

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 14, 2020**

AGENDA

- 9:30 Presentations
- 10:00 Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees
- 10:10 Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 Streets into the Secondary System (Sully District)
- 2 Additional Time to Establish Use or Commence Construction for Special Exception SE 2016-HM-007, Scimores Academy, LLC (Hunter Mill District)
- 3 Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Uniformed Retirement System Ordinance

ACTION ITEMS

- 1 Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2020 and Authorization for the Chairman to Postpone a Scheduled Meeting in the Event of Weather or Other Hazardous Conditions
- 2 Approval of Fence Height Modification for the Police Heliport Project (Springfield District)

**INFORMATION
ITEMS**

- 1 Fairfax-Falls Church Community Services Board Fee Schedule
- 10:20 Matters Presented by Board Members
- 11:10 Closed Session

**PUBLIC
HEARINGS**

- 3:30 Public Hearing on RZ 2018-DR-018 (L&F Frying Pan, LLC) (Dranesville District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 14, 2020**

**PUBLIC
HEARINGS
(Continued)**

3:30		Public Hearing on SE 2019-MA-004 (Chick-Fil-A, Inc.) (Mason District)
3:30		Public Hearing on RZ 2019-SP-006 (Christopher Land, LLC) (Springfield District)
3:30		Public Hearing on SEA 97-S-001 (Christopher Land, LLC) (Springfield District)
3:30	To Be Deferred to 1/28/2020 at 3:30 p.m.	Public Hearing on PCA 2016-HM-035/CDPA 2016-HM-035 (CRS Sunset Hills, LC) (Hunter Mill District)
4:00		Public Hearing on PCA 84-S-038-02 (Dominion Electric Supply Company, Inc.) (Sully District)
4:00		Public Hearing on PCA 2010-LE-009/CDPA 2010-LE-009 (MR Liberty View One, LLC and MR Liberty View West, LLC C/O Monument Realty) (Lee District)
4:00		Public Hearing on SE 2019-MV-017 (Semia Yusuf D/B/A Panda Child Care) (Mount Vernon District)
4:00		Public Hearing to Convey Board-Owned Properties on Fair Ridge Drive to the Fairfax County Redevelopment and Housing Authority (Sully District)
4:30		Public Hearing on SE 2018-DR-020 (Fair Light LLC) (Dranesville District)
4:30		Public Hearing on PCA 93-V-028-03 (9360 Richmond Hwy LLC) (Mount Vernon District)
4:30		Public Hearing on SEA 2007-MV-031 (9360 Richmond Hwy LLC) (Mount Vernon District)
4:30		Public Hearing on SE 2019-SU-016 (Sadaf Azhar Rashid Khan) (Sully District)



Fairfax County, Virginia

BOARD OF SUPERVISORS

AGENDA

Tuesday
January 14, 2020

9:30 a.m.

PRESENTATIONS

- PROCLAMATION — To designate January 20-26, 2020, as Community Risk Reduction Week in Fairfax County. Requested by Chairman McKay.
- PROCLAMATION — To designate January 2020 as Human Trafficking Awareness Month in Fairfax County. Requested by Chairman McKay and Supervisor Herry.
- RESOLUTION — To recognize Homestretch for its 30th anniversary. Requested by Chairman McKay.
- PROCLAMATION — To designate January 19-25, 2020, as Teen Cancer Awareness Week in Fairfax County. Requested by Supervisor Smith.
- RESOLUTION — To congratulate John Monsul and the crew of “Communicating Today” for their achievements and service to the community. Requested by Supervisor Foust.

STAFF:

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

Board Agenda Item
January 14, 2020

10:00 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1 - Listing of Interjurisdictional Committees and Inter- and Intra-Governmental Boards and Committees for Calendar Year 2020

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-
GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR
YEAR 2020**

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

ARLINGTON

DISTRICT OF COLUMBIA

FAIRFAX CITY

FALLS CHURCH

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

HERNDON

LOUDOUN COUNTY

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)

VIENNA

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

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

COG BOARD OF DIRECTORS

**COG METROPOLITAN WASHINGTON AIR QUALITY
COMMITTEE**

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

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

COG EMERGENCY PREPAREDNESS COUNCIL

**COG HUMAN SERVICES AND PUBLIC SAFETY
COMMITTEE**

COG REGION FORWARD COMMITTEE

**COG TASK FORCE ON REGIONAL WATER SUPPLY
ISSUES**

**COG NATIONAL CAPITAL REGION TRANSPORTATION
PLANNING BOARD**

**GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY
BOARD**

INOVA HEALTH CARE SERVICES BOARD

INOVA HEALTH SYSTEMS BOARD

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

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

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

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

POTOMAC WATERSHED ROUNDTABLE

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT
COMMISSION**

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

(Recommendations. The Board of Supervisors makes recommendations to VACo for consideration.)

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

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

INTRAGOVERNMENTAL AND OTHER COMMITTEES

AUDIT COMMITTEE

BUDGET POLICY COMMITTEE

(Committee of the Whole)

ECONOMIC ADVISORY COMMITTEE

(Committee of the Whole)

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)

HEALTH AND HUMAN SERVICES COMMITTEE

(Committee of the Whole)

HOUSING COMMITTEE

(Committee of the Whole)

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)

JOINT ENVIRONMENTAL TASK FORCE

LAND USE POLICY COMMITTEE

(Committee of the Whole)

LEGISLATIVE COMMITTEE

(Committee of the Whole)

OLDER ADULTS COMMITTEE

(Committee of the Whole)

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)

SUCCESSFUL CHILDREN AND YOUTH POLICY TEAM

TRANSPORTATION COMMITTEE

(Committee of the Whole)

Board Agenda Item
January 14, 2020

10:10 a.m.

Items Presented by the County Executive

Board Agenda Item
January 14, 2020

ADMINISTRATIVE - 1

Streets into the Secondary System (Sully District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fairwood Estates – Barney Road	Sully	Barney Road
Fairwood Estates – Barney Road	Sully	Murdock Street

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

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: 8883-SP-003 SUBDIVISION PLAT NAME: Fairwood Estates - Barney Road COUNTY MAGISTERIAL DISTRICT: Sully	
ENGINEERING MANAGER: Houda A. Ali, PMP BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>10/18/2019</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Murdock Street	Existing Murdock Street (Route 10513) - 1,860' NW CL Stonecroft Boulevard (Route 8460)	92' NW to CL Barney Road	0.02
Barney Road	CL Murdock Street	880' NE to CL Thompson Road	0.17
TOTALS:			0.19
NOTES:			
Barney Road: 5' Concrete Sidewalk on West Side to be maintained by VDOT.			

Board Agenda Item
January 14, 2020

ADMINISTRATIVE - 2

Additional Time to Establish Use or Commence Construction for Special Exception
SE 2016-HM-007, Scimores Academy, LLC (Hunter Mill District)

ISSUE:

Board consideration of additional time to establish use or commence construction for SE 2016-HM-007, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four (24) months additional time for SE 2016-HM-007 to December 6, 2021.

TIMING:

Routine.

BACKGROUND:

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

On June 6, 2017, the Board of Supervisors approved Special Exception SE 2016-HM-007, subject to development conditions. The application was filed in the name of Scimores Academy, LLC, with a concurrent rezoning application, RZ 2016-HM-010, to permit a private school of special education for art and music of up to 48,000 square feet in the R-2 zoning district for the property located in the northeast quadrant of the intersection of Centreville Road and West Ox Road, Tax Map 25-1 ((1)) 16, 17, 19, 20, and 21 (see Locator Map in Attachment 1). The private school, a Category 3 special exception use, is permitted pursuant to Section 3-404 of the Fairfax County Zoning Ordinance. SE 2016-HM-007 was approved with a condition that the use be established, or construction be commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board grants additional time. The development conditions for SE 2016-HM-007 are included as part of the Clerk to the Board's letter contained in Attachment 2.

Board Agenda Item
January 14, 2020

On October 4, 2019, the Department of Planning and Development (DPD) received a letter dated October 2, 2019, from Andrew Painter, agent for the Applicant, requesting twenty-four (24) months of additional time (see Attachment 3). While the current expiration date is December 6, 2019, the approved Special Exception will not expire pending the Board's action on the request for additional time.

Mr. Painter states additional time is necessary to commence construction and establish the use. According to Mr. Painter's letter, the Applicant has worked to secure financing for the project and has diligently pursued development of the Property. The site plan for this site is in bonds and agreements and the building permit application is well underway. While the Applicant is diligently working through these processes, it is clear that additional time of twenty-four (24) months is necessary to ensure the special exception approval remains valid and will allow the requestor to establish use and commence construction.

Staff has reviewed Special Exception SE 2016-HM-007 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a private school of special education within the R-2 zoning district. Further, staff knows of no change in land use circumstances that affects compliance of SE 2016-HM-007 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SE 2016-HM-007 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twenty-four (24) months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Clerk's Letter dated June 7, 2017, to Andrew Painter

Attachment 3: Letter dated October 2, 2019, to Leslie B. Johnson

STAFF:

Rachel Flynn, Deputy County Executive

Barbara A. Byron, Director, Department of Planning and Development (DPD)

Tracy D. Strunk, Director, Zoning Evaluation Division (ZED), DPD

Suzanne Wright, Chief, Conformance Review & Acceptance Branch, ZED, DPD

Denise James, Chief, Environment & Development Review Branch, Planning Division, DPD

Laura O'Leary, Staff Coordinator, ZED, DPD

Special Exception**SE 2016-HM-007**

Applicant: SCIMORES ACADEMY LLC
 Accepted: 04/19/2016
 Proposed: PRIVATE SCHOOL OF SPECIAL EDUCATION
 Area: 8.07 AC OF LAND; DISTRICT - HUNTER MILL
 Zoning Dist Sect: 03-0104

