

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
October 16, 2012**

**AGENDA**

|       |   |  |
|-------|---|--|
| 9:30  | Done  | Presentations  |
| 10:30 | Done  | Presentation of the 2012 Exceptional Design Awards   |
| 10:45 | Done  | Presentation by the Economic Development Authority   |
| 11:00 | Done; Task Force Recommendations referred to staff. | Presentation of the Final Report and Recommendations from the Private Sector Energy Task Force |
| 11:15 | Done  | Items Presented by the County Executive  |

**ADMINISTRATIVE  
ITEMS**

|   |          |  |
|---|----------|--|
| 1 | Approved | Additional Time to Establish the Use for Special Exception Amendment SEA 2006-PR-019, Virginia International University (Providence District)  |
| 2 | Approved | Extension of Review Periods for 2232 Review Applications (Providence and Mason Districts)  |
| 3 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)   |
| 4 | Approved | Endorsement of Applications for FY 2019 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds  |
| 5 | Approved | Streets into the Secondary System (Lee and Sully Districts)  |
| 6 | Approved | Supplemental Appropriation Resolution AS 13109 for Various County Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency |

**ACTION ITEMS**

|   |          |   |
|---|----------|---|
| 1 | Approved | Adoption of a Resolution Approving the Issuance by the Fairfax County Economic Development Authority of Revenue Bonds for the Benefit of Vinson Hall, LLC |
|---|----------|---|

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
October 16, 2012**

**ACTION ITEMS  
(Continued)**

- |   |          |  |
|---|----------|--|
| 2 | Approved | Authorization of Willow Oaks Stormwater Pond Pro Rata Share Reimbursement Agreement (Providence District)                                  |
| 3 | Approved | Adoption of a Resolution Authorizing Execution of the Virginia Water and Wastewater Agency Response Network (VA WARN) Mutual Aid Agreement |
| 4 | Approved | Approval of a Parking Reduction for Prosperity Metro Plaza (Providence District)   |

**CONSIDERATION  
ITEMS**

- |   |  |  |
|---|--|--|
| 1 | Supervisor Hyland –<br>Voting Delegate<br>Chairman Bulova -<br>Alternate | 2012 Virginia Association of Counties Annual Meeting                                   |
| 2 | Approved   | Amendments to the Bylaws for the Fairfax-Falls Church Community Policy Management Team |

**INFORMATION  
ITEMS**

- |       |       |  |
|-------|-------|--|
| 1     | Noted | Contract Award – Interior Design Architecture/Engineering Services |
| 11:25 | Done  | Matters Presented by Board Members                                 |
| 12:10 | Done  | Closed Session   |

**PUBLIC  
HEARINGS**

- |      |          |   |
|------|----------|---|
| 3:30 | Approved | Public Hearing on SE 2012-MA-004 (Jooan Peace, Inc.) to Permit Parking in an R District (Mason District)  |
| 3:30 | Approved | Public Hearing on PCA 2004-PR-044 (Tysons Corner Property Holding, LLC & Tysons Corner Holdings LLC) to Amend the Proffers for RZ 2004-PR-044 (Providence District) |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
October 16, 2012**

**PUBLIC  
HEARINGS  
(Continued)**

|      |  |   |
|------|--|---|
| 3:30 | Approved   | Public Hearing on RZ 2012-DR-006 (Board of Supervisor's Own Motion) to Rezone from PDH-3 to R-1 (Dranesville District)                        |
| 3:30 | Approved   | Public Hearing on RZ 2012-PR-009 (Prosperity Metro Plaza of Virginia, LLC) to Rezone from PDC and PRM to PDC (Providence District)            |
| 4:00 | Approved   | Public Hearing to Consider Adopting an Ordinance Expanding the Sunset Manor Residential Permit Parking District, District 18 (Mason District) |
| 4:00 | Approved   | Public Hearing on Proposed Amendments to the Code, Section 84.1, Public Transportation, Pertaining to Taxicab Rates                           |
| 4:00 | Board endorsed the Planning Commission's Transportation Funding Plan with additional motions | Public Comment on Tysons' Transportation Funding Plan   |

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

**Tuesday**  
**October 16, 2012**

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9:30 a.m.

**PRESENTATIONS**

**RECOGNITIONS**

- CERTIFICATE – To recognize George C. Marshall High School for its 50th Anniversary. Requested by Supervisor Foust, Supervisor Hudgins and Supervisor Smyth.
- CERTIFICATE – To recognize the Police Department for receiving the International Association of Chiefs of Police 2011 National Law Enforcement Award, as well as the Underage Alcohol Awareness Award in the special category and also for receiving the Occupant Protection Award, Underage Alcohol Awareness Award and Commercial Motor Vehicle Safety Award in the 2011 Virginia Law Enforcement Challenge. Requested by Chairman Bulova.
- CERTIFICATE – To recognize LINK for its 40th anniversary and contributions to western Fairfax County and eastern Loudoun County communities. Requested by Supervisor Foust.
- CERTIFICATE – To recognize staff from the Department of Public Works and Environmental Services Stormwater Planning Division and Wetland Studies and Solutions for their work on the Government Center Stream Restoration Project. Requested by Supervisor Cook and Supervisor Gross.

— more —

Board Agenda Item  
October 16, 2012

DESIGNATIONS

- PROCLAMATION – To designate October 27, 2012, as VolunteerFest Day in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate November 2012, as Adoption Awareness Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

Board Agenda Item  
October 16, 2012

10:30 a.m.

Presentation of the 2012 Exceptional Design Awards

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Joseph J. Plumpe, ASLA PLA, Chairman of the Architectural Review Board and Chairman,  
2012 Exceptional Design Award Jury

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Board Agenda Item  
October 16, 2012

10:45 a.m.

Presentation by the Economic Development Authority

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Gerald L. Gordon, Ph.D., President and CEO of the Fairfax County Economic Development

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Board Agenda Item  
October 16, 2012

11:00 a.m.

Presentation of the Final Report and Recommendations from the Private Sector Energy Task Force

ENCLOSED DOCUMENTS:  
None.

PRESENTED BY:  
Task Force Chair Leo Schefer, President of the Washington Airports Task Force

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Board Agenda Item  
October 16, 2012

11:15 a.m.

Items Presented by the County Executive

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Board Agenda Item  
October 16, 2012

ADMINISTRATIVE - 1

Additional Time to Establish the Use for Special Exception Amendment  
SEA 2006-PR-019, Virginia International University (Providence District)

ISSUE:

Board consideration of additional time to establish the use for SEA 2006-PR-019, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months additional time for SEA 2006-PR-019 to February 3, 2013.

TIMING:

Routine.

BACKGROUND:

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

On August 3, 2009, the Board of Supervisors approved Special Exception Amendment SEA 2006-PR-019, subject to development conditions. The application was filed in the name of Virginia International University to permit modifications to site design and the development conditions for the previously approved college/university, pursuant to Section 5-404 of the Fairfax County Zoning Ordinance, for the property at 3953 and 3957 Pender Drive, Tax Map 57-1 ((1)) 10 (see Locator Map in Attachment 1). SEA 2006-PR-019 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board grants additional time. The development conditions for SEA 2006-PR-019 are included as part of the Clerk to the Board's letter (see Attachment 2).

On June 19, 2012, the Board of Supervisors approved six months additional time to

Board Agenda Item  
October 16, 2012

establish the use for SEA 2006-PR-019 until August 3, 2012. A copy of the Clerk to the Board's letter stating the approval of additional time is attached (Attachment 3).

Due to a discrepancy in the Clerk's letter documenting the Board's approval of additional time, Virginia International University did not receive correspondence from the County regarding the June additional time approval or the new expiration date. The approval letter was sent to the agent for the applicant in the SEA application and not the requestor for additional time. Given this fact, the Zoning Administrator determined that the receipt of the applicant's request for additional time on Monday, August 6, 2012, satisfied the timing provisions specified in Section 9-015 of the Zoning Ordinance for filing a request for additional time.

On August 6, 2012, the Department of Planning and Zoning (DPZ) received a letter dated August 6, 2012, from Sue Ann Myers, Vice President of Business Affairs, Virginia International University, requesting six months (180 days) of additional time (see Attachment 4). The Special Exception Amendment will not expire pending the Board's action on the request for additional time.

Ms. Myers states that the additional time is requested to complete the requirements of the SEA development conditions for parking and transportation management. Development Condition 9 requires the submission of a parking tabulation sheet to Department of Public Works and Environmental Services (DPWES) prior to the issuance of a Non-Residential Use Permit (Non-RUP). In addition, Development Condition 10 requires coordination with the Fairfax County Department of Transportation (FCDOT) to revise the Transportation Demand Management (TDM) Program. The applicant states that since approval of the previous additional time, they have submitted the parking tabulations to DPWES for review. The additional time is needed to complete the review of the parking tabulations and coordinate with FCDOT to update and revise the TDM plan.

Staff has reviewed Special Exception Amendment SEA 2006-PR-019 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a college/university. Further, staff knows of no change in land use circumstances that affects compliance of SEA 2006-PR-019 with the special exception standards applicable to this use, or which should cause the filing of a new special exception amendment application and review through the public hearing process. The Comprehensive Plan recommendation has not changed since approval of the Special Exception Amendment. Finally, the conditions associated with the Board's approval of SEA 2006-PR-019 are still appropriate and remain in full force and effect. Staff believes that approval of the request for six months additional time is in the public interest and recommends that it be approved. The additional time would begin from the prior specified expiration date of August 3, 2012, and would result in a new expiration date of February 3, 2013.

Board Agenda Item  
October 16, 2012

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 4, 2009, to Michael M. Pavlovich

Attachment 3: Letter dated June 20, 2012, to Michael M. Pavlovich

Attachment 4: Letter dated August 6, 2012, to Eileen M. McLane

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ

Kevin J. Guinaw, Chief, Special Projects/Applications/Management Branch, ZED, DPZ

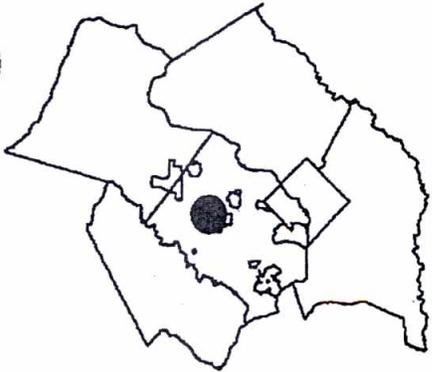
Pamela Nee, Chief, Environment and Development Review Branch, Planning Division, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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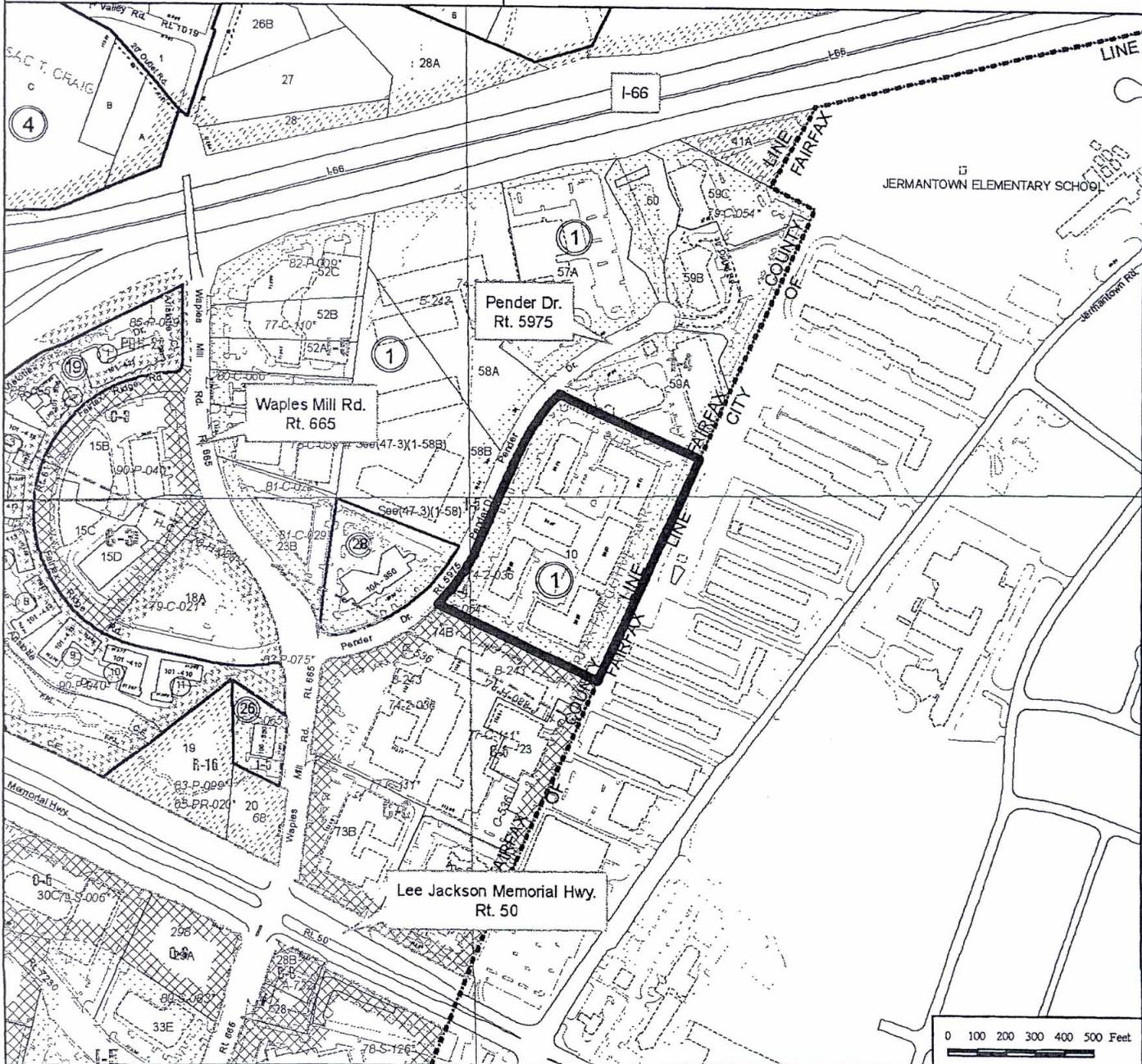
# Special Exception Amendment

SEA 2006-PR-019



Applicant: VIRGINIA INTERNATIONAL UNIVERSITY  
Accepted: 04/02/2009  
Proposed: AMEND SE 2006-PR-019 PREVIOUSLY APPROVED FOR COLLEGE/UNIVERSITY TO PERMIT SITE MODIFICATIONS

Area: 11 AC OF LAND; DISTRICT - PROVIDENCE  
Zoning Dist Sect: 05-0404  
Art 9 Group and Use: 3-01  
Located: 3957 PENDER DRIVE  
Zoning: I-4  
Plan Area: 2,  
Overlay Dist:  
Map Ref Num: 057-1- /01/ /0010





# County of Fairfax, Virginia

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

August 4, 2009

Michael M. Pavlovich  
Westberg Croessmann & Warren, P.C.  
1220 N. Fillmore Street, Suite 310  
Arlington, Virginia 22201

RE: Special Exception Amendment Application SEA 2006-PR-019

Dear Mr. Pavlovich:

At a regular meeting of the Board of Supervisors held on August 3, 2009, the Board approved Special Exception Amendment Application SEA 2006-PR-019 in the name of Virginia International University. The subject property is located at 3953 and 3957 Pender Drive on approximately 11.0 acres of land zoned I-4 in the Providence District [Tax Map 57-1 ((1)) 10]. The Board's action amends Special Exception Application SE 2006-PR-019, previously approved for a college/university to permit modifications to site design and development conditions pursuant to Section 5-404 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous conditions (those conditions carried forward from previous approval are marked with an asterisk\*):

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other Permitted or Special Permit uses may be allowed on the site without amending this special exception so long as the proposed use is in substantial conformance with the SE Plat and all Zoning Ordinance requirements have been met.\*

---

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

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled As Built Site Plan: Fairfax Executive Park, prepared by Patton, Harris, Rust and Guy, consisting of 1 sheets dated December, 1980 as revised through October 10, 1985, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The amount of gross floor area devoted to the university use on the subject property shall be limited to a total of 13,000 square feet.
5. The maximum daily enrollment shall be limited to 400 students.
6. In no event shall more than 225 students be permitted to attend classes during the day before 6:00 p.m.
7. The maximum number of parking spaces for university employees and faculty members shall be limited to 40.
8. There shall be no dorms or dedicated eating establishments on the portions of the site devoted to university use.\*
9. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide a parking tabulation sheet to DPWES.
10. Prior to NonRUP, the applicant shall work with Fairfax County Department of Transportation (FCDOT) to revise and continue the existing Transportation Demand Management (TDM) program that serves transportation needs of the students, employees and faculty while reducing the number of vehicular trips to and from the site. This TDM Program shall include:
  - i. Transportation Coordinator. Upon approval of this Special Exception, an individual shall be designated to act as the Transportation Coordinator (TC), whose responsibility will be to implement the TDM strategies with on-going coordination with Fairfax County Department of Transportation (FCDOT). Written notice shall be provided to FCDOT of the appointment of the TC within thirty (30) days of such appointment, and thereafter, within thirty (30) days of any change in such appointment.
  - ii. TDM Plan. Sixty (60) days after the appointment of the TC, an updated TDM Plan for the Property shall be submitted to FCDOT for review and approval. The TDM Plan and any amendments thereto shall include, at a minimum, the following measures:

- i. Information Dissemination. Transit maps and schedules, ridesharing and other relevant information shall be made available to students, employees and faculty in an easily-accessible location and by electronic means such as websites, email and social networking media.
- ii. SmarTrip Cards. Transit fare media, pre-loaded with fare value, will be provided to students, employees and faculty each academic year to encourage use of non-SOV transportation options. The amount of fare value and number of cards distributed each year will be determined in consultation with FCDOT.
- iii. Ride Matching. Coordination and assistance with vanpool and carpool formation programs, ride matching services, and established guaranteed ride home programs shall be provided to employees and faculty;
- iv. Bicycle Storage. Adequate bicycle racks for all users and visitors to the Property shall be provided. The location and design of the bicycle racks shall be determined in consultation with FCDOT.
- v. Preferential Parking. Coordination with the property owner shall be performed to establish preferential parking spaces for carpools/vanpools.

Other measures may be included as determined by FCDOT. If FCDOT has not responded with any comments to the TC within sixty (60) days of receipt of the TDM Plan, the TDM Plan shall be deemed approved.

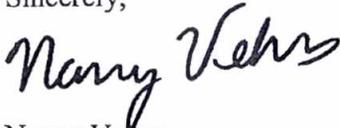
- iii. Mode Share Goal. The objective of the TDM Plan shall be to increase the non-Single Occupant Vehicle (non-SOV) mode share (as measured by the Annual Survey) from year to year.
- iv. Annual Surveys & Coordination with FCDOT. Within thirty (30) days following the first day of classes of each calendar year, the TC shall conduct a survey of students, employees and faculty designed to evaluate the effectiveness of the TDM measures and to evaluate the need for changes to the TDM measures then in place. The TC shall coordinate the draft survey materials and the methodology with FCDOT at least thirty (30) days prior to each year's Survey. The survey content shall include at a minimum:
  - i. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;
  - ii. The number of students, employees and faculty surveyed and the number who responded;

- iii. The results of the survey (including number of individuals participating in the TDM programs, displayed by category and mode of use); and,
- iv. An evaluation of the effectiveness of the TDM program elements in place, and, if necessary, proposed modifications to meet the Mode Share Goal, above.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

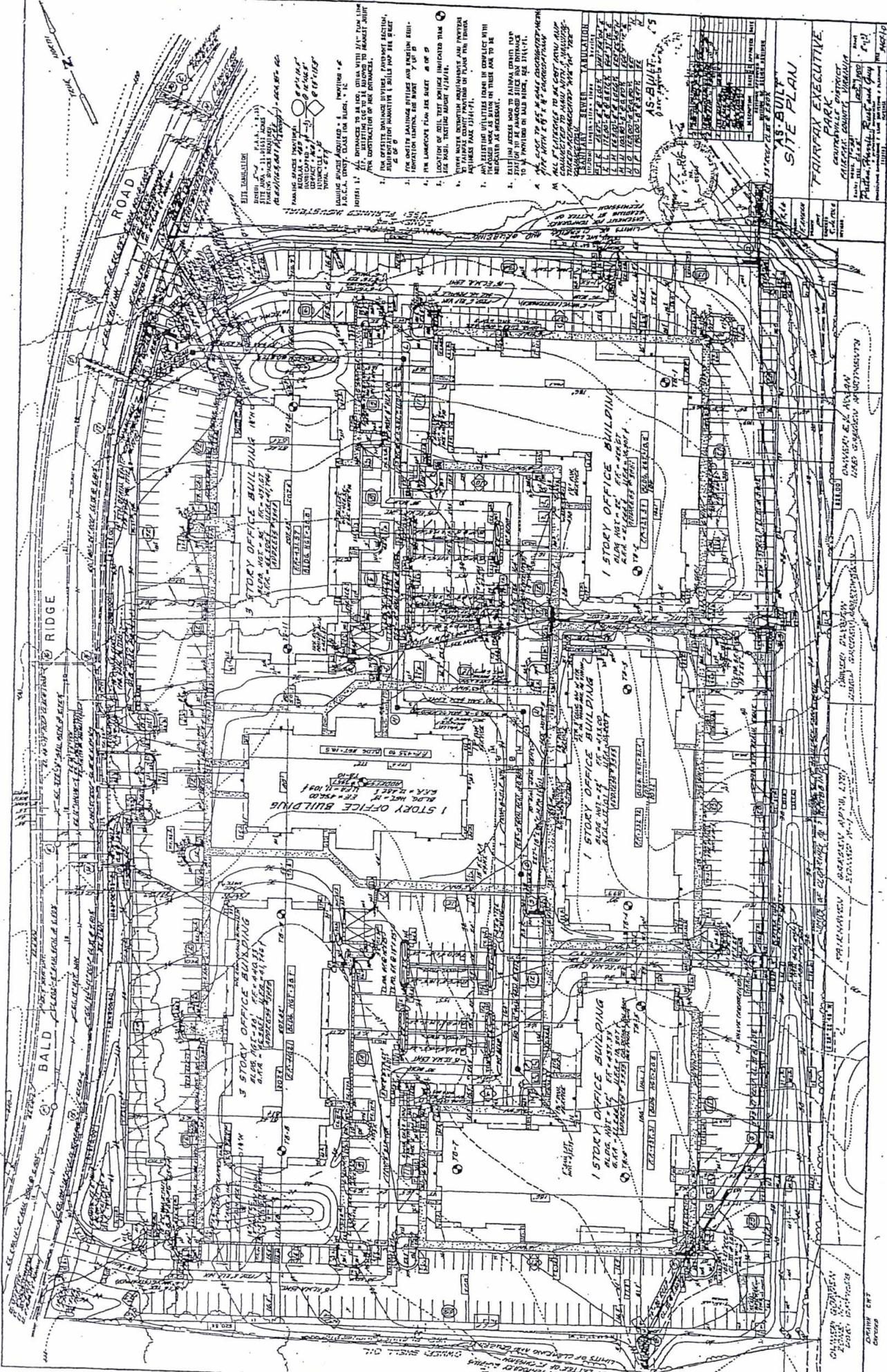
Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established. The Board of Supervisors may grant additional time to establish the use or to commence construction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

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Sharon Bulova  
Supervisor Linda Smyth, Providence District  
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division  
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Barbara J. Lipa, Executive Director, Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



- NOTES:**
1. THE OPERATOR SHALL MAINTAIN THE EXISTING UTILITIES, EXCEPT WHERE SHOWN OTHERWISE, AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SAME.
  2. THE OPERATOR SHALL MAINTAIN THE EXISTING UTILITIES, EXCEPT WHERE SHOWN OTHERWISE, AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SAME.
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  10. THE OPERATOR SHALL MAINTAIN THE EXISTING UTILITIES, EXCEPT WHERE SHOWN OTHERWISE, AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SAME.

| NO. | DESCRIPTION | QUANTITY | UNIT    | PRICE   | TOTAL   |
|-----|-------------|----------|---------|---------|---------|
| 1   | CONCRETE    | 100      | CU YD   | 100.00  | 100.00  |
| 2   | STEEL       | 50       | TON     | 50.00   | 50.00   |
| 3   | BRICK       | 1000     | SQ YD   | 1000.00 | 1000.00 |
| 4   | CEMENT      | 50       | TON     | 50.00   | 50.00   |
| 5   | AGGREGATE   | 100      | CU YD   | 100.00  | 100.00  |
| 6   | PAINT       | 100      | GALES   | 100.00  | 100.00  |
| 7   | LABOR       | 1000     | HOUR    | 1000.00 | 1000.00 |
| 8   | EQUIPMENT   | 100      | HOUR    | 100.00  | 100.00  |
| 9   | PERMITS     | 1        | SET     | 100.00  | 100.00  |
| 10  | INSURANCE   | 1        | YEAR    | 100.00  | 100.00  |
| 11  | PROFIT      | 100      | PERCENT | 100.00  | 100.00  |
| 12  | TOTAL       |          |         |         | 3000.00 |

**AS-BUILT**  
**SITE PLAN**  
**FAIRWAY EXECUTIVE**  
**PARK**  
**CONTRACT NO. 1000000000000000**  
**DATE: 10/1/2000**  
**SCALE: 1/4" = 1'-0"**  
**DESIGNED BY: [Name]**  
**CHECKED BY: [Name]**  
**APPROVED BY: [Name]**  
**DATE: 10/1/2000**



# County of Fairfax, Virginia

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

June 20, 2012

Michael M. Pavlovich  
Westberg Croessmann & Warren, P.C.  
1220 N. Fillmore Street, Suite 310  
Arlington, VA 22201

RE: Special Exception Amendment Application SEA 2006-PR-019

Dear Mr. Pavlovich:

At a regular meeting of the Board of Supervisors held on June 19, 2012, the Board approved six months additional time to commence construction for Special Exception Amendment Application SEA 2006-PR-019 in the name of Virginia International University until August 3, 2012, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

Sincerely,

Catherine A. Chianese  
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova  
Supervisor Lynda Smyth, Providence District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division  
Capital Projects and Operations Div., Dept. of Transportation  
Audrey Clark, Director, Building Plan Review, DPWES  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways - VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Gordon Goodlett, Development Officer, DHCD/Design Development Division  
Planning Commission  
Jose Comayagua, Director, Facilities Management  
Gary Chevalier, Office of Capital Facilities/Fairfax County Public Schools  
Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

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

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

**VIU**  
**VIRGINIA INTERNATIONAL UNIVERSITY**  
*"Let's build the future together"*

**ATTACHMENT 4**  
**RECEIVED**  
Dept. of Planning & Zoning  
**AUG 06 2012**

**RECEIVED**  
Department of Planning & Zoning

Zoning Administration Div.

**AUG 07 2012**

2012-1008

August 6, 2012

Eileen M. McLane, Zoning Administrator  
Zoning Administration Division  
Zoning Permit Review Branch  
12055 Government Center Parkway, Suite 250  
Fairfax, Virginia 22035-5508

Zoning Evaluation Division

Re: Revise Request for Extension of Deadline for the Special Exception Amendment SEA 2006-PR-019  
Virginia International University  
3953 & 3957 Pender Drive  
Tax Map Ref: 057-1 ((1)) I0  
Zoning District: I-4

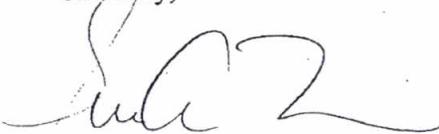
Dear Ms. McLane:

Our above referenced special exception amendment was due to expire on February 3, 2012. We previously submitted an extension for 180 days and it was approved. However, our Engineer is still in process of finalizing our paper work. Therefore, we would like to request another extension for 180 days, for a new expiration date of February 3, 2013.

We sincerely hope you will consider our request favorably and let us know your decision.

If you have any questions, please feel free to contact me at 703-591-7042, ext: 322 or by email at [samyers@viu.edu](mailto:samyers@viu.edu).

Sincerely,



Sue Ann Myers  
Vice president of Business Affairs  
Virginia International University

ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review (Providence and Mason 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 2232-P12-4 to January 29, 2013; application FS-P12-5 to December 23, 2012; and application FS-M12-19 to December 28, 2012.

TIMING:

Board action is required on October 16, 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 application 2232-P12-4, which was accepted for review by the Department of Planning and Zoning (DPZ) on June 25, 2012. This application is for a non-telecommunication public facility (Hartland Green Park, a proposed urban park in the Merrifield Development Area) and thus, is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board is also asked to extend the review period for applications FS-P12-5, and FS-M12-19, which were accepted for review by DPZ between July 18, 2012 and

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July 31, 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.

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

2232-P12-4            Fairfax County Park Authority  
Hartland Green Park-Proposed Urban Park  
2733 Hartland Road, Falls Church  
Providence District

FS-P12-5            Cricket Communications  
Antenna collocation on building screen wall  
6400 Arlington Boulevard, Falls Church  
Providence District

FS-M12-19           Cricket Communications  
Antenna collocation on existing monopole  
7010 Braddock Road, Annandale  
Mason 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

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance  
Expanding the Culmore Residential Permit Parking District, District 9 (Mason 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 Culmore Residential Permit Parking District (RPPD), District 9.

RECOMMENDATION:

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

TIMING:

The Board should take action on October 16, 2012, to advertise a public hearing for December 4, 2012, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

A peak parking demand survey was conducted for Nevius Street from Vista Drive to

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Leesburg Pike. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,300 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 Expansion

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, Section Chief, Traffic Operations Section, FCDOT

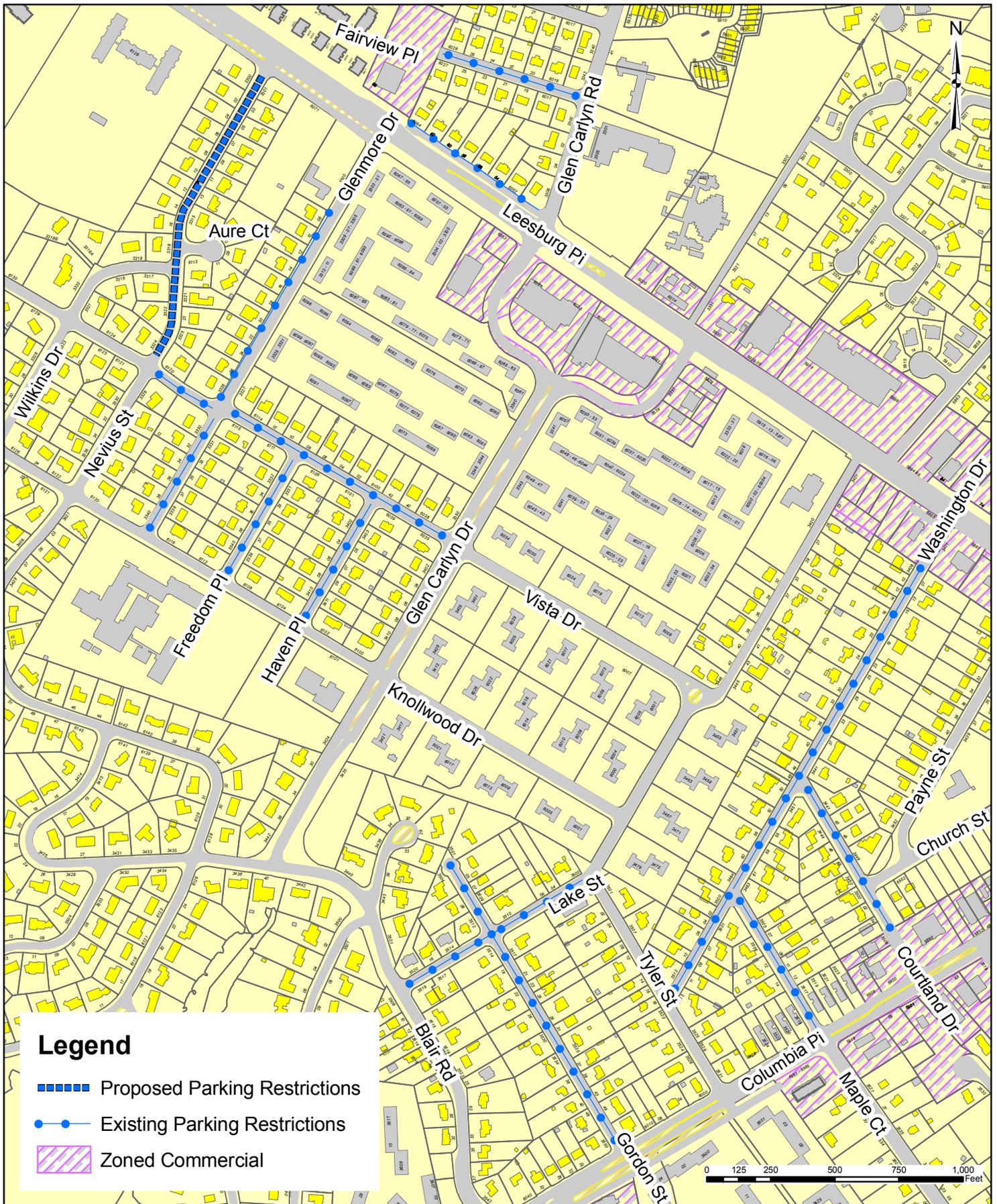
Maria Turner, Sr. Transportation Planner, FCDOT

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



Fairfax County Department of Transportation  
 Traffic Operations Section  
 RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)  
 Culmore # 9  
 Mason District



August 31, 2012



Tax Map: 61-2 (32)

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ADMINISTRATIVE - 4

Endorsement of Applications for FY 2019 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds

ISSUE:

Board endorsement is requested for the County's applications for FY 2019 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality Program (CMAQ) Funds. These funds would be used to advance the projects listed below and described in Attachment 1.

RECOMMENDATION:

The County Executive recommends that the Board endorse the Department of Transportation's applications for FY 2019 RSTP and CMAQ Funds. There is no Local Cash Match required for the RSTP and CMAQ funds. If the applications are successful staff will return to the Board for approval of appropriate grant agreement(s).

TIMING:

Board of Supervisors' authorization is requested on October 16, 2012, in order to meet the Northern Virginia Transportation Authority (NVTA) endorsement deadline of November 8, 2012.

BACKGROUND:

The RSTP and CMAQ programs provide funds for regions that are designated air quality non-attainment areas to assist them in complying with Clean Air Act requirements. The Board previously approved RSTP and CMAQ allocations for FY 2013-2018 at its October 18, 2011, meeting; and the NVTA has allocated RSTP and CMAQ funding through FY 2018. For FY 2019, VDOT estimates that in Northern Virginia, \$43.5 million will be available for distribution in the RSTP Program, and \$30.4 million will be available in the CMAQ Program.

The NVTA is requesting that jurisdictions endorse applications for RSTP and CMAQ funding prior to its meeting on November 8, 2012. The Commonwealth Transportation Board will subsequently consider the NVTA-approved list of projects in May or June 2013.

On March 29, 2011, the Board endorsed a set of transportation funding policies and program allocations for transportation funding sources. This endorsement included direction that staff pursue funding for the projects on the Board's priority transportation list from all sources of transportation funding as they become available. Under this approach, staff analyzes each individual funding opportunity to determine not only the eligibility of each project on the Board's priority list, but also the level of competitiveness that each project will have under each source of funding. Upon analysis of the RSTP, CMAQ programs, staff has prepared a set of applications for each program and is seeking Board endorsement of these projects. These projects are shown in the table below. More detailed information is provided in Attachment 1.

The projects listed below are based on the Board's action on March 29, 2011, as well as projects included in the Board of Supervisors' Four Year Transportation Program (approved July 10, 2012), the TransAction 2030 Plan, the VDOT Six-Year Program, and prior year submissions. Final allocation of funds to these projects will be determined based on regional and national competitiveness, as well as the number of applications received and amounts requested. Should these applications be successful, staff will return to the Board for approval to allocate/appropriate funding and execute agreements.

