

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 8, 2013**

AGENDA

9:30	Done	Presentations
10:30	Done	Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees
10:40	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Lee, and Providence Districts)
2	Approved	Extension of Review Periods for 2232 Review Applications (Mason and Springfield Districts)
3	Approved	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Sully, Springfield and Mount Vernon Districts)
4	Approved	Authorization to Advertise a Public Hearing to Consider Changes to The Code of the County of Fairfax, Virginia, Chapter 82, Motor Vehicles and Traffic, Article 5, Sections 32 through 32.2 and Chapter 10, Consumer Protection
5	Approved	Authorization for Various Fairfax County Agencies to Apply for and Accept Funding from the U.S. Department of Housing and Urban Development Through the Continuum of Care Program, and Authorization for Consolidated Plan Certifications

ACTION ITEMS

1	Approved	Creation of a Tysons Transportation Service District Advisory Board
2	Approved	Establishment of the "Tysons-Wide" and "Tysons Grid of Streets" Transportation Funds, Adoption of their Respective Guidelines, and Annual Rate Adjustment for the Existing Tysons Transportation Fund (Dranesville, Hunter Mill, and Providence Districts)
3	Approved	Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2013 and Authorization for the Chairman to Postpone a Scheduled Meeting in the Event of Weather or Other Hazardous Conditions

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 8, 2013**

**ACTION ITEMS
(Continued)**

- | | | |
|---|-----------------|---|
| 4 | Approved | Authorize the Acquisition of Property at 7511 Fordson Road, Alexandria VA 22306 (Lee District) |
| 5 | Approved | Approval of a Memorandum of Understanding Between the Fairfax County Police Department, the United States Attorney for the District of Columbia and the Metropolitan Police Department of Washington, D.C. Regarding the 2013 Presidential Inauguration |

**CONSIDERATION
ITEMS**

- | | | |
|---|---|--|
| 1 | Approved with
Amendment;
Appointment of
Supervisor Cook to
the Council | Approval of the Fairfax County Domestic Violence Prevention, Policy, and Coordinating Council's Charter and Bylaws |
|---|---|--|

**INFORMATION
ITEMS**

- | | | |
|-------|--------------|--|
| 1 | Noted | Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers |
| 2 | Noted | Service Adjustments for Fairfax Connector Bus Service Effective January 2013 |
| 10:50 | Done | Matters Presented by Board Members |
| 11:40 | Done | Closed Session |

**PUBLIC
HEARINGS**

- | | | |
|------|--|--|
| 3:00 | Approved | Decision Only on the Proposed Creation of a Tysons Transportation Service District |
| 3:00 | Deferred to
1/29/13 at 4 p.m. | Public Hearing on RZ 2010-PR-019 (Kettler Sandburg, LLC) to Rezone from R-1 to PDH-3 to Permit Residential Development (Providence District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 8, 2013**

**PUBLIC
HEARINGS
(Continued)**

- | | | |
|------|---|---|
| 3:30 | Approved | Public Hearing on PRC 86-C-121-04 (Reston Spectrum LLLP & Harris Teeter Properties, LLC) to Approve the PRC Plan Associated with RZ 86-C-121 to Permit Mixed Use Development (Hunter Mill District) |
| 3:30 | Approved | Public Hearing on RZ 2012-LE-005 (Mussarat S. Ahmad, Adeela I. Ahmad, Tanzeela I. Ahmad) to Rezone from R-1 and HC to PDH-5 and HC to Permit Residential Development (Lee District) |
| 3:30 | Approved | Public Hearing on RZ 2012-BR-014 (Eleven Oaks LLC) to Rezone from R-1 to PDH-8 to Permit Residential Development and Approval of the Conceptual Development Plan (Braddock District) |
| 3:30 | Approved | Public Hearing on RZ 2012-MV-007 (Bainbridge Communities Association III, LLC) to Rezone from R-3, R-20, C-5 and C-8 to PRM to Permit Mixed Use Development (Mount Vernon District) |
| 4:00 | Approved | Public Hearing on RZ 2012-DR-017 (Christopher and Karen Barth) to Rezone from R-2 and HC to R-3 and HC to Permit Residential Development (Dranesville District) |
| 4:00 | Deferred to
1/29/13 at 3:00
p.m. | Public Hearing on PCA 86-S-083-05 (Branch Banking and Trust Company) to Amend the Proffers for RZ 86-S-083 Previously Approved for Commercial and Residential Development to Permit a Drive-In Financial Institution (Sully District) |
| 4:00 | Deferred to
1/29/13 at 3:00
p.m. | Public Hearing on SEA 93-Y-032 (Branch Banking and Trust Company) to Amend SE 93-Y-032 Previously Approved for a Drive-In Financial Institution (Sully District) |
| 4:00 | Approved | Public Hearing on RZ 2012-HM-013 (Sekas Homes, Ltd.) to Rezone from R-1 to R-2 to Permit Residential Development (Hunter Mill District) |
| 4:00 | Approved | Public Hearing to Consider Adopting an Ordinance Expanding the George Mason University Residential Permit Parking District, District 40 (Braddock District) |
| 4:00 | Approved | Public Hearing on Spot Blight Abatement Ordinance for 5412 Franconia Road, Alexandria, VA 22310 (Lee District) |
| 4:30 | Approved | Public Hearing on PCA 89-L-008 (Fairfax County School Board) to Amend the Proffers for RZ 89-L-008 (Lee District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 8, 2013**

4:30

Approved

Decision Only on PRC C-203 (Fairfax County Public Schools) to Approve the PRC Plan Associated with RZ C-203 (Hunter Mill District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
January 8, 2013

9:30 a.m.

PRESENTATIONS

SPORTS/SCHOOLS

- CERTIFICATE – To recognize Gail Kinsey for being named Virginia's 2012 National Distinguished Principal by the National Association of Elementary School Principals. Requested by Supervisor Cook.

RECOGNITIONS

- CERTIFICATE – To recognize the International Association of Firefighters Local 2068 for its success during the 2012 Fill the Boot Campaign. Requested by Chairman Bulova.
- CERTIFICATE – To recognize Janet Coldsmith for her years of service to Fairfax County. Requested by Supervisor Hyland.

DESIGNATIONS

- PROCLAMATION – To designate January 2013 as Mentoring Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate January 2013 as Stalking Awareness Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

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Board Agenda Item
January 8, 2013

10:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1 - Listing of Interjurisdictional Committees and Inter- and Intra-Governmental Boards and Committees for Calendar Year 2013

STAFF:

Catherine A. Chianese, Clerk to the Board of Supervisors

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**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-
GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR
YEAR 2013**

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

ARLINGTON

DISTRICT OF COLUMBIA

FAIRFAX CITY

FALLS CHURCH

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

HERNDON

LOUDOUN COUNTY

PRINCE WILLIAM

VIENNA

INTERGOVERNMENTAL BOARDS AND COMMITTEES
(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

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

COG BOARD OF DIRECTORS

**COG METROPOLITAN WASHINGTON AIR QUALITY
COMMITTEE**

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

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

COG EMERGENCY PREPAREDNESS COUNCIL

**COG HUMAN SERVICES AND PUBLIC SAFETY
COMMITTEE**

COG REGION FORWARD COMMITTEE

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

**COG NATIONAL CAPITAL REGION TRANSPORTATION
PLANNING BOARD**

CLEAN AIR PARTNERS

COLUMBIA PIKE TRANSIT INITIATIVE POLICY COMMITTEE

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

**GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY
BOARD**

INOVA HEALTH CARE SERVICES BOARD

INOVA HEALTH SYSTEMS BOARD

**METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE
(MWAQC)- formerly Clean Air Partners**

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

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

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

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

POTOMAC WATERSHED ROUNDTABLE

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT
COMMISSION**

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

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

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

INTRAGOVERNMENTAL AND OTHER COMMITTEES

50+ COMMITTEE
(Committee of the Whole)

AUDIT COMMITTEE

BOARD PROCEDURES COMMITTEE

BUDGET POLICY COMMITTEE
(Committee of the Whole)

COMMUNITY REVITALIZATION AND REINVESTMENT COMMITTEE
(Committee of the Whole)

DEVELOPMENT PROCESS COMMITTEE
(Committee of the Whole)

ECONOMIC ADVISORY COMMITTEE
(Committee of the Whole)

ENVIRONMENTAL COMMITTEE
(Committee of the Whole)

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE
(Committee of the Whole)

HUMAN SERVICES COMMITTEE
(Committee of the Whole)

INFORMATION TECHNOLOGY COMMITTEE
(Committee of the Whole)

LEGISLATIVE COMMITTEE
(Committee of the Whole)

PERSONNEL AND REORGANIZATION COMMITTEE
(Committee of the Whole)

PUBLIC SAFETY COMMITTEE
(Committee of the Whole)

TRANSPORTATION COMMITTEE
(Committee of the Whole)

Board Agenda Item
January 8, 2013

10:40 a.m.

Items Presented by the County Executive

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Board Agenda Item
January 8, 2013

ADMINISTRATIVE – 1

Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Lee, and Providence 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>
Ridgewood – Lee Highway Turn Lane Improvements	Braddock	Lee Highway (Route 29) (Additional Right-of-Way (ROW) Only)
The Lane @ Four Stairs	Dranesville	Mill Ridge Lane Leigh Mill Road (Route 683) (Additional ROW Only)
Van Metre Woodland Park Apartments II	Hunter Mill	Sunrise Valley Drive (Route 5320) (Additional ROW Only)
Holly Acres	Lee	Holly Hill Road (Route 1408) (Additional ROW Only) Holly Hill Road (Route 1408) (Additional ROW Only)
Unity of Fairfax Church of the Daily Word	Providence	Hunter Mill Road (Route 674) (Additional ROW Only)

TIMING:

Routine.

Board Agenda Item
January 8, 2013

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

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: 4436-SP-010

SUBDIVISION PLAT NAME: Ridgewood - Lee Highway Turn Lane

COUNTY MAGISTERIAL DISTRICT: Braddock

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

FOR OFFICIAL USE ONLY

BY: Nadia Alphonse DATE OF VDOT INSPECTION APPROVAL: 09/11/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Lee Highway (Route 29) (Additional Right-of-Way Only)	125' E CL Ridge Top Road (Route 7224)	790' E to Section Line	0.0
NOTES:			TOTALS:
10' Asphalt Trail on North Side constructed under Site Plan # 2740-SP-006 (Ridgewood Residential Phase 1); VDOT Permit 947-97825; to be maintained by Fairfax County.			0

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: 4454-SD-001

SUBDIVISION PLAT NAME: The Lane @ Four Stairs

COUNTY MAGISTERIAL DISTRICT: Dranesville

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

FOR OFFICIAL USE ONLY

BY: *Nadia Alghorab* DATE OF VDOT INSPECTION APPROVAL: 09/12/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Mill Ridge Lane	CL Leigh Mill Road (Route 683) - 1,982' NW CL Millwood Road (Route 1125)	1,942' W to End of Cul-de-Sac	0.37
Leigh Mill Road (Route 683) (Additional Right-of-Way Only)	1,940' NW CL Millwood Road (Route 1125)	113' N to Section Line	0.0
NOTES:			TOTALS: 0.37

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ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Mason and Springfield 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 FSA-S94-38-1 to March 17, 2013, and application FSA-M97-59-1 to March 22, 2013.

TIMING:

Board action is required on January 8, 2013, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days."

The Board is asked to extend the review period for applications FSA-S94-38-1 and FSA-M97-59-1; which were accepted for review by DPZ between October 19, 2012 and October 24, 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.

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

FSA-S94-38-1 Sprint
 Centrepointe Office Building
 4050 Legato Road, Fairfax
 Springfield District

FSA-M97-59-1 Verizon Wireless
 Lakeside Plaza Condominiums
 3800 Powell Lane, Falls Church
 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

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Sully, Springfield and Mount Vernon Districts)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming plan for Wooded Glen Avenue (Attachment I), Springhaven Drive (Attachment II) and Newington Road (Attachment III) consisting of the following:

- One Speed Table and one Speed Hump on Wooded Glen Avenue
- (Springfield district)
- One Multi-Way Stop on Springhaven Drive at Beech Down Drive (Sully District)
- One Multi-Way Stop with Pork Chop Island and Turn Lane Striping on Newington Road at Ona Drive (Mount Vernon District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved measures as soon as possible.

TIMING:

Board action is requested on January 8, 2013.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners' or civic association. Traffic calming employs the use of physical devices such as multi-way stop signs (MWS), speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria. Staff worked with the local Supervisors' office and community to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to

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residents of the ballot area in the adjacent community. On November 6, 2012, (Springhaven Drive); November 9, 2012, (Wooded Glen Avenue); and November 14, 2012, (Newington Road); the Department of Transportation received verification from the local Supervisor's office confirming community support for the above referenced traffic calming plans.

FISCAL IMPACT:

Funding in the amount of \$18,000 for the traffic calming measures associated with the Wooded Glen Avenue and Springhaven Drive projects is available in Fund 100-C10001, General Fund, under Job Number 40TTCP.

For the traffic calming measures associated with the Newington Road project funding in the amount of \$10,311 is available from a proffer attached to 0869-SD-01 and funding in the amount of \$10,000 is available from a proffer attached to 7236-SP-0 in Fund 300-C30040, internal order 2G40-034-000.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Wooded Glen Avenue

Attachment II: Traffic Calming Plan for Springhaven Drive and Beech Down Drive

Attachment III: Traffic Calming Plan for Newington Road

STAFF:

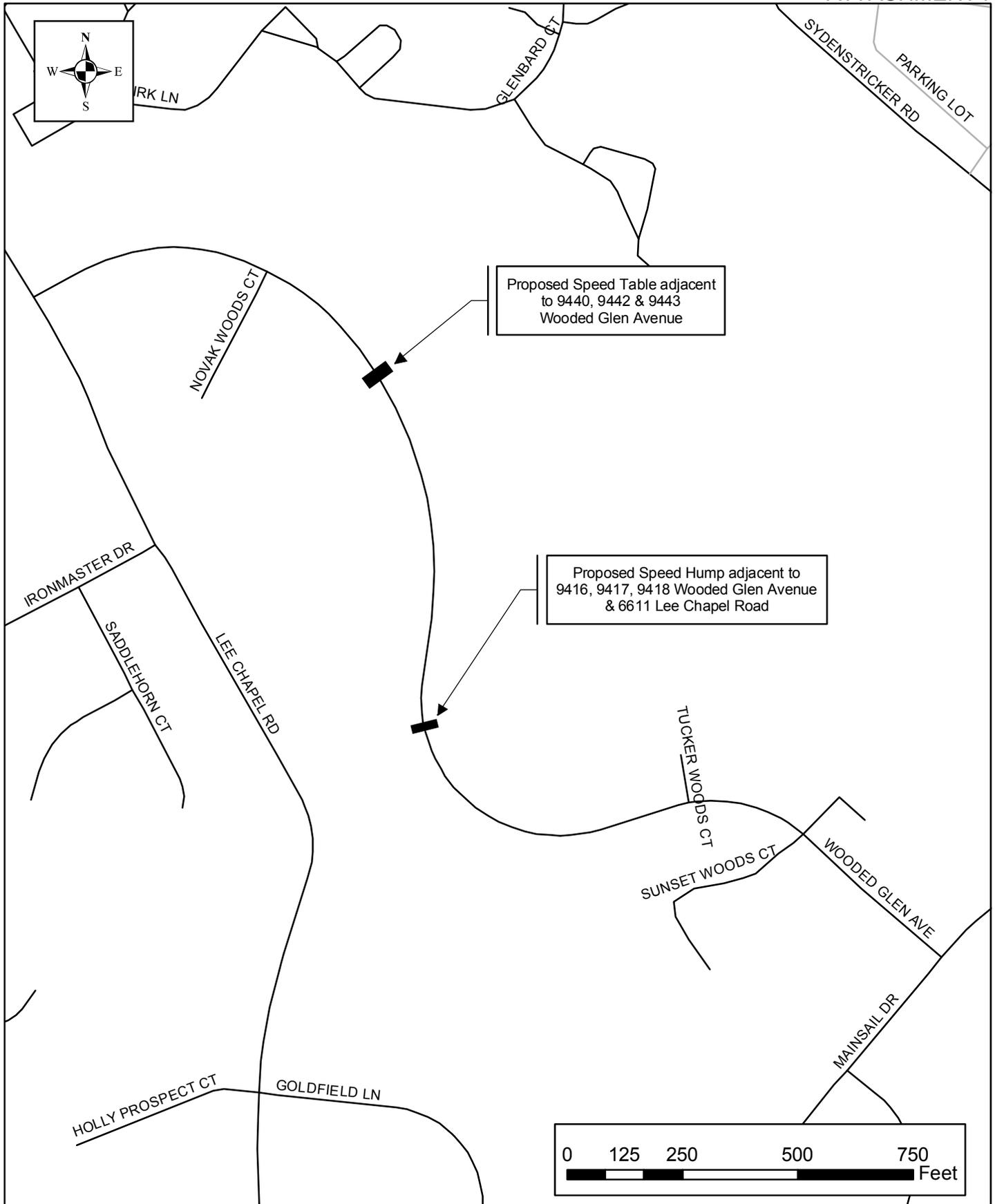
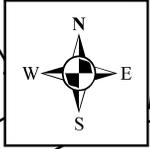
Robert A. Stalzer, Deputy County Executive

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

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

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

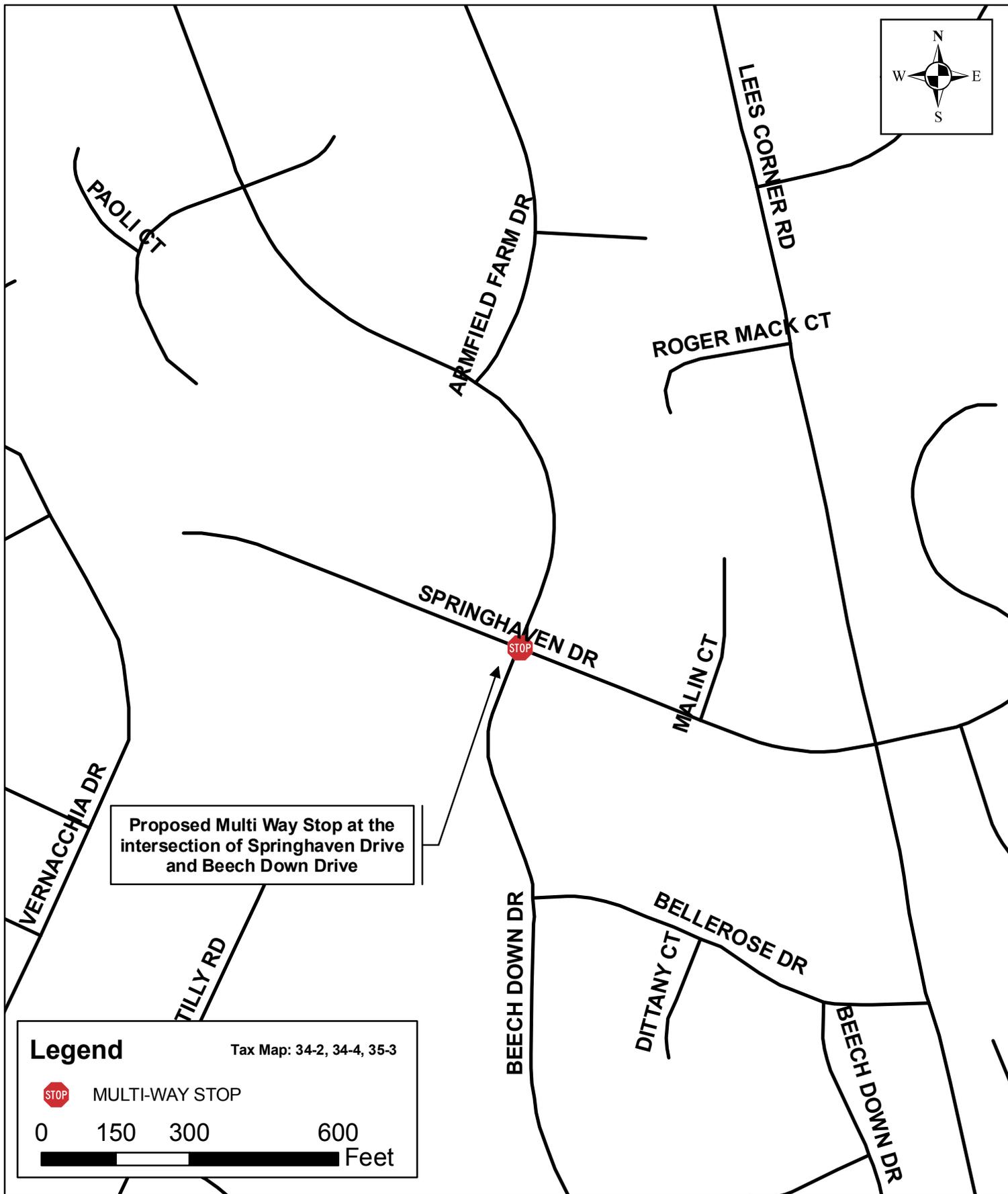
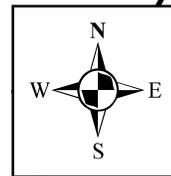
Steven K. Knudsen, Transportation Planner, Traffic Operations Section, FCDOT



Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
WOODED GLEN AVENUE
Springfield District

November 2012





Proposed Multi Way Stop at the intersection of Springhaven Drive and Beech Down Drive

Legend

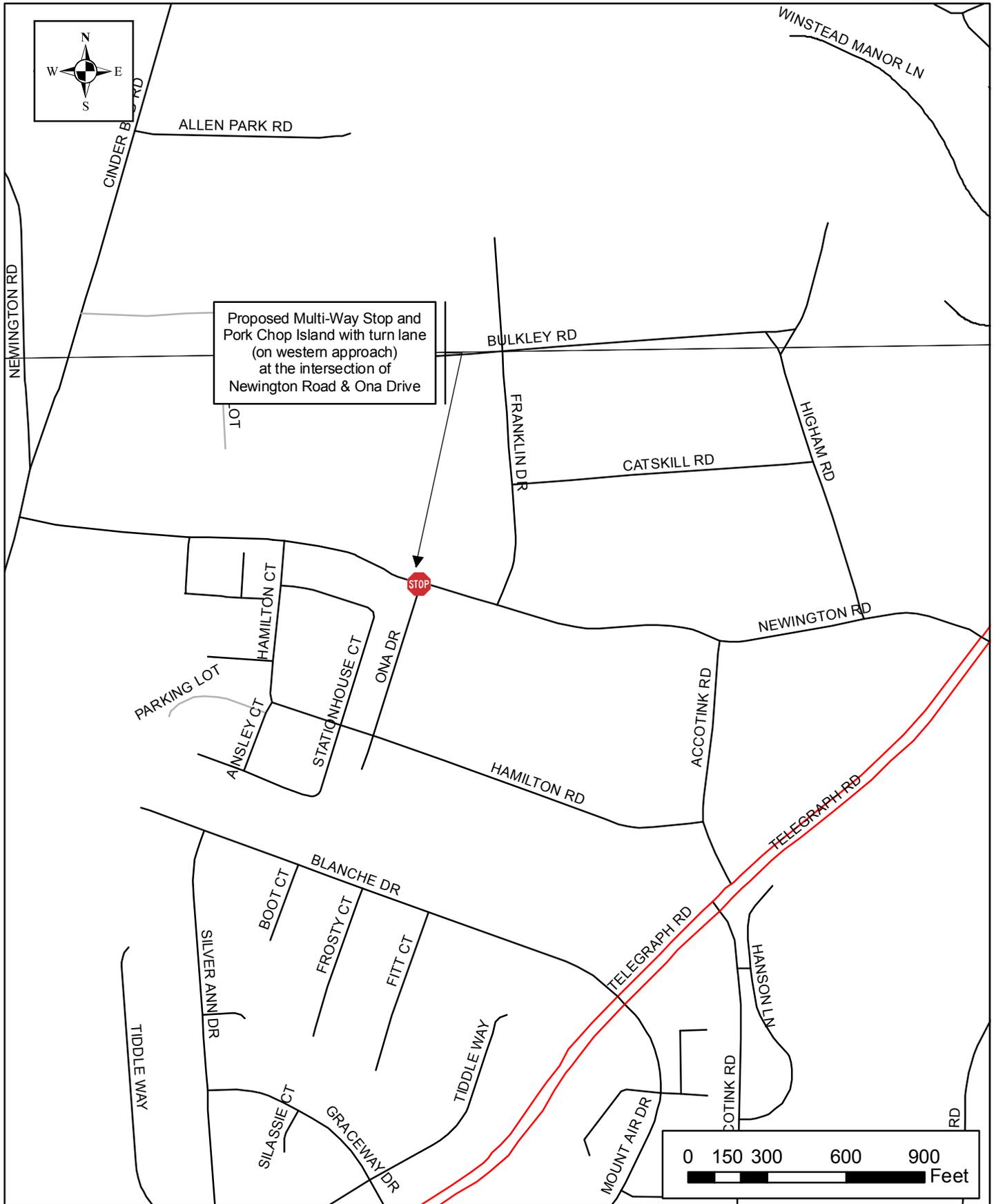
Tax Map: 34-2, 34-4, 35-3

 MULTI-WAY STOP



Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
PROPOSED TRAFFIC CALMING PLAN
SPRINGHAVEN DRIVE
 Sully District





Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
NEWINGTON ROAD
Mount Vernon District

November 2012



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ADMINISTRATIVE – 4

Authorization to Advertise a Public Hearing to Consider Changes to *The Code of the County of Fairfax, Virginia*, Chapter 82, Motor Vehicles and Traffic, Article 5, Sections 32 through 32.2 and Chapter 10, Consumer Protection

ISSUE:

Board authorization to advertise a public hearing to change Section 82-5-32 through 32.2, Removal immobilization, and disposition of vehicles unlawfully parked on private or County property, and Chapter 10, Consumer Protection of *The Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed changes of Section 82-5-32 through 32.2 and Chapter 10.

TIMING:

Board action is requested on January 8, 2013, to authorize advertisement to provide sufficient time to advertise the proposed public hearing scheduled on January 29, 2013 at 4:00 p.m. The changes would become effective upon adoption.

BACKGROUND:

Code of Virginia § 46.2-1232 enables the County to regulate the removal or immobilization of trespassing vehicles. (Attachment 1)

Paragraph A. of this section states that if a vehicle is towed from one locality to another, the laws of the locality from which the vehicle was towed shall apply.

During the 2012 Virginia Legislative Session, paragraph D. was added to this section to allow localities to issue permits to towing companies, provide grounds for the revocation, suspension, and appeal of permits, and establish a fee system to support the locality's issuance and administration of permits.

Staff worked with and coordinated suggested changes to Sections 82-5-32 through 32.2 and Chapter 10 of County's Code with representatives from all stakeholder groups. Several changes are also proposed to facilitate the ease of understanding, use, and enforcement of the changes adopted in January of 2012.

A summary of the recommended changes is as follows:

Sections 82-5-32 through 82-5-32.2 (Attachment 2)

1. Changed the current requirement for towed vehicles to remain within Fairfax County to allow vehicles to be towed outside of Fairfax County, remain in Virginia, and no more than 10 miles from the origin of the tow.
2. Established a Locality Permit and fee system for tow operators towing vehicles to storage lots outside of the County.
3. Added definitions for clarity and to improve readability.
4. Established denial, suspension, revocation, notification, and appeal procedures.
5. Established the Consumer Protection Commission as the responsible governing body for hearing appeals.
6. Established penalties and remedies.
7. Established procedures for trespass towing from unmarked properties.
8. Clarified once off private property, trespassing vehicles will be towed directly to the tow operator's storage lot and not be temporarily stored at any intermediate location for later relocation to a tow operator's storage lot.
9. Clarified immobilization procedures and requirements.
10. Updated code due to state government organization responsibility changes.

It should be noted the Locality Permit is a new and unique process; there is no similar data in similar jurisdictions with which to compare fees being proposed for the trespass tow operators permit or initial storage site inspection. The fees were determined by comparing similar processes currently being performed by the Department of Cable and Consumer Services and the Fairfax County Police Department.

Chapter 10 (Attachment 3)

1. Incorporated changes required since the last update of Chapter 10.
2. Added Sections 82-5-32 through 32.2 to powers and duties of the Consumer Protection Commission.

Impact on the public:

1. Individuals who have had their vehicles towed may have a shorter distance to travel to retrieve their towed vehicle.
2. Property owners will have an increased number of towers from which to select services.
3. Consumer Protection Commission will provide an objective review of tower appeals of actions taken by County staff.

The Tenant-Landlord Commission (TLC), on November 15, 2012, voted to support the recommended changes.

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The Consumer Protection Commission (CPC), on November 20, 2012, voted to support the recommended changes.

The Trespass Towing Advisory Board (TTAB), on November 28, 2012, supported the recommended changes.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code § 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.

Attachment 2: Proposed New Ordinance; draft Fairfax County Code § 82-5-32 through 82-5-32.2

Attachment 3: Proposed New Ordinance; draft Fairfax County Code Chapter 10

STAFF:

David J. Molchany, Deputy County Executive

Michael S. Liberman, Director, Department of Cable and Consumer Services

John W. Burton, Assistant County Attorney, Office of the County Attorney

David R. Reidenbach, Towing Analyst, Department of Cable and Consumer Services

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Code of Virginia

§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the stored or released location is within the Commonwealth of Virginia and within 10 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide grounds for revocation, suspension, or modification of any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a

46 *hearing before the governing body of the locality or its designated agent to challenge*
47 *the revocation, suspension, or modification. Nothing in this subsection shall be*
48 *applicable to public safety towing.*

49

50 (Code 1950, § 46-541; 1952, c. 352; 1954, c. 435; 1958, c. 541, § 46.1-551; 1978, cc.
51 202, 335; 1979, c. 132; 1983, c. 34; 1985, c. 375; 1989, cc. 17, 727; 1990, cc. 502, 573;
52 2006, cc. 874, 891; 2009, cc. 186, 544; 2012, cc. 149, 812.)

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54

**CODE
COUNTY OF FAIRFAX**

CHAPTER 82 – Motor Vehicles and Traffic.

Article 5. – Stopping, Standing and Parking.

Section 82-5-32. – Removal, immobilization, and disposition of Vehicles unlawfully parked on private or County property.

(A) Applicability.

Sections 82-5-32 through 32.2 establishes the minimum requirements for all trespass towing initiated in Fairfax County. Fairfax County Code shall also apply to a trespassing Vehicle towed from Fairfax County and stored outside the County.

(AB) Definitions.

The following words and phrases shall have the meanings respectively ascribed to them in this Section:

“Advisory Board” or “TTAB” means the Fairfax County Trespass Towing Advisory Board;

“Board” means the Fairfax County Board of Supervisors;

~~“BTRO” means the Virginia Board of Towing and Recovery Operators.~~

“Commission” means the Fairfax County Consumer Protection Commission.

“County” means the County of Fairfax, Virginia.

“Department” or “DCCS” means the Fairfax County Department of Cable and Consumer Services.

“Director” means the Director of the Fairfax County Department of Cable and Consumer Services or delegee.

"Driver" means a person who drives or is in actual physical control of a Tow Truck. A Driver shall have obtained all required ~~an authorization~~ documents

39 issued by the ~~BTR~~State in order to operate a Tow Truck while providing Towing
40 services.

41
42 “Drop Fee” means a fee that is charged a Vehicle Owner for disconnecting a Tow
43 Truck from a Vehicle prior to leaving private property.

44
45 "Equipment" means any Tow Truck, Vehicle or related machinery or tools used to
46 provide Towing.