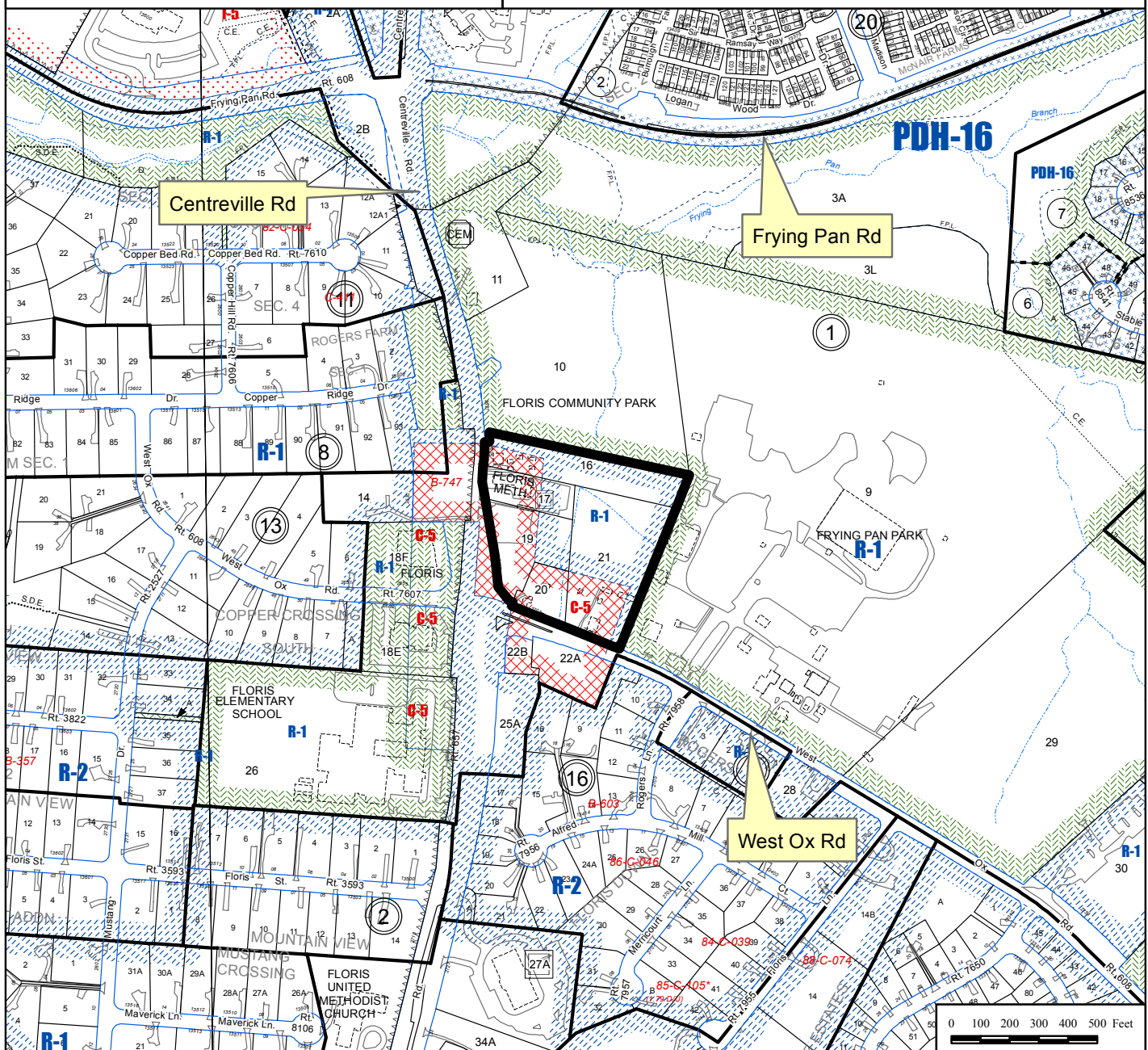
Located: 2625 & 2633 CENTREVILLE ROAD AND
 2703 & 2705 WEST OX ROAD,
 HERNDON, VA 20171

Zoning: C- 5

Plan Area: 3,3,

Overlay Dist:

Map Ref Num: 025-1- /01/ /0016 /01/ /0017 /01/
 /0019 /01/ 01/ /0020 /01/ /0021





County of Fairfax, Virginia

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

June 7, 2017

Andrew Painter,
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA

Re: Special Exception Application SE 2016-HM-007
(Concurrent with Rezoning Application RZ 2016-HM-010)

Dear Mr. Painter:

At a regular meeting of the Board of Supervisors held on June 6, 2017, the Board approved Special Exception Application SE 2016-HM-007 the name of Scimores Academy, LLC. The subject property is located at 2625, 2629, and 2633 Centreville Road and 2703 and 2705 West Ox Road on approximately 8.07 of land, zoned C-5 and R-1 with all R-1 and a part of C-5 land proposed to be rezoned to R-2 in the Hunter Mill District [Tax Map 25-1 ((1)) 16, 17, 19, 20 and 21]. The Board's action permits a private school of special education pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. The three (3) existing Historic Residential Structures shall be permitted to remain in residential use as the principal use and may be used for residential, school, administrative, or commercial purposes related to the private school of special education or the Fairfax County Park Authority. The existing Floris United Methodist Church shall continue to be used as a place of worship.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 • Fax: 703-324-3926 • TTY: 711
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

4. Any plan submitted pursuant to this special exception for the private school of special education shall be in substantial conformance with the approved GDP/SE Plat entitled "The Floris Conservatory For Fine Arts" as prepared by Walter L. Phillips, Inc. and consisting of fourteen (14) sheets dated April 18, 2016 and revised through May 5, 2017. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Fairfax County Zoning Ordinance.
5. A copy of the Special Exception shall be posted in a conspicuous place on the Property along with the Non-Residential Use Permit of the use and shall be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
6. The private school of special education shall serve no more than a total of 365 students enrolled during any one of the three (3) daily class sessions described in Development Condition #8.
7. The private school of special education shall be open between 8:00 a.m. and 10:30 p.m., with extended hours for staff between 7:00 a.m. and 11:00 p.m.
8. The private school of special education may offer up to three (3) one-hour group classes during weekdays between the hours of 3:00 p.m. and 8:00 p.m., and up to three (3) one-hour group classes during weekend days between the hours of 9:00 a.m. and 3:00 p.m., with a minimum one-hour interval between each class session to permit sufficient time for vehicles to enter and leave the Property.
9. The private school of special education shall employ a maximum of 100 faculty and staff members, including faculty and administrative, support, maintenance, and transportation staff.
10. The Applicant may make the private school of special education's facilities available for use for individual instruction and by outside organizations including, but not limited to, civic and homeowner associations, community fine arts groups, business entities, and educational entities, the Fairfax County Park Authority, and Fairfax County Public Schools. The Applicant shall appoint an event manager that will coordinate use of the Academy by outside organizations. All such uses by outside organizations shall be limited to those that can be parked entirely on the Property and shall adhere to the hours of operation stipulated in Development Condition #7.
11. All parking for the private school of special education shall be located on the Property and parking on surrounding streets shall be prohibited. The Applicant shall provide written and verbal instructions to all students and parents, and shall post signage in conspicuous places on the Property instructing parents and visitors to the private school of special education not to park on neighborhood streets.

12. The Applicant shall appoint an internal transportation coordinator to address transportation issues related to the private school of special education. The transportation coordinator shall encourage participation in a transportation management program designed to reduce the number of vehicle trips to and from the Property during the PM peak hour. Elements of the program may include busing, shuttles, staggered pick-ups, carpools, and/or other means. The transportation coordinator shall also be responsible coordinating with adjacent property owners, as needed, to plan for overflow parking for larger events, whether related to the special exception use, Frying Pan Park use, or related to any accessory user. The transportation coordinator shall establish a neighborhood liaison committee to meet with interested neighbors on a semi-annual basis from the Copper Crossing, Mountain View, and Floris Downs associations (as well as any other association which request inclusion) to discuss and address neighborhood concerns regarding transportation issues and the operation of the private school of special education as it relates to impacts on the surrounding neighborhood. The Applicant shall annually provide the transportation coordinator's telephone number to the Fairfax County Department of Transportation and the District Supervisor's office.
13. The Applicant's transportation coordinator shall investigate any written complaints of off-premises parking, and shall provide a written response to any identified concern received to the complaining party within five (5) business days. A copy of any response shall be provided to the District Supervisor's office.
14. In the event a complaint is made regarding a specific driver parking on neighborhood streets in violation of Development Condition #12, then upon investigation, the Applicant shall issue a verbal warning to that driver. If a second incident complaint is made regarding that same driver, the Applicant shall issue a written warning; if a third incident complaint is made, the Applicant shall suspend the enrollment of relevant students until compliance with Development Condition #12 can be reasonably assured.
15. The design for the private school of special education building shall provide substantial natural light and the building facades shall be oriented to minimize glare from the east and west while opening up to the north and to the courtyard. The classrooms and performance spaces shall be organized around the courtyard and, where possible, take advantage of direct access to natural light and views of Frying Pan Farm Park on the exterior.
16. The main building entry shall connect the park to the north to the interior courtyard spaces.
17. The general material palette for the building exterior shall be derived from the local context of the rural Virginia landscape and farm buildings to reinforce the local character and reinterpret the private school of special education using materials

such as, but not limited to, indigenous stone, glass, and metals that weather naturally.

18. The design of the private school of special education building shall be integrated into the topographic change on the Property. The building shall appear as a one-story building on the street-sides and opening up to a two-story building on the north side. The design for the private school of general education shall adhere to the following architectural guidelines:

Windows:

- a. Windows should include a light transmission percentage of no less than 65 percent;
- b. Vertically oriented frame windows may be used to provide daylight to classroom rooms. Where used, they should be oriented in a rational and logical pattern;
- c. The north side of the building shall contain larger window openings responding to the location of the main entrance spaces and academy public areas; and
- d. Framed windows on the upper level of the building may contain sloped panels to maximize vertical architectural read.

Doors:

- a. Main entry doors shall be glazed and integrated into lobby glass walls;
- b. Exterior secondary and utility doors shall be painted hollow metal to match the metal panel color specified; and
- c. Specialty courtyard doors shall be glazed to maximize visibility and access to the external courtyard classrooms.

Roof Permitted Materials:

- a. Materials may include sloped built-up roofing systems and green roof systems to blend into the surrounding park environment;
- b. Roof surfaces visible from the ground should be either sedum green roof systems or standing seam metal roof systems; and
- c. Non-green, flat roofs, not visible from the ground, shall be lightly colored or high albedo, to reflect and reduce the absorption of heat gain.

Roof Pitch:

- a. Non-flat roofs shall slope in one direction not to exceed 1 to 12; and
- b. Flat roofs (except for decks) shall be screened behind integrated parapet walls.

Roof Penetrations:

- a. Roof penetrations (such as plumbing and heating vents) shall be placed on the rear of the roof and painted to match the color of the roof;
- b. Skylights shall be flat, not domed or shaped, and mounted parallel to the slope of the roof, and shall coordinate with the roof color.

Porches:

- a. Porches shall be compatible with the building exterior regarding materials, color and style;
- b. Undersides of porches shall include high-density wood board cladding; and
- c. Access shall be accommodated by grading, where possible, to avoid extensively long and or intrusive ramps.

Ramps and Stoops:

- a. Stoops and ramps shall be constructed of concrete and stone to match the adjacent building materials; and
- b. Ramps and stoops shall include stainless steel handrails.

Miscellaneous Architectural Elements:

- a. Utility sheds: Around proposed site utilities, exterior sheds shall be screened and enclosed with painted metal and wood enclosures to match the aesthetic of the adjacent school.
- b. Handrails: Balcony and site handrails shall be constructed from the adjacent exterior materials including stainless steel, painted aluminum panel, wood, stone and glass.
- c. Gutters and Downspouts: Roof flashing, rain gutters and downspouts shall be constructed of galvanized metal, or aluminum, and finished to match the adjacent metal panel and roof flashing. Internally discharged gutters and roof drains shall be implemented where possible.
- d. Air Conditioning Units: Cooling units shall be located on the roof and screened from the ground and adjacent buildings. Air conditioning units shall be acoustically shielded.
- e. Communication Antennas: Communication antennas shall be built into roof wells on the roof where possible to be shielded from view.
- f. Mechanical Systems: Outdoor mechanical systems for the purposes of heating, cooling, telephone, electric, cable television, or water supply shall be incorporated into the building and screened from public view wherever possible. If the mechanical systems are located on the roof, they shall be screened or otherwise integrated into the building design.
- g. Awnings: Due to the educational nature of the building retractable or fixed awnings are prohibited.
- h. Foundations: Building foundations shall be treated with stone to match the exterior wall, wherever applicable. Foundation stone shall match other adjacent landscape stone.