### **RSTP & CMAQ Programs**

- Countywide Transit Stores
- Reston Metrorail Access Group (RMAG) Recommendations
- Rolling Road – Delong Drive to Fullerton Road
- Rolling Road – Old Keene Mill Road to Fairfax County Parkway
- Route 7 Widening – Reston Avenue to the Reston Parkway
- Route 28 Metrorail Station
- Route 236/Beauregard Street Intersection Improvements
- Tysons Corner Roadway Improvements
- Tysons Corner Access Improvements

Unless otherwise directed by the Board of Supervisors, staff will assume endorsement of these projects by the Board, and will pursue funding under these programs.

### **FISCAL IMPACT:**

There is no fiscal impact to the County. Neither the RSTP nor CMAQ projects require a Local Cash Match from the County, because VDOT provides the match.

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ENCLOSED DOCUMENTS:

Attachment 1: List of Projects for RSTP and CMAQ

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

Ray Johnson, Sr. Transportation Planner, Coordination and Funding Division, FCDOT

Todd Minnix, Chief, Transportation Design Division, FCDOT

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

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**Projects for Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) Program FY 2019 Funding**

1. Countywide Transit Stores – As part of the Springfield Interchange Project, VDOT established a transit store at the Springfield Mall (now located at the Franconia-Springfield Metrorail Station) and funded the operating cost for several years. Once the project was complete, Fairfax County took over responsibility of funding and operating the store. There are additional transit stores located across the County which are also owned and operated by the County. These stores provide transit information, trip planning, fare media, and ridesharing information to area residents and visitors seeking alternatives to driving alone. From FY 2002 through FY 2018, CMAQ funding was allocated to the operation of the countywide transit stores.
2. Reston Metrorail Access Group (RMAG) Recommendations – This is a series of transportation improvements in the Reston area that would improve/increase access to the Dulles Rail project, and planned future development. These projects may include pedestrian, bicycle, trail, transit and roadway improvements. The total cost estimate for this program of projects is \$111 million.
3. Rolling Road – Delong Drive to Fullerton Road – This project would widen Rolling Road from two lanes to four lanes from 500 feet north of Fullerton Road to Delong Drive, a length of approximately 5,900 feet. The project will include left and right turn lanes, stormwater management facilities, provide accommodations for pedestrians and bicyclists, and improve safety along the corridor. Traffic demand on this road is expected to increase over the next 20 years, due to the regional population and employment growth expected as the result of the Base Realignment and Closure (BRAC) Commission implementation in the Fort Belvoir Area. This project is currently in the design phase and partially funded by a federal Office of Economic Adjustment grant.
4. Rolling Road – Old Keene Mill Road to Fairfax County Parkway – This project would widen Rolling Road from two lanes to four lanes from Old Keene Mill Road to the Fairfax County Parkway, a length of approximately 1.4 miles. The project will include left and right turn lanes, stormwater management facilities, provide accommodations for pedestrians and bicyclists, and improve safety along the corridor. Traffic demand on this road is expected to increase over the next 20 years, due to the regional population and employment growth expected as the result of the Base Realignment and Closure (BRAC) Commission implementation in the Fort Belvoir Area. This project is currently in the design phase and partially funded with federal funds.
5. Route 7 – Reston Avenue to the Reston Parkway – This project would widen Route 7 to six lanes from Reston Avenue to Reston Parkway, a length of approximately 0.5 miles. The project will include left and right turn lanes, stormwater management facilities, provide accommodations for pedestrians and bicyclists, and improve safety

along the corridor. This project is currently in the design phase and needs additional funding to complete construction.

6. Route 28 Metrorail Station – The Route 28 Metrorail station, which is part of Phase II of the Silver line extension, is intended to serve existing and future developments in Fairfax County, as well as Loudoun County, and the Town of Herndon. This station is vital to support the increase in development that has been approved and will be approved in all three jurisdictions. This project will also include pedestrian and bicycle improvements, bus bays and bus stop improvements, and park-and-ride and kiss-and-ride facilities.
7. Route 236/Beauregard Street Intersection Improvements – The intersection of Little River Turnpike (Route 236) and Beauregard Street is likely to be impacted by increased demand over the next 20 years, due to the regional population and employment growth expected as the result of the Base Realignment and Closure (BRAC) Commission implementation in the Fort Belvoir Area. Specifically, Beauregard Street is anticipated to be a popular route to the Mark Center for those looking to avoid I-395. This project would involve improvements to the roads providing for additional capacity.
8. Tysons Corner Access Improvements – This is a series of transportation improvements in the Tysons Corner area that would improve/increase access to the Dulles Rail project, and planned future development. These projects may include pedestrian, bicycle, trail, transit and roadway improvements. CMAQ and RSTP allocations to Tysons Corner Access Improvements serve as federal contributions to the Tysons Wide funding plan.
9. Tysons Corner Roadway Improvements – This is a series of roadway improvements in the Tysons Corner area that would improve/increase access to the future development planned for Tysons Corner and the Dulles Rail project. Some of these projects may also include pedestrian and bicycle improvements. This request does not include funding for the planned grid of streets. CMAQ and RSTP allocations to Tysons Corner Roadway Improvements serve as federal contributions to the Tysons Wide funding plan.

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ADMINISTRATIVE – 5

Streets into the Secondary System (Lee 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>   |
|--|-----------------|---|
| Highgrove Estates Section 8                                      | Lee             | Roso Street (Route 1320)  |
|  |                 | Deer Ridge Trail (Route 10189)  |
| Faircrest-Centreville Farms<br>Lots 65-67<br>(Phase II Roadways) | Sully           | Centreville Farms Road (Route 8285)                                   |
|  |                 | Stringfellow Road (Route 645)<br>(Additional Right-of-Way (ROW) Only) |
|  |                 | Leland Road (Route 7773)<br>(Additional ROW Only)                     |
|  |                 | Arrowhead Park Drive (Route 10099)<br>(Additional ROW Only)           |

TIMING:

Routine.

BACKGROUND:

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

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FISCAL IMPACT:  
None.

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.

**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: 9163-SP-08

SUBDIVISION PLAT NAME: Highgrove Estates Section 8

COUNTY MAGISTERIAL DISTRICT: Lee

ENGINEERING MANAGER: Terry L. Yates, P.E.

FOR OFFICIAL USE ONLY

BY: Maria Alphonse DATE OF VDOT INSPECTION APPROVAL: 06/21/2012

| STREET NAME   | LOCATION  |                             | MILE LENGTH         |
|---|---|-----------------------------|---------------------|
|   | FROM  | TO                          |                     |
| Roso Street (Route 1320)  | Existing Roso Street (Route 1320) - 353' N CL Franconia Road (Route 644)                                  | 146' N to End of Cul-de-Sac | 0.03                |
| Deer Ridge Trail (Route 10189)  | Existing Deer Ridge Trail (Rte 10189) at CL Penny Lane (Rte 10188) - 271' E CL Willowfield Way (Rte 8446) | 348' S to End of Cul-de-Sac | 0.07                |
|   |   |                             |                     |
|   |   |                             |                     |
|   |   |                             |                     |
|   |   |                             |                     |
| <b>NOTES:</b>   |   |                             | <b>TOTALS: 0.10</b> |
| Deer Ridge Trail: 270' of 4' Concrete Sidewalk on West Side to be maintained by VDOT. |   |                             |                     |
|   |   |                             |                     |
|   |   |                             |                     |
|   |   |                             |                     |
|   |   |                             |                     |

# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS  
FAIRFAX, VA**

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

**VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE  
OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA**

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 5864-SP-03

SUBDIVISION PLAT NAME: Faircrest - Centreville Farms Lots 65-67 (Phase II Roadways)

COUNTY MAGISTERIAL DISTRICT: Sully

ENGINEERING MANAGER: Terry L. Yates, P.E.

FOR OFFICIAL USE ONLY

BY: *Nadia Aghenzl* DATE OF VDOT INSPECTION APPROVAL: 06/20/2012

| STREET NAME  | LOCATION  |   | MILE LENGTH    |
|--|---|---|----------------|
|  | FROM  | TO  |                |
| Centreville Farms Road (Route 8285)  | CL Leland Road (Route 7773) - 634' NE CL Lamium Lane (Route 10337)                              | 4,176' NE to CL Arrowhead Park Drive Route 10099) | 0.79           |
| Stringfellow Road (Route 645)<br>(Additional Right-of-Way Only)                                | 347' N CL Lisa Dawn Lane [Route 8285; Formerly Route 10098] <input checked="" type="checkbox"/> | 241' N to Section Line                            | 0.0            |
| Leland Road (Route 7773)<br>(Additional Right-of-Way Only)                                     | 233' NE CL Lamium Lane (Route 10337) <input checked="" type="checkbox"/>                        | 948' NE to Section Line                           | 0.0            |
| Arrowhead Park Drive (Route 10099)<br>(Additional Right-of-Way Only)                           | 980' NE CL Leland Road (Route 7773) <input checked="" type="checkbox"/>                         | 407' NE to Section Line                           | 0.0            |
|  |   |   |                |
|  |   |   |                |
| <b>NOTES:</b>  |   |   | <b>TOTALS:</b> |
| Centreville Farms Road: 7,780' of 5' Concrete Sidewalk on Both Sides to be maintained by VDOT. |   |   | 0.79           |
| Stringfellow Road: 241' of 5' Concrete Sidewalk on West Side of to be maintained by VDOT.      |   |   |                |
| Leland Road: 834' of 5' Concrete Sidewalk on North Side to be maintained by VDOT.              |   |   |                |
|  |   |   |                |
|  |   |   |                |

ADMINISTRATIVE – 6

Supplemental Appropriation Resolution AS 13109 for Various County Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 13109 in the amount of \$9,305,569 for Fairfax County to accept Department of Homeland Security (DHS) FY 2012 Urban Areas Security Initiative (UASI) subgrant awards from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia, which is serving as the SAA. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant periods for the FY 2012 subgrant awards are retroactive from September 1, 2012 through May 31, 2014. Funding will support a new 1/1.0 SYE grant position in the Health Department and will continue to support 4/4.0 SYE existing grant positions for a total of 5/5.0 SYE grant positions. The County is under no obligation to continue these positions when the grant funding expires. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 13109 in the amount of \$9,305,569. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents.

TIMING:

Board Approval is requested on October 16, 2012. The grant periods for the FY 2012 subgrant awards are retroactive from September 1, 2012 through May 31, 2014. It should be noted, however, that final confirmation of all grant award notices from the grantor occurred after the deadlines in order to be submitted for the September 11, 2012 and September 25, 2012 Board meetings. Therefore, this Board item is being presented at the earliest subsequent Board meeting scheduled for October 16, 2012.

**BACKGROUND:**

The Homeland Security Grant Program (HSGP) provides Urban Areas Security Initiative (UASI) funds from the Department of Homeland Security (DHS) as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

The UASI funding allocations are determined by a formula based on credible threat, presence of critical infrastructure, vulnerability, population and other relevant criteria. Grant awards are made to the identified urban area authorities through State Administrative Agencies (SAA). The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOG) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESFs, prioritization of proposals by the CAOs and ultimately the development of funding recommendations by the CAOs. The Senior Policy Group (SPG) then reviewed and recommended proposals and forwarded selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a subgrant award to handle all of the financial management, audit, procurement and payment provision of the subgrant award and grant program. Several Fairfax County agencies including the Office of Emergency Management, Police Department, Fire and Rescue Department, Health Department and the Department of Information Technology are expected to act as subgrantees for these funds. A listing of all the subgrant awards being requested for acceptance is attached along with a synopsis for each project. Individual awards are also attached to support requested acceptance.

**FISCAL IMPACT:**

Grant funding in the amount of \$9,305,569 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in the Office of Emergency Management, Police Department, Fire and Rescue

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Department, Health Department and Department of Information Technology. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for Homeland Security grant awards received in FY 2013. Indirect costs are recoverable from some of these awards. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

Grant funding will support a new 1/1.0 SYE grant position in the Health Department and continue to support 4/4.0 SYE existing grant positions for a total of 5/5.0 SYE grant positions. The County is under no obligation to continue these positions when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Summary

Attachment 2 – Grant Award Documents

Attachment 3 – Supplemental Appropriation Resolution AS 13109

STAFF:

Robert Stalzer, Deputy County Executive

David McKernan, Coordinator, Office of Emergency Management

Ronald Mastin, Chief, Fire and Rescue Department

David Rohrer, Chief, Police Department

Wanda Gibson, Director, Department of Information Technology

Dr. Gloria Addo-Ayensu, Health Department

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| Project Title                              | Program Year                                      | Award Amount | Award Status | Award Type | Implementing County Agency | Program Manager                | Positions         | Begin Date | End Date | Project Synopsis |  |
|--|---|--------------|--------------|------------|----------------------------|--------------------------------|-------------------|------------|----------|------------------|--|
| <b>FY 2012 UAS/AWARDS AND APPLICATIONS</b> |   |              |              |            |                            |                                |                   |            |          |                  |  |
| 1  | Radio Cache (VA Maintenance)                      | FY2012       | 327,202.00   | Received   | Continuation               | Fire and Rescue Department     | Lt. John Rogers   | 0.0 SYE    | 9/1/2012 | 5/31/2014        | Providing ongoing logistical support to the National Capital Region radio cache housed in Fairfax County and to support training and exercise initiatives, or cache deployment for emergency responses and personnel.  |
| 2  | Incident Management Team                          | FY2012       | 305,326.00   | Received   | Continuation               | Fire and Rescue Department     | Mark Rohr         | 0.0 SYE    | 9/1/2012 | 5/31/2014        | Continued funding to ensure the NCR- Incident Management Team (NCR-IMT) receives adequate position specific training to develop and maintain capability, capacity, and proficiency in all functional areas. The NCR-IMT is comprised of 75 members from fire, emergency medical services (EMS), law enforcement, and public health agencies from the participating Council of Governments (COG) jurisdictions. |
| 3  | Structural PPE Replacement                        | FY2012       | 2,100,000.00 | Received   | Continuation               | Fire and Rescue Department     | BC Rodney Colbert | 0.0 SYE    | 9/1/2012 | 5/31/2014        | Continue funding to provide enhanced response and protection for first responders against chemical, biological, radiological, and nuclear events. Sustainment of first responder personal protective equipment and replacement of equipment which has reached its full life span.  |
| 4  | Intelligence Analysis (Fire)-VA                   | FY2012       | 150,000.00   | Received   | Continuation               | Fire and Rescue Department     | Dean Sherick      | 1.0 SYE    | 9/1/2012 | 5/31/2014        | Continue funding to participate in fire and emergency medical services to participate in information/intelligence analysis and fusion center activities.   |
| 5  | NCR Web EOC (Maintenance and License for the NCR) | FY2012       | 366,800.00   | Received   | Continuation               | Office of Emergency Management | Roy Shrout        | 0.0 SYE    | 9/1/2012 | 5/31/2014        | Continued funding to further enhance the WebEOC system within the NCR area and increase the interoperability with local and Federal Partners; as well as to expand the common operating picture within the National Capital Region.  |
| 6  | NIMS Compliance Officer                           | FY2012       | 135,000.00   | Received   | Continuation               | Office of Emergency Management | Alfred Mullins    | 1.0 SYE    | 9/1/2012 | 5/31/2014        | Continued funding for a position and supporting equipment/supplies within the Office of Emergency Management for a National Incident Management (NIMS) Compliance Coordinator whose purpose is to evaluate and implement the NIMS within all applicable County agencies and partners.  |
| 7  | Exercise & Training Officer                       | FY2012       | 125,000.00   | Received   | Continuation               | Office of Emergency Management | Aldo Davila       | 1.0 SYE    | 9/1/2012 | 5/31/2014        | Continued funding for a position and supporting equipment/supplies within the Office of Emergency Management to support design, development and implementation of a county and regional Department of Homeland Security compliant training and exercise program.   |
| 8  | Text Alert Notification System (Maintenance)      | FY2012       | 875,000.00   | Received   | Continuation               | Office of Emergency Management | Roy Shrout        | 0.0 SYE    | 9/1/2012 | 5/31/2014        | Payment of the yearly maintenance costs for the National Capital Region's Roam Secure alerting system, includes EAN and CEAN.  |
| 9  | Volunteer & Citizen Corps Programs                | FY2012       | 282,000.00   | Received   | Continuation               | Office of Emergency Management | Albernard Bass    | 0.0 SYE    | 9/1/2012 | 5/31/2014        | Continuation of efforts to recruit and retain affiliated volunteers in Fairfax County and to expand and integrate the local regional coordination mechanism and capacity to mobilize large numbers of volunteers (spontaneous and affiliated) for response to a catastrophic natural or terrorism event.   |
| 10   | NCR Regional Planner                              | FY2012       | 125,000.00   | Received   | Continuation               | Office of Emergency Management | Kristin Lion      | 1.0 SYE    | 9/1/2012 | 5/31/2014        | Develop a comprehensive Post-Disaster Strategic Program. To create and implement command & control procedures during short/long term recovery, provide public education outreach, administrative plan for financial recovery, employee training for recovery incident phase and develop a fully complaint and FEMA approved recovery plan.   |

| Project Title   | Program Year | Award Amount | Award Status | Award Type   | Implementing County Agency           | Program Manager | Positions           | Begin Date | End Date  | Project Synopsis   |
|---|--------------|--------------|--------------|--------------|--------------------------------------|-----------------|---------------------|------------|-----------|--|
| 11 Intelligence Analysis (PD)-VA                                    | FY2012       | 718,080.00   | Received     | Continuation | Police Department                    | John Piper      | 0.0 SYE             | 9/1/2012   | 5/31/2014 | Continued funding for contracted intelligence analysts who support the National Capital Region. These analysts complete detailed reports in a timely manner any time something occurs in the world that may have an impact on the region. This information is provided to our first responders to increase their ability to detect, deter, and disrupt such planning activity to prevent attack.   |
| 12 Mobile Automated Fingerprint Identification System (Maintenance) | FY2012       | 2,200,000.00 | Received     | Continuation | Police Department                    | Dave Russell    | 0.0 SYE             | 9/1/2012   | 5/31/2014 | Continued funding for the National Capital Region's (NCR) automated fingerprint identification systems. The standard warranty contract to be developed will allow for uniform maintenance and conformity through the NCR   |
| 13 Public Health Planning and MRC Program Sustainment               | FY2012       | 133,161.00   | Received     | Continuation | Health Department                    | Marc Barblere   | 1.0 SYE             | 9/1/2012   | 5/31/2014 | Funding for two emergency planners (one is exempt-limited term status) to continue development, revision, and operationalization of agency Emergency Operations Plan and various supporting documents that guide the agency's response to public health emergencies.   |
| 14 NCRNet Metropolitan Washington Airports Authority Integration    | FY2012       | 723,000.00   | Received     | New          | Department of Information Technology | Steve Brundage  | 0.0 SYE             | 9/1/2012   | 5/31/2014 | This project will connect two MWA (Metropolitan Washington Airports Authority) sites to NCRNet by installing and/or reusing existing fiber optic cable to National Airport from a current NCRNet point of presence in Arlington, and by installing and/or reusing existing fiber optic cable to Dulles Airport from a current NCRNet point of presence in Fairfax County. The NCRNet currently interconnects all NCR jurisdictions and operates independent from the Internet. The Airports Authority will be able to access NCRNet-only applications to help improve situational awareness and incident response. |
| 15 Interoperable Communications Infrastructure (IC) (Sustainment)   | FY2012       | 740,000.00   | Received     | Continuation | Department of Information Technology | Steve Brundage  | 0.0 SYE             | 9/1/2012   | 5/31/2014 | Continued sustainment of the investments in the NCRNet and identity authentication services for regional applications. Services for technical, financial, and management functions supporting the NCR Interoperable Communications Infrastructure (ICI) for governance, operations, and other regional activities.   |
| <b>Total:</b>   |              |              |              |              |                                      |                 | <b>5.0 SYE</b>      |            |           |  |
|   |              |              |              |              |                                      |                 | <b>9,305,569.00</b> |            |           |  |

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Homeland Security and Emergency Management AgencyVincent C. Gray  
MayorChris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title **Radio Cache - Virginia (Maintenance)**
- Amount **\$327,202.00**
- Project ID **12UASI529-01** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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

Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

### FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM URBAN AREAS SECURITY INITIATIVE

#### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Fire and Rescue Department**
- Project Title **Radio Cache - Virginia (Maintenance)**
- Amount **\$327,202.00**
- Project ID **12UASI529-01**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title **Incident Management Team (Continuation)**
- Amount **\$305,326.00**
- Project ID **12UASI529-03** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee     **Fairfax County Fire and Rescue Department**
- Project Title   **Incident Management Team (Continuation)**
- Amount         **\$305,326.00**
- Project ID      **12UASIS29-03**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

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Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title **Structural PPE Replacement (Continuation)**
- Amount **\$2,100,000.00**
- Project ID **12UASI529-02** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

### FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM URBAN AREAS SECURITY INITIATIVE

#### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee     **Fairfax County Fire and Rescue Department**
- Project Title   **Structural PPE Replacement (Continuation)**
- Amount         **\$2,100,000.00**
- Project ID      **12UASI529-02**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

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Print title

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title **Fire Intelligence Analyst (Continuation)**
- Amount **\$150,000.00**
- Project ID **12UASI529-04** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

### FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM URBAN AREAS SECURITY INITIATIVE

#### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Fire and Rescue Department**
- Project Title **Fire Intelligence Analyst (Continuation)**
- Amount **\$150,000.00**
- Project ID **12UASI529-04**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

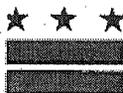
Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title **WebEOC (Maintenance)**
- Amount **\$366,800.00**
- Project ID **12UASI531-06** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Office of Emergency Management**
- Project Title **WebEOC (Maintenance)**
- Amount **\$366,800.00**
- Project ID **12UASI531-06**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title **NIMS Compliance Officer - Fairfax County (Continuation)**
- Amount **\$135,000.00**
- Project ID **12UASI531-02** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Office of Emergency Management**
- Project Title **NIMS Compliance Officer - Fairfax County (Continuation)**
- Amount **\$135,000.00**
- Project ID **12UASI531-02**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title **Exercise and Training Officer - Fairfax County (Continuation)**
- Amount **\$125,000.00**
- Project ID **12UASI531-01** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Sincerely,

A handwritten signature in black ink, appearing to read "Chris T. Geldart", is written over the word "Sincerely,".

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Office of Emergency Management**
- Project Title **Exercise and Training Officer - Fairfax County (Continuation)**
- Amount **\$125,000.00**
- Project ID **12UASI531-01**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
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- US Department of Homeland Security Grant Agreement Articles

Print name

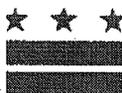
Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title **Text Alert Notification (Maintenance)**
- Amount **\$875,000.00**
- Project ID **12UASI531-05** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Office of Emergency Management**
- Project Title **Text Alert Notification (Maintenance)**
- Amount **\$875,000.00**
- Project ID **12UASI531-05**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title **Volunteer & Citizen Corps Programs - Fairfax County (Continuation)**
- Amount **\$282,000.00**
- Project ID **12UASI531-03** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

### FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM URBAN AREAS SECURITY INITIATIVE

#### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Office of Emergency Management**
- Project Title **Volunteer & Citizen Corps Programs - Fairfax County  
(Continuation)**
- Amount **\$282,000.00**
- Project ID **12UASI531-03**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

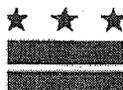
Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title **Regional Planning - Fairfax County (Continuation)**
- Amount **\$125,000.00**
- Project ID **12UASI531-04** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Office of Emergency Management**
- Project Title **Regional Planning - Fairfax County (Continuation)**
- Amount **\$125,000.00**
- Project ID **12UASI531-04**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

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Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Police Department has been awarded the following subgrant:

- Project Title **Intelligence Analysis - VA (Continuation)**
- Amount **\$718,080.00**
- Project ID **12UASI533-01** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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

Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

### FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM URBAN AREAS SECURITY INITIATIVE

#### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Police Department**
- Project Title **Intelligence Analysis - VA (Continuation)**
- Amount **\$718,080.00**
- Project ID **12UASI533-01**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Police Department has been awarded the following subgrant:

- Project Title **AFIS Maintenance**
- Amount **\$2,200,000.00**
- Project ID **12UASI533-02** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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

Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Police Department**
- Project Title **AFIS Maintenance**
- Amount **\$2,200,000.00**
- Project ID **12UASI533-02**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Health Department has been awarded the following subgrant:

- Project Title **Public Health Planning and MRC Program Sustainment - Fairfax County (Continuation)**
- Amount **\$133,161.00**
- Project ID **12UASI530-01** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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

Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris T. Geldart", written over a white background.

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

**Homeland Security and Emergency Management Agency**

**FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE**

**SUBGRANT AWARD &  
CERTIFICATION OF COMPLIANCE**

- Subgrantee **Fairfax County Health Department**
- Project Title **Public Health Planning and MRC Program Sustainment - Fairfax County (Continuation)**
- Amount **\$133,161.00**
- Project ID **12UASI530-01**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Department of Information Technology has been awarded the following subgrant:

- Project Title **NCRNet Metropolitan Washington Airports Authority Integration**
- Amount **\$723,000.00**
- Project ID **12UASI583-01** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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

Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Department of Information Technology**
- Project Title **NCRNet Metropolitan Washington Airports Authority Integration**
- Amount **\$723,000.00**
- Project ID **12UASI583-01**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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

Vincent C. Gray  
Mayor



Chris T. Geldart  
Acting Director

Friday, August 24, 2012

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

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Department of Information Technology has been awarded the following subgrant:

- Project Title **Interoperable Communications Infrastructure (ICI) Sustainment**
- Amount **\$740,000.00**
- Project ID **12UASI583-02** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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

Please review and sign the necessary attached documents and return them to my office by **September 7, 2012**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothy.fitzsimmons@dc.gov](mailto:timothy.fitzsimmons@dc.gov) or 202.727.6155.

Sincerely,

Chris T. Geldart  
Acting Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Department of Information Technology**
- Project Title **Interoperable Communications Infrastructure (ICI) Sustainment**
- Amount **\$740,000.00**
- Project ID **12UASI583-02**

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

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 13109**

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 October 16, 2012, at which a quorum was present and voting, the following resolution was adopted:

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2013, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

|         |  |             |
|---------|--|-------------|
| Fund:   | 500-C50000, Federal-State Grant Fund<br>(formerly Fund 102, Federal/State Grant Fund)  |             |
| Agency: | G7070, Department of Information Technology  | \$1,463,000 |
| Grants: | 1HS0036, Interoperable Communications Infrastructure Sustainment<br>1HS0065, NCRNet Metro Washington Airports Authority Integration  |             |
| Agency: | G7171, Health Department   | \$ 133,161  |
| Grant:  | 1HS0030, Public Health Planning and MRC Program Sustainment  |             |
| Agency: | G9090, Police Department   | \$2,918,080 |
| Grant:  | 1HS0026, Intelligence Analysis<br>1HS0043, Mobile AFIS Maintenance   |             |
| Agency: | G9292, Fire and Rescue Department  | \$2,882,528 |
| Grants: | 1HS0040, Incident Management Team<br>1HS0041, Intel Analyst<br>1HS0047, Radio Cache Maintenance<br>1HS0049, Structural PPE Replacement   |             |
| Agency: | G9393, Office of Emergency Management  | \$1,908,800 |
| Grants: | 1HS0031, NCR Regional Planning<br>1HS0035, Exercise and Training Officer<br>1HS0045, NIMS Compliance Officer<br>1HS0050, Text Alert Notification System Maintenance<br>1HS0051, Volunteer Initiatives<br>1HS0052, WebEOC Maintenance |             |

All grants formerly 02917G, Urban Areas Security Initiative Grant

Reduce Appropriation to:

|         |   |             |
|---------|---|-------------|
| Agency: | G8787, Unclassified Administrative Expenses   | \$9,305,569 |
| Fund:   | 500-C50000, Federal-State Grant Fund<br>(formerly Fund 102, Federal/State Grant Fund) |             |

Source of Funds: U.S. Department of Homeland Security, \$9,305,569

A Copy - Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors

ACTION - 1

Adoption of a Resolution Approving the Issuance by the Fairfax County Economic Development Authority of Revenue Bonds for the Benefit of Vinson Hall, LLC

ISSUE:

Board adoption of a resolution for the Fairfax County Economic Development Authority to issue revenue bonds up to \$120,000,000 for the benefit of Vinson Hall, LLC.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on October 16, 2012.

BACKGROUND:

The Fairfax County Economic Development Authority ("Authority") has received a request from Vinson Hall, LLC ("Borrower") to issue up to \$120,000,000 of its revenue bonds for the purpose of assisting the Borrower to:

- (1) refund the outstanding principal amount of the Authority's Residential Care Facility Revenue and Refunding Bond (Vinson Hall Corporation), Series 2010 (the "Series 2010 Bond"), originally issued to (a) refund the outstanding principal amount of the Authority's Residential Care Facility Refunding Revenue Bond (Vinson Hall Project0, Series 1996, originally issued to refinance capital improvements at the Borrower's assisted living facility located at 1739 Kirby Road, McLean, Virginia 22101 ("Arleigh Burke Pavilion") and at the Borrower's independent living facility located at 6251 Old Dominion Drive, McLean, Virginia 22101 ("Vinson Hall"), (b) refund the outstanding principal amount of the Authority's Assisted Living Facility Revenue Bonds (Vinson Hall Corporation Project), Series 2000 (the "Series 2000 Bond"), originally issued to finance capital improvements at the Borrower's assisted living facility located at 1728 Kirby Road, McLean, Virginia 22101 ("Kirby Road Assisted Living," and together with the Arleigh Burke Pavilion and the Vinson Hall, the "Facilities"), (c) refund the outstanding principal amount of a line of credit and a taxable loan, both incurred with Branch Banking and Trust Company for purposes of financing capital improvements at the Facilities, (d) finance additional capital improvements at the Facilities, including but not limited to, a new 124 space parking garage at the Arleigh Burke Pavilion, and (e) finance costs related to the issuance of the Series 2010 Bond;

- (2) finance capital improvements at the Applicant's facilities at Vinson Hall and the Arleigh Burke Pavilion, including, but not limited to, the construction and equipping of (a) a new approximately 75 independent living units and one level of underground parking for approximately 126 spaces, (b) a new approximately 49,695 square foot four story community building at Vinson Hall, (c) a new approximately 51,408 square foot two level parking garage for approximately 131 space, adjacent to Arleigh Burke Pavilion, (d) renovations of common areas at Arleigh Burke Pavilion, (e) renovations of four existing apartments at Vinson Hall to accommodate new passageways, and (f) related site improvements (collectively, the "New Money Project");
- (3) fund a debt service reserve fund, and;
- (4) finance funded interest, working capital and costs of issuance incurred in connection with the New Money Project and the issuance of the Bonds (collectively, the "Plan of Finance" and "the Project").

FISCAL IMPACT:

None. This action does not constitute a debt obligation of the County or the Board of Supervisors.

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors

Attachment 2 - Certificate of Public Hearing with supporting documents

Attachment 3 - Fiscal Impact Statement

STAFF:

Gerald L. Gordon, Director, Fairfax County Economic Development Authority

Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

RESOLUTION  
OF THE BOARD OF SUPERVISORS OF  
FAIRFAX COUNTY, VIRGINIA

WHEREAS, the Fairfax County Economic Development Authority (the "Authority") has approved the application of Vinson Hall, LLC (the "Company"), a limited liability company organized under the laws of the Commonwealth of Virginia, requesting that the Authority issue up to \$120,000,000 of its revenue bonds from time to time and in one or more series (the "Bonds") to assist the Company to (1) refund the outstanding principal amount of the Authority's Residential Care Facility Revenue and Refunding Bond (Vinson Hall Corporation), Series 2010 (the "Series 2010 Bond"), originally issued to (a) refund the outstanding principal amount of the Authority's Residential Care Facility Refunding Revenue Bond (Vinson Hall Project), Series 1996, originally issued to refinance capital improvements at the Borrower's assisted living facility located at 1739 Kirby Road, McLean, Virginia 22101 ("Arleigh Burke Pavilion") and at the Borrower's independent living facility located at 6251 Old Dominion Drive, McLean, Virginia 22101 ("Vinson Hall"), (b) refund the outstanding principal amount of the Authority's Assisted Living Facility Revenue Bonds (Vinson Hall Corporation Project), Series 2000 (the "Series 2000 Bond"), originally issued to finance capital improvements at the Borrower's assisted living facility located at 1728 Kirby Road, McLean, Virginia 22101 ("Kirby Road Assisted Living," and together with the Arleigh Burke Pavilion and the Vinson Hall, the "Facilities"), (c) refund the outstanding principal amount of a line of credit and a taxable loan, both incurred with Branch Banking and Trust Company for purposes of financing capital improvements at the Facilities, (d) finance additional capital improvements at the Facilities, including but not limited to, a new 124 space parking garage at the Arleigh Burke Pavilion, and (e) finance costs related to the issuance of the Series 2010 Bond, (2) finance capital improvements at the Applicant's facilities at Vinson Hall and the Arleigh Burke Pavilion, including, but not limited to, the construction and equipping of (a) a new approximately 220,129 square foot five story independent living building at Vinson Hall, which will include approximately 75 independent living units and one level of underground parking for approximately 126 spaces, (b) a new approximately 49,695 square foot four story community building at Vinson Hall, (c) a new approximately 51,408 square foot two level parking garage for approximately 131 spaces, adjacent to Arleigh Burke Pavilion, (d) renovations of common areas at Arleigh Burke Pavilion, (e) renovations of four existing apartments at Vinson Hall to accommodate new passageways, and (f) related site improvements (collectively, the "New Money Project"), (3) fund a debt service reserve fund, and (4) finance funded interest, working capital and costs of issuance incurred in connection with the New Money Project and the issuance of the Bonds (collectively, the "Plan of Finance"), and has held a public hearing on September 18, 2012;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of Fairfax County, Virginia (the "County"), the New Money Project is located in the County and the Board of Supervisors of

Fairfax County, Virginia (the "Board"), constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the Plan of Finance and the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") to permit the Authority to assist in accomplishing the Plan of Finance.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Company.

3. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of Fairfax County, Virginia this 16<sup>th</sup> day of October, 2012.

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Clerk, Board of Supervisors, Fairfax County, Virginia

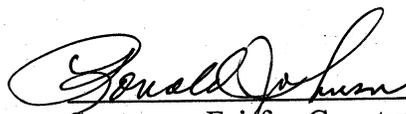
[SEAL]

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies as follows:

1. A meeting of the Authority was duly called and held on Tuesday, September 18, 2012, at 6:00 p.m. at the Authority offices at 8300 Boone Boulevard, Suite 450, Vienna, Virginia 22182, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.
2. The Chairman announced the commencement of a public hearing on the application of Vinson Hall, LLC, a limited liability company organized under the laws of the Commonwealth of Virginia, and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in Fairfax County, Virginia (the "Notice"), with the second publication appearing not less than six days nor more than twenty-one days prior to the hearing date. A copy of the Notice is attached and has been filed with the minutes of the Authority and is attached as Exhibit A.
3. A summary of the statements made at the public hearing is attached as Exhibit B.
4. Attached as Exhibit C is a true, correct and complete copy of an approving resolution (the "Resolution") adopted at such meeting of the Authority by a majority of the Directors present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 18<sup>th</sup> day of September, 2012.



Secretary, Fairfax County Economic Development Authority



Exhibits:

- A - Copy of Certified Notice
- B - Summary of Statements
- C - Approving Resolution



**PROOF OF PUBLICATION**

I, Giovanna Lowe, of The Washington Examiner, (Virginia Edition) a newspaper in the area of Virginia, published in the English language and located in the Virginia area, and entered in a newspaper of record according to the Laws and Regulations of the United States of America for 52 successive Weeks or more prior to the issue of September 11, 2012 certify that the notice of:

**REVENUE BOND FINANCING**

**For  
McGuire Woods LLP**

Attached hereto has been published on September 4, 11, 2012

Giovanna Lowe

11<sup>h</sup> of September 2012

Hilda G. Cain

My Commission Expires  
The 30<sup>th</sup> day of September 2015

Advertisement #: 738006  
End Date: September 11, 2012  
Run Dates: September 4, 11, 2012

**REVENUE BOND FINANCING**  
**For**  
**McGuire Woods LLP**

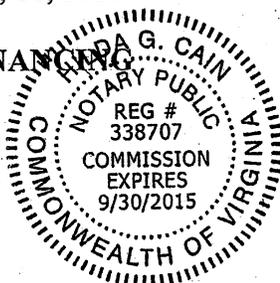


EXHIBIT B

Summary of Statements

Representatives of Vinson Hall, LLC appeared before the Authority to explain the proposed revenue bond issue. No one appeared in opposition to the proposed revenue bond issue.

