(G) of the Virginia Stormwater Management Act. On July 1, 2014, the County received provisional approval of its VSMP from DEQ acting on behalf of the SWCB (Attachment 1). As part of their consistency review DEQ has requested that the County make some minor changes to the Stormwater Management Ordinance.

Amendments to the Virginia Stormwater Management Act (HB 1173) were enacted by the General Assembly during the 2014 legislative session (Chapter 303 of the 2014 Acts of Assembly). The amendments to the Stormwater Management Act eliminate requirements for state permit registration statements for the construction of single family detached residential structures, eliminate or reduce some permit fees for the construction of single family detached residential structures, and clarify appeals procedures for decisions made by localities. On June 26, 2014, the SWCB adopted amendments to the Virginia Stormwater Management Regulation (9VAC25-870 et seq.) and the General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880 et seq.) to implement the changes to the Virginia Stormwater Management Act.

The proposed amendments to the Stormwater Management Ordinance, Subdivision Ordinance, and Appendix Q of the County Code have been prepared in response to DEQ's consistency review and the changes to the Virginia Stormwater Management Act and amended regulations. The proposed amendments include some clarifications of existing ordinance language generated by staff. Because of the primacy of state law over local ordinances, the changes related to state permit registration statements in HB 1173 went into effect on July 1, 2014.

G. Proposed Amendments

Key elements of the County's proposed ordinance and amendments to existing ordinances are presented below.

Chapter 124 (Stormwater Management Ordinance):

The proposed amendments include the following:

- Definitions were amended for consistency with the regulations.
- Definitions were added for consistency with the regulations..
- A minor change to one of the exemptions was made for consistency with the regulations. The change clarifies that the common plan of development or sale referred to in the exemption is one that disturbs one acre or greater of land.
- New provisions were added and existing provisions were modified indicating that registration statements are not required for coverage under the General

Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale. These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

- Requirements were added that a stormwater management plan approved for a residential, commercial, or industrial subdivision governs the development of the individual parcels, including those parcels developed under subsequent owners and that a note be placed on the subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision. These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.
- The appeals procedure has been rewritten to streamline it and eliminate the requirement for the Director of DPWES to appoint a hearing officer. The Director or his designee will evaluate and act on appeals. The final decision of the Director will still be subject to review by appeal to the Circuit Court of Fairfax County, Virginia.
- A clarification was added to the requirements for grandfathered projects and projects subject to time limits that BMPs for such projects are subject to current requirements for testing, inspection, plan submission, and dam standards in effect at the time of plan submission.

Chapter 101 (Subdivision Ordinance):

The proposed amendment adds a requirement for a note on the final subdivision plat stating that individual parcels shall be developed in accordance with the approved stormwater management plan for the subdivision. This change implements the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

Appendix Q

The proposed amendments include the following:

- A clarification that a permit fee is not required for Chesapeake Bay Preservation Act land-disturbing activities exempt from the Stormwater Management Ordinance under §124-1-7 of the ordinance has been added.
- Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities for Small Construction Activity/Land Clearing for: 1) areas within common plans of development or sale with land-disturbance acreage less than one acre; and 2) sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five

acres for construction of single-family detached residential structures have been set at \$0.

- Fees for annual permit maintenance for Chesapeake Bay Preservation Act land-disturbing activities have been set at \$0 eliminating the existing \$20 permit maintenance fee. Such land-disturbing activities rarely take a year to complete construction and collection of the fee is not considered cost effective.
- Fees for annual permit maintenance for: 1) areas within common plans of development or sale with land-disturbance acreage less than one acre; and 2) sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures have been set at \$0.

These changes implement the amendments to the Virginia Stormwater Management Act enacted by the General Assembly during the 2014 legislative session.

H. Regulatory Impact:

The minor changes to the Stormwater Management Ordinance resulting from DEQ's consistency review of the ordinance have no regulatory impact. The changes to the Stormwater Management Ordinance resulting from changes to the Stormwater Management Act reduce the regulatory burden for the construction of single family detached residential structures by eliminating the requirement to submit registration statements for state permits for discharges of stormwater from construction activities. It is noted that only the submission of the registration statement has been eliminated and that the construction is still subject to the General Permit for Discharges of Stormwater from Construction Activities.

H. Fiscal Impact:

The fiscal impact of the changes to the permit fees for discharges of stormwater from construction activities is insignificant. These fees are basically for the paperwork involved in administering the permit program. Collection of these small fees is generally not cost effective. Fees for plan review and inspection are accounted for elsewhere in the fee schedule and are unchanged.

I. Attached Documents:

Attachment A – Amendments to Chapter 124 (Stormwater Management Ordinance)
Attachment B – Amendments to Chapter 101 (Subdivision Ordinance)
Attachment C – Amendments to Appendix Q (Land Development Services Fees)

**PROPOSED AMENDMENTS
TO
CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Article 1, General Provisions, Section 124-1-5, Definitions, by revising the following definitions, to read as follows:

"General pPermit" means ~~the a state permit titled General (VPDES) Permit for Discharges from Construction Activities found in Part XIV of the Regulations (9VAC25-880-1 et seq.)~~ authorizing a category of discharges under the CWA and the Act within a geographical area of ~~the Commonwealth of Virginia.~~

"Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as another order.

"Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

1. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

"Natural stream" means a tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. ~~Natural streams may include sections of braided channels or wetlands as determined by the Director.~~ Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

"Operator" means the owner or operator of any facility or activity subject to the Act, the Regulations, and this Chapter. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for

the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s), operator means the operator of the regulated MS4 system.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, ~~a parcel of land being developed, or a designated area of a parcel of land being developed,~~ including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

"Stormwater conveyance system" means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:

(i) "Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;

(ii) "Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel. ~~Natural stormwater conveyance systems may include sections of braided channels or wetlands as determined by the Director; or~~

(iii) "Restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

Amend Article 1, General Provisions, Section 124-1-5, Definitions, by adding the following definitions, to read as follows:

"Large construction activity" means construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"Municipal separate storm sewer system" or "MS4" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems or designated under 9VAC25-870-380.A.1.

"Virginia Stormwater Management Program authority" or "VSMP authority" means the County of Fairfax, Virginia.

Amend Article 1, General Provisions, Section 124-1-7, Exemptions, by revising the

1 **introductory paragraph, to read as follows:**

2
3 Notwithstanding any other provisions of this Chapter, the following activities are exempt
4 from the provisions of this Chapter, unless otherwise required by federal law:

5
6 **Amend Article 1, General Provisions, Section 124-1-7, Exemptions, by revising exemption**
7 **#4, to read as follows:**

8
9 4. Land-disturbing activities that disturb less than or equal to 2,500 square feet except for
10 land-disturbing activities that are part of a larger common plan of development or sale that
11 disturbs one (1) acre or greater;

12
13 **Amend Article 1, General Provisions, Section 124-1-10, Applicability of and Conflicts with**
14 **Other Laws and Regulations, by revising subsection B, to read as follows:**

15
16 B. Nothing in ~~the Regulations~~ this Chapter shall be construed as limiting the rights of other
17 federal agencies, state agencies, or the County to impose more stringent technical criteria or
18 other requirements as allowed by law.

19
20 **Amend Article 1, General Provisions, Section 124-1-13, Chesapeake Bay Preservation Act**
21 **Land-Disturbing Activity, by revising the last paragraph, to read as follows:**

22
23 Single-family residences ~~separately built~~ detached residential structures, disturbing less than
24 one acre and part of a larger common plan of development or sale that ultimately will disturb
25 equal to or greater than one acre of land are authorized to discharge under the General Permit for
26 Discharges of Stormwater from Construction Activities and are not required to submit a
27 registration statement or the state portion of the permit fee, ~~provided that the stormwater~~
28 ~~management plan for the larger common plan of development or sale provides permanent control~~
29 ~~measures (i.e. stormwater management facilities) encompassing the single-family residence.~~

30
31 **Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing**
32 **Activities., Section 124-2-2, Permit Required, by revising it, to read as follows:**

33
34 **Section 124-2-2. Permit Required.**

35
36 A. A person shall not conduct any land-disturbing activity without a stormwater permit.
37 Permits will not be issued until the following items have been submitted to the County and
38 approved by the Director as prescribed herein:

- 39
40 1. A permit application that includes a ~~s~~State ~~VSMP~~ sPermit registration statement if
41 such statement is required ~~except for Chesapeake Bay Preservation Act land-disturbing~~
42 ~~activities;~~
43 2. Evidence of ~~VSMP~~ State pPermit coverage if State Permit coverage is required ~~except~~
44 ~~for Chesapeake Bay Preservation Act land-disturbing activities;~~
45
46 3. An erosion and sediment control plan in accordance with Chapter 104 of the Code; and
47 4. A stormwater management plan meeting the requirements of § 124-2-7.

B. No ~~p~~Permit shall be issued until the fees required to be paid pursuant to Article 3 of this Chapter are received, and the Applicant has provided surety for performance as required pursuant to § 124-2-4.

C. Permit applications shall be acted on within 60 days after submission of a complete application, as determined by the Director ~~it has been determined by the Director to be a complete application~~. The Director may either issue the ~~p~~Permit or deny the ~~p~~Permit and shall provide the applicant with a written rationale explanation for the denial. ~~Any~~ ~~p~~Permit application that has been previously disapproved shall be acted on within 45 days after ~~the a~~ revised and complete application, as determined by the Director, is has been revised, resubmitted for approval, and deemed complete.

D. Coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities is required for construction activities disturbing equal to or greater than one (1) acre of land including land-disturbing activities disturbing less than one (1) acre of land that are part of a larger common plan of development or sale that ultimately will disturb one (1) acre or more of land.

E. State Permit registration statements are required for land-disturbing activities that require coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities except for single-family detached residential structures that are within or outside a common plan of development or sale, even though such land-disturbing activities are subject to the General VPDES Permit for Discharges of Stormwater from Construction Activities.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities, Section 124-2-5, Monitoring, Reports, Investigations, and Inspections, by revising subsection A, to read as follows:

A. The Director (i) shall provide for periodic inspections of the installation of stormwater management measures, (ii) may require monitoring and reports from the person responsible for meeting the ~~p~~Permit conditions to ensure compliance with the ~~p~~Permit and to determine whether the measures required in the ~~p~~Permit provide effective stormwater management, and (iii) conduct such investigations and perform such other actions as are necessary to carry out the provisions of this Chapter.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities, Section 124-2-6, Stormwater Pollution Prevention Plan Requirements, by revising subsections A and F, to read as follows:

A. A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E. The stormwater pollution prevention plan shall meet all requirements of 9VAC25-870-54 and 9VAC25-880-70.

F. The stormwater pollution prevention plan must address the following requirements as

specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a state permit in 9VAC25-880-1:

1. Control stormwater volume and velocity within the site to minimize soil erosion;
2. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
3. Minimize the amount of soil exposed during construction activity;
4. Minimize the disturbance of steep slopes;
5. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
6. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;
7. Minimize soil compaction and, unless infeasible, preserve topsoil;
8. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the County. In drought stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the County; and
9. Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities, Section 124-2-7, Stormwater Management Plans, by revising subsection A, to read as follows:

A. A stormwater management plan shall be developed and submitted to the County. The stormwater management plan shall be implemented as approved or modified by the Director and shall be developed in accordance with the following:

1. A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in Article 4 or Article 5 as applicable to the entire land disturbing activity. Individual lots in new residential, commercial, or industrial developments, including those developed under subsequent owners, shall not be considered separate land-disturbing activities.
2. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
3. Stormwater management plans shall meet all requirements of the PFM.

Amend Article 2, General Administrative Criteria for Regulated Land-Disturbing Activities, Section 124-2-7, Stormwater Management Plans, by adding subsection D, to

1 read as follows:

2
3 D. A stormwater management plan approved for a residential, commercial, or industrial
4 subdivision shall govern the development of the individual parcels, including those parcels
5 developed under subsequent owners. A note shall be placed on the subdivision plat stating that
6 individual parcels shall be developed in accordance with the approved stormwater management
7 plan for the subdivision.
8

9 **Amend Article 3, Fees, Section 124-3-5, Permit Maintenance Fees, by revising it, to read as**
10 **follows:**
11

12 **Section 124-3-5. Permit Maintenance Fees.**
13

14 Annual permit maintenance fees for General Permits for Discharges of Stormwater from
15 Construction Sites including expired permits that have been administratively continued and
16 Chesapeake Bay Preservation Act land-disturbing activities shall be paid to the County by April
17 1st of each year at such times and amounts as provided for in Appendix Q of the Code. With
18 respect to the General Permit for Discharges of Stormwater from Construction Activities, these
19 fees shall apply until the permit coverage is terminated
20

21 **Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-**
22 **4-4, Water Quantity, by revising subsection C, Flood Protection, criteria #4, to read as**
23 **follows:**
24

25 4. As an alternative to criteria 1 or 2 above, detention of stormwater may be provided that
26 releases the postdevelopment peak flows for the 2-year 24-hour storm event and the 10-year 24-
27 hour storm event at rates that are determined utilizing the method in § 124-4-4.B.3(a) or 3(b). If
28 this method is used, the downstream review analysis shall be limited to providing cross-sections
29 to show a defined channel, which may include sections of ~~natural~~ streams with braided channels
30 or wetlands as determined by the Director, or man-made drainage facility, and checking for
31 flooding of existing dwellings or buildings constructed under an approved building permit from
32 the 100-year storm event for the extent of review described in § 124-4-4.C.6.
33

34 **Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-**
35 **4-5, Offsite Compliance Options, by revising subsection F, to read as follows:**
36

37 F. In accordance with § 62.1-44.15:35F of the Code of Virginia, nutrient credits used
38 pursuant to subsection A shall be generated in the same or adjacent eight-digit hydrologic unit
39 code as defined by the United States Geological Survey as the permitted site ~~except as otherwise~~
40 ~~limited in subsection C.~~ Nutrient credits outside the same or adjacent eight-digit hydrologic unit
41 code may only be used if it is determined by the Director that no credits are available within the
42 same or adjacent eight-digit hydrologic unit code when the Director accepts the final site design.
43 In such cases, and subject to other limitations imposed in this section, credits available within the
44 same tributary may be used. In no case shall credits from another tributary be used.
45

46 **Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, Section 124-**

4-6, Design Storms and Hydrologic Methods, by revising subsection E, to read as follows:

E. For drainage areas of 200 acres or less, the modified Rational Method may be used for evaluating volumetric flows to stormwater conveyances.

Amend Article 4, Technical Criteria for Regulated Land-Disturbing Activities, by adding Section 124-4-10, Stormwater Management Impoundment Structures or Facilities, to read as follows:

Section 124-4-10. Stormwater Management Impoundment Structures or Facilities.

Stormwater management wet ponds and extended detention ponds that are not covered by the Impounding Structure Regulations (4VAC50-20) shall, at a minimum, be engineered for structural integrity for the 100-year storm event and shall comply with the requirements of § 6-1600 of the PFM.

Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria, Section 124-5-3, General, by revising subsection M, to read as follows:

M. Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in resource protection areas defined in the Chesapeake Bay Preservation Act provided such facilities are designed and constructed in accordance with the Stormwater Management Act and this ordinance, and provided that (i) the County has conclusively established that the location of the facility within the resource protection area is the optimum location; (ii) the size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both; and (iii) the facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with § 124-4-9 or with a VSMP that has been approved prior to July 1, 2012, by the State Water Control Board, the Chesapeake Bay Local Assistance Board prior to its abolishment on July 1, 2012, or the Board of Conservation and Recreation; (iv) all applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, the department, and the Virginia Marine Resources Commission; (v) approval must be received from the local government prior to construction; and (vi) routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a resource protection area. ~~stormwater management program that has been approved by the State Water Control Board, Soil and Water Conservation Board, the Chesapeake Bay Local Assistance Board, or the Board of Conservation and Recreation.~~

Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria, Section 124-5-4, Water Quality, by revising subsection A, paragraph #5, to read as follows:

5. BMPs shall be reviewed, modified, ~~waived~~ and/or approved by the Director in accordance with Article 6 of the Public Facilities Manual in effect on June 30, 2014, except that BMPs must meet testing and inspection requirements, plan submission requirements, and dam standards in effect at the time of plan submission.

Amend Article 5, Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to Time Limits on Applicability of Approved Design Criteria, Section 124-5-6, Flooding, by revising subsection C, to read as follows:

C. Land-disturbing activity shall comply with the requirements of Chapter 6 of the Fairfax County Public Facilities Manual in effect on ~~July~~ June 30, 2014.

Amend Article 7, Appeals, by revising it, to read as follows:

ARTICLE 7.

Appeals.

Section 124-7-1. Right to Administrative Review.

~~A. The Director shall appoint a hearing officer or officers for the purpose of hearing appeals of actions or the failure to take action by the Director under this Chapter.~~

~~B.A.~~ Any permit applicant, permittee, person subject to state permit requirements under this Chapter, or person subject to an enforcement action under this Chapter who is aggrieved by an action or inaction by the Director pursuant to this Chapter ~~without a formal hearing may demand in writing a formal hearing by the hearing officer, provided that a petition requesting a hearing is filed with the Director within 30 days after notice of the Director's action is received by the aggrieved party~~ has a right to an administrative appeal of the Director's decision. The appeal shall take the form of a written request for reconsideration and, upon request, an informal hearing. As provided for in this Chapter, the Director may seek an injunction in the absence of an administrative hearing.

B. The aggrieved party seeking to appeal a decision by the Director shall submit to the Director, within 10 days after the date of the challenged decision, a written Notice of Intent to Appeal. The Notice of Intent to Appeal shall state whether the appellant requests an informal hearing.

C. Within 21 days after the Notice of Intent to Appeal is submitted to the Director, the appellant shall submit a written Request for Reconsideration to the Director setting forth the factual, legal, or other bases for the appeal. Failure to timely submit the Request for Reconsideration shall constitute a waiver of the right to appeal.

D. An appellant that timely files a Notice of Intent to Appeal with the Director that includes a request for an informal hearing shall submit a Request for Reconsideration in accordance with subsection C. The informal hearing shall be held no more than 60 days after the Notice of Intent

1 to Appeal is submitted, unless an extension is agreed upon by the parties. The informal hearing
 2 shall be conducted by the Director or his designee, and the scope of the appeal shall be limited to
 3 the bases set forth in the Request. The appellant may appear in person or be represented by
 4 counsel, and may present any information in support of the appeal.

5
 6 E. The Director shall make a final decision in writing within 14 days after either the
 7 submission of the request for reconsideration or an informal hearing, whichever is later. The
 8 final decision shall state the facts upon which the decision is based.