This approval, contingent on the above noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicants shall be responsible for obtaining the required Non-Residential Use Permit through established

SE 2016-HM-007
June 7, 2017

procedures, and this special exception shall not be valid until this has been accomplished.

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

The Board also:

- Approved a modification of Par. 2B of Sect. 3-207 and Par. 1A of Sect. 4-507 of the Zoning Ordinance to provide the front yard setback for the existing historic residences along West Ox Road in favor of that shown on the GDP/SE Plat
- Approved modifications of Sect. 13-303 and Sect. 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements in favor of that shown on the GDP/SE Plat
- Approved a modification of Par. 2 of Sect. 17-201 of the Zoning Ordinance to allow construction of a sidewalk instead of the required natural surface trail along West Ox Road, as shown on the GDP/SE Plat
- Approved a waiver of Par. 4 of Sect. 17-201 of the Zoning Ordinance to eliminate the requirement for frontage improvements along West Ox Road in favor of that shown on the GDP/SE Plat

Sincerely,



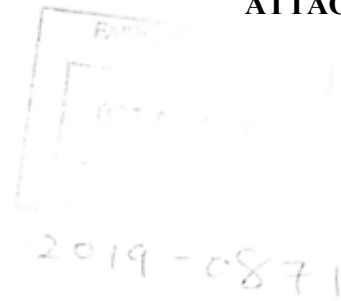
Catherine A. Chianese
Clerk to the Board of Supervisors

SF 2016-HM-007

June 7, 2017

cc: Chairman Sharon Bulova
Supervisor Catherine Hudgins, Hunter Mill District
Howard Goodie, Director, Real Estate Division, Dept. of Tax Administration
Tracy D. Strunk, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Michael Davis, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Andrea Dorlester, Park Planning Branch Manager, FCPA
Abdi Hamud Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

Andrew A. Painter, Esq.
(571) 209-5775
apainter@thelandlawyers.com



October 2, 2019

Via First Class Mail

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

**Re: Request for Additional Time: SE 2016-HM-007
Scimores Academy, LLC
Fairfax County Tax Map ##25-1 ((1)) 16, 17, 19, 20, and 21 (jointly, the
"Property")**

Dear Ms. Johnson:

On behalf of **Scimores Academy, LLC** ("Scimores"), and in accordance with § 9-015 of the Zoning Ordinance of Fairfax County, Virginia (the "Zoning Ordinance"), I am writing to request additional time to establish the private school of special education use associated with SE 2016-HM-007.

By way of background, the Board of Supervisors approved SE 2016-HM-007 on June 6, 2017 concurrently with RZ 2016-HM-010. These approvals permitted a private school of special education up to a maximum of 48,000 square feet with an overall development intensity of 0.17 FAR, as well as accessory parking, private outdoor recreation areas, and open space areas. The approvals were made subject to a proffer statement dated May 15, 2017, special exception conditions, and a Generalized Development Plan/Special Exception/Special Exception Amendment Plat. Pursuant to the conditions of approval imposed by the Board, the special exception amendment will expire 30 months after the date of approval (or on December 6, 2019) unless construction of the improvements has commenced and been diligently pursued.

Since its 2017 approval, Scimores has worked to secure financing for the project and has diligently pursued development of the Property. It has, for example, worked with its civil engineer and architect to prepare, file and diligently process a site plan (#007693-SP-045-2), which is now in the bonds and agreements stage. The Building Permit application process was initiated in November 2018, and Scimores' design team is in process of responding to plan

ATTORNEYS AT LAW

703 528 4700 • WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. • SUITE 1300 • ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 • WOODBRIDGE 703 680 4664

reviewer comments. The required Critical Structures Meeting with staff has occurred, as has a first-round Health Department review for food services. Scimores has also filed a request for, and received, a detailed zoning interpretation letter on October 31, 2018 concerning a variety of site modifications related to, among other things, the project's outdoor recreation area, conservatory building, and limits of disturbance. Scimores has also closed on all portions of the Property, terminated outstanding leases, and stabilized and secured the three historic residential dwellings.

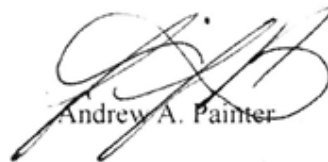
While Scimores is diligently working through these business matters, it is clear that additional time will be required to establish the approved use. In accordance with § 9-015 of the Zoning Ordinance, Scimores respectfully requests 24 months of additional time to establish the approved use or commence construction of the improvements approved with SE 2016-HM-007. If this additional time is granted, the new expiration date of the approval will be December 6, 2021. There have been no changes in circumstances that would render the existing approval inconsistent with the Zoning Ordinance, the Comprehensive Plan, or the public interest.

For reference, a copy of the special exception conditions and the October 31, 2018 interpretation letter are enclosed. Should you have any questions or require additional information, please do not hesitate to contact me directly at (571) 209-5775. As always, I appreciate your cooperation and assistance.

Thank you for your kind attention to this matter.

Very truly yours,

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



Andrew A. Painter

Enclosures

Cc: Mr. Hemanth Balasundaram, Scimores Academy LLC
Mr. Aaron Vinson, P.E., Walter L. Phillips, Inc.
Mr. Bill Prodo, P.E., Walter L. Phillips, Inc.
Mr. Christopher Morrison, FAIA, LEED AP BD+C, Perkins + Will
Mr. Jon Penndorf, AIA, LEED AP BD+C, Perkins+Will
Mr. Bernard S. Suchicital, AICP, Walsh Colucci

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Uniformed Retirement System Ordinance

ISSUE:

Authorization to advertise a public hearing on proposed amendments to Article 3 of Chapter 3 of the Code of the County of Fairfax, which sets forth the ordinance for the Fairfax County Uniformed Retirement System (URS).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing regarding the proposed amendments to the URS ordinance for the purpose of changing certain provisions with respect to severe service-connected disabilities. The URS Board of Trustees has reviewed and supports the proposed amendments.

TIMING:

Board action is requested on January 14, 2020, to provide time to advertise for a public hearing on February 11, 2020, at 3:30 p.m.

BACKGROUND:

At the November 26, 2019, meeting of its Personnel Committee, the Board was presented with several proposed amendments to severe service-connected provisions in the URS ordinance that have been requested by the URS Board of Trustees. In response, the Board directed that these amendments be scheduled as soon as possible for a public hearing.

The URS has two levels of service-connected disability benefits; ordinary service-connected disability that pays 40 percent of the salary the individual would receive at retirement and severe service-connected disability that pays 90 percent of the salary an individual would receive at retirement. This categorization of service-connected disabilities was made as part of a 1996 comprehensive study of URS disability benefits; which resulted in creation of the severe service-connected disability category.

As defined in 1996, members are only eligible to be considered for the higher severe service-connected disability benefit if they have one of the following 11 impairments suffered while on duty:

Board Agenda Item
January 14, 2020

- Loss of both hands or both feet
- Loss of one hand and one foot
- Loss of one hand and the sight of one eye
- Loss of one foot and the sight of one eye
- Loss of the sight of both eyes
- Paralysis, either paraplegia or quadriplegia
- Cancers determined to be compensable by the Virginia Workers' Compensation Commission which were caused by documented contact with a toxic substance, pursuant to Section 65.2-402(c) of the *Virginia Code*
- Loss of speech
- Loss of hearing
- A mental incapacity that meets the criteria for disability benefits under the Federal Old-Age Survivors' and Disability Insurance Act
- Hepatitis C

At their June 2019 meeting, the URS Board of Trustees was presented with and ultimately approved an application for service-connected disability retirement from a firefighter who is suffering from respiratory and other conditions resulting from his acute exposure to hazardous chemicals while responding to a significant industrial fire. However, because this impairment was not on the list of 11 impairments qualifying for severe service-connected disability, he could only be approved at the 40 percent disability level. Given the severe and permanent nature of this firefighter's impairment, staff and the URS Board believe that this type of service-connected condition should be added to the list of impairments qualifying for severe service-connected disability benefits and that the change be retroactive to June 1, 2019 to allow for the URS to consider approving this individual for severe service-connected disability.

In addition, since 1996 when the list of severe service-connected impairments was enacted, Hepatitis C is now no longer considered to be a permanent condition in over 90 percent of cases. Thus, it is recommended that the language describing this impairment be updated to only provide severe service-connected disability benefits for those whose Hepatitis C condition is permanent and incurable.

PROPOSED AMENDMENTS:

The proposed URS ordinance amendments, if adopted, would be effective retroactively to June 1, 2019. These changes would:

- Add Occupational Asthma, Occupational Pneumonitis, or Chronic Obstructive Pulmonary Disease (COPD) caused by documented exposure to toxic substances in the workplace or on the job to the list of severe service-connected disability impairments
- Amend the language for Hepatitis C to limit eligibility for severe service-connected disability benefits to individuals whose condition is permanent

Board Agenda Item
January 14, 2020

FISCAL IMPACT:

These changes do not represent benefit enhancements, would not impact the URS's funded status, and would not require an increase in the County's contribution to URS.

ENCLOSED DOCUMENTS:

Attachment 1: Amendments to Chapter 3, Article 3 (with changes noted)

STAFF:

Joseph Mondoro, Chief Financial Officer

Jeff Weiler, Executive Director, Fairfax County Retirement Systems

ASSIGNED COUNSEL:

Benjamin R. Jacewicz, Assistant County Attorney

Section 3-3-37.2. - Severe service-connected disability retirement.

(d) *Severe disability* shall mean an impairment from the list below that permanently incapacitates the member from performing the necessary duties of the position in which he or she had been employed prior to sustaining the impairment.

1. Schedule of impairments:

- (A) Loss of both hands or both feet;
- (B) Loss of one hand and one foot;
- (C) Loss of one hand and the sight of one eye;
- (D) Loss of one foot and the sight of one eye;
- (E) Loss of the sight of both eyes;
- (F) Paralysis, either paraplegia or quadriplegia;
- (G) Cancers determined to be compensable by the Virginia Workers' Compensation Commission which were caused by documented contact with a toxic substance, pursuant to Section 65.2-402(c) of the *Virginia Code* ;
- (H) Loss of speech;
- (I) Loss of hearing;
- (J) A mental incapacity that meets the criteria for disability benefits under the Federal Old-Age Survivors' and Disability Insurance Act;
- (K) ~~Hepatitis~~ Chronic Hepatitis C determined to be compensable by the Workers' Compensation Commission which was caused by documented exposure to HCV-positive blood or other potentially infectious material (OPIM) in the workplace or during work-related activities, as described in Section 65.2-402.1(a) of the Virginia Code; or
- (L) Occupational Asthma, Occupational Hypersensitivity Pneumonitis, or Chronic Obstructive Pulmonary Disease (COPD) determined to be compensable by the Virginia Workers' Compensation Commission which was caused by documented exposure to a toxic substance in the workplace or during work-related activities, as described in Section 65.2-402(c) of the Virginia Code, or otherwise determined to be compensable as an injury by accident by the Virginia Workers' Compensation Commission. This condition, added on {date} is to be applied retroactively to any service-connected disability applications submitted on or after June 1, 2019

Board Agenda Item
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ACTION - 1

Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2020 and Authorization for the Chairman to Postpone a Scheduled Meeting in the Event of Weather or Other Hazardous Conditions

ISSUE:

Board approval of its meeting schedule for January through December 2020.

