

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
December 4, 2012**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:30	<b>Adopted</b>	Adoption of the 2013 Legislative Program
10:45	<b>Approved with Amendment</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
11:00	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Sully District)
2	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the George Mason University Residential Permit Parking District, District 40 (Braddock District)
3	<b>Withdrawn</b>	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Westmoreland Street at Haycock Road Intersection Improvements (Dranesville District)
4	<b>Approved</b>	Streets into the Secondary System (Springfield and Sully Districts)
5	<b>Approved</b>	Extension of Review Periods for 2232 Review Applications (Dranesville, Mason, and Providence Districts)

**ACTION ITEMS**

1	<b>Deferred to 1/8/13</b>	Creation of a Tysons Transportation Service District Advisory Board
2	<b>Approved</b>	Adjustment to Fairfax Center Road Fund Contribution Rate and Authorization of Corresponding Rate Adjustment in the Centreville Fund Area (Sully, Braddock, Providence, and Springfield Districts)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
December 4, 2012**

**ACTION ITEMS  
(Continued)**

- |   |                                |                                                                                                                                                                                                                                                            |
|---|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | <b>Approved with Amendment</b> | Approval of a Parking Reduction for MidAtlantic Realty Partners, LLC, 2550 Huntington Avenue (Mount Vernon District)                                                                                                                                       |
| 4 | <b>Approved</b>                | Approval to Authorize the Sale of General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds                                                                                                                                       |
| 5 | <b>Approved</b>                | Approval of Public Sale for Roll-Over of Bond Anticipation Note for Crescent Apartments                                                                                                                                                                    |
| 6 | <b>Approved with Amendment</b> | Endorsement of the Chief Administrative Officers Task Force's Recommendation Regarding the Preliminary FY 2014 Virginia Railway Express Budget                                                                                                             |
| 7 | <b>Deferred to 1/8/13</b>      | Establishment of the "Tysons-Wide" and "Tysons Grid of Streets" Transportation Funds, Adoption of their Respective Guidelines, and Annual Rate Adjustment for the Existing Tysons Transportation Fund (Dranesville, Hunter Mill, and Providence Districts) |

**INFORMATION  
ITEMS**

- |       |              |                                                                                                             |
|-------|--------------|-------------------------------------------------------------------------------------------------------------|
| 1     | <b>Noted</b> | Presentation of the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR)                           |
| 2     | <b>Noted</b> | Planning Commission Action On Application 2232-P12-4, Fairfax County Park Authority (Providence District)   |
| 3     | <b>Noted</b> | Contract Awards During the Period Between the December Board Meeting and the First Board Meeting in January |
| 11:10 | <b>Done</b>  | Matters Presented by Board Members                                                                          |
| 12:00 | <b>Done</b>  | Closed Session                                                                                              |

**PUBLIC  
HEARINGS**

- |      |                                                      |                                                                                                                                     |
|------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 3:30 | <b>Decision Only deferred to 1/8/13 at 4:30 p.m.</b> | Public Hearing on PRC C-203 (Fairfax County Public Schools) to Approve the PRC Plan Associated with RZ C-203 (Hunter Mill District) |
|------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
December 4, 2012**

**PUBLIC  
HEARINGS  
(Continued)**

3:30	<b>Approved</b>	Public Hearing on Plan Amendment S12-IV-MV1 (Penn Daw CBC, Land Units D & F-1)to Amend Area for Mixed-Use Development to Include Multi-Family Residential Use and Ground Floor Retail and Office Uses (Mount Vernon District)
3:30	<b>Public Hearing deferred to 1/8/13 at 4:00 p.m.</b>	Public Hearing on RZ 2012-DR-017 (Christopher and Karen Barth) to Rezone from R-2 and HC to R-3 and HC to Permit Residential Development (Dranesville District)
3:30	<b>Approved</b>	Public Hearing on Proposed Plan Amendment S11-IV-LP2 for the Laurel Hill Adaptive Reuse Area, Located West Silverbrook Road, South of White Spruce Way and North of Lorton Road (Mount Vernon District)
3:30	<b>Public Hearing deferred to 1/8/13 at 4:30 p.m.</b>	Public Hearing on PCA 89-L-008 (Fairfax County School Board) to Amend the Proffers for RZ 89-L-008 (Lee District)
3:30	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 11388 Dorsey Place, Lorton, VA 22079 (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Huntsman Lake Dam Rehabilitation (Springfield District)
4:00	<b>Approved</b>	Public Hearing to Consider Adopting an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)
4:00	<b>Approved</b>	Public Hearing to Consider Adopting an Ordinance Expanding the Dunn Loring Residential Permit Parking District, District 3 (Providence District)
4:30	<b>Decision Only deferred to 1/8/13</b>	Public Hearing on the Proposed Creation of a Tysons Transportation Service District
5:00	<b>Held</b>	Public Comment

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*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Tuesday**  
**December 4, 2012**

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9:30 a.m.

Recognition of Fairfax County employers selected as “Best Workplaces for Commuters.”

**PRESENTATIONS**

**RECOGNITIONS**

- RESOLUTION – To recognize Gail Kinsey for being named Virginia’s 2012 National Distinguished Principal by the National Association of Elementary School Principals. Requested by Supervisor Cook.
- CERTIFICATE – To recognize the student volunteers and representatives of Emmanuel Lutheran, Fairfax Presbyterian and Vienna Presbyterian faith organizations for their efforts to raise awareness of homelessness through the Fast Shacks program. Requested by Chairman Bulova and Supervisor Hudgins.
- CERTIFICATE AND RESOLUTION – To recognize Captain Patrick Horan and his family for his service to our country and the Rebuilding Together and Sears Heroes at Home programs. Requested by Supervisor Foust.

**DESIGNATIONS**

- PROCLAMATION – To designate December 14, 2012, as Jeans Day in Fairfax County. Requested by Chairman Bulova.

Board Agenda Item  
December 4, 2012

STAFF:  
Merni Fitzgerald, Director, Office of Public Affairs  
Lindsey Culin, Office of Public Affairs

Board Agenda Item  
December 4, 2012

10:30 a.m.

Board Adoption of the 2013 Legislative Program for the Virginia General Assembly, Approval of the County's 113<sup>th</sup> Congress Federal Legislative Strategy, and Adoption of Principles for Federal Legislation for the 113<sup>th</sup> Congress

ISSUE:

Board adoption of a legislative program for the 2013 Session of the Virginia General Assembly and Board approval of federal legislative strategy for the 113<sup>th</sup> Congress as well as principles for federal legislation in the 113<sup>th</sup> Congress.

TIMING:

Immediate. On November 20, 2012, the Board of Supervisors held a public hearing on the 2012 Legislative Program. This program will be presented at the Board's work session with the members of the Fairfax County Delegation to the Virginia General Assembly on December 11, 2012. The General Assembly will convene January 9 and is scheduled to adjourn on February 23, 2013.

Board action is also requested at this time in order to formally adopt the County's federal strategy for action during the 113<sup>th</sup> Congress. County staff will also apply for federal grants based on the criteria adopted by the Board.

BACKGROUND:

The draft State legislative program has been developed over the past several months by the Legislative Committee of the Board. The program contains the Committee's recommended legislative initiatives and positions for the County at the 2013 Session of the Virginia General Assembly; an issue paper on human services needs is included as an addendum to this program. After adoption by the Board, final versions of these documents will be available at [www.fairfaxcounty.gov/government/board](http://www.fairfaxcounty.gov/government/board). In preparing this package, the Committee has considered the County's legislative needs and opportunities and has endeavored to maintain a program of priority legislative requests. The Legislative Committee will continue to meet, generally on a weekly basis, throughout the Session to monitor legislation and recommend positions for adoption at regular Board meetings.

The draft federal strategy was also developed as part of the Legislative Committee process. Discussion took place at the November 27 meeting. Staff recommendations presented to the Committee focused on areas determined to be of strategic importance to the County, including funding for transportation, Base Realignment and Closure

Board Agenda Item  
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(BRAC), and the social safety net. In light of the budget situation this past year and the ongoing earmark ban, the County continues to pursue a strategic approach to the federal funding process. Specifics on general budget items as well as federal funding opportunities will be reported periodically to the Board.

Finally, draft Principles for Federal Legislation in the 113<sup>th</sup> Congress are attached. These principles contain the Legislative Committee's recommended positions for the County during the 113<sup>th</sup> Congressional session.

ENCLOSED DOCUMENTS:

(Documents to be delivered to Board Members under Separate Cover.)

(Also available online at [www.fairfaxcounty.gov/government/board](http://www.fairfaxcounty.gov/government/board), under "Reports", on November 30, 2012)

Attachment 1 - Draft Fairfax County Legislative Program for the 2013 Virginia General Assembly

Attachment 2 – 2013 Draft Human Services Issue Paper

Attachment 3 – Draft 113<sup>th</sup> Congress Federal Legislative Strategy

Attachment 4 – Draft Principles for Federal Legislation – 113<sup>th</sup> Congress

STAFF:

Edward L. Long, Jr, County Executive

Susan E. Mittereder, Legislative Director

Tom Biesiadny, Director, Department of Transportation

Board Agenda Item  
December 4, 2012

10:45 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard December 4, 2012  
(A final list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Clerk to the Board of Supervisors

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

**APPOINTMENTS TO BE HEARD DECEMBER 4, 2012**  
 (ENCOMPASSING VACANCIES PROJECTED THROUGH DECEMBER 31, 2012)  
 (Unless otherwise noted, members are eligible for reappointment)

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Byers; appointed 2/09-1/10 by Hyland) Term exp. 1/13 <i>Deceased</i>	Mount Vernon District Representative		Hyland	Mount Vernon

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Marcus B. Simon; appointed 3/04-9/08 by Connolly) Term exp. 9/12 <i>Not eligible for reappointment</i> <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Narayani Siva; appointed 6/09 by Hudgins) Term exp. 9/13 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Gretchen Johnson; appointed 3/08 by Hyland) Term exp. 9/12 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Sosthenes Klu; Appointed 12/05-9/08 by Frey) Term exp. 9/12 <i>Resigned</i>	Sully District Representative		Frey	Sully

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mark S. Ingrao; appointed 1/03 by Mendelsohn; 5/05 by DuBois) Term exp. 5/09 <i>Resigned</i>	Citizen Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

**AIRPORTS ADVISORY COMMITTEE (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Carl Silvertsen; appointed 6/11 by Foust) Term exp. 1/13 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ATHLETIC COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Champness (Appointed 2/05&3/07 by DuBois; 3/09 by Foust) Term exp. 3/11	Dranesville District Principal Representative		Foust	Dranesville
Clarke Gray Appointed 1/08-9/10 by Smyth) Term exp. 9/12	Providence District Alternate Representative		Smyth	Providence
Christy Winters Scott (Appointed 6/08-7/10 by Hudgins) Term exp. 6/12	Women's Sports Alternate Representative		By Any Supervisor	At-Large

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE  
(1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Regina Jordan; appointed 6/04&6/09 by Hudgins) Term exp. 6/10 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Rachel Rifkind (Appointed 5/09-6/09 by Gross) Term exp. 6/11	Mason District Representative		Gross	Mason
VACANT (Formerly held by John Byers; appointed 6/09-1/12 by Hyland) Term exp. 6/12 <i>Deceased</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Robert McDaniel; appointed 9/10 by Herrity) Term exp. 6/11 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Thomas Parr (Appointed 12/04-12/04 by Connolly; 12/10 by Bulova) Term exp. 12/12	At-Large #1 Representative		By Any Supervisor	At-Large
Yvonne Demory (Appointed 1/07-12/10 by Hudgins) Term exp. 12/12	Professional #5 Representative		By Any Supervisor	At-Large
Patricia Flavin(Rehill) (Appointed 12/10 by Hyland) Term exp. 12/12	Professional #6 Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Christina Terpak- Malm; appointed 12/3-9/07 by Frey) Term exp. 9/11 <i>Resigned</i>	Sully District Representative		Frey	Sully

**CHILD CARE ADVISORY COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tammy K. Derenak; appointed 7/02-9/05 by Kauffman; 2/08-9/11 by McKay) Term exp. 9/13 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Karen Hecker; appointed 10/03-9/09 by Hyland) Term exp. 9/11 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mt. Vernon
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY  
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jean Zettler (appointed 11/08-5/10 by Smyth) Term exp. 5/12	Providence District Representative		Smyth	Providence

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Carrie Lord Maglich; appointed 12/10-1/11 by Hyland) Term exp. 1/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon

**CONSUMER PROTECTION COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by George Bounacos; appointed 8/09 by Frey) Term exp. 7/12 <i>Resigned</i>	Fairfax County Resident #7 Representative		By Any Supervisor	At-Large

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly Held by Theo L. Vaughan; appointed 12/09 by Cook) Term exp. 11/12 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Rose Miles Robinson; appointed 7/06-2/09 by Hudgins) Term exp. 2/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Andrew Hunter (Appointed 4/04-2/09 by Gross) Term exp. 2/12	Mason District Representative		Gross	Mason
Glen Robinson (Appointed 11/09 by Smyth) Term exp. 8/12	Providence District Representative		Smyth	Providence

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Patricia Greenberg; appointed 1/11 by Hudgins) Term exp. 1/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Marie Flanagan; appointed 1/10 by Smyth) Term exp. 1/13 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**FAIRFAX AREA DISABILITY SERVICES BOARD**  
**(3 years- limited to 2 full consecutive terms per MOU, after initial term)**  
 [NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Barbara Lawrence (Appointed 2/09-11/09 by McKay) Term exp. 11/12	Lee District Representative		McKay	Lee
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 <i>Not eligible for reappointment (need 3 year lapse)</i>	Sully District Representative		Frey	Sully

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**  
**(3 years – limited to 3 full terms)**

[NOTE: In accordance with *Virginia Code* Section 37.2-502, "**prior to making any appointment, the appointing authority shall disclose and make available to the public the names of those persons being considered for appointment.** The appointing authority shall also make information on the candidates available to the public, if such information is available to the appointing authority." **Members can be reappointed after 3 year break from initial 3 full terms. VA Code 37.2-502]**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lisa Lynne Kania; appointed 10/11 by Frey) Term exp. 6/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by David Braun; appointed 10/06-6/09 by Smyth) Term exp. 6/12 <i>Resigned</i>	Consumer #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 <i>Resigned</i>	Consumer #6 Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 <i>Resigned</i>	Provider #1 Representative		By Any Supervisor	At-Large
Stephen Goldberger (Appointed 7/04-6/06 by Kauffman; 7/09 by McKay) Term exp. 6/11	Provider #3 Representative		By Any Supervisor	At-Large

**HISTORY COMMISSION (3 years)**

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sallie Lyons (Appointed 3/05-12/09 by Hyland) Term exp. 12/12 <i>Mt. Vernon Resident</i>	Citizen #2 Representative		By Any Supervisor	At-Large
Anne Barnes (Appointed 9/03-1/10 by Hyland) Term exp. 12/12 <i>Mt. Vernon Resident</i>	Citizen/Minority Representative		By Any Supervisor	At-Large

**HUMAN RIGHTS COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Victor Dunbar (Appointed 9/91 by Richards; 9/94 by Davis; 7/97-9/03 by Hanley; 9/06 by Connolly; 9/09 by Bulova) Term exp. 9/12	At-Large #3 Representative		By Any Supervisor	At-Large

**HUMAN SERVICES COUNCIL (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Byers; appointed 6/07-7/08 by Hyland) Term exp. 7/12 <i>Deceased</i>	Mount Vernon District #1 Representative		Hyland	Mount Vernon

**INDUSTRIAL DEVELOPMENT AUTHORITY  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert Surovell (Appointed 9/84 by Scott; 11/88-10/08 by Hyland) Term exp. 10/12	At-Large #1 Representative	<b>Robert Surovell</b> (Hyland)	By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kathryn Walsh (Appointed 6/11 by Hanley; 1/04-1/07 by Connolly; 12/09 by Bulova) Term exp. 12/12	At-Large Chairman's Representative		Bulova	At-Large Chairman's

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING  
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Braddock
VACANT (Formerly held by Ronald Miner; appointed 8/02-6/11 by Frey) Term exp. 6/14 <i>Resigned</i>	Sully District Representative		Frey	Sully

**PARK AUTHORITY (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Janyce Hedetniemi (Appointed 1/12 by Bulova) Term exp. 12/12	At-Large Chairman's Representative	<b>Janyce Hedetniemi</b>	Bulova	At-Large Chairman's
Kevin Fay (Appointed 1/03-12/04 by DuBois; 12/08 by Foust) Term exp. 12/12	Dranesville District Representative		Foust	Dranesville

**PLANNING COMMISSION (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Walter Alcorn (Appointed 11/96- 11/00 by Hanley; 12/04-12/08 by Connolly) Term exp. 12/12	At-Large #1 Chairman's Representative		Bulova	At-Large Chairman's

**ROAD VIEWERS BOARD (1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
John W. Ewing (Appointed 2/01-11/02 by Hanley; 1/04-12/08 by Connolly; 12/09- 12/11 by Bulova) Term exp. 12/12	At-Large #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

**SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
John Pellegrin (Appointed 9/09-12/09 by Bulova) Term exp. 12/12	At-Large #1 Representative	<b>John Pellegrin</b> (Bulova)	By Any Supervisor	At-Large
Margaret M. Schottler (Appointed 9/09-12/09 by Bulova) Term exp. 12/12	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Joe Brooks; appointed 10/08-1/12 by Smyth) Term exp. 12/14 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL  
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lawrence Bussey; appointed 3/05-3/09 by Hudgins) Term exp. 3/11 <i>Resigned</i>	Fairfax County #2 Representative		By Any Supervisor	At-Large

**TENANT LANDLORD COMMISSION (3 years)**

[NOTE: Per County Code Section 12-2-1, each member of this commission must be a County resident. Tenant Members: shall be a person who, prior to the time of his/her appointment, and throughout his/her term, shall be the lessee of and reside in a dwelling unit. Landlord Members: shall be a person who owns and leases, or serves as a manager for four (4) or more leased dwelling units in Fairfax County or is employed by a real estate management firm that manages more than four (4) rental units. Citizen Members: shall be anyone who is neither a lessee nor lessor of any dwelling unit in Fairfax County.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Kiffney (Appointed 5/08-12/09 by Herrity) Term exp. 12/12	Citizen Member #3 Representative		By Any Supervisor	At-Large
Karen Geier-Smith (Appointed 6/06-12/09 by Bulova) Term exp. 12/12	Landlord Member #1 Representative		By Any Supervisor	At-Large
Christopher Lee Kocsis (Appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09 by Bulova) Term exp. 12/12	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

**TREE COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrew J. Bernick; appointed 1/10 by McKay) Term exp. 10/12 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Marie Flanagan; appointed 12/09 by Smyth) Term exp. 10/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**TRESPASS TOWING ADVISORY BOARD (3 years)**

[NOTE: Advisory board created effective 7/1/06 to advise the Board of Supervisors with regard to the appropriate provisions of Va. Code Section 46.2-1233.2 and Fairfax County Code 82.5-32.]

**Membership:** Members shall be Fairfax County residents. A towing representative shall be defined as a person who, prior to the time of his or her appointment, and throughout his or her term, shall be an operator of a towing business in Fairfax County.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ronald P. Miner; appointed 6/06 by Connolly; 9/09 by Bulova) Term exp. 9/12 <i>Resigned</i>	Citizen Alternate Representative		By Any Supervisor	At-Large

**WETLANDS BOARD (5 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Glenda Booth (Appointed 4/88- 12/08 by Hyland) Term exp. 12/12	Mount Vernon District #1 Representative		Hyland	Mount Vernon

**AD HOC COMMITTEES**

**BI- PARTISAN ELECTION PROCESS IMPROVEMENT COMMITTEE**

This committee was established by the Board at the November 20, 2012 Board Meeting.  
The appointees would serve from **January 2013 to May 2013.**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSTION	At-Large Chairman's #1 Representative		Bulova	At Large
NEW POSITION	At-Large Chairman's #2 Representative		Bulova	At-Large
NEW POSITION	Braddock District Representative		Cook	Braddock
NEW POSITION	Dranesville District Representative		Foust	Dranesville
NEW POSITION	Hunter Mill District Representative		Hudgins	Hunter Mill
NEW POSITION	Lee District Representative		McKay	Lee

Continued on next page

NEW POSITION	Mason District Representative	Gross	Mason
NEW POSITION	Mount Vernon District Representative	Hyland	Mount Vernon
NEW POSITION	Providence District Representative	Smyth	Providence
NEW POSITION	Springfield District Representative	Herrity	Springfield
NEW POSITION	Sully District Representative	Frey	Sully

**CONFIRMATIONS NEEDED:**

- Democratic Party of Fairfax County Representative
- Republican Party of Fairfax County Representative
- Fairfax County Public Schools Administration
- Fairfax County Bar Association Representative
- Federation of Citizen’s Associations Representative
- Fairfax County Chamber of Commerce Representative
- Fairfax County League of Women Voters Representative
- African-American Community Representative
- Hispanic Community Representative
- Asian/Pacific Islander Community Representative

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Board Agenda Item  
December 4, 2012

11:00 a.m.

Items Presented by the County Executive

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Board Agenda Item  
December 4, 2012

ADMINISTRATIVE - 1

Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Sully District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution for the installation of "\$200 Additional Fine for Speeding" signs on Franklin Farms Road from Centreville Road to West Ox Road (Sully District).

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

TIMING:

Board action is requested on December 4, 2012.

BACKGROUND:

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Franklin Farm Road from Centreville Road to West Ox Road meets the RTAP requirements for posting of the "\$200 Additional Fine for Speeding Signs". On May 25, 2012, FCDOT received written verification from the appropriate local supervisor confirming community support.

FISCAL IMPACT:

The estimated cost of \$3,000 is to be paid out of the VDOT secondary road construction budget.

Board Agenda Item  
December 4, 2012

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Franklin Farm Road

Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Franklin Farm Road

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Karyn L. Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT

Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT

Steven K. Knudsen, Planner III, Traffic Operations Section, FCDOT

**RESOLUTION**

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS  
FRANKLIN FARM ROAD  
SULLY DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, December 4, 2012, at which a quorum was present and voting, the following resolution was adopted:

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

**WHEREAS**, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Franklin Farm Road from Centreville Road to West Ox Road. Such road also being identified as a Collector Road; and

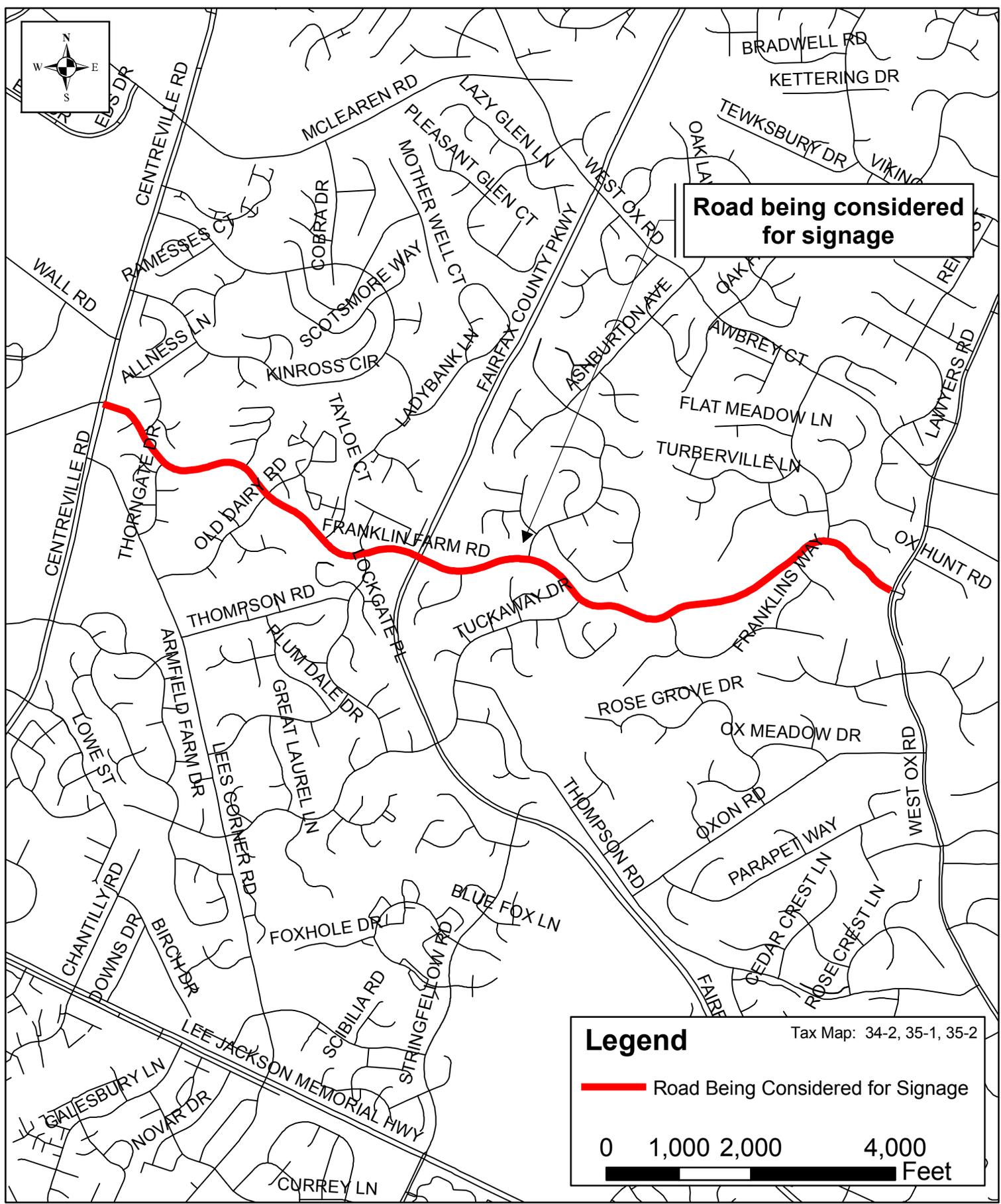
**WHEREAS**, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Franklin Farm Road from Centreville Road to West Ox Road.

**NOW, THEREFORE BE IT RESOLVED** that "\$200 Additional Fine for Speeding" signs are endorsed for Franklin Farm Road from Centreville Road to West Ox Road.

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

A Copy Teste:

\_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors



**Road being considered for signage**

**Legend** Tax Map: 34-2, 35-1, 35-2

— Road Being Considered for Signage

0 1,000 2,000 4,000 Feet

**Fairfax County Department of Transportation  
Residential Traffic Administration Program (RTAP)  
PROPOSED \$200 FINE FOR SPEEDING  
FRANKLIN FARM ROAD  
Sully District**



Board Agenda Item  
December 4, 2012

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance  
Expanding the George Mason University Residential Permit Parking District, District 40  
(Braddock District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the George Mason University (GMU) Residential Permit Parking District (RPPD), District 40.

RECOMMENDATION:

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

TIMING:

The Board should take action on December 4, 2012, to advertise a public hearing for January 8, 2013, at 4:00 p.m.

BACKGROUND:

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

Board Agenda Item  
December 4, 2012

FISCAL IMPACT:

The cost of sign installation is estimated at \$600 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*

Attachment II: Map Depicting Proposed Limits of RPPD Establishment

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Karyn L. Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT

Selby Thannikary, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

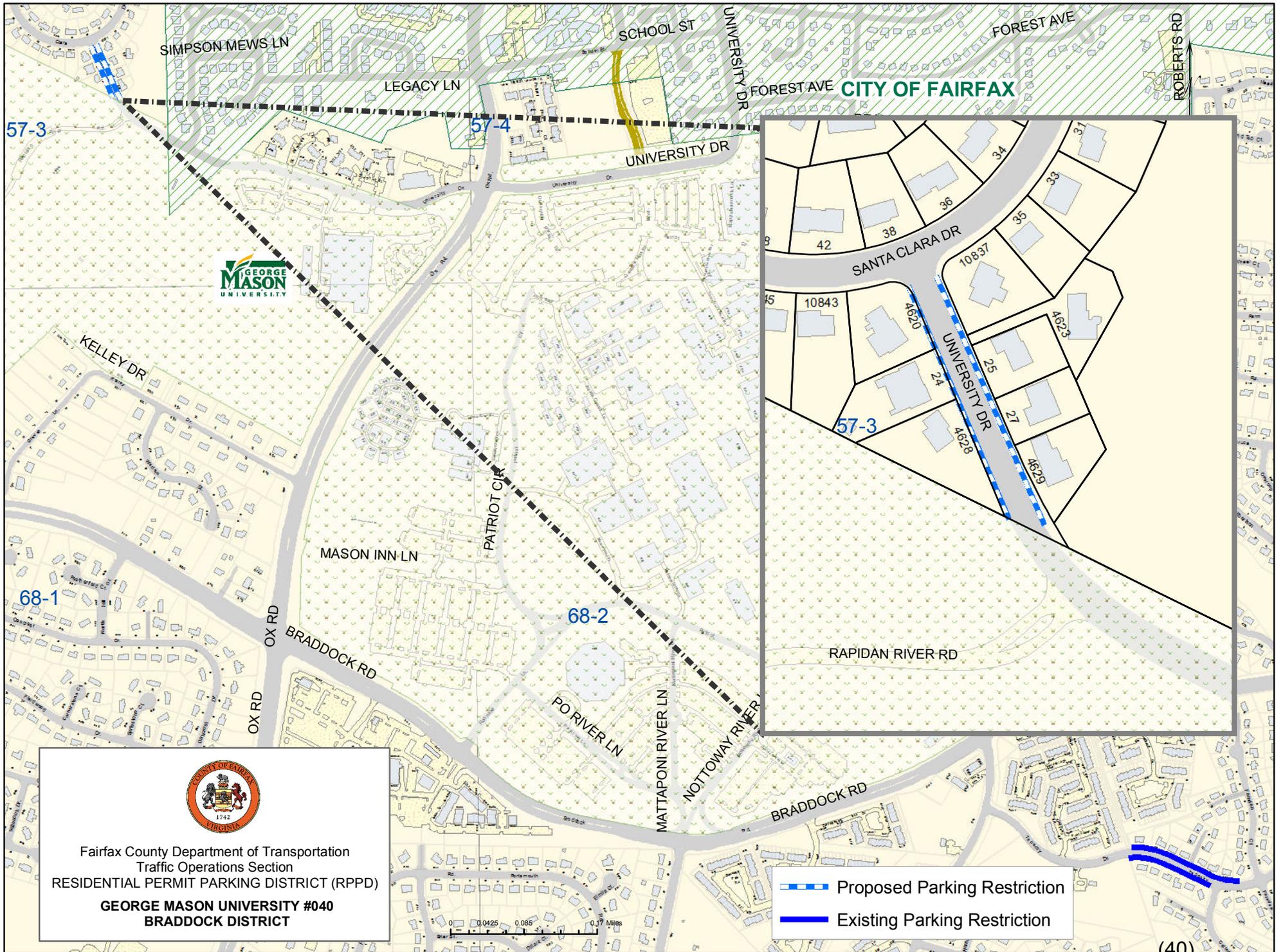
Hamid Majdi, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following streets to Appendix G-40, Section (b), (2), George Mason University Residential Permit Parking District, in accordance with Article 5A, of Chapter 82:

*University Drive (Route 383)*

From Santa Clara Drive to the southern boundary of 4629 University Drive.



CITY OF FAIRFAX

  
 Fairfax County Department of Transportation  
 Traffic Operations Section  
 RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)  
**GEORGE MASON UNIVERSITY #040**  
**BRADDOCK DISTRICT**

 Proposed Parking Restriction  
 Existing Parking Restriction

Board Agenda Item  
December 4, 2012

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Westmoreland Street at Haycock Road Intersection Improvements (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-028-010, also known as Project RSPI01-01200, Westmoreland Street at Haycock Road Intersection Improvements, Fund 124, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for January 29, 2013, commencing at 4:00 p.m.

TIMING:

Board action is requested on December 4, 2012, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

The County is planning to construct a 12-foot wide right-turn lane and a five-foot wide bike lane along Westmoreland Street in addition to the Americans with Disabilities Act compliant walkways, curb and gutter, upgraded crosswalks, and pedestrian signal improvements along Westmoreland Street and Haycock Road.

Land rights for these improvements are required on five properties. The construction of the project requires the acquisition of dedications for public street purposes, perpetual easement for public street purposes, grading agreement and temporary construction, Dominion Virginia Power, Verizon, and Cox Communications easements.

Negotiations are in progress with several owners of these properties; however, resolution of these acquisitions is not imminent. Further information regarding design details and the status of negotiations will be provided in the Public Hearing Board Agenda Item.

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In order to commence construction of this project on schedule, it may be necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (2012). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is currently available in Project 2G40-028-000, also known as Project RSPI01-01200, Spot Improvements, Fund 124, County and Regional Transportation Projects. No additional funds are required at this time for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map  
Attachment B - Listing of Affected Properties

STAFF:

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



**WESTMORELAND STREET at HAYCOCK ROAD INTERSECTION IMPROVEMENTS**

Tax Map: 40-2

Project 2G40-028-010 (RSPI01-01200)  
Dranesville District

Scale: 1' = 300"

Affected Properties:



Proposed Improvement:



LISTING OF AFFECTED PROPERTIES  
Project 2G40-028-010, also known as Project RSPI01-01200  
Westmoreland Street at Haycock Road Intersection Improvements  
(Dranesville District)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1. County School Board of Fairfax County Virginia  Address: 6616 Haycock Road Falls Church, Virginia 22043	040-2-01-0017-A
2. John E. Taylor, Jr., Trustee, the John E. Taylor, Jr. GST Exempt Trust and Sharon Taylor, Trustee, the Sharon Taylor GST Exempt Trust  Address: 2110 Westmoreland Street Falls Church, Virginia 22043	040-2-01-0018
3. Trustees of Temple Rodef Shalom  Address: 2100 Westmoreland Street Falls Church, Virginia 22043	040-2-01-0019-A
4. Missaka Warusawitharana Lili Huang  Address: 6617 Haycock Road Falls Church, Virginia 22043	040-2-37-0007
5. Steven Zahniser Rose Ann M. Renteria  Address: 2127 Westmoreland Street Falls Church, Virginia 22043	040-2-06-D-0032

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

Board Agenda Item  
December 4, 2012

ADMINISTRATIVE – 4

Streets into the Secondary System (Springfield and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Most Reverend John R. Keating (St. Raymond of Penafort Church)	Springfield	Pohick Road (Route 641) (Additional Right-of-Way (ROW) Only)
Faircrest North Section One	Sully	Calamint Court
Faircrest North Section Two	Sully	Sweet Woodruff Lane
		Astible Court
		Summit Street (Route 1022)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

Board Agenda Item  
December 4, 2012

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle Brickner, Deputy Director, DPWES, 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.

**ENGINEERING MANAGER:** Terry L. Yates, P.E.  
*BY: [Signature]*

**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:** 0915-SD-01

**SUBDIVISION PLAT NAME:** Faircrest North Section Two

**COUNTY MAGISTERIAL DISTRICT:** Sully

**FOR OFFICIAL USE ONLY**

**DATE OF VDOT INSPECTION APPROVAL:** 08/30/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Sweet Woodruff Lane	CL Calamint Court (Route 10130) - 519' NW CL Centreville Farms Road (Route 8285)	1,511' W to End of Cul-de-Sac	0.29
Astible Court	CL Sweet Woodruff Lane - 641' W CL Calamint Court (Route 10130)	467' NW to End of Cul-de-Sac	0.09
Summit Street (Route 1022)	Existing Summit Street (Route 1022) - 1,590' NE CL Leland Road (Route 7773)	118' NE to End of Cul-de-Sac	0.02
<b>TOTALS:</b>			0.40

**NOTES:**

Sweet Woodruff Lane: 2,964' of 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Astible Court: 951' of 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Summit Street: 137' of 4' Concrete Sidewalk on South Side to be maintained by VDOT.

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Board Agenda Item  
December 4, 2012

ADMINISTRATIVE – 5

Extension of Review Periods for 2232 Review Applications (Dranesville, Mason, and Providence Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application 456A-D95-19-2 to February 28, 2013, application FSA-M97-15-3 to March 2, 2013, and application FS-P12-5 to February 23, 2013.

TIMING:

Board action is required on December 4, 2012, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety 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 sixty additional days."

The Board is asked to extend the review period for applications 456A-D95-19-2, FSA-M97-15-3, and FS-P12-5, which were accepted for review by DPZ between July 26, 2012 and October 4, 2012. These applications are for telecommunications facilities and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

Board Agenda Item  
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The review periods for the following applications should be extended as follows:

456A-D95-19-2	T-Mobile Northeast, LLC 9916 Georgetown Pike, Great Falls Dranesville District
FSA-M97-15-3	Sprint 6200 Wilson Boulevard, Falls Church Mason District
FS-P12-5	Cricket Communications 6400 Arlington Boulevard, Falls Church Providence District

The need for the full time of these extensions may not be necessary, and is not intended to set a date for final action.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive  
Fred R. Selden, Director, Department of Planning and Zoning, DPZ  
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ  
Connie A. Maier, Planner, Facilities Planning Branch, Planning Division, DPZ

ACTION — 1

Creation of a Tysons Transportation Service District Advisory Board

ISSUE:

Board of Supervisors (the Board) creation of a Tysons Transportation Service District Advisory Board to work with Fairfax County staff and provide input to the Board on the annual tax rate for the Tysons Transportation Service District; transportation project priorities for projects funded all or in part by the Service District; and, issues related to the Tysons road funds.

RECOMMENDATION:

The County Executive recommends that the Board create a Tysons Transportation Service District Advisory Board (Advisory Board), pending Board approval of the Tysons Transportation Service District (Service District).

TIMING:

Board action on the Advisory Board is requested subsequent to the creation of the Service District. The Board is scheduled to hold a public hearing on the proposed Service District on December 4, 2012, at 4:30 p.m., which provides the Board the ability to create the Service District prior to January 1, 2013. If such a district is created, creation of an Advisory Board and appointments to it should be made by March 2013, so that the Advisory Board can provide input to the Board during the FY2014 Budget process.

BACKGROUND:

The Planning Commission recommended to the Board that a Service District be created to generate revenue to fund a portion of the anticipated transportation and transit needs within Tysons over the next 40 years. The Planning Commission also recommended that if a Service District was created, the Board should establish an advisory board to provide input on the annual tax rate for the proposed service district, the transportation project priorities of that project funding all or in part by the tax district, and project implementation schedules. In addition, the Planning Commission recommended that the advisory board may provide input on the annual adjustment of road fund rates related to generating revenue for the local street network and the Tysons-wide transportation improvements.

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To ensure a sustainable balance between development and transportation infrastructure, the Planning Commission also recommended that staff to maintain a Tysons' Transportation Funding Plan (Funding Plan) to include priorities, a schedule of construction, and a cash flow analysis for the Tysons-wide road improvements, based upon the recommendations in Table 7 of the Tysons Comprehensive Plan amendment adopted by the Board on June 22, 2010, and the recommendations of the Planning Commission. The Planning Commission further recommended that the Board review the pace and location of residential and non-residential development as part of the annual CIP and budget processes. The Funding Plan review should be based on the most current data and information available at the time of the review, and should include a process that incorporates participation from all stakeholders. These reviews may result in adjustments to the Funding Plan to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and that the pace of the transportation improvements and the pace of the residential and non-residential development are proceeding substantially in tandem.

On October 16, 2012, the Board endorsed the Planning Commission's recommendations and directed staff to implement them and to advertise the creation of the Service District, as authorized by Va. Code Ann. §§ 15.2-2400 to 15.2-2403.1 (2008). If such a service district is adopted, the Board would have the option to levy a Service District tax as part of the annual budget process to provide a stable funding source for transportation infrastructure investments within the Service District.

As a part of implementing the aforementioned recommendations and in keeping with the Board's goal of allowing for flexibility in funding options and sources and making adjustments to the funding plan based upon pace of development, it is recommended that the Advisory Board consist of 16 members, including two members who represent adjacent communities, one member from the Dranesville District and 13 members who own, or represent the owners of, real property within the Service District, as follows:

- Two members from the Providence District;
- One member from the Hunter Mill District;
- Three members to represent residential owners and homeowner/civic associations;
- One member to represent apartment or rental owner associations;
- Three members to represent commercial or retail ownership interests;
- One member from the Fairfax County Chamber of Commerce to represent lessees of non-residential space;
- Two members from the Tysons Partnership to represent that organization.

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FISCAL IMPACT:

The proposed Advisory Board is an integral part of a multi-faceted plan to fund transportation infrastructure improvements in Tysons. If enacted, the Advisory Board would assist the Board in making recommendations for allocating Service District revenue to fund approximately \$253 Million worth of improvements out of a projected total estimated cost of \$3.1 Billion (in 2012 dollars). If enacted, the option to levy a service district tax for 2013 on taxable property within the Service District and the tax rate would be established as part of the FY2014 Budget.

ENCLOSED DOCUMENTS:

None.

STAFF:

Robert A. Stalzer, Deputy County Executive  
Barbara A. Byron, Director, Office of Community Revitalization (OCR)  
Tom Biesiadny, Director, Department of Transportation  
James McGettrick, Assistant County Attorney  
Scott Sizer, Revitalization Program Manager, OCR

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Board Agenda Item  
December 4, 2012

ACTION - 2

Adjustment to Fairfax Center Road Fund Contribution Rate and Authorization of Corresponding Rate Adjustment in the Centreville Fund Area (Sully, Braddock, Providence, and Springfield Districts)

ISSUE:

Adjustment of Fairfax Center Area Road Fund contribution rates and corresponding adjustment in the Centreville area. The proposed revisions to the Procedural Guidelines adopted by the Board of Supervisors in 1982 are necessary to reflect increases or decreases in highway construction costs.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached revised Procedural Guidelines for the Annual Review Process, including a 2.88 percent adjustment of the existing contribution rates in the Fairfax Center and Centreville Fund Areas with the new rate effective January 1, 2013.

TIMING:

Board action is requested on December 4, 2012, so that the new rates can take effect on January 1, 2013.

BACKGROUND:

One of the principles of the Comprehensive Plan for the Fairfax Center area is that development above the baseline level established in the plan may be approved, if the developer contributes to a fund for the provision of off-site road improvements.

Attachment 1 reflects the increase in developer contribution rates as calculated with the 2.88 percent inflation since 2011. The 2.88 percent is taken from the Consumer Price Index (CPI). The rate increase is necessary to keep pace with inflationary construction cost increases. Attachment 2 depicts the Fairfax Center Guidelines adopted by the Board for the annual review process. In January 2001, the Board authorized projects to be implemented with funding available in the Contributed Roadway Fund. Attachment 3 displays the projects previously approved by the Board for the Fairfax Center and Centreville Fund Areas. The Centreville Fire Station Emergency Signal was approved on September 11, 2012, and is currently the only active project in the Centreville Road Fund. Staff will continue to identify projects to be funded within the fund areas by

Board Agenda Item  
December 4, 2012

proffers. The Board approved the last inflationary increase in the developer contribution rates on December 6, 2011.

The Tysons Corner Fund Area was removed from this action for 2012, since it is being revised and two new road funds are being established in a separate Board of Supervisors item.

FISCAL IMPACT:

Adoption of the revised rates will increase the funds contributed by developers to the Contributed Roadway Fund by approximately 2.88 percent over previously anticipated amounts. However, the Procedural Guidelines for the Fairfax Center Area specifically stipulate that the contribution amount is determined by the effective rate at the time of development approval by the Board and that such amounts are fixed for site plans submitted for that approved development during a two-year period. Thus, the primary effects of this increase will be felt in future fiscal years.

ENCLOSED DOCUMENTS:

Attachment 1: Calculation of Revised Contribution Rate for 2013

Attachment 2: Procedural Guidelines for Annual Review Process; Fairfax Center Area

Attachment 3: Projects Approved by the Board beginning in January 2001

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Kenneth Kanownik, Transportation Planner, FCDOT

### CALCULATION OF REVISED CONTRIBUTION RATE - 2013

Inflation rate for 2012 based on the Consumer Price Index published by the US Department of Labor, Bureau of Labor Statistics

#### Proposed 2013 Contribution Rate

	Current Rate x CPI Inflation = Proposed Rate
<u>Fairfax Center</u>	
non-residential	(\$5.53) (1.0288) = \$5.69 / square foot
residential	(\$1,225.00) (1.0288) = \$1,260.00 / dwelling unit
<u>Centreville</u>	
non-residential	(\$5.93) (1.0288) = \$6.10 / square foot
residential	(\$2,346.00) (1.0288) = \$2,414.00 / dwelling unit

**PROCEDURAL GUIDELINES  
FOR THE  
ANNUAL REVIEW PROCESS  
FAIRFAX CENTER AREA**

Adopted by

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS**

November 22, 1982

April 1, 1995

**ANNUAL REVIEW PROCESS FOR THE FAIRFAX CENTER AREA**

The following guidelines serve to direct staff in the implementation of the Fairfax Center Area Plan. These procedures were adopted by the Board of Supervisors on November 22, 1982, and revised periodically since their adoption. Guidelines for the monitoring of development in the Area as well as a procedure for reviewing the roadway contribution formula are included herein.

**A. MAINTENANCE / REVIEW OF LAND USE DATA**

It is the intent of the Board of Supervisors that the target or goal for development intensity of the Fairfax Center Area be Level B, as recommended by the Planning Commission. The annual review process will be utilized to assure the achievement of this goal. In addition the Department of Planning and Zoning and the Department of Systems Management for Human Services will collect and maintain the following information with respect to land use development in the Fairfax Center Area:

- o the development status of parcels, land development units and unit groups (including acreage, existing zoning, existing land use, planned land use, number and type of dwelling units, and amount and type of non-residential floor area); and
- o the identification of activity in the development pipeline for each parcel, land development unit and unit group (including the following stages of development: rezonings pending, rezonings granted, site plans submitted, site plans approved, building permits issued, and projects under construction).

Staff will prepare an annual summary document of this information for presentation to the Board of Supervisors.

**B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS**

The following excerpt from the Comprehensive Plan identifies the intention of the Board of Supervisors to review the method by which the private sector contributes to funding of roadway improvements in the Fairfax Center Area:

The proportional share of the transportation improvements provided by the private sector will be established by the Board of Supervisors and reviewed periodically through an established public process such as the Annual Plan Review.