**RESOLUTION OF THE FAIRFAX COUNTY  
ECONOMIC DEVELOPMENT AUTHORITY  
APPROVING THE ISSUANCE AND SALE OF ITS REVENUE BONDS  
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$120,000,000  
FOR THE BENEFIT OF VINSON HALL, LLC**

A. The Fairfax County Economic Development Authority (the "Authority") is a political subdivision of the Commonwealth of Virginia empowered by Chapter 643, 1964 Acts of Assembly of Virginia, as amended (the "Act"), to issue its revenue bonds for, among other purposes, the financing of facilities for use by organizations which are exempt from federal income taxation pursuant to §501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and which are exempt from federal income taxation pursuant to §501(a) of the Code, and is further empowered to issue its revenue bonds for the purpose of carrying out its powers.

B. The Authority has received a request from Vinson Hall, LLC (the "Borrower") requesting the Authority to issue and sell its revenue bonds from time to time and in one or more series (the "Bonds"), pursuant to the Act, for the purpose of assisting the Borrower to (1) refund the outstanding principal amount of the Authority's Residential Care Facility Revenue and Refunding Bond (Vinson Hall Corporation), Series 2010 (the "Series 2010 Bond"), originally issued to (a) refund the outstanding principal amount of the Authority's Residential Care Facility Refunding Revenue Bond (Vinson Hall Project), Series 1996, originally issued to refinance capital improvements at the Borrower's assisted living facility located at 1739 Kirby Road, McLean, Virginia 22101 ("Arleigh Burke Pavilion") and at the Borrower's independent living facility located at 6251 Old Dominion Drive, McLean, Virginia 22101 ("Vinson Hall"), (b) refund the outstanding principal amount of the Authority's Assisted Living Facility Revenue Bonds (Vinson Hall Corporation Project), Series 2000 (the "Series 2000 Bond"), originally issued to finance capital improvements at the Borrower's assisted living facility located at 1728 Kirby Road, McLean, Virginia 22101 ("Kirby Road Assisted Living," and together with the Arleigh Burke Pavilion and the Vinson Hall, the "Facilities"), (c) refund the outstanding principal amount of a line of credit and a taxable loan, both incurred with Branch Banking and Trust Company for purposes of financing capital improvements at the Facilities, (d) finance additional capital improvements at the Facilities, including but not limited to, a new 124 space parking garage at the Arleigh Burke Pavilion, and (e) finance costs related to the issuance of the Series 2010 Bond, (2) finance capital improvements at the Applicant's facilities at Vinson Hall and the Arleigh Burke Pavilion, including, but not limited to, the construction and equipping of (a) a new approximately 220,129 square foot five story independent living building at Vinson Hall, which will include approximately 75 independent living units and one level of underground parking for approximately 126 spaces, (b) a new approximately 49,695 square foot four story community building at Vinson Hall, (c) a new approximately 51,408 square foot two level parking garage for approximately 131 spaces, adjacent to Arleigh Burke Pavilion, (d) renovations of common areas at Arleigh Burke Pavilion, (e) renovations of four existing apartments at Vinson Hall to accommodate new passageways, and (f) related site improvements (collectively, the "New Money Project"), (3) fund a debt service reserve fund, and (4) finance funded interest, working capital and costs of issuance incurred in connection with the New Money Project and the issuance of the Bonds (collectively, the "Plan of Finance").

C. The Plan of Finance has been described to the Authority and a public hearing after public notice has been held as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the Virginia Code").

D. The Borrower, in its application to the Authority, has requested the Authority to issue the Bonds under the Act in a maximum principal amount not to exceed \$120,000,000 for purposes of accomplishing the Plan of Finance.

E. The Bonds are expected to be issued in two series (the "Series 2012A Bonds" and the "Series 2012B Bond").

F. The Authority will issue the Series 2012A Bonds pursuant to a Bond Trust Indenture (the "Bond Indenture"), between the Authority and a bond trustee to be selected by the Borrower (the "Bond Trustee").

G. The Authority will loan the proceeds of the Series 2012A Bonds to the Borrower pursuant to the Loan Agreement (the "Loan Agreement"), between the Authority and the Borrower, and the Borrower will evidence its obligations with respect to the Series 2012A Bonds by a promissory note from the Borrower to the Authority in the principal amount equal to the principal amount of the Series 2012A Bonds (the "2012A Note").

H. The Series 2012A Bonds are expected to be offered for sale by BB&T Capital Markets, a division of Scott & Stringfellow, LLC (the "BB&T Capital Markets"), or a group of underwriters managed by such firm (collectively the "Underwriters"), pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") dated the date of its execution and delivery, among the Authority, the Borrower and BB&T Capital Markets on behalf of itself or as a representative for the Underwriters.

I. The Series 2012A Bonds will be offered for sale by the Underwriters pursuant to an official statement in preliminary form to be dated the date of its delivery (the "Preliminary Official Statement"), prepared in connection with the offering and sale of the Series 2012A Bonds.

J. The Authority will issue the Series 2012B Bond pursuant to a Bond Purchase and Loan Agreement (the "Bond Purchase and Loan Agreement"), among the Authority, the Borrower and Branch Banking and Trust Company (the "Bank"), and the Bank will purchase the Series 2012B Bond pursuant to the Bond Purchase and Loan Agreement.

K. The Authority will loan the proceeds of the Series 2012B Bond to the Borrower pursuant to the Bond Purchase and Loan Agreement, and the Borrower will evidence its obligations with respect to the Series 2012B Bond by a promissory note from the Borrower to the Authority in the principal amount equal to the principal amount of the Series 2012B Bond (the "2012B Note").

L. The Authority will assign the 2012A Note to the Bond Trustee pursuant to the Bond Indenture and the 2012B Note to the Bank pursuant to the Bond Purchase and Loan Agreement.

M. There have been presented to this meeting the preliminary forms of the following instruments, which the Authority, if a party thereto, proposes to execute to carry out the transactions described above, copies of which have been filed with the records of the Authority.

- (a) Bond Indenture, including the form of the Series 2012A Bonds;
- (b) Loan Agreement;
- (c) 2012A Note, with the Authority's assignment thereof;
- (d) Bond Purchase Agreement;
- (e) Preliminary Official Statement;
- (f) Bond Purchase and Loan Agreement, including the form of the Series 2012B Bond; and
- (g) 2012B Note, with the Authority's assignment thereof.

N. The Bond Indenture, the Loan Agreement, the Bond Purchase Agreement, the assignment of the 2012A Note, the Bond Purchase and Loan Agreement, and the assignment of the 2012B Note are referred to below as the "Authority Documents."

O. No member of the Board of Directors of the Authority is an officer or employee of Fairfax County, Virginia, and each member has, before entering upon his or her duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Virginia Code. At the time of their appointments and at all times thereafter, including the date hereof, all of the members of the Board of Directors of the Authority have satisfied the residency requirements of the Act.

P. No member of the Board of Directors of the Authority has engaged in conduct prohibited under the Conflict of Interest Act, Chapter 40.1, Title 2.1 of the Virginia Code, in connection with this Resolution, the Bonds, the Authority Documents or any other official action of the Authority in connection therewith.

After careful consideration and in furtherance of the public purposes for which the Authority was created, NOW, THEREFORE, BE IT RESOLVED THAT:

1. The issuance of the Bonds in the aggregate principal amount not to exceed \$120,000,000 and upon the terms and conditions set forth below is approved.

2. The Series 2012A Bonds are approved in substantially the forms submitted to this meeting, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Chairman or the Vice Chairman of the Authority, whose approval will be evidenced conclusively by the execution and delivery of the Series 2012A Bonds; provided, however, that the final maturity of the Series 2012A Bonds shall not be later than 36 years from the issuance thereof and the interest rate shall have a maximum true interest cost not to exceed 7.50% (the "2012A Financing Terms").

3. The Series 2012B Bond is approved in substantially the form submitted to this meeting, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Chairman or the Vice Chairman of the Authority, whose approval will be evidenced conclusively by the execution and delivery of the Series 2012B Bond; provided, however, that the Series 2012B Bond shall bear interest at a variable rate as set forth therein and shall mature no later than 36 years from the issuance thereof (the "2012B Financing Terms").

4. The sale of the Series 2012A Bonds to the Underwriters pursuant to the Bond Purchase Agreement and the sale of the Series 2012B Bond to the Bank pursuant to the Bond Purchase and Loan Agreement are approved.

5. The Authority Documents are approved in substantially the forms submitted to this meeting, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) consistent with the 2012A Financing Terms and the 2012B Financing Terms, as may be approved by the Chairman or the Vice Chairman of the Authority, whose approval will be evidenced conclusively by the execution and delivery of the Authority Documents.

6. The Chairman and Vice Chairman of the Authority are each hereby authorized and directed to execute and deliver (i) the Series 2012A Bonds to or for the account of the Underwriters, (ii) the Series 2012B Bond to or for the account of the Bank and (iii) the Authority Documents to the parties thereto upon approval of their final form, terms and conditions consistent with the 2012A Financing Terms and the 2012B Financing Terms. The Secretary of the Authority is authorized to affix the seal of the Authority to the Bonds and, if required, the Authority Documents and to attest such seal. The signatures of the Chairman, Vice Chairman and the Secretary and the seal of the Authority may be by facsimile.

7. The use and distribution by the Underwriters of the Preliminary Official Statement in the form on file with the Authority are in all respects authorized, ratified and approved. For purposes of Rule 15c2-12 of the Securities and Exchange Commission, the Chairman or Vice Chairman of the Authority are hereby authorized to deem the Preliminary Official Statement relating to the Bonds final except for information permitted to be omitted under paragraph (b)(1) of such Rule. The Chairman and Vice Chairman of the Authority are each hereby authorized and directed to execute and deliver the Authority's approval of the final official statement (the "Official Statement") upon approval of its form, terms and conditions. Such officer's execution shall constitute conclusive evidence of his approval of such form, terms and conditions. Execution of the final Official Statement shall constitute conclusive evidence that the Official Statement has been deemed final within the meaning of Rule 15c2-12.

8. The Official Statement and its use and distribution by the Underwriters is authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement submitted to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the Chairman or Vice-Chairman of the Authority, whose execution thereof shall constitute conclusive evidence of his approval of such form, terms and conditions.

9. Each officer of the Authority is authorized to execute and deliver on behalf of the Authority such instruments, documents or certificates, and to do and perform such things and acts, as he or she deems necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Bonds, the Authority Documents or such instruments, documents or certificates, and all of the foregoing, previously done or performed by such officers of the Authority, are in all respects approved, ratified and confirmed.

10. It is hereby found and determined that the issuance of the Bonds and the Plan of Finance will be in the public interest and will promote industry, develop trade and increase employment opportunities for the benefit of the inhabitants of the Commonwealth and Fairfax County, Virginia, either through the increase of commerce or through the promotion of safety, health, welfare, convenience or prosperity of the Commonwealth and Fairfax County, Virginia, and their citizens.

11. At the request of the Borrower, the Authority approves McGuireWoods LLP, Richmond, Virginia, as Bond Counsel in connection with the issuance of the Bonds.

12. All costs and expenses in connection with the Plan of Finance and the issuance of the Bonds, including the fees and expenses of Bond Counsel and counsel to the Authority, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the Bonds. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

13. The Borrower shall pay any and all costs and expenses incurred by the Authority in connection with the proposed bond issue. If for any reason the Bonds are not issued, it is understood that the Borrower will reimburse the Authority for all of its out-of-pocket expenses relating to the proposed bond financing.

14. The Authority recommends that the Board of Supervisors of Fairfax County, Virginia, approve the issuance of the Bonds and the Plan of Finance. No Bonds may be issued pursuant to this resolution until such time as the issuance of the Bonds and the financing of the Plan of Finance have been approved by the Board of Supervisors of Fairfax County, Virginia.

15. This resolution will take effect immediately upon its adoption.

**CERTIFICATE**

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority"), certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the members of the Authority present and voting at a meeting duly called and held on September 18, 2012, in accordance with law, with a quorum present and acting throughout, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

Dated: September 18, 2012



A handwritten signature in cursive script, appearing to read "G. Paul Johnson", is written over a solid horizontal line.

Secretary, Fairfax County Economic Development Authority

FISCAL IMPACT STATEMENT  
FOR PROPOSED BOND FINANCING

Date: September 18, 2012

To the Board of Supervisors  
of Fairfax County, Virginia

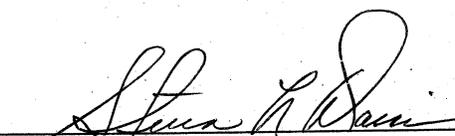
**Applicant:** Vinson Hall, LLC

**Facility/**

**Plan of Finance:**

(1) refund the outstanding principal amount of the Authority's Residential Care Facility Revenue and Refunding Bond (Vinson Hall Corporation), Series 2010 (the "Series 2010 Bond"), originally issued to (a) refund the outstanding principal amount of the Authority's Residential Care Facility Refunding Revenue Bond (Vinson Hall Project), Series 1996, originally issued to refinance capital improvements at the Borrower's assisted living facility located at 1739 Kirby Road, McLean, Virginia 22101 ("Arleigh Burke Pavilion") and at the Borrower's independent living facility located at 6251 Old Dominion Drive, McLean, Virginia 22101 ("Vinson Hall"), (b) refund the outstanding principal amount of the Authority's Assisted Living Facility Revenue Bonds (Vinson Hall Corporation Project), Series 2000 (the "Series 2000 Bond"), originally issued to finance capital improvements at the Borrower's assisted living facility located at 1728 Kirby Road, McLean, Virginia 22101 ("Kirby Road Assisted Living," and together with the Arleigh Burke Pavilion and the Vinson Hall, the "Facilities"), (c) refund the outstanding principal amount of a line of credit and a taxable loan, both incurred with Branch Banking and Trust Company for purposes of financing capital improvements at the Facilities, (d) finance additional capital improvements at the Facilities, including but not limited to, a new 124 space parking garage at the Arleigh Burke Pavilion, and (e) finance costs related to the issuance of the Series 2010 Bond, (2) finance capital improvements at the Applicant's facilities at Vinson Hall and the Arleigh Burke Pavilion, including, but not limited to, the construction and equipping of (a) a new approximately 220,129 square foot five story independent living building at Vinson Hall, which will include approximately 75 independent living units and one level of underground parking for approximately 126 spaces, (b) a new approximately 49,695 square foot four story community building at Vinson Hall, (c) a new approximately 51,408 square foot two level parking garage for approximately 131 spaces, adjacent to Arleigh Burke Pavilion, (d) renovations of common areas at Arleigh Burke Pavilion, (e) renovations of four existing apartments at Vinson Hall to accommodate new passageways, and (f) related site improvements (collectively, the "New Money Project"), (3) fund a debt service reserve fund, and (4) finance funded interest, working capital and costs of issuance incurred in connection with the New Money Project and the issuance of the Bonds (collectively, the "Plan of Finance").

|  |               |
|--|---------------|
| 1. Maximum amount of financing sought  | \$120,000,000 |
| 2. Estimated taxable value of the facility's real property to be constructed in the locality.                          | \$ 0          |
| 3. Estimated real property tax per year using present tax rates.   | \$ 0          |
| 4. Estimated personal property tax per year using present tax rates.   | \$ 4,000      |
| 5. Estimated merchants' capital tax per year using present tax rates.  | \$ 0          |
| 6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality     | \$ 134,972    |
| (b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality    | \$ 257,908    |
| (c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality     | \$ 1,051,501  |
| (d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | \$ 440,912    |
| 7. Estimated number of regular employees on year round basis.  | 185           |
| 8. Average annual salary per employee.   | \$ 43,098     |

  
 Chairman, Fairfax County Economic Development  
 Authority

ACTION – 2

Authorization of Willow Oaks Stormwater Pond Pro Rata Share Reimbursement Agreement (Providence District)

ISSUE:

Authorization to execute an agreement to reimburse Inova Health Care Services from pro rata share collections (Fund 316), for the County's share of the engineering, design, and construction of the Willow Oaks Stormwater Pond (Accotink Regional Pond B) within the Willow Oaks development located within the Accotink Creek Watershed.

RECOMMENDATION:

The County Executive recommends that the Board authorize the execution of the attached Pro Rata Share Reimbursement Agreement.

TIMING:

Routine Board action is requested on October 16, 2012.

BACKGROUND:

The Implementation Procedures for Regional Stormwater Management approved by the Board on August 5, 1991, provide that a landowner/developer, whose property contains the site of a planned regional stormwater pond, may be requested to grant necessary easements, dedicate land, prepare the design, and/or construct the regional stormwater facility. The implementation procedures further provide for reimbursement agreements for developers to recover costs in excess of their normal stormwater management requirements as contained in the Public Facilities Manual. These reimbursements are funded through existing and future pro rata share collections. The implementation of this regional pond is consistent with the Regional Stormwater Management Plan adopted by the Board of Supervisors on January 19, 1989 and the Accotink Creek Watershed Plan adopted by the Board of Supervisors on February 8, 2011.

The developer of Willow Oaks, Inova Health Care Services, is currently constructing the Willow Oaks Stormwater Pond and submitted a request to Fairfax County (the County) to enter into a Pro Rata Share Reimbursement Agreement. Execution of this agreement establishes the terms and conditions for reimbursement by the County to the developer.

A regional stormwater management pond in this location is beneficial to the upstream watershed because it controls stormwater runoff and improves water quality from existing development as well as new development. The Willow Oaks Stormwater Pond will provide stormwater control for approximately 129.24 acres which previously had minimal stormwater management. This includes Willow Oaks, other commercially developed areas upstream of the pond, and the Amberleigh residential development. The agreement stipulates that the County will reimburse the developer only for the increased stormwater that flows to the pond from the 30.13 acre Amberleigh residential development. The cost of providing stormwater management for the remaining 99.11 acres will be paid for by the developer. The amount of impervious surface was used to determine the increase in stormwater that flows to the regional stormwater management pond from each area and the County's proportional share of the total cost. The total cost to construct the pond was determined to be \$4,079,680. The County's pro rata share cost was determined to be \$533,400. The developer's share was determined to be \$3,546,280.

FISCAL IMPACT:

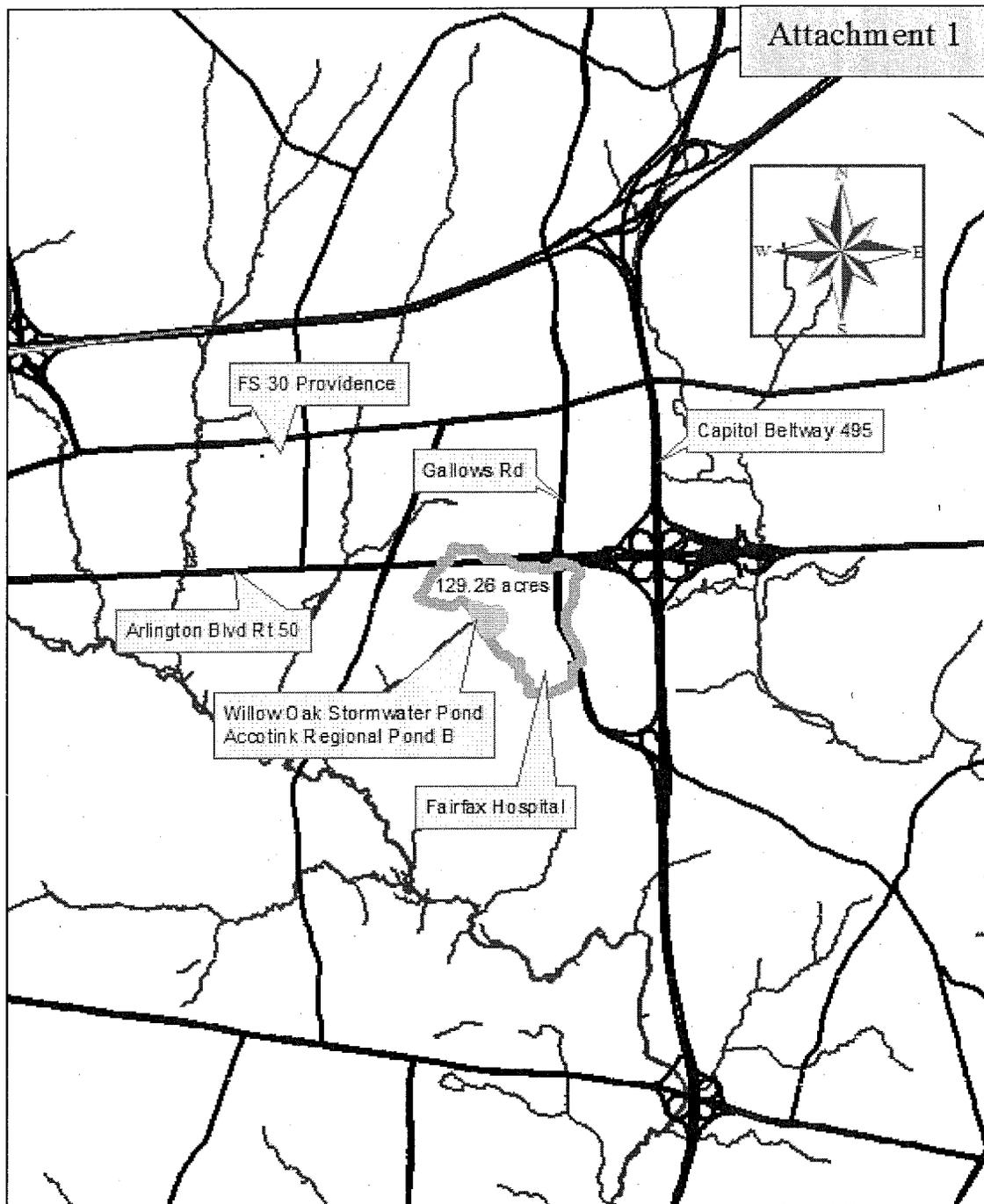
In accordance with the Pro Rata Share Reimbursement Agreement, the Board's share of the construction costs is limited to \$533,400. Funding in the amount of \$385,000 is currently available in Project SD-000001, Accotink Creek Watershed, Fund 30090, Pro Rata Share Drainage Construction. Reimbursement payments to the developer will be processed through the project. Future Pro-Rata share fees from the developer will be reduced in accordance with the terms of the agreement to account for the \$148,400 difference.

ENCLOSED DOCUMENTS:

Attachment 1 - Location Map  
Attachment 2 - Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive  
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)  
Randolph W. Bartlett, Deputy Director, DPWES



## Willow Oaks Stormwater Pond Accotink Regional Pond B



**PRO RATA SHARE REIMBURSEMENT AGREEMENT  
FOR WILLOW OAKS STORMWATER POND**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body politic and corporate (hereinafter referred to as the "Board"), and **INOVA HEALTH CARE SERVICES** (hereinafter referred to as the "Owner"):

**RECITALS**

WHEREAS, pursuant to the Willow Oaks Stormwater Pond and Connector Road plan #5544-SP-010 (the "Plan"), the Owner is developing land known as Lots 1 thru 3, 4A, 4B, 5A, 5B, 6 and 7, Willow Oaks (the "Site"), as the same is shown on the plat attached to that certain Deed of Consolidation and Resubdivision recorded among the land records of Fairfax County ("Land Records") in Deed Book 21990 at Page 1089; and

WHEREAS, the Willow Oaks Stormwater Pond (hereinafter referred to as the "Pond") has been incorporated into the Regional Stormwater Management Plan adopted by the Board on January 19, 1989; and

WHEREAS, the Pond, has been designed to manage stormwater not only for the Site, but also for the entire upstream watershed draining to the Pond, a total drainage area of approximately 129.24 acres; and

WHEREAS, the Parties agree that, except for its allocation of costs with respect to the Site pursuant to that certain Infrastructure Development Agreement dated October 5, 2010, as amended, the Board should only be responsible for that portion of the Pond's cost attributable to the approximately 30.13 acre Amberleigh apartment complex ("Amberleigh"); and

WHEREAS, the Plan has been approved by the Director, Fairfax County Department of Public Works and Environmental Services ("DPWES") or his designee, and the Owner has dedicated the necessary Site easements pursuant to the Plan, and the Owner is currently constructing the Pond in accordance with the Fairfax County Public Facilities Manual, as amended (collectively "Owner's Actions"); and

WHEREAS, the Board, although not otherwise liable for reimbursement to the Owner, except for its allocation of costs with respect to the Site pursuant to that certain Infrastructure Development Agreement dated October 5, 2010, as amended, desires to reimburse the Owner for expenses directly associated with Owner's Actions from collected pro-rata share fees from within the Accotink Creek Watershed in order to expedite the establishment of the Pond; and

WHEREAS, the parties acknowledge that the benefits of the Pond will inure to both the Board and the Owner, their successors, and/or assigns and to the owners of all other land to be served by the Pond and within the Accotink Creek Watershed.

Pro Rata Share Reimbursement Agreement  
Willow Oaks Stormwater Pond

NOW, THEREFORE, this Agreement witnesseth:

THAT for and in consideration of the premises and mutual promises contained herein and the sum of ten dollars cash in hand, paid, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows, intending to be legally bound thereby:

- A. The foregoing recitals are incorporated by reference and made a part of this Agreement.
- B. The Owner has prepared the Plan, which has been approved by the Director, DPWES, and specifically has been approved by the following divisions within DPWES: Stormwater Planning Division ("SWPD"), Maintenance and Stormwater Management Division ("MSMD"), and Land Development Services ("LDS").
- C. The Owner shall construct the Pond in accordance with the Plan and shall retain ownership and maintenance responsibilities of the Pond.
- E. The Board shall reimburse the Owner from Pro Rata Share Fees collected from other owners/developers within the Accotink Creek Watershed for that portion of the actual cost of the Pond that is required to provide stormwater management/best management practice (SWM/BMP) for Amberleigh as follows:
  1. For the purposes of this Agreement, the parties agree that the total actual cost of the Pond is \$4,079,680.00 (the "Total Cost"). The Total Cost does not include the value of the land acquired and/or conveyed for the Pond or its ancillary easements, and which costs are not part of this Agreement.
  2. The Parties agree that that the Board's share of the Total Cost, for stormwater management/best management practice (SWM/BMP) for Amberleigh, is \$533,400.00 (the "Board Share").
  3. For the purposes of this Agreement, the parties agree that substantial completion ("Substantial Completion") as used herein shall occur when construction of the Pond, in accordance with the Plan, is sufficiently complete so that the Owner is able to occupy or utilize the Pond for its intended use with the exception of minor work, which does not affect its use and which can be completed during such use.
  4. For the purposes of this Agreement, the parties acknowledge that the sum of Board allocated Pro Rata Share Fees collected from other owners/developers within the Accotink Creek Watershed as of the date of this Agreement (the "Board Allocation") is \$385,000 and that such amount is not sufficient to reimburse the entirety of the Board Share. Accordingly, the Board agrees that, for a period of two (2) years following the final payment made pursuant to Section E.5., any future Pro Rata Share Fees that are determined by DPWES (in due course) to be due from any owner(s) of the Site shall be reduced until the sum of

Pro Rata Share Reimbursement Agreement  
Willow Oaks Stormwater Pond

the payments made by the Board to the Owner pursuant to Section E.5. plus the dollar amount(s) of such future Pro Rata Share Fee reductions made for the benefit of any owner(s) of the Site pursuant to this Section E.4. equals the Board Share. In no event shall the Owner, together with any other owner(s) of the Site, receive the benefit, by way of direct payment or future pro rata reductions, in a total amount that exceeds the Board Share.

5. Payments. The Board shall pay the Board Allocation in two installments as follows:
  - a. Upon Substantial Completion of the Pond, the Owner shall provide the Board a certification of the percentage completion of the Pond. The first payment amount shall be calculated by multiplying such percentage by the Board Allocation. All on Site land disturbing activities by the Owner within the Pond's watershed shall have been completed prior to the first payment to the Owner. The first payment will be due to the Owner within 60 days of Owner's written notice to SWPD of the Substantial Completion of the Pond.
  - b. The second and final payment, if any, will be the amount of the remaining balance of the Board Allocation and will be made within 60 days of Owner's written notification to SWPD of the release of the performance agreement for the Pond.

Payments under this Agreement will be sent to the following address:

Inova Health Care Services  
8110 Gatehouse Road, Suite 200E  
Falls Church, VA 22042  
Attn: General Counsel

The Owner may specify a different address by notifying SWPD in writing of such different address.

- F. No modifications of this Agreement will be allowed for any reason, except by mutual written agreement of all parties, executed by their respective duly authorized officers.
- G. All obligations of the Board, pursuant to this Agreement, will cease upon failure of the Owner to complete construction of the Pond. The Director of DPWES, or his designee shall solely determine whether any such failure has occurred. Any payment due to the Owner hereunder may be withheld by the Board to satisfy any other obligation of the Owner to the Board related to the Site or other project, including without limitation, failure to construct the Pond as approved, bonded improvements, conservation costs, and/or inspection fees.
- H. By entering into this Agreement, the Board in no way represents that any land within the area served by the Pond will be rezoned to any particular zoning district.

Pro Rata Share Reimbursement Agreement  
Willow Oaks Stormwater Pond

- I. Installation of the Pond does not guarantee by the Board sufficient pond capacity; or guarantee, modify, restrict, or change County policies for immediate or future provisions for stormwater detention or best management practices.
- J. If any provision of this Agreement is held invalid for any reason whatsoever, such invalidity will not affect any other provision that can be given effect without the invalid provision and, to that end, provisions of this Agreement are declared to be severable.
- K. This Agreement will bind and inure to the benefit of the parties and their respective successors and assigns.
- L. Notices. All notices, demands, or other communications (“Notices”) permitted or required to be given hereunder shall be in writing and, if mailed, certified United States Mail, return receipt requested, first class postage prepaid, shall be deemed given on the date of mailing; all other notices not so mailed shall be deemed given on the date of actual receipt. Notices shall be addressed to the Board or Owner, as the case may be at the address or telecopy number shown below, or to such other address as either party shall notify the other in accordance with the provisions hereof. Notices to the Board shall also require a copy to be sent to SWPD.

TO OWNER: Inova Health Care Services  
8110 Gatehouse Road, Suite 200E  
Falls Church, VA 22042  
Fax No: 703-289-2074

TO BOARD: Chairman, Fairfax County Board of Supervisors  
12000 Government Center Pkwy, Suite 530  
Fairfax, VA 22035  
Fax No: (703) 324-3955; AND

TO STORMWATER PLANNING DIVISION:  
Stormwater Planning Division  
Department of Public Works and Environmental Services  
12000 Government Center Pkwy, Suite 449  
Fairfax, VA 22035  
Fax No. (703) 802-5955

- M. This Agreement shall be governed by the laws of the Commonwealth of Virginia, without regard to its conflicts of laws provisions or statutes.

Pro Rata Share Reimbursement Agreement  
Willow Oaks Stormwater Pond

WITNESS the following signatures and seals:

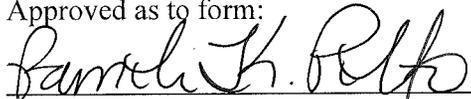
**BOARD OF SUPERVISORS  
OF FAIRFAX COUNTY, VIRGINIA**

By: \_\_\_\_\_  
Edward L. Long, Jr., County Executive

Attest:

\_\_\_\_\_  
Clerk to the Board

Approved as to form:

  
\_\_\_\_\_  
Pamela Pelto, Assistant County Attorney

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX, to wit:

I, a Notary Public in and for the State and County aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, do hereby certify that Edward L. Long, Jr., whose name is signed to the foregoing as County Executive of Fairfax County, Virginia, has this day, personally appeared before me in my jurisdiction and acknowledged the same to be the act and deed of the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Notary Public

**INOVA HEALTH CARE SERVICES**

By: Inova Health System Foundation

By:   
Richard C. Magenheimer, CFO

COMMONWEALTH OF VIRGINIA:  
COUNTY OF Fairfax : to-wit

I, a Notary Public in and for the State and County aforesaid, whose commission expires on the 31<sup>ST</sup> day of August, 2016, do hereby certify that Richard C. Magenheimer, CFO, Inova Health System Foundation has this day, personally appeared before me in my jurisdiction and acknowledged the same to be the act and deed of the said corporation.

Given under my hand this 7<sup>TH</sup> day of August, 2012.

  
\_\_\_\_\_  
Notary Public



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Board Agenda Item  
October 16, 2012

ACTION - 3

Adoption of a Resolution Authorizing Execution of the Virginia Water and Wastewater Agency Response Network (VA WARN) Mutual Aid Agreement

ISSUE:

Board authorization is needed for the County Executive to execute the VA WARN Mutual Aid Agreement among Fairfax County and member utilities of the Virginia Water and Wastewater Agency Response Network, each of which is responsible for public water supply or wastewater management in the Commonwealth of Virginia, for requesting assistance and providing such assistance during natural or man-made emergencies, and to approve the form of the Event Agreement to be used in connection with specific emergencies.

RECOMMENDATION:

The County Executive recommends that the Board adopt a resolution authorizing the County Executive (i) to execute the attached VA WARN Mutual Aid Agreement among Fairfax County and member utilities of the Virginia Water and Wastewater Agency Response Network, (ii) to designate the Authorized Representative(s) to act on behalf of Fairfax County under this Agreement, and (iii) to execute an Event Agreement substantially in the form of the attached Event Agreement when the County Executive or his designee determines it is appropriate to request, or offer to provide, assistance in connection with a specific emergency.

TIMING:

Routine.

BACKGROUND:

The National Infrastructure Protection Plan, and in particular the Water Sector, developed by the United States Environmental Protection Agency (EPA) identifies the development of a Water and Wastewater Agency Response Network in each State as an important means of helping to ensure resilient water and wastewater infrastructure in the public interest. The Commonwealth of Virginia's longstanding, nationally-recognized professional associations known as the Virginia Section of the American Water Works Association (VA AWWA) and the Virginia Water Environment Association (VWEA) have jointly formed the Virginia Water and Wastewater Agency Response Network (VA WARN) Committee to develop the EPA-recommended network and associated procedures for implementation in Virginia. The VA WARN Committee has

Board Agenda Item  
October 16, 2012

developed the attached form of a VA WARN Mutual Aid Agreement for use by public and private Water Sector utilities for purposes of requesting assistance and responding to such requests as well as a related form of an Event Agreement for providing assistance of a defined scope on defined terms and conditions. This VA WARN Mutual Aid Agreement is intended to supplement and integrate with the Statewide Mutual Aid Program administered by the Virginia Department of Emergency Management, with the Emergency Management Assistance Compact, and with other mutual aid agreements of local, intrastate and interstate scope. Fairfax County owns and operates wastewater facilities, is responsible for wastewater management in the Commonwealth of Virginia, and is therefore eligible to participate in VA WARN and the VA WARN Mutual Aid Agreement.

Upon execution of the Mutual Aid Agreement, Fairfax County will become a member (Member Utility) of VA WARN. Participation in VA WARN enables Fairfax County to request assistance from, or offer to provide assistance to, other Member Utilities following an emergency. The provision of assistance under the VA WARN Mutual Aid Agreement is left to the discretion of each Member Utility. When an agreement is reached to provide assistance for a specific event, the Requesting Utility and the Assisting Utility will execute an Event Agreement in the form of the attached Event Agreement. Assistance is provided subject to the terms and conditions of the Event Agreement, including the Assisting Utility's right to recall its personnel and resources as it deems necessary.