RECOMMENDATION:

The County Executive recommends that the Board (1) approve the Board meeting schedule for January through December 2020 and (2) authorize the Chairman to defer any scheduled meeting to the Tuesday following a scheduled Board meeting if the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for members to attend.

TIMING:

Immediate. Virginia law requires the Board to adopt its regular schedule of meetings for calendar year 2020 at the first meeting in January.

BACKGROUND:

Previously, on July 30, 2019, staff presented the Board with a preliminary meeting schedule for calendar year 2020 for planning purposes, but Virginia Code Section 15.2-1416 requires the governing body of each county to establish the days, times, and places of its regular meetings at the annual meeting, which is the first meeting of the year. For that reason, the meeting schedule for calendar year 2020 is being presented to the Board again for formal approval. Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need may arise.

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

Board Agenda Item
January 14, 2020

authority in such an emergency, staff recommends that the Board also authorize the Chairman to continue any scheduled meeting to the following Tuesday when weather or other conditions make attendance hazardous. In that circumstance, the Board then would consider the agenda for that rescheduled meeting on that following Tuesday without further advertisement.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENT:

Attachment 1 – Proposed Meeting Schedule for Calendar Year 2020

Attachment 2 – Virginia Code Section 15.2-1416

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

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

DRAFT

2020 Board of Supervisors Meeting Schedule

January 14, 2020	May 19, 2020
January 28, 2020	June 9, 2020
February 11, 2020	June 23, 2020
February 25, 2020	July 14, 2020
March 10, 2020	July 28, 2020
March 24, 2020	September 15, 2020
April 14, 2020	September 29, 2020
<ul style="list-style-type: none"> • 9:30 to 4:00 p.m. Board Meeting • 4:00 p.m. Budget Public Hearing 	October 6, 2020
April 15 – April 16, 2020	October 20, 2020
<ul style="list-style-type: none"> • 3:00 p.m. – Budget Public Hearings 	November 17, 2020
April 28, 2020 (Budget Mark-up)	December 1, 2020
May 5, 2020	

Potential 2020 Tuesday Dates for Board Committee Meetings

(Listed below are Tuesday dates that would be available for scheduling
of Board Committee meetings in 2020)

February 4	June 30
March 17	July 7
March 31	July 21
May 12	September 22
June 2	October 27
June 16	November 24
	December 8

The Legislative Committee of the Board meets on Fridays at 4 p.m. during the General Assembly session. Those dates for 2020 are: January 17, January 24, January 31, February 7, February 14, February 21, February 28, and March 13. The Budget pre mark-up meeting is scheduled on Friday, April 24.

Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Chapter 14. Governing Bodies of Localities

§ 15.2-1416. Regular meetings

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

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

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

Regular meetings may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed. Notice of any regular meeting continued under this section shall be reasonable under the circumstances and be given as provided in subsection D of § [2.2-3707](#).

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

Code 1950, § 15-241; 1950, p. 8; 1954, c. 286; 1958, c. 291; 1960, c. 33; 1962, cc. 218, 623, § 15.1-536; 1964, c. 403; 1980, c. 420; 1994, cc. [371](#), [591](#); 1997, c. [587](#); 2004, c. [549](#); 2017, c. [616](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**RESOLUTION ESTABLISHING THE BOARD MEETING SCHEDULE FOR
CALENDAR YEAR 2020 AND AUTHORIZING THE CHAIRMAN TO RESCHEDULE
A MEETING IN THE EVENT OF WEATHER OR OTHER HAZARDOUS
CONDITIONS**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 14, 2020, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Virginia Code Section 15.2-1416 requires the Board of Supervisors of Fairfax County, Virginia, to assemble at its first meeting in January to adopt a schedule of the days, times, and places of its regular meetings in calendar year 2020; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fairfax County:

1. During Calendar Year 2020, the Board of Supervisors will meet in the Board Auditorium at 12000 Government Center Parkway, Fairfax, Virginia, on January 14, January 28, February 11, February 25, March 10, March 24, April 14, April 15, April 16, April 28, May 5, May 19, June 9, June 23, July 14, July 28, September 15, September 29, October 6, October 20, November 17, and December 1;

2. All such meetings shall generally begin at 9:30 a.m. except that the Board meetings on April 15 and 16 begin at 3 p.m.; and

3. If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regularly scheduled meeting, then that meeting shall be postponed and conducted on the following Tuesday and all hearings and other matters shall be conducted at that time without further advertisement of hearings and other matters previously advertised.

Notice of the rescheduled meeting must be given to the public in a manner reasonable under the circumstances, and contemporaneous with notice given to Board members.

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ACTION - 2

Approval of Fence Height Modification for the Police Heliport Project (Springfield District)

ISSUE:

The Police heliport, located at 4604 West Ox Road, Fairfax, VA (Tax Map 56-01 ((1)) parcel 2), is currently in design for its planned replacement on the same site. The existing heliport will be demolished, and a new heliport to include a two-bay heliport building, a helicopter landing pad, and secure parking will be constructed. An eight-foot, non-climbable, security fence is proposed to enclose the secure area of the helicopter operations.

The proposed eight-foot fence will run along Academy Drive on the west side, between the existing wet pond and the helicopter facility on the north side, enclose the secure parking lot on the east side for a portion along West Ox Road, and continue along the helicopter landing pad on the south side (see Attachment 1). The Zoning Ordinance restricts the heights of fences in R-1 uses to four feet for the front yard (West Ox Road) and seven feet for all other yards. No residential properties are in the proximity that could be affected by the fence.

RECOMMENDATION:

The County Executive recommends that pursuant to Paragraph 3G of Section 10-104 of the Zoning Ordinance, the Board approve the additional height of the proposed security fence that will surround the secured police operations area of the Police heliport. The increase will be from four feet to eight feet in the front yard, and from seven feet to eight feet in all other yards.

TIMING:

Board action is requested on January 14, 2020, to allow for the processing of the site permit.

BACKGROUND:

The replacement of the Police heliport was approved as part of the 2015 Public Safety Bond Referendum and is included in the FY 2020 – FY 2024 Adopted Capital Improvement Program (with future Fiscal Years to 2029).

Currently, the existing heliport is enclosed only by a guard rail that extends along the western side of the property along Academy Drive, and partially along the northern side

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between the wet pond and the helicopter facility, and partially along the south side along the access road to the vehicle services building. This rail is two and a half feet high and provides no security for the police staff, operations, and equipment. The helicopter building itself, as well as the parking area, are openly accessible to the public. An eight-foot, non-climbable, security fence is proposed to surround the heliport area. The fence will extend from the security gate to surround the secure parking lot in the north and in the east along West Ox Road and continue around the helicopter landing area in the south and west to completely enclose the heliport property.

The heliport is part of a larger county operations area to include the Fairfax County Fire Academy in the west of the building, and the Department of Vehicle Services building in the south. There are no residences in the immediate surroundings that could be impacted. The view from West Ox Road is shielded by existing vegetation.

Per the Zoning Ordinance, the maximum allowable fence height in a front yard is four feet and the maximum allowable fence height in all other yards is seven feet. The Zoning Ordinance (Par. 3G of Section 10-104) allows for a fence, in conjunction with a public use, to be of such height and location as approved by the Board of Supervisors.

Per the Zoning Ordinance, the property line along West Ox Road is considered the front yard. This modification would permit the fence height along West Ox Road to be increased from the zoning required four feet to eight feet. This modification will also permit an increase from seven feet to eight feet along the other three sides of the property.

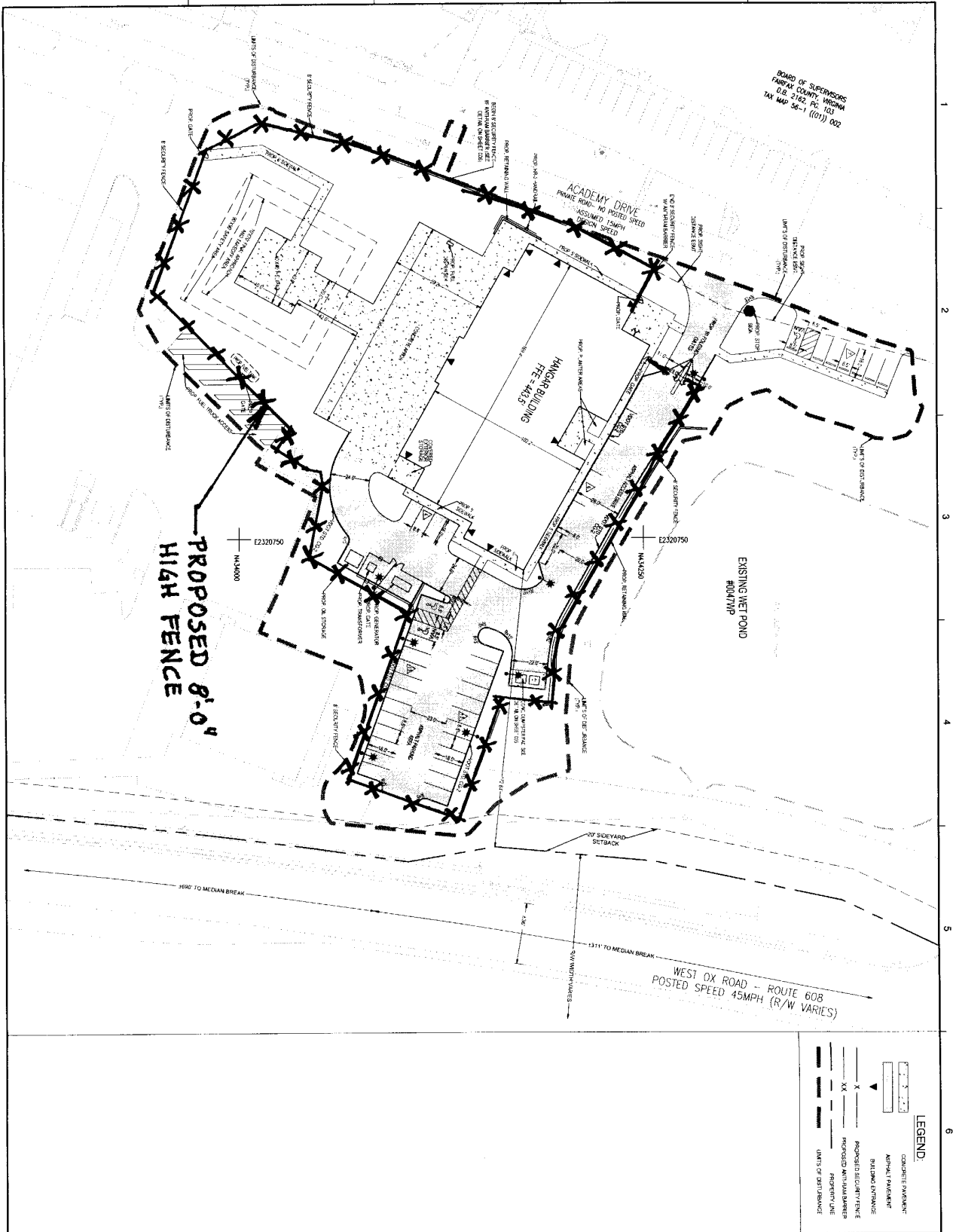
This item has been coordinated with the Department of Planning and Development.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Site Plan