10 **Section 124-7-2. Hearings**

11
 12 ~~A. Any hearing for administrative review of an action or inaction by the Director held~~
 13 ~~pursuant to § 124-7-1 shall be conducted by the hearing officer.~~

14
 15 ~~B. After a petition requesting a hearing is filed with the Director, the Director or hearing~~
 16 ~~officer shall issue a notice of hearing to the aggrieved party providing the date, time, and location~~
 17 ~~of the hearing, and shall include the facts and legal requirements related to the challenged action.~~
 18 ~~The notice of hearing shall be issued in accordance with the notice requirements of § 124-8-1(F).~~

19
 20 ~~C. The County and the aggrieved party may present evidence including witnesses regarding~~
 21 ~~the facts and occurrences giving rise to the action subject to review. The aggrieved party may~~
 22 ~~examine any of the County's witnesses.~~

23
 24 ~~D. A verbatim record of the proceedings of any hearing for administrative review under this~~
 25 ~~Chapter shall be made.~~

26
 27 ~~E. The hearing officer shall have the power to issue subpoenas and subpoenas duces tecum,~~
 28 ~~and at the request of any party shall issue such subpoenas. The failure of a witness without legal~~
 29 ~~excuse to appear or to testify or to produce documents shall be acted upon by the Director, whose~~
 30 ~~action may include the procurement of an order of enforcement from the circuit court. Witnesses~~
 31 ~~who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil~~
 32 ~~actions.~~

33
 34 ~~F. The hearing officer shall issue a final order within 30 days after the conclusion of the~~
 35 ~~hearing, which shall be served upon the parties, become part of the record, and briefly state the~~
 36 ~~findings, conclusions, reasons, or basis therefor upon the evidence presented by the record and~~
 37 ~~relevant to the basic law under which the agency is operating and, as appropriate, an order~~
 38 ~~imposing civil charges under Va. Code Ann. § 62.1-44.15:48(D)(2).~~

40 **Section 124-7-23. Appeals of Final Orders.**

41
 42 Final decisions of the Director under this Chapter shall be subject to review by appeal to the
 43 Circuit Court of Fairfax County, Virginia, provided that the permit applicant, permittee, or
 44 person to whom a final order decision is issued files by the hearing officer may seek judicial
 45 review of the final order issued by the hearing officer by appeal to the Circuit Court of Fairfax
 46 County on the record of the proceedings before the hearing officer. To commence an appeal, a
 47 party shall file a petition in the Circuit Court of Fairfax County within 30 days of the date of the

1 final ~~order issued by the hearing officer~~ decision. Failure to do so shall constitute a waiver of the
2 right to appeal the final decision. The circuit court shall conduct its review in accordance with
3 the standards established in Va. Code Ann. § 2.2-4027, and the decisions of the circuit court shall
4 be subject to review by the Court of Appeals.

**PROPOSED AMENDMENTS
TO
CHAPTER 101 (SUBDIVISION)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

1 **Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-**
2 **5, Final Subdivision Plat, by revising paragraph (c) Preparation, by adding new**
3 **subparagraph (13), to read as follows:**

4
5 (13) A note stating that individual parcels shall be developed in accordance with the approved
6 stormwater management plan for the subdivision.

**PROPOSED AMENDMENTS
TO
APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE)
OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA**

Amend Section II Site Development Fees, by revising Part G (Permits for Discharges of Stormwater from Construction Activity Fees) to read as follows:

<u>G. PERMITS FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITY FEES</u>	
The following fees shall be paid for permits for Chesapeake Bay Preservation Act land-disturbing activities, General Permits for Discharges of Stormwater from Construction Activities, modification or transfer of coverage under a permit, and permit maintenance.	
<i>(A) General / Stormwater Management - Base Fee</i> The state's portion of the fees for initial coverage under the General Permit for Discharges of Stormwater from Construction Activities shall be paid directly to the state in accordance with §124-3-3.	
1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre.) <u>Fee not required for land-disturbing activities exempt from the Stormwater Management Ordinance under §124-1-7.</u>	\$308
2. All land disturbing activities requiring General Permit coverage for Discharges of Stormwater from Construction Activities.	\$308
<i>(B) General / Stormwater Management - Modifications</i> Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities. If the permit modifications result in changes to stormwater management plans that require additional review by the County, such reviews shall be subject to the fees set out in this part. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the permit modification fee paid to the County, modifications resulting in an increase in total disturbed acreage shall pay to the state the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage.	
1. <u>Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)</u>	<u>\$0</u>
2. <u>Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures)</u>	<u>\$0</u>
43. <u>Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres except for construction of single-family detached residential structures)</u>	\$200
24. <u>Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)</u>	\$250
35. <u>Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)</u>	\$300

46. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
57. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$700
(C) General / Stormwater Management – Permit Maintenance Fees for annual permit maintenance including expired state permits that have been administratively continued. With respect to the General Permit for Discharges of Stormwater from Construction Activities, these fees shall apply until the state permit coverage is terminated. Fees for annual permit maintenance will be collected on a schedule consistent with the bond acceptance, approval, extension, reduction, and release process for bonded projects and as part of the process for acceptance and release of conservation deposits for non-bonded projects.	
1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre.	\$20 <u>\$0</u>
2. Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	<u>\$0</u>
3. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures)	<u>\$0</u>
24. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres <u>except for construction of single-family detached residential structures</u>)	\$400
35. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	\$500
46. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
57. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
68. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$1,400

FAIRFAX COUNTY CODE AMENDMENTS – PROPOSED AMENDMENTS TO CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE), CHAPTER 101 (SUBDIVISION ORDINANCE), AND APPENDIX Q (LAND DEVELOPMENT SERVICES FEES) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA REGARDING THE IMPLEMENTATION OF THE VIRGINIA STORMWATER MANAGEMENT ACT (VIRGINIA CODE ANN. SECT. 62.1-44.15:24, ET SEQ.) AND VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) REGULATION (9 VAC 25-870, ET SEQ.)

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS TO CHAPTER 124, STORMWATER MANAGEMENT ORDINANCE; CHAPTER 101, SUBDIVISION ORDINANCE; AND APPENDIX Q, LAND DEVELOPMENT SERVICES FEE SCHEDULE OF THE COUNTY CODE, AS CONTAINED IN THE STAFF REPORT DATED DECEMBER 2, 2014.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt these Code amendments as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JN

Board Agenda Item
February 17, 2015

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Sunset Manor Residential Permit Parking District, District 18 (Mason District)

ISSUE:

Public Hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Sunset Manor Residential Permit Parking District (RPPD), District 18.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Sunset Manor RPPD, District 18.

TIMING:

On January 27, 2015, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on February 17, 2015, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that 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 of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning 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.

Board Agenda Item
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A peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$925 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Neil Freschman, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

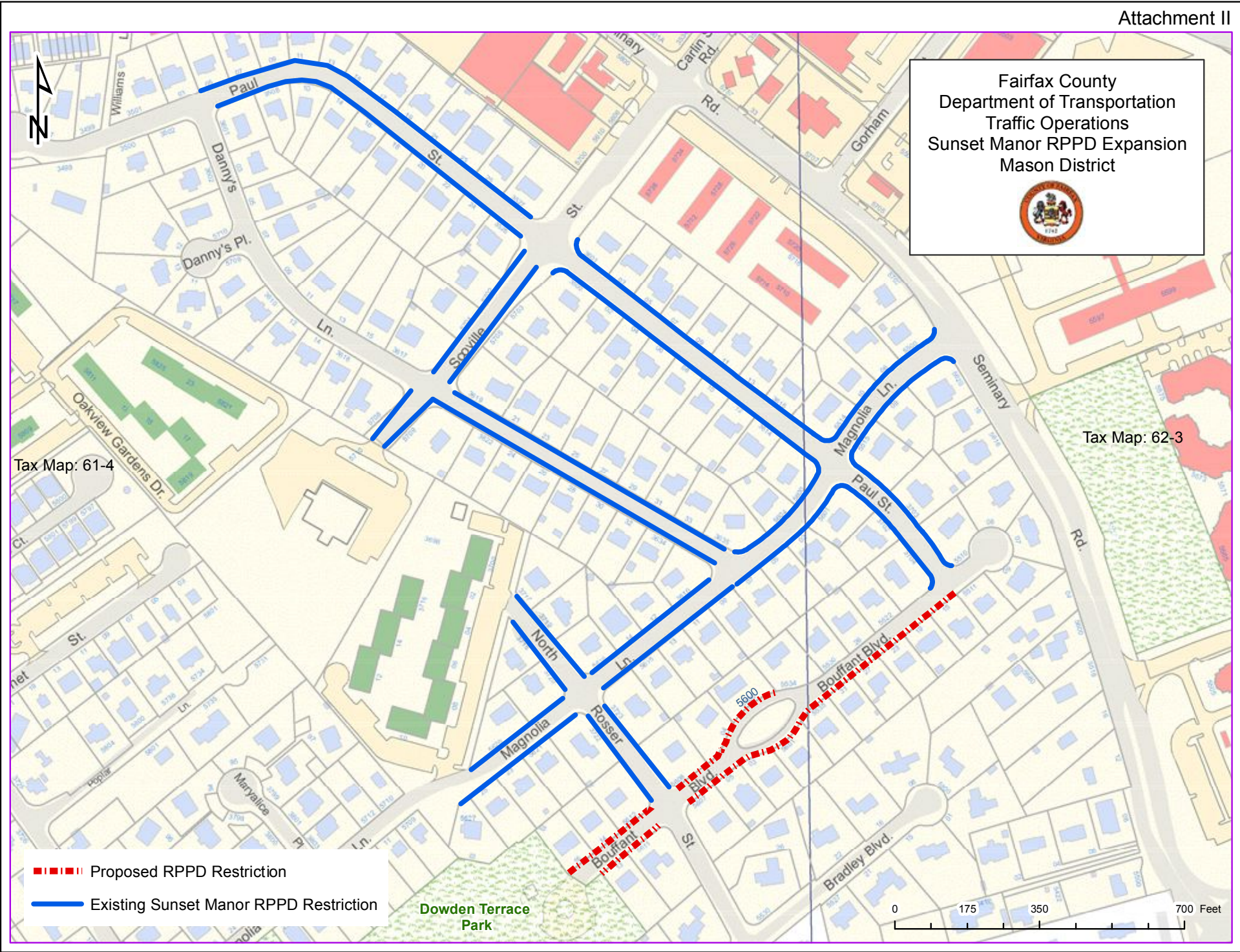
Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following street to Appendix G-18, Section (b), (2), Sunset Manor Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Bouffant Boulevard (Route 3436):

From Dowden Terrace Park boundary to the eastern property boundary of
5600 Bouffant Boulevard; north side only

From Dowden Terrace Park boundary to Paul Street; south side only



Board Agenda Item
February 17, 2015

4:00 p.m.

Public Hearing on RZ 2014-MA-011 (Spectrum Development, LLC) to Permit Retail, Pharmacy With Drive-Through and Fast Food Uses With An Overall Floor Area Ratio of 0.22 and Waivers and Modifications in a CRD, Located on Approximately 2.72 Acres of Land (Mason District)

Property is located on the South Side of Leesburg Pike between Charles Street and Washington Drive. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5. (Concurrent with SE 2014-MA-013).

and

Public Hearing on SE 2014-MA-013 (Spectrum Development, LLC) to Permit a Pharmacy With Drive-Through and Fast Food Restaurant(s) and Waivers and Modifications in a CRD, Located on Approximately 2.72 Acres of Land Zoned C-6, CRD, HC, and SC (Mason District)

Property is located at 5885 Leesburg Pike, 3408 & 3410 Washington Dr., and 3425 & 3401 Charles Street, Falls Church, 22041. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 12, 2015, the Planning Commission voted 8-0 (Commissioner Hart was not present for the votes; Commissioners Hurley, Murphy, and Sargeant were absent from the meeting) to recommend the following action to the Board of Supervisors:

- Approval of RZ 2014-MA-011, subject to the execution of proffers consistent with those dated February 11, 2015;
- Approval of SE 2014-MA-013, subject to Development Conditions consistent with those dated February 9, 2015;
- Approval of a 20 percent parking reduction as permitted in a Commercial Revitalization District (CRD) to allow 108 parking spaces where 135 are required;
- Approval of a waiver of the front yard setback requirement in the C-6 District per the CRD provisions to permit a 10-foot setback to Leesburg Pike and 7-foot setback to Washington Drive;
- Approval of a waiver of the minimum lot width standard in the C-6 District per the CRD provisions to allow 160 feet after the dedication of the right-of-way along Charles Street;
- Approval of a modification of the trail requirement along Leesburg Pike to permit an 8-foot wide paver walkway in accordance the Bailey's Crossroads streetscape standards;

Board Agenda Item
February 17, 2015

- Approval of a modification of the transitional screening and barrier requirements along all or portions of the east, south, and west property lines, in favor of the plantings and masonry walls shown on the GDP/SE plat;
- Approval of a waiver of the tree preservation target area in favor of the proposed plantings shown on the GDP/SE plat;
- Approval of a waiver of the service drive requirement along Leesburg Pike in favor of the frontage improvements shown on GDP/SE plat; and
- Approval of a modification of the loading space requirements to permit one loading area as depicted on the GDP/SE plat.

In a related action, the Planning Commission recommends that the Board of Supervisors direct staff to study options for achieving the desired transportation improvements in the area, including the realignment envisioned by the plan, for the goal of minimizing impact to both existing residential neighborhoods and commercial developments while still providing adequate opportunities for redevelopment and understanding that the options may need to extend beyond the limits of the current application.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4474376.PDF>

STAFF:

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

RZ 2014-MA-011/SE 2014-MA-013 – SPECTRUM DEVELOPMENT, LLC

Decision Only During Commission Matters
(Public Hearing held on January 14, 2015)

Commissioner Strandlie: Thank you, Mr. Chairman. Tonight, the commission will make a decision on a proposed plan submitted by Spectrum Development, LLC, referred to as The Shops at Baileys Crossroads. As we discussed at the January 14th hearing, the site has been in need of redevelopment for over 20 years. A portion of the site has been sitting as a vacant lot since 2007 and a good portion of this vacant lot is needed to realign Charles Street in Glen Forest, making development close to impossible. Geico owns an addition – an adjacent lot and building and they have now shut down business at that location. The applicant cobbled together the vacant lot, the Geico property, and two additional residential properties immediately to the rear to have sufficient land for this development. Since the January 14th public hearing, the applicant, neighbors, and staff have diligently worked to try address issues with the design and other matters raised by commissioners, including my concerns about the design of CVS. In addition to meeting with the applicants, Fairfax County Division chief Kris Abrahamson and I met with Irene Xenos and Brian Lovitt for two hours on site in a snow storm, and we appreciated very much their meeting with us. Ms. Xenos is a zealous advocate on behalf of her grandmother, and I can definitely understand and appreciate her concerns. I want to thank everyone who's worked on this, especially Kris and Brent Krasner for their efforts, and ask them to briefly go through the design and proffer changes, including responses to requests for improvements to Lot 8.

Brent Krasner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Thank you. I prepared a few slides just to briefly summarize where we – what we've been doing since the – during the deferral period, just to refresh everyone's memory that the property is on Leesburg Pike between Charles Street and Washington Drive on the west side of the Baileys Crossroads area. The applicant has submitted a revised GDP. The overall layout has not changed; however, they have incorporated a series of revisions to address various staff and neighborhood concerns. Some of the more changes were additional landscaping and a pedestrian path within the right-of-way at the intersection of Charles Street and Leesburg Pike. These were added at staff's recommendation to improve – both improve the visual appearance of the development as well as to prevent pedestrians from trampling on any plantings in that area. They've added a right-turn lane along Charles Street onto Leesburg Pike. The monument sign has been relocated from the intersection to the small seating area and we support this change. It would make it less prominent and it provides a pedestrian feature. They've also made a change to – to the bus shelter detail to provide additional right-of-way as requested by FDOT (Fairfax County Department of Transportation) to accommodate a future cycle track. They've also made significant architectural revisions to the pharmacy. The new elevations now show a more articulated building façade with a greater variety of colors and materials on all sides. They've added additional faux windows and awnings. There's also a proffer that now indicates that the windows fronting on Leesburg Pike as well as the ones that face the other retail building, will feature images of historic themes relevant to Baileys Crossroads and overall staff feels that the architectural revisions have improved the building and they have gone some way to address our

concerns about compatibility with the rest of the development as well as meeting the guidelines of the Baileys CBC in the comprehensive plan. These are additional renderings that show the new design; flip through these quickly. You can see the additional windows and awnings. And this is a bird's eye perspective. And I'll note that these images don't contain all the landscaping that will be provided in that right-of-way, but it gives you a sense of the architecture. The applicant has also submitted revised proffers in conjunction with the revised plan. The most current set, dated February 11th, was distributed to you yesterday. They've been updated to provide enhanced commitments to address various staff commission and neighborhood concerns. Some of the key changes were moving the monument sign, the additional landscaping in the right-of-way; the deliveries of the largest trucks will be restricted to non-peak periods; and of course there will be no loading on Washington Drive or any blocking of access to the site. They have increased the contribution for the off-site work on Lot 8, which is the adjacent residential property directly to the east of the site's entrance on Washington Drive, including funds for plantings, a fence, as well as a vehicle turnaround in their driveway so they can pull out forwards onto Washington Drive. They've added proffers clarifying that there will be no outdoor speakers or vending machines or anything like that on the site, and additional proffers related to trash, lighting, noise, parking enforcement, and construction, which were originally in the – in the – in the proffers have remained and been strengthened. The conditions were revised just to remove conditions that have now been addressed in the – in the proffers. We issued a staff report addendum and as we stated in that addendum staff feels that the applicant should be credited for making significant improvements to the architectural design as well making improvements to their proffer commitments. We feel the pharmacy more closely resembles the remainder of the development. It will provide a more pleasing appearance from Leesburg Pike. Ultimately, staff however – we were unable to reverse our recommendations for denial, the improved architectural notwithstanding. The building – in staff's opinion, it still faces rearwards, and it places that drive-through in a highly visible location at the intersection. In addition the right-of-way, based on what the Comp Plan currently recommends today, we feel that what they have provided is insufficient without needing additional private land. For those specific reasons, we're unable to reverse our – our recommendation; however, we do feel the applicant has made significant strides in addressing other concerns. Thank you very much.

Vice Chairman de la Fe: Thank you very much.

Commissioner Strandlie: There's a - - there was a question of the alignment of the exit on the Washington Street side and alignment with the Lot 8 driveway. Can you address the safety concerns of that as –

Mr. Krasner: Sure. Ultimately, having the driveway aligned with the access actually is the safest alternative. Just like with any other intersection, if it's skewed or offset, it introduces a potential conflict, as opposed to when it's head-on and the visibility is excellent for cars that come from either side. Also with the provision for a turnaround for the residential property, they will now be able to pull out forwards without having to back out, and we feel that provides a safe condition and it ameliorates that concern.

Commissioner Strandlie: Okay, thank you. On Proffer 26, I had some concerns about the amount of – included to provide the mitigation to Lot 8 for landscaping and/or fence and the driveway,

and I was hoping the applicant can come down and – and confirm a conversation that we had today – Peter Batten. They are going to address this. The amount currently calls for \$10,000 to reimburse for construction costs and we were concerned that that was not the right amount. Can you please confirm our conversation that we were going to have to work with the Xenos Family to make sure that the amount is sufficient to address their concerns as in the invoice and estimate that the previously provided?

Peter Batten, Applicant: We talked about that we would go out actually and do a design of the turnaround and the fencing and landscaping and then get a – a firm to provide a bid to us. So we can confirm the amount that we have in the proffer allocated for those – those improvements.

Commissioner Strandlie: So between now and the time that this may go to the Board, you will work with the Xenos Family to make sure that the amount is the sufficient amount to cover those costs.

Mr. Batten: Yes. We're going to start tomorrow to – to get the design together and then get with our construction folks and get the pricing –

Commissioner Strandlie: Okay.

Mr. Batten: – for the landscaping.

Commissioner Strandlie: And the other issue is that the proffer originally called for reimbursement after the expenses and we had discussed providing an escrow account so that they did not have to put any costs upfront.

Mr. Batten: Correct.

Commissioner Strandlie: Good.

Commissioner Strandlie: Thank you.

Vice Chairman de la Fe: Just for the record, could you identify yourself?

Mr. Batten: Yes.

Vice Chairman de la Fe: We know you are the applicant, but –

Mr. Batten: Yes. I'm with the applicant, Spectrum Development, and my name is Peter Batten and I'm one of the managing directors of the firm.

Vice Chairman de la Fe: Thank you.

Mr. Batten: Thanks.

Commissioner Strandlie: Thanks. Thank you. Brent or Kris, do you have anything else to add?

Kris Abrahamson, ZED, DPZ: Not with this question.