The paragraphs that follow specify the review process to be undertaken by the Board and County staff. Clarification on the Contribution Formula, Roadway Improvements Prioritization, and the Road Fund Account are also provided.

An appraisal of funding and implementation of roadway improvements in the Fairfax Center Area will be made annually and presented to the Board. The appraisal will include but not be limited to the following items:

- o identification of total funds contributed by the private sector and the funds contributed over the previous year(s);
- o review of trends in roadway construction costs reflecting inflation (or deflation) rates;

- o listing of right-of-way dedications, roadway construction, and other commitments/contributions provided in previous year(s);
- o examination of the development pipeline toward re-assessment of programming of roadway projects; and
- o discussion regarding the ability of current funding mechanisms to satisfactorily provide for necessary roadway improvements.

This annual appraisal will not be conducted as a full-scale traffic analysis and roadway needs study. Rather, it will evaluate the suitability of roadway project implementation with respect to specific site developments and the overall Fairfax Center Area development. In addition to these items, staff will make recommendations with respect to the prioritization of roadway projects. An examination of the funding formula will also be presented for reconsideration by the Board.

### C. CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for transit-related purposes. 'Off-site' roadway projects are defined for the purposes of this document as:

- o those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 50;
- o improvements to secondary roadways functioning as arterial roadways, including Fairfax County Parkway, Waples Mill Road, Shirley Gate Road, West Ox Road, Stringfellow Road, and Clifton Road;
- o bridges and interchanges on interstate and primary roadways;
- o traffic signals which are not otherwise required within the boundaries of or adjacent to sites subject to development; and
- o those portions of roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites subject to development.

These 'off-site' roadway improvements are identified in the next section titled "Prioritization of Roadway Improvements."

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Fairfax Center Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)<sup>1</sup>. It

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<sup>1</sup> Turning lanes and traffic signals provided on major arterials (e.g. Route 29) are considered to be 'off-site' improvements.

is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

'Transit-related purposes' are defined as the following:

- o rail stations and facilities peripheral to their function
- o park-n-ride lots
- o bus transit transfer stations and facilities peripheral to their function

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

As a minimum, the contribution formula will be as follows<sup>2</sup>:

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<sup>2</sup> Contribution amounts to the fund have subsequently been modified. A 20 year track of previous revisions is provided below.

Effective Date	% Increase	Non-Res'd Rate per square foot	Res'd Rate per unit
27-Jan-92	0	\$3.97	\$883
1-Mar-93	1.75	\$4.04	\$898
1-Mar-94	0.5	\$4.06	\$902
1-Apr-95	0.5	\$4.08	\$906
28-Jun-99	0	\$4.08	\$906
8-Jan-01	2.5	\$4.18	\$928
18-Mar-02	2	\$4.26	\$946
24-Mar-03	3	\$4.39	\$974
15-Mar-04	2	\$4.48	\$993
28-Feb-05	6	\$4.75	\$1,053
24-Sep-07	3.2	\$5.07	\$1,124
22-Sep-08	3.6	\$5.25	\$1,164
6-Nov-10	1.013	\$5.32	\$1,179
1-Dec-11	3.89	\$5.53	\$1,225

- o for any application requesting a level of development above the baseline, the contribution will be \$2.50 per gross square foot of building structure of the total proposed non-residential space and \$577 per unit of the proposed residential uses;
- o up to one-third of the total contribution required can be credited by the dedication of right-of-way for 'off-site' roadway projects or 'transit-related' projects provided no density credits have been granted for the same right-of-way;
- o the total contribution requirement can be provided in part or in total by the construction of major portions of 'off-site' roadway projects or 'transit-related' projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of land use modification (rezoning, Special Exception, or other).

The need for a contribution for each application will be identified prior to development approval. Upon approval, the contribution rate at the time of approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate which is in effect at the time of site plan submission or final subdivision plat submission will be utilized to identify the total contribution required. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of 'off-site' roadways, or 'transit-related' purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment which is in effect at the time of site plan submission or final subdivision plan submission. The value of the land to be dedicated can be credited to no more than one-third of the total required contribution, provided density credits have not been granted for this same dedicated land area. That is, the applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total required contribution. The applicant, prior to development approval, should indicate his intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration with respect to the total required contribution.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of 'off-site' roadway projects or 'transit-related' projects, a cost estimate will be provided by the applicant and reviewed by the Department of Public Works and Environmental Services consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by the Department of Public Works and Environmental Services, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective 'off-site' roadway or 'transit-related' project construction bonds are released.

Prior to or upon site plan or subdivision plat approval, the applicant will contribute 10 percent of the total required contribution minus any applicable credits as discussed previously. The remaining 90% will be required before building permits are issued. If the sum of the cost estimate for the 'in-kind' roadway and 'transit-related' projects and the value of the dedicated land (up to one-third of the total required contribution) is less than the total required contribution, the applicant will supply 10 percent of this differential monetary contribution prior to or upon site plan or subdivision plat building permit. In the event that the combined value of the dedicated land for the 'off-site' roadways or 'transit-related' projects (up to one-third of the total contribution) and the cost estimate for the construction of same exceeds the projected contribution, then it shall be determined that the applicant's commitment to the Fairfax Center Area Road Fund has been met.

As the Fairfax Center Area develops, a schedule for roadway improvements will be established. However, dedicated rights-of-way or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

#### D. PRIORITIZATION OF ROADWAY IMPROVEMENTS

The timing of the roadway improvements is crucial to the manner in which the Fairfax Center Area develops. The following improvements are considered as high priority and should be scheduled for implementation as closely as possible to the order in which they are listed. Physical, fiscal, and developmental constraints may shift the priorities of the projects as identified through the annual analysis of road improvement needs. The improvement priorities were adopted by the Board of Supervisors on January 9, 2001. (Note: ~~strikeout~~ indicates completed project.)

- o Advanced right-of-way acquisition for:
  - ~~\_\_\_\_\_ Monument Drive west of Fields Brigade Road~~
  - ~~\_\_\_\_\_ Stringfellow Road relocation~~
  
- o At-grade improvements/construction:
  - ~~\_\_\_\_\_ West Ox Road / Route 29 at-grade improvements~~
  - ~~\_\_\_\_\_ Completion of Monument Drive west of Fields Brigade Road~~
  - ~~\_\_\_\_\_ Stringfellow Road widening between Fair Lakes Parkway to Route 29~~
  - ~~\_\_\_\_\_ Widen Route 50 to 6 lanes east of Stringfellow Road~~
  - ~~\_\_\_\_\_ Waples Mill Road / Route 50 at-grade improvements~~
  - Widening of Waples Mill Road to six lanes between Route 50 and Route 29
  - Widening of Rugby Road to four lanes between Fairfax County Parkway and Route 50
  - Widening of Route 50 to 8 lanes between Waples Mill Road and I-66
  - Construction of local and collector roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites under development
  
- o Interchanges:
  - ~~\_\_\_\_\_ Fairfax County Parkway / Route 29 / West Ox Road~~
  - ~~\_\_\_\_\_ Fairfax County Parkway / Route 50~~
  - Waples Mill Road / Route 50
  - Fairfax County Parkway / Fair Lakes Parkway / Monument Drive with widening of the Parkway to 6 lanes between I-66 and Route 50

- o Route 29 reconstruction:
  - East of West Ox Road, including interchanges at Shirley Gate Road and Monument Drive
  - West of West Ox Road, including an interchange at Clifton Road/Stringfellow Road
  
- o Fairfax County Parkway widening:
  - ~~Construction of 4 lanes between Route 29 and Braddock Road~~
  - Widening to 6 lanes between I-66 and Route 50 in conjunction with the construction of an interchange at Fair Lakes Parkway / Monument Drive
  - Construction of 6 through lanes between I-66 and Route 29

This priority listing will change due to development and financial considerations. It is important that development not occur without the availability of sufficient roadway access and capacity. This is especially important in the development of those parcels that would utilize the sub-connectors traversing or adjoining their property.

Roadway construction and/or right-of-way dedication by either the private or public sector will not necessarily follow the aforementioned priority listing. However, construction of development projects by the private sector may be predicated upon the completion of adjacent roadways in order that the roadway system can satisfactorily accommodate the change in travel patterns resulting from additional development.

#### E. ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received prior to or upon site plan approval, subdivision plat approval, or building permit issuance, will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be utilized to help fund and implement roadway projects in the Fairfax Center Area as closely as possible to the order in the aforementioned priority list. The widening of I-66 and the construction of sub-connector roads (unless included in the listing of priorities) will not be funded from this account.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE FAIRFAX CENTER AREA ROAD FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON NOVEMBER 22, 1982 AS REVISED EFFECTIVE MARCH 18, 2002.

STEP 1: Total required Contribution:

# gsf (or # dwelling units) multiplied by the appropriate rate = total required contribution.

STEP 2: Anticipated Land Credits (if applicable):

# sq. feet of land dedicated for 'off-site' and/or 'transit-related' projects multiplied by the per foot assessed value of the land at time of site plan submission or final subdivision plan submission.\*

STEP 3: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' roadway and/or 'transit-related' projects consistent with bonding practices and verified and accepted by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Steps 2 + 3 will result in the net contribution due the FCAR fund. (Note: if the sum of Steps 2 + 3 is greater then the value of Step 1 then the commitment to the fund is met with dedication of right-of way and 'in-kind' construction.)

\*NOTE: This value cannot exceed one-third of the total required contribution calculated in Step 1 provided no density credits have been granted for this land.

## FUND 301 Projects Approved by the Board

PROJECT	PROJECT DESCRIPTION	PRELIMINARY COST ESTIMATES*	STATUS
<b>FAIRFAX CENTER AREA</b>			
Route 50/Waples Mill Road Interchange	Design of entire interchange including at-grade and flyover components; construction to be phased depending on funding availability.	\$5.8 M (at-grade)	Construction of at-grade improvements completed in December 2006.
Tall Timbers Drive	Construct an east-west roadway, connecting Fields Brigade Drive and North Lake Drive.	\$1.8 M	Completed in February 2007.
<b>CENTREVILLE AREA</b>			
Old Centreville Road at Route 28	Construct improvements to Old Centreville Road approach to Route 28.	\$0.2 M	Complete.
Stone Road	Construct center raised median with left turn lanes between Granville Lane And Sully Park Drive.	\$1.0 M	Completed in July 2008.
Clifton Road	Widen to 4-lanes between Braddock Road and Lee Highway (Route 29).	\$4.3 M	Completed in 2006.
Centreville Fire Station Emergency Signal	Preemptive Emergency Signal for Centreville Fire Station Access to Old Centreville Road	\$.03 M	Project funding approved in September 2012. Design to begin December 2012

\*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

ACTION – 3

Approval of a Parking Reduction for MidAtlantic Realty Partners, LLC, 2550 Huntington Avenue (Mount Vernon District)

ISSUE:

Board approval of a 18.8 percent reduction or 117 fewer parking spaces in required parking for the residential uses proposed by MidAtlantic Realty Partners, LLC, for its development at 2550 Huntington Avenue, Tax Map No. 83-1 ((01)) 0034C, Mount Vernon District

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 18.8 percent (117 fewer parking spaces) in required parking for the residential uses for MidAtlantic Realty Partner, LLC, for its development at 2550 Huntington Avenue, pursuant to Paragraph 5, Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* (Code), based on an analysis of the parking requirements for the use on the site and a parking study, 1302-PKS-001-1, on condition that:

1. A minimum of 507 parking spaces must be maintained on site at all times for the residential uses and shall be distinguished from the parking spaces available to the site's other uses by either a separate garage or by another physical barrier/separation. The site plan must note how the residential parking spaces will be differentiated.
2. The residential uses permitted per this parking reduction are 390 multi-family dwelling units. The site's other uses must be parked at Code and these uses must not exceed the approved floor area ratio.
3. The following mix of residential dwelling units is permitted per this parking reduction for the minimum 507 parking spaces:
  - 270 studio and one-bedroom units and
  - 120 two-bedroom units.

In the event the mix of units changes, one additional parking space shall be provided for every additional bedroom.

Board Agenda Item  
December 4, 2012

4. The other uses proposed for the site shall be limited to 254,000 gross square feet (GSF) of office uses, a 200-room hotel with a conference center and up to 6000 GSF of retail and/or restaurant uses. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
5. The Transportation Demand Management (TDM) strategies and general transportation items proffered in conjunction with the approval of Rezoning #RZ 2011-MV-031 (MidAtlantic Realty Partners, LLC) shall be implemented.
6. The TDM strategies shall include a parking management plan, as approved by Fairfax County Department of Transportation, notwithstanding the lack of mention of this type of plan in the proffers.
7. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map No. 83-1 ((01)) 0034C, the subject of RZ 2011-MV-031 (MidAtlantic Realty Partners, LLC), shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
8. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.
9. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual including the provisions referencing the Americans with Disabilities Act (ADA).
10. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
11. Unless an extension has been approved by the Board, this parking reduction shall expire without notice 6 months from the date of Board approval if Condition #10 has not been satisfied.

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TIMING:

Board action is requested on December 4, 2012.

BACKGROUND:

MidAtlantic Realty Partners, LLC, has proposed to develop the 6.039-acre parcel at 2550 Huntington Avenue. The site is between 1/8 and 1/4 miles from the Huntington Metrorail Station. The site is located on the north side of Huntington Avenue, immediately west of Metroview Parkway and south of Cameron Run. RZ 2011-MV-031 was approved by the Board's on November 20, 2012. The September 19, 2012, version of the proffers for this case requires establishment of a TDM program as well as other, specific transportation-related proffers.

The proposed mixed-use development consists of 390 multi-family dwelling units in two 5-story buildings, a building with 254,000 square feet of office uses on 11 floors and a building with a 200-room hotel on 9 floors. A conference center within the hotel building and up to 6,000 GSF of retail and/or restaurant uses have also been proposed within the development. A 6-level parking garage attached to the residential buildings would provide the residential parking supply. The parking supply for the office uses would be provided in 3-story underground garage and 4 parking levels above the building's lobby level. The hotel's parking supply would be provided by 2 levels of garage above the hotel's lobby level.

Under the Zoning Ordinance, the Code requirement for the 390 proposed multi-family dwelling units would be 624 parking spaces or 1.6 spaces per dwelling unit. The Code-required parking for the 200-room hotel would be 216 parking spaces. The Code-required parking for 254,000 GSF of office uses would be 661 parking spaces. The Code-required parking for 6,000 GSF of retail uses would be 35 parking spaces. Without the parking demand from any restaurant or conference center uses, the development would require 1536 parking spaces by Code. Additional on-site parking would be required for any restaurant or conference center uses.

The applicant is seeking an 18.8 percent reduction of the parking spaces required for the residential uses (117 fewer parking spaces) resulting in a minimum of 507 parking spaces for the residential uses. The applicant proposes to provide the Code-required parking for the other uses on the site.

The basis for the requested reduction is proximity to mass transit. The Zoning Ordinance does not specify the maximum distance for a site to be considered proximate to mass transit nor does it specify acceptable ranges for required parking supply. Generally, past practice has been that the farthest point of the site must be within one mile of the entrance to a Metrorail station and staff has been using the established

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standards for the Planned Tysons Corner Urban District (PTC District) for comparison purposes. As stated above, the site is within 1/4 miles from the Huntington Metrorail Station.

To qualify for a parking reduction under the Zoning Ordinance's mass transit provision, the applicant must demonstrate that the parking to be eliminated is unnecessary and the reduction will not adversely affect the site or the adjacent area. The parking study submitted within the request compares the current request with results of similar parking studies for other apartment complexes in Fairfax and Transportation Overlay Districts (TODs) in California and British Columbia. Also, it is shown that the effective parking supply rate of 1.3 parking spaces per dwelling being requested is about 93% of the maximum rate allowed in the Tysons TOD for areas about 1/4-mile from a Metrorail station. It appears that the applicant has demonstrated that the requirements for a reduction based on proximity to mass transit have been met.

Staff feels the parking analysis indicates it is reasonable for the residential uses on the site to be served with a limited reduction in parking spaces. Therefore, staff supports the applicant's request for a 18.8 percent parking reduction subject to the conditions listed above and compliance with the development conditions associated with this site. The recommended parking reduction reflects a coordinated review by the Department of Public Works and Environmental Services, the Department of Transportation, the Department of Planning and Zoning and the Office of the County Attorney.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Parking reduction request and study dated August 29, 2012, with Attachment III only from Michael Workosky, Wells and Associates.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle A. Brickner, Deputy Director for Land Development Services, DPWES



WELLS + ASSOCIATES

**MEMORANDUM**

**TO:** Beth Forbes, P.E.  
Code Analysis Division

**FROM:** Michael J. Workosky, PTP, TOPS, TSOS  
William Zeid, EIT

**DATE:** August 29, 2012

**RE:** **RZ 2011-MV-031;**  
Midatlantic Realty Partners, LLC  
2550 Huntington Avenue Parking Reduction Study  
Fairfax County, Virginia



**Introduction**

This memorandum presents the results of a parking reduction analysis conducted in conjunction with the proposed development of a mixed-use, transit-oriented development (referred to as the “2550 Huntington Avenue Development”) in Fairfax County, Virginia. The subject site (Tax Map 83-1 ((1)) 34C) is located in the northwest quadrant of the Huntington Avenue (Route 1332)/Metroview Parkway (Route 8750) intersection and in close proximity to the Huntington Metrorail Station (within ¼ mile of the portal). Specifically, the subject site is located on the north side of Huntington Avenue, south of Interstate 95/495, and west of Metroview Parkway, as shown on Figure 1.

The 6.039-acre property is currently zoned “General Industrial District” (I-5) which includes industrial, storage, and office uses served by surface parking. The Applicant’s rezoning application (RZ 2011-MV-021) seeks to rezone the property to “Planned Residential Mixed Use” (PRM) to provide multi-family residential, a hotel, office, and retail/restaurant to be served by structured parking.

The Applicant is proposing to redevelop the property in accordance with the proffered plan which includes approximately 390 residential dwellings units (DUs), a 110,000 gross square foot (GSF) hotel (up to 200 rooms), 254,000 GSF of office uses, and 6,000 GSF of ancillary retail/restaurant uses.

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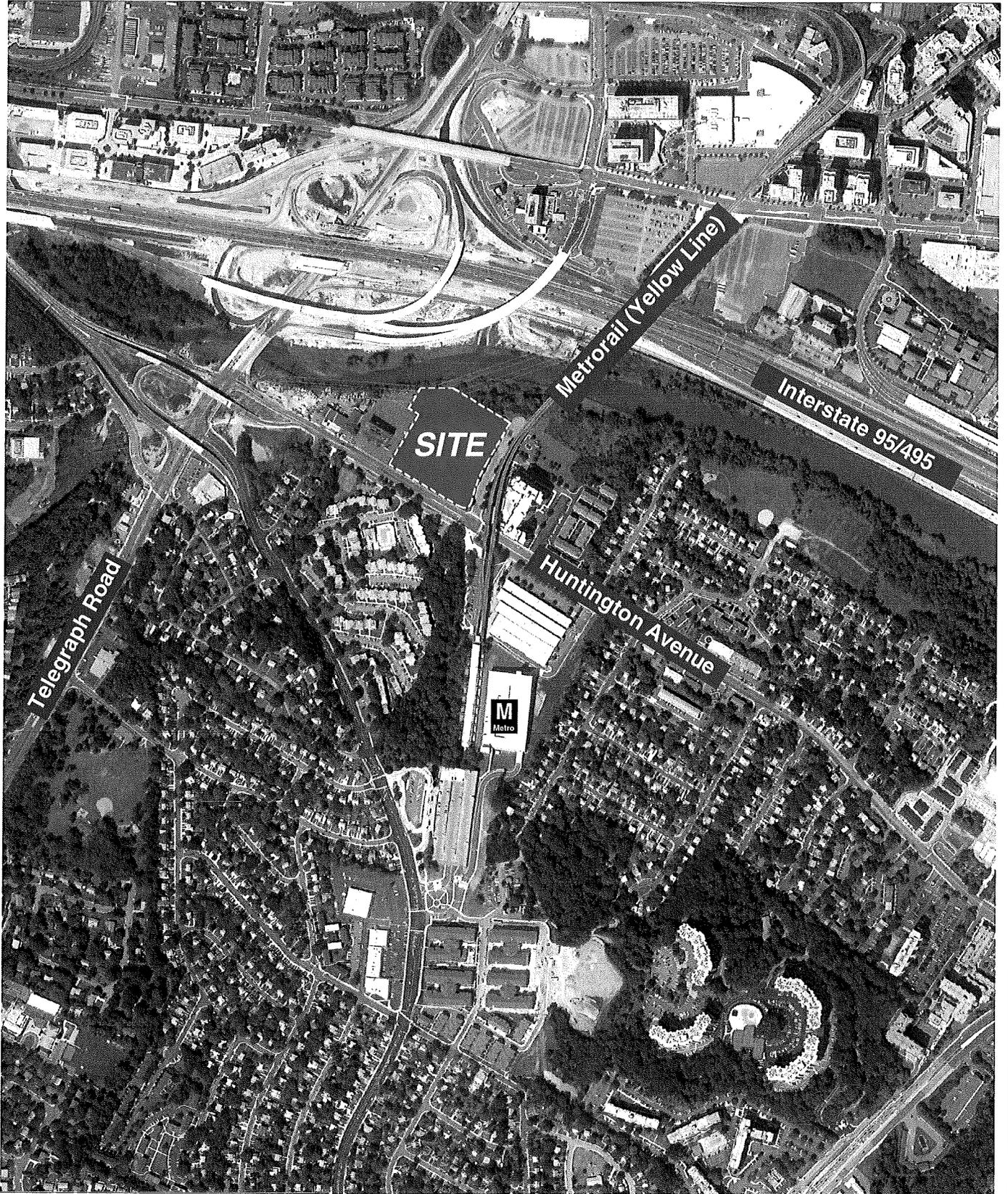


Figure 1  
Site Location



2550 Huntington Avenue  
Fairfax County, Virginia

**WA** Wells + Associates, Inc.

The applicant is requesting a reduction of the number of parking spaces that would be required by a strict application of the Fairfax County Zoning Ordinance, as summarized below:

- A residential **parking reduction of 18.8 percent (117 fewer parking spaces)** for a total of 507 parking spaces to serve the new residential uses. This represents a reduction in the rate from 1.6 spaces/unit (required) to 1.3 spaces/unit (proposed). *Note that the actual number of parking spaces provided will depend on the final unit count, and will be subject to a rate of 1.3 spaces/unit.*

No reduction is proposed for office uses (661 parking spaces required/661 parking spaces provided), hotel uses (216 parking spaces required/250 parking spaces provided), or retail/restaurant uses (35 spaces required/35 spaces provided).

The minimum number of parking spaces on-site would total 1,453 parking spaces with approval of the requested reduction, resulting in an overall reduction of 5.4 percent (or 83 fewer parking spaces) from the 1,536 parking spaces required by code.

## **Background**

The proposed site plan reflects a total of 390 multifamily residential DUs, a 110,000 GSF hotel (up to 200 rooms), 254,000 GSF of office uses, and 6,000 GSF of ancillary retail/restaurant uses. A reduced copy of the site plan is provided as Figure 2. A full size copy is also provided in Attachment I for staff's convenience.

As reflected on the plan, parking for the project (residential, office, retail/restaurant, and hotel related uses) is provided in above and below-grade parking structures. Access to these garages would be provided via the internal private street network (Access Road "A", Darton Way, and Robinson Way), and no direct access to/from the parking structures is provided either on Huntington Avenue or Metroview Parkway.

## **Requested Reduction**

The applicant requests a reduction in the required parking for the proposed residential uses due to the proximity of the Huntington Metrorail station.

Sources of data for this analysis include, but are not limited to, a literature review of parking requirements in TOD's both locally and nationally; site plans prepared by Urban Engineering, the files and library of Wells + Associates, Inc., the Institute of Transportation Engineers (ITE), and "Tysons Corner Urban Center" plan text as amended through June 22, 2010).

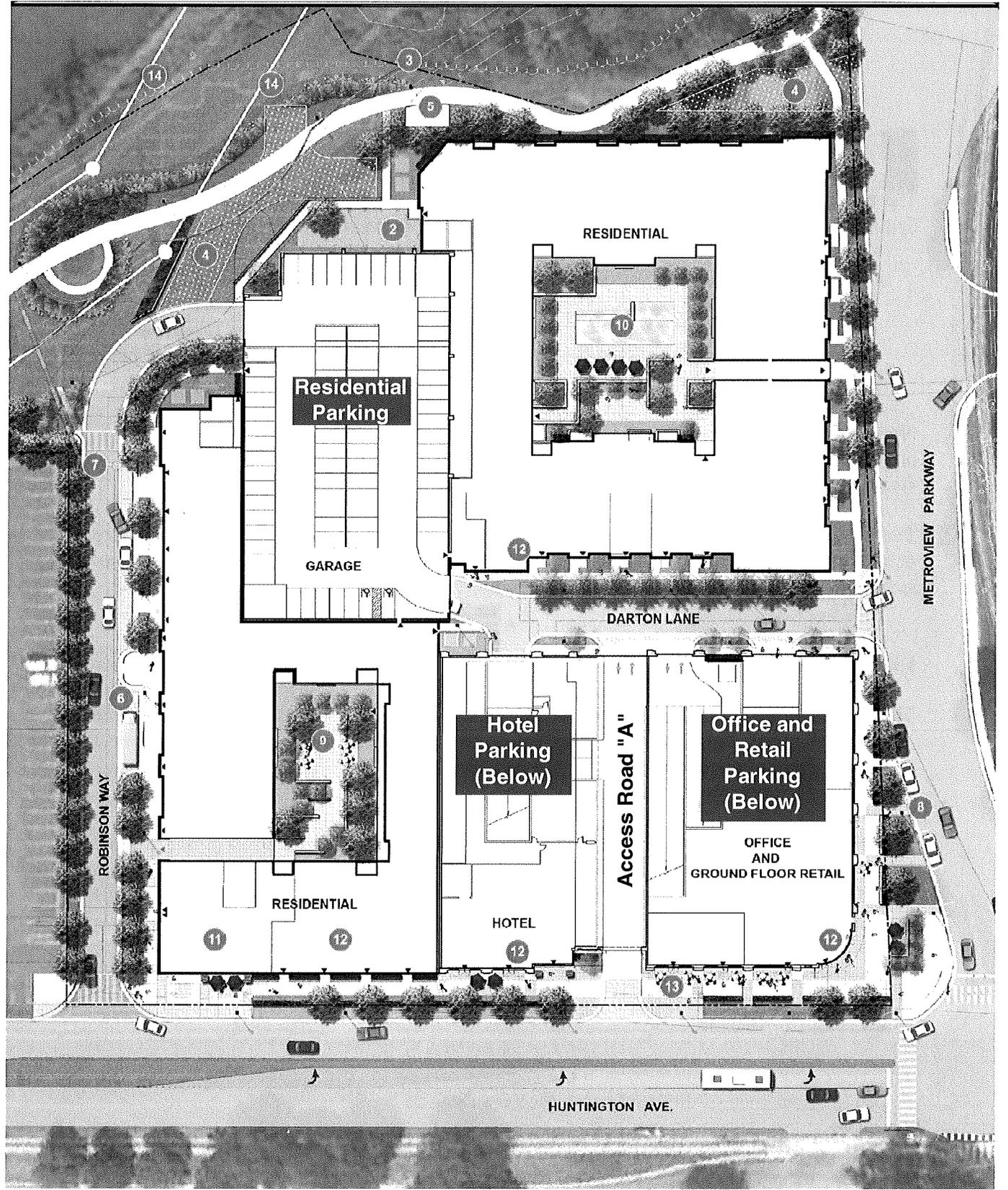


Figure 2  
Site Plan



## **RESIDENTIAL PARKING**

### **Fairfax County Parking Requirements**

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

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

Dwelling, Multiple Family – “One and six-tenths (1.6) spaces per unit”

As stated above and reflected on Table I, based on a strict application of the Zoning Ordinance, 624 parking spaces would be required to accommodate the parking demand associated with the proposed 390 multifamily residential DUs at total build out.

### **Requested Parking Reduction for Residential Uses**

As reflected on Table I, 624 residential parking spaces would be required for full build out according to the Fairfax County Zoning Ordinance. For purposes of this analysis and generally consistent with previous County approvals in transit areas, the residential units are proposed to be parked at an effective baseline rate of approximately one (1) space per bedroom.

Based on the above, the applicant is proposing to provide 507 spaces, and requesting an 18.8 percent reduction (or 117 fewer spaces) of the number of spaces that would be required by a strict application of the Ordinance. The basis for such a request is established in the Ordinance due to the site's proximity to a mass transit station (Section 11-102.5).

Table I  
 2550 Huntington Avenue Parking Reduction  
 Parking Analyses - Residential Uses <sup>(1)</sup>

	Use	Parking Ratio	Number of Units	Parking Spaces
<b><u>Fairfax County Minimum Parking Requirements</u></b>	Multi-Family	1.6 Spaces/Unit	390	624
<b>Total (Code Required Minimum)</b>			<b>390</b>	<b>624</b>
<b><u>2550 Huntington Avenue - Proposed Residential Parking</u></b>	Multi-Family	1.3 Spaces/Unit	390	507
<b>Total (Proposed Residential Parking)</b>			<b>390</b>	<b>507</b>
<b>Proposed Reduction</b>		<b>18.8%</b>		<b>117</b>

Notes: (1) Based on the Fairfax County Zoning Ordinance.

The following section evaluates the requested parking reduction with respect to this provision.

### **Proximity to Mass Transit**

**Overview.** The proposed residential uses would be well served by public transportation. As shown on Figure 3, nearly the entire site is located within one-quarter mile of the existing Huntington Metrorail station. The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites located in close proximity to transit. Article 11, Section 11-102.5 states:

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

The 2550 Huntington Avenue Development was designed to incorporate pedestrian friendly internal streets, wide sidewalks, and access to nearby WMATA facilities located immediately to the south.

**Huntington Metrorail Station.** The Huntington Metrorail station is served by the Yellow Line, bicycle racks/lockers, as well as multiple Fairfax Connector and WMATA Metrobus routes. The Huntington Metrorail station is also well served by the following nine (9) Fairfax Connector bus lines and two (2) WMATA Metrobus lines:

- Fairfax Connector
  - Fort Hunt Road – Mount Vernon Line (101)
  - Rose Hill Line (109)
  - Woodlawn Line (151)
  - Groveton – Mount Vernon Line (152)
  - Hybla Valley Counter-clockwise Line (161)
  - Hybla Valley Clockwise Line (162)
  - Richmond Highway Line (171)
  - Telegraph Road Line (301)
  - Franconia Road – Rolling Valley Line (310)

- WMATA Metrobus
  - Richmond Highway Express Line (REX)
  - Huntington-Pentagon Line (9A)

**Auto Ownership in TOD's.** In harmony with the transit-oriented nature of the 2550 Huntington Avenue Development, the residential units will be marketed toward a demographic inclined to use transit on a regular basis. For total build out, 270 (69 percent) of the 390 dwelling units currently planned, will be studio or single bedroom models. The remaining 120 units (31 percent) would not exceed two bedrooms. A summary of the proposed unit mix is provided in Table 2.

C:\PROJECTS\5001-5500\5131\_2550 HUNTINGTON AVENUE\GRAPHICS\5131 PARKING REDUCTION GRAPHICS 8.18.2012.DWG

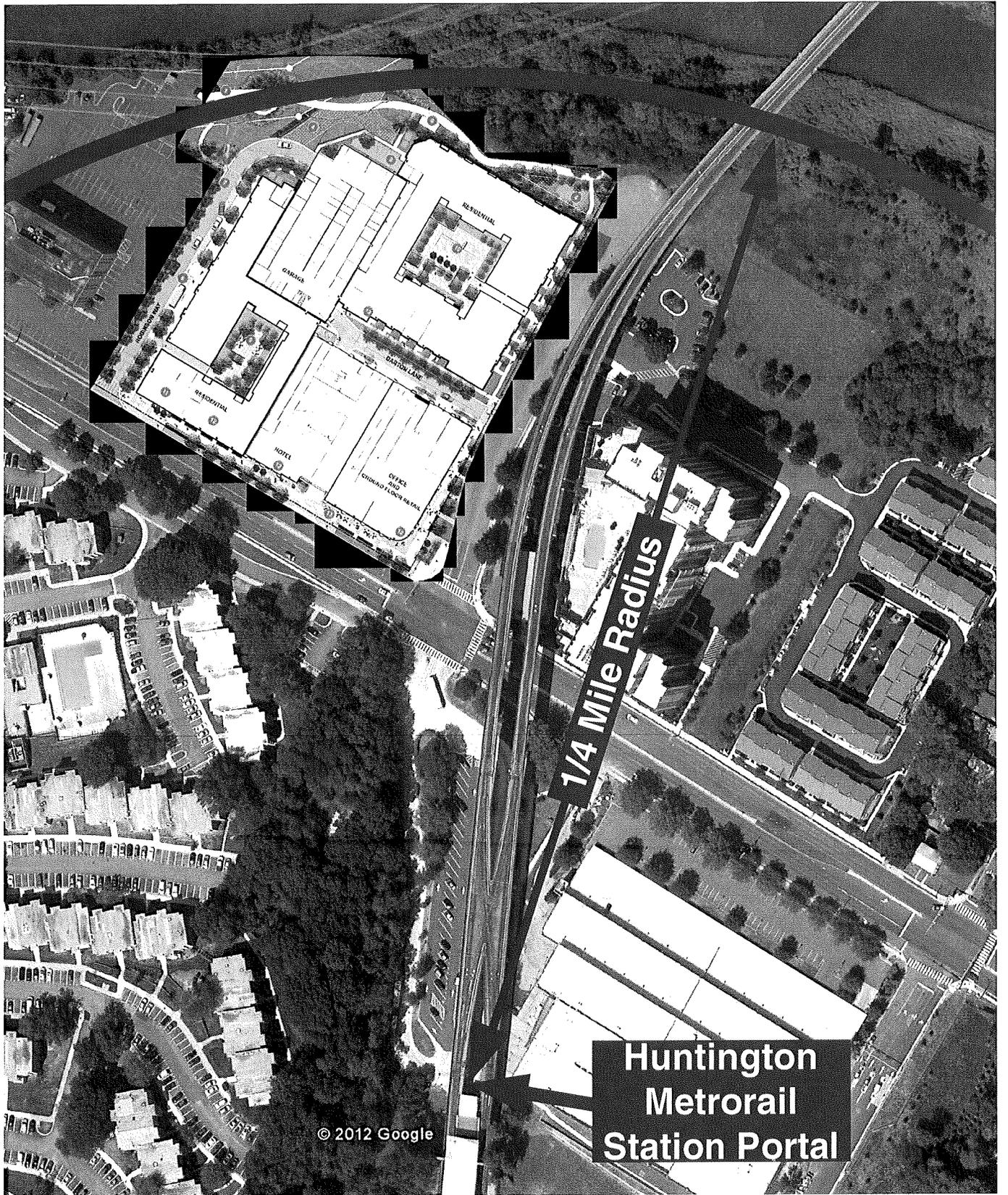


Figure 3  
Proximity to Metrorail Station



North

JCP

2550 Huntington Avenue  
Fairfax County, Virginia



Table 2  
 2550 Huntington Avenue Parking Reduction  
 Parking Requirements Comparison - Residential Uses

Dwelling Units	Number of Bedrooms	TOD Parking Ratio (1/8-1/4 mi from Metro)	Units by Number of Bedrooms	Parking Spaces	Reduction from Code Requirement
<b>Countywide Parking Ratios</b> <sup>(1)</sup>	Multi-Family	1.6 Spaces/Unit	390	624	
	Townhome	2.7 Spaces/Unit	0	0	
<b>Total (Code Requirement)</b>			<b>390</b>	<b>624</b>	<b>N/A N/A</b>
<b>Tysons Corner Minimum Parking Ratios</b> <sup>(2)</sup>	0-1 Bedroom	1.0 Spaces/Unit	270	270	
	2 Bedroom	1.0 Spaces/Unit	120	120	
	3 Bedroom	1.0 Spaces/Unit	0	0	
<b>Total (Tysons Min.)</b>			<b>390</b>	<b>390</b>	<b>234 37.5%</b>
<b>Tysons Corner Maximum Parking Ratios</b> <sup>(2)</sup>	0-1 Bedroom	1.3 Spaces/Unit	270	351	
	2 Bedroom	1.6 Spaces/Unit	120	192	
	3 Bedroom	1.9 Spaces/Unit	0	0	
<b>Total (Tysons Max.)</b>			<b>390</b>	<b>543</b>	<b>81 13.0%</b>
<b>Proposed Parking Ratios</b>	0-1 Bedroom	1.0 Spaces/Unit	270	270	
	2 Bedroom	2.0 Spaces/Unit	120	240	
	3 Bedroom	3.0 Spaces/Unit	0	0	
<b>Total (Proposed)</b>			<b>390</b>	<b>510</b>	<b>114 18.3%</b>

Notes: (1) Based on the Fairfax County Zoning Ordinance.

(2) Based on Area II: Tysons Corner Urban Center – Areawide Recommendations (Amended through 6-22-2010)

**Supporting Studies.** Dr. Robert Cervero of the University of California at Berkley has conducted extensive research over the past decade or more on residents of TOD's (primarily in California) and their travel behavior. Among Cervero's primary findings were the following:

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

Cervero found TOD's had an average of 1.66 people and 1.26 vehicles per household compared to 2.4 people and 1.64 vehicles for all households located in the same census tract. Cervero's findings in California were further supported by a study of vehicle ownership in TOD's in British Columbia. In this study, Bunt and Associates Engineering surveyed households near six "Skytrain" transit stations. Primary findings from this study found:

- Households located near Skytrain stations use transit much more often than more distant households (i.e., residential sorting is occurring).
- Households near stations generally owned 10 percent fewer vehicles than more distant households. Frequent users of Skytrain, however, owned 29 percent fewer vehicles than households using Skytrain less frequently. The difference in Skytrain use translates directly to lower car ownership rates.
- Other factors were found to affect car ownership in addition to transit proximity. These are: household income; number of people in a household; and the size of dwelling units (which was assumed to be correlated with the other two factors).

Based on these findings, the City of Vancouver allowed parking reductions ranging from 14 percent to 28 percent for new multifamily residential projects.

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

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

The results of our study were generally consistent with the findings of Cervero et al.

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

Auto ownership, as measured in the Wells study taken together with the Ridership Survey II data, ranged from a low of 0.25 vehicles per unit to a high of 1.87 vehicles per unit (as measured at Fairfax Towers, a non-TOD product). Average auto ownership was calculated at 1.07 vehicles per unit.

Based on the above average auto ownership rate, the projected number of vehicles associated with the proposed 390 units at 2550 Huntington Avenue Development would be 418 spaces (or 1.07 spaces per unit) at total build out. In addition to auto ownership, parking demand counts were collected at a number of metro and non-metro related sites. Excerpts from the June 2001, Wells study are included as Attachment III.

### **Area II: Tysons Corner Urban Center – Areawide Recommendations (Amended through 6-22-2010)**

In response to the advent of Metrorail in Tysons Corner, the Board of Supervisors established minimum and maximum “Parking Ratios for Tysons Corner.” According to the Plan’s Areawide Recommendations for Tysons Corner, minimum parking requirements should be substantially

reduced from County-wide standards when proximate to a rail station. Proximate to a rail station is defined up to 1/2 mile from the portal. For multi-family dwelling units located within 1/8 to 1/4 mile, the plan recommends a minimum of one (1) space per dwelling unit regardless whether it's a one (1), two (2), or three (3) bedroom unit. The plan also recommends a maximum of 1.3, 1.6, and 1.9 parking spaces per one (1), two (2), and three (3) bedroom units, respectively.

Based on these parking recommendations, the residential parking requirement for the 2550 Huntington Avenue Development was calculated based on the proposed unit mix shown in Table 2 and its location within 1/8 to 1/4 mile from the Huntington Metrorail station. For total build out, the required minimum number of residential parking spaces would be 390 parking spaces (234 fewer spaces than the Code required minimum) (or an average rate of approximately 1.0 spaces/unit), as shown in Table 2. This would correspond to a parking reduction of approximately 37.5 percent from code requirements. Further, the maximum allowable number of residential parking spaces for the 2550 Huntington Avenue Development would be 543 spaces (81 fewer spaces than the Code required minimum). Thus, the 18.8 percent reduction for a total of 507 residential parking spaces requested herein is supported by the TOD parking rates in Tysons Corner.

### **Residential Parking Reduction Request**

Based on the development's proximity to Metrorail and the proposed mix of residential units (studio/one-bedroom vs. two-bedroom), a parking reduction from the code requirement of 624 parking spaces is proposed. Based on the analysis provided herein, the residential uses would be parked at approximately one (1.0) space per bedroom. Based on the proposed number of bedrooms, the baseline parking demand was assumed to be one (1.0) parking space per studio/single bedroom unit and two (2.0) spaces per two-bedroom unit. Based on the proposed unit mix shown in Table 2, the required parking would be 510 residential parking spaces (or equal to 1.31 spaces per unit). This rate would correspond to a parking reduction of approximately 18.3 percent from code requirements (114 fewer spaces than Code requirement), as shown in Table 1. However, the Applicant is seeking a total residential reduction of 18.8 percent (or 117 fewer spaces than Code requirements) yielding a residential requirement of 507 spaces (1.30 spaces per unit) consistent with both the recommendations of the Victoria Transport Policy Institute and those parking standards established for TOD's in Tysons Corner.

## Conclusions

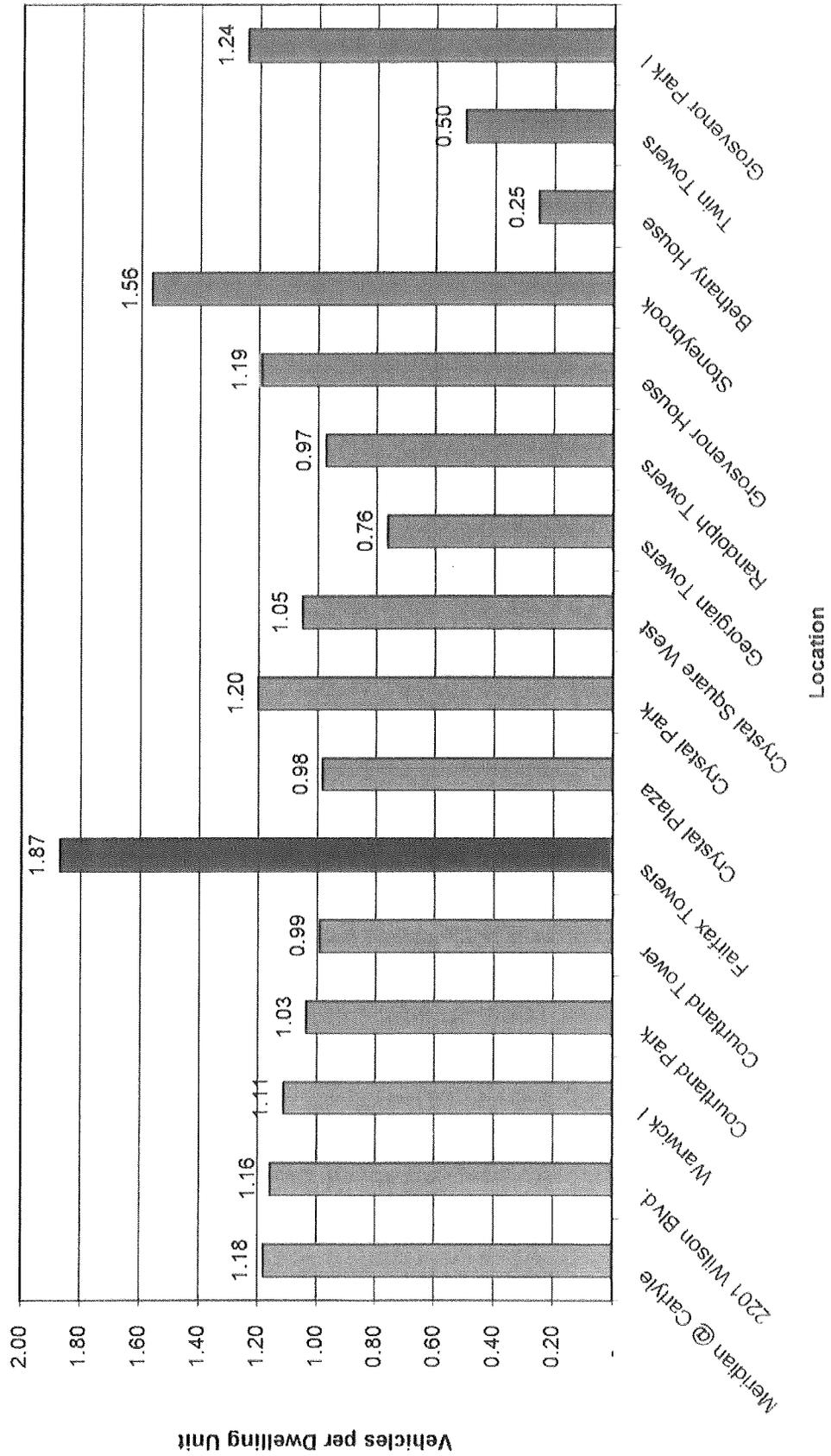
Based on the documentation provided herein, the following can be concluded:

1. Under a strict application of the Zoning Ordinance, 624 parking spaces would be required to accommodate the proposed 390 residential dwelling units.
2. The applicant is seeking a **parking reduction of 18.8 percent (117 fewer parking spaces than Code requirements)** for a total minimum requirement of 507 parking spaces to serve the proposed new residential uses for total build out (exclusive of any on-street spaces). *(Note that the actual number of parking spaces provided will depend on the final unit count, and will be subject to a rate of 1.3 spaces/unit).*
3. The location of the site in close proximity to the Huntington Metrorail station (within 1/4 mile) and the planned design of the site as a transit-oriented development (TOD) will serve to reduce parking demand and attract residents who will be inclined to choose non-auto modes of travel.
4. The proposed unit mix (studio/single-bedroom vs. two-bedroom units) would result in a residential parking demand less than the strict application of the Zoning Ordinance would require.
5. Given the site's location to existing mass transit, the 18.8 percent residential parking reduction requested by the applicant should be supported.
6. The parking reduction requested by the Applicant is supported by TOD parking requirements in Tysons Corner, as well as other experiences nationally.