47
48 “Immobilize” means a procedure or piece of Equipment, such as a boot, used to
49 prevent a Vehicle from moving. Immobilization does not include attachment to a
50 tow truck.

51
52 "Law-Enforcement Officer" means any officer authorized by law to direct or
53 regulate traffic or to make arrests for violations of the Code of Virginia or local
54 ordinances.

55
56 “Locality” means the geographical area of control of a county, city, or town.

57
58 “Locality Permit” means a document indicating an Operator has been approved
59 to Immobilize or trespass Tow Vehicles in Fairfax County and store Vehicles
60 either inside or outside of Fairfax County.

61
62 "Operator" or "Towing and Recovery Operator" means any person, including a
63 business, corporation, or sole proprietor, offering services involving the use of a
64 Tow Truck and services incidental to the use of a Tow Truck.

65
66 “Personal Property” means any property in a Vehicle which is not attached to or
67 considered to be necessary for the proper operation of the Vehicle.

68
69 "Private Property Tow" or "Trespass Tow" means requests for Towing services
70 made by the owner, manager, or lessee of private property, or the authorized
71 agent thereof, or under contract between such person and a Towing and
72 Recovery Operator that specifies what Tows are to be made from the property
73 when a Vehicle is on the property in violation of law or rules promulgated by the
74 owner, manager, or lessee of the private property.

75
76 “Property Owner” means the owner, operator, authorized agent, or lessee of any
77 land, space, or area used for parking, including any county, city, or Town, or
78 authorized agent of the person having control of such premises.

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“Registration Certificate” means a document indicating an Operator has been approved to trespass Tow and store Vehicles within Fairfax County.

“State” means the Commonwealth of Virginia.

“Storage Site” means a location where Vehicles are taken until the owner reclaims the Vehicle or it is sold. The location must meet all requirements specified in this Section.

"Tow" or "Towed" means when the Tow Truck has engaged a Vehicle by a physical or mechanical means that causes the Towed Vehicle to be removed from private property.

"Tow Truck" or "Truck" means a motor Vehicle for hire (i) designed to lift, pull, or carry another Vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross Vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes Vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or Tow another Vehicle, commonly referred to as "rollbacks."

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

“Vehicle Owner” means the owner, operator, authorized agent, or lessee of a Vehicle.

(BC) Exclusions.

(1) This sSection shall not apply to:

- (a) Federal, State, or local public service Vehicles.
- (b) Vehicle repossession activities.
- (c) Vehicles Towed, moved, or stored at the request of a Law-Enforcement officer.

118 (2) The provisions of this Section shall not be construed to prohibit
119 Vehicles from being Towed when such Towing is otherwise permitted by
120 law.

121
122 **(CD) Signs.**

123
124 (1) Permanent signs, clearly visible during daytime and nighttime hours,
125 shall be posted at all entrances to the parking area that conspicuously
126 disclose that such Vehicle ~~will~~shall be Towed or Immobilized.

127
128 (2) Such signs, at a minimum, shall: (all measurements are approximate)

129
130 (a) Be made of metal.

131
132 (b) Be 18 inches high and 12 inches wide.

133
134 (c) Contain reflective red letters and red reflective graphics on a
135 reflective white background with a 3/8 inch reflective red trim strip
136 3/8 inch in from the entire outer edge of the sign.

137
138 (d) Contain the international Towing symbol that is at least 5
139 inches high by 11 inches wide as found in the Federal Highway
140 Administration, "*Manual on Uniform Traffic Control Devices*".

141
142 (e) Use Series B or Clearview lettering found in the Federal
143 Highway Administration, "*Manual on Uniform Traffic Control*
144 *Devices*".

145
146 (f) Contain "Towing Enforced" in a font size of 2 inch letters.

147
148 (g) Contain "If Towed Call 703-691-2131" in a font size of 1 inch
149 letters, which is the Fairfax County Department of Public Safety
150 Communications' (DPSC) telephone number. However, if the Tow
151 originated in the Town of Vienna, the sign shall contain, "If Towed
152 Call 703-255-6366" and if the Tow originated in the Town of
153 Herndon, the sign shall contain, "If Towed Call 703-435-6846".

154
155 (h) Paragraphs (2)(a) through (2)(~~ef~~) ~~will~~shall be effective January
156 1, 2015.

157

158 (3) Signs posted in a government road right-of-way must meet Virginia
159 Department of Transportation standards and all applicable Virginia laws to
160 include the bottom of the sign mounted at least 7 feet above the ground.
161 Signs posted on private property are not required to meet this height
162 requirement as long as they are clearly visible.

163
164 (4) Sign contents may also include additional information such as, but not
165 limited to, the name of the property or name and telephone number of the
166 designated Operator in a font size of 19/32 inch letters.

167
168 (5) In addition to the mandatory entrance signs, other area signs may be
169 used to specify any other requirements for parking.

170
171 (6) The requirement for signs shall not apply to single-family residence or
172 ~~two-family residence~~ properties not subject to common interest community
173 regulations (as defined in Virginia Code Section 55-528).

174
175 (7) No signage of the type required in this sSection shall be required to
176 effect the Towing of a Vehicle unlawfully parked in a spot reserved for
177 persons with disabilities or in a "Fire Lane" that is approved and marked in
178 accordance with County and state requirements.

179
180 (8) Trespassing Vehicle on property not marked by signs.

181
182 (a) Business properties

183
184 (i) A notice must be conspicuously affixed to a trespassing
185 Vehicle with a warning the Vehicle is liable to be towed 48
186 hours after such notice is posted.

187
188 (ii) The notice must contain the date and time of posting.

189
190 (iii) A vehicle found to be trespassing a second time on the
191 same unmarked property may be Towed immediately. A
192 warning notice is not required.

193
194 (b) Vehicles trespassing on single-family residence properties not
195 subject to common interest community regulations may be
196 towed immediately. No notice is required.

197
198 **(DE) Property Owner.**

200 (1) A Property Owner may have a Vehicle Towed to a Storage Site or
201 Immobilized without the permission of the Vehicle Owner if the Vehicle is
202 occupying property without permission of the Property Owner, and if
203 conditions set forth in this ~~s~~Section are met.

204
205 (a) The Property Owner must give written approval for the Tow or
206 Immobilization of a Vehicle parked in violation of the Property
207 Owner's parking policy.

208
209 (b) Copies of such written approvals shall be retained for three
210 years after the date of the last Tow or Immobilization approved by
211 the agreement.

212
213 (2) In lieu of having such Vehicle Towed or Immobilized, the Property
214 Owner on which the Vehicle is located may request a Law Enforcement
215 Officer issue, on the premises, a citation to the Vehicle Owner.

216
217 **(EF) Operator.**

218
219 Trespass Tow Operators must comply with all requirements of this Section.

220
221 (1) Registration Certificate.

222
223 (a) All Operators engaged in immobilizing or Towing Vehicles
224 without the consent of the Vehicle Owner in Fairfax County must
225 ~~shall~~ register with the Department of Cable and Consumer Services
226 prior to the initiation of any such operations and ~~during~~by January
227 31 of each subsequent year.

228
229 (b) To obtain a Registration Certificate, the following information
230 and documents must be provided to the Department:

231
232 (i) Name, address and telephone number of the business
233 engaged in immobilizing or Towing;

234
235 (ii) Name and telephone number of the business owner or
236 chief executive officer (CEO);

237
238 (iii) Copy of the Operator's business' Fairfax County
239 Business, Professional and Occupational License (BPOL);

- 240
241 (iv) Address, telephone number, and Vehicle storage
242 capacity of each Storage Site to which Vehicles will be
243 Towed;
244
245 (v) Copy of each office and Storage Site Non-Residential
246 Use Permit (~~Non-RUP~~); and,
247
248 (vi) Number of Tow Trucks to be operated in Fairfax County.
249
250 (vii) Proof of insurance as required by Virginia Code 46.2-
251 2143 and shall include provisions for notice by the insurance
252 carrier to the Director prior to termination of such coverage.
253

254 (c) The Department must be notified of any changes to information
255 previously provided by the Operator within 30 calendar days of the
256 change.
257

258 (2) Locality Permit.
259

260 (a) All Operators engaged in Towing Vehicles without the consent
261 of the Vehicle Owner in Fairfax County and storing those
262 vehicles outside of Fairfax County must obtain an approved
263 Locality Permit prior to the initiation of any such operations and
264 by January 31 of each subsequent year.
265

266 (i) The initial application and annual renewal fee for each
267 Operator shall be \$150.00.
268

269 (ii) The initial inspection fee for each Storage Site outside of
270 Fairfax County shall be \$450.00.
271

272 (b) An Operator identified on the non-residential use permit of a
273 Storage Site shall be responsible for application and inspection
274 fees.
275

276 (3) Registration Certificates and Locality Permits.
277

278 (a) It shall be unlawful for any person to procure, or assist another to
279 procure, through theft, fraud, or other illegal means, a
280 Registration Certificate or Locality Permit from the Department.
281 Any violation of any provision of this Section shall be punishable
282 as a Class 2 misdemeanor.

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(b) Any person or entity other than the Department that sells, gives, or distributes, or attempts to sell, give or distribute any document purporting to be a Registration Certificate or Locality Permit to conduct a trespass towing business in Fairfax County is guilty of a Class 1 misdemeanor.

(24) Operational Requirements.

(a) The Operator ~~will~~shall be open for business 24 hours a day and seven days per week unless the Operator has no ~~cars~~ vehicles Immobilized or in his possession.

(b) All Tow Truck safety devices must be operational, used, and comply with local, state, and federal laws and regulations.

(c) An Operator shall not Tow a Vehicle from private property or Immobilize a Vehicle on private property unless the Vehicle is parked in violation as specified by the Property Owner.

(d) All Tow Trucks shall have the following identifying markings of a contrasting color to the truck body on both sides of each Tow Truck:

(i) The Operator's business name as registered with the Department in a font not less than three inches in height.

(ii) The Operator's telephone number in a font not less than three inches in height.

(iii) Truck number in a font not less than four inches in height.

(e) Each ~~€Tow vehicle~~Truck, while trespass towing, shall have a copy of the current Fairfax County Trespass Towing ~~€Registration~~ €Certificate or Locality Permit in the Tow Truck.

(f) Each Immobilization device ~~will~~shall have a label, clearly visible while the device is in position Immobilizing a Vehicle, that lists the Operator's name and telephone number, Immobilization fee, and the Department's name and telephone number.

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(g) The Fairfax County Department of Public Safety Communications (DPSC) ~~will~~shall be notified no later than 30 minutes after initiating the Immobilization or Towing of a Vehicle. However, whenever a Vehicle is Towed or Immobilized from sites within the Town of Herndon or the Town of Vienna, the Operator, shall notify the law enforcement agency in those ~~jurisdictions~~localities as applicable.

(h) Such notification shall include the:

(i) Operator name and Driver employee number who Towed or Immobilized the Vehicle;

(ii) Make, model, color, year, vehicle identification number of the Towed or Immobilized Vehicle;

(iii) License plate type (such as passenger car, truck, dealer, taxi, disabled), number, state, and year of license of the Towed or Immobilized Vehicle;

(iv) Address where the Vehicle was Towed or Immobilized from;

(v) Reason for the Tow or Immobilization;

(vi) Time such Tow or Immobilization was initiated; and

(vii) Storage Site address where the Vehicle is located and the Operator's telephone number.

(i) It shall be unlawful to fail to report a Tow or Immobilization as required by this ~~s~~Section. Violation of the reporting requirements of this ~~s~~Section shall constitute an invalid Tow resulting in no charge to the owner for the release of the Vehicle.

(j) Upon leaving private property, a~~An Operator~~ Driver must Tow each Vehicle directly to a Storage Site ~~located within the boundaries of Fairfax County.~~ Changing the Towing Vehicle shall

- 404 (ii) The information required to be provided to the DPSC and
405 other local law enforcement agencies pursuant to this
406 Section;
407
408 (iii) A legible copy of the receipt provided to Vehicle Owner;
409 and
410
411 (iv) Photographs and any other documentation supporting
412 the tow.
413

414 (35) Storage Site Requirements.
415

416 (a) Every site to which Trespassing Vehicles are Towed, stored,
417 and available for return to the Vehicle Owner shall comply with the
418 following requirements:
419

420 (i) An Operator must Tow each Vehicle to a properly zoned
421 Storage Site ~~located~~registered ~~within the boundaries of~~
422 ~~Fairfax County~~ Department.
423

424 (ii) A Storage Site shall be lighted during the hours of
425 darkness to afford clear visibility to all portions of the Storage
426 Site.
427

428 (iii) A Towed Vehicle shall not be stored more than a
429 reasonable walking distance from the area where Towing
430 and storage fee payments are received.
431

432 (iv) The Operator shall exercise reasonable care to keep the
433 Towed Vehicle and its contents safe and secure at all times,
434 which shall include appropriate permanent fencing.
435

436 (v) No Operator may take a Vehicle to a Storage Site which
437 does not meet these standards and all other applicable
438 ordinances and regulations:
439

440 (A) A clearly visible sign must be posted at the
441 entrance of the Storage Site that provides instructions
442 and a local telephone number for obtaining release of
443 a Vehicle; and

444
445 (B) The telephone for the posted number shall be
446 answered 24 hours a day.

447
448 (C) A clearly visible sign with a list of all of the
449 Operator's fees for trespass Immobilization, Towing
450 and storage services, and the Operator's contact
451 information.

452
453 (D) A clearly visible sign available from the
454 Department of Cable and Consumer Services, listing
455 the Department's Web site, office address, and
456 telephone number.

457
458 (46) Personal Property.

459
460 (a) Nothing shall be removed from the Vehicle without the express
461 consent of the Vehicle Owner

462
463 (b) Personal Property must be released immediately upon the
464 Vehicle Owner's request without charge, and it shall be the duty of
465 the Operator to return it to the Vehicle Owner if the Vehicle Owner
466 claims the items prior to auction. Any lien created under this
467 ~~s~~Section shall not extend to any Personal Property.

468
469 (57) Vehicle Release.

470
471 (a) If the Vehicle Owner of the Vehicle is present and removes the
472 Vehicle from the property or corrects the violation before the
473 Vehicle is connected to the Towing Vehicle, no fee ~~will~~shall be
474 charged the Vehicle Owner;

475
476 (b) If the Vehicle has been connected to the Towing Vehicle and
477 has not yet left private property, the Vehicle shall not be Towed
478 upon request of the Vehicle Owner. The Vehicle Owner shall be
479 liable for a Drop Fee, as set forth in this Section, in lieu of Towing,
480 provided that the Vehicle Owner or representative is present and
481 ready, willing, and able to pay the required Drop Fee and removes
482 the Vehicle from the property or corrects the violation.

483

484 (c) An Immobilized or a Towed Vehicle moved to a Storage Site
485 shall be immediately available for release at the request of the
486 Vehicle Owner.

487
488 (d) The Operator shall accept the following forms of payment for
489 any trespass Towing services:

- 490 (i) Cash;
- 491
- 492 (ii) Two major national credit cards;
- 493
- 494 (iii) MasterCard or Visa debit cards; and
- 495
- 496 (iv) Personal checks shall be accepted when credit/debit
497 card machines are not available or are inoperable.
498

499
500 (e) In all cases when a Vehicle is Immobilized, Towed, or fees
501 charged, the Operator ~~will~~shall provide the Vehicle Owner with a
502 receipt that bears the:

- 503 (i) Complete name, address, and telephone number of the
504 Operator that Towed the Vehicle;
- 505
- 506 (ii) Time the Vehicle was Towed;
- 507
- 508 (iii) Address from which the Vehicle was Towed;
- 509
- 510 (iv) Authority for the Tow (Entity or person authorizing the
511 tow);
512
- 513 (v) Reason for the Tow;
- 514
- 515 (vi) Driver employee number; (the corresponding Driver's
516 name shall be provided to the Fairfax County Police
517 Department (FCPD) and/or the Director upon request)
- 518
- 519 (vii) Time the Vehicle was released;
- 520
- 521

522 (viii) An itemized list of all fees assessed in the
523 Immobilization, Towing, storage, and/or release of the
524 Vehicle;

525
526 (ix) The printed name of the person to whom the Vehicle
527 was released; and

528
529 (x) The Department contact information.

530
531 (f) If any requirements of this Section are not met, for such
532 Immobilization or Tow, no fee shall be charged.

533
534 **(68) Compliance.**

535
536 (a) The Operator ~~will~~shall provide to the Vehicle Owner upon
537 request, a copy of the authority for the Tow; including, without
538 limitation, photographs and other documentation supporting the
539 tow.

540
541 (b) Right of Entry. Whenever it is necessary for the purposes of
542 this Section, the duly authorized agent of the Director may enter
543 any trespass Towing business, business establishment, or Storage
544 Site property to obtain information, conduct surveys, audits,
545 compliance reviews, or investigations.

546
547 **(FG) Rates and Charges.**

548
549 (1) Change to Rates and Charges.

550
551 (a) Changes in rates and charges for trespass Towing services
552 rendered by Operators shall be approved by the Board.

553
554 (b) The Board may consider changes in rates or charges upon
555 recommendation of the Director or the Advisory Board.

556
557 (c) The Director shall conduct a review of rates every two years.

558
559 (d) Any review of rate changes as well as any recommended
560 change to any rule, regulation, or practice thereto shall come before
561 the Advisory Board pursuant to a public hearing, which shall be

562 scheduled as soon as analysis, investigation, and administration
563 ~~permit~~allow. All recommendations of the Advisory Board and the
564 Director shall be conveyed to the Board for its consideration and
565 determination.
566

567 (e) Whenever the Director or Advisory Board determines a rate
568 change is warranted, all registered Operators shall provide notice to
569 the public of proposed changes in rates and charges thereto, by
570 means of a sign posted in a clearly visible place at each of their
571 fixed places of business in Fairfax County. Such notice shall be on
572 a document no smaller than 8.5 by 11.0 inches, printed in no
573 smaller than 12-point type, and shall contain substantially the
574 following information:

575
576 Notice of Proposed Rate Change
577 (Insert the Name of the trespass Tower)

578
579 A proposed change in trespass Towing rates is under
580 consideration by the Fairfax County government. The
581 proposed rates are: (Insert description of the proposed
582 changes).
583

584 The proposed trespass Towing rate change ~~will~~shall be
585 considered by the Trespass Towing Advisory Board at a
586 public hearing. The date, time and location of the public
587 hearing may be obtained by calling the Department of Cable
588 and Consumer Services. Any interested person may appear
589 before the Advisory Board to be heard on this proposed
590 change. Persons who wish to be placed on the speakers' list
591 or who wish further information should call the Department of
592 Cable and Consumer Services at 703-324-5966.
593

594 (f) Notices with respect to a proposed rate change shall be posted
595 within ten days of the staff report for such change and shall remain
596 posted until the change in rates is denied or becomes effective.
597

598 (2) Rates and Charges.

599
600 (a) It shall be unlawful for an Operator to charge any fees
601 exceeding the fees set forth in this Section.

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(i) Immobilization. An Operator may charge a Vehicle Owner a maximum fee of \$75.00 for the release of a Vehicle when it is Immobilized. No other fee of any type may be charged.

(ii) Drop Fee. An Operator may charge a Vehicle Owner a maximum fee of \$50.00 for the release of a Vehicle prior to Towing the Vehicle from private property. No other fee of any type may be charged.

(iii) Hookup and initial Towing fee shall not exceed:

A. \$125.00 for Vehicles with a gross vehicle weight rating (GVWR) of 7,500 pounds or less.

B. \$250.00 for Vehicles with a GVWR of 7,501 pounds through 10,000 pounds.

C. \$500.00 for Vehicles with a GVWR greater than 10,000 pounds.

D. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, a maximum additional fee of \$25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle.

E. No other fees or charges shall be imposed during the first 24 hour period.

(iv) Storage fee for the safekeeping of Vehicles:

A. No charge shall be made for storage and safekeeping of a Vehicle for the first 24 hours the Vehicle is on the Storage Site.

B. After the Vehicle is on the Storage Site for more than 24 hours, a Vehicle storage fee may be charged

641 for each subsequent 24-hour period, or any portion
642 thereof, at a rate not to exceed:

643
644 1. \$50.00 for any Vehicle 22 feet long or less.

645
646 2. \$5.00 per foot for any Vehicle over 22 feet
647 in length.

648
649 (v) If an administrative fee for notification of lien holder,
650 owner, agent or other interested party is charged, it shall not
651 exceed \$75.00. This fee may only apply after the Vehicle is
652 on the Storage Site over three full business days. If an
653 administrative fee is charged, a copy of the Virginia
654 Department of Motor Vehicles report ~~will~~shall be attached to
655 the receipt given to the Vehicle Owner.

656
657 (vi) No other administrative fees ~~will~~shall be charged, or any
658 other charges unless expressly set forth herein.

659
660 (b) Upon Vehicle release, the Operator ~~will~~shall give the Vehicle
661 Owner a receipt itemizing all charges.

662
663 (c) An Operator shall not require a Vehicle Owner to sign any
664 waiver of the Vehicle Owner's right to receive compensation for
665 damages to the owner's Vehicle as a condition of the owner
666 retrieving the Towed Vehicle.

667
668 **(GH) Penalties and Remedies for Violations.**

669
670 (1) All Trespass Towing.

671
672 (a) It shall be unlawful for any person to violate any of the
673 provisions of this Section, or any regulation adopted pursuant to
674 this Section. Unless otherwise stated, these violations shall
675 constitute traffic infractions punishable by a fine of not more
676 than that provided for a Class 4 misdemeanor.

677
678 (b) It shall be unlawful for any person to make or cause to be made
679 any false statement in writing for the purpose of procuring a
680 Registration Certificate or Locality Permit, or to make any false
681 statements or entry on records required to be kept by this
682 Section. These violations are a violation of Virginia Code
683 Section 18.2-498.3.

684 (c) An Operator shall be suspended if the Operator's insurance is
685 no longer in effect. Suspension shall be in accordance with
686 Section 82-5-32.(H)(2)(b) and (d).

687
688 (2) Locality Permit Operators.

689 (a) Denial.

690
691
692 (i) The Director may deny an Operator's Locality Permit
693 application to conduct a trespass towing business in
694 Fairfax County if the Operator:

695
696 A Does not have an approved Storage Site; or

697
698 B Does not possess a valid business license; or

699
700 C Is not properly licensed by the State; or

701
702 D Provides false information on the application.

703
704 (ii) The Operator may reapply after application deficiencies
705 are corrected. If the denial is based on 82-5-
706 32.(H)(2)(a)(i)D., the denial shall remain in force for one
707 year from the date of denial.

708
709 (b) Suspension.

710
711 (i) The Director may suspend an Operator's Fairfax
712 County Locality Permit for a period of one to 60 days
713 and/or until proof of compliance is provided to the
714 satisfaction of the Director for any of the following reasons,
715 but not limited to:

716
717 A Operating a tow vehicle that fails to meet federal,
718 State, and local codes.

719
720 B Any violations of this Section which regulate
721 conduct, reporting, and record-keeping.

722
723 C Occurrence of any of the grounds for denial of a
724 registration application or Locality Permit, listed in
725 Section 82-5-32.(H)(2)(a).

726
727 D Failure to maintain the Storage Site(s) and/or
728 operation(s) in good order and repair.

729

730 E Failure to pay all fees and taxes imposed insofar
731 as such fees relate to operation of a trespass
732 towing business.

733
734 F Failure to maintain proper insurance.

735
736 G Valid consumer complaints regarding trespass
737 towing operation.

738
739 (ii) The suspension will become effective 45 days after
740 the Operator receives the suspension notice unless an
741 appeal is filed in accordance paragraph (e) below.

742
743 (iii) However, any suspension for a violation of Sections
744 82-5-32.(H)(2)(b)(i)A and F shall become effective upon
745 the date of any such violation without notification
746 pursuant to paragraph (d) below.

747
748 (c) Revocation.

749
750 (i) An Operator's Locality Permit may be revoked by the
751 Director for, but not limited to, any of the following
752 reasons:

753
754 A. If an Operator fails to correct deficiencies for which
755 the Operator was suspended.

756
757 B. The Operator makes or causes or allows to be
758 made any false statement in writing for the
759 purpose of procuring a Locality Permit; or

760
761 C. If an Operator makes or causes or allows to be
762 made any false statement or entry on records
763 required to be kept by this Section; or

764
765 D. Conducts operations in the County while under
766 suspension; or

767
768 E. At the discretion of the Director for multiple
769 violations by the Locality Permit holder of any of
770 the provisions of this Section within a twelve-
771 month period.

772
773 (ii) The revocation will become effective 45 days after the
774 Operator receives the revocation notice unless an appeal
775 is filed in accordance paragraph (e) below.

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(d) Notification.

- (i) Written notice of any denial, suspension, or revocation under the above provisions of this Section shall be given by the Director to the Operator in person, or by email, and by certified mail. Such suspension or revocation shall be effective seven calendar days after the deposit of such notice in the US mail unless otherwise specified in this Section.

NOTE: It shall be unlawful for an Operator to conduct a trespass towing business in the County when the Locality Permit under which the trespass towing operation was placed in service is under suspension or revocation.

- (ii) Locality Permits that have been suspended or revoked shall be returned to the Director within seven calendar days from the effective date of the suspension or revocation.

(e) Appeal

Procedure for appeal of action by the Director.

- i. If the Director denies, suspends or revokes any Operator's Locality Permit, any party aggrieved thereby may appeal such decision to the Commission.
- ii. An appeal shall be filed with the Department of Cable and Consumer Services by the appellant or by the legal representative of the appellant. Appeals shall be in writing, and appeals shall include a brief statement of the reasons thereof. Appeals shall be filed within 45 calendar days of receipt of the notice of denial, suspension, or revocation, and signed by the appellant or the legal representative of the appellant.
- iii. Upon receipt of notice of appeal, the Commission shall set a time and place for such hearing and shall give the appellant or legal representative and the Director reasonable notice thereof. All hearings on appeals shall be scheduled and determined as promptly as practicable and in no event more than 60 calendar days from the date the notice of appeal is filed.

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- iv. An appeal may be withdrawn at any time by the appellant or his agent prior to the Commission meeting by giving written notice to the Director.
- v. An appeal may also be administratively withdrawn by the Director if it is determined that the appeal was the result of an error.
- vi. The Commission shall consider the case record as well as the statements offered by any interested party and shall consider the matter *de novo*, and the Commission shall, upon the basis of the record before it, affirm, modify or reverse the decision of the Director.
- vii. If the Commission affirms the decision of the Director to suspend or revoke an Operator's Certificate or Locality Permit, then the suspension or revocation shall be effective from the date of the Commissioner's order.
- viii. If the Commission reverses the decision of the Director, the Director shall issue or restore the Operator's permit, in accordance with its order.
- ix. Except as otherwise provided in this Section, an appeal of the decision of the Director to suspend or revoke a Operator's Locality Permit shall stay the effective date of the suspension or revocation.
- x. However, if any suspension or revocation of an Operator's Locality Permit is based on failure to follow appropriate safety procedures or falsifying documents, then the order of the Director shall remain in effect until the Commission has rendered its decision on the appeal.

(f) The provisions of this Section are not exclusive and do not relieve the parties or the contracts subject thereto from compliance with all other applicable provisions of law.

(H) Code or Regulatory Conflict.

866 In the event of a conflict between an action of the ~~BTR~~State and the County,
867 the County ordinance shall be controlling, provided such provisions are no less
868 stringent than requirements imposed by action of the ~~BTR~~State.

869

870 **Section 82-5-32.1. – Trespass Towing Advisory Board.**

871

872 (A) Definitions.

873

874 “Citizen Member” means a Member who has no direct or indirect interest,
875 other than as a consumer, in or relating to the Towing and recovery
876 industry.

877

878 “Law-Enforcement Member” means a member who is a Fairfax County
879 police officer and appointed by the Fairfax County Chief of Police to the
880 Advisory Board.

881

882 “Member” means a Fairfax County resident appointed or confirmed by the
883 Board of Supervisors to the Trespass Towing Advisory Board.

884

885 “Towing Member” means an individual who, prior to appointment, and
886 throughout the appointment term, shall be an Operator of a Towing
887 business in Fairfax County.

888

889 (B) Members; Staff; and Meetings

890

891 (1) There shall be a Trespass Towing Advisory Board ("Advisory Board").
892 The Advisory Board shall be composed of five members, two of whom
893 shall represent, two of whom shall represent local law-enforcement
894 agencies, and one of whom shall represent the community at large. All
895 members shall be residents of Fairfax County, Virginia. Members of the
896 Advisory Board shall be appointed or confirmed by the Board of
897 Supervisors for terms of three years each. The terms shall be staggered
898 with no more than two terms and no less than one term to commence in
899 any one year. Vacancies shall be filled by the Board of Supervisors as
900 they arise. A Chairperson shall be elected by the Trespass Towing
901 Advisory Board from among the members of the Advisory Board. The
902 Advisory Board may adopt bylaws and rules and regulations governing the
903 conduct of its responsibilities and duties hereinunder.

904

905 (2) The Advisory Board shall meet at the call of the Chairperson, or two
906 members of the Advisory Board after notice to all Members, or upon
907 request of the Board of Supervisors, or upon the request of the Director.
908 The staff of the Advisory Board shall be from the Department of Cable and
909 Consumer Services. The Director of the Department of Cable and
910 Consumer Services, or the Director's designee, shall attend all meetings
911 of the Advisory Board.

912
913 (3) A quorum ~~will~~shall consist of a Towing Member, a Law-Enforcement
914 Member and a Citizen Member.

915
916 (B) Duty of the Trespass Towing Advisory Board

917
918 The Advisory Board shall advise the Board and provide recommendation(s) to
919 proposed changes related to the trespass Towing code.

920
921 **Section 82-5-32.1.a. – Consumer Protection Commission duties and hearings.**

922
923 (A) In addition to all other duties, the Commission shall act upon appeals from
924 actions taken by the Director.

925
926 (B) All hearings or other public proceedings conducted by the Commission in
927 accordance with this Section shall be conducted in an informal manner. The
928 Commission shall have the discretion to admit all evidence which may be of
929 probative value even if that evidence is not in accord with formal rules of legal
930 practice and procedure. Applicants and appellants may appear, either by
931 personal appearance, legal counsel, or other representation, to present
932 argument and evidence on their behalf. In addition, the Commission may
933 establish rules of procedure for the conduct of hearings. Any interested party
934 may record all public proceedings of any hearing in any manner which shall
935 not impede the orderly conduct of the hearing.

936
937 (C) The Commission shall report all recommendations and/or decisions in writing,
938 and the Commission shall furnish copies of those decisions to the Director
939 and to any applicant or appellant affected thereby.

940
941 **Section 82-5-32.2. – Department of Cable and Consumer Services.**

942
943 DCCS shall have the following duties:

944
945 (A) Receive, investigate, record, and attempt to resolve Towing complaints.

- 947 (B) Forward complaints that cannot be successfully mediated to the
948 ~~BTR~~appropriate State agency.
- 949
- 950 (C) Refer suspected violations of law to the proper enforcing agency.
- 951
- 952 (D) Maintain records of Towing complaints and their disposition.
- 953
- 954 (E) Develop programs of Towing education and information and disseminate
955 such information.
- 956
- 957 (F) Provide advice and information on trespass Towing matters to judicial,
958 legislative, administrative, and other public and private bodies.
- 959
- 960 (G) Analyze the nature of trespass Towing problems in Fairfax County and
961 recommend to the Board legislative and administrative changes.
- 962
- 963 (H) ~~Receive, and process, and act on annual~~ Operator rRegistration Certificates
964 and Locality Permit applications.
- 965
- 966 (I) Conduct reviews, inspections, and investigations of Towing sStorage
967 ~~facilities~~Sites and operations.
- 968
- 969

**CODE
COUNTY OF FAIRFAX**

1 **CHAPTER 10 – Consumer Protection.**

2
3 ARTICLE 1. - In General.