Commissioner Strandlie: Thank you. In – in this particular circumstance, there is overriding community needs and development challenges that have convinced me to switch me as – from a no when I was a land use – on the land use committee following the many changes and as this has moved forward. In addition, the chair of the Mason District Land Use Committee now supports this application and asked me to read his February 11th, 2015, email into the record and he said, the chair of the Mason District Land Use Committee, Dan Aminoff, while having concerns about the project's specifics, feels that the opportunity for development outweighs keeping the status quo. The Bailey's Revitalization corporation previously endorsed the project; Glen Forest Neighbors support the redevelopment, the owner of the shopping center across the street, Adrian Dominguez, supports the project because it adds additional retail and shoppers to the neighborhood; however, their support is contingent upon future road realignment not taking much of her much needed parking lot. The property at hand is the Gateway to Baileys Crossroads and many see it as an impetus for further redevelopment, a jumpstart to revitalizing this area. Again, the lot has been vacant for 8 years and undeveloped for about 20; however, there are still impediments to redevelopment that came to light during the review of this application. There is a question of how to protect the neighborhoods and existing business while improving transportation and making it a more attractive community; therefore, following the initial motion to approve the application with conditions, I will offer a supplemental motion addressing the need to identify additional redevelopment options for this area.

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Thank you. So, Mr. Chairman I would like to make a motion to –

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-MA-011, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 11, 2015;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MA-013, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED FEBRUARY 9TH, 2015, CONTAINED IN ATTACHMENT 3 OF THE STAFF REPORT ADDENDUM;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A 20 PERCENT PARKING REDUCTION AS PERMITTED IN A COMMERCIAL REVITALIZATION DISTRICT (CRD) TO ALLOW 108 PARKING SPACES WHERE 135 ARE REQUIRED;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE FRONT YARD SETBACK REQUIREMENT IN THE C-6 DISTRICT PER THE CRD PROVISIONS TO PERMIT A 10-FOOT SETBACK TO LEESBURG PIKE AND 7-FOOT SETBACK TO WASHINGTON DRIVE;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE MINIMUM LOT WIDTH STANDARD IN THE C-6 DISTRICT PER THE CRD PROVISIONS TO ALLOW 160 FEET AFTER THE DEDICATION OF THE RIGHT-OF-WAY ALONG CHARLES STREET;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRAIL REQUIREMENT ALONG LEESBURG PIKE TO PERMIT AN 8-FOOT WIDE PAVER WALKWAY IN ACCORDANCE THE BAILEY'S CROSSROADS STREETSCAPE STANDARDS;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL OR PORTIONS OF THE EAST, SOUTH, WEST – AND WEST PROPERTY LINES, IN FAVOR OF THE PLANTINGS AND MASONRY WALLS SHOWN ON THE GDP/SE PLAT;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE TREE PRESERVATION TARGET AREA IN FAVOR OF THE PROPOSED PLANTINGS SHOWN ON THE GDP/SE PLAT;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG LEESBURG PIKE IN FAVOR OF THE FRONTAGE IMPROVEMENTS SHOWN ON GDP/SE PLAT; and
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENTS TO PERMIT ONE LOADING AREA AS DEPICTED ON THE GDP/SE PLAT.

Commissioner Flanagan: I second all nine of those motions.

Commissioner Hedetniemi: I do too.

Vice Chairman de la Fe: Seconded by Commissioners Hedetniemi and Flanagan. Any discussion?

Commissioner Migliaccio: Just on the special exception? Did we need the applicant to agree to those? Or did you get them on the record already? The development conditions, when they were up here?

Commissioner Strandlie: I believe those were all in the motion.

Ms. Abrahamson: Do you want to ask the applicant to come down?

Vice Chairman de la Fe: Yes, if the applicant - - if - before – before we take a vote, could the applicant please come down and confirm that he agrees with the development conditions as stated by and agreed to by Commissioner Strandlie.

William B. Lawson, Esquire, The Law Office of William B. Lawson, P.C.: Mr. Chairman, for the record, my name is William B. Lawson, Jr. I represent the applicant. The conditions are acceptable.

Vice Chairman de la Fe: Thank you very much. Okay. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motions carry. Thank you very much..

Commissioner Strandlie: Thank you. I have – I have my supplemental motion if you –

Vice Chairman de la Fe: Yes.

Commissioner Strandlie: – would bear with me.

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Mr. Chairman, acknowledging the difficulties encountered in trying to adequately and safely accommodate the necessary road realignments, including the additional right-of-way for the proposed realignment of Charles Street intersection on the application property, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO STUDY OPTIONS FOR ACHIEVING THE DESIRED TRANSPORTATION IMPROVEMENTS IN THE AREA, INCLUDING THE REALIGNMENT ENVISIONED BY THE PLAN, FOR THE GOAL OF MINIMIZING IMPACT TO BOTH EXISTING RESIDENTIAL NEIGHBORHOODS AND COMMERCIAL DEVELOPMENTS WHILE STILL PROVIDING ADEQUATE OPPORTUNITIES FOR REDEVELOPMENT AND UNDERSTANDING THAT THE OPTIONS MAY NEED TO EXTEND BEYOND THE LIMITS OF THE CURRENT APPLICATION.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

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

//

(Each motion carried by a vote of 8-0. Commissioner Hart was not present for the votes; Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.)

JN

Board Agenda Item
February 17, 2015

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)

ISSUE:

Public Hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Springdale Residential Permit Parking District (RPPD), District 33.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of the Fairfax County Code, to expand the Springdale RPPD, District 33.

TIMING:

On January 27, 2015, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of the Fairfax County Code, to take place on February 17, 2015, at 4:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of the Fairfax County Code, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that 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 of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning 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.

On September 18, 2014, the Fairfax County Department of Transportation (FCDOT)

Board Agenda Item
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conducted a peak parking demand survey for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,250 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by amending the following street descriptions in Appendix G-33, Section (b), (2), Springdale Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Arnet Street (Route 1845):

From Munson Road to Lacy Boulevard

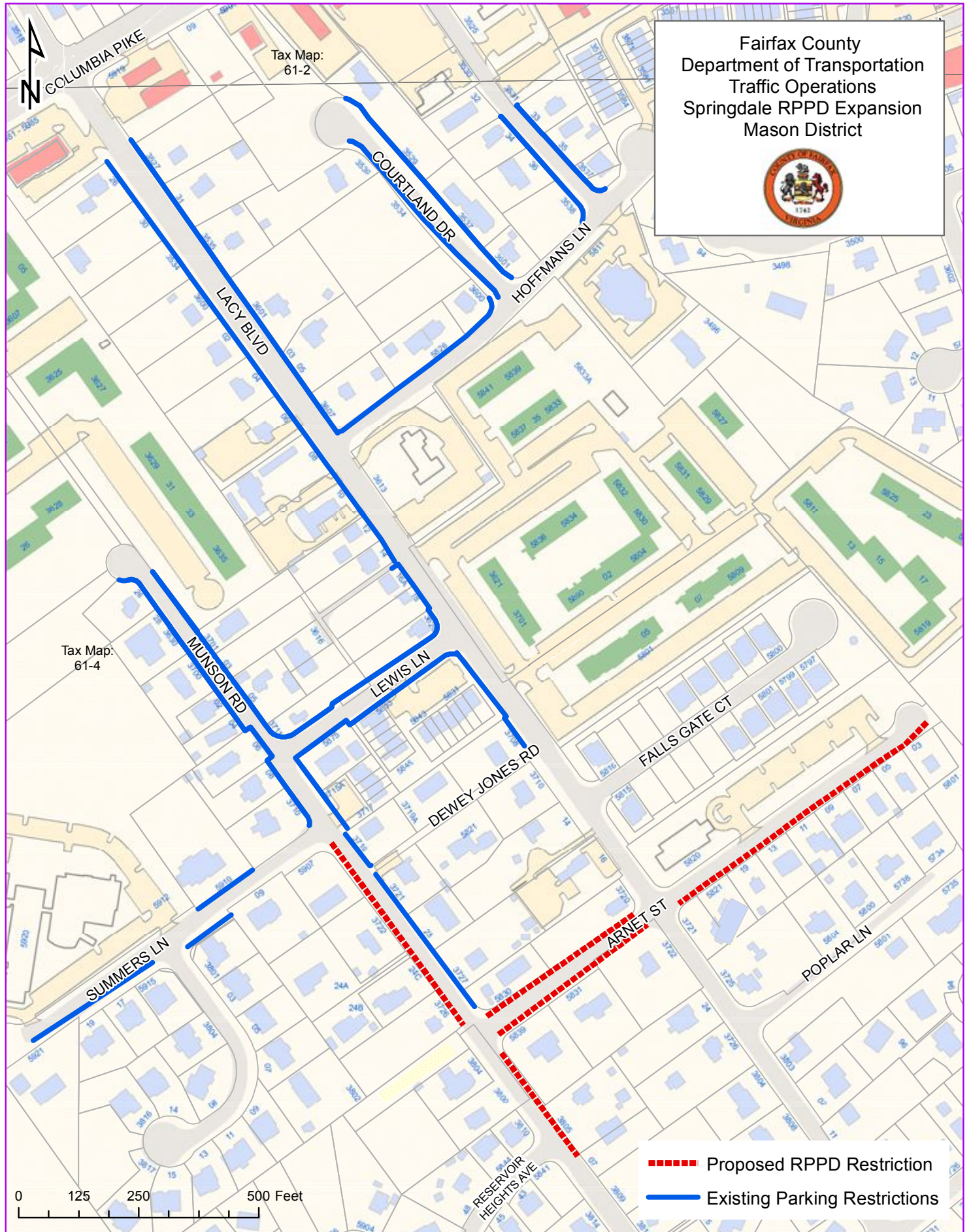
From Lacy Boulevard to eastern cul-de-sac end; south side only

Munson Road (Route 795):

From Arnet Street to Summers Lane ~~east side only~~

From Arnet Street to Reservoir Heights Avenue, east side only

Fairfax County
Department of Transportation
Traffic Operations
Springdale RPPD Expansion
Mason District



- - - - - Proposed RPPD Restriction
- Existing Parking Restrictions

Board Agenda Item
February 17, 2015

4:30 p.m.

Public Hearing on Revisions to *The Code of the County of Fairfax, Virginia*—Chapter 109.1 (Solid Waste Management)

ISSUE:

Public Hearing on approval of revisions to the county's solid waste ordinance, Chapter 109.1.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors conduct a public hearing on the proposed revisions to the county's solid waste ordinance, Chapter 109.1 of the *Code of the County of Fairfax* and at the conclusion of the public hearing authorize approval of Chapter 109.1, as revised.

TIMING:

On January 13, 2015, the Board authorized advertisement of a public hearing to be held on February 17, 2015, to consider revisions to the County's solid waste ordinance, Chapter 109.1.

BACKGROUND:

Fairfax County Department of Public Works and Environmental Services (DPWES) regulates the collection, recycling and disposal of municipal solid waste from residents and businesses within the county. Proposed revisions to this ordinance, Chapter 109.1, are necessary to clarify existing requirements and streamline portions of the code to aid collection companies and other businesses in complying with county requirements. Attachment 1, Staff Report, provides a listing of the proposed revisions that are included in this revision to Chapter 109.1.

Revisions to the existing Chapter 109.1 involve expanding the responsibility for establishing recycling systems for non-residential properties to include other entities rather than just the property owner, as is currently specified in the ordinance. Currently, the property owner is responsible for the establishment of a recycling system. However, the property owner does not typically contract for waste collection at properties they own. This is usually done by a property management company or a solid waste broker. As such, the recycling program requirements were expanded to apply to property managers and solid waste brokers. Solid waste brokers are firms that are expert in contracting for waste management services and negotiate the best possible contracts for collection services on behalf of their clients, in the hope of saving money in the cost

Board Agenda Item
February 17, 2015

of collection service. Solid waste brokers will be required to register with the county in order to operate legally. They will be charged a nominal fee annually for the registration. The fee is to be set by the director of the solid waste program; currently the fee will be set at \$200.

For residential recycling, presently there is no mechanism to enforce the recycling requirements in situations where a community or homeowner's association contracts for waste collection service. The code has been modified to allow the county to enforce the recycling program requirements with community or homeowner's associations.

Chapter 109.1 currently specifies the process for obtaining a Certificate-to-Operate for a waste collection company to legally collect waste and recycling in the county as a business. The details of the exact process for obtaining a Certificate-to-Operate were removed from this version of the code and were placed in a guidance document for collection companies to use as they apply for their annual Certificate-to-Operate. The reason for removing the application process details from the code and placing them in a guidance document is to be able to modify the application process as necessary, without the need to modify the code each time the application process is changed.

Other changes to the code include clarifications as to which parts of the requirements apply to residential waste and recycling collection (curbside) as compared to collection of waste and recycling from commercial properties (front-end container collection). It also specifies several activities which are prohibited, such as prohibitions against collecting waste and recycling together in the same container and collecting waste in an open-top container.

These revisions have been made in consultation with and comment from the business community including the trade association representing privately-owned collection companies, the Fairfax County Chamber of Commerce, the Northern Virginia Building Association (NVBIA) and the National Association for Industrial and Office Parks (NAIOP).

FISCAL IMPACT:

The fiscal impact from the revisions to Chapter 109.1 include the annual \$200 fee for the registration of solid waste brokers. There are no other financial impacts to residents or businesses.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report

Attachment 2 - Markup of proposed changes of *Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management

Board Agenda Item
February 17, 2015

STAFF:

Robert A. Stalzer, Deputy County Executive

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

John W. Kellas, Acting Deputy Director, DPWES, Solid Waste Management Program (SWMP)

Pamela F. Gratton, Director, Recycling, Engineering and Environmental Compliance, SWMP

Staff Report on Proposed Modifications to Chapter 109.1, January 13, 2015

Article 1 – General Requirements

1. Adds several definitions including “community association”, “property manager”, and “solid waste broker” and the term “registered agent”, as defined by the Commonwealth of Virginia.
2. Incorporates by reference a new guidance document for such parties as part of new regulatory action.

Article 2 – Recycling

1. Incorporates Section 10-0300 of the Public Facilities Manual (PFM) by reference.
2. Gives specific size and capacity requirements for recycling systems at multi-family and non-residential properties so that adequate service can be provided to users.
3. Adds the term “designee” (not just the property owner) to the list of entities required to provide recycling systems to tenants.
4. Requires all multi-family properties to recycle the same materials, no matter when the building was constructed.
5. Creates a new requirement for collection companies to provide customers with CTO. documentation and for property managers to share contract terms with the agency
6. Codifies the current operating procedure that non-residential tenants who provide their own trash service (as opposed to the property owner providing such service) are also responsible for providing a recycling system to employees and/or customers.
7. Specifies, that for the purposes of recycling reports, quantities and material types are nonproprietary information.
8. Provision for collection companies to leave behind materials set out improperly.
9. Prohibits the collection of refuse and recyclables in the same container.
10. Limits the collection of recyclables in open-top containers, with some exceptions.

Article 3 – Pre-collection and Storage

1. Adds the term “designee” (not just the property owner) to the list of entities required to have Municipal Solid Waste Management (MSW) Management and Recycling Plans.
2. Defines when the plans need to be updated.

Article 4 – Required Permits, Registrations, and Certifications (new title)

1. Deletes specifics of the permit and CTO processes from County code, which will now be maintained in administrative documents that are incorporated by reference
2. New regulatory action regarding property managers (PMs), solid waste brokers, and community associations: associations and PMs that do not allow a hauler to communicate with residents to provide the annual statement of service to such residents on behalf of the hauler;
3. Associations, PMs and solid waste brokers who arrange for service that violates Chapter 109.1 are also in violation of the chapter and subject to enforcement.
4. Solid waste brokers must register with the Solid Waste Management Program (SWMP) and contracting with an unregistered broker is a violation.
5. All brokers must provide information to customers on recycling and solid waste management system requirements, and an annual statement of service.
6. CTO applicants must be in good standing with the County Department of Taxation and the Virginia State Corporation Commission.
7. Operating without a CTO may be grounds for denial of a future CTO for up to one year.

Article 5 – Collection of Solid Waste

1. Makes willfully contracting with an unpermitted hauler illegal.
2. Specifies that the following are prohibited: collecting refuse and recycling in the same container, collecting less frequently than once a week, and collecting putrescible refuse and certain recyclables in an open-top container.
3. Sets a minimum level of service for non-residential customers.
4. Requires haulers to make up for missed collection due to inclement weather or holidays within the same week.
5. Prohibits non-residential properties from setting out trash in bags.
6. Limits container retrieval fees.
7. Major topical reorganization of sections 5-5 (collection points and set-out) and 5-6 (renamed to collection containers and vehicles) and other administrative revisions/updates.

Article 6 – Transportation

Minimal

Article 7 – Disposal of Solid Waste

Minimal

Article 8 – Emergency Provisions

Minimal

Article 9 – Enforcement

1. Makes disposal of out-of-county waste at a county facility grounds for denial, suspension, or revocation of CTO.
2. Repeats that operating without a CTO is grounds for denial of future CTO;
3. Increases possible fines to \$1000.
4. Creates a fine of \$200 for dumping illegally at a disposal facility.
5. Clarifies that general violations of Chapter 109.1 are a Class II misdemeanor punishable with a fine up to \$1000.

**AN ORDINANCE AMENDING
CHAPTER 109.1 OF THE FAIRFAX COUNTY CODE,
RELATING TO SOLID WASTE MANAGEMENT**

...

Draft of January 13, 2015

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 109.1-1-1 through 109.1-1-3; Sections 109.1-2-1 through 109.1-2-6; Sections 109.1-3-1 through 109.1-3-2; Sections 109.1-4-1 through 109.1-4-16; Sections 109.1-5-1 through 109.1-5-10; Sections 109.1-6-1 through 109.1-6-3; Sections 109.1-7-1 through 109.1-7-5; Sections 109.1-8-1 through 109.1-8-3; Sections 109.1-9-1 through 109.1-9-11;

Be it ordained by the Board of Supervisors of Fairfax County that:

1. Sections 109.1-1-1 through 109.1-1-3; Sections 109.1-2-1 through 109.1-2-6; Sections 109.1-3-1 through 109.1-3-2; Sections 109.1-4-1 through 109.1-4-16; Sections 109.1-5-1 through 109.1-5-10; Sections 109.1-6-1 through 109.1-6-3; Sections 109.1-7-1 through 109.1-7-5; Sections 109.1-8-1 through 109.1-8-3; Sections 109.1-9-1 through 109.1-9-11 are amended and re-adopted to read as follows:

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CHAPTER 109.1 OF THE FAIRFAX COUNTY CODE
Solid Waste Management

ARTICLE 1. General Requirements.

Section 109.1-1-1. Statement of Policy.

(a) The purpose of this Chapter is the furtherance of effective solid waste management, as provided for and authorized by the Code of Virginia (e.g., Titles 10.1 and 15.2). Consistent with the Code of Virginia, and complementary to its intent, the efficient management of ~~the~~ municipal solid waste (MSW) ~~management system~~ (e.g., recycling, collection, transfer, and disposal ~~of solid waste~~) with as few negative environmental and economic impacts as possible is an essential and integral part of promoting public health and welfare. This Chapter therefore intends to protect life, property, and the general environment, by establishing standards and procedures for the administration and enforcement of such standards as they relate to the control, collection, transportation, and disposal of MSW, and to promote source reduction and recycling as means of reducing the amount of MSW that has to be disposed.

To these ends, this Chapter acknowledges and/or authorizes the following supporting documents that further describe critical elements of the County's solid waste management system that may be updated or revised from time to time:

- (1) The County's Solid Waste Management Plan;
- (2) The County's Recycling Program Requirements; ~~and~~
- (3) Solid Waste Advisories;
- (4) Other County Solid Waste Management Program guidance and requirements, as they are developed by the Director.

(b) Applicability.