**ATTACHMENT III**

Excerpt from Wells + Associates, Inc. Study

**Figure 12**  
**Auto Ownership**



## SUMMARY AND CONCLUSIONS

The 347 parking spaces proposed by LCOR Incorporated to serve the residents, employees and guests of Merrifield Metro Center is more than adequate to meet the parking demands anticipated to occur at the facility.

Both local and national experience has found that reducing parking within designated transit station areas, such as Merrifield, combined with transportation demand management strategies is an effective way to encourage transit ridership and ease congestion.

As demonstrated in this report, this experience is being reflected both nationally and locally as evidenced by recent Zoning Ordinance provisions addressing the impact of transit proximity. By permitting flexibility in the number of spaces required in transit oriented zones (i.e., reducing the available supply) mode splits increase, oft times dramatically.

The Fairfax County Zoning Ordinance requirement for multifamily residential developments **does not** reflect current parking demand as measured at representative sites. On average the Fairfax County rate is **significantly higher** than local and national experience indicates is necessary for transit oriented areas.

The provision of excess parking in areas such as Merrifield will continue to encourage the use of automobiles, minimize mode splits, and contribute to congestion; contradicting the Plans overall goal of smart growth.

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ACTION – 4

Approval to Authorize the Sale of General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds

ISSUE:

Board approval of a resolution to authorize the sale of General Obligation Public Improvement and Public Improvement Refunding Bonds on or about January 9, 2013.

RECOMMENDATION:

The County Executive recommends approval of the sale of General Obligation Public Improvement Bonds that will generate \$249.23 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

The County Executive also recommends approval of the sale of General Obligation Public Improvement Refunding Bonds to refund certain outstanding maturities of certain series of public improvement bonds. While the actual amount of the refunding sale will be dependent on the bond market conditions, at this time, the best refunding candidates total approximately \$75.32 million from the following: Series 2004A, Series 2004B, Series 2005A, and Series 2007A.

The Board should take the following action:

Approve the resolution authorizing the issuance of the General Obligation Public Improvement Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution delegates to the County Executive or Chief Financial Officer authority to award the bonds to the lowest responsive bidder. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds, and authorizes the Chairman, Vice Chairman, County Executive or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds. In addition, the resolution provides the flexibility that Public Improvement Refunding Bonds (or public improvement bonds) may be sold in a negotiated transaction with a County chosen underwriter(s).

TIMING:

Board action is requested on December 4, 2012.

BACKGROUND:

The Proposed Bond Sale Schedule (Attachment 2) indicates a sale on or about January 9, 2013 for the refunding and new money bonds. There are many potential market events that could affect the bond sale in the next few months; and therefore, this sale date is subject to market conditions. The County staff, along with the County's Financial Advisor will revisit and fine tune the sale date, as needed. The closing date for the bonds is currently scheduled for the week of January 21, 2013.

Staff is presenting the Board with the necessary documents to proceed with the new money bond sale to meet FY 2013 capital funding requirements for on-going projects as well as a refunding bond sale to provide savings on outstanding debt. The County staff, Bond Counsel, and the County's Financial Advisor added flexibility to the bond resolution to permit multiple bond sale methodologies and various structural alternatives. This flexibility will allow staff to respond to potentially changing market conditions in order to obtain the lowest possible interest rates. For example, the resolution allows for a negotiated sale for all or a portion of the bonds rather than only a competitive sale. Increasing the County's flexibility is a sound strategy for weathering the volatility in the current bond market and ensuring the County has market access at favorable interest rates.

**New Money Sale**

The General Obligation Bond sale of \$249.23 million includes amounts for the following categories: \$155 million in bond sales for school facilities plus \$14 million from the 2007 School bond referendum for the Newington Bus Garage to be expended out of Fund 30010; County Bond Construction of \$15 million for Washington Metropolitan Area Transit Authority Capital Project requirements; and \$65.23 million for general County projects including: \$19 million for County and regional park projects, \$11 million for transportation projects, and \$35.23 million for County facilities. The Schedule of Bond Purposes notes the remaining balance of voter approved authorized but unissued bond funds by category and is included as Attachment 3. The School Board resolution requesting the sale of bonds on behalf of the School system is included as Attachment 4. The School Board anticipates approving the resolution at its November 19, 2012 School Board meeting.

Staff has structured the size of this sale to the level necessary to support the capital construction program in FY 2013, without altering any of the schedules of the projects in progress and previously approved by the Board of Supervisors. The bond sale amount

was sized to the smallest amount of bond funding possible based on cash needs. This sale of \$249.23 million is within the adjusted total maximum sales allowed for in the revised Ten Principles of Sound Financial Management. The FY 2013 Adopted Budget Plan states that the maximum annual sale of bonds will be \$275 million or \$1.375 billion over a five-year period, with a technical limit not to exceed \$300 million in a single year. Consistent with previous bond sales, the County's Resolution (Attachment 1) includes a provision which would permit the County Executive or Chief Financial Officer to award the bonds, in the event of a competitive sale, to the best responsive bidder within the guidelines established by the Board.

The maximum true interest cost rate permitted on the bonds as established in the Bond Resolution is 5.5 percent. In addition, for a competitive sale, staff will use the electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachment 5), and the Preliminary Official Statement, (Attachment 6).

It should be noted that Attachments 2 through 6 may be subject to minor changes to satisfy final legal review and to provide the most current information possible for bidders. Any material changes will be noted and forwarded to the Board of Supervisors.

### **Refunding Sale**

The County's Financial Advisor has conducted a refunding analysis of existing General Obligation bonds. Assuming market conditions as of November 2, 2012, a refunding of the most cost effective outstanding maturities includes the following: Series 2004A, Series 2004B, Series 2005A, and Series 2007A. These bonds would produce savings exceeding the County's minimum savings threshold. The refunding would generate net present value savings of approximately \$6.5 million or 8.6 percent of the refunded par amount. Actual savings will be dependent upon bond market conditions at the time of the sale. The County's Financial Advisors are currently recommending a competitive sale for the refunding bond sale, but will finalize this detail in the weeks leading up to the sale date based on market activity. If market conditions further improve, the refunding authorization also includes the provision for refunding certain maturities from the Series 2008A to provide for additional savings.

Consistent with prior refunding sales, the County's Resolution includes provisions that delegate to the County Executive or the Chief Financial Officer authority to take certain actions and make certain determinations. These actions include determining the refunding candidates to be chosen (subject to the 4 percent or \$1.0 million present value test); determining the final terms and structure of the refunding series; and finalizing any associated legal documentation.

In addition, Staff has recommended one change in Section 3 – Sale of Bonds under the Bond Resolution (Attachment 1). While County General Obligation Bond Sales typically

occur in January, the resolution allows for the flexibility for the actual sale of the bonds to occur up until the last day of the calendar year (December 31). As interest rates continue to fluctuate with current market conditions and hover at historic lows, the opportunity remains for the County to capitalize on additional refunding bond sales for those maturities specifically authorized in the resolution. As a point of reference, as of November 7, 2012, tax-exempt interest rates on the long-end of the yield curve set new record lows. Given these circumstances, County staff is recommending revising the end date for potential refunding opportunities to be changed to December 31 of the calendar year in the bond resolution. This will allow for additional flexibility to capitalize on refunding candidates other than those currently planned for the January 2013 bond sale but included in the bond resolution were they to meet the refunding criteria. This date change would apply to refunding bond sales only and is not authorizing staff to conduct any additional new money bond sales without prior Board approval.

FISCAL IMPACT:

Based on market conditions as of November 2, 2012, the refunding totals \$75.32 million and is estimated to generate net present value savings of \$6.5 million or 8.6%. If interest rates rise 10 basis points (0.10 percent), the net present value savings would be approximately \$5.7 million or 8.2% (the refunding candidates would fall to \$68 million). Actual savings will be dependent upon bond market conditions at the time of the sale.

The estimated debt service budget requirement for the new money bond sale, based on a conservative 4.0 percent True Interest Cost estimate, is \$9.2 million for County purposes and \$14.7 million for School purposes, commencing in FY 2014.

The County's last refunding bond sale in the amount of \$192.35 million occurred on January 19, 2012. Fairfax County sold General Obligation Public Improvement Refunding Bonds, Series 2012B (tax-exempt) on a negotiated basis to Morgan Stanley, at a true interest cost of 1.77 percent. The County's last new money bond sale in the amount of \$217.66 million occurred on January 18, 2012. Fairfax County sold General Obligation Public Improvement bonds, Series 2012A (tax-exempt) to Citigroup, at a true interest cost of 2.43 percent, which was one of the County's lowest interest rates on a new money issue received in recent history. The combination of low interest rate environment and the continued strength of the County's financial management resulted in such a low true interest rate cost on both of the 2012 bond sales. The reception of Fairfax County bonds in the market continues to compare favorably both nationally and locally.

The County has held a Aaa rating from Moody's since 1975, a Triple A rating from Standard and Poor's since 1978 and a AAA rating from Fitch Ratings since 1997. As of

Board Agenda Item  
December 4, 2012

October, 2012, 8 states, 39 counties, and 33 cities have a Triple A bond rating from all three major rating agencies. As a result of the County's excellent Triple-A bond rating, the County has saved an estimated \$543.28 million from County bond and refunding sales.

ENCLOSED DOCUMENTS:

Attachment 1: 2013 County Public Improvement Bond Resolution

Attachment 2: 2013 Bond Sale Schedule of Events

Attachment 3: Schedule of Bond Purposes

Attachment 4: School Board Resolution Requesting Sale of Bonds (School Board Approved on November 19, 2012)

Attachment 5: Notice of Sale, Series 2013

Attachment 6: Draft of the Preliminary Official Statement, Series 2013 (Copy available in the Office of the Clerk to the Board.)

STAFF:

Susan Datta, Chief Financial Officer

Joseph LaHait, Debt Coordinator

Leonard Wales, County Financing Advisor

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on December 4, 2012, at which meeting a quorum was present and voting, the following resolution was adopted:

**A RESOLUTION AUTHORIZING THE ISSUANCE IN ONE OR MORE SERIES, OF PUBLIC IMPROVEMENT BONDS AND REFUNDING BONDS, OF FAIRFAX COUNTY, VIRGINIA, PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE COUNTY EXECUTIVE OR THE CHIEF FINANCIAL OFFICER AUTHORITY TO DETERMINE CERTAIN DETAILS OF SUCH BONDS AND ACCEPT OFFERS FOR THE PURCHASE OF SUCH BONDS.**

**BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia:**

**Section 1(a). Public Improvement Bonds.** The Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors"), has found and determined and does hereby declare that:

(i) **School improvements - \$169,000,000.** At an election duly called and held on November 6, 2007, a majority of the qualified voters of Fairfax County, Virginia, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$365,200,000.

The purpose of the school bonds stated in the election was for purposes of providing up to \$315,200,000, in addition to funds from school bonds previously authorized and any other available funds, to finance the costs of additional capital improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and providing up to \$50,000,000, in addition to any other available funds, to finance the cost of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school buses, school vehicles and other County vehicles.

The Board of Supervisors at the request of the School Board of Fairfax County, Virginia has heretofore issued \$266,115,000 of the school bonds authorized at the election held on November 6, 2007.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$65,795,000 school bonds to finance the costs of additional capital improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and \$14,000,000 schools bonds for financing the costs of expanding, renovating, improving, furnishing and equipping facilities for the repair and

other servicing of school busses, school vehicles and other County vehicles purposes authorized at the November 6, 2007 election, and to sell the bonds at this time.

At an election duly called and held on November 3, 2009, a majority of the qualified voters of Fairfax County, Virginia, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$232,580,000; and

The purpose of the school bonds stated in the election was for purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

The Board of Supervisors has not issued any of the \$232,580,000 school bonds authorized at the election held on November 3, 2009.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$89,205,000 school bonds authorized at the November 3, 2009 election, and to sell the bonds at this time.

The issuance of such school bonds is contingent upon the adoption by the County School Board of a resolution, in a form acceptable to the County's bond counsel, consenting to the issuance of such school bonds.

(ii) **Transportation improvements and facilities - \$26,000,000.** At an election duly held on November 6, 2007, a majority of the qualified voters of Fairfax County, approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in addition to the bonds previously authorized for transportation improvements and facilities and any other available funds, in the maximum aggregate principal amount of \$110,000,000 for the purpose of providing funds for the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of necessary land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$110,000,000 for such purpose.

The Board of Supervisors has heretofore issued \$31,240,000 transportation improvement and facilities bonds authorized at the November 6, 2007 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$11,000,000 of such transportation improvement and facilities bonds authorized at the November 6, 2007 election and to sell the bonds at this time.

At an election duly held on November 2, 2010, a majority of the qualified voters of Fairfax County, approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in addition to the bonds previously authorized for transportation improvements and facilities, in the maximum aggregate principal amount of \$120,000,000 for the purpose of providing funds for the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of necessary land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$120,000,000 for such purpose.

The Board of Supervisors has heretofore issued \$29,310,000 transportation improvement and facilities bonds authorized at the November 2, 2010 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$20,000,000 of such transportation improvement and facilities bonds authorized at the November 2, 2010 election and to sell the bonds at this time.

(iii) **Public safety facilities -- \$23,900,000.** At an election duly called and held on November 7, 2006, a majority of the qualified voters of Fairfax County, Virginia, voting on the question approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in the maximum aggregate principal amount of \$125,000,000, for the purpose of providing funds, in addition to the public safety facilities bonds previously authorized and any other available funds, to finance the cost of providing public safety facilities, including the construction, reconstruction, enlargement, renovation and equipment of detention facilities, animal control facilities, civil and criminal justice facilities, police, fire and rescue training facilities and stations, including fire and rescue stations owned by volunteer organizations, and the acquisition of necessary land.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$125,000,000 for such purpose.

The Board of Supervisors has heretofore authorized the issuance of and has issued \$31,420,000 public safety facilities bonds authorized at the November 7, 2006 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$23,900,000 of such public safety facilities bonds authorized at the November 7, 2006 election and to sell the bonds at this time.

(iv) **Parks and park facilities - \$19,000,000.** At an election duly called and held on November 4, 2008, a majority of the qualified voters of Fairfax County, approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in addition to the parks and park facilities bonds previously authorized, in the maximum aggregate principal amount of \$77,000,000 for the purpose of providing funds to finance the cost of providing additional parks and park facilities including the acquisition, construction, development and equipment of additional parks and park facilities, and the purchase of easements for the preservation of open-space land and the development and improvement of existing parks and park facilities by the Fairfax County Park Authority, and including an amount not to exceed \$12,000,000 allocable to the County as its share of the cost of parks and park facilities to be acquired, constructed, developed and equipped by the Northern Virginia Regional Park Authority.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$77,000,000 for such purpose.

The Board of Supervisors has heretofore authorized the issuance of and has issued \$29,850,000 parks and park facilities bonds for the Fairfax County Park Authority and \$12,000,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the November 4, 2008 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$13,000,000 parks and park facilities bonds for the Fairfax County Park Authority authorized at the November 4, 2008 election and to sell the bonds at this time.

At an election duly called and held on November 6, 2012, a majority of the qualified voters of Fairfax County, approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in addition to the parks and park facilities bonds previously authorized, in the maximum aggregate principal amount of \$75,000,000 for the purpose of providing funds with any other available funds to finance the cost of providing parks and park facilities including the acquisition, construction, development and equipment of additional parks and park facilities, and the purchase of permanent easements for the preservation of open-space land and the development and improvement of existing parks and park facilities by the Fairfax County Park Authority, and including an amount not to exceed \$12,000,000 allocable to the County as its share of the cost of parks and park facilities to be acquired, constructed, developed and equipped by the Northern Virginia Regional Park Authority.

Prior to the issuance of such bonds, the Circuit Court of Fairfax County, Virginia will duly enter its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to

contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$75,000,000 for such purpose.

The Board of Supervisors has not issued any of the \$75,000,000 park and parks facilities bonds authorized at the election held on November 6, 2012.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$6,000,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the November 6, 2012 election and to sell the bonds at this time.

(v) **Commercial and Redevelopment Area Improvements - \$6,630,000.** At an election duly called and held on November 8, 1988, a majority of the qualified voters of Fairfax County, Virginia, voting on the question approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in the aggregate principal amount of \$32,000,000 for the purpose of providing funds, with any other available funds, to finance the cost of a project to provide public improvements in commercial and redevelopment areas of the County, including the construction and reconstruction of utilities, roadways and sidewalks, including necessary curbs, gutters, culverts, drains, street lights, signage and landscaping, and the acquisition of necessary land, of which the County may pay not to exceed \$9,700,000 for the construction and reconstruction of utilities, roadways and sidewalks, including necessary curbs, gutters, culverts, drains, street lights, signage and landscaping, by the Fairfax County Redevelopment and Housing Authority.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of said County as expressed at said election and to contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$32,000,000 for such purpose.

The Board of Supervisors has heretofore authorized the issuance of and has issued (i) \$5,330,000 of the bonds for the Fairfax County Redevelopment and Housing Authority and (ii) \$20,040,000 of the bonds for public improvements in commercial and redevelopment areas for a total amount issued of \$25,370,000 of such bonds authorized at the November 8, 1988 election.

The Board of Supervisors deems it advisable, pursuant to the provisions of Section 15.2-2663, Code of Virginia, 1950, as amended, to elect to issue the following amount of such bonds under the provisions of Chapter 5, Title 15.1, Code of Virginia, 1950, as amended, as the same existed on June 30, 1991.

The Board of Supervisors deems it advisable to authorize the issuance of the \$6,630,000 balance of such transportation improvements and facilities bonds authorized at the November 8, 1988 election and to sell the bonds at this time.

(vi) **Public library facilities -- \$4,700,000.** At an election duly called and held on November 2, 2004, a majority of the qualified voters of Fairfax County, Virginia, voting on the question approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in the maximum aggregate principal amount of \$52,500,000 for the purpose of providing funds, with any other available funds, to finance the cost of providing additional public

library facilities, the reconstruction, enlargement, and equipment of existing library facilities, and the acquisition of necessary land.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$52,500,000 for such purpose.

The Circuit Court of Fairfax County, Virginia has duly entered a Final Order on October 11, 2012 granting the Board's petition to extend the time period by two years in which the public library facilities bonds may be issued.

The Board of Supervisors has heretofore authorized the issuance of and has issued \$43,120,000 of the public library facilities bonds authorized at the November 2, 2004 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$4,700,000 of such public library facilities bonds authorized at the November 2, 2004 election and to sell the bonds at this time.

**Section 1(b). Prior bond issues.** The Board of Supervisors has been advised that certain bonds of certain series of its outstanding public improvement bonds and public improvement and refunding bonds, in certain favorable market conditions, may be refunded to achieve substantial present value debt service savings.

The Board of Supervisors deems it advisable to authorize the issuance of public improvement refunding bonds to achieve such savings, if available.

The Board of Supervisors has further found and determined and does hereby declare that:

(i) **Series 2004 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, neighborhood improvements, transportation improvements and facilities, adult detention facilities, juvenile detention facilities, commercial and redevelopment area improvements and storm drainage improvements, and to refund certain Series 1996 A and Series 1997 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$329,110,000, designated "Public Improvement and Refunding Bonds, Series 2004 A" (the "Series 2004 A Bonds"), dated as of April 14, 2004.

The Series 2004 A Bonds which mature on or before April 1, 2014 are not subject to redemption before maturity. Series 2004 A Bonds which mature after April 1, 2014 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2014, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(ii) **Series 2004 B Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public safety facilities and commercial

and redevelopment area improvements, and to refund certain Series 1997 B, Series 1998 A and Series 1999 B outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$311,810,000, designated “Public Improvement and Refunding Bonds, Series 2004 B” (the “Series 2004 B Bonds”), dated as of October 19, 2004.

The Series 2004 B Bonds which mature on or before October 1, 2014 are not subject to redemption before maturity. Series 2004 B Bonds which mature after October 1, 2014 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days’ notice mailed to the registered owners, on any date not earlier than October 1, 2014, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(iii) **Series 2005 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities, human services facilities and adult detention facilities, and to refund certain Series 1999 A, Series 2000 A, Series 2000 B, Series 2001 A and Series 2002 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$543,585,000, designated “Public Improvement and Refunding Bonds, Series 2005 A” (the “Series 2005 A Bonds”), dated as of August 16, 2005.

The Series 2005 A Bonds which mature on or before October 1, 2015 are not subject to redemption before maturity. Series 2005 A Bonds which mature after October 1, 2015 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days’ notice mailed to the registered owners, on any date not earlier than October 1, 2015, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(iv) **Series 2007 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities, human services facilities, commercial and redevelopment area improvements and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$234,600,000, designated “Public Improvement Bonds, Series 2007 A” (the “Series 2007 A Bonds”), dated as of February 7, 2007.

The Series 2007 A Bonds which mature on or before April 1, 2015 are not subject to redemption before maturity. Series 2007 A Bonds which mature after April 1, 2015 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days’ notice mailed to the registered owners, on any date not earlier than April 1, 2015, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(v) **Series 2008 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$234,475,000, designated “Public Improvement Bonds, Series 2008 A” (the “Series 2008 A Bonds”), dated as of January 30, 2008.

The Series 2008 A Bonds which mature on or before April 1, 2018 are not subject to redemption before maturity. Series 2008 A Bonds which mature after April 1, 2018 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2018, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(vi) **Series 2009 A Bonds.** For the purposes of providing funds, with other available funds, for school improvements, parks and park facilities, transportation improvements and facilities, human service facilities, public library facilities and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$199,510,000, designated "Public Improvement Bonds, Series 2009 A" (the "Series 2009 A Bonds"), dated January 28, 2009.

The Series 2009 A Bonds which mature on or before April 1, 2019, are not subject to optional redemption before their maturity. The Series 2009 A Bonds which mature after April 1, 2019, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2019, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(vii) **Series 2011A Bonds.** For the purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities and park and park facilities and to refund certain Series 2002 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$190,090,000, designated "Public Improvement and Refunding Bonds, Series 2011A" (the "Series 2011A Bonds"), dated February 10, 2011.

The Series 2011A Bonds which mature on or before April 1, 2021, are not subject to optional redemption before their maturity. The Series 2011A Bonds maturing after April 1, 2021, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2021, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(viii) **Series 2012A Bonds.** For purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities, human services facilities and public library facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$217,655,000, designated "Public Improvement Bonds, Series 2012A" (the "Series 2012A Bonds"), dated February 2, 2012.

The Series 2012A Bonds which mature on or before April 1, 2020, are not subject to optional redemption before their maturity. The Series 2012A Bonds maturing after April 1, 2020, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2020, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(ix) The Board of Supervisors has determined to provide for the issuance of refunding bonds of Fairfax County, Virginia, for the purpose of providing funds, with other available funds, to refund all or a portion of all or any of the following outstanding bonds of Fairfax County, Virginia (collectively, the “Refunding Candidates”), all as hereinafter provided:

Series 2004 A Bonds, which are first subject to, and shall be called for, redemption on April 1, 2014,

Series 2004 B Bonds, which are first subject to, and shall be called for, redemption on October 1, 2014,

Series 2005 A Bonds which are first subject to, and shall be called for, redemption on October 1, 2015,

Series 2007 A Bonds which are first subject to, and shall be called for, redemption on April 1, 2015, and

Series 2008 A Bonds which are first subject to, and shall be called for redemption on April 1, 2018, and

Series 2009 A Bonds which are first subject to, and shall be called for redemption on April 1, 2019, and

Series 2011A Bonds which are first subject to, and shall be called for redemption on April 1, 2021, and

Series 2012A Bonds which are first subject to, and shall be called for redemption on April 1, 2020, and

Any such refunding bonds issued to refund the Refunding Candidates shall not exceed the aggregate principal amount of \$300,000,000.

**Section 2. Authorization of bonds.** The Board of Supervisors has determined that it is in the best interests of Fairfax County to consolidate for the purposes of the sale the bond authorizations mentioned above into one or more series of public improvement and/or refunding bonds of Fairfax County, Virginia. The bonds shall be designated as appropriate “Public Improvement [and/or] Refunding Bonds, Series 2013[A], [B]”. The bonds shall be dated, shall be stated to mature in certain amounts on such dates, subject to the right of prior redemption, and shall bear interest until their payment at a rate or rates and on such dates as shall hereafter be determined by the Board of Supervisors by resolution or by either the County Executive or Chief Financial Officer pursuant to the delegation to each of them contained in this resolution. The first interest payment date of such bonds shall be no later than June 1, 2014. The bonds shall be issuable in fully registered form in the denomination of \$5,000 or any multiple thereof and shall be appropriately numbered all as hereinafter provided.

The Board of Supervisors deems it advisable at this time to authorize the sale of such bonds pursuant to the terms of this Resolution.

The bonds issued for the purpose of providing funds for school improvements, transportation improvements and facilities, public safety facilities, parks and park facilities, commercial and redevelopment area improvements and public library facilities, shall have an aggregate principal amount not to exceed \$249,230,000.

The bonds issued for the purpose of providing funds, with other available funds, to refund all or a portion of all or any of the Refunding Candidates (the Refunding Candidates so refunded, the "Refunded Bonds") shall have such principal amounts as shall hereafter be determined by the Board of Supervisors by resolution or by either the County Executive or Chief Financial Officer pursuant to the delegation to each of them contained in this resolution, to produce overall present value debt service savings for the County. The aggregate principal amount of such bonds issued to refund the Refunded Bonds shall not exceed \$300,000,000.

If none of the proceeds of the bonds as authorized should be used for refunding any of the Refunding Candidates, then the bonds shall be designated as appropriate "Public Improvement Bonds, Series 2013, [A], [B]". If a series of bonds are issued and none of the proceeds is used for providing funds for public improvement purposes, then the bonds shall be designated "Public Improvement Refunding Bonds, Series 2013 [A] [B], [C].

The Board of Supervisors hereby determines that in the event that financial market conditions dictate, and it is determined by the County Executive or Chief Financial Officer to be in the best interests of the County, bond anticipation notes may be issued in anticipation of the issuance of the bonds. Any such bond anticipation notes shall have a first interest payment date no later than July 1, 2014 and a final maturity no later than July 1, 2016. All other provisions in this Resolution setting forth the terms and details of bonds as well as delegations provided shall apply to such bond anticipation notes if the context requires.

Each bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which case it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which case it shall bear interest from its date; provided, however, that if at the time of authentication interest on any bond is in default, such bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof. The principal of and any redemption premium on each bond shall be payable to the registered owner thereof or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each bond shall be made by the Bond Registrar on each interest payment date to the person appearing (hereafter provided) on the registration books of the County as the registered owner of such bond (or the previous bond or bonds evidencing the same debt as that evidenced by such bond) at the close of business on the record date for such interest, which, unless otherwise determined pursuant to the delegation of authority contained in this resolution, shall be the 15th day (whether or not a business day) of the calendar month next

preceding such interest payment date, by check mailed or by wire transfer to such person at his address as it appears on such registration books.

The bonds initially issued will be in fully registered form and registered in the name of Cede & Co., a nominee of The Depository Trust Company, New York, New York (“DTC”), and immobilized in the custody of DTC. One fully registered bond for the original principal amount of each maturity will be registered to Cede & Co. Beneficial owners will not receive physical delivery of bonds. Individual purchases of bonds may be made in book-entry form only in original principal amounts of \$1,000 or \$5,000 and integral multiples of \$1,000 or \$5,000, respectively. Payments of the principal of and premium, if any, and interest on the bonds will be made to DTC or its nominee as registered owner of the bonds on the applicable payment date.

So long as Cede & Co., or its successor, as nominee of DTC, is the registered owner of the bonds, references in this resolution to the holders of the bonds mean Cede & Co. and do not mean the beneficial owners of the bonds.

Replacement bonds (the “Replacement Bonds”) will be issued directly to beneficial owners of bonds rather than to DTC, or its nominee, but only in the event that:

- (1) DTC determines not to continue to act as securities depository for the bonds;
- (2) The County has advised DTC of its determination that DTC is incapable of discharging its duties; or
- (3) The County has determined that it is in the best interests of the beneficial owners of the bonds not to continue the book-entry system of transfer.

Upon occurrence of the events described in clause (1) or (2), the County will attempt to locate another qualified securities depository. If DTC makes the determination described in clause (1) and the County fails to select another qualified securities depository to replace DTC, the County will execute and the Bond Registrar will authenticate and deliver to the participants in DTC (“Participants”) the Replacement Bonds to which the Participants are entitled. In the event the County makes the determination described in clause (2) or (3) (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit the County to make any such determination) and, in the case of the determination under clause (2), the County has failed to designate another qualified securities depository and has made provisions to notify the beneficial owners of the bonds by mailing an appropriate notice to DTC, the County will execute and the Bond Registrar will authenticate and deliver to the Participants the appropriate Replacement Bonds to which the Participants are entitled. The Bond Registrar is entitled to rely on the records provided by DTC as to the Participants entitled to receive Replacement Bonds.

**Section 3. Sale of Bonds.** Pursuant to the delegation set forth within this Resolution, bonds (which includes any bond anticipation notes) to be issued may be sold in a competitive sale pursuant to bids received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system or through a negotiated sale to one or more underwriters chosen in compliance with County guidelines and regulations. Bonds authorized to

be issued under this Resolution may be sold in one or more series and on one or more dates on any date up to December 31, 2013. The authorization and approvals of the documents set forth in this Resolution (as long as the documents used in such sale are in the form approved herein) shall apply to each bond sale.

**Section 4. Notice of Sale; Bids.** If bonds (or bond anticipation notes) are determined to be sold in a competitive sale, the Clerk of the Board of Supervisors is hereby authorized, if recommended by the Financial Advisor of the County to be beneficial for the sale of the bonds, to cause one or more notices calling for bids for the purchase of the bonds, to be published once in *The Bond Buyer*, a financial journal published in New York, New York, and devoted primarily to municipal bonds, such publication to be prior to the date fixed for the receipt of bids. Such notices shall be substantially in the form of the Notice of Sale(s) annexed to this resolution. Alternatively, the Clerk may cause to be published a summary of the principal terms of the notices. Bids shall be received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system.

**Section 5. Official Statement.** The draft of the Preliminary Official Statement of the County relating to the public improvement and refunding bonds presented at the meeting at which this resolution is adopted, and the circulation thereof, the completion thereof with the results of the sale and the printing and delivery to the winning bidder(s) in a competitive sale or the underwriter(s) in a negotiated sale of a reasonable number of copies thereof as so completed (the “final Official Statement(s)”) are hereby approved and authorized, and the Chairman, Vice Chairman of the Board of Supervisors, County Executive or the Chief Financial Officer is hereby authorized and directed to deem final the Preliminary Official Statement(s) for purposes of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, and to execute and deliver the final Official Statement(s), both the Preliminary Official Statement(s) and the final Official Statement(s) to be in substantially the form of the related draft Preliminary Official Statements presented at this meeting with the changes contemplated hereby and such other changes as the Chairman, Vice Chairman, County Executive or the Chief Financial Officer may approve, his or her signature on the final Official Statement to be conclusive evidence of the signer’s approval thereof. The Preliminary Official Statement(s) and the final Official Statement(s) may be disseminated or otherwise made available through electronic means.

**Section 6. Delegation and Standard.** (a) *Competitive Sale Delegation* -- The Board of Supervisors has determined that there may be unplanned occasions when it is not possible for some of the members of the Board of Supervisors to attend a special meeting for the purpose of receiving bids for the purchase of bonds of Fairfax County offered for sale at competitive bidding and that the accepted practice of the bond markets dictates that the lowest bid be speedily determined and the bonds be promptly awarded or that all bids be rejected.

The Board of Supervisors delegates to each of the County Executive and the Chief Financial Officer (each a “delegate”), the authority to accept the lowest bid (determined in accordance with the Notice of Sale) for the bonds (or any bond anticipation notes), being offered for sale by the Board of Supervisors at competitive bidding on a date(s) not later than December 31, 2013, subject to the following conditions: (i) a delegate shall have determined that the bid conforms in all material respects to the requirements of the Notice of Sale, (ii) a delegate

shall have determined that the bid to be accepted is the lowest bid conforming to the terms of the Notice of Sale, (iii) the Financial Advisor to Fairfax County shall have recommended that the lowest conforming bid be accepted, (iv) the true interest cost of such bid shall not exceed 5.50% for any bonds and (v) the Board of Supervisors shall not then be in special session called for the purpose of accepting bids (the Board not to be deemed in special session if less than a quorum is present and voting).

(b) *Negotiated Sale Delegation* – The Board of Supervisors delegates to each of the County Executive and the Chief Financial Officer, the authority to sell the bonds (or any bond anticipation notes) in a negotiated sale to one or more underwriters on a date not later than December 31, 2013, subject to the following conditions: (i) the Financial Advisor to Fairfax County shall have recommended that due to financial market conditions such a negotiated sale best serves the interest of the County, (ii) the true interest cost of such bonds shall not exceed 5.50% for any bonds and (iii) the underwriter(s) of the bonds shall have been chosen pursuant to County guidelines and regulations.

In the event of a negotiated sale, the Chairman or Vice Chairman of the Board of Supervisors, the County Executive and the Chief Financial Officer, or such other officer or officers of the County as may be designated by any one of them, is hereby authorized and directed to execute a bond purchase agreement, setting forth the terms of the sale of the bonds. Such bond purchase agreement shall only be executed (i) if such agreement does not contain any terms contradictory to the terms of this Resolution and (ii) the Financial Advisor to the County shall recommend to the County the execution of such agreement.

(c) *Additional Delegation* -- The Board of Supervisors hereby further delegates to each of the County Executive and the Chief Financial Officer, subject to the limitations contained herein, powers and duties to determine the following, such delegation to be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting):

- (1) The series designations of such bonds;
- (2) The aggregate principal amount of the bonds issued for public improvement purposes, such amount not to exceed the sum of the amount required to provide \$249,230,000 for such public improvement purposes plus all or any portion of costs of issuance;
- (3) The aggregate principal amount of bonds issued for refunding of the Refunded Bonds; provided, however, that the present value of the debt service savings to be obtained from the refunding of the Refunded Bonds is not less than 3.0% of the principal amount of the Refunded Bonds or at least \$1,000,000;
- (4) The determination of the bonds as serial or term bonds;
- (5) The respective annual maturity dates and any mandatory redemption dates of the bonds, and the respective principal amounts of the bonds to mature or be redeemed on such dates, provided that the first maturity date of bonds for public improvement purposes shall occur no later than December 1, 2014, and the final maturity date shall not be later than December 1, 2033;

- (6) The dated date of the bonds provided, however, the bonds shall be dated their date of issue or as of a customary date preceding their date of issue;
- (7) The interest payment dates, for the bonds and the record date for the bonds;
- (8) The redemption provisions, if any, of the bonds as further set forth in Section 8 of this resolution;
- (9) If necessary, upon the refunding of the Refunded Bonds, (i) to approve and execute an escrow agreement, with an escrow agent or letter of instructions (such escrow agreement or letter of instructions to be executed only if such document does not contain any terms contradictory to the terms of this Resolution and only upon the recommendation of Bond Counsel to Fairfax County and the Financial Advisor to Fairfax County), (ii) to appoint a verification agent and an escrow agent and (iii) to determine the particular escrow securities and the form thereof and the terms of any related agreement (including a forward purchase agreement for the delivery of open-market escrow securities), with respect thereto that in his judgment, upon the recommendation of the County's Financial Advisor, will improve the efficiency of the escrow securities in defeasing the Refunded Bonds.

The Board of Supervisors hereby further delegates to each of the County Executive and the Chief Financial Officer authority to allocate any premium received upon the sale of the bonds to (i) fund interest payments on the bonds which relate to projects financed that are under construction through a time period no later than December 1, 2013, (ii) pay costs of issuance of the bonds or (iii) as to any or all of the public improvement bonds, taking into account, among other things, the reoffering prices for the various maturities of the bonds, reduce the principal amount of the bonds to which such allocation is made proportionately as to produce proceeds approximately equal to the respective amounts authorized to be issued for such purposes by Section 1(a) and paragraph (c)(2) of this Section 6.

**Section 7. Forms of bonds.** The bonds shall bear the facsimile signatures of the Chairman or Vice Chairman and the Clerk of the Board of Supervisors and a facsimile of the official seal of the Board shall be imprinted on the bonds. The certificate of authentication of the Bond Registrar to be endorsed on all bonds shall be executed as provided hereinafter.

In case any officer of Fairfax County whose facsimile signature shall appear on any bonds shall cease to be such officer before the delivery of such bonds, such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if she or he had remained in office until such delivery, and any bond may bear the facsimile signatures of such persons at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

No bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The bonds and the endorsement thereon shall be substantially in the following form:

[Depository Legend]

(Face of Bond)

No. \_\_\_\_\_

\$ \_\_\_\_\_

United States of America  
Commonwealth of Virginia

**FAIRFAX COUNTY**  
**Public Improvement [and/or Refunding] Bond, Series 2013 [A], [B], [C]**

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Dated Date</u>	<u>CUSIP</u>
[_____]	_____ %	_____, 2013	_____

Fairfax County, Virginia, is justly indebted and for value received hereby promises to pay to

\_\_\_\_\_

or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Director of the Department of Finance of Fairfax County, Virginia (the "Bond Registrar"), in Fairfax County, Virginia, the principal sum of

\_\_\_\_\_ **DOLLARS**

and to pay interest on such principal sum from the date hereof or from the [\_\_\_\_\_ 1 or \_\_\_\_\_ 1] next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an [\_\_\_\_\_ 1 or a \_\_\_\_\_ 1] to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on the 1st days of \_\_\_\_\_ and \_\_\_\_\_ in each year, the first interest payment date being \_\_\_\_\_, 2013, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by wire transfer, at the discretion of the County, or check mailed to such person at his address as it appears on the bond registration books of the County. Both the principal of and the interest on this bond shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged.

This bond and the bonds of the series of which it is one are issued under and pursuant to a resolution duly adopted by the Board of Supervisors of Fairfax County, Virginia on December 4, 2012] (the "Resolution"), for [(i) the purpose of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities, human services facilities, public library facilities [and/or (ii) refunding portions of [ ] outstanding series of bonds of Fairfax County, Virginia designated [ ]].

The bonds of this series which mature on or before \_\_\_\_\_, 20\_\_ are not subject to redemption before maturity. Bonds which mature after \_\_\_\_\_ 1, 20\_\_ may be redeemed, at the option of the County, before their respective maturities on any date not earlier than \_\_\_\_\_ 1, 20\_\_, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.]

Term bonds of this series purchased or redeemed pursuant to a partial optional redemption by the County may be credited against the amortization requirements therefor as the County in its sole discretion may determine.

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by the County in such manner as the County in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the County shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

Bonds may be redeemed only in increments of \$5,000 or whole multiples thereof. If a portion of a Bond is called for redemption, a new Bond in a principal amount equal to the unredeemed portion thereof will be issued to the bondholder upon the surrender thereof.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each bond to be redeemed in whole or in part at his address appearing upon the registration books of the County, but failure to mail such notice or any defect therein shall not affect the validity of the redemption. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or his legal representative upon the surrender hereof.

Any notice of optional redemption of the bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with the Trustee or a depository (either, a “depository”) for the purpose of paying such bonds, then on the redemption date the bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the bonds called for redemption, thereafter no interest will accrue on those bonds, and a bondholder’s only right will be to receive payment of the redemption price upon surrender of those bonds.

The County shall give notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to all organizations registered with the Securities and Exchange Commission as securities depositories, and to one or more information services of national recognition which disseminate redemption information with respect to municipal securities.

The bonds are issuable in fully registered form in the denomination of \$5,000 or any multiple thereof. At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, bonds may be exchanged for an equal aggregate principal amount of bonds of the same series and maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same series and maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond called for redemption in whole or in part pursuant to the Resolution.

This bond is one of a series issued under the authority of and in full compliance with the Constitution and laws of Virginia, particularly the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia, 1950, as amended, and pursuant to votes of a majority of the qualified voters of Fairfax County, Virginia, voting at elections duly called and held under the provisions of the Code of Virginia, 1950, as amended, and under orders of the Circuit Court of Fairfax County, Virginia, authorizing the Board of Supervisors of the County to proceed to carry out the wishes of the voters as expressed at such elections, and pursuant to resolutions duly adopted by the Board of Supervisors and the School Board of the County.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of Virginia to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in due time, form and manner as so required, that the total indebtedness of Fairfax County, Virginia, including this

bond, does not exceed any constitutional or statutory limitation thereon, and that provision has been made for the levy and collection of an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on this bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the resolution mentioned hereinafter until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

**IN WITNESS WHEREOF**, the Board of Supervisors of Fairfax County, Virginia, has caused this bond to be issued in the name of Fairfax County, Virginia, and the Board has caused this bond to bear the facsimile signatures of its Chairman and Clerk and a facsimile of the official seal of the Board to be imprinted hereon, all as of the \_\_\_\_ day of \_\_\_\_\_, 2013.

(Facsimile signature)

(Facsimile signature)

\_\_\_\_\_  
**Clerk, Board of Supervisors  
of Fairfax County, Virginia**

\_\_\_\_\_  
**Chairman, Board of Supervisors  
of Fairfax County, Virginia**

(Facsimile seal)

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds of the series designated herein and described in the within mentioned Resolution.

**Director of the Department of Finance of  
Fairfax County, Virginia as Bond Registrar**

By \_\_\_\_\_  
Authorized Signature

Date of authentication: \_\_\_\_\_, 2013

(Form of Assignment)

**ASSIGNMENT**

**FOR VALUE RECEIVED**, the undersigned registered owner hereby sells, assigns and transfers unto

Please insert social security or  
other identifying number of assignee

\_\_\_\_\_  
\_\_\_\_\_

(Please Print or Typewrite Name and Address of Transferee)

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to register the transfer of the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed\* by: \_\_\_\_\_

\*Signature(s) must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Trustee which requirements will include membership or participation in STAMP or such other “signature guarantee program” as may be determined by the Trustee in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

**Section 8(a). Optional redemption.** The Board of Supervisors hereby delegates to each of the County Executive and the Chief Financial Officer the authority, subject to the limitations contained herein, to determine the optional redemption provisions of any bonds pursuant to the delegation set forth in Section 6(c)(8). The first optional call date for the bonds must be no earlier than 5 years and no later than 10.5 years after the date of issue of such bonds. The maximum redemption price for the bonds may not exceed 102% of the principal amount of the bonds to be redeemed. Bonds of a different series may contain different optional redemption provisions. Such delegation shall be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting). The bonds which are subject to optional redemption may be redeemed, at the option of Fairfax County, Virginia, before their respective maturities on any date not earlier than the optional redemption date, determined as set forth above, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price, determined as set forth above, plus accrued interest to the redemption date. The County Executive or the Chief Financial Officer, upon the recommendation of the Financial Advisor to the County, may determine that the public improvement refunding bonds shall not be subject to optional redemption prior to their maturity.

**Section 8(b). Mandatory redemption.** The term bonds, if any, shall be called for redemption, in part, in the principal amounts equal to the respective amortization requirements for the term bonds of such series (less the principal amount of any term bond of this series retired by purchase or optional redemption) at a price of par plus accrued interest thereon to the date fixed for redemption on a date specified pursuant to the delegation of authority contained in this resolution, preceding their maturity for which there is an amortization requirement.

In the event of a partial optional redemption or purchase of any such term bonds, the County will credit the principal amount of such term bonds so purchased or redeemed against the amortization requirements for the remaining term bonds outstanding in such amount and in such years as it in its sole discretion shall determine.

**Section 8(c). Redemption provisions in general.** If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by the County in such manner as the County in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of the minimum authorized denomination or some multiple thereof and that, in selecting bonds for redemption, the County shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by such minimum authorized denomination.

In the case of redemptions of bonds at the option of the County, the County will select the maturities of the bonds to be redeemed.

The Board of Supervisors hereby delegates to each of the County Executive and the Chief Financial Officer the authority to modify the redemption provisions relating to the bonds based upon the recommendation of the County's financial advisor of current financial market considerations.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each bond to be redeemed in whole or in part at his address appearing upon the registration books of the County, but failure to mail such notice or any defect therein shall not affect the validity of the redemption. Each such notice shall set forth the date designated for redemption, the redemption price to be paid, the maturities of the bonds to be redeemed and, if less than all of the bonds of any one maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such bonds to be redeemed and, in the case of any bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such bond, a new bond or bonds in principal amount equal to the unredeemed portion of such bond will be issued.

Any notice of optional redemption of the Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with the escrow agent or a depository (either, a "depository") for the purpose of paying such Bonds, then on the redemption date the Bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the Bonds called for redemption, thereafter no interest will accrue on those Bonds, and a bondholder's only right will be to receive payment of the redemption price upon surrender of those Bonds.

The County shall give notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to all organizations registered with the Securities and Exchange Commission as securities depositories, and to one or more information services of national recognition which disseminate redemption information with respect to municipal securities.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of and the redemption premium, if any, on the bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

If a portion of a bond shall be called for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered, a bond or bonds of the same series and maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

**Section 9. Exchange; registration of transfer; Bond Registrar.** Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same series and maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the County upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same series and maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The County or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any bond called for redemption in whole or in part pursuant to Section 8 of this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including the redemption premium, if any, and the interest thereon, to the extent of the sum or sums so paid.

The County shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to then current commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the bonds. The Director of the Department of Finance of Fairfax County, Virginia, is hereby appointed the registrar, transfer agent and paying agent for the bonds (collectively the "Bond Registrar"), subject to the right of the Board of Supervisors of the County to appoint another Bond Registrar, and as such shall keep at his office the books of the County for the registration, registration of transfer, exchange and payment of the bonds as provided in this resolution.

