



FAIRFAX COUNTY PLANNING COMMISSION

September 18, 2019

PUBLIC HEARING FOR PLANNING DETERMINATION

Pursuant to
Va. Code Sec. 15.2 - 2232

Public Hearing Date: October 2, 2019 at 7:30 p.m.

Application Number: **456A-S80-08-1**

Applicant: **Fairfax County Department of Public Works and Environmental Services (DPWES)**

Proposed Use: The Crisis Care Program

Supervisor District: Braddock District

Subject Property Tax Map ID: 56-4 ((1)) 10 and 56-4 ((1)) 11

Subject Property Address: 4410 Shirley Gate Road

Area of Subject Property: 2.49 acres

Application Accepted: January 7, 2019

Recommendation: In accordance with Va. Code Sec. 15.2-2232, as amended, staff recommends that the Planning Commission find the proposal by the Fairfax County Department of Public Works and Environmental Services, to renovate and repurpose the existing Boys Probation House including minor exterior site improvements to house the County's Crisis Care program operated by the Fairfax County Community Services Board located at 4410 Shirley Gate Road, **is substantially in accord** with provisions of the adopted Comprehensive Plan.

PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



Number: 456A-S80-08-1

Acreage: 2.48 Ac.

District: Braddock

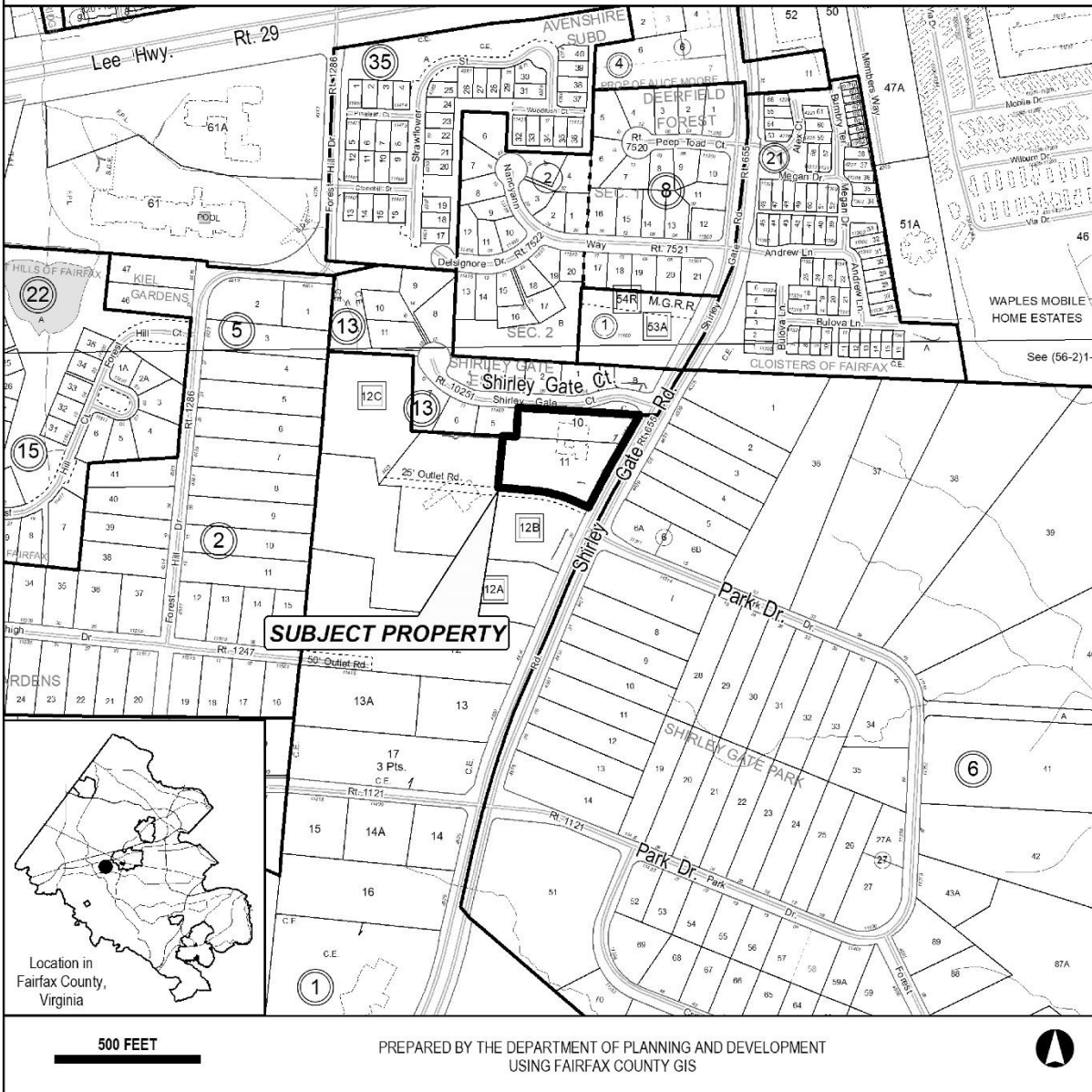
Tax Map ID Number: 56-4 ((1)) 10; 56-4 ((1)) 11

Address: 4410 Shirley Gate Road
Fairfax, VA 22030

Planned Use: Residential @ .1-.2 DU/AC

Applicant: Department of Public Works
and Environmental Services,
Capital Facilities, Building Design Branch

Proposed Use: Public Facilities, Governmental & Institutional (Crisis Care Facility)



APPLICATION***Attachment A***

Proposal: Renovate and repurpose the existing Boys Probation House to house the County's Crisis Care Program operated by the Community Services Board.

Applicant: Fairfax County Department of Public Works and Environmental Services (DPWES), Capital Facilities

Subject Property: 4410 Shirley Gate Road
Fairfax, VA 22030
Tax map 56-4 ((1)) 10 and 56-4 ((1)) 11

Size and location: The 2.49-acre site is located on the corner Shirley Gate Road and Shirley Gate Circle. The Islamic Center Northern Virginia Trust is to the south, the Fairfax Korean Church is to the north, and there are single-family detached houses to the east, north, and west.

Existing Conditions: The site currently is developed with the approximately 10,300-square foot Boy's Probation House and a 13-space parking lot. The existing conditions exhibit and photographs can be found in the application (*Attachment A*).

Comprehensive Plan and Zoning District: The Comprehensive Plan Map identifies the property for residential use, with a .1-.2 DU/AC. The property is zoned R-C. Additional Plan guidance is provided below under "Comprehensive Plan Provisions."

Project Justification: The Crisis Care Facility provides crisis stabilization and treatment services for adults through the Community Services Board (CSB). At present, the Crisis Care Program operates out of a building leased from Inova Health System at 3340 Woodburn Road in Annandale. This facility dates back to the 1960's and has outlived its useful life. Furthermore, the current building does not meet the evolving needs as of the Crisis Care Program as the program has grown due to changing trends, methods of treatments, and demographics. In order to meet these demands, renovation of the existing facility, relocating the program, or building a new facility is required.

Proposed Use: The Crisis Care Program offers crisis stabilization treatment services for adults as an alternative to psychiatric hospitalization.

DISCUSSION

Proposed Facility: The Crisis Care Program would be housed within the existing 10,300 SF Boys Probation House. DPWES proposes only one exterior change to the building: replacing an existing door with a window to match the aesthetics of the remainder of the building. Otherwise, they plan to make only interior renovations and reconfigurations to the existing building, although several site improvements are planned. Currently, a basketball court and parking lot share the paved area to the south of the building. In DPWES's proposal, the basketball hoops will be removed, and the court will be restriped for use as additional parking for visitors and staff. A generator on a concrete pad will be placed behind the rear of the building, and 8-foot-tall board-on-board fencing will be constructed to separate the backyard and parking lot.