FISCAL IMPACT:

None. There is no cost associated with executing this Mutual Aid Agreement. In case assistance is provided, the Requesting Utility will reimburse the Assisting Utility's costs as provided in the Event Agreement.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution

Attachment 2: Virginia Water and Wastewater Agency Response Network Mutual Aid Agreement

Attachment 3: Form of Event Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randolph W. Bartlett, Deputy Director, Stormwater and Wastewater Management, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

**RESOLUTION AUTHORIZING EXECUTION OF THE  
VA WARN MUTUAL AID AGREEMENT**

At a regular meeting of the Board of Supervisors of Fairfax County, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, October 16, 2012, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the National Infrastructure Protection Plan and in particular the Sector Specific Plan for the Water Sector developed by the United States Environmental Protection Agency identifies the development of a Water and Wastewater Agency Response Network in each State as an important means of helping to ensure resilient water and wastewater infrastructure in the public interest; and

**WHEREAS**, in furtherance of such national Water Sector plan, Virginia's longstanding, nationally-recognized professional associations known as the Virginia Section of the American Water Works Association ("VA AWWA") and the Virginia Water Environment Association ("VWEA") have jointly formed the Virginia Water and Wastewater Agency Response Network ("VA WARN") Committee to develop the EPA-recommended network and associated procedures for implementation in Virginia; and

**WHEREAS**, the VA WARN Committee has developed the attached form of a VA WARN Mutual Aid Agreement for use by public and private Water Sector utilities for purposes of requesting assistance and responding to such requests as well as a related form of an Event Agreement for providing assistance of a defined scope on defined terms and conditions; and

**WHEREAS**, this VA WARN Mutual Aid Agreement is intended to supplement and integrate with the Statewide Mutual Aid Program administered by the Virginia Department of Emergency Management, with the Emergency Management Assistance Compact, and with other mutual aid agreements of local, intrastate and interstate scope; and

**WHEREAS**, the Board of Supervisors of Fairfax County owns and operates a wastewater treatment facility, is responsible for wastewater management in the Commonwealth of Virginia, and is therefore eligible to participate in VA WARN and the VA WARN Mutual Aid Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Fairfax County, Virginia, that the County Executive is hereby authorized to execute the VA WARN Mutual Aid Agreement, which is hereby approved, to designate the Authorized Representative(s)

to act on behalf of Fairfax County under the VA WARN Mutual Aid Agreement, and to execute an Event Agreement substantially in the form of the Event Agreement attached to the VA

WARN Mutual Aid Agreement when the County Executive or his designee determines it is appropriate to request, or offer to provide, assistance in connection with a specific emergency.

A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors

**VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK  
MUTUAL AID AGREEMENT**

**THIS MUTUAL AID AGREEMENT** (this "Agreement") is made and entered into by and among the undersigned Member Utilities of the Virginia Water and Wastewater Agency Response Network, each of which is responsible for public water supply or wastewater management in the Commonwealth of Virginia.

**BACKGROUND**

A. The National Infrastructure Protection Plan and in particular the Sector Specific Plan for the Water Sector developed by the United States Environmental Protection Agency ("EPA") identifies the development of a Water/Wastewater Agency Response Network in each State as an important means of helping to ensure resilient water and wastewater infrastructure in the public interest.

B. In furtherance of such national Water Sector plan, Virginia's longstanding, nationally-recognized professional associations known as the Virginia Section of the American Water Works Association ("VA AWWA") and the Virginia Water Environment Association ("VWEA") have jointly formed the Virginia Water and Wastewater Agency Response Network ("VA WARN") Committee to develop the EPA-recommended network and associated procedures for implementation in Virginia.

C. The VA WARN Committee has developed this form of Agreement for use by public and private Water Sector utilities for purposes of requesting assistance and responding to such requests.

D. This Agreement is intended to supplement and integrate with the Statewide Mutual Aid Program administered by the Virginia Department of Emergency Management, with the Emergency Management Assistance Compact, and with other mutual aid agreements of local, intrastate and interstate scope.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions herein, the parties hereto agree as follows:

**SECTION 1 – DEFINITIONS**

**"ASSISTING UTILITY"** means a Member Utility that elects to provide assistance in the form of personnel, equipment, materials or supplies to a Requesting Utility pursuant to an individual Event Agreement following a request for assistance under this Agreement.

**"AUTHORIZED REPRESENTATIVE"** means an officer, principal or employee of a Member Utility authorized in writing by that entity to request, offer or provide assistance pursuant to this Agreement.

“**EVENT AGREEMENT**” means a separate agreement entered into by and between a Requesting Utility and Assisting Utility for the purpose of providing and accepting assistance for a Utility Event. See Exhibit B.

“**PERIOD OF ASSISTANCE**” means the period of time commencing when the Assisting Utility dispatches personnel, equipment, materials or supplies pursuant to an individual Event Agreement and ending when personnel, equipment and remaining materials or supplies return to the Assisting Utility (*i.e.*, portal to portal).

“**REQUESTING UTILITY**” means a Member Utility that requests assistance pursuant to this Agreement or that receives assistance pursuant to an individual Event Agreement.

“**MEMBER UTILITY**” means any locality, water authority, wastewater authority, sanitary district, sanitation district or public service corporation that (i) owns or operates any water storage, treatment, transmission or distribution facilities for drinking or other domestic uses, or any wastewater collection or treatment facilities and (ii) has been accepted and acknowledged in writing as a member of VA WARN by the Chair of VA WARN Committee following delivery and receipt of this executed Agreement.

“**UTILITY EVENT**” means any event or occurrence, or threat thereof, whether natural or manmade, the desired response to which is or is likely to be beyond the affected Member Utility’s capability or then-available resources including but not limited to personnel, equipment, materials and supplies. A Utility Event may be a one-time event not reaching the nature or criteria requiring the declaration of a disaster, emergency or local emergency but still requiring inter-utility assistance. A Utility Event may be a recurrent event or occurrence where inter-utility assistance is beneficial for expediting the response to a particular need or filling temporary gaps in service of the Requesting Utility.

## **SECTION 2 – PROCEDURES FOR REQUESTING ASSISTANCE**

**2.1 ASSISTANCE REQUEST** – When a Member Utility is affected by a Utility Event, it may request assistance by (a) submitting a written request for assistance to another Member Utility in the form provided at Exhibit A hereto, as amended and updated in the discretion of the VA WARN Committee from time to time, or (b) verbally communicating a request for assistance to another Member Utility followed as soon as practicable by a written confirmation of such request. Assistance shall not be requested under this Agreement by a Member Utility unless resources otherwise reasonably available to the Member Utility are deemed to be inadequate. A Requesting Utility may cancel a request for assistance at any time and shall provide such notice thereof as soon as practicable to the Member Utilities of whom it has made a request for assistance. The Requesting Utility may communicate the cancellation verbally but shall provide written confirmation as soon as practicable thereafter.

**2.2 RESPONSE** – After a Member Utility receives a request for assistance, its Authorized Representative evaluates whether resources are available to assist and informs the Requesting Utility as soon as possible if it is able and willing to provide assistance. Execution of this Agreement does not establish a duty to respond to a request for assistance. Each Member Utility shall retain absolute discretion as to determinations regarding its ability to respond and its decision whether to do so. If the Member Utility is able and willing to provide assistance, the Member Utility's Authorized Representative responds with the type of available resources and the approximate arrival time that such assistance could be provided to the Requesting Utility.

**2.3 EVENT AGREEMENT** – To enter into an agreement to provide assistance, the Requesting Utility and the Assisting Utility shall communicate directly and enter into an Event Agreement, the form of which is provided in Exhibit B hereto.

**2.4 AUTHORIZED REPRESENTATIVES** – Upon execution of this Agreement, each Member Utility shall designate and notify the VA WARN Committee of one or more Authorized Representatives authorized to act on its behalf in requesting or agreeing to provide assistance under this Agreement. Each Member Utility shall notify the VA WARN Committee whenever a current Authorized Representative(s) is no longer authorized to act on its behalf and whenever it designates a new or additional Authorized Representative. All notices pursuant to this Paragraph shall be made in writing on a form provided by the VA WARN Committee, which shall include 24-hour access contact information and shall be signed on behalf of the Member Utility. If a Member Utility designates more than one person as an Authorized Representative, each Authorized Representative shall be considered fully authorized to act for the Member Utility in requesting or agreeing to provide assistance under this Agreement, and each Authorized Representative shall have the responsibility for expedient notification of the other Authorized Representative(s) within the Member Utility of requests for assistance that he has made or assistance he has agreed to provide on behalf of the Member Utility.

### **SECTION 3 – ROLE OF VA WARN COMMITTEE**

The parties acknowledge and agree that the role of the VA WARN Committee, its individual members and any advisors is limited to the development and administrative support of VA WARN, on a voluntary basis and not as a party to this Agreement or as representative of any party hereto. While the VA WARN Committee may volunteer to assist the parties in coordinating requests for assistance or in other ways, this Agreement does not contemplate that the VA WARN Committee will be a required intermediary in arranging the details of assistance or reimbursement therefor and instead this Agreement contemplates that such arrangements will be arranged directly by and between Member Utilities. The VA WARN Committee, its members and any advisors assume no responsibility for this Agreement, for the delivery of assistance hereunder, or for any obligation incurred by any party hereto.

## **SECTION 4 – TERM AND WITHDRAWAL**

**4.1 TERM** – This Agreement shall be in effect upon execution by two Member Utilities and subsequent acceptance and acknowledgment in writing as a member of VA WARN by the Chair of VA WARN Committee. This Agreement shall continue in full force and effect so long as there are at least two Member Utilities.

**4.2 WITHDRAWAL** – Any Member Utility may withdraw from this Agreement upon 30 days written notice. Withdrawal from this Agreement shall in no way affect a Requesting Utility's obligation to reimburse an Assisting Utility for costs incurred pursuant to an Event Agreement, which obligation shall survive such withdrawal.

## **SECTION 5 – MODIFICATIONS AND ADMINISTRATIVE PROCEDURES**

**5.1 MODIFICATION OF THIS AGREEMENT** – This Agreement may be modified upon agreement of the parties according to the following procedure. From time to time, the VA WARN Committee may recommend approval of a proposed modification, either on its own initiative or following its endorsement of a suggestion made by a Member Utility. Modification to this Agreement shall be made on the basis of receipt by the VA WARN Committee of the written approval of the proposed modification by at least two thirds of the parties hereto. The effective date of the modification shall be 90 days after the day on which notice is given to all Member Utilities of the receipt of such approval. All parties that have failed or declined to approve the proposed modification on or before the effective date shall be deemed to have withdrawn from this Agreement as of the effective date.

**5.2 MODIFICATION OF FORM OF EVENT AGREEMENT** – The form of Event Agreement attached as Exhibit B hereto shall be modified only by the same procedure provided in Paragraph 5.1 for modification of this Agreement.

**5.3 ADMINISTRATIVE PROCEDURES** – The VA WARN Committee may adopt such administrative procedures as it deems appropriate to facilitate implementation of VA WARN and this Agreement, either on its own initiative or following its endorsement of a suggestion made by a Member Utility. The adoption of such procedures shall not be deemed a modification of this Agreement or the Event Agreement and therefore shall not require approval under Paragraph 5.1 or Paragraph 5.2.

## **SECTION 6 – MISCELLANEOUS PROVISIONS**

**6.1 OTHER AGREEMENTS** – The parties acknowledge and agree that any Member Utility may have entered into other mutual aid agreements, either with other Member Utilities or with third parties, which shall not be deemed to be amended, superseded or repealed by execution of this Agreement. This Agreement shall govern with respect to all actions expressly taken or made pursuant hereto. Nothing in this Agreement is intended to interfere with any party's ability to request or provide

assistance under the Virginia Statewide Mutual Aid Program or the Emergency Management Assistance Compact.

**6.2 INTERPRETATION** – This Agreement shall be construed in accordance with and governed for all purposes by the laws of the Commonwealth of Virginia.

**6.3 SEVERABILITY** – Should any provision of this Agreement be held to be invalid, illegal or unenforceable by a court of competent jurisdiction, that fact shall not affect or invalidate any other provision, which shall remain in full force and effect.

**6.4 ASSIGNMENT** – This Agreement shall not be assigned or transferred by any party.

**6.5 NO THIRD PARTY BENEFICIARIES** – This Agreement is solely for the benefit of the Member Utilities who are parties hereto and shall not confer any rights or benefits on any other person or entity.

**6.6 COUNTERPARTS** – This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties further agree that a facsimile or scanned signature may substitute for and have the same legal effect as an original signature, and that any copy of this executed Agreement made by photocopy, facsimile, or scanner shall be considered an original.

**6.7 AUTHORIZATION OF SIGNATURE** – In the case of a locality, authority or district, the party represents and warrants that its execution of this Agreement is made by an individual authorized to do so by its governing body. In the case of a public service corporation, the party represents and warrants that its execution of this Agreement by the undersigned is duly authorized and validly performed.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be signed in their names and on their behalf.

[SIGNATURE PAGES FOLLOW]

**VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK  
MUTUAL AID AGREEMENT SIGNATURE PAGE**

**MEMBER UTILITY**

Utility Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signatory's Name (print): \_\_\_\_\_

Signatory's Title: \_\_\_\_\_

Date: \_\_\_\_\_

\*\*\*\*\*

**-- FOR USE BY VA WARN COMMITTEE ONLY --**

**MEMBERSHIP ACCEPTANCE AND ACKNOWLEDGMENT  
BY VA WARN COMMITTEE CHAIR**

Signature: \_\_\_\_\_

Signatory's Name (print): \_\_\_\_\_

Date: \_\_\_\_\_

**VA WARN MUTUAL AID AGREEMENT EXHIBIT A  
ASSISTANCE REQUEST FORM**

# VA WARN MUTUAL AID AGREEMENT EXHIBIT A

## ASSISTANCE REQUEST FORM

|   |               |                            |                         |
|---|---------------|----------------------------|-------------------------|
| <b>Event Name:</b>                                      |               | <b>Requesting Utility:</b> |                         |
| <b>Date:</b>  |               |                            |                         |
| <b>Time:</b>  |               |                            |                         |
| <b>Requesting Utility Contact Name:</b>                 |               |                            |                         |
| <b>Phone:</b>   |               | <b>E-mail:</b>             |                         |
| <b>Description of Assistance Requested:</b>             |               |                            |                         |
| <b>Specific Resources Needed:</b>                       |               |                            |                         |
| <b>Mobilization:</b>                                    |               |                            |                         |
| <b>Date Needed:</b>                                     |               | <b>Time needed:</b>        | <b>Pick hrs:    hrs</b> |
| <b>Demobilization:</b>                                  |               |                            |                         |
| <b>Release Date:</b>                                    |               | <b>Time needed:</b>        | <b>Pick hrs:    hrs</b> |
| <b>Deployment Considerations:</b>                       |               |                            |                         |
| <b>Work Location/Facilities:</b>                        |               | <b>Pick One:</b>           |                         |
| <b>Working Conditions</b>                               |               | <b>Pick One:</b>           |                         |
| <b>Living Conditions</b>                                |               | <b>Pick One:</b>           |                         |
| <b>Health &amp; Safety Concerns:</b>                    |               | <b>Pick One:</b>           |                         |
| <b>Safety Concerns/Remarks:</b>                         |               |                            |                         |
| <b>Additional Conditions Comments:</b>                  |               |                            |                         |
| <b>Requesting Utility Resource Coordination Contact</b> |               | <b>Name/Title:</b>         |                         |
| <b>Phone:</b>   |               | <b>E-mail:</b>             |                         |
| <b>Staging Area:</b>                                    |               | <b>Location:</b>           |                         |
| <b>Address 1:</b>                                       |               |                            |                         |
| <b>Address 2:</b>                                       |               |                            |                         |
| <b>City:</b>  | <b>State:</b> | <b>Zip:</b>                |                         |
| <b>Authorized Representative Name:</b>                  |               | <b>Date:</b>               |                         |

**VA WARN MUTUAL AID AGREEMENT EXHIBIT B  
EVENT AGREEMENT FORM**

**VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK  
EVENT AGREEMENT**

**THIS EVENT AGREEMENT** (this "Agreement") is made and entered into by and between the undersigned Requesting Utility and Assisting Utility and shall be in effect as of the date of execution of the last signatory hereto.

**BACKGROUND**

A. The parties are Member Utilities of the statewide mutual aid network for water and wastewater utilities known as the Virginia Water and Wastewater Agency Response Network ("VA WARN") and are signatories to the VA WARN Mutual Aid Agreement.

B. The undersigned Requesting Utility has requested assistance pursuant to the VA WARN Mutual Aid Agreement, and the undersigned Assisting Utility desires to assist the Requesting Utility as more fully set forth herein.

C. The VA WARN Committee has developed this form of agreement for use by VA WARN Member Utilities in agreeing to provide and accept assistance as needed to respond to a Utility Event.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions herein, the parties hereto agree as follows:

**SECTION 1 – DEFINITIONS**

Terms not specifically defined herein shall have the definitions provided in the VA WARN Mutual Aid Agreement to which the Requesting Utility and Assisting Utility are both parties.

**SECTION 2 – SCOPE OF ASSISTANCE**

To support the Requesting Utility's response to a Utility Event, the Assisting Utility agrees to provide, and the Requesting Utility hereby accepts, assistance as set forth on Attachment A hereto. Such assistance is provided subject to the terms and conditions of this Agreement, including without limitation the Assisting Utility's right to recall its personnel and resources in whole or in part and the Requesting Utility's right to reduce or cancel the previously agreed upon Scope of Assistance pursuant to Paragraph 3.1 below.

**SECTION 3 – PROCEDURES FOR PROVISION OF MUTUAL AID**

**3.1 SUPERVISION, CONTROL, AND RECALL** – Personnel and other resources of the Assisting Utility shall remain under the supervision and control of the

Assisting Utility. The Assisting Utility shall coordinate with the Requesting Utility regarding response activities for assignment to the Assisting Utility's personnel. The Assisting Utility shall have the right and duty to refuse directions that it considers to be unsafe, contrary to law, or not in accordance with the Scope of Assistance at Attachment A hereto. The Assisting Utility's personnel and other resources shall remain subject to recall, in whole or in part, by the Assisting Utility at any time. The Assisting Utility shall provide at least twenty-four hours advance notice of intent to withdraw personnel or resources to the Requesting Utility, unless such notice is not practicable, in which case such notice as is practicable shall be provided. The Requesting Utility may at any time reduce the Scope of Assistance at Attachment A, including by reducing the Period of Assistance or the personnel or other resources requested; provided, however, that the Requesting Utility shall remain responsible for reimbursing the Assisting Utility pursuant to Section 4 for expenses incurred.

**3.2. FOOD, HOUSING, AND SELF-SUFFICIENCY** – Unless otherwise agreed, the Requesting Utility shall have the responsibility of providing food and housing for the personnel of the Assisting Utility from the time of their arrival at the designated location to the time of their departure.

**3.3 COMMUNICATIONS** – Unless otherwise agreed, the Requesting Utility shall have the responsibility for coordinating communications between the personnel of the Assisting Utility and the Requesting Utility and shall provide radio equipment as available and radio frequency information to facilitate such communications. The Assisting Utility shall be responsible for communications among its personnel regardless of the availability of radio equipment from the Requesting Utility.

**3.4 RIGHTS AND PRIVILEGES** – Unless otherwise provided by law, the Assisting Utility's officers, principals or employees retain the same privileges, immunities, rights, duties and benefits associated with their position with or employment by the Assisting Utility.

**3.5 SUMMARY REPORT** – Within ten days of the return of all personnel deployed under this Agreement, the Requesting Utility shall prepare a summary report of the event and provide a copy to the Assisting Utility. The report shall be in a format established by the VA WARN Committee or, if none, in the format used by the Virginia Department of Emergency Management, and shall include a chronology of events and description of personnel, equipment, materials and supplies provided.

#### **SECTION 4 – REIMBURSABLE EXPENSES**

The terms and conditions governing reimbursement for any assistance provided pursuant to this Agreement shall be in accordance with the following provisions and applicable VA WARN administrative procedures, unless otherwise agreed upon by the Requesting Utility and Assisting Utility and set forth in Attachment A hereto.

**4.1 PERSONNEL** – During the Period of Assistance, the Assisting Utility shall continue to pay its employees according to its normal policies. The Requesting Utility shall reimburse the Assisting Utility for all direct and indirect payroll costs (including overtime) and expenses (including travel expenses, benefits, costs of insuring for workers' compensation claims, and other expenses) incurred during the Period of Assistance, unless otherwise agreed and set forth by the parties in this Agreement.

**4.2 EQUIPMENT** – The Assisting Utility shall be reimbursed by the Requesting Utility for the use or damage (unless such damage is caused by gross negligence, or willful and wanton misconduct of the Assisting Utility's personnel) of its equipment during the Period of Assistance according to either a pre-established local or state hourly rate or according to the actual replacement, operation, and maintenance expenses incurred. For those instances in which some costs may be reimbursed by the Federal Emergency Management Agency, the eligible direct costs shall be determined in accordance with 44 CFR 206.228, or other regulations in effect at the time of the Utility Event. Each Utility shall maintain its own equipment in safe and operational condition. At the request of the Assisting Utility, fuels, miscellaneous supplies, and minor repairs may be provided by the Requesting Utility, if practical. If the equipment charges are based on a pre-established local or state hourly rate, then these charges to the Requesting Utility shall be reduced by the total value of the fuels, supplies, and repairs furnished by the Requesting Utility and by the amount of any insurance proceeds received by the Assisting Utility for damage to or loss of such equipment.

**4.3 MATERIALS AND SUPPLIES** – The Assisting Utility shall be reimbursed for all materials and supplies furnished by it and used or damaged during the Period of Assistance, except for the costs of equipment, fuel, maintenance materials, labor and supplies, which shall be included in the equipment rate established above, unless such damage is caused by gross negligence, or willful and wanton misconduct of the Assisting Utility's personnel. The measure of reimbursement shall be determined in accordance with 44 CFR 206.228 or other regulations in effect at the time of the Utility Event. In the alternative, the Utilities may mutually agree in writing that the Requesting Utility will replace, with like kind and quality as determined by the Assisting Utility, the materials and supplies used or damaged.

**4.4 RECORD KEEPING** – The Assisting Utility shall maintain records and submit invoices for reimbursement by the Requesting Utility in accordance with the Assisting Utility's existing policies and practices. The Requesting Utility may provide information, directions, and assistance for record keeping to the Assisting Utility personnel to facilitate future potential reimbursement to the Requesting Utility from the federal or State government.

**4.5 PAYMENT** – Unless otherwise mutually agreed in writing, the Assisting Utility shall invoice the Requesting Utility for all reimbursable expenses with an itemized statement as soon as practicable after the expenses are incurred, but not later than sixty (60) days after the Period of Assistance, unless the deadline for identifying damage or expenses is extended in accordance with applicable federal or State regulations. The

Requesting Utility shall pay the bill, or advise of any disputed items, not later than sixty (60) days following receipt of the invoice, unless the parties mutually agree in writing to a different time.

**4.6 WAIVER OF REIMBURSEMENT** – An Assisting Utility may elect to assume or donate, in whole or in part, the costs associated with any loss, damage, expense or use of the personnel or other resources provided by the Assisting Utility.

**4.7 EFFECT OF WITHDRAWAL FROM VA WARN MUTUAL AID AGREEMENT** – Withdrawal by either Utility from the VA WARN Mutual Aid Agreement shall in no way affect the obligations of the Utilities under this Event Agreement, including but not limited to the Requesting Utility's obligation to reimburse the Assisting Utility for costs incurred pursuant to this Event Agreement.

## **SECTION 5 – INSURANCE**

**5.1 WORKERS' COMPENSATION COVERAGE** – Each Utility shall be responsible for its own actions and those of its employees and is responsible for complying with the Virginia Workers' Compensation Act.

**5.2 AUTOMOBILE LIABILITY COVERAGE** – Each Utility shall be responsible for its own actions and is responsible for complying with the Virginia motor vehicle financial responsibility laws. Each Utility agrees to maintain automobile liability coverage in the amount of at least \$1,000,000 combined single limit and coverage for owned, non-owned, and hired vehicles, or maintain a comparable self-insurance program.

**5.3 GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, AND LAW ENFORCEMENT LIABILITY** – To the extent permitted by law and without waiving sovereign immunity of governmental entities, each Utility shall be responsible for any and all claims, demands, suits, actions, damages, and causes for action related to or arising out of or in any way connected with its own actions and the actions of its personnel pursuant to this Agreement. Each Utility agrees to obtain general liability and, in the case of governmental entities, public official's liability and law enforcement liability insurance, if applicable, with minimum single limits of no less than one million dollars, or to maintain a comparable self-insurance program.

## **SECTION 6 – MISCELLANEOUS PROVISIONS**

**6.1 OTHER AGREEMENTS** – The parties acknowledge and agree that either party may have entered into other mutual aid agreements, either with other Member Utilities or with third parties, which shall not be deemed to be amended, superseded or repealed by execution of this Agreement. This Agreement shall govern with respect to the Scope of Assistance set forth at Attachment A hereto. Nothing in this Agreement is intended to interfere with either party's ability to request or provide assistance under the Virginia Statewide Mutual Aid Program or the Emergency Management Assistance Compact. In the event of a declaration of an emergency or

disaster, the parties may agree in writing to terminate this Event Agreement to enable an efficient response to be coordinated instead through the Statewide Mutual Aid Program and Emergency Management Assistance Compact, as appropriate.

**6.2 INTERPRETATION** – This Agreement shall be construed in accordance with and governed for all purposes by the laws of the Commonwealth of Virginia and shall be interpreted as if it were mutually drafted by the parties.

**6.3 SEVERABILITY** – Should any provision of this Agreement be held to be invalid, illegal or unenforceable by a court of competent jurisdiction, that fact shall not affect or invalidate any other provision, which shall remain in full force and effect. It is the intent of the parties to this Agreement, and the parties agree, that in lieu of any provision of this Agreement that is illegal, invalid or unenforceable, the parties in good faith shall supply as part of this Agreement a legal, valid and enforceable provision as similar to such illegal, invalid or unenforceable term or provision as may be possible.

**6.4 ASSIGNMENT** – This Agreement shall not be assigned or transferred by any party without the written consent of the other party hereto.

**6.5 NO THIRD PARTY BENEFICIARIES** – This Agreement is solely for the benefit of the parties hereto and their permitted successors and assignees and shall not confer any rights or benefits on any other person or entity.

**6.6 COUNTERPARTS** – This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties further agree that a facsimile or scanned signature may substitute for and have the same legal effect as an original signature, and that any copy of this executed Agreement made by photocopy, facsimile, or scanner shall be considered an original.

**6.7 AUTHORIZATION OF SIGNATURE** – In the case of a locality, authority or district, the party represents and warrants that its execution of this Agreement is made by an individual authorized to do so by its governing body. In the case of a public service corporation, the party represents and warrants that its execution of this Agreement by the undersigned is duly authorized and validly performed.

**NOW, THEREFORE**, in consideration of the covenants and obligations set forth in this Agreement, the parties have caused the execution of this Agreement.

[SIGNATURE PAGE FOLLOWS]

**VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK  
EVENT AGREEMENT SIGNATURE PAGE**

**REQUESTING UTILITY**

Utility Name: \_\_\_\_\_

Authorized Representative's Signature: \_\_\_\_\_

Authorized Representative's Name (print): \_\_\_\_\_

Authorized Representative's Title: \_\_\_\_\_

Date: \_\_\_\_\_

**ASSISTING UTILITY**

Utility Name: \_\_\_\_\_

Authorized Representative's Signature: \_\_\_\_\_

Authorized Representative's Name (print): \_\_\_\_\_

Authorized Representative's Title: \_\_\_\_\_

Date: \_\_\_\_\_

## VA WARN EVENT AGREEMENT ATTACHMENT A

### SCOPE OF ASSISTANCE

This form is used by the Assisting Utility to respond to request for assistance by a Requesting Utility. Upon acceptance by the Requesting Utility, this form, either as originally submitted by the Assisting Utility or as revised by the parties prior to the Requesting Utility's acceptance, as appropriate, is attached to the Event Agreement to define the Scope of Assistance. The Assisting Utility reserves the right to recall its personnel and resources, and the Requesting Utility reserves the right to reduce the Scope of Assistance, as provided in Paragraph 3.1 of the Event Agreement.

|   |  |                     |                         |
|---|--|---------------------|-------------------------|
| <b>Assisting Utility:</b>                               |  |                     |                         |
| <b>Assisting Utility Authorized Representative:</b>     |  | <b>Date:</b>        |                         |
| <b>Requesting Utility:</b>                              |  | <b>Date:</b>        |                         |
| <b>Event Name:</b>                                      |  | <b>Time:</b>        |                         |
| <b>Requesting Utility Contact Name:</b>                 |  |                     |                         |
| <b>Phone:</b>   |  | <b>E-mail:</b>      |                         |
| <b>Description of Assistance Offered:</b>               |  |                     |                         |
| <b>Specific Resources Available:</b>                    |  |                     |                         |
| <b>Assisting Utility Resource Coordination Contact:</b> |  |                     |                         |
| <b>Phone:</b>   |  | <b>E-mail:</b>      |                         |
| <b>Mobilization:</b>                                    |  |                     |                         |
| <b>Date Available:</b>                                  |  | <b>Time needed:</b> | <b>Pick hrs:    hrs</b> |
| <b>Demobilization:</b>                                  |  |                     |                         |
| <b>Date Released:</b>                                   |  | <b>Time needed:</b> | <b>Pick hrs:    hrs</b> |

|  |                     |  |               |
|--|---------------------|--|---------------|
| <b>COST ESTIMATE (details below):</b>                    |                     |  |               |
| <b>Total Cost Estimate:</b>                              |                     | <b>Total Cost Estimate<br/>(Total from Excel sheet):</b> | <b>\$0.00</b> |
| <b>Total Travel Costs:</b>                               |                     |  |               |
|  |                     |  | <b>\$0.00</b> |
| <b># of fuel consuming equipment:</b>                    |                     | <b># of non-fuel consuming equipment:</b>                |               |
| <b>Travel Costs:</b>                                     |                     |  |               |
| <b>Personal Vehicle:</b>                                 |                     | <b>Vehicle Rental/Fuel/Mileage:</b>                      |               |
| <b>Governmental Vehicle Costs:</b>                       |                     | <b>Air Travel:</b>                                       |               |
| <b>Meals/tips:</b>                                       |                     | <b>Lodging:</b>  |               |
| <b>Notes/Comments:</b>                                   |                     |  |               |
|  |                     |  |               |
| <b>Total Equipment Costs:</b>                            |                     |  | <b>\$0.00</b> |
| <b>Equipment Costs (insert lines as needed):</b>         |                     |  |               |
|  | <b>Description:</b> | <b>Cost:</b>   |               |
| 1  |                     |  |               |
| 2  |                     |  |               |
| 3  |                     |  |               |
| 4  |                     |  |               |
| 5  |                     |  |               |
| <b>Total Commodity (Materials &amp; Supplies) Costs:</b> |                     |  | <b>\$0.00</b> |
| <b>Commodity Costs (insert lines as needed):</b>         |                     |  |               |
|  | <b>Description:</b> | <b>Cost:</b>   |               |
| 1  |                     |  |               |
| 2  |                     |  |               |
| 3  |                     |  |               |
| 4  |                     |  |               |
| 5  |                     |  |               |
| <b>Total Other Costs:</b>                                |                     |  | <b>\$0.00</b> |
| <b>Other Costs (insert lines as needed):</b>             |                     |  |               |
|  | <b>Description:</b> | <b>Cost:</b>   |               |
| 1  |                     |  |               |
| 2  |                     |  |               |
| 3  |                     |  |               |
| 4  |                     |  |               |
| 5  |                     |  |               |



ACTION – 4

Approval of a Parking Reduction for Prosperity Metro Plaza (Providence District)

ISSUE:

Board approval of a 25.4 percent reduction, or 258 fewer parking spaces, in required parking for Prosperity Metro Plaza, Tax Map No. 49-1 ((13)) 0019B, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 25.4 percent (258 fewer parking spaces) in required parking for Prosperity Metro Plaza pursuant to both Paragraphs 5 and 26, Section 11-102, of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a parking reduction study, #1891-PKS-001-1, on condition that:

1. A minimum of 1017 parking spaces must be maintained on the site at all times. A minimum of 771 parking spaces must be maintained on the site at all times for the office and fast-food restaurant uses.
2. The uses included in this parking reduction are:
  - 382,280 gross square feet (GSF) of office uses,
  - a 70-seat, 2000 GSF fast-food restaurant use and
  - up to 246 spaces of commercial parking use.
3. Parking for 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.
4. Implementation of the Transportation Demand Management (TDM) program proffered in conjunction with the approval of Rezoning/Final Development Plan #RZ 2012-PR-009 (Prosperity Metro Plaza of Virginia, LLC) is required. Should the County determine that the TDM program is not meeting its goals, a new parking study shall be prepared and submitted in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.

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5. With the exception of any reserved parking spaces required to meet the parking requirements of the Americans with Disabilities Act (ADA), the number of reserved parking spaces on this site shall be limited to 162. Any additional reserved parking space above the 162 limit, even those spaces reserved for car or van pools to meet the TDM goal, shall be in addition to the minimum required spaces for the office and fast-food uses in Condition #1, above.
6. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map No. 49-1 ((13)) 0019B 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.
7. 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.
8. 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 ADA.
9. An agreement, incorporating the conditions of approval of this parking reduction, shall be recorded in the Fairfax County land records.
10. 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 #9 has not been satisfied.

TIMING:

Board action is requested on October 16, 2012.

BACKGROUND:

Prosperity Metro Plaza is located on a 3.72-acre parcel at 2675 and 2677 Prosperity Avenue. Most of the parcel is currently zoned Planned Development Commercial (PDC) District with a small portion of a recently acquired roadway vacation that is zoned Planned Residential Mixed Use (PRM). There is a pending zoning application, RZ/FDP

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2012-PR-009, to rezone the entire site to the PDC District. The site is about ¼ miles from the Dunn Loring Metrorail Station, south of Prosperity Avenue and east of an extension of Dorr Avenue, now under construction. The site is currently governed by the rezoning RZ 88-P-030, approved by the Board on October 30, 1989.

The uses currently in the site's two existing buildings are 330,000 GSF of office use and a 70-seat fast-food restaurant use. A commercial parking use exists in the parking garage. If the Board approves the request to rezone the property, the owner would like to add 52,280 GSF to the existing buildings. The Planning Commission recommended approval of the Rezoning/Final Development Plan RZ/FPD 2012-PR-009 on October 4, 2012. A Board of Supervisors public hearing is scheduled on October 16, 2012.

The draft proffers for the zoning case includes parking-related proffers. Proffer 9 acknowledges that should any new use on the property be established, an amendment to this parking reduction will be necessary. Proffer 12 describes the changes to the site that will be required if this parking reduction is not approved. Proffer 20 requires the establishment of a TDM program.

An existing 8-story parking garage on the site provides the majority of the on-site parking. Two of the stories are below grade. A total of 1017 parking spaces are to be supplied between the garage and surface parking. An existing tenant of the building has reserved a total of 162 parking spaces on the site; 86 of these spaces are in a secure area.

The Code-required parking supply for the office and fast-food restaurant uses would be 1029 spaces. With only 1017 spaces on the site, a 1.2% parking reduction would be necessary for the office and restaurant uses alone without considering the impacts of the commercial parking use.

The applicant has requested to use up to 246 parking spaces for commercial parking. Allowing this number of commercial spaces would result in a deficit of 258 spaces for the office and fast-food restaurant uses and would require a parking reduction of 25.4%.

A 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. As stated above, the site is about ¼ miles from the Dunn Loring Metrorail Station. The applicant must also demonstrate that the spaces proposed are unnecessary and that the reduction in parking spaces will not adversely affect the site or the adjacent area.

Board Agenda Item  
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To demonstrate that there is excess parking on the site now, the parking study includes hourly parking counts between 6 a.m. and 7 p.m. for this site from a Tuesday, Wednesday and Thursday in October, 2007, a time when the buildings were fully leased. At the peak hour of parking demand over those 3 days, only 77% of the non-reserved parking spaces were filled. It appears that some of the parking supply on this site is unnecessary and there would be no adverse impact to approval of the parking reduction. It appears the requirements for a parking reduction based on mass transit are met.

Another basis for the requested reduction is the proffer to establish a TDM program. As stated above, Proffer 20 of the zoning case requires the establishment of a TDM program. It appears that meeting the goals of the TDM program will reduce the site's parking demand. Condition 4 of this parking reduction would require a new parking study to be submitted if the County determines the goals of the TDM program are not met. It appears that the requirements for a parking reduction based on a TDM program are met.