4
5 Section 10-1-1. - Merchant defined; posting of Commission signs by merchants.

6
7 For the purposes of this Chapter, the following word shall have the meaning ascribed to it by
8 this Section:

9
10 *Merchant* shall mean any person, firm, corporation, or other legal entity located within Fairfax
11 County engaged in the sale, advertisement, or repair of merchandise, or other services or
12 activities directed toward the public.

13
14 Every merchant as defined in this Section shall post, in a conspicuous place in that portion of
15 his place of business or businesses normally used for transacting the purchase, sale, or
16 exchange of services and/or merchandise, a sign containing notice of the existence of the
17 Consumer Protection Commission, a brief statement of its availability to assist the consumer,
18 and the Commission's name, address and telephone number. The Commission shall provide
19 such signs to said merchants.

20
21 ARTICLE 2. - Department of ~~Consumer Affairs~~ Cable and Consumer Services.

22
23 Section 10-2-1. - Department; powers and duties.

24
25 The Department of ~~Consumer Affairs~~ Cable and Consumer Services, hereinafter referred to as
26 the Department, shall in addition to any and all powers and duties it may now have or shall
27 hereafter acquire, have the powers and perform the duties conferred under this ~~Chapter~~ Section,
28 and shall have only such powers as may be necessary to perform these duties.

29
30 Section 10-2-2. - Receive and investigate complaints.

31
32 The Department shall receive and investigate complaints of citizens of Fairfax County
33 concerning illegal, fraudulent, deceptive and dangerous practices against consumers.

34
35 Section 10-2-3. - Refer complaints and action thereon.

36
37 The Department shall refer, when appropriate, such complaints to other agencies, departments,
38 bodies or commissions charged with enforcement of consumer laws. The Department may refer
39 any complaint that appears to violate any provisions of Chapters 2.1 (Virginia Home Solicitation
40 Sales Act §§ 59.1-21.1 through 59.1-21.7:1) and 4 (~~Misrepresentations and other offenses~~)

41 ~~connected with sales §§ 59.1-42 through 59.1-68) and 17 (Virginia Consumer Protection Act §§~~
42 ~~59.1-196 through 59.1-207 of Title 59.1, Va. Code Ann.) as amended, to either the~~
43 Commonwealth Attorney or the County Attorney or to both for investigation. If the official to
44 whom such a complaint is referred determines that an actionable violation has, in fact, occurred,
45 that official may bring an action to obtain a criminal conviction, may bring an action pursuant to
46 § 59.1-68.4 Va. Code Ann., to enjoin such violation, or may take such other action as that
47 official deems appropriate. The Department shall coordinate the processing of complaints
48 involving statutes or regulations administered by state agencies, where applicable, with the
49 ~~State Office of Consumer Affairs~~Consumer Protection Section of the Virginia Attorney General's
50 Office.

51

52 Section 10-2-4. - Resolve consumer complaints.

53

54 The Department shall attempt to resolve consumer complaints by means of voluntary mediation
55 or arbitration.

56

57 Section 10-2-5. - Maintain records.

58

59 The Department shall maintain records of consumer complaints and their eventual disposition,
60 provided that records disclosing business interests of any person, trade secrets, or the names of
61 customers shall be held confidential except to the extent that disclosures of such matters may
62 be necessary for the enforcement of laws. A copy of all periodic reports compiled by the
63 Department shall be filed with the ~~State Office of Consumer Affairs~~Consumer Protection Section
64 of the Virginia Attorney General's Office.

65

66 Section 10-2-6. - Compile and maintain information on public utilities.

67

68 The Department shall compile and maintain accurate and current information relative to the
69 rates, charges and quality of service, or lack thereof, of public utilities serving the consumers of
70 Fairfax County. Such utilities shall include, but shall not be limited to, companies providing
71 electric power, gas, water, telephone service or transportation service of whatever mode.

72

73 Section 10-2-7. - Consumer information and education.

74

75 The Department shall develop programs of consumer education and information and
76 disseminate such information.

77

78 Section 10-2-8. - Represent consumer interests.

79

80 The Department shall represent consumer interests before judicial, legislative, administrative
81 and other public and private bodies.

82

83 Section 10-2-9. - Analyze consumer problems.

84 The Department shall analyze the nature of consumer problems in Fairfax County and
85 recommend to the Board of Supervisors legislative and administrative changes.

86
87 ARTICLE 3. - Consumer Protection Commission.
88

89 Section 10-3-1. - Commission; ~~creation~~; composition; officers.
90

91 ~~There is hereby created a~~ Consumer Protection Commission, hereinafter referred to as the
92 Commission. ~~The Commission,~~ shall be composed of thirteen (13) members, not less than
93 seven (7) of whom shall be consumers not actively engaged in business in Fairfax County, all of
94 whom shall be residents of Fairfax County, each appointed by the Board of Supervisors for
95 terms of three (3) years. The terms shall be staggered with no more than four (4) original terms
96 to commence in any one (1) year.
97

98 The Commission shall annually elect a Chairman and such other officers of the Commission,
99 provided that the Chairman and every other officer may succeed themselves. The Commission
100 shall meet at the call of the Chairman or a majority of the Commission or upon request of the
101 Board of Supervisors. The Board of Supervisors may authorize such compensation to the
102 members as it deems necessary. The staff of the Commission shall be supplied by the
103 Department of ~~Consumer Affairs~~Cable and Consumer Services. The Director of the Department
104 of ~~Consumer Affairs~~Cable and Consumer Services, or his designee, shall, at the pleasure of the
105 Commission, attend all meetings of the Commission and assume such tasks and functions as
106 may be delegated by the Commission.
107

108 ~~The existing nine (9) members of the Consumer Protection and Public Utilities Commission,~~
109 ~~established by a Resolution of the Fairfax County Board of Supervisors, on June 12, 1972, shall~~
110 ~~constitute the initial Consumer Protection Commission. The existing members shall serve out~~
111 ~~their remaining terms, and the Chairman and officers shall serve out their remaining terms as~~
112 ~~officers. (1961 Code, § 15G-10; 25-74-15G; 12-77-10; 10-81-10; 28-87-10.)~~
113

114 Section 10-3-2. - Powers and duties of the Commission.
115

116 The Commission shall, in addition to any and all powers and duties it shall hereinafter acquire,
117 have the following powers and perform the following duties under this Section:
118

119 The Commission shall advise the Board of Supervisors on consumer affairs and shall report
120 periodically thereto concerning the Commission's activities.
121

122 The Commission shall advise the Department of ~~Consumer Affairs~~Cable and Consumer
123 Services on consumer matters and on carrying out its duties and functions under this Chapter.
124

125 The Commission may hold public hearings on and publish its findings on issues of widespread
126 public interest which deal with illegal, fraudulent, deceptive, or dangerous consumer practices.

127 The Commission may adopt, promulgate, amend, and rescind rules and regulations, subject to
128 the approval of the Board of Supervisors, concerning such issues.

129
130 The Commission may refer apparent violations of any provisions of Chapter 2.1 (Virginia Home
131 Solicitation Sales Act §§ 59.1-21.1 through 59.1-21.7:1) and 17 (Virginia Consumer Protection
132 Act §§ 59.1-196 through 59.1-207) of Title 59.1 of the Code of Virginia, as amended, to either
133 the Commonwealth Attorney or to the County Attorney or to both for investigation. If the official
134 to whom such a complaint is referred determines that an actionable violation has, in fact,
135 occurred, that official may bring an action to obtain a criminal conviction, may bring an action
136 pursuant to Virginia Code § 59.1-68.4 to enjoin such violation, or may take such other action as
137 that official deems appropriate.

138
139 The Commission shall have all powers and perform all duties specified under [Chapter 28.1](#)
140 (Massage Therapy, Establishments and Services), [Chapter 31](#) (Peddlers, Solicitors, and
141 Canvassers), [Section 82-5-32 \(Removal, immobilization, and disposition of Vehicles unlawfully](#)
142 [parked on private or County property\)](#), and [Chapter 84.1](#) (Public Transportation) of the Code of
143 the County of Fairfax.

144
145 The Commission may, as directed by the Board, advise and inform the Board of Supervisors on
146 all issues relating to cable communications.

147
148 ARTICLE 4. - Motor Vehicle Fuel Prices.

149
150 Section 10-4-1. - Signs required above pumps; maintenance.

151
152 (a) Every merchant engaged in the retail sale of or otherwise dispensing gasoline or other
153 motor vehicle fuel at retail shall post and maintain on its premises above the pump or pumps
154 from which said gasoline or fuel is dispensed a sign above each pump, readable from the
155 dispensing side of the pump, indicating the price per gallon, including all taxes at which each
156 type and grade of gasoline or other motor vehicle fuel is currently being offered for sale, sold or
157 otherwise dispensed. Beginning six (6) weeks following passage of this Article by the Board of
158 Supervisors, a merchant engaged in the retail sale of motor vehicle fuel shall advertise the price
159 of such motor vehicle fuel consistent with the manner of dispensing; except that signs which
160 indicate on them both the price per gallon and price per liter shall be acceptable, provided the
161 lettering shall be as stipulated in [Section 10-4-2\(a\)](#).

162
163 (b) The merchant doing business at retail shall supply, install, post and maintain the necessary
164 frames, inserts, figures, numerals or other apparatus necessary for compliance herewith.

165
166 Section 10-4-2. - Size and content of signs.

167
168 (a) The signs required by this Article shall be no less than ten (10) inches or greater than fifteen
169 (15) inches in height, and no less than ten (10) inches or greater than fifteen (15) inches in
170 width; provided that all signs shall contain at least one hundred (100) square inches of sign area

171 and that no sign shall extend more than fifteen (15) inches above the top of a pump, and
172 provided that all lettering used on a sign which indicates only the price per gallon or only the
173 price per liter, as the case may be, shall be at least eight (8) inches high with a stroke width of at
174 least three-fourths ($\frac{3}{4}$) inch. The signs required by this Article for merchants who choose to
175 indicate both the price per gallon and price per liter on the same sign shall be at the size
176 stipulated above, except that all lettering used on such signs shall be at least four and one-half
177 ($4\frac{1}{2}$) inches high with a stroke width of at least five-eighths ($\frac{5}{8}$) inch.

178
179 (b) Whenever an advertised price includes a fraction of a cent, the numerals expressing the
180 fraction shall be immediately adjacent to, of the same general design and style as, and at least
181 one-half ($\frac{1}{2}$) the height and width of the numerals representing the whole cent (i.e., 129 $\frac{8}{10}$ or
182 129⁸). If a decimal is used to designate a fraction of a cent, the numeral representing the
183 decimal shall be the same size and width as that representing the whole cent (i.e., \$1.298).

184
185 (c) The colors of the Arabic numerals, letters, decimal points and periods shall contrast with the
186 field of the sign to provide maximum visibility and legibility. The field of the sign shall be a solid
187 color. All numerals and letters which are a part of the signs referred to in this Article shall have a
188 medium or heavy type face or stroke and shall be plainly visible.

189
190 (d) The sign shall not mislead a consumer or constitute a fraud upon a consumer.

191
192 Section 10-4-3. - Sale on the basis of the metric system.

193
194 Whenever motor vehicle fuel is dispensed and advertised for sale on the basis of the metric
195 system, i.e., price per liter rather than price per gallon, there shall be posted on the premises in
196 a place open and convenient to the public a conversion table which contains equivalent liter-to-
197 gallon comparisons and price-per-liter to price-per-gallon comparisons, as specified in Appendix
198 A.

199
200 Section 10-4-4. - Violations.

201
202 Any person who violates a provision of this Article, upon conviction, may be subjected to the
203 punishment prescribed for a Class 4 misdemeanor. Each day that a violation is allowed to
204 continue shall constitute a separate and distinct offense.

205
206 Section 10-4-5. - Posting variations in price required.

207
208 Whenever the price for each type and grade of gasoline differs within the same premises
209 because of additional charges or discounts resulting from services available on the premises,
210 self-help of the purchaser of the gasoline, bonuses or stamps available to consumers for reason
211 of purchasing their gas on the premises, or any other reason, these different prices and the
212 reason or reasons for the difference shall be posted on a separate sign or signs of the same
213 size and in the same location as signs otherwise required by this Article.

214

215 Whenever more than one (1) type or grade of gasoline or other motor vehicle fuel, or a range of
216 grades, are dispensed or sold from a single pump, whether through one (1) or more than one
217 (1) pump hose, the sign or signs shall indicate the prices for each type and grade of fuel, except
218 that when a range of grades is dispensed or sold from a pump, only a sign indicating the prices
219 for regular and premium fuel shall be required.

220

221 Section 10-4-6. - Gasoline availability flags.

222

223 Upon a determination by the County Executive, after consultation with the chief administrative
224 officers of such other northern Virginia jurisdictions as have adopted legislation similar to this
225 Section, that an emergency gasoline shortage exists, and upon notification of the Board of
226 Supervisors thereof, the following requirements shall become effective within twenty-four (24)
227 hours of the determination by the County Executive:

228

229 Every merchant engaged in the retail sale of gasoline shall clearly indicate his available
230 gasoline supply by raising or placing on his premises one (1) or more of the following flags, as
231 the circumstances may warrant, said flag or flags to be at least eighteen (18) inches square,
232 and placed in a conspicuous location so as to be easily visible from off the premises by
233 approaching motorists:

234

235 Green flag—To signify all gasoline products are available.

236 Yellow flag—To signify all gasoline products except unleaded are available.

237 Red flag—To signify no gasoline is available.

238

239 Upon making the determination reference in subparagraph (a), the County Executive shall give
240 notice to the general public of his action through all available channels, including the news
241 media.

242

243 Upon a determination by the County Executive, after consultation with the chief administrative
244 officers referenced in (a) above, that the emergency gasoline shortage has ended, and upon
245 notification of the Board of Supervisors thereof, this Section shall become inoperative.

246

247 Section 10-4-7. - Alternative provisions.

248

249 Notwithstanding any provisions of this Article to the contrary, a merchant shall be excused from
250 compliance herewith if he elects, in the alternative, to post or display fuel prices in compliance
251 with Sections 10-4.1-1 through [10-4.1-6](#) of Article 4.1 of this Chapter.

252

253 ARTICLE 4.1. - Motor Vehicle Fuel Prices.

254

255 Section 10-4.1-1. - Sign required.

256

257 Every merchant engaged in the retail sale of or otherwise dispensing motor vehicle fuel at retail
258 shall continuously display and maintain on a post or pole on the premises where such motor

259 vehicle fuel is dispensed or sold one (1) sign clearly visible from the street and that faces both
260 directions of traffic on the nearest public street or way, provided that on a corner lot there may
261 be two (2) signs. If motor vehicle fuel is dispensed by the gallon, the sign shall clearly and
262 legibly state the price per gallon, including all taxes. If motor vehicle fuel is dispensed by the
263 liter, the sign shall clearly and legibly state the price per liter (of the fuel) including all taxes;
264 except that a merchant who dispenses motor vehicle fuel by the liter shall not be prohibited from
265 stating gallon prices on the signs required by this Article, provided that in so doing, the
266 regulations governing liter dispensing and gallon price advertising promulgated by the Virginia
267 Office of State Weights and Measures Office are complied with. A sign which states liter prices
268 shall designate that the prices are per liter by displaying the words "liter" on such signs in letters
269 not less than one-half ($\frac{1}{2}$) the size of the numerals representing the price, and the height of the
270 letters shall not be more than twice the dimension of the width.

271
272 Such signs shall state the actual price per gallon or per liter, including taxes, of no less than two
273 (2) but no more than three (3) kinds of motor vehicle fuel currently being offered for sale; except
274 that where only one (1) kind of motor vehicle fuel is currently being offered for sale, the price of
275 only one (1) kind of motor vehicle fuel need be stated on the sign.

276
277 The merchant doing business at retail shall supply, install, post and maintain the necessary
278 frames, inserts, figures, numbers or other apparatus necessary for compliance herewith.

279
280 Section 10-4.1-2. - Size and content of signs.

281
282 All signs required by this Article shall meet the following specifications:

283
284 The area of the sign identifying motor vehicle fuel prices shall not exceed a maximum area of
285 twenty (20) square feet.

286
287 The sign may be located on an existing freestanding sign, existing light standard or new post or
288 pole; but in no event shall the sign exceed a height of eight (8) feet. Any new sign structure
289 shall, in no instance, project beyond any property line nor be within five (5) feet of any curblin
290 of any service drive, travel lane or adjoining street. No such sign shall be a portable sign as
291 defined in the Zoning Ordinance.

292
293 A sign permit and annual inspection of freestanding signs shall be required as provided for in
294 the Zoning Ordinance, except that there shall be no fees for such permit or annual inspections.

295
296 Arabic numerals shall be used to express the minimum retail price, and the numerals shall be of
297 uniform size and at least eight (8) inches high. The height of such numerals shall not be more
298 than twice the dimension of the width. Whenever an advertised price includes a fraction of a
299 cent, the numerals expressing the fraction shall be immediately adjacent to, of the same general
300 design and style as, and at least one-half ($\frac{1}{2}$) the height and width of the numerals representing
301 the whole cent (i.e., 29 $\frac{8}{10}$ or 129⁸).

302

303 The designation of the kind of motor vehicle fuel shall be positioned on the sign so as to be
304 adjacent to the current price for the particular kind of motor vehicle fuel. The letters shall be at
305 least one-fourth ($\frac{1}{4}$) the size of the numerals representing the price, and the height of these
306 letters shall not be more than twice the dimension of the width. When more than one (1) kind of
307 motor vehicle fuel is named on the sign, the price for leaded regular motor vehicle fuel shall
308 appear first on the sign, followed by the price for unleaded regular motor vehicle fuel sold on the
309 premises. The sign shall also state whether its prices are for full-service or self-service in letters
310 at least one-half ($\frac{1}{2}$) the size of the numerals representing the price, and the height of the letter
311 shall not be more than twice the dimension of the width.

312
313 The colors of the Arabic numerals, letters, decimal points and periods shall contrast with the
314 field of the sign to provide maximum visibility and legibility. The field of the sign shall be a solid
315 color. All numerals and letters which are a part of the signs referred to in this Article shall have a
316 medium or heavy type face or stroke and shall be plainly visible.

317
318 The signs required by this Article shall not block sight distance for persons entering and exiting
319 the premises, nor shall the sign mislead a consumer or constitute a fraud upon a consumer.

320
321 Nothing in this Article is intended to preclude the placement of other pertinent information
322 regarding the sale of motor vehicle fuel, such as hours of operation, on the signs required by
323 this Article, provided that any letters, figures or numerals used shall not be larger than the letters
324 used to indicate the kind of motor vehicle fuel being dispensed.

325
326 Section 10-4.1-3. - Sale on the basis of the metric system.

327
328 Whenever a motor vehicle fuel is dispensed and advertised for sale on the basis of the metric
329 system, i.e., price per liter rather than price per gallon, there shall be posted on the premises in
330 a place open and convenient to the public a conversion table which contains equivalent liter-to-
331 gallon comparisons and price-per-liter to price-per-gallon comparisons, as specified in Appendix
332 A.

333
334 Section 10-4.1-4. - Enforcement and violations.

335
336 The Director of the Department of ~~Consumer Affairs~~Cable and Consumer Services and the
337 Zoning Administrator of Fairfax County and their authorized designees shall be responsible for
338 the administration of this Article.

339
340 Any person who violates a provision of this Article, upon conviction, may be subjected to the
341 punishment prescribed for a Class 4 misdemeanor. Each day that a violation is allowed to
342 continue shall constitute a separate and distinct offense.

343
344 Section 10-4.1-5. - Effective date of Article.

345

346 This Article shall become effective ninety (90) days after the date of its enactment [February 22,
347 1982].

348
349 Section 10-4.1-6. - Gasoline availability flags.

350
351 Upon a determination by the County Executive, after consultation with the chief administrative
352 officers of such other northern Virginia jurisdictions as have adopted legislation similar to this
353 Section, that an emergency gasoline shortage exists, and upon notification of the Board of
354 Supervisors thereof, the following requirements shall become effective within twenty-four (24)
355 hours of the determination by the County Executive:

356
357 Every merchant engaged in the retail sale of gasoline shall clearly indicate his available
358 gasoline supply by raising or placing on his premises one (1) or more of the following flags, as
359 the circumstances may warrant, said flag or flags to be at least eighteen (18) inches square and
360 placed in a conspicuous location so as to be easily visible from off the premises by approaching
361 motorists:

362
363 Green flag—To signify all gasoline products are available.
364 Yellow flag—To signify all gasoline products except unleaded are available.
365 Red flag—To signify no gasoline is available.

366
367 Upon making the determination referenced in subparagraph (a), the County Executive shall give
368 notice to the general public of his action through all available channels, including the news
369 media.

370
371 Upon a determination by the County Executive, after consultation with the chief administrative
372 officers referenced in (a) above, that the emergency gasoline shortage has ended, and upon
373 notification of the Board of Supervisors thereof, this section shall become inoperative.

374
375 Section 10-4.1-7. - Alternative provisions.
376 Notwithstanding any provisions of this Article to the contrary, a merchant shall be excused from
377 compliance herewith if he elects, in the alternative, to post or display fuel prices in compliance
378 with the provisions of Sections 10-4-1 through [10-4-6](#) of Article 4 of this Chapter.

379
380 ~~ARTICLE 5.—Disclosure Bill of Particulars for New Home Buyers.~~

381

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ADMINISTRATIVE – 5

Authorization for Various Fairfax County Agencies to Apply for and Accept Funding from the U.S. Department of Housing and Urban Development Through the Continuum of Care Program, and Authorization for Consolidated Plan Certifications

ISSUE:

Board authorization is requested for various County agencies to apply for and accept funding, if received, from the U.S. Department of Housing and Urban Development (HUD) through the Continuum of Care Program. Grants funded through the Continuum of Care Program (CoC) are a combination of County grants and non-profit organizations. Total grant funding of \$6,795,109 will be requested, with an additional \$1,706,154 in required match to be met through a combination of County Local Cash Match which is available in the Federal-State grant fund, state match, private non-profit organizations cash match or in-kind resources for total funding of \$8,501,263. The award period for each grant varies and is included in Attachment 1 but all of the renewal applications are for only one year in accordance with HUD guidelines. There is no HUD requirement that the County continue these programs after the grants expire; however, HUD does require that any properties that have been purchased through these grants be maintained as affordable housing for homeless persons for 20 years. The table below briefly summarizes the HUD grant funding and associated match:

	HUD	County Local Cash Match	County In-kind Resources	State Match	Non-Profit Match ¹	Total
County Grants	\$2,934,617	\$500,837	\$76,115	\$0	\$27,688	\$3,539,257
Non-Profit Organizations	\$3,860,492	\$0	\$0	\$445,136	\$656,378	\$4,962,006
Total	\$6,795,109	\$500,837	\$76,115	\$445,136	\$684,066	\$8,501,263

¹ The non-profit match may be met with either cash match or in-kind resources

If the actual County grant awards received are significantly different from the application amounts, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

HUD regulations require that these projects be certified as consistent with the County's Consolidated Plan, and County policy requires that the Board be informed when such certifications are sent to HUD. Homeless persons, both families and individuals, are a high priority in the County's Five-Year Consolidated Plan for FY 2011-2015, which was approved by the Board on May 11, 2010, and these applications are consistent with that

priority. Upon Board authorization for submission of the applications, the County Executive will sign the certification to be included with the community application, as required by the HUD instructions.

RECOMMENDATION:

The County Executive recommends that the Board approve the following:

- Authorization for the Department of Housing and Community Development (HCD), Fairfax-Falls Church Community Services Board (CSB), Department of Family Services (on behalf of the Office to Prevent and End Homelessness who administers the grants), and the Office to Prevent and End Homelessness (OPEH) to apply for and accept, if received, for the grant applications listed below. Total funding of \$3,539,257, including \$2,934,617 in HUD funding, \$500,837 in Local Cash Match, \$76,115 in County in-kind resources, and \$27,688 in private in-kind match will be requested to support the County grants.
 - HCD, in partnership with Pathway Homes, will apply for and accept funding, if received, for four renewal Shelter Plus Care grants totaling \$1,692,851. The required match of \$27,688 will be met with in-kind resources provided by Pathway Homes in support of administrative costs bringing total funding to \$1,720,539. No County Local Cash Match is required. Funding will continue to support rental assistance for 97 units of permanent housing for 114 homeless persons.
 - The CSB will apply for and accept funding, if received, for one renewal grant totaling \$259,504. The required match of \$56,000 will be met in County in-kind resources bringing total funding to \$315,504. Funding will continue to support a transitional housing and treatment program for homeless single individuals, as well as 1/1.0 SYE existing grant position in the Federal-State grant fund. The County is under no obligation to continue this position when the grant funding expires.
 - DFS (on behalf of the Office to Prevent and End Homelessness which administers the grants) will apply for and accept funding, if received, for two renewal grants totaling \$1,402,638, including \$901,801 in HUD funding and \$500,837 in Local Cash Match. Funding will continue to support 36 transitional housing units and 20 permanent housing units. It should be noted that, in August 2010, the RISE program was converted from transitional housing to 20 units of permanent supportive housing for persons with a disabling condition who have children under 18 living in the household.

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- OPEH will apply for and accept funding, if received, for a new Continuum of Care Planning Grant totaling \$80,461. The required match of \$20,115 will be met in County in-kind resources bringing total funding to \$100,576. Funding will be used to meet significant additional requirements to conduct CoC System planning, project monitoring and evaluation, HUD required compliance activities, and related CoC functions.
- Endorse the following grant applications by Fairfax County non-profit organizations totaling \$4,962,006, including \$3,860,492 in HUD funding, \$445,136 in state match, and \$656,378 in match to be met with non-profit organizations cash match or in-kind resources.
 - One new project application will be submitted by FACETS totaling \$296,150, including \$277,729 in HUD funding and \$18,421 in cash match to be met by the private non-profit organization. Funding will provide permanent supportive housing for 18 highly vulnerable chronically homeless individuals with mental illness or other co-occurring disabilities. Selection of this project from two applications was made by the CoC Committee of the Governing Board of the Community Partnership to Prevent and End Homelessness.
 - Twenty renewal grant applications through the Continuum of Care Program, as authorized by the McKinney-Vento Act as amended by the HEARTH Act of 2009 will be submitted by Fairfax County non-profit organizations totaling \$4,665,856 including \$3,582,763 in HUD funding, \$445,136 in state match, and \$637,957 in match to be met with non-profit organizations cash match or in-kind resources.

Attachment 1 summarizes both the County and non-profit organizations grant applications and associated funding sources for each project.

TIMING:

Board approval is requested on January 8, 2013, as the HUD application deadline is January 18, 2013.

BACKGROUND:

The Fairfax-Falls Church community has been very successful for more than a decade in leveraging County, private, and state funds to secure HUD Continuum of Care funds. These funds have contributed to the development of a core continuum of services to enable homeless families and individuals with disabilities to move toward stable housing. Over the past several years, new projects have been awarded that utilize a

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housing first approach to provide permanent supportive housing for chronically homeless single individuals. The conversion of the RISE grant from transitional to permanent supportive housing has added capacity to serve families with an adult who has a disabling condition and has children under 18 living in the household.

On November 9, 2012, HUD published a Notice of Funding Availability (NOFA) in the Federal Register for the 2012 Continuum of Care Program. Approximately \$1.61 billion is available through the national competition for Continuum of Care Program funds. The purpose of these funds is to assist homeless persons to move toward self-sufficiency and into permanent housing. HUD estimates that the amount needed to fund all renewal projects nationally is \$1.67 billion. The shortfall of \$60 million has multiple impacts on the CoC application process. The NOFA was released much later than in recent years. The amount available for new permanent housing projects is less than in recent years, and the amount allowed for CoC Planning Grants is less than half the proportion authorized by the HEARTH Act.

Even more significantly, each Continuum of Care must rank all projects in the order of funding priority, and funding will be awarded in two tiers. Tier 1 is the amount needed to fund all renewal projects minus 3.5 percent. The remaining projects will fall into Tier 2, which may not be funded. HUD will also apply its own funding priorities within each Tier, but all Tier 1 projects will be funded before any Tier 2 projects are awarded funding. The requirement to rank all new and renewal projects has added significant complexity to the community process, which has been proceeding on an accelerated timeframe to meet the final due date of January 18, 2013. HUD is also promoting the use of reallocation of funds from existing renewal grants to create new projects, but any decisions on possible reallocations will need to be addressed as the overall community application is prepared.

In addition, with the 2012 Continuum of Care NOFA, HUD is implementing many other changes authorized by the HEARTH Act. The former Supportive Housing Program and Shelter Plus Care Program are now merged into one CoC Program, consolidating these funding streams and establishing a minimum 25 percent match requirement for all project activities except leasing costs. However, the match can be provided as cash or in-kind, and is applied as a lump sum to each project's total budget rather than by line item. This may result in changes in the amount of match for each project and the method by which the requirement is met. Attachment 1, the CoC Grant Application Chart, reflects at least the minimum match requirement for each project, but the amounts identified may be provided by either cash or through in-kind services or activities that are eligible under the grant guidelines. In many projects, the grantee exceeds the minimum match requirement.

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The Governing Board has designated OPEH as the lead agency for the Continuum of Care grant application process. OPEH worked in concert with homeless service providers and participating programs to review all of the renewal projects and ensure each meets minimum threshold requirements, as well as to identify best practices to share. Program performance for each project was reviewed and a site visit was conducted for each project by nonprofit partners and County staff. All projects met the minimum requirements to be included in the overall CoC application.

The Governing Board has continued the Continuum of Care Committee (CoC Committee) formed with the participation of three to four members of the Governing Board and key County leadership. The CoC Committee provides high-level policy oversight to this HUD grant process. Proposals were solicited in November 2012 for a new permanent housing project. The CoC Committee met on December 11, 2012, to hear presentations on two new project proposals, and selected the one to be included as the bonus project for 2012. The CoC Committee also approved a process for the ranking of project applications. A special committee of knowledgeable citizens and key county staff is meeting the week of January 7, 2013, to complete the project ranking for the CoC application.

There are 27 Continuum of Care grants that are eligible for renewal in the 2012 application cycle, including all of the projects that were renewed and funded for one year in the 2011 cycle, and two additional projects eligible for their first renewal. As noted above, there is also a new project application to provide permanent supportive housing for 18 highly vulnerable chronically homeless individuals with mental illness and/or other disabilities. The project meets the criteria for the HUD Permanent Housing bonus project; however, the project ranking process requirement by HUD will consider this project along with all renewal projects included in Tier 1. Selection of the new project was made by the Continuum of Care Committee of the Governing Board from two proposals that were received. The second project was also a strong proposal and was recommended by the CoC Committee to be funded if the additional funds are identified in the application process. OPEH is also submitting an application for a CoC Planning Grant, which is identified in the NOFA as a separate project, but is also ranked along with all other projects.

Attachment 1 summarizes the grants, with projects that provide permanent supportive housing listed first, followed by transitional housing programs. The former Shelter Plus Care renewals are listed sequentially at the end of the chart, followed by the CoC Planning Grant. The sequence in the Chart, however, is not necessarily the order in which the CoC Project Ranking Committee will rank the projects.