Except as otherwise provided, this Chapter, and any regulations or administrative directives or procedures issued under its authority, apply to all residents and commercial, industrial, and institutional establishments within or doing business within the County, and any person or entity who collects, transports, disposes, or otherwise manages ~~solid waste, and/or recyclable materials as defined elsewhere in this Chapter or arranges for management of MSW.~~

Section 109.1-1-2. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

Authorized Agent means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Brush means shrub and tree trimmings arising from i) general residential landscape maintenance and ii) similar non-residential landscape maintenance.

Certificate-to-Operate is the permit/approval for any person to engage in the business of collecting MSW in Fairfax County.

Collection means the collection and transportation of ~~municipal solid waste~~ MSW.

Collection vehicle means any vehicle used to collect and/or transport ~~municipal solid waste~~ MSW.

Collector means any person engaged in the regularly-scheduled commercial collection and/or transportation of ~~municipal solid waste~~ MSW from two or more residential, commercial, industrial, institutional or other establishments.

Community Association or Homeowners' Association means an unincorporated association, corporation or other organization that owns or has under its care, custody, or control real estate subject to a recorded declaration of covenants that obligates a person, by virtue of ownership of specific real estate, to be a member of the unincorporated association, corporation or other organization. For the purposes of this Chapter, an unincorporated association, corporation or other organization representing residents shall be considered the designee of Association members when acquiring solid waste services.

Compensation means any type of consideration paid for the collection, transportation or disposal of ~~solid waste and/or recyclables~~ MSW, including, but not limited to, direct or indirect compensation by tenants, licensees, or similar persons.

Composting facility means a permitted facility producing a stabilized organic material.

Construction/Demolition Debris (CDD) means solid waste generated during construction, remodeling, repair, or demolition of pavements, houses, commercial buildings or any other structures. CDD includes, but is not limited to: lumber; wire; sheetrock; brick; shingles; glass; pipes; concrete; paving materials; metals; and plastic; if part of the materials of construction and/or empty containers for such materials.

Construction/Demolition Debris (CDD) landfill means a land burial facility which accepts CDD for disposal.

Customers means anyone providing compensation to collectors and/or recycling or disposal facilities. Persons using County drop-off facilities shall also be considered customers.

Department means the Fairfax County Department of Public Works and Environmental Services.

Director means the Director of the Fairfax County Department of Public Works and Environmental Services or his/her designee.

Disposal means the final placement or destruction of ~~solid waste~~ MSW.

Disposal site means a facility at which ~~solid waste~~ MSW is disposed.

Energy/Resource Recovery Facility (E/RRF) means a disposal site designed for the purpose of reducing the volume of ~~solid waste~~ MSW through incineration. The process further produces steam, and/or ~~possibly~~ electricity, as a result of the combustion process.

Hazardous waste means a "hazardous waste" as ~~described~~ defined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

Household Hazardous Waste (HHW) means discarded household products that contain corrosive, toxic, ignitable, or reactive ingredients, or are otherwise potentially harmful if released to the environment. Products that fall into this category include, but are not limited to certain paints, cleaners, and pesticides. Latex paint is not HHW.

Materials Recovery Facility (MRF) means a facility where source-separated recyclables are either stored until large enough volumes are collected to be shipped to a buyer or processor, or they are processed to meet the specifications of recycling markets.

Mixed paper means ~~flattened~~ corrugated cardboard, magazines, catalogues, envelopes, office

paper, brochures, phone books, junk mail, food boxes (such as cereal and cracker boxes), shoe boxes, and any other clean paper product without food residue.

Municipal Solid Waste (MSW) means that waste which is normally composed of residential, commercial, non-residential and institutional solid waste and residues derived from combustion of these wastes, as defined in Virginia's solid waste management regulations at 9 VAC-20-80-10, Part 181-10. MSW includes recyclables.

Person means and includes an individual, designee, corporation, association, firm, partnership, joint stock company, county, city, town, school, or any other legal entity.

Pipestem driveway means an extension off of a public road where one or more houses share a private drive to which their own driveways connect.

Principal Recyclable Material (PRM) means the recyclable material from the following list that comprises the majority of a business or commercial property's waste stream: newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard, kraft paper, container glass, aluminum, high-grade office mixed paper, tin metal cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass and other arboreal/vegetative materials. "Principal recyclable materials" do not include large diameter tree stumps.

Property Manager (PM) means a company, employee, or individual employed or otherwise engaged, including as a volunteer, by a property owner or a community association to manage day-to-day operations at one or more locations on the owner or owners' behalf and is considered to be a designee when acquiring solid waste services.

Putrescible material means organic material that can decompose.

Recyclable materials/Recyclables means any of the materials that are or may be recycled, including but not limited to those listed in Article 2 — Recycling and the Recycling Program Requirements.

Recycling means the process of separating a material from the waste stream with the intent of diverting it from disposal as solid waste.

Recycling center means a facility used for the collection of source-separated recyclable materials.

Recycling route means the route a collector follows to collect source-separated recyclable materials from customers.

Recycling system means the means by which recyclable materials are separated from the waste stream at the point of generation, and may include the means of delivering source-separated materials to a recycling center or MRF.

Refuse means all solid waste/MSW having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up/cleanup of spills or contamination, or other discarded materials.

Regulations means rules, guidance, and/or requirements issued by the Director pursuant to this Chapter.

Responsible company official means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Sanitary landfill means a land burial facility for the disposal of solid waste/MSW which is so located, designed, constructed and operated to contain and isolate the solid waste/MSW so that it does not pose a substantial present or potential hazard to public health or the environment; provided, however, that the term "sanitary landfill" shall not mean a land burial facility which only accepts non-putrescible solid waste/MSW (such as a CDD landfill, as defined in this Chapter).

Significant Modification means any physical change in or change in the method of operation of a commercial establishment that has the potential to result in a change in the quantity or characteristics of ~~solid-waste-or-recyclable-materials~~**MSW** being generated or managed by the establishment or facility.

Solid waste means any material defined as "solid waste" in 9 VAC 20-~~80-14081-10~~ et seq., of Virginia's solid waste management regulations.

Solid waste broker means a person or entity that, for a fee or other consideration, brokers, acts as a designee or otherwise arranges agreements between solid waste generators (including property owners, community/homeowner's associations, property managers or other entities) and providers of municipal solid waste collection, recycling, or disposal services.

Solid waste generators includes any persons that produce solid waste.

Source reduction is the reduction or elimination of the quantity or toxicity of waste being generated, which can be achieved through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, or increases in the efficiency of machinery and recycling within a process. The term does not include dewatering, compaction, or waste reclamation.

Source separation is the process of removing recyclable materials from the waste stream at the point where the material is generated. For residential material, the source is considered the household and contiguous residential property such as lawns or yards. For commercial material, the source is considered the commercial premises in which business is conducted and contiguous property such as storage yards.

Tare weight means the operating weight of a fully-fueled vehicle with no payload but includes the driver; i.e., the empty weight of the vehicle.

Transfer station means any ~~solid-waste~~**MSW** storage or collection facility at which ~~solid waste~~**MSW** is transferred from collection vehicles to other vehicles or means of transportation, for shipment to another site for permanent disposal.

Tree removal means any activity which generates ~~solid-waste~~**MSW** from the maintenance, trimming, or removal of trees or shrubs where any individual piece or bundle exceeds 50 pounds in weight, is longer than four feet in length, or larger than six inches in diameter. Christmas trees are exempt from these size limitations if they are less than eight feet in length.

Unacceptable waste means ~~solid-waste~~ which is prohibited from disposal at Fairfax County facilities by Fairfax County Code, rules or regulations, the *Virginia Code* and/or the Code of Federal Regulations.

Waste collection route means the route a collector follows to collect any ~~solid-waste~~**MSW** set out by customers for collection.

Yard waste means the organic fraction of ~~municipal solid-waste~~**MSW** that consists of grass clippings, leaves, vines, and brush arising from general landscape maintenance. Yard waste also includes similar materials collected from non-residential landscape maintenance, such as maintenance of streets, parks and recreational areas. Yard waste does not include any materials arising from tree removal, land clearing, or development activities.

Section 109.1-1-3. Statement of Policy and Administration.

(a) The Director shall be responsible for the administration and enforcement of this Chapter. Fairfax County Departments that shall assist in enforcing this Chapter, in cooperation with the Director, include but are not limited to, the Health Department, the Police Department, the Fire and Rescue Department, the Department of Planning and Zoning, the Department of Code Compliance, and the Park Authority.

(b) The Director shall have the power to make and issue fair and reasonable rules and regulations which will carry out the purposes and intent of this Chapter; the right to enter and inspect the business premises and collection vehicles of any collector and of any solid waste management facility; the right to require reasonable conditions in the application for a solid waste permit; the right to prohibit disposal of certain unacceptable waste at the I-66 Transfer Station, I-95 Sanitary Landfill or I-95 Energy/Resource Recovery Facility; and the right to adopt reasonable application forms and permit forms; provided that nothing herein contained shall in any way affect the authority of any other County agency as otherwise provided by the *Code of the County of Fairfax*.

(c) The Director shall determine solid waste permit fees, and set fees to be charged for the disposal of ~~solid-waste~~MSW at all Fairfax County owned, operated, or associated ~~disposal-site~~solid waste management facility. The Director may change, at any time, the fees charged for the solid waste permits and for the disposal of ~~solid-waste~~MSW at the I-66 Transfer Station, I-95 Sanitary Landfill, I-95 Energy/Resource Recovery Facility, or other associated solid waste management facility.

(d) The Director shall be responsible for implementing a recycling program, and shall have the authority to enforce compliance through use of civil penalties as authorized by this Chapter.

ARTICLE 2. Recycling.

Section 109.1-2-1. Statement of Policy Administration.

(a) This Article defines the recycling system for the residences and non-residential properties in Fairfax County, and identifies and describes the following elements of the recycling system:

- (1) Materials that must be source-separated for recycling at both residences and non-residential properties (defined for the purposes of this Chapter as *recyclable materials*);
- (2) Parties responsible for the provision of certain residential and non-residential recycling systems; and
- (3) Required recycling reports to the County.

(b) Methods available for implementation and enforcement of this Article are described elsewhere ~~in this Chapter~~ as follows:

- (1) Article 3 of this Chapter addresses pre-collection and storage;
- (2) Article 5 of this Chapter describes collection requirements; ~~and~~
- (3) Article 9 of this Chapter presents the means and process of ~~Code~~-enforcement for this Chapter; ~~and~~
- (4) The Recycling Program Requirements.

(c) The Director may approve alternative recycling systems that can demonstrate compliance with the intent of this Article to the satisfaction of the Department. All requests for alternative recycling systems must be submitted in writing to the Department. Approval must be granted by the Director prior to implementation.

(d) The Director may designate or alter which of the recyclable materials identified in Sections 109.1-2-2 and 109.1-2-3 ~~which~~ must be source separated.

(e) The provisions of this Chapter shall not affect the right of any person to sell or otherwise dispose of ~~solid waste~~MSW material as provided in the Code of Virginia, Section 15.2-933, nor permitted under any other law of the Commonwealth of Virginia.

(f) For purposes of this Article, non-residential properties shall specifically include schools and other institutions.

Section 109.1-2-2. Recycling ~~forat~~ Residential ~~Solid Waste~~Properties.

(a) Occupants of single-family homes and townhouses shall source-separate: container glass; metal food and beverage containers; plastic bottles and jugs; yard waste; scrap metal; and cardboard and mixed paper, including but not limited to corrugated cardboard, magazines, newspaper, office paper, and miscellaneous paper products.

(b) Owners of multi-family dwelling units ~~for which site plan first submission occurred before~~
109.1-8

July 1, 2007, or their designees shall, within 30 days of taking ownership of these units, provide, or cause to be provided, a recycling system for their residents to source-separate cardboard and mixed paper (including but not limited to corrugated cardboard, magazines, newspaper, office paper, and miscellaneous paper products), and must provide each unit with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter. Notification may be in the form of community newspapers or other outreach techniques.

(c) Owners of multi-family dwelling units for which site plan first submission occurred on or after July 1, 2007, shall in addition to the requirements of 109.1-2-2(b) provide, or cause to be provided, a recycling system for their residents to source-separate container glass, metal food and beverage containers, plastic bottles and jugs, and scrap metal, and. The recycling system must also comply with the items listed below:

- (1) The size of any collection containers and the frequency with which they are collected must combine to create a recycling system of sufficient capacity that there is no need for residents to deposit material on the ground or put their recyclables in a refuse container.
- (2) All refuse and recycling containers must be emptied at least once weekly unless a reduced collection frequency application or an alternative recycling system has been approved in writing by the Director.
- (3) On or before February 1, 2016, any refuse collection container with a capacity of 2 cubic yards or greater must be accompanied by one or more recycling collection containers with volume equal to or greater than 25% of that of the refuse container.
- (4) Recyclables collection containers must be clearly labeled with regards to what materials are accepted for recycling and must meet applicable portions of Article 5 of Chapter 109.1.
- (5) Owners or their designees must provide each unit with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter. Notification may be in the form of community newspapers or other outreach techniques.
- (d)(6) Owners or their designees are responsible for keeping the area around collection containers free from litter.

(c) The provisions at 109.1-2-2 do not impose any liability upon any multi-family dwelling unit owner (or designee) for failure of residents to comply with the requirements for the separation of recyclable materials nor upon any collector or transporter of recyclable materials for failure of its customers to comply with such regulations. However, all multi-family dwelling unit owners (or their designees) must provide a recycling system for their residents that conforms to the County requirements for such systems, and must provide such residents with regular notifications, as specified herein. (22-06-109.1-)

(d) To ensure compliance with applicable Code provisions, owners of multi-family dwelling units or their designees must maintain for a period of three years and make available to the Department for inspection and copying during normal business hours, upon request, any contracts and invoices for collection of materials to be disposed of or recycled. Contract prices and other such financial information may be deleted from materials provided.

Section 109.1-2-3. Recycling ~~from~~ Non-Residential Properties.

(a) Owners of non-residential properties or their designees shall within 30 days of taking ownership of these properties, provide, or cause to be provided, a recycling system for their tenants, occupants, employees, and vendors to source-separate ~~the establishment's~~ cardboard and mixed paper (including but not limited to ~~corrugated cardboard~~, magazines, newspaper, office paper, and miscellaneous paper products). ~~Owners~~Any such system must ~~also include the following:~~

- (1) Recyclables must be collected in a container specifically designed for the purpose of containing municipal solid waste and must comply with applicable portions of Article 5 - Collection.
- (2) The size of any collection containers and the frequency with which they are collected must combine to create a recycling system of sufficient capacity that there is no need for tenants to deposit material on the ground or put their recyclables in a refuse container.
- (3) All refuse and recycling containers must be emptied at least once weekly unless a reduced frequency application or an alternative recycling system has been approved in writing by the Director.
- (4) On or before February 1, 2016, any refuse collection container with a capacity of 2 cubic yards or greater must be accompanied by one or more recycling collection containers with volume equal to or greater than 25% of that of the refuse container.
- (5) All collection containers must be clearly labeled with regards to what materials are accepted for recycling and must meet applicable portions of Article 5 of Chapter 109.1.
- (4)(6) Property owners or their designees must provide ~~system-user~~each tenant with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter.
- (7) (b) Owners~~Owners or their designees~~ are responsible for keeping the area around collection containers free from litter.

(b) Within 30 days of taking ownership, owners or their designees of non-residential properties that meet or exceed the size thresholds defined in the County's Recycling Program Requirements shall also provide, or cause to be provided, a recycling system for their tenants, occupants, employees, and vendors to source-separate the establishment's Principal Recyclable Material (PRM). ~~Owners must also provide system-users with notification regarding the use and participation in such system upon occupancy and at least once annually thereafter.~~

~~(e)~~ Non-residential properties which generate cardboard and mixed paper as their PRM need only recycle those materials.

~~(dc)~~ Construction and demolition contractors shall source-separate ~~corrugated and recycle~~ cardboard.

~~(ed)~~ The provisions ~~at~~of 109.1-2-3 do not impose any liability upon any non-residential property owner for failure of tenants, occupants, employees and/or vendors to comply with the requirements for the separation of recyclable materials, nor upon any collector or transporter of refuse or recyclable materials for failure of its customers to comply with such regulations. ~~However, all non-residential property owners must provide, or cause to be provided, a recycling system for their tenants,~~

~~occupants, employees, vendors, and/or customers in conformance with the County requirements for such systems, and must provide such tenants, occupants, employees, vendors, and/or customers notification regarding the use and participation in such system, as specified herein.~~

(e) To ensure compliance with applicable Code provisions, owners of non-residential properties or their designees must maintain for a period of three years and make available to the Department for inspection and copying during normal business hours, upon request, any contracts and invoices for collection of materials to be disposed of or recycled. Contract prices and other such financial information may be deleted from materials provided.

(f) If a tenant contractually assumes responsibility for refuse and recyclables management, the responsibilities placed on the property owners or their designees in this Article will also apply to the tenant.

Section 109.1-2-4. Recycling Report Required.

The owners or their designees of all non-residential properties that meet or exceed the size thresholds defined in the County's Recycling Program Requirements, and companies that collect or manage municipal solid waste or recycle materials ~~MSW~~ generated in Fairfax County, shall annually report, by March 1 for the previous calendar year, such nonproprietary information regarding waste generation, waste management, and recycling as is necessary to facilitate County compliance with regulations adopted pursuant to the *Virginia Code*, Section 10.1-1411. Quantities and material types are considered nonproprietary, absent a detailed explanation.

All reports required by this section shall be based on volume or weight of each material recycled, provided that where such measurements cannot be accurately determined, the report may be based on carefully estimated data. Where estimates are submitted, they must contain sufficient detail to reasonably describe how the estimate was prepared, including but not limited to such data as container volume, frequency of collection, percent full when collected, and the type of material collected for recycling.

When information is withheld as proprietary, the report shall specify the nature of the information withheld and the basis for its proprietary determination. Annual recycling reports shall be submitted on a standardized form to be provided by the Director, and shall be signed by a responsible company official. Said reports shall include but not be limited to the name and address of the reporting entity, period of time covered by the report, and type and weight/volume of each material reported. Supporting documentation used in preparation of the report shall be retained for audit and clarification of reported data for a period of two (2) years following submissions of said report.

Section 109.1-2-5. Removal of Recyclable Materials.

It shall be unlawful for any person to salvage or otherwise remove any recyclable materials from recycling routes, private recycling containers, Fairfax County recycling centers, or any other County solid waste management facility without the authorization of the Director.

Section 109.1-2-6. Maintenance of Recycling System.

(a) No solid waste permit shall be issued to a collector or continue in effect until and unless the collector provides a written statement indicating that it maintains a recycling system for residential customers, in accordance with this Chapter, and offers and/or maintains a recycling system to multi-family and non-residential customers in accordance with this chapter.

(b) Recycling containers shall be subject to the requirements of Article 5 - Collections,

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Section 109.1-5-~~5 (a) through (g)~~6.

(c) The mixing of refuse with any recyclables required to be source-separated ~~recyclables set out for collection or that have been source separated~~, except as provided for in 109.1-5-3 (d) (3), is prohibited.

(d) Where source-separated recyclable materials are set out for collection on a scheduled refuse-only collection day, collectors shall not collect those recyclables and said recyclables will be collected on the next scheduled recyclables or yard waste collection day. Collectors shall leave information for the customer to inform them about why those materials were not collected.

(e) Construction and demolition debris cannot be collected in the same container with MSW and/or recyclables.

(f) Only certain recyclables as designated by the Director can be collected in an open-top container. They are: white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

ARTICLE 3. Pre-collection and Storage.

Section 109.1-3-1. Storage.