Since this site meets the requirements of both Paragraphs 5 and 26, Section 11-102, of the Zoning Ordinance, staff supports the applicant's request for a 25.4 percent parking reduction subject to the conditions listed above and compliance with all proffers 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:

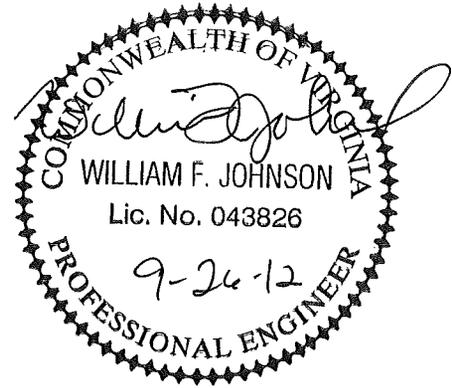
Attachment 1 – Parking reduction request and study (June 6, 2012) from William F. Johnson, P.E., Wells and Associates, with its Attachment IV only

STAFF:

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



WELLS + ASSOCIATES

**MEMORANDUM**

**TO:** John Friedman, P.E.  
Fairfax County Department of Public Works and Environmental Services  
Code Analysis Unit

**FROM:** William F. Johnson, P.E.  
Lester E. Adkins, E.I.T.

**SUBJECT:** Tax Map 49-1 ((13)) 19B; Prosperity Metro Plaza  
RZ 2012-PR-009  
Fairfax County, Virginia

**RE:** Parking Reduction

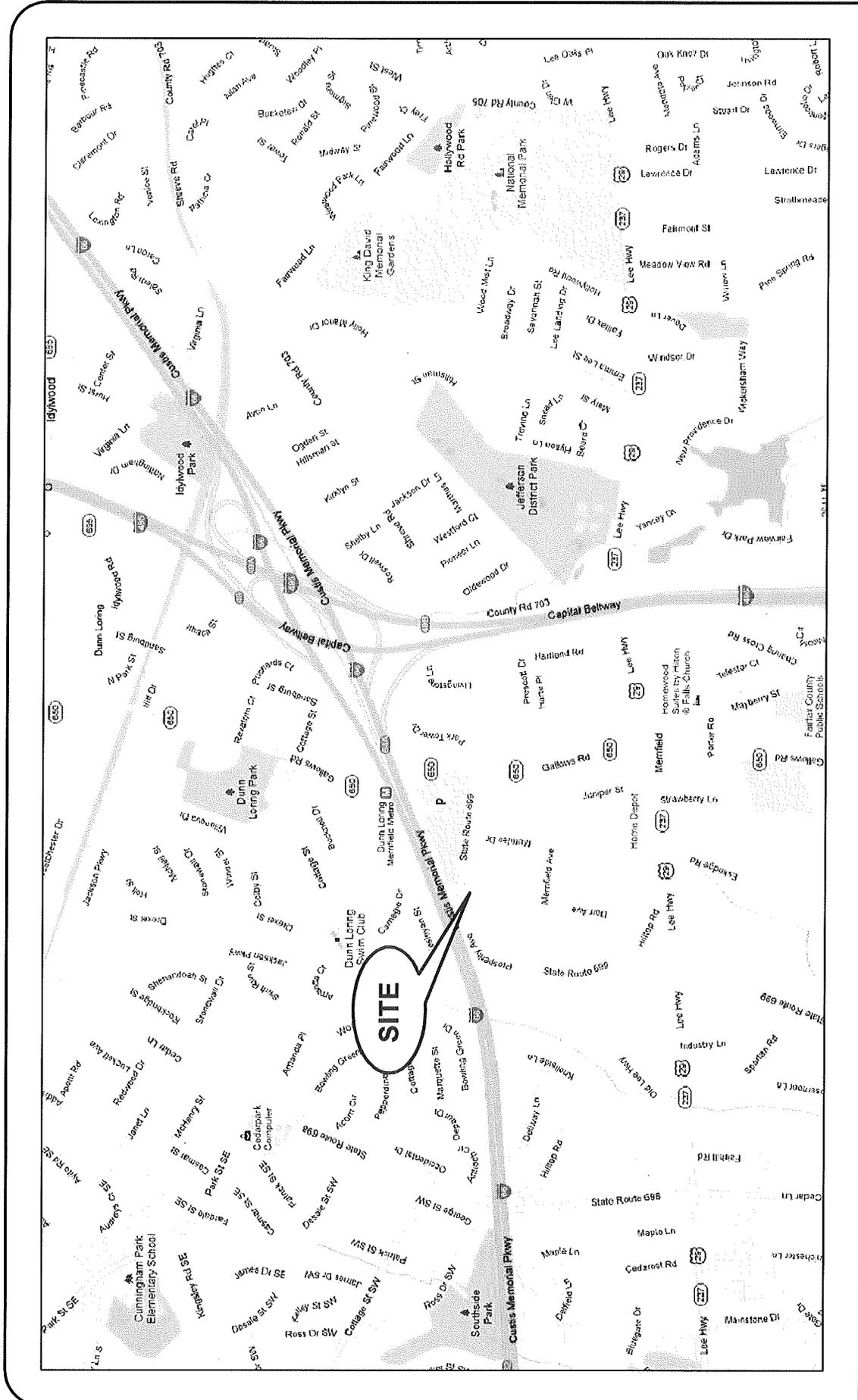
**DATE:** June 6, 2012

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**Introduction**

This memorandum presents the results of a parking reduction analysis completed in conjunction with the Prosperity Metro Plaza project in Fairfax County, Virginia. The approximately 3.47 acre site (Tax Map 49-1 ((13)) 19B) is located west of Gallows Road (Route 650) and opposite Prosperity Avenue (Route 4605) from the Dunn Loring-Merrifield Metrorail station within the Providence Magisterial District, as shown on Figure 1. The site is currently developed with two (2) office buildings one of which includes a fast food restaurant, totaling approximately 332,000 gross square feet (GSF) along with a detached parking garage. There are currently 1,010 parking spaces on-site. The Developer/Owner, Prosperity Metro Plaza of Virginia, LLC (the "Applicant"), has submitted a rezoning application (RZ/FDP 2012-PR-009) which would permit an additional 52,280 GSF of office space for a total of approximately 384,280 GSF on the property, which would include both office use and a fast food restaurant use. A reconfiguration of surface spaces will yield an additional seven (7) parking spaces.

In addition to serving the current on-site uses, the existing parking structure also provides commercial parking; notably as overflow parking for the Metrorail park-and-ride patrons accessing the Dunn Loring-Merrifield station. Commercial parking is currently permitted as a secondary use under existing entitlements. The Applicant would desire to continue to provide commercial parking and believes it should be able to do so since, given the proximity of the WMATA station, even after build out there will be so many more spaces available than are



North

Figure 1  
Site Location

2677 Prosperity Avenue Parking Reduction  
Fairfax County, Virginia



WELLS + ASSOCIATES, INC.

in fact needed. The Applicant is seeking approval of a reduction in the amount of parking required under the Zoning Ordinance so that the excess spaces will be available for off-site patrons. In light of the above, a parking reduction is hereby requested to accommodate the proposed site expansion as well as to continue to provide for commercial parking for off-site users.

## **Background**

In conjunction with the approval of RZ 88-P-030 in 1989, the subject site was rezoned to the PDC district and subsequently developed with the two office buildings that currently exist, comprising approximately 330,000 GSF. In 2010, a neighboring property owned/operated by Square 1400, L.C. was rezoned to the Planned Residential Mixed-Use (PRM) district in conjunction with approval of RZ 2009-PR-002. As part of that approval, Square 1400, L.C. proffered to extend Dorr Avenue from its current terminus to intersect with Prosperity Avenue. To accomplish this, a portion of existing Dorr Avenue will be vacated and that land turned over to the owner of Prosperity Metro Plaza. The Applicant's pending rezoning application seeks to rezone the vacated portion of Dorr Avenue, along with the existing developed site, to one cohesive PDC district at a density now recommended by the Comprehensive Plan. A copy of the Applicant's Statement of Justification is provided as Attachment I. As stated previously, the Prosperity Metro Plaza site is proposed to be expanded with up to 52,280 gross square feet of additional office uses.

For purposes of this analysis, the following site development scenario is considered:

- 330,000 gross square feet (GSF) existing office uses,
- 52,280 GSF proposed office uses, and
- 2,000 GSF existing fast food restaurant uses consisting of 70 seats (upon the build out of the additional 52,280 square feet, the seats would be reduced if this reduction request is not approved).

A copy of the Applicant's proposed Final Development Plan (FDP) is provided on Figure 2.

## **Fairfax County Zoning Ordinance 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. Table I summarizes the number of parking spaces required for the proposed expanded development under a strict interpretation of the Zoning Ordinance.

**Office.** Article II, Section II-104 of the Ordinance outlines the parking requirements for office uses as follows:

Office – “125,000 square feet of gross floor area or more: Two and six-tenths (2.6) spaces per 1000 square feet of gross floor area.”

As stated above and reflected on Table I, based on a strict application of the Zoning Ordinance, 994 parking spaces would be required to accommodate the parking demand associated with the proposed office development program.

**Fast Food Restaurant.** Article II, Section II-104 of the Ordinance outlines the requirements for fast food restaurant uses as follows:

Fast Food Restaurant – “One (1) space per two (2) seats for table and/or counter seating, whether such seating facilities are inside or outside. For fast food restaurant with no seating facilities, one (1) space per sixty (60) square feet of net floor area with a minimum of ten (10) spaces.”

As summarized in Table I, based on a strict application of the Zoning Ordinance, 35 parking spaces would be required to accommodate the parking demand associated with the fast food restaurant uses. (Note that if the office development were in the I-5 or I-6 district, the fast food restaurant would be parked at office rates under Section II-102.22 of the Zoning Ordinance.)

**Total Parking Requirement.** As reflected in Table I, a total of 1,029 parking spaces would be required to accommodate the total development program currently proposed based on a strict application of the Fairfax County Zoning Ordinance.

### **Proposed Parking Supply**

As shown on the Applicant's FDP, a total of 1,017 spaces will be provided on-site. A full size copy of the FDP is provided for reference as Attachment III.

Table I  
 2677 Prosperity Avenue  
 Fairfax County Zoning Ordinance Parking Requirement

| Land Use                      | Amount  | Units <sup>(1)</sup> | Code Requirement <sup>(2)</sup>  | Required Parking by Code |
|-------------------------------|---------|----------------------|--|--------------------------|
| <b>Office</b>                 |         |                      |  |                          |
| Existing                      | 330,000 | GSF                  | "Two and six-tenths (2.6) spaces per 1000 square feet of gross floor area" | <b>858</b>               |
| Proposed                      | 52,280  |                      |  | <b>136</b>               |
| <b>Fast Food Restaurant</b>   | 70      | Seats                | "One (1) space per two (2) seats"  | <b>35</b>                |
| <b>Total Parking Required</b> |         |                      |  | <b>1,029</b>             |
|                               |         |                      |  |                          |

Note(s):

(1) GSF = Gross Square Feet

(2) Code requirements from the Fairfax County Zoning Ordinance (Article 11).

## Requested Parking Reduction

The Applicant desires to continue to provide parking for off-site users, including park-and-ride patrons of the neighboring Dunn Loring-Merrifield metrorail station. Additionally, the Applicant desires to have the fast food restaurant retain 70 seats when the project is fully built out. Therefore, the Applicant is requesting a **total reduction of 25 percent of the parking spaces required by the Ordinance (or 258 spaces)**. The parking supply that may be used for commercial parking is calculated as follows:

|   |                     |
|---|---------------------|
| Zoning Ordinance Requirement:                           | 1,029 spaces        |
| Requested Parking Reduction (25 percent)                | <u>-258 spaces</u>  |
| Parking Necessary to Accommodate Site                   | 771 spaces          |
| <br>  |                     |
| Parking Supply  | 1,017 spaces        |
| Modified required parking for office and fast food uses | <u>- 771 spaces</u> |
| Supply Available for Commercial Parking                 | 246 spaces          |

Based on the above, up to 246 parking spaces may be used for commercial parking should the 25 percent parking reduction be approved for the property.

The bases for this parking reduction request are the following provisions as established in the Ordinance:

- “The site’s proximity to a mass transit station” (Section 11-102.5).
- “Transportation Demand Management (TDM) Program” (Section 11-102.26)

The following sections evaluate the requested parking reduction with respect to these provisions. Copies of the relevant Ordinance text are also included in Attachment II.

## PROVISION: PROXIMITY TO MASS TRANSIT

### Overview

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."

As reflected on Figure 3, the Prosperity Metro Plaza property is located entirely within one-third mile from the existing Dunn Loring-Merrifield metrorail station.

### **Existing Transit Service**

As stated above, the site is served by the Dunn Loring-Merrifield metrorail station. The station operates the Orange Line, which provides service from Vienna-Fairfax to the west to the New Carrollton station in Maryland with stops in Washington, DC.

The station is also served by four (4) Metrobus (WMATA) bus routes and four (4) Fairfax Connector bus routes. These routes are listed as follows:

- Metrobus (WMATA)
  - Route 1B – Wilson Boulevard Line
  - Route 1C – Fair Oaks-Dunn Loring Line
  - Route 2A/2C – Washington Boulevard Line
  - Route 2T – Tysons Corner-Dunn Loring Line
- Fairfax Connector
  - Route 401 – Backlick-Gallows Road Northbound
  - Route 402 – Backlick-Gallows Road Southbound
  - Route 462 – Vienna-Park Street
  - Route 463 – Vienna-Navy Federal Credit Union

As indicated by Applicant's experience as well as collected field data (described later in this document), the site's proximity to transit currently has a significant impact on the parking demands associated with the existing on-site uses.



9 Figure 3  
Site's Proximity to Transit



## **Tysons Corner Comprehensive Plan Parking Requirements**

Fairfax County already recognizes that the proximity of mass transit influences parking demand as evidenced in the Comprehensive Plan recommendations for the Tysons Corner Urban Center. The Plan has established recommended parking *maximums* for those developments closest to transit facilities. For office uses, the Plan recommends a maximum parking ratio of 2.2 spaces per 1,000 square feet for sites located between ¼ and ½ mile from a metrorail station. When comparing the parking ratios, this rate is approximately 15% less than the *minimum* parking rate for office uses found in the Zoning Ordinance. The Tysons Corner Plan further states that there is no minimum parking ratio for office developments within ½ mile of a metrorail station. Therefore, a 25 percent parking reduction request should be considered reasonable when factoring the site's proximity to transit comparable to the transit-oriented nature of future development envisioned for Tysons Corner.

## **Existing Site Parking Demand**

For purposes of this reduction request, Wells + Associates consulted previous parking occupancy data collected at the subject site in 2007. At the time, these data were collected to determine if additional commercial parking could be accommodated within the existing parking garage based on actual site parking demands. The counts were conducted Tuesday through Thursday, October 9 through 11, 2007. The numbers of occupied spaces were counted and recorded every 60 minutes from 6:00 AM to 7:00 PM. At the time these counts were conducted all available floor area was leased and fully occupied and metrorail patrons were parking on the site.

Due to the needs and operations of several government agencies that currently occupy space within the existing buildings, a portion of the overall parking supply is restricted and/or reserved for those uses only. As confirmed through field reconnaissance, and reflected in the parking demand counts, a total of 855 unrestricted parking spaces are currently available for general office, fast food restaurant, and commercial parking uses. Therefore, the parking occupancy counts were limited to these 855 spaces only.

A summary of the hourly counts, limited to the available 855 general office/ commercial parking spaces, is provided on Figure 4. An hourly breakdown of these counts by parking level is provided in Attachment IV. As shown, the peak demand associated with current site operations, including commercial parking, is 662 spaces. Given the 855 spaces available for general use (and not considering potential vacant parking spaces within the restricted parking areas), the parking structure currently contains a surplus of 193 parking spaces. This surplus represents 19 percent of the total available parking supply (1,017 spaces) proposed for the site. Because this figure includes existing commercial parking, the 25 percent parking reduction being requested should be considered conservative.

Metro Place III/IV Parking Count (General Public) 10/9/07 - 10/11/07

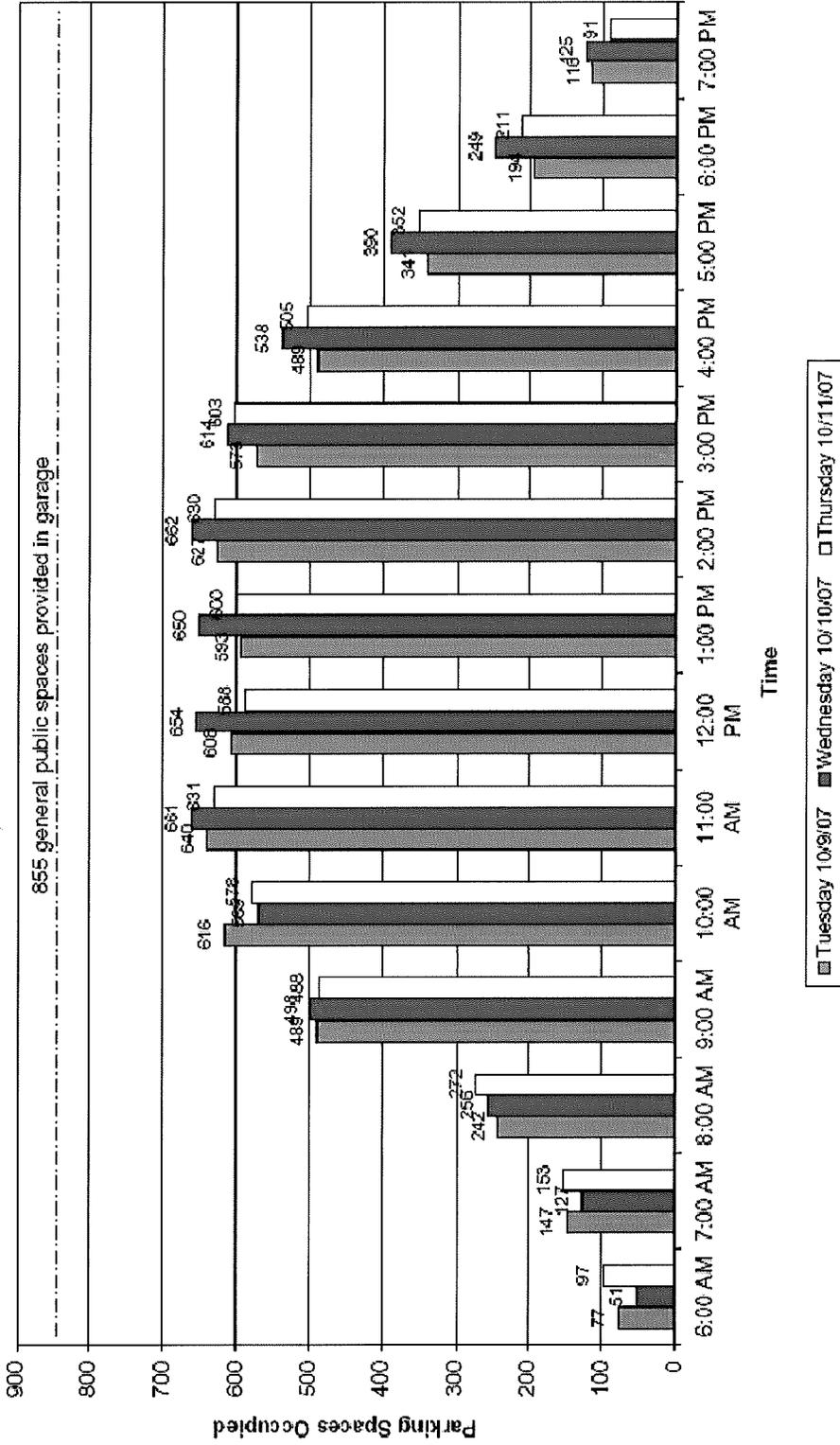


Figure 4  
Existing Site Parking Demand

## **PROVISION: TRANSPORTATION DEMAND MANAGEMENT (TDM)**

In cases where an applicant has proffered (or intends to proffer) a TDM program, The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking, as outlined in Article 11, Section 11-102.26 (see Attachment II). As stated:

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

For the purposes of this provision, a proffered TDM program shall include: a projected reduction in parking demand expressed as a percentage of overall parking demand and the basis for such projection; the TDM program actions to be taken by the applicant to reduce the parking demand; a requirement by the applicant to periodically monitor and report to the County as to whether the projected reductions are being achieved; and a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand.”

The Fairfax County Comprehensive Plan for the Merrifield Suburban Center recommends a non-Single Occupant Vehicle (non-SOV) mode split goal of 25% for the subject site due to its proximity to the transit station. In furtherance of the Plan goals, the Applicant intends to proffer Transportation Demand Management (TDM) strategies. The specifics of these TDM strategies will be coordinated and agreed upon with County staff during the course of the rezoning application process, but the trip reduction goal to be established in the proffer will meet and likely exceed the goal set forth in the Plan. Specific strategies that will be considered in the TDM proffer may include the following:

- Preferential parking for carpools
- Bicycle racks and storage
- Transit benefits and/or incentives including issuance of “SmarTrip” cards to new employees
- Periodic monitoring of on-site parking demand

The establishment of these TDM strategies will serve to take full advantage of the site’s proximity to the metrorail station, thus reducing on-site parking demand and further justifying the requested parking reduction.

### Conclusions

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

1. Under a strict application of the Zoning Ordinance, 1,029 parking spaces would be required to accommodate the proposed 382,280 GSF of office space and 70-seat fast food restaurant.
2. The Applicant is seeking a **parking reduction of 25% (258 fewer parking spaces)** for a total minimum of 771 parking spaces to serve the proposed on-site uses at full build out and occupancy.
3. The proposed parking supply of 1,017 spaces would provide 771 parking spaces necessary to serve the on-site office and fast food restaurant uses, as well as up to 246 spaces which would be available for commercial parking.
4. The location in close proximity of the site in close proximity to the Dunn Loring - Merrifield metrorail station (within ½ mile) currently serves to reduce parking demand associated with the on-site uses.
5. The parking reduction requested by the Applicant is consistent with what is currently recommended in the Comprehensive Plan for the Tysons Corner Urban Center for parking ratios in close proximity to metrorail stations.
6. The implementation of Transportation Demand Management (TDM) strategies consistent with the goals and objectives of the Comprehensive Plan will serve to further reduce on-site parking demand and take advantage of the site’s proximity to mass transit.
7. Given the site’s location to an existing mass transit station, the 25% parking reduction requested by the Applicant should be supported.

**ATTACHMENT IV**

Site Parking Occupancy Counts  
October 2007



**Parking Occupancy Count**      **Surveyor:** Admir & Majda  
 3785      **Hours:** 6:00AM - 7:00 PM  
 2677 Prosperity Avenue      **Date:** Wednesday, 10/10/2007  
**Weather:** Clear

| Lot/Level          | LL 2      | LL2Res    | LL1        | P         | P Hcp     | Lvl. 2     | Lvl. 3     | Lvl. 4     | Lvl. 5     | Lvl. 6    | Out. Hcp | Out. Res | Total Occ- |
|--------------------|-----------|-----------|------------|-----------|-----------|------------|------------|------------|------------|-----------|----------|----------|------------|
| AM                 |           |           |            |           |           |            |            |            |            |           |          |          |            |
| 6:00 A.M.          | 7         | 22        | 27         | 10        | 1         | 0          | 1          | 1          | 2          | 0         | 2        | 2        | 75         |
| 7:00 AM            | 10        | 22        | 78         | 26        | 1         | 6          | 1          | 2          | 2          | 0         | 1        | 1        | 150        |
| 8:00 AM            | 38        | 31        | 108        | 74        | 4         | 24         | 2          | 2          | 4          | 0         | 0        | 1        | 288        |
| 9:00 AM            | 59        | 56        | 119        | 99        | 5         | 121        | 73         | 11         | 9          | 1         | 1        | 3        | 557        |
| 10:00 AM           | 59        | 70        | 119        | 99        | 6         | 121        | 121        | 8          | 33         | 1         | 2        | 4        | 643        |
| 11:00 AM           | 59        | 68        | 118        | 99        | 8         | 119        | 121        | 93         | 39         | 2         | 3        | 6        | 735        |
| 12:00 P.M          | 57        | 66        | 115        | 98        | 9         | 120        | 117        | 88         | 44         | 3         | 3        | 6        | 726        |
| PM                 |           |           |            |           |           |            |            |            |            |           |          |          |            |
| 1:00 PM            | 59        | 68        | 117        | 96        | 9         | 117        | 114        | 86         | 47         | 3         | 2        | 5        | 723        |
| 2:00 PM            | 57        | 63        | 119        | 98        | 8         | 118        | 109        | 89         | 58         | 3         | 3        | 7        | 732        |
| 3:00 PM            | 54        | 58        | 111        | 93        | 10        | 108        | 98         | 75         | 59         | 3         | 3        | 5        | 677        |
| 4:00 PM            | 40        | 46        | 87         | 83        | 8         | 98         | 95         | 69         | 52         | 3         | 3        | 4        | 588        |
| 5:00 PM            | 27        | 43        | 61         | 61        | 2         | 75         | 66         | 49         | 43         | 3         | 3        | 1        | 434        |
| 6:00 PM            | 15        | 33        | 31         | 42        | 2         | 53         | 40         | 31         | 30         | 3         | 2        | 2        | 284        |
| 7:00 PM            | 9         | 28        | 16         | 23        | 1         | 26         | 19         | 14         | 13         | 2         | 2        | 1        | 154        |
| <b>Total Spcs.</b> | <b>59</b> | <b>67</b> | <b>119</b> | <b>99</b> | <b>17</b> | <b>121</b> | <b>121</b> | <b>121</b> | <b>121</b> | <b>74</b> | <b>3</b> | <b>9</b> | <b>931</b> |

These spaces designated as reserved and not included in the occupancy analysis



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Board Agenda Item  
October 16, 2012

CONSIDERATION – 1

2012 Virginia Association of Counties Annual Meeting

ISSUE:

Board designation of a voting delegate and alternate voting delegate to represent the County at the Virginia Association of Counties (VACo) annual meeting.

TIMING:

VACo has requested notification of Board action by November 1, 2012.

BACKGROUND:

VACo's annual meeting will be held in Bath County, Virginia, on November 13, 2012. The VACo staff is preparing credentials for the Annual Business Meeting and the County has been requested to notify VACo of the names of the County's voting delegate and alternate voting delegate.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant County Executive

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Board Agenda Item  
October 16, 2012

CONSIDERATION – 2

Amendments to the Bylaws for the Fairfax-Falls Church Community Policy Management Team

ISSUE:

Board consideration of amendments to the bylaws for the Fairfax-Falls Church Community Policy Management Team (CPMT).

TIMING:

Board action is requested on October 16, 2012.

BACKGROUND:

At the June 22, 2012, CPMT meeting, members unanimously approved two changes to the organization's membership structure. The first change is regarding the terms of parent and provider representatives to the CPMT. The CPMT includes two representatives of private service providers to be approved by the CPMT and the Board of Supervisors for terms of up to two years. To maintain a level of consistency among the membership, CPMT members approved a change to the bylaws to require that the terms of the provider representatives expire in alternating years.

The second change is regarding the optional, locally mandated members of the CPMT. Due to restructured organizations within Fairfax County and Fairfax County Public Schools (FCPS), CPMT members voted to amend the bylaws to eliminate the following membership seats: Director of the Department of Community and Recreation Services, Director of the Department of Systems Management for Human Services, and the FCPS Director of Student Services. New locally mandated status seats would be established for the Director of the Department of Neighborhood and Community Services, the FCPS Director of Special Education Procedural Support, and the FCPS Director of Intervention and Prevention Services.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed amendments to the bylaws for the CPMT

STAFF:

Patricia D. Harrison, Deputy County Executive  
Nannette Bowler, Director, Department of Family Services  
Jim Gillespie, Program Manager, Comprehensive Services Act

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**BYLAWS OF  
THE FAIRFAX-FALLS CHURCH  
COMMUNITY POLICY AND MANAGEMENT TEAM**

**ARTICLE I: PURPOSE**

It is the purpose of the Community Policy and Management Team to implement the Comprehensive Services Act as specified in Sections 2.1-745 through 2.1-759 of the *Code of Virginia*.

**ARTICLE II: MISSION**

The mission of the Fairfax-Falls Church Community Policy and Management Team (CPMT) is to provide leadership in the development of new concepts and approaches in the provision of services to children, youth and families of Fairfax County and the cities of Fairfax and Falls Church. The primary focus of the CPMT is to lead the way to effective services to children already at risk of experiencing emotional/behavioral problems, especially those at risk or in need of out of home placements, and their families.

**ARTICLE III: PARTICIPATING JURISDICTIONS AND NAME**

The governing bodies of Fairfax County and the cities of Fairfax and Falls Church have agreed to work jointly in implementing the Comprehensive Services Act. Therefore this body shall be known as the "Fairfax-Falls Church Community Policy and Management Team."

**ARTICLE IV: RESPONSIBILITIES**

As set forth in the *Code of Virginia*, the CPMT has the following duties and authority:

1. Develop interagency policies and procedures to govern the provision of services to children and families;
2. Develop interagency fiscal policies governing access to the State pool of funds by the eligible populations including immediate access to funds for emergency services and sheltered care;
3. Coordinate long range, community-wide planning which ensures the development of resources and services needed by children and families;
4. Establish policies governing referrals and reviews of children and families to the Family Assessment and Planning Teams and a process to review the teams' recommendations and requests for funding;

5. Establish Family Assessment and Planning Teams as needed;
6. Establish quality assurance and accountability procedures for program utilization and funds management;
7. Obtain bids and enter into contracts for the provision or operation of services in accordance with the Fairfax County Public Procurement Act;
8. Establish procedures for the management of funds in the interagency budget allocated to the community from the State pool of funds, the Trust fund, and any other source;
9. Authorize and monitor the expenditure of funds by each Family Assessment and Planning Team;
10. Submit grant proposals upon approval by the Fairfax County Board of Supervisors; and,
11. Serve as its community's liaison to the State Management Team, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services.

## **ARTICLE V: MEMBERSHIP, APPOINTMENTS AND TERM OF OFFICE**

### **Section 1. Memberships.**

The CPMT shall have no more than ~~nineteen (19)~~ twenty (20) members. ~~Nine (9)~~ Ten (10) members have legally mandated status under the Code of Virginia. ~~Three (3) will have optional status, and six (6) shall have a limited terms. The city councils shall appoint their respective representatives. Other appointed public CPMT members shall serve at the pleasure of the local governing bodies.~~ Five (5) members are locally mandated by the Board of Supervisors. Five (5) members may be appointed by the Board of Supervisors on an optional basis. Of the twenty CPMT members, seven (7) are filled on a limited term basis by the Board of Supervisors.

### **Section 2. State Mandated Members.**

The following representatives are mandated under *Virginia Code* to serve as members of the CPMT:

- Director of Court Services for the Fairfax County Juvenile and Domestic Relations Court
- Director of the Department of Family Services
- Executive Director of the Fairfax-Falls Church Community Services Board
- Director of the Department of Health
- Director of Special Education Services, Fairfax County Public Schools
- One (1) representative of the Falls Church City Public Schools
- One (1) human services representative appointed by the Fairfax City Council
- One (1) human services representative appointed by the Falls Church City Council

Additions are double-underlined.

Deletions are ~~struck through~~.

- One (1) representative of private service providers\*
- One (1) parent representative who is not an employee of any public or private provider of services to youth\*

### **Section 3. ~~Optional~~ Locally Mandated Members.**

~~The Fairfax County Board of Supervisors may appoint four (4) persons having optional status on the CPMT~~ The following representatives are designated by the Fairfax County Board of Supervisors to serve as members of the CPMT:

- Deputy County Executive, Human Services
- Director of the Department of Administration for Human Services
- ~~Director of the Department of Community and Recreation Services~~
- ~~Director of the Department of Systems Management for Human Services~~
- ~~Director of Student Services, Fairfax County Public Schools~~
- Director of the Department of Neighborhood and Community Services
- Director of Special Education Procedural Support, Fairfax County Public Schools
- Director of Intervention and Prevention Services, Fairfax County Public Schools

### **Section 4. ~~Limited Term~~ Optional Members.**

~~The following positions shall be filled on a limited term basis by the Fairfax County Board of Supervisors~~ The Fairfax County Board of Supervisors may appoint the following positions as members of the CPMT:

- One (1) representatives of private service providers\*
- Up to three (3) parent representatives who are not employees of any public or private provider of services to youth\*
- One (1) community representative\*

### **Section 5. Appointments and Terms for Limited Term Members**

The seven (7) members identified by an asterisk (\*) in Sections 2, 3, and 4 above shall serve limited term appointments. The term shall be for two (2) years and re-appointments may be made for additional consecutive terms upon approval by the CPMT and Board of Supervisors. The terms of private service provider representatives shall expire in alternating years.

All jurisdictions shall be afforded the opportunity to nominate persons for limited term appointments. The Chair of the CPMT shall forward the CPMT's recommended nominee for membership to the Fairfax County Board of Supervisors or other appointing authority for approval. The Chair may appoint a Nominating Committee to assist in obtaining nominations for the limited term members.

## ARTICLE VI: OFFICERS AND THEIR DUTIES

### Section 1. Officers.

The officers of the CPMT shall consist of a Chair and Vice Chair.

### Section 2. Duties of the Chair.

The duties of the Chair shall be:

- a. To set the agenda for and preside at all meetings of the CPMT.
- b. To appoint committees as needed to support the work of the CPMT.
- c. To keep the State Management Team, the Fairfax County Board of Supervisors, and the Councils of the participating cities informed of the activities of the CPMT.
- d. To perform other duties as determined by the CPMT.

### Section 3. Duties of the Vice Chair.

The Vice Chair shall, in the absence of the Chair, perform the duties of the Chair and other duties determined by the CPMT.

## ARTICLE VII: ELECTION OF THE OFFICERS AND TERM OF OFFICE

### Section 1. Elections.

Election of officers shall be conducted by the CPMT acting as a Nominating Committee of the Whole. The election shall be held at the last meeting of the County fiscal year or as needed.

### Section 2. Term of Office.

The term shall be for the County fiscal year. There is no term limit on the number of terms which a person may serve.

## ARTICLE VIII: MEETINGS

### Section 1. Meetings.

The CPMT shall hold a sufficient number of meetings to properly conduct its business.

### Section 2. Absences.

Absences shall be managed in accordance with Fairfax County Procedural Memorandum Number 99, which states that the names of the members who are absent for three consecutive

regularly scheduled meetings are to be transmitted to the Clerk to the Board of Supervisors or other appointing authority for appropriate action.

**Section 3. Staff Support.**

The Chair shall assign Fairfax County staff designated by the Deputy Executive for Human Services to maintain the minutes of all meetings, to prepare agendas, and to distribute meeting minutes.

**ARTICLE IX: QUORUM**

A majority of the appointed members of the CPMT including the Chair or Vice-Chair, present in person, constitutes a quorum at all meetings of the CPMT for the transaction of business.

**ARTICLE X: RULES OF ORDER**

**Section 1. Voting.**

Both officially appointed members and their designees may participate in discussions. However, only the officially appointed member may vote.

**Section 2. Decisions.**

The CPMT shall generally work by consensus. Robert's Rules of Order, Newly Revised, shall be used as a guide in conducting Management Team business. All issues of parliamentary procedure shall be referred to the Chairman or presiding officer where decisions shall be final or binding.

**ARTICLE XI: COMMITTEES**

Committees may be established as needed. Membership is not limited to members of the CPMT.

**ARTICLE XII: CONFIDENTIALITY**

All information about specific youth and families obtained by CPMT members in discharge of their responsibilities shall be confidential under all applicable laws, mandates, and licensing requirements.

**ARTICLE XIII: AMENDMENTS**

These bylaws may be amended at any regular meeting of the CPMT by a two-thirds (2/3) vote of those present and voting; provided, however, that notice of the proposed changes have been

submitted to the members of the CPMT thirty (30) days prior to the meeting. These bylaws may also be amended at any time without advance notice by unanimous vote of all members of the CPMT.