Hours of Operation: The hours of operation for the Crisis Care Facility are expected to remain the same as those for the existing Boys Probation House. Due to the nature of the services provided

by the Crisis Care Program, the facility would be open 24 hours a day, although most trips to and from the building would be 7am–8am and 7pm–8pm. Visiting hours would be Wednesday, 8pm–5pm and Sunday 12pm–4pm.

Service Area: The Crisis Care Facility is the only facility of its kind operated by the CSB, and it is intended to serve residents of the Northern Virginia region.

Parking: The existing Boys Probation House has 13 parking spaces, including one handicap parking space. In order to meet the Crisis Care Program’s needs, an additional 10 parking spaces are being proposed on the site. Because the new parking spaces would be produced by restriping the existing basketball court, no site disturbance will be required.

Access: The existing entrance/exit from the site to Shirley Gate Road will be maintained.

Anticipated Impacts

Traffic Impacts: The applicant has stated that the proposed community center is not expected to generate significantly more trips than the current Boys Probation House. DPWES anticipates that there will be two additional visitors each day, and 4–6 more staff members between both the day and night shifts.

Noise Impacts: The applicant states that the facility will not have any major on- or off-site noise impact other than that generated by the vehicles accessing the facility. It is expected that on average, an emergency vehicle will be used to transport clients in and out of the facility no more than once a week.

Water quality/Stormwater management: No change in water quality is anticipated. The existing water and sanitary sewer services are anticipated to be adequate to support the proposed renovation. The existing storm water management will remain the same.

Lighting: If additional parking lot lighting is deemed necessary, it will be appropriately scaled for the facility size and compatible with existing lighting. The light fixtures will meet the Zoning Ordinance standards for full cutoff fixtures.

Landscaping: The building renovation will have a minimal or no environmental impact on the adjacent properties. No mature trees are anticipated to be removed in the overall site development plan and no change of erosion control is expected. Fences are being provided in accordance with the requirements of the Zoning Ordinance. Appropriate setbacks and buffers are provided in accordance with the Zoning Ordinance.

Alternate locations: The existing Crisis Care Program, located at 3300 Woodburn Road in Annandale, leased from Inova Health System was considered as an alternative location. The proposed site was selected because it is a much more cost effective and permanent solution than renovating the existing, leased facility or building a new facility at the leased Woodburn site. The Boys Probation House location is also advantageous because the Crisis Care Program can remain at its current location while renovations are completed.

DESCRIPTION OF SURROUNDING AREA**Adjacent and Nearby Land Uses:**

- Subject property – Two contiguous lots, developed as the ~10,300 SF Boys Probation House.
- North – Single-family detached homes and the Fairfax Korean Church.
- East – Single-family detached homes.
- South – The Islamic Center Northern Virginia Trust.
- West – Single-family detached homes and The Islamic Center Northern Virginia Trust.

COMPREHENSIVE PLAN PROVISIONS

Comprehensive Plan Map: Subject property planned for Residential at .1-.2 DU/AC.

Planning Area, District, and Sector: Area III, Bull Run Planning District, BR7 – Braddock Community Planning Sector

Land Use Recommendations:

Subject property – Residential use at .1-.2 DU/AC

- North – Residential use at 1-2 DU/AC (Plan Map)
- East – Residential use at .1-.2 DU/AC (Plan Map)
- South – Residential use at .1-.2 DU/AC (Plan Map)
- West – Residential use at 1-2 DU/AC (Plan Map)

COMPREHENSIVE PLAN GUIDANCE

The subject property is located in the Area III, Bull Run Planning District, BR7 – Braddock Community Planning Sector. The Comprehensive Plan Map identifies the property as planned for residential use at .1-.2 DU/AC.

An assessment of this proposal for substantial conformance with land use recommendations of the Comprehensive Plan (“the Plan”) is guided by the following citations:

FAIRFAX COUNTY COMPREHENSIVE PLAN, 2017 Edition
Bull Run Planning District, Amended through 10-16-2018
BR7-Braddock Community Planning Sector, Page 92

AREA III

“Public Facilities

4. Expand the Boy’s Probation Home to 22 beds. This facility is located on Parcels 56-4 ((1)) 10 and 11 on the west side of Shirley Gate Road.”

FAIRFAX COUNTY COMPREHENSIVE PLAN, 2017 Edition
Human Services, Amended through 3-4-2014, Pages 2 – 3

POLICY PLAN

“Objective 1: Identify the most appropriate service delivery system options, and their impact on facilities for delivery of human services.

Objective 2: Coordinate the planning and use of facilities with human service providers.

Objective 3: Encourage the location of new facilities to increase their accessibility.”

FAIRFAX COUNTY COMPREHENSIVE PLAN, 2017 Edition
Human Services, Amended through 3-4-2014, Page 12

POLICY PLAN

“MENTAL HEALTH, MENTAL RETARDATION AND ALCOHOL AND DRUG SERVICES

INTRODUCTION

The Fairfax-Falls Church Community Services Board provides a wide range of services to residents with mental health, mental retardation, and substance abuse problems. These include emergency, outpatient/case management, day treatment, residential, inpatient, prevention, and early intervention services. Services are offered through directly operated and contract programs and in coordination with other public agencies. The Community Services Board, by joint agreement, provides residential services for residents of Fairfax County, the City of Fairfax and the City of Falls Church, a total population base of 909,500 as of 1995.”

FAIRFAX COUNTY COMPREHENSIVE PLAN, 2017 Edition
Human Services, Amended through 3-4-2014, Page 16

POLICY PLAN

“Objective 26: Provide for the outpatient/case management, and other treatment needs of persons with mental illness, mental retardation, and substance abuse problems through outpatient/case management centers.

- Policy a. Establish mental health centers on a regional basis with satellite offices as appropriate. Locate centers on the periphery of residential areas or in commercial or office areas. The size of these centers are dependent upon the number of services offered on a site. If feasible, they should be reasonably accessible to public transportation. Co-locate outpatient treatment for substance abuse with mental health centers, when appropriate. These centers may be located in Human Service Centers.”

STAFF ANALYSIS: See *Attachments B-F* for detailed discussion.

Department of Planning and Zoning

- Zoning Administration Division – Ordinance Administration ***Attachment B***
The Zoning Administration Division (ZAD) reviewed the application and determined that the CSB Crisis Care Program is a public use under the Zoning Ordinance and is therefore permitted by right at 4410 Shirley Gate Road without any additional zoning approvals. The Crisis Care Program is subject to the R-C District requirements and other applicable regulations.

Department of Public Works and Environmental Services

- Urban Forest Management Division ***Attachment C***
Urban Forest Management (UFMD) review comments for this project note that some landscape planting located at the northern and eastern property boundaries are either missing or in poor health. UFMD recommend replacing landscaping that is either missing or in poor health.

Department of Land Development Services

- Site Development and Inspections Division (SDID) *Attachment D*
Storm water management review comments regarding water quality and quantity controls for this project note the compliance requirements for Best Management Practices, stormwater detention, and outfall channel and flood protection. Future stormwater pond retrofit projects (PH81-0004 & 0005) have been identified for the two existing onsite SWM/BMP ponds into which portions of the site will drain.

Fairfax County Department of Transportation

- Transportation Planning Section *Attachment E*

No comment.

Virginia Department of Transportation*Attachment F*

No objections or concerns upon its approval.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Va. Code Sec. 15.2-2232, as amended, requires the Planning Commission to determine whether the general location or approximate location, character, and extent of the proposed center, are substantially in accord with the adopted Comprehensive Plan.

Location

This site, with the existing Boys Probation House, was considered the best option for locating the Crisis Care Program. While the Comprehensive Plan map identifies tax map parcels 56-4 ((1)) 10 and 11 for residential development at .1-.2 DU/AC, the area plan notes the existence of the CSB-operated Boys Probation House and recommends maintaining it at its current location. Furthermore, the 4410 Shirley Gate location resides near the center of the Crisis Care Program's service area and at the periphery of a residential area.