All occupants of single-family homes and townhomes, and owners of multi-family dwelling units or non-residential properties in the County (or their designees) shall maintain secure, safe, and sanitary facilities for storage of ~~municipal solid waste (MSW) and, including~~ recyclables. Such facilities shall be convenient to inspection and collection, and shall ~~incorporate design features that consider the following factors provide for secure, safe, and sanitary storage prior to collection as follows:~~

- (a) Readily available and well-signed access for the type of collection vehicle or system to be used. Access to the recycling facility shall be as obvious and convenient to residents, tenants, customers, employees, or other system users as that provided for storage of refuse, in order to promote recycling wherever it is being made available;
- (b) Ease of use for tenants. Collection locations shall be well-signed. Recycling locations shall be clearly marked, with diagrams and photos as necessary to encourage use by non-English speakers;
- ~~(b)(c)~~ The size, design, signage and proper care of containers; and shall be sufficient to provide for secure and sanitary storage of all refuse and recyclables generated by the residence or establishment for a seven-day period unless collected more frequently than once per week;
- ~~(c)~~ The frequency of collection.
- (d) Refuse and recyclables shall be collected on a frequency adequate to prevent overfilling or spilling of refuse or recyclables from storage containers, and in no case less than weekly, unless otherwise authorized by the Director; and
- (e) Storage facilities shall be actively managed such that loose refuse, litter, and spillage from collection vehicles is minimized, and that any spillage is removed from the ground around the storage containers within 24 hours. Outside storage containers for refuse and recyclables shall be checked for proper closure daily, to prevent litter from blowing winds, and to discourage access by vermin and wildlife.

Section 109.1-3-2. MSW Management and Recycling Plans.

(a) The owner of any non-residential property or any multi-family dwellings ~~subject to the source separation requirements of Article 2 or their designees~~ shall develop a MSW Management and Recycling Plan consistent with the requirements of this Chapter, and make these Plans available to the Director for review and approval upon request. The Plan shall describe, at minimum:

- (1) Facility name and street address;
- (2) Name(s) of collection company(ies) providing refuse and recycling collection;
- (3) Number, location, and size of refuse and recycling containers or equipment;
- (4) Recyclable material(s) collected;
- (5) Frequency of MSW refuse and recycling ~~collection~~collections; and
- (6) Name and telephone number of the ~~responsible~~ company official or property owner's representative responsible for implementing the plan.

(b) The MSW Management and Recycling Plan shall be updated and operational changes made concurrent with the following events:

- (1) Construction of a new facility or significant modification to an existing facility;
- (2) Change Occupancy by new tenants that materially change the function of the property resulting in changes in the MSW generated therein;
- (3) Change of ownership or property management firm; and
- ~~(3)~~(4) Change of ~~solid waste~~MSW collection vendor(s) or every five years, whichever comes first.

(c) The MSW Management and Recycling Plan shall be provided to Fairfax County within 30 days of receiving a written request from the Director.

(d) The MSW Management and Recycling Plan shall be implemented within 30 days of occupancy or as required by item (b) above. The Director may also request proof that any MSW Management and Recycling Plan has been implemented and become operational.

ARTICLE 4. Required Permits, Registrations, and Certifications.

Section 109.1-4-1. General.

(a) The County shall regulate certain aspects of its integrated solid waste management system through the following ~~programs~~:

- (1) Municipal Solid Waste (MSW) Collector Certificate to Operate (CTOs);
- (2) Other Solid Waste Permits, including:
 - (i) MSW Collection Vehicle Permit;
 - ~~(ii) MSW Disposal Permit; and Permits.~~
 - ~~(iii) Special Waste/Use Permits, including Commercial Cash Accounts, Tire Disposal Accounts, Special Waste and Other Accounts; and~~
 - ~~(iii) Vehicle permits issued that correspond to waste permits and/or customer accounts. Vehicle permits are issued to a specified vehicle and must remain with the vehicle.~~
- (3) Recycling Business Registration.
- ~~(4) Regulation of community/homeowners associations, property managers, and solid waste brokers or other entities or designees inasmuch as they arrange for residential or non-residential refuse and recyclables collection/ management services.~~
- ~~(5) The Solid Waste Management Program guidance documents.~~

(b) Any person providing regularly-scheduled ~~solid-wasterefuse~~ collection services is required to maintain a CTO and ~~one or more collection vehicle permits, at least one vehicle designed and manufactured specifically for the collection of MSW. Each vehicle shall have a county-issued MSW collection vehicle permit.~~ Any person providing ~~solid-wasterefuse~~ collection services on an ad-hoc basis is required to maintain the appropriate disposal or special waste/use permit (i.e., no CTO is required). This provision shall not apply to any business or vehicle which is solely transporting ~~solid-waste~~MSW which has originated and was generated from a site outside Fairfax County to a cooperative, inter-jurisdictional disposal site; provided that the business and/or collection vehicle is duly licensed and/or permitted by a respective member of the disposal site cooperative.

(c) Government entities are exempt from the bonding requirements of this Article.

~~(d) Changes to any information included in any application for any permit under this Chapter shall be communicated in writing to the Director within 30 days of the change. Examples of changes include, but are not limited to, change of business name, any changes to payment bond or required surety, change to back-up collector, change of street address for collection vehicle parking location, or changes to the Statement of Service required by this Chapter. In addition, changes to the business address, telephone number, or authorized agent or registered agent shall be reported to the Director within twenty-four (24) hours of change. See section 109.1-4-6.~~

Section 109.1-4-2. MSW Collector Certificate To Operate (CTO), Application and Recycling Registration Requirements.

(a) No person shall engage in the business of collecting ~~MSW without a valid and current CTO or appropriate~~ solid waste ~~on a regularly-scheduled basis in Fairfax County without first obtaining a~~

CTO permit from the Director; provided, however,

(b) No person shall engage in the business of collecting recyclables without first registering with the County as a recycling business. However, CTO holders that this provision also collect recyclables are exempt from the requirement to register as a recycling business.

(c) The provisions of 109.1-4-2 (a) and (b) shall not be deemed to apply to the County, nor employees for the holder of any such CTO or permit/approval, nor shall this provision prohibit any individual person from collecting, processing, recycling, or disposing of their own household solid waste.

(b) The Director) A CTO or permit shall issue a CTO only be issued upon receipt of a complete application and upon a finding that the applicant has complied with all applicable sections of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Code of Virginia Code. This includes proof of payment of other fees required by Fairfax County required under other codes. CTO Permit holders will be invoiced monthly for disposal charges incurred during the month.

(ee) Applicants for a CTO shall provide the Director a completed application which shall contain at least the following information and documents with a copy of the Statement of Service required by the Fairfax County Solid Waste Management Program Permit Manual, accompanied by proof acceptable to the County that customers are or will be furnished with the Statement of Service upon occupancy and at least annually thereafter.

(f) MSW collectors with only one permitted collection vehicle shall provide written certification to be included with the CTO application that another collector holding a current CTO is committed to act in a backup capacity should the permitted vehicle become unusable. The applicant must immediately notify the Director concerning any change in this backup arrangement during the term of the CTO. Backup collection arrangements obtained by the CTO holder may not be used by the CTO to avoid payment of delinquent disposal fees.

(g) The Director may require additional information of any applicant or holder of a CTO, permit, or registration as is necessary to ensure that the individual or company is competent to satisfactorily and lawfully perform or continue to perform the proposed service. The application shall include:

- (1) Name of business;
- (2) Type of business (single propriety, partnership, corporation, etc.);
- (3) Name of parent company (if applicable);
- (4) Owner(s) or Authorized Agent;
- (5) Business address;
- (6) Mailing address;
- (7) E-mail address (if available);
- (8) Business telephone number(s) and emergency contact information;
- (9) A certification that the applicant will maintain a business office in accordance with Section 109.1-4-5;
- (10) A complete list of minimum and maximum rates for various residential collection services, and the level of service to be provided for each rate;
- (11) Details of the surety to be used. In the case of a bond, the application shall include the name, address, and phone number of the bonding agency that holds the required solid waste collection, transportation and disposal bond, the amount of bond, the bond duration, and the bond number;
- (12) Name and address of liability insurance company and policy number;

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(13) — Name and telephone number of another collector holding an MSW Collector CTO from the Director, which will act in backup capacity if collector has only one (1) permitted collection vehicle;

(14) — Name and address of collection vehicle washing facility where applicant will have collection vehicles washed;

(15) — Street address(es) of collection vehicle parking location(s);

(16) — Residential customer service area by U.S. Postal zip code, and type of service arrangements (e.g., subscription or contract);

(17) — Statement of service, accompanied by proof acceptable to the County that all existing customers are or will be furnished with a statement of service at least annually. This statement of service shall include the following:

(i) — Name of company, address, and phone number;

(ii) — Notice of any particular company rules and regulations concerning collection, consistent with the provisions of this Chapter;

(iii) — Notice of company policy concerning collection of solid waste on observed holidays;

(iv) — Notice of company policy concerning collection of solid waste on days when any natural (e.g., inclement weather) or manmade event interferes with routine collections;

(v) — Notice to all residential customers that the County Code requires the storage of household solid waste in a water-tight, insect-proof container, which is equipped with a tight-fitting lid, except that household solid waste in plastic garbage bags with closed tops may be placed outside for collection for a period of not more than 12 hours;

(vi) — Instructions on the appropriate manner for customers to prepare and set out all materials to be collected, including waste and recyclables including, as a minimum, the County's base recycling requirements;

(vii) — In the event that the collector intends to collect source-separated recyclables in a vehicle that can be, is, or has been used to collect refuse, that all affected customers have been or will be notified that this type of collection is being used;

(18) — Certification by the applicant that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including, but not limited to all applicable sections of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Virginia Code, as a condition to the issuance and continued validity of the CTO.

(d) — A CTO application (h) Applications shall be approved or denied by the Director within 30 days of the receipt of a complete application.

(e) — Upon approval of (j) Applicants operating without the appropriate CTO application, the following must be provided to the Director prior to issuance of the CTO:

(1) — The applicable solid waste or other permit fees;

(2) — A bond or alternate surety acceptable to the County;

(3) — For collectors which(s), or operating while a CTO or permit only one (1) collection vehicle, the collector must provide the name, telephone number, and written commitment of another collector with a CTO in Fairfax County that will act in a backup capacity. The applicant

must immediately notify the Director concerning any change in this backup collection vehicle capability during the term of the CTO. Backup collection vehicles may not be used to avoid payment of delinquent disposal fees.

(4) — ~~Proof acceptable to the County of a public liability insurance policy covering all operations of such applicant pertaining to such business and all collection vehicles to be operated in the conduct thereof, as a minimum, in the amount required by the Commonwealth of Virginia. The collector shall provide notification to the Director of any new or replacement policy not less than 30 days prior to the effective date of current policy cancellation.~~

(5) — ~~Evidence that at least one collection vehicle has been inspected and approved in accordance with Section 109.1-4-3.~~

(f) — ~~Any collector illegally collecting solid waste without a CTO suspended, may be denied renewal of a CTO or other required permit(s) for a period of up to one year from the time of the offense, in addition to any other penalties described in this Chapter, be denied a CTO for a period of up to one year from the time of the offense.~~

(g) — ~~The~~ All CTO holder and permit holders shall pay solid waste disposal fees and abide by the rules and regulations of the facility at which wastematerial is being discharged.

Section 109.1-4-3. MSW Collection Vehicle Permit.

(a) — ~~All solid waste~~ (a) No company shall operate any vehicle to provide regularly-scheduled refuse collection without first obtaining a collection vehicle permit.

(b) All MSW collection vehicles operating under a CTO shall be inspected on a schedule set by the Director, who shall designate a reasonable time and place for collection vehicle inspections. All vehicles operating under a CTO shall meet the requirements of Section 109.1-5-6 ~~(a) and (b).~~

(bc) A vehicle permit shall be issued by the Director for each collection vehicle that meets passes inspection and for which the requirements of Section 109.1-4-3 (a) upon payment of a permit fee per vehicle has been paid.

(cd) The Director shall assign a permit number to each approved collection vehicle, and provide a visible permit (e.g., plate, sticker) that shall be permanently affixed by the applicant to both sides of the collection vehicle on the door of the cab or at the farthest point forward on the truck body.

(d) — ~~Vehicle tare weights may be reestablished at any time.~~

(e) Vehicle permits shall expire according to a schedule specified by the Director, and shall not be transferred or prorated.

(f) In the event that any permitted collection vehicle is removed from service or sold, the permit holder shall notify the Director and the permit for that collection vehicle shall be removed and returned to the Director no less than 10 business days following the vehicle's removal from service or sale. This shall be done before any permit is issued to the new vehicle owner.

(g) In the event that ~~the~~ permit is not recoverable lost, stolen or otherwise unrecoverable, the permit holder shall notify the Director in writing of the permit number of said collection vehicle and the circumstances of loss within 30 10 business days. This shall be done, as well as payment of a lost permit fee, before a replacement permit will be issued.

Section 109.1-4-4. Temporary Collection-Vehicle PermitPermits.

(a) A temporary vehicle permit must be approved by the Director obtained for any additional collection vehicle not identified in the application for a CTO which is used or intended to be used by a collector already operating under a CTO. The temporary permit authorizes the collector to use a new,

borrowed, rented or demonstrator collection vehicle not currently permitted ~~in the County of Fairfax by Fairfax County~~

(b) ~~The Director may issue a temporary vehicle permit to any person who may need a temporary vehicle permit to collect or dispose of waste using a vehicle that is not otherwise permitted for that use by the County.~~

(a)(c) ~~The temporary collection vehicle permit shall expire according to a schedule specified by the Director, shall not~~cannot be transferred or prorated, and may not be renewed without the specific approval of the Director. After the expiration of the temporary permit, the collector may use the collection vehicle only if it is permitted in accordance with ~~the~~ provisions of this Chapter.

Section 109.1-4-5. Vehicle Permit Exemption.

~~Vehicles used exclusively for the collection of recyclables, when clearly identified as such with signs approved by the Director, are exempt from the permitting and bonding requirements of this Article. If the same vehicle uses Fairfax County designated disposal facilities, the permit and bonding requirements for collection vehicles shall apply. All recycling collection businesses and vehicles are subject to the registration requirements of Section 109.1-4-14.~~

Section 109.1-4-6. Collector Business Office Location and Contact Information.

No CTO shall be issued to a collector or continued in effect until and unless the applicant maintains an office that is located and operated in compliance with all laws and regulations applicable to the business. The office shall be used for the transaction of business, such business to include, but not be limited to, the receipt of correspondence and the maintenance of records. In addition, the collector shall maintain a telephone system for receipt of complaints. Any change of address, telephone number, or authorized agent or registered agent shall be reported to the Director within twenty-four (24) hours.

Section 109.1-4-6. Vehicle Permit Exemption

~~Vehicles used exclusively for the collection of recyclables are exempt from the permitting and bonding requirements of this Article, unless the vehicle uses Fairfax County designated disposal facilities, in which case the permit and bonding requirements for collection vehicles shall apply. All recycling collection vehicles shall, however, be subject to the registration requirements of Section 109.1-4-16~~

Section 109.1-4-7. Collection Collector Bonding Required; Condition; Term Renewal.

(a) Any person seeking a CTO to collect solid-wasteMSW as described herein shall furnish a bond or other financial instrument acceptable to the County ~~for each permitted collection vehicle.~~ The surety shall be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless said County, as well as any person, firm, or corporation, from all fees, charges, expenses, or damages that may be incurred by such entity, caused by any failure to comply with the provisions of this Chapter, neglect in the handling of solid-wasteMSW, or nonpayment of fees imposed for the disposal of solid-wasteMSW at any County-designated solid waste management facility. Handling of solid-wasteMSW shall be deemed neglected when the CTO holder fails to meet the frequency and/or quantity of collection required by this Chapter and contracted for by the customer. If the CTO holder fails to correct any such neglect or noncompliance with this Chapter within forty-eight (48) hours after receipt of written notice from the Director, the bond/surety shall be forfeited and the principal and/or surety on said bond shall be required to reimburse the County of Fairfax or any customer of such

CTO holder for any expense or damage incurred as a result of such neglect or failure.

(b) The said bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the ~~permit~~CTO. Cancellation of the bond, for any reason, prior to the date of expiration of the ~~permit~~CTO shall require a written notification to the Director at least 30 days prior to said cancellation. The collector's ~~permit~~CTO will be revoked if an alternate bond, meeting the requirements of this section, is not provided.

(c) The Director may increase the bond amount for any CTO holder, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.

(d) CTO holders shall provide the Director with a copy of any current and active surety bond applicable to Fairfax County which must include the following details: name, address, e-mail address, and telephone number of the bonding agency, the amount of the bond, the bond duration, and the bond number.

Section 109.1-4-8. MSW Disposal Permits.

(a) No person shall dispose of ~~municipal solid waste (MSW)~~ at Fairfax County disposal facilities without first obtaining a MSW Disposal Permit, or other appropriate permit, from the Director; provided, however, that this provision shall not be deemed to apply to the County, nor employees for the holder of any such permit, nor shall this provision prohibit any individual from collecting, processing, ~~recycling~~ or disposing of their own household MSW. Non-residential establishments engaged in disposing of their own MSW shall be subject to this provision.

(b) The Director shall issue a permit for MSW disposal upon receipt of a complete MSW Disposal Permit application. The applicant must certify that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including, but not limited to all applicable sections of ~~this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Code of Virginia Code,~~ as a condition to the issuance and continued validity of the Disposal Permit.

(c) ~~Applicants for a MSW Disposal Permit shall provide the Director an application which shall contain at least the following information and documents:~~

- ~~(1) Name of company;~~
- ~~(2) Owner and, if applicable, Authorized Agent;~~
- ~~(3) Photocopy of drivers license for owner/authorized agent;~~
- ~~(4) Type of business;~~
- ~~(5) Business address;~~
- ~~(6) Mailing address;~~
- ~~(7) E-mail address (if available);~~
- ~~(8) Business telephone;~~
- ~~(9) Name and address of bonding company;~~
- ~~(10) Bond duration and bond number;~~
- ~~(11) Truck information, including a photocopy of the vehicle registration.~~

~~(d) The disposal permit holder shall pay be responsible for payment of solid waste disposal fees and abide by for compliance by its employees and vehicles with~~ the rules and regulations of the

facility at which waste is being discharged.

(ed) Disposal permits shall expire according to a schedule specified by the Director, and shall not be transferred or prorated.

Section 109.1-4-9. Disposal Bonding Required; Condition; Term Renewal.

(a) Any person seeking a permit only for the disposal of ~~solid waste~~MSW shall furnish a bond, or other financial instrument acceptable to the County for each permitted vehicle disposing of ~~solid waste~~MSW at Fairfax County owned, operated, or controlled disposal sites. The surety will be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless the County from all charges, expenses, damages, or nonpayment of charges imposed for the disposal of ~~solid waste~~MSW at any site designated by the County.

(b) The Director may increase the bond amount for any permit holder, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.

(c) The bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the permit. Cancellation of the bond, for any reason, prior to the date of expiration of the permit shall require a written notification to the Director a minimum of 30 days prior to said cancellation. A disposal permit shall be revoked if an alternate bond or alternate financial assurance mechanism meeting the requirements of this section is not provided.