**These bylaws were last amended at a regular meeting of the CPMT held on June 22, 2012.**

INFORMATION - 1

Contract Award – Interior Design Architecture/Engineering Services

On February 13, 2012, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP) soliciting qualified sources to provide interior design and architectural and engineering services for the Facilities Management Department. The scope of work includes, but is not limited to, design, drawings, move management, cost estimating, and various other design, engineering, and architectural services.

RFP2000000127 was publicly advertised in accordance with the requirements of the Fairfax County Purchasing Resolution. Twenty-two offerors responded with a proposal by the closing date of April 16, 2012. The Selection Advisory Committee (SAC), approved by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the evaluation of the proposals, the SAC negotiated with the offerors and recommended contract awards to Leo A. Daly; Little Diversified Architectural Consulting; Moseley Architects, PC; Peck, Peck & Associates, Inc.; Swanke Hayden Connell Ltd.; and Wisewski Blair & Associates, an HGA Co. Multiple awards are required due to the varying project types and sizes and the design expertise required for each.

The SAC recommends contract award to these firms based on their demonstrated ability to meet County requirements and standards for interior design and architectural and engineering services.

The Department of Tax Administration verified that the selected firms are not required to have a Fairfax County Business, Professional, and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award these contracts to Leo A. Daly; Little Diversified Architectural Consulting; Moseley Architects, PC; Peck, Peck & Associates, Inc.; Swanke Hayden Connell Ltd.; and Wisewski Blair & Associates, an HGA Co. These contracts will commence on the date of award and terminate on July 31, 2017. The total estimated amount of these contracts is approximately \$1,500,000 per year.

FISCAL IMPACT:

Professional services rendered through these contracts are paid directly by the departments and agencies requesting the services. The Facilities Management Department verifies the department or agency has sufficient funding for services before work is approved.

Board Agenda Item  
October 16, 2012

ENCLOSED DOCUMENTS:

None

STAFF:

Cathy A. Muse, Purchasing Agent/Director, Department of Purchasing and Supply  
Management

Jose A. Comayagua, Director, Facilities Management Department

Board Agenda Item  
October 16, 2012

11:25 a.m.

Matters Presented by Board Members

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12:10 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. Repeal of Fairfax County Code Section 5-1-7(b)
  - 2. Application of Reston Lake Anne Air Conditioning Corp., PUE-2011-00130 (Va. State Corp. Comm'n) (Hunter Mill District)
  - 3. *Dagne Engeda v. Edward Carpenter and Leo Mayer*, Case No. GV12007441-00 (Fx. Co. Gen. Dist. Ct.)
  - 4. *Allstate Insurance Co. a/s/o Narcisa Moreira v. Fairfax County, Virginia*, Case No. GV1218832-00 (Fx. Co. Gen. Dist. Ct.)
  - 5. *Jennifer Logan v. Fairfax County Department of Family Services*, Record No. 2608-11-4; *Kevin Logan v. Fairfax County Department of Family Services*, Record No. 2751-11-4 (Va. Ct. App.)
  - 6. *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)
  - 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Russell J. Young and Kathryn L. Young*, Case No. CL-2012-0003527 (Fx. Co. Cir. Ct.) (Mason District)

8. *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)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nahid Amiri, Case No. CL-2011-0009631 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
10. *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)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emilio Herbas and Maria Rojas, Case No. CL-2010-0016246 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hui Son Pak, Hae Bon Kang, and Jin Ja Kang, Case No. CL-2012-0009481 (Fx. Co. Cir. Ct.) (Lee District)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. David L. Coy and Christy L. Coy, Case No. CL-2012-0002584 (Fx. Co. Cir. Ct.) (Springfield District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald R. Goodwin and Teresa Ann Goodwin, Case No. CL-2012-0009833 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Louis A. Bonfiglio and Cristina M. Bonfiglio, Case No. CL-2012-0007806 (Fx. Co. Cir. Ct.) (Lee District)*
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Springfield Petroleum Realty, LLC, Case No. CL-2012-0001239 (Fx. Co. Cir. Ct.) (Mason District)*

18. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Francis R. Baffa, Jr. and Shui Ching Kao-Baffa, Case No. CL-2012-0010168 (Fx. Co. Cir. Ct.) (Lee District)*
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martin N. Argueta, Case No. CL-2012-0010368 (Fx. Co. Cir. Ct.) (Braddock District)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mark S. Beall and Karen L. Beall, Case No. CL-2012-0003709 (Fx. Co. Cir. Ct.) (Dranesville District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samreen Mansoor and Shaheen Sultan, Case No. CL-2012-0010165 (Fx. Co. Cir. Ct.) (Dranesville District)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Julia Aparacio and Enrique Aparacio, Case No. CL-2012-0007395 (Fx. Co. Cir. Ct.) (Mason District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nicolas D. Parada and Luisa A. Parada, Case No. CL-2012-008793 (Fx. Co. Cir. Ct.) (Lee District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sanan Pecthcry and Cesaria Pecthcry, Case No. CL-2012-0009022 (Fx. Co. Cir. Ct.) (Providence District)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Randal S. Cordes, Case No. CL-2012-0009999 (Fx. Co. Cir. Ct.) (Dranesville District)*
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Redpath Development, LLC, Case No. CL-2012-0008908 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia Anne Crepeau, a/k/a Patricia Anne Ashland, Case No. CL-2011-0001649 (Fx. Co. Cir. Ct.) (Braddock District)*

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rotonna L. Mullen*, Case No. CL-2012-0008992 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara A. Grayson and Christopher William Thompson*, Case No. CL-2012-0008575 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah and Amany Abdullah*, Case No. CL-2012-0008578 (Fx. Co. Cir. Ct.) (Mason District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mary Ann L. Stewart*, Case No. CL-2012-0008796 (Fx. Co. Cir. Ct.) (Braddock District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bhupinder Kaur Saini and Jaswinder Singh Saini*, Case No. CL-2012-0008993 (Fx. Co. Cir. Ct.) (Sully District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Linda L. LaFever*, Case No. CL-2012-0008507 (Fx. Co. Cir. Ct.) (Lee District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kim Living Trust, Hie C. Kim, Trustee, Hea J. Kim, Trustee, and Best Therapeutics, Inc.*, Case No. CL-2012-0013484 (Fx. Co. Cir. Ct.) (Sully District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farah Ahmad*, Case No. CL-2012-0008504 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Giron Caballero*, Case No. CL-2012-0006510 (Fx. Co. Cir. Ct.) (Lee District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas V. Leffler*, Case No. CL-2012-0010430 (Fx. Co. Cir. Ct.) (Lee District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin M. Hirschfield*, Case No. CL-2012-0011844 (Fx. Co. Cir. Ct.) (Mount Vernon District)

39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tai Jang Chiao and Nancy Chiao, Case No. CL-2012-0012779 (Fx. Co. Cir. Ct.) (Springfield District)*
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pen-Lin Yin and Huey-Er Hwang, Case No. CL-2012-0013624 (Fx. Co. Cir. Ct.) (Dranesville District)*
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ronald S. Federici, Case No. CL-2012-0013715 (Fx. Co. Cir. Ct.) (Springfield District)*
42. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Howard R. Moon, III, Case No. CL-2012-0013714 (Fx. Co. Cir. Ct.) (Providence District)*
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Linh T. Hoang and Sen V. Tran, Case No. CL-2012-0013718 (Fx. Co. Cir. Ct.) (Braddock District)*
44. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael E. Bacha, Case No. CL-2012-0013717 (Fx. Co. Cir. Ct.) (Dranesville District)*
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Davaasuren Tsendoo, Bolor-Erdene Ganbold, and Anar-Erdene Ganbold, Case No. CL-2012-0013712 (Fx. Co. Cir. Ct.) (Dranesville District)*
46. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judi D. Raphael, Case No. CL-2012-0006715 (Fx. Co. Cir. Ct.) (Braddock District)*
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jonathan L. Cleck and Stephanie S. Cleck, Case No. CL-2012-0013736 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chambers Contracting Company, Case No. CL-2012-0013778 (Fx. Co. Cir. Ct.) (Mount Vernon District)*

49. *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)
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. BLC, Limited Partnership*, Case No. CL-2012-0014277 (Fx. Co. Cir. Ct.) (Providence District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yun Sook Lee*, Case No. CL-2012-0014519 (Fx. Co. Cir. Ct.) (Braddock District)
52. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official v. Reina Meza and Silvio Meza*, Case No. CL-2012-0014556 (Fx. Co. Cir. Ct.) (Providence District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association*, Case No. CL-2012-0014517 (Fx. Co. Cir. Ct.) (Providence District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kenneth A. Price and Imelda G. Price*, Case No. CL-2012-00014520 (Fx. Co. Cir. Ct.) (Mason District)
55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Henry K. Williams, Trustee, and Betty A. Williams, Trustee*, Case No. CL-2012-0014586 (Dranesville District)
56. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ngoc-Van Thi Nguyen*, Case No. CL-2012-0014625 (Fx. Co. Cir. Ct.) (Lee District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mayra Hernandez*, Case No. GV12-018722 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stephen P. Williams and Linda J. Williams*, Case No. GV-12-0021520 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

59. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mun Su Chun and Kan Nan Chun*, Case No. GV-2012-0022839 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
60. Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mervin R. Greenwood, Case Nos. GV12-023821 and GV12-023821 (Fx. Co. Gen. Dist. Ct.) (Sully District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Philip Short and Marilyn S. Short*, Case No. GV12-023823 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
62. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Raymond J. Rybicki*, Case Nos. GV12-023819 and GV12-023819 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
63. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Silvia R. Sanchez*, Case No. GV12-023824 (Fx. Co. Gen. Dist. Ct.) (Mason District)
64. *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)
65. *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)
66. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ashok Darwin Cates and Rita Takahashi*, Case Nos. GV12-023969 and GV12-023970 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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Board Agenda Item  
October 16, 2012

3:30 p.m.

Public Hearing on SE 2012-MA-004 (Jooan Peace, Inc.) to Permit Parking in an R District, Located on Approximately 26,939 Square Feet of Land Zoned R-2 and HC (Mason District)

This property is located at 4119 Hummer Rd., Annandale, 22003. Tax Map 59-4 ((6)) 20B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2012, the Planning Commission voted unanimously (Commissioners Alcorn and Sargeant absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject application:

- Approval of SE 2012-MA-004, subject to the development conditions dated July 12, 2012, and the inclusion of an additional development condition requiring that the construction of the parking lot abutting the buffer minimize potential damage to local tree roots;
- Modification of the transitional screening requirement along the northern property line in favor of the SE plat and development conditions;
- Modification of the transitional screening requirement along the western property line in favor of the SE plat; and
- Waiver of the barrier requirements along the western property line.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4391710.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Kristen Abrahamson, Department of Planning and Zoning

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Planning Commission Meeting  
July 26, 2012  
Verbatim Excerpt

SE 2012-MA-004 – JOOAN PEACE, INC.

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Hall please.

Commissioner Hall: Thank you, Mr. Chairman. I want to thank both speakers for coming out this evening and sharing their thoughts about this application. It's amazing how two people can see the same thing, but have two separate opinions and that happens in life. In Mason District, we do try and reach out to the community, but all we can do is notify the homeowners association for the applications that are reviewed at the Mason District Office. I – this application was heard twice. There were concerns about the buffer and to make sure that there was sufficient buffering to take care of the existing residential. I know that the Minister spoke about flashing – bright lights and everything, but the lighting is going to be – I would like to ask staff to address lighting. The acorn lights really don't give up that much lighting and the rest of it is shielded, isn't it?

Kristen Abrahamson, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ) and Miriam Bader, ZED, DPZ: Yes.

Commissioner Hall: So the fact that the townhomes are across the way – and there's a significant amount of open space between Hummer Road and where these townhomes are with trees and so forth. So the likelihood of them being impacted by lights is – I don't think it'll be an issue because of the concerns. That's one. As far as it impacting on the cost of the real estate – your other concern – I don't know that I can really speak to it. But I can say – based on the illustrations – and these are the requirements, the pavers and the acorn lights – these are the requirements of the Annandale Revitalization Group, which the applicant has agreed to provide. I really don't – I think this would have a better impact on your values than what is currently there because old houses that regrettably are left to fall apart really do have a very negative impact and there has been a few of them in Mason District. So while I appreciate you coming and sharing your thoughts, I have to agree with staff that this is a valid application in keeping with the Comprehensive Plan. And so, therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2012-MA-004, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 12, 2012.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes, Mr. Lawrence.

Commissioner Lawrence: Point of clarification. Would the Commissioner consider MY SUGGESTION ABOUT THE CONDITION ASKING FOR A BRIEFING OF THE PEOPLE WHO ARE GOING TO PUT THE PARKING LOT IN NEXT TO THE BUFFER?

Planning Commission Meeting

Page 2

July 26, 2012

SE 2012-MA-004

Commissioner Hall: I'm sorry?

Chairman Murphy: To preserve the roots of the trees to protect –

Commissioner Hall: Oh, that certainly is something the applicant can do.

Commissioner Lawrence: I think that would help.

Commissioner Hall: Well, I think it would especially if – those were actually the discussions we had at Mason District. It was specifically about that, so I think that would be a good idea.

Chairman Murphy: So I think what we're ASKING is for STAFF TO CRAFT A DEVELOPMENT CONDITION TO PUT IT INTO THE APPLICATION PRIOR TO THE BOARD MEETING, OKAY?

Ms. Abrahamson and Ms. Bader: Okay.

Commissioner Hall: If you would.

Commissioner Lawrence: Thank you, Mr. Chairman.

Chairman Murphy: All those in –

Commissioner Lawrence: Thank you, Ms. Hall.

Chairman Murphy: All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hall.

Commissioner Hall: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS – there are three:

- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE north – NORTHERN PROPERTY LINE IN FAVOR OF THE SE PLAT AND DEVELOPMENT CONDITIONS;
- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE WESTERN PROPERTY LINE IN FAVOR OF THE SE PLAT;

- AND FINALLY, A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE WESTERN PROPERTY LINE.

Commissioners Hart and Lawrence: Second.  
Planning Commission Meeting  
July 26, 2012  
SE 2012-MA-004

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Chairman Murphy: Seconded by Mr. Hart and Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Hall: Again, thank you very much for coming out.

//

(The motions carried unanimously with Commissioners Alcorn and Sargeant absent from the meeting.)

JLC

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Board Agenda Item  
October 16, 2012

3:30 p.m.

Public Hearing on PCA 2004-PR-044 (Tysons Corner Property Holding, LLC & Tysons Corner Holdings LLC) to Amend the Proffers for RZ 2004-PR-044 Previously Approved for Mixed Use Development with an Overall Floor Area Ratio of 1.76 to Permit Modifications to Proffers, Located on Approximately 12.95 Acres of Land Zoned PDC, HC and SC (Providence District)

This property is located at 1961 Chain Bridge Road, Mclean, 22102. Tax Map 29-4 ((1)) 35A pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 20, 2012, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to recommend that the Board of Supervisors approve PCA 2004-PR-044, subject to the proffers dated August 13, 2012.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4396607.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Bob Katai, Department of Planning and Zoning

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Planning Commission Meeting  
September 20, 2012  
Verbatim Excerpt

PCA 2004-PR-044 – TYSONS CORNER PROPERTY HOLDINGS, LLC AND TYSONS  
CORNER HOLDINGS, LLC

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. This is very straightforward. They're moving units from one building to another, chasing the market. That's what it amounts to. Ms. Zahm is representing the applicant. We've already talked about what we're going to do next week and perhaps there will be more entertainment for her at that time. Meanwhile, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2004-PR-044, SUBJECT TO THE PROFFERS PRESENTED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners de la Fe and Hall: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to approve – to recommend that the Board of Supervisors approve PCA 2004-PR-044, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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(The motion carried unanimously with Commissioner Litzenberger absent from the meeting.)

JLC

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Board Agenda Item  
October 16, 2012

3:30 p.m.

Public Hearing on RZ 2012-DR-006 (Board of Supervisor's Own Motion) to Rezone from PDH-3 to R-1 to Permit the Existing Residential Development to Remain on the Existing Lots, Located on Approximately 8.11 Acres of Land (Dranesville District)

This property is located on the South Side of Lewinsville Road, approximately 300 feet West of its intersection with Spring Hill Road. Tax Map 29-1 ((1)) 33, 33A, 34, 34A, 35, 35A pt., 36, 37, 37A, 38, 39, 40B and 41 and portions of Odrick's Lane and Gordon's Lane.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 20, 2012, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to recommend that the Board of Supervisors approve RZ 2012-DR-006.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4396604.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Megan Brady, Department of Planning and Zoning

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Planning Commission Meeting  
September 20, 2012  
Verbatim Excerpt

RZ 2012-DR-006 – BOARD OF SUPERVISORS' OWN MOTION

After the Close of the Public Hearing

Chairman Murphy: Without objection, public hearing is closed; recognize Mr. Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. Mr. Chairman, this is a case of kind of putting things back in order. As the staff report clearly explained, there are proffers on these lands or on these parcels that are the result of a planned conveyance about five or six years ago. And after the rezoning, the conveyance never took place. And as a result, you've got a different zoning district over what really is still a R-1. And you have burdens on the R-1 landowners that simply aren't appropriate anymore. So basically, what we're doing is reestablishing a zoning category which will allow these homeowners to work with what are their own properties and what will continue to be their own properties because the rezoning is not going to – well, the rezoning happened, but the purchase that would implement the rezoning is not going to happen. So we're putting it back to R-1. And with that, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE OF RZ 2012-DR-006.

Commissioners de la Fe and Flanagan: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2012-DR-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Donahue: Thank you, Mr. Chairman. And thank you, Ms. Brady, as usual for a fine job.

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(The motion carried unanimously with Commissioner Litzenberger absent from the meeting.)

JLC

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Board Agenda Item  
October 16, 2012

3:30 p.m.

Public Hearing on RZ 2012-PR-009 (Prosperity Metro Plaza of Virginia, LLC) to Rezone from PDC and PRM to PDC to Permit Commercial Development with an Overall Floor Area Ratio of 1.4 and Approval of the Conceptual Development Plans, Located on Approximately 3.72 Acres of Land (Providence District)

This property is located East of Dorr Avenue and South of Prosperity Avenue. Tax Map 49-1 ((13)) 19B pt. and a portion of Dorr Ave. public right-of-way to be vacated and/or abandoned.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 4, 2012, the Planning Commission voted unanimously (Commissioner Hart recused himself; Commissioners Litzenberger and Migliaccio not present for the vote) to recommend that the Board of Supervisors approve RZ 2012-PR-009 and the associated Conceptual Development Plan, subject to proffers dated October 3, 2012.

In addition, the Planning Commission voted unanimously (Commissioner Hart recused himself; Commissioners Litzenberger and Migliaccio not present for the vote) to approve FDP 2012-PR-009, subject to development conditions dated September 9, 2012, and subject to the Board of Supervisors' approval of RZ 2012-PR-009.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4397762.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Department of Planning and Zoning

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Planning Commission Meeting  
October 4, 2012  
Verbatim Excerpt

RZ/FDP 2012-PR-009 – PROSPERITY METRO PLAZA OF VIRGINIA, LLC

After the Close of the Public Hearing

Chairman Murphy: Public Hearing is closed; recognize Mr. Lawrence. Of course, it's a Providence case.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2012-PR-009 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO PROFFERS CONSISTENT WITH THOSE NOW DATED OCTOBER 3, 2012.

Commissioners Alcorn and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan and 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 RZ 2012-PR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2012-PR-009, SUBJECT TO DEVELOPMENT CONDITIONS DATED SEPTEMBER 9, 2012, AND TO THE BOARD'S APPROVAL OF THE ASSOCIATED RZ APPLICATION.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor of the motion to approve FDP 2012-PR-009, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motions carried unanimously with Commissioner Hart having recused himself; Commissioners Litzenberger and Migliaccio not present for the votes.)

JLC

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Board Agenda Item  
October 16, 2012

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Sunset Manor Residential Permit Parking District, District 18 (Mason District)

ISSUE:

Public Hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Sunset Manor Residential Permit Parking District (RPPD), District 18.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Sunset Manor RPPD, District 18.

TIMING:

On September 11, 2012, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on October 16, 2012, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Board Agenda Item  
October 16, 2012

A peak parking demand survey was conducted for Magnolia Lane from Dannys Lane to the western boundaries of 5620 and 5627 Magnolia Lane, North Rosser Street from Bouffant Boulevard to the northern boundaries of 3717 and 3718 North Rosser Street, and Paul Street from Scoville Street to Dannys Lane. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,400 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, Section 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-18, Section (b), (2), Sunset Manor Residential Permit Parking District, in accordance with Article 5A, of Chapter 82:

*Magnolia Lane (Route 1869)*

~~From Paul Street (Route 1844) to Danny's Lane (Route 1846)~~

~~From Seminary Road to Paul Street~~

From Seminary Road to the western boundaries of 5620 and 5627 Magnolia Lane

*North Rosser Street (Route 2781)*

From Bouffant Boulevard to the northern boundaries of 3717 and 3718 North Rosser Street

*Paul Street (Route 1844)*

~~From Scoville Street to Bouffant Boulevard~~

From Bouffant Boulevard to Dannels Lane



Board Agenda Item  
October 16, 2012

4:00 P.M.

Public Hearing on Proposed Amendments to the Code, Section 84.1, Public Transportation, Pertaining to Taxicab Rates

ISSUE:

Public Hearing to consider proposed amendments to Section 84.1 of the Fairfax County Code pertaining to an increase in taxicab rates.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Section 84.1 of the Fairfax County Code pertaining to an increase in the mileage charge for taxicab rates from \$2.00 per mile to \$2.10 per mile, or an increase of 4.7%.

TIMING:

Board adoption of the proposed amendments to Section 84.1 is requested on October 16, 2012, effective November 3, 2012. At its September 25, 2012 meeting, the Board authorized the advertisement of a public hearing on October 16, 2012, for a permanent increase in taxicab fares.

BACKGROUND:

The attached report contains recommendations approved by the Consumer Protection Commission (CPC) adopted at its Public Hearing on proposed increases in taxicab rates held on August 21, 2012. This report was prepared on behalf of the CPC pursuant to staff's annual review of rates for taxicab services, and a petition filed June 13, 2012 by the Taxicab Drivers Association of Fairfax County for an increase of approximately 20% in rates.

Permanent taxicab fare rates were last increased in October 2008 by 15%, based in part on average regular-grade gasoline prices rising from an average of \$2.13 a gallon (from the period of the last permanent increase in rates - March 2005) to an average of \$3.74 a gallon in 2008. Retail gasoline prices have somewhat stabilized since 2008, with average prices falling below \$3.74 a gallon for all but a few months in that period.

Section 84.1-6-2(d) provides a standard (formula), referred to as the Fairfax County Taxicab Industry Price Index (FCTIPI), for determining, in part, whether a rate change is justified, and for setting a rate recommendation. This formula measures changes to

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October 16, 2012

various elements of the consumer price index, relating to factors affecting costs to the taxicab industry. Recommendations on changes in rates are made based on the results of this analysis, plus or minus two percent.

According to staff's analysis, provided in Attachment 1, the FCTIP index suggested an increase of 3.4% since June 2008 (last period for which data were cited for prior rate increase), supporting a rate increase within the range of 1.4% to 5.4%. In accordance with this formula, staff's rate recommendation proposal would increase taxicab rates for an average seven-mile trip by 4.7%, which would increase the mileage charge from \$2.00 to \$2.10 per mile.

In addition to the Fairfax County Taxicab Industry Price Index (FCTIPI), staff considered other relevant factors affecting costs, rates, and the general direction of the industry from a Fairfax County and regional perspective as a basis for developing its recommendations. These other factors included:

1. The industry had not received a taxicab fare rate increase since 2008 (four years).
2. Demand to obtain and renew taxicab drivers licenses in Fairfax County remained at an all-time high.
3. Gas prices, which are the second highest expense item for taxicab drivers after lease fees, remain volatile and historically high. Current gas prices generally approximate the \$3.74/gallon pricing level assumed in the analysis supporting the 2008 increase
4. There are indications that the taxicab industry may not have fully recovered from the economic downturn, since paid trips have not yet returned to pre-2008 levels.
5. With a \$0.10 increase in the mileage rate, Fairfax County's taxicab rates would be comparable to taxicab rates in neighboring jurisdictions.
6. In the 2011-2012 period, two jurisdictions in the metropolitan Washington region increased their taxicab mileage rates. The District of Columbia approved an increase in its mileage rate from \$1.50 to \$2.16. Arlington County approved an increase in its mileage rate from \$2.00 to \$2.10.
7. The City of Alexandria has indicated that it will likely consider an increase in its existing taxicab rates in 2012.

During the Consumer Protection Commission's Public Hearing on August 21, 2012, one representative of the Drivers Association spoke in support of an increase from \$2.00 per mile to \$2.50 per mile (20.2% increase), and a representative of staff spoke in support of an increase in taxicab fare mileage rates from \$2.00 per mile to \$2.10 per mile (4.7% increase). Several representatives of the taxicab companies also spoke in

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support of the increase to \$2.10 per mile (4.7% increase). At the conclusion of the Public Hearing, the Consumer Protection Commission unanimously voted to recommend to the Board that an increase in taxicab fare rates from \$2.00 per mile to \$2.10 per mile (4.7%) be approved.

ENCLOSED DOCUMENTS:

Attachment 1 – Consumer Protection Commission Report on Recommendations on a Proposed Taxicab Fare Increase

STAFF:

Michael S. Liberman, Director, DCCCP  
Steve Sinclair, Chief, Utilities Branch, DCCCP  
Susan Hafeli, Utility Analyst, DCCCP  
John Burton, Assistant County Attorney

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**Consumer Protection Commission**  
**Recommendation to the Board of Supervisors**  
**On a Proposed Taxicab Fare Rate Increase**

Prepared by  
Fairfax County  
Department of Cable and Consumer Services  
Public Utilities Branch

October 16, 2012

## Introduction

This report was prepared on behalf of the Consumer Protection Commission (CPC or Commission) pursuant to staff's annual review of rates for taxicab services and a petition filed June 13, 2012 by the Taxicab Drivers Association of Fairfax County for a 20% increase in rates. In October 2008, the Board approved the most recent increase in taxicab fare rates of 15%.

### **I. The Taxicab Industry in Fairfax County**

#### **A. Taxicab Companies**

Four taxicab companies hold certificates to operate in Fairfax County. These four companies are authorized to operate a total of 576 taxicabs throughout the County. The companies operate by leasing their cabs to drivers on a daily or weekly basis, or by collecting stand fees from owner/operators

Transportation General, Inc. owns two companies that hold certificates to operate taxicabs in Fairfax County. One company, Murphy Brothers, Inc., owns and operates Falls Church Yellow Cab, which is authorized to operate 283 taxicabs. Its primary service area is the central and northern portions of the County. The second company, Fairfax Taxi, owns and operates Fairfax Red Top Cab, which is authorized to operate 101 taxicabs. Fairfax Taxi's primary service area is the central and western portions of the County. Together, these two companies operate the greatest number of taxicabs in the County.

Springfield Yellow Cab is owned by Paul Wallace Management, Inc. and is authorized to operate 125 taxicabs. Springfield Yellow Cab's primary service areas are in the central and southern areas of the County.

Fairfax White Top Cab is owned by L&Z Transportation, Inc. and is authorized to operate 67 taxicabs. White Top's primary service area is the southeastern portion of the County.

While all four companies have indicated primary service territories, all companies operate throughout Fairfax County.

#### **B. Taxicab Drivers**

In FY 2012, there were 857 licensed taxicab drivers in Fairfax County. Taxicab drivers are independent operators that either lease their cabs from the taxicab companies, or own their own cabs and pay "stand dues" to those companies. Lease fees/car payments and fuel represent the majority of the operating expenses for most drivers.

As independent operators, individual driver incomes can be expected to be highly variable depending upon a variety of factors including: number of hours and days

worked, driver awareness of market opportunities, ability to cultivate repeat customers, etc.

**II. The Fairfax County Code Establishes the Basis for Rate Reviews**

In 1998, the Board of Supervisors approved major changes to the County Code, Section 84.1 Article 6, on how taxicab fare rate changes are to be evaluated. A copy of this Code provision is provided in Table 1.

Section 84.1-6-2(d) of the Code provides an objective, verifiable and periodic basis for evaluating factors affecting the costs of providing taxicab services. This standard, identified in the Code as the Fairfax County Taxicab Industry Price Index (FCTIPI), specifies a formula for determining, in part, whether a rate change is justified. This formula considers the change, since rates were last adopted, in the FCTIPI plus or minus two (2) percent.

The FCTIPI, shown below and in Table 2, is a weighted average of five readily-available national indices, each of which relates to the costs of providing taxicab vehicle services. These indices, which are compiled by the U.S. Bureau of Labor Statistics (BLS), are found in Table 3. The weights of the FCTIPI are designed to reflect the cost occurrence considered typical of taxicab providers:

| <u>Taxicab Cost Element</u>       | <u>BLS Index</u>                               | <u>Weight</u> |
|-----------------------------------|--|---------------|
| Salaries, wages and profits       | Consumer Price Index                           | 0.62          |
| Vehicle purchase                  | New cars                                       | 0.14          |
| Fuel                              | Motor fuel                                     | 0.11          |
| Insurance and other               | Other private transportation services          | 0.08          |
| Maintenance, parts, and equipment | Private transportation maintenance and repairs | 0.05          |
| TOTAL COMPOSITE INDEX             |  | 1.00          |

Section 84.1-6-2 (d) of the Code states that the following standard is to be used when considering whether a rate change is justified: the change in the Fairfax County Taxicab Price Index since the last adoption of rates, plus or minus 2%. Staff has used this standard in making recommendations for all taxicab fare rate changes evaluated since the Code modifications were made in 1998.

**III. Taxi Driver Association of Fairfax County Rate Proposal**

On June 13, 2012, the Taxi Driver Association of Fairfax County (Drivers Association) filed a petition for a rate increase, a copy of which is provided in Table 4. The Drivers Association petition requested a rate increase in the mileage rate from \$2.00 per mile to \$2.50 per mile, or an increase of approximately 20.2% for an average 7-mile trip. The

June 13, 2012 petition did not contain a justification for the increase. However, at the Public Hearing held by the CPC on August 21, 2012, a representative of the Drivers Association presented information (Table 5) on taxicab fare rates for selected cities (that indicated taxi mileage rates ranged from \$1.15 per mile to \$5.00 per mile), and an analysis of Fairfax County taxi fare increases from 1959 to 2012 (with 1959 being the first year that a codified rate for taxicab services was established in Fairfax County).

#### **IV. Staff's Analysis of the Need for a Rate Increase**

##### **A. Fairfax County Taxicab Industry Price Index**

The Fairfax County Taxicab Industry Price Index (FCTIPI) is a measure to assess the need for a rate increase since the last adoption of rates. As shown in Table 2, the FCTIPI shows a total price index increase of 3.4% based on the various weighted CPI components in the model. The Code provides that the Director will use the change in the FCTIPI, plus or minus 2%, when considering whether a potential rate change is justified. Thus, it was Staff's recommendation that the relevant range of a taxicab fare rate increase based on the FCTPI appears to lie within the range of 1.4% to 5.4%.

##### **B. Driver Retention, Stability and Satisfaction**

In developing its recommendation to the Consumer Protection Commission as to whether a rate adjustment may be warranted, staff analyzed data regarding license renewals and issuances to assess whether existing rates are adequate to retain existing drivers and also to attract new drivers to the industry. This license data is provided in Table 6.

One variable which could indicate insufficient expected incomes in the industry would be if there were extraordinarily high turnover rates for drivers (i.e., an inability to retain drivers in the industry). Table 6 contains taxicab driver renewal rates in Fairfax County from FY2007 through FY2012. Staff's review of 2012 data indicates that the industry has been able to retain drivers at a high and steady level, with an 86% license renewal rate in FY2012. This 86% renewal rate slightly exceeds the 84% license renewal rate average over the prior five-year period.

Table 6 also provides data regarding license issuances. As shown in this table, the number of new licenses issued between 2011 and 2012 more than doubled, from 91 in 2011 to 185 in 2012. This 104% increase indicates that there is a strong demand to enter the taxicab industry in Fairfax County. Both the renewal and new license data suggests a relatively high level of attraction to employment in the industry.

##### **C. Other Economic Factors**

In addition to the preceding considerations, staff considered other factors affecting the costs, rates, and general direction of the industry from a regional perspective as a basis for developing the recommendations in this report. These other factors include:

1. The industry has not received a taxicab fare rate increase since 2008 (four years).
2. Gas prices, which are the second highest expense item for taxicab drivers after lease fees, remain volatile and historically high. Current gas prices generally approximate the \$3.74/gallon pricing level assumed in the analysis supporting the 2008 increase. Nonetheless, as shown in Table 7, prices have surpassed the 2008 price threshold both in May/June 2011 and April/May 2012.
3. There are indications that the taxicab industry may not have fully recovered from the economic downturn, since paid trips have not yet returned to pre-2008 levels.
4. As shown in Table 8, even with the \$0.10 increase in the mileage rate, Fairfax County's taxicab rates would be comparable to taxicab rates in neighboring jurisdictions.
5. In the 2011-2012 period, two jurisdictions in the metropolitan Washington region increased their taxicab mileage rates. The District of Columbia approved an increase in its mileage rate from \$1.50 to \$2.16. Arlington County approved an increase in its mileage rate from \$2.00 to \$2.10.
6. The City of Alexandria has indicated that it will likely consider an increase in its existing taxicab rates in 2012.

#### **V. Staff Recommendation**

Staff's report on a proposed taxicab fare rate increase contains an overview of:

- (1) rates for taxicab services in Fairfax County and the metropolitan Washington region;
- (2) the petition submitted by the Fairfax County Taxicab Drivers Association, which requests an increase in the mileage rate from \$2.00 to \$2.50 (an increase of approximately 20.2% for an average 7 mile trip); and
- (3) staff's recommended range for a justifiable rate increase (1.4% to 5.4%), based on the Fairfax County Taxicab Industry Price Index (FCTIPI).

Staff presented evidence of the strong demand for new and renewal taxicab driver licenses in Fairfax County, suggesting the adequacy of existing taxicab rates. Staff also presented additional economic and industry-related factors supporting an increase in taxicab rates within the FCTIPI range of 1.4% to 5.4%, including maintenance of comparable rates within the region and a trend toward upward rate adjustments among regional local governments.

Given a continued rise in the Consumer Price Index economic indicators as reflected in the Fairfax County Taxicab Industry Price Index, as well as other factors outlined above, staff recommended to the CPC to support a relatively modest taxicab rate increase from

\$2.00 per mile to \$2.10 per mile. As shown in Table 9, this rate change would increase the cost of an average 7-mile taxicab trip by 4.7%. Staff recommended implementing this increase by changing the mileage billing increment from 1/5<sup>th</sup> mile to 1/7<sup>th</sup> mile. If approved, taxicab passengers would be charged \$0.30 per 1/7<sup>th</sup> mile driven, rather than the \$0.40 currently charged per 1/5<sup>th</sup> mile driven. Table 9 also provides a detailed sample billing comparison of the cost of various taxicab trips under both current rates and staff's recommended rates.

It is staff's opinion that the recommended increase is justifiable based on the standard stated in the Code and on the additional economic and industry-related factors cited in this report. A modest increase in the mileage rate, from \$2.00 per mile to \$2.10 per mile, will support the continuation of quality and dependable taxicab service in Fairfax County.

#### **VI. Consumer Protection Commission Recommendation**

During the Consumer Protection Commission's Public Hearing on August 21, 2012, one representative of the Drivers Association spoke in support of an increase from \$2.00 per mile to \$2.50 per mile (20.2% increase), and a representative of staff spoke in support of an increase in taxicab fare mileage rates from \$2.00 per mile to \$2.10 per mile (4.7% increase). Several representatives of the taxicab companies also spoke in support of the increase to \$2.10 per mile (4.7% increase). At the conclusion of the Public Hearing, the Consumer Protection Commission unanimously voted to recommend to the Board that an increase in taxicab fare rates from \$2.00 per mile to \$2.10 per mile (4.7%) be approved.