STAFF:
Rachel Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N Kirkpatrick, Deputy Director, DPWES

P:\PROJECTS\10105295 - Fairfax County Police Helipad\Drawings\10105295 - SITE PLAN.dwg
 Tue, Aug 10, 2010 9:55 AM



Legend:

- Concrete Pavement
- Aerial Easement
- Building Entrance
- Proposed Security Fence
- Proposed Antenna Shelter
- Property Line
- Units of Distance

FAIRFAX COUNTY POLICE HELIPORT
 FAIRFAX COUNTY BUILDING DESIGN AND CONSTRUCTION DIVISION
 SPRINGFIELD MAGISTRAL DISTRICT
 FAIRFAX COUNTY, VA

Dewberry
 Consulting Engineers, Inc.
 11111 Lee Highway, Suite 100
 Fairfax, VA 22031
 (703) 261-1000

Scale: 1" = 20' (Horizontal)
 1" = 40' (Vertical)

North Arrow: [Symbol]

Revisions:

No.	Date	By	Description
1	8/10/10	J. [Name]	Initial Design

Site Plan

Drawn by: J. [Name]
 Checked by: J. [Name]
 Date: 8/10/10

Project No: 10105295

Sheet No: C-103 of 104

C-103

FAIRFAX COUNTY POLICE HELIPORT

INFORMATION - 1

Fairfax-Falls Church Community Services Board Fee Schedule

Since its establishment in 1969, the Fairfax-Falls Church Community Services Board (CSB) has complied with Section 37.2-504 (A) (7) of the Code of Virginia, which states the CSB shall prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the CSB Board and establish procedures for the collection of the same.

The CSB ensures compliance with the Code of Virginia by: (1) conducting a review of fee-related materials by a Committee comprised of CSB Board members and CSB staff; (2) publicizing the proposed changes in English, Spanish, Vietnamese and Korean (e.g., on the [Fairfax-Falls Church CSB](#) webpage and in CSB News); (3) posting a Notice of Public Comment and accepting written comments regarding proposed changes; and (4) accepting comments during a public CSB Board meeting. In accordance with the CSB's Memorandum of Agreement with the Board of Supervisors as well as State regulations, on November 20, 2019, the CSB Board approved a Fee Schedule with revisions to selected service charges.

The services on the Fee Schedule include outpatient, residential, and ancillary services. Fees for Virginia Medicaid State Plan Option services are set at the Medicaid reimbursement rate. Fees for outpatient services are traditionally cost-based and recorded in increments that are consistent with Current Procedural Terminology (CPT) maintained by the American Medical Association to uniformly describe medical (including psychiatric), surgical, and diagnostic services. Fees for residential services are primarily income-based due to the extended length of stay for residential treatment or the permanency of a community-living setting for individuals with an intellectual disability. Ancillary charges include usual and customary fees such as those to cover administrative costs such as copying records or returned checks and as prescribed by Fairfax County Code and/or the Code of Virginia.

The current proposed changes to the CSB Fee Schedule are primarily attributable to revising Medicaid and Medicare reimbursement rates for select services.

Unless otherwise directed by the Board of Supervisors, the County Executive will direct staff to proceed with the implementation of the revised Fee Schedule. Sufficient advance notice of fee changes must be given to consumers.

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FISCAL IMPACT:

The fee-related documents provide the CSB with uniform mechanisms to maximize revenues from clients, Medicaid, Medicare, and other health insurance plans. The FY 2020 current budget plan for the CSB includes \$16.1 million in estimated fee revenues. No material change is anticipated as a result of the proposed revisions.

ENCLOSED DOCUMENTS:

Attachment 1 - CSB Fee Schedule

Attachment 2 - Summary of CSB Fee Related Changes

STAFF:

Tisha Deeghan, Deputy County Executive

Daryl Washington, Executive Director, Fairfax-Falls Church CSB

Jessica Burris, CFO, Fairfax-Falls Church CSB

Sebastian Tezna, Director of Behavioral Health Operations, Fairfax-Falls Church CSB

Fairfax Falls Church CSB
Fee Schedule
Effective February 1, 2020

Service	Billing Procedure Code	Revenue Code (Facility Billing Only)	Subject to Ability to Pay Scale	Effective February 1, 2019	Effective February 1, 2020
Adult Day Treatment - MH	H0035-HB		Yes	\$34.78 per unit	\$34.78 per unit
A New Beginning Residential Treatment	H0010 - HB	Revenue Code(s) 1002, and DRG(s) 894-897	Yes	\$393.50 per day	\$393.50 per day
Case Management - MH	H0023		Yes	\$326.50 per month	\$326.50 per month
Case Management - DD	T1017		Yes	\$326.50 per month	\$326.50 per month
Case Management - SA	H0006		Yes	\$243.00 per month	\$243.00 per month
Cornerstones Adult Residential Treatment	H0010 - HB	Revenue Code(s) 1002, and DRG(s) 894-897	Yes		\$393.50 per day
Residential Treatment - Intermediate Rehabilitation/Reentry Services	H2034		Yes		\$175.00 per day
Contracted Residential Treatment - Intermediate Rehabilitation/Reentry			Yes	\$163 per day	\$163 per day
Crisis Intervention - Addl 30 Min	90840		Yes	\$71.28 each	\$71.28 each
Crisis Intervention	H0036 or 90839		Yes	\$37.30 per 15 minutes	\$37.30 per 15 minutes
Crisis Stabilization - Adult Residential	H2019	Revenue Code(s) 1001, and DRG(s) 876, 880-887	Yes	\$89 per hour	\$89 per hour / \$583 per diem (Facility only)
Crossroads Adult Residential Treatment	H0010 - HB	Revenue Code(s) 1002, and DRG(s) 894-897	Yes	\$393.50 per day	\$393.50 per day
Detoxification, Medical, Residential-setting	H2036 - HB	Revenue Code(s) 1002, and DRG(s) 894-897	Yes	\$750 per day	\$750 per day
Detoxification, Social, Residential-setting	H2036 - HB	Revenue Code(s) 1002, and DRG(s) 894-897	Yes	\$750 per day	\$750 per day
Drop-In Support Services, ID	-		Yes	Rate set by vendor(s) but no less than \$2 per hour and for those with incomes above 150% of FPL, apply 20% liability (based on ATP Scale) of the CSB contracted negotiated rate. If below 150% of FPL, charge \$2 per hour.	Rate set by vendor(s) but no less than \$2 per hour and for those with incomes above 150% of FPL, apply 20% liability (based on ATP Scale) of the CSB contracted negotiated rate. If below 150% of FPL, charge \$2 per hour.
Family Therapy w/out client (50 minutes)	90846		Yes	\$115.19 per event	\$115.19 per event
Family Therapy w/ client (50 minutes)	90847		Yes	\$119.82 per event	\$119.82 per event
Group Therapy/Counseling (per group, per person)	90853		Yes	\$28.74 per event	\$28.74 per event
Head Start - Services to	-		No	\$25 per 15 minutes	\$25 per 15 minutes
Independent Evaluations	-		No	\$75 each	\$75 each
Individual Therapy/Counseling (16 to 37 minutes)	90832		Yes	\$71.28 per event	\$71.28 per event
Individual Therapy/Counseling (38 to 52 minutes)	90834		Yes	\$95.33 per event	\$95.33 per event
Individual Therapy/Counseling (53 minutes or greater)	90837		Yes	\$143.01 per event	\$143.01 per event
Initial Evaluation/Assessment	90791		Yes	\$150 per event	\$150 per event
Injection Procedure	96372		Yes	\$30.20 per event	\$30.20 per event
Intensive Community Treatment	H0039		Yes	\$153 per hour	\$153 per hour
Intensive Outpatient - SA	H0015	Revenue Code 905 or 906	Yes	\$250.00 per day	\$250.00 per day
Interactive Complexity*	90785		Yes	\$15.90 add on to other clinic services when there is a factor that complicates the psychiatric service or increases the work intensity of the psychotherapy service	\$15.90 add on to other clinic services when there is a factor that complicates the psychiatric service or increases the work intensity of the psychotherapy service
Lab Tests	-		No	Actual Cost	Actual Cost
Late Cancellation or No Show	-		Yes	\$25.00	\$25.00
Legal Testimony	-		Yes	\$25 per 15 minutes	\$25 per 15 minutes
Mental Health Skill-building Service	H0046		Yes	\$91 per unit	\$91 per unit
Multi-Family Group Therapy	90849		Yes	\$41.78 per event	\$41.78 per event
Neurological Testing			Yes	\$1168 per event	\$1168 per event
New Generations Residential Treatment	H0010		Yes	\$393.50 per day	\$393.50 per day
Nursing Assessment - New Patient	99201		Yes		\$29 per event
Nursing Subsequent Care - Established Patient	99211		Yes	\$29 per event	\$29 per event
Peer Support Services - Individual/SA	T1012		Yes	\$6.50 per 15 minutes	\$6.50 per 15 minutes
Peer Support Services - Group/SA	S9445		Yes	\$2.70 per 15 minutes	\$2.70 per 15 minutes
Peer Support Services - Individual/MH	H0024		Yes	\$6.50 per 15 minutes	\$6.50 per 15 minutes
Peer Support Services - Group/MH	H0025		Yes	\$2.70 per 15 minutes	\$2.70 per 15 minutes
Physical Exam (Physician)	99385-99387		Yes	\$167 per event	\$167 per event
Psychiatric Evaluation, Medical Services	90792		Yes	\$219 per event	\$219 per event