**Section 10. Full faith and credit pledged.** For the prompt payment of the principal of and the interest on the bonds authorized by this resolution as the same shall become due, the full faith and credit of Fairfax County, Virginia, are hereby irrevocably pledged, and each year while any of the bonds shall be outstanding, to the extent other funds of the County are not lawfully available and appropriated for such purpose, there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on the bonds as such principal and interest shall become due, which tax shall be without limitation and in addition to all other taxes authorized to be levied in the County.

**Section 11. Continuing Disclosure Agreement.** The Chairman or Vice Chairman of the Board of Supervisors, the County Executive and the Chief Financial Officer, or such officer or officers of the County as may be designated, is hereby authorized and directed to execute a Continuing Disclosure Agreement, in the form contained in the draft Preliminary Official Statement presented at this meeting, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

**Section 12. Tax covenant.** The County covenants to take all action, and to refrain from taking any action, necessary under the Internal Revenue Code of 1986, as amended, to ensure that interest on the bonds will remain not includable in gross income for Federal income tax purposes to the same extent as it is not includable on the date of closing on the bonds.

**Section 13. Certificate concerning delegation.** The County Executive or the Chief Financial Officer shall execute a Certificate or Certificates evidencing determinations or other actions taken pursuant to the authority granted in this resolution, and any such Certificate shall be conclusive evidence of the action or determination of such County Executive or the Chief Financial Officer as stated therein. The delegations of authority in this resolution to the County

Executive and the Chief Financial Officer are to each of them severally, and any action taken by either the County Executive or the Chief Financial Officer pursuant to such delegations of authority is sufficient for all purposes of this resolution.

**Section 14. Authority of officers.** The officers and agents of Fairfax County are hereby authorized and directed to do all the acts and things required of them by the bonds and by this resolution for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and in this resolution.

**Section 15. Certification and filing.** The Clerk of the Board of Supervisors is hereby authorized and directed to file a certified copy of this resolution and a certified copy of the resolution of the School Board of the County with the Circuit Court of Fairfax County, Virginia.

**A Copy - Teste:**

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**Clerk to the Board of Supervisors**

**DRAFT Critical Path Events**  
**Fairfax County, Virginia**  
**General Obligation Public Improvement Bonds, Series 2013**

October 2012							November 2012							December 2012							January 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3							1			1	2	3	4	5
7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12
14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19
21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26
28	29	30	31				25	26	27	28	29	30	23	24	25	26	27	28	29	27	28	29	30	31			
													30	31													

Week of	Activity & Event	Responsible Party
October 15 <sup>th</sup>	First draft of Bond Documents distributed	SA
October 22 <sup>nd</sup>	Comments due on Bond Documents	FX
October 29 <sup>th</sup>	Second draft of Bond Documents distributed	FX, PFM
November 5 <sup>th</sup>	<i>Tuesday, November 6<sup>th</sup></i> - Board Title Due <i>Thursday, November 8<sup>th</sup></i> - Board Item Due	FX FX
November 19 <sup>th</sup>	<i>Monday, November 19<sup>th</sup></i> - School Board considers Bond Documents <i>Thursday, November 22<sup>nd</sup></i> – Thanksgiving Holiday (County office closed) <i>Friday November 23<sup>rd</sup></i> – County Offices Closed	FX
December 3 <sup>rd</sup>	<i>Tuesday, December 4<sup>th</sup></i> – Board considers Bond Documents Draft Bond Documents sent to Rating Agencies	FX PFM
December 10 <sup>th</sup>	Rating Agency Meetings in Fairfax	FX, PFM
December 24 <sup>th</sup>	<i>Monday, December 24<sup>th</sup></i> - Christmas Eve (County Offices Closed) <i>Tuesday, December 25<sup>th</sup></i> – Christmas Holiday (County office closed)	--
December 31 <sup>st</sup>	<i>Monday, December 31<sup>st</sup></i> - New Year's Eve (County Offices Closed) <i>Tuesday, January 1<sup>st</sup></i> – New Year's Holiday (County office closed) <i>NLT Wednesday, January 2<sup>nd</sup></i> – Ratings Received <i>Thursday, January 3<sup>rd</sup></i> – POS and NOS distributed	-- -- -
January 7 <sup>th</sup>	<i>Wednesday, January 9<sup>th</sup></i> – Competitive Bond Sale	FX, PFM
January 14 <sup>th</sup>	Finalize and mail OS's and closing documents	All
January 21 <sup>st</sup>	<i>Monday, January 21<sup>st</sup></i> – Martin Luther King, Jr. Day (County office closed) <i>Thursday, January 24<sup>th</sup></i> – Closing and investment of bond proceeds	- All

Legend:

FX = Fairfax County

PFM = Public Financial Management, Financial Advisor

SA = Sidley Austin, Bond Counsel

**Schedule of Bond Purposes  
FY 2013 Bond Sale - Series 2013**

<b>Fund</b>	<b>Purpose</b>	<b>Referendum Date</b>	<b>Authorized But Unissued</b>	<b>FY 2013 Bond Sale Projection</b>	<b>Authorized But Unissued Balance</b>
<b>County</b>					
300-C30030	Library Facilities	11/2/04	\$9,380,000	\$4,700,000	\$4,680,000
	Library Facilities	11/6/12	25,000,000	-	25,000,000
300-C30010	County Construction*				
	NVRPA	11/4/08	-	-	-
	NVRPA	11/6/12	12,000,000	6,000,000	6,000,000
	Newington Bus Garage**	11/6/07	33,290,000	14,000,000	19,290,000
300-C30050	Road Bond Construction	11/6/07	78,762,000	11,000,000	67,762,000
300-C30000	Transportation Facilities (Metro)	11/2/10	90,690,000	15,000,000	75,690,000
300-C30070	Public Safety Facilities	11/7/06	87,580,000	22,000,000	65,580,000
	Public Safety Facilities	11/6/12	55,000,000		55,000,000
300-C30080	Commercial Revitalization Program	11/8/88	2,260,000	2,260,000	-
300-C30020	Capital Renewal / Public Safety	11/7/06	6,000,000	1,900,000	4,100,000
300-C30310	Housing Redevelopment Area	11/8/88	4,370,000	4,370,000	-
300-C30400	Park Authority	11/4/08	35,148,000	13,000,000	22,148,000
	Park Authority	11/6/12	63,000,000		63,000,000
300-C30xxx	Flood Control	11/6/12	30,000,000		30,000,000
<b>Subtotal County</b>			<b>\$532,480,000</b>	<b>\$94,230,000</b>	<b>\$438,250,000</b>
<b>Schools</b>					
390	School Construction***	11/6/07	\$65,795,000	\$65,795,000	\$0
390	School Construction	11/3/09	232,580,000	89,205,000	143,375,000
390	School Construction	11/8/11	252,750,000		252,750,000
<b>Subtotal Schools</b>			<b>\$551,125,000</b>	<b>\$155,000,000</b>	<b>\$396,125,000</b>
<b>TOTAL COUNTY AND SCHOOLS</b>			<b>\$1,083,605,000</b>	<b>\$249,230,000</b>	<b>\$834,375,000</b>

\* Per the Office of Finance, Funds 306 & 311 with remaining balances for bonds authorized and unissued in FY 2011 transferred to Fund 303

\*\* Newington School Bus Garage renovation funding approved as part of 11-6-07 School Bond Referendum

\*\*\* School Bond Referendum less \$50.0 million approved for Newington School Bus Garage renovations

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS  
OF FAIRFAX COUNTY, VIRGINIA, TO ISSUE AND SELL SCHOOL BONDS OF  
FAIRFAX COUNTY, VIRGINIA, TOTALING \$169,000,000 AND APPROVING THE FORM  
OF A TAX CERTIFICATE AND AUTHORIZING THE EXECUTION THEREOF

WHEREAS, at an election duly called and held on November 6, 2007, a majority of the qualified voters of Fairfax County, Virginia, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$365,200,000 (the “2007 Referendum”); and

WHEREAS, the stated purpose of the school bonds authorized in the referendum was for purposes of providing up to \$315,200,000, in addition to funds from school bonds previously authorized and any other available funds, to finance the costs of additional capital improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and providing up to \$50,000,000, in addition to any other available funds, to finance the cost of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school buses, school vehicles and other County vehicles; and

WHEREAS, the Board of Supervisors has heretofore issued \$266,115,000 of the bonds authorized by the 2007 Referendum, leaving a balance of \$99,085,000 authorized but unissued bonds; and

WHEREAS, at an election dully called and held on November 3, 2009, a majority of the qualified voters of Fairfax County, Virginia, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$232,580,000 (the “2009 Referendum”); and

WHEREAS, the stated purpose of the school bonds authorized in the referendum was for purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the Board of Supervisors has heretofore issued none of the bonds authorized by the 2009 Referendum, leaving a balance of \$232,580,000 authorized but unissued bonds; and

WHEREAS, the School Board of Fairfax County, Virginia (the “School Board”) deems it advisable for the Board of Supervisors to (i) issue school bonds from the November 6, 2007 referendum from which the proceeds from the sale of such school bonds will equal \$79,795,000 and issue school bonds from the November 3, 2009 referendum from which proceeds from the sale of such school bonds will equal \$89,205,000 (collectively the “School Bonds”); (ii) to

determine certain pricing and sale details of the School Bonds and (iii) to determine whether to refund any prior public improvement bonds of Fairfax County, Virginia which were issued for school improvements (the “Board of Supervisors Actions”); and

WHEREAS, the School Board recognizes that it will be necessary for it to make certain certifications regarding the use of the proceeds of the School Bonds and any refunding bonds for federal income tax purposes;

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

Section 1. For the purpose of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of additional capital school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and providing funds, in addition to any other available funds, to finance the cost of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school buses, school vehicles and other County vehicles, the Board of Supervisors, Virginia, is hereby requested to issue the School Bonds, subject to the Board of Supervisors Actions, from which the proceeds from the sale of such School Bonds will equal \$169,000,000 and provide for the sale of such bonds and any refunding bonds at this time.

Section 2. The form of a certificate attached to this resolution as Appendix A (the “School Board Tax Certificate”) to be executed by the School Board in connection with the issuance of the School Bonds and any refunding bonds is approved in all respects and the Chairman, Vice Chairman or any other member or officer of the School Board designated in writing by the Chairman of the School Board is hereby authorized and directed to approve, by execution and delivery, the School Board Tax Certificate in substantially the form presented to this meeting together with such changes, modifications, insertions and deletions as the Chairman, Vice Chairman or such designated member or officer, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the School Board.

Section 3. The Clerk of the School Board is hereby authorized and directed to file two certified copies of this resolution with the Board of Supervisors.

**CERTIFICATE OF THE SCHOOL BOARD**

This certificate is provided to the County of Fairfax, Virginia (the “County”) by the School Board of the County of Fairfax, Virginia (the “School Board”) in connection with the issuance by the County of its [\$\_\_\_\_,\_\_\_\_,000 Public Improvement Bonds, Series 2013 [ ] [ ] and \$\_\_\_\_\_ Public Improvement Refunding Bonds, Series 2013 [ ] [ ] (collectively, the “Bonds”), the proceeds of which will be used to finance the cost of constructing, furnishing, acquiring and equipping school improvements (the “[New] School Projects”) [and to refinance school projects that were financed with the proceeds of the County’s \_\_\_\_\_ Bonds and \_\_\_\_\_ Bonds (the “Refunded School Projects” and together with the New School Projects, the “School Projects”)],

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The School Board recognizes that some of the representations made by the County in its Tax Certificate dated \_\_\_\_\_, 2013 and executed in connection with the issuance of the Bonds (the “Tax Certificate”) must be based on the representations and certifications of the School Board and that the exclusion from gross income of the interest on the Bonds for federal income tax purposes depends on the use of proceeds of the Bonds.

Accordingly, the School Board certifies that it has reviewed the representations set forth in Section 1 of Part B of the Tax Certificate to which this certificate is attached regarding the use of proceeds of the Bonds and the School Projects and that such representations, to the extent they relate to the School Projects, are true and correct, except as follows: (i) with respect to paragraph (d) (“Definition of Private Use”), in the second paragraph, fourth line, after (“General Public Use”), there shall be deemed to be inserted “or other than as is excepted as private use by U.S. Treasury Regulations,” and (ii) with respect to paragraph (e) (“Management and Service Contracts”), the references to Revenue Procedure 97-13 shall be deemed to include “or other applicable law.” Furthermore, such representations are hereby incorporated by reference in this certificate and shall be treated as representations made by the School Board with respect to the School Projects as if set forth herein. The School Board shall not take any action that is inconsistent with such representations.

The School Board further covenants that:

(a) it shall not sell or otherwise dispose of the School Projects prior to the final maturity date of the Bonds of [\_\_\_\_ 1, 20\_\_] except as shall be permitted in the opinion of an attorney or firm of attorneys, acceptable to the County, nationally recognized as experienced with respect to matters pertaining to the exclusion of interest on obligations of States and political subdivisions from gross income for federal income tax purposes; and

(b) it shall not knowingly take any action which will, or fail to take any action which failure will, cause the interest on the Bonds to become includable in the gross income of the owners of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations promulgated thereunder in effect on the date of

original issuance of the Bonds and for purposes of assuring compliance with Section 141 of the Code.

School Board of the County of Fairfax, Virginia

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Name:

Title:

Date: \_\_\_\_\_, 2013

\*\*\*\*\*

I hereby certify the above is a true and correct copy of a resolution adopted by the School Board of Fairfax County, Virginia, at a regular meeting held on \_\_\_\_\_, 2012 at \_\_\_\_\_, Virginia.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pamela Goddard, Clerk  
School Board of  
Fairfax County, Virginia

**NOTICE OF SALE**

\$ \_\_\_\_\_\*

**FAIRFAX COUNTY, VIRGINIA****Public Improvement [and Refunding] Bonds, Series 2013A**

Electronic Bids, BiDCOMP/Parity Competitive Bidding System (“BiDCOMP/Parity”) only, will be received by the Board of Supervisors of Fairfax County, Virginia, until 11 o’clock a.m., Fairfax, Virginia Time, on

\_\_\_\_\_, 2013\*

for the purchase of \$\_\_\_\_\_ \* Public Improvement [and Refunding] Bonds, Series 2013A, of Fairfax County, Virginia (the “Bonds”), dated the date of their delivery and maturing, subject to the right of prior redemption as hereinafter set forth, on the 1st day of [\_\_\_\_\_] in the following years and in the following amounts, respectively:

**Initial Maturity Schedule**

<u>Year of Maturity</u>	<u>Principal Amount*</u>	<u>Year of Maturity</u>	<u>Principal Amount*</u>
2014	\$	2024	\$
2015		2025	
2016		2026	
2017		2027	
2018		2028	
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	

The County reserves the right to change the date for receipt of bids (the “Scheduled Bid Date”) in accordance with the section of this Notice of Sale entitled “Change of Bid Date and Closing Date; Other Changes to Notice of Sale.”

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\* Preliminary, subject to change.

**BID PARAMETERS TABLE\***

<b>INTEREST</b>		<b>PRICING</b>	
Dated Date:	Date of Delivery	Max. Aggregate Bid Price:	____%
Anticipated Delivery Date:	_____, 2013	Min. Aggregate Bid Price:	____%
Interest Payments Dates:	_____ 1 and _____ 1	Max. Price per Maturity	No limit
First Interest Payment Date:	_____ 1, 2013	Min. Price per Maturity	____%
Coupon Multiples:	1/8 or 1/20 of 1%	High Coupon per Maturity	____%
Zero Coupons:	Not Allowed		
Split Coupons:	Not Allowed	<b>PROCEDURAL</b>	
<b>PRINCIPAL</b>		Sale Date and Time:	Bids due _____, 2012 at [11.:00] AM Local Time
Optional Redemption:	Due on and after _____ 1, 20__, callable on _____ 1, 20__ and thereafter at par	Bid Submission:	Electronic bids through PARITY Only
Post-bid Principal Increases in Aggregate:	10%	All or None?	Yes
Post-bid Principal Reductions in Aggregate:	10%	Bid Award Method:	Lowest TIC
Term Bonds:	Any two or more consecutive maturities may be designated as term bonds	Good Faith Deposit:	1% of the Bid Maturity Schedule, as more fully described on page 6, under "Good Faith Deposit"

\* Subject to the detailed provisions of this notice of sale.

**Changes to Initial Maturity Schedule**

The Initial Maturity Schedule set forth on page 1 above represents an estimate of the principal amount of Bonds to be sold. The County hereby reserves the right to change the Initial Maturity Schedule, based on market conditions prior to the sale, by announcing any such change not later than 30 minutes prior to the announced time and date for receipt of bids via TM3 ([www.tm3.com](http://www.tm3.com)). The resulting schedule of maturities will become the "Bid Maturity Schedule." If no such change is announced, the Initial Maturity Schedule will become the Bid Maturity Schedule.

**Changes to Bid Maturity Schedule**

The County hereby further reserves the right to change the Bid Maturity Schedule after the determination of the winning bidder, by increasing or decreasing the aggregate principal

amount of the Bonds, subject to the limitation of no more than a 10% increase or decrease in the aggregate principal amount of the Bonds. The County plans to size the Bonds to generate sufficient proceeds to fund a project fund deposit of \$\_\_\_\_\_ plus costs of issuance.

THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING TERMS (AS HEREAFTER DEFINED) AS A RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS. The dollar amount bid by the successful bidder will be adjusted to reflect any adjustments in the final aggregate principal amount of the Bonds. Such adjusted bid price will reflect changes in the dollar amount of the underwriters' discount and original issue discount/premium, if any, but will not change the selling compensation per \$1,000 of par amount of Bonds from the selling compensation that would have been received based on the purchase price in the winning bid and the Initial Reoffering Terms. The interest rates specified by the successful bidder for the various maturities at the Initial Reoffering Terms will not change. The County anticipates that the final annual principal amounts and the final aggregate principal amount of the Bonds will be communicated to the successful bidder within twenty-four hours of the County's receipt of the initial public offering prices and yields of the Bonds (the "Initial Reoffering Terms").

### **Book-Entry System**

The Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence beneficial ownership interests of the Bonds in the principal amount of \$5,000 and any multiple thereof, with transfers of beneficial ownership interests effected on the records of DTC participants and, if necessary, in turn by DTC pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., nominee of DTC. Interest on the Bonds will be payable on each \_\_\_ 1 and \_\_\_ 1, the first interest payment date being \_\_\_ 1, 2013, and principal of and any redemption premium on the Bonds will be payable at maturity or upon prior redemption, to DTC or its nominee as registered owner of the Bonds. Transfer of principal, interest and any redemption payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the County determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the County will discontinue the book-entry system with DTC. If the County fails to select another qualified securities depository to replace DTC, the County will deliver replacement Bonds in the form of fully registered certificates.

## **The Bonds**

The Bonds will be general obligations of Fairfax County, Virginia, and all taxable property therein will be subject to the levy of an annual ad valorem tax sufficient in amount to provide for the payment of the principal of and the interest on the bonds as the same become due, which tax will be without limitation as to rate or amount and will be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purposes.

[The Bonds are being issued as a series of bonds authorized for the purpose of providing funds, with other available funds, for providing funds for School Improvements (\$169,000,000), Transportation Improvements and Facilities (\$26,000,000), Public Safety Facilities (\$23,900,000), Parks and Park Facilities (\$19,000,000), Commercial and Redevelopment Area Improvements (\$6,630,000) and Public Library Facilities (\$4,700,000) and subject to prevailing market conditions to refund certain maturities of the County's outstanding general obligation bonds.

### **Term Bonds and Mandatory Redemption**

[The successful bidder may designate two or more of the consecutive serial maturities to be a term bond maturity equal in aggregate principal amount, and with sinking fund requirements corresponding, to such designated serial maturities.]

### **Optional Redemption**

The Bonds maturing on or before \_\_\_\_\_, 20\_\_, are not subject to optional redemption before their maturity. The Bonds maturing after \_\_\_\_\_, 20\_\_, are subject to redemption prior to maturity, at the option of the County, from any money available for such purpose on any date not earlier than \_\_\_\_\_, 20\_\_, in whole or in part (in integral multiples of \$5,000) at any time, at a redemption price equal to the principal amount thereof, together with the interest accrued to the redemption date on the principal amount to be redeemed.

### ***Electronic Bidding and Bidding Procedures***

#### **Registration to Bid**

All prospective bidders must be contracted customers of i-Deal LLC's BiDCOMP/Parity Competitive Bidding System. If you do not have a contract with BiDCOMP/Parity, call (212) 404-8102 to inquire about becoming a customer. By submitting a bid for the Bonds, a prospective bidder represents and warrants to the County that such bidder's bid for the purchase of the Bonds (if a bid is submitted in connection with the sale) is submitted for and on behalf of such prospective bidder by an officer or agent who is duly authorized to bind the prospective bidder to a legal, valid and enforceable contract for the purchase of the Bonds. By contracting with BiDCOMP/Parity a prospective bidder is not obligated to submit a bid in connection with the sale.

**IF ANY PROVISIONS OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BiDCOMP/Parity AS APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE OF SALE, AS IT MAY BE AMENDED BY THE COUNTY AS DESCRIBED WITHIN, SHALL CONTROL.** Further information about BiDCOMP/Parity, including any fee charged, may be obtained from BiDCOMP/Parity at (212) 404-8102.

### **Disclaimer**

Each prospective bidder shall be solely responsible to register to bid via BiDCOMP/Parity. Each qualified prospective bidder shall be solely responsible to make necessary arrangements to access BiDCOMP/Parity for purposes of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the County nor BiDCOMP/Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder, and neither the County nor BiDCOMP/Parity shall be responsible for a bidder's failure to register to bid or for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, BiDCOMP/Parity. The County is using BiDCOMP/Parity as a communication mechanism, and not as the County's agent, to conduct the electronic bidding for the Bonds. The County is not bound by any advice and determination of BiDCOMP/Parity to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their registration and submission of bids via BiDCOMP/Parity are the sole responsibility of the bidders; and the County is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in registering to bid or submitting, modifying or withdrawing a bid for the Bonds, it should telephone BiDCOMP/Parity and notify Public Financial Management, Inc., the County's financial advisor, by telephone at (703) 741-0175. After receipt of bids is closed, the County through BiDCOMP/Parity will indicate the apparent successful bidder. Such message is a courtesy only for viewers and does not constitute the award of the Bonds. Each bid will remain subject to review by the County to determine its true interest cost rate and compliance with the terms of this Notice of Sale.

### **Bidding Procedures**

Bids must be submitted electronically for the purchase of the Bonds (all or none) by means of the Fairfax County, Virginia AON Bid Form (the "Bid Form") via Parity. Bids must be communicated electronically to Parity by [11:00 a.m.], Fairfax, Virginia Time on the Scheduled Bid Date unless postponed as described herein (see "Change of Bid Date and Closing Date"). Prior to that time, a prospective bidder may input and save the proposed terms of its bid in BiDCOMP. Once the final bid has been saved in BiDCOMP, the bidder may select the final bid button in BiDCOMP to submit the bid to Parity. Once the bids are released electronically via Parity to the County, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on BiDCOMP shall constitute the official Fairfax, Virginia Time. For information purposes

only, bidders are requested to state in their bids the true interest cost to the County, as described under “Award of Bonds” below, represented by the rate or rates of interest and the bid price specified in their respective bids.

No bids will be accepted in written form, by facsimile transmission or in any other medium or on any system other than by means of the Bid Form via Parity. No bid will be received after the time for receiving such bids specified above.

### **Good Faith Deposit**

After receipt of bids is closed and prior to the award, the apparent successful bidder indicated on BidCOMP/Parity must submit a good faith deposit (Deposit) for 1% of the Bid Maturity Schedule to the County by wire transfer. The award to the apparent successful bidder is contingent upon receipt of the Deposit, and the Bonds will not be awarded to such bidder until the County has confirmation of receipt of the Deposit.

Wire instructions for the Deposit are as follows:

Bank Name: Bank of America VA/Rich

ABA: 026 009 593

Account Name: County of Fairfax, Deposit Account

Account Number: 0000 7902 5799

Attention: Tammy Kennedy-Nichols, 410-547-4320

Reference your company, company contact, phone number or other helpful identification

Award or rejection of bids will be made by or on behalf of the Board of Supervisors of Fairfax County, Virginia, on the date above stated for the receipt of bids. The proceeds of the Deposit will be held as security for the performance of the successful bidder’s bid and applied to the purchase price of the Bonds, but, in the event the successful bidder shall fail to comply with the terms of its bid, the proceeds will be retained as and for full liquidated damages. No interest will be allowed thereon.

### **Award of Bonds**

[Award or rejection of bids will be made by the County prior to 5:00 p.m., Fairfax, Virginia Time on the date of receipt of bids. ALL BIDS SHALL REMAIN FIRM UNTIL 5:00 P.M., FAIRFAX, VIRGINIA TIME, ON THE DATE OF RECEIPT OF BIDS. An award of the Bonds, if made, will be made by the County within such six-hour period of time (11:00 a.m. – 5:00 p.m.).]

The Bonds will be awarded to the bidder offering to purchase the Bonds at the lowest “True or Canadian” interest cost, such cost to be determined by doubling the semiannual interest rate (compounded semiannually) necessary to discount to the price bid the payments of the principal of and the interest on the Bonds from their payment dates to the dated date of the Bonds.

**Change of Bid Date and Closing Date; Other Changes to Notice of Sale**

The County reserves the right to postpone, from time to time, the date and time established for the receipt of bids and will undertake to announce any such change via TM3 ([www.tm3.com](http://www.tm3.com)).

Any postponement of the bid date will be announced via TM3 not later than one hour prior to the announced time for receipt of the bids. An alternative bid date and time will be announced via TM3 at least 18 hours prior to such alternative bid date.

On such alternative bid date and time, the County will accept bids for the purchase of the Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for bidding and any other changes announced via TM3 at the time the bid date and time are announced.

The County may change the scheduled delivery date for the Bonds by notice given in the same manner as set forth for a change in the date for the receipt of bids.

The County reserves the right to otherwise change this Notice of Sale. The County anticipates that it would communicate any such changes via TM3 by 4:00 p.m., Fairfax, Virginia Time on the date prior to the scheduled date for receipt of bids but no later than 30 minutes prior to the scheduled time and date for receipt of bids.

**Conflict Waiver**

Sidley Austin LLP is serving as Bond Counsel in connection with the issuance and sale of the Bonds. By placing a bid, each bidder represents that it understands that Sidley Austin LLP, in its capacity as Bond Counsel, represents the County, and the successful bidder waives any conflict of interest that Sidley Austin LLP's involvement in connection with the issuance and sale of the Bonds to such successful bidder presents.

**Undertakings of the Successful Bidder**

The successful bidder shall make a bona fide public offering of all of the Bonds to the general public (excluding bond houses, brokers, or similar persons acting in the capacity of underwriters or wholesalers who are not purchasing for their own account as ultimate purchasers without a view to resell) and will, within 30 minutes after being notified of the award of the Bonds, advise the County in writing (via facsimile transmission) of the Initial Reoffering Terms. Prior to the delivery of the Bonds, the successful bidder will furnish a certificate acceptable to Bond Counsel as to the "issue price" of the Bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended. It will be the responsibility of the successful bidder to institute such syndicate reporting requirements, to make such investigation, or otherwise to ascertain the facts necessary to enable it to make such certification with reasonable certainty.

**Delivery**

The Bonds will be delivered on or about \_\_\_\_\_, 2013 in New York, New York, at DTC against payment of the purchase price therefor (less the amount of the Deposit) in Federal Reserve funds.

The approving opinion of Sidley Austin LLP, Washington, D.C., in substantially the form appearing in the Preliminary Official Statement, will be furnished without cost to the successful bidder. There will also be furnished the usual closing papers, including certifications as to the Official Statement and no-litigation.

**CUSIP Numbers**

CUSIP numbers are to be applied for by the successful bidder with respect to the Bonds. The County will assume no obligation for the assignment of such numbers or for the correctness of such numbers, and no error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery or make payment for the Bonds.

**Official Statements**

Copies of the Preliminary Official Statement may be obtained without cost via the Internet at [www.i-dealprospectus.com](http://www.i-dealprospectus.com). The Preliminary Official Statement at its date is “deemed final” by the County for purposes of the Securities and Exchange Commission Rule 15c2-12 adopted under the Securities Exchange Act of 1934, as amended (the “Rule”), but is subject to revision, amendment and completion.

After the award of the Bonds, the County will prepare copies of the Official Statement (no more than 300) and will include therein such additional information concerning the reoffering of the Bonds as the successful bidder may reasonably request; provided, however, that the County will not include in the Official Statement a “NRO” (“not reoffered”) designation with respect to any maturity of the Bonds. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering. The County expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Bonds and to The Electronic Municipal Market Access System (“EMMA”) administered by the Municipal Securities Rulemaking Board. The successful bidder will be required to acknowledge receipt of such Official Statement, to certify that it has made delivery of the Official Statement to EMMA and to acknowledge that the County expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Bonds and to certify that the Bonds will only be offered pursuant to such Official Statement and only in states where the offer is legal. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering.

In general, the Rule prohibits an underwriter from purchasing or selling municipal securities, such as the Bonds, unless it has determined that the issuer of such securities has committed to provide annually certain information, including audited financial information, and notice of various events described in the Rule, if material. The County will provide to EMMA annual information respecting the County, including audited financial statements. In addition, the County will provide to EMMA the required notice of the occurrence of any events described in the Rule.

Official Statements will be provided within seven (7) business days after the date of the award of the Bonds in such quantities as may be necessary for the successful bidder's regulatory compliance.

Further information will be furnished upon application to Public Financial Management, Inc. at (703) 741-0175.

**Reservation of Rights**

The right to reject any or all bids and to waive any irregularity or informality in any bid is reserved.

**BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**

**By: Catherine A. Chianese, Clerk**

ACTION – 5

Approval of Public Sale for Roll-Over of Bond Anticipation Note for Crescent Apartments

ISSUE:

Approval by the Board of Supervisors of a resolution (Attachment 1) to authorize a Public Sale for roll-over bond anticipation note (BAN) to refinance a previous note issued to finance the acquisition of the Crescent Apartments.

RECOMMENDATION:

The County Executive recommends approval of the attached resolution (Attachment 1) relating to the issuance of a Fairfax County Redevelopment and Housing Authority (FCRHA) 2-year BAN (Affordable Housing Acquisition), which authorizes the following actions:

1. Requests FCRHA to issue the BAN;
2. Approves the form of a payment agreement between FCRHA and the Board of Supervisors;
3. Approves the form of the lease agreement;
4. Approves the form of the Preliminary Official Statement and the Notice of Sale;
5. Approves the form of the notes;
6. Approves the form of the Continuing Disclosure Agreement; and
7. Authorizes the execution and delivery of the payment agreement, lease agreement, and continuing disclosure agreement.

TIMING:

Approval by the Board is requested on December 4, 2012.

BACKGROUND:

Fairfax County purchased the Crescent Apartments complex, a 16.5 acre site with 180 units located at 1527 Cameron Crescent Drive in Reston, Virginia on February 16, 2006. This property is adjacent to the Lake Anne Revitalization District and is leased to the FCRHA.

In January 2006, the first interim financing occurred in the amount of \$40.6 million and was obtained through a competitive private placement bidding process with Wachovia Bank being the lowest responsive bidder for a one year note. The interest rate was fixed at a taxable rate of 4.92 percent and repayment was due on February 12, 2007.

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This note was taxable pending completion of a tax exempt due diligence process in order to ensure that the use of the property qualified for tax exemption.

In February 2007, the second interim financing occurred in the amount of \$40.5 million and was obtained through a competitive sale with Lehman Brothers for a one year tax exempt BAN while the FCRHA reviewed options for redevelopment of the property. The interest rate was 3.66 percent and repayment was due on February 12, 2008.

In February 2008, the FCRHA sold a five year, tax-exempt BAN in the amount of \$37.62 million which was obtained via a competitive sale to UBS Securities LLC. The interest rate was 3.31 percent with a final maturity on March 1, 2013. The intent of the five year interim financing was to enable FCRHA to begin repayment of principal annually, and allow FCRHA to draft development plan for the property in coordination with the proposed revitalization and redevelopment of the Lake Anne Community.

In May 2011(Series 2011), the County conducted a refinancing sale for the remaining two years of payments in order to lower the interest rate on the BAN. The 2011 BAN totaling \$28.91 million was sold to JP Morgan Securities LLC at an interest cost of 0.57 percent. This refinancing generated savings of \$1.64 million or 5.4 percent of the refunded par amount.

In the interim, a Request for Proposal (RFP) was issued seeking redevelopment of the Crescent property. The County's Selection Advisory Committee (SAC) has reviewed submissions and narrowed the list of final candidates. However, this process is not expected to be completed by March 1, 2013, when the payment for the outstanding principal of \$26.73 million for the five year BAN becomes due. As a result, County staff is recommending the BAN be rolled for a two year period (Series 2013). The two year term is designed to provide staff adequate time to complete the selection process and the follow on negotiations that would lead to Board approval of the redevelopment plan. The County's Bond Counsel has advised that the Series 2013 BAN should be sold on a taxable basis per IRS guidelines due to the fact that there is expected to be a private sector component to the Crescent property when it is redeveloped. A taxable note will provide the County the maximum flexibility in its negotiations with respect to the use, transfer, timing, and ultimate business structure of any continuing ground lease on the property. In the interim, the County will continue its policy of reducing principal during the term of the BAN.

Staff explored the option of structuring the terms of the BAN ranging from one to five years. The two year extension on the note was recommended to provide the SAC the best projected flexibility to select and then complete negotiations with the developer for the property and receive proper concurrence from the Board of Supervisors as well as being the most cost effective. County staff explored alternative financing structures and alternative prepayment provisions, including the use of variable rate debt and early prepayment provisions. The recommended plan of finance results in a low interest rate

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and fewer risks (e.g., rising interest rates, increased fees due to regulatory changes) than a variable rate alternative. Embedding early prepayment provisions in the financing would carry a premium, resulting in additional costs up to 0.50 percent. Therefore, the two year non-callable taxable note is the recommended option as it satisfies tax requirements, retains flexibility in negotiations, and is cost effective.

The refinancing is to be considered by the FCRHA Finance Committee for approval at its November 28, 2012 meeting.

FISCAL IMPACT:

Debt service payments from this sale are paid from Fund 319, the Penny for Affordable Housing Fund. Including the interest paid to date on the Series 2011 BAN and an equity contribution that will be used to reduce the amount of the Series 2013 BAN, total project costs for FY 2013 will total the budgeted amount of \$3.35 million. FY 2014 debt service will also equal \$3.35 million. In FY 2015, the Series 2013 BAN will be paid off with a permanent financing plan. Based on market conditions as of November 6<sup>th</sup>, the estimated True Interest Cost on the Series 2013 BAN is 1.44%, which equates to total interest of approximately \$560,000. The final interest rate will be based on market conditions as of the sale date, currently schedule for late January 2013.

ENCLOSED DOCUMENTS:

- Attachment 1: County Resolution
- Attachment 2: Refinancing Bond Sale Schedule of Events
- Attachment 3: Form of Note
- Attachment 4: Notice of Sale
- Attachment 5: Payment Agreement
- Attachment 6: Lease Agreement
- Attachment 7: Continuing Disclosure Agreement
- Attachment 8: Draft of the Preliminary Official Statement (Copy available in the Office of the Clerk to the Board.)
- Attachment 9: Assignment Agreement

STAFF:

Susan Datta, Chief Financial Officer  
Paula Sampson, Director, Department of Housing and Community Development (HCD)  
Aseem Nigam, Director, Real Estate Finance and Grants Management Division, HCD  
Leonard Wales, Financing Advisor, Department of Management and Budget  
Joseph LaHait, Debt Coordinator, Department of Management and Budget

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County 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 December 4, 2012, at which meeting a quorum was present and voting, the following resolution was adopted:

**RESOLUTION REQUESTING THE ISSUANCE BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY OF ITS BOND ANTICIPATION NOTES (AFFORDABLE HOUSING ACQUISITION) SERIES 2013A IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$27 MILLION AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYMENT AGREEMENT WITH FCRHA, ALL FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE REFINANCING OF NOTES PREVIOUSLY ISSUED FOR REFINANCING A PORTION OF THE PURCHASE PRICE OF A MULTI-FAMILY RENTAL HOUSING COMPLEX LOCATED IN FAIRFAX COUNTY; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE WITH FCRHA FOR THE LEASE OF THE PROPERTY TO FCRHA; APPROVING THE FORM OF THE FCRHA NOTES AND AN ASSIGNMENT AGREEMENT FROM FCRHA; APPROVING A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT RELATING TO SUCH NOTES, AND A NOTICE CALLING FOR BIDS TO PURCHASE THE NOTES; APPROVING THE MAKING OF A CONTINUING DISCLOSURE UNDERTAKING; GRANTING THE AUTHORITY TO EXECUTE AND DELIVER SUCH OTHER DOCUMENTS AND AGREEMENTS RELATING TO SUCH TRANSACTIONS AND TO DETERMINE CERTAIN DETAILS OF SUCH TRANSACTION**

**WHEREAS**, the Fairfax County Redevelopment and Housing Authority (“FCRHA”), in furtherance of its goal to preserve existing affordable housing in Fairfax County, requested that the Board of Supervisors (the “Board”) of the County of Fairfax, Virginia (the “County”), contract for the purchase of the 180, unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent Drive in Reston, Virginia (the “Property”); and

**WHEREAS**, on February 6, 2006, the Board entered into an Agreement of Purchase and Sale (the “Purchase Contract”) for the purchase of the Property; and

**WHEREAS**, the Board, upon entering into the Purchase Contract, requested that FCRHA provide interim financing for a portion of the purchase price of the Property and related costs and offered to enter into a payment agreement pursuant to which the County agreed to make payments, to or for the account of FCRHA, in amounts sufficient, with the proceeds of any permanent financing and renewal notes financing (as herein provided) and any other sources of funds available for the purpose, for FCRHA to pay timely the interest on and the principal of notes to be issued for such interim financing; and

**WHEREAS**, FCRHA, pursuant to the Board’s request, issued on February 16, 2006, a bond anticipation note (the “Original Note”), the proceeds of which were used to pay a portion of the purchase price of the Property; and

**WHEREAS**, FCRHA, pursuant to the Board’s request and the terms of a payment agreement issued on February 13, 2007, a bond anticipation note (the “2007 Note”) the proceeds of which were used to pay the principal of the Original Note; and

**WHEREAS**, FCRHA, pursuant to the Board’s request and the terms of a payment agreement issued on February 11, 2008, bond anticipation notes (the “2008 Notes”) the proceeds of which were used to pay the principal of the 2007 Note; and

**WHEREAS**, FCHRA, pursuant to the Board’s request and the terms of a payment agreement issued on May 19, 2011, bond anticipation notes (the “Outstanding Notes”) the proceeds of which were issued to pay the outstanding 2008 Notes; and

**WHEREAS**, the Outstanding Notes are maturing on March 1, 2013, and FCRHA desires to issue new notes to pay the Outstanding Notes; and

**WHEREAS**, FCRHA proposes to issue its Bond Anticipation Notes (Affordable Housing Acquisition), Series 2013A, in an aggregate principal amount of up to \$27 million (the “Notes”) pursuant to the Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended (the “Act”), to refinance the Outstanding Notes; and

**WHEREAS**, the County and FCRHA anticipate providing further interim financing or long term permanent financing for the Property, including, in either case, provision for payment of the Notes not later than the stated maturity of the Notes in Fiscal Year 2015; and

**WHEREAS**, the County proposes to enter into a payment agreement with FCRHA (the “Payment Agreement”) by the terms of which the County will agree to make payments to FCRHA in sufficient amounts for FCRHA to pay timely the interest and, if and to the extent that provision for payment is not made from other sources, the principal of the Notes (the “county Payments”); and

**WHEREAS**, the Board proposes to enter into a ground lease with FCRHA (the “Ground Lease”) by the terms of which the Board has leased the Property to FCRHA; and

**WHEREAS**, there has been presented to the Board a proposed form of an assignment agreement (the “Assignment Agreement”) pursuant to which FCRHA will assign to the bond registrar and payment agent of the Notes all of FCRHA’s rights under the Payment Agreement, including FCRHA’s rights to County Payments under, and to enforce the terms and provisions of, the Payment Agreement; and

**WHEREAS**, there has been presented to the Board a proposed form of the notice calling for bids for the purchase of the Notes (the “Notice of Sale”); and

**WHEREAS**, there has been presented to the Board a proposed Preliminary Official Statement describing the Notes, FCRHA, the County and the Property (the “Preliminary Official Statement”); and

**WHEREAS**, the County will undertake primary responsibility for any annual and other reports, notices or disclosures that may be required under Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time, and make a continuing disclosure undertaking; and

**WHEREAS**, the Board has duly reviewed and considered the forms of the Payment Agreement, the Ground Lease, the Notes, the Notice of Sale, the Preliminary Official Statement and the Continuing Disclosure Agreement and has determined that each is in acceptable form; and

**WHEREAS**, the Board has determined that it is necessary to delegate to appropriate County officials authority to approve the sale of the Notes and the details of the transaction but subject to the guidelines and standards established hereby; now, therefore,

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, as follows:

**SECTION 1.** FCRHA is hereby requested to issue the Notes to the winning bidder in a competitive sale in an aggregate principal amount not to exceed \$27 million sufficient, along with other moneys to be provided by the County, to refinance the Outstanding Notes and pay certain costs of issuance of the Notes; such Notes may be sold in a competitive sale pursuant to bids received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system or through a negotiated sale to one or more underwriters chosen in compliance with County guidelines and regulations. If such Notes shall be sold in a competitive sale such Notes are requested to be awarded to the bidder submitting the best bid (determined in accordance with the requirements of the Notice of Sale and the terms set forth in an FCRHA Board of Commissioners resolution) and the Fairfax County Chairman or Vice Chairman of the Board or the County Executive or Chief Financial Officer (each a “Delegate”) are hereby authorized to request FCRHA to award the Notes to such best bidder. The FCHRA Bonds may upon the approval of the FCHRA Chairman, Vice Chairman or other authorized officer and with the consent of the County Executive or the Chief Financial Officer be sold in a negotiated sale to one or more underwriters, subject to the following conditions: (i) the Financial Advisor to the County shall have recommended that due to financial market conditions such a negotiated sale best serves the interest of the County and (ii) the underwriter(s) of the bonds shall have been chosen pursuant to County guidelines and regulations. In the event of a negotiated sale, a Delegate, or such other officer or officers of the County as may be designated by any one of them, is hereby authorized and directed to execute or approve a bond purchase agreement, by and among the underwriters, FCRHA and the County, setting forth the terms of the sale of the bonds. Such bond purchase agreement shall only be executed (i) if such agreement does not contain any terms contradictory to the terms of this Resolution or the resolution to be approved by FCRHA Board of Commissioners resolution relating to the Notes and (ii) the Financial Advisor to the County shall recommend to the County the execution of such agreement.

**SECTION 2.** The form of the Notes presented to this meeting is approved.

**SECTION 3.** The form of the Payment Agreement presented to this meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County, and the Clerk or any Deputy Clerk is authorized and directed to impress the County’s seal upon, the Payment Agreement in substantially such form, with such additions and modifications as shall be approved by the Delegate executing the Payment Agreement, such execution being conclusive evidence of such approval.

**SECTION 4.** The form of the Ground Lease presented to this meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County, and the Clerk or any Deputy Clerk is authorized and directed to impress the County's seal upon, the Ground Lease in substantially such form, with such additions and modifications as shall be approved by the Delegate executing the Ground Lease, such execution being conclusive evidence of such approval.

**SECTION 5.** The form of the Assignment Agreement presented to meeting is approved, and a Delegate, as appropriate, is authorized and directed to execute and deliver, in the name and on behalf of the County an acknowledgment of such Assignment Agreement in substantially such form, with such additions and modifications as shall be approved by the Delegate executing such acknowledgement such execution being exclusive evidence of such approval.

**SECTION 6.** The form of the Notice of Sale presented to this meeting is hereby approved, and the distribution, publication and use of the Notice of Sale for purposes of the sale of the Notes is hereby approved. Such notice shall be substantially in the form of the Notice of Sale annexed to this resolution. Alternatively, there may be distributed a summary of the principal terms of the notice. Bids shall be received electronically via the PARITY Competitive Bidding System.

**SECTION 7.** The form of the Preliminary Official Statement is hereby approved and deemed "final" for purposes of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The distribution and use by the winning bidders of a final Official Statement relating to the Notes (the "Official Statement") is hereby approved. The Official Statement shall be completed with the pricing and other information in substantially the form of the Preliminary Official Statement approved this day with such minor changes, insertions and omissions as may be approved by a Delegate.

**SECTION 8.** The form of the Continuing Disclosure Agreement presented to this meeting is approved, and a Delegate, as appropriate, is authorized, directed and empowered to execute and deliver in the name and on behalf of the County the Continuing Disclosure Agreement in such form and containing substantially the terms and provisions therein contained, with such additions and modifications as shall be approved by the person executing the Continuing Disclosure Agreement, such execution thereof being conclusive evidence of such approval.

**SECTION 9.** The execution and delivery by any Delegate of the Payment Agreement, the Ground Lease, the Assignment Agreement, the Continuing Disclosure Agreement and any other agreements, documents, closing papers and certificates executed and delivered pursuant to this Resolution shall be conclusive evidence of the Delegate's approval, on behalf of the County, of the changes, if any, in the form and content of the Payment Agreement, the Ground Lease, the Assignment Agreement and the Continuing Disclosure Agreement.

**SECTION 10.** The Delegates and other members, officers and employees of the Board of Supervisors and the County are hereby authorized and directed to do all acts and things required of them by the provisions of the Notes, the Ground Lease, the Payment Agreement, the Assignment Agreement and the Continuing Disclosure Agreement for the full, punctual and complete performance of all the terms, covenants, provisions and agreements of the Notes, the Ground Lease, the Payment Agreement and the Continuing Disclosure Agreement and also to do all acts and things required of them by the provisions of this Resolution.

**SECTION 11.** Each of the Delegates is authorized to execute one or more certificates evidencing the determinations made or other actions carried out pursuant to the authority granted in this Resolution, and any such certificate shall be conclusive evidence of the actions or determinations as stated therein.