Section 109.1-4-10. ~~Temporary disposal permit.~~

~~The Director may issue a temporary disposal permit to any person seeking solid waste disposal only. The purpose of the temporary disposal permit is to allow said person time to obtain the disposal permit. The temporary disposal permit shall expire according to a schedule specified by the Director, shall not be transferred or prorated, and shall not be renewed or extended without the specific approval of the Director. Prior to issuance of a temporary disposal permit, the applicant's driver's license and vehicle registration with the person's name, mailing address, and phone number is required.~~

Section 109.1-4-11. ~~Special Wastes/Uses Permitting; Other Permits; General.~~

In addition to the permitting programs for waste collection and disposal companies described above, the County may require and issue permits for the ~~following special waste~~other disposal activities and system users, as ~~described in Sections 109.1-4-12 through 109.1-4-15; necessary.~~

- 1) ~~Section 109.1-4-11. Commercial Cash Accounts;~~
- 2) ~~Tire Disposal Accounts;~~
- 3) ~~Special Waste Accounts; and~~
- 4) ~~Other Account Types~~

~~Special Waste/Uses permit holders shall pay solid waste disposal fees and abide by the rules and regulations of the facility at which waste is being delivered.~~

Section 109.1-4-12. Commercial Cash Accounts

(a) —

(a) ~~Commercial cash accounts are issued to businesses that generate waste at their business and need to dispose of it by paying at the time of disposal rather than being billed for disposal services according to procedure set by the county. No bond is required to secure payment to the county.~~

(b) ~~The Director shall issue a permit for a Commercial Cash Account upon receipt of a complete/completed application.~~

(c) ~~Failure to pay for service is a violation that incurs a penalty for nonpayment and other fees if not paid timely after notification by the County of the nonpayment.~~

(d) ~~In order to use the commercial cash account, companies must obey all facility rules and regulations and upon a finding that the applicant has complied with all applicable sections of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Virginia Code.~~

(b) ~~Vehicles eligible for keep the Commercial Cash Program shall have a gross vehicle weight of less than five tons, and shall not include vehicle/trailer combinations too large to be accurately weighed on all County facility vehicle scales.~~

(c) ~~Applicants for a Commercial Cash Account shall provide the Director an application which shall contain at least the following information and documents:~~

(1) ~~Name/county notified of company;~~

(2) ~~Owner and, if applicable, Authorized Agent;~~

(3) ~~Photocopy/changes of drivers license for owner/authorized agent;~~

(4) ~~Type of business;~~

(5) ~~Business address;~~

(6) ~~Mailing address;~~

(7) ~~E-mail address (if available);~~

(8) ~~Business telephone;~~

(9) ~~Truck information, including a photocopy of the vehicle registration.~~

(10) ~~Certification by the applicant that, at all times, the operation, vehicles or status of the business will be in conformance with all applicable statutes, ordinances and court orders, including all zoning and building requirements, as a condition to the issuance and continued validity of the permit.~~

(d) ~~The commercial cash account holder shall pay solid waste disposal fees at the time of service, and shall abide by the rules and regulations of the facility at which waste is being discharged may be rescinded upon failure to comply with this code and other applicable portions of Fairfax County code.~~

(e) ~~A Commercial Cash Account application shall be approved or denied by the Director within 30 days of the receipt of a complete application and required documents.~~

(f) ~~Commercial Cash Account permits shall expire according to a schedule specified by the Director.~~

Section 109.1-4-~~13.12.~~ Tire Disposal ~~Accounts~~Permits.

(a) No person shall dispose of tires at a County solid waste management facility without first obtaining a Tire Disposal Permit, ~~or other permit acceptable to the Director~~; provided, however, that this provision shall not be deemed to apply to the County, nor employees for the holder of ~~any such a county disposal~~ permit, nor shall this provision prohibit any individual resident or business from collecting,

~~processing, recycling~~ or disposing of their own tires.

(b) The Director shall issue a permit for a Tire Disposal ~~Account~~Permit upon receipt of a ~~complete~~completed application and ~~upon a finding that the applicant has complied with all applicable sections~~proof of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Virginia Code.

(c) ~~Applicants for a Tire Disposal Account shall provide the Director an application which shall contain at least the following information and documents:~~

(1) ~~Name of business;~~

(2) ~~Owner(s) or Responsible Company Official;~~

(3) ~~Type of business;~~

(4) ~~Mailing address;~~

(5) ~~Business telephone number;~~

(6) ~~E-mail address (if available);~~

(7) ~~Photocopy of owner or responsible company official's drivers license;~~

(8) ~~Photocopy of registration for any vehicle used under the Tire Disposal Account;~~

(9) ~~Certification by the applicant that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including all zoning and building requirements, as a condition to the issuance and continued validity of the permit; and~~

(10) ~~Details of the surety to be used for permitted operations. In the case of a bond, the application shall include the name, address, and phone number of the bonding agency that holds the required bond, the amount of bond, bond duration, and bond number.~~

(d) ~~A permit shall be issued or denied by the Director within 30 days of the receipt of a complete application and required documents.~~

(e) ~~Tire Disposal Account permits shall expire according to a schedule specified by the Director.~~

(f) ~~Prior to disposal of tires, Tire Disposal Account holders shall furnish a bond, or other financial instrument acceptable to the County, for each permitted vehicle disposing of tires at Fairfax County owned, operated, or controlled disposal sites. The surety will be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless the County from all charges, expenses, damages, or nonpayment of charges imposed for the disposal of solid waste at any site designated by the County.~~

(g) ~~The Director may require a higher bond amount, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.~~

(h) ~~The bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the permit. Cancellation of the bond, for any reason, prior to the date of expiration of the permit shall require a written notification to the Director a minimum of 30 days prior to said cancellation. A Tire Disposal Account shall be revoked if an alternate bond or alternate financial assurance mechanism meeting the requirements of this section is not provided.~~

(c) Companies will be invoiced for tire disposal for remittance to Fairfax County.

Section 109.1-4-14. ~~Special Waste Accounts~~

~~(a) — The Director shall issue a special waste account upon receipt of a complete application and upon a finding that the applicant has complied with all applicable sections of this Chapter, the Fairfax County Code, including the Zoning Ordinance, and the Virginia Code.~~

~~(b) — The purpose of the special waste account is to allow for disposal at County facilities of materials or products that may require special review or handling prior to acceptance for disposal.~~

~~(c) — Applicants for a Special Waste Account shall provide the Director an application which shall contain at least the following information and documents:~~

~~(1) — Name of business;~~

~~(2) — Owner(s) or Authorized Agent;~~

~~(3) — Type of business;~~

~~(4) — Mailing address;~~

~~(5) — E-mail address (if available);~~

~~(6) — Business telephone number;~~

~~(7) — E-mail address (if available);~~

~~(8) — Photocopy of owner or responsible company official's drivers license;~~

~~(9) — Photocopy of registration for any vehicle used under the Special Waste Account;~~

~~and~~

~~(10) — Certification by the applicant that, at all times, the operation of the business will be in conformance with all applicable statutes, ordinances and court orders, including all zoning and building requirements, as a condition to the issuance and continued validity of the account.~~

~~(d) — A Special Waste Account permit shall be issued or denied by the Director within 30 days of the receipt of a complete application and required documents.~~

~~(e) — Special Waste Account permits shall expire according to a schedule specified by the Director, and shall not be transferred or prorated.~~

~~(f) — Prior to acceptance for disposal, the Director may require additional information on special waste, including but not limited to origin, and physical and chemical characteristics, if deemed necessary to protect the interests of the County.~~

~~(g) — Prior to disposal of special waste, the Director may require that Special Waste Account permit holders furnish a bond, or other financial instrument acceptable to the County, for each permitted vehicle disposing special waste at Fairfax County owned, operated, or controlled disposal sites. The surety will be payable to the County of Fairfax in an amount deemed adequate by the Director and conditioned to indemnify and save harmless the County from all charges, expenses, damages, or nonpayment of charges imposed for the disposal of solid waste at any site designated by the County.~~

~~(h) — The Director may require a higher bond amount, or allow alternate financial assurance mechanisms, if deemed necessary to protect the financial interests of the County or to address chronic failure to comply with Chapter 109.1.~~

~~(i) — The bond shall be deposited with the Director. Any such bond shall be for a term at least equal to the duration of the permit. Cancellation of the bond, for any reason, prior to the date of expiration of the permit shall require a written notification to the Director a minimum of 30 days prior to said cancellation. A Special Waste Account permit shall be revoked if an alternate bond or alternate financial assurance mechanism meeting the requirements of this section is not provided.~~

Section 109.1-4-1513. Other AccountPermit Types (reserved)).

Section 109.1-4-1614. Recycling Business Registration.

(a) No person shall engage in the business of collecting recyclable materials in Fairfax County as a commercial enterprise without first registering their organization and all vehicles used for this purpose with the Director; provided, however, that this provision shall not be deemed to apply to employees of the business owner, nor prohibit any individual from collecting, processing, or transporting recyclable materials generated within their own household or commercial establishment. Companies with active CTOs which have identified all vehicles used to collect MSW in their current CTO application need not register under this requirement.

(b) Persons registering their recycling business shall provide the Director with at least the following information and documents annually, upon request:

- (1) Name of business;
- (2) Type of business (single propriety, partnership, corporation, etc.);
- (3) Name of parent company (if applicable);
- (4) Owner(s) and Authorized Agent (if applicable);
- (5) Business address;
- (6) Mailing address;
- (7) E-mail address (if available);
- (8) Business telephone number;
- (9) A complete list of vehicles to be used in the collection of recyclable materials, including manufacturer, model, and body capacity/style.
- (10) Street address(es) of collection vehicle parking location(s);
- (11) Customer service area by U.S. Postal zip code, and type of service arrangements (e.g., subscription or contract); and
- (12) The types of recyclable material being collected (by established commercial grade), the anticipated quantity to be collected, and the final market, interim processor, or MRF to which collected materials are to be delivered and other information as necessary to establish compliance with section 109.1-2-4.

(c) Recycling companies will provide an update of any of the above information to the Director within 30 days of a change.

Section 109.1-4-15. Community Associations and Property Managers.

(a) Community associations and/or property managers or their designees that arrange for MSW collection service must provide communication between residents of the community and/or their tenants and the collection company providing MSW collection service through a Statement of Service upon occupancy and at least annually thereafter, as described in the Fairfax County Solid Waste Management Program Permit Manual.

(b) Any community association and/or property manager or his/her designee that arranges for MSW collection service that does not comply with County Code shall be in violation of the code, and

subject to enforcement action, as provided in this Chapter.

(c) Any community association or property manager or his/her designee that knowingly or willfully contracts with a solid waste broker or a MSW collection company that is not registered or permitted to operate in Fairfax County as described above shall be in violation of this chapter.

Section 109.1-4-16. Solid Waste Brokers.

(a) All businesses operating in Fairfax County as a solid waste broker on behalf of customers must register annually as such with the Solid Waste Management Program. The registration must be completed in the provided format and include the following information:

- (1) Virginia State Corporation Commission ID number;
- (2) Contact information for all employees operating as a solid waste broker on behalf of customers that are located in Fairfax County, including for each such employee:
 - (i) Name.
 - (ii) Address.
 - (iii) Telephone number.
 - (iv) E-mail address.
- (3) List of contractors with whom the solid waste broker arranges collection service.

(b) All businesses operating as a solid waste broker shall pay an annual registration fee specified by the Director.

(c) Any solid waste broker operating without such registration is in violation of Chapter 109.1 and subject to enforcement action as provided in Article 9.

(d) Any business or individual who knowingly or willfully contracts with a solid waste broker that is not registered to operate in Fairfax County as described above shall be in violation of this Chapter.

(e) All solid waste brokers operating in Fairfax County must provide the following information to establishments in Fairfax County for which the broker has arranged solid waste services:

- (1) Information on the applicable recycling and refuse requirements in Fairfax County, as described in this Chapter and in Recycling Program Requirements which are incorporated by reference.
- (2) A Statement of Service defining what service will be provided to the customer, including days and frequency of service, type of containers, materials accepted, set-out instructions, and contact information. A completed "MSW Management and Recycling Plan" may be used in place of a statement of service; however, distribution of such must be accompanied by explanatory information such as a cover letter.

(f) In the event that a solid waste broker arranged for MSW and/or recycling collection service on behalf of a customer for which service is not in compliance with Chapter 109.1, both the broker and the customer, except as provided by Article 2 of this Chapter, shall be in violation of Chapter 109.1 and subject to enforcement action as provided in Article 9.

ARTICLE 5. Collection of Solid Waste.

Section 109.1-5-1. Intent

In the interest of public health, public safety, environmental quality, and the safeguarding of public and private property, this Article describes the manner in which ~~solid-waste~~MSW shall be collected. Lawful storage, set-out, collection, vehicles, and service levels are also addressed.

This Article is intended to specify the minimum or base levels of service to be provided by permitted ~~solid-waste~~MSW collectors in Fairfax County. Nothing in this Article is intended to prevent a collector from providing a level of service greater than the minimum levels required by this Article, at such rates and charges as agreed between the collector and customer.

Section 109.1-5-2. Manner of Collection.

(a) No person shall ~~knowingly or~~ willfully contract with any ~~solid-waste~~MSW collector ~~or recycling-business~~ who does not possess a ~~County-issued~~ Certificate-to-Operate ~~for~~ collection services or ~~with any recycling business that~~ is not registered with Fairfax County. For purposes of this Section, evidence of a ~~willful~~knowing violation is the voluntary contracting by a person after having received written notice from the County that the ~~solid-waste~~MSW collector is not authorized to operate within the County or that the recycling business is not registered in the County.

(b) ~~Solid-waste~~MSW collection shall be conducted in such a manner that it does not create a nuisance or safety hazard, adversely affect public health, ~~or violate any ordinance or Code of the County of Fairfax,~~ ~~nor allow such conditions to continue.~~ This includes, but is not limited to, obeying all applicable speed limits and other traffic controls in transit to, from, and while serving collection routes, operating the vehicle on the correct side of the street at all times, giving way to oncoming traffic where it is required by law to do so, ~~picking up litter that may have gathered around the collection container or been released during transportation,~~ and returning empty containers so that they do not interfere with pedestrian or vehicular traffic.

(c) Collection of ~~solid-waste~~MSW shall be by permitted collection vehicles ~~and shall be conducted~~ in such a manner that it is not dumped, spilled, stored or thrown into any street, court, lane, alley, sewer inlet, vacant public lot, ~~stormwater structure,~~ public way, private property, or any area not designated as a lawful disposal site.

(d) In the event any ~~solid-waste~~MSW spills or falls into a street, public way, court, lane, or alley during the process of collection, it shall be deemed the responsibility of the collector to immediately correct such conditions.

(e) ~~Solid-waste~~MSW shall be completely emptied at a lawful disposal ~~or recycling~~ site as soon as possible after the completion of any daily ~~solid-waste~~ collection route, and shall not be stored in ~~solid-waste~~MSW collection vehicles for a length of time exceeding 24 hours, excluding Sundays.

(f) Collection vehicles shall not be parked overnight anywhere other than in properly zoned locations. Parking of collection vehicles on the public right-of-way, other than temporary stops during the collection route, is a violation of 109.1-6-2 (a).

(g) The following collection methods are prohibited unless specifically approved in writing by the Director:

(1) Commingling refuse and recyclables in one collection container.

(2) On-call service or collection of refuse or recyclables less frequently than once per week.

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- (3) Collection of refuse or recyclables in an open-top container, other than white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

Section 109.1-5-3. Solid Waste to be Collected.

(a) ~~Municipal solid waste~~MSW generated by normal household or commercial activities from premises to which collection services are being provided shall be collected in accordance with the requirements of this Chapter.

(b) The following materials are not subject to the collection requirement of 109.1-5-3:

- (1) Dead animals and pets;
- (2) Manure;
- (3) Tree stumps;
- (4) Dirt, stone, rock, and brick;
- (5) Containerized liquids;
- (6) Friable asbestos;
- (7) Lead-acid batteries;
- (8) ~~Freon Appliances~~ containing ~~appliance~~ozone-depleting chemicals;
- (9) Scrap metal and discarded appliances that are over 50 pounds in weight or 48 inches in length; and
- (10) Poisons, corrosives, flammables, explosives or other unacceptable or hazardous waste. It should be noted that items considered to be household hazardous waste (HHW) are subject to the collection requirements of 109.1-5-3.

(c) For materials required to be collected curbside under this Article: (1) materials too large for containers shall be collected if tied securely in bundles not exceeding four feet in length; and (2) no single container or bundle shall exceed 50 pounds gross weight. ~~Corrugated cardboard shall be collected for recycling when prepared in accordance with the Recycling Program Requirements.~~

(d) The base price for any ~~solid waste and recycling~~ collection contract shall include the minimum level of service unless otherwise approved by the Director. The minimum level of service for collection by material type shall be as follows:

- (1) *Refuse:* For residential customers, weekly removal of all refuse that is set out and prepared in accordance with Section 109.1-5-3(c). For non-residential customers, weekly collection is required unless specifically approved by the Director in writing.
- (2) *Recyclable Materials:* weekly removal of all recyclable materials ~~that are from residential and non-residential customers~~ properly prepared and set out. Other collection frequencies may be adopted for containerized and non-residential recycling service: through application for and approval of an alternative recycling system.
- (3) *Yard waste from single-family and townhouse residential units, including brush:* from March 1 to December 24, weekly removal for recycling of up to ten individual bags, containers, or bundles. Brush may be limited to individual pieces or bundles of no greater than 50 pounds in weight, four feet in length, and no

piece larger than six inches in diameter. Outside this period, yard waste may be collected with refuse.

- (4) *Christmas trees from single-family and townhouse residential units: removal and recycling of all trees of less than 8 feet in length that are set out during the first two weeks of January.*

(e) Nothing in this Chapter shall preclude the collector from providing a higher level of service than required, with regard to frequency, quantity, size, material type, or other factor.

(f) All ~~solid waste~~MSW collected by the collector, upon being loaded into the collection vehicle, shall become the property of the collector.

Section 109.1-5-4. Frequency of Collection.

(a) ~~Municipal solid waste~~MSW shall be collected no less than once weekly from single-family residences and townhouses.

(b) ~~Municipal solid waste~~MSW from all other sources shall also be collected no less than once weekly, unless a reduced collection frequency or alternative recycling system is approved in writing by the Director.

(c) ~~Municipal solid waste~~MSW shall be collected more frequently, as may be fixed by the Director or collected more frequently as may be fixed by the Fire ~~Marshall~~Marshal or Chief of Fire and Rescue Department upon a determination that more frequent collections are necessary for the preservation of the public safety with respect to any particular establishment producing flammable ~~solid waste~~MSW

(d) Any solid waste management bond or other surety held by Fairfax County as required by Article 4 may be used to pay for collection of waste where the collector for whom the bond/surety was issued has failed to meet the minimum collection frequency specified in this Article.

Section 109.1-5-5. Collection Points and Set-Out Restrictions.

~~(a)~~ (a) ~~Solid waste~~Set-out of ~~residential refuse~~ and recycling shall comply with the following:

(1) Containers for residential use shall be stored upon the residential premises. ~~Solid waste containers shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the disposed materials contained therein~~

(2) ~~(b)~~ The outside storage of ~~household waste~~refuse and ~~recyclables~~ in plastic bags with closed tops for not more than 12 hours is allowed. by residential customers only.

~~(2)~~(3) Loose, bulky non-putrescible materials which are too large to fit into mechanically dumped containers may be set out, provided that they are: 1) securely bundled; or 2) completely contained ~~in cardboard boxes or plastic bags which are~~and adequately secured to prevent leakage or spillage; and, 3) individual bundles, bags, boxes or other containers do not exceed four feet in length and 50 pounds in weight.

~~(c)~~ ~~Solid waste and recycling containers for all other uses shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, fire inspection, and solid waste inspection personnel.~~

~~(4)~~ ~~(d)~~ — Yard waste may only be set out in bags, reusable containers, or in piles as instructed by the company which will be collecting them.

~~(3)~~(5) Recyclable materials shall be set out separately from ~~solid waste~~MSW intended for disposal, and ~~bundled, contained in plastic or metal bins, kraft paper bags, or transparent plastic bags, and adequately secured~~so as to prevent leakage or spillage, but not to preclude visual identification and inspection. Recycling shall be set out as described in subsections (3) and (4) above. Individual containers, bundles, bags, and/or boxes of recyclable materials set out for collection shall not exceed four feet in length and 50 pounds in weight.

~~(4)~~(6) ~~(e)~~ — On each scheduled collection day, residential ~~solid waste~~refuse and recyclables shall be placed at the curb line or at a point on the property line at the edge of pavement or terminal point of a pipestem driveway easement, adjacent to the public right of way where the collection vehicle stops. Residential ~~solid waste~~refuse and recyclables shall not be set out for curbside collection on any sidewalks or any other portion of the public right of way where they could interfere with pedestrians or vehicular traffic.