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In summary these grants will provide the following, if awarded:

- Funding for one new project to provide supportive housing and services for 18 highly vulnerable chronically homeless single individuals with mental illness and/or other disabilities;
- One year of continued funding of permanent supportive housing through the Shelter Plus Care program for 114 adults with disabilities;
- One year of continued funding for 56 units of permanent supportive housing for 129 homeless individuals with serious mental illness or dual diagnosis;
- One year of continued funding for a Safe Haven that provides housing and support services for eight vulnerable homeless individuals with serious mental illness;
- One year of continued funding for four units of permanent supportive housing for five families with an adult who has mental illness or cognitive disabilities, and for 20 units of permanent housing for families serving persons with disabilities who have children under age 18;
- One year of continued funding for 107 units of transitional housing serving 107 homeless families, and one year of continued funding for five units of transitional housing serving 11 homeless individuals;
- One year of continued funding for 16 beds of transitional housing and treatment services serving 32 homeless individuals with alcohol and drug treatment and continued supportive service needs.
- One year of funding to OPEH to support activities to meet the additional planning requirements established under the HEARTH Act and the federal CoC Program rule.

FISCAL IMPACT:

Grant funding in the amount of \$6,795,109 will be requested from HUD through the Continuum of Care Program supporting both County grants and grants for non-profit organizations. The required match of \$1,706,154 will be met through a combination of County Local Cash Match, state match, private non-profit match or in-kind resources for total funding of \$8,501,263.

County grant funding totaling \$3,539,257, including \$2,934,617 in HUD funding, \$500,837 in Local Cash Match which is available in the Federal-State grant fund,

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\$76,115 in in-kind resources, and \$27,688 in private in-kind resources will be used to support programs in the Department of Housing and Community Development, the Office Prevent and End Homelessness, and the Fairfax-Falls Church Community Services Board. These actions do not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for these grant awards. These grants do not allow for the recovery of indirect costs.

Grants for non-profit organizations totaling \$4,962,006, including \$3,860,492 in HUD funding, \$445,136 in state funding, and \$656,378 in cash match or in-kind resources to be met with private non-profit resources will be used to support 21 projects (20 renewal projects and one new project) located throughout the County. The County has no fiscal responsibility in administering these grants; it is the sole responsibility of the non-profit organizations. However, OPEH will have added oversight responsibility under the new CoC program rules.

CREATION OF POSITIONS:

Funding will continue to support 1/1.0 SYE existing grant position in the CSB. The County is under no obligation to continue this position when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1 – Chart of HUD 2012 Continuum of Care Applications
Attachment 2 – Certification of Consistency with the Consolidated Plan

STAFF:

Patricia Harrison, Deputy County Executive
Dean H. Klein, Director, Office to Prevent and End Homelessness (OPEH)
William Macmillan, Management Analyst, OPEH
Paula C. Sampson, Director, Department of Housing and Community Development
George E. Braunstein, Executive Director, Fairfax-Falls Church Community Services Board
Nannette M. Bowler, Director, Department of Family Services

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HUD 2012 CONTINUUM OF CARE GRANT APPLICATIONS
One Year Grants

Project Description (number is not the ranking priority) Match amounts are preliminary estimates:	HUD Amount	County Match*	State Match*	Private Match*	TOTAL
1. FACETS TRIUMPH II Permanent Supportive Housing – New Permanent Housing – Twelve leased units with 18 beds to provide permanent supportive housing with case management for highly vulnerable chronically homeless individuals with disabling conditions. <i>(1 year)</i>	\$277,729			\$18,421	\$296,150
2. 1994 Christian Relief Services/Pathway Homes/ PRS SHP – Renewal 07/12-06/14 – Four units of permanent housing and support services for 14 homeless persons with serious mental illness. <i>(1 year)</i>	\$220,909		\$58,702		\$279,611
3. 1995 Christian Relief Services/Pathway Homes/ PRS SHP – Renewal 02/13-01/14 – Four units of permanent housing and support services for 14 homeless persons with serious mental illness. <i>(1 year)</i>	\$297,346		\$77,603		\$374,949
4. 1991 Christian Relief Services/Pathway Homes SHP - Renewal 01/14-12/14 – Three units of permanent housing and support services for 12 homeless persons with serious mental illness. <i>(1 year)</i>	\$138,257		\$111,750		\$250,007
5. 1991 Pathway Homes SHP – Renewal 01/14-12/14 – Four units of permanent housing and support services for 16 homeless persons with serious mental illness. <i>(1 year)</i>	\$160,794		\$127,956		\$288,750
6. 2007 Pathway Homes SHP – Renewal 12/13-11/14 – Leasing of seven units and provision of case management and services for seven chronically homeless single individuals. <i>(1 year)</i>	\$156,583			\$25,935	\$182,518
7. 2009 Pathway Homes SHP – Renewal 11/13-10/14 – Leasing of seven units and provision of case management and services for seven chronically homeless single individuals. <i>(first renewal, 1 year)</i>	\$156,307			\$21,768	\$178,075
8. 2011 Pathway Homes SHP – Renewal 09/13-08/14 – Eight apartments and one group home with a total of 22 beds of permanent supportive housing for 22 homeless or chronically homeless individuals with mental illness or other co-occurring disabilities. <i>(first renewal, 1 year)</i>	\$320,904			\$45,058	\$365,962
9. PRS, Inc., PRS Intensive Supportive Housing – Renewal 09/13-08/14 – Permanent supportive housing with intensive supportive services for six seriously mentally ill or dually diagnosed homeless individuals with a revolving pattern of acute mental illness, homelessness, and re-hospitalization. <i>(1 year)</i>	\$171,659		\$69,125		\$240,784
10. FACETS, TRIUMPH Permanent Supportive Housing Program – Renewal 02/13-01/14 – Leasing of nine rental units to provide permanent supportive housing with case management and services for nine chronically homeless individuals. <i>(first renewal, 1 year)</i>	\$155,858			\$50,099	\$205,957
11. Volunteers of America Chesapeake, Bailey’s Supportive Housing Program – Renewal 10/13-09/14 – Seven units of permanent housing and support services for 14 chronically homeless individuals with mental illness. <i>(first renewal, 1 year)</i>	\$156,141			\$31,561	\$187,702

Project Description (number is not the ranking priority) Match amounts are preliminary estimates:	HUD Amount	County Match*	State Match*	Private Match*	TOTAL
12. New Hope Housing, Gartlan House – Renewal 01/14-12/14 – Permanent supportive housing for eight chronically homeless men in a group living home with on-site case management and access to supportive services. (1 year)	\$124,171			\$38,683	\$162,854
13. New Hope Housing, Max’s Place – Renewal 08/13-07/14 – Eight beds in a Safe Haven with support services for eight homeless persons with serious mental illness. (1 year)	\$225,336			\$56,426	\$281,762
14. New Hope Housing, Milestones – Renewal 07/13-06/14 – Four units of permanent supportive housing serving five families with a disabled head of household. (1 year)	\$59,971			\$17,990	\$77,961
15. DFS, with family shelters, RISE – Renewal 08/13 - 07/14 – 20 leased units of permanent housing for families of persons with a disability who have children, and support services through nonprofit partners. (1 year) <i>Note: Program converted from transitional housing.</i>	\$461,994	\$67,000			\$528,994
16. DFS, with partners, Community Housing Resource Program (CHRP-III) – Renewal 11/13-10/14 – 36 leased units of transitional housing with support services for families through community-based non-profit partners. (1 year)	\$439,807	\$433,837			\$873,644
17. Christian Relief Services “Homes for the Homeless” – Families/Disabled – Renewal 01/13-12/13 – Seventeen units of transitional housing with existing support services serving twelve families and eleven disabled individuals. (3 merged grants, 1 year)	\$82,250			\$20,563	\$102,813
18. Christian Relief Services, STRIDE – Renewal 01/13 - 12/13 – Nine units of transitional housing with support services for families, operated in partnership with family and domestic violence shelters. (1 year)	\$122,975			\$30,744	\$153,719
19. Christian Relief Services, Safe Places – Renewal 09/13 – 08/14 -- Eight units of transitional housing and support services for families who are victims of domestic violence. (1 year)	\$77,672			\$19,418	\$97,090
20. NOVACO Transitional Housing for Victims of Domestic Abuse – Renewal 01/14 -12/14 – Six units of transitional housing with support services for families who are victims of domestic violence. (1 year)	\$113,615			\$28,004	\$141,619
21. United Community Ministries – Journeys – Renewal 06/13 - 05/14 – Nine leased units of transitional housing with support services for families who are victims of domestic violence. (1 year)	\$140,852			\$39,817	\$180,669
22. Homestretch, Inc., Success – Renewal 07/13 – 06/14 - Six leased units of transitional housing with support services for large families. (1 year)	\$153,602			\$75,000	\$228,602
23. Kurdish Human Rights Watch, Transitional Housing and Supportive Services for Families – Renewal 07/13- 06/14 -- 20 units of transitional housing with rental assistance and supportive services for homeless families, with ESL, employment, and culturally appropriate services. (1 year)	\$547,561			\$136,891	\$684,452

Project Description (number is not the ranking priority) Match amounts are preliminary estimates:	HUD Amount	County Match*	State Match*	Private Match*	TOTAL
24. Fairfax-Falls Church Community Services Board-ADS, Self-Sufficiency through Housing & Treatment – Renewal 07/13-06/14 – 16 beds of transitional housing with treatment for homeless persons needing substance abuse treatment and support services. (1 year)	\$259,504	\$56,000 <i>In-kind resources</i>			\$315,504
25. DHCD/Pathway Homes Shelter Plus Care (Merged SPC 1) – Renewal 04/13-03/14 - Rental assistance for 29 units of permanent housing for 34 homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the CSB. (Merged former SPC grants 2, 4, and 5) (1 year)	\$505,922			\$8,275	\$514,197
26. DHCD/Pathway Homes Shelter Plus Care (Merged SPC 2) – Renewal 06/13-06/14 – Rental assistance for 32 units of permanent housing for 40 homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the CSB. (Merged former SPC grants 1, 3, 6, and 7) (1 year)	\$563,933			\$9,223	\$573,156
27. DHCD/Pathway Homes Shelter Plus Care (Merged SPC 9) – Renewal 08/13-07/14 – Rental assistance for 21 units of permanent housing for 24 homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the Community Services Board (CSB). (Merged former SPC grants 8 and 9) (1 year)	\$364,938			\$5,969	\$370,907
28. DHCD/Pathway Homes Shelter Plus Care (Merged SPC 10) – Renewal 05/13-05/14 – Rental assistance for 15 units of permanent housing for 16 chronically homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the Community Services Board (CSB). (Merged former SPC grants 10 and 11) (1 year)	\$258,058			\$4,221	\$262,279
29. OPEH, CoC Planning Project – New Project – HUD has authorized an amount that each CoC can apply for to conduct planning activities related to the CoC System, Project Monitoring and Evaluation, HUD Compliance, and related CoC functions. (1 year)	\$80,461	\$20,115 <i>In-kind resources</i>			\$100,576
Renewal Project Subtotals	\$6,436,919	\$556,837	\$445,136	\$665,645	\$8,104,537
New Project Subtotals	\$358,190	\$20,115	\$0	\$18,421	\$396,726
GRAND TOTAL	\$6,795,109	\$576,952	\$445,136	\$684,066	\$8,501,263

Note: The former Shelter Plus Care grant funding is combined with former Supportive Housing Program funding in the new Continuum of Care Program established by the HEARTH Act of 2009. However, the grant projects continue to be separately identified. Final Shelter Plus Care awards for rental assistance are adjusted by HUD for changes in the Fair Market Rent standard. The amounts shown above are based on the current Fair Market Rent.

***Special Note:** There is a new match requirement in all programs of a minimum of 25%, excluding leasing costs. The match can be either cash or in-kind or a combination of both. The match amounts indicated above are estimates based on the new requirement, and may reflect a combination of cash and in-kind resources. The actual match is applied against the total grant as HUD funds are expended and therefore may be a different amount than is indicated on the Chart.

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing
and Urban Development

Attachment 2

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.
(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

Name of the Federal
Program to which the
applicant is applying: _____

Name of
Certifying Jurisdiction: _____

Certifying Official
of the Jurisdiction
Name: _____

Title: _____

Signature: _____

Date: _____

Attachment to Form HUD-2991
Certification of Consistency with the Consolidated Plan
2012 Fairfax County Continuum of Care (CoC) Grant Process
Applicant and Project Names

FEDERAL PROGRAM: Continuum of Care Program *New Project*

Applicant and Project Name:

1. FACETS, Inc., TRIUMPH II Permanent Supportive Housing Program

Applicant and Project Names: former Supportive Housing Program (SHP) *Renewals*

2. Christian Relief Services of Virginia, Inc.; 1994 CRS/Pathway Homes/PRS Supportive Housing Program
3. Christian Relief Services of Virginia, Inc.; 1995 CRS/Pathway Homes/PRS Supportive Housing Program
4. Christian Relief Services Charities, Inc.; 1991 CRS/Pathway Homes Supportive Housing Program
5. Pathway Homes, Inc.; 1991 Pathway Homes Supportive Housing Program
6. Pathway Homes, Inc.; 2007 Pathway Homes Supportive Housing Program
7. Pathway Homes, Inc.; 2009 Pathway Homes Supportive Housing Program
8. Pathway Homes, Inc.; 2011 Pathway Homes Supportive Housing Program (*first renewal*)
9. PRS, Inc.; Intensive Supportive Housing Program
10. FACETS, Inc., TRIUMPH Permanent Supportive Housing Program
11. Volunteers of America Chesapeake; VOAC Supportive Housing Program (*first renewal*)
12. New Hope Housing, Inc.; Gartlan House
13. New Hope Housing, Inc.; Max's Place
14. New Hope Housing, Inc.; Milestones
15. Fairfax County Dept. of Family Services; Reaching Independence through Support and Education (RISE)
16. Fairfax County Dept. of Family Services; Community Housing Resource Program (CHRP III)
17. Christian Relief Services Charities, Inc.; Homes for the Homeless – Families/Disabled
18. Christian Relief Services Charities, Inc.; Homes for the Homeless – STRIDE
19. Christian Relief Services Charities, Inc.; Homes for the Homeless – Safe Places
20. NOVACO, Inc.; Transitional Housing for Victims of Domestic Abuse
21. United Community Ministries, Inc.; Journeys Program
22. Homestretch, Inc.; SUCCESS
23. Kurdish Human Rights Watch, Inc.; Transitional Housing and Supportive Services for Families
24. Fairfax-Falls Church Community Services Board Alcohol and Drug Services; Self-Sufficiency through Housing and Treatment

Applicant and Project Names: former Shelter Plus Care Program (SPC) *Renewals*

25. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes Shelter Plus Care – SPC Grant # 1
26. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes Shelter Plus Care – SPC Grant # 2
27. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes Shelter Plus Care – SPC Grant # 9
28. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes 2004 Shelter Plus Care – SPC # 10

Applicant and Project Name: CoC Program Planning Grant *New Project*

29. Office to Prevent and End Homelessness; CoC Planning Project

Name of Certifying Jurisdiction: Fairfax County, Virginia

Certifying Official Name and Title: Edward L. Long, Jr., County Executive

Signature: _____

Date: _____

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ACTION — 1

Creation of a Tysons Transportation Service District Advisory Board

ISSUE:

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

RECOMMENDATION:

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

TIMING:

Board action on the Advisory Board is requested subsequent to the creation of the Service District. If such a district is created, creation of an Advisory Board and appointments to it should be made by March 2013, so that the Advisory Board can provide input to the Board during the FY2014 Budget process.

BACKGROUND:

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

To ensure a sustainable balance between development and transportation infrastructure, the Planning Commission also recommended that staff maintain a Tysons' Transportation Funding Plan (Funding Plan) to include priorities, a schedule of construction, and a cash flow analysis for the Tysons-wide road improvements, based

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

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

As a part of implementing the aforementioned recommendations and in keeping with the Board's goal of allowing for flexibility in funding options and sources and making adjustments to the funding plan based upon pace of development, it is recommended that the Advisory Board consist of 17 members, including two members who represent adjacent communities, one member from the Dranesville District and 14 members who own, or represent the owners of, real property within the Service District, as follows:

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

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FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

None.

STAFF:

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

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ACTION - 2

Establishment of the “Tysons-Wide” and “Tysons Grid of Streets” Transportation Funds, Adoption of their Respective Guidelines, and Annual Rate Adjustment for the Existing Tysons Transportation Fund (Dranesville, Hunter Mill, and Providence Districts)

ISSUE:

Board of Supervisors approval is requested to:

- Create the “Tysons-Wide” and “Grid of Streets” Transportation Funds;
- Adopt the guidelines for the “Tysons-Wide” Transportation Fund (Attachment 1) and the “Grid of Streets” Transportation Fund (Attachment 2); and
- Adjust the rate on the existing Tysons Transportation Fund (Attachment 3) to reflect inflation.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors:

- Approve the “Tysons-Wide” and “Grid of Streets” Transportation Funds;
- Adopt the guidelines associated with each fund; and
- Adjust the rate on the existing fund to reflect inflation.

The new funds, the guidelines and the rate change will become effective February 1, 2013.

TIMING:

Board approval is requested on January 8, 2013, so that the funds and the rates can be effective on February 1, 2013.

DISCUSSION:

Since the establishment of the existing Tysons Corner Transportation Fund, growth and transportation needs in Tysons have escalated. The construction of the Silver Line through Tysons, and the Board’s adoption of a major comprehensive plan amendment for Tysons in June 2010, have produced a level of transportation planning unprecedented in Fairfax County. This planning effort includes the transportation improvements in Tysons that will be financed over the next 40 years. It is anticipated that developers in Tysons will contribute approximately \$300 million in cash to the “Grid

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of Streets” and \$253 million in cash contributions for “Tysons-Wide” improvements. The attached guidelines establish the procedures for collecting, managing, and expending the funds according to the transportation needs in Tysons.

There are specific reasons for the establishment of two new, but separate, funds with separate guidelines. The funds support two different sets of transportation improvements (both necessary to address the traffic impact of new developments) – the “Tysons-Wide” improvements, located within and as well outside Tysons, and the “Grid of Streets”, located entirely within Tysons. Therefore, the responsibility is different and the associated proportional responsibility for contributions made by developers is different. Secondly, the applicable credits for applicants will differ for each fund. Separate funds and guidelines will allow for better accountability between the County and developers within Tysons.

The existing Tysons Transportation Fund must remain despite the creation of the two new funds, because there are still deposits in the fund currently supporting studies and projects in Tysons, as outlined in Attachment 3. Also, there are still rezoning cases which have proffers pledged to the existing fund which might result in future deposits into the existing fund. While the existing Tysons Transportation Fund may become obsolete in the future, staff is unable to determine when this would be. The elimination of this fund will be addressed to the Board of Supervisors once all possible proffers are deposited in the existing fund. The Board will be able to continue to use the existing fund for projects and studies within Tysons, as appropriate

In March 2011, the Board of Supervisors directed the Planning Commission to work with stakeholders to develop a financing plan for transportation investments in Tysons. On October 30, 2012, the Board of Supervisors adopted the Planning Commission’s recommendations. Among those recommendations are that the proposed rates for the “Tysons-Wide” Transportation Fund be \$5.63 per square foot of commercial development and \$1,000 per residential dwelling unit; and the proposed rates for the “Grid of Streets” Transportation Fund be \$6.44 per square foot of commercial development and \$1,000 per residential dwelling unit.

The proposed rate changes in the existing fund are \$4.07 to \$4.19 per square foot for commercial development and \$903.00 to \$929.00 per dwelling unit for residential development.

No guidelines are being proposed for the existing fund. Proffers accepted pursuant to previously approved rezoning applications will be collected and expended as originally intended. Since they were written in the absence of guidelines, each proffer indicated its own purpose. No creditable expenditures are expected, unless specifically discussed in the existing proffers. Deposits committed in future zoning cases will be

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contributed to the “Tysons-Wide” and/or “Grid of Streets” Transportation Funds as defined in the guidelines.

FISCAL IMPACT:

The rate of funds collected in the existing fund and the proposed funds are directly related to the rate of development in Tysons. The funds collected in the “Tysons-Wide” fund will be supplementing the multiple funding sources for Table 7 in the Tysons Comprehensive Plan amendment. The “Grid of Streets” improvements will almost entirely be funded by a single source, namely proffers. In future proposed budgets, the Board should expect a reserve in both funds to allow for credits for completed applicable creditable improvements. All Tysons Transportation Funds will be subject to the same annual adjustments in rates as stated in Virginia Code 15.2-2303.3.

CREATION OF POSITIONS:

No positions will be created or funded through the proposed fund areas. However, the Board of Supervisors could fund positions from these funds in the future.

ENCLOSED DOCUMENTS:

- Attachment 1: “Tysons-Wide” Guidelines
- Attachment 2: Tysons “Grid of Streets” Guidelines
- Attachment 3: Proposed Rates for the Existing Tysons Fund

STAFF:

- Robert A. Stalzer, Deputy County Executive
- Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
- Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
- Dan Rathbone, Chief, Transportation Planning Division, FCDOT
- Ken Kanownik, Transportation Planner, Coordination and Funding Division, FCDOT
- Michael Davis, Senior Transportation Planner, Site Analysis Section, FCDOT

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GUIDELINES FOR THE TYSONS-WIDE TRANSPORTATION FUND (the Tysons-Wide Fund)

The following guidelines shall be used to establish, implement, and operate a fund for Tysons-Wide road improvements listed in Table 7 of the Comprehensive Plan. The fund is intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to any PTC rezoning action in this area. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP).

Proffered commitments to provide monetary contributions to the fund are anticipated from zoning applications for land use changes that propose construction of new building square footage. The funds will be used to construct or implement transportation projects identified as “Tysons-Wide” in Table 7.

The street sections constructed utilizing Tyson-Wide Transportation Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP. Illustrations of the expected cross-sections for road improvements are included with the Comprehensive Plan text and the Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia, and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011. The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, will also apply.

The following criteria were adopted by the Board of Supervisors on January 8, 2013.

TYSONS-WIDE TRANSPORTATION FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons-Wide Transportation Fund improvements provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to administer the Fund.

A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as “Tysons-Wide Road Improvements” in Table 7 of the Comprehensive Plan and are listed in Appendix C of these guidelines. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to interstate and arterial roads. The Tysons-Wide Transportation Fund represents part of the private sector’s participation in the funding and implementation of road projects that serve a broader public transportation function.

The contribution rate is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$5.63 per gross square foot (“GSF”) of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The amount of the financial contribution anticipated from each application will be estimated prior to the rezoning approval. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of rezoning to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the design and construction of qualifying Tysons-Wide road projects.

Credit for land dedicated for the described purposes will be based upon the property's County assessment which is in effect at the time of site plan submission, provided density credits have not been granted for the land to be dedicated. The applicant, prior to rezoning approval, shall indicate his intent to either seek credit for a Tysons-wide dedication or density credit. Dedication of land for site access improvements (i.e., turn lanes at driveways) will not be eligible for credit toward the required contribution.

If an applicant elected at rezoning to construct or provide sufficient funds to construct a portion or portions of Tysons-Wide transportation project(s), beyond improvements identified and proffered in the zoning review as necessary to offset site-generated traffic, and is requesting credit against the contribution, a cost estimate will be provided by the applicant and reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to DPWES for review and comment at the time of site plan approval.

The applicant will contribute 100% of the total required contribution for each building, less applicable credits, at the time non-residential use permits (Non-RUPs) or residential use permits (RUPs) are issued, based on the actual GSF and/or number of units in each building, subject to the provisions in the Virginia Code.

Applicants seeking rezoning actions in the Tysons Urban Center may receive credit against their contribution to the Tysons-Wide Transportation Fund under specific circumstances. Creditable improvements will be applicable to the entire rezoning application. Unless otherwise approved by the Board of Supervisors at the time of rezoning, the criteria for receiving credit are described as follows:

- Construction of road projects specifically identified in Appendix that are not otherwise required to address the impact of site generated traffic (construction credit);
- Dedication of land or right-of-way from the applicable site for road projects specifically identified in Appendix C (dedication credit) that are not for site access or otherwise not required to address the impact of site generated traffic. Right-of-way will be valued at County assessment at the time of site plan submission. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved

Virginia state board licensed MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal;

- Acquisition of off-site land for construction of road projects specifically identified in Appendix C. Land that receives acquisition credit is not eligible for dedication credit; and,
- Construction of road projects specifically identified in Appendix C in advance of the development timelines negotiated and approved by FCDOT.

TYSONS-WIDE TRANSPORTATION FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January 8, 2013). The monies in this account will be utilized to help fund and implement Tysons-wide projects in the Tysons Area.

Annual Assessment

An annual assessment shall be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons-Wide Transportation Fund, projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other Transportation Fund Area review processes, to ensure a sustainable balance between development and transportation infrastructure.

It is understood that this review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms and projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and

overall allocation of funding responsibilities. This review will consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

**A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS WIDE TRANSPORTATION FUND
IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY
BOARD OF SUPERVISORS ON JANUARY 8, 2013.**

STEP 1: Total required Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons-Wide Transportation Fund rate = total required contribution.

STEP 2: Anticipated "In-Kind" contributions:

The cost to construct a portion or portions of 'off-site' Tysons-wide projects consistent with bonding practices and verified and approved by FCDOT prior to site approval. Plus, if applicable, the value of Right of Way to be dedicated according to the procedures in the guidelines.

STEP 3: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons-Wide Transportation Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons-Wide Road Fund obligations.)

STEP 4: Reconciliation of the Tysons-Wide Road Fund Contribution and Actual "In-Kind" Construction Costs Associated With the Construction of Tysons-Wide Road Projects

Upon completion of Tysons-Wide "In-Kind" construction projects, an applicant shall follow the "Creditable Expense" Guidelines, contained herein, for final reconciliation of the Tysons-Wide Road Fund Contribution (or applicable refund) and Actual "In-Kind" Construction Costs.

**A GUIDE TO APPLY FOR THE 'OFF-SITE' CONSTRUCTION/Right-of-Way COST CREDIT
(Also Known as a 'Creditable Expense')**

Assuming credit for a contribution to the Fund that has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for 'off-site' construction expenditures. Upon completion of 'off-site' construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved 'off-site' construction project should be submitted. If construction is done simultaneously with other parts of the development then the applicant must provide a separate accounting of the portion that applies to the 'off-site' project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved rezoning case with approved 'off-site' project cost estimates.
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

Tysons-Wide Transportation Costs: 2012-2051 (December 4, 2012 Estimate)		
	Project	Estimate (2012)
1	Rt.7 Widening from Rt.123 to I-495	\$22,000,000
2	Boone Blvd Extension west from Rt.123 to Ashgrove Lane	\$126,000,000
3	Extension of Jones Branch Connection to inside I-495 (Jones Branch Connector to Route 123)	\$41,000,000
4	Rt.7 Widening from the Dulles Toll Road to Reston Avenue	\$300,000,000
5	Greensboro Drive Extension west from Spring Hill Road to Rt.7	\$58,000,000
6	Dulles Toll Road Ramp to Greensboro Drive Extension	\$28,000,000
7	Dulles Toll Road Westbound Collector Distributor	\$124,000,000
8	Dulles Toll Road Eastbound Collector Distributor	\$62,000,000
9	Dulles Toll Road Ramp to Boone Blvd Extension	\$79,000,000
10	Rt.123 Widening from Rt.7 to I-495	\$20,000,000
11	Rt.123 Widening from Old Courthouse Road to Rt.7	\$8,000,000
12	Rt.7 Widening between I-495 and I-66	\$71,000,000
13	Widen Magarity Road from Lisle/Rt.7 to Great Falls Street	\$63,000,000
14	I-495 Overpass at Tysons Corner Center	\$18,000,000
15	Widen Gallows Road from Rt.7 to Prosperity Ave.	\$94,000,000
16	I-495 Additional Lane (Outer Loop between Rt. 7 and I-66)	\$74,000,000
17	Ramps Connecting Dulles Toll Road to Jones Branch Drive	\$38,000,000
	Total for road projects	\$1,226,000,000

GUIDELINES FOR THE TYSONS GRID OF STREETS TRANSPORTATION FUND (the Tysons Grid Fund)

The following guidelines shall be used to establish, implement and operate the Tysons Grid of Streets Transportation Fund. The Fund is intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to any PTC rezoning action in this area. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP).

Proffered commitments to provide monetary contributions to the Tysons Grid Fund are anticipated during review of zoning applications for land use changes that propose construction of new building square footage. The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects utilizing these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP. Illustrations of the expected cross-sections for grid streets are included with the Comprehensive Plan text and the Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011. The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, will also apply.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS GRID FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons Grid of Streets Transportation Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the Fund.

The minimum contribution rate is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$6.44 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of 'complete streets'. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

The amount of the financial contribution expected for each application will be estimated prior to rezoning approval. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of rezoning to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. Creditable improvements will be applicable to the entire rezoning application. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid projects as defined previously.

If an applicant elects at rezoning to construct or provide sufficient funds to construct a portion or portions of 'off-site' Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to DPWES for review and comment.

Prior to or upon site plan approval for non-residential development, the applicant will contribute 25 percent of the total required contribution based on the actual GSF, minus any approved applicable credits as discussed previously. The remaining 75 percent, less any further approved applicable credits, will be required before building permits are issued and will be assessed at the then current rate. This contribution approach is intended to facilitate the construction of Tysons Grid Transportation improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total required contribution based on the actual number of units in each building, less applicable credits, at the time residential use permits (RUPs) are issued, subject to the provisions in the Virginia Code.

Applicants seeking rezoning actions in the Tysons Urban Center may receive credit against their contribution to the Grid of Streets Transportation Fund under specific circumstances. Creditable improvements will be applicable to the entire rezoning application. 'Off-site' street grid projects are defined for the purposes of this document as:

- those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within the boundaries of sites subject to the proposed development;
- construction of capacity and/or operational improvements to grid streets which are not otherwise required to address the impact of site generated traffic, and are not within the boundaries of sites subject to the proposed development;
- traffic signals for grid street connections which are not otherwise required to address the impact of site generated traffic, and are not within the boundaries of or directly adjacent to sites subject to the proposed development;
- advance off-site land acquisition for construction of grid streets;
- construction of on-site grid of streets sections in advance of the development timelines negotiated and approved by FCDOT; and,
- dedication of land or right-of-way for 'off-site' Grid of Streets projects, in which density credit has not been granted for the land to be dedicated. Right-of-way will

be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia State Board licensed, MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal.

Unless otherwise approved by the Board of Supervisors at the time of rezoning, construction of qualifying projects to advance the grid which meet the criteria above are eligible to receive credit up to equal value of the development's contribution to the fund.

TYSONS GRID TRANSPORTATION FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January, 8 2013). The monies in this account will be utilized to help fund and implement grid roadway projects in the Tysons Urban Center.

Annual Assessment

An annual assessment shall be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons Grid of Streets Fund, the Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other Transportation Fund Area review processes, to ensure a sustainable balance between development and transportation infrastructure.

It is understood that this review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will also consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013.

STEP 1: Total required Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid Transportation Fund rate = total required contribution.

STEP 2: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' grid street projects consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid Transportation Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons Grid of Streets Fund obligations.)

STEP 4: Reconciliation of the Tysons-Wide Road Fund Contribution and Actual "In-Kind" Construction Costs Associated With the Construction of Tysons-Wide Road Projects

Upon completion of Tysons-Wide "In-Kind" construction projects, an applicant shall follow the "Creditable Expense" Guidelines, contained herein, for final reconciliation of the Tysons-Wide Road Fund Contribution (or applicable refund) and Actual "In-Kind" Construction Costs.