**SECTION 12.** All actions taken by any of the Delegates and other members, officers and employees of the County in connection with the transactions authorized and approved hereby are hereby ratified and confirmed.

**SECTION 13.** Any and all resolutions of the Board of Supervisors or portions thereof in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

**SECTION 14.** This resolution shall take effect immediately upon its adoption.

**(Seal)            A Copy Teste:**

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Clerk to the Board of Supervisors

**DRAFT Fairfax County Redevelopment and Housing Authority  
Bond Anticipation Note, Series 2013  
(Crescent Apartments, Affordable Housing Project)**

November 2012							December 2012							January 2013							February 2013							March 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3						1			1	2	3	4	5						1	2						1	2	
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30	31		24	25	26	27	28			24	25	26	27	28	29	30	
							30	31																				31						

Week of	Activity & Event	Responsible Party
November 5 <sup>th</sup>	First draft of County Resolution, POS, NOS and Note Documents* distributed	SA
	Comments due on County Resolution	All
	<i>Tuesday, November 6<sup>th</sup> - County Board Item Due</i>	All
	<i>Thursday, November 8<sup>th</sup> - County Board Title Due</i>	All
November 12 <sup>th</sup>	Monday, November 12 <sup>th</sup> – Veterans' Day (County Offices Closed)	-
	First draft of RHA Resolution distributed	SA
	Comments due on POS, NOS and Note Documents	All
November 19 <sup>th</sup>	<i>Monday November 19<sup>th</sup> – Deliver FCRHA Finance Committee package</i>	RHA
	<i>Thursday, November 22<sup>nd</sup> – Thanksgiving Day</i>	-
	<i>Friday November 23<sup>rd</sup> – County Offices Closed</i>	-
	Second draft of POS, NOS and Note Documents distributed	SA
November 26 <sup>th</sup>	<i>Wednesday November 28<sup>th</sup> – FCRHA Finance Committee Meeting</i>	RHA
	<i>Friday, November 30<sup>th</sup> – Deliver FCRHA package</i>	SA
	Draft Documents sent to Rating Agencies	PFM
December 3 <sup>rd</sup>	<i>Tuesday, December 4<sup>th</sup> – County Board Considers Note Documents</i>	FX
	<i>Thursday, December 6<sup>th</sup> – FCRHA Board Considers Note Documents</i>	RHA
	<i>Thursday, December 6<sup>th</sup>, 9:00 am – Rating Call with Standard &amp; Poor's</i>	FX, PFM
December 10 <sup>th</sup>	<i>Monday, December 10<sup>th</sup>, 9:00 am – Rating Meeting with Moody's</i>	FX, PFM
	<i>[Tuesday, December 11<sup>th</sup>, 9:00 am – Rating Call with Fitch]</i>	FX, PFM
December 24 <sup>th</sup>	<i>Monday, December 24<sup>th</sup> – Christmas Eve</i>	-
	<i>Tuesday, December 25<sup>th</sup> – Christmas Day</i>	-
December 31 <sup>st</sup>	<i>Monday, December 31<sup>st</sup> – New Year's Eve</i>	-
	<i>Tuesday, January 1<sup>st</sup> – New Year's Day</i>	-
January 7 <sup>th</sup>	Ratings due	-
	Final comments due on POS and NOS	All

**DRAFT Fairfax County Redevelopment and Housing Authority  
Bond Anticipation Note, Series 2013  
(Crescent Apartments, Affordable Housing Project)**

November 2012							December 2012							January 2013							February 2013							March 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30	31		24	25	26	27	28			24	25	26	27	28	29	30	
							30	31																				31						

Week of	Activity & Event	Responsible Party
January 14 <sup>th</sup>	Friday, January 18 <sup>th</sup> – POS and NOS distributed	SA, PFM
January 21 <sup>st</sup>	<i>Monday, January 21<sup>st</sup></i> - Dr. Martin Luther King Jr. Holiday Pre-market Note	- PFM
January 28 <sup>th</sup>	<i>Tuesday, January 29<sup>th</sup></i> – Note Sale	FX, RHA, PFM
February 4 <sup>th</sup>	Finalize and mail OS Finalize closing documents	SA All
February 11 <sup>th</sup>	<i>Wednesday, February 13<sup>th</sup></i> – Closing	All
February 25 <sup>th</sup>	<i>Friday, March 1<sup>st</sup></i> – Final Maturity of 2011 Note	FX

Key

FX = Fairfax County, Virginia  
RHA = Fairfax County Redevelopment and Housing Authority  
SA = Sidley Austin, Bond Counsel  
PFM = Public Financial Management, Financial Advisor

\* Note Documents includes Lease Agreement, Payment Agreement, Assignment Agreement & Escrow Agreement.

**UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION (“DTC”), TO FCRHA OR ITS AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.**

**R-1**

**\$\_\_\_\_\_**

United States of America  
Commonwealth of Virginia

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY  
BOND ANTICIPATION NOTE (AFFORDABLE HOUSING ACQUISITION)  
SERIES 2013A

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____%	_____, 20__	_____, 2013	____ _

HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ (\$\_\_\_\_\_)

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (“FCRHA”), for value received, promises to pay solely from the sources specifically identified herein (“Pledged Funds”) to the Holder named above, the Principal Amount stated above on the Maturity Date and to pay solely from such sources interest on such Principal Amount on each \_\_\_\_\_ 1 and \_\_\_\_\_ 1, commencing \_\_\_\_\_ 1, 20\_\_, at the rate per annum specified above. This note bears interest from its Dated Date. The principal and interest so payable will be paid to the Holder, at the office of the Director of the Department of Finance of Fairfax County, Virginia (the “Bond Registrar”), in Fairfax County, Virginia (the “County”). Both the principal of and the interest on this Note is calculated on the basis of a 360-day year consisting of twelve 30-day months, shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Note is a limited obligation of FCRHA and payable from payments made under a Payment Agreement, dated as of \_\_\_\_\_, 2013, between FCRHA and the County (the "Payment Agreement") pursuant to which the County has agreed to make payments in amounts sufficient to pay the principal of and interest on the Notes (the "County Payments"). The Payment Agreement also allows for the payment of the principal and interest on the Notes to be made from proceeds of bonds authorized by resolution of FCRHA on February 2, 2006, in anticipation of the issuance of which the Notes are issued, if the issuance of such bonds is requested by the County or from the proceeds of any renewal note or notes issued by FCRHA for the purpose of providing for the payment of the Notes, if the issuance of such bonds or notes is requested by the County. The County's obligation to make payments under the Payment Agreement in any fiscal year of the County is subject to and contingent upon the annual appropriation of funds the Board of Supervisors of the County for such purpose but is otherwise unconditional. In an Assignment Agreement, dated as of \_\_\_\_\_, 2013, FCRHA has assigned to the Bond Registrar its rights under the Payment Agreement, including its rights to receive County Payments and its right to enforce the provisions of the Payment Agreement.

THE NOTES AND THE INTEREST THEREON ARE LIMITED OBLIGATIONS OF FCRHA, PAYABLE SOLELY FROM REVENUES, RECEIPTS AND SECURITY PLEDGED THEREFOR UNDER THE PAYMENT AGREEMENT. NEITHER THE COMMISSIONERS OF FCRHA NOR ANY PERSON EXECUTING THE NOTES SHALL BE LIABLE PERSONALLY ON THE NOTES BY REASON OF THE ISSUANCE THEREOF. THE NOTES SHALL NOT BE A DEBT OF THE COUNTY, THE COMMONWEALTH OF VIRGINIA (THE "COMMONWEALTH") OR ANY POLITICAL SUBDIVISION THEREOF (OTHER THAN FCRHA), AND NEITHER THE COUNTY NOR THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION THEREOF (OTHER THAN FCRHA) SHALL BE LIABLE THEREON, NOR IN ANY EVENT SHALL THE NOTES BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN THOSE OF FCRHA PLEDGED THEREFOR PURSUANT TO THE RESOLUTION AND THE PAYMENT AGREEMENT. THE NOTES SHALL NOT CONSTITUTE AN INDEBTEDNESS WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY DEBT LIMITATION OR RESTRICTION. FCRHA HAS NO TAXING POWER.

This Note is one of a series of Notes (collectively, the "Notes") duly authorized and issued by FCRHA pursuant to the Housing Authorities Law, Chapter 1, Title 36, of the Code of Virginia of 1950, as amended, and other applicable law, and a resolution duly adopted by FCRHA on \_\_\_\_\_, 2013 (the "Resolution"), to provide funds sufficient, along with other moneys to be provided by the County, to refinance the outstanding Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2011A (the "Outstanding Notes"). The proceeds of the Outstanding Notes were applied in May 2011 to refinance other outstanding notes issued in February 2008 to pay the principal amount of a bond anticipation note issued in February 2007, which was issued to pay the principal amount of a bond anticipation note issued in February 2006, for purposes of providing a portion of the purchase price of, and enabling the County, to acquire title to, the 180 unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent Drive in Reston, Virginia (the "Property").

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of this note. The transfer of this Note may be registered only upon such books and upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the

registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this Note a new note or notes, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Note, of the same series and maturity and bearing interest at the same rate.

[The Notes are also subject to extraordinary optional redemption (“Extraordinary Optional Redemption”) [in whole or in part] (in integral multiples of \$5,000), on any date at a redemption price equal to the principal amount redeemed thereof, together with the interest accrued, to the redemption date on the principal amount to be redeemed, following receipt by the Authority or the County of funds received from the sale, redevelopment or other disposition of the Property.

[Upon the sale, redevelopment or other disposition of a portion of the Property, the Bonds to be redeemed shall be the pro rata portion of the Bonds (such portion to be rounded up to the next \$5,000 increment) allocable to that portion of the Property.]

If less than all of the Notes of any one maturity shall be called for Extraordinary Optional Redemption, the particular Notes or portions of Notes of such maturities to be redeemed shall be selected pursuant to a pro-rata allocation; provided, however, that the portion of any Note to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Notes for redemption, the Bond Registrar shall treat each Bond as representing that number of Notes which is obtained by dividing the principal amount of such Bond by \$5,000. If less than all of the Notes of any one maturity shall be called for Extraordinary Optional Redemption, the particular Notes or portions of Notes of such maturity to be redeemed shall be selected by lot by the Bond Registrar in such manner as the Bond Registrar in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Notes for redemption, the Bond Registrar shall treat each Note as representing that number of notes which is obtained by dividing the principal amount of such bond by \$5,000.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any notes to be redeemed, whether such redemption be in whole or in part, the Authority shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each bond to be redeemed in whole or in part at his address appearing upon the registration books of the Bond Registrar, but failure to mail such notice or any defect therein shall not affect the validity of the redemption. If a portion of this Note shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or his legal representative upon the surrender hereof.

Any notice of Extraordinary Optional Redemption of the Notes may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price if any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is

given due to an insufficient amount of funds on deposit with the Bond Registrar, the corresponding notice of redemption shall be deemed to be revoked.

If the Authority causes the Bond Registrar to give an unconditional notice of redemption, then on the redemption date the Notes called for redemption will become due and payable. If the Authority causes the Bond Registrar to give a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Notes shall have been set aside with the Trustee or a depository (either, a “depository”) for the purpose of paying such Notes, then on the redemption date the Notes will become due and payable. In either case, if on the redemption date the Bond Registrar holds sufficient money to pay the Notes called for redemption, thereafter no interest will accrue on those Notes, and a bondholder’s only right will be to receive payment of the redemption price upon surrender of those Notes.

Modifications or alterations of the Payment Agreement may be made only to the extent and in the circumstances permitted therein.

This Note is issued with the intent that the laws of the Commonwealth of Virginia shall govern its construction.

All acts, conditions and things required to happen, exist and be performed precedent to and in the issuance of this Note have happened, exist and have been performed as so required.

This Note shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution or Payment Agreement until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Fairfax County Redevelopment and Housing Authority has caused this Note to be executed by the facsimile signature of its Chairman, Vice-Chairman, Director or Deputy Director, its seal to be affixed on this Note and attested by the facsimile signature of its Secretary or Assistant Secretary.

FAIRFAX COUNTY REDEVELOPMENT AND  
HOUSING AUTHORITY

By: \_\_\_\_\_  
Chairman,  
Fairfax County Redevelopment and Housing  
Authority

[SEAL]

ATTEST:

By: \_\_\_\_\_  
Assistant Secretary,  
Fairfax County Redevelopment and Housing Authority

**CERTIFICATE OF AUTHENTICATION**

This Note is one of the notes issued pursuant to the within-mentioned Resolution.

**Director of the Department of Finance of  
Fairfax County, Virginia as Bond Registrar**

By \_\_\_\_\_  
Authorized Signature

Date of authentication:

\_\_\_\_\_, 2013

**ASSIGNMENT**

**FOR VALUE RECEIVED**, the undersigned registered owner hereby sells, assigns and transfers unto

Please insert social security or  
other identifying number of assignee

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(Please Print or Typewrite Name and Address of Transferee)

the within note, and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to register the transfer of the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within note in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed\* by: \_\_\_\_\_

\*Signature(s) must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Trustee which requirements will include membership or participation in STAMP or such other “signature guarantee program” as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

**Ratings: Moody's.....**  
**S&P.....**  
**(See "Ratings")**

**NOTICE OF SALE**

\$ \_\_\_\_\_ \*

**FAIRFAX COUNTY (VIRGINIA) REDEVELOPMENT AND HOUSING AUTHORITY**  
**Bond Anticipation Notes (Affordable Housing Acquisition)**  
**Series 2013A**

Electronic Bids, BiDCOMP/Parity Competitive Bidding System ("BiDCOMP/Parity") only, will be received by the Board of Commissioners of the Fairfax County (Virginia) Redevelopment and Housing Authority (the "Authority"), until 11 o'clock a.m., Fairfax, Virginia Time on,

\_\_\_\_\_, 2013\*

for the purchase of the Authority's \$ \_\_\_\_\_\* Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2013A (the "Notes"), dated the date of their delivery, bearing interest payable September 1, 2013 and semi-annually thereafter each March 1 and September 1, and maturing, as hereinafter set forth, on the 1st day of March in the following years and in the following amounts, respectively:

**Initial Maturity Schedule**\*

Maturity Date <u>(March 1)</u>	Principal <u>Amount</u>
2014	\$
2015	

Interest will be calculated on the 30/360 day basis.

The Authority reserves the right to change the date for receipt of bids (the "Scheduled Bid Date") in accordance with the section of this Notice of Sale entitled "Change of Bid Date and Closing Date; Other Changes to Notice of Sale."

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\* Preliminary, subject to change.

**BID PARAMETERS TABLE\***

<b>INTEREST</b>		<b>PRICING</b>	
Dated Date:	Date of Delivery	Max. Aggregate Bid Price:	____%
Anticipated Delivery Date:	_____, 2013	Min. Aggregate Bid Price:	____%
Interest Payments Dates:	March 1 and September 1	Max. Price per Maturity	No limit
First Interest Payment Date:	September 1, 2013	Min. Price per Maturity	____%
Coupon Multiples:	1/8 or 1/20 of 1%	High Coupon per Maturity	____%
Zero Coupons:	Not Allowed		
Split Coupons:	Not Allowed	<b>PROCEDURAL</b>	
<b>PRINCIPAL</b>		Sale Date and Time:	Bids due _____, 2013 at [11.:00] AM Fairfax Time
Extraordinary Optional Redemption:	[See Extraordinary Optional Redemption herein]	Bid Submission:	Electronic bids through PARITY Only
Post-bid Principal Increases in Aggregate:	10%	All or None?	Yes
Post-bid Principal Reductions in Aggregate:	10%	Bid Award Method:	Lowest TIC
Term Bonds:	Any two or more consecutive maturities may be designated as term bonds	Good Faith Deposit:	1% of the Bid Maturity Schedule, as more fully described on page 6, under "Good Faith Deposit"

\* Subject to the detailed provisions of this notice of sale.

**Changes to Initial Maturity Schedule**

The Initial Maturity Schedule set forth on page 1 above represents an estimate of the principal amount of Notes to be sold. The Authority hereby reserves the right to change the Initial Maturity Schedule, based on market conditions prior to the sale, by announcing any such change not later than 30 minutes prior to the announced time and date for receipt of bids via TM3 ([www.tm3.com](http://www.tm3.com)). The resulting schedule of maturities will become the "Bid Maturity Schedule." If no such change is announced, the Initial Maturity Schedule will become the Bid Maturity Schedule.

**Changes to Bid Maturity Schedule**

The Authority hereby further reserves the right to change the Bid Maturity Schedule after the determination of the winning bidder, by increasing or decreasing the aggregate principal amount of the Notes, subject to the limitation of no more than a 10% increase or decrease in the principal amount of the Notes.

THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING TERMS (AS HEREAFTER DEFINED) AS A RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS. The dollar amount bid by the successful bidder will be adjusted to reflect any adjustments in the final aggregate principal amount of the Notes. Such adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and original issue discount/premium, if any, but will not change the selling compensation per \$1,000 of par amount of Notes from the selling compensation that would have been received based on the purchase price in the winning bid and the Initial Reoffering Terms. The interest rates specified by the successful bidder for each maturity at the Initial Reoffering Terms will not change. The Authority anticipates that the final annual principal amounts and the final aggregate principal amount of the Notes will be communicated to the successful bidder within twenty-four hours of the Authority's receipt of the initial public offering prices and yields of the Notes (the "Initial Reoffering Terms").

### **Book-Entry System**

The Notes will be issued by means of a book-entry system with no physical distribution of certificates made to the public. One certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence beneficial ownership interests of the Notes in the principal amounts of \$5,000 and any multiple thereof, with transfers of beneficial ownership interests effected on the records of DTC participants and, if necessary, in turn by DTC pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Notes, shall be required to deposit the certificates with DTC, registered in the name of Cede & Co., nominee of DTC. Interest on the Notes will be payable September 1, 2013 and semiannually thereafter on March 1 and September 1 and principal of the Notes will be payable at maturity to DTC or its nominee as registered owner of the Notes. Transfer of principal and interest to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Notes by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The Authority will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Notes or (b) the Authority determines that continuation of the book-entry system of evidence and transfer of ownership of the Notes would adversely affect the interests of the beneficial owners of the Notes, the Authority will discontinue the book-entry system with DTC. If the Authority fails to select another qualified securities depository to replace DTC, the Authority will deliver replacement Notes in the form of fully registered certificates.

### **The Notes**

The Notes are limited obligations of the Authority and payable from payments made under a Payment Agreement between the Authority and Fairfax County, Virginia (the "County"), pursuant to which the County has agreed to make payments in amounts sufficient to pay the principal and interest on the Notes. The Payment Agreement also allows for the payment of the principal and interest on the Notes to be made from proceeds of bonds authorized by resolution of the Authority on February 2, 2006, in anticipation of the issuance of which the Notes are issued, if the issuance of such bonds is requested by the County, and the proceeds of any renewal note or notes issued by the Authority for the purpose of providing for the payment of the Notes, if the issuance of such bonds or notes is requested by the County. The County's obligation to make payments under the Payment Agreement in any fiscal year of the County is subject to and contingent upon the annual appropriation of funds by the Board of Supervisors of

the County for such purpose but is otherwise unconditional. Neither the faith and credit of the Commonwealth of Virginia, nor any political subdivision thereof (including the Authority and the County), are pledged to the payment of the principal of or the interest on the Notes.

The Notes are being issued to provide funds sufficient, together with other moneys to be provided by the County, to refinance the outstanding principal amount of the Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2011A (the “Outstanding Notes”), and to pay certain costs of issuance of the Notes. The proceeds of the Outstanding Notes were applied in May 2011 to refinance other outstanding notes issued in February 2008 to pay the principal amount of a bond anticipation note issued in February 2007, to pay the principal amount of a bond anticipation note issued in February 2006, for purposes of providing a portion of the purchase price of, and enabling the County, to acquire title to, the 180-unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent Drive in Reston, Virginia.

### **Extraordinary Optional Redemption**

[The Series 2013A Notes are also subject to extraordinary optional redemption (“Extraordinary Optional Redemption”) [in whole or in part] (in integral multiples of \$5,000), on any date at a redemption price equal to the principal amount redeemed thereof, together with the interest accrued, to the redemption date on the principal amount to be redeemed, following receipt by the Authority or the County of funds received from the sale, redevelopment or other disposition of the Property.

The Authority is considering various options with respect to the Property, but at this time does not know the likelihood that all or any of the portion of the Property will be sold, redeveloped or otherwise disposed. Any such sale, redevelopment or disposition depends on real estate and financial market conditions and consultation and agreement with the County on such sale.]

### **Ratings**

The Notes have been rated “\_\_” by Moody’s, and “\_\_\_” by Standard & Poor’s Ratings Services, a division of The McGraw-Hill Companies, Inc. Please refer to the Preliminary Official Statement relating to the Notes (the “Preliminary Official Statement”) for more information on the ratings.

### ***Electronic Bidding and Bidding Procedures***

#### **Registration to Bid**

All prospective bidders must be contracted customers of i-Deal LLC’s BiDCOMP/Parity Competitive Bidding System. If you do not have a contract with BiDCOMP/Parity, call (212) 404-8102 to become a customer. By submitting a bid for the Notes, a prospective bidder represents and warrants to the Authority that such bidder’s bid for the purchase of the Notes (if a bid is submitted in connection with the sale) is submitted for and on behalf of such prospective bidder by an officer or agent who is duly authorized to bind the prospective bidder to a legal, valid and enforceable contract for the purchase of the Notes. By contracting with BiDCOMP/Parity a prospective bidder is not obligated to submit a bid in connection with the sale.

**IF ANY PROVISIONS OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BiDCOMP/Parity AS APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE OF SALE, AS IT MAY BE AMENDED**

**BY THE AUTHORITY AS DESCRIBED WITHIN, SHALL CONTROL.** Further information about BiDCOMP/Parity, including any fee charged, may be obtained from BiDCOMP/Parity at (212) 404-8102.

### **Disclaimer**

Each prospective bidder shall be solely responsible to register to bid via BiDCOMP/Parity. Each qualified prospective bidder shall be solely responsible to make necessary arrangements to access BiDCOMP/Parity for purposes of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the Authority nor BiDCOMP/Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder, and neither the Authority nor BiDCOMP/Parity shall be responsible for a bidder's failure to register to bid or for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, BiDCOMP/Parity. The Authority is using BiDCOMP/Parity as a communication mechanism, and not as the Authority's agent, to conduct the electronic bidding for the Notes. The Authority is not bound by any advice and determination of BiDCOMP/Parity to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their registration and submission of bids via BiDCOMP/Parity are the sole responsibility of the bidders; and the Authority is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in registering to bid or submitting, modifying or withdrawing a bid for the Notes, it should telephone BiDCOMP/Parity and notify Public Financial Management, Inc., the County's financial advisor, by telephone at (703) 741-0175. After receipt of bids is closed, the Authority through BiDCOMP/Parity will indicate the apparent successful bidder. Such message is a courtesy only for viewers, and does not constitute the award of the Notes. Each bid will remain subject to review by the Authority to determine its interest cost and compliance with the terms of this Notice of Sale.

### **Bidding Procedures**

Bids must be submitted electronically for the purchase of the Notes (all or none) by means of the Fairfax County (Virginia) Redevelopment and Housing Authority AON Bid Form (the "Bid Form") via the BiDCOMP/Parity. Bids must be communicated electronically to BiDCOMP/Parity by 11:00 a.m., Fairfax, Virginia Time on the Scheduled Bid Date unless postponed as described herein (see "Change of Bid Date and Closing Date"). Prior to that time, a prospective bidder may input and save the proposed terms of its bid in BiDCOMP/Parity. Once the final bid has been saved in BiDCOMP/Parity, the bidder may select the final bid button in BiDCOMP/Parity to submit the bid to BiDCOMP/Parity. Once the bids are released electronically via BiDCOMP/Parity to the Authority, each bid will constitute an irrevocable offer to purchase the Notes on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on BiDCOMP/Parity shall constitute the official Fairfax, Virginia Time. For information purposes only, bidders are requested to state in their bids the true interest cost to the Authority, as described under "Award of Notes" below, represented by the rate or rates of interest and the bid price specified in their respective bids.

No bids will be accepted in written form, by facsimile transmission or in any other medium or on any system other than by means of the Bid Form via BiDCOMP/Parity. No bid will be received after the time for receiving such bids specified above.

### **Good Faith Deposit**

After receipt of bids is closed and prior to the award, the apparent successful bidder indicated on BiDCOMP/Parity must submit a good faith deposit (Deposit) for 1% of the Bid Maturity Schedule to the

County by wire transfer. The award to the apparent successful bidder is contingent upon receipt of the Deposit, and the Notes will not be awarded to such bidder until the County has confirmation of receipt of the Deposit.

Wire instructions for the Deposit are as follows:

Bank Name: Bank of America VA/Rich  
 ABA: 026 009 593  
 Account Name: County of Fairfax, Deposit Account  
 Account Number: 0000 7902 5799  
 Attention: Tammy Kennedy-Nichols, 410-547-4320

Reference your company, company contact, phone number or other helpful identification

Award or rejection of bids will be made by or on behalf of the Board of Supervisors of Fairfax County, Virginia, on the date above stated for the receipt of bids. The proceeds of the Deposit will be held as security for the performance of the successful bidder's bid and applied to the purchase price of the Bonds, but, in the event the successful bidder shall fail to comply with the terms of its bid, the proceeds will be retained as and for full liquidated damages. No interest will be allowed thereon.

#### **Award of Notes**

[Award or rejection of bids will be made by the County prior to 5:00 p.m., Fairfax, Virginia Time on the date of receipt of bids. ALL BIDS SHALL REMAIN FIRM UNTIL 5:00 P.M., FAIRFAX, VIRGINIA TIME, ON THE DATE OF RECEIPT OF BIDS. An award of the Bonds, if made, will be made by the County within such six-hour period of time (11:00 a.m. – 5:00 p.m.)]

The Bonds will be awarded to the bidder offering to purchase the Bonds at the lowest "True or Canadian" interest cost, such cost to be determined by doubling the semiannual interest rate (compounded semiannually) necessary to discount to the price bid the payments of the principal of and the interest on the Bonds from their payment dates to the dated date of the Bonds.

#### **Change of Bid Date and Closing Date; Other Changes to Notice of Sale**

The County reserves the right to postpone, from time to time, the date and time established for the receipt of bids and will undertake to announce any such change via TM3 ([www.tm3.com](http://www.tm3.com)).

Any postponement of the bid date will be announced via TM3 not later than one hour prior to the announced time for receipt of the bids. An alternative bid date and time will be announced via TM3 at least 18 hours prior to such alternative bid date.

On such alternative bid date and time, the County will accept bids for the purchase of the Notes, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for bidding and any other changes announced via TM3 at the time the bid date and time are announced.

The County may change the scheduled delivery date for the Notes by notice given in the same manner as set forth for a change in the date for the receipt of bids.

The County reserves the right to otherwise change this Notice of Sale. The County anticipates that it would communicate any such changes via TM3 by 4:00 p.m., Fairfax, Virginia Time on the date

prior to the scheduled date for receipt of bids but no later than 30 minutes prior to the scheduled time and date for receipt of bids.

### **Conflict Waiver**

Sidley Austin LLP is serving as Bond Counsel in connection with the issuance and sale of the Notes. By placing a bid, each bidder represents that it understands that Sidley Austin LLP, in its capacity as Bond Counsel, represents the County and the Authority, and the successful bidder agrees to waive any conflict of interest that Sidley Austin LLP's involvement in connection with the issuance and sale of the Notes to such successful bidder presents.

### **Undertakings of the Successful Bidder**

The successful bidder shall make a bona fide public offering of all of the Notes to the general public (excluding bond houses, brokers, or similar persons acting in the capacity of underwriters or wholesalers who are not purchasing for their own account as ultimate purchasers without a view to resell) and will, within 30 minutes after being notified of the award of the Notes, advise the Authority in writing (via facsimile transmission) of the Initial Reoffering Terms. Prior to the delivery of the Notes, the successful bidder will furnish a certificate acceptable to Bond Counsel as to the "issue price" of the Notes. It will be the responsibility of the successful bidder to institute such syndicate reporting requirements, to make such investigation, or otherwise to ascertain the facts necessary to enable it to make such certification with reasonable certainty.

### **Delivery**

The Notes will be delivered on or about \_\_\_\_\_, 2013 in New York, New York, at DTC against payment of the purchase price therefor (less the amount of the Deposit) in Federal Reserve funds.

The approving opinion of Sidley Austin LLP, Washington, D.C., in substantially the form appearing in the Preliminary Official Statement, will be furnished without cost to the successful bidder. There will also be furnished the usual closing papers, including certifications as to the Official Statement and no litigation.

### **CUSIP Numbers**

CUSIP numbers are to be applied for by the successful bidder with respect to the Notes. The Authority will assume no obligation for the assignment of such numbers or for the correctness of such numbers, and no error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery or make payment for the Notes.

### **Official Statements**

Copies of the Preliminary Official Statement may be obtained without cost via the Internet at [www.i-dealprospectus.com](http://www.i-dealprospectus.com). The Preliminary Official Statement at its date was "deemed final" by the Authority and the County for purposes of SEC Rule 15c2-12 but is subject to revision, amendment and completion.

After the award of the Notes, the Authority will prepare copies of the Official Statement relating to the Notes (the "Official Statement") (no more than 300) and will include therein such additional information concerning the reoffering of the Notes as the successful bidder may reasonably request; provided, however, that the Authority will not include in the Official Statement a "NRO" ("not

reoffered”) designation with respect to any maturity of the Notes. The successful bidder will be responsible to the Authority in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering. The Authority expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Notes and to The Electronic Municipal Market Access System (“EMMA”), administered by the Municipal Securities Rulemaking Board (“MSRB”). The successful bidder will be required to acknowledge receipt of such Official Statement, to certify that it has made delivery of the Official Statement to EMMA and to acknowledge that the Authority expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Notes and to certify that the Notes will only be offered pursuant to such Official Statement and only in states where the offer is legal. The successful bidder will be responsible to the Authority in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering.

The Securities and Exchange Commission adopted Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the “Rule”). In general, the Rule prohibits an underwriter from purchasing or selling municipal securities, such as the Notes, unless it has determined that the issuer of such securities has committed to provide annually certain information, including audited financial information, and notice of various events described in the Rule, if material. The County will provide to EMMA annual information respecting the County, including audited financial statements. In addition, the County will provide to EMMA notice of the occurrence of any events described in the Rule if material.

Official Statements will be provided within seven (7) business days after the date of the award of the Notes in such quantities as may be necessary for the successful bidder’s regulatory compliance.

Further information will be furnished upon application to Public Financial Management, Inc., at (703) 741-0175.

### **Reservation of Rights**

The right to reject any or all bids and to waive any irregularity or informality in any bid is reserved.

Dated: \_\_\_\_\_, 2013

**FAIRFAX COUNTY (VIRGINIA)  
REDEVELOPMENT AND HOUSING AUTHORITY**

**By: Elizabeth Lardner, Chairman**

County & FCRHA

**PAYMENT AGREEMENT**

This Payment Agreement (this “Agreement”), dated as of \_\_\_\_\_, 2013, by and between the Fairfax County Redevelopment and Housing Authority (“FCRHA”) and the County of Fairfax, Virginia (the “County”).

**SECTION I. DEFINITIONS**

For purposes of this Agreement, unless the context clearly indicates otherwise, the words and terms defined in this Section I have the respective meanings given to them herein:

“Assignment Agreement” means the Assignment Agreement dated as of \_\_\_\_\_, 2013, pursuant to which FCRHA assigns to the bond registrar and paying agent of the Notes all of FCRHA’s rights under the Payment Agreement, including FCRHA’s rights to receive County Payments under and to enforce the terms and provisions of this Payment Agreement.

“Bonds” means the bonds authorized by FCRHA by resolution adopted on February 2, 2006, in a principal amount of up to \$45,000,000 and in anticipation of which the Notes are issued.

“County Payments” means the payments made or to be made by the County, subject to appropriation, to or for the account of FCRHA, in respect of scheduled interest and principal payments on the Notes.

“County Payment Date” means a Notes Payment Date.

“Holder of the Notes” means the registered owners and if the registered owners are a nominee, the beneficial owner of the Notes.

“Notes” means the \$\_\_\_\_\_ Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition), Series 2013A, dated \_\_\_\_\_, 2013, payable to Holder of the Notes.

“Notes Payment Date” means a date when interest or interest and principal are scheduled to become due and payable on the Notes.

“Payment Agreement” means this Payment Agreement as the same may be amended by written agreement of the parties with the consent of the Holders of the Notes as provided in Section 4.02 hereof.

“Property” means the 180-unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent

Drive in Reston, Virginia (the “Property”), identified in the Purchase Contract, that the County acquired from the seller in part with the proceeds of the 2006 Note and in part with a cash payment provided by the County to further the County and FCRHA’s mutual goal of preserving existing affordable housing in Fairfax County.

“Purchase Contract” means the Agreement of Purchase and Sale, made and entered into as of the 6th day of February, 2006, between the Board of Supervisors of the County, as purchaser, and the seller, pursuant to which the County purchased from the seller the Property.

“Purchaser” means the underwriter or underwriters that shall have been awarded the Notes pursuant to competitive bidding and shall purchase the Notes from FCRHA on the date hereof.

“2006 Note” means the \$40,600,000 Fairfax County Redevelopment and Housing Authority Bond Anticipation Note (Affordable Housing Acquisition), Series 2006, dated February 16, 2006, issued for the purpose of providing a portion of the purchase price of the Property.

“2007 Note” means the \$40,465,000 Fairfax County Redevelopment and Housing Authority Bond Anticipation Note (Affordable Housing Acquisition), Series 2007, dated February 13, 2007, issued for the purpose of paying the principal of the 2006 Note.

“2008A Notes” means the \$37,615,000 Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition), Series 2008A, dated February 11, 2008, issued for the purpose of paying a portion of the principal of the 2007 Note.

“2011 Notes” means the \$28,905,000 Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2011A, dated May 19, 2011, issued to refinance the 2008A Notes.

## **SECTION II. ISSUANCE OF THE NOTES BY FCRHA**

Section 2.01. Issuance of the Notes. FCRHA agrees to issue the Notes on or before \_\_\_\_\_, 2013. The Purchaser has agreed to buy the Notes from FCRHA on \_\_\_\_\_, 2013.

Section 2.02. Purpose for the Issuance of the Notes. FCRHA agrees to apply the proceeds, of the Notes, along with other moneys to be provided by the County, to pay at maturity the outstanding 2011 Notes and pay costs of issuance for the Notes, all as approved by the County, and for no other purpose.

### SECTION III. PAYMENT UNDERTAKING BY THE COUNTY

Section 3.01. County Payments. (a) The County hereby agrees to make County Payments on each Notes Payment Date subject to Sections 3.02 and 3.03 hereof and if applicable payments, subject to appropriation, on renewal notes as set forth in Section 3.04(a).

(b) the County will prepay the County Payments in whole or in part at any time on not less than forty-five (45) days' written notice to the Authority upon the extraordinary optional redemption of Bonds ("Extraordinary Mandatory Redemption") [in whole or in part] following receipt by the Authority or County of funds received following the sale, redevelopment or disposition of the Property. Upon such redemption, the Authority shall credit the principal amount of the Bonds so redeemed against the County Payments and reduce the remaining County Payments otherwise payable in an amount equal to the sum of (x) the principal amount of the Bonds redeemed, (y) the interest on the Bonds so redeemed and (z) the interest that would have accrued on such Bonds so redeemed but for such prepayment redemption.

(c) Subject to the provisions of Sections 3.02 and 3.04 below, the County hereby agrees to make debt service payments on the Bonds coming due in each fiscal year the Bonds are outstanding to the extent that such debt service payments are not made from other sources of revenue.

Section 3.02. County Payments Subject to Appropriation. The obligation of the County to make the County Payments or debt service payments on the Bonds under this Payment Agreement is contingent upon the appropriation for the applicable fiscal year by the Board of Supervisors of the County of funds from which such County Payments can be made. The County shall not be liable for any County Payments or debt service payments on the Bonds which may be payable pursuant to this Payment Agreement unless and until such funds have been appropriated for payment and then only to the extent thereof. This Payment Agreement shall not constitute a pledge of the full faith and credit of the County or a bond or debt of the County in violation of Section 10 of Article VII of the Constitution of the Commonwealth of Virginia.

#### Section 3.03. County Executive to Request Appropriations.

The Board of Supervisors of the County covenants that it will cause the County Executive in preparing the County's operating budget for each fiscal year subsequent to fiscal year 2013 so long as the Notes or any renewal notes remains outstanding under the FCRHA Notes Resolution passed by FCRHA on \_\_\_\_\_, 2012 (the "FCRHA Notes Resolution"), to include as a separate line item therein the debt service on the Notes that is scheduled to become due and payable during such fiscal year for which the budget is proposed and so long as any Bonds are outstanding to include as a separate line item therein the debt service on the Bonds that is scheduled to become due and payable during such fiscal year for which the budget is proposed, to the extent debt service payments on such Bonds are not made from other sources of revenue.

Section 3.04. Renewal Notes. (a) In the event that the Notes shall not have been paid in full at maturity or the payment in full from proceeds of permanent financing and either the County shall so request or funds are not otherwise available for the payment of the unpaid principal of and interest accrued thereon at the maturity of the Notes, FCRHA covenants that it shall use its best efforts to issue bond anticipation notes in a principal amount sufficient to provide for the payment of the unpaid principal amount of the Notes and the interest thereon due at maturity. The terms of such renewal notes shall be approved by the County Executive or the Chief Financial Official of the County, such terms to include a principal amount not in excess of the authorized and unissued principal amount of the Bonds, the interest rate or rates not to exceed any applicable statutory limitation, the buyer or buyers to be an institution or institutions capable of assessing the creditworthiness of the renewal notes. Prior to the issuance of such renewal notes the County is to have made a prior or simultaneous appropriation for any debt service coming due in the current fiscal year. The applicable provisions of this Payment Agreement to apply mutatis mutandis to such renewal notes and to the Bonds described in paragraph (b) of this Section 3.04.

(b) FCRHA hereby agrees to use its best efforts to issue Bonds or arrange other long term permanent financing, at one time or from time to time, the proceeds of which shall be sufficient to provide for the payment of the Notes or any renewal notes prior to the maturity date of the Notes or any renewal notes, respectively. Such Bonds or other long term financing shall be limited obligations of FCRHA and may be made payable from such sources, including without limitation, in the case of Bonds, payments made by the County pursuant to prior or simultaneous County appropriations for debt service coming due in each fiscal year such Bonds are outstanding, to the extent such debt service is not paid from other sources (which sources may include income derived from the Property).

Section 3.05. Consent to Assignment. The County hereby agrees that FCRHA shall assign to the bond registrar and paying agent of the Notes FCRHA's rights under this Payment Agreement, including FCRHA's rights to receive County Payments under and to enforce the terms and provisions of this Payment Agreement.

#### **SECTION IV. MISCELLANEOUS**

Section 4.01. Third Party Beneficiaries. This Agreement shall inure to the benefit of FCRHA, the County and the Holder of the Notes, and no other persons shall be deemed third party beneficiaries of this Payment Agreement.

Section 4.02. Amendments. This Agreement may be amended or any of its terms modified only by a written document authorized, executed and delivered by FCRHA and the County with the prior written consent of the Holder of the Notes.

Section 4.03. Effective Date. This Agreement shall take effect immediately upon its execution and delivery.

Section 4.04. Termination. This Agreement shall terminate upon the later of the retirement or defeasance of the Notes or, if any renewal notes shall be issued pursuant to Section 3.04 hereof, upon the final payment or defeasance of such renewal notes.

Section 4.05. Counterparts. This Agreement may be executed in one or more counterparts and when each party hereto has executed at least one counterpart, this Agreement shall become binding on both parties and such counterparts shall be deemed to be one and the same document.

Section 4.06. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, FCRHA and the County have caused this Agreement to be executed by their respective duly authorized officers, all as of the date and year first written above.

**FAIRFAX COUNTY REDEVELOPMENT  
AND HOUSING AUTHORITY**

By: \_\_\_\_\_

Chairman

[SEAL]

ATTEST:

By: \_\_\_\_\_

Paula C. Sampson  
Assistant Secretary

**BOARD OF SUPERVISORS OF  
FAIRFAX COUNTY, VIRGINIA**

By: \_\_\_\_\_

Edward L. Long  
County Executive

[SEAL]

ATTEST:

By: \_\_\_\_\_

Catherine A. Chianese  
Clerk to the Board of Supervisors

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**LEASE AGREEMENT**

**Between**

**BOARD OF SUPERVISORS OF  
FAIRFAX COUNTY, VIRGINIA**

**Landlord,**

**and**

**FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY**

**Tenant**

**relating to**

**AFFORDABLE HOUSING ACQUISITION**

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Dated as of \_\_\_\_\_, 2013

**LEASE AGREEMENT**

**THIS LEASE AGREEMENT**, dated as of \_\_\_\_\_, 2013 (the “Lease”), by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia having its principal office at 12000 Government Center Parkway, Fairfax, Virginia (the “County”), and the **FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY**, a political subdivision of the Commonwealth of Virginia having its principal office at 3700 Pender Drive, Suite 300, Fairfax, Virginia (“FCRHA”).

W I T N E S S E T H:

**WHEREAS**, simultaneously with the execution and delivery of this Lease, FCRHA has issued its \$\_\_\_\_\_ Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2013A (the “Notes”) to refinance the outstanding Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2011A (the “Outstanding Notes”), the proceeds of the Outstanding Notes were applied in May 2011 to refinance other outstanding notes issued in February 2008 to pay the principal amount of a bond anticipation note issued in February 2007, which was issued to pay the principal amount of a bond anticipation note issued in February 2006, for purposes of providing a portion of the purchase price of, and enabling the County, to acquire title to, the 180 unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent Drive in Reston, Virginia (the “Property”).

**WHEREAS**, simultaneously with the execution and delivery of this Lease, FCRHA has partially prepaid the rent due under this Lease by making available the proceeds of the Notes, and has caused the proceeds to be applied to the payment of the principal amount of the Outstanding Notes; and

**WHEREAS**, simultaneously with the execution and delivery of this Lease, the parties will also enter into a Payment Agreement of even date (the “Payment Agreement”) by the terms of which the County will agree to make payments, subject to appropriation, to FCRHA in amounts sufficient for FCRHA to pay timely debt service on the Notes (if provision for payment is not made from the proceeds of additional interim or long-term financing or other sources), and FCRHA, with the consent of the County, will assign its rights under the Payment Agreement to the holder of the Notes;

**NOW, THEREFORE**, in consideration of the mutual promises contained herein and the sum of Ten Dollars (\$10) paid by FCRHA to the County and receipt of which is hereby acknowledged by the County, the County hereby leases to FCRHA the Property which is hereinafter identified generally and includes the parcel of land described in Exhibit A to this Lease and all improvements thereon, as the same may at any time exist, subject to encumbrances specified in Exhibit B to this lease and subject to the following terms and conditions:

1. **Term of Lease**. The term of this Lease commences on March 1, 2013 (“Effective Date”), and expires on \_\_\_\_\_, 2015.

2. **Rent.** [The County agrees to rent the Property to FCRHA for a rental equal to the proceeds of the Notes payable on the Effective Date and an annual amount of \$900,000 payable by FCRHA to the County from income derived from the operation of the Property fifteen business days prior to each March 1, commencing on March 1, 2013, and ending on March 1, 2015, or on any earlier date agreed to by the County and FCRHA if this lease is terminated pursuant to Section 6 hereof.]

3. **Purposes for which Property May Be Used.** The Property which is subject to this Lease may be used and occupied, and shall be operated and managed by FCRHA, solely for purposes authorized by and in accordance with the provisions of the Housing Authorities Law, Chapter 1, Title 36, of the Code of Virginia of 1950, as amended (the “Enabling Act”). To that end, FCRHA hereby covenants to implement and comply with the terms of the resolution adopted by the Commissioners of FCRHA on July 27, 2006, with respect to the income limits applicable to tenants of the Property and the requirement that the Property be operated and maintained as a “residential building” within the meaning of the Enabling Act.

4. **Compliance with All Laws, Rules and Regulations.** The parties hereto represent that each will comply with all applicable, binding laws, rules and regulations, whether federal, Commonwealth of Virginia or County, relating to the use and occupancy of the Property.

5. **Nonassignability.** This Lease shall not be assigned by either party without the prior written approval of the other party.

6. **Termination.** This Lease may be terminated by the County, at its option, at any time prior to the expiration date after payment, or provision for payment, in full of the principal of and redemption premium, if any, and interest on the Notes.

7. **Surrender of Property.** On the expiration date or upon earlier termination of this Lease, FCRHA shall quietly and peaceably surrender the Property. The County waives any right to recover from FCRHA for any unrepaired damage to the Property upon such surrender.

8. **Release of a Portion of the Property.** Notwithstanding any other provisions of this Lease, the parties hereto reserve the right at any time and from time to time to amend this Lease and the leasehold estate created hereby of (i) any portion of the Property, provided the Director of Public Works of the County or any person holding the highest rated engineering position held by the County or an independent engineer or engineering firm if so designated by the Board of Supervisors of the County provides a certificate not more than sixty (60) days prior to the date of the proposed release which states such release will not adversely affect the utility of the Property as a multi-family rental housing facility, (ii) any unimproved part of the Property or (iii) any part of the Property with respect to which the County proposes to grant an easement or convey fee title to a public utility or public body in order that utility services or roads or other services may be provided for the Property; provided that if at the time such amendment is made any portion of the Notes is outstanding and unpaid there shall be deposited with the bond registrar and paying agent of the Notes the following:

- (a) A copy of the said amendment as executed;

(b) A resolution of the Board of Supervisors of the County (i) stating that the County is not in default under any of the provisions of this Lease or the Payment Agreement and FCRHA is not to the knowledge of the County in default under any provisions of this Lease or the Payment Agreement, (ii) giving an adequate legal description of that portion of the Property to be released and (iii) stating the purpose for which the County desires the release; and

(c) A certificate showing that FCRHA has approved such amendment and stating FCRHA is not in default under any provisions of this Lease or the Payment Agreement.