Table 1

**Rules, Regulations, Rates, Fares, and Charges.  
Chapter 84.1 Code County of Fairfax**

**Section 84.1-6-1. Criteria for establishment of rules, regulations, rates, fares, and charges.**

In the exercise of its authority to regulate taxicab service, the Board will consider factors relevant to the need to assure safe, economical, adequate, and reliable privately operated taxicab service for the riding public. (4-00-84.1)

**Section 84.1-6-2. Changes to rules, regulations, rates, fares, and charges; procedures.**

(a) Changes in any rule, regulation, rate, fare charge, and or practice thereto, for taxicab services rendered by certificate holders, may be approved by the Board after notice and hearing held by the Commission or upon recommendation of the Director.

(b) On an annual basis, the Board may consider changes in rates, fares or charges, upon petition by a certificate holder or a driver association. Any petition filed by a certificate holder or driver association for changes in rates, fares or charges must be filed simultaneously with the Clerk to the Board and the Director by June 30. A copy of such requests must be sent by the Director to the Commission, certificate holders, and any driver association within seven calendar days of submission to the Clerk to the Board.

(c) Any petition for a change in rates, fares or charges will contain the following:

(1) The rates, fares or charges which are proposed for approval; and

(2) A sample billing analysis which will show the cost to riders for trips ranging from one mile to twenty miles in one-mile increments, using existing rates and proposed rates, including for each increment, the percent change.

(d) Rate change petitions will be analyzed by the Director, using information submitted under Section 84.1-5-2, Subsection (c) of this Section, and other relevant data. The Director will use the following standard in consideration of whether the request is justified: The change in the Fairfax County Taxicab Industry Price Index since the last adoption of rates (plus or minus two percent), in the Fairfax County Taxicab Industry Price Index, which is in the following form:

Fairfax County Taxicab Industry Price Index

| Taxicab Cost Element         | BLS Index | Weight |
|------------------------------|-----------|--------|
| Salaries, Wages, and Profits | CPI       | 0.62   |

|                                   |  |      |
|-----------------------------------|--|------|
| Vehicle Purchase                  | New Cars                                       | 0.14 |
| Fuel                              | Motor Fuel                                     | 0.11 |
| Insurance and Other               | Other Private Transportation Services          | 0.08 |
| Maintenance, Parts, and Equipment | Private Transportation Maintenance and Repairs | 0.05 |
| TOTAL COMPOSITE INDEX             |  | 1.00 |

(e) The Commission will review all recommendations or petitions for rate changes, along with the report of the Director, and the Commission will hold a hearing to consider evidence related to such recommendations or petitions for changes in rates, fares and charges, or any rule, regulation, or practice thereto, as soon as analysis and scheduling permit. After holding a public hearing and after such further investigation as the Commission may deem advisable, the Director will convey the recommendations of the Commission and the Director concerning the appropriate taxicab rates to the Board for consideration and approval.

(f) Except for emergency rate relief, certificate holders will provide notice to the public of proposed changes in fares, rates, charges, rules, regulations or practices thereto, by means of a sign posted in a conspicuous place in each of their vehicles operated as taxicabs in Fairfax County. Such notice will be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and will contain substantially the following legend:

**Notice of Proposed Fare Change**

(Insert the Name of the Certificate Holder)

A proposed change in taxicab fares is under consideration by the Fairfax County government. The proposed fares are: (Insert description of the proposed changes). The proposed taxicab fare change will be considered by the Consumer Protection Commission at a public hearing on (insert date, time, and location).

Any interested person may appear before the Commission to be heard on this proposed change. Persons who wish to be placed on the speakers' list or who wish further information should call the Department of Cable Communications and Consumer Protection at 703-222-8435.

Notices with respect to the request for a rate change will be posted at least 15 calendar days prior to the Consumer Protection Commission public hearing and the Board of Supervisor's public hearing and will remain posted until the change in fares is denied or becomes effective.

(g) Emergency rate relief requests will be considered in as timely a manner as possible, under the same procedures and criteria as set forth herein, except that emergency rate relief petitioners must demonstrate that dire financial needs as a result of circumstances beyond their control necessitate an increase prior to the next annual filing period. The filing date requirement found in 84.1-6-2(c) does not apply to an Emergency rate relief request. A rate review according to Section 84.1-6-2, Subsections (a) through (f) will supersede any rate change granted on an emergency basis.

**Section 84.1-6-3. Rates, fares, and charges established.**

Fairfax Taxicab Price Index Analysis, 2012

Table 2

| <u>Criteria</u>                                | 6/08 to 6/12             |  | X | <u>Weight</u> | = | <u>Weighted Change</u> |
|--|--------------------------|--|---|---------------|---|------------------------|
|  | <u>Percentage Change</u> |  |   |               |   |                        |
| CPI  | 4.9%                     |  | X | 0.62          | = | 3.0%                   |
| New Cars                                       | 7.4%                     |  | X | 0.14          | = | 1.0%                   |
| Motor Fuel                                     | -12.3%                   |  | X | 0.11          | = | -1.4%                  |
| Other Private Transportation Services          | 2.0%                     |  | X | 0.08          | = | 0.2%                   |
| Private Transportation Maintenance and Repairs | 10.5%                    |  | X | 0.05          | = | 0.5%                   |
| <b>Total Price Index Change</b>                |                          |  |   |               |   | <b>3.4%</b>            |

Note: Taxicab Price Index analysis performed from period of last rate change study, which utilized data from June 2008.

Source: Formula as stated in Section 84.1-6-1 of the Code of Fairfax.

All data obtained from Bureau of Labor Statistics (BLS) June 2012, CPI, Table 1

Table 3  
**CPI Data Items for Taxicab Price Index Analysis**  
 Measured from Period of Prior Rate Increase June 2008 through June 2012

| <u>Data Element</u>   | <u>Price Indexes</u> |                  |                              |
|---|----------------------|------------------|------------------------------|
|   | <u>June 2008</u>     | <u>June 2012</u> | <u>% Change 6/08 to 6/12</u> |
| CPI   | 218.8                | 229.5            | 4.9%                         |
| New Cars  | 134.5                | 144.4            | 7.4%                         |
| Motor Fuel  | 347.4                | 304.7            | -12.3%                       |
| Other Private Transportation Services   | 207.3                | 211.4            | 2.0%                         |
| Motor Vehicle Maintenance and Repairs   | 233.2                | 257.6            | 10.5%                        |
| Source: BLS, Consumer Price Index for All Urban Consumers, U.S. City Average and Service Group, Table 1 |                      |                  |                              |
| Note: 1982 = 100  |                      |                  |                              |

Fairfax County Taxicab Association  
Petition For a Rate Increase, 2012

Table 4

Taxi Association Of Fairfax County  
12056 Greywing Sq., C-3  
Reston, Va. 20191  
703-587-4695

June 13, 2012

Office to the Clerk to the Board of Supervisors  
12000 Government Center Parkway, Suite 533  
Fairfax, Va. 22035-0072

Ladies and Gentlemen:

The Taxi Association of Fairfax County proposes that the mileage rate charged by taxi drivers in Fairfax County be increased to a rate of \$2.50 per mile. We propose that the initial drop rate of \$3.25 remain the same.

The following is an analysis of the rate increase:

Mile Present Proposed %Increase

|    |       |       |    |
|----|-------|-------|----|
| 1  | 4.85  | 5.25  | 9  |
| 2  | 6.85  | 7.75  | 15 |
| 3  | 8.85  | 10.25 | 16 |
| 4  | 10.85 | 12.75 | 18 |
| 5  | 12.85 | 15.25 | 19 |
| 6  | 14.85 | 17.75 | 20 |
| 7  | 18.85 | 20.25 | 21 |
| 8  | 18.85 | 22.75 | 21 |
| 9  | 20.85 | 25.25 | 22 |
| 10 | 22.85 | 27.75 | 22 |
| 11 | 24.85 | 30.25 | 22 |
| 12 | 26.85 | 32.75 | 22 |
| 13 | 28.85 | 35.25 | 23 |
| 14 | 30.85 | 37.25 | 23 |
| 15 | 32.85 | 40.25 | 23 |
| 16 | 34.85 | 42.75 | 23 |
| 17 | 36.85 | 45.25 | 23 |
| 18 | 38.85 | 47.75 | 23 |
| 19 | 40.85 | 50.25 | 23 |
| 20 | 42.85 | 52.75 | 24 |

Yours Truly,  
William H. Stokes, Jr.



**What do people charge for taxi fares elsewhere? (Listing now includes approximate population) This is a general guideline only. Not Considered Official Rates**

We get this question frequently from people starting up new companies in areas where no cabs exist! Here's what we have discovered... from records of sales in various locations. For general comparisons only. Not all companies in a given area will use the same rates, and rates may well have changed. Some companies use several different rates to adjust to in-city, outer county, or discounts for Senior Citizens, Military and Veterans, Students, Elderly, etc. (Where two or more sets of rates are shown for a single location, we may have built different rates for different clients, or special multiple rates may have been specified by our clients.) Always check local regulation. Some cities or districts dictate the fares you may use, others do not. Do not assume our listings are current or official for your area. Many may have changed. Many revisions have followed gas increases and decreases! Changing your rates? Ask about our custom instructions - [fred@taxicabelectronics.com](mailto:fred@taxicabelectronics.com) We also offer Excel Spreadsheets which take all the math and formulae out of the mix, making programming a breeze. Go to: [www.taxicabelectronics.com/InstallationInfo.htm#PgmCD](http://www.taxicabelectronics.com/InstallationInfo.htm#PgmCD).

Note: If you've checked this page before, please be sure to press REFRESH button to be sure you are getting the most recent information. It's in your browser window above or below this page.

It may look like these Thank!

| LOCATION/AREA             | Approx. Population (2003 or newer) (Various Sources) | Drop Flag \$ | Rate \$ Per Mile | Waiting \$/Hr | Extras If Used | Notes (Where dates are provided, rates were accurate at that time, for our client company. For multiple listings, sources; different companies/dates. General ONLY) |
|---------------------------|--|--------------|------------------|---------------|----------------|---|
| Ablene, Texas             | 114,866  | 1.50         | 1.15             | 15.00         | .25            | 12/1/2008 per City Regsl  |
| Ada, Oklahoma             | 16,000   | 2.65=1/5mi   | 2.80             | 30.00         | 2.50           | 7/28/2008   |
| Ada, Oklahoma             | 16,606   | 2.50         | 2.70*            | 45.00         | 2.50           | 1/19/2009 * Rt2 2.50/mi Rt3 2.35/mi Rt4 2.00/mi   |
| Akron Ohio                | 708,200  | 4.00         | 2.50             | 45.00         | 10.00          | 3/7/11 Client has three additional rates, each 50c higher flag and 50c higher per m   |
| Akron Ohio                | 708,205 ?  | 3.00         | 2.00             | 30.00         | 2.00           | 7/1/11  |
| Albany, Oregon            | 41,000   | 3.00         | 2.00             | 30.00         | 1.00           | 12/2007   |
| Albany New York           | 93,539   | 3.50         | 1.76             | 30.00         | .50            | 12/15/10  |
| Albany Oregon             | 50,158   | 3.00         | 3.00             | 45.00         | 1.00           | 1/31/2012   |
| Albertville, Alabama      | 20,141   | 3.00         | 1.80             | 20.00         | 1.50           | uses 4 rates; 2,3&4 are slightly higher for special circumstances OK 3/2/11   |
| Albuquerque NM            | 528,497  | 2.94         | 2.60             | 28.36         | 1.07           | 8/18/11   |
| Ankara, Turkey            | 3,763,599  | 3.00YTL      | 1.00YTL/km       | 6.00YTL/hr    | 0              | 2007  |
| Alpharetta, Georgia       | 40,235   | 5.00         | 3.00             | 20.00         | 0              | 2/2/2009  |
| Amarillo, Texas           | 174,588  | 4.75         | 1.75             | 16.00         | 0              | Drop =1mle. Airport Surchg \$10.00 (10/07)  |
| Amarillo, Texas           | 183,021  | 2.50         | 1.75             | 26.00         | 0              | 4/21/10 (different company than above)  |
| Angola, Indiana           | 7,560  | 10.00        | 2.00             | 20.00         | 1.00           | Extras rate applies after 6 PM  |
| Ann Arbor, Michigan       | 114,000  | 3.00         | 2.25             | 24.00         | .25            | 1/9mi at 25¢ 10/1/8 Trx Joel Mann   |
| Ann Arbor, Michigan       | 113,934  | 3.00         | 2.50             | 24.00         | 0              | 1/10 5/17/11 New Rate approved 5/16/11  |
| Antioch, CA               | 102,372  | 2.75         | 2.75             | 27.50         | .50            | 5/25/11   |
| Atlanta, Georgia          | 417,000  | 2.50         | 2.00             | 21.00         | 1.00           | 12/19/07  |
| Atlantic City, New Jersey | 43,000   | 3.80         | 4.00             | 36.00         | 0              | 7/15/2008   |
| Atwater, California       | 23,000   | 2.00         | 2.00             | 10.00         | 0              | 1999  |
| Austin Texas metro        | 657,467  | 2.75         | 1.75             | 30.00         | 0              | 5/8/7   |
| Austin, TX                | 680,252  | 2.05         | 2.20             | 25.00         | 0              | 5/5/8   |
| Austin, TX                | 680,344  | 2.05         | 2.10             | 25.00         | 0              | 11/10/8   |
| Bartlett, N Hampshire     | 900  | 6.00=2Mi.    | 1.75             | 15.00         | 2.00           | Rt2 10% Senior Discount 2/12/8  |
| Baltimore, Maryland       | 758,000  | 1.50         | 1.25             | 33.00         | 1.00           | Rate 2= 1.50/mile   |
| Baltimore Area, Md.       | 755,000  | 1.80         | 2.00             | 20.00         | ?              | 1/10 @ .20, Extras ? 9/11/6   |
| Baton Rouge, Louisiana    | 222,087  | 4.00         | 1.60             | 24.00         | 0              | 11/13/8   |
| Baton Rouge, Louisiana    | 222,087  | 1.60         | 1.60             | 24.00         | 1.50           | .40' 12/16/8 (different company)  |
| Banning, California       | 24,000   | 3.00         | 2.90             | 30.00         | 2.50           | 1/10 @ .29 10/5/2007  |
| Baypoint, California      | 21,349   | 2.75         | 2.75             | 27.50         | .50            | 5/25/11   |
| Beaufort, So Carolina     | 13,024   | 1.25         | 1.25             | 24.00         | 0              | Rate 2 same but 21.00 wait per hour   |
| Beaumont CA               | 11,300   | 2.50         | 3.00             | 30.00         | 1.00           | 2003  |
| Beaverton, Oregon         | 76,000   | 2.50         | 2.00             | 30.00         | 1.00           | 11/5/2007   |
| Beaverton OR              | 89,803   | 2.50         | 2.50             | 30.00         | 1.00           | 1/31/2012   |
| Bee Cave, Texas           | 1300 ?   | 2.75         | 1.75             | 25.00         | 0              | Rate2=60.00 Flatrate, Rate3=50.00 Flat-rate   |
| Bellingham, Washington    | 67,000   | 1.80         | 1.80             | 25.60         | 0              | 0 Extras (Evergreen) (2003)   |
| Bellingham, Washington    | 67,000   | 2.50         | 2.00             | 30.00         | 0              | Rate 1 1/10 (AAA) (8/13/7)  |
| Bellingham, Washington    | 67,000   | 3.00         | 2.70             | 40.00         | 0              | Rate 2 1/9 (AAA) (8/13/7)   |
| Bellingham, Washington    | 67,000   | 5.00         | 2.25             | 25.00         | 1.75           | New Company 3-2012  |
| Bend, Oregon              | 67,152   | 2.95         | 2.90             | 31.00         | 0              | updated 2/25/10   |
| Bentonville AR            | 37455  | 3.00         | 2.00             | 18.00         | 2.00           | 11/23/10  |
| Big Bear CA               | 6702   | 2.65         | 2.45             | 26.53         | 1.00           | 2007  |
| Biloxi Mississippi        | 45,700   | 3.00         | 2.25             | 30.00         | 1.50           | 3/6/2012  |
| Blaine Washington         | 5,062  | 2.50         | 2.00             | 30.00         | 0              | Rt 2: dr 3.00 Mi 3.00 Wt 40.00 Ex 0 4/15/2010   |
| Bloomington, IN           | 80,405   | 3.25         | 1.60             | 30.00         | 2.00           | Client uses special 9-rate programming This is normal rate. 1/12/12   |
| Blythe, California        | 12,000   | 5.00         | 3.50             | 55.00         | 1.00           | 7/1/17  |
| Boca Raton, Florida       | 75,000   | 2.00         | 2.25             | 23.68         | 0              | Rate 1 6/15/2006  |
| Boca Raton, Florida       | 75,000   | 2.00         | 2.50             | 23.68         | 0              | Rate 2 6/15/2006  |
| Boca Raton, Florida       | 75,000   | 2.00         | 2.75             | 18.00         | 0              | Rate 3 6/15/2006  |
| Boise ID                  | 205,671  | 2.25         | 2.00             | 40.00         | 0              | late 2006   |
| Boone, Iowa               | 12,691   | 4.00         | 2.00             | 25.00         | 1.00           | 4/19/12   |
| Boone, North Carolina     | 13,500   | 1.50         | 1.80             | 24.00         | 0              | 2008  |
| Bossier, Louisiana        | 105,541  | 4.00=1Mi.    | 2.00             | 18.00         | 1.00           | 2/25/9 Trx Dave McFarlin Action Taxi  |
| Boston, Mass. Metro       | 1,000,000+   | 3.60=0.8mi   | 3.00             | 24.00         | 25c            | 7/31/2009   |
| Boulder, Colorado         | 291,000  | 2.50         | 2.00             | 22.50         | 1.00           | (Sept 2007)   |
| Boulder City, NV          | 15,000   | 3.20         | 2.20             | 22.00         | 1.20           | 1/11th mile increments (Sept 2007)  |
| Boynton Beach, FL         | 66,890   | 2.50         | 3.20             | 24.00         | 0              | 40c/8 10/20/2008  |

Analysis of Fairfax County Fare Increases from 1959 to 2012

| Year | Mileage Rate | Inflation Indexed Rate | Per Cent of Indexed Rate | Adjusted Year |
|------|--------------|------------------------|--------------------------|---------------|
| 1959 | \$ .40       | N/A                    | N/A                      | 1959          |
| 1973 | \$ .60       | \$.61                  | 98                       | 1973          |
| 1976 | \$ .70       | \$.76                  | 92                       | 1973          |
| 1982 | \$ 1.00      | \$ 1.33                | 75                       | 1979          |
| 1987 | \$ 1.20      | \$ 1.56                | 76                       | 1981          |
| 1991 | \$ 1.40      | \$ 1.87                | 74                       | 1984          |
| 1998 | \$ 1.40      | \$ 2.24                | 62                       | 1984          |
| 1999 | \$ 1.50      | \$ 2.29                | 65                       | 1986          |
| 2001 | \$ 1.60      | \$ 2.43                | 65                       | 1988          |
| 2005 | \$ 1.75      | \$ 2.68                | 65                       | 1990          |
| 2008 | \$ 2.00      | \$ 2.96                | 67                       | 1993          |
| 2012 | \$ 2.00      | \$ 3.15                | 63                       | 1993          |

\$   
in   
Has the same buying power as:  
  
in

\$   
in   
Has the same buying power as:  
  
in

Increases In Taxi Rates from 1959 to 2012

Table 5, cont.

| Year | Old Rate | New Rate | Old Rate Inflated |
|------|----------|----------|-------------------|
| 1959 | \$.40    | N/A      | N/A               |
| 1973 | \$.40    | \$.60    | \$.61             |
| 1976 | \$.60    | \$.70    | \$.77             |
| 1982 | \$.70    | \$1.00   | \$1.19            |
| 1987 | \$1.00   | \$1.20   | \$1.18            |
| 1991 | \$1.20   | \$1.40   | \$1.44            |
| 1999 | \$1.40   | \$1.50   | \$1.71            |
| 2001 | \$1.50   | \$1.60   | \$1.59            |
| 2005 | \$1.60   | \$1.75   | \$1.76            |
| 2008 | \$1.75   | \$2.00   | \$1.93            |
| 2012 | \$2.00   | \$2.15   | \$2.13            |

CPI Inflation Calculator

\$

in

Has the same buying power as:

in

Fairfax County Taxicab Driver Licenses  
New, Renewals and Total, 2007 to 2012

Table 6

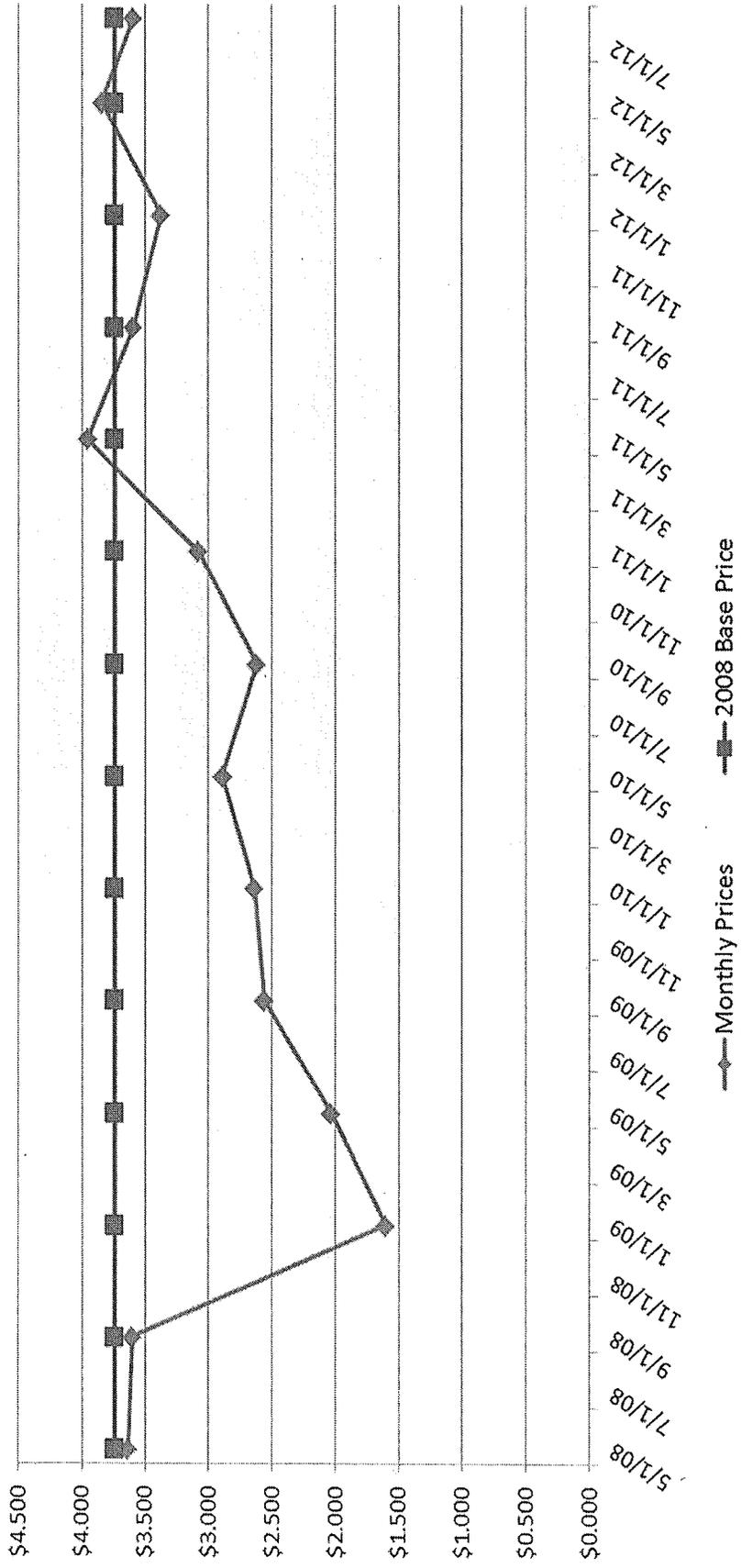
Taxicab Driver Licenses

| Fiscal Year | New | Renewals | Total | Percent Renewal |
|-------------|-----|----------|-------|-----------------|
| 2012        | 185 | 672      | 857   | 86%             |
| 2011        | 91  | 694      | 785   | 90%             |
| 2010        | 113 | 654      | 767   | 83%             |
| 2009        | 132 | 659      | 791   | 83%             |
| 2008        | 162 | 630      | 792   | 79%             |
| 2007        | 288 | 512      | 800   | 83%             |

Source: Regulation and Licensing Branch

TABLE 7

Metropolitan Washington Area  
Average Unleaded Fuel Prices: 2008-2012



Taxicab Fares Metro DC Regions: August 2012  
Staff and Drivers Association Proposed Rates

Table 8

|                         | <u>DC</u>     | <u>Prince<br/>Georges</u> | <u>Mont. Co.</u> | <u>Alex.</u>  | <u>Arlington</u> | <u>Wash.<br/>Flyer</u> | <u>Fairfax</u> | <u>Fairfax Staff</u> | <u>Fairfax<br/>Driver<br/>Assn.</u> |
|-------------------------|---------------|---------------------------|------------------|---------------|------------------|------------------------|----------------|----------------------|-------------------------------------|
|                         |               |                           |                  |               |                  |                        | <i>Current</i> | <i>Proposed</i>      | <i>Proposed</i>                     |
| Drop Charge             | \$3.00        | \$3.00                    | \$4.00           | \$3.09        | \$2.75           | \$3.50                 | \$3.25         | \$3.25               | \$3.25                              |
| 1st Mile                | \$4.89        | \$4.50                    | \$5.50           | \$4.79        | \$4.50           | \$5.00                 | \$4.85         | \$5.05               | \$5.25                              |
| <b>Additional Miles</b> | <b>\$2.16</b> | <b>\$1.75</b>             | <b>\$2.00</b>    | <b>\$2.04</b> | <b>\$2.10</b>    | <b>\$2.00</b>          | <b>\$2.00</b>  | <b>\$2.10</b>        | <b>\$2.50</b>                       |
| Gas Surcharge           | \$0.00        | \$0.00                    | \$0.00           | \$0.50        | \$0.00           | \$0.00                 | \$0.00         | \$0.00               | \$0.00                              |
| 7 Mile Fare             | \$17.85       | \$15.00                   | \$17.50          | \$17.03       | \$17.10          | \$17.00                | \$16.85        | <b>\$17.65</b>       | \$20.25                             |
| <b>Percent Increase</b> |               |                           |                  |               |                  |                        |                | <b>4.7%</b>          | 20.2%                               |

Source: WMATC website: <http://www.wmatc.gov/>

Table 9

Taxicab Rate Sample Billing Analysis  
 Increase in Mileage Rate from \$2.00 to 2.10 per mile  
 Fairfax County Staff Proposed Taxicab Fare Increase, 2012

| <u>Trip Length<br/>(Miles)</u> | <u>Current<br/>Trip Cost</u> | <u>Proposed<br/>Trip Cost</u> | <u>Trip Cost Over Current<br/>Increase</u> | <u>Percentage<br/>Increase<br/>Over Current<br/>Trip Cost</u> |
|--------------------------------|------------------------------|-------------------------------|--|---|
| 1                              | \$4.85                       | \$5.05                        | \$0.20                                     | 4.1%  |
| 2                              | \$6.85                       | \$7.15                        | \$0.30                                     | 4.4%  |
| 3                              | \$8.85                       | \$9.25                        | \$0.40                                     | 4.5%  |
| 4                              | \$10.85                      | \$11.35                       | \$0.50                                     | 4.6%  |
| 5                              | \$12.85                      | \$13.45                       | \$0.60                                     | 4.7%  |
| 6                              | \$14.85                      | \$15.55                       | \$0.70                                     | 4.7%  |
| 7                              | \$16.85                      | \$17.65                       | \$0.80                                     | 4.7%  |
| 8                              | \$18.85                      | \$19.75                       | \$0.90                                     | 4.8%  |
| 9                              | \$20.85                      | \$21.85                       | \$1.00                                     | 4.8%  |
| 10                             | \$22.85                      | \$23.95                       | \$1.10                                     | 4.8%  |
| 11                             | \$24.85                      | \$26.05                       | \$1.20                                     | 4.8%  |
| 12                             | \$26.85                      | \$28.15                       | \$1.30                                     | 4.8%  |
| 13                             | \$28.85                      | \$30.25                       | \$1.40                                     | 4.9%  |
| 14                             | \$30.85                      | \$32.35                       | \$1.50                                     | 4.9%  |
| 15                             | \$32.85                      | \$34.45                       | \$1.60                                     | 4.9%  |
| 16                             | \$34.85                      | \$36.55                       | \$1.70                                     | 4.9%  |
| 17                             | \$36.85                      | \$38.65                       | \$1.80                                     | 4.9%  |
| 18                             | \$38.85                      | \$40.75                       | \$1.90                                     | 4.9%  |
| 19                             | \$40.85                      | \$42.85                       | \$2.00                                     | 4.9%  |
| 20                             | \$42.85                      | \$44.95                       | \$2.10                                     | 4.9%  |

Note: Average trip length is approximately 7 miles

4:00 p.m.

Public Comment on Tysons' Transportation Funding Plan

At its meeting on March 29, 2011, the Board of Supervisors ("the Board") requested that the Planning Commission, working with staff, develop an inclusive process to address Tysons Follow-On Motion #1, related to financing infrastructure; Follow-On Motion #14, related to options for providing commuter parking at Metrorail stations on an interim basis; Follow-On Motion #17 related to affordable housing contributions from non-residential developments and refinement of the County policy on walking distances in Transit Oriented Developments (TODs); and the Initial Development Level (IDL) set forth in the Comprehensive Plan ("the Plan"), given the number of rezoning applications that have been submitted.

To address these issues, the Planning Commission reconstituted its Tysons Committee ("the Committee"), which is chaired by At-Large Commissioner Walter Alcorn. The Committee adopted an inclusive process, which included 24 meetings over a period of seventeen months. During its deliberations, the Committee sought information and input from all stakeholders. Based upon this input, the Committee developed recommendations regarding the issues identified by the Board.

At the meeting of September 11, 2012, the Board requested that an opportunity for public comment on the Planning Commission's recommendations be scheduled for October 16, 2012.

PLANNING COMMISSION RECOMMENDATION:

These recommendations were approved by the Planning Commission on September 20, 2012.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Attachment 2: Planning Commission Recommendation (Hard copies provided to the Board)

Available online at:

[http://www.fairfaxcounty.gov/planning/tysons\\_docs/092012pc\\_rec\\_to\\_bos\\_final.pdf](http://www.fairfaxcounty.gov/planning/tysons_docs/092012pc_rec_to_bos_final.pdf)

STAFF:

Robert A. Stalzer, Deputy County Executive

Barbara Byron, Director, Office of Community Revitalization

Tom Biesiadny, Director, Department of Transportation

Fred Selden, Director, Department of Planning and Zoning

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Planning Commission Meeting  
September 20, 2012  
Verbatim Excerpt

TYSONS CORNER COMMITTEE RECOMMENDATIONS MARKUP

Decision Only During Commission Matters  
(Presentation given on September 13, 2012)

Chairman Murphy: Okay, now we go back to Commission business and the one item, which we have not discussed. And that is the Tysons Corner Committee recommendations markup, which will be moved this evening to the Board of Supervisors for their determination and a public hearing at a date to be set, if I'm not mistaken.

Commissioner Alcorn: October 16.

Chairman Murphy: October 16, the date was set. Okay.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn, as Chairman of the Tysons Committee, the floor is yours.

Commissioner Alcorn: Thank you very much, Mr. Chairman. I think everyone here is familiar with the correspondence that we have gotten on the Tysons recommendation. I want to thank everyone who provided suggestions not only during the last week, but also during the last year and a half or so that we've been working on this. It has been really just an unprecedented amount of input and participation and engagement on this has been – it has been very, very helpful all the way around. What I would like to do is – and hopefully everybody got a chance to read the Macerich letter. I did finally; so, you know, once I got off a plane and could turn on my electronic device. So, what I would like to do is walk through Macerich's recommendations and then see if there are other suggestions or other questions. But let's walk through that and I would like to do that with Mr. Selden. But Mr. Selden before we do that, I do want to also note we saw some other correspondence from the Apartment Owners Association.

Chairman Murphy: Yes.

Commissioner Alcorn: I believe as well –

Chairman Murphy: The MCA.

Commissioner Alcorn: Yes and that also came in. I did read that before I got on a plane so that was good. I want to look to – point to something in the recommendation or the proposed recommendation that is before us. It's basically the second to last page. If you're looking at it electronically, it's page 33 of 34. But if you're looking at it hardcopy, I think it's – it should be right at the end and I believe – well, here's what it is. It's the summary of the cash flow statement. Does everyone have that? Maybe they don't have it actually in front of them. But no matter; I'll just read it. We basically have heard concern that – that the folks paying this new

TYSONS CORNER COMMITTEE RECOMMENDATIONS MARKUP

service district tax would be bearing a disproportionate share. That, I think, sums up what we've heard from both the Apartment Owners Association as well as from Macerich and coming at it from different angles. What I'd like to do is – is point to the bottom right-hand corner of the page that says, "Tysons Table 7 Funding Summary Using 7 Cents Service District Tax Rate." And I won't encourage folks to look at the upper-right set of numbers because that includes operating costs. But if you look at the bottom-right portion, it's "Funding Sources as a Percentage of Total Revenues, Exclusive of Transit Operating." So basically, these are the capital costs over the next 40 years. And I want to point that – if you go down to, you know, the first item there is Redevelopment Proposals, 24.3 percent. That's mostly grid improvements. And actually, it's all grid improvements. The second one is the Road Fund. That's paid by applicants. That's 13.2 percent. You have to get down to the Service District. It's 11 percent of the total. So basically, I think it's important to keep in mind that although the service district proposal is obviously painful – it's probably not very popular with a lot of people – but it's 11 percent of the total source of funding for these improvements – basically, for the Table 7 improvements. So – so with that context in mind, Mr. Selden, I would like to jump to the Macerich letter. And I think some of – some of the comments earlier in the letter address – deal with some of the issues relating to concern about there being a disproportionate share. But what I would like to do is actually go to specifically what they ask for and that's – it looks like it's on maybe, page 3 of their letter where it says, "Proposed Amendment." And they say, "First, the Table 7 list of projects should not be funded in their entirety now." Okay, so let's – let's go through that particular recommendation. So they're saying that "We believe that a list of near-term projects that are known to be needed now or in the next 10 years should be selected and the tax district should fund only those projects." Mr. Selden, could you – we have actually – well, could you address that? I believe that's something – that sounds very familiar. We've heard this before, right?

Fred Selden, Director, Department of Planning and Zoning: Thank you, Commissioner Alcorn. There was a lot discussion about the projects and what is needed in the near-term. And we met with property owners and applicants and the community and I thought we had come to a consensus that we were going to reorder some of the priorities to move – I'll call it some of the projects in the near-term, which would be improvements to Route 7 and Route 123, which again would – would I think qualify as projects that are needed now and projects that would provide immediate benefit to existing residences and businesses. They're not the Table 7 improvements that are triggered by the future development, such as the ramps off of the Toll Road.

Commissioner Alcorn: Right, thank you, Mr. Selden. Because I remember this was an area of discussion at the Committee. And if everybody remembers, those projects were actually moved up. You know, that was – that was something that even as a Committee that we looked at and it did cause a little bit of a cash flow challenge. And so it made the tax service district even more critical to happen. But those projects actually, based on consultation and I believe Macerich was the entity that first brought up the concern – the projects were actually moved forward in the queue. Correct, Mr. Selden?

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Mr. Selden: Yes, and I'd also point out that I think it's Recommendation 20 in the strawman. We do talk about the role of the Service District Advisory Board as being a participant, so we see this as a process and part of that process will be an ongoing dialog to look at what's needed, when it's needed, how you prioritize the funds, the projects, and make those decisions and make those recommendations to the Board. So –

Commissioner Alcorn: Right, so – so the Advisory Committee as well is part of that recommendation?

Mr. Selden: That's right. I mean again, we can – we can look at it today, and I'll call that as part of this process, look at what's needed and how we think the priorities ought to be set. But there's also an ongoing process that will – that will look at that process – and we've been talking about annually looking at kind of what's needed in Tysons and how you make those decisions.