~~(f) — No collection vehicles of any type are required to enter into any pipestem driveway for the purpose of conducting solid waste or recycling collection operations or turning around.~~

~~(5)~~(7) ~~(g)~~ — If ~~waste and/or recyclables~~MSW placed at the curb or in the public right-of-way ~~are by a residential customer is~~ not picked up within ten days, the County may remove them and recover the costs of removal.

Section 109.1-5-6. Collection vehicles and containers.

~~(b)~~ ~~(a)~~ — All collection vehicles and Set-out of non-residential refuse and recycling shall comply with the following:

~~(1)~~ All containers shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, fire inspection, and solid waste inspection personnel, in addition to complying with Section 109.1-5-6.

~~(2)~~ Non-residential customers are only permitted to store refuse and recyclables outdoors inside of an approved container as described in Section 109.1-5-6. Non-residential customers are not permitted to store refuse or recyclables in bags, boxes or bundles outside unless specifically approved in writing by the Director.

~~(3)~~ Recyclable materials shall be set out separately from MSW intended for disposal and contained as described in Section 109.1-5-6 so as to prevent leakage or spillage but not to preclude visual identification and inspection. Co-collection of recyclables and refuse in a single container is not permitted and does not comply with the recycling requirements in Article 2 of this Chapter.

~~(4)~~ If MSW placed at the curb or in the public right-of-way by a non-residential customer is not picked up within ten days, the County may remove it and recover the costs of removal from the customer, collection company and/or designee.

Section 109.1-5-6. Collection Containers and Vehicles.

(a) ~~Containers (including compactors, front-end containers to be and roll-off containers) used in the to collect refuse and recycling shall comply with the following:~~

- (1) ~~All refuse containers shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the disposed materials contained therein and must be closed when not in use.~~
- (2) ~~Any dumpster, front-loading container, compactor or wheeled cart provided for collection of recycling shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the recyclables contained therein but not to preclude visual identification and inspection and must be closed when not in use.~~
- (3) ~~Collectors who provide refuse and/or recycling containers shall be responsible for maintaining up-to-date name and contact information on these containers. Where a collector chooses to change this information, the collector must either correct the changes on every container (except containers used for collection at single-family homes or townhouses), or remove that container from service. Collectors may not charge a fee for updating containers in this manner.~~
- (4) ~~Open-top containers may not be used to collect, store, or transport refuse or any other putrescible items. Open-top containers may not be used for recyclables except per 109.1-5-2 (g)(3).~~
- (5) ~~Yard waste may only be set out in bags, reusable containers, or in piles as according to Section 109.1-5-5 (a) (4).~~
- (6) ~~All roll-off containers and compactors shall have safety reflectors affixed to both sides and ends of container. Safety reflector requirements for said roll-off container or compactor shall include the use and/or combination of reflective tape, reflective paint, or reflective glass~~
- (1)(7) ~~All solid waste shall be maintained in a manner that prevents spillage of the types of solid waste to be collected therein, and provides proper control of odors, vermin, and liquid waste leakage collection containers with a capacity of two cubic yards or larger and are used for the collection of solid waste shall be clearly marked with the owner's name and telephone number and the type of material acceptable for the container.~~

(b) ~~All collection vehicles for which a collection vehicle permit is being sought must be designed and manufactured specifically for the collection of municipal solid waste. Design and manufacture shall include automatic dumping capabilities, watertight body, and additional requirements as determined by the Director in the collection vehicle inspection. All collection vehicles shall display the current name and telephone number of the company operating the vehicle.~~

- (2)(8) (c) ~~In the event of solid wasterefuse or recycling collection service cancellation by a customer, the owner of the solid wasterefuse or recycling collection container shall be responsible for removing the container(s). All such containers shall be removed within ten business days of customer service cancellation. Any container with a capacity of two cubic yards or larger which is not removed within ten business days of service cancellation shall be deemed abandoned, and subject to removal by the County. The Director must make a reasonable attempt to notify the owner of the container prior to removal by the County. Containers removed by the County will be removed, emptied, and stored at the owner's expense, including the cost for disposal of waste contained therein, and may not be reacquired until all such expenses have been paid. Any container not reacquired within 30 days will be forfeited to the County of Fairfax and sold at public auction, or added to the County's assets.~~

(d) ~~— All roll-off containers used for collection or transportation of solid waste shall have safety reflectors affixed to both sides and ends of container. Safety reflector requirements for said roll-off container shall include the use and/or combination of reflective tape, reflective paint, or reflective glass.~~

(e) ~~— All solid waste and recycling containers with a capacity of two cubic yards or larger which are used for the collection of solid waste or for the source separation of recyclable materials shall be clearly marked as to their capacity in cubic yards, the type(s) of materials acceptable for the container, and the owner's name and telephone number.~~

(9) (f) ~~— Open-top roll-off containers may not be~~ The County can require the owner of any container to remove that container if it is found to create a nuisance, traffic impediment or adversely affect public health or safety. If after making a reasonable attempt to notify the owner of this requirement the Director is unable to contact the owner, or if the owner fails to remove the container after notification of such requirement, the County may remove, empty and store the container at the owner's expense, including the cost for disposal of waste contained therein, and the container may not be reacquired until all such expenses have been paid. Any container not reacquired within 30 days will be forfeited to the County of Fairfax and sold at public auction or added to the County's assets.

~~All vehicles used to collect, store, or transport municipal solid waste or any other putrescible items.~~

(b) (g) ~~— Vehicles permitted to collect refuse or~~ and recycling shall comply with the following:

(1) All collection vehicles to be used in the collection of MSW must have a collection vehicle permit (see Article 4).

(2) All collection vehicles for which a collection vehicle permit is being sought must be designed and manufactured specifically for the collection of municipal solid waste shall not be used to collect MSW.

(i) Design and manufacture shall include a completely enclosed and watertight truck body with automatic dumping capabilities, and additional requirements as determined by the Director in the collection vehicle inspection and as described in this Chapter and in the Fairfax County Solid Waste Management Program Permit Manual.

(ii) All collection vehicles shall display the current name and telephone number of the company operating the vehicle.

(i)(iii) Vehicles permitted to collect recyclables unless they are must be clearly identified as such. Such signage shall be removed if the vehicle is used to collect refuse.

(iv) The Director may consider the use of vehicles not specifically manufactured for the collection of MSW under emergency conditions or for other reasons as determined by the Director. The vehicles must receive a temporary vehicle permit prior to being put into service.

(3) All collection vehicles to be used in the collection of MSW shall be maintained in a manner that prevents spillage of the types of MSW to be collected therein, and provides proper control of odors, vermin, and liquid waste leakage.

(4) No collection vehicles of any type are required to enter into any pipestem driveway for the purpose of conducting refuse or recycling collection operations or turning around.

Section 109.1-5-7. Alteration of Collection Service; Required Notices.

(a) Any collector shall give written notice of intent to alter collection service to residential customers in the following manner:

- (1) *Sale or transfer of business*: the Director and all customers shall be notified within thirty (30) days of such sale or transfer, if no change or interruption in service will occur.
- (2) *Termination of service for nonpayment by customer*: the Director and all affected customers shall be notified no less than ten (10) days prior to the termination.
- (3) *Termination of service for any other reason*: the Director and all affected customers shall be notified no less than thirty (30) days prior to the change.
- (4) *Alteration of service or change in collection schedule*: the Director and all affected customers shall be notified no less than thirty (30) days prior to the change, except on cases of emergencies as declared by the Director.

(b) Any prepaid customer account will be either refunded by the collection company to the customer or transferred to the subsequent collector.

(c) All notifications to the Director required by this Section to customers whose service has been changed shall include a demonstration evidence that all affected customers have been notified.

Section 109.1-5-8. Advance Billing of Customer.

Advance billing of residential customers shall not be permitted more than ninety (90) days in advance of delivery of collection service.

Section 109.1-5-9. Rates and Charges for Residential Collection.

~~_____ (a) _____ Rates and charges shall be changed _____~~ (a) Collection companies shall explicitly notify residential customers in writing of all rates, charges, and fees (including, but not limited to, fuel surcharges, environmental fees, equipment recovery fees, and service cancellation fees) that will be billed as part of the service provided or at termination of that service. Such notification shall be made prior to commencement of service.

~~_____ (b) _____ Rates and charges shall be increased _____~~ only after each residential customer and the Director have been given thirty (30) days' written notice in advance. Such notice shall include the amount of the increase. A rate change shall be deemed invalid if the collector fails to provide this notification.

~~(bc)~~ All notifications to the Director required by this Section shall include a demonstration evidence that all affected customers have been notified.

~~_____ (d) _____ No refuse or recycling collector shall charge a fee greater than twenty-five dollars to remove its containers from a customer's residence.~~

Section 109.1-5-10. Assignment of Customer.

The Director shall have the authority to assign a specific customer to a collector; provided that the assigned customer shall first have paid any outstanding collection charges properly due any collector; and provided further that the collector assigned by the Director shall be one currently providing collection service in the area in which the assigned customer is located. The collector to whom any such customer is assigned shall, upon receipt of notice of assignment, commence rendering of collection service as assigned.

ARTICLE 6. Solid Waste Transportation

Section 109.1-6-1. Manner of Operation.

- (a) Any vehicle used to transport ~~solid-waste or recyclable~~MSW materials in or through Fairfax County shall be operated in such a manner as not to create a nuisance or adversely affect public health.
- (b) ~~Solid-waste and recyclables~~MSW shall not be spilled, dumped, or thrown onto any street, court, lane, alley, sewer inlet, stormwater structure, vacant lot, public way, private property, or any area not designated as a permitted and authorized disposal site or recycling center.
- (c) All vehicles used to transport liquid and semi-liquid wastes with non-watertight vehicle bodies shall carry said wastes in watertight containers.
- (d) Any vehicle used to transport ~~solid-waste or recyclable materials~~MSW and its contents shall not produce foul odors nor leak any fluids while parked or moving.
- (e) Violation of this section shall constitute a nuisance per se.

Section 109.1-6-2. Parking on Public Rights-of-Way Prohibited.

- (a) It is unlawful to park a vehicle which is being used to transport ~~solid-waste~~MSW in or through Fairfax County on a public right-of-way. Violation of this section shall constitute a nuisance per se.
- (b) This section shall be enforced by Fairfax County law enforcement officers. Those officers are hereby authorized to immediately remove, or cause to be removed, any vehicle parked in violation of this section. The owner or operator of any such vehicle shall be required to pay, in addition to any fine, the charges for such removal and storage.

Section 109.1-6-3. Parking on Private Property.

It is unlawful to park a loaded or partially loaded collection or transfer vehicle which is being used to transport ~~solid-waste~~MSW in or through Fairfax County on any private property unless: (1) the owner has consented in writing, (2) the written consent has been furnished to the Director, and (3) the site is a lawful place to store ~~solid-waste~~MSW collection and/or transfer vehicles in accordance with the County Zoning Ordinance.

ARTICLE 7. Disposal of Solid Waste

Section 109.1-7-1. Disposal Site Designation.

- (a) All ~~solid-waste~~refuse collected under the provisions of this Chapter shall be disposed of only at disposal sites designated by the Director.
- (b) It shall be unlawful for any person to dispose of ~~solid-waste~~MSW in or at any disposal site other than those designated by the Director pursuant to paragraph (a) above. This provision shall not apply to the occupants of single-family residences or family farms disposing of their own ~~solid-waste~~MSW if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service area.
- (c) Nothing contained in previous subsections shall be deemed applicable to:
- (1) ~~Solid-waste~~Garbage, trash, and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or ~~solid-waste~~refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.
 - (2) Recyclable materials which are those materials that have been source-separated by any person or materials ~~that have been~~ separated from ~~solid-waste~~garbage, trash, and refuse by any person for ~~the subsequent~~ utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy, except that yard waste must be delivered to a yard waste management facility legally permitted to operate in the Commonwealth of Virginia.
 - (3) Construction/demolition debris to be disposed of in a ~~CDD~~ landfill.
 - (4) Waste oil.
- (d) All ~~solid-waste-and-recyclable-materials~~MSW disposed of at solid waste management facilities operated by the County of Fairfax shall become the property of the County.

Section 109.1-7-2. Hazardous Waste Prohibited.

No hazardous waste shall be disposed of at the I-66 Transfer Station, the I-95 Sanitary Landfill, the I-95 Energy/Resource Recovery Facility, or any other disposal site in Fairfax County. The Director may request an analysis by a certified laboratory deemed acceptable by the Director of any ~~solid-waste~~MSW requested for disposal. The purpose of the laboratory analysis is to ensure that the ~~solid-waste~~MSW does not contain any hazardous ~~contaminants~~constituents. The laboratory analysis must be submitted to the Director in advance and in writing. Only after favorable review by the Director may the ~~solid-waste~~MSW be accepted for disposal.

Section 109.1-7-3. Out-of-County Waste Prohibited.

It shall be unlawful for any person to use a Fairfax County Certificate to Operate and/or permit for the disposal of ~~solid-waste~~MSW originating outside the County of Fairfax, at the I-66 Transfer Station, I-95 Sanitary Landfill or I-95 Energy/Resource Recovery Facility, unless previously approved by the

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Director.

Section 109.1-7-4. Use of County Solid Waste Management Facilities.

(a) The Director may establish rules and regulations for the use of Fairfax County solid waste management facilities, including specifying the types and characteristics of waste which are unacceptable, and disposal charges.

(b) Use of County facilities shall be limited to the purpose for which access is granted.

(c) All persons disposing of ~~solid-waste~~MSW shall be charged, billed or invoiced for the disposal fees owed for use of County facilities. Any person failing to pay an account when due may incur a monthly charge of ten percent on the outstanding balance, annualized, from the first day following the day such account is due, or ten dollars, whichever is greater. An account shall be paid when payment has been received by the County.

Section 109.1-7-5. Permit for Solid Waste Management Facility--Required.

No person shall locate, operate, conduct or maintain a storage or disposal site (temporary or permanent), transfer station, ~~MRF~~recycling processing, landfill or any other type of solid waste management facility in the County unless all applicable state, federal and local laws, regulations, permits, and zoning requirements are met. Any facility must also be consistent with the County's Solid Waste Management Plan.

ARTICLE 8. Emergency Provisions

Section 109.1-8-1. Emergency Management.

(a) This Article sets forth specific solid waste management requirements that shall take ~~effect~~~~affect~~ during an emergency. ~~as determined the county's emergency manager or other situations identified by the Director.~~ It is intended that the following take place with respect to solid waste management during emergency circumstances:

- (1) that the County will take the lead in coordinating emergency or disaster clean-up efforts countywide; and
- (2) that private collectors shall not be required to provide collection services in excess of the base levels of service defined elsewhere in this Chapter.

(b) At the Director's discretion, to the extent allowable by State and Federal law, specific requirements of this Chapter may be waived or suspended during a local emergency.

Section 109.1-8-2. Operation of Essential Facilities.

(a) During a local emergency, the Director shall authorize, as necessary, the operation of primary and temporary solid waste management sites by the County, including the provision of equipment and personnel support to maintain the functionality of essential County services and support emergency response and disaster recovery operations.

(b) The Director shall provide refuse collection and disposal services as necessary to support operation of essential facilities used to receive and care for evacuees, volunteer workers, emergency responders, and maintenance and support personnel.

(c) Specifics of operations described in this Section shall be further described in the County's Emergency Operations, Continuity of Operations, and Debris Management Plans.

Section 109.1-8-3. Emergency Debris Management.

Management of debris from areas impacted by an emergency shall continue to be a shared responsibility between the County and permitted private ~~solid waste~~~~MSW~~ collectors. However, at the Director's discretion, the County may elect to provide solid waste removal and disposal services in any area where the County deems that existing permitted waste collection resources are overwhelmed and/or improperly trained and/or inadequately equipped for the prevailing emergency conditions.

ARTICLE 9. Enforcement.

Section 109.1-9-1. Enforcement Authorities.

(a) The Director shall have and is hereby vested with the authority to pursue administrative, civil, or criminal enforcement actions on any entity that violates this Chapter.

(b) The Director may also undertake the following actions:

- (1) Issue notices of violations for violations of any provision of this Chapter.
- (2) Issue regulations and/or procedures to provide for administration, policy direction, and implementation of this Article.
- (3) Make and enter into consent agreements incidental to the performance of the Director's duties and the execution of the Director's powers under this Article.

(4) Impose penalties for violations of this chapter as described herein and in the Solid Waste Management Program Enforcement Manual.

Section 109.1-9-2. Definition of Violation.

Except as otherwise provided (and regardless of the availability of other civil or administrative remedies and procedures for enforcing this Chapter), every act or condition prohibited by this Chapter, and every failure or omission to act as required herein, is a violation of this Chapter.

Section 109.1-9-3. Requirements for Written Notice.

For the purpose of enforcing this Chapter, written notice may be provided by certified mail or by any appropriate method specified in VAVirginia Code Ann. § 8.01-296.

Section 109.1-9-4. CTO and/or Permit Suspension and Revocation.

(a) Violation of any requirement of this Chapter, the Fairfax County Code, the Fairfax County Zoning Ordinance, or any court orders relating thereto, shall be grounds to deny, suspend, or revoke any solid waste CTO and/or permit.

(b) ~~Specific~~ Examples of grounds for CTO and/or permit denial, suspension or revocation include, but are not limited to, the following:

- (1) Disposal of unacceptable or hazardous waste.
- (2) Collection services fail to meet any applicable Fairfax County Code requirement.
- (3) Failure to pay solid waste disposal fees.
- (4) Use of a Fairfax County-issued permit for the disposal of waste from outside the County without prior authorization.

(5) Disposal of county waste at sites other than those designated by the Director.

(6) Storage or consolidation of waste fails to meet any applicable Fairfax County Code requirement.

(67) Failure to abide by the rules and regulations of a Fairfax County solid waste management facility.

(78) Failure to submit an accurate permit application.

(c) Further, it shall be unlawful, and grounds for CTO and/or permit denial, suspension or revocation, for any person to ~~willfully~~ misuse a collection vehicle, permit, and/or CTO. Misuse includes, but is not limited to, operating while CTO is suspended, any switching of permits between collection vehicles, any use of a permit in an unpermitted collection vehicle or by an unpermitted collector, and/or any use of a discontinued CTO and/or permit.

(d) It shall be unlawful, and grounds for CTO and/or permit denial, suspension or revocation, for any company which is delinquent in its payment of the disposal bill to Fairfax County to use the collection vehicle and/or permit of another company to gain access to any County solid waste management facility. It shall be unlawful for any company to allow another company to use its collection vehicle and/or permit in the aforementioned manner.

(e) In the event the Director elects to consider suspending or revoking an issued CTO and/or permit, except in instances involving the nonpayment of solid waste disposal fees, charges, fines, or civil penalties, or the disposal of unacceptable or hazardous waste, the permit holder will be notified by certified mail that said CTO and/or permit is under review. The CTO/permit holder will have 48 hours after receipt of the letter of notification to correct any deficiencies and to notify the Director of the corrective action taken. If satisfactory corrective action is not taken within 48 hours, the CTO and/or permit may be suspended or revoked by the Director. This shall not be construed to limit the authority of the Director to immediately suspend without notice any CTO/permit holder for the nonpayment of solid waste disposal fees or the disposal of unacceptable or hazardous waste.