9. **Limitation of Liability of FCRHA.** The obligations of FCRHA hereunder are not general obligations of FCRHA but are limited obligations payable solely from the proceeds of the Notes and certain income derived from the operation of the Property.

10. **Limitation of Personal Liability.** No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of any present or future supervisor, commissioner, officer, employee or agent of the County or FCRHA in his or her individual capacity, nor shall any supervisor, commissioner, officer, employee or agent of the County or FCRHA incur any personal liability with respect to any other action pursuant to this Lease, provided such supervisor, commissioner, officer, employee or agent acts in good faith.

11. **Insurance.** Insurance will be provided by the parties in accordance with Exhibit C.

12. **Governing Law.** The laws of the Commonwealth of Virginia govern the validity, interpretation, construction, and performance of this Lease.

13. **Amendments.** This Lease shall not be amended, changed or modified except by a written instrument duly executed by the parties hereto.

14. **Severability.** If any provision of this Lease is declared to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

[The rest of this page has been left blank intentionally]

**IN WITNESS WHEREOF**, the parties have executed this Lease under Seal as of the day and year first written above.

[SEAL]

**BOARD OF SUPERVISORS OF  
FAIRFAX COUNTY, VIRGINIA**

ATTEST:

\_\_\_\_\_

Catherine A. Chianese  
Clerk

By: \_\_\_\_\_

Edward L. Long  
County Executive

[SEAL]

**FAIRFAX COUNTY REDEVELOPMENT  
AND HOUSING AUTHORITY**

ATTEST:

\_\_\_\_\_

Paula C. Sampson  
Assistant Secretary

By: \_\_\_\_\_

Elizabeth Lardner  
Chairman

**Exhibit A**

**LEGAL DESCRIPTION**

Property To Be Leased By

Board of Supervisors of  
Fairfax County, Virginia

to

Fairfax County Redevelopment and  
Housing Authority

**Exhibit B**

**PERMITTED ENCUMBRANCES**

**“Permitted Encumbrances”** shall mean, as of any particular time:

**Exhibit C**

**INSURANCE**

## CONTINUING DISCLOSURE AGREEMENT

This Continuing Disclosure Agreement (the “Disclosure Agreement”) is executed and delivered by Fairfax County, Virginia (the “County”) in connection with the issuance by the Fairfax County Redevelopment and Housing Authority (“FCRHA”) of its \$\_\_\_\_\_ Bond Anticipation Notes (Affordable Housing Acquisition) Series 2013A (the “Series 2013A Notes”) issued pursuant to the provisions of a resolution adopted on \_\_\_\_\_, 20\_\_ by FCRHA (the “Resolution”). The Series 2013A Notes are being issued to provide funds sufficient, along with other moneys to be provided by the County, to refinance the outstanding principal amount of the Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2011A (the “Outstanding Notes”), and to pay certain costs of issuance of the Notes. The proceeds of the Outstanding Notes were applied in May 2011 to refinance other outstanding notes issued in February 2008 to pay the principal amount of a bond anticipation note issued in February 2007, which was issued to pay the principal amount of a bond anticipation note issued in February 2006, for purposes of providing a portion of the purchase price of, and enabling the County, to acquire title to, the 180-unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent Drive in Reston, Virginia. The County hereby covenants and agrees as follows:

**SECTION 1. Purpose of the Disclosure Agreement.** This Disclosure Agreement is being executed and delivered by the County for the benefit of the holders of the Series 2013A Notes and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below). Under the Rule, the County is an “obligated person”. The County acknowledges that it is undertaking primary responsibility for any reports, notices or disclosures that may be required under this Disclosure Agreement.

**SECTION 2. Definitions.** In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Agreement.

“Dissemination Agent” shall mean the County, acting in its capacity as Dissemination Agent hereunder, or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

“Filing Date” shall have the meaning given to such term in Section 3(a) hereof.

“Fiscal Year” shall mean the twelve-month period at the end of which financial position and results of operations are determined. Currently, the County’s Fiscal Year begins July 1 and continues through June 30 of the next calendar year.

“Holder” or “holder” shall mean, for purposes of this Disclosure Agreement, any person who is a record owner or beneficial owner of the Series 2013A Notes.

“Listed Events” shall mean any of the events listed in subsection (b)(5)(i)(C) of the Rule, which are as follows:

principal and interest payment delinquencies;

non-payment related defaults; if material;

unscheduled draws on debt service reserves reflecting financial difficulties;

unscheduled draws on credit enhancements reflecting financial difficulties;

substitution of credit or liquidity providers, or their failure to perform;

adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 570-TEB) or other material notices or determinations with respect to or events affecting the tax status of the Series 2013A Notes;

modifications to rights of holders, if material;

bond calls, if material, and tender offers;

defeasances;

release, substitution, or sale of property securing repayment of the Series 2013A Notes, if material;

rating changes;

bankruptcy, insolvency, receivership or similar event of the County; which event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court of governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County;

the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating any such actions, other than pursuant to its terms, if material; and

appointment of a successor or additional paying agent or the change of name of a paying agent, if material.

“Participating Underwriter” shall mean any of the original underwriters of the Series 2013A Notes required to comply with the Rule in connection with the offering of such Series 2013A Notes.

“Repository” shall mean The Electronic Municipal Market Access (“EMMA”) system administered by the Municipal Securities Rulemaking Board. EMMA is recognized as a National Repository for purposes of the Rule.

“Rule” shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SECTION 3. Provision of Annual Reports.

A. The County shall, or shall cause the Dissemination Agent to, provide to the Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Agreement. Such Annual Report shall be filed on a date (the "Filing Date") that is not later than March 31 after the end of any Fiscal Year (commencing with its Fiscal Year ending June 30, 2013). Not later than ten (10) days prior to the Filing Date, the County shall provide the Annual Report to the Dissemination Agent (if applicable). In such case, the Annual Report (i) may be submitted as a single document or as separate documents comprising a package, (ii) may cross-reference other information as provided in Section 4 of this Disclosure Agreement, and (iii) shall include the County's audited financial statements or, if audited financial statements are not available, such unaudited financial statements as may be required by the Rule. In any event, audited financial statements of the County must be submitted, if and when available, together with or separately from the Annual Report.

B. The annual financial statements of the County shall be prepared on the basis of generally accepted accounting principles and will be audited. Copies of the audited annual financial statements, which may be filed separately from the Annual Report, will be filed with the Repositories when they become publicly available.

C. If the County fails to provide an Annual Report to the Repository by the date required in subsection (A) hereto or to file its audited annual financial statements with the Repository when they become publicly available, the County shall send a notice to the Repository in substantially the form attached hereto as Exhibit B.

SECTION 4. Content of Annual Reports. Except as otherwise agreed, any Annual Report required to be filed hereunder shall contain or incorporate by reference, at a minimum, annual financial information relating to the County, including operating data, updating such information relating to the County as described in Exhibit A, all with a view toward assisting Participating Underwriters in complying with the Rule.

Any or all of such information may be incorporated by reference from other documents, including official statements of securities issues with respect to which the County is an "obligated person" (within the meaning of the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from EMMA. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Listed Events. The County will provide within 10 business days to the Repository notice of any of the Listed Events.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Agreement shall terminate upon the earlier to occur of the legal defeasance or final retirement of all the Series 2013A Notes.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Agreement and may discharge any such Agent, with or without appointing a successor Dissemination Agent. If at any time there is not any other designated Dissemination Agent, the County shall be the Dissemination Agent.

SECTION 8. Amendment. Notwithstanding any other provision of this Disclosure Agreement, the County may amend this Disclosure Agreement, if such amendment is supported by an opinion of

independent counsel with expertise in Federal securities laws, to the effect that such amendment is permitted or required by the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Agreement shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Agreement. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Agreement, the County shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. Any person referred to in Section 11 (other than the County) may take such action as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to file its Annual Report or to give notice of a Listed Event. The holders of not less than a majority in aggregate principal amount of Series 2013A Notes outstanding may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to challenge the adequacy of any information provided pursuant to this Disclosure Agreement, or to enforce any other obligation of the County hereunder. A default under this Disclosure Agreement shall not be deemed an event of default under the Resolution or the Series 2013A Notes, and the sole remedy under this Disclosure Agreement in the event of any failure of the County to comply herewith shall be an action to compel performance. Nothing in this provision shall be deemed to restrict the rights or remedies of any holder pursuant to the Securities Exchange Act of 1934, the rules and regulations promulgated thereunder, or other applicable laws.

SECTION 11. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the County, the Participating Underwriters, and holders from time to time of the County's bonds and notes, and shall create no rights in any other person or entity.

Date: \_\_\_\_ \_\_, 2013

FAIRFAX COUNTY, VIRGINIA

By: \_\_\_\_\_

**EXHIBIT A**

**CONTENT OF ANNUAL REPORT**

Respecting Fairfax County, Virginia

(a) **Financial Information.** Updated information concerning General Fund revenues, expenditures, categories of expenditures, fund balances, assessed value of taxable property, tax rates, major taxpayers, and tax levies and collections.

(b) **Debt Information.** Updated information concerning general obligation bonds indebtedness, including bonds authorized and unissued, bonds outstanding, the ratios of debt to the market value of taxable property, debt per capita, and debt service as a percentage of General Fund disbursements.

(c) **Demographic Information.** Updated demographic information respecting the County, such as its population, public school enrollment and per pupil expenditure.

(d) **Economic Information.** Updated economic information respecting the County such as income, employment, unemployment, building permits and taxable sales data.

(e) **Retirement Plans.** Updated information respecting pension and retirement plans for County employees, including a summary of membership, revenues, expenses and actuarial valuation(s) of such plans.

(f) **Contingent Liabilities.** A summary of material litigation and other material contingent liabilities pending against the County.

In general, the foregoing will include information as of the end of the most recent fiscal year or as of the most recent practicable date. Where information for the fiscal year just ended is provided, it may be preliminary and unaudited. Where information has historically been provided for more than a single period, comparable information will in general be provided for the same number of periods where valid and available. Where comparative demographic or economic information for the County and the United States as a whole is contemporaneously available and, in the judgment of the County, informative, such information may be included. Where, in the judgment of the County, an accompanying narrative is required to make data presented not misleading, such narrative will be provided.

**EXHIBIT B**

**NOTICE OF FAILURE TO FILE ANNUAL REPORT  
[AUDITED ANNUAL FINANCIAL STATEMENTS]**

**Re: FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY  
BOND ANTICIPATION NOTES  
(AFFORDABLE HOUSING ACQUISITION )  
SERIES 2013A**

**CUSIP NOS. 303835 \_\_\_\_-\_\_\_\_**

Dated: \_\_\_\_\_, 20\_\_

NOTICE IS HEREBY GIVEN that Fairfax County, Virginia has not provided an Annual Report [Audited Annual Financial Statements] as required by Section 3 of the Continuing Disclosure Agreement, which was entered into in connection with the above-named bonds, the proceeds of which were to pay a portion of the principal amount of an outstanding note. [The County anticipates that the Annual Report [Audited Annual Financial Statements] will be filed by \_\_\_\_\_.]

Dated: \_\_\_\_\_

FAIRFAX COUNTY, VIRGINIA

By: \_\_\_\_\_

**ASSIGNMENT AGREEMENT  
(Affordable Housing Acquisition)**

THIS ASSIGNMENT AGREEMENT (“**Assignment**”) is made as of \_\_\_\_\_, 2013, from the FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY, a political subdivision of the Commonwealth of Virginia, as assignor (the “**Assignor**”), to the Director of the Department of Finance of Fairfax County, as bond registrar and paying agent of the \$\_\_\_\_\_ Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2013A (the “**Assignee**”).

**RECITALS**

Assignor and Fairfax County, Virginia (the “**County**”), have entered into a Payment Agreement, dated as of \_\_\_\_\_, 2013 (the “**Payment Agreement**”), pursuant to the terms of which the County will agree to make payments, subject to appropriation, to the Assignor in sufficient amounts for the Assignor to pay timely the interest on and, if and to the extent that provision for payment is not made from the proceeds of a long-term financing or other sources, the principal of the \$\_\_\_\_\_ Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2013A (the “**Notes**”). The Notes are being issued to provide funds to refinance the Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes (Affordable Housing Acquisition) Series 2008A (the “**Outstanding Notes**”), the proceeds of the Outstanding Notes were applied in May 2011 to refinance other outstanding notes issued in February 2008 to pay the principal amount of a bond anticipation note issued in February 2007, which was issued to pay the principal amount of a bond anticipation note issued in February 2006, issued for purposes of providing a portion of the purchase price of, and enabling the County, to acquire title to, the 180 unit Crescent Apartments multi-family rental housing complex, including the approximately 16.5 acre site thereof, located at 1527 Cameron Crescent Drive in Reston, Virginia (the “**Property**”). Assignor has agreed to assign to the Assignee for the benefit of the owners of the Notes all of its right, title and interest in and to the Payment Agreement including the Assignor’s right to receive payments and to conform and enforce the provisions of the Payment Agreement.

Unless otherwise defined in this Assignment, all capitalized terms used in this Assignment shall have the same meanings as set forth in the Payment Agreement.

**AGREEMENT**

NOW, THEREFORE, for and in consideration of the premises and One Dollar (\$1) paid by Assignee, Assignor hereby conveys, transfers and assigns unto Assignee, its successors and assigns, for the benefit of the owners of the Notes, all the rights, interests and privileges which Assignor has and may have in the Payment Agreement, including all payments or monies due and becoming due therefrom.

This Assignment is made as additional security for the payment of the principal of and interest on the Notes and all other payments required by, and the performance of the County’s and Assignor’s obligations under, the Notes and the Payment Agreement (collectively, the “**Obligations**”). Notwithstanding anything contained herein to the contrary, this Assignment is

intended to be an absolute assignment from Assignor to Assignee of County Payments and not merely a grant of a security interest.

The acceptance of this Assignment and the collection of County Payments under the Payment Agreement hereby assigned shall not constitute a waiver of any rights of Assignee under the terms of the Notes, the Payment Agreement or any other agreement or instrument executed in connection therewith. Assignee shall not be obligated to perform or discharge any obligation or duty to be performed or discharged by Assignor under the Payment Agreement.

Assignor covenants and represents that no other assignment of any interest in the County Payments assigned has been made, and that Assignor will not hereafter amend, alter, modify, cancel, surrender or terminate the Payment Agreement, exercise any option which might lead to any such amendment, alteration, modification, cancellation, surrender or termination or consent to the release of the County thereunder without the prior written consent of Assignee.

Assignor hereby authorizes and directs the County to make all payments due under the Payment Agreement directly to the Assignee.

The full performance of the Notes and the Payment Agreement shall render this Assignment void.

The net proceeds collected by Assignee under the terms of this instrument shall be applied in reduction of the entire indebtedness from time to time unpaid on the Notes.

This Assignment applies to and binds the parties hereto and their respective heirs, administrators, executors, successors and assigns.

IN WITNESS WHEREOF, Assignor has executed this Assignment Agreement as of the date first written above.

FAIRFAX COUNTY REDEVELOPMENT AND  
HOUSING AUTHORITY

By: \_\_\_\_\_  
Elizabeth Lardner  
Chairman

[SIGNATURE PAGE TO ASSIGNMENT AGREEMENT]

COUNTY ACKNOWLEDGEMENT:

Fairfax County, Virginia, as obligor under the aforementioned Payment Agreement, hereby acknowledges and accepts the foregoing Assignment Agreement as executed and delivered by the Assignor.

FAIRFAX COUNTY, VIRGINIA

By: \_\_\_\_\_  
Edward L. Long  
County Executive

[County Acknowledgment Page to Assignment Agreement]

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Board Agenda Item  
December 4, 2012

ACTION - 6

Endorsement of the Chief Administrative Officers Task Force's Recommendation Regarding the Preliminary FY 2014 Virginia Railway Express Budget

ISSUE:

Board endorsement of the Chief Administrative Officers (CAO) Task Force's initial recommendation regarding the proposed FY 2014 Virginia Railway Express (VRE) budget.

RECOMMENDATION:

The County Executive recommends that the Board endorse the CAO Task Force's primary recommendation on the FY 2014 VRE budget. The recommendation is the following:

In an effort to help VRE produce a balanced budget for FY 2014, support a three percent jurisdictional subsidy increase and three percent fare increase.

TIMING:

The Board should act on this item on December 4, 2012, because this is the last Board meeting before the VRE Operations Board considers adoption of the FY 2014 VRE budget on December 21, 2012.

BACKGROUND:

The VRE Chief Executive Officer presented the preliminary FY 2014 budget to the VRE Operations Board on September 21, 2012. The FY 2014 budget included an unfunded amount of approximately \$5.5 million. The shortfall was primarily attributed to a projected reduction in average-daily-ridership (ADR), which is expected to result in a \$2.0 million reduction in fare revenue; higher than expected operating and capital costs, specifically cost for insurance and contingency/reserve, communication and information technology, facilities maintenance and equipment operations; and contractual increases to Amtrak, Norfolk Southern and CSX Railroads and Keolis, VRE's operator.

On July 29, 2011, the VRE Operations Board met for a Strategic Planning Retreat to outline the future of VRE. One of the main recommendations from the retreat was that in the near term, VRE would take all reasonable measures to sustain the current level of overall service to the riders. Using this as the primary guideline for developing the FY

Board Agenda Item  
December 4, 2012

2014 budget, VRE staff began necessary actions to eliminate the \$5.5 million deficit using the Adopted FY 2013 VRE Budget as a base to try and produce a balanced budget. After a thorough review and reduction of various line items, keeping in mind the mandate to maintain the current level of service and state-of-good repair to facilities and operating equipment, it was necessary to include a fare increase and a subsidy increase.

The budget was referred to the local jurisdictions for review and comment. Since July, a staff task force, organized by CAOs of the VRE jurisdictions, has reviewed the preliminary budget and met with VRE staff to discuss it in detail.

The CAO Task Force is preparing a final report summarizing its review of the FY 2014 budget, and offering any further recommendations that may be developed. The Task Force and VRE staff met on July 14, September 18, October 16, and November 13, 2012, to discuss recommendations. The CAOs will meet in early December 2012, before the December VRE Operations Board meeting, to officially review the Task Force's recommendation, and receive the VRE staff response. After the multiple meetings, phone conversations and on-line discussions between the Task Force and VRE staff, it is anticipated that VRE will deliver a balanced budget by the December 21, 2012, VRE Operations Board meeting. Although the Task Force's report is not finalized, it will contain the one primary recommendation to increase the local subsidies and passenger fares by three percent to help balance the budget and maintain the same level of service and state-of-good repair for VRE maintenance facilities and operating equipment. The last time VRE fares and subsidies were increased was in FY 2013.

FISCAL IMPACT:

The preliminary FY 2014 VRE budget includes an estimated total jurisdictional subsidy of approximately \$21.9 million. Based on the most recent information received from VRE, Fairfax County's portion of the total FY 2014 local subsidy is projected to increase from \$5,157,151 in FY 2013 to \$5,311,866, an increase of \$154,715 or three percent. The increase was due primarily to an overall increase in operations costs as a result of VRE's revision of lower ridership projections. To maintain the same level of service as mandated by the VRE Operations Board, this reduction in fare revenue resulted in an overall increase to the system in operations costs, which is partially borne by the jurisdictional subsidies. When combined with lower state and federal revenues, it results in a higher subsidy increase for all jurisdictions including Fairfax County's share of 31.38 percent of the total subsidies. Fairfax County's final FY 2014 subsidy level will be available after the VRE Operations Board acts on the budget at their December 21, 2012 meeting.

Board Agenda Item  
December 4, 2012

When the final amount of Fairfax County's share is known, the appropriate total will be included in the FY 2014 Advertised Budget Plan in Fund 400-C40000, County Transit Systems. The Board is not being asked to approve Fairfax County's FY 2014 VRE subsidy at this time.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Department of Transportation, FCDOT

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

Mike Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

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ACTION - 7

Establishment of the “Tysons-Wide” and “Tysons Grid of Streets” Transportation Funds, Adoption of their Respective Guidelines, and Annual Rate Adjustment for the Existing Tysons Transportation Fund (Dranesville, Hunter Mill, and Providence Districts)

ISSUE:

Board of Supervisors approval is requested to:

- Create the “Tysons-Wide” and “Grid of Streets” Transportation Funds;
- Adopt the guidelines for the “Tysons-Wide” Transportation Fund (Attachment 1) and the “Grid of Streets” Transportation Fund (Attachment 2); and
- Adjust the rate on the existing Tysons Transportation Fund (Attachment 3) to reflect inflation.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors:

- Approve the “Tysons-Wide” and “Grid of Streets” Transportation Funds;
- Adopt the guidelines associated with each fund; and
- Adjust the rate on the existing fund to reflect inflation.

The new funds, the guidelines and the rate change will become effective January 1, 2013.

TIMING:

Board approval is requested on December 4, 2012, so that the funds and the rates can be effective on January 1, 2013.

DISCUSSION:

Since the establishment of the existing Tysons Corner Transportation Fund, growth and transportation needs in Tysons have escalated. The construction of the Silver Line through Tysons, and the Board’s adoption of a major comprehensive plan amendment for Tysons in June 2010, have produced a level of transportation planning unprecedented in Fairfax County. This planning effort includes the transportation improvements in Tysons that will be financed over the next 40 years. It is anticipated that developers in Tysons will contribute approximately \$300 million in cash to the “Grid

of Streets” and \$253 million in cash contributions for “Tysons-Wide” improvements. The attached guidelines establish the procedures for collecting, managing, and expending the funds according to the transportation needs in Tysons.

There are specific reasons for the establishment of two new, but separate, funds with separate guidelines. The funds support two different sets of transportation improvements (both necessary to address the traffic impact of new developments) – the “Tysons-Wide” improvements, located within and as well outside Tysons, and the “Grid of Streets”, located entirely within Tysons. Therefore, the responsibility is different and the associated proportional responsibility for contributions made by developers is different. Secondly, the applicable credits for applicants will differ for each fund. Separate funds and guidelines will allow for better accountability between the County and developers within Tysons.

The existing Tysons Transportation Fund must remain despite the creation of the two new funds, because there are still deposits in the fund currently supporting studies and projects in Tysons, as outlined in Attachment 3. Also, there are still rezoning cases which have proffers pledged to the existing fund which might result in future deposits into the existing fund. While the existing Tysons Transportation Fund may become obsolete in the future, staff is unable to determine when this would be. The elimination of this fund will be addressed to the Board of Supervisors once all possible proffers are deposited in the existing fund. The Board will be able to continue to use the existing fund for projects and studies within Tysons, as appropriate

In March 2011, the Board of Supervisors directed the Planning Commission to work with stakeholders to develop a financing plan for transportation investments in Tysons. On October 30, 2012, the Board of Supervisors adopted the Planning Commission’s recommendations. Among those recommendations are that the proposed rates for the “Tysons-Wide” Transportation Fund be \$5.63 per square foot of commercial development and \$1,000 per residential dwelling unit; and the proposed rates for the “Grid of Streets” Transportation Fund be \$6.44 per square foot of commercial development and \$1,000 per residential dwelling unit.

The proposed rate changes in the existing fund are \$4.07 to \$4.19 per square foot for commercial development and \$903.00 to \$929.00 per dwelling unit for residential development.

No guidelines are being proposed for the existing fund. Proffers accepted pursuant to previously approved rezoning applications will be collected and expended as originally intended. Since they were written in the absence of guidelines, each proffer indicated its own purpose. No creditable expenditures are expected, unless specifically discussed in the existing proffers. Deposits committed in future zoning cases will be

contributed to the “Tysons-Wide” and/or “Grid of Streets” Transportation Funds as defined in the guidelines.

FISCAL IMPACT:

The rate of funds collected in the existing fund and the proposed funds are directly related to the rate of development in Tysons. The funds collected in the “Tysons-Wide” fund will be supplementing the multiple funding sources for Table 7 in the Tysons Comprehensive Plan amendment. The “Grid of Streets” improvements will almost entirely be funded by a single source, namely proffers. In future proposed budgets, the Board should expect a reserve in both funds to allow for credits for completed applicable creditable improvements. All Tysons Transportation Funds will be subject to the same annual adjustments in rates as stated in Virginia Code 15.2-2303.3.

CREATION OF POSITIONS:

No positions will be created or funded through the proposed fund areas. However, the Board of Supervisors could fund positions from these funds in the future.

ENCLOSED DOCUMENTS:

Attachment 1: “Tysons-Wide” Guidelines

Attachment 2: Tysons “Grid of Streets” Guidelines

Attachment 3: Proposed Rates for the Existing Tysons Fund

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Dan Rathbone, Chief, Transportation Planning Division, FCDOT

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

Michael Davis, Senior Transportation Planner, Site Analysis Section, FCDOT

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## **GUIDELINES FOR THE TYSONS-WIDE TRANSPORTATION FUND (the Tysons-Wide Fund)**

The following guidelines shall be used to establish, implement, and operate a fund for Tysons-Wide road improvements listed in Table 7 of the Comprehensive Plan. The fund is intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to any rezoning action in this area. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP).

Proffered commitments to provide monetary contributions to the fund are anticipated from zoning applications for land use changes that propose construction of new building square footage. The funds will be used to construct or implement transportation projects identified as "Tysons-Wide" in Table 7.

The street sections constructed utilizing Tyson-Wide Transportation Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP. Illustrations of the expected cross-sections for road improvements are included with the Comprehensive Plan text and the Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia, and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets in the Tysons Corner Urban Center signed September 13, 2011. The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, will also apply.

The following criteria were adopted by the Board of Supervisors on December 4, 2012.

### **TYSONS-WIDE TRANSPORTATION FUND CONTRIBUTION CRITERIA**

The cash contribution rate for the Tysons-Wide Transportation Fund improvements provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to administer the fund.

A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as "Tysons-Wide Road Improvements" in Table 7 of the Comprehensive Plan. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to arterial roads. The Tysons-Wide Transportation Fund represents part of the private sector's participation in the funding and implementation of road projects that serve a broader public transportation function.

The contribution rate is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$5.63 per gross square foot (GSF) of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses.

The amount of the financial contribution anticipated for each application will be identified prior to the development plan approval. The total financial contribution will then be

adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of qualifying Tysons-Wide road projects.

Credit for land dedicated for the described purposes will be based upon the property's County assessment which is in effect at the time of site plan submission, provided density credits have not been granted for the land to be dedicated. The applicant, prior to rezoning approval, shall indicate his intent with regard to the credit opportunities for land dedicated in accordance with these guidelines, unless otherwise agreed to as part of the rezoning. Dedication of land for site access improvements will not be eligible for credit toward the required contribution.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of Tysons-Wide transportation project(s) beyond improvements required in the applicant's VDOT 527 Traffic Impact Analysis, and is requesting credit against the contribution, a cost estimate will be provided by the applicant and reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to DPWES for review and comment.

For commercial development, the applicant will contribute 100% of the total required contribution, less applicable credits, at the time non-residential use permits (Non-RUP) are issued.

For residential development, the applicant will contribute 100% of the total required contribution for the site seeking a residential occupancy permit, less applicable credits, at the time residential occupancy permits are issued, subject to the provisions in Virginia Code §15.2-2303.1:1.

The contribution formula does not apply to the GSF for public use facilities.

Applicants rezoning actions in the Tysons Urban Center may receive credit against their contribution to the Tysons-Wide Transportation Fund under specific circumstances. Creditable improvements will be applicable to the entire rezoning application. Unless otherwise approved by the Board of Supervisors at the time of rezoning, the criteria for receiving credit are described as follows:

- Construction of road projects specifically identified as Tysons-Wide improvements in Table 7 of the Comprehensive Plan which are not otherwise required to address the impact of site generated traffic, as determined by an applicant's VDOT approved 527 Traffic Impact Analysis;
- Dedication of land or right-of-way from the applicable site for road projects specifically identified as Tysons-Wide improvements in Table 7 in the Comprehensive Plan (dedication credit) that are not needed for site access or otherwise not required to address the impact of site generated traffic as determined by an applicant's VDOT approved 527 Traffic Impact Analysis. Right-of-way will be valued at the current County assessment. The applicant may elect to provide an appraisal in place of the assessment provided the applicant procures a County approved, MAI or SRA American

Institute designated general appraiser and who is Virginia state board licensed at the applicant's cost;

- Acquisition of off-site land for construction of Tysons-wide road improvements. Land that received acquisition credit is not eligible for dedication credit.
- Construction of Tysons-Wide Table 7 improvements in advance of the development timelines as negotiated and approved by FCDOT.

### **TYSONS-WIDE TRANSPORTATION FUND ACCOUNT**

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less up to one-half of one percent for administration. The use of interest expended from the fund for administrative costs, if any, will be reported annually to the Advisory Board. The monies in this account will be utilized to help fund and implement Tysons-wide projects in the Tysons Area.

#### **Annual Assessment**

An annual assessment shall be conducted of the fund, projects and rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other Transportation Fund Area review processes, to ensure a sustainable balance between development and transportation infrastructure.

It is understood that this review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms and projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will also consider any new funding sources (such as parking fees) that have been established. The Annual Assessment can also consider any changes or adjustments to these guidelines.

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS WIDE TRANSPORTATION FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON December 4, 2012.

STEP 1: Total required Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons-Wide Transportation Fund rate = total required contribution.

STEP 2: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' Tysons-wide projects consistent with bonding practices and verified and approved by FCDOT prior to site approval.

STEP 3: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons-Wide Transportation Fund. (Note: if the sum of Step 2 is greater then the value of Step 1 then the commitment to the fund is met with 'in-kind' construction.)

STEP 4: Reconciliation of the Tysons-Wide Road Fund Contribution and Actual "In-Kind" Construction Costs Associated With the Construction of Tysons-Wide Road Projects

Upon completion of Tysons-Wide "In-Kind" construction projects, an applicant shall follow the "Creditable Expense" Guidelines, contained herein, for final reconciliation of the Tysons-Wide Road Fund Contribution (or applicable refund) and Actual "In-Kind" Construction Costs.

**A GUIDE TO APPLY FOR THE 'OFF-SITE' CONSTRUCTION/Right-of-Way COST CREDIT  
(Also Known as a 'Creditable Expense')**

Assuming credit for a contribution to the fund that has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for 'off-site' construction expenditures. Upon completion of 'off-site' construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved 'off-site' construction project should be submitted. If construction is done simultaneously with other parts of the development then the applicant must provide a separate accounting of the portion that applies to the 'off-site' project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved rezoning case with approved 'off-site' project cost estimates.
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

**Tysons-Wide Transportation Costs: 2012-2051 (December 4, 2012 Estimate)**

	<b>Project</b>	<b>Estimate (2012)</b>
1	Rt.7 Widening from Rt.123 to I-495	\$22,000,000
2	Boone Blvd Extension west from Rt.123 to Ashgrove Lane	\$126,000,000
3	Extension of Jones Branch Connection to inside I-495 (Jones Branch Connector to Route 123)	\$41,000,000
4	Rt.7 Widening from the Dulles Toll Road to Reston Avenue	\$300,000,000
5	Greensboro Drive Extension west from Spring Hill Road to Rt.7	\$58,000,000
6	Dulles Toll Road Ramp to Greensboro Drive Extension	\$28,000,000
7	Dulles Toll Road Westbound Collector Distributor	\$124,000,000
8	Dulles Toll Road Eastbound Collector Distributor	\$62,000,000
9	Dulles Toll Road Ramp to Boone Blvd Extension	\$79,000,000
10	Rt.123 Widening from Rt.7 to I-495	\$20,000,000
11	Rt.123 Widening from Old Courthouse Road to Rt.7	\$8,000,000
12	Rt.7 Widening between I-495 and I-66	\$71,000,000
13	Widen Magarity Road from Lisle/Rt.7 to Great Falls Street	\$63,000,000
14	I-495 Overpass at Tysons Corner Center	\$18,000,000
15	Widen Gallows Road from Rt.7 to Prosperity Ave.	\$94,000,000
16	I-495 Additional Lane (Outer Loop between Rt. 7 and I-66)	\$74,000,000
17	Ramps Connecting Dulles Toll Road to Jones Branch Drive	\$38,000,000
	<b>Total for road projects</b>	<b>\$1,226,000,000</b>

**GUIDELINES FOR THE TYSONS GRID OF STREETS TRANSPORTATION FUND (the Tysons Grid Fund)**

The following guidelines shall be used to establish, implement and operate the Tysons Grid of Streets Transportation Fund. The Fund is intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to with any rezoning action in this area. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP).

Proffered commitments to provide monetary contributions to the Tysons Grid Fund are anticipated during review of zoning applications for land use changes that propose construction of new building square footage. The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects utilizing these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP. Illustrations of the expected cross-sections for grid streets are included with the Comprehensive Plan text and the Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets in the Tysons Corner Urban Center signed September 13, 2011. The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, will also apply.

These guidelines were adopted by the Board of Supervisors on December 4, 2012.

**TYSONS GRID FUND AREA CONTRIBUTION CRITERIA**

The cash contribution for the Tysons Grid of Streets Transportation Fund improvements provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the Fund.

The minimum contribution rate is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$6.44 per gross square foot (GSF) of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of 'complete streets'. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

The amount of the financial contribution expected for each application will be identified prior to development plan approval. The total financial contribution will then be adjusted to

reflect the deduction of any applicable credit and/or 'in-kind' contribution. Creditable improvements will be applicable to the entire rezoning application. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid projects as defined previously.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of 'off-site' Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to DPWES for review and comment.

Prior to or upon site plan approval for non-residential use development, the applicant will contribute 25 percent of the total required contribution minus any approved applicable credits as discussed previously. The remaining 75 percent, less any further approved applicable credits, will be required before non-residential use building permits are issued and assessed at the current rate. This contribution approach is intended to facilitate the construction of Tysons Grid Transportation improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total required contribution, less applicable credits, at the time residential occupancy permits are issued, subject to the provisions in Virginia Code §15.2-2303.1:1.

The contribution formula does not apply to the GSF for public use facilities.

Applicants with rezoning actions in the Tysons Urban Center may receive credit against their contribution to the Grid of Streets Transportation Fund under specific circumstances. Creditable improvements will be applicable to the entire rezoning application. 'Off-site' street grid projects are defined for the purposes of this document as:

- those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within the boundaries of or adjacent to sites subject to the proposed development;
- construction of capacity and/or operational improvements to grid streets which are not otherwise required to address the impact of site generated traffic, as determined by an applicant's VDOT approved 527 Traffic Impact Analysis, and are not within the boundaries of sites subject to the proposed development;
- traffic signals for grid street connections which are not otherwise required to address the impact of site generated traffic, as determined by an applicant's VDOT approved 527 Traffic Impact Analysis, and are not within the boundaries of sites subject to the proposed development;
- advance off-site land acquisition for construction of grid streets;
- construction of on-site grid of streets sections in advance of the development timelines as negotiated and approved by FCDOT; and,
- dedication of land or right-of-way for 'off-site' Grid of Streets projects, for which density credit has not been granted for the land to be dedicated. Right-of-way will be valued at the current County assessment. The applicant may elect to provide an

appraisal in place of the assessment provided the applicant procures a County approved, MAI or SRA American Institute designated general appraiser and who is Virginia state board licensed at the applicant's cost.

| Unless otherwise approved by the Board of Supervisors at the time of rezoning, cConstruction of qualifying projects to advance the grid which meet the criteria above are eligible to receive credit up to equal value of the development's contribution to the fund.

### **TYSONS GRID TRANSPORTATION FUND ACCOUNT**

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less up to one-half of one percent for administration. The use of interest expended from the fund for administrative costs, if any, will be reported to the Advisory Board. The monies in this account will be utilized to help fund and implement grid roadway projects in the Tysons Urban Center.

#### **Annual Assessment**

An annual assessment shall be conducted of the Tysons Grid Fund, Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other Transportation Fund Area review processes, to ensure a sustainable balance between development and transportation infrastructure.

It is understood that this review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will also consider any new funding sources (such as parking fees) that have been established.

## APPENDIX A

### A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON December 4, 2012.

**STEP 1:**      Total required Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid Transportation Fund rate = total required contribution.

**STEP 2:**      Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' grid street projects consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

**STEP 3:**      Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid Transportation Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then the commitment to the fund is met with 'in-kind' construction.)

**STEP 4:**      Reconciliation of the Tysons-Wide Road Fund Contribution and Actual "In-Kind" Construction Costs Associated With the Construction of Tysons-Wide Road Projects

Upon completion of Tysons-Wide "In-Kind" construction projects, an applicant shall follow the "Creditable Expense" Guidelines, contained herein, for final reconciliation of the Tysons-Wide Road Fund Contribution (or applicable refund) and Actual "In-Kind" Construction Costs.

**A GUIDE TO APPLY FOR THE 'OFF-SITE' CONSTRUCTION COST REFUND  
(Also Known as a 'Creditable Expense')**

Assuming credit for contribution to the fund has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for 'off-site' construction expenditures. Upon completion of 'off-site' construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved 'off-site' construction project should be submitted. If construction is done simultaneously with other parts of the development then the applicant must provide a separate accounting of the portion that applies to the 'off-site' project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved rezoning case with approved 'off-site' project cost estimates.
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

Calculation of Annual Inflationary Increase in the Tysons Transportation Fund and  
Projects Approved for These Funds

The annual inflation according to the Consumer Price Index from December 2011 to December 2012 was 2.88%. This rate is applied as defined in Virginia Code 15.2-2303.3. The rates for the Tysons Corner Area Road Fund are calculated below:

Tysons Corner  
 non-residential       $(\$4.07) (1.0288) = \$4.19$  / square foot  
 residential           $(\$869.00) (1.0288) = \$929.00$  / dwelling unit

Below are the current Tysons Corner Fund Area Projects Approved by the Board:

<b>TYSONS CORNER AREA PROJECT</b>	<b>PROJECT DESCRIPTION</b>	<b>PRELIMINAY COST ESITMATES*</b>	<b>STATUS</b>
Pedestrian Facilities in Tysons	Supplemental funding for design of projects funded by Job Access and Reverse Commute Grant.	\$0.8 M	One site complete. Other sites are in the design phase.
Route 7 & Route 123	Complete selected improvements as proposed in Route 7/123 Transportation Corridor Study prepared by Patton Harris Rust and Associates; construction to be phased based on funding availability.	\$3.3 M	Several spot improvements are complete, remaining to be completed as funding becomes available.
Conceptual Engineering and Design of Boone Boulevard and Greensboro Drive	Determine the feasibility and impacts of extending Boone Boulevard and Greensboro Drive.	\$0.8 M	Conceptual engineering and design assessment study to accommodate traffic, pedestrians, and bikes; and assess the impact on landowners and future development plans, is currently underway.

<b>TYSONS CORNER AREA PROJECT</b>	<b>PROJECT DESCRIPTION</b>	<b>PRELIMINAY COST ESITMATES*</b>	<b>STATUS</b>
Tysons Corner Metrorail Access Management Program	On March 30, 2009, the Board of Supervisors requested that multi-modal access to the four Tysons Corner Metrorail stations be studied and that citizens and businesses from the three surrounding magisterial districts and the Town of Vienna be represented on this study group.	\$0.35 M	The public outreach of this project has been completed. A final public meeting was held on October 4, 2011, and the report on this presented to the board on December 6, 2011.
Conceptual Design and Engineering of Sections of the Proposed Tysons Corner Street Grid	The proposed Tysons grid of streets is a critical element of the future plan for Tysons Corner. It disperses vehicle traffic and improves mobility for pedestrians and bicyclists. The grid of streets will be supported by a street hierarchy that allows different types of trips to use different streets. People wishing to travel across Tysons can choose to use a major arterial, such as Route 7. Others who only need to travel a couple of blocks will have a	\$2.5 M	To enhance the redevelopment of Tysons, it is necessary to finalize the location and associated right-of-way needs for the grid of streets, including the requirements of the proposed circulator system.

	choice to travel on a smaller street within the grid of streets.		
<b>TYSONS CORNER AREA PROJECT</b>	<b>PROJECT DESCRIPTION</b>	<b>PRELIMINAY COST ESITMATES*</b>	<b>STATUS</b>
Tyson's Circulator Feasibility Study	To advance the conceptual Circulator System, more detailed design, with consideration given to the desired development pattern, will need to be done. Details of the final Circulator alignment that will need to be assessed include. The specific connections between the Circulator and the Metrorail system. Location of Circulator stops throughout Tysons. Circulator routes to connect the desired Circulator stops, including identification of how the Circulator fits into the roadway right-of-way. Design of the Circulator platforms and stops, including access and circulation plans for pedestrians, transit, bikes, and autos, and	\$0.5 M	The Tysons Circulator Feasibility Study is complete.

	integration with the surrounding land uses. Type of Circulator mode (i.e., streetcar, fixed-route bus, jitney, etc).		
Route 7 – from Route 123 to I-495/Capital Beltway	Widening of Route 7 from Route 123 to I-495.	\$29.0 M	Currently in Phase II Tysons Improvements project list, scheduled from 2013-2020.

\*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

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INFORMATION – 1

Presentation of the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR)

Annually, pursuant to the *Code of Virginia* (Code), Section 15.2-2511, as amended, Fairfax County's financial statements are audited by an independent certified public accountant. This audit is conducted in accordance with auditing standards generally accepted in the United States; the standards applicable to financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States; and the Specifications for Audits of Counties, Cities, and Towns issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The Code also requires that an independent certified public accountant present a detailed written report to the local governing body at a public session by December 31. The County's financial statements for Fiscal Year 2012 have been audited by KPMG LLP (KPMG), and KPMG's unqualified opinion, with respect thereto, is presented on page 1 of the Financial Section of the County's CAFR. A representative from KPMG is with us today.

In addition to meeting the requirements of the Code, the audit was designed to meet the requirements of the U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the related Circular A-133 Compliance Supplement. Known as the Single Audit, this is a special type of compliance audit applicable to specific federal grant programs. The requirements of the Single Audit are established by federal legislation and regulation and are very stringent. KPMG's reports related specifically to this audit activity are included in a separate Single Audit Act Report.

Auditing standards generally accepted in the United States require that the auditors communicate, in writing, to those charged with governance all significant deficiencies, including material weaknesses. In a letter addressed to the Board of Supervisors, KPMG reports that no material weaknesses were noted. This has been the case for the past 18 consecutive years, which is quite an achievement considering the size and complexity of the County's financial operations.

The CAFRs presented today will be submitted for rigorous peer review by the Government Finance Officers Association of the United States and Canada (GFOA). The 2011 CAFR for the County was awarded the GFOA's Certificate of Achievement for Excellence in Financial Reporting, the highest honor conferred by the GFOA.

Board Agenda Item  
December 4, 2012

A comprehensive package was delivered directly to the offices of each member of the Board of Supervisors on or before November 30, 2012. The package included:

- The Fiscal Year 2012 Comprehensive Annual Financial Report.
- KPMG's required communications letter pertaining to the conduct of the audit addressed to the Board.
- KPMG's letter reporting no material weaknesses addressed to the Board.
- The Single Audit Act Report.

In compliance with the Code, a copy of the Fiscal Year 2012 CAFR is being provided to the Clerk to the Board of Supervisors where it shall remain open to public inspection. The CAFR is being made available for public use in the reference sections of the County's regional and community libraries as well as on Fairfax County's Web site.

ENCLOSED DOCUMENTS:

None. A comprehensive package has been delivered to the office of each member of the Board of Supervisors.

STAFF:

Susan W. Datta, Chief Financial Officer, Department of Management and Budget

Victor L. Garcia, Director, Department of Finance

John D. Higgins, Deputy Director, Department of Finance

Richard M. Modie Jr., Chief, Financial Reporting Division, Department of Finance

Board Agenda Item  
December 4, 2012

INFORMATION - 2

Planning Commission Action On Application 2232-P12-4, Fairfax County Park Authority (Providence District)

On Thursday, November 8, 2012, the Planning Commission voted unanimously (Commissioners Alcorn, de la Fe, Donahue, and Hurley absent from the meeting) to approve 2232-P12-4.

The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*.

Application 2232-P12-4 sought approval for the Fairfax County Park Authority to establish a local park (Hartland Green Park) for public use on two parcels of approximately 1.1 acres located at 2733 Hartland Road, between Lee Highway (south), I-495 (east) and I-66 (north). This park will address the increasing need for recreation and open space within the Merrifield area with a combination of active and passive recreation elements. (Tax Map 49-2 ((16)) 2 and 3).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 11/8/12 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Chris Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ

Barbara J. Lipka, Executive Director, Planning Commission Office

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Planning Commission Meeting  
November 8, 2012  
Verbatim Excerpt

2232-P12-4 – FAIRFAX COUNTY PARK AUTHORITY (HARTLAND GREEN PARK)

After Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed; recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman.

Richard Lambert, Department of Planning and Zoning: Thank you.

Commissioner Lawrence: Was there a comment? Did I hear –

Chairman Murphy: Mr. Lawrence, Mr. Lambert said, “Thank you” because we’re waiving everything.

Commissioner Hall: The new father said, “Thank you.”

Commissioner Lawrence: You’re welcome. Mr. Chairman, this is a small walk-to park that’s greatly needed and was very nicely planned by the Park Authority. A small space they got – just about the facilities that are going to be needed for the kinds of people who are coming to live in the Metro vicinity at Merrifield. And by the way, if you haven’t been down to Merrifield recently, take a look. The Target is open. The theater is open. We have many, many new attractions down there. I CONCUR WITH STAFF’S CONCLUSION THAT THE PROPOSAL BY THE FAIRFAX COUNTY PARK AUTHORITY TO DEVELOP HARTLAND GREEN PARK, LOCATED AT 2722 HARTLAND ROAD, FALLS CHURCH, VIRGINIA, 22180, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN VIRGINIA CODE SECTION 15.2-2232, AS AMENDED. THEREFORE, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, 2232-P12-4, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Litzenberger and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to approve 2232-P12-4, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried unanimously with Commissioners Alcorn, de la Fe, Donahue, and Hurley absent from the meeting.)

JN

# PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



Number: 2232-P12-4

Acreage: 1.1 Ac.