Commissioner Alcorn: And so – and so that, I think, addresses – well, first of all, it does – the letter says, “Those projects should be completed in the next five to ten years.” And I believe it's those first tranche of projects – that is about an eight-to-ten-year time frame. Is that right, Mr. Selden?

Mr. Selden: That is correct.

Commissioner Alcorn: Okay, so I think that part is pretty much in there. Then they say, “As those projects are completed, the tax district will be a demonstrated success and a new set of near-term projects that are known to be needed within the next ten years could be selected and a new tax district and/or other financing methods could fund only those projects.” So Mr. Selden, I think what you just described in terms of the process is – this could certainly happen, right?

Mr. Selden: That's correct.

Commissioner Alcorn: I mean in terms of the recommendation, is that correct?

Mr. Selden: That's correct. Right.

Commissioner Alcorn: But it really depends upon the Advisory Committee and the need that's identified several years down the road. You know, how fast developments coming online – that kind of thing, correct?

Mr. Selden: That's correct.

Commissioner Alcorn: Yes, so I think actually the process that's being recommended here – or at least part of the recommendations that deal with process actually accommodate that request as well. Let's go onto the next one and this is also something I believe we've discussed a fair amount on the Committee level. “By limiting the project in a tax – projects in a tax district – the

TYSONS CORNER COMMITTEE RECOMMENDATIONS MARKUP

cost can be known and the cap on the costs, that many are seeking, would be the estimated cost to construct the selected projects.” Okay, so that’s – Mr. Selden, do you want to address that?

Mr. Selden: Well, I think a part of this process has been – I’ll call it an allocation of shares and responsibilities and the Committee and – and the communities worked for a long time now in trying to look at what’s equitable, what’s fair, and again I think that’s why we’ve come up with a cash flow analysis. We have allocated amounts of – you know, it’s 253 million dollars as the estimated cost that would be borne by the service district. And I don’t know that there’s a – in this process, we’ve steered away from the notion of caps because there have been – that’s come from both sides. There have been suggestions – strong suggestions that the public responsibility should be capped. The private responsibility should be capped. And we’ve kind of, I think, wisely stepped back from those kind of hard and fast measures and have relied more on what we think are – you know, equitable responsibilities by a variety of parties as you – as you’ve laid out when you look at the percentages and how to – you know, some of it’s coming from the applicants through the grid of streets and through their road fund contributions. And some are coming from the service district and some are coming from the – you know, the public sector, be it the County and State and Federal.

Commissioner Alcorn: So, yes. One of the – one of the key elements of our – of our recommendations, and I believe it was a suggestion of MCA that it be numbered as a recommendation, is to maintain that balance of contributions across the various stakeholder parties. So, I don’t think anyone here has a crystal ball to know exactly how much certain things will cost or these projects will cost 20-30 years from now, but – but the recommendation is that there be basically a balance that’s maintained throughout this process. As projects, you know, are going to change and evolve and I think everyone recognizes that, along with Tysons, correct? That was – we – we discussed that, I believe, a number of times.

Mr. Selden: And I also think there needs to be a certain degree of flexibility because quite frankly, like you said, nobody can – can project or predict all of the various circumstances that might occur and there very well could be some things that are needed that we haven’t envisioned that the service district could help support. Then again, by the – the – it may be something that’s desirable for the residents and businesses of Tysons. You know.

Commissioner Alcorn: Okay.

Mr. Selden: Again, trying to – I think lock down too much could – there’s always a law in my view of unintended consequences.

Commissioner Alcorn: So the next sentence, “In addition, the County’s task of balancing the revenue and project construction priorities each year would be much simpler because these will be known factors in the near-term ten-year horizon.” Well again, I think – I don’t think that’s inconsistent with the process we’re moving forward. Certainly between the CIP process, which is looking, you know, five to six years in advance, and the process with the Advisory Board –

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looking – looking at the immediate needs, but also what’s needed in the near future – would you – would you agree, Mr. Selden?

Mr. Selden: Right. Yes. That’s correct and we’ve also – we’ve also initiated and – and contemplate, you know, annual reports going to the Board that are going – that will outline kind of events in Tysons, what’s happening, what’s needed. And there’s a lot of monitoring and reporting that’s embedded in the Comprehensive Plan and certainly has been – I’ll call it the kind of – there’s a structure by which we’ll be following to let, you know, all parties – you know, the residents, the businesses, the surrounding communities, the staff, the Commission, and the Board – know what’s going on in Tysons and – and, you know, and what we think is needed.

Commissioner Alcorn: Okay. Okay. Thank you. So, I think – I think with that one I think Macerich’s suggestions are maybe a little bit different slant than what is in our recommendation, but I think they’re consistent with the process that we’ve recommended. I think there will be ample opportunities to make the changes and – and develop the short-term priorities that they’re suggesting. I just want to go on to the other two before opening it up – the other two specific –

Chairman Murphy: Did you talk – are you finished on Macerich?

Commissioner Alcorn: Oh, no. Two – two more Macerich recommendations that they – that they asked for. The next – the second one is, “Additional proffered dollars should continue to be required from applicants. We support the concept of the Tysons Committee’s recommendation that as part of the approval of new development, additional proffers should be required in an accurate amount equal to the revenue collected from the tax district, and further” – so – so, they agree with that recommendation there. “And further propose that additional proffer commitments be allowed to increase beyond the tax district revenue to supplement [additional] revenue as and if needed.” So, Mr. Selden, you know, as we have rezonings that come forward, do you have thoughts on – on that recommendation?

Mr. Selden: Well, yes I have a couple of thoughts. One is I think some could view this as not being consistent with the allocations and shares and the responsibilities that we’ve laid out because on one end it says – you know, that, you know, whatever comes up should be funded through this particular mechanism. And I think we’re broader than that. But I also think that as each individual application comes in, it’s going to have to address its impacts and how it can – how it can mitigate its site impacts. And that’s – that is a part of the development process. And then –

Commissioner Alcorn: Right, so this is not a blank check for applicants as they come through the process and not –

Mr. Selden: No.

Commissioner Alcorn: To be off the hook for transportation.

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Mr. Selden: In fact, I think it's just – it's just the opposite. I think – I think the applicant is going through the process as we've seen tonight with Cap One. You know, they're shouldering their responsibility both for the Tysons-wide as well as the – as the site impacts through a variety of mechanisms. Again, they're - they have an additional road club contribution that's meant to be – you know, their half of the 50/50, plus they're also part of the service district.

Commissioner Alcorn: Okay; great. And – and then lastly, Mr. Selden, they say, "Development must not outpace transportation infrastructure construction." I think we all agree with that. "Project approvals and development phasing must be tied to the construction of the necessary Table 7 improvements." So, that's not really part of this recommendation on financing, but Mr. Selden, do you want to address that?

Mr. Selden: Yes.

Commissioner Alcorn: Because certainly it's in the Comprehensive Plan.

Mr. Selden: It is in the Comprehensive Plan.

Commissioner Alcorn: Yes.

Mr. Selden: The Comprehensive Plan pretty much laid – laid two – two paths. It said, you know, you can kind of hold development to future infrastructure and we've – we, I think, collectively have been working to – along the other path that the Comprehensive Plan laid out, which is if you can come up with a funding strategy for those Table 7 improvements. So, this is kind of mixing, in my view, apples and oranges. You know, the oranges we're phasing. We spend all our time and effort on the apple, which is trying to come up with a credible funding strategy for the grid of streets and the Tysons-wide improvements. And I think we've done that and I'm optimistic that that's the path that we are pursuing and will be successful.

Commissioner Alcorn: Okay. Thank you, Mr. Selden.

Chairman Murphy: Let me just make a comment. I appreciate Walter and Fred taking the time to address this because we – we – as I had mentioned earlier, it did come in rather late and I didn't have time to analyze it. But I – the bottom line to me is the Board – without objection, all these letters we've received are part of the record. They're going to be forwarded to the Board of Supervisors. The Board has asked for options. Macerich, in good faith, has come in with suggestions – options, which I think the Board will be considering when it gets to the Board. But I think the explanation tonight is to what the staff's position is and the Committee's position is – you know, part of the package that's going to be forwarded to the Board. So, okay.

Commissioner Alcorn: Yes.

Chairman Murphy: I thank you very much for doing that. Oh, Mr. Lawrence, I'm sorry.

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Commissioner Lawrence: Thank you, Mr. Chairman. There is one point that I think relates to what Commissioner Alcorn has been doing with Macerich and the – Table 7. I don't think there is any time and certainly not now this time at which we will be funding all of Table 7. If you recall the spreadsheets that were produced, they can be looked at in a couple of ways. One – one way is as a financial spreadsheet. We had revenues and expenditures. But those revenues and expenditures were distributed over time according to a design/build process that Transportation was kind enough to put together. And that time commenced at the beginning of – of our – our work here and will continue until the end of the Plan many years away. Not all of the expenditures on project activity begin at the beginning. In fact, it's quite a while before we begin to do the design activity on many of the projects in Table 7. Those in the near-term were the ones moved up, as – as suggested. But what that represents if you look at it as a Gantt chart instead of a chart of revenue in and expenditures out is a picture of when the onsets of activities would occur in – in Tysons and – and how they go along. Now if development is slow in Tysons, then that will be stretched. So, there is no time at which we are funding all of Table 7 and the process to which Mr. Selden has referred is based on the CIP, which gives us an annual opportunity to review, looking at a five-year window, all of the projects that are then or in the five-year window. Contemplate – this seems to me to be a very good way of making sure that as change takes place in the world, we can respond to and adapt to change. And we're – it's a good thing that we're not committed to funding all of Table 7 now. We couldn't do it. Thank you.

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: Nothing else for me right now.

Chairman Murphy: Anybody else want to – ? Yes, Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I am a bit confused and concerned about the new – well, current paragraph 23. And that is – Recommendation 23. I thought that when this was in Committee when we started listing the names of who should be involved, I thought that applied to paragraph or Recommendation 20, not 23, about who was going to be on the – who's going to talk about the taxes within the – the district. And then I thought – and again I might be just confused about all this – that the – listing the names of Vienna, McLean, etcetera – the McLean Civic Association, etcetera – I thought, well, that we agreed that that was setting a bad precedent. That when it gets to the similar discussions over at Reston that – I can't remember how many civic associations you mentioned – but I mean a whole lot of them. So, it's setting a bad precedent. In addition, this paragraph refers to the review of the above paragraph, which talks about the construction schedule. And if you're starting to name stakeholders, the major stakeholders include the commuters all over the County. It includes the taxpayers all over the County who are paying for these bonds. And to leave out – I don't know this Federation of the Civic Associations. You talk about the taxpayers or the AAA that talk about the people who actually have to drive these roads – I think it's inappropriate. So, I suggest that out of those last three-and-a-half lines be struck – after everything – starting with, “such as.”

Chairman Murphy: Mr. Alcorn.

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Commissioner Alcorn: Mr. Chairman? Yes, this was – this was a weird one. It got – the discussion went, if I remember, something like this. It was on Recommendation 20 where it talks about the specific Advisory Board.

Commissioner Hurley: Yes.

Commissioner Alcorn: There was – I remember there was very specific concern about – well, there was – there was concern about naming specific stakeholders who would serve on an advisory board that would be basically created by the Board of Supervisors. And there was – there was really not a lot of interest in locking in – even in – even with a “such as” list of – of different groups. I think, if I remember the discussion on Item 23, was more to the point of – of a process – it would be a review. It would be more open. And really anybody would be – anybody interested would be encouraged to participate. And therefore, the danger in naming stakeholders might be a little less. But – but I don’t know. It’s a close call. I don’t know. I know Mr. Hart had – you were tracking this pretty closely. I don’t know if you have any thoughts on this too.

Commissioner Hart: Yes. Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: My – my recollection, I think, would – would agree with Commissioner Alcorn on that. To – to my mind, Recommendation 20 was dealing with the creation of the specific board that was going to be tasked with some specific questions about the tax rate and whatever it was. But it was sort of a financial type project that this board would be doing. And I think there was some antipathy among the Commissioners to us specifying the composition of that board and, in particular, naming particular groups who should have a member on that board. The Board of Supervisors can decide, perhaps on an annual basis, who’s going to be on this or whatever the terms are – who’s going to be on this board and what they’re going to do. Paragraph 23 wasn’t dealing with a specific board or at least that’s – I think we got to that point. There was a great deal of confusion initially as to whether 20 and 23 were the same board or a different board or are there two boards or one board or what? And I think what we settled on was paragraph 20 is a board and the Board is going to – the Board of Supervisors will decide who is going to be appointed to that. And politically, I mean the affected Supervisors are probably going to select the obvious choices anyway, but paragraph 23 instead was a process. And we wanted the process to be inclusive. I think there was some attempt to accommodate the wishes of some of the stakeholders. I don’t mean paragraph 23 stakeholders. I mean stakeholders in the whole Tysons discussion process who had specific concerns that they need to be involved in this outreach – in this discussion. Which is – and to my mind, paragraph 23 is a little broader scope than the specific task for paragraph 23. And so, it wasn’t particularly problematic to name specific groups with a “such as.” In particular, we’re talking about a process and not a specific appointment from a group to a board. The – the concern, and I don’t remember exactly where it came from, but it wasn’t just me. And I think maybe it was coming from others. It was that we have plenty of situations throughout the County where there are perhaps overlapping or competing groups in – perhaps in Mount Vernon, in Reston, and in other places. And it may not

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be appropriate to define in advance the composition of boards appointed by the Board of Supervisors with such specific reference to specific civic associations or homeowners associations or something like that. Because if we start doing it in Tysons, we're going to have to do it everywhere. And it's very difficult to play favorites on something like that. To summarize then, 20 is specific, but we're not telling the Board who specifically to appoint to it. Twenty-three is more general and we're trying to be inclusive. That's my – maybe longer than it should have been, but – recollection of a discussion that involved many people.

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: I think – I think the – the ambiguity is purposeful in that it allows the political process to determine what is appropriate, you know, for representation on these tax advisory committees. I would note, while it's – while it's smaller in complexity and scale, the project of Laurel Hill site is a Countywide project. By that, I mean the process included representatives from all the magisterial districts and thus, it maintains a Countywide ownership in many ways. I think you may find the benefits of that, politically speaking, to ensure that this – there is ownership investment in this project over time throughout the County. I think that – that helps. And I found that to be so in the southern part of our County.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: I'm sorry; just a quick question.

Commissioner Sargeant: Go ahead.

Commissioner de la Fe: Mr. Chairman?

Commissioner Alcorn: Well, yes, Mr. –

Commissioner de la Fe: No, no, no.

Commissioner Alcorn: I was just going to ask – so, Mr. Sargeant, it sounds like you're – you're leaning towards maybe keeping the references in there. Is that – is that your thought?

Commissioner Sargeant: No, I think – I think the political process will – will find appropriate members for this task force. But I believe they will probably end up being Countywide.

Commissioner Alcorn: Right. Okay.

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Commissioner Sargeant: More so than perhaps you have seen to date. And I don't think that's a bad thing.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Yes, thank you, Mr. Chairman. I think I – I was – in the original discussion, I was the one that objected to naming specific members to the board. And then when – after the long discussion between 20 and 23 when we discussed that 20 – we didn't mention anybody, because it was up to the Board to do that. And then in 23, which is just the process, I said that I would not have as much problem with naming, you know, "such as" people. However, the Braddock Commissioner's comments I think point to my initial problem – that when you say, "relevant stakeholders, such as," and you start listing some, you're bound to leave somebody out that will feel aggrieved. So, you know, I – I tend to agree that – you know, I – I don't know. It's a close call, but –

Commissioner Alcorn: It's a close call.

Commissioner de la Fe: Whenever you start listing people you're always going to leave somebody out.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Alcorn: Just for process, what I think I would like to do at this point is – is just make a motion that we recommend approval of the – the document. And then if anyone wants to make an amendment, then we can talk about it, but maybe that's the best thing going forward.

Chairman Murphy: Let's go.

Commissioner Sargeant: Mr. Chairman, could we – could we – before –

Commissioner Hall: I agree.

Commissioner Sargeant: – moving forward with the motion, could we add just a few more questions I think might be helpful?

Commissioner de la Fe: Why don't we move the document and then ask the questions?

Commissioner Alcorn: Yes, why don't we move the – if I just make a motion –

Commissioner de la Fe: For discussion.

Commissioner Alcorn: Not – not for a vote, but just for discussion.

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Commissioner Hart: So, we have something on the table.

Commissioner Alcorn: So then –

Commissioner Sargeant: We've got something on the table now. But go ahead.

Chairman Murphy: All right, let's – let's have the motion.

Commissioner Alcorn: Yes, Mr. Chairman, I – I move that the Planning Commission recommend to the Board of Supervisors recommendations relating to the Tysons Committee – actually –

Chairman Murphy: You asked to make the motion. How do you –

Commissioner Alcorn: Let me say this again. I know. Mr. Chairman, let me try this again. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TYSONS-RELATED RECOMMENDATIONS CONSISTENT WITH THE DOCUMENT DATED SEPTEMBER 20, 2012.

Commissioners: Second.

Chairman Murphy: As proposed by the Committee.

Commissioner Alcorn: As proposed by the – AS PROPOSED BY THE TYSONS COMMITTEE.

Chairman Murphy: Seconded by Ms. Hall and Mr. de la Fe. Is there a discussion of the –

Commissioner Hart: No, I did.

Commissioner Hall: No.

Chairman Murphy: Oh, you did too?

Commissioner Lawrence: And me.

Commissioner Hall: No, he did it.

Commissioner Hart: I seconded it right now.

Chairman Murphy: Okay, Mr. Hart too.

Commissioner Hart: Ken did too.

Commissioner Lawrence: Me.

TYSONS CORNER COMMITTEE RECOMMENDATIONS MARKUP

Chairman Murphy: And Mr. – Mr. Lawrence. All right, we all seconded the motion.

Commissioner Alcorn: But now it's discussion.

Chairman Murphy: Now is there a discussion? Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I wanted to go back to the original discussion on funding. I think one of the challenges we've heard from day one from a variety of sources and not just those in the most recent letters is the – is the concern about funding from public sources, i.e. government sources. And over – over the long term – over a 40-year horizon, I think it'll level out. And I think the balance of funding and – and investment in the various – whether it's the road fund or whatever – certainly makes sense. I think it's those first five to ten years that we are most concerned about, given what we see currently. So, the adjustment's there – I think while – while I think Commissioner Alcorn did, you know, an excellent job of addressing some of the issues related tonight – the concern will remain based on what is occurring in the future. And I wanted to kind of go back to some of the earlier comments that there will be no time at which we'll be funding all of Table 7, which – which I totally agree with. But we will continue to collect for those under the road fund calculations, do we not? Or other funding mechanisms? And I think that's what seems to concern at least some of the folks we've heard from – that we will continue to collect, as per the 11 percent in there, or do we not? Can we clarify that? Will you continue – let's take – let's take that the funding that Commissioner Alcorn highlighted, the roughly 11 percent of that funding. Would that not be – would you not continue to collect that?

Mr. Selden: If – if the Board establishes a service district that will collect revenue that will – that will be a part of the funding strategy the same way that we will continue to get proffer commitments from development applications that will go for the funding of the grid of streets and for Tysons-wide improvements. And we will continue to see, you know, public sources of funds – Federal, State, and local – to support these projects as well. So – so, all of these mechanisms are in place and will be in place from day one. And we'll begin to hopefully, you know, build funding so that they're available to support the development – the transportation projects that are necessary in Tysons.

Commissioner Sargeant: In the opening comments, you referenced the – in near-term – moving up on the – on the priority list, projects like improvements for Route 7 and 123. Did I get that correct?

Mr. Selden: Yes, I think – yes, one of them is the Jones Branch Connector, which is – is already well on its way. And then there's some improvements along Route 7 within Tysons that were moved up in the terms of the priority list based on, you know, hopefully making things better in – in the near-term, which is one of the things that came out of the – the letter.

Commissioner Sargeant: And the source for that funding is likely to be primarily public – primarily Federal or State?

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Mr. Selden: I think we said all along that – that there probably is going to be a need for more public funds up front because some of these other sources will build over time. You know, what you get in proffers is going to come in as development occurs in Tysons. But the service district, you know, assuming it's created in the near-term – will give the – will facilitate, you know, the ability to do revenue bonds to support some of these near-term projects. I mean that's one of the benefits of a – of a service district is not only the money that it collects to support projects, but also the ability to – to use it as a funding mechanism through revenue bonds.

Commissioner Sargeant: While that's – while that's an excellent mechanism, I think, for those particular projects, I think overall what we've been hearing is some of the concern related to that uncertainty as we go forward, especially where Federal funding or State funding more likely is concerned. And I think you see some of that reflected in some of the concerns we've heard. Is – and I'll ask this at the level of mutiny here just for the sake of this discussion – but would incremental consideration of funding in some cases be a possible recommendation here?

Mr. Selden: I'm not sure, but –

Commissioner Sargeant: By that incremental, I'm – I'm talking to the idea of a tax district that is not funded totally at the same time. Can you create incremental funding within a tax district so it rises as your needs increase? Or that you don't –

Mr. Selden: Well one of the things that the – that the Board can – can set the rates and it can be set to, you know, increase over time. Or it can be set – we've done some analysis, as you know, on seven cents and nine cents.

Commissioner Sargeant: Yes.

Mr. Selden: And we've talked to the Committee about the benefits of having a rate that's set and not a graduated rate. A graduated rate is going to, you know, will build funding less quickly. And, quite frankly, that's, you know, may be more painful to the – and more unpredictable. Because again you're going to go through a process where you would have to, you know – you know, look at each time you do it, which again is – you know, there are pros and cons, but again I don't believe the Committee had made any recommendations. I think that will be up to the Board to – to look at as one of its options – it can do that. But I think what we've spent our – our time looking at was, you know, two different – two rates – a seven cents and a nine cents.

Commissioner Sargeant: Okay. Thank you, Mr. Chairman.

Chairman Murphy: Anyone else? Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I don't want to complicate things, but since this is going to be a service district – I don't think it will happen in the beginning – but what the rates are for the service district will be set annually by the budget process. At least, that's what happens with the Reston Community Center Service District –

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Mr. Selden: Right.

Commissioner de la Fe: – and the McLean Service District and – you know. So, it's up to the Board to decide. They may – they may initially say it's seven or nine for – you know – for the future, but if at some point the projects don't need the funding, they can adjust it in the budget process.

Mr. Selden: You're right. I – I think what we were suggesting is when we were looking at the cash flow, we did look at some options as to – if you need to generate X amount of money – if you phase that, you know, in over time, it just extends out the time that it will take to collect the money and in some ways, works counter to the – to the argument of trying to get some of these things built in the near-term.

Chairman Murphy: Mr. Donahue.

Commissioner Donahue: Mr. Chairman – thank you, Mr. Chairman. It could be that we've been around and around this question, but I think I might want to address it a little more directly because I think one of the concerns that has been stated to me – and I am not saying I agree with it – in fact, a two-part question – I disagree fully with part of it. But at any rate, is – is it possible through the rezoning process that we are going to end up entitling density or entitling development that we will then find out we do not have the funds, at least in a timely manner, to build infrastructure needed to support that density? And number two, and this is – I've – I've disagreed with my good friends who have suggested this to me a number of times. And at number two, somehow then the County will end up as being the entity on the hook to pay for this infrastructure that will be needed to support that development? I hope I've made the question clear enough. Can you address those two issues if I've stated the problem clearly enough to get to an answer?

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: If I could – if I could jump here – in here, this is very interesting, Commissioner Donahue. Because if you think about it, the situation that you just laid out, which is a concern that the County might get stuck with extra development – is exactly the situation we're in right now. I mean, the very interesting thing about this process that we've gone through is we've actually, you know, laid out pretty painstakingly a plan for how to make sure that the infrastructure is there when the development requires it. So – and that's not something, at this level, I think we've done before. So – so, I think – I mean this is just me and Mr. Selden may have a different take on it – but to me, the answer to that question is not a hypothetical. It's a reality. If you look at how we deal with it now – yes, the County does step in and – and pays for some projects. But they're – frankly, there are more projects than the County can afford to do. So – so, we have traffic. We have, you know, and in some places, we have pretty tough traffic. And so, you know, I think that's – that's actually – that's one where you can almost go beyond a

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hypothetical and sort of just look at our situation today. And – and that’s actually what we’re trying to move away from – of being more proactive. But anyway, I’ll let – I’ll see if Mr. Selden has a different take on that.

Mr. Selden: Well, I don’t think I have a different take. The only thing I might add is I think as we go through the entitlement process, we are looking at how those developments can mitigate the impacts associated with the development levels that they’re proposing. And some of that mitigation is in – in providing a grid of streets, which will help a tremendous amount in terms of people getting around in Tysons. Some of it is commitments that are funding for, you know, to help people get on transit and transit improvements. Some of it is also in Tysons-wide improvements. And those commitments will be – I’ll call it delivered as the development is delivered. It’s not just entitlement. So, if for whatever reason the development doesn’t show up, the – the funding will come in as the development occurs. Then you have these other projects that are driven not just by Tysons, but people driving through Tysons and things that we need to do today. And again, we’ve – we’ve got a strategy and we’ve gone further than we’ve ever gone before in terms of trying to lay out a series of funding mechanisms to support those efforts. And, you know, I don’t think anybody has a crystal ball and says that we can guarantee that it will all fall into place. But I – but I can say that we’ve done a lot of good things in Fairfax County and we’ve never gone this far to link land use and transportation and the impacts of the development with the overall area-wide improvements that are necessary to support it.

Commissioner Donahue: So, two points here I think – I’m not sure I hear you directly refer to a triggering and phasing process that connects development with infrastructure. But that could, and I expect will be part of the rezoning process that we’ll go through over the next many months. And – and the second thing I think is, it seems to me as we’ve held discussions in – in written plans and written text that we’ve kind of – I think this is what – what the Vice Chairman – the Vice Chairman was referring to – that we have put more of what I’ll call – we have recommended – suggested that the Board, the Committee, the staff do more in the continual, almost annual advisory process in watching what’s going on. That those various entities will be able to make corrections, deal with changes in the market and the various things that are going to affect this whole thing. And I think that’s what you’re – what you’re alluding to when you are saying we have done more – much more in this process than ever before. And how effective it will be will simply be up to the quality of the Board members that the public elects, the quality of the staff members they hire, and I suppose the quality of the Planning Commissioners that get appointed.

Chairman Murphy: Oh.

Commissioner Donahue: I’m satisfied – I’m satisfied that that process –

Chairman Murphy: You could have left that last part out.

Commissioner Donahue: – is likely to work pretty well. I have a lot of faith in it – no sure thing, but I – I really think we’re headed in the right direction here. Thank you, Mr. Chairman.

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Chairman Murphy: I think maybe –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: If I heard Walter correctly, then may I paraphrase just a bit that what he's saying is as far as a Countywide effort is concerned, we're – we're concentrating on a very key area. This is the closest we may come to ever having an adequate Public Facilities Ordinance for transportation.

Commissioner Alcorn: That's true.

Chairman Murphy: We had – we did pretty well on Fairfax Center Area.

Commissioner Alcorn: Yes.

Chairman Murphy: But it wasn't planned in the way Tysons was planned, but most of the infrastructure –

Commissioner Alcorn: Yes.

Chairman Murphy: – one – but in Fairfax Center Area, most of the transportation was put in place before development.

Commissioner Alcorn: Right.

Chairman Murphy: Okay.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Further on Commissioner Donahue's second question, I think we're – any jurisdiction, not – not just Fairfax County, is – is always at the mercy of the elected officials. That perhaps they will make decisions that aren't quite right – but that's sort of one of the safeguards in this process as well. Each of these rezoning packages is going to be evaluated by the Board and if in their collective wisdom there are six votes to decide that yes, this is appropriate and it fits the Plan and everything's approvable, they'll go ahead with it. And maybe they won't. In each of these decisions about spending the money, the CIP every year or the tax rates or the service district, the Board is going to have many, many opportunities to vote on this and they're going to need six votes to do it. And one of the other safeguards on the Board is that there are elections every so often. And if the Board is getting things wrong, the personalities on the Board may change. This is not – I mean I don't think we're ever going to have a guarantee that politicians are going to miscalculate something or that something isn't going to be perfect. But I think we're much better off with a package like this and – and the – the process that's built

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up to this, I think – maybe everyone doesn't agree with every line or every paragraph in it – but there's been a remarkable, I think, consensus and volume of contributions from so many people that this is a pretty good road map, I think, for any Board to follow whatever comes along. We're better off with this package than if we don't have it. If the alternative is we don't have this at all, the Board still is – is free to approve things and we don't have any real guidance on how that transportation infrastructure is going to be funded. We're better with this than without it.

Chairman Murphy: Further discussion? All right. All those in favor of the motion?

Commissioner Hurley: Oh.

Chairman Murphy: Oh, I'm sorry. Ms. Hurley, I can't hear.

Commissioner Alcorn: It's about the end of the motion.

Chairman Murphy: I can't hear this. Okay.

Commissioner Hurley: Okay. To promote Countywide input and ownership of these transportation improvements and to prevent stakeholders from feeling aggrieved by not being named, I MOVE RECOMMENDATION 23 BE AMENDED TO DELETE THE END OF THE SECOND PARAGRAPH, BEGINNING WITH THE WORDS, "SUCH AS."

Commissioner de la Fe: I'll second that.

Chairman Murphy: All right. Seconded by Mr. de la Fe. Is there a discussion of the motion?

Commissioner Donahue: Mr. Chairman?

Chairman Murphy: Yes, Mr. Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. I would not be inclined to support this motion. We've heard a lot about maybe who should be in, who should be out – maybe whether anybody should be in, with respect to this motion. I would associate myself largely with – with Commissioner Hart's comments from earlier in the evening. Various reasons have been given for why maybe we shouldn't have any specific names in here. But an awful lot of the examples, I think, are not appropriate. With respect to whether – whether this justifies mentioning AAA, as a retiree from AAA, believe me – you know, AAA doesn't have anything to do with this particular governing process, okay? And an awful lot of the other entities that have been mentioned as possible examples really don't have anything to do with this government process. The groups mentioned here do. And – and I respect Commissioner de la Fe's comments that maybe there are other groups that do as well, but maybe not as closely associated as the ones that are mentioned here. It's interesting the way the paragraph starts out, "To ensure a sustainable balance between development and transportation infrastructure." The groups mentioned here are associated with and to some degree govern jurisdictions that are very concerned with those issues. And that is

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what makes them, I think, unique and thereby mentionable in this process. And that's why I think the – the names that are put there are – are appropriate. When we had the discussion last week or two weeks ago, however long it was, I think it was on the 6th of September – one of the things we talked about was why some of these groups should be mentioned. And I think one of the reasons was, and again with all due respect to Tysons, which is a place I truly love – you need, I think, to show a certain degree of consensus building, which you bring to a process such as this process, has been. And the groups that are here, I think, have shown not only the ability to build that consensus, but they have brought their jurisdictions in line to the point that they represent a consensus of this type. And maybe there are others. Maybe there are a few others that could be mentioned as well. But these certainly qualify. And I don't see anything wrong, frankly, with mentioning them within the context of the recommendation and the purposes it is intended to achieve.

Commissioner Sargeant: Mr. Chairman?

Commissioner Migliaccio: Mr. Chairman?

Commissioner Donahue: I think I took long enough. Thank you.

Commissioner Sargeant: Oh. Okay.

Chairman Murphy: All right.

Commissioner Migliaccio: You –

Commissioner Sargeant: Okay. Mr. Chairman, I'm – I'm wondering if – if a compromise on the – on this friendly amendment might be something along the lines of participation –  
INCORPORATING PARTICIPATION FROM VARIOUS OR COUNTYWIDE  
STAKEHOLDERS INCLUDING THE TYSONS PARTNERSHIP AND OTHERS so that you're not singling them out, but you are including them among other Countywide stakeholders.

Commissioner Migliaccio: Mr. Chairman, my –

Chairman Murphy: Well, wait a minute. Let's – let me ask the –

Commissioner Migliaccio: Okay; friendly amendment, sorry.

Chairman Murphy: – maker of the motion if – if she accepts that amendment to her motion. Because I don't want to get this too complicated, quite frankly.

Commissioner Hurley: When you say, "Countywide stakeholders such as," but none of that "such as" is Countywide –

Commissioner Sargeant: No, I said, COUNTYWIDE STAKEHOLDERS INCLUDING.

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Commissioner Hurley: Oh, okay. I got it.

Commissioner Sargeant: So, you are not limiting it. You are not taking out that particular group or groups, I should say. But you are not limiting it to those groups.

Commissioner de la Fe: I don't know what the difference is.

Commissioner Sargeant: I'm trying real hard.

Chairman Murphy: Don't try any more.

Commissioner Hall: You're very trying.

Commissioner Sargeant: Thank you very much.

Chairman Murphy: All right, Mr. Migliaccio. Well, what are you going to do?

Commissioner Migliaccio: Is there – well, we have to wait.

Chairman Murphy: Are you going to accept that or go along with what you –?

Commissioner Migliaccio: Accept it.

Commissioner Hurley: Not unless you mention at least one Countywide group. It could be the Federation of Civic Associations. Just something that is really truly Countywide.

Chairman Murphy: We're getting into making it more complicated than it needs to be.

Commissioner Migliaccio: Mr. – Mr. Chairman?

Chairman Murphy: Go ahead, Mr. Migliaccio. Go ahead.

Commissioner Migliaccio: I was going to – I should have never have let you go first. I'm so sorry, Tim.

Commissioner Sargeant: You see what courtesy has led to?

Commissioner Migliaccio: I was just going to align myself with Commissioner Hurley's comment because when Commissioner Donahue said, "Let's start reading this," and I said, "Okay, let's start reading number 23 again." I got down to "schedule, funding status, and the funding mechanisms for transportation improvements." "Funding mechanisms" certainly applies Countywide and Mr. Alcorn knows – one specific one I think of has two letters – well, three – C&I – sorry, CI – that impacts Countywide. If we start naming people, we need more than the Federation on here. We – we can have a list of the whole County phone book because everyone

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cares about the funding mechanisms that we use to get these transportation improvements. Because everybody here pays for it – taxpayers in South County, North County, and Central pay for it.

Chairman Murphy: That's – that's probably the reason why we – we might make this – leave it as Ms. Hurley recommended and make this something that the Board would have to do as a political decision as to how they interpret how this should be handled. So, I intend to support the motion. Is there further discussion of the motion? All those in favor of the motion as articulated by Ms. Hurley, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Donahue: No.

Chairman Murphy: Motion carries.

Commissioner Alcorn: Abstain.

Chairman Murphy: Mr. Donahue votes no. Mr. Alcorn chickened out – abstained. All right.

Commissioner Alcorn: I think that means it's –

Chairman Murphy: We go back to the main motion. All those in favor of the motion to recommend to the Board of Supervisors that it adopt the recommendation dated September 20, 2012 and submitted by the Planning Commission Tysons Corner Committee regarding certain Tysons Corner-related activities, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Flanagan: Abstain.

Chairman Murphy: Motion carries. Mr. Flanagan abstains.

Chairman Murphy: Thank you, staff, and all those on those on the staff who contributed to this herculean effort. Mr. Alcorn.

Commissioner Alcorn: Yes. Thank you, Mr. Chairman. Yes, I definitely thank the staff that are here and a bunch of staff that aren't here as well and the citizens and all the people that – that came to our meetings and the Committee members and Commissioners who really did stick this out.

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Chairman Murphy: And also once again, thank the Tysons Corner Committee and Walter in chairing the Committee for their outstanding work in this – in this matter. This is – this part tonight is something we don't usually do – that we've never done.

Commissioner Alcorn: Right.

Chairman Murphy: And – and I think we did a – thanks to the Committee – and it was done extremely well, and the staff. When I say, "Committee," I mean the whole group of folks that worked on this and – and the citizens who participated in the process.

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(The motion to modify Recommendation 23 carried by a vote of 9-1-1 with Commissioner Donahue opposed; Commissioner Alcorn abstaining; Commissioner Litzenberger absent from the meeting.)

(The main motion to recommend approval of the Tysons Corner Committee recommendations carried by a vote of 10-0-1 with Commissioner Flanagan abstaining; Commissioner Litzenberger absent from the meeting.)

JLC

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