**A GUIDE TO APPLY FOR THE 'OFF-SITE' CONSTRUCTION COST REFUND
(Also Known as a 'Creditable Expense')**

Assuming credit for contribution to the Fund has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for 'off-site' construction expenditures. Upon completion of 'off-site' construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved 'off-site' construction project should be submitted. If construction is done simultaneously with other parts of the development then the applicant must provide a separate accounting of the portion that applies to the 'off-site' project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved rezoning case with approved 'off-site' project cost estimates.
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

Calculation of Annual Inflationary Increase in the Tysons Corner Transportation Fund
and Projects Approved for These Funds

The annual inflation according to the Consumer Price Index from December 2011 to December 2012 was 2.88%. This rate is applied as defined in Virginia Code 15.2-2303.3. The rates for the Tysons Corner Area Road Fund are calculated below:

<u>Tysons Corner</u>	
non-residential	$(\$4.07) (1.0288) = \4.19 / square foot
residential	$(\$903.00) (1.0288) = \929.00 / dwelling unit

Below are the current Tysons Corner Fund Area Projects Approved by the Board:

TYSONS CORNER AREA PROJECT	PROJECT DESCRIPTION	PRELIMINAY COST ESTIMATES*	STATUS
Pedestrian Facilities in Tysons	Supplemental funding for design of projects funded by Job Access and Reverse Commute Grant.	\$0.8 M	One site complete. Other sites are in the design phase.
Route 7 & Route 123	Complete selected improvements as proposed in Route 7/123 Transportation Corridor Study prepared by Patton Harris Rust and Associates; construction to be phased based on funding availability.	\$3.3 M	Several spot improvements are complete, remaining to be completed as funding becomes available.
Conceptual Engineering and Design of Boone Boulevard and Greensboro Drive	Determine the feasibility and impacts of extending Boone Boulevard and Greensboro Drive.	\$0.8 M	Conceptual engineering and design assessment study to accommodate traffic, pedestrians, and bikes; and assess the impact on landowners and future development plans, is currently underway.

TYSONS CORNER AREA PROJECT	PROJECT DESCRIPTION	PRELIMINAY COST ESITMATES*	STATUS
Tysons Corner Metrorail Access Management Program	On March 30, 2009, the Board of Supervisors requested that multi-modal access to the four Tysons Corner Metrorail stations be studied and that citizens and businesses from the three surrounding magisterial districts and the Town of Vienna be represented on this study group.	\$0.35 M	The public outreach of this project has been completed. A final public meeting was held on October 4, 2011, and the report on this presented to the Board on December 6, 2011.
Conceptual Design and Engineering of Sections of the Proposed Tysons Corner Street Grid	The proposed Tysons grid of streets is a critical element of the future plan for Tysons Corner. It disperses vehicle traffic and improves mobility for pedestrians and bicyclists. The grid of streets will be supported by a street hierarchy that allows different types of trips to use different streets. People wishing to travel across Tysons can choose to use a major arterial, such as Route 7. Others who only need to travel a couple of blocks will have a	\$2.5 M	To enhance the redevelopment of Tysons, it is necessary to finalize the location and associated right-of-way needs for the grid of streets, including the requirements of the proposed circulator system.

	choice to travel on a smaller street within the grid of streets.		
TYSONS CORNER AREA PROJECT	PROJECT DESCRIPTION	PRELIMINAY COST ESITMATES*	STATUS
Tyson's Circulator Feasibility Study	To advance the conceptual Circulator System, more detailed design, with consideration given to the desired development pattern, will need to be done. Details of the final Circulator alignment that will need to be assessed include. The specific connections between the Circulator and the Metrorail system. Location of Circulator stops throughout Tysons. Circulator routes to connect the desired Circulator stops, including identification of how the Circulator fits into the roadway right-of-way. Design of the Circulator platforms and stops, including access and circulation plans for pedestrians, transit, bikes, and autos, and	\$0.5 M	The Tysons Circulator Feasibility Study is complete.

	integration with the surrounding land uses. Type of Circulator mode (i.e., streetcar, fixed-route bus, jitney, etc.).		
Route 7 – from Route 123 to I-495/Capital Beltway	Widening of Route 7 from Route 123 to I-495.	\$29.0 M	Currently in Phase II Tysons Improvements project list, scheduled from 2013-2020. Conceptual design work underway.

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

ACTION – 3

Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2013 and Authorization for the Chairman to Postpone a Scheduled Meeting in the Event of Weather or Other Hazardous Conditions

ISSUE:

Board approval of its meeting schedule for January through December 2013.

RECOMMENDATION:

The County Executive recommends that the Board (1) approve the Board meeting schedule for January through December 2013 and (2) authorize the Chairman to defer any scheduled meeting to the Tuesday following a scheduled Board meeting if the Chairman, **or the Vice Chairman if the Chairman is unable to act**, finds and declares that the weather or other conditions are such that it is hazardous for members to attend.

TIMING:

Immediate. Virginia law requires the Board to adopt its regular schedule of meetings for calendar year 2013 at the first meeting in January.

BACKGROUND:

Previously, on September 11, 2012, staff presented the Board with a preliminary meeting schedule for calendar year 2013 for planning purposes, but Virginia Code Section 15.2-1416 requires the governing body of each county to establish the days, times, and places of its regular meetings at the annual meeting, which is the first meeting of the year. For that reason, the meeting schedule for calendar year 2013 is being presented to the Board again for formal approval. Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need may rise.

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

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advertised for that date shall be conducted at the continued meeting. In order to take advantage of that authority in such an emergency, staff recommends that the Board also authorize the Chairman to continue any scheduled meeting to the following Tuesday when weather or other conditions make attendance hazardous. In that circumstance, the Board then would consider the agenda for that rescheduled meeting on that following Tuesday without further advertisement.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENT:

Attachment 1 – Proposed Meeting Schedule for Calendar Year 2013

Attachment 2 – Virginia Code Section 15.2-1416

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

STAFF:

Catherine A. Chianese, Assistant County Executive

2013 Board of Supervisors Meeting Schedule

January 8, 2013
January 29, 2013
February 12, 2013
February 26, 2013
March 5, 2013
March 19, 2013
April 9, 2013 9:30 to 6:00 pm Board Meeting 6:00 pm – Budget Public Hearings
April 10 - April 11, 2013 3:00 pm – Budget Public Hearings
April 23, 2013 Budget Markup
April 30 Budget Adoption

May 14, 2013
June 4, 2013
June 18, 2013
July 9, 2013
July 30, 2013
September 10, 2013
September 24, 2013
October 8, 2013
October 29, 2013
November 19, 2013
December 3, 2013

§ 15.2-1416. Regular meetings.

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

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

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

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed.

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

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

**Resolution Establishing the Board Meeting Schedule for
Calendar Year 2013 and Authorizing the Chairman to Reschedule a
Meeting in the Event of Weather or Other Hazardous Conditions**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 8, 2013, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Virginia Code Section 15.2-1416 requires the Board of Supervisors of Fairfax County, Virginia, to assemble at its first meeting in January to adopt a schedule of the days, times, and places of its regular meetings in calendar year 2013; and

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

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

1. During Calendar Year 2013, the Board of Supervisors will meet in the Board Auditorium at 12000 Government Center Parkway, Fairfax, Virginia, on January 8, January 29, February 12, February 26, March 5, March 19, April 9, April 10, April 11, April 23, April 30, May 14, June 4, June 18, July 9, July 30, September 10, September 24, October 8, October 29, November 19, and December 3;

2. All such meetings shall generally begin at 9:30 A.M. in the morning except that the Board meetings on April 10 and 11 begin at 3 P.M. in the afternoon; and

3. If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regularly scheduled meeting, then that meeting shall be postponed and conducted

on the following Tuesday and all hearings and other matters shall be conducted at that time without further advertisement.

A Copy Teste:

Catherine A. Chianese
Clerk of the Board of Supervisors

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ACTION - 4

Authorize the Acquisition of Property at 7511 Fordson Road, Alexandria VA 22306 (Lee District)

ISSUE:

Authorize the County Executive to execute documents to acquire fee interest in property from the Fairfax County Redevelopment and Housing Authority (the "FCRHA") located at 7511 Fordson Road, Alexandria VA 22306 (Lee District).

RECOMMENDATION:

The County Executive recommends that the Board authorize him to acquire from the FCRHA the property ("Property") located at 7511 Fordson Road, Alexandria VA 22306 (Lee District) and identified as Tax Map No. 0924 01 0065A, comprising 38,995 square feet.

TIMING:

Board action is requested on January 8, 2013.

BACKGROUND:

In 1984, the Board entered into an agreement to lease the Property from Cigna Property and Casualty Company, Max Blatt and Ellen Blatt (the "Original Owners"), which the Board then immediately sublet to United Community Ministries, Inc. ("UCM"), who has been operating at the site since that time. At the request of the Board, in December, 1997, the FCRHA agreed to purchase the Property for a purchase price of \$381,445, and finance the acquisition and transactional costs with FCRHA tax-exempt revenue bonds in the amount of \$400,000.00 ("FCRHA Bonds"). Upon the FCRHA's acquisition of the Property, the Board simultaneously entered into a triple-net capital lease (the "Capital Lease") with the FCRHA whereunder the County has been paying all debt service requirements on the FCRHA Bonds as well as other payment obligations related to maintenance and operation of the Property. This financing structure is similar to that provided by the FCRHA for various County community centers, the Head Start program at Gum Springs, and the adult daycare centers at Herndon Harbor House and Braddock Glen, each of which involved FCRHA-issued bonds supported by debt service payments made by the Board through a capital lease agreement, pursuant to which the Board may acquire fee title to the properties upon payment of the outstanding indebtedness.

The County continues to sublease the Property to UCM for use as office space, at a rental that covers a portion of the County's costs for the FCRHA Bonds and upkeep of the Property.

Under the Capital Lease, the County is entitled to acquire fee interest in the Property upon payment of the outstanding balance of the FCRHA Bond, and settlement costs for

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closing. The final payment under the FCRHA Bonds is due on April 1, 2013. Accordingly, the Board has the option to acquire fee simple interest in the Property in April, 2013, upon payment of nominal closing costs associated with the settlement.

FISCAL IMPACT:

Pursuant to the Capital Lease, the Board has the option to purchase and acquire the Property upon 30-days prior notice to the FCRHA. On April 1, 2013, the Board will make its final payment for the FCRHA Bonds. At that time, the Board can acquire the Property for the nominal costs of real estate settlement fees.

ENCLOSED DOCUMENTS:

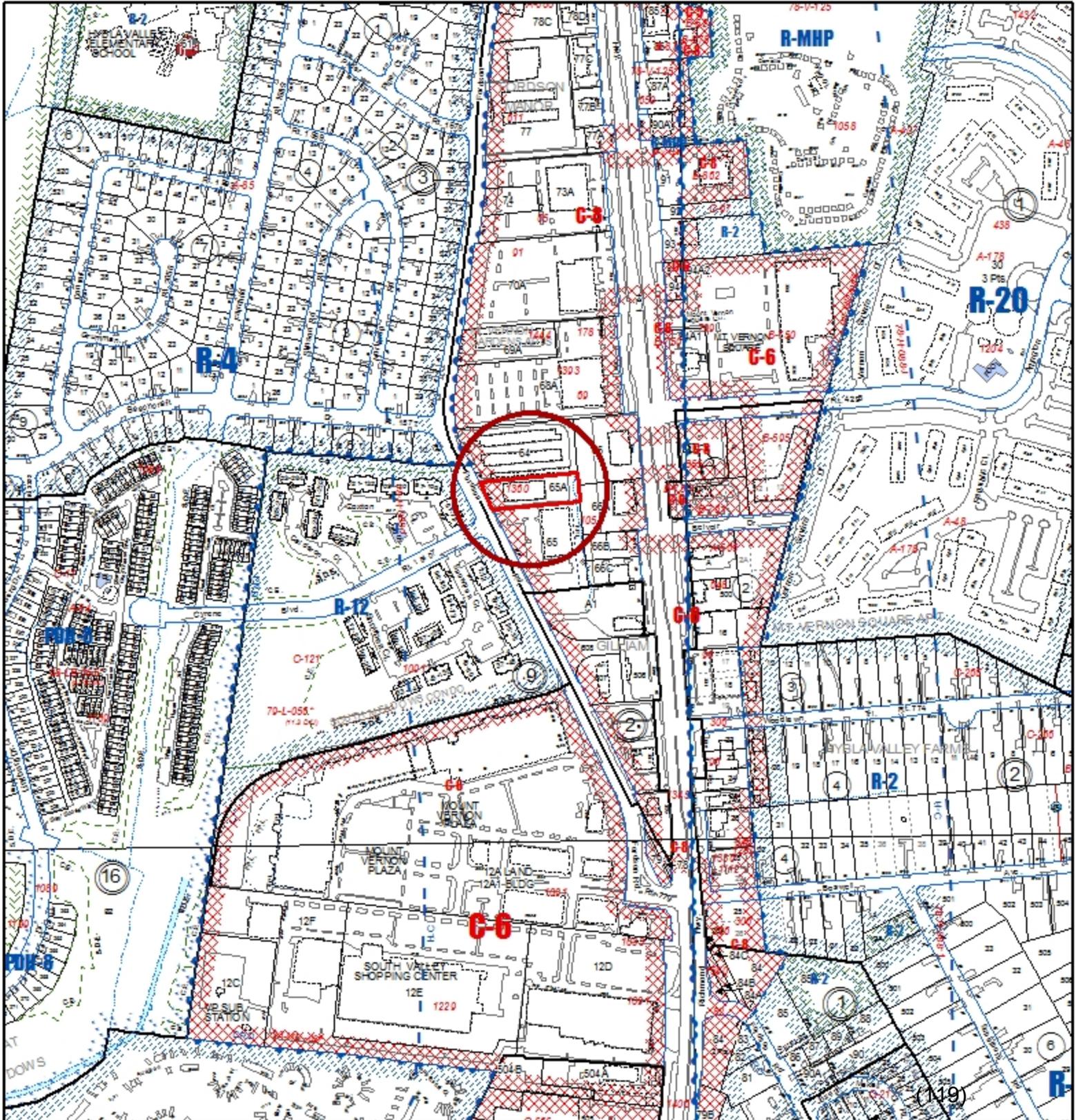
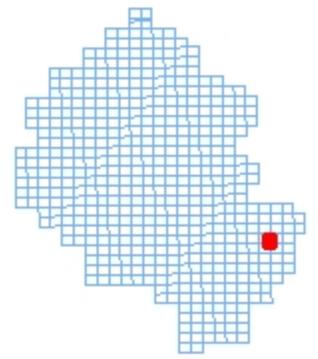
Attachment A: Location Map 0924 01 0065A

STAFF:

David Molchany, Deputy County Executive
Jose A. Comayagua, Director, Facilities Management Department
Paula Sampson, Department of Housing & Community Development

Subject Property: Tax Map No. 0924 01 0065A

0 125 250 500 Feet



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ACTION - 5

Approval of a Memorandum of Understanding Between the Fairfax County Police Department, the United States Attorney for the District of Columbia and the Metropolitan Police Department of Washington, D.C. Regarding the 2013 Presidential Inauguration

ISSUE:

Board of Supervisors' approval of a Memorandum of Understanding between the Fairfax County Police Department, the United States Attorney for the District of Columbia, and the Metropolitan Police Department of Washington, D.C. authorizing Fairfax County Police Department to participate as members in the Presidential Inauguration Task Force (PITF).

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department, the United States Attorney for the District of Columbia, and the Metropolitan Police Department of Washington, D.C.

TIMING:

Board of Supervisors' action is requested on January 8, 2013.

BACKGROUND:

The Presidential Inauguration Task Force (PITF) will be established as a joint operation between a number of federal, state and local law enforcement agencies, for the period from January 15, 2013 to January 21, 2013. Its mission will be to "achieve maximum coordination and cooperation in bringing to bear combined resources to effectively implement measures to promote the safety of the President of the United States, inaugural participants, the public, visitors and residents while allowing individuals and groups to exercise their legal rights."

As a member of the task force, the Fairfax County Police Department will provide resources, share information, and coordinate its law enforcement and investigative activities in keeping with the stated mission.

The Department will assign approximately 125 police officers to the task force; assignees will be federally deputized by the United States Marshals Service for a period to last through the entire tenure of their assignment or until the termination of the task force, whichever occurs first. Fairfax County will assume all

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associated personnel costs for assigned officers, with reimbursement for costs to be made by the District of Columbia.

FISCAL IMPACT:

None

ENCLOSED:

Attachment 1: Memorandum of Understanding between the Fairfax County Police Department, the United States Attorney for the District of Columbia, and the Metropolitan Police Department of Washington, D.C.

STAFF:

David M. Rohrer, Deputy County Executive
Lt. Colonel James A. Morris, Acting Chief of Police
Karen L. Gibbons, Senior Assistant County Attorney

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is executed by the United States Attorney for the District of Columbia, the Metropolitan Police Department of Washington, D.C. (MPD) and the Fairfax County Police Department.

I. PURPOSE

The purpose of the MOU is to outline the mission of the Presidential Inauguration Task Force (PITF) in the Washington, D.C. area from January 16, 2013, to January 22, 2013. Additionally, this MOU will define relationships between the U.S. Marshal Service, MPD and the Fairfax County Police Department, as well as other participating agencies with regard to policy, guidance, utilization of resources, planning, training, public relations and media in order to maximize interagency cooperation.

II. MISSION

The mission of the PITF is to achieve maximum coordination and cooperation in bringing to bear combined resources to effectively implement measures to promote the safety of the President of the United States, inaugural participants, the public, visitors and residents while allowing individuals and groups to exercise their legal rights.

Additionally, all units that are participating agencies will coordinate their activities and be considered a member of the PITF, sharing information and coordinating investigative and law enforcement efforts which may result from any apprehensions originating from the PITF.

III. ORGANIZATIONAL STRUCTURE

A. Direction

The Fairfax County Police Department acknowledges that the PITF is a joint operation in which all agencies, including the Metropolitan Police Department of the District of Columbia, Office of the United States Attorney for the District of Columbia, United States Marshals Service, United States Secret Service, United States Federal Bureau of Investigation, National Park Service, Fairfax County Police Department and other agencies, act as partners in the operation of the PITF. The Command Center for the operations will be located at the Metropolitan Police Department (MPD) Headquarters and will be staffed by officers from the United States Marshals Service, MPD, U.S. Park Police, and the Federal Bureau of Investigation. These officers will serve as the Executive Council for this operation.

B. Supervision

The day-to-day operation and administrative control of the PITF will be the responsibility of a Tactical Team Commander selected from one of the participating agencies. The Tactical Team Commander will coordinate with supervisory personnel of the United States Secret Service as the sponsoring agency for Special Deputation (federal) and with MPD as the lead agency for the operation. The daily management of the PITF will be closely monitored by the MPD.

Responsibility for the conduct of the PITF members, both personally and professionally, shall remain with the respective agency directors subject to the provisions in Section IX (Liability).

C. Unilateral Law Enforcement Action

There shall be no unilateral action taken on the part of any participating non-federal or non-MPD law enforcement agency relating to PITF activities. All law enforcement action by participating non-federal and non-MPD law enforcement agencies will be coordinated and conducted in a cooperative manner under the direction of the Executive Council and the MPD.

IV. PROCEDURES

A. Personnel

Continued assignment of personnel to the PITF will be based upon performance and will be at the discretion of the respective agency. Each participating agency will be provided with reports as necessary regarding the program, direction, and accomplishment of the PITF.

B. Deputation

All local and state law enforcement personnel designated to the PITF will be subject to background inquiry and will be federally deputized, with the United States Marshals Service securing the required deputation authorization. These deputations will remain in effect throughout the tenure of each officer's assignment to the PITF or until termination of the PITF, whichever occurs first. Each individual deputized as a Special Deputy U.S. Marshal will have all necessary law enforcement authority as provided by 28 U.S.C. § 566(c) and (d); 28 U.S.C. § 564; 18 U.S.C. § 3053; 28 C.F.R. § 0.112, and the deputation authority of the Deputy Attorney General. The Special Deputy U.S. Marshals will be responsible for 1) performing necessary law enforcement steps to keep the peace of the United States; 2) enforcing federal law (e.g., 18 U.S.C. §§ 112, 1116, and 878, as well as other provisions of that title); 3) protecting visiting foreign officials, official guests, and internationally protected persons; 4) taking necessary law enforcement steps to prevent violations of federal law, and; 5) enforcing District of Columbia law as a result of the deputation (see D.C. Code 23-581 and 28 U.S.C. § 564).

Individuals deputized as Special Deputy U.S. Marshals pursuant to this MOU who suffer a disability or die as a result of personal injury sustained while in the performance of his or her duty during the assignment shall be treated as a federal employee as defined by Title 5 U.S.C. section 8101. Any such individuals who apply to the U.S. Department of Labor for federal workers' compensation under Section 3374 must submit a copy of this MOU with his or her application. All applicants will be processed by the U.S. Department of Labor on a case by case basis in accordance with applicable law and regulation.

C. Law Enforcement Activities

Since it is anticipated that almost all cases originating from any PITF arrests will be prosecuted at the state or local level, the law enforcement methods employed by all participating law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to a change of venue for prosecution.

D. Prosecution

The criteria for determining whether to prosecute a particular violation in federal or state court will focus upon achieving the greatest overall benefit to law enforcement and the community. Any question which arises pertaining to prosecutorial jurisdiction will be resolved through the Executive Council. The U.S. Attorney's Office for the District of Columbia has agreed to formally participate in the PITF and will adopt policies and seek sentences that meet the needs of justice.

V. ADMINISTRATIVE

A. Records and Reports

All records and reports generated by PITF members shall be routed through the Tactical Team Commander who shall be responsible for maintaining custody and proper dissemination of said records as he or she deems appropriate.

B. Staff Briefings

Periodic briefings on PITF law enforcement actions will be provided to the directors of the participating agencies or their designees. Statistics regarding accomplishments will also be provided to the participating agencies as available.

VI. MEDIA

All media releases pertaining to PITF law enforcement activity and/or arrests will be coordinated by all participants of this MOU. No unilateral press releases will be made by any participating agency without the prior approval of the Executive Council. No information pertaining to the PITF itself will be released to the media without mutual approval of all participants.

VII. EQUIPMENT

A. PITF Vehicles

Each participating agency, pending availability and individual agency policy, agrees and authorizes PITF members to use vehicles, when available, owned or leased by those participating agencies, in connection with PITF law enforcement operations. In turn, each participating agency agrees to be responsible for any negligent act or omission on the part of its agency or its employees, and for any liability resulting from the misuse of said vehicles, as well as any damage incurred to those vehicles as a result of any such negligent act or omission on the part of the participating agency or its employees, subject to the provisions of Section IX (Liability).

Participating agency vehicles assigned to the PITF are subject to funding availability, are provided at the discretion of the supervisor of the providing agency, and will be used only by PITF members. Vehicles provided by participating agencies will be used only during working hours and will not be used for transportation to and from work by task force members or used for any other purpose. Participating agencies will provide maintenance and upkeep of their vehicles consistent with each agency's policy. Vehicles provided as pool vehicles for PITF use will be parked at the end of each shift at a location determined by the Tactical Team Commander or his/her designee.

B. Other Equipment

Other equipment furnished by any agency for use by other agencies' participating personnel shall be returned to the originating agency upon termination of the PITF or this MOU.

VIII. FUNDING

The Fairfax County Police Department agrees to provide the full-time services of its respective personnel for the duration of this operation, and to assume all personnel costs for their PITF representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency policies and procedures. Reimbursement for the cost of such personnel will be made by the District of Columbia, with funds provided by the United States and from general revenue.

IX. LIABILITY

Unless specifically addressed by the terms of this MOU, the parties agree to be responsible for the negligent or wrongful acts or omissions of their respective employees. Legal representation by the United States is determined by the Department of Justice on a case-by-case basis. There is no guarantee that the United States will provide legal representation to any federal, state or local law enforcement officer. Congress has provided that the exclusive remedy for the negligent or wrongful act or omission of any employee of the United States government, acting within the scope of employment, shall be an action against the United States under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2679(b)(2).

For the limited purpose of defending claims arising out of PITF activity, state or local law enforcement officers who have been specially deputized as U.S. Marshals and who are acting within the course and scope of their official duties and assignments pursuant to this MOU, may be considered an "employee" of the United States government as defined in 28 U.S.C. 2671. It is the position of the Department of Justice Civil Division Torts Branch that such individuals are federal employees for these purposes.

Under the Federal Employees Liability Reform and Tort Compensation Act of 1988 (commonly known as the Westfall Act), 28 U.S.C. § 2679(b)(1), the Attorney General or his designee may certify that an individual defendant acted within the scope of employment at the time of the incident giving rise to the suit. *Id.*, 28 U.S.C. § 2679(d)(2). The United States can then be substituted for the employee as the sole defendant with respect to any tort claims. 28 U.S.C. § 2679(d)(2). If the United States is substituted as defendant, the individual employee is thereby protected from suit.

If the Attorney General declines to certify that an employee was acting within the scope of employment, "the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment." 28 U.S.C. § 2679(d)(3).

Liability for any negligent or willful acts of PITF employees, undertaken outside the terms of this MOU will be the sole responsibility of the respective employee and agency involved.

Liability for violations of federal constitutional law rests with the individual federal agent or officer pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), or pursuant to 42 U.S.C. § 1983 for state and local officers or cross-deputized federal officers.

Both state and federal officers enjoy qualified immunity from suit for constitutional torts insofar as their conduct does not violate "clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).

PITF officers may request representation by the U.S. Department of Justice for civil suits against them in their individual capacities for actions taken within the scope of employment. 28 C.F.R. § 50.15, 50.16.

An employee may be provided representation when the actions for which representation is requested reasonably appear to have been performed within the scope of the employee's employment and the Attorney General or his designee determines that providing representation would otherwise be in the interest of the United States. 28 C.F.R. § 50.15(a). A PITF officer's written request for representation should be directed to the Attorney General and provided to the Civil Division of the U.S. Attorney's Office for the District of Columbia, which will then forward the representation request to the Civil Division of the United States Department of Justice together with a recommendation concerning scope of employment and Department representation. 28 C.F.R. § 50.15(a)(3).

If a PITF officer is found to be liable for a constitutional tort, he/she may request indemnification from the Department of Justice to satisfy an adverse judgment rendered against the employee in his/her individual capacity. 28 C.F.R. § 50.15(c)(4). The criteria for payment are substantially similar to those used to determine whether a federal employee is entitled to Department of Justice representation under 28 C.F.R. § 50.15(a).

Those PITF officers from participating agencies that are covered by the provisions of § 7302 of the National Intelligence Reform and Terrorism Prevention Act of 2004, PL 108-458, 118 Stat. 3538, as amended, and PL 110-250, 122 Stat. 2318 ("the Act"), also have the liability protection afforded by that Act.

X. DURATION

This MOU shall remain in effect until terminated as specified above, unless that date is modified as set forth in Section XI. Continuation of the MOU shall be subject to the availability of necessary funding. This agreement may be terminated at any time by any of the participating agencies. The Fairfax County Police Department may withdraw from this MOU at any time by providing a seven-day written notice of its intent to withdraw to the MPD. Upon the termination of the MOU, all equipment will be returned to the supplying agencies.

XI. MODIFICATIONS

The terms of this MOU may be modified at any time by written consent of all parties. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

XII. LIMITATION

Nothing in this MOU is intended to, or shall be construed to create enforceable rights in third parties.

VINCENT C. GRAY
MAYOR
DISTRICT OF COLUMBIA

RONALD C. MACHEN, JR.
UNITED STATES ATTORNEY
DISTRICT OF COLUMBIA

JAMES A. MORRIS
LIEUTENANT COLONEL
ACTING CHIEF OF POLICE
FAIRFAX COUNTY POLICE DEPARTMENT
FAIRFAX, VIRGINIA

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Board Agenda Item
January 8, 2013

CONSIDERATION - 1

Approval of the Fairfax County Domestic Violence Prevention, Policy, and Coordinating Council's Charter and Bylaws

ISSUE:

Approval of Charter and Bylaws of the Domestic Violence Prevention, Policy, and Coordinating Council.

TIMING:

Board action is requested on January 8, 2013.

BACKGROUND:

In June 2002, the Fairfax County Board of Supervisors formed a workgroup to examine the County's response to domestic violence and to identify best practices related to domestic violence issues, policy, and coordination. The workgroup included representatives from the County Executive's office, key County human service agencies, public safety, judicial, and community-based organizations.

After review of best practices in the region and around the nation, the workgroup concluded that the community's domestic violence response would benefit by bringing together top leadership of County and community organizations to form the Fairfax County Domestic Violence Prevention, Policy and Coordinating Council (Council) to act as an advisory body to the Board of Supervisors and to lead the development of a coordinated response on domestic violence issues. The Council was established on February 10, 2003, by the Board of Supervisors.

In July 2012, an ad hoc governance committee was formed to strengthen the function and scope of responsibility of the Council, including identifying the Council's mission, vision, and goals as well as clarifying membership obligations. The ad hoc committee presented a draft charter and bylaws to the Council on October 18, 2012. On that date, the Council unanimously approved the attached draft charter and bylaws.

Key elements of the charter and bylaws are as follows:

- A description of the Council's mission and vision statements as well as its guiding principles;

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- A listing of the Council's goals, as created by the Council members in July 2012, and the development of a corresponding committee structure which will effectuate the goals;
- A more clearly delineated membership list, along with a description of the obligations of all Council members; and
- An explanation of the Council meeting structure and the Council's collaboration efforts with the County's Domestic Violence Network, Domestic Violence Fatality Review Team (DVFRT) and the Domestic Violence Action Center (DVAC).

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – February 10, 2003 Board Item regarding the establishment of the Council

Attachment 2 – Council Charter & Bylaws

STAFF:

Patricia D. Harrison, Deputy County Executive

David P. Bobzien, County Attorney

Ina G. Fernández, Director, Office for Women & Domestic and Sexual Violence Services

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CONSIDERATION – 1

Establishment of a Domestic Violence Policy and Coordinating Council

ISSUE:

Establishment of a Domestic Violence Policy and Coordinating Council.

TIMING:

Action is requested on February 10, 2003.

BACKGROUND:

On November 19, 2001, the Board of Supervisors recognized the Domestic Violence Coalition for its efforts in the areas of domestic violence prevention and victim treatment. At that time, the Board of Supervisors also asked the Coalition (now named the Fairfax County Network Against Family Abuse or NAFA) to submit to the Board suggestions and recommendations on coordination of program responses with regard to domestic violence issues. NAFA recommended the formation of an oversight committee to address domestic violence issues in Fairfax County. NAFA stated to the Board that although they made progress in communicating problems and issues of domestic violence, NAFA experienced barriers in achieving the desired level of collaboration because it is not a decision making body. On June 17, 2002, the Board of Supervisors directed staff to review the information submitted by NAFA and to report back to the Board with a recommendation about the formation of an oversight committee for domestic violence issues.

Following the Board's directive, staff formed a planning work group to explore "best practices" with regard to domestic violence issues, policy and coordination. The planning work group included staff from the County Executive's office, several other County agencies and NAFA members. After review of some of the other practices in our region and around the nation, the work group concluded that our community's domestic violence response will benefit greatly by bringing together top leadership of County and community organizations with responsibility in the domestic violence area to form a Fairfax County Policy and Coordinating Council on Domestic Violence.

A coordinated response to domestic violence requires collaboration between law enforcement, probation and parole, prosecutors, judges, lawyers, mental health, health and family service agencies, educators, and community organizations. It

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recognizes the importance of effective legal response and community response that provides services such as sheltering, housing, financial support, employment support, social and medical services

The work group recommends for Board consideration the following functions and responsibilities, and composition for a Fairfax County Domestic Violence Policy and Coordinating Council.