Character

The character of the Crisis Care Facility will remain largely unchanged from the Boy's Probation House. It will continue to be operated by the CSB to offer human services to residents of the Northern Virginia region

The only proposed exterior change to the existing building is to replace an existing door with a window for aesthetic continuity. No mature trees are expected to be removed from the site. Minor site alterations include the placement of a generator to the rear of the building, restriping the basketball court for use as additional parking, and installation of 8-foot tall board-on-board fencing in the backyard.

Extent

The extent of the Crisis Care Facility will remain unchanged from the existing 10,300 SF Boy's Probation House. No adverse impacts to visual character, noise, environment, and water quality are expected from the proposed facility.

CONCLUSIONS AND RECOMMENDATIONS

Staff concludes that the subject proposal by the Fairfax County Department of Public Works and Environmental Services to renovate and repurpose, including minor exterior site improvements, to house the County's Crisis Care Program operated by the Fairfax County Community Services, satisfies the criteria of location, character, and extent as specified in Va. Code Sec. 15.2-2232, as amended (*Attachment G*). Staff therefore recommends that the Planning Commission find the subject Application 456A-S80-08-1, substantially in accord with provisions of the adopted Comprehensive Plan.

Section 15.2-2232 Review
Crisis Care Facility
 Project HS-000038-002
 March 26, 2019
 Revised on April 30, 2019
 Revision 2: July 10, 2019

PART III: STATEMENT OF JUSTIFICATION

A. DESCRIPTION OF THE PROPOSED USE:

- **Project Description:**

The site is located at 4410 Shirley Gate Road in Fairfax, Virginia. The property is zoned R-C with a site area of approximately 2.49 acres. The building is defined by a rectangular single-story building with a courtyard inside and with a single-story element protrude out at southeast corner, all with slope roofs. The property is bounded by Shirley Gate Court to the north, Shirley Gate Road to the southeast, Islamic Center Northern Virginia Trust to the southwest, and a single-family residence to the west. The site is generally flat with a gentle slope from southwest corner to northeast. The driveway leading from Shirley Gate Road to basketball court and parking area along the driveway is relatively flat. There are mature trees scattered along the perimeter of the site and especially on the west side of property. Existing access to the site is from Shirley Gate Road. Currently, there are 13 parking spaces including 1 space marked as accessible. ~~Half of~~ The existing basketball court will be restriped to accommodate additional parking and compensate the two parking spaces lost from bringing the existing parking space to current code.

The site is currently developed with an existing Boys Probation House building that is approximately 10,300 square feet (SF). The proposed project scope includes reconfiguration of the interior spaces and renovation of existing structure and infrastructure. The project will also include restriping ~~half of~~ the existing basketball court to provide additional parking for visitors and staff, security fencing and associated site work. The project intent is to have no site disturbance to reduce costs and code requirement. The renovated space will be repurposed for Crisis Care Facility providing crisis stabilization treatment services for adults through the Fairfax County Community Services Board (CSB).

- **Area to be served by proposed use:**

The proposed Crisis Care Program is located in Braddock District and the facility is intent to serve for the residents of Northern Virginia region.

- **Maintenance requirements and frequency:**

Standard janitorial services, facility and equipment repairs, and routine grounds maintenance will be provided.

B. REQUIREMENT FOR PROPOSED USE:

- **Why the new/expanded facility is needed:**

The Crisis Care Program is currently located in Woodburn Facility at 3340 Woodburn Road in Annandale (Providence District), a leased building from Inova. This facility provides crisis stabilization treatment services for adults as an alternative to psychiatric hospitalization through the Fairfax County Community Services Board (CSB). The 1960's existing facility has outlived its useful life. Also, with the growth of the program in response to the changing trends, methods of treatments and demographics, the current building, with its numerous deficiencies, presented many challenges to the services provided. Therefore, renovating, building new or relocation is needed to meet the facility demands.

- **Why proposed location is the best location for the proposed use:**

A feasibility study was conducted to evaluate several options for the Crisis Care Facility including renovating the leased Woodburn building, building new building on site or relocation.

The Boys Probation House Program, currently located at 4410 Shirley Gate Road in Fairfax, is relocating to the former Transitional Living Program space available at the Juvenile Detention Center. With this, the opportunity arose to repurpose the facility. A facility specific feasibility study determined that the Crisis Care Program can be accommodated in the Boys Probation House with Minor interior renovations. This would be a much more cost effective, efficient and a permanent solution than renovating/building new at the exiting leased Woodburn site. Also, the facility is near the major roadways including Route 50 and I-66 which allows ease of accessibility to the site from all parts of the County.

- **Why proposed location and type of facility is the least disruptive alternative:**

Repurposing of a county building to continue providing human services will be the most efficient and least disruptive approach. The proposed location is proximate to the major roadways, including Route 50 and I-66 which provide ease of access to all areas within the county. This site is located in a community with one side facing to Shirley Gate Road, adjacent to a Church on northside and an Islamic Center on south. Access will be provided to and from the site at the current entrance location on Shirley Gate Road.

C. ANTICIPATED IMPACTS / MITIGATION:

- **Visual impacts:**

The repurpose of the existing building will mainly focus on interior renovation and the building exterior will remain to be the same with the exception of a change out of a door to a window to match the aesthetics of the remainder of the building. Additionally, a couple of approximately 8 feet tall board on board fence will be provided at the backyard side of the building for patients' security and new generator.

- **Noise and light impacts:**

The facility will not have any major on or off-site noise impact other than that generated by the vehicles accessing the facility ~~and the activities on existing basketball court.~~ No more than once a week, emergency vehicle will be used to transport clients in and out. Appropriate setbacks and buffers are provided in accordance with the Zoning Ordinance. If additional parking lot lighting is deemed necessary for security, it will be appropriately scaled for the facility size and compatible to existing lighting. The light fixtures will meet the Zoning Ordinance Standards for full cut off fixtures.

- **Air and water quality:** No change in air and water quality is anticipated. The existing water and sanitary sewer services are anticipated to be adequate to support the proposed renovation. The existing storm water management will remain to be same.
- **Environmental:**
The building renovation will have a minimal or no environmental impact on the adjacent properties. No mature trees are anticipated to be removed in the overall site development plan. Fences were provided in accordance with the requirements of the Zoning Ordinance. The design for the renovation will use the LEED Green Building principals and minimize environmental impact.
- **Transportation (including trip generation):**
~~Slightly increase of traffic~~ ~~No additional traffic~~ is expected to be generated from the Crisis Care Program. ~~The staffing level will increase slightly from an average of 10 to 14 each shift, use since approximate staffing levels,~~ hours of operation will remain the same as the existing Boy's Probation House. The parking is generally used for staff and visitors. The access to the site for both the staff, patient and visitor will remain the same. ~~The existing Boys Probation House program currently has 12 boys. From 8-5pm, there are an average of 10 staff members, and 4-6 staff members during night. The proposed crisis care program expects to have up to 16 clients, and 22 staff on shift with no more than 14 staff during the day, and 6 staff during night. The current site has 13 parking spaces including 1 handicap parking, thus additional 10 parking spaces were proposed to accommodate the user agency's needs. Estimated visitors for each program are 4 and 6 daily accordingly. The additional staffs and 2 additional visitors each day will generate very limited additional trips. Most of the clients will be transport the site using a facility van, the vehicles do not have emergency siren and flashing lights. No more than once a week, emergency vehicle will come in and out of the facility.~~
- **Mitigation Measures:**

To minimize any security and noise impact, the security of the building and the site will be taken into consideration. No mature tree removal or change of erosion control is expected. Appropriate setbacks and buffers were provided in accordance with the Zoning Ordinance. Additional fence and new security system will be provided. If additional parking spaces lighting is deemed necessary for security, it will be appropriately scaled for the facility size and compatible to existing lighting. The light fixtures will meet the Zoning Ordinance Standards for full cut off fixtures.