District: Providence

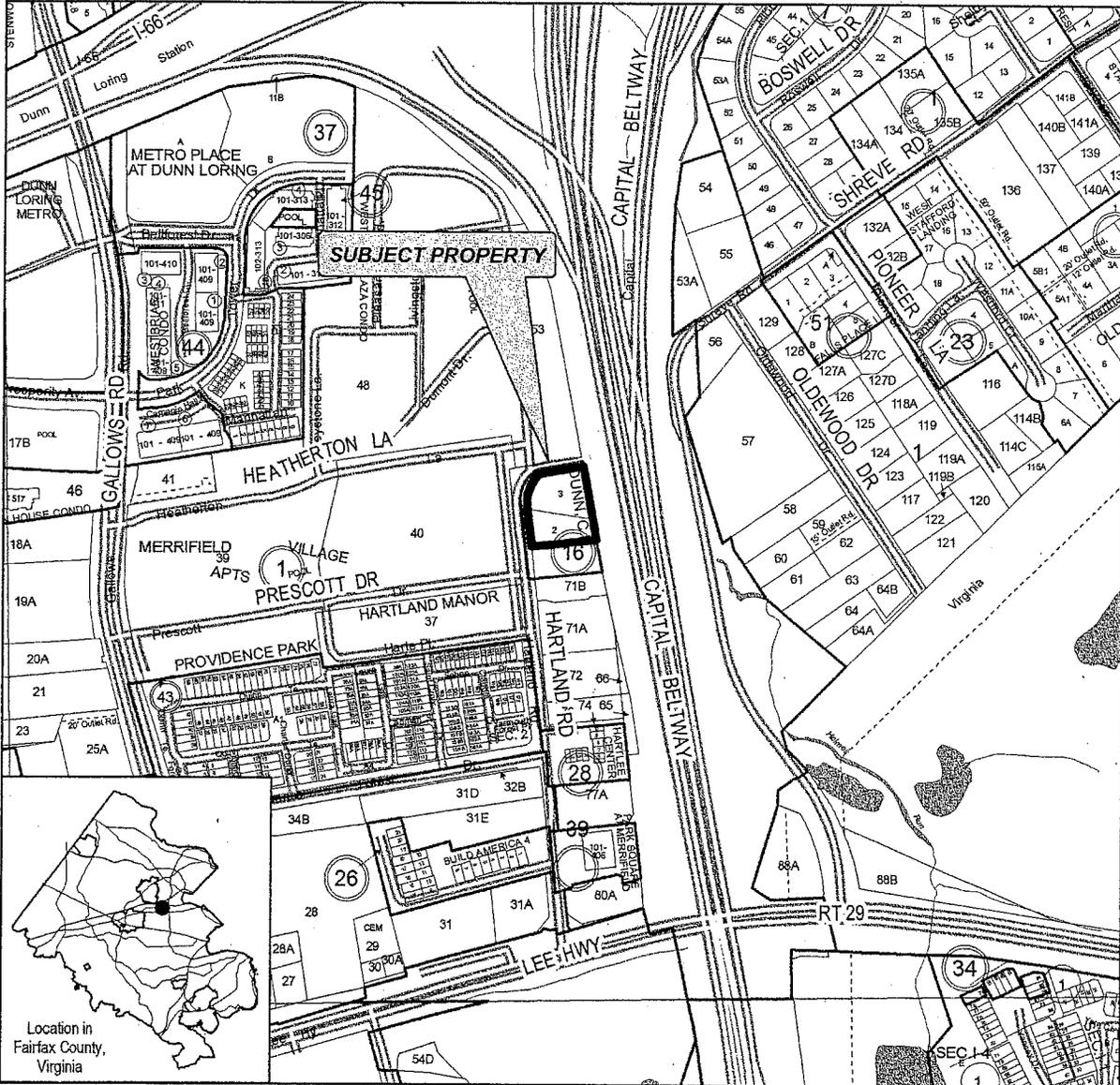
Tax Map I.D. Number: 49-2 ((16)) 2 & 3

Address: 2733 Hartland Road  
Falls Church, VA 22043

Planned Use: Office

Applicant: Fairfax County Park Authority

Proposed Use: Local Park



PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING  
USING FAIRFAX COUNTY GIS

Board Agenda Item  
December 4, 2012

INFORMATION – 3

Contract Awards During the Period Between the December Board Meeting and the First Board Meeting in January

Current Board policy requires that the County Executive obtain Board authorization to award construction, professional and consultant contracts in excess of \$100,000 unless a severe emergency occurs (flood, sewer main breaks, etc.). Since December 15, 1980, the Board of Supervisors has authorized the County Executive or the appropriate Deputy County Executive to award miscellaneous construction and professional and consultant contracts during the period of December and the first meeting in January.

Unless otherwise directed, the County Executive or the appropriate Deputy County Executive will continue to award contracts during the period between the December meeting and the first meeting in January. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive notification of all contracts awarded.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant County Executive

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Board Agenda Item  
December 4, 2012

11:10 a.m.

Matters Presented by Board Members

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Board Agenda Item  
December 4, 2012

12:00 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *The Newberry Station Homeowners Association, Inc., Brandon Farlander, and Michael Miller v. Board of Supervisors of Fairfax County, Virginia, Iskalo CBR LLC, and the Washington Metropolitan Area Transit Authority*, Case No. CL-2011-0005030 (Fx. Co. Cir. Ct.) (Lee District)
  - 2. Application of XO Virginia, LLC., Case No. PST-2011-00031 (Va. State Corp. Comm'n) (Countywide)
  - 3. *Virginia Electric and Power Company v. State Corporation Commission, et al.*, Record Nos. 120519 and 120520 (Va. Supreme Court) (Countywide)
  - 4. *Shirley Brown-Cuffee v. Fairfax County, Virginia*, Case No.1:12cv1072 (E.D. Va.)
  - 5. *Tonita Hall a/k/a Louise Redditt Toni v. Albert L. Lord, Debra Wiley, John T. Frey, FSA Ombudsman U.S. Dept. of Education, Jessi Vannalli, Lieutenant T. Crabtree, Officer Bauer, Fairfax County Police Dept., David M. Rohrer, Fairfax County Sheriff's Dept., Magistrate Garcia, Deputy Sheriff Wayne Hannah, Hank W. Chao, Jason Williams, Joan Zanders, Juanita Ford, Ian Rodway, Theophani Stamos, Raymond F. Morrogh, Kathleen Tighe, Patricia Tucker, Robert G. Templin, Jr., Sallie, Mae, Arne Duncan, Sharon Bulova, Unknown Transportation Company, Eric Holder, Robert Mueller, U.S. Dept. of Education, U.S. Dept. of Justice, William D. Hamel*, Civil Action No. 1:12cv1037 (E.D. Va.)

6. *Manuel J. Sandoval v. Fairfax County, Virginia and Officer J. Luety*, Case No. GV12018761-00 (Fx. Co. Gen. Dist. Ct.)
7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frederick L. Yontz and Kay L. Yontz*, Case No. CL-2011-0013839 (Fx. Co. Cir. Ct.) (Hunter Mill District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emilio Herbas and Maria Rojas*, Case No. CL-2010-0016246 (Fx. Co. Cir. Ct.) (Providence District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter A. Knick and Phyllis E. Knick*, Case No. CL-2011-0009274 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sherry Worsham Harlow*, Case No. CL-2012-0005224 (Fx. Co. Cir. Ct.) (Springfield District/Town of Clifton)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony Marks*, Case No. CL-2011-0015540 (Fx. Co. Cir. Ct.) (Mason District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gail K. Etherton and Debora S. Etherton*, Case No. CL-2011-0013547 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winkal Holdings, L.L.C., Burcin Kalendar*, Case No. CL-2011-0010764 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge F. Landivar and Patricia J. Landivar*, Case No. CL-2011-0006715 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose E. Lainez*, Case No. CL-2011-0013803 (Fx. Co. Cir. Ct.) (Mason District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young Ho Kim and Wulsoon Kim, Trustees of the Kim Living Trust*, Case No. CL-2011-0013420 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose I. Pardo and Hilda C. Pardo*, Case No. CL-2011-0006092 (Fx. Co. Cir. Ct.) (Lee District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michele Ann Von Kelsch*, Case No. GV12-014861 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol*, Record No. 120240 (Va. Sup. Ct.) (Lee District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John M. Michaely*, Case No. CL-2012-0008722 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Woodland Park Parcel I, LP*, Case No. CL-2012-0005987 (Fx. Co. Cir. Ct.) (Hunter Mill District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Helen Bartlett*, Case No. CL-2012-0014136 (Fx. Co. Cir. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. MY Leesburg Pike, LLC*, Case No. CL-2012-0011300 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim Abdullah*, Case No. CL-2012-0008381 (Fx. Co. Cir. Ct.) (Mason District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Heirs of Heno Barnes*, Case No. CL-2012-0006269 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. 8428 Richmond Highway, LLC, and Cuco Lindo, Inc.*, Case No. CL-2012-0012780 (Fx. Co. Cir. Ct.) (Lee District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Veronica Lim*, Case No. CL-2012-0009702 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Susy A. Ortega*, Case No. CL-2012-0016011 (Fx. Co. Cir. Ct.) (Providence District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Debra King and Michael A. Iacovacci, II*, Case No. CL-2012-0016411 (Fx. Co. Cir. Ct.) (Dranesville District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Miklos I. Bitter and Terri L. Bitter*, Case No. CL-2012-0016412 (Fx. Co. Cir. Ct.) (Hunter Mill District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Aurora Loan Services, LLC*, Case No. CL-2012-0016433 (Fx. Co. Cir. Ct.) (Mason District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peter W. Baker*, CL-2012-0016435 (Fx. Co. Cir. Ct.) (Lee District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Linh Dang Huu Vu and Linh Thao Dang Vu*, Case No. CL-2012-0016767 (Fx. Co. Cir. Ct.) (Braddock District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cedric David Lack*, Case No. CL-2012-0016766 (Fx. Co. Cir. Ct.) (Lee District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. VNP Investments, LLC, and Village Square at Crosspointe, L.C.*, Case No. CL-2012-0017001 (Fx. Co. Cir. Ct.) (Springfield District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Whedon and Calvin Williams*, Case No. CL-2012-0017070 (Fx. Co. Cir. Ct.) (Mount Vernon District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John T. Myers and Carol V. Myers*, Case No. GV12-024694 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mun Su Chun and Kan Nan Chun*, Case No. GV12-0022839 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose L. Roman Vargas and Pedro Roman Soliz*, Case No. GV12-023951 and GV12-023952 (Fx. Co. Gen. Dist. Ct.) (Mason District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Florina G. Reynoso*, Case No. GV12-002498 (Fx. Co. Gen. Dist. Ct.) (Providence District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hardev Singh Aulakh and Kuntie Aulakh*, Case No. GV12-026046 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Temesgen M. Bitew*, Case No. GV12-024876 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ernest M. Gearhart, Jr., and Audrey J. Gearhart*, Case No. GV12-023825 (Fx. Co. Gen. Dist. Ct.) (Providence District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Susy A. Ortega*, Case No. GV12-026100 (Fx. Co. Gen. Dist. Ct.) (Providence District)
48. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susy A. Ortega*, Case No. GV12-026049 (Fx. Co. Gen. Dist. Ct.) (Providence District)
49. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Katerina Francis*, Case No. GV12-0026043 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vladimir H. Altamirano and Sandra Z. Altamirano*, Case No. GV12-026232 (Fx. Co. Gen. Dist. Ct.) (Providence District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harlan Y.M. Lee and Mary Jane Lee*, Case No. GV12-0026231 (Fx. Co. Gen. Dist. Ct.) (Providence District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Linh Thuy Dang and Tam Thanh Kha*, Case No. GV12-026502 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Larry D. Harris and Gloria A. Harris*, Case Nos. GV12-026997 and GV12-026796 (Fx. Co. Gen. Dist. Ct.) (Mason District)

54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vy Q. Bui*, Civil Case Nos. 12-026798 and 12-026799 (Fx. Co. Gen. Dist. Ct.) (Lee District)
55. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert F. Blunt, Jr.*, Civil Case No. GV 12-026999 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
56. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yolanda Argueta and Jose Rivas*, Case Nos. GV12-026997 and GV12-027954 (Fx. Co. Gen. Dist. Ct.) (Lee District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Elmer Portillo*, Case Nos. GV12-026996 and GV12-027955 (Fx. Co. Gen. Dist. Ct.) (Lee District)
58. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gholamreza Djauadkhani and Ashrafolsadat Miraghapourtarah*, Case No. GV12-027154 (Fx. Co. Gen. Dist. Ct.) (Mason District)
59. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramay Family Partnership*, Case No. GV12-0027526 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
60. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marcus S. Eder and Renee H. Eder*, Case No. GV12-027525 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
61. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. M. Mehdi Rashidian and Joyce Elaine Rashidian*, Case No. GV12-027592 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
62. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammad S. Choughtai, a/k/a Mohammed S. Choughtai*, Case No. GV12-027589 (Fx. Co. Gen. Dist. Ct.) (Mason District)
63. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nargis A. Lipi and Mohammed Maniruzzaman*, Case No. GV12-0027591 (Fx. Co. Gen. Dist. Ct.) (Mason District)
64. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Margaret M. Lyons*, Civil Case No. GV 12-027588 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
65. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andreas S. Kolas and Irene Tsiourouti*, Case No. GV12-0027590 (Fx. Co. Gen. Dist. Ct.) (Lee District)

66. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Fernando Velasco and Ybis Jovana Velasco-Lopez, Case Nos. GV12-028029 and GV12-028030 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
67. *Board of Supervisors of Fairfax County, Virginia, v. Woodland Palace, LLC, Case No. CL-2012-0017152 (Fx. Co. Cir. Ct.) (Mason District)*

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Board Agenda Item  
December 4, 2012

3:30 p.m.

Public Hearing on PRC C-203 (Fairfax County Public Schools) to Approve the PRC Plan Associated with RZ C-203 to Permit Building Additions at an Existing Public Elementary School, Located on Approximately 14.44 Acres of Land Zoned PRC (Hunter Mill District)

This property is located on the South side of Ridge Heights Road, approximately 400 Feet East of its intersection with Soapstone Drive. Tax Map 26-2 ((2)) 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 29, 2012 the Planning Commission voted unanimously to recommend to the Board of Supervisors:

- Approval of PRC C-203, subject to the development conditions dated November 27, 2012; and
- Waiver of the barrier requirement and modification of the transitional screening requirements along the northern, southern and western property boundaries in favor of the existing vegetation and proposed landscaping shown in the PRC Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4402060.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Megan Brady, Zoning Evaluation Division, DPZ

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Planning Commission Meeting  
November 29, 2012  
Verbatim Excerpt

PRC C-203 – FAIRFAX COUNTY PUBLIC SCHOOLS (TERRASET ELEMENTARY SCHOOL) (Hunter Mill District)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. I am happy to MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRC C-203, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 27, 2012.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRC C-203, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENTS AND A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN, SOUTHERN, AND WESTERN PROPERTY BOUNDARIES IN FAVOR OF THE EXISTING VEGETATION AND PROPOSED LANDSCAPING SHOWN IN THE PRC PLAN.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much. This was a much happier result with a school application than many that we have seen. Thank you.

//

(The motions carried unanimously.)

JLC

3:30 pm

Public Hearing on Plan Amendment S12-IV-MV1 (Penn Daw CBC, Land Units D & F-1) to Amend Area for Mixed-Use Development to Include Multi-Family Residential Use and Ground Floor Retail and Office Uses up to 1.8 FAR, Located on Approximately 4.4 Acres of Land (Mount Vernon District)

ISSUE:

This property is located East of North Kings Highway, South of Jamaica Drive and West of Richmond Highway. Tax Map Parcels 83-3 ((1)) 22B, 22C, 22D are located at 6228 and 6220 Richmond Highway and 6117 North Kings Highway, Alexandria, 22303. Tax Map Parcels 83-3 ((9)) (1) B1 located at 6200 Richmond Highway; 83-3 ((9)) (1) 1, 2, 3, 4, located at 2515, 2513, 2511 and 2509 Jamaica Drive, Alexandria, 22303 and Tax Map Parcels 83-3 ((9))(1) A, B, B2, 4A, 5 and 5A in the Mount Vernon Supervisor District. Parcels 83-3 ((1)) 22B, 22C, 22D are planned for retail use up to .50 FAR, Parcels 83-3 ((9)) (1) B, B1, B2, 4A, 5, 5A are planned for office use up to .35 FAR and Parcels 83-3 ((9)) (1) A, 1, 2, 3, 4, are planned for residential use at 3-4 dwelling units per acre.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 4, 2012, the Planning Commission voted unanimously (Commissioner Hall not present for the vote) to recommend to the Board of Supervisors that they adopt the staff recommendation for S12-IV-MV1, as modified by the Flanagan handout dated October 4, 2012 and the following additions:

- 1) on page 3 of the Flanagan handout, first bullet, amend to read: "...Richmond Highway, Shields Avenue, and North Kings Highway..."
- 2) on page 4 of the Flanagan handout, last bullet, amend to read: "Stormwater quantity and quality that are substantially more extensive..."

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation as shown in the Planning Commission verbatim and handout (Attachment I) which contains modifications to the Staff recommendation relating to building orientation, building height and stormwater management as shown in the Staff Report, dated September 20, 2012 (Attachment II).

Board Agenda Item  
December 4, 2012

TIMING:

Planning Commission public hearing – October 4, 2012  
Board of Supervisors public hearing – October 30, 2012 deferred to December 4, 2012

BACKGROUND:

On January 10, 2012, the Board of Supervisors authorized Plan Amendment S12-IV-MV1 for property generally located east of North Kings Highway, south of Jamaica Drive, west of Richmond Highway and north of Shields Avenue. The Board directed staff to consider a plan amendment for Land Unit D and Subunit F-1 of the Penn Daw Community Business Center (CBC). On May 1, 2012, the Board expanded the subject area to include a portion of Land Unit P of the Huntington Transit Station Area (TSA) and in total, the subject area includes Tax Map Parcels 83-3 ((1)) 22B, 22C, 22D located at 6228 and 6220 Richmond Highway and 6117 North Kings Highway, Alexandria, 22303; Tax Map Parcels 83-3 ((9)) (1), B1 located at 6200 Richmond Highway; Tax Map Parcels 83-3 ((9)) (1) 1, 2, 3, 4, located at 2515, 2513, 2511 and 2509 Jamaica Drive, Alexandria, 22303 and Tax Map Parcels 83-3 ((9)) (1) A, B, B2, 4A, 5 and 5A which have no assigned street addresses. The subject area contains approximately 4.4-acres. The plan amendment proposes mixed-use development to include multifamily residential use with ground floor retail and office uses at an intensity up to 1.8 floor area ratio (FAR).

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/s12-iv-mv1.pdf>

STAFF:

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Marianne Gardner, Director, Planning Division (PD), DPZ

Aaron Klibaner, Planner II, PD, DPZ

Planning Commission Meeting  
October 4, 2012  
Verbatim Excerpt

S12-IV-MV1 – COMPREHENSIVE PLAN AMENDMENT (PENN DAW  
COMMUNITY BUSINESS CENTER – FAST EDDIE’S)

After the Close of the Public Hearing

Chairman Murphy: Public Hearing is closed. Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. This Amendment, developed by staff, was authorized by the Board of Supervisors on January 12, 2012. The Amendment considers adding an option for the area bounded by Jamaica Drive, Richmond Highway, and North Kings Highway consisting – there should be Shields Avenue in there, shouldn't there? Consisting of Tax Map parcels 83-3 ((1)) 22B, 22C, 22D; and then 83-3 ((9)) (1) A, B, B1, B2, 1, 2, 3, 4, 4A, 5, and 5A. The staff recommendation would add an option for mixed-use development to include a maximum of 360 multi-family residential units with up to 40,000 square feet of ground floor retail and office uses at an intensity of up to 1.8 FAR; and conditions related to consolidation, urban design, building height, buffering and screening, open space, parking, stormwater management, and transportation. My proposed motion also highlights modifications not in the staff report that will limit the building height for buildings oriented to Richmond Highway to 65 feet and place a lower building height limit of 55 feet on buildings oriented to Shields Avenue, North Kings Highway, and Jamaica Drive, as shown on page 3 of my handout. I therefore MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATION WITH MODIFICATIONS FOR PLAN AMENDMENT S12-IV-MV1, AS SHOWN IN MY HANDOUT DATED OCTOBER 4, 2012, WITH THE FOLLOWING TWO CHANGES – and one is to add at the last – let's see – IN THE VERY LAST BULLET AFTER THE WORD, "STORMWATER," ADD "QUANTITY AND," SO THAT IT WOULD READ, "STORMWATER QUANTITY AND QUALITY." That is as it was in the staff report. AND THEN ALSO IN THE FIRST BULLET ON PAGE 3, ADD THE WORDS, "SHIELDS AVENUE," AFTER, "RICHMOND HIGHWAY," AND BEFORE, "AND NORTH KINGS HIGHWAY."

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Discussion? Mr. Migliaccio.

Commissioner Migliaccio: Mr. Chairman, thank you. Commissioner Flanagan, regarding the stormwater quality and quantity control measures, I thought we were INSERTING: “THAT ARE SUBSTANTIALLY MORE EXTENSIVE...”, in addition –

Commissioner Flanagan: That was in the staff report?

Commissioner Migliaccio: No, it was what we recently talked about.

Chairman Murphy: Where are you? Tell us where you are. What bullet and page?

Commissioner Migliaccio: PAGE 4 of –

Commissioner Flanagan: Last bullet.

Commissioner Migliaccio: -OF COMMISSIONER FLANAGAN’S HANDOUT – the final bullet on page 9 of the staff report. And the reason that I was inserting, substantially,” was to match up with what we had done across the street after extensive communication between Mount Vernon and Lee District on the Penn Daw Special Study because the watershed here we know is very poor.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: Could I just ask staff – does that make sense to staff? To add “substantially” there?

Aaron Klibaner, Planning Division, Department of Planning and Zoning: Yes.

Chairman Murphy: Are you aware we’re adding it? Okay. Without going back and forth between the two documents, we’re going to add it to this – Mr. Flanagan’s draft. Do you know where to put it? Okay.

Commissioner Alcorn: Ms. Hurley.

Chairman Murphy: All right, are we all on the same sheet here? Okay.

Commissioner Migliaccio: Thank you, Mr. Chairman.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I thought I understood, but I didn’t quite get those words from the Commissioner from Mount Vernon. Where it says, “The buildings should be oriented to Richmond Highway and Shields Avenue in order to create -” are you replacing North Kings Highway with Shield Avenue?

Commissioner Sargeant: Shields.

Chairman Murphy: No, it's an addition. It –

Commissioner Flanagan: It's an addition.

Chairman Murphy: Richmond Highway, Shields Avenue, and North Kings Highway.  
Yes, all three.

Commissioner Flanagan: It will finally read – it will finally read: “BUILDINGS SHOULD BE ORIENTED TO RICHMOND HIGHWAY, SHIELDS AVENUE, AND NORTH KINGS HIGHWAY IN ORDER TO CREATE AN URBAN DESIGN EDGE.”

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Out-of-Turn Plan Amendment S12-IV-MV1, as amended this evening and based on Mr. Flanagan's motion dated October 4, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motion, as amended, carried unanimously with Commissioner Hall not present for the vote.)

JLC

**MOTION**  
**October 4, 2012**

**Commissioner Earl Flanagan, Mount Vernon District**

**Planning Commission Public Hearing**

**Plan Amendment S12-IV-MV1**

**Motion:**

Mr. Chairman, this amendment, developed by staff was authorized by the Board of Supervisors on January 12, 2012. The amendment considers adding an option for the area bounded by Jamaica Drive, Richmond Highway and North Kings Highway consisting of Tax Map Parcels 83-3 ((1)) 22B, 22C, 22D; 83-3 ((9)) (1) A, B, B1, B2, 1, 2, 3, 4, 4A, 5 and 5A.

The Staff recommendation would add an option for mixed-use development to include a maximum of 360 multifamily residential units with up to 40,000 square feet of ground floor retail and office uses at an intensity up to 1.8 FAR; and conditions related to consolidation, urban design, building height, buffering and screening, open space, parking, stormwater management and transportation.

My proposed motion also highlights modifications not in the Staff Report that will limit the building height for buildings oriented to Richmond Highway to 65 feet and place a lower building height limit of 55 feet on buildings oriented to Shields Avenue/North Kings Highway and Jamaica Drive as shown on page 3 of my handout and to add the words “quantity and” before the word quality; and the word “substantially” before the words more extensive in the last bullet that concerns stormwater management, on page 4 of my handout.

I therefore move that the Planning Commission recommend that the Board of Supervisors adopt the Staff recommendation with modifications for **Plan Amendment S12-IV-MV1** as shown in my handout dated October 4, 2012.

End of Motion

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**PROPOSED PLAN TEXT  
PLAN AMENDMENT S12-IV-MV1**

New Plan text is shown as underlined.

**ADD:** Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District, Amended through 5-1-2012, MV1 Huntington Community Planning Sector, page 112:

**“Land Unit P (Fairhaven Neighborhood)**

The Fairhaven neighborhood is located south of the Metro station and is generally bounded by Fort Drive on the north, commercial uses along Richmond Highway on the east, Jamaica Drive on the south and North Kings Highway on the west. The land use recommendations for this area (Land Unit P) encourage the preservation of the Fairhaven community.

Fairhaven (Land Unit P) is a stable neighborhood of single-family detached dwellings that is planned for 3-4 dwelling units per acre.

As an option, mixed-use development on Tax Map Parcels 83-3 ((9)) (1) A, 1, 2, 3 and 4 to include midrise multifamily residential use with ground floor retail and office uses may be appropriate (see Subunit F-1 for detailed recommendations).”

Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District, Richmond Highway Corridor Area, Amended through 5-1-2012, pages 37 and 39:

**“Land Unit D**

Lots fronting on the west side of Richmond Highway between Jamaica Drive and Sub-unit F-1 are planned for low-rise office use up to .35 FAR.

As an option, mixed-use development to include midrise multifamily residential use with ground floor retail and office uses may be appropriate (see Subunit F-1 for detailed recommendations).”

**“Sub-unit F-1**

Properties included in this sub-unit are Parcels 83-3((1)) 22B pt., 22C and 22D which are planned for retail uses up to .50 FAR and building heights of 50 feet. Consolidation of contiguous lots is desirable. Existing landscaping, which serves as a buffer to the adjacent residential neighborhood should be maintained. In any development proposal, sidewalks should be provided to facilitate pedestrian access. Vehicular access should be provided only at one point each on Richmond Highway and North Kings Highway.

As an option, mixed-use development to include midrise multifamily residential use with ground floor retail and office uses at an intensity up to 1.8 FAR may be appropriate. This includes a maximum of 360 dwelling units and 40,000 square feet of ground floor retail and/or office uses. The following conditions should be met:

- Pursuit of this option should be allowed only if full consolidation of Tax Map Parcels 83-3 ((1)) 22B, 22C, 22D; 83-3 ((9)) (1) B, 5, 5A; and 83-3 ((9)) (1) A, 1, 2, 3, 4 and 4A is achieved.
- High quality site design and architecture should be provided and coordinated throughout Land Unit D, Subunit F-1 and Tax Map Parcels 83-3 ((9)) (1) A, 1, 2, 3, 4 and 4A, especially if redevelopment is phased.
- Buildings should be oriented to Richmond Highway, Shields Avenue and North Kings Highway in order to create an urban street edge.
- Any new retail and office uses should be located on the first floor of the residential buildings. The location of retail and office uses should maximize visibility along the Richmond Highway and North Kings Highway frontages. Retail uses should offer community amenities, such as sidewalk cafés and restaurants to the surrounding residential neighborhoods.

- Buildings oriented to Richmond Highway should be limited to a maximum of five stories or 65 feet in height.
- Buildings along Shields Avenue/North Kings Highway and Jamaica Drive should be limited to a maximum of 55 feet in height with adequate buffering and screening provided to minimize the visual impact of redevelopment on existing single-family neighborhoods. Buffer areas should be landscaped with year-round vegetation to aid in the transition to the single-family neighborhoods.
- A well designed, publicly accessible urban plaza or park should be included in the design to create a sense of place and provide recreational opportunities for residents and visitors. The development of these facilities should be consistent with the Fairfax County Park Authority Urban Park Framework.
- Parking facilities should be designed to avoid adverse visual impacts to the streetscape and neighboring residential neighborhoods. Parking should be consolidated into underground parking structures that are integrated into the buildings using architectural features, screening, lighting and landscaping. Limited surface convenience parking may be appropriate provided need is demonstrated and such spaces are integrated into the pedestrian environment.
- Adequate right-of-way should be dedicated for planned transportation improvements in the vicinity of Land Unit D and Subunit F-1, including the possible future realignment of North Kings Highway and Shields Avenue. A financial contribution may be provided towards the implementation of off-site planned transportation improvements, as deemed appropriate.
- Efforts should be made to enhance the multi-modal connectivity of the site through the addition of streetscaping and bicycle facilities. Enhanced connectivity to the Huntington Metrorail Station through incorporation of bus shelters and enhanced transit service is encouraged.
- Stormwater quantity and quality control measures that are substantially more extensive than minimum requirements should be provided. The emphasis should be on low impact development (LID) techniques and best management practices (BMPs) that evapotranspire water, filter water through vegetation and/or soil, and return water to the ground or reuse it. Stormwater design-quality control credit of the most current version of the Leadership

in Energy and Environmental Design for New Construction (LEED®-NC) or Leadership in Energy and Environmental Design for Core and Shell (LEED®-CS) rating system (or third party equivalent of these credits) should be provided. If this goal is demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal.”

**MODIFY FIGURE:** Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District, Amended through 6-19-2012, Richmond Highway Corridor Area, Figure 8 Boundaries for North Gateway and Penn Daw Community Business Centers (CBCS) and Adjacent Route 1 Suburban Neighborhoods, page 32:

Expand the boundary of the Penn Daw Community Business Center (CBC) by adding Tax Map Parcel 83-3 ((9)) (1) 4A to Land Unit D. Land Unit D will include Tax Map Parcels 83-3 ((9)) (1) B, B1, B2, 4A, 5 and 5A.

**MODIFY  
COMPREHENSIVE**

**PLAN MAP:** The boundary shown for the Penn Daw CBC will be modified to include Tax Map Parcel 83-3 ((9)) (1) 4A.

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Board Agenda Item  
December 4, 2012

3:30 p.m.

Public Hearing on RZ 2012-DR-017 (Christopher and Karen Barth) to Rezone from R-2 and HC to R-3 and HC to Permit Residential Development at a Density of 2.15 Dwelling Units per Acre, Located on Approximately 40,591 Square Feet of Land (Dranesville District)

This property is located in the Northwest quadrant of Idylwood Road and Redd Road. Tax Map 40-3 ((1)) 82.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on this application was held on Thursday, November 29, 2012 and decision was deferred to Wednesday, December 5, 2012. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt (to be provided when the decision is available)

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4402061.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Megan Brady, Zoning Evaluation Division, DPZ

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Board Agenda Item  
December 4, 2012

3:30 p.m.

Public Hearing on Proposed Plan Amendment S11-IV-LP2 for the Laurel Hill Adaptive Reuse Area, Located West Silverbrook Road, South of White Spruce Way and North of Lorton Road (Mount Vernon District)

ISSUE:

Plan Amendment S11-IV-LP2 proposes to amend the Comprehensive Plan guidance for the Laurel Hill Adaptive Reuse Area in Lorton. The site is generally located west of Silverbrook Road, south of White Spruce Way, and north of Lorton Road in the Mount Vernon Supervisor District. Comprehensive Plan guidance for Laurel Hill is located in the Lower Potomac Planning District, LP1-Laurel Hill Community Planning Sector. Specific guidance for the Adaptive Reuse Area is located in Sub-unit 3B of the Laurel Hill Community Planning Sector. The amendment will consider incorporating the Board-adopted Laurel Hill Adaptive Reuse Area Master Plan for the former Reformatory and Penitentiary associated with the former D.C. Department of Corrections facilities in Lorton.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 8, 2012, the Planning Commission voted unanimously (Commissioners Alcorn, de la Fe, Donahue, and Hurley absent from the meeting) to recommend that the Board of Supervisors adopt the staff recommendation for Plan Amendment S11-IV-LP2 for the Laurel Hill Adaptive Reuse Area, as described in the Staff Report dated October 17, 2012, and the Staff Report Addendum dated November 1, 2012.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Planning Commission public hearing – November 8, 2012  
Board of Supervisors' public hearing – December 4, 2012

BACKGROUND:

On December 6, 2011, the Board of Supervisors authorized Plan Amendment S11-IV-LP2 for the Laurel Hill Adaptive Reuse Area, to generally incorporate the Laurel Hill Adaptive Reuse Area Master Plan for the site.

Board Agenda Item  
December 4, 2012

In 2007, Fairfax County released a Request for Proposals (RFP) for a public-private partnership for the planning and development of the Laurel Hill Adaptive Reuse Area. Phase I of the RFP was development of a Master Plan for the site. The Alexander Company of Madison, WI worked with County staff, the Board-appointed Laurel Hill Project Advisory Citizens Oversight Committee, and citizen groups for an 18-month period to develop the Master Plan. On May 11, 2010, the Board adopted the Master Plan and authorized staff to begin Phase II of the RFP, development negotiations based on the Master Plan. In September 2011, the Board approved an Interim Agreement between Fairfax County and The Alexander Company, authorizing The Alexander Company to commence with certain design, engineering, and zoning activities and to further determine the financial costs and financial gap of the project. The development of the property is expected to result in a financial gap that represents the high cost of adaptive reuse as compared to traditional development costs. Once the financial gap is refined, the County will explore ways to offset that gap. These approaches will be reviewed and subject to approval by the Board of Supervisors in a Master Development Agreement.

In addition to generally incorporating the Master Plan for the site, the proposed Plan language provides editorial updates related to the site, planning activities, and development that have occurred in the larger Laurel Hill area.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report and Staff Report Addendum previously furnished and available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/s11-iv-lp2.pdf>

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/s11-iv-lp2addendum.pdf>

STAFF:

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Marianne R. Gardner, Director, Planning Division (PD), DPZ

Chris Caperton, Laurel Hill Project Coordinator, PD, DPZ

Leanna H. O'Donnell, Planner III, PD, DPZ

Planning Commission Meeting  
November 8, 2012  
Verbatim Excerpt

S11-IV-LP2 – COMPREHENSIVE PLAN AMENDMENT (LAUREL HILL ADAPTIVE REUSE AREA)

After Close of the Public Hearing

Chairman Murphy: Without objection, public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I think that - - first of all, I'd like to compliment Chris Caperton and Leanna O'Donnell, you know, for the excellent work they've done since December of 2011, to work with the community, the Land Use Committee, and of the Federation - - and the Federation itself. And the - - the Architectural Review Board as well has approved this particular application to change the Comprehensive Plan. And I myself am - - and I think Commissioner Sargeant have also participated in the - - the development of a resolution by the Land Use Committee and the Federation, which I would like to enter into the record. I have it here with me tonight, in which they have resolved that the South County Federation does not oppose the Laurel Hill Adaptive Reuse Area Plan Amendment. I think it's rather interesting to note that the Land Use Committee never recommends - - never supports anything. They always do not oppose, so even though it says, "do not oppose," that means - - that really is a very complimentary recommendation.

Chairman Murphy: Sounds lukewarm to me. I don't know. Maybe they should vote on something every once in a while.

Commissioner Flanagan: But as staff has described, the Board of Supervisors adopted the land - - the Laurel Hill Adaptive Reuse Area Master Plan document in 2010, and that was after a two-year public engagement process with the understanding that the Plan would be further refined and brought before the Planning Commission and the Board of Supervisors for a Comprehensive Plan Amendment. The Board authorized staff to begin review of the Plan Amendment in December of 2011, and staff's recommendation to the Plan Amendment have now been described by staff tonight. The Plan language provides for a mix of uses for the former prison site and for the redevelopment of the majority of the historic structures as well as new development. I've been pleased to be a part of that process, and I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT S11-IV-LP2 FOR THE LAUREL HILL ADAPTIVE REUSE AREA, AS DESCRIBED IN THE STAFF'S REPORT DATED OCTOBER 17, 2012, AND THE STAFF REPORT ADDENDUM DATED NOVEMBER 1, 2012.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? I just want to also thank Commissioner Sargeant who has been actually working on this since he's been 12 years old. Is there discussion of the motion?

Commissioner Sargeant: Mr. - - Mr. Chairman, if I could just add a couple of comments on this point if - - if that would be okay.

Chairman Murphy: Please.

Commissioner Sargeant: This is really an important milestone in the history of what we now call "Laurel Hill," this former District of Columbia Department of Corrections site. We've reached a point I think in this planning process where we will be able to infuse new life into these old prison buildings. And I'd like to acknowledge as well, Chris Caperton and Leanna O'Donnell, who follow a succession of - - of County Planning staff who - - who have all contributed, I think, to the vision and public input process since the mid-1990s. Thank you very much. And that's when we were first asked to develop a Reuse Plan for the entire site - - quite - - not just the former prison buildings. I think the Adaptive Reuse Plans for the buildings have been a challenging task in and of themselves, in some ways more so than planning for the entire site because of the intricacies of those buildings - - the complexities. Chris and Leanna, I - - I think you've continued to demonstrate your talent and medal to get through this and to help us reach that point in the Adaptive Reuse process for the Reformatory/Penitentiary site, so congratulations and thank you.

Chairman Murphy: Further discussion of the motion? Are you folks on the Task Force and - - or you just waiting for the next case?

Commissioner Sargeant: Not yet.

Chairman Murphy: Because there isn't one. Have you - - have you been working on this as a citizen or staff?

Commissioner Sargeant: Mr. Chairman, some of those - - some of the residents are from the Spring Hill community and they have been active participants throughout the process and we were very, very glad they've been participating. Great input, great comment, great leadership for that community, and others have been participating quite the while. So - -

Chairman Murphy: Yes.

Commissioner Sargeant: A lot of good citizen input on this.

Chairman Murphy: Yes, I wanted to thank you also because without your support, none of this would be really possible in this school of fashion so thanks a lot. All those in favor of the motion to recommend to the Board of Supervisors that it adopt Plan Amendment S11-IV-LP2, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you, Chris. Thank you, Leanna. Great work to you and all the other staff folks.

//

(The motion carried unanimously with Commissioners Alcorn, de la Fe, Donahue, and Hurley absent from the meeting.)

KAD

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Board Agenda Item  
December 4, 2012

3:30 p.m.

Public Hearing on PCA 89-L-008 (Fairfax County School Board) to Amend the Proffers for RZ 89-L-008 Previously Approved for Public School to Permit an Increase in Proffered Gross Floor Area for Renovation/Expansion of Existing Facilities and Associated Modifications to Proffers and Site Design with an overall Floor Area Ratio of .22, Located on Approximately 8.14 Acres of Land Zoned R-3 and HC (Lee District)

This property is located at 7101 Old Keene Mill Road, Springfield, 22150. Tax Map 90-1 ((1)) 52.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 29, 2012 the Planning Commission voted unanimously (Commissioners Sargeant and Lawrence abstaining) to recommend to the Board of Supervisors:

- Approval of PCA 89-L-008, subject to the revised proffers consistent with those dated November 29, 2012;
- Modification of the transitional screening and barrier requirements along all applicable property lines in favor of the proposed landscaping and fencing on the GDP;
- Waiver of construction of an on-road bike lane along Old Keene Mill Road in favor of the provision of a perpetual easement as proffered;
- Modification of the minimum front yard requirement along Spring Road to permit a cooling tower and concrete pad as shown on the GDP, pursuant to paragraph 3G of Section 10-104 of the Zoning Ordinance; and
- Modification of the major paved trail along Old Keene Mill Road recommended in the Comprehensive Plan in favor of the alternative trail design shown on the GDP and as proffered.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4401713.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Mary Ann Tsai, Zoning Evaluation Division, DPZ

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Planning Commission Meeting  
November 29, 2012  
Verbatim Excerpt

PCA 89-L-008 – FAIRFAX COUNTY SCHOOL BOARD

Decision Only During Commission Matters  
(Public Hearing Held on November 15, 2012)

Chairman Murphy: Mr. Migliaccio, go ahead.

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one decision only tonight. It was from a public hearing on November the 15th, PCA 89-L-008. The applicant was the Fairfax County School Board for renovations at Garfield Elementary School. Tonight, you should have a new set of proffers dated November 29. The only difference from these – that are in these proffers as opposed to what we have in the staff report – there are three brief changes. The first is the sidewalk on Spring Road and the major paved trail on Old Keene Mill Road will be done concurrently with the expansion of Garfield Elementary School. Second, the cooling tower now has new language that will insure that the fan that is being put in will have the lowest possible noise level and that noise level will never be exceeded. And number three, there is new language on Proffer Number 8, which gives more guidance and assurance regarding the Accotink Creek Watershed Plan. And with these three new revisions to the proffers, I'm happy to make my motions tonight to move this. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 89-L-008, SUBJECT TO THE REVISED PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 29, 2012.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall and Mr. Sargeant. Is there a discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: Mr. Chairman, I'm going to abstain. I was not present for the public hearing.

Chairman Murphy: Oh, I'm sorry; I thought you meant second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to the Board of Supervisors that it approve PCA 89-L-008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; Mr. Sargeant abstains.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Lawrence: I believe that was – the public hearing was the 15<sup>th</sup>, was it?

Commissioner Migliaccio: Yes, November 15.

Commissioner Lawrence: I abstain; also not present for the public hearing.

Chairman Murphy: All right, Mr. Lawrence abstains, not present for the public hearing. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL APPLICABLE PROPERTY LINES IN FAVOR OF THE PROPOSED LANDSCAPING AND FENCING ON THE GDP.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstentions.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF CONSTRUCTION OF AN ON-ROAD BIKE LANE ALONG OLD KEENE MILL ROAD IN FAVOR OF THE PROVISION OF A PERPETUAL EASEMENT AS PROFFERED.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstentions.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MINIMUM FRONT YARD REQUIREMENT ALONG SPRING ROAD TO PERMIT A COOLING

TOWER AND CONCRETE PAD AS SHOWN ON THE GDP, PURSUANT TO PARAGRAPH 3G OF SECTION 10-104 OF THE ZONING ORDINANCE.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstentions.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MAJOR PAVED TRAIL ALONG OLD KEENE MILL ROAD RECOMMENDED IN THE COMPREHENSIVE PLAN IN FAVOR OF THE ALTERNATIVE TRAIL DESIGN SHOWN ON THE GDP AND AS PROFFERED.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, and same abstentions.

Commissioner Migliaccio: Thank you, Mr. Chairman.

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(The motions carried by votes of 10-0-2 with Commissioners Lawrence and Sargeant abstaining.)

JLC

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Board Agenda Item  
December 4, 2012

3:30 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 11388 Dorcey Place, Lorton, VA 22079 (Mount Vernon District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 11388 Dorcey Place Lorton, VA 22079 (Tax Map No. 119-4 ((02)) (07) 0003) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 11388 Dorcey Place blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On October 30, 2012 the Board authorized advertisement of this public hearing to be held Tuesday, November 20, 2012, at 4:00 p.m. On November 20, 2012, the Board deferred this public hearing until December 4, 2012 at 3:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of “Blighted property” under Va. Code Ann. 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

Based on a complaint received by the Department of Code Compliance in August 2010, regarding a dilapidated and neglected structure located at 11388 Dorsey Place, a property maintenance case was opened and investigated. In July, 2011 new owners took possession of the property. The case was referred to the Blight Abatement Program (BAP) on May 24, 2012 by the Technical Assistant to the Maintenance Official. The property maintenance case was forwarded to the County Attorney’s Office for litigation in September 2012 due to lack of response by the owners to repair or demolish the structure. The owners submitted an unacceptable Blight Abatement Plan which did not specify in detail their intentions to renovate or demolish the structure and an unacceptable timeframe to abate the blighted conditions.

Located on the subject property is an abandoned, one and a half story log cabin with a full basement. The front porch and portions of the roof have collapsed, structural beams in the basement have been compromised. The owners have installed a chain link fence around the cabin to prohibit entry into the unsafe structure. According to Fairfax County Tax Records the cabin was constructed in 1949. The structure is known to be vacant since at least August 2010 as documented by the Property Maintenance Investigator.

Due to the structural condition of the dwelling and the impact on the surrounding properties, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owners advising them of this determination.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may

Board Agenda Item  
December 4, 2012

declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2012). State Code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on November 2, 2012 and November 9, 2012.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 300-C30010, County Construction, Project 2G97-001-00, Strike Force Blight Abatement. The county will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$32,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 11388 Dorsey Place (Mount Vernon District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeffrey L. Blackford, Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Susan Epstein, Division Supervisor, Department of Code Compliance

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**11388 Dorsey Place, Lorton  
Tax Map # 119-4 ((02)) (07) 0003  
Mount Vernon District  
Attachment 1**



**11388 Dorsey Place, Lorton  
Tax Map # 119-4 ((02)) (07) 0003  
Mount Vernon District  
Attachment 1**

**ORDINANCE FOR 11388 DORCEY PLACE  
(Mount Vernon District)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2012) or § 15.2-1115 (2012).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 11388 Dorcey Place (Mount Vernon District) identified on the Fairfax County Tax Map as 119-4 ((02)) (07) 0003 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011); and

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011); and

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2012) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

**PROPERTY ADDRESS (DISTRICT)**  
11388 Dorcey Place (Mount Vernon District)

**TAX MAP NUMBER**  
119-4 ((02)) (07) 0003

**BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**

**PROJECT TITLE (OWNERS):** Potomac Relocation Services, LLC

**CASE: #** 201005344 SR# 83776

**OWNER'S ADDRESS:** PO Box 1044 Lorton, VA 22199

**ADDRESS OF BLIGHTED PROPERTY:** 11388 Dorcey Place, Lorton, VA 22199

**TAX MAP NO.:** 119-4 ((02)) (07) 0003      **MAGISTERIAL DISTRICT:** Mount Vernon District

**2012 ASSESSED VALUE:** \$209,230 **LAND:** \$179,000 **IMPROVEMENTS:** \$30,230

**PROPERTY ZONING:** R-E **YEAR BUILT:** 1949

**TAX STATUS:** Current through December, 2012

**DESCRIPTION:**

Located on the subject property is an abandoned, one and a half story log cabin with a full basement. The front porch and portions of the roof has collapsed, structural beams in the basement have been compromised. The owners have installed a chain link fence around the cabin to prohibit entry into the unsafe structure. According to Fairfax County Tax Records the cabin was constructed in 1949. The structure is known to be vacant since at least August 2010 as documented by the Property Maintenance Investigator. Due to the structural condition of the dwelling and the impact on the surrounding properties, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

**IMPACT OF PROPERTY ON SURROUNDING USES:**

The property in its current state is an attractive nuisance and blight on the surrounding community.