Function and Scope of Responsibility:

It is envisioned that the Domestic Violence Policy and Coordinating Council will:

- Advise the Board of Supervisors on a range of policy, legislative and program issues related to domestic violence in our community.
- Develop a shared mission, vision and goals for a collaborated and coordinated response system to domestic violence issues in our community.
- Evaluate and monitor the quality and effectiveness of domestic violence services and the community and criminal justice responses in our community.
- Promote a clear understanding of domestic violence current laws, resources and issues in our community and engage community in a collective response to the prevention and intervention of domestic violence.
- Develop a strategic plan that focuses on the core issues of family violence consistent with the Code of Virginia and best practice information. Develop multi-system and collaborative strategies to improve legal and programmatic response to domestic violence issues in a consistent manner, including standardization of data collection and sharing.
- Identify additional resources (e.g. Federal and foundation grants, individual and corporate contributions, etc.) available to support the work and recommendations put forth by the Council.

Composition of the Domestic Violence Policy and Coordinating Council:

The following initial composition and membership is proposed for the Domestic Violence Policy and Coordinating Council, to be confirmed by the Board of Supervisors:

- Chief Judge – Circuit Court
- Chief Judge – General District Court
- Chief Judge – Juvenile and Domestic Relations Court
- Commonwealth's Attorney
- Fairfax County Sheriff
- Chief Magistrate
- Public Defender
- County Executive

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- County Attorney
- Chief of Police
- Fire Chief
- Director - Juvenile and Domestic Relations Court Services
- Director - Office for Women
- Director - Department of Family Services
- Executive Director - Fairfax-Falls Church Community Services Board
- Superintendent - Fairfax County Public Schools
- Inova Health Systems
- Legal Services of Northern Virginia
- Fairfax County Commission for Women
- NAFA - League of Women Voters
- NAFA - Community
- NAFA - Community
- NAFA - Community

Support:

Principle staff support will be provided by the Department of Systems Management for Human Services. In addition, staff from various County and community agencies currently represented in NAFA will also provide support in coordination with the Department of Systems Management for Human Services and the Deputy County Executive for Human Services.

Duration:

The Council will serve on an ongoing basis.

FISCAL IMPACT:

Funding to support the Council will be provided within existing appropriations.

ENCLOSED DOCUMENTS:

Memo to Chairman Hanley from Jewell Mikula, Co-Chair, NAFA with attachment.

STAFF:

Verdia L. Haywood, Deputy County Executive

Fairfax County Domestic Violence Prevention, Policy and Coordinating Council

Charter and Bylaws

Background

In June 2002, the Fairfax County Board of Supervisors formed a workgroup to examine the County's response to domestic violence and to identify best practices related to domestic violence issues, policy, and coordination. The workgroup included representatives from the County Executive's office, key County human service agencies, public safety, judicial, and community-based organizations.

After review of best practices in the region and around the nation, the workgroup concluded that the community's domestic violence response would benefit by bringing together top leadership of county and community organizations to form the Fairfax County Domestic Violence Prevention, Policy and Coordinating Council (the Council) to act as an advisory body to the Board of Supervisors and to lead the development of a coordinated response on domestic violence issues. The Council was established on February 10, 2003 by the Board of Supervisors.

In July 2012, an ad hoc charter workgroup was formed to strengthen the function and scope of responsibility of the Council. The charter and bylaws were adopted on XXXX.

Mission and Purpose

The mission of the Fairfax County Domestic Violence Prevention, Policy and Coordinating Council is to **unite** senior-level public officials and community leaders; to **advise** the Board of Supervisors on a range of domestic violence policy, legislative, and program issues; and to **guide** the development of a coordinated and collaborative community response to domestic violence in Fairfax County.

Vision Statement

Fairfax County is a community where all individuals are safe, respected, and valued; where any form of violence is unacceptable; and where a commitment to collective responsibility is upheld and embraced.

Goals

The goals of the Council were confirmed by the Board of Supervisors on (XXXX). Four (4) permanent committees will carry out the work, planning and activities of the defined goals.

Committee 1: Community Engagement

Goal: Engage the community in a collective response to the prevention and intervention of domestic violence.

Committee 2: Outcome and Evaluation

Goal: Support victim safety and autonomy and promote offender accountability and an opportunity for offenders to eliminate violent behavior in all forms.

Committee 3: Coordination and Consistency

Goal: Increase coordination and consistency of system and community interventions and service provision.

Committee 4: Policy, Funding and Legislation

Goal: Advise the Board of Supervisors on policy and legislative priorities for improving the county's response to domestic violence.

Each committee's work with these goals will be in collaboration with the Domestic Violence (DV) Network, the Domestic Violence Fatality Review Team (DVFRT), the Domestic Violence Action Center (DVAC), and our council partners.

Values and Guiding Principles

<p>Individual Rights and Responsibilities</p>	<p>Everyone deserves respect and safety regardless of age, cultural or ethnic background, ability, gender, immigration status, marital status, race, religion, sexual orientation, gender identity, or socio-economic status.</p> <p>Victims, offenders, and their families/household members, have the right to confidential, accessible, and affordable services.</p> <p>Victims have the autonomy to determine their own lawful response, appropriate to their culture, religion, and needs. Victims have the right to full and accurate information when making any decision. Victims have the right to make these determinations without fear of any retribution and/or repercussion.</p> <p>Offenders of domestic violence-related crimes are responsible for their behavior and are held legally accountable.</p>
<p>Accountability</p>	<p>The Council partners are accountable for creating, developing, and implementing policies and practices that prevent and respond to domestic violence in a culturally-sensitive and accessible manner that preserves the rights and dignities of all individuals involved.</p>
<p>Community Engagement</p>	<p>Our community is safer and served more effectively when systems and sectors work together to prevent, identify, and respond to domestic and sexual violence.</p> <p>Community responders must provide immediate crisis intervention and linkage to support services in a clear, culturally sensitive, easy-to-access way.</p> <p>Council partners will work to enable community members to be a part of the solution to end violence</p> <p>All community members can play an important role in the prevention and intervention of domestic violence by becoming active bystanders. Active bystanders are those who recognize a problem and decide to intervene in a way that feels safe and appropriate for them.</p>
<p>Prevention</p>	<p>Council partners will implement age-appropriate and culturally-sensitive prevention initiatives and policies that deter violence and promote positive relationships.</p> <p>Council partners will implement evidence and research based approaches to early intervention/prevention with children, youth, and families appropriate to our community.</p>
<p>Collaborative Response</p>	<p>Council partners recognize and address the intersections of other forms of oppression with domestic violence. These other forms of oppression include, but are not limited to, racism, sexism, heterosexism, classism, ableism, and ageism.</p> <p>The first priority of all Council partners is the safety of those impacted by domestic violence and the Council will work to promote a cross system, collaborative response.</p> <p>Council partners share a commitment to work in a respectful and collaborative manner to help reduce or eliminate barriers that impede the development of a coordinated response.</p>

Membership of Council

Government Membership

- *Board of Supervisor, member (TBD)*
- Chief Judge, Circuit Court
- Chief Judge, General District Court
- Chief Judge, Juvenile and Domestic Relations District Court
- Chief Magistrate
- Chief of Police, Fairfax City
- Chief of Police, Fairfax County
- Chief of Police, Town of Herndon
- Chief of Police, Town of Vienna
- Commonwealth's Attorney
- County Attorney
- Deputy County Executive, Human Services
- Deputy County Executive, Public Safety
- Director, Juvenile and Domestic Relations Court Services
- Director, Office for Women & Domestic and Sexual Violence Services
- Director, Health Department
- Director, Department of Neighborhood and Community Services
- Director, Department of Public Safety Communications
- Director, Department of Family Services
- Director, Office to Prevent and End Homelessness
- Executive Director, Fairfax-Falls Church Community Services Board
- Fire Chief, Department of Fire and Rescue
- Public Defender
- Representative, Fairfax County Commission for Women
- Sheriff, Fairfax County Sheriff's Office
- Superintendent, Fairfax County Public Schools

Community Membership

Up to 20 community leader representatives from the following list:

- Representative, Community Action Team
- Representative, Fairfax Bar Association
- Representative, Faith Communities in Action Domestic Violence Prevention Task Force
- Representative, George Mason University
- Representative, housing provider
- Representative, Legal Services of Northern Virginia
- Representative, (minimum three), marginalized and/or underserved populations
- Representative, medical provider
- Representative, military installation
- Representative, Northern Virginia Community College
- Representative, League of Women Voters of the Fairfax Area
- Representative from a certified Batterer Intervention program
- Representatives, up to 6 at-large

Membership and Council Obligations

Each member brings a unique and positive contribution to the overall vision and mission of the Council. The Council recognizes an effective and coordinated response to domestic violence requires collaboration across the entire community, at all levels. To achieve this coordinated response, an ongoing commitment and consistent participation from our leaders, partners, and community is integral to our planning and response efforts.

Member Obligations

Appointed members are expected to participate actively and consistently in the work of the Council, provide thoughtful input into discussion, focus on the best interests of the group rather than personal interests, and work towards accomplishment of the outlined goals. Members will:

- 1) attend all meetings;
- 2) have one vote;
- 3) have an understanding of the issues in the community and have the ability to provide input on an issue or decision;
- 4) notify primary staff contact, if he/she is unable to make a meeting;
- 5) be respectful of others opinions and ideas;
- 6) participate in the discussions with openness and honesty;
- 7) be thoroughly prepared for each meeting;
- 8) maintain the confidentiality agreed upon;
- 9) share equally in the responsibility to reach consensus successfully;
- 10) be responsible for appointing a chairperson;
- 11) have the ability to bring a matter or concern to the attention of the council, prior to the regularly scheduled meeting, to be placed on the agenda by contacting the Chairperson or Domestic Violence County-wide coordinator.

If a council member cannot make a meeting or obligation, he/she will notify the primary staff contact of absence and shall designate an alternate to represent the organization on his/her behalf. The alternate will:

- 1) serve and vote in place of the appointed council member;
- 2) have an understanding of the issues in the community and have the ability to provide input on an issue or decision and participate in discussion.

Community Membership Obligations and Terms

Community members will serve a three (3) year term and may be reappointed to the Council for an unlimited number of terms. Community members

- 1) will be selected by the nomination ad hoc committee and appointed by the full council;
- 2) share the same rights and responsibilities as the "Member Obligations" listed above.

Chairperson's Obligations and Terms

The Council shall appoint a chairperson to serve a three (3) year term on the Council. The chairperson shall:

- 1) collaborate with domestic violence staff/contacts in the development of council meeting agendas;
- 2) partner and serve as a liaison to DV Network;
- 3) ensure active participation and consistent attendance by all members;
- 4) be nominated by the ad hoc committee; and be voted and appointed by the full Council;
- 5) establish special or ad hoc committees as needed.

Election of Chairperson and Community Membership

A nomination ad hoc committee will form one year prior to the close of the three year term.

- 1) The ad hoc committee will solicit names for community membership from organizations and individuals who have knowledge, expertise, and/or experience in the DV area.
- 2) The ad hoc committee will seek names for chairperson from the full council.
- 3) The ad hoc committee will bring forward names of the nominated community membership and chairperson to the full committee at their October meeting for vote.

Membership Resignation

In the event a council member is unable to fulfill his/her obligations, a member may resign upon written notice to the Chair of the Council and the County-Wide Domestic Violence Coordinator. The council may elect to appoint a replacement immediately.

Meeting Structure and Support of Council

The council meets four (4) times a year in the months of January, April, July and October for two (2) hours in length.

All decisions requiring a vote shall be made, in person, by majority vote of the members in attendance.

Four (4) permanent committees will carry out the work of the goal areas. Council members are expected to be active in, at least one (1) committee of their choice. In addition, each committee area will:

- 1) work collaboratively with the Domestic Violence (DV) Network, the Domestic Violence Fatality Review Team (DVFRT), the Domestic Violence Action Center (DVAC), and our council partners;
- 2) be responsible for electing two co-chairs within their respective committee;
- 3) be responsible for setting their own dates and times to meet outside of the regular scheduled council area;
- 4) setting their own strategic area, action plan;
- 5) be responsible for reporting out at Council meetings to the full group.

Support of Council

The Office for Women and Domestic and Sexual Violence Services will provide principal staff support through the County-Wide Domestic Violence Coordinator. Under the leadership of the Deputy County Executive, the Director of Family Services, and the County-Wide Domestic Violence Coordinator, staff from various county and community agencies will also provide technical and analytical support

Amendments

The charter and bylaws may be amended at the discretion of the council to support the ongoing development of the mission, vision and goals of the Domestic Violence Prevention, Policy and Coordinating Council.

INFORMATION – 1

Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers

The Government Finance Officers Association of the U.S. and Canada (GFOA) has again recognized the superior quality of financial information Fairfax County makes available to the public. The County's Comprehensive Annual Financial Report (CAFR), the Integrated Sewer System's CAFR, the CAFRs of all three Fairfax County retirement systems, and the County's Annual Budget were recognized with GFOA's highest forms of recognition.

The County's CAFR was awarded the Certificate of Achievement for Excellence in Financial Reporting for the thirty-fifth consecutive year and the Integrated Sewer System received this certificate for the ninth consecutive year. The Certificate of Achievement for Excellence in Financial Reporting has been awarded to all three Fairfax County retirement systems (the Employees', Police Officers and Uniformed Retirement Systems) by the Government Finance Officers Association of the United States and Canada (GFOA) for their respective comprehensive annual financial reports (CAFRs) for the fiscal year ended June 30, 2011. This marks the second consecutive year that all three systems have received this award since first applying for consideration. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. An impartial panel determined that the CAFRs demonstrate a constructive "spirit of full disclosure" to clearly communicate their financial stories and motivate potential users to read the CAFRs.

This is the 28th consecutive year that Fairfax County has received GFOA's Distinguished Budget Presentation Award. In October 2012, GFOA notified the County that the FY 2013 Annual Budget met the criteria for this award, which represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff in meeting the highest principles of public budgeting. To receive this award, a budget must be judged proficient in each of four major categories: as a policy document, financial plan, operations guide and communications guide. In July 2012, the International City/County Management Association (ICMA) announced that it had awarded its Certificate of Excellence to Fairfax County. The County is among only 26 jurisdictions across the nation being recognized for their superior efforts and results in performance measurement and management with this award, the

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organization's highest level of recognition, from the ICMA Center for Performance Measurement™ (CPM). The Certificate of Excellence is the highest of CPM's three levels of recognition, and pays special tribute to the County's efforts in identifying and reporting to the public key outcome measures, surveying of residents and employees, as well as the pervasiveness of performance measurement in our organization's culture.

ENCLOSED DOCUMENTS:

None

STAFF:

Susan W. Datta, Chief Financial Officer and Director, Department of Management and Budget

Victor L. Garcia, Director, Department of Finance

Robert L. Mears, Director, Retirement Administration

INFORMATION – 2

Service Adjustments for Fairfax Connector Bus Service Effective January 2013

This item is to notify the Board that the Fairfax County Department of Transportation intends to make several schedule and/or routing changes to Fairfax Connector service effective January 12, 2013.

Service adjustments:

Route 304 (Lee, Mount Vernon, Springfield): Service eliminated and replaced by new services, Route 372 and Route 394.

Route 371 (Lee, Mount Vernon, Springfield): Modify service provided in the early morning, mid-day, evening and weekends. Peak service will be provided by Route 372 and Route 373.

Route 372 (Lee, Mount Vernon, Springfield): New peak service along Alban Road and Backlick Road to link the Lorton Virginia Railway Express Station (VRE) to the Franconia-Springfield Metrorail Station.

Route 373 (Lee, Mount Vernon, Springfield): New peak service along Rolling Road, Fullerton Road and Boston Boulevard to link the Lorton VRE Station to the Franconia-Springfield Metrorail Station.

Route 394 (Lee, Mount Vernon, Springfield): New peak, express service from the Saratoga Park-and-Ride to the Pentagon Transit Center.

BACKGROUND:

Over the past year, there have been several bus service changes within the Backlick Road/Saratoga corridor. The service changes began in September 2011, with bus service augmentation and adjustment to accommodate the Base Realignment and Closure (BRAC) movements to Fort Belvoir. The current proposed changes are a continuation of the previously implemented changes to serve new ridership generators, and improve ridership and service in the corridor.

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In September 2011, the BRAC bus service plan was implemented. In the first few months following the BRAC related service changes, ridership increased in the corridor. However, the success of a few restructured and newly implemented routes negatively impacted the ridership on other routes.

In March 2012, a significant analysis and public outreach effort was started, which included on-board rider surveys and public meetings. The results of the effort were several proposed bus service changes some, of which were made in October 2012. Due to negative public response to some of the proposed changes, not all of the proposed changes were implemented and an adjustment to the plan was required.

The proposed service changes incorporate comments received from the public. The proposed changes include: providing express bus service from the Saratoga Park-and-Ride and Saratoga neighborhood to the Pentagon; providing local bus service from the Saratoga Park-and-Ride to the Franconia-Springfield Metrorail Station; and maintaining bus service along segments that would have been otherwise eliminated due to the adjustments.

Unless otherwise directed by the Board, the Department of Transportation will implement these service changes January 12, 2013.

FISCAL IMPACT:

The estimated cost in FY 2013 for the proposed changes is \$67,718 for a partial year of service. This funding can be accommodated with the existing funding levels in the FY 2013 revised budget plan.

ENCLOSED DOCUMENTS:

Attachment 1: Route 372/373: Springfield Metro – Lorton Line

Attachment 2: Route 394: Saratoga – Pentagon Express Line

STAFF:

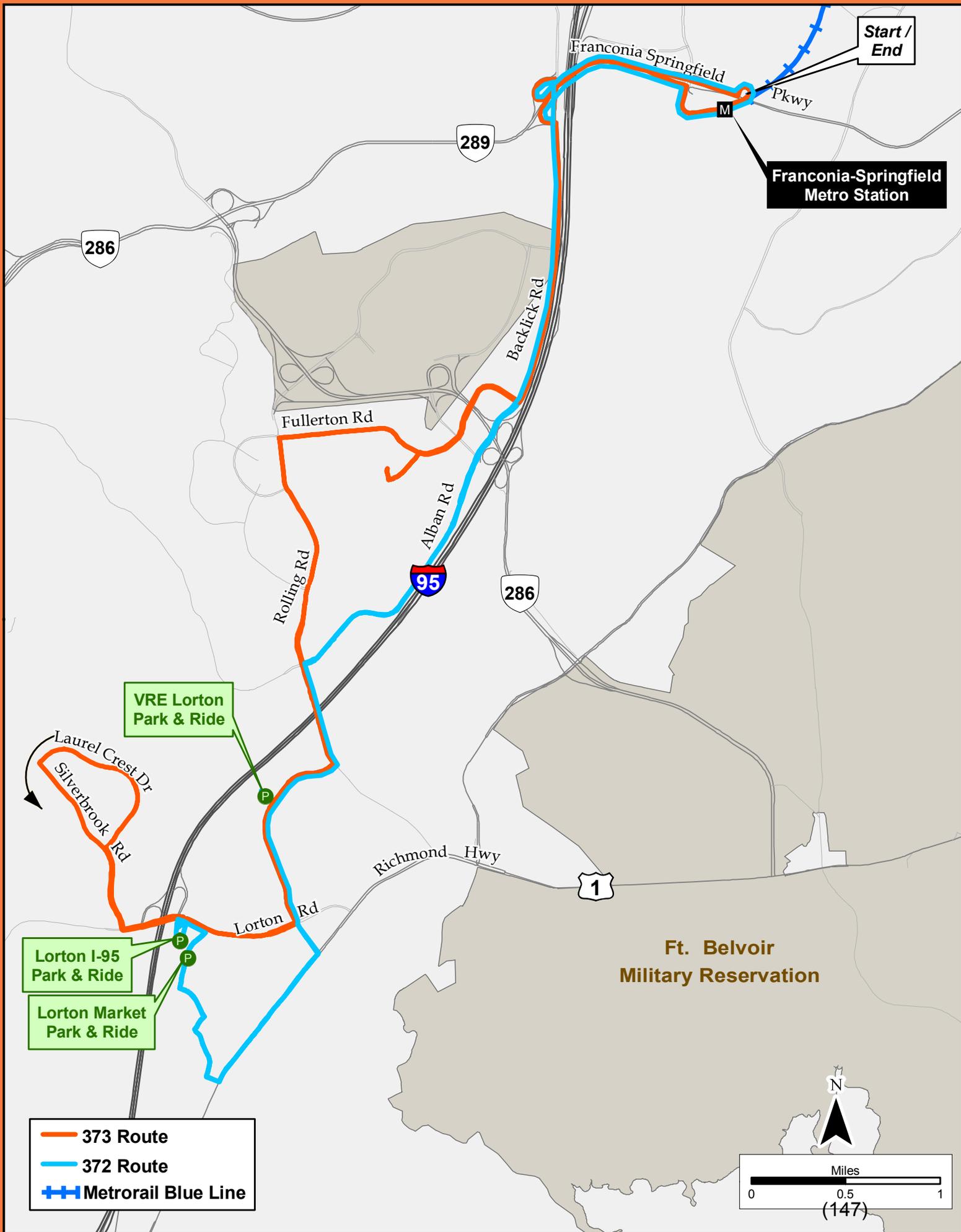
Robert A. Stalzer, Deputy County Executive

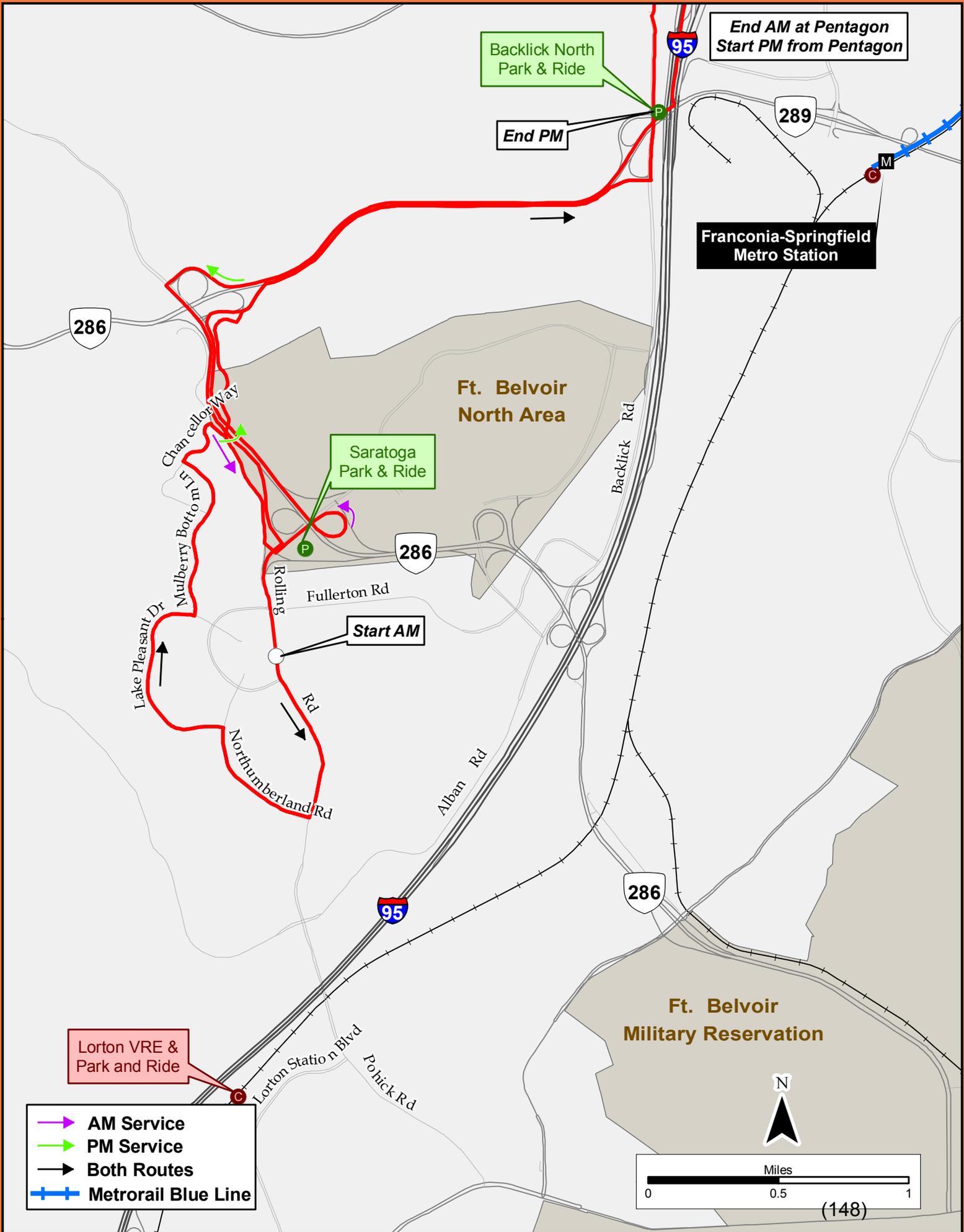
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Acting Chief, Transit Services Division, FCDOT

Christin Wegener, Fairfax Connector Section, FCDOT

Paul Mounier, Fairfax Connector Section, FCDOT





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10:50 a.m.

Matters Presented by Board Members

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11:40 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)*
 - 2. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose E. Lainez, Case No. CL-2011-0013803 (Fx. Co. Cir. Ct.) (Mason District)*
 - 3. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol, Case No. CL-2012-0009121 (Fx. Co. Cir. Ct.) (Lee District)*
 - 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., et al., Case No. CL-2009-0014727 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
 - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., Case No. CL-2012-0003389 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Sadeghian and Shahrzad Marzban, Case No. CL-2012-0005049 (Fx. Co. Cir. Ct.) (Dranesville District)*

7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michelle Sotiropoulos*, Case No. CL-2012-0012540 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tatjana Ute Fernandez and Gil Blanco Benitez*, Case No. CL-2012-0008162 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Antoniel F. Deleon and Estela C. Barrios*, Case No. CL-2012-0010803 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Deochand Narish Lawkaran and Leelawattee Mahabal*, Case No. CL-2012-0006282 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ruben R. Nunez and Lucila N. Nunez*, Case No. CL-2012-0013470 (Fx. Co. Cir. Ct.) (Braddock District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mai Land Corporation and Unidos, Inc., t/a Las Americas Restaurant*, Case No. CL-2012-0010167 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne Kreiser*, Case No. CL-2012-0008224 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thelma D. Avery and Twanda D. Arrington*, Case No. CL-2012-0010165 (Fx. Co. Cir. Ct.) (Braddock District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kee Cho Han and Ae Young Han*, Case No. CL-2012-0010629 (Fx. Co. Cir. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Frank W. Paul, Janet M. Gallo, and Martin G. Gallo*, Case No. CL-2012-0008380 (Fx. Co. Cir. Ct.) (Mount Vernon District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abolhassan Zarandazchi and Fariba Javaherian*, Case No. CL-2012-0015184 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile*, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phyllis D. Grandon and Ruth E. Perrin*, Case No. CL-2012-0004441 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Suzan D. Lewett and Affectionate Pet Care, LLC*, Case No. CL-2012-0009759 (Fx. Co. Cir. Ct.) (Springfield District)
23. *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)
24. *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)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judith C. Stover*, Case No. CL-2012-0008991 (Fx. Co. Cir. Ct.) (Hunter Mill District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Airlie Real Estate Trust #95-04530 and Jeffrey Sedgwick, Trustee*, Case No. CL-2012-0017559 (Fx. Co. Cir. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert John Rindo*, Case No. CL-2012-0017557 (Fx. Co. Cir. Ct.) (Mason District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. MBK Properties, LLC*, Case No. CL-2012-0017865 (Fx. Co. Cir. Ct.) (Dranesville District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John W. Schmeling*, Case No. CL-2012-0017864 (Fx. Co. Cir. Ct.) (Mason District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard Morato and Elizabeth G. Weber*, Case No. CL-2012-0018122 (Fx. Co. Cir. Ct.) (Providence District)

31. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Houy Team Tang and Bun Hout Tang*, Case No. CL-2012-0018123 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Board of Supervisors of Fairfax County, Virginia v. Kenan Yamaner and Stacy Yamaner*, Case No. CL-2012-0018217 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Milagros B. Iglesias, Trustee, or Successor Trustee(s), as Trustee(s) of The Milagros B. Iglesias Trust 25AUG10*, Case No. CL-2012-0018398 (Fx. Co. Cir. Ct.) (Providence District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michele Ann Von Kelsch*, Case No. GV12-014861 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vladimir H. Altamirano and Sandra Z. Altamirano*, Case No. GV12-026232 (Fx. Co. Gen. Dist. Ct.) (Providence District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gholamreza Djauadkhani and Ashrafolsadat Miraghapourtarah*, Case No. GV12-027154 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Elmer Portillo*, Case Nos. GV12-026996 and GV12-027955 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yolanda Argueta and Jose Rivas*, Case Nos. GV12-026997 and GV12-027954 (Fx. Co. Gen. Dist. Ct.) (Lee District)
39. *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)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rashid Miraj*, Case No. GV12-028028 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Fernando Velasco and Ybis Jovana Velasco-Lopez*, Civil Case Nos. GV12-028029 and GV12-028029 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roger L. Jones and Erma G. Jones*, Case No. GV12-028599 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

43. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Murali D. Raju and Jamuna D. Raju*, Case No. GV12-028742 (Fx. Co. Gen. Dist. Ct.) (Mason District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wayne F. Sandross and Lisa L. Sandross*, Case No. GV12-028906 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Herbert H. Becker*, Case No. GV12-028905 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Antonio Vigil Cruz*, Civil Case Nos. GV12-028029 and GV12-028030 (Fx. Co. Gen. Dist. Ct.) (Mason District)
47. *Board of Supervisors of Fairfax County, Virginia v. Equity Homes, LLC, Ray Yancey, Trustee, and Arch Insurance Company*, Case No. CL-2012-0003600 (Fx. Co. Cir. Ct.) (Braddock District)

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3:00 p.m.

Decision Only on the Proposed Creation of a Tysons Transportation Service District

ISSUE:

Decision only on the proposed creation of a Tysons Transportation Service District within Fairfax County. The District would generally encompass the area within the Tysons Corner Urban Center, as set forth in the Comprehensive Plan and as shown on the map in Attachment 1.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Ordinance to establish a Tysons Transportation Service District.

TIMING:

On October 30, 2012, the Board authorized the advertisement of a Public Hearing on the proposed creation of a Tysons Transportation Service District (Service District) within Fairfax County. The Board held a public hearing on December 4, 2012, and deferred decision only to January 8, 2013. Approval would provide the option to levy a service district tax for 2013 on taxable property within the Service District, with the Service District tax rate to be set as part of the FY2014 Budget process.

BACKGROUND:

On June 22, 2010, the Board adopted an amendment to the Comprehensive Plan for Tysons. This action was the culmination of a multi-year effort that created a new vision for Tysons as a walkable, transit-oriented downtown for Fairfax County. This vision reflects the status of Tysons as the County's urban center and as a powerful economic engine for both the County and the Commonwealth of Virginia.

At its meeting on March 29, 2011, the Board requested that the Planning Commission, working with staff, develop an inclusive process to address, among other things, Tysons Follow-On Motion #1, related to financing infrastructure. In response, the Planning Commission reconstituted its Tysons Committee ("the Committee"), which was chaired by At-Large Commissioner Walter Alcorn. The Committee adopted an inclusive process, which included 24 meetings over a period of 17 months. During its deliberation, upon this input, the Committee developed recommendations, which were approved by the Planning Commission on September 20, 2012. On October 16, 2012, the Board heard public comment on the Planning Commission's recommendations. At the

Board Agenda Item
January 8, 2013

conclusion of the comments, among other motions, the Board endorsed the Planning Commission's funding plan and directed staff to prepare an item for authorization of a public hearing on the proposed Tysons Transportation Service District. On October 30, 2012, the Board authorized the advertisement of the public hearing for December 4, 2012. The Board also directed staff to send notice of the public hearing to all owners of property within the proposed Tysons Transportation Service District. A notice, dated November 8, 2102, was sent to the over 6,000 property owners within the boundary of the proposed district informing them of the public hearing and providing information on how to get more information and participate in the process.