D. CONFORMANCE WITH THE COMPREHENSIVE PLAN AND OTHER STANDARDS

- **Comprehensive Plan policies and guidelines that directly support the proposal**

In Fairfax County Comprehensive Plan 2017 edition amended through November 20, 2018, Area II Fairfax Planning district identified improvements needed for the Woodburn Mental Health Center to meet its future demands. The facility was identified in Planning Sector F2 Mantua Community to include an additional individual clinical treatment space, group rooms, public areas, equipment and storage space, administrative office space and a parking structure.

- **Relevant standards/criteria supporting the facility and location**

The use of a Public Facility is in general conformance with the Fairfax County Comprehensive Plan, 2017 edition amended through November 20, 2018 community human service Policy Plan. The proposed project further supports the following county wide objectives and policies.

Objective 1: Identify the most appropriate service delivery system options, and their impact on facilities for delivery of human services. Policy c. Provide human services when the county is the most efficient, effective or is the only available provider.

Objective 2: Coordinate the planning and use of facilities with human service providers. Policy a. Analyze use of existing facilities, co-location options, and alternative facility configurations as a cooperative effort among human service agencies as a component of the overall facilities planning process.

Objective 3: Encourage the location of new facilities to increase their accessibility. Policy e. Select facilities and sites to be central to the areas they are intended to serve.

E. ALTERNATIVE SITE CONSIDERED FOR THE PROPOSAL:

- **Other properties**

The existing Crisis Care Program is located at 3300 Woodburn Road in Annandale (Fairfax Planning District) leased from Inova and was considered as an alternative location.

- **Other locations on the subject property**
3300 Woodburn Road, Annandale VA

- **Reasons for rejecting each alternative location**

The existing Crisis Care Program is located at 3300 Woodburn Road in Annandale (Fairfax Planning District) leased from Inova. This 1960's facility is outlived its useful life and doesn't meet the growing program needs. The leased facility was scheduled for renovation as part of 2020 Human Services Bond Referendum in the amount of \$10 million; however, the repurposing of the BPH will eliminate the need for this bond financing and a funding of \$3.5 million was provided for the renovation to accommodate the Crisis Care Program. This would be a much more cost effective, efficient and permanent solution than renovating/building new at the existing leased Woodburn site.

**2232 PUBLIC FACILITY REVIEW
(Non-Telecommunications)**

**County of Fairfax, Virginia
Application for Determination
Pursuant to
Virginia Code Section 15.2-2232**



*** This area to be completed by staff ***

APPLICATION NUMBER _____

(Please Type or Clearly Print)

PART I: APPLICATION SUMMARY**LOCATION OF PROPOSED USE**

Address 4410 Shirley Gate Road

City/Town Fairfax County Zip Code 22030

Place Name (if at county facility) The Crisis Care Program

Tax Map I.D. Number(s) 56-4-((1))-10 & 56-4-((1))-11

Fairfax County Supervisor District Braddock

Total Area of Subject Parcel(s) 2.48811 acres (0.8949 acres + 69400 sf)

Zoning District R-C

APPLICANT(S)

Name (Company or Agency) DPWES, Capital Facilities, Building Design Branch

Agent Name Jun Li

(Note: Failure to notify County of a change in agent may result in application processing delays)

Agent's Mailing Address 12000 Government Center Parkway, Suite 449

City/Town Fairfax State VA Zip Code 22035

Telephone Number (703) 324-2434 Fax (703) 324-4356

E-mail Jun.Li@fairfaxcounty.gov

Secondary Contact (Must Be Provided) Allison Terzigni

Telephone Number (703) 324-5165 E-mail Allison.Terzigni@fairfaxcounty.gov

**PROPERTY OWNER(s) OF RECORD**Owner Fairfax County Board of SupervisorsStreet Address 12000 Government Center Parkway, Suite 552City/Town Fairfax State VA Zip Code 22035Has property owner been contacted about this proposed use? Yes ☒ No ☐**BRIEF DESCRIPTION OF PROPOSED USE**

The project includes reconfiguration of the interior space and renovation of existing structure to re-purpose the existing Boys Probation House to the Crisis Care Program. The project will also include re-striping half of the existing basketball court to provide additional parking, security fencing with associated minimal site work. The project intent is to have no site disturbance to reduce costs and code requirement.

PRIOR TELECOMMUNICATIONS APPROVAL(S)

Research and provide all previous 2232, 456, 6409, or "Feature Shown" (FS) approvals for the applicant carrier that is the subject of this application. Provide explanation for any conflicting information between previous approval(s) of record and the information shown in this current application.

N/A

PRIOR ZONING APPROVAL(S)

Research and provide previous zoning approvals (RZ, SE, SP, VC, etc.) for all uses on site such as proffered conditions, special exceptions, special permits, variances, or development plans. This applies to any carrier with telecommunication equipment on the subject property.

There is no previous Zoning application found for the project site.

**SIGNATURE**

The undersigned acknowledges that additional Fairfax County land use review requirements may be identified during the review of this 2232 Review application and the fulfillment of such requirements is the responsibility of the applicant. The undersigned also acknowledges that all Fairfax County Zoning Ordinance requirements pertaining to this project shall be fulfilled.

In the event a new agent is assigned responsibility for this application, the applicant agrees to provide a letter to the Department of Planning and Zoning authorizing the transfer of responsibility for the application and providing all new contact information. In the event the applicant fails to notify County staff of a change in agent, the application may be subject to processing delays.

Signature of Applicant or Agent _____

Date _____

Submit completed application to:

**Chris Caperton, Chief, Facilities Planning Branch
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5507
(703) 324-1380**

EXHIBIT A

Property Identification Map

Section 15.2-2232 Review
Crisis Care Facility
Project HS-000038-002
March 26, 2019



PART II: SUPPORTING MATERIALS AND INFORMATION

A. PROPERTY IDENTIFICATION MAP



EXHIBIT B
Proposed Site Plan

CURVE DATA						
NO.	RAD.	ARC	DELTA	TAN	CHORD	CH. BEARING
1	535.91'	102.61'	21°39'39"	102.53'	201.40'	N73°44'08"W
2	2915.79'	174.91'	03°26'13"	174.88'	525°19'52"W	

6. C5, Multi-Use Court: ADD the following note:
 *Parking space striping shall be VDOT Class D, Non-metallic-backed plastic film, yellow color.
7. C5, Multi-Use Court: ADD the following note:
 *Provide screw-on type removable covers for the volleyball net post sleeves.

EXISTING	LEGEND	PROPOSED
474	CONTOUR	474
---	PROPERTY LINE	---
---	STORM SEWER	---
---	SANITARY SEWER	---
---	WATER LINE	---
---	UNDERGROUND ELECTRIC	---
---	CONCRETE SIDEWALK	---
---	CLEAN OUT	---
---	FIRE HYDRANT	---
---	WATER VALVE	---
---	MANHOLE	---
---	OVERHEAD ELECTRIC	---
---	FENCE	---
---	TREE TO REMAIN	---
---	CONCRETE CURB	---
---	BITUMINOUS PAVEMENT	---
---	SPOT ELEVATION	---
---	DRAINAGE SWALE	---
---	LIMITS OF CLEARING & GRADING	---
---	LIGHT POLE	---
---	DRAINAGE STRUCTURE	---

EXISTING PARKING: 13 Spaces
 (Including 1 Handicap)

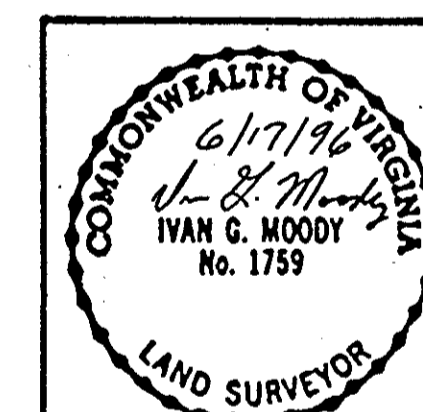
PROPOSED PARKING: 23 Spaces
 (Including 1 Handicap)