Fairfax Falls Church CSB
Fee Schedule
Effective February 1, 2020

Service	Billing Procedure Code	Revenue Code (Facility Billing Only)	Subject to Ability to Pay Scale	Effective February 1, 2019	Effective February 1, 2020
Psychiatric Evaluation & Management Low Complexity - New Patient	99203		Yes	\$124.43 per event	\$124.43 per event
Psychiatric Evaluation & Management Moderate Complexity - New Patient	99204		Yes	\$188.16 per event	\$188.16 per event
Psychiatric Evaluation & Management Low Complexity - Established Patient	99213		Yes	\$83.92 per event	\$83.92 per event
Psychiatric Evaluation & Management Moderate Complexity - Established Patient	99214		Yes	\$123.44 per event	\$123.44 per event
Psychological Testing	-		No	\$150 per event	\$150 per event
Psychological Testing Battery	96101		Yes	\$851 per event	\$851 per event
Psychosocial Rehabilitation (1 unit = 2.0-3.99 hrs; 2 units = 4-6.99 hrs; 3 units = 7+ hrs)	H2017		Yes	\$24.23 per unit	\$24.23 per unit
Psychological Assessment, Adult Therapeutic Day Treatment	H0032 - U7		Yes	\$36.53 Per event	\$36.53 Per event
Psychological Assessment, Psychosocial Rehab	H0032 - U6		Yes	\$24.23 per event	\$24.23 per event
Psychological Assessment, Intensive Community Treatment	H0032 - U9		Yes	\$153.00 per event	\$153.00 per event
Psychological Assessment, Mental Health Skill Building	H0032 - U8		Yes	\$91.00 per event	\$91.00 per event
Release of Information: Individual	-		No	18¢ per pg up to 50 pgs; 25¢ per pg for > = 51 pgs	18¢ per pg up to 50 pgs; 25¢ per pg for > = 51 pgs
Release of Information: Research	-		No	\$10.00	\$10.00
Release of Information: Third Party	-		No	\$10 admin fee 37¢ per pg up to 50 pgs; 18¢ per pg for > = 51 pgs	\$10 admin fee 37¢ per pg up to 50 pgs; 18¢ per pg for > = 51 pgs
Release of Information: Worker's Compensation	-		No	\$15.00	\$15.00
Residential Fee ID Community Living Services	-		No	75% of gross income	75% of gross income
Residential Fee MH/SA Community Living Services	-		No	30% of gross income	30% of gross income
Returned Check (due to insufficient funds or closed account)	-		No	\$50.00	\$50.00
Skilled Nursing Waiver LPN Services	T1003		No	\$7.99 per 15 min	\$7.99 per 15 min
Skilled Nursing Waiver RN Services	T1002		No	\$9.22 per 15 min	\$9.22 per 15 min
Telehealth Facility Fee	GT Modifier		No	\$20.00	\$20.00
Transportation	-		No	\$100 per month	\$100 per month
Turning Point Program	-		Yes	\$285.71 per month	\$285.71 per month
Urine Collection & Drug Screening- Retests Only	-		Yes	\$25.00	\$25.00
Wraparound Fairfax	-		No	\$1270 per month	\$1270 per month
DDW Case Management	T2023		No	\$242.73 per month	\$242.73 per month
DDW Group Home Residential 5 person Tier 1	H2022-U2		No	\$221.80 per day	\$221.80 per day
DDW Group Home Residential 5 person Tier 2	H2022-U2		No	\$249.07 per day	\$249.07 per day
DDW Group Home Residential 5 person Tier 3	H2022-U2		No	\$276.33 per day	\$276.33 per day
DDW Group Home Residential 5 person Tier 4	H2022-U2		No	\$325.40 per day	\$325.40 per day
DDW Group Home Residential 6 person Tier 1	H2022-U3		No	\$214.99 per day	\$214.99 per day
DDW Group Home Residential 6 person Tier 2	H2022-U3		No	\$238.84 per day	\$238.84 per day
DDW Group Home Residential 6 person Tier 3	H2022-U3		No	\$266.10 per day	\$266.10 per day
DDW Group Home Residential 6 person Tier 4	H2022-U3		No	\$316.88 per day	\$316.88 per day
Partial Hospitalization Psychiatric Patient	S0201	Revenue Code 912	Yes		\$500 per diem
Partial Hospitalization Substance Abuse Patient	S0201	Revenue Code 913	Yes		\$500 per diem
PERS Medication Monitoring	S5185		No	\$58.41	\$58.41
PERS Monitoring	S5161		No	\$35.05	\$35.05
PERS Installation	S5160		No	\$58.41	\$58.41
PERS Installation & Medication Monitoring	S5160-U1		No	\$87.62	\$87.62
DDW Skilled Nursing, Registered Nurse	S9123		No	\$11.28 per 15 min	\$11.28 per 15 min
DDW Skilled Nursing, Licensed Practicle Nurse	S9124		No	\$9.78 per 15 min	\$9.78 per 15 min
DDW Transition Services	T2038		No	Unit varies/\$5000 yearly limit	Unit varies/\$5000 yearly limit
DDW Assistive Technology, Maintenance Costs Only	T1999-U5		No	Unit varies/\$5000 yearly limit	Unit varies/\$5000 yearly limit
DDW Environmental Mods	S5165		No	Unit varies/\$5000 yearly limit	Unit varies/\$5000 yearly limit

Summary of Changes to CSB 2019-2020 Fee Related Documents

Ability to Pay Scale

- ***Synchronizes*** the Ability to Pay Scale income levels with the Federal Poverty Levels published by the federal government every January.
- ***Increase*** the upper limit of 350% to 450% in order to provide greater access to subsidy for lower middle-class families.

Fee Schedule

- ***Updated*** outpatient, residential, medical, and ARTS services to maximize Medicare, Medicaid, and Commercial insurance reimbursement. A general increase was not requested in this review cycle.

Board Agenda Item
January 14, 2020

10:20 a.m.

Matters Presented by Board Members

11:10 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Biscayne Contractors, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2018-0014893 (Fx. Co. Cir. Ct.)
 - 2. *Richard D. Jurgens and Kristen B. Jurgens v. Board of Supervisors, Fairfax County, Fairfax County Department of Tax Administration, Jay Doshi, Director, and Fairfax County Department of Finance, Christopher Pietsch, Director*, Case No. CL-2019-0010551 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 3. *Laboratory Corporation of America v. County of Fairfax, Virginia*, Case Nos. CL-2018-0018274; CL-2019-0006739 (Fx. Co. Cir. Ct.)
 - 4. Application of Washington Gas Light Company to Increase Rates, PUE-2018-00080 (Va. State Corp. Comm'n) (All Districts)
 - 5. *Farid Saleh and Miraj Bibi v. Officer Imran Farooq and Fairfax County*, Case No. 1:19-cv-01546 (E.D.Va.)
 - 6. *Mateusz Fijalkowski v. M. Wheeler, S. Adcock, S. Blakely, R. Bronte-Tinkew, C. Clark, J. Grande, R. Jakowicz, L. Labarca, L. McNaught, W. Mulhern, M. Zesk, Sean Brooks, and American Pool, Inc.*, Appeal No. 19-1262 (U.S. Ct. of App. for the Fourth Cir.)
 - 7. *Curtiss Davis v. Edwin C. Roessler Jr.*, Case No. 1:19-cv-1254 (E.D. Va.)
 - 8. *Glenn Myer v. Uriah Kennedy, Gentox Medical Services, Chris Seymour, Matt Riddle, Sharon Bulova, OFC I.L. Palencia, PFC Tajweer Beaufort, SGT Mike Porter, and Fairfax County*, Case No. 1:18-cv-547 (E.D. Va.)
 - 9. *Richard Miller v. Douglas A. Comfort, Amanda Skowronski, and Jason Friedman*, Case No. 1:19-cv-1252 (E.D.Va.)

10. *Brett A. Payne v. Officer Adalikwu*, Case No.: GV19-026437 (Fx. Co. Gen. Dist. Ct.)
11. *Viola Laird v. County of Fairfax, Virginia*, Appeal No. 18-2511 (U.S. Ct. of App. for the Fourth Cir.)
12. *Willie A. McCallum v. Fairfax County Department of Public Works and Environmental Services*, Case No. 1:19-cv-724 (E.D.Va.)
13. *Zhihua He v. George Robbins*, Case No. CL-2018-0011920 (Fx. Co. Cir. Ct.)
14. *Mary Ann Johnson v. Elizabeth Ann Proper*, Case No. GV19-003053 (Fx. Co. Gen. Dist. Ct.)
15. *Linda Owens v. Jennifer Svites and the County of Fairfax, Virginia*, Case No. CL-2018-0011036 (Fx. Co. Cir. Ct.)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory S. Souders*, Case No. GV19-041522 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Walter R. Mahler and Shyamala K. Mahler*, Case No. CL-2019-0015999 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. FSI Properties, LLC*, Case No. CL-2019-0011149 (Fx. Co. Cir. Ct.) (Dranesville District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. N Edgewood, LLC*, Case No. CL-2019-0017069 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven D. Brown and Beth K. Brown*, Case No. GV19-042121 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lecia A. Reeve*, Case No. GV19-017467 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bruce A. Blackerby*, Case No. CL-2019-0005679 (Fx. Co. Cir. Ct.) (Hunter Mill District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hunter Mill Vista II, LLC, Prestige Lawn & Landscapes, LLC, and Timothy J. Badillo*, Case No. CL-2019-0017204 (Fx. Co. Cir. Ct.) (Hunter Mill District)

25. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Harry Marshall Studds*, Case No. CL-2018-0007593 (Fx. Co. Cir. Ct.) (Lee District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Borislav Bulatovic*, Case No. CL-2019-16611 (Fx. Co. Cir. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Byron G. Yuman*, Case No. CL-2019-0016808 (Fx. Co. Cir. Ct.) (Lee District)
29. *David L. Clayton v. Board of Supervisors of Fairfax County, Virginia; County of Fairfax, Virginia; White Horse Four, LLC; FW-VA Festival at Manchester, LLC; and Lucy Elizabeth Arrington*, Case No. CL-2018-0012862 (Fx. Co. Cir. Ct.) (Lee District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Alwadi, LLC*, Case No. CL-2019-017284 (Fx. Co. Cir. Ct.) (Lee District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Zabiullah Ahmed*, Case No. CL-2019-0014187 (Fx. Co. Cir. Ct.) (Lee District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jacob N. Griffith and Kwanchanok Phasuk Griffith*, Case No. CL-2019-0012882 (Fx. Co. Cir. Ct.) (Lee District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Walter J. Grandjean and Mary A. Grandjean*, Case No. GV19-027230 (Fx. Co. Gen. Dist. Ct.) (Lee District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lou Ann Ogden Warner*, Case No. GV19-026358 (Fx. Co. Gen. Dist. Ct.) (Lee District)
35. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Shahid Ahmad*, Case No. CL-2019-0012458 (Fx. Co. Cir. Ct.) (Mason District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William L. Stewart*, Case No. CL-2019-0016177 (Fx. Co. Cir. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Cadima*, Case No. CL-2018-0012765 (Fx. Co. Cir. Ct.) (Mason District)

38. *Zaaki Restaurant and Cafe, LLC v. County of Fairfax, Virginia and Brian F. Foley, Building Official*, Case No. CL-2019-0015682 (Fx. Co. Cir. Ct.) (Mason District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Annette W. Baker*, Case No. CL-2018-0015211 (Fx. Co. Cir. Ct.) (Mason District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan C. Rosell*, Case No. CL-2019-0012481 (Fx. Co. Cir. Ct.) (Mason District)
41. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia Joyce Saltess*, Case No. CL-2019-0001906 (Fx. Co. Cir. Ct.) (Mount Vernon District)
42. *Elizabeth Perry, Fairfax County Property Maintenance Code Official v. Jeffrey D. Holt*, Case No. CL-2019-0017203 (Fx. Co. Cir. Ct.) (Mount Vernon District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. ABC Properties, Inc.*, Case No. CL-2019-0017286 (Fx. Co. Cir. Ct.) (Mount Vernon District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2019-0014360 (Fx. Co. Cir. Ct.) (Mount Vernon District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard R. Stone*, Case No. CL-2019-0009487 (Fx. Co. Cir. Ct.) (Mount Vernon District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John A. McEwan and Mary Lou McEwan*, Case No. CL-2019-0008365 (Fx. Co. Cir. Ct.) (Mount Vernon District)
47. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Hausenfleck and Susan Brassfield-Hausenfleck*, Case No. CL-2019-0014369 (Fx. Co. Cir. Ct.) (Mount Vernon District)
48. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Holly P. Fay and John Willoughby*, Case No. GV19-027231 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
49. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Vivian A. Lingenfield*, Case No. GV19-017073 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cecilio Marchante*, Case No. GV18-029284 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Faical Rihane*, Case No. CL-2019-0007204 (Fx. Co. Cir. Ct.) (Providence District)

52. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Milestone Properties in Fairfax, LLC, and Armstrong, Green, and Embrey, Inc.*, Case No. CL-2019-0016759 (Fx. Co. Cir. Ct.) (Providence District)
53. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Steven Sherman*, Case No. CL-2019-0016948 (Fx. Co. Cir. Ct.) (Providence District)
54. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Leo S. Morrison, Jr. and Marquerita S. Morrison*, Case No. CL-2019-0015807 (Fx. Co. Cir. Ct.) (Springfield District)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. CRA MAC Holdings, LLC*, Case No. CL-2018-0000145 (Fx. Co. Cir. Ct.) (Springfield District)
56. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Humayun Khalid and Bilkis Ansari*, Case No. GV19-041511 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Anthony Shiflette*, Case Nos. GV19-024386 and GV19-024374 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
58. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lois Foley, William F. Foley, David L. Foley and G&C Fleet Service, L.L.C.*, Case No. CL-2019-0016449 (Fx. Co. Cir. Ct.) (Sully District)
59. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Loren W. Hershey and Birgit Hershey*, Case No. CL-2019-0016688 (Fx. Co. Cir. Ct.) (Sully District)
60. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Peyton Properties, LLC*, Case No. GV19-041794 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item
January 14, 2020

3:30 p.m.

Public Hearing on RZ 2018-DR-018 (L&F Frying Pan, LLC) to Rezone from R-1 to PDH-5 to Permit Residential Development with an Overall Density of 4.76 Dwelling Units per Acre and Approval of the Conceptual Development Plan, Located on Approximately 7.35 Acres of Land (Dranesville District)

This property is located the S. side of Frying Pan Rd., E. of the intersection with Sunrise Valley Dr. Tax Map 24-2 ((1)) 2, 3 and 4.

PLANNING COMMISSION RECOMMENDATION:

On November 20, 2019, the Planning Commission voted 10-0-1 (Commissioner Clarke abstained from the vote and Commissioner Niedzielski-Eichner was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2018-DR-018 and its associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated October 29, 2019;
- Waiver of Par. 2 of Sect. 11-302 of the Zoning Ordinance to allow private streets to be in excess of 600 feet in length; and
- Waiver of Sect. 17-201 of the Zoning Ordinance to allow a shared use path in lieu of an on-road bike facility.

In a related action, the Planning Commission voted 10-0-1 (Commissioner Clarke abstained from the vote and Commissioner Niedzielski-Eichner was absent from the meeting) to approve FDP 2018-DR-018 subject to the development conditions dated November 18, 2019, and the Board of Supervisors' approval of the concurrent rezoning application.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Sharon Williams, Planner, DPD

Board Agenda Item
January 14, 2020

3:30 p.m.

Public Hearing on SE 2019-MA-004 (Chick-Fil-A, Inc.) to Permit a Restaurant with Drive-Through in a Highway Corridor Overlay District, Located on Approximately 1.12 Acres of Land Zoned C-6, CRD, SC and HC (Mason District)

This property is located at 7120 Little River Tpke, Annandale, 22003. Tax Map 71-1 ((1)) 110, 111 and 112.

PLANNING COMMISSION RECOMMENDATION:

On December 11, 2019, the Planning Commission voted 12-0 to defer the decision only on this application to a date certain of January 8, 2020. The Planning Commission's recommendation will be forwarded following decision.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Sharon Williams, Planner, DPD

Board Agenda Item
January 14, 2020

3:30 p.m.

Public Hearing on RZ 2019-SP-006 (Christopher Land, LLC) to Rezone from R-1, R-3 and HC to R-3, PDH-3 and HC to Permit Residential Development and a Private School of Special Education with a Total Density of 2.97 Dwelling Units per Acre, Located on Approximately 12.32 Acres of Land (Springfield District) (Concurrent with SEA 97-S-001)

and

Public Hearing on SEA 97-S-001 (Christopher Land, LLC) to Amend SE 97-S-001 Previously Approved for a Private School of Special Education and Parking in R Districts to Modify the Land Area and Development Conditions, Located on Approximately 3.91 Acres of Land Zoned R-1, R-3 and HC (Springfield District) (Concurrent with RZ 2019-SP-006)

This property is located on the S. side of Tuttle Rd. and E. side of Louis Edmond Ct. Tax Map 79-3 ((4)) 26A, 27A1, 27B and 31B.

This property is located at 8519 and 8533 Tuttle Rd., Springfield, 22152. Tax Map 79-3 ((4)) 26A (pt.), 27A1 (pt.) and 31B (pt.).

PLANNING COMMISSION RECOMMENDATION:

On October 24, 2019, the Planning Commission voted 9-0-2 (Commissioners Tanner and Strandlie abstained from the vote and Commissioner Murphy was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2019-SP-006, subject to the execution of proffered conditions consistent with those dated October 10, 2019;
- Waiver of Par. 2 of Sect. 11-302 of the Zoning Ordinance to exceed the maximum length of 600 feet for the private street for the PDH-3 District;
- Approval of SEA 97-S-001, subject to the proposed development conditions dated October 1, 2019;

Board Agenda Item
January 14, 2020

- Waiver of Par. 1 of Sect. 17-201 of the Zoning Ordinance for interparcel pedestrian walkways between the private school of special education and the residential development;
- Reaffirmation of a waiver of Sect. 13-203 of the Zoning Ordinance for the 10-foot peripheral parking lot landscaping strip along Tuttle Road;
- Reaffirmation of the modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening requirements; and
- Waiver of Sect. 13-304 of the Zoning Ordinance for the barrier requirement for the school of special education.

In a related action, the Planning Commission voted 9-0-2 (Commissioners Tanner and Strandlie abstained from the vote and Commissioner Murphy was absent from the meeting) to approve FDP 2019-SP-006, subject to the final development conditions dated October 1, 2019.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Wanda Suder, Planner, DPD

Board Agenda Item
January 14, 2020

3:30 p.m.

Public Hearing on PCA 2016-HM-035/CDPA 2016-HM-035 (CRS Sunset Hills, LC) to Amend the Proffers and Conceptual Development Plan for RZ 2016-HM-035, Previously Approved for a Mixed-Use Development to Permit Modifications to Proffers and Site Design at a 3.68 Floor Area Ratio, Located on Approximately 8.44 Acres of Land Zoned PDC (Hunter Mill District)

This property is located on the S. side of Sunset Hills Rd., W. side of Wiehle Ave., N. side of Reston Station Blvd. Tax Map 17-4 ((1)) 14A, 17A (pt.), 17B and 20.

The Board of Supervisors deferred this public hearing at the October 29, 2019 meeting until January 14, 2020, at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On October 16, 2019, the Planning Commission voted 10-0 (Commissioners Tanner and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2016-HM-035 and the associated Conceptual Development Plan Amendment, subject to the execution of proffered conditions consistent with those dated September 30, 2019;
- Modification of Sect. 2-505 of the Zoning Ordinance on the Use Limitations on Corner Lots to permit the proposed building, landscaping, and sign locations within sight triangles formed by the streets along the corner lot as shown on the CDPA/FDPA and as proffered;
- Modification of Sect. 11-203 of the Zoning Ordinance for the loading space requirement in favor of the loading spaces depicted on the CDPA/FDPA;
- Modification of Sect. 13-303 of the Zoning Ordinance for the transitional screening and waiver of Sect. 13-304 of the Zoning Ordinance for barrier requirement in favor of the landscaping shown on the CDPA/FDPA;
- Modification of Par. 4 of Sect. 17-201 of the Zoning Ordinance for the widening of Sunset Hills Road in favor of that shown on the CDPA/FDPA and in the proffers; and

**To be Deferred to
1/28/2020 at 3:30
p.m.**

Board Agenda Item
January 14, 2020

- Modification of Public Facility Manual Standards 12-0510 4E(5) to permit a reduction of the minimum planting width requirement from eight feet to four feet as shown on the CDPA/FDPA and as proffered.

In a related action, the Planning Commission voted 10-0 (Commissioners Tanner and Strandlie were absent from the meeting) to approve FDPA 2016-HM-035, subject to the development conditions dated October 2, 2019.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Mary Ann Tsai, Planner, DPD

Board Agenda Item
January 14, 2020

4:00 p.m.

Public Hearing on PCA 84-S-038-02 (Dominion Electric Supply Company, Inc.) to Amend RZ 84-S-038 Previously Approved for Warehouse with Associated Office and Retail Uses to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.22, Located on Approximately 3.59 Acres of Land Zoned I-5, WS, AN and HC (Sully District)

This property is located on the S. side of Lee Jackson Memorial Hwy., approximately 300 ft. E. of its intersection with Westfax Dr. Tax Map 34-3 ((1)) 2A.

PLANNING COMMISSION RECOMMENDATION:

On November 20, 2019, the Planning Commission voted 11-0 (Commissioner Niedzielski-Eichner was absent from the meeting) to recommend to the Board of Supervisors approval of PCA 84-S-038-02, subject to the execution of proffered conditions consistent with those dated October 18, 2019.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Zach Fountain, Planner, DPD

Board Agenda Item
January 14, 2020

4:00 p.m.

Public Hearing on PCA 2010-LE-009/CDPA 2010-LE-009 (MR Liberty View One, LLC and MR Liberty View West, LLC C/O Monument Realty) to Amend the Proffers and Conceptual Development Plan for RZ 2010-LE-009, Previously Approved for Commercial Development with a Floor Area Ratio of 1.5 to Permit a Residential Building and Associated Modifications to Proffers and Site Design at a Floor Area Ratio of 1.5, Located on Approximately 12.94 Acres of Land Zoned PDC (Lee District)

This property is located in the N.W. quadrant of the intersection of Franconia-Springfield Pkwy. and Beulah St. Tax Map 91-1 ((4)) 2, 2A, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7, 7A, 8, 8A, 9, 9A, 10, 10A, 11, 11A, 13, 13A, 14, 14A, 15, 15A, 16, 16A, 17, 17A, 18, 18A, 19, 19A, 20, 20A, 21, 21A, 22, 22A, 23, 23A, 24, 24A, 25, 500, 500A, and 501.