The funding plan is a multi-faceted approach to funding transportation infrastructure in Tysons. Based on the unique attributes of each category, funding sources are proposed for each of the four major components of the multi-modal infrastructure improvements. The grid of streets is to be funded primarily by in-kind and per square foot/per unit road fund contributions from developers/landowners; neighborhood and access improvements and transit are to be funded primarily from public sources; and, the Tysons-wide road improvements are to be funded primarily by public sources for the projects outside of the boundaries of Tysons and by developer/landowner sources for the improvements inside of Tysons. This latter category is projected to cost approximately \$506 million in 2012 dollars, with funding proposed to come from two sources; half (\$253 million) from per square foot/per unit road fund contributions from developers/landowners and half (\$253 million) from a Tysons Transportation Service District.

The Service District would have a boundary as shown in Attachment 1 that is generally consistent with the Tysons Corner Urban Center, as defined in the Comprehensive Plan, and that also includes portions of the right-of-way of the Dulles Toll Road, the Dulles Connector Road and I-495, so that revenues from the Service District can be used for improvements to those facilities. Most of the Tysons-wide Road improvements are contained within the proposed boundary. While the Service District would fund projects that benefit all of the residential and non-residential landowners within Tysons, initial projects are anticipated to be those projects that would provide the most benefit to the most properties. The Planning Commission also recommended that the County conduct an annual review of the status of the projects, yearly tax rates, prioritization of projects and their timing, and the pace of construction as related to new development, and that a Tysons Transportation Service District Advisory Board (Advisory Board) be created to advise the Board on those matters. A separate item is included in the Board package related to the establishment of the Advisory Board.

Revenue generated from the Service District can only be used for the purposes stated in the proposed ordinance that establishes the Service District and must be spent to provide services or improvements within the boundary of the proposed Service District.

The purpose of the Service District, as stated in Attachment 2, would be for the following purposes only:

“Transportation facilities, equipment, and services will be provided within the District, including but not limited to (i) planning and evaluation of infrastructure and transit routes, (ii) designing, acquiring rights-of-way for, constructing, improving, maintaining, and operating roads, streets, and other transportation infrastructure projects, (iii) equipping, operating, and maintaining transit services, and (iv) public outreach and education regarding such transportation infrastructure and transit services.”

Sources other than those raised from the Service District will be used to fund the remainder of costs for the transportation infrastructure improvements identified within the Tysons Comprehensive Plan. It is anticipated that the Service District revenue would fund approximately 8.2% (\$253,000,000 in 2012 dollars) of the total estimated cost of \$3.1 billion for these improvements.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Tysons Transportation Service District Boundary

Attachment 2: Ordinance to adopt the creation of a Tysons Transportation Service District

STAFF:

Robert A. Stalzer, Deputy County Executive

Barbara Byron, Director, Office of Community Revitalization (OCR)

Tom Biesiadny, Director, Department of Transportation

James McGettrick, Assistant County Attorney

Joe LaHait, County Debt Manager, Department of Management and Budget (DMB)

Leonard Wales, Financing Advisor, DMB

Scott Sizer, Revitalization Program Manager, OCR

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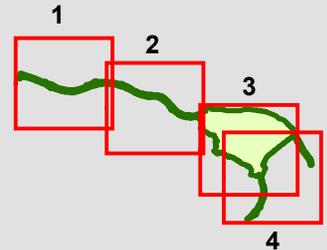
**Proposed Boundaries of
the Tysons Transportation
Service District**

Map Layers:

-  Proposed Tysons Transportation Service District Boundary
-  Parcel Boundaries
-  Tax Map Grid

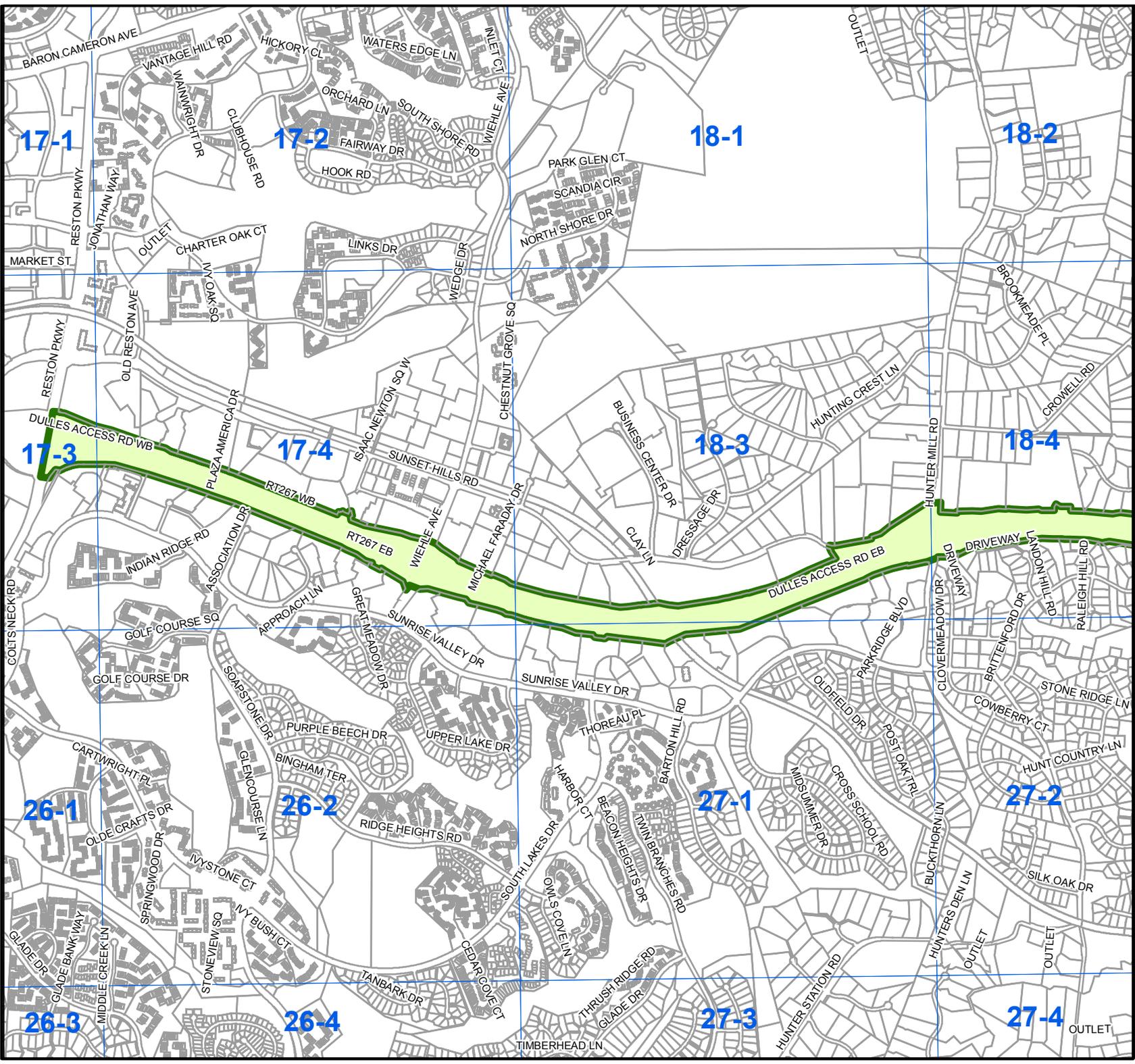
Map Sheet 1

Map Sheet Layout



October 19, 2012

(161)



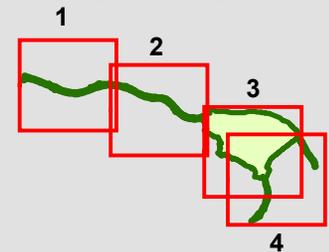
Proposed Boundaries of the Tysons Transportation Service District

Map Layers:

-  Proposed Tysons Transportation Service District Boundary
-  Parcel Boundaries
-  Tax Map Grid

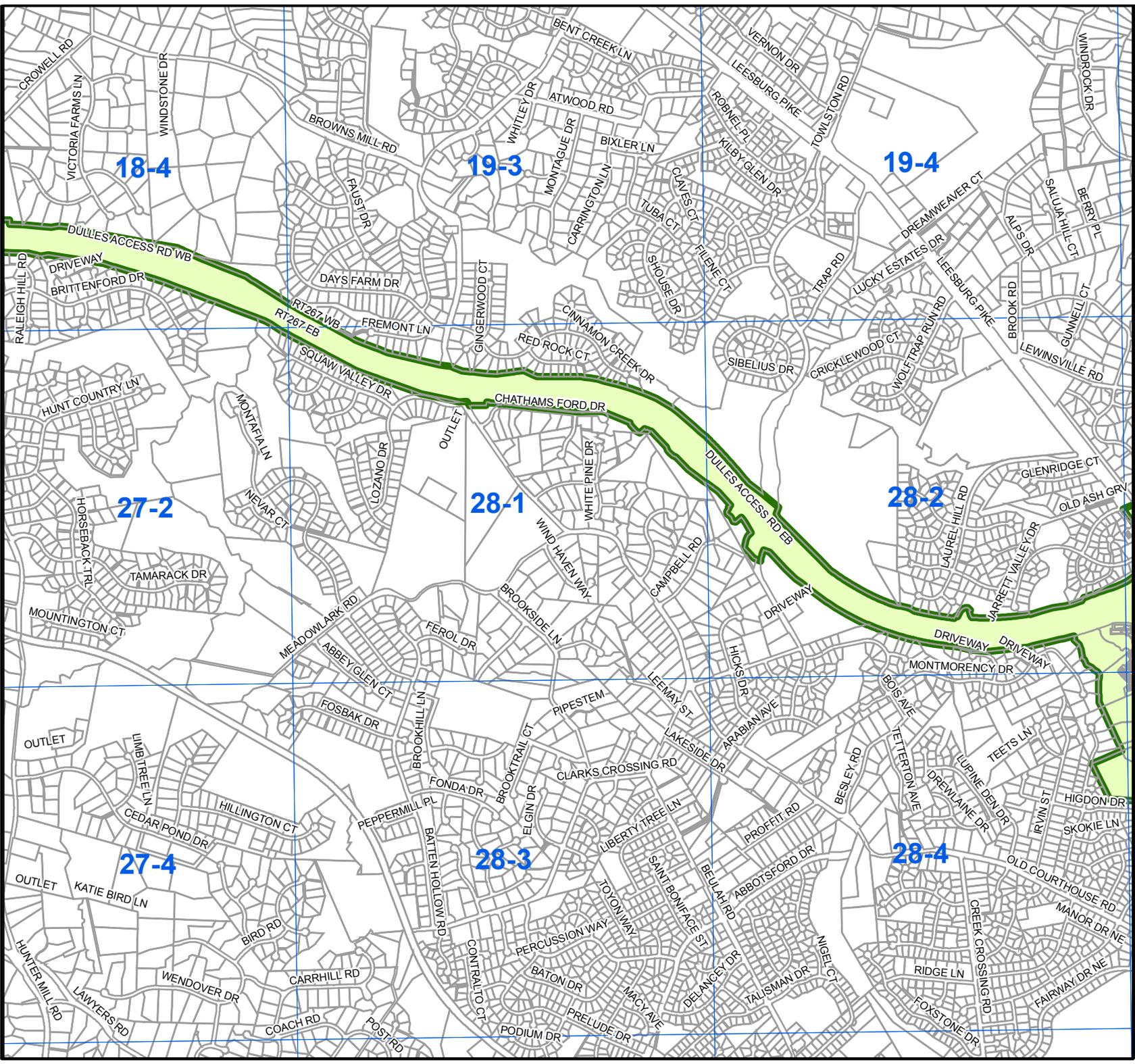
Map Sheet 2

Map Sheet Layout



October 19, 2012

(162)



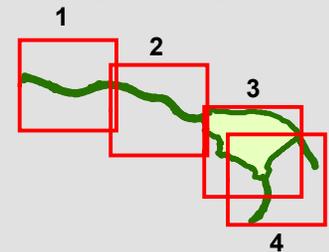
**Proposed Boundaries of
the Tysons Transportation
Service District**

Map Layers:

-  Proposed Tysons Transportation Service District Boundary
-  Parcel Boundaries
-  Tax Map Grid

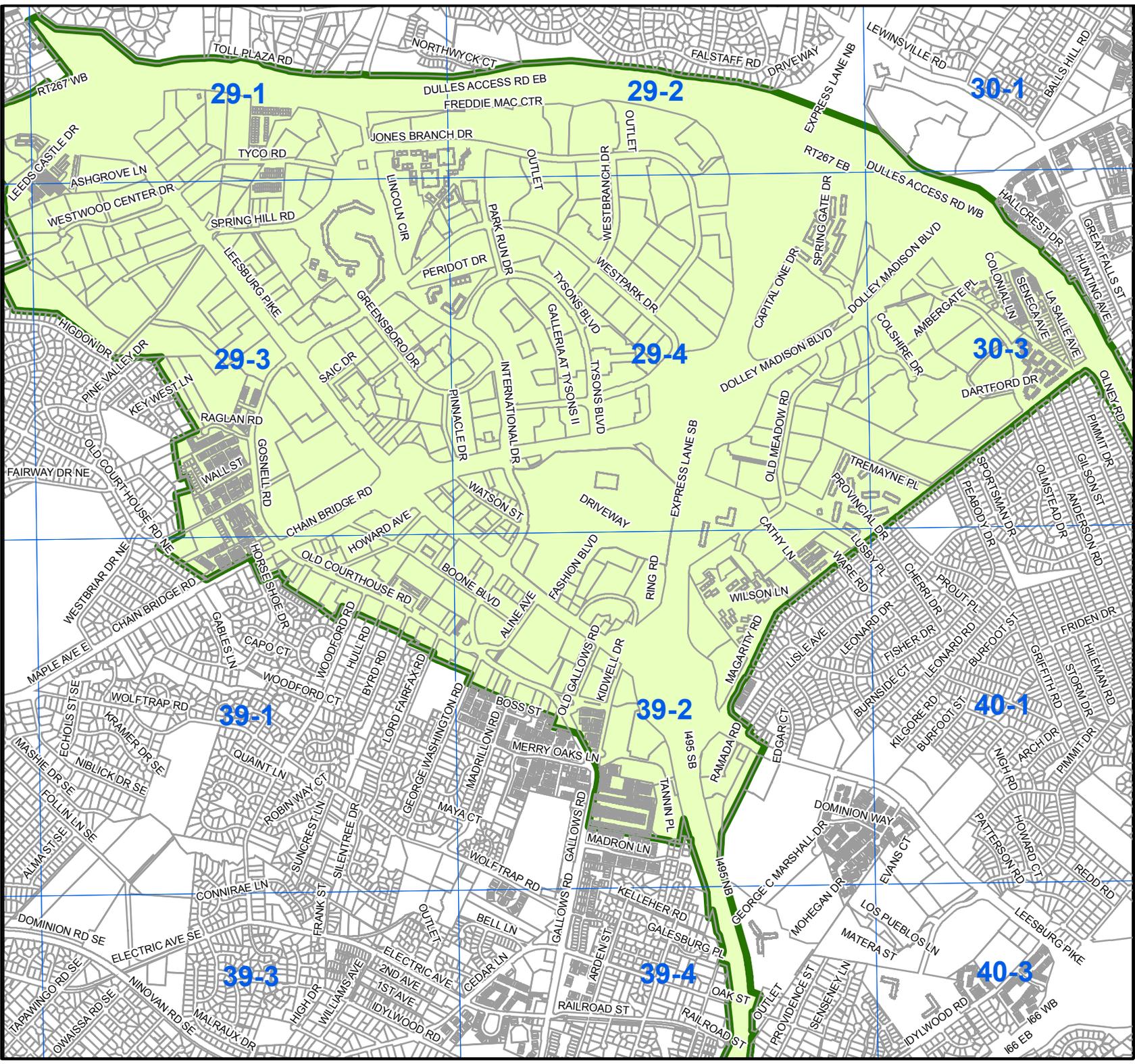
Map Sheet 3

Map Sheet Layout



October 19, 2012

(163)



DRAFT ORDINANCE TO ESTABLISH A TYSONS TRANSPORTATION SERVICE DISTRICT

AN ORDINANCE to enact an Appendix U to the 1976 Code of the County of Fairfax to establish a Tysons Transportation Service District to provide transportation infrastructure and transit services.

Be it ordained by the Board of Supervisors of Fairfax County, Virginia:

1. *That the following ordinance is adopted:*

Appendix U -Fairfax County Tysons Transportation Service District No. 1

- Section 1. Creation of the Tysons Transportation Service District No. 1; name and boundaries
- Section 2. Purpose of the Tysons Transportation Service District No. 1
- Section 3. General provisions and powers
- Section 4. Facilities and services to be provided
- Section 5. Plan for transportation services and facilities
- Section 6. Benefits to be expected from the Tysons Transportation Service District No. 1

Section 1. Creation of the Tysons Transportation Service District No. 1; Name and Boundaries.

The Board of Supervisors of Fairfax County, Virginia, ("Board") hereby creates a service district which shall be known as Tysons Transportation Service District No.1 (the "District"). The District shall include the area as shown on the attached maps, which maps are incorporated in and made part of this Ordinance.

Section 2. Purpose of the District.

The District is created to provide revenue for constructing transportation infrastructure and operating transit services and activities that will enhance public use and enjoyment of the area within the District and public safety, public convenience, and public well-being within the District.

Section 3. General provisions and powers.

The Board shall be the governing body of the District and may exercise any of the powers and duties with respect to service districts set forth in Article 4 of Chapter 24 of Title 15.2 of the Code of Virginia, as amended.

Section 4. Facilities and services proposed within the District.

Transportation facilities, equipment, and services will be provided within the District, including but not limited to (i) planning and evaluation of infrastructure and transit routes, (ii) designing, acquiring rights-of-way for, constructing, improving, maintaining, and operating roads, streets, and other transportation infrastructure projects, (iii) equipping, operating, and maintaining transit services, and (iv) public outreach and education regarding such transportation infrastructure and transit services.

Section 5. Plan for transportation services and improvements.

Resources of the District, together with resources which may be made available from other sources, will be used to provide revenue needed to provide the transportation facilities, equipment, and services described in Section 4. Such resources may be used to fund staff and contractors to perform work to provide such transportation facilities, equipment, and services. Capital project design and construction will be in accordance with the Fairfax County Public Facilities Manual, the Fairfax County Capital Improvement Program and the Tysons's Transportation Funding Plan prepared in consultation with the Board.

Section 6. Benefits expected from the provision of transportation facilities, equipment, and services within the District.

The transportation facilities, equipment, and services to be provided within the District are expected to benefit property located within the District by enhancing public use, enjoyment, safety, convenience, and well-being within the District by constructing and operating new capital transportation projects, establishing new transit services, improving sidewalks and trails, and addressing existing transportation inefficiencies.

2. *That the provisions of this ordinance are severable, and if any provision of this ordinance is held invalid, that invalidity shall not affect the other provisions which can be given effect without the invalid provision.*

3. *That this ordinance shall become effective at 12:01 a.m. on January 8, 2013.*

Board Agenda Item
January 8, 2013

3:00 p.m.

Public Hearing on RZ 2010-PR-019 (Kettler Sandburg, LLC) to Rezone from R-1 to PDH-3 to Permit Residential Development with an Overall Density of 2.64 and Approval of the Conceptual Development Plans, Located on Approximately 2.28 Acres of Land (Providence District)

This property is located on the West side of Sandburg Street, South of Elm Place and North of Idylwood Road. Tax Map 39-4 ((1)) 46 and 47.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 13, 2012, the Planning Commission voted 8-0-1 (Commissioner Migliaccio abstaining; Commissioner Alcorn not present for the votes; Commissioners Donahue and Flanagan absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject application:

- 1) Approval of RZ 2010-PR-019 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated September 11, 2012;
- 2) Deviation of the tree preservation target requirement in favor of that shown on the CDP/FDP;
- 3) Waiver of Section 11-302 (1) of the Zoning Ordinance that private streets within a development be limited to those which are not designed to provide access to adjacent developments.

The Commission also voted 8-0-1 (Commissioner Migliaccio abstaining; Commissioner Alcorn not present for the vote; Commissioners Donahue and Flanagan absent from the meeting) to approve FDP 2010-PR-019, subject to the development conditions dated August 30, 2012, and the Board's approval of the associated Rezoning and Conceptual Development Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4390054.PDF>

STAFF:

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

William Mayland, Department of Planning and Zoning

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Planning Commission Meeting
September 13, 2012
Verbatim Excerpt

RZ/FDP 2010-PR-019 – KETTLER SANDBURG, LLC

Decision Only During Commission Matters
(Public Hearing held on July 12, 2012)

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-019 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED SEPTEMBER 11TH, 2012.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. 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 2010-PR-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Migliaccio: I abstain; not present for the public hearing.

Chairman Murphy: All right. Mr. Migliaccio abstains; not present for the public hearing. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED AUGUST 30TH, 2012, AND THE BOARD'S APPROVAL OF THE ASSOCIATED REZONING AND CONCEPTUAL DEVELOPMENT PLAN.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2010-PR-019, subject to the Board's approval of the Rezoning and Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I move that the Planning –

Chairman Murphy: Same abstention.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A DEVIATION OF THE TREE PRESERVATION TARGET REQUIREMENT IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: And last, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 11-302 (1) OF THE ZONING ORDINANCE REQUIREMENT THAT PRIVATE STREETS WITHIN A DEVELOPMENT BE LIMITED TO THOSE WHICH ARE NOT DESIGNED TO PROVIDE ACCESS TO ADJACENT DEVELOPMENTS.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried by votes of 8-0-1 with Commissioner Migliaccio abstaining; Commissioner Alcorn not present for the votes; Commissioners Donahue and Flanagan absent from the meeting.)

JN

Board Agenda Item
January 8, 2013

3:30 p.m.

Public Hearing on PRC 86-C-121-04 (Reston Spectrum LLLP & Harris Teeter Properties, LLC) to Approve the PRC Plan Associated with RZ 86-C-121 to Permit Mixed Use Development, Located on Approximately 24.29 Acres of Land Zoned PRC (Hunter Mill District)

This property is located North of New Dominion Parkway, East of Fountain Drive, West of Reston Parkway and South of Baron Cameron Avenue. Tax Map 17-1 ((1)) 3K, 3P and 3Q.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 1, 2012 the Planning Commission voted unanimously (Commissioners Hart and Sargeant absent from the meeting) to recommend to the Board of Supervisors:

- Approval of PRC 86-C-121-04, subject to the development conditions dated October 24, 2012;
- Modification of the loading space requirement to that shown on the PRC plan;
- Modification of the trail requirement along Baron Cameron Avenue property frontage to that shown on the PRC plan;
- Modification of the parking lot setback requirement along Fountain Drive to that shown on the PRC plan; and
- Modification of the peripheral parking lot landscaping requirement along Fountain Drive to that shown on the PRC plan.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4400814.PDF>

Staff Report Addendum 1 previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4400816.PDF>

STAFF:

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

St.Clair Williams, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
November 1, 2012
Verbatim Excerpt

PRC 86-C-121-04 – RESTON SPECTRUM, LLLP AND HARRIS TEETER PROPERTIES, LLC

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. de la Fe please.

Commissioner de la Fe: Thank you, Mr. Chairman. And I thank the two representatives from – or residents of the Paramount. We usually have Mary Allen represent the Paramount and she has been at all the meetings. And the fact that she wasn't here – I have spoken with her and she is satisfied. She was satisfied last year and she's still satisfied that this would – given what could happen, this is as good as you can get being a resident at the Paramount and that their – their concerns, at least as she had discussed them, had been addressed to the extent possible. And I think, as I mentioned before, that this plan brings to fruition what was originally thought of for this area. It now would become an extension of the urban core of the Town Center all through – you know, so that the Town Center, in effect, will go all the way to Baron Cameron as a – you know, as a pedestrian-friendly and residential area rather than just a shopping center. So I think that this meets those criteria. Mr. Chairman, I move that the Planning Commission recommend – and this has been recommended for approval by the Reston Planning and Zoning Committee. They did it the first time around and they have recommended it again. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PRC 86-C-121-04, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 24, 2012.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRC 86-C-121-04, say aye.

Commissioners: Aye.

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

Commissioner de la Fe: Mr. Chairman, I move that the – there's a number of motions.

Chairman Murphy: I got it.

Commissioner de la Fe: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE LOADING SPACE REQUIREMENT TO THAT SHOWN ON THE PRC PLAN.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRAIL REQUIREMENT ALONG THE BARON CAMERON AVENUE PROPERTY FRONTAGE TO THAT SHOWN ON THE PRC PLAN.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE PARKING LOT SETBACK REQUIREMENT ALONG FOUNTAIN DRIVE TO THAT SHOWN ON THE PRC PLAN.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT ALONG FOUNTAIN DRIVE TO THAT SHOWN ON THE PRC PLAN.

Commissioner Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much.

Chairman Murphy: Thank you.

//

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

JLC

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Board Agenda Item
January 8, 2013

3:30 p.m.

Public Hearing on RZ 2012-LE-005 (Mussarat S. Ahmad, Adeela I. Ahmad, Tanzeela I. Ahmad) to Rezone from R-1 and HC to PDH-5 and HC to Permit Residential Development with an Overall Density of 4.86 Dwelling Units per Acre, Approval of the Conceptual Development Plan, Waiver of the Minimum District Size Requirements and a Waiver 24949-WPFM-001-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 1.03 Acres of Land (Lee District)

This property is located on the East side of Villa Street Approximately 500 Feet South of its intersection with Franconia Road. Tax Map 81-4 ((3)) L and M.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 8, 2012 the Planning Commission voted unanimously (Commissioners Alcorn, de la Fe, Donahue and Hurley absent from the meeting) to recommend to the Board of Supervisors:

- Approval of RZ 2012-LE-005 and the associated CDP, subject to the execution of proffers dated November 7, 2012;
- Approval of waiver #24949-WPFM-001-1 of Section 6-303.8 of the PFM to allow an on-site underground stormwater detention facility in a residential development, subject to the waiver conditions dated September 20, 2012 in Attachment A of Appendix 13 in the staff report;
- Waiver of the minimum district size for a PDH-5 District from 2 acres to 1.03 acres; and
- That it direct the Director of DPWES to approve a deviation of the tree preservation target in favor of that shown on the CDP/FDP.

In a related action, the Planning Commission voted unanimously (Commissioners Alcorn, de la Fe, Donahue and Hurley absent from the meeting) to approve FDP 2012-LE-005, subject to the Board's approval of RZ-2012-LE-005 and the associated CDP.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4400691.PDF>

STAFF:

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

N. Rogers, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
November 8, 2012
Verbatim Excerpt

RZ/FDP 2012-LE-005 – MUSSARAT S., ADEELA I., AND TANZEELA I. AHMAD

After Close of the Public Hearing

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

Commissioner Migliaccio: Thank you, Mr. Chairman. This is a fairly straightforward application that simply rezones 1.03 acres from the R-1 to the PDH-5. It is an infill development that normally brings out speakers because of various issues, but this has no speakers. This application has the support of the Lee District Land Use Committee. They voted on it Monday night. The end result for this application: when it's built out, it will mirror as closely as possible the north Hampton neighborhood next door. Our professional Planning staff also supports this application, as do I; therefore, Mr. Chairman, I have a few motions to make this evening. The first is, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-LE-005 AND THE ASSOCIATED CDP, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 7TH, 2012.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. 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-LE-005, say –

Commissioner Lawrence: Just one point of clarification. Would the proffers include any recommendation that's required to make the disclosure thing complete? Would that - is that all right?

Commissioner Migliaccio: Yes, that is my intention, and I believe it's the intention of the applicant on the record, so yes.

Commissioner Lawrence: I'll support the motion.

Chairman Murphy: All those in favor –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: The same question, about that ladder thing, between now and the Board, can - can -- because I thought the applicant was in agreement with that.

Commissioner Migliaccio: Sure.

Chairman Murphy: Mr. Riegler, do you want to just come up and put that on the record, please?

Gregory Riegler, Esquire, McGuireWoods LLP: WE WILL ENSURE THE PROFFERS REFLECT THE RECIPROCAL EASEMENTS FOR THE LADDERS AND MR. LAWRENCE'S COMMENT ABOUT THE DISCLOSURE OF THE MAINTENANCE OBLIGATIONS IN THE FORM WE DISCUSSED.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2012-LE-005, SUBJECT TO THE BOARD'S APPROVAL OF RZ 2012-LE-005 AND THE ASSOCIATED CDP.

Commissioners Sargeant and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2012-LE-005, subject to the Board's approval of the Rezoning, Conceptual Development Plan, and the amended proffers, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE WAIVER NUMBER 24949-WPFM-001-1 OF SECTION 6-303.8 OF THE PFM TO ALLOW AN ON-SITE UNDERGROUND STORMWATER DETENTION FACILITY IN A RESIDENTIAL DEVELOPMENT, SUBJECT TO THE WAIVER CONDITIONS DATED SEPTEMBER 20TH, 2012, IN ATTACHMENT A OF APPENDIX 13 IN THE STAFF REPORT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE MINIMUM DISTRICT SIZE FOR A PDH-5 DISTRICT FROM 2 ACRES TO 1.03 ACRES.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO APPROVE A DEVIATION OF THE TREE PRESERVATION TARGET IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously with Commissioners Alcorn, de la Fe, Donahue, and Hurley absent from the meeting.)

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Board Agenda Item
January 8, 2013

3:30 p.m.

Public Hearing on RZ 2012-BR-014 (Eleven Oaks LLC) to Rezone from R-1 to PDH-8 to Permit Residential Development with an Overall Density of 6.9 Dwelling Units per Acre for the Fairfax County Portion and 6.5 Dwelling Units per Acre for the Overall Development (Including City of Fairfax) and Approval of the Conceptual Development Plan, Located on Approximately 5.36 Acres of Land (Braddock District)

This property is located North of University Drive, approximately 350 Feet East of intersection with Ox Road and South of School Street. Tax Map 57-4 ((1)) 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 15, 2012 the Planning Commission voted unanimously (Commissioners Lawrence and Sargeant absent from the meeting) to recommend to the Board of Supervisors:

- Approval of RZ 2012-BR-014, subject to the execution of proffers dated October 30, 2012;
- Waiver of the 600-foot maximum length for a private street; and
- Waiver of the off-street parking space requirement, Section 11-102 (1), which requires off-street parking spaces to be located on the same lot as the structure, to permit extensions of the driveway beyond the lot line shown on the CDP/FDP.