GENERAL NOTES

- ALL CONSTRUCTION SHALL CONFORM TO FAIRFAX COUNTY, PUBLIC FACILITIES MANUAL AND OR VDOT STANDARDS AND SPECIFICATIONS.
- ALL BASE, SUBBASE, AND SUBGRADE MATERIAL SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY AS DETERMINED BY METHOD "A" PER STANDARD PROCTOR AASHTO-T99 OR ASTM-D-696 WITHIN PLUS OF MINUS 2.0% OF OPTIMUM MOISTURE. DENSITY MUST BE CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER.
- ALL LAND WHICH IS DISTURBED BY THIS DEVELOPMENT AND WHICH IS NOT BUILT UPON OR SURFACED SHALL BE SEEDDED.
- ALL SANITARY SEWERS AND RELATED APPURTENANCES SHALL BE PLACED IN ACCORDANCE WITH FAIRFAX COUNTY STANDARDS AND SPECIFICATIONS.
- ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY THE CONTRACTOR PRIOR TO BEGINNING ANY CONSTRUCTION IN THE VICINITY OF THESE UTILITIES.
- MEASURES TO CONTROL EROSION AND SILTATION SHALL BE PROVIDED PURSUANT TO, AND IN COMPLIANCE WITH, CURRENT STATE AND LOCAL REGULATIONS. HOWEVER, THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE CONTRACTOR OF ANY LEGAL RESPONSIBILITY WHICH MAY BE REQUIRED BY THE STATE OF VIRGINIA OR ANY ORDINANCE INACTED BY FAIRFAX COUNTY.
- ALL UTILITIES INSTALLED AS PART OF THIS PROJECT SHALL BE PLACED UNDERGROUND. THE HORIZONTAL & VERTICAL LOCATION OF UNDERGROUND GAS, CABLE TV, AND TELEPHONE UTILITIES SHOWN ON THESE PLANS WAS TAKEN FROM AVAILABLE INFORMATION. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF SAID UTILITIES PRIOR TO BEGINNING EXCAVATION IN THE VICINITY THEREOF.
- SURVEY INFORMATION: BOUNDARY AND TOPOGRAPHY INFORMATION TAKEN FROM SURVEY PREPARED BY FAIRFAX COUNTY D.P.V., SURVEY BRANCH DATED JANUARY, 1992. PROPERTY LOCATED ON TAX MAP NO. 36-4-001-10411.
- CONTRACTORS SHALL NOTIFY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATION AT LEAST TWO WORKING DAYS, BUT NOT MORE THAN TEN WORKING DAYS, PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION.
- SURFACED STREETS AND SURFACED PARKING AREAS SHALL BE MAINTAINED IN A CLEAN CONDITION -- MUD AND DUST FREE -- AT ALL TIMES, AND ADEQUATE MEANS SHALL BE PROVIDED TO CLEAN TRUCKS AND OTHER EQUIPMENT USING SURFACED STREETS AND PARKING AREAS.
- ALL UTILITY PIPE TRENCHING AND PIPE BEDDING SHALL BE IN ACCORDANCE WITH FAIRFAX COUNTY STANDARD DPV-6.
- CONTRACTOR SHALL NOT DISTURB ANY EXISTING TREES DURING THE CONSTRUCTION PROCESS UNLESS OTHERWISE NOTED. TREE PROTECTION SHALL BE PROVIDED WHEN WORKING IN VICINITY OF EXISTING TREES AS PER FAIRFAX COUNTY STANDARDS.
- THE EXISTING FACILITY IS TO REMAIN IN OPERATION WHILE CONSTRUCTION WORK IS BEING DONE. ALL UTILITY WORK SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE, AND SHALL BE SEQUENCED AND PERFORMED IN AN EXPEDITIOUS MANNER TO MINIMIZE ANY IMPACTS TO THE EXISTING FACILITY OPERATION.
- PROVIDE TEMPORARY BITUMINOUS PAVEMENT IN AREAS OF EXISTING PAVEMENT DISTURBED BY UNDERGROUND CONSTRUCTION AS REQUIRED TO MAINTAIN VEHICULAR TRAFFIC.
- SEE STRUCTURAL DRAWINGS FOR CONCRETE PAD DETAILS.
- NO SPECIAL EXCEPTION IS REQUIRED FOR THIS PROJECT.
- SANITARY SEWER FOR THIS SITE FLOWS THROUGH THE CITY OF FAIRFAX. THE CITY HAS REVIEWED THESE PLANS AND HAS NO COMMENTS. (CONTACT: STEVE WRIGHT)
- ALL FINAL GRADING AND PLANTING SHALL BE DONE IN SUCH A MANNER AS TO PRECLUDE THE PONDING OF WATER ON THE SITE.
- THIS FACILITY IS MAINTAINED BY FAIRFAX COUNTY, THEREFORE NO MAINTENANCE AGREEMENT IS REQUIRED FOR BMP DETENTION FACILITIES.
- ALL PARKING LOT COBRA HEAD LIGHTING SHALL BE PROVIDED BY AND INSTALLED BY VA POWER.

- ① 8000 (LM) SODIUM VAPOR COBRA HEAD CONCRETE POLE
- ② 14000 (LM) SODIUM VAPOR COBRA HEAD CONCRETE POLE

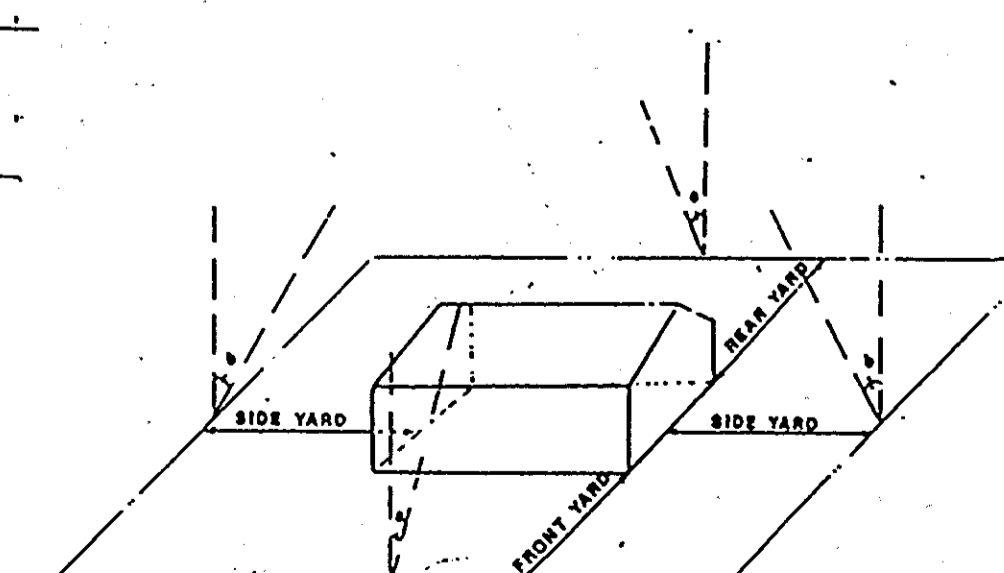
21. PAVEMENT MARKINGS: STRIPE LOADING AREA AND MARK WITH "LOADING AREA NO PARKING" (8" LETTERS).
22. SEE ARCH DWGS FOR DIMENSIONS AND DETAILS FOR PATIO, COURTYARD, SIDEWALK DIMENSIONS, AND SIDEWALK JOINT LOCATIONS.