**NATURE OF COMPLAINTS:**

The property located at 11388 Dorcey Place was referred to the Blight Abatement Program (BAP) on May 24, 2012 reference its dilapidated and attractive nuisance conditions.

**STAFF RECOMMENDATION:**

BAP recommends demolishing the dilapidated structures and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item  
December 4, 2012

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Huntsman Lake Dam Rehabilitation (Springfield District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project SD-000033-023, also known as Project FX4000-PC014, Huntsman Lake Dam Rehabilitation, Fund 400-C40101, Stormwater Services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On October 30, 2012, the Board authorized advertisement of this public hearing.

BACKGROUND:

This project consists of armoring the auxiliary spillway of the Huntsman Lake Dam as well as replacing the existing riser structure in order to meet current state and federal standards for dam safety.

This project requires the acquisition of storm drainage easements across the affected properties to facilitate the alignment change of the auxiliary spillway. Negotiations are in progress with the affected property owners; however, resolution of these acquisitions is not imminent.

In order to commence construction of this project on schedule, it may be necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. §§ 15.2-1903 through 15.2-1905 (2012). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

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FISCAL IMPACT:

Funding is available in Project SD-000033-023, also known as Project FX4000-PC014, Huntsman Lake Dam Rehabilitation, Fund 400-C40101, Stormwater Services. This project is included in the FY 2013 – FY 2017 Adopted Capital Improvement Program, with future Fiscal Years to FY 2022. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

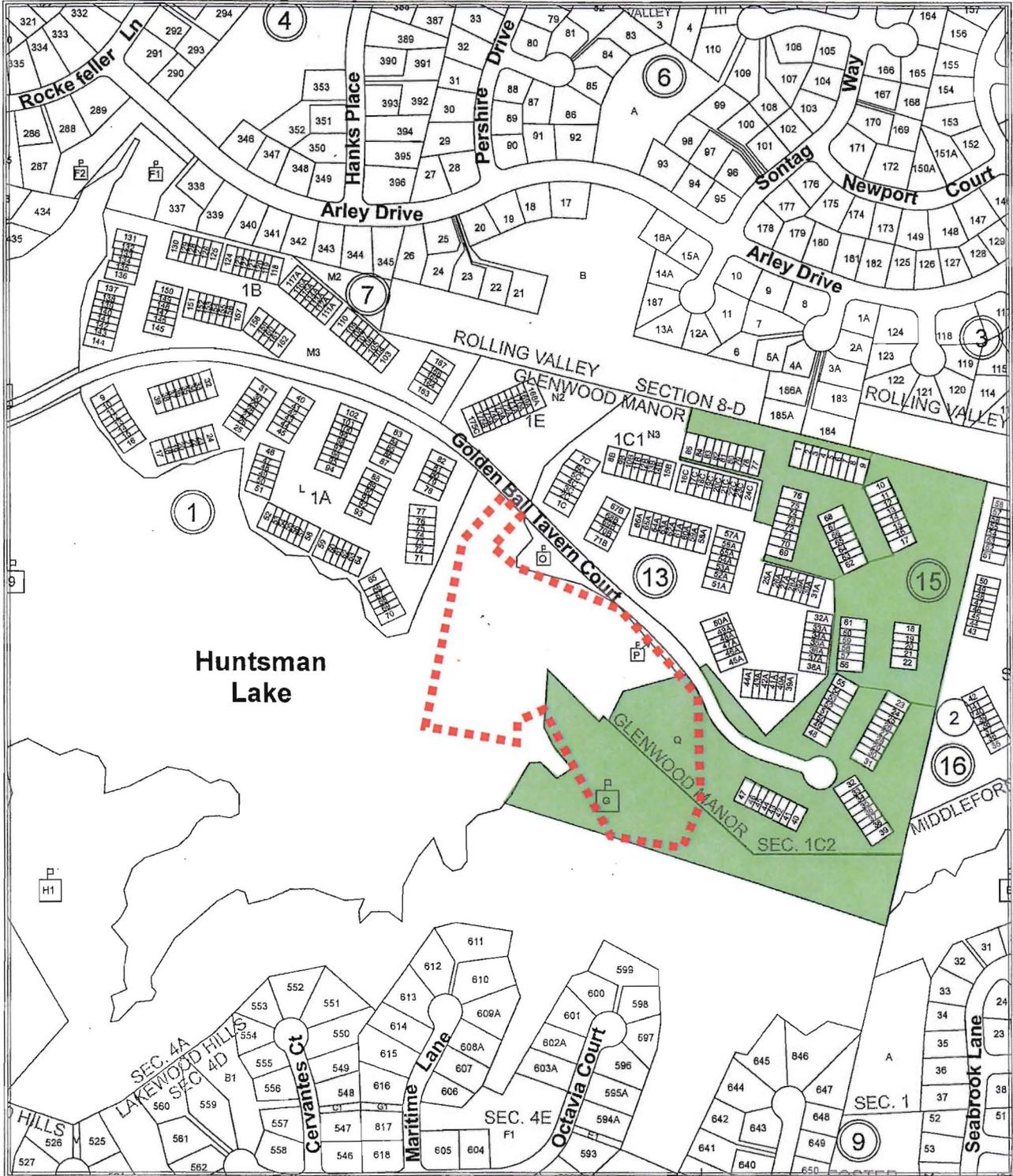
Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheet on the affected parcel with plat showing interests to be acquired (Attachments 1 and 1A).

STAFF:

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



### HUNTSMAN LAKE DAM REHABILITATION

Tax Map: 88-4

Project SD-00033-023 (FX4000-PC014)

Scale: 1' = 400"

Springfield District

Affected Properties:



Proposed Improvement:



**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, December 4, 2012, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, certain Project SD-000033-023, also known as Project FX4000-PC014, Huntsman Lake Dam Rehabilitation had been approved; and

**WHEREAS**, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

**WHEREAS**, the property interests that are necessary have been identified; and

**WHEREAS**, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than December 7, 2012.

**NOW THEREFORE BE IT RESOLVED**, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 and 1A by gift, purchase, exchange, or through eminent domain; and be it further

**RESOLVED**, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of armoring the auxiliary spillway of the Huntsman Lake Dam as well as replacing the existing riser structure in order to meet current state and federal standards for dam safety as shown and described in the plans of Project SD-000033-023, also known as Project FX4000-PC014, Huntsman Lake Dam Rehabilitation on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, Suite 449, 12000

Government Center Parkway, Fairfax, Virginia; and be it further

**RESOLVED**, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to December 4, 2012, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificate in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcel relating to the certificate; and be it further

**RESOLVED**, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificate by condemnation proceedings, if necessary.

#### LISTING OF AFFECTED PROPERTY

Project SD-000033-023, also known as Project FX4000-PC014  
Huntsman Lake Dam Rehabilitation  
(Springfield District)

	<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER(S)</u>
1.	Lakewood Hills No. 1 Community Association	088-4-15-0000-Q

A Copy – Teste:

---

Catherine A. Chianese  
Clerk to the Board of Supervisors

1. AFFECTED PROPERTY

Tax Map Number: 088-4-15-0000-Q  
Street Address: Situated SE of Huntsman Boulevard and Golden Ball  
Tavern Court at SE end of Huntsman Lake

2. OWNER(S): Lakewood Hills No. 1 Community Association

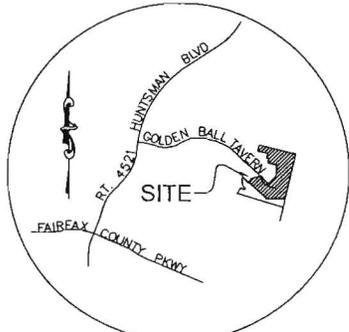
3. INTEREST(S) REQUIRED (As shown on attached plat/plan)

Storm Drainage Easement – 11,641 sq. ft.

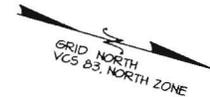
4. VALUE

Estimated value of interests and damages:

THIRTEEN THOUSAND EIGHT HUNDRED THIRTEEN DOLLARS (\$13,813.00)



VICINITY MAP  
1" = 2000'



FAIRFAX COUNTY PARK AUTHORITY  
PARCEL "G", SECTION 4-A  
LAKEWOOD HILLS  
D.B. 5062, PG. 543  
TAX MAP 08-4 (14) 6

N 6960222.48182  
E 11838155.36351

N 28°56'35"E 95.44'

STORM DRAINAGE EASEMENT "A"

N 6960306.00710  
E 11838201.55374

PARCEL "B"  
D.B. 3348, PG. 444  
TAX MAP 08-4 (11) 4  
FAIRFAX COUNTY PARK AUTHORITY  
D.B. 12321, PG. 2170

NOTES:

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THE TITLE ABSTRACT PREPARED BY ESCROW ONE, LTD, CASE NUMBER 4602, EFFECTIVE DATE NOVEMBER 1, 2011 WAS UTILIZED.

ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM A LIMITED FIELD SURVEY AND EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF A BOUNDARY SURVEY.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 08B-4 (115) Q

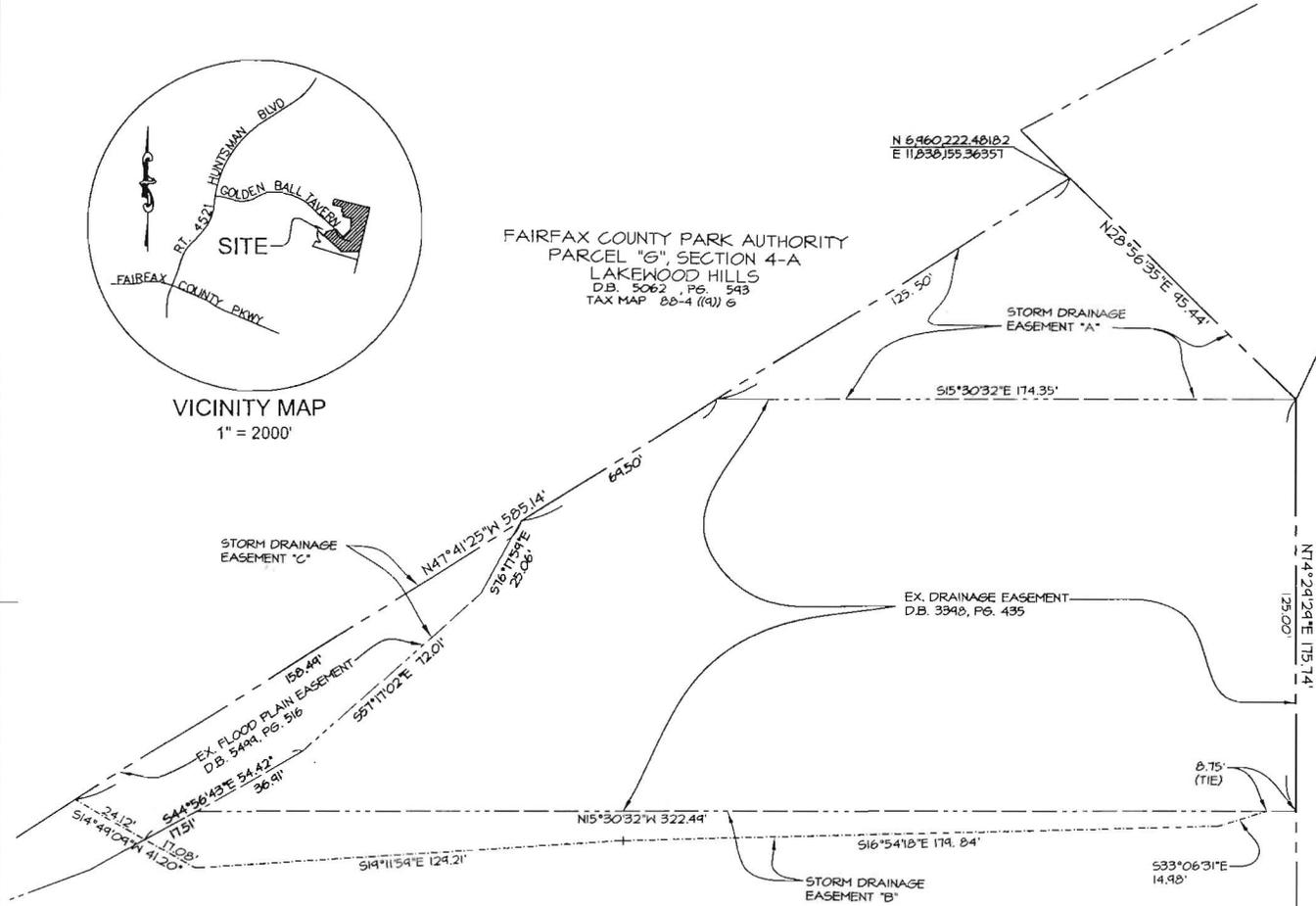
HUNTSMAN LAKE DAM REHABILITATION  
PROJECT NUMBER FX 4000-PC014

FAIRFAX COUNTY, VIRGINIA  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
STORM DRAINAGE EASEMENTS THROUGH  
PARCEL Q  
SECTION 1-C-2  
GLENWOOD MANOR  
D.B. 5449, PG. 516  
BEING IN THE NAME OF  
LAKEWOOD HILLS NO. 1  
COMMUNITY ASSOCIATION  
D.B. 5449, PG. 557

SPRINGFIELD DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

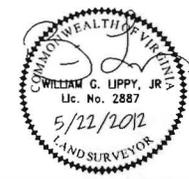
SCALE: 1"=25' DATE: 05/22/12 DRAWN BY: PJC



PARCEL Q  
SECTION 1-C-2  
GLENWOOD MANOR  
D.B. 5449, PG. 516  
TAX MAP 08-4 (115) Q

LAKEWOOD HILLS NO. 1  
COMMUNITY ASSOCIATION  
D.B. 5449 PG. 557

PLAT PREPARED BY:  
RICE ASSOCIATES  
10625 GASKINS WAY  
MANASSAS, VA 20109  
703-968-3200



AREA TABULATION	
STORM DRAINAGE EASEMENT "A"	5,027 SQ. FT.
STORM DRAINAGE EASEMENT "B"	3,051 SQ. FT.
STORM DRAINAGE EASEMENT "C"	2,763 SQ. FT.
STORM DRAINAGE EASEMENT TOTAL	11,641 SQ. FT.



ATTACHMENT 1-A

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Board Agenda Item  
December 4, 2012

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)

ISSUE:

Public hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Culmore Residential Permit Parking District (RPPD), District 9.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Culmore RPPD, District 9.

TIMING:

On October 16, 2012, the Board authorized this Public Hearing.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

A peak parking demand survey was conducted for Nevius Street from Vista Drive to Leesburg Pike. This survey verified that more than 75 percent of the total number of

Board Agenda Item  
December 4, 2012

on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*  
Attachment II: Map Depicting Proposed Limits of RPPD Establishment

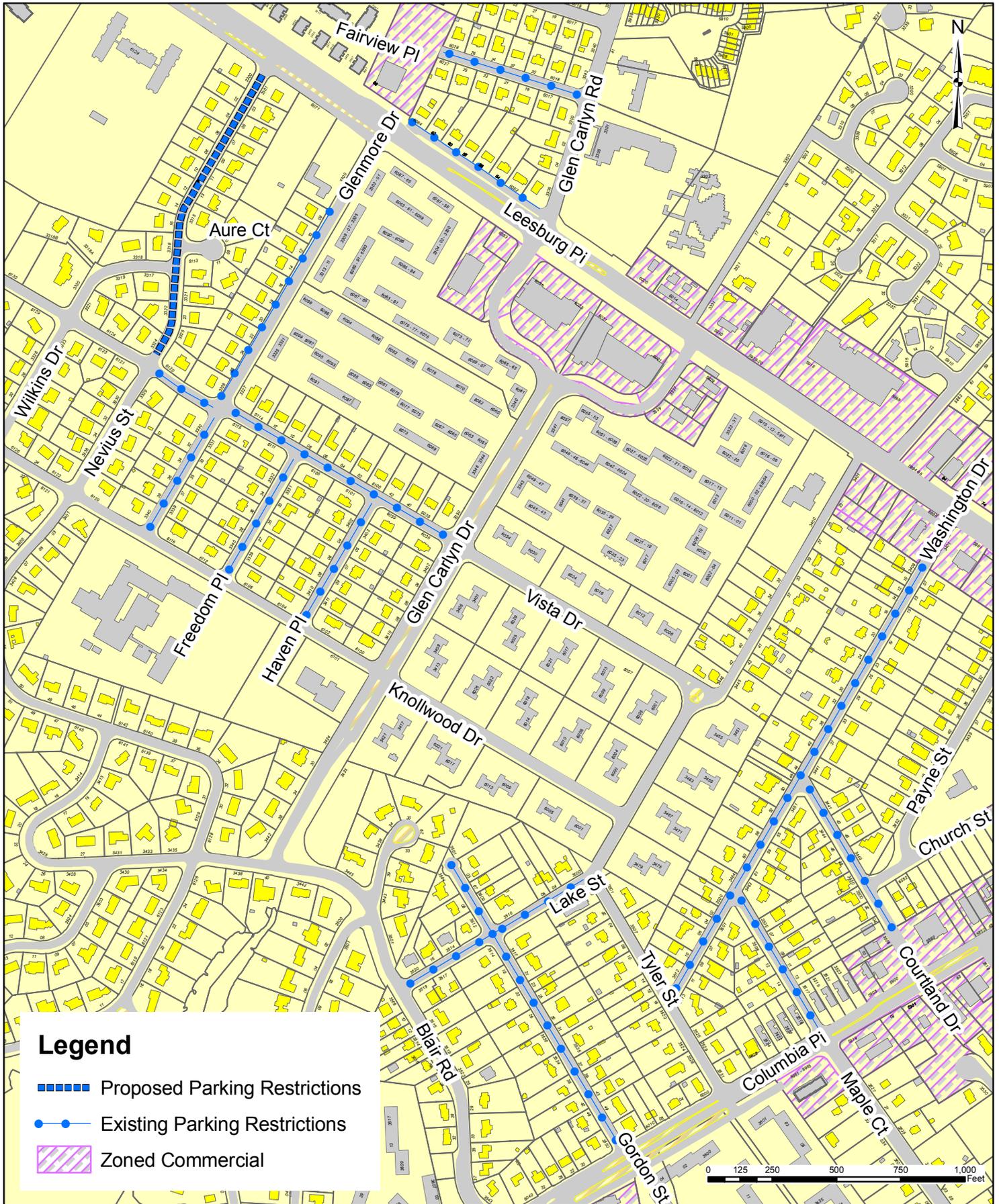
STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Karyn L. Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT  
Selby Thannikary, Chief, Traffic Operations Section, FCDOT  
Maria Turner, Sr. Transportation Planner, FCDOT  
Hamid Majdi, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following streets to Appendix G-9, Section (b), (2), Culmore Residential Permit Parking District, in accordance with Article 5A, of Chapter 82:

*Nevius Street (Route 1888)*  
From Vista Drive to Leesburg Pike



**Legend**

- Proposed Parking Restrictions
- Existing Parking Restrictions
- Zoned Commercial

Fairfax County Department of Transportation  
 Traffic Operations Section  
 RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)  
 Culmore # 9  
 Mason District



August 31, 2012



Tax Map: 61-2 (276)

Board Agenda Item  
December 4, 2012

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Dunn Loring Residential Permit Parking District, District 3 (Providence District)

ISSUE:

Public Hearing on Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Dunn Loring Residential Permit Parking District (RPPD), District 3.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Dunn Loring RPPD, District 3.

TIMING:

On October 30, 2012, the Board authorized this Public Hearing.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

A peak parking demand survey was conducted for Cottage Street from Bucknell Drive to Marymount Lane. This survey verified that more than 75 percent of the total number of

Board Agenda Item  
December 4, 2012

on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$900 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*  
Attachment II: Map Depicting Proposed Limits of RPPD Establishment

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Karyn L. Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT  
Selby Thannikary, Chief, Traffic Operations Section, FCDOT  
Maria Turner, Sr. Transportation Planner, FCDOT  
Hamid Majdi, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following streets to Appendix G-3, Section (b), (2), Dunn Loring Residential Permit Parking District, in accordance with Article 5A, of Chapter 82:

*Cottage Street (Route 2401)*  
From Bucknell Drive to Marymount Lane



4:30 p.m.

Public Hearing on the Proposed Creation of a Tysons Transportation Service District

ISSUE:

Public Hearing on the proposed creation of a Tysons Transportation Service District within Fairfax County. The District would generally encompass the area within the Tysons Corner Urban Center, as set forth in the Comprehensive Plan and as shown on the map in Attachment 1.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Ordinance to establish a Tysons Transportation Service District.

TIMING:

On October 30, 2012, the Board authorized the advertisement of a Public Hearing on the proposed creation of a Tysons Transportation Service District (Service District) within Fairfax County. Holding the hearing on December 4, 2012, gives the Board the option to create the Service District prior to January 1, 2013. Doing so would provide the option to levy a service district tax for 2013 on taxable property within the Service District, with the Service District tax rate to be set as part of the FY2014 Budget process.

BACKGROUND:

On June 22, 2010, the Board adopted an amendment to the Comprehensive Plan for Tysons. This action was the culmination of a multi-year effort that created a new vision for Tysons as a walkable, transit-oriented downtown for Fairfax County. This vision reflects the status of Tysons as the County's urban center and as a powerful economic engine for both the County and the Commonwealth of Virginia.

At its meeting on March 29, 2011, the Board requested that the Planning Commission, working with staff, develop an inclusive process to address, among other things, Tysons Follow-On Motion #1, related to financing infrastructure. In response, the Planning Commission reconstituted its Tysons Committee ("the Committee"), which was chaired by At-Large Commissioner Walter Alcorn. The Committee adopted an inclusive process, which included 24 meetings over a period of 17 months. During its upon this input, the Committee developed recommendations, which were approved by the Planning Commission on September 20, 2012. On October 16, 2012, the Board heard public comment on the Planning Commission's recommendations. At the

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December 4, 2012

conclusion of the comments, among other motions, the Board endorsed the Planning Commission's funding plan and directed staff to prepare an item for authorization of a public hearing on the proposed Tysons Transportation Service District. On October 30, 2012, the Board authorized the advertisement of the public hearing for December 4, 2012. The Board also directed staff to send notice of the public hearing to all owners of property within the proposed Tysons Transportation Service District. A notice, dated November 8, 2102, was sent to the over 6,000 property owners within the boundary of the proposed district informing them of the public hearing and providing information on how to get more information and participate in the process.

The funding plan is a multi-faceted approach to funding transportation infrastructure in Tysons. Based on the unique attributes of each category, funding sources are proposed for each of the four major components of the multi-modal infrastructure improvements. The grid of streets is to be funded primarily by in-kind and per square foot/per unit road fund contributions from developers/landowners; neighborhood and access improvements and transit are to be funded primarily from public sources; and, the Tysons-wide road improvements are to be funded primarily by public sources for the projects outside of the boundaries of Tysons and by developer/landowner sources for the improvements inside of Tysons. This latter category is projected to cost approximately \$506 million in 2012 dollars, with funding proposed to come from two sources; half (\$253 million) from per square foot/per unit road fund contributions from developers/landowners and half (\$253 million) from a Tysons Transportation Service District.

The Service District would have a boundary as shown in Attachment 1 that is generally consistent with the Tysons Corner Urban Center, as defined in the Comprehensive Plan, and that also includes portions of the right-of-way of the Dulles Toll Road, the Dulles Connector Road and I-495, so that revenues from the Service District can be used for improvements to those facilities. Most of the Tysons-wide Road improvements are contained within the proposed boundary. While the Service District would fund projects that benefit all of the residential and non-residential landowners within Tysons, initial projects are anticipated to be those projects that would provide the most benefit to the most properties. The Planning Commission also recommended that the County conduct an annual review of the status of the projects, yearly tax rates, prioritization of projects and their timing, and the pace of construction as related to new development, and that a Tysons Transportation Service District Advisory Board (Advisory Board) be created to advise the Board on those matters. A separate item is included in the Board package related to the establishment of the Advisory Board.

Revenue generated from the Service District can only be used for the purposes stated in the proposed ordinance that establishes the Service District and must be spent to provide services or improvements within the boundary of the proposed Service District.

The purpose of the Service District, as stated in Attachment 2, would be for the following purposes only:

*“Transportation facilities, equipment, and services will be provided within the District, including but not limited to (i) planning and evaluation of infrastructure and transit routes, (ii) designing, acquiring rights-of-way for, constructing, improving, maintaining, and operating roads, streets, and other transportation infrastructure projects, (iii) equipping, operating, and maintaining transit services, and (iv) public outreach and education regarding such transportation infrastructure and transit services.”*

Sources other than those raised from the Service District will be used to fund the remainder of costs for the transportation infrastructure improvements identified within the Tysons Comprehensive Plan. It is anticipated that the Service District revenue would fund approximately 8.2% (\$253,000,000 in 2012 dollars) of the total estimated cost of \$3.1 billion for these improvements.

FISCAL IMPACT:

The proposed Service District is an integral component of a multi-faceted plan to fund transportation infrastructure improvements in Tysons. If enacted, the Service District would fund approximately \$253 million worth of improvements out of a projected total cost of approximately \$3.1 billion (in 2012 dollars). If enacted, the Board has the option to levy a service district tax for 2013 on taxable property within the Service District, and the tax rate would be established as part of the FY2014 Budget.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Tysons Transportation Service District Boundary

Attachment 2: Ordinance to adopt the creation of a Tysons Transportation Service District

STAFF:

Robert A. Stalzer, Deputy County Executive

Barbara Byron, Director, Office of Community Revitalization (OCR)

Tom Biesiadny, Director, Department of Transportation

James McGettrick, Assistant County Attorney

Joe LaHait, County Debt Manager, Department of Management and Budget (DMB)

Leonard Wales, Financing Advisor, DMB

Scott Sizer, Revitalization Program Manager, OCR

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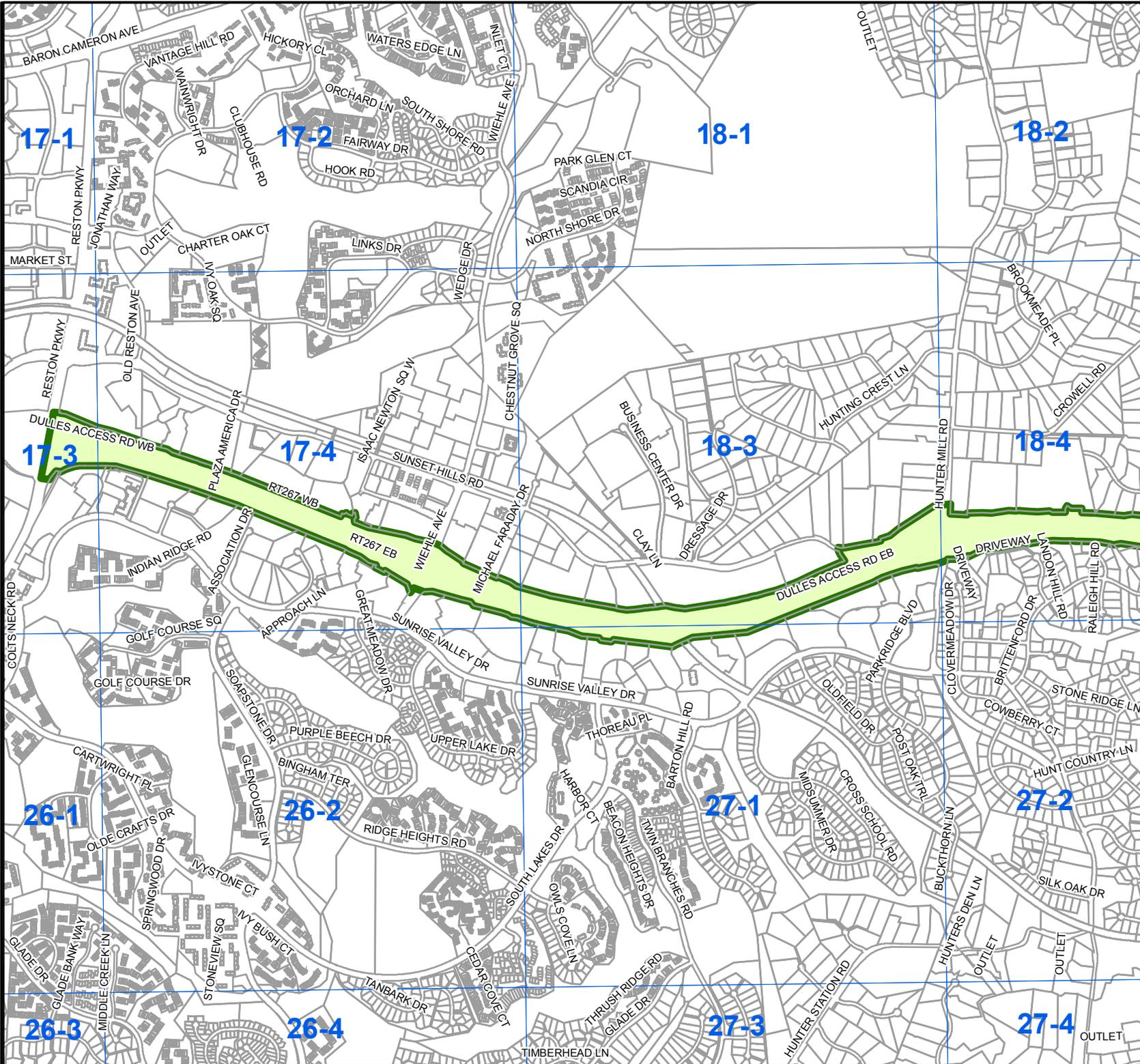
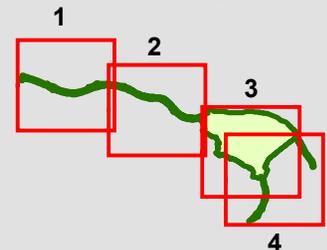
**Proposed Boundaries of  
the Tysons Transportation  
Service District**

**Map Layers:**

-  Proposed Tysons Transportation Service District Boundary
-  Parcel Boundaries
-  Tax Map Grid

**Map Sheet 1**

**Map Sheet Layout**



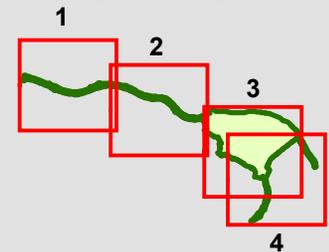
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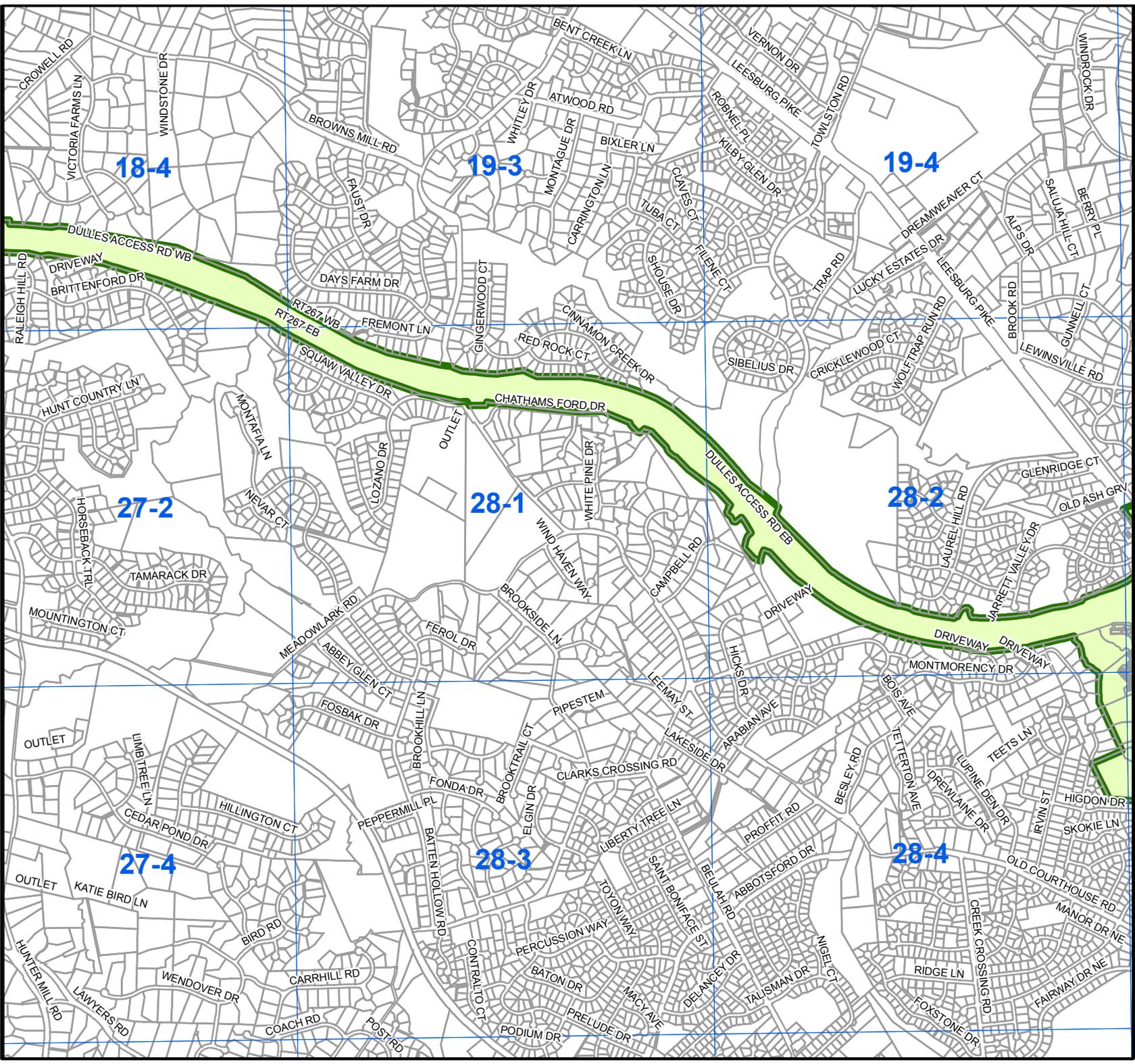
**Map Sheet 2**

**Map Sheet Layout**



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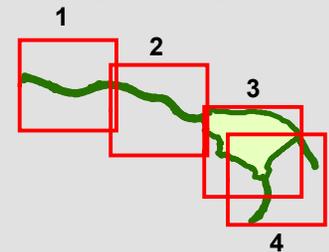
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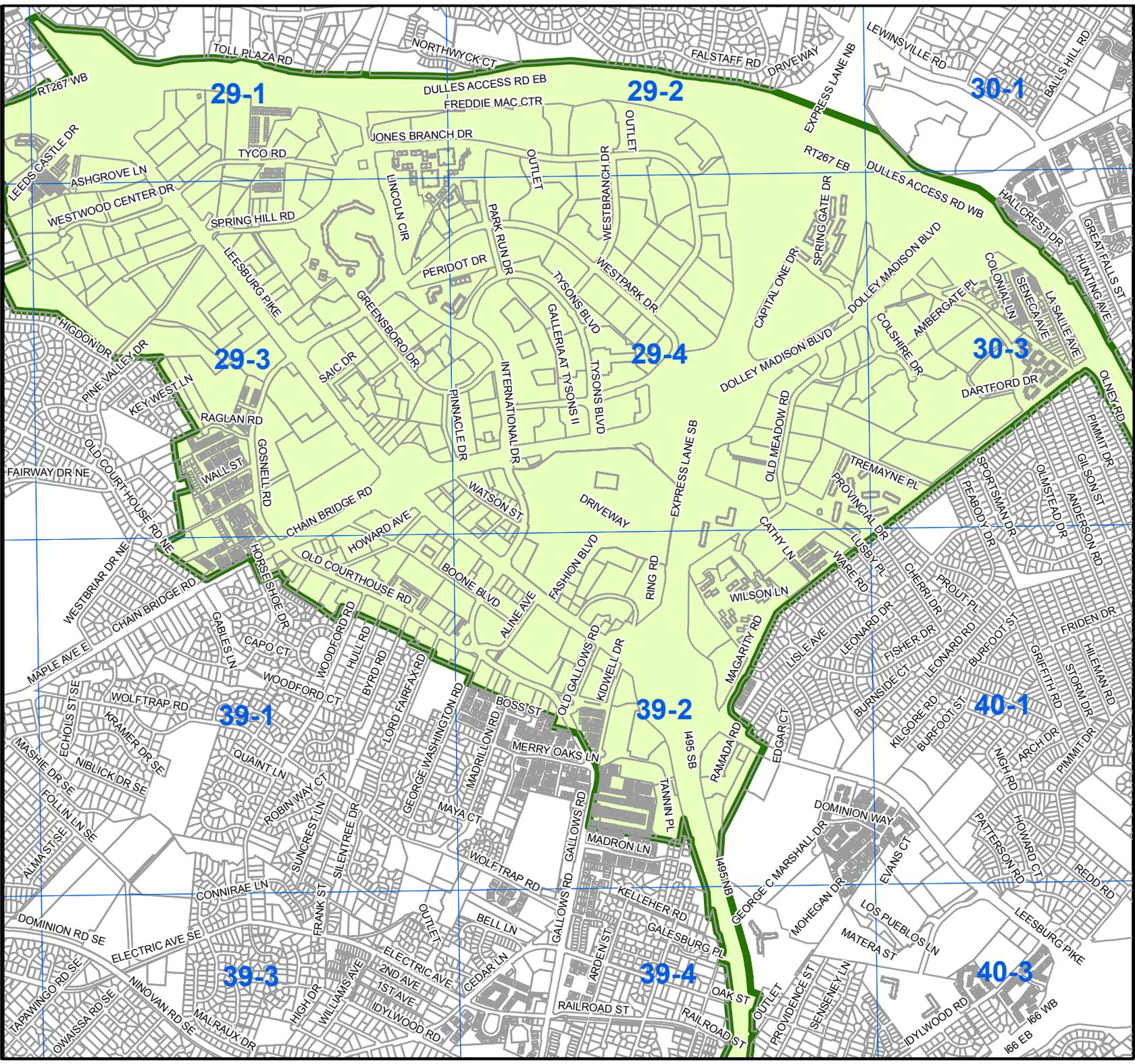
**Map Sheet 3**

**Map Sheet Layout**



October 19, 2012

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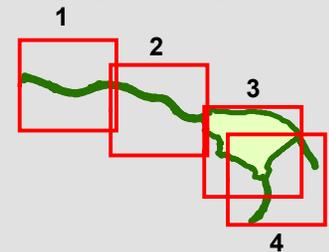
# Proposed Boundaries of the Tysons Transportation Service District

## Map Layers:

-  Proposed Tysons Transportation Service District Boundary
-  Parcel Boundaries
-  Tax Map Grid

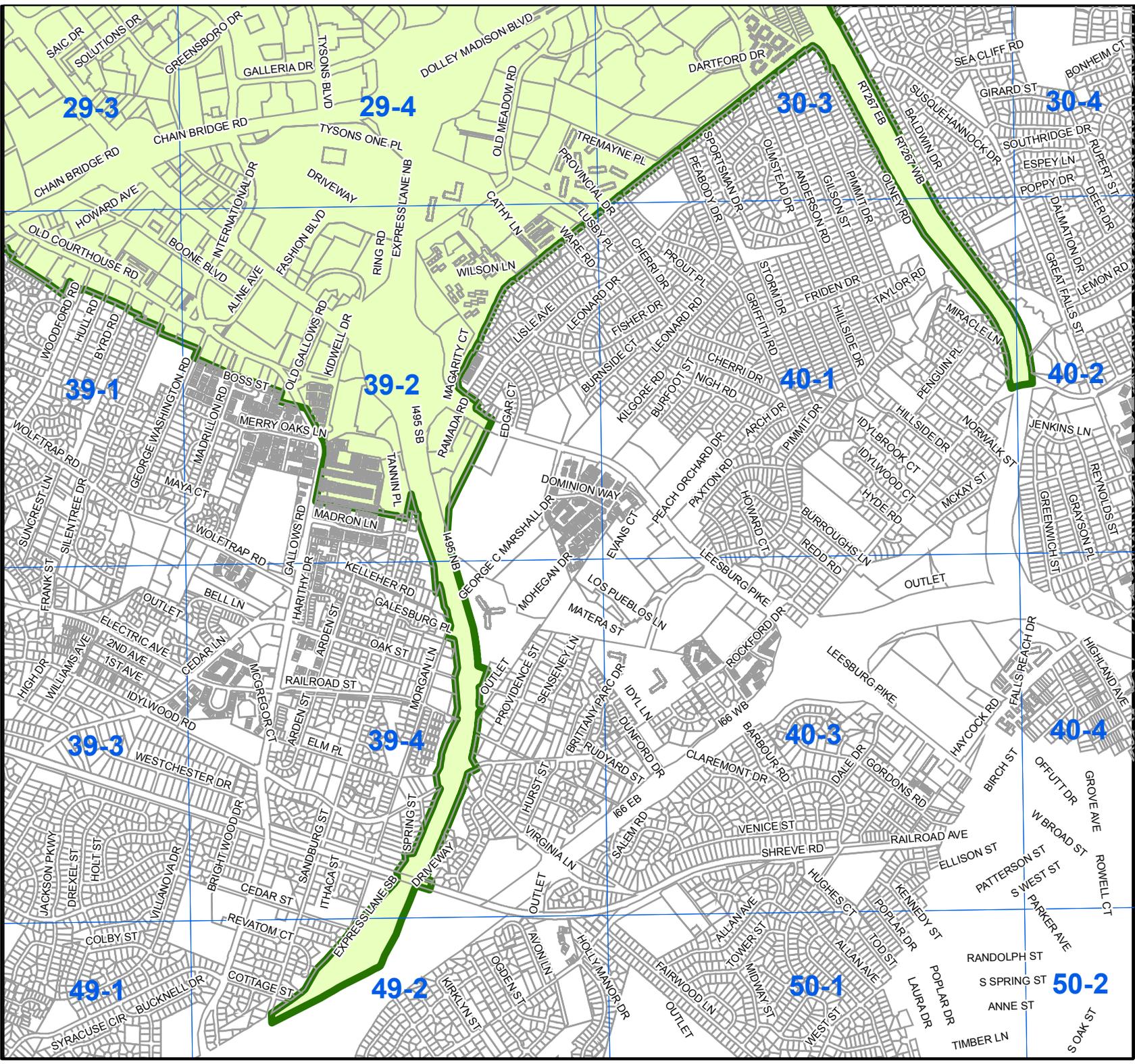
## Map Sheet 4

### Map Sheet Layout



October 19, 2012

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**DRAFT ORDINANCE TO ESTABLISH A TYSONS TRANSPORTATION SERVICE DISTRICT**

**AN ORDINANCE** to enact an Appendix U to the 1976 Code of the County of Fairfax to establish a Tysons Transportation Service District to provide transportation infrastructure and transit services.

Be it ordained by the Board of Supervisors of Fairfax County, Virginia:

1. *That the following ordinance is adopted:*

Appendix O -Fairfax County Tysons Transportation Service District No. 1

- Section 1. Creation of the Tysons Transportation Service District No. 1; name and boundaries
- Section 2. Purpose of the Tysons Transportation Service District No. 1
- Section 3. General provisions and powers
- Section 4. Facilities and services to be provided
- Section 5. Plan for transportation services and facilities
- Section 6. Benefits to be expected from the Tysons Transportation Service District No. 1

Section 1. Creation of the Tysons Transportation Service District No. 1; Name and Boundaries.

The Board of Supervisors of Fairfax County, Virginia, ("Board") hereby creates a service district which shall be known as Tysons Transportation Service District No.1 (the "District"). The District shall include the area as shown on the attached maps, which maps are incorporated in and made part of this Ordinance.

Section 2. Purpose of the District.

The District is created to provide revenue for constructing transportation infrastructure and operating transit services and activities that will enhance public use and enjoyment of the area within the District and public safety, public convenience, and public well-being within the District.

Section 3. General provisions and powers.

The Board shall be the governing body of the District and may exercise any of the powers and duties with respect to service districts set forth in Article 4 of Chapter 24 of Title 15.2 of the Code of Virginia, as amended.

Section 4. Facilities and services proposed within the District.

Transportation facilities, equipment, and services will be provided within the District, including but not limited to (i) planning and evaluation of infrastructure and transit routes, (ii) designing, acquiring rights-of-way for, constructing, improving, maintaining, and operating roads, streets, and other transportation infrastructure projects, (iii) equipping, operating, and maintaining transit services, and (iv) public outreach and education regarding such transportation infrastructure and transit services.

Section 5. Plan for transportation services and improvements.

Resources of the District, together with resources which may be made available from other sources, will be used to provide revenue needed to provide the transportation facilities, equipment, and services described in Section 4. Such resources may be used to fund staff and contractors to perform work to provide such transportation facilities, equipment, and services. Capital project design and construction will be in accordance with the Fairfax County Public Facilities Manual, the Fairfax County Capital Improvement Program and the Tysons's Transportation Funding Plan prepared in consultation with the Board.

Section 6. Benefits expected from the provision of transportation facilities, equipment, and services within the District.

The transportation facilities, equipment, and services to be provided within the District are expected to benefit property located within the District by enhancing public use, enjoyment, safety,

convenience, and well-being within the District by constructing and operating new capital transportation projects, establishing new transit services, improving sidewalks and trails, and addressing existing transportation inefficiencies.

2. *That the provisions of this ordinance are severable, and if any provision of this ordinance is held invalid, that invalidity shall not affect the other provisions which can be given effect without the invalid provision.*

3. *That this ordinance shall become effective at 12:01 a.m. on January 1, 2013.*

Board Agenda Item  
December 4, 2012

5:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern

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