The Board of Supervisors deferred this public hearing at the October 29, 2019 meeting until January 14, 2020, at 4:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On October 17, 2019, the Planning Commission voted 10-0 (Commissioners Strandlie and Tanner were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2010-LE-009 subject to the execution of proffered conditions consistent with those dated October 9, 2019;
- Modification of the loading requirements for a residential use per Sect. 11-201 and Sect. 11-203 of the Zoning Ordinance in favor of the loading as shown on the CDPA/FDPA;
- Reaffirmation of the modification of the loading space requirement for the hotel and office uses to that shown on the CDPA/FDPA;
- Reaffirmation of the waiver of the transitional screening and barrier requirements between uses within the PDC District;
- Reaffirmation of the waiver of the 600-foot private street length requirement;

Board Agenda Item
January 14, 2020

- Reaffirmation of the modification of the transitional screening requirement and waiver of the barrier requirement along the southern and eastern boundaries of the site in favor of that shown on the CDPA/FDPA; and
- Reaffirmation of the waiver of the peripheral parking lot landscaping requirements for the subject site in favor of that shown on the CDPA/FDPA.

In a related action, the Planning Commission voted 10-0 (Commissioners Strandlie and Tanner were absent from the meeting) to approve FDPA 2010-LE-009, subject to the development conditions dated October 2, 2019.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Kelly Posusney, Planner, DPD

Board Agenda Item
January 14, 2020

4:00 p.m.

Public Hearing on SE 2019-MV-017 (Semia Yusuf D/B/A Panda Child Care) to Permit a Home Child Care Facility, Located on Approximately 3,442 Square Feet of Land Zoned PDH-5 (Mount Vernon District)

This property is located at 9935 East Hill Dr., Lorton, 22079. Tax Map 113-2 ((8)) 28.

PLANNING COMMISSION RECOMMENDATION:

On November 20, 2019, the Planning Commission voted 11-0 (Commissioner Niedzielski-Eichner was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2019-MV-017, subject to the development conditions dated October 9, 2019.

ENCLOSED DOCUMENTS:

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<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Joseph Onyebuchi, Planner, DPD

Board Agenda Item
January 14, 2020

4:00 p.m.

Public Hearing to Convey Board-Owned Properties on Fair Ridge Drive to the Fairfax County Redevelopment and Housing Authority (Sully District)

ISSUE:

Public hearing regarding the conveyance of Board-owned properties located on Fair Ridge Drive to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey Board-owned properties on Fair Ridge Drive to the FCRHA.

TIMING:

On December 3, 2019, the Board authorized the advertisement of a public hearing to convey Board-owned property on Fair Ridge Drive to the FCRHA.

BACKGROUND:

The Board of Supervisors is the owner of three parcels located near the intersection of Lee-Jackson Memorial Highway (Route 50) and Fair Ridge Drive and identified by Tax Map Parcel Nos. 0463 01 0008, 0009 and 0009A (Fair Ridge Properties). The vacant parcels, totaling approximately one acre, are the residue of the land incorporated into the West Ox Road/Route 50 interchange.

The FCRHA is evaluating the possibility of partnering with a private developer pursuant to the terms of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), or through other development means, to construct affordable housing units on the Property. The creation of a new housing development for individuals with low to moderate incomes (the Project) anticipates a rezoning approval. The rezoning applications would be reviewed at public hearings by both the Planning Commission and the Board. The public will be afforded several opportunities to comment on the design of the Project and its possible impacts on the surrounding communities. Initial public outreach efforts are expected to begin as soon as the developer selection process is completed.

Staff recommends that the conveyance of the Fair Ridge Properties to the FCRHA be subject to the condition that the parcels must be used in connection with the Project. In the event the FCHRA no longer pursues the Project, the Authority will transfer

Board Agenda Item
January 14, 2020

ownership of the properties back to the Board. Staff recommends that any public utilities located on the property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

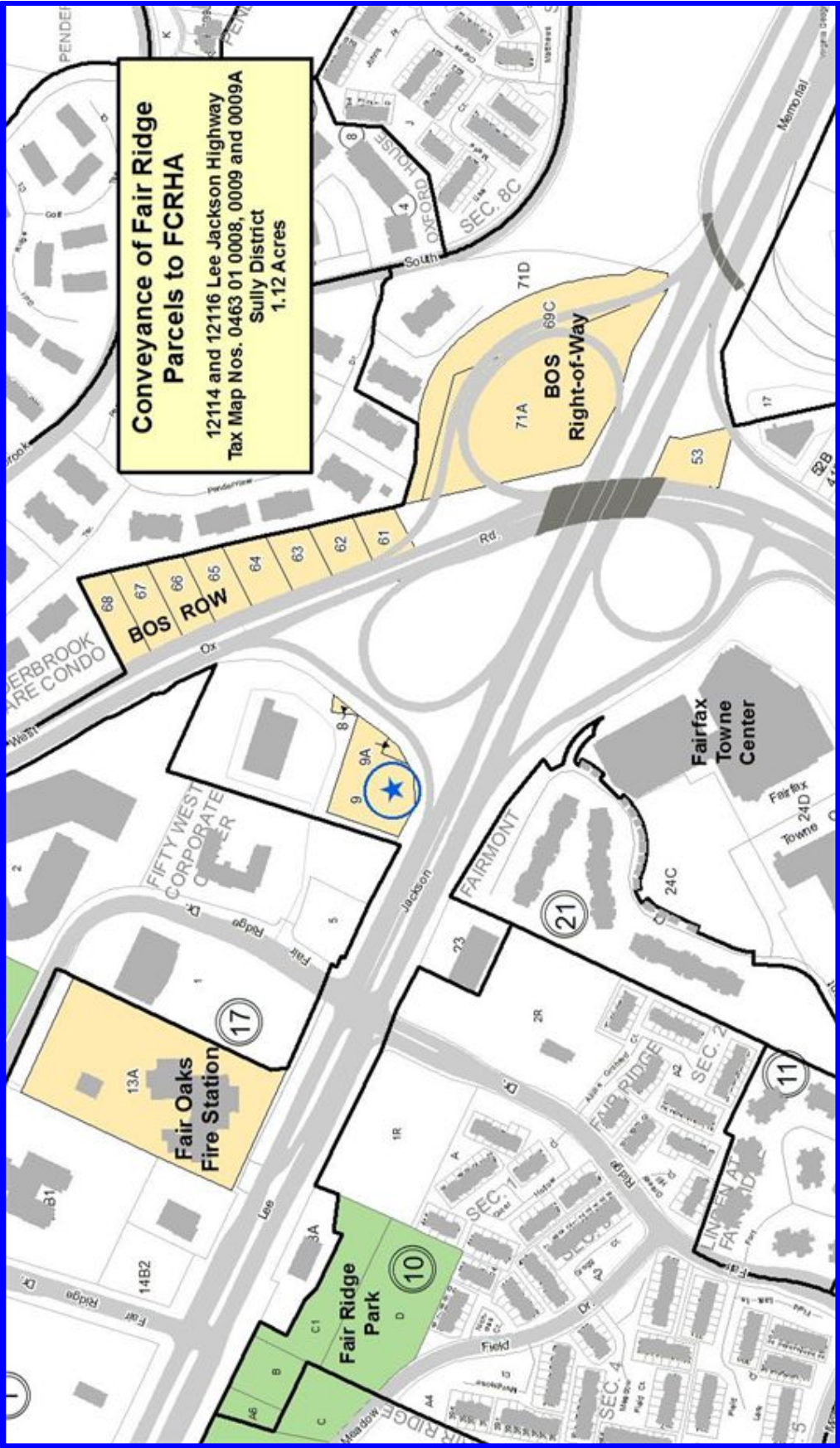
To allow development through the PPEA process for the affordable housing project, it is necessary for the Board to transfer fee simple ownership of the Fair Ridge Properties to the FCRHA, which would in turn grant a selected developer limited authorization to initiate the rezoning process and obtain other necessary governmental approvals for the site.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map
Attachment 2 – Resolution

STAFF:
Joseph M. Mondoro, Chief Financial Officer
Tisha Deeghan, Deputy County Executive
Thomas E. Fleetwood, Director, Department of Housing and Community Development
José A. Comayagua, Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:
Alan M. Weiss, Assistant County Attorney



RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, January 14, 2020, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors owns approximately 1.0 acre of land in Sully District near the intersection of Lee-Jackson Memorial Highway (Route 50) and Fair Ridge Drive, identified as Tax Map Parcel Nos. 0463 01 0008, 0009 and 0009A (the Fair Ridge Properties),

WHEREAS, the Fairfax County Redevelopment and Housing Authority has requested the Board of Supervisors to transfer the Fair Ridge Properties to the FCRHA for incorporation into an affordable housing development,

WHEREAS, the Board has no current or planned use for the Fair Ridge Properties,

WHEREAS, the Board finds that it would be in the best interest of the residents of Fairfax County to convey the real property as described above to the FCRHA.

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that the County Executive is hereby authorized to execute all necessary documents to convey the real property described above to the FCRHA.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
January 14, 2020

4:30 p.m.

Public Hearing on SE 2018-DR-020 (Fair Light LLC) to Permit a Waiver of Minimum Lot Size Requirements, Located on Approximately 2.54 Acres of Land Zoned R-1 (Dranesville District)

This property is located at 8514 Lewinsville Rd., McLean, 22102. Tax Map 29-1 ((3)) 13.

PLANNING COMMISSION RECOMMENDATION:

On December 11, 2019, the Planning Commission voted 10-0-2 (Commissioners Strandlie and Tanner abstained from the vote) to recommend to the Board of Supervisors approval of SE 2018-DR-020, subject to the development conditions dated December 4, 2019.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Katelyn Quinn, Planner, DPD

Board Agenda Item
January 14, 2020

4:30 p.m.

Public Hearing on PCA 93-V-028-03 (9360 Richmond Hwy LLC) to Amend the Proffers for RZ 93-V-028 Previously Approved for Drive-in Financial Institution to Permit an Office Use and Associated Modification to Proffers and Site Design with an Overall Floor Area Ratio of 0.128, Located on Approximately 3.55 Acres of Land Zoned C-5 (Mount Vernon District) (Concurrent with SEA 2007-MV-031)

and

Public Hearing on SEA 2007-MV-031 (9360 Richmond Hwy LLC) to Amend SE 2007-MV-031 Previously Approved for a Drive-Through Pharmacy and Drive-in Financial Institution to Permit Deletion of Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 1.25 Acres of Land Zoned C-5 (Mount Vernon District) (Concurrent with PCA 93-V-028-03)

This property is located on the N. side of Lorton Rd. and W. side of Richmond Hwy. Tax Map 108-3 ((2)) 2A and 2B.

This property is located at 9360 Richmond Hwy., Lorton, 22079. Tax Map 108-3 ((2)) 2B.

PLANNING COMMISSION RECOMMENDATION:

On December 11, 2019, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of PCA 93-V-028-03 and the associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated December 11, 2019; and
- Approval of SEA 2007-MV-031.

ENCLOSED DOCUMENTS:

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STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Joseph Onyebuchi, Planner, DPD

Board Agenda Item
January 14, 2020

4:30 p.m.

Public Hearing on SE 2019-SU-016 (Sadaf Azhar Rashid Khan) to Permit a Home Child Care Facility, Located on Approximately 1,267 Square Feet of Land Zoned PRM and WS (Sully District)

This property is located at 13967 Endeavour Dr., Herndon, 20171. Tax Map 24-4 ((7)) (8) 10.

PLANNING COMMISSION RECOMMENDATION:

On December 11, 2019, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of SE 2019-SU-016, subject to the proposed development conditions dated November 26, 2019.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Zach Fountain, Planner, DPD