

# MEETING MINUTES

## JUSTICE HS PARKING WORKGROUP

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Date: Monday, October 30, 2023

Time: 6:30 – 8:00pm

Location: Justice HS Library

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### WORKING GROUP ATTENDANCE (13)

Jeff Longo, Co-Chair

Ann-Marie Ward, Co-Chair

Kathleen Brown

Stacey Carter

Mark Doehnert

Mica Karotkin

Kim Lanoue

Matt Levi

Ben McKitrick

Jody McKitrick

Ariel Miller

Emma Schrage

Victoria Sneed

Barbara Wolf

### FCPS ATTENDANCE

Cristy Coffey

Christie Scott

### AGENDA

Review responses to questions from last meeting (20 minutes)

Second review of draft survey (35 minutes)

Preliminary report topic discussion and vote (35 minutes)

Meeting began at 6:35 p.m.

Approved meeting minutes from 9/18/23 with unanimous consent.

## DISCUSSION

### Agenda Item: Review responses to questions from last meeting (20 minutes scheduled, ~ 30 minutes actual)

Reviewed answers provided by the Legal Department and Facilities (attached).

- Noted that a response was not provided for this specific request: "Provide documentation of the FCPS outreach to church and apartments related to parking."

Mr. Longo reported researching Fairfax County code for residential parking districts.

- The code is specific to "preserving residential character" of the neighborhood
- There is no provision for rescinding residential parking district code
- A change would require the Board of Supervisors to embark on a zoning ordinance change.

More discussion topics included:

- Options for a parking structure under the gym or softball field
- Concerns about watershed and erosion for some options
- Focus being on areas the group agrees on/has in common
- Questions about Master Plan for Justice Park

### Agenda Item: Second review of draft survey (35 minutes)

Ms. Ward explained that a big picture review of the survey content is what the group should focus on; ORSI will adjust the questions as needed for word choice and layout.

The group discussed the timeline and had questions about how this survey could fit into ORSI's overall survey calendar. If a target date can be chosen, the group can work to reverse-engineer a schedule for getting the survey to ORSI to start the process of finalizing and distributing.

**Action:** Christie Scott will check with ORSI to see if a calendar of scheduled surveys can be provided to the group.

The group discussed how collecting more specific information about the respondent would be beneficial; the ability to differentiate the results is important in understanding them.

Suggestions included:

- Add more options for answering the question about the respondent's role in the community – who are they and how do they fit into the community?
- Request a cross-street to determine their general residential area
- Does ORSI have screener questions they can provide?

**Action:** Christie Scott will find an answer to the following question related to potential survey answer options: "Are electric scooters or Bikeshare hubs allowed on FCPS property? If they are not allowed, why?"

The group discussed the need to devote more time to this topic to ensure the data received will be useful. The group agreed to hold an additional meeting to work on the survey on **November 13, 6:30 – 7:30 p.m. in the Justice High School Library**, pending confirmation of the room availability by Christie Scott.

**Action:** All group members were asked to send a second round of survey comments to Christie Scott by COB on November 3, 2023.

Agenda Item: Preliminary report topic discussion and vote (35 minutes scheduled, ~ 25 minutes actual)

The following topics were chosen as preliminary report topics:

- Church and remote parking lots – reinvigorate talks with both; consider use of eminent domain
- Advocating for special parking permit for staff/students; residential parking district change
- Investigating reasonably low capital expenditure items; ways to expand parking around Peace Valley
- Revisiting bond/CIP update for long-term projects
  - Parking garage
- Following Glasgow boundary process and potential impact on JHS enrollment/boundary study
- Survey
- Plan to continue work into next year

Motion to approve by Matt Levi, second by Ariel Miller.

Motion carries with unanimous consent.

**Action:** Jeff will invite supervisor-elect and SBM-elect, if necessary, to attend the November 27, 2023 meeting.

Meeting adjourned 7:58 p.m.

### **UPCOMING MEETINGS:**

November 13: Survey Questions (meeting added 10/30)

November 27: Status Update (Changed from 12/4)

### **Eminent Domain Process**

The procedural requirements for the use of eminent domain are outlined in Chapter 25 of the Virginia Code. There are some other provisions regarding eminent domain elsewhere in the Code, but most address restrictions on takings for purposes that are not purely “public” and therefore are not applicable to FCPS. A high-level summary of the required steps is listed below. Overall, in order to successfully acquire property through eminent domain, the School Board, through a formal vote, must initiate a lawsuit in the local Circuit Court and convince the Court that the proposed taking is necessary for a stated public purpose.

Eminent domain can be used to acquire property in its entirety, a portion of a property, an easement against property, or even a fixed-term lease agreement. However, no more property can be acquired than is necessary for the stated public purpose.

The process for acquiring property through eminent domain is referred to as condemnation. Virginia law requires that a public body make a bona fide effort to purchase the property at issue before pursuing condemnation. This includes the public body making a written offer to acquire the property at a fair market price.

If bona fide efforts to purchase the property fail, the School Board can follow a formal set of procedures to initiate condemnation the process. Because condemnation is a formal legal action taken by the Division, it must be approved by a formal, public vote of the School Board. Because condemnation involves the acquisition of real property, the School Board would also be required to hold a public hearing and allow comments from members of the public prior to any vote on the issue.

If the School Board voted to pursue condemnation, it would need to initiate a legal suit in the Circuit Court by filing a formal petition.

Once the petition is filed, the property owner is given the opportunity to file its own opposition briefing in order to attack the petition on any legal or procedural grounds. Either side would then also have the opportunity to request a mandatory mediation process in order to settle the matter outside of court.

If a settlement agreement cannot be reached, the matter would proceed to a trial. At trial, a judge would decide whether or not the taking is “necessary” for the stated public use. Then, if the Judge sides with the Division, a jury or an appointed commission would determine what the fair compensation for property would be, and that amount would be what the Division would have to pay for the property.

The decision of the judge and the determination of just compensation would be subject to appeal by the party that was unsuccessful at trial.

### **Process for utilizing the easement/conservation area along Peace Valley Lane –**

Expanding parking along Peace Valley Lane will likely require the need to vacate at least a portion of the existing conservation easement. This process will need to go through a plan

review process, either a revision to the current site plan permits or a separate site plan application. Additional stormwater management will need to be provided and/or nutrient credits would also need to be purchased to offset the benefit from any conservation easement being vacated. The process of vacating conservation easement will include an easement plat and deed approved by Fairfax County Land Development Services, Stormwater & Fairfax County Urban Forester. Any concept will need to be reviewed by FCDOT, VDOT, FCPA, UFMD & LDS to determine feasibility. The process would take approximately 12 months to be designed and permitted.

**Cost comparisons - parking deck, retaining wall** - A rough concept plan was created to widen Peace Valley Lane and add approximately 35-39 parallel parking spaces. The cost estimate to widen and add parking to Peace Valley Lane, which includes a retaining wall, is approximately \$1.75 million. The lack of clarity in the parking deck scope introduces multiple variables and factors, making it currently unfeasible to provide a rough number due to the ambiguity of the scope.

**One way for Peace Valley Lane and diagonal parking - if Park Authority consents** - Peace Valley Lane is a busy two-way residential street that currently has approximately 2100 AADT (vehicles per day). Changing Peace Valley Lane to one-way would limit the connectivity between the neighborhood East and West of Justice High School. Placing angled parking or perpendicular parking on Peace Valley Lane would create a safety concern for cars backing out of parking spaces on Peace Valley Lane. Parallel parking is the preferred arrangement for on-street parking. Perpendicular and angled parking methods along residential streets is usually prohibited.