AS-BUILT

CONSULTANTS, INC.
 CONSTRUCTION CONSULTANTS • TESTING & INSPECTION • ENGINEERING & SURVEYING
 14221-B WILLARD ROAD SUITE 100
 CHANTILLY, VIRGINIA 22021
 TEL: (703) 803-6411
 FAX: (703) 803-8085

MINIMUM REQUIRED YARD FOR BUILDING WITH 21' HEIGHT



FRONT YARD: 4' 50' WITH A BUILDING HEIGHT OF 21', THE FRONT YARD 25' BUT NOT LESS THAN 40'

SIDE YARD: 4' 45' WITH A BUILDING HEIGHT OF 21', THE SIDE YARD 21' BUT NOT LESS THAN 20'

REAR YARD: 4' 45' WITH A BUILDING HEIGHT OF 21', THE REAR YARD 21' BUT NOT LESS THAN 25'

FIRE LANE MARKINGS AND SIGNS:

- INDICATES CURBS OR PAVEMENT EDGE THAT SHALL BE PAINTED WITH YELLOW PAINT AS APPROVED BY THE FAIRFAX COUNTY FIRE PREVENTION DIVISION.
- TYPE "A" SIGN PARALLEL TO CURB OR PAVEMENT EDGE.
- TYPE "C" SIGN PARALLEL TO CURB OR PAVEMENT EDGE.
- TYPE "D" SIGN PERPENDICULAR TO CURB OR PAVEMENT EDGE. SEE SHEET C-11 FOR FIRE LANE SIGN DETAILS.

SITE PLAN

SCALE: NTS
 CALCULATED BY DAVE GUERRA OF FCWA ON 7-14-92

ELEV.	FH. NO.	PRESSURES - LBS. SQ. IN.			FLOW - G.P.M.	
		STATIC	RESID	PITOT	RECORDED	#20 P.S.I.
472'	11	49	39	---	1000	1750

LOT 6A
 KATTERMAN, F.R.H. JR. & ROBIN
 TAX MAP 56-4-6-6A
 4415 SHIRLEY GATE ROAD
 USE: SFD

LOT 5
 VU, THIEN D. & LOC H. TRAN
 TAX MAP 56-4-6-5
 4409 SHIRLEY GATE ROAD
 USE: SFD

LOT 4
 MALEK MOHAMADI, CHRISTA & AHMAD
 TAX MAP 56-4-6-4
 4405 SHIRLEY GATE ROAD
 USE: SFD

LOT 3
 DEE, VIOLET Z.
 TAX MAP 56-4-6-3
 4401 SHIRLEY GATE ROAD
 USE: SFD

PROPOSED SITE PLAN
 CHANGE IN RED

March 26, 2019
 Revised on April 30, 2019
 Revision 2 - July 8, 2019

Gauthier, Amador & Associates, Inc.
 Architecture Engineering Planning

PROJECT TITLE

BOYS PROBATION HOME

COUNTY OF FAIRFAX
 PROJECT 471/89A006

AS-BUILT

REVISIONS

NO.	DATE	DESCRIPTION

DRAWN KE

CHECKED MG

DRAWING TITLE

CIVIL

SITE PLAN

DATE 6/30/93

DRAWING NUMBER

C 5

RECORD
 DRAWING

#670

Site As-Built - Sheet 2 of 3

EXHIBIT C
Photography of Site

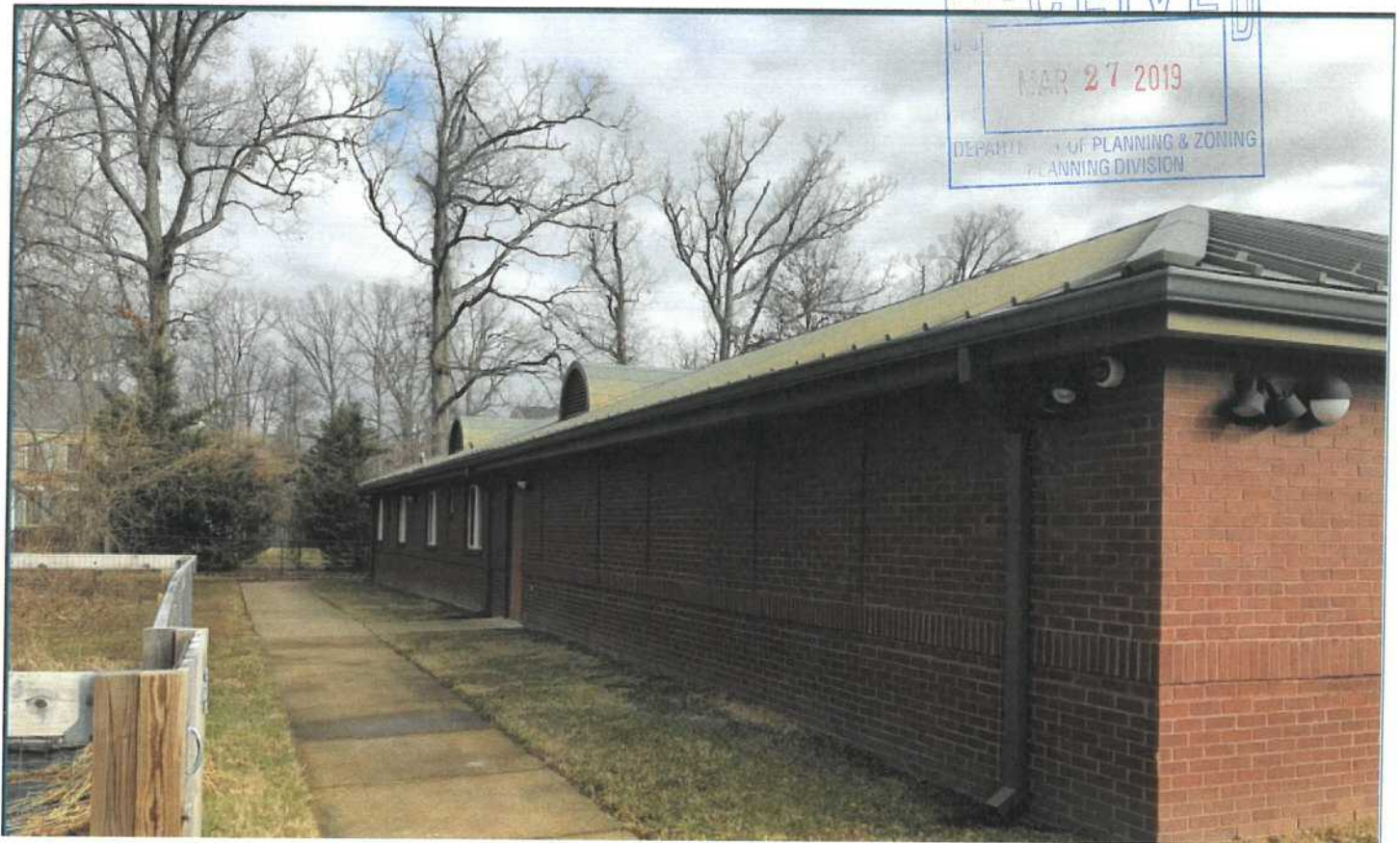


1- View from Shirley Gate Road

Rectangle jli000



2-View to Existing Basketball Court



3- West View



South View



5- North View

South View

EXHIBIT D
Proposed Plan & Elevation



WOODBURN FEASABILITY STUDY

FIRST FLOOR PLAN - DEMOLITION

MAY 02, 2018



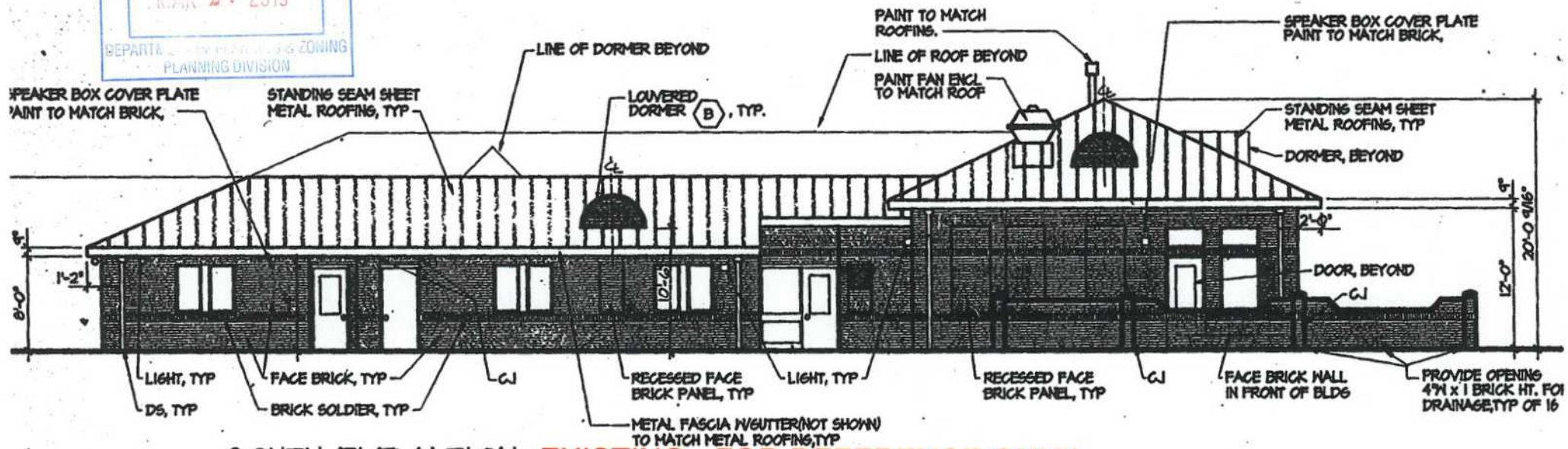
RECEIVED
MAR 27 2019
DEPARTMENT OF PLANNING & ZONING
PLANNING DIVISION



WOODBURN FEASABILITY STUDY FIRST FLOOR PLAN - PROPOSED

MAY 02, 2018



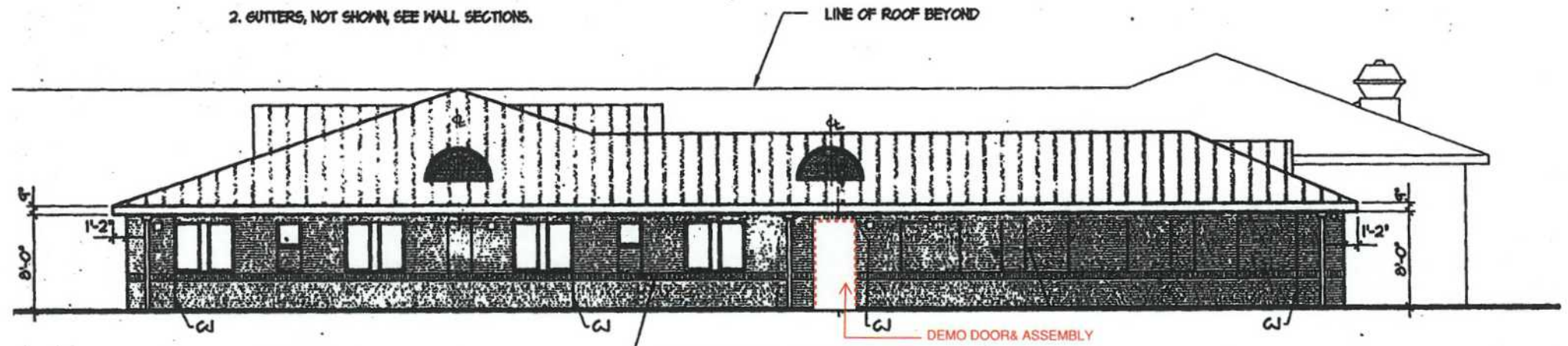


SOUTH ELEVATION EXISTING - FOR REFERENCE ONLY

1/8" = 1'-0"

ELEVATION NOTES:

1. PLUMBING VENTS NOT SHOWN, SEE P DWGS. PAINT PLUMBING VENT FLASHING TO MATCH ROOFING COLOR.
2. GUTTERS, NOT SHOWN, SEE WALL SECTIONS.



SEE SOUTH ELEVATION FOR MATERIAL DESCRIPTIONS.

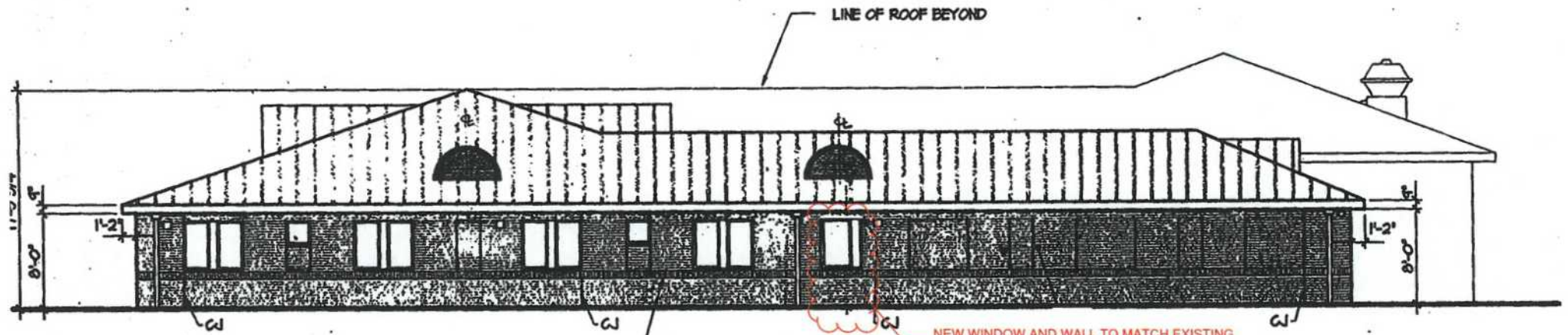
RECESS THE BRICK COURSE BELOW THE SOLDIER COURSE ALL AROUND BLDG SEE WALL SECTIONS, TYP.

WEST ELEVATION DEMOLITION

1/8" = 1'-0"

THE CRISIS CARE PROGRAM

NOTE: PROPOSED ELEVATION CHANGE IN RED



SEE SOUTH ELEVATION
FOR MATERIAL DESCRIPTIONS.

RECESS THE BRICK COURSE BELOW THE
SOLDIER COURSE ALL AROUND BLDG
SEE WALL SECTION, TYP.

NEW WINDOW AND WALL TO MATCH EXISTING

WEST ELEVATION NEW CONSTRUCTION

1/8" = 1'-0"

THE CRISIS CARE PROGRAM

NOTE: PROPOSED ELEVATION CHANGE IN RED

Botello, Bryan

From: Kirst, Lorrie
Sent: Wednesday, May 29, 2019 1:26 PM
To: Botello, Bryan
Subject: FW: Request for Comment - Crisis Care Facility 2232 Application
Attachments: 2232 Comment Request.pdf; Crisis Care Center 2232 Application.pdf

456A-S80-08-1
Crisis Care Program
4410 Shirley Gate Road
Tax Map: 56-4 ((1)) 10, 11
Zoning Districts: R-C and WS

On June 11, 2018, ZAD issued the following use determination for the proposed facility:

Issue:

Is the CSB Crisis Care Program a public use under the Zoning Ordinance and therefore, permitted by right at 4410 Shirley Gate Road?

Response:

Yes.

Background:

The Crisis Care Program is currently run by CSB at the Woodburn Place facility in Annandale. The Woodburn Place Crisis Care offers individuals experiencing an acute psychiatric crisis an alternative to hospitalization. It is an intensive, short-term (7-10 days), community based residential program for adults with severe and persistent mental illness, including those who have co-occurring substance use disorders. The proposal is to relocate the Crisis Care program from the Woodburn Place facility to the Fairfax County Probation House located at 4410 Shirley Gate Road, The Fairfax County Probation House would discontinue operating at the Shirley Gate Road site.

Based on last week's meeting, the CSB Lines of Business for the Emergency and Crisis Services, and the existing lease for the Woodburn facility, the following information was provided:

- The property located at 4410 Shirley Gate Road is owned by the Fairfax County Board of Supervisors (Board).
- The Crisis Care program receives approximately 80% of its funding from the Board.
- All of the staff at the Crisis Care Center are Fairfax County employees who would run the day-to-day operations of the facility.
- Fairfax County would maintain the facility.

Given the above parameters, the proposed facility is deemed a public use and would be permitted by right at 4410 Shirley Gate Road without any additional zoning approvals. All other applicable requirements must be met, including any applicable zoning regulations, site plan approval, and the issuance of any necessary building permits. In addition, the use cannot commence operation at the new site until a Non-Residential Use Permit (Non-RUP) is obtained.

This determination is based upon the above facts and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this email. If the facts as presents change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.



County of Fairfax, Virginia

MEMORANDUM

DATE: June 14, 2019

TO: Bryan Botello
Planning Division
Planning & Zoning

FROM: Tom French, Urban Forester
Forest Conservation Branch, DPWES

SUBJECT: 4410 Shirley Gate Rd.2232-HS-000038-002

I have reviewed the above referenced 2232 Review Application, Proposed Site Plan and Statement of Justification of the subject property, stamped as received by the Zoning Evaluation Division on March 27, 2019.

The following comments and recommendations are based on a site visit and this review.

1. Comment:

A site visit revealed landscape plantings located at the northern and eastern property boundaries that are either missing or in poor health.

Recommendation:

The landscape plantings appear to serve as transitional screening intended to minimize the impact of dissimilar uses on adjoining or nearby properties. As such, UFMD recommends conformance with the approved plan by replacing landscaping that is either missing or in poor health.

tf/

UFMDID #: 268921



County of Fairfax, Virginia

MEMORANDUM

DATE: June 19, 2019

TO: Bryan Botello, Planner
Facilities Planning Branch, Planning Division
Department of Planning and Zoning

FROM: William J. Veon, Jr., P.E., Senior Engineer III (Stormwater)
Central Branch, Site Development and Inspections Division (SDID)
Department of Land Development Services (LDS)

SUBJECT: 2232 Public Facility Review Application No: 456A-S80-08-1; FC Department of Public Works and Environmental Services - Crisis Care Center-4410 Shirley Gate Road Improvements; Application for Determination, dated May 28, 2019; LDS Project No: 008618-ZONA-001-1; Tax Map No.: 056-4-01-0010 & 0011; Braddock District

The subject application has been reviewed and the following stormwater management comments are offered at this time:

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) located on the project property.

Floodplains

There is no regulated floodplain located on the project property.

Downstream Drainage Complaints

There are no significant, contemporary downstream drainage complaints on file.

Water Quality

If the properly defined disturbance area for this project is ultimately determined to be less than 2,500 sq. ft. the project will be exempt from County Code Chapter 124 (the Stormwater Management Ordinance [SWMO]), and water quality controls will not be required (SWMO 124-1-7.4). Otherwise, water quality controls will be required for the proposed project (SWMO 124-1-6, 124-4-1 & 124-4-2).

Technical Bulletin or Letter-to-Industry (LTI) 09-05 identifies some of the items and work area allowances that must be considered when determining proposed land disturbance. The proposed limits of disturbance must include the pervious and exposed-subbase portions of all proposed structures, construction activities and facility installations (including any proposed resurfacing



and regrading activities), and also the pervious portions of any area needed/used to support the implementation of the proposed project to completion, such as: adequate work areas around the proposed structures and facility installations (10' minimum work width around structures/facilities perimeters & 5' minimum work width along driveway, pool deck, sidewalk, etc. perimeters); adequate ingress/egress (widths [10' minimum] and lengths) from public R/W to the work areas; adequate areas: for demolition activities and temporary debris storage and transport, for construction staging, and for temporary construction materials storage and transport; adequate areas for construction equipment storage/maintenance and for construction-related vehicle parking; and adequate areas for all project Pollution Prevention Plan facilities.

Water Quantity - Detention

If the properly defined disturbance area is ultimately determined to be less than 2,500 sq. ft. the proposed project will be exempt from Chapter 124, and water quantity controls for stormwater detention will not be required. Otherwise, water quantity controls will be required for the project (SWMO 124-1-6, 124-4-1 & 124-4-4.D).

Water Quantity - Outfalls

If the properly defined disturbance area is ultimately determined to be less than 2,500 sq. ft., the proposed project will be exempt from Chapter 124 and water quantity controls for outfall channel and flood protection will not be required. Otherwise, water quantity controls will be required for the project (SWMO 124-1-6, 124-4-1, 124-4-4.B & 124-4-4.C).

Watershed Management Plan Comments

A small part of the western portion of the site is located in the Difficult Run Watershed and the Upper Difficult Run Watershed Management Area (WMA), and the remaining, larger portion of the site is located in the Popes Head Creek Watershed and the Upper Popes Head WMA. Future stormwater pond retrofit projects (PH81-0004 & 0005) have been identified for the two existing onsite SWM/BMP ponds into which the affected portions of the site will drain. The proposed project may impact these proposed County projects. Please contact Dipmani Kumar and/or Shannon Curtis (cc'd below) with the Stormwater Planning Division to discuss the implications of the proposed project on the planned, future onsite County projects.

Dam Breach

The property is not located within a dam breach inundation zone.

Miscellaneous

No comments at this time.

Bryan Botello, Planner

2232 Review Application No: 456A-S80-08-1; LDS Project No: 008618-ZONA-001-1

Page 3 of 3

Please contact me at 703-324-1720 or William.Veon@fairfaxcounty.gov, if you have any questions or require additional information.

WJV/

cc: Dipmani Kumar, Chief, Watershed Planning and Evaluation Branch, Stormwater Planning Division (SWPD), Department of Public Works and Environmental Services (DPWES)
Shannon Curtis, Chief, Watershed Assessment Branch, SWPD, DPWES
Jeffrey Vish, Acting Chief, Central Branch, SDID, LDS
Daun Klarevas, Engineer IV, SDID, LDS
2232 Review Application/Zoning Application File

Botello, Bryan

From: Muir, Amy M.
Sent: Tuesday, June 4, 2019 4:35 PM
To: Botello, Bryan
Cc: Hermann, Jeffrey C.
Subject: 2232 Review Application - 456A-S80-08-1 / 4410 Shirley Gate Rd

Hi Bryan,

FCDOT will not be reviewing the above referenced application as all the changes are internal to the building.

Thanks,

Amy Muir, Planning Technician II
Transportation Planning Division
Site Analysis Section
Fairfax County Department of Transportation
(703) 877-5822



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
COMMISSIONER

4975 Alliance Drive
Fairfax, VA 22030
June 20, 2019

Ms. Marianne Gardner, Director
Planning Division, DPZ
Fairfax County Dept. of Planning and Zoning
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5503

Subject: 2232 Review Application

Re: **DPWES, Crisis Care Program**
Application No.: 456A-S80-08-1

Dear Ms. Gardner:

VDOT has reviewed the above referenced 2232 application and have no objections or concerns upon its approval. Please let me if you have any questions or concerns. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "David Jordan".

David Jordan
Land Use Engineer

cc: Fairfax Permits

Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2232. Legal status of plan

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or

resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. Asolar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 683; 2007, c. 801; 2009, cc. 670, 690; 2012, cc. 803, 835; 2016, c. 613; 2018, cc. 175, 318.

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.