In a related action, the Planning Commission voted unanimously (Commissioners Lawrence and Sargeant absent from the meeting) to approve FDP 2012-BR-014, subject to the Board's approval of RZ 2012-BR-014.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4401220.PDF>

STAFF:

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

William O'Donnell, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
November 15, 2012
Verbatim Excerpt

RZ/FDP 2012-BR-014 – ELEVEN OAKS, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. This was the first case that the brand new Braddock District Land Use Committee has looked at. So they looked at it very intensely and I appreciate their help. They voted - the subcommittee voted in favor of it; the full Committee has approved it, but only online. They haven't had a formal vote on it. They did have several questions, though. One was the water pressure issue, and we've already discussed that the City of Fairfax will be supplying the water and the water pressure issue is being addressed and will be monitored for any negative impact on the existing townhouses. Secondly, the City is responsible for moving the buses. We need to make that clear. It's not the County and it's not the school system. Third, in response to our first speaker about putting student housing there instead - - various thoughts about what could be in that spot. You could make a little college town where they sell t-shirts and have book stores and, you know, all that sort of thing there. There are lots of things you could do with the land; however, right now it's owned by the City of Fairfax. It was, I understand, thought of by George Mason University - they thought of putting faculty housing there and instead they moved it over to the east. At one point they were going to put the hotel there and the hotel instead was built over by 123. So for a long time it's been a question of what is the best use for that land. There were six - at least half a dozen - bids of what should - what the City could do with that land and Madison Homes has come up with the best offer. So yes, it has been the subject of intense discussions. I appreciate your input. I've got a college student myself. Housing is always an issue. The next point from the Land Use Committee was about the traffic. They talked about ways of slowing down the traffic. The City is already purposely slowing down that road. Ms. Baker mentioned the sharrows - putting in the bike paths on that road. That helps slow it down. We don't expect, and nobody's encouraging, students to go speeding through that - George Mason Boulevard. Next point, the landscaping issues: again, that was a concern of the Land Use Committee. I think the developer has addressed that more than adequately at this point. And the major issue was about the stormwater management and that - well this is - the whole major issue is that this is divided among several different jurisdictions. The City - as I understand it all now - the City is going to take care of fire, EMT, the water, the sewer, and the George Mason Boulevard itself because they own the street; George Mason University will take care of the stormwater management; and the County will take care of the police issues on our side of the line, the school students on our side of the line; and the parks, the trash, and the side streets will be maintained by the HOA - and as Mr. Flanagan asked - the rain gardens. So it's sort of divided among several different jurisdictions, several different authorities, but I think it's all been worked out and has been well staffed and I appreciate Mr. O'Donnell's intense work on this project. So, having said all that, I would like to make several motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2012-BR-014, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED 30 OCTOBER 2012.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve of RZ 2012-BR-014, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Second, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2012-BR-014, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2012-BR-014, subject to the Board's approval of the Rezoning and Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Third, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH FOR A PRIVATE STREET.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE OFF-STREET PARKING SPACE REQUIREMENT, SECTION 11-102(1), WHICH REQUIRES OFF-STREET PARKING SPACES TO BE LOCATED ON THE SAME LOT AS THE STRUCTURE, TO PERMIT EXTENSIONS OF THE DRIVEWAY BEYOND THE LOT LINE SHOWN ON THE CDP/FDP.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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Board Agenda Item
January 8, 2013

3:30 p.m.

Public Hearing on RZ 2012-MV-007 (Bainbridge Communities Association III, LLC) to Rezone from R-3, R-20, C-5 and C-8 to PRM to Permit Mixed Use Development with an Overall Density of 46.7 Including ADUs and Bonus Density and a Waiver (5224-WPFM-001-1) to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 6.06 Acres of Land (Mount Vernon District)

This property is located in the Northwest quadrant of the intersection of Richmond Highway and Backlick Road. Tax Map 109-1 ((1)) 5, 6, 7, 8, 9, 13, 14, 15 and 16 and portions of public right-of-way for Anderson Lane to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Anderson Lane to proceed under Section 15.2-2272 (2) of the Code of Virginia).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 15, 2012 the Planning Commission voted unanimously (Commissioner Alcorn not present for the votes; Commissioners Lawrence and Sargeant absent from the meeting) to recommend to the Board of Supervisors:

- Approval of RZ 2012-MV-007 and the associated conceptual development plan, subject to the proffers dated November 15, 2012;
- Approval of waiver #5224-WPFM-001-1 of Section 6-0303.8 of the Public Facilities Manual to allow an underground stormwater vault on a residential property, subject to the waiver conditions in attachment 3A of appendix 3 in the staff report;
- Modification of Section 13-303 of the Zoning Ordinance for the transitional screening requirements along the eastern boundary;
- Waiver of Section 13-304 of the Zoning Ordinance for the barrier requirement along the eastern boundary; and
- Modifications of the barrier location along the northern boundary, as shown on the conceptual and final development plans.

In a related action, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioners Lawrence and Sargeant absent from the meeting and) to approve FDP 2012-MV-007, subject to the proposed Final Development Plan conditions contained in Appendix 2 of the staff report and the Board's approval of RZ 2012-MV-007 and the associated conceptual development plan.

Board Agenda Item
January 8, 2013

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4401129.PDF>

STAFF:

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

William Mayland, Zoning Evaluation Division, DPZ

Planning Commission Meeting
November 15, 2012
Verbatim Excerpt

RZ/FDP 2012-MV-007 – BAINBRIDGE COMMUNITIES ACQUISITION III, LLC

After Close of the Public Hearing

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

Commissioner Flanagan: Thank you, Mr. Chairman. I'm pleased at the work of the Fairfax County Federation and of the Mount Vernon Council Land Use Committees. Both do not oppose this application, which I think we can regard as a recommendation to proceed.

Chairman Murphy: I guess.

Commissioner Flanagan: And I also would, you know, like to note that we've had great cooperation from the staff on this. They have made - as you can see from the list of amendments to the proffers, there's been a lot of work done getting to this final application. So I do appreciate the work that Bill Mayland in particular has done with this. With that, I have four motions. The first is, I MOVE THAT THE PLANNING COMMISSIONERS RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE RZ 2012-MV-007 AND ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE PROFFERS DATED NOVEMBER 15, 2012.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2012-MV-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Flanagan.

Commissioner Flanagan: Yes, thank you, Mr. Chairman. I MOVE NEXT THAT THE PLANNING COMMISSION APPROVE FDP 2012-MV-007, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2012-MV-007 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor of the motion to approve FDP 2012-MV-007, subject to the Board's approval of the Conceptual Development Plan and the proffers, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Flanagan.

Commissioner Flanagan: Third, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE WAIVER NUMBER 5224-WPFM-001-1 OF SECTION 6-0303.8 OF THE PUBLIC FACILITIES MANUAL TO ALLOW AN UNDERGROUND STORMWATER VAULT ON A RESIDENTIAL PROPERTY, SUBJECT TO THE WAIVER CONDITIONS IN ATTACHMENT 3A OF APPENDIX 3 IN THE STAFF REPORT.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE EASTERN BOUNDARY AND THE APPROVAL OF A WAIVER OF SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENT ALONG THE EASTERN BOUNDARY AND MODIFICATIONS OF THE BARRIER LOCATION ALONG THE NORTHERN BOUNDARY, AS SHOWN ON THE CONCEPTUAL DEVELOPMENT PLAN AND THE FINAL DEVELOPMENT PLAN.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously with Commissioner Alcorn not present for the votes; Commissioners Lawrence and Sargeant absent from the meeting.)

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Board Agenda Item
January 8, 2013

4:00 p.m.

Public Hearing on RZ 2012-DR-017 (Christopher and Karen Barth) to Rezone from R-2 and HC to R-3 and HC to Permit Residential Development at a Density of 2.15 Dwelling Units per Acre, Located on Approximately 40,591 Square Feet of Land (Dranesville District)

This property is located in the Northwest quadrant of Idylwood Road and Redd Road. Tax Map 40-3 ((1)) 82.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 5, 2012, the Planning Commission voted unanimously to recommend to the Board of Supervisors:

- Approval of RZ 2012-DR-017, subject to the execution of proffers dated November 19, 2012;
- Waiver of construction of the sidewalk and road frontage improvements on Redd Road;
- Waiver of construction of road frontage improvements on Idylwood Road; and
- Waiver of the trail requirement along Idylwood Road, subject to the construction of a five-foot wide concrete sidewalk or a six-foot wide asphalt path, in accordance with the Public Facilities Manual, across the property's Idylwood Road frontage.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4402061.PDF>

STAFF:

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

Megan Brady, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
December 5, 2012
Verbatim Excerpt

RZ 2012-DR-017 – CHRISTOPHER AND KAREN BARTH

Decision Only During Commission Matters
(Public Hearing held on November 29, 2012)

Commissioner Donahue: Yes, thank you, Mr. Chairman. Last week - November 29th, I think it was - we had a public hearing, RZ 2012-DR-017, Christopher and Karen Barth. We had the public hearing, finished the public hearing. I asked for a motion to delay the decision only for one week. And the main reason I did that was, I wanted to look a little bit further into and get a little bit more comfortable with the spot zoning issue. The case is - - and I guess the most prominent case we have on this says if a rezoning advances the welfare and interests of an entire county as part of the overall zoning plan, it is not an illegal spot zoning. Now, there are a number - I was, I was just a touch troubled by the wording 'of an entire county.' And it goes on to say 'as part of an overall zoning plan.' But the more I looked into it and consulted with the County Attorney, I really have no problems at all moving to approve this application at this point in time. I hope the whole Commission will agree with that. That the wording is part of an overall zoning plan is what branches this out into a County issue. And the reason for that is if anybody reads through the Comprehensive Plan, as we have all done at one point in time or another, particularly the residential parts of it, you will see how frequently the Comprehensive Plan encourages us to make land use decisions in a manner that will maintain the integrity of our residential neighborhoods. As I watched this case come down and as I visited the site, it became more and more apparent to me that doing good residential infill on this empty site is the best decision to advance the interests of this residential neighborhood. This site - - I think it would be appropriate to call it a minor eyesore right now. It's a little overgrown. It has some cans and bottles and so forth on it. It's being well maintained by the owner. Don't get me wrong. But the best way to maintain this site in a way that is in the best interests of this neighborhood is to put infill residential development on it and allow it to be cared for by a homeowner who is going to be interested in maintaining their financial investment. It's just that simple. If you take also what the applicant has agreed to do - and there are a number of things they have agreed to do that were talked about last week, the biggest one as far as I'm concerned is rebuilding the Idylwood sidewalk to ADA requirements. That sidewalk can act as a major residential piece of infrastructure in that neighborhood. And I think it's important that it does. And I think when you look at that and the various other things that advance the interests of the neighborhood, I think this is not an illegal spot zoning. I think it's fine. I do want to thank and commend Megan Brady and the staff for persuading the applicant that the sidewalk really would be a very good idea. And I want to thank the applicant for agreeing to do it. And with that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2012-DR-017, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 19TH, 2012.

Commissioners Alcorn and Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Alcorn and Mr. Litzenberger. 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-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF CONSTRUCTION OF THE SIDEWALK AND ROAD FRONTAGE IMPROVEMENTS ON REDD ROAD.

Commissioners Litzenberger and Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF CONSTRUCTION OF ROAD FRONTAGE IMPROVEMENTS ON IDYLWOOD ROAD.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRAIL REQUIREMENT ALONG IDYLWOOD ROAD, SUBJECT TO THE CONSTRUCTION OF A FIVE-FOOT WIDE CONCRETE SIDEWALK OR A SIX-FOOT WIDE ASPHALT PATH, IN ACCORDANCE WITH THE PUBLIC FACILITIES MANUAL, ACROSS THE PROPERTY'S IDYLWOOD ROAD FRONTAGE.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously.)

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Board Agenda Item
January 8, 2013

4:00 p.m.

Public Hearing on PCA 86-S-083-05 (Branch Banking and Trust Company) to Amend the Proffers for RZ 86-S-083 Previously Approved for Commercial and Residential Development to Permit a Drive-In Financial Institution and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.20, Located on Approximately 14.92 Acres of Land Zoned C-6 and WS (Sully District)

and

Public Hearing on SEA 93-Y-032 (Branch Banking and Trust Company) to Amend SE 93-Y-032 Previously Approved for a Drive-In Financial Institution to Permit an Additional Drive-In Financial Institution and Associated Modifications to Site Design and Development Conditions, Located on Approximately 14.92 Acres of Land Zoned C-6 and WS (Sully District)

This property is located in the South East quadrant of the intersection of Braddock Road and Stone Road. Tax Map 54-1 ((17) E.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 29, 2012 the Planning Commission voted unanimously to recommend to the Board of Supervisors:

- Approval of PCA 86-S-083-05, subject to the execution of proffers dated November 9, 2012,
- Approval of SEA 93-Y-032, subject to the development conditions dated November 20, 2012, with the following addition to condition 9:
 - Insert “at the southern end of the site,” after the word “institution”.
- Waiver of paragraph 6 of Section 11-203 of the Zoning Ordinance to allow a waiver of the loading space requirement in favor of the layout shown on the PCA/SEA Plat; and
- Waiver of the tree preservation target pursuant to Section 12-0508 of the Public Facilities Manual in favor of the proposed vegetation shown on the PCA/SEA Plat.

ENCLOSED DOCUMENTS:

Attachments: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4402062.PDF>

STAFF:

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

Brent Krasner, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
November 29, 2012
Verbatim Excerpt

PCA 86-S-083-05 AND SEA 93-Y-032 – BRANCH BANKING AND TRUST COMPANY
(Sully District)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Litzenberger, please.

Commissioner Litzenberger: Thank you, Mr. Chairman. I think the applicant's request is reasonable on the lighting issue so I will add that into the amendments. But first I want to thank the staff, particularly Brent Krasner, and the applicant and his attorney, Mr. Lawrence. We have had no fewer than 20 different iterations on this parcel over the past 26 years. In fact, I was on the land use committee the first time it came up. Back in those days, we had a Planning Commissioner that was a real stickler for details so you guys have addressed all of the concerns. I believe you met with staff and the community on eight different occasions, which is why we don't have any speakers tonight so thank you very much for all your efforts. Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 86-S-083-05, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 9, 2012.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by 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 PCA 86-S-083-05, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 93-Y-032, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 20, 2012, WITH THE FOLLOWING ADDITION TO CONDITION 9: PLEASE INSERT, "AT THE SOUTHERN END OF THE SITE," AFTER THE WORD, "INSTITUTION."

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 93-Y-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF PARAGRAPH 6 OF SECTION 11-203 OF THE ZONING ORDINANCE TO ALLOW A WAIVER OF THE LOADING SPACE REQUIREMENT IN FAVOR OF THE LAYOUT SHOWN ON THE PCA/SEA PLAT.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE TREE PRESERVATION TARGET PURSUANT TO SECTION 12-0508 OF THE PUBLIC FACILITIES MANUAL IN FAVOR OF THE PROPOSED VEGETATION SHOWN ON THE PCA/SEA PLAT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Thank you again for all your good work on this.

Chairman Murphy: Thank you very much.

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(The motions carried unanimously.)

JLC

Board Agenda Item
January 8, 2013

4:00 p.m.

Public Hearing on RZ 2012-HM-013 (Sekas Homes, Ltd.) to Rezone from R-1 to R-2 to Permit Residential Development at a Density of 2.0 Dwelling Units Per Acre, Located on Approximately 2.5 Acres of Land (Hunter Mill District)

This property is 2,000 Feet Northwest from the intersection of Old Courthouse Road and Drewlaine Drive. Tax Map 28-4 ((1)) 12

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 29, 2012 the Planning Commission voted 10-0-2 (Commissioners Hart and Sargeant abstaining) to recommend to the Board of Supervisors approval of RZ 2012-HM-013, subject to the execution of proffers dated November 19, 2012.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4399465.PDF>

STAFF:

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

Megan Brady, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
November 29, 2012
Verbatim Excerpt

RZ 2012-HM-013 – SEKAS HOMES, LTD.

Decision Only During Commission Matters
(Public Hearing Held on November 1, 2012)

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. I have a decision tonight. This is on RZ 2012-HM-013. Mr. Chairman, the public hearing for this case was held November 1st, 2012. At that hearing, ten speakers testified. Almost all, nine out of ten, were members of the two homeowners associations next to the property, Wolf Trap Downs and Manors at Wolf Trap. Members of the former spoke in favor of the rezoning and members of the latter were opposed to the rezoning. The majority of issues raised at that time concerned overall density, stormwater management, and the development's Lot 5 impact, particularly on two of its abutting neighbors. Decision was deferred primarily because a meeting that had been scheduled to take place between the developer and opposing neighbors had to be cancelled because of adverse weather conditions. It was my hope that the parties would come up with plans that ameliorated if not totally resolved the issues during the deferral period. Unfortunately, that has not occurred. This area is particularly prone to flooding. This development cannot solve the problem, but as was discussed during the public hearing by DPWES staff, the stormwater from this property will be significantly reduced from its pre-development condition. Concerning the impact of the Lot 5 development on its abutting neighbors, the developer has made proffer commitments to increase understory-type trees to provide additional screening for both Lot 5 and Lot 4 neighbors. In listening to opponents at the public hearing, as well as during the discussions at the Hunter Mill Land Use Committee and other conversations, it is clear to me that the fundamental trigger for the opposition to the proposed development is density. The proposed density is within the recommendations of the Comprehensive Plan. Neighbors in opposition would prefer that less than five houses be developed. However, one of their proposals for resolution of their differences with the developer did include a five house development. Unfortunately, that proposal would require rezoning to a P-District or R-cluster, neither of which is preferable even if possible, when a conventional R-District option without waivers is available, as in this case. I realize that there will be disappointment among the opponents. However, the Hunter Mill Land Use Committee and the staff have recommended approval and I agree with those recommendations. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2012-HM-013, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 19, 2012.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence, 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-HM-013, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman? Abstain.

Commissioner Hart: Abstain.

Chairman Murphy: Mr. Hart abstains and Mr. Sargeant abstains.

Commissioner Hart: I wasn't here for the public hearing.

Chairman Murphy: Not here for the public hearing; okay.

//

(The motion carried by a vote of 10-0-2 with Commissioners Hart and Sargeant absent from the meeting.)

JLC

Board Agenda Item
January 8, 2013

4:00 p.m.

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

ISSUE:

Public Hearing on a Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the George Mason University (GMU) Residential Permit Parking District (RPPD), District 40.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the GMU RPPD, District 40.

TIMING:

On December 4, 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 January 8, 2013, at 4:00 p.m.

BACKGROUND:

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

Board Agenda Item
January 8, 2013

Staff recommends that the Board adopt the proposed amendment (Attachment I) to expand the GMU RPPD.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

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

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

Selby Thannikary, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

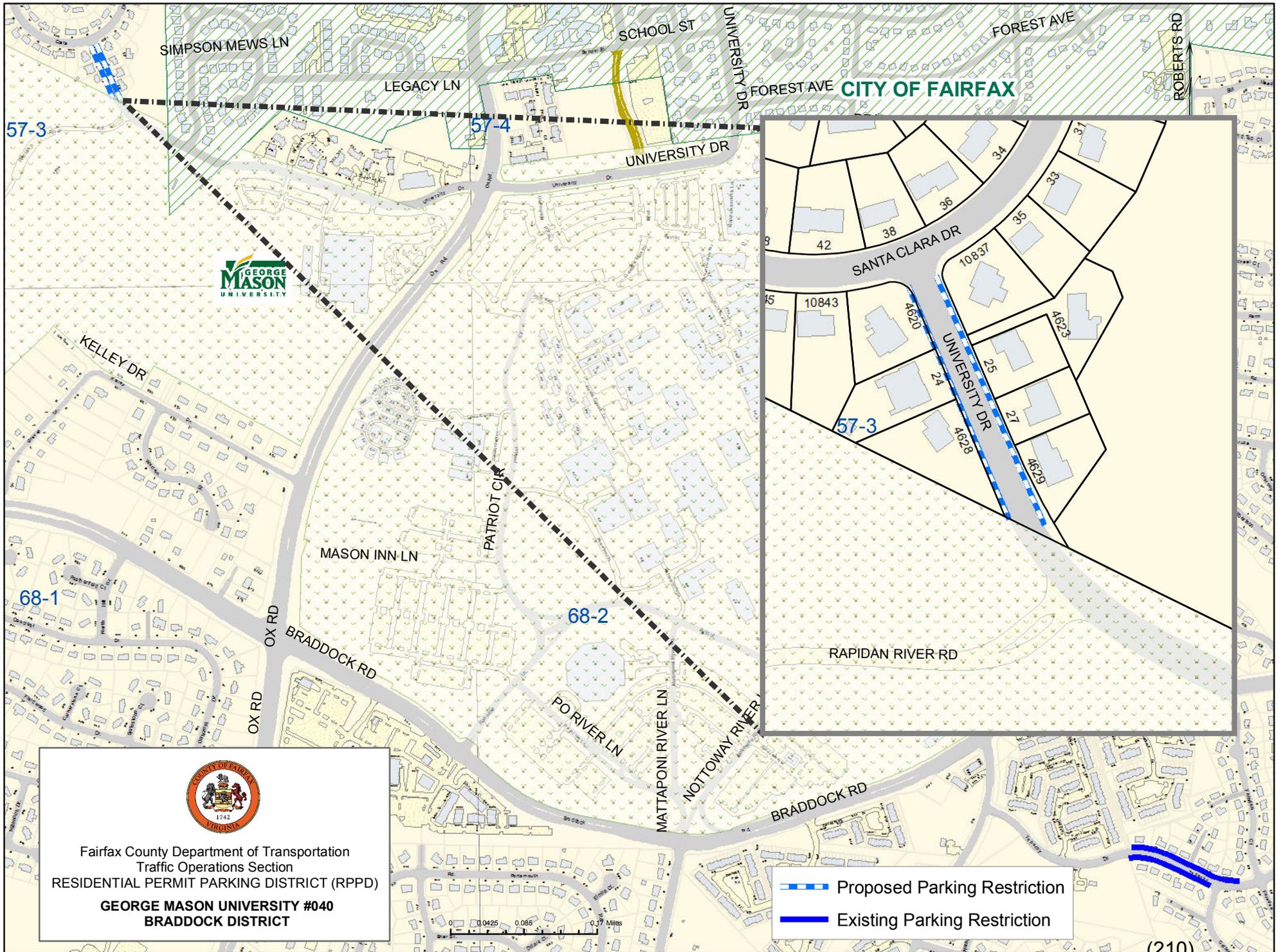
Hamid Majdi, Transportation Planner, FCDOT

Proposed Amendment

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

University Drive (Route 383)

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




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

 Proposed Parking Restriction
 Existing Parking Restriction

Board Agenda Item
January 8, 2013

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 5412 Franconia Road,
Alexandria, VA 22310 (Lee District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 5412 Franconia Road, Alexandria, VA 22310 (Tax Map # 081-4 ((05)) 006) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an Ordinance to declare 5412 Franconia Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On November 20, 2012 the Board authorized advertisement of this public hearing to be held Tuesday, January 8, 2013 at 4:00 PM.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

Board Agenda Item
January 8, 2013

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of "Blighted property" under Va. Code Ann. 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

A property maintenance case was opened and investigated in July 2012 for an abandoned and neglected property and on August 13, 2012 the property was referred to the Blight Abatement Program (BAP). The property owner has not responded to the Notice of Violation of the Virginia Maintenance Code or correspondence from the Blight Abatement staff.

Located on the subject property are an abandoned, one and a half story brick dwelling with a 1/3 basement, and a 216 square foot detached garage. The dwelling was constructed in 1938 according to Fairfax County Tax Records. The dwelling lacks normal maintenance, the roof of the dwelling has numerous holes, missing shingles, and in the rear, has collapsed. The property has been the subject of documented complaints and in July 2004 the owner was issued a Notice to Abate Nuisance by the Health Department. The dwelling has been vacant since at least August 11, 2011, when Dominion Power terminated the electric service.

Due to the dilapidated condition of the property and it being an attractive nuisance, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012, and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. The Notice of the determination was sent to the owner, both certified and regular mail, advising him of this determination.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2012). State Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on December 21, 2012 and December 28, 2012.

Board Agenda Item
January 8, 2013

Although the County will continue to seek cooperation from the owner to eliminate the blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 300-C30010, County Construction, Project 2G97-001-00, Strike Force Blight Abatement. The county will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$34,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 5412 Franconia Road (Lee District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeffrey L. Blackford, Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Susan Epstein, Division Supervisor, Department of Code Compliance

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**5412 Franconia Road
Tax Map # 081-4 ((05)) 0061
Lee District**



**5412 Franconia Road
Tax Map # 081-4 ((05)) 0061
Lee District**

**ORDINANCE FOR 5412 FRANCONIA ROAD
(LEE DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2012) or § 15.2-1115 (2012); and

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 5412 Franconia Road (Lee District) identified on the Fairfax County Tax Map as 081-4 ((05)) 0061 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011); and

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2012), as authorized by Va. Code Ann. § 36-49.1:1 (2011);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2012) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)
5412 Franconia Road (Lee District)

TAX MAP NUMBER
081-4 ((05)) 0061

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Van N. Hoagland

CASE: # 201204397#/SR #84857

OWNER'S ADDRESS: 5408 Franconia Road, Alexandria, VA 22310

ADDRESS OF BLIGHTED PROPERTY: 5412 Franconia Road, Alexandria, VA 22310

TAX MAP NO.: 081-4 ((05)) 0061 **MAGISTERIAL DISTRICT:** Lee District

2012 ASSESSED VALUE: \$ 304,430 **LAND:** \$165,000 **IMPROVEMENTS:** \$ 139,430

PROPERTY ZONING: R-3 **YEAR BUILT:** 1938

TAX STATUS: Delinquent \$4524.09 through December, 2012

DESCRIPTION:

Located on the subject property are an abandoned, one and half story brick dwelling with a 1/3 basement, and a 216 square foot detached garage. The dwelling was constructed in 1938 according to Fairfax County Tax Records. The dwelling lacks normal maintenance, the roof of the dwelling has numerous holes, missing shingles, and in the rear, has collapsed. The property has been the subject of documented complaints, in July 2004 the owner was issued a Notice to Abate Nuisance by the Health Department. The dwelling has been vacant since at least August 11, 2011, when Dominion Power terminated their electric service. Due to the dilapidated condition of the property and it being an attractive nuisance, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

IMPACT OF PROPERTY ON SURROUNDING USES:

The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:

The property located at 5412 Franconia Road was referred to the Blight Abatement Program (BAP) on August 13, 2012 reference its dilapidated and attractive nuisance conditions and has been the subject of documented complaints since July, 2004.

STAFF RECOMMENDATION:

BAP recommends demolishing the dilapidated structures and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owner.

Board Agenda Item
January 8, 2013

4:30 p.m.

Public Hearing on PCA 89-L-008 (Fairfax County School Board) to Amend the Proffers for RZ 89-L-008 Previously Approved for Public School to Permit an Increase in Proffered Gross Floor Area for Renovation/Expansion of Existing Facilities and Associated Modifications to Proffers and Site Design with an overall Floor Area Ratio of .22, Located on Approximately 8.14 Acres of Land Zoned R-3 and HC (Lee District)

This property is located at 7101 Old Keene Mill Road, Springfield, 22150. Tax Map 90-1 ((1)) 52.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 29, 2012 the Planning Commission voted 10-0-2 (Commissioners Sargeant and Lawrence abstaining) to recommend to the Board of Supervisors:

- Approval of PCA 89-L-008, subject to the revised proffers consistent with those dated November 29, 2012;
- Modification of the transitional screening and barrier requirements along all applicable property lines in favor of the proposed landscaping and fencing on the GDP;
- Waiver of construction of an on-road bike lane along Old Keene Mill Road in favor of the provision of a perpetual easement as proffered;
- Modification of the minimum front yard requirement along Spring Road to permit a cooling tower and concrete pad as shown on the GDP, pursuant to paragraph 3G of Section 10-104 of the Zoning Ordinance; and
- Modification of the major paved trail along Old Keene Mill Road recommended in the Comprehensive Plan in favor of the alternative trail design shown on the GDP and as proffered.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4401713.PDF>

STAFF:

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

Mary Ann Tsai, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
November 29, 2012
Verbatim Excerpt

PCA 89-L-008 – FAIRFAX COUNTY SCHOOL BOARD

Decision Only During Commission Matters
(Public Hearing Held on November 15, 2012)

Chairman Murphy: Mr. Migliaccio, go ahead.

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one decision only tonight. It was from a public hearing on November the 15th, PCA 89-L-008. The applicant was the Fairfax County School Board for renovations at Garfield Elementary School. Tonight, you should have a new set of proffers dated November 29. The only difference from these – that are in these proffers as opposed to what we have in the staff report – there are three brief changes. The first is the sidewalk on Spring Road and the major paved trail on Old Keene Mill Road will be done concurrently with the expansion of Garfield Elementary School. Second, the cooling tower now has new language that will insure that the fan that is being put in will have the lowest possible noise level and that noise level will never be exceeded. And number three, there is new language on Proffer Number 8, which gives more guidance and assurance regarding the Accotink Creek Watershed Plan. And with these three new revisions to the proffers, I'm happy to make my motions tonight to move this. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 89-L-008, SUBJECT TO THE REVISED PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 29, 2012.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall and Mr. Sargeant. Is there a discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: Mr. Chairman, I'm going to abstain. I was not present for the public hearing.

Chairman Murphy: Oh, I'm sorry; I thought you meant second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to the Board of Supervisors that it approve PCA 89-L-008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; Mr. Sargeant abstains.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Lawrence: I believe that was – the public hearing was the 15th, was it?

Commissioner Migliaccio: Yes, November 15.

Commissioner Lawrence: I abstain; also not present for the public hearing.

Chairman Murphy: All right, Mr. Lawrence abstains, not present for the public hearing. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL APPLICABLE PROPERTY LINES IN FAVOR OF THE PROPOSED LANDSCAPING AND FENCING ON THE GDP.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstentions.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF CONSTRUCTION OF AN ON-ROAD BIKE LANE ALONG OLD KEENE MILL ROAD IN FAVOR OF THE PROVISION OF A PERPETUAL EASEMENT AS PROFFERED.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstentions.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MINIMUM FRONT YARD REQUIREMENT ALONG SPRING ROAD TO PERMIT A COOLING

TOWER AND CONCRETE PAD AS SHOWN ON THE GDP, PURSUANT TO PARAGRAPH 3G OF SECTION 10-104 OF THE ZONING ORDINANCE.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstentions.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MAJOR PAVED TRAIL ALONG OLD KEENE MILL ROAD RECOMMENDED IN THE COMPREHENSIVE PLAN IN FAVOR OF THE ALTERNATIVE TRAIL DESIGN SHOWN ON THE GDP AND AS PROFFERED.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, and same abstentions.

Commissioner Migliaccio: Thank you, Mr. Chairman.

//

(The motions carried by votes of 10-0-2 with Commissioners Lawrence and Sargeant abstaining.)

JLC

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Board Agenda Item
January 8, 2013

4:30 p.m.

Decision Only on PRC C-203 (Fairfax County Public Schools) to Approve the PRC Plan Associated with RZ C-203 to Permit Building Additions at an Existing Public Elementary School, Located on Approximately 14.44 Acres of Land Zoned PRC (Hunter Mill District)

This property is located on the South side of Ridge Heights Road, approximately 400 Feet East of its intersection with Soapstone Drive. Tax Map 26-2 ((2)) 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 29, 2012 the Planning Commission voted unanimously to recommend to the Board of Supervisors:

- Approval of PRC C-203, subject to the development conditions dated November 27, 2012; and
- Waiver of the barrier requirement and modification of the transitional screening requirements along the northern, southern and western property boundaries in favor of the existing vegetation and proposed landscaping shown in the PRC Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4402060.PDF>

STAFF:

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

Megan Brady, Zoning Evaluation Division, DPZ

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Planning Commission Meeting
November 29, 2012
Verbatim Excerpt

PRC C-203 – FAIRFAX COUNTY PUBLIC SCHOOLS (TERRASET ELEMENTARY SCHOOL) (Hunter Mill District)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. I am happy to MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRC C-203, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 27, 2012.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRC C-203, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENTS AND A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN, SOUTHERN, AND WESTERN PROPERTY BOUNDARIES IN FAVOR OF THE EXISTING VEGETATION AND PROPOSED LANDSCAPING SHOWN IN THE PRC PLAN.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much. This was a much happier result with a school application than many that we have seen. Thank you.

//

(The motions carried unanimously.)

JLC