(f) Any revocation, suspension or denial of a CTO or permit, other than those related to the nonpayment of solid waste disposal fees or the disposal of unacceptable or hazardous waste, shall be in writing and may be appealed to the County Executive or his designee within ten days of the date of revocation, suspension or denial. Any appeal shall be in writing and filed with the County Executive or his designee. Thereafter, the County Executive or his designee shall promptly schedule a hearing at which the applicant and all interested parties, which may include but are not limited to the Director, of the Division of Fairfax County Solid Waste Collection and Recycling, the Division of Solid Waste Disposal and Resource Recovery Management Program, the Zoning Administrator, the Health Officer, the Police Department, the Department of Code Compliance, the Department of Tax Administration and the Board of Supervisors of Fairfax County, Virginia, may present testimony or evidence. Any interested party or the applicant may be represented by counsel at the hearing. ~~(22-06-109.1.)~~

Section 109.1-9-5. Penalties -- Recycling Violations.

Violation of any provision of the recycling requirements of this Chapter, or any rule or regulation adopted hereunder, including but not limited to the required registration of a recycling business, shall be punishable by a civil penalty not to exceed Five Hundred Dollars (\$500.00) fine for each offense, as prescribed in the Solid Waste Management Program Enforcement Manual. No criminal penalties shall be imposed for such violations. Each household, business, or collection point at which a violation of any provision of the recycling requirements of this Chapter occurs shall constitute a separate offense.

Section 109.1-9-6. Penalties -- Disposal Violations.

(a) Except as provided for in 109.1-9-6 (b), any disposal of waste at an improper or prohibited site shall be subject to a civil penalty not to exceed Five Hundred Dollars (\$500.00) fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual. Each day any violation continues shall constitute a separate offense. Violators may also have their CTO and/or collection/ disposal permits denied, suspended, restricted or revoked, and denied a CTO and/or permit for a period of up to one (1) year from the time of the offense.

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(b) Any person who disposes of ~~solid-waste~~MSW originating outside the County of Fairfax at a County facility where such waste is prohibited shall be subject to suspension from use of said facility for a period of time not to exceed one hundred twenty (120) calendar days and a ~~civil penalty not to exceed Five Hundred Dollars (\$500.00) fine~~ for each offense as prescribed in the Solid Waste Management Program Enforcement Manual.

(c) Disposing of waste at a County solid waste management facility without having paid the required disposal fee will be considered a violation, and may subject the person to a ~~civil penalty of up to Two Hundred Dollars (\$200.00) fine for each offense as prescribed in the Solid Waste Management Program Enforcement Manual.~~

Section 109.1-9-7. Penalties — Contracting With Unauthorized Collector or Solid Waste Broker.

Contracting with a person not authorized to perform refuse and/or recycling collection services or act as a Solid Waste Broker within Fairfax County shall be subject to a ~~civil penalty not to exceed \$500.00 fine~~ for each offense. as prescribed in the Solid Waste Management Program Enforcement Manual. For purposes of this Section, evidence of a ~~willful~~ violation is the voluntary contracting by a person ~~with a business, property owner, property manager, solid waste broker, or community/homeowners' association with an MSW collector or Solid Waste Broker~~ after having received written notice from the Director that the refuse or recycling collector or Solid Waste Broker is not authorized to operate within the County.

Section 109.1-9-8. Penalties — Violations Not Otherwise Specified.

~~_____The penalty for~~ Violation of any provision of this Chapter ~~not, unless~~ otherwise specified in this Article, shall be punishable ~~by~~ a fine or civil penalty not to exceed Five Hundred Dollars (\$500.00) Class II misdemeanor, with a fine for each offense. as prescribed in the Solid Waste Management Program Enforcement Manual.

Section 109.1-9-9. Penalties — Escalation of Penalty for Repeat Offenders.

(a) Except as otherwise provided by federal ~~or Commonwealth statute or this Chapter, state or local law~~, the Director shall have the authority to recommend leniency in the event of first violations, and to seek escalating penalties for repeated violations in a 12 month period.

(b) In circumstances where a person or business has violated one or more provisions of this Chapter on at least three separate occasions within 12 months, the Director shall pursue an additional ~~civil charge~~ financial penalty equal to a reasonable estimate of the financial benefits of non-compliance as described in the Solid Waste Management Program Enforcement Manual.

Section 109.1-9-10. Continuing Violations.

Except as otherwise provided (and regardless of the availability of other civil or administrative remedies and procedures for enforcing this Chapter), acts, omissions, or conditions in violation of this Chapter which continue, exist, or occur on more than one day constitute separate violations and offenses on each such day.

Section 109.1-9-11. Consent Agreements.

(a) As an alternative to pursuing criminal or civil remedies described elsewhere in this Section, the Director may make and enter into Consent Agreements with suspected violators as a means to resolve the violation(s).

(b) For the purpose of this Section, a Consent Agreement is an administrative order issued with the consent of both parties, to perform specific actions to come into compliance with this Chapter and any relevant rules and regulations.

(c) The Director shall develop Consent Agreements and generally draft them after one or more meetings with the alleged violator. Such agreements shall be developed cooperatively and entered into by mutual agreement, even though the Agreement shall effectively serve as a direct order to the alleged violator to comply.

(d) A Consent Agreement may be issued without an adversarial proceeding, and therefore need not include a determination that a violation has occurred.

(e) Consent Agreements issued pursuant to this Section shall include, at a minimum, the following:

- (1) An established and enforceable course of action for bringing a suspected or alleged violator into compliance expeditiously, with explicit deadlines by which compliance must be achieved.
- (2) The assessment and collection of a monetary penalty for the violation(s), consistent with the requirements of this Chapter and appropriate County policy and guidance.
- (3) An explanation of what further actions the County may take if the violator fails to meet the terms of the Consent Agreement.

2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

3. That this Ordinance is effective upon adoption.

GIVEN under my hand this day of _____ 2014.

Clerk to the Board of Supervisors

Board Agenda Item
February 17, 2015

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Graham Residential Permit Parking District, District 34 (Providence District)

ISSUE:

Public Hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Graham Residential Permit Parking District (RPPD), District 34.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Graham RPPD, District 34.

TIMING:

On January 27, 2015, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on February 17, 2015, at 4:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that 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 of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning 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.

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A peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Neil Freschman, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

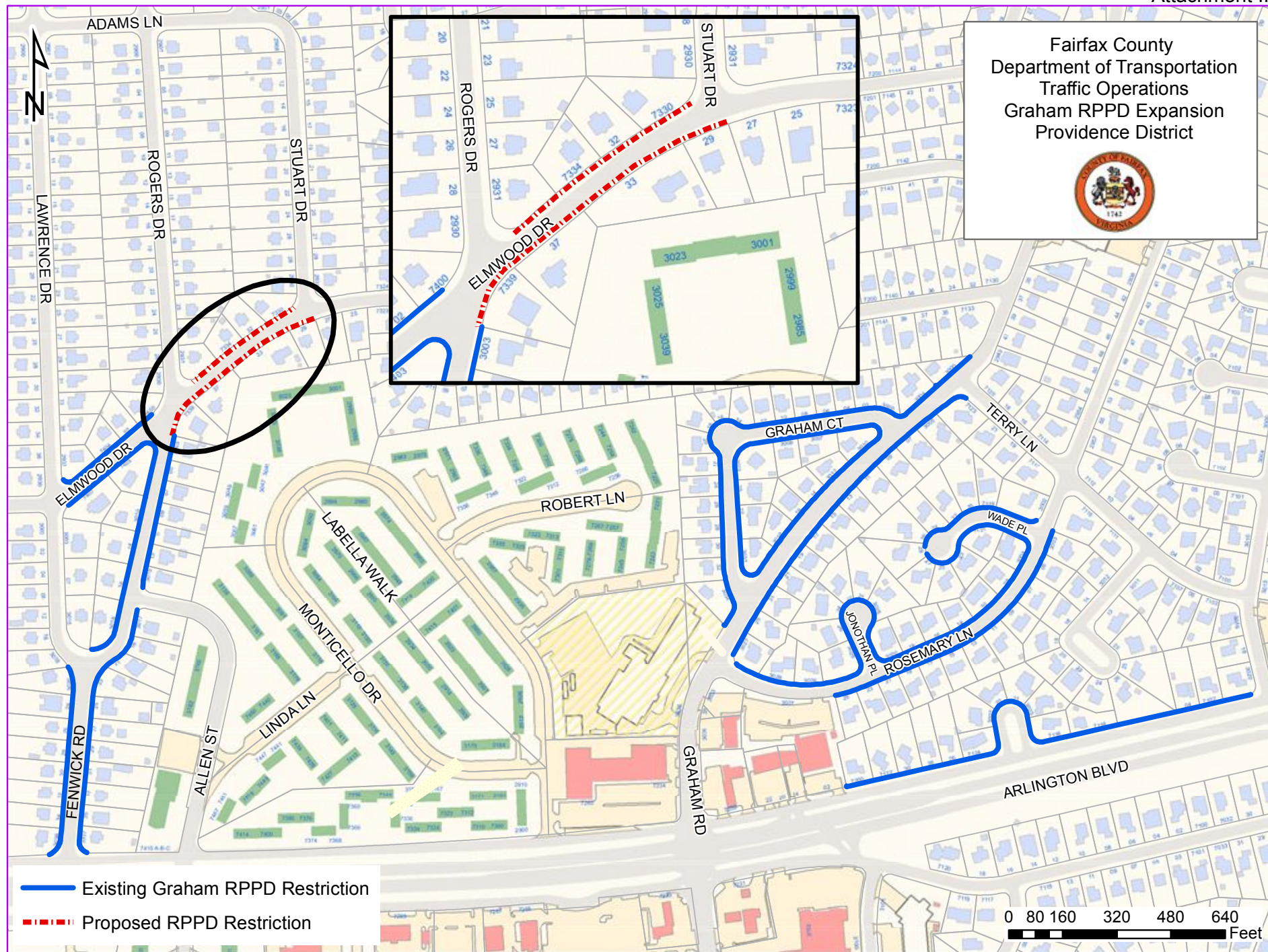
Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by modifying the following streets in Appendix G-34, Section (b), (2), Graham Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Elmwood Drive (Route 1780):

From Lawrence Drive to ~~Rogers Drive~~ Stuart Drive.

Fairfax County
Department of Transportation
Traffic Operations
Graham RPPD Expansion
Providence District



Board Agenda Item
February 17, 2015

4:30 p.m.

Public Hearing to Establish the Cardinal Forest II Community Parking District (Braddock District)

ISSUE:

Public Hearing on a Proposed amendment to Appendix M, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Cardinal Forest II Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Cardinal Forest II CPD.

TIMING:

On January 27, 2015, the Board authorized advertisement of a Public Hearing to consider the proposed amendment to Appendix M, of the *Fairfax County Code* to take place on February 17, 2015, at 4:30 p.m.

BACKGROUND:

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

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

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loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,250 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to *The Fairfax County Code*, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Cardinal Forest II CPD

STAFF:

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

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-84 Cardinal Forest II Community Parking District

(a) *District Designation.*

- (1) The restricted parking area is designated as the Cardinal Forest II Community Parking District.
- (2) Blocks included in the Cardinal Forest II Community Parking District are described below:

Dominican Drive (Route 4139)

From Sherborn Lane to Roxbury Avenue.

Grigsby Drive (Route 4179)

From Sherborn Lane to Roxbury Avenue.

Roxbury Avenue (Route 4136)

From Sherborn Lane to Winslow Avenue.

Sherborn Lane (Route 4137)

From Forrester Boulevard to Roxbury Avenue

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Cardinal Forest II Community Parking District.
- (3) No such Community Parking District shall apply to (i) any

commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

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

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

FAIRFAX COUNTY CODE §82-5B

Fairfax County
Department of Transportation
Traffic Operations
Cardinal Forest II CPD
Braddock District



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February 17, 2015

5:00 p.m.

Public Hearing on Proposed Plan Amendment 2014-III-P1, Located on the East Side of Burke Lake Road Between Shipplet Boulevard and Lee Chapel Road (Springfield District)

ISSUE:

Plan Amendment (PA) 2014-III-P1 proposes to amend the Comprehensive Plan guidance for an approximately 4.96 acre parcel located on Burke Lake Road, in the P2-Main Branch Community Planning Sector. The subject parcel currently is planned for residential use at 1-2 dwelling units per acre. The Plan amendment considers an option for residential uses at 2-3 dwelling units per acre or a medical care facility (assisted living facility) with conditions for development.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 29, 2015, the Planning Commission voted 7-0 (Commissioners de la Fe, Hedetniemi, Hurley, Lawrence, and Strandlie were absent from the meeting) to recommend to the Board of Supervisors that it adopt Plan Amendment 2014-III-P1 with the language contained in the staff report dated January 29, 2015. However, before the vote, it was clarified that the language was contained in the handout dated January 29, 2015.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Planning Commission public hearing – December 11, 2014

Planning Commission decision only – January 29, 2015

Board of Supervisors' public hearing – February 17, 2015

BACKGROUND:

On May 13, 2014, the Fairfax County Board of Supervisors authorized Plan Amendment PA 2014-III-P1 for Tax Map Parcel 78-3 ((1)) 4, located at 9617 Burke Lake Road. The authorization directed staff to consider the appropriateness of the parcel redeveloping as a medical care facility (assisted living facility) containing up to approximately 54,000 gross square feet. In addition, staff was directed to concurrently process the Plan

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amendment along with any rezoning or any other application necessary to permit the proposed assisted living facility on the subject property.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim

Attachment II: Planning Commission Recommended Plan Text

Staff Report for Plan Amendment 2014-III-P1 previously furnished and is available at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2014-iii-p1.pdf>

STAFF:

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

Marianne R. Gardner, Director, Planning Division, DPZ

Pamela G. Nee, Branch Chief, Planning Division, DPZ

Mary Ann Tsai, Planner III, Zoning Evaluation Division, DPZ

PA 2014-III-P1 (SILAS BURKE PROPERTY)

Decision Only During Commission Matters
(Public Hearing held on December 11, 2014)

Commissioner Murphy: Mr. Chairman, I have a decision only on a Plan Amendment 2014-III-P1, concerning the property on Burke Lake Road that has on its property the Silas Burke house. We had a public hearing on this. We had some interesting testimony from a lot of people. I have received lots of letters from folks in Burke, in Springfield, and beyond saying that this house must be preserved. Unfortunately, there's been some confusion and the word "destruction" has entered into a lot of these letters that I've received – don't destroy the house. There is nothing before the Planning Commission that is alluding to or concentrating on the destruction of this house. We would like this house preserved and the one way we have before us to do it is to amend the Comprehensive Plan and put in some language that can be considered by both the Planning Commission and the Board of Supervisors that would, in fact, preserve the house. So therefore, Mr. Chairman, the proposed Plan Amendment would add an option for a residential use at two to three dwelling units per acre or for a medical care facility, subject to conditions previously discussed by staff that we remain and preserve the Silas Burke house. Some of the confusion was what exactly would happen. And the only change tonight in the proposed Plan language that was in the staff report – the only change is that there is a better definition of adaptive reuse. And it reads, "The Silas Burke House should be retained and preserved in accordance with the Secretary of the Interior's standards for the treatment of historic properties with commitment to an active use for the house." I'm going to move tonight to recommend to the Board of Supervisors that it adopt this Plan Amendment. After – if the Board approves the Plan Amendment, then it will go into the rezoning phase where we will have a community meeting with the citizens regarding – of the rezoning of the property, which would contain this language or language similar to this to ensure that the house is preserved. But, of course, the rezoning application would have to meet all the standards of the rezoning process, Comprehensive Plan, Zoning Ordinance, Residential Development Criteria – in order to have this rezoning approved or recommended for approval by the Planning Commission and eventually approved by the Board. Therefore, Mr. Chairman, I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT PLAN AMENDMENT 2014-III-P1 WITH THE LANGUAGE CONTAINED IN THE STAFF REPORT [sic] DATED JANUARY 29TH, 2015.

Commissioners Sargeant and Ulfelder: Second.

Secretary Hart: Seconded by Commissioner Sargeant and Commissioner Ulfelder. Is there any discussion? Commissioner Ulfelder.

Commissioner Ulfelder: I just want to point out – during the hearing, I asked a number of pointed questions concerning the historic preservation of the Silas Burke house and I did not in any way intend to raise a question as to whether it should be –

Commissioner Murphy: Right.

Commissioner Ulfelder: -it should remain or not. I think it should remain and I'm hopeful that at the time of the rezoning, we will see some good language in the rezoning package that will make it clear exactly what the commitment that the applicant is making to that process for retaining – taking care of – and under the adaptive reuse language – what they're planning to do with the property and how soon they will do it after they start working on that site.

Commissioner Murphy: And I appreciate that clarification. And I just want to add one thing. I'm getting a lot of letters that – that say, "We want the house preserved, but we don't want the rezoning." And right now – as it stands right now – you just can't have it both ways. The only thing that's before the Planning Commission right now to restore this house or to preserve this house is to contain it in a rezoning application for this medical facility. So therefore, that's where we are right now so thank you very much. And I want to thank Mary Ann Tsai, who did a tremendous job in putting this all together. And also, I might add that she is doubly blessed because I understand she will also be handling the rezoning application, which will be coming down the pike – when is the date of that? Do we have a date? I'm sorry.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: The rezoning is currently scheduled for March 19th. We may be looking at a deferral though.

Commissioner Murphy: Okay. But we will have a citizens meeting and those people who have been on the list and who we have – through the public hearing and all this kind of stuff – will be notified by Supervisor Herrity's Office.

Ms. Tsai: Commissioner Murphy? Can I just make a clarification? The motion tonight is on the PROPOSED ALTERNATIVE PLAN LANGUAGE THAT WAS DISTRIBUTED TONIGHT, DATED JANUARY 29TH.

Commissioner Murphy: Yes, okay. Thanks. That's what – that's the date of the alternative Plan language, January 29th. Thank you.

Secretary Hart: Mrs. O'Donnell is that what you were trying to – okay. Thank you.

Commissioner Murphy: I didn't say alternative. Okay.

Secretary Hart: Further discussion on the motion? Seeing none, we'll move to a vote. All those in favor of the motion, as articulated by Commissioner Murphy, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? Motion carries.

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(The motion carried by a vote of 7-0. Commissioners de la Fe, Hedetniemi, Hurley, Lawrence, and Strandlie were absent from the meeting.)

JLC

PLANNING COMMISSION RECOMMENDED PLAN TEXT

Plan Amendment PA 2014-III-P1, Silas Burke House Property

January 29, 2015

Recommended modifications to the Comprehensive Plan are shown as underlined for text to be added and as ~~striketrough~~ as text to be deleted.

RECOMMENDATION

Staff recommends the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~striketrough~~.

ADD: Fairfax County Comprehensive Plan, 2013 Edition Area III, Pohick Planning District, Amended through October 28, 2014, P2-Main Branch Community Planning Sector, Land Use Recommendations, a new recommendation (#19), page 34:

“19. Parcel 78-3 ((1)) 4 is planned for residential use at 1-2 dwelling units per acre. As an option, residential use at 2-3 dwelling units per acre or a medical care facility (assisted living facility) may be appropriate, subject to the following conditions:

- The Silas Burke House should ~~have an active adaptive reuse~~ be retained and preserved in accordance with The Secretary of the Interior’s Standards for the Treatment of Historic Properties *with commitment to an active use for the house.*
- Façade, historic, and open space conservation easements should be placed on the property to protect the house, accessory structures, and character of the immediate setting surrounding the house in perpetuity.
- The design, scale, mass, orientation, and architecture of additional development should be compatible with the Silas Burke House and its surrounding area.”

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2013 Edition Area III, Pohick Planning District, Amended through October 28, 2014, P2-Main Branch Community Planning Sector, Figure 13, “P-2 Main Branch Community Planning Sector, Land Use Recommendations, General Locator Map,” page 31, to add the new recommendation #19 to the figure.

LAND USE

PLAN MAP: There will be no change to the Comprehensive Plan map.

TRANSPORTATION

PLAN MAP: There will be no change to the Countywide Transportation Plan map.

Board Agenda Item
February 17, 2015

5:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern