FAIRFAX COUNTY
BOARD OF SUPERVISORS
July 9, 2013

AGENDA

8:30	**Held**	Reception – Direct Support Professionals Appreciation Month Conference Center, Reception Area
9:30	**Done**	Presentations
10:30	**Done**	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	**Approved**	Authorization to Advertise a Public Hearing on an Interim Development Agreement with Lake Anne Development Partners LLC for the Redevelopment of the Crescent Apartment Site (Hunter Mill District)
2	**Approved Extension for 2232-B-13-8; Extension of 2232-Y-13-5 Withdrawn**	Extension of Review Periods for 2232 Review Applications (Braddock and Sully Districts)
3	**Approved**	Authorization to Advertise a Public Hearing on Proposed Technical Amendments to the Code of the County of Fairfax, Chapter 3, Articles 2, 3, and 7
4	**Approved**	Streets into the Secondary System (Mason, Springfield and Sully Districts)
5	**Approved**	Authorization to Advertise a Public Hearing on the Real Estate Exchange Agreement Between the Board of Supervisors and Rocks Engineering Company and Nugget Joint Venture, LC (Collectively, "RECO") (Dranesville District)
	ACTION ITEMS	
1	**Approved**	Approval of 2013 Zoning Ordinance Amendment Work Program
2	**Approved**	Approval of a Parking Reduction for The Grande at Huntington (Mount Vernon District)
3	**Approved**	Changes to the Fairfax County Purchasing Resolution
4	**Approved**	Approval of Transportation Funding Reallocations (Dranesville District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
July 9, 2013

	ACTION ITEMS (Continued)	
5	**Approved**	Resolution of Support for a Break in the Limited Access Line and Adjustment of the Limited Access Line Adjacent to Route 7 (Leesburg Pike) and Route 123 (Chain Bridge Road) (Providence District)
6	**Approved**	Consolidated Community Funding Advisory Committee Recommendations for the FY 2015 and FY 2016 Funding Priorities for the Consolidated Community Funding Pool
10:40	**Done**	Matters Presented by Board Members
11:30	**Done**	Closed Session
	PUBLIC HEARINGS	
3:30	**Approved**	Public Hearing on AF 2013-SP-001, John T. Kincheloe; Mary T. Kincheloe, Trustee; John T. Kincheloe, Trustee, Jean Nelson Kincheloe Swim, 13219 Yates Ford Road, LLC (Springfield District)
3:30	**Approved**	Public Hearing on AR 2004-SP-001, Mark A. and Lisa K. Kosters, Marvin H. Kosters and Bonnie M. Kosters (Springfield District)
3:30	**Approved**	Public Hearing on PRC-C-377, Fairfax County Public Schools, PRC (Hunter Mill District)
3:30	**Approved**	Public Hearing on SE 2012-MV-019, Seyed M. Falsafi (Mount Vernon District)
4:00	**Approved**	Public Hearing on PRCA-B-846, JBG/RIC, L.L.C. and RIC Retail, L.L.C. (Hunter Mill District)
4:00	**Approved**	Public Hearing on RZ 2011-PR-018, Christopher Land, L.L.C. (Providence District)
4:00	**Approved with Amendment**	Public Hearing to Consider Fairfax Forward Planning Process and Associated Pilot Comprehensive Plan Amendment Work Program
4:00	**Approved**	Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law
4:00	**Approved; Deferred Decision on the McLean Station Parcel**	Public Hearing to Convey Board-Owned Property to the Washington Metropolitan Area Transit Authority (Providence District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
July 9, 2013

Public Hearings
(Continued)

4:30	**Approved**	Public Hearing to Consider an Ordinance Amending County Code Chapter 7 Relating to Election Precincts and Polling Places (Mason and Mount Vernon Districts)

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Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
July 9, 2013

9:30 a.m.

PRESENTATIONS

RECOGNITIONS

- RESOLUTION – To recognize Dr. Jorge Arias for his years of service to Fairfax County. Requested by Supervisor Gross.

- RESOLUTION – To recognize Rohil Bhinge for his fundraising efforts for Chessie's BIG Backyard. Requested by Chairman Bulova.

- RESOLUTION – To recognize the Shark Tank Swim Team and Patty Friedman for their service to the community and Fairfax County. Requested by Supervisor Herrity.

- RESOLUTION – To recognize West Springfield High School drama students and their coach, Bernie DeLeo, for winning the 2012-2013 Virginia High School League one-act play championship. Requested by Supervisor Herrity.

- RESOLUTION – To recognize Tim Thomas, principal of Westfield High School, for his contributions to Fairfax County Public Schools and being chosen as a principal of the year by The Washington Post. Requested by Supervisor Frey.

- RESOLUTION – To recognize Helene Safford of Longfellow Middle School for being named 2012 Middle School Teacher of the Year by the Southern Business Education Association. Requested by Supervisor Foust.

— more —

Board Agenda Item
July 9, 2013

- RESOLUTION – To recognize Robert Carlisle for 35 years of service in law enforcement, most recently as the chief of police for the Town of Vienna. Requested by Supervisor Hudgins.

DESIGNATIONS

- PROCLAMATION – To designate September as Direct Support Professionals Appreciation Month in Fairfax County. Requested by Chairman Bulova.

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

Board Agenda Item
July 9, 2013

10:30 a.m.

Items Presented by the County Executive

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Board Agenda Item
July 9, 2013

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on an Interim Development Agreement with Lake Anne Development Partners LLC for the Redevelopment of the Crescent Apartment Site (Hunter Mill District)

ISSUE:
Board authorization of a Public Hearing on an Interim Development Agreement with Lake Anne Development Partners LLC (LADP) for the redevelopment of the Board-owned Crescent property. The Interim Development Agreement would permit LADP to conduct due diligence on the site as well as to file a rezoning action on the property.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of a public hearing for July 30, 2013, at 4:30 p.m. on the Interim Development Agreement.

TIMING:
Authorization on July 9, 2013, will permit the public hearing to be held on this issue on July 30, 2013, thus allowing a comment period as required by the Code of Virginia, and the decision to be made on this issue by the Board at its meeting on September 10, 2013.

BACKGROUND:
The Crescent property is located within the Land Anne Commercial Revitalization Area (CRA) on Cameron Crescent Drive in Reston. As part of its efforts to encourage and guide the revitalization of the Lake Anne Village Center (LAVC) and to preserve affordable housing, in February 2006, the County purchased the Crescent property for $49,500,000.00. The property contains 181 garden style multi-family affordable units.

In 2009, the Board adopted an amendment to the Comprehensive Plan that provides guidance on the mix of uses and intensities recommended to foster the redevelopment of the LAVC.

On February 9, 2012, the County publically advertised Request for Proposal RFP2000000125; Crescent Redevelopment (RFP) under the Public-Private Education and Infrastructure Act of 2002 (PPEA) for the redevelopment of the 16.5 acre Crescent property. The RFP encouraged potential offerors to partner with owners of adjacent land units within the LAVC to achieve a comprehensive redevelopment plan that aligned with the vision of the Comprehensive Plan, including the preservation of affordable housing, the creation of additional workforce housing and a development that would serve as a catalyst for the revitalization of the LAVC.

Eight (8) proposals were received in response to the RFP. A Selection Advisory Committee (SAC) was formed comprised of representatives from the County's Office of Community Revitalization, Department of Housing and Community Development, Department of Planning and Zoning, Department of Management and Budget, and Department of Public Works and Environmental Services. A Technical Advisory Committee (TAC) was also formed to provide technical input. The TAC included representatives of the community as well as County staff with technical expertise. The SAC evaluated the eight proposals in accordance with the criteria and procedures established in the RFP. The SAC considered the merits of the Technical and Financial Proposals of each offeror, conducted oral interviews with top ranked candidates, and received written responses to clarification questions and negotiation points from the top ranked offerors. The SAC evaluated and ranked the proposals in accordance with the criteria and procedures set forth in the RFP and concluded that the LADP best demonstrates the ability and capacity to meet the County's needs as identified in the RFP, and seeks to enter into an Interim Development Agreement with them.

The Interim Development Agreement establishes general terms and conditions that may lead to a Master Development Agreement between the County and LADP. Among other items, the Interim Development Agreement:

- permits LADP to file the necessary applications for zoning and land use approvals (land use entitlements) prior to execution of a final, full Master Development Agreement regarding the redevelopment of the Property and other parcels in the LAVC ("Project");

- designates LADP as the Board's agent for the limited purpose of pursuing the land use entitlements with respect to the Property;

- permits LADP to enter the property to conduct studies such as soil samples;

- requires LADP to consult and coordinate with the County regarding the design of the Project, so that it is consistent with the development submitted in response to the RFP;

- requires LADP to file its land use entitlement applications within 90 days of the date of the Interim Development Agreement;

- requires the parties to coordinate on and diligently pursue the land use entitlements, although the County's approval and execution of the proffered conditions shall be in the County's sole and absolute discretion;

- requires that the land use entitlement applications include the Crescent property as well as the adjacent service station and "Land Unit A", as defined in the Fairfax County Comprehensive Plan for LAVC;

- requires that the realignment of Village Drive and the provision of 181 replacement affordable units be part of the first phase of development;

- requires a relocation plan for the residents of the Crescent apartments; that is subject to the approval of the County and the FCRHA and that provides the option for current residents at the time of redevelopment to be able to live at the Property at affordable rents provided that they meet eligibility requirements;

- requires that LADP be responsible for all costs associated with the land use entitlement process;

- establishes that the parties will pursue negotiations, diligently and in good faith, of a Master Development Agreement that addresses the financial and transactional aspects of the deal of the redevelopment of the Project, with the approval of the Master Development Agreement to occur coincident with the approval of the land use entitlements;

- establishes that the County shall have no obligation to contribute financially to the redevelopment of the Project;

- requires LADP to pay a deposit upon execution of the Master Development Agreement that is to be non-refundable unless the County defaults under the terms of the Master Development Agreement; and,

- requires full payment for last phase of any land to be conveyed by sale, and ground rent commencement for last phase of any land to be conveyed by ground lease, no later than December 31, 2018.

FISCAL IMPACT:
The Interim Development Agreement establishes the general parameters for the sale of a portion of the property and a ground lease on the remainder of the property. Final terms and conditions will be contained in a Master Development Agreement to be negotiated between the Board and LADP.

ENCLOSED DOCUMENTS:
Attachment 1: Interim Development Agreement (also posted online under PPEA Opportunities at: http://www.fairfaxcounty.gov/dpsm/solic2.htm#ppea)

STAFF:
Barbara A. Byron, Director, Office of Community Revitalization
Paula Sampson, Director, Department of Housing and Community Development

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INTERIM AGREEMENT

This **INTERIM AGREEMENT** ("Agreement") is made this ___ day of September 2013, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, in its proprietary capacity, and not in its governmental or regulatory capacity (the "County"), and **LAKE ANNE DEVELOPMENT PARTNERS LLC**, a Virginia limited liability company ("LADP").

RECITALS:

R-1. The County is the fee simple owner of a 16.5 acre tract of land in Reston, Virginia, collectively having tax assessment numbers as 17-2-((16))-1A and 17-2-((14))-(1)-2G, upon which certain residential apartment buildings are built and which are commonly referred to as the Crescent Apartments (the "Property").

R-2. The Property is currently leased to the Fairfax County Redevelopment and Housing Authority ("FCRHA") pursuant to an agreement by and between the County and the FCRHA.

R-3. The Property currently consists of five garden-style 3-story apartment buildings, containing a total of 181 units, which are currently affordable to households earning 60% or below of the area median income ("AMI"), as defined and published by the applicable federal authorities.

R-4. On March 30, 2009, the County, in its regulatory capacity, adopted an amendment to the County's Comprehensive Plan which revised the boundaries of the Lake Anne Village Center ("LAVC") and the LAVC Commercial Revitalization Area ("CRA"), and which provided, among other things, a maximum allowable density of 935 dwelling units on "Land Unit D", which is comprised of the Property and a 0.85 acre parcel (the "Gas Station Parcel") owned by G and K Inc., a Virginia corporation (the "Gas Station Owner"), designated as Tax Map Number 17-2 ((1))-7.

R-5. Pursuant to that certain Request for Proposal Number RFP-2000000-125, dated February 9, 2012, and issued under the auspices of the Public Private Education Facilities and Infrastructure Act of 2002, Virginia Code Ann. §§ 56-575.1 et seq. (2012) (such Request for Proposal, as subsequently amended by certain addendums, collectively, the "RFP"), the County desired to enter into a contract with a developer for the redevelopment of the Property which would, among other things, achieve a comprehensive redevelopment plan that aligned with the vision of the Comprehensive Plan, including the preservation of affordable housing, the creation of additional workforce housing and a development that would serve as a catalyst for the revitalization of the LAVC.

R-6. LADP submitted a response to the RFP (as amended, the "LADP Response") which was determined to be the most responsive to the RFP.

R-7. The County and LADP desire to enter into this Agreement in order to initiate certain actions, set forth below, in furtherance of the LADP Response and the negotiations conducted to date.

R-8. Given the complexity of the potential development of the Property and the shared desire of the County and LADP to commence design- and zoning-related work as soon as possible, the parties agree that it is necessary to file the necessary applications for zoning and land use approvals prior to execution of a final, full development agreement regarding the redevelopment of the Property and other parcels in the LAVC (such redevelopment, the "Project").

R-9. Notwithstanding that a final master development agreement regarding the Project has not been executed, and with full recognition that the parties may be unsuccessful in concluding a final master development agreement regarding the Project, the County has agreed to allow LADP the right to pursue the land use planning, design, and other work activities necessary to obtain approval of the Land Use Entitlement Approvals (as defined below) and shall appoint LADP its agent with respect to the Project and the Property, subject to and in accordance with the terms hereof.

NOW, **THEREFORE**, in consideration of the Recitals, which are hereby incorporated into this Agreement by reference, the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Term of Agreement. This Agreement shall commence on the date hereof and continue unless otherwise terminated in accordance with the terms hereof.

2. Designation of LADP as Agent.

a. The County hereby designates LADP as its agent for the limited purpose of pursuing the Land Use Entitlement Approvals with respect to the Property and the Project, subject to the terms and conditions set forth in this Agreement, and LADP hereby accepts such designation.

b. The County hereby acknowledges and agrees that LADP, as the County's agent, is hereby authorized to commence land use planning, design, and other work activities necessary to obtain the following with respect to the Property and the Project (collectively, the "Land Use Entitlement Approvals"), which shall include, without limitation:

i. Proffered Condition Amendment (PCA) / Development Plan Amendment (DPA) and a PRC Plan application (each as defined in the appropriate regulations promulgated by the Fairfax County Department of Planning and Zoning ("DPZ"));

ii. Conceptual approval of the Design Review Board for Reston Association;

iii. Recommendation of the Architectural Review Board; and

iv. Any other regulatory approvals necessary in connection with the above.

c. LADP hereby acknowledges and agrees that the agency created hereby is temporary and shall immediately terminate upon any termination of this Agreement in accordance with the terms hereof. Upon such termination of the agency created hereby, LADP shall immediately cease all work with respect to the Land Use Entitlement Approvals and, thereafter, LADP shall have no further duty or obligation to pursue the Land Use Entitlement Approvals on behalf of the County.

3. Agreement Regarding Land Use Entitlement Approval Process.

a. LADP shall (i) consult and coordinate with the County regarding the design of the Project, and (ii) provide prior written notice and request for approval regarding all submissions to be made in connection with the Land Use Entitlement Approvals. Unless otherwise waived or modified in writing by the County, LADP shall provide the County, in its proprietary capacity, a copy (in any format desired by the County, i.e.: electronic, paper, or physical copies of documents due to size or volume) of all submissions to be made in connection with the Land Use Entitlement Approvals for the County's review and approval eight (8) business days prior to LADP's anticipated filing with or submission of the same to the applicable governmental agencies. All such notices and requests required of LADP by this Section 3(a) shall not be subject to the Notice provisions of Section 6 below; instead, all Notices required in this Section 3(a) (including requests for approvals) shall be delivered to Barbara A. Byron, Director of the Office of Community Revitalization, with a copy to Rex Peters, Department of Housing and Community Development, and/or any other person(s) as may be delegated by Barbara A. Byron, and in such format as may be requested. Approval of such submissions shall be in the County's sole and absolute discretion; *provided*, *however*, that the County's approval of any and all such submissions shall not be unreasonably withheld on the basis of County comments that do not reasonably reflect refinement of the scope and substance of prior approved submissions, unless such comments are in response to issues or questions raised by the County, in its governmental / regulatory capacity, as part of the Land Use Entitlement Approval process. If the County fails to notify LADP in writing of either its approval or disapproval of any such submissions within eight (8) business days after its receipt of the same from LADP, then LADP may proceed with the submission of the same; however it shall be understood that such submission shall not be deemed to be approved by the County. Any County approval of submissions by LADP shall be in the County's capacity as land owner, and shall not be construed to imply approval as a regulator.

b. LADP shall file its initial land use application with the County in its regulatory capacity for the Land Use Entitlement Approvals within ninety (90) days of the date of this Agreement.

c. The County shall be obligated to diligently pursue any consent of the Board of Supervisors that may be required in connection with the Land Use Entitlement

Approvals, and to otherwise reasonably cooperate with LADP in the pursuit of the Land Use Entitlement Approvals.

d. It is further acknowledged and understood that the rezoning of the Property will require execution of proffered conditions by LADP and the County. The County and LADP shall consult and coordinate as to the substance of such proffered conditions. The County's approval and execution of the proffered conditions shall be in the County's sole and absolute discretion; provided, however, that such approval and execution shall not be unreasonably withheld, conditioned or delayed with respect to proffered conditions that (i) are reasonably related to elements of Land Use Entitlement Approval submissions previously approved by the County, in its proprietary capacity, and (ii) otherwise reflect the obligations of this Agreement and the MDA.

e. It is further acknowledged and understood that the County may decline to approve LADP's proposed Land Use Entitlement Approval submission(s) if they do not provide for the inclusion and consolidation of, at a minimum, the Gas Station Parcel and "Land Unit A", as defined in the Fairfax County Comprehensive Plan for LAVC and including Fairfax County Tax Map Parcel Numbers 17-2 ((07)) 6B2 and 17-2 ((31)) 1645, portions of Tax Map Parcels 17-2 ((07)) 6B3 and 17-2 ((08)) 6C, and a portion of the Lake Anne of Reston Condominium common areas.

f. LADP shall be responsible for all costs associated with the Land Use Entitlement Approvals (such costs, the "LADP Costs"), and the County shall not be obligated to reimburse to LADP any costs associated with the Land Use Entitlement Approvals. Upon any termination of this Agreement, LADP agrees that, pursuant to the terms and conditions of this Agreement, LADP shall (i) assign all of its rights and interests (if any) in and to any obtained Land Use Entitlement Approvals, and deliver (or cause to be delivered) originals or copies of any and all other documents related to the same to the County, and (ii) assign to the County all of its rights and interests to, and provide and deliver (or cause to be provided or delivered) to the County any and all work product produced by LADP and/or its contractors and consultants associated with the Project, together with any third-party consents necessary therefor (collectively, roman numerals (i) and (ii) in this sentence shall be referred to as the "Work Product"). The foregoing obligations of LADP shall survive the termination of this Agreement.

g. During the term of this Agreement, LADP and its agents may access the Property upon reasonable advance notice to the County – including, for purposes of this Section 3(g), notice to Rex Peters of the County's Department of Housing and Community Development – in order to conduct such activities as LADP reasonably determines are necessary or appropriate in connection with the Land Use Entitlement Approvals process. LADP shall conduct such activities in a manner so as to minimize any disturbance to the residents and operations of Crescent Apartments. LADP shall, and shall cause any of its employees or agents entering onto the Property to, deliver to the County certificates of insurance listing the County as an additional insured and evidencing general liability insurance coverage in the amount of $1,000,000. LADP shall further (i) repair and restore any damage to the Property or the improvements thereon caused by LADP's activities (or those of its employees or agents) under this sub-section, and (ii) indemnify, defend, and hold the County harmless from and against any and all liability, cost, or

expense, including any damage to the Property or the improvements thereon, resulting or arising from LADP's activities (or those of its employees or agents) under this sub-section, except to the extent caused by the negligence or willful act or omission of the County, its agents, or employees. Notwithstanding anything herein to the contrary, neither this sub-section, nor any portion thereof, nor any other provision in this Agreement shall constitute a waiver of the County's sovereign immunity.

4. Pursuit of Master Development Agreement. The parties agree to pursue negotiations, diligently and in good faith, of a master development agreement (an "MDA") to fully provide for the development of the Project generally consistent with the RFP, the LADP Response, and the negotiations conducted to date, with the expectation of concluding negotiations by 11:59 p.m. eastern time on the date that is eighteen (18) months after the date of this Agreement (or such later date as may be mutually agreed upon in writing by the parties, the "Outside Date"). The parties further agree that execution of the MDA, by all parties, and the approval of the MDA by the Board of Supervisors of Fairfax County, Virginia are both to occur concurrently with the obtaining and approval by all applicable governmental authorities of the last of the Land Use Entitlement Approvals to be obtained. The MDA will provide, inter alia, a comprehensive agreement for the rights and responsibilities of each party regarding the entire development of the Project, including, without limitation:

- The County shall have no obligation to contribute financially to the Project;

- The purchase price(s) and/or ground rent(s), as applicable, to be paid by LADP for the Property, and the terms of such conveyances, shall be set forth in the MDA;

- LADP shall pay a deposit (10% of the purchase price of land to be sold in fee simple, together with 100% of ground rent for the first full stabilized year of operation of land to be ground leased) upon execution of the MDA that is to be non-refundable unless the County defaults under the MDA;

- Full payment for last phase of any land to be conveyed by sale, and ground rent commencement for last phase of any land to be conveyed by ground lease, must occur no later than December 31, 2018;

- Neither the sales price nor ground rent shall decline as a result of the entitlement process, changes in market economics, project financing, tax credit awards, or other circumstances;

- Values are to be expressed in terms of 2013 dollars, with discount rates or escalation factors to be discussed;

- A relocation plan for the residents of the Crescent Apartments, subject to the approval of the County and the FCRHA and that provides the option for then-current residents at the time of redevelopment to be able to live at the Property at affordable rent levels, provided they meet eligibility requirements;

- The realignment of Village Road, and the provision of at least 181 replacement affordable units must be part of the first phase of development;

- County support for the timely relocation for the Village Road right-of-way through VDOT; and

- If LADP does not acquire, directly or indirectly, Land Unit A, the County, at its option, may terminate the MDA.

5. Termination. To the extent this Agreement is terminated pursuant to any of the subsections listed below, the County shall not be obligated to reimburse LADP for the LADP costs and any other costs incurred by LADP under this Agreement, and the Work Product shall, upon written request of the County, immediately be turned over to the County as soon as reasonably possible. The provisions of this Section shall survive the termination of this Agreement.

a. In the event the parties are unable to reach agreement upon the terms and conditions of the MDA by the Outside Date, this Agreement may be terminated by the County upon written notice to LADP and the parties hereto shall have no further rights or obligations hereunder, except the terms of which shall expressly survive such termination.

b. In the event of (A) any breach of this Agreement by the County which is not cured within thirty (30) days after the County's receipt of written notice of such breach from LADP, or (B) LADP's reasonable determination that it shall be unable to obtain the Land Use Entitlement Approvals, *then*, LADP shall have the right to terminate this Agreement upon written notice to the County, and the parties hereto shall have no further rights or obligations hereunder, except the terms of which expressly survive such termination.

c. In the event of any breach of this Agreement by LADP which is not cured within thirty (30) days after LADP's receipt of written notice of such breach from the County, the County shall have the right to either (i) terminate this Agreement, or (ii) pursue any and all other remedies available to the County at law or in equity.

6. Notice. Any notices required or permitted to be given hereunder shall be deemed to have been properly given when received or refused if sent by United States certified or registered mail, return receipt requested; national overnight courier service; or delivered in hand; in each case as follows (unless changed by similar notice in writing given by the particular person whose address is to be changed):

If to the County:

Board of Supervisors of Fairfax County, Virginia
12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Attention: County Executive

With copies to:

Department of Community Revitalization
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035
Attention: Barbara A. Byron

And:

Office of the County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Attention: Ryan Wolf

If to LADP:

Republic Land Development LLC
11401 North Shore Drive
Reston, Virginia 20190
Attention: David L. Peter

With copies to:

Walsh Colucci Lubeley Emrich & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201
Attention: Thomas J. Colucci, Esq.

7. Miscellaneous Provisions.

a. Appropriations. Any and all of County's financial obligations under this Agreement are subject to appropriations by the Board to satisfy payment of such obligations.

b. Attorney's Fees. In the event there arises any disputes under this Agreement and said disputes result in litigation between the parties, the prevailing party shall be entitled to recover from the non-prevailing party all reasonable attorney's fees incurred by the prevailing party in any such litigation, including the value of legal services, if any, provided by the Office of the County Attorney of Fairfax County.

c. Binding Effect. This Agreement shall, be binding upon and inure to the benefit of the parties hereto, their successors and permitted assigns. Neither party hereto may assign its rights or delegate its obligations hereunder.

d. Counterparts. If this Agreement shall be executed in two or more counterpart originals, each counterpart original shall be for all purposes considered an original of this Agreement.

e. Further Assurances. At the request of either party, LADP and the County shall promptly execute and deliver such other further instruments and documents as may from time to time be requisite in order to consummate the intent of the parties provided herein.

f. Headings. The section headings are herein used for convenience of reference only and shall not be deemed to vary the content of this Agreement or the covenants, agreements, representations and warranties herein set forth or the scope of any section.

g. Incorporation. The Recitals and Exhibits are hereby incorporated into this Agreement as if fully set forth herein.

h. Governing Law. This Agreement shall be governed by and construed under the laws of the Commonwealth of Virginia.

i. Holidays, Business Days, etc. Whenever the last day for the performance of any act required by either party under this Agreement shall fall upon a Saturday, Sunday, legal holiday, or day on which national banks doing business in the Washington D.C. area are generally closed for business, the date for the performance of any such act shall be extended to the next succeeding business day which is not a Saturday, Sunday, legal holiday, or day on which such bank is closed.

j. No Third Party Beneficiaries. No person or entity shall be a third party beneficiary of this Agreement.

k. Partial Invalidity. If any provision of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, all of which other provisions shall remain in full force and effect; and it is the intention of all the parties hereto that if any provision of this Agreement capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

l. Waiver, Modification. Failure by either party to insist upon or enforce any of its rights hereto shall not constitute a waiver thereof. This Agreement shall not be modified, amended, or altered except by a written agreement signed by each of the parties hereto.

m. Survival. Except as otherwise specifically provided herein, the provisions of this Agreement shall not survive termination hereunder.

n. Time. With respect to all time periods contained in this Agreement, it is expressly understood that time shall be of the essence.

o. Waiver of Jury Trial. Each party hereby knowingly waives trial by jury in any action, proceeding, claim or counterclaim brought by either party in connection with any matter arising out of or in any way connected with this Agreement, the relationship of the parties hereunder, the parties' ownership or use of the land subject to this Agreement, and/or any claims

of injury or damage.

p. The foregoing provisions of this Section shall survive the termination of this Agreement.

(*Remainder of Page Blank; Signatures Follow*)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first written above.

COUNTY:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, acting in its proprietary capacity and not in its governmental or regulatory capacity

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX, to-wit:

Subscribed and sworn to before me this ____ day of _____, 2013, by _____.

_____
Notary Public

My Commission Expires: _____
Registration Number: _____

LADP:

LAKE ANNE DEVELOPMENT PARTNERS LLC, a Virginia limited liability company

By: _____
Name: David L. Peter
Title: Manager

COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX, to-wit:

Subscribed and sworn to before me this ____ day of _____, 2013, by David L. Peter, Manager of Lake Anne Development Partners LLC.

_____
Notary Public

My Commission Expires: _____
Registration Number: _____

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Board Agenda Item
July 9, 2013

ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Braddock and Sully 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 period for the following applications: 2232-B13-8 and 2232-Y13-5.

TIMING:
Board action is required on July 9, 2013, to extend the review periods of the applications noted above before they expire on September 20-22, 2013.

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 these 2232 applications; which were accepted for review by DPZ on April 23-25, 2013. 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 this application by no more than sixty additional days. The review period for the following application should be extended as follows:

2232-B13-8	Milestone Communications/AT&T Mobility Lake Braddock Secondary School/Monopole

9200 Burke Lake Road, Burke, VA
Braddock District
Extend to September 22, 2013

2232-Y13-5 Milestone Communications/AT&T Mobility
London Towne Elementary School/Tree pole
6100 Stone Road, Centreville, VA
Sully District
Extend to September 20, 2013

The need for the full time of this extension 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

Board Agenda Item
July 9, 2013

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Proposed Technical Amendments to the Code of the County of Fairfax, Chapter 3, Articles 2, 3, and 7

ISSUE:
Board authorization to advertise a public hearing on proposed technical amendments to Articles 2, 3, and 7 of Chapter 3 of the *Code of the County of Fairfax*, which respectively concern the Fairfax County Employees' Retirement System, Fairfax County Uniformed Retirement System, and Fairfax County Police Officers Retirement System. The amendments are required as a condition for the continued qualification of the Systems for favorable tax treatment under § 401(a) of the Internal Revenue Code (IRC).

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing on the proposed amendments to Chapter 3, Articles 2, 3, and 7.

TIMING:
Authorization to advertise a public hearing on the proposed amendments on July 9, 2013. The public hearing will take place on July 30, 2013, at 4:30 p.m., so that the amendments can take effect before August 30, 2013, as required by the Internal Revenue Service (IRS).

BACKGROUND:
Employer retirement plans meeting the requirements established by IRC § 401(a) qualify for favorable tax treatment. The IRS has established a program under which employers may seek determination whether their plans qualify under § 401(a). Plans the IRS finds to satisfy § 401(a)'s requirements receive "favorable determination letters."

The IRS last issued favorable determination letters for the Fairfax County Employees' Retirement System, Fairfax County Uniformed Retirement System, and Fairfax County Police Officers Retirement System on November 24, 2003. Due to the impending expiration of these letters' effectiveness, the County applied for determination of whether these Systems continue to meet the requirements of § 401(a). During its ensuing review of the County's application, the IRS requested that certain technical amendments be made to the Systems. In response, the County submitted proposed amendments for the IRS's consideration.

On May 30, 2013, the IRS issued favorable determination letters for all three Systems. The favorable determinations are contingent upon adoption of the proposed amendments the County submitted to the IRS. Under IRS regulations, this adoption must occur no later than August 30, 2013.

FISCAL IMPACT:
There is no actuarial cost and no fiscal impact associated with the amendments.

ENCLOSED DOCUMENTS:

Attachment 1:	Proposed Amendments to Chapter 3, Article 2, Fairfax County Employees' Retirement System
Attachment 2:	Proposed Amendments to Chapter 3, Article 3, Fairfax County Uniformed Retirement System
Attachment 3:	Proposed Amendments to Chapter 3, Article 7, Fairfax County Police Officers Retirement System
Attachment 4:	Advertisement
Attachment 5:	Letter from Fiona Liston, Cheiron, to Robert Mears dated June 19, 2013 Re: Fairfax County Employees' Retirement System
Attachment 6:	Letter from Fiona Liston, Cheiron, to Robert Mears dated June 19, 2013 Re: Fairfax County Uniformed Retirement System
Attachment 7:	Letter from Fiona Liston, Cheiron, to Robert Mears dated June 19, 2013 Re: Fairfax County Police Officers Retirement System

STAFF:
Robert L. Mears, Executive Director, Fairfax County Retirement Systems
Benjamin R. Jacewicz, Assistant County Attorney

ATTACHMENT 1

PROPOSED AMENDMENT

Chapter 3, Article 2. Fairfax County Employees' Retirement System

Section 3-2-2. Fairfax County Employees' Retirement System established.

Under the authority of *Code of Virginia*, Section 51.1-801, there is herby established a retirement system for employees, formerly known as the Fairfax County Supplemental Retirement system, to be known henceforth as the "Fairfax County Employees' Retirement system," by and in which name it shall, pursuant to the provisions of this Article, transact all of its business. (20-81-3; 10-01-3.) The Fairfax County Employees' Retirement System is intended to satisfy Internal Revenue Code §§ 401(a) and 414(d) requirements for qualified governmental pension plans.

Section 3-2-32. Service retirement allowance.

(a) No Change

(b) No change

(c) *Joint and Last Survivor Option*. A member may elect to receive a decreased retirement allowance during his lifetime and to have such retirement allowance, or a specified fraction thereof, continue after his death to his spouse, for his spouse's lifetime. Such election may be made or changed at any time up to the member's actual retirement date. After the member's actual retirement date, such election may not be changed except as permitted by Subsections (1) and (2) of this Subsection (c). The amount of such retirement allowance shall be determined on an actuarial equivalent basis and shall be calculated at the member's actual retirement date using the actuarial adjustment factors in Table 1.

TABLE 1
FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM

Actuarial Adjustment Factors That Would Apply to Participants with a Normal or Early Retirement Benefit Determined Under Section 3-2-32 Who Elect a Joint and Last Survivor Option.

Percent of Benefit Continued to Spouse Upon Participant's Death	Factor for Equal Ages	Increase/Decrease For Each Full Year Beneficiary is Older (Younger) Than Employee	Maximum Factor

100%	85%	0.7%	96%
75%	89%	0.6%	97%
66.67%	90%	0.5%	98%
50%	92%	0.4%	99%

(1) No change

(2) No change

(d) No change

Section 3-2-53. Distribution of benefits.

Notwithstanding any other provision of this Article, effective for plan years beginning after December 31, 1986, the entire interest of each member shall be distributed to such member not later than the required beginning date specified below, or will be distributed, beginning not later than the required beginning date, over the life of such member or over the lives of such member and a beneficiary or over a period not extending beyond the life expectancy of such member or the life expectancy of such member and a beneficiary. For this purpose, the term "required beginning date" means April 1 of the calendar year following the later of the calendar year in which the member attains age 70½, or the calendar year in which the member retires. If a member dies after distribution of the member's interest has ~~begin~~ begun, the remaining portion, if any, of such interest shall be distributed at least as rapidly as under the method of distribution being used as of the date of death. If a member dies before the distribution of the member's interest has begun, any death benefit shall be distributed within five (5) years after the death of such member, unless (1) any portion of the member's interest is payable to (or for the benefit of) a designated beneficiary, (2) such portion will be distributed over the life of such beneficiary or over a period not extending beyond the life expectancy of such beneficiary, and (3) if the beneficiary is someone other than the member's surviving spouse, such distributions will begin not later than one (1) year after the date of the member's death or such later date as the Secretary of the Treasury may by regulations prescribe. If the beneficiary is the surviving spouse of the member, (1) distribution shall begin on or before the latest of one (1) year after the date of the member's death, such later date as the Secretary of the Treasury may by regulations prescribe, or the date on which the member would have attained age 70½ and (2) if the surviving spouse dies before the distributions to such spouse begin, the distribution rules specified in this paragraph shall be applied as if the surviving spouse were the member. Distributions from the System will be made in accordance with the requirements of Section 401(a)(9) Internal Revenue Code, including the rules for incidental death distributions set forth at Section 401(a)(9)(G). (27-90-3, § 2.)

PROPOSED AMENDMENT

Chapter 3, Article 3. Fairfax County Uniformed Retirement System

Section 3-3-2. Fairfax County Uniformed Retirement System established.

Under the authority of Chapter 4, Article 1, Title 51-112 of the 1950 *Code of Virginia*, as amended, there is herby established a retirement system for employees, to be known as the "Fairfax County Unformed Retirement System" by and in which name it shall, pursuant to the provisions of this Article, transact all of its business. The Fairfax County Uniformed Retirement System is intended to satisfy Internal Revenue Code §§ 401(a) and 414(d) requirements for qualified governmental pension plans. (1961 Code, § 9-73; 11-74-9; 28-77-3.)

Section 3-3-33. Service retirement allowance.

(a) No Change

(b) No Change

(c) *Joint and last survivor option.* Before the normal retirement date, a member may elect to receive a decreased retirement allowance during his or her lifetime and to have such retirement allowance or a specified fraction thereof, continued after his or her death to the spouse, for his or her lifetime. The amount of such retirement allowance shall be determined on an actuarial equivalent basis and shall be calculated at the member's actual retirement date using the actuarial adjustment factors in Table 3. In the event a retired member has elected a reduced retirement allowance in consideration of continued allowance to his or her spouse after the member's death and such spouse predeceases the member, such member's retirement allowance shall be increased to that amount to which the member would have been entitled had no election been made. In the event a retired member who has elected the joint and last survivor option shall be divorced from his or her spouse, and such former spouse waives his or her rights to the benefits of the election of the joint and last survivor option, the retired member may revoke his or her joint and last survivor election; such revocation must be accompanied by a certified copy of a court order or decree containing the waiver of the spouse's rights under the joint and last survivor option election. Upon the provision of the request to revoke the election and the certified copy of a court order or decree containing the waiver of the spouse's rights under the joint and last survivor option election to the Executive Director, the Retirement Administration Agency shall revoke the election and increase the member's retirement allowance to the amount it would have been had no joint and last survivor election ever been made. The effective date of the increase in the member's retirement allowance shall be the first of the month next following the submission of the request to revoke the election accompanied by a certified copy of a court order or decree containing the waiver of the spouse's rights under the joint and last survivor option election.

TABLE 1 – No Change

TABLE 2 – No Change

TABLE 3
FAIRFAX COUNTY UNIFORMED RETIREMENT PLAN

Actuarial Adjustment Factors That Would Apply to Participants with a Normal or Early Retirement Benefit Determined Under Section 3-3-33 Who Elect a Joint and Last Survivor Option.

Percent of Benefit Continued to Spouse Upon Participant's Death	Factor for Equal Ages	Increase/Decrease For Each Full Year Beneficiary is Older (Younger) Than Employee	Maximum Factor
100%	87%	0.7%	96%
75%	90%	0.6%	97%
66.67%	91%	0.5%	98%
50%	93%	0.4%	99%

Section 3-3-54. Distribution of benefits.

Notwithstanding any other provision of this Article, effective for plan years beginning after December 31, 1986, the entire interest of each member shall be distributed to such member not later than the required beginning date specified below, or will be distributed, beginning not later than the required beginning date, over the life of such member or over the lives of such member and a beneficiary or over a period not extending beyond the life expectancy of such member or the life expectancy of such member and a beneficiary. For this purpose, the term "required beginning date" means April 1 of the calendar year following the later of the calendar year in which the member attains age 70½, or the calendar year in which the member retires. If a member dies after distribution of the member's interest has begun, the remaining portion, if any, of such interest shall be distributed at least as rapidly as under the method of distribution being used as of the date of death. If a member dies before the distribution of the member's interest has begun, any death benefit shall be distributed within five (5) years after the death of such member, unless (1) any portion of the member's interest is payable to (or for the benefit of) a designated beneficiary, (2) such portion will be distributed over the life of such beneficiary or over a period not extending beyond the life expectancy of such beneficiary, and (3) if the beneficiary is someone other than the member's surviving spouse, such distributions will begin not later than one (1) year after the date of the member's death or such later date as the Secretary of the Treasury may by regulations prescribe. If the beneficiary is the surviving spouse of the member, (1) distribution shall begin on or before the latest of one (1) year after the date of the member's death, such later date as the Secretary of the Treasury may by regulations prescribe, or the date on which the member

would have attained age 70½ and (2) if the surviving spouse dies before the distributions to such spouse begin, the distribution rules specified in this paragraph shall be applied as if the surviving spouse were the member. Distributions from the System will be made in accordance with the requirements of Section 401(a)(9) Internal Revenue Code, including the rules for incidental death distributions set forth at Section 401(a)(9)(G). (27-90-3, § 4.)

PROPOSED AMENDMENT

Chapter 3, Article 7. Fairfax County Police Officers Retirement System

Section 3-7-1. Fairfax County Police Officers Retirement System established.

(a) No change

(b) No change

(c) The Fairfax County Police Officers Retirement System is intended to satisfy Internal Revenue Code §§ 401(a) and 414(d) requirements for qualified governmental pension plans.

Section 3-7-8. Amendment of Article.

(a) No change

(b) No amendment, suspension or revocation, including termination or partial termination of the System, shall have the effect of diverting the trust fund of the System to purposes other than the exclusive benefit of the participating employees or their beneficiaries, until all liabilities for accrued benefits payable under the terms of the plan shall have been fully satisfied. Upon termination of the System or a discontinuance of contributions to the System, each member's benefit accrued as of such date will be nonforfeitable. (20-81-3; 21-96-3.)

Section 3-7-25. Employer contributions.

The aggregate present value of future employer contributions payable into the retirement allowance account shall be sufficient, when combined with the amount then held in the members' contribution account and the retirement allowance account together with the present value of future employee contributions, to provide the estimated prospective benefits payable. The annual employer contribution rate shall be fixed as equal to the employer normal cost plus an expense rate, as long as the System's funding ratio (actuarial value of assets divided by actuarial accrued liability) remains within a corridor, the lower measurement of which is 90% and the upper measurement of which is 120%. The employer normal cost and actuarial accrued liability are to be measured using the aggregate accrual modification of the entry age normal funding method.

To the extent that the System's funding ratio exceeds 120%, a credit shall be established equal to the amount of assets in excess of 120% of the actuarial accrued liability. To the extent that the System's funding ratio is lower than 90%, a charge shall be established equal to the difference between 90% of the actuarial accrued liability and the assets. The employer

contribution shall be adjusted by a 15 year amortization of this credit or charge, to be paid until the funding ratio re-enters the corridor at which time it will cease; provided, however, the Board of Supervisors shall contribute to the fund an amount at least equal to the amount contributed by the members.

In the event of an ordinance change that affects benefits, the employer contribution rate shall be changed effective with the July 1 coincident with or next following the date of adoption of the ordinance change. The employer normal cost component shall be adjusted to the level required by the ordinance change and there will an additional component to the employer cost equal to a 15 year amortization of the increase in actuarial accrued liability. Any additional actuarial accrued liability which does not reduce the funding level below 120% shall be excluded from this component. (20-81-3; 16-02-3)

All contributions made to the System are made for the exclusive benefit of the member's and their beneficiaries, and such contributions shall not be used for, nor diverted to, purposes other than for the exclusive benefit of the members. Notwithstanding the foregoing, to the extent that such refunds do not, in themselves deprive the System of its qualified status, refunds of contributions shall be made to the Employer under the following circumstances:

(a) If the Plan is determined not to initially satisfy qualification requirements of Section 401(a) of the Internal Revenue Code and the Employer declines to amend the system to satisfy such qualification requirements, contributions made prior to the determination that the determination that the System has failed to qualify shall be returned to the Employer;

(b) To the extent that a federal income tax deductions is disallowed in whole or in part for any Employer contribution; and

(c) If a contribution is made in whole or in part by reason of a mistake of fact, the Employer Contribution attributable to the mistake of fact shall be returned to the Employer.

Section 3-7-26. Service retirement.

(a) Normal Retirement.

(1) No change

(2) Any member employed on active duty or following July 1, 1981, who has attained twenty-five (25) years of creditable service or age fifty-five (55) shall be eligible for retirement on that date when written notification is provided to the Board by the member setting forth at that time when the retirement is to become effective. Should a member reach his normal retirement age of 55 while an employee, the rights of the member to accrued benefits under this System shall become nonforfeitable without regard to the member's years of creditable service.

Section 3-7-49. Distribution of benefits.

Notwithstanding any other provision of this Article, effective for plan years beginning after December 31, 1986, the entire interest of each member shall be distributed to such member not later than the required beginning date specified below, or will be distributed, beginning not later than the required beginning date, over the life of such member or over the lives of such member and a beneficiary or over a period not extending beyond the life expectancy of such member or the life expectancy of such member and a beneficiary. For this purpose, the term "required beginning date" means April 1 of the calendar year following the later of the calendar year in which the member attains age 70½, or the calendar year in which the member retires. If a member dies after distribution of the member's interest has begun, the remaining portion, if any, of such interest shall be distributed at least as rapidly as under the method of distribution being used as of the date of death. If a member dies before the distribution of the member's interest has begun, any death benefit shall be distributed within five (5) years after the death of such member, unless (1) any portion of the member's interest is payable to (or for the benefit of) a designated beneficiary, (2) such portion will be distributed over the life of such beneficiary or over a period not extending beyond the life expectancy of such beneficiary, and (3) if the beneficiary is someone other than the member's surviving spouse, such distributions will begin not later than one (1) year after the date of the member's death or such later date as the Secretary of the Treasury may by regulations prescribe. If the beneficiary is the surviving spouse of the member, (1) distribution shall begin on or before the latest of one (1) year after the date of the member's death, such later date as the Secretary of the Treasury may by regulations prescribe, or the date on which the member would have attained age 70½ and (2) if the surviving spouse dies before the distributions to such spouse begin, the distribution rules specified in this paragraph shall be applied as if the surviving spouse were the member. Distributions from the system will be made in accordance with the requirements of Section 401(a)(9) Internal Revenue Code, including the rules for incidental death distributions set forth at Section 401(a)(9)(G). (27-90-3, § 6.)

ATTACHMENT 4

Notice of Public Hearing

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on July 30, 2013 at 4:30 p.m., at its regular meeting in the Board Auditorium, Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, regarding the proposed:

Revision to Chapter 3, Articles 2, 3 and 7 of the Code of the County of Fairfax revising the Employees', Uniformed and Police Officers Retirement Systems to incorporate technical changes required to comply with IRS regulations.

All persons wishing to speak on this subject may call the Office of the Clerk to the Board, 703-324-3151, to be placed on the Speaker's List, or may appear and be heard.

Given under my hand this ninth day of July, 2013.

Catherine A. Chianese
Clerk to the Board

CHEIRON Classic Values, Innovative Advice

Via Email

June 19, 2013

Mr. Robert Mears
Executive Director
Fairfax County Retirement Systems
10680 Main Street, Suite 280
Fairfax, Virginia 22030-3812

Re: Actuarial Impact on Employees' Retirement System
IRS Determination Letter

Dear Bob:

As requested, we are writing to provide an actuarial cost estimate for the proposed changes required by the IRS for the Fairfax County Employees' Retirement System including: (1) clarification that the Joint and Last Survivor Option is determined on the member's actual retirement date using the actuarial adjustment factors in Table 1, and (2) that distribution of benefits from the System will be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code.

This amendment is not expected to have an impact on the cost of the Retirement System.

This letter was prepared for Fairfax County Retirement Systems for the purposes described herein. This cost estimate is not intended to benefit any third party, and Cheiron assumes no duty or liability to any such party.

To the best of my knowledge, this letter and its contents have been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the Code of Professional Conduct and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board. Furthermore, as a credentialed actuary, I meet the Qualifications Standards of the American Academy of Actuaries to render the opinion contained in this letter. This letter does not address any contractual or legal issues. I am not an attorney, and our firm does not provide any legal services or advice.

Please call if you have any questions or comments.

Sincerely,
Cheiron

Fiona E. Liston

Fiona E. Liston, FSA, EA
Principal Consulting Actuary

cc: Christian Benjaminson, FSA

1750 Tysons Boulevard, Suite 1100, McLean, VA 22102 Tel: 703.893.1456 Fax: 703.893.2006 www.cheiron.us

Classic Values, Innovative Advice

Via Email

June 19, 2013

Mr. Robert Mears
Executive Director
Fairfax County Retirement Systems
10680 Main Street, Suite 280
Fairfax, Virginia 22030-3812

Re: Actuarial Impact on the Uniformed Retirement System
IRS Determination Letter

Dear Bob:

As requested, we are writing to provide an actuarial cost estimate for the proposed changes required by the IRS for the Fairfax County Uniformed Retirement System including: (1) clarification that the Joint and Last Survivor Option is determined on the member's actual retirement date using the actuarial adjustment factors in Table 3, and (2) that distribution of benefits from the System will be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code.

This amendment is not expected to have an impact on the cost of the Retirement System.

This letter was prepared for Fairfax County Retirement Systems for the purposes described herein. This cost estimate is not intended to benefit any third party, and Cheiron assumes no duty or liability to any such party.

To the best of my knowledge, this letter and its contents have been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the Code of Professional Conduct and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board. Furthermore, as a credentialed actuary, I meet the Qualifications Standards of the American Academy of Actuaries to render the opinion contained in this letter. This letter does not address any contractual or legal issues. I am not an attorney, and our firm does not provide any legal services or advice.

Please call if you have any questions or comments.

Sincerely,
Cheiron

Fiona E. Liston

Fiona E. Liston, FSA, EA
Principal Consulting Actuary

cc: Christian Benjaminson, FSA

1750 Tysons Boulevard, Suite 1100, McLean, VA 22102 Tel: 703.893.1456 Fax: 703.893.2006 www.cheiron.us

CHEIRON Classic Values, Innovative Advice

Via Email

June 19, 2013

Mr. Robert Mears
Executive Director
Fairfax County Retirement Systems
10680 Main Street, Suite 280
Fairfax, Virginia 22030-3812

Re: Actuarial Impact on the Police Officers Retirement System
IRS Determination Letter

Dear Bob:

As requested, we are writing to provide an actuarial cost estimate for the proposed changes required by the IRS for the Fairfax County Police Officers Retirement System including clarification that (1) employer contributions are made for the exclusive benefit of the members and their beneficiaries, (2) that at the attainment of normal retirement age a member's accrued benefit becomes nonforfeitable, and (3) that distribution of benefits from the System will be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code.

This amendment is not expected to have an impact on the cost of the Retirement System.

This letter was prepared for Fairfax County Retirement Systems for the purposes described herein. This cost estimate is not intended to benefit any third party, and Cheiron assumes no duty or liability to any such party.

To the best of my knowledge, this letter and its contents have been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the Code of Professional Conduct and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board. Furthermore, as a credentialed actuary, I meet the Qualifications Standards of the American Academy of Actuaries to render the opinion contained in this letter. This letter does not address any contractual or legal issues. I am not an attorney, and our firm does not provide any legal services or advice.

Please call if you have any questions or comments.

Sincerely,
Cheiron

Fiona E. Liston

Fiona E. Liston, FSA, EA
Principal Consulting Actuary

cc: Christian Benjaminson, FSA

1750 Tysons Boulevard, Suite 1100, McLean, VA 22102 Tel: 703.893.1456 Fax: 703.893.2006 www.cheiron.us

Board Agenda Item
July 9, 2013

ADMINISTRATIVE – 4

Streets into the Secondary System (Mason, Springfield and Sully Districts)

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

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

Subdivision	**District**	**Street**
Sleepy Hollow – Valley Brook Parcel C-1	Mason	Skyview Terrace (Route 2478)
Silverbrook Farms Phase 1	Springfield	Grace Isabel Way
		Emma Ann Way
		Silverbrook Road (Route 600) (Additional Right-of-Way Only)
Reserves at Oakton Phase II	Sully	Southfield Court (Route 10258)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

Board Agenda Item
July 9, 2013

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

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

BY: Nadia Alphonsi

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: 4028-SD-002

SUBDIVISION PLAT NAME: Sleepy Hollow - Valley Brook Parcel C-1

COUNTY MAGISTERIAL DISTRICT: Mason

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 04/09/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Skyview Terrace (Route 2478)	Existing Skyview Terace (Route 2478) - 236' SW CL Valley Brook Drive (Route 988)	215' SW to End of Cul-De-Sac	0.04
		TOTALS:	0.04

NOTES:

5' Concrete Sidewalk on Both Sides to be maintained by VDOT

Attachment 1

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

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

BY: Leslie Alphonse

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: 6454-SD-21

SUBDIVISION PLAT NAME: Silverbrook Farms Phase 1

COUNTY MAGISTERIAL DISTRICT: Springfield

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 04/16/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Grace Isabel Way	CL Silverbrook Road (Route 600) - 970' E CL Silverthorn Road (Route 8321)	215' N to CL Emma Ann Way	0.04
Emma Ann Way	CL Grace Isabel Way - 215' N CL Silverbrook Road (Route 600)	432' E to Beginning of Temp. Turnaround Easement & 259' W to End of Cul-de-Sac Total = 691'	0.13
Silverbrook Road (Route 600) (Additional Right-of-Way Only)	581' E CL Silverthorn Road (Route 8321)	948' E to Section Line	0.0
		TOTALS:	0.17

NOTES:

Grace Isabel Way: 4' Concrete Sidewalk on the West Side to be maintained by VDOT and on the East Side to be maintained by Fairfax County.

Emma Lee Way: 4' Concrete Sidewalk on the North Side to be maintained by VDOT and on the South Side to be maintained by Fairfax County.

Silverbrook Road: 8' Asphalt Trail on the North Side to be maintained by Fairfax County.

Print Form

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: 0386-SD-03

SUBDIVISION PLAT NAME: Reserves at Oakton Phase II

COUNTY MAGISTERIAL DISTRICT: Sully

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

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 04/10/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Southfield Court (Route 10258)	Existing Southfield Court (Route 10258) - 260' NE CL Southfield Drive (Route 5362)	295' NE to End of Cul-de-Sac	0.06
		TOTALS:	0.06

NOTES:

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on the Real Estate Exchange Agreement Between the Board of Supervisors and Rocks Engineering Company and Nugget Joint Venture, LC (Collectively, "RECO") (Dranesville District)

ISSUE:
Authorization to advertise a public hearing to consider a Real Estate Exchange Agreement (the "Agreement"), between the County and RECO for the purpose of property exchange and acquisition to develop a joint development plan with RECO, and for RECO to pursue Land Use Entitlement Approvals as defined in the Agreement for a joint development plan, including the rezoning of the property for the Phase II Dulles Corridor Metrorail - Innovation Center Station Garage.

RECOMMENDATION:
The County Executive recommends the Board authorize advertisement of a public hearing on July 30, 2013, at 4:30 p.m., to consider approval of the Agreement and real estate transactions contemplated therein.

TIMING:
Authorization for advertisement on July 9, 2013, will permit the public hearing to be held on July 30, 2013, in accordance with Va. Code Ann. § 15.2-1800 (2013).

BACKGROUND:
Phase II of the Dulles Corridor Metrorail project includes a new station near the Route 28 and Washington Dulles and Access Toll Road (the "Toll Road") intersection, Innovation Center Station. In connection with the construction of the new rail station, a parking garage containing approximately 2028 spaces, kiss and ride spots, bus depots, and ancillary transit features (collectively, the "Garage") for the Metro Station is to be constructed to the south of the Toll Road. The Innovation Center Station Metrorail Garage is planned to be owned, maintained, and operated by the County. The County recognizes that this Garage is an important component of the proposed private development immediately adjacent to the Garage site. County staff believes that a better and more integrated plan is achieved if the Garage is located further south within the block, as opposed to the location proposed by MWAA, directly adjacent to the Toll Road.

The proposed Agreement provides a path to achieve the joint integrated development plan through an exchange/acquisition of property between the County and RECO and a rezoning to allow the joint development and the alternate Garage location.

The Agreement establishes general terms and conditions for the Garage including the following:

- Appoints RECO as the County's agent for the limited purposes of pursuing, prosecuting and obtaining the Land Use Entitlement Approvals for the joint County RECO development plan, including the rezoning of the Garage property to Planned Residential Mixed-Use (PRM);
- Authorizes RECO to commence with certain land use planning, design, and other work activities necessary to obtain the Land Use Entitlement Approvals;
- Requires RECO to consult and coordinate with the County regarding the design of the integrated, joint development plan;
- Provides a budget that represents fair and reasonable compensation to RECO for the Garage share of the work performed by RECO during the Land Use Entitlement Approvals process;
- Provides for the exchange of property and property acquisition to develop the joint development plan;
- Includes a cost cap for the County cost to design and construct the Garage; and
- In the event that all requirements for the joint PRM approval are not achieved, or the cost to design the Garage is too high, it provides an alternate option for County implementation of the Garage.

All parties agree to pursue negotiations of the following from and after the execution of the Agreement and until final PRM approval:

- Final Development Agreement;
- Infrastructure Agreement;
- Declaration of Easements Covenants, and Restrictions; and
- Proffer Allocation Agreement.

The Agreement stipulates an approval of these agreements concurrent with the approval of the rezoning of the property by May 20, 2014, unless mutually extended to a later date.

FISCAL IMPACT:
Subject to RECO obtaining the joint PRM approvals within the timeline, and the Garage cost cap being met, the County will reimburse RECO for its actual cost expended for the rezoning, up to a cap of $400,000.

ENCLOSED DOCUMENTS:
Attachment I: Agreement (To be delivered under separate cover)

STAFF:
Robert A. Stalzer, Deputy County Executive
Om Jahagirdar, Assistant County Attorney
Fred Selden, Director, Department of Planning and Zoning
Jose A. Comayagua, Director, Facilities Management Department
Tom Biesiadny, Director, Department of Transportation
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

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Board Agenda Item
July 9, 2013

ACTION – 1

Approval of 2013 Zoning Ordinance Amendment Work Program

ISSUE:
Approval of the 2013 Zoning Ordinance Amendment Work Program.

RECOMMENDATION:
The County Executive recommends that the Board approve the 2013 Zoning Ordinance Amendment Work Program, as recommended by the Development Process Committee.

TIMING:
Board action is requested on July 9, 2013.

BACKGROUND:
The Zoning Ordinance Amendment Work Program is approved by the Board on an annual basis, and contains requests for amendments to the Zoning Ordinance generated from the Board, the Planning Commission, the Board of Zoning Appeals, staff, citizens, and industry representatives. The Work Program is comprised of two lists: Priority 1 and Priority 2. The Priority 1 list includes those items to be addressed in the up-coming year and the Priority 2 list includes items to be retained for future Priority 1 consideration.

Enclosed as Attachments 1 and 2 are summary charts of the status of the 2012 Priority 1 list and those items proposed for the 2013 Priority 1 list, respectively. Attachment 3 sets forth the 2013 Priority 1 list with a description of each item, and Attachment 4 provides a description of the items on the 2013 Priority 2 list. Attachment 5 contains a list of new amendment requests that have been made since the adoption of the 2012 Work Program, and Attachment 6 is the Planning Commission's recommendation on the proposed 2013 Work Program.

With regard to the status of the 2012 Priority 1 list, there were a total of 27 items of which 24 were originally approved by the Board, and 3 were added during the course of the year. Nine items have been addressed, including 7 amendments that have been adopted and 2 that have been authorized for public hearings.

For the proposed 2013 Work Program, the Planning Commission's Policy and Procedures Committee reviewed the proposed 2013 Work Program on April 25, 2013. That evening, the Committee and subsequently the full Planning Commission endorsed the staff recommended 2013 Work Program, with the following modifications:

- Add the following two items to the Priority 1 Work Program: facilitation of the commercial revitalization initiatives and donation drop boxes;

- Add the clarification of the term “transient” in the hotel/motel definition to the Priority 2 Work Program.

At its June 11, 2013 meeting, the Board’s Development Process Committee reviewed the proposed 2013 Work Program and recommended approval by the full Board on July 9, 2013. The following matters were discussed by the Committee:

1. The addition of Food Trucks and Donation Drop Boxes to the 2013 Priority 1 Work Program was specifically noted and appreciated by the Committee;

2. There was discussion regarding the timing of the noise amendment. While staff anticipated bringing the noise amendment back to the Development Process Committee in the fall in conjunction with a discussion on the Public Entertainment Establishment amendment, it was requested that the noise amendment be pursued separately, since the noise issues are not solely related to public entertainment, and the amendment was also to address industrial noise impacting adjacent residential neighborhoods.

As recommended by the Development Process Committee, the 2013 Priority 1 list contains 32 items: 18 are carryover amendments from the 2012 Priority 1 list and 14 are new amendment requests.

FISCAL IMPACT:
None. The 2013 Work Program can be addressed using existing staff and resources.

ENCLOSED DOCUMENTS:
Attachment 1 - Summary Chart of the Status of 2012 Priority 1 Work Program
Attachment 2 - Summary Chart of the Proposed 2013 Priority 1 Work Program
Attachment 3 – Proposed 2013 Priority 1 Zoning Ordinance Work Program
Attachment 4 – Proposed 2013 Priority 2 Zoning Ordinance Work Program
Attachment 5 – New Requests since June 19, 2012
Attachment 6 – Planning Commission Recommendation

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator
Lorrie Kirst, Senior Deputy Zoning Administrator, DPZ
Michelle O’Hare, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ

2012 Priority 1 Zoning Ordinance Amendment Work Program Status ***July 9, 2013***

Adopted	Amendment Authorized	Amendment Being Researched	Target Date
Application Fees 4/23/13	Minor Revisions Error in Building Location for Detached Accessory Structures (10a) BZA Approval of Error in Building Location of Less than 10% (10b) ARB Membership (10c) PC Public Hearing 7/10/13 Bd. Public Hearing 9/24/13	Application Fees (3)	1/15
Building Height for Certain Independent Living Facilities 9/11/12	Public Entertainment Establishments (19) 3/6/12 Bd. Ind. Deferred (working on revisions – TBD)	Building Height (4)	3/14
Civil Penalties 5/14/13	State Code – Temporary Health Care Structures (28) PC Public Hearing 7/10/13 Bd. Public Hearing 9/24/13	Farm Wineries (Priority 2 – No. 51)	TBD
Home Child Care Facilities 6/18/13		Gross Floor Area – Cellar Space (8)	10/13
Minor Revisions Home Child Care Facilities Substitute Providers 11/30/12		Minor Revisions Permanent Availability of Parking (10d)	6/13
Truck Rental Establishments in PRC District 9/11/12		Moveable Copy/Electronic Signs (11)	11/13
Vertical Datum Requirements 4/30/13		Noise (12)	10/13
		Office (13)	1/14
		Outdoor Lighting (14)	1/14
		Parking Reductions in Transit Oriented Areas (15)	9/13
		PDC and PRM Districts - FAR (16)	9/13
		PRC District Density (17)	TBD
		R-C District (20)	TBD
		Residential Studios (22)	7/13
		Site Plan Exemptions (24)	10/13
		Special Permit Submission Requirements (25)	11/13
		State Code – Development in Dam Break Inundation Zones (27)	9/13
		Yards – Infill (Priority 2 – No. 16 h)	TBD

( ) Denotes paragraph reference on 2013 Priority 1 Work Program – Attachment 3 or 2013 Priority 2 Work Program – Attachment 4
Highlights denote the items that have been added to the Priority 1 list subsequent to the Board's 6/19/12 endorsement of the 2012 Work Program.

Attachment 1

Draft 2013 Priority 1 Zoning Ordinance Amendment Work Program ***July 9, 2013***

Carry Over from 2012			New Priority 1	
Amendment Authorized	**Amendment Being Researched**	**Target Date**	**New Amendments**	**Target Date**
Minor Revisions Error in Building Location for Detached Accessory Structures (10a) BZA Approval of Error in Building Location of Less than 10% (10b) ARB Membership (10c) PC Public Hearing 7/10/13 Bd. Public Hearing 9/24/13	Application Fees (3)	1/15	Accessory Structure Size (1)	5/14
	Building Height (4)	3/14	Agri-Recreation (2)	11/13
State Code – Temporary Health Care Structures (28) PC Public Hearing 7/10/13 Bd. Public Hearing 9/24/13	Gross Floor Area – Cellar Space (8)	10/13	Commercial Revitalization (5)	TBD
	Minor Revisions -- Permanent Availability of Parking (10d)	6/13	Donation Drop Boxes (6)	2/14
	Noise (12)	10/13	Food Trucks (7)	TBD
	Office (13)	1/14	Home Child Care Facilities (9)	10/13
	Outdoor Lighting (14)	1/14	Minor Revisions Farmers' Markets (10e) Commercial Vehicles (10f)	2/14
	Parking Reductions in Transit Oriented Areas (15)	9/13	Moveable Copy/Electronic Signs (11)	11/13
	PDC and PRM Districts - FAR (16)	9/13	Public Benefit Associations (18)	3/14
	PRC District Density (17)	TBD	Rear Yard Coverage (21)	5/14
	Public Entertainment Establishments (19)	TBD	Riding Lessons as a Home Occupation (23)	3/14
	R-C District (20)	TBD	State Code - 2013 Session (26)	11/13
	Residential Studios (22)	7/13	Stormwater Management Facility Private Maintenance (29)	9/13
	Site Plan Exemptions (24)	10/13	Stormwater Management Regulations (30)	6/13
	Special Permit Submission Requirements (25)	11/13		
	State Code – Development in Dam Break Inundation Zones (27)	9/13		
Total Authorized: 2	**Total Outstanding: 16**		**New Amendments: 14**	

( ) Denotes paragraph reference on 2013 Priority 1 Work Program – Attachment 3

Total Amendments: 32

Attachment 2

PROPOSED 2013 PRIORITY 1
ZONING ORDINANCE AMENDMENT WORK PROGRAM

July 9, 2013

Below is an alphabetical list and brief description of all Priority 1 Zoning Ordinance Amendments. Any amendment that has been authorized has the scheduled hearing dates listed; otherwise, only projected authorization dates are provided. If annotated with an asterisk (*****), the amendment is without a projected timeline. Highlighted items are new amendments on the Priority 1 list. All amendments listed may not be completed within the 12 month time frame covered by this Work Program, as other higher priority items may place greater demands on staff resources than originally anticipated. Finally, several amendments are annotated with the abbreviation (EAC), as they are directly aligned with the recommendations of the Fairfax County Economic Advisory Commission.

1. Accessory Structure Size (New)
   Consider limiting the size of an accessory structure relative to a principal structure that can be permitted by right and allowing larger accessory structures with special permit approval by the BZA.

   May, 2014 Authorization to Advertise

2. Agri-Recreation (New)
   Consider creating a new special permit or special exception use that would permit agricultural based recreation events related to seasonal promotions.

   November, 2013 Authorization to Advertise

3. Application Fees (2012 Priority 1 and On-Going)
   Research on application fees is on-going for the next budget cycle scheduled for 2015.

4. Building Height (2012 Priority 1)
   Consider increasing the building height for single family detached dwellings in the R-C and R-E Districts when the impact of the increased height on adjacent properties would be mitigated.

   March, 2014 Authorization to Advertise

5. Commercial Revitalization (New)*
   Make the necessary revisions to facilitate the commercial revitalization initiatives.

6. Donation Drop Boxes (New)
   Consider adding provisions that are specific to donation drop boxes.

   February, 2014 Authorization to Advertise

7. Food Trucks (New)*

Consider adding provisions that are specific to food trucks.

Ongoing coordination with other County Departments

8. Gross Floor Area – Cellar Space (2012 Priority 1)

Review the definition of gross floor area as to how it is calculated for underground space in areas located outside of the PTC District.

October, 2013 Authorization to Advertise

9. Home Child Care Facilities (New)

Consider ways to stream line the review process for those home child care facilities that require special exception approval in the PDH, PDC, PTC and PRM Districts and to adjust the filing fee for those applications to make it consistent with the application fee for home child care facilities requiring special permit approval.

October, 2013 Authorization to Advertise

10. Minor Revisions (2012 Priority 1 and New and 2012 Priority 2)

Minor revisions to include the following: (a) Clarify that an error in building location special permit or an administrative reduction in minimum required yards pursuant to Sect. 2-419 can be granted for the location regulation for detached accessory structures that requires such structures be setback a distance of their height from the rear lot line; (b) Consider allowing the Board of Zoning Appeals in conjunction with the approval of another special permit to approve an error in building location of less than ten percent. (c) Require that at least one of the 10 Architectural Review Board members be an archaeologist;

July 10, 2013 Planning Commission Public Hearing, September 24, 2013 Board of Supervisors' Public Hearing

(d) Clarify the meaning of "permanent availability" in Par. 1 of Sect. 11-102 as it pertains to the use of off-site parking spaces on a contiguous lot;

September, 2013 Authorization to Advertise

(e) Revise the special permit standards for temporary farmers' markets related to street access; and (f) Review definition and accessory use provisions for commercial vehicles to determine whether existing provisions are adequate and compliment Chapter 82 of the County Code.

February, 2014 Authorization to Advertise

11. Moveable Copy/Electronic Signs (New)

Consider allowing reasonable use of changeable messages and displays on electronic signs.

November, 2013 Authorization to Advertise

12. Noise (EAC – 2012 Priority 1)

Consider revising the regulations in Sect. 108-4-4 of the Noise Ordinance regarding the method of noise measurement and consider the appropriateness of establishing day time and night time noise levels designed to protect the community. Due to a 2009 Virginia Supreme Court Decision, review the nuisance noise provisions of the Noise Ordinance. Consider the appropriateness of the weekend construction start times; and consider regulating vehicle alarm noise.

October, 2013 Authorization to Advertise

13. Office (2012 Priority 1)

Clarify that a certain amount of biotech (bioscience) research and development, which is primarily computer related and not involving animal testing, is permitted as an office use (similar to the Ignite proposal).

January, 2014 Authorization to Advertise

14. Outdoor Lighting (EAC - 2012 Priority 1)

Consider revisions to the outdoor lighting standards pertaining to security lighting, outdoor sports facilities and automatic teller machines to improve the overall effectiveness of such provisions; consider requiring Architectural Review Board review of sports illumination plans and photometric plans that are submitted in Historic Overlay Districts when such plans do not require site plan, special permit, special exception, rezoning or development plan approval; and review single family residential lighting exemptions to consider additional requirements for minimum spacing of lighting fixtures and possible limitations on cumulative allowable initial light outputs.

January, 2014 Authorization to Advertise

15. Parking Reductions in Transit Oriented Areas (EAC - 2012 Priority 1)

Consider applying parking maximums and a reduction of the minimum parking requirements due to transit oriented areas and/or transportation demand management provisions.

This will be addressed with the PDC and PRM Districts – FAR Amendment (See No. 16 below).

16. PDC and PRM Districts – FAR (Environmental Improvement Program and EAC - 2012 Priority 1)

    Consider increasing the maximum allowable floor area ratio (FAR) as well as other provisions in the PDC and PRM Districts to facilitate the implementation of the Comprehensive Plan recommendations for Revitalization Districts and Areas, Community Business Centers and Transit Station Areas.

    September, 2013 Authorization to Advertise

17. PRC District Density (2012 Priority 1)*

    Consider possible revisions to the maximum allowable densities and/or persons per acre in the PRC District.

    To be processed in conjunction with the Reston Plan update.

18. Public Benefit Associations (New)

    Consider allowing private clubs and public benefit associations in the industrial district by right and subject to use limitations.

    March, 2014 Authorization to Advertise

19. Public Entertainment Establishments (EAC - 2012 Priority 1)*

    Consider requiring special exception approval to establish dancing and/or live entertainment/recreation venues and clarify what is allowed as accessory entertainment to an eating establishment.

    Ongoing review and will seek direction from the Board at a future Development Process Committee meeting.

20. R-C District (New Millennium Occoquan Task Force Recommendations and EAC – 2012 Priority 1)*

    Establish an advisory committee to, among other things, review standards and guidelines associated with special permit, special exception and public uses in the R-C District; review maximum allowable floor area ratios; consider standards for total impervious cover and/or undisturbed open space and review combined impact of the facility footprint and total impervious surface cover, to include parking; and review the Comprehensive Plan to determine if clearer guidance is needed for special permit, special exception and public uses in the Occoquan.

21. Rear Yard Coverage (New)

    (a) Clarify how the 30% coverage limitation within the minimum required rear yard is calculated. (b) Consider allowing modifications of the maximum 30% minimum required rear yard lot coverage requirement to be approved by the BZA as a special permit.

    May, 2014 Authorization to Advertise

22. Residential Studios (EAC - 2012 Priority 1)
    Establish a new use and associated limitations for an affordable housing product that is generally designed for one person per unit.

    July, 2013 Authorization to Advertise

23. Riding Lessons as a Home Occupation (New)
    Consider permitting small-scale riding lesson operations as home occupations, subject to specific limitations designed to minimize impact on surrounding properties, such as the prohibition of lights, limited hours of operation and numbers of students.

    March, 2014 Authorization to Advertise

24. Site Plan Exemptions (2012 Priority 1)
    For uses subject to site plan approval, which does not include single family detached dwellings, consider increasing the amount of gross floor area or disturbed area that is exempt from site plan or minor site plan requirements.

    October, 2013 Authorization to Advertise

25. Special Permit Submission Requirements (2012 Priority 1)
    In conjunction with a special permit for an accessory dwelling unit or home professional office, require the submission of a certified dimensioned floor plan for the special permit use and principal dwelling unit that shows all ingresses and egresses, including any window egresses required under the Building Code, gross floor area for both the principal dwelling and special permit use, use of each room, and any kitchen sinks, cabinets or appliances.

    November, 2013 Authorization to Advertise

26. State Code (Continuing)
    Possible revisions resulting from the 2013 General Assembly.

    November, 2013 Authorization to Advertise

27. State Code – Development in Dam Break Inundation Zones (2012 Priority 1)
    Incorporate the new requirements for development in dam break inundation zones.

    September, 2013 Authorization to Advertise

28. State Code - Temporary Health Care Structures (2012 Priority 1)
    Incorporate provisions for temporary health care structures (granny pods).

    July 10, 2013 Planning Commission Public Hearing, September 24, 2013 Board of Supervisors' Public Hearing

29. Stormwater Management Facility Private Maintenance (New)

Revise the required site plan improvements section (Sect. 17-201) to add that privately maintained stormwater management facilities must be maintained to function in accordance with approved plans consistent with maintenance requirements on the plans and/or in the private maintenance agreement (DPWES).

June, 2013 Authorization to Advertise

30. Stormwater Management Regulations (New)

Incorporate any necessary revisions that are required by the state mandated changes to the stormwater management regulations. (DPWES)

September, 2013 Authorization to Advertise

PROPOSED PRIORITY 2 ZONING ORDINANCE AMENDMENT
2013 WORK PROGRAM

July 9, 2013

The Following Abbreviations are used:

Environmental Improvement Program (EIP)
Business Process Redesign (BPR)
Department of Public Works and Environmental Services (DPWES)
Planning Commission (PC)
Board of Zoning Appeals (BZA)
Fairfax County Economic Advisory Commission (EAC)

		SOURCE
ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS		
1.	Comprehensive review of accessory uses and structures, to include consideration of issues such as:	Board/PC/BZA/ Staff/Industry
(a)	The establishment of a maximum height limitation.	
(b)	Revisions to the location regulations for uses/structures accessory to residential, commercial and industrial uses.	
(c)	Establishment of a side yard requirement for accessory structures in the PRC District.	
(d)	Consider revising the height of accessory structures and accessory storage structures that can be located anywhere in the rear or side yards to be the same.	
(e)	Modify the accessory structure location provisions to require a freestanding wind turbine structure to be setback a distance of its height from all property lines.	Board
(f)	Review the accessory use limitations to determine whether they adequately address the placement of commercial portable storage containers in commercial districts.	Board
(g)	Review the allowable placement of roll-off debris containers-dumpsters in residential districts during home improvement projects.	Board
(h)	Consider requiring the issuance of fence permits for either all fences or fences that are over a certain height.	Citizen

		SOURCE
2.	Consider revisions to the accessory service use provisions to include:	BZA/PC
	(a) A clearer distinction between accessory service uses and accessory uses.	
	(b) The appropriateness of whether office buildings in the retail commercial districts should be allowed to have a small deli as a by right accessory service use instead of requiring special exception approval.	
3.	Consider revising the home occupation provisions to allow a small amount of storage of stock in trade (64 sq. ft.) for a home business conducted via the internet or sales outside of the dwelling unit.	Citizen
ADMINISTRATION		
4.	Consider allowing the Board of Supervisors, Planning Commission and Board of Zoning Appeals to set the day or days to which any public hearing shall be continued due to inclement weather or other conditions without further advertisement or posting of the property.	Staff/ General Assembly
5.	Consider revising the cluster provisions to delete the bonus density option.	General Assembly
BOARDS, COMMISSIONS, COMMITTEES		
6.	Review Par. 7 of Sect. 19-101 to clarify that the Planning Commission has the authority to make recommendations on variance applications to the Board of Zoning Appeals.	Staff
COMMERCIAL ZONING DISTRICTS		
7.	Consider allowing veterinary clinics in the C-3 and C-4 Districts with use limitations or as a special exception use.	Staff
DEFINITIONS AND USE LIMITATIONS		
8.	Review the following definitions:	Staff/BZA
	(a) contractors' offices and shops	
	(b) junk yard	
	(c) riding and boarding stables	
	(d) private schools	
	(e) storage yard	

		SOURCE
	(f) streets	
9.	Add the following definitions	Staff/BPR/BZA
	(a) colleges and universities	
	(b) establishment for production, processing, etc.	
	(c) place of worship	
	(d) storage	
10.	Consider excluding patios from the deck definition in order to facilitate the placement of patios in side yards.	Staff
11.	Clarify the meaning of "transient" in the hotel/motel definition.	BZA
12.	Consider allowing the use of pervious pavers in more parking situations in order to reduce the amount of impervious surfaces and stormwater runoff.	Board/DPWES
13.	Consider revising the contractors' office and shops definition to clarify that the use includes establishments used by paving and road contractors and by facilities that install water and sewer pipes.	BZA
14.	Fast Food Restaurants – Clarify the square footage and percentage use limitations for by right fast food restaurants in the commercial retail districts.	Staff

GENERAL REGULATIONS

15.	District Regulation Interpretations – Consider allowing the transfer of allowable density or gross floor area from parcels located within an identified sending area to parcels located within an identified receiving area.	Board
16.	Qualifying Lot and Yard Regulations – Consider the following:	
	(a) Allow approval of modifications to the setback requirements from railroads and interstate highways in conjunction with review and approval of SP/SE uses.	BPR
	(b) Review of pipestem lot and yard requirements, to include possible addition of illustrations.	BPR
	(c) Review the existing provisions which allow uncovered stairs and stoops to encroach into minimum required yards.	Staff

		SOURCE
(d)	Allow certain lattice screening walls and/or limited trellis-like features on decks for single family dwellings without requiring such features to meet the minimum required yards of the district in which located	Staff
(e)	Addition of shape factor limitations to the R-C District.	Board
(f)	Consider requiring greater setbacks for proposed construction in areas influenced by tidal flooding.	Board's Environmental Committee
(g)	In order to address compatibility issues associated with new residential development in existing residential areas, review methods, such as lot coverage and square footage maximums.	Board
(h)	Consider revisions to the lot and yard definitions; consider whether front yards should be required from unimproved dedicated rights-of-way. *[2012 Priority 1]*	Infill Study

17. Qualifying Use and Structure Regulations - Consider the following:

(a)	Consider revising the maximum number of horses that may be maintained on a lot.	No. Va. Soil & Water Conservation Dist.
(b)	Consider allowing chickens to be permitted on lots less than two acres in size in certain situations.	Citizen

HOUSING

18. Consider the following revisions to the ADU program:

(a)	Allow units that are acquired by the Fairfax County Redevelopment and Housing Authority (FCRHA) and are part of any FCRHA affordable housing program to be considered equivalent.	Staff
(b)	Clarify Par. 2B of Sect. 2-812 to indicate that resales can be sold to nonprofits pursuant to the guidelines for new units.	Staff
(c)	Increase the closing cost allowance from 1.5% of the sales price to either the actual closing costs or up to 3%, whichever is less.	Staff
(d)	For resales, allow 3% of closing costs to be part of the sales price so that applicants can apply for closing costs assistance.	Staff

		SOURCE
(e)	Establish a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions.	Staff
(f)	Consider requiring an ADU bedroom mix of 50% one-bedroom units and 50% two-bedroom units for independent living facilities. *[Place holder until data and resources are available to complete the required survey of independent living facilities in ADUs]*	Staff
(g)	Determine whether inheritance laws affect the retention of an ADU within the ADU Program in the event of the death of an ADU owner, and if so, whether an amendment is necessary. Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception.	Staff
(h)	Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception.	Staff

ILLUSTRATIONS

19.	Add illustrations to clarify certain provisions such as the sight distance triangle and permitted encroachments into minimum required yards.	Staff

INDUSTRIAL ZONING DISTRICTS

20.	Revise use limitations in I-5 District regarding outdoor storage of trucks and equipment.	Board

LANDSCAPING & SCREENING

21. Comprehensive review of landscaping and screening provisions to include:

(a)	Appropriateness of modification provisions.	BPR/Staff
(b)	Address issue of requirements when property abuts open space, parkland, including major trails such as the W&OD) and public schools.	Staff/EIP
(c)	Increase the parking lot landscaping requirements.	Tree Action Plan/EIP
(d)	Include street tree preservation and planting requirements.	Tree Action Plan
(e)	Consider requiring the use of native trees and shrubs to meet the landscaping requirements for developments along Richmond Highway.	Board

	SOURCE
22. Evaluate opportunities to include provisions that support and promote sustainable principles in site development and redevelopment, including the application of better site design, Low Impact Development (LIDs) and natural landscaping practices.	Tree Action Plan

NOISE ORDINANCE – CHAPTER 108 OF THE COUNTY CODE

23. Review of this Chapter to consider:	
(a) The addition of provisions to regulate helicopter noise at helicopter landing sites.	Board/EQAC
(b) the addition of leaf blower provisions.	Board/Citizens

NONCONFORMITIES – ARTICLE 15

24. Comprehensive review and study, to include addition of provisions to address situations resulting from condemnation of right-of-way by public agencies.	Staff/BPR

OPEN SPACE

25. Review of the open space provisions to include: *[Place holder until new stormwater and LID regulations are in place.]*	Infill Study/EIP/ Staff
(a) Consider the establishment of minimum sizes/dimensions for required open space areas.	
(b) Exempt either all or part of stormwater management dry pond facilities from the open space calculations.	
(c) Provide open space credit for innovative BMPs but not for non-innovative BMPs	
(d) Allow open space credit only for usable open space.	
(e) Develop a consistent approach to open space as it relates to various existing and proposed elements of the Comprehensive Plan.	
(f) Review the general open space provisions to clarify that open space is only intended for land that is dedicated or conveyed without monetary compensation.	

	SOURCE
OVERLAY DISTRICTS	
26. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport and Davison Airfield	Board
27. Historic Overlay Districts - Consider the following revisions to the Historic Overlay Districts:	
(a) Consider establishing an historic overlay district for the Lorton Correctional Facility (Laurel Hill).	Board
(b) Consider requiring all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission prior to the issuance of the permit.	History Commission
(c) Establish an historic overlay district for Mason Neck.	Board
PARKING REQUIREMENTS	
28. Study parking requirements for:	Board/Staff
(a) Funeral homes	
(b) Places of worship	
(c) Child care centers and nursery schools	
29. Consider reducing the minimum required parking requirement for all retail and retail mixed projects and not only those projects that are located near mass transit. *[This item has been incorporated in part in 2013 Priority 1 – No. 15]*	Industry
30. Consider limiting the amount of pavement for driveways and parking that can be provided in the front yard of single family detached dwellings in the R-5 and R-8 Districts.	Citizen
PLANNED DEVELOPMENT DISTRICTS	
31. Consider the following revisions to the Planned Development Districts *[A number of these items will be addressed as part of 2013 Priority 1 – No. 16]*	Infill Study/EIP/ EAC/PC/Staff

	SOURCE
Clarify the office secondary use limitations in the PDH District; Review the P district purpose and intent statements and the General and Design Standards; Review the minimum lot size and open space requirements, the CDP/FDP submission requirements, and the density credit for RPAs, streams and floodplains; Review the permitted secondary commercial uses in the PDH District and consider increasing the amount of commercial uses permitted in a PDH District; Consider allowing the waiver of the minimum district size requirement for additions to existing PDH or PDC Districts; Consider allowing the Planning Commission to waive the 200 foot privacy yard for single family attached dwelling in the PDH and PDC Districts in conjunction with FDP approvals.	
32. Consider allowing vehicle sales and rental establishments in the PDC and PRM Districts with use limitations and special exception approval.	Citizen/PC/EIP
PERFORMANCE STANDARDS	
33. Review the earthborn vibration performance standards for quarries to facilitate proper enforcement.	Staff
SIGNS	
34. Review the sign provisions to include the consideration of:	
(a) Allowing auto parks to have the same freestanding signs as currently permitted for an office park.	Board
(b) Allowing, by special permit, off-site signs based on hardships due to topography or visibility.	Board
(c) Allowing office parks and industrial parks comprised of a single tenant to be deemed an office/industrial park by revising the definition and to expand or modify the sign provisions for office/industrial parks.	Board
(d) Review regulations pertaining to temporary political campaign signs. *[Given questions regarding legal implications, this item is a place holder until such issues can be addressed.]*	Board
(e) Allowing the Board to modify the maximum allowable size and/or height of signs in residential districts due to changes in topography or other unique circumstances.	Staff

	SOURCE
SPECIAL EXCEPTIONS/SPECIAL PERMIT USES	
35. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots.	BPR
36. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests.	Staff
37. Allow BZA to modify special permit additional standards.	BPR
SPECIAL EXCEPTION USES	
38. Category 2 Heavy Public Utility Uses – Consider the deletion of special exception requirement in the I-5 District for storage yards and office/maintenance facilities in conjunction with public utility uses, so these uses will be allowed by right.	BPR
39. Category 5 Commercial and Industrial Uses of Special Impact – Consider the appropriateness of the list of heavy industrial uses.	Staff
40. Consider increasing the minimum 55 year age requirement for accessory dwelling units.	BZA
SPECIAL PERMIT USES	
41. Group 1 Extraction and Excavation Uses - Consider expanding the number of property owners that are required to be notified for the renewal of a special permit for a quarry.	Board
42. Group 4 Community Uses – Consider allowing community uses to be approved via development plans in the rezoning process in lieu of requiring special permit approval.	Staff/BPR
SPECIAL PERMITS – GROUP 5 COMMERCIAL RECREATIONAL USES	
43. Group 9 Uses Requiring Special Regulations – Consider the following:	
(a) Revise the reduction of certain yard special permit additional standards to increase the allowable size of an addition and to allow the complete teardown and rebuild of a structure.	Board/PC
(b) Revise the accessory dwelling unit submission requirements, occupancy and lot size limitations.	Board

	SOURCE
SUBMISSION REQUIREMENTS	
44. Revise submission requirements to include identification of heritage resources; and consider expanding the archaeological survey submission requirements to be applicable to all zoning applications and not only those applications located in Historic Overlay Districts.	Plan/Board
45. Consider adding specificity to the submission requirements for Comprehensive Sign applications.	Staff
SUBMISSION REQUIREMENTS (Continued)	
46. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications.	General Assembly
47. Consider the strengthening of zoning application submission requirements to require the submission of a preliminary utility plan where utility construction could conceivably result in clearing of trees.	Tree Action Plan/EIP
USES	
48. Review regulations related to:	Staff/Board
(a) adult day care	
(b) adult video stores	
(c) "doggie" day care	
(d) sports arenas, stadiums	
49. Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions.	Staff
50. Consider adding regulations for Farm Wineries *[2012 Priority 1]*	Board

Attachment 5

NEW AMENDMENT REQUESTS SINCE JUNE 19, 2012 ENDORSEMENT OF THE 2012 ZONING ORDINANCE WORK PROGRAM
July 9, 2013

The following 19 new amendment requests have been received:

1. Accessory Structures Size – Consider limiting the size of an accessory structure relative to a principal structure that can be permitted by right and allowing larger accessory structures with special permit approval by the BZA. (Staff) **[Priority 1 – No. 1]**

2. Agri-Recreation – Consider creating a new special permit or special exception use that would permit agricultural based recreation events related to seasonal promotions. (Staff) **[Priority 1 – No. 2]**

3. Civil Penalties - Consider expanding the use of civil penalties as an enforcement tool for zoning violations and granting the Zoning Administrator the authority to seek issuance of an inspection warrant related to enforcement of the Zoning Ordinance. (Staff) **[Adopted 5/14/13]**

4. Commercial Revitalization – Make the necessary revisions to facilitate the commercial revitalization initiatives. (Staff) **[Priority 1 – No. 5]**

5. Definitions – (a) Review the following definitions: contractor's office and shops, junk yard and riding/boarding stables. (b) Clarify the meaning of "transient" in the hotel/motel definition. (Staff/BZA) **[Priority 2 – Nos. 8(a), 8(b), 8(c), 11]**

6. Donation Drop Boxes – Consider adding provisions that are specific to donation drop boxes. (Board 4/9/13) **[Priority 1 – No. 6]**

7. Farmers' Markets – Consider allowing temporary farmers' markets that require temporary special permit approval on all major thoroughfares instead of only principal arterials. (Staff) **[Priority 1 – No. 10(e)]**

8. Fast Food Restaurants – Clarify the square footage and percentage use limitations for by right fast food restaurants in the commercial retail districts. (Staff) **[Priority 2 – No. 14]**

9. Fences – Consider requiring the issuance of fence permits for either all fences or fences that are over a certain height. (Citizen) **[Priority 2 – No. 1(h)]**

10. Food Trucks – Consider adding provisions that are specific to food trucks. (Staff) **[Priority 1 – No. 7]**

11. Home Child Care Facilities - Consider ways to stream line the review process for those home child care facilities that require special exception approval in the PDH, PDC, PTC and PRM Districts and to adjust the filing fee for those applications to make it consistent with the application fee for home child care facilities requiring special permit approval. (Board 6/18/13) **[Priority 1 – No. 9]**

12. Illustrations – Add illustrations to clarify certain provisions such as the sight distance triangle and permitted encroachments into minimum required yards. (Staff) **[Priority 2 – No. 20]**

13. Moveable Copy/Electronic Signs - Consider allowing reasonable use of changeable messages and displays on electronic signs. (Board 9/11/12) **[Priority 1 – No. 11]**

14. Public Benefit Associations – Consider allowing private clubs and public benefit associations in the industrial district by right and subject to use limitations. (Staff) **[Priority 1 – No. 18]**

15. Rear Yard Coverage – (a) Clarify that the maximum minimum required rear yard lot coverage of 30% includes the area of accessory structures that are located on the ground as well as any elevated portion of the structure that extends beyond the portion of the structure that is located directly on the ground. (b) Consider allowing modifications of the maximum 30% minimum required rear yard lot coverage requirement to be approved by the BZA as a special permit. (Staff) **[Priority 1 – No. 21]**

16. Riding Lessons as a Home Occupation - Consider permitting small-scale riding lesson operations as home occupations, subject to specific limitations designed to minimize impact on surrounding properties, such as the prohibition of lights, limited hours of operation and numbers of students. (Board 4/9/13) **[Priority 1 – No. 23]**

17. Signs in Residential Districts – Consider allowing the Board to modify the maximum allowable size and/or height of signs in residential districts due to changes in topography or other unique circumstances. (Staff) **[Priority 2 – No. 36(e)]**

18. Stormwater Management Facility Private Maintenance – Revise the required site plan improvements section (Sect. 17-201) to add that privately maintained stormwater management facilities must be maintained to function in accordance with approved plans consistent with maintenance requirements on the plans and/or in the private maintenance agreement. (DPWES) **[Priority 1 – No. 29]**

19. Stormwater Management Regulations - Incorporate any necessary revisions that are required by the state mandated changes to the stormwater management regulations. (DPWES) **[Priority 1 – No. 30]**

20. Vertical Datum Requirements – Revise the site plan boundary survey requirements to allow the use of GPS static data and to reference all elevations to the National Geodetic Vertical Datum of 1929. (Staff) **[Adopted 4/30/13]**

County of Fairfax, Virginia

MEMORANDUM

DATE: April 29, 2013

TO: Leslie Johnson, Director
Zoning Administration Division
Department of Planning & Zoning

FROM: Barbara J. Lippa, Executive Director
Planning Commission Office

SUBJECT: Planning Commission Action Re: Proposed 2013 Zoning Ordinance Work Program

On Thursday, April 25, 2013, the Planning Commission voted 9-0-2 (Commissioners Hall and Sargeant abstaining; Commissioner Hurley absent from the meeting) to endorse the recommendation of its Policy and Procedures Committee that the proposed 2013 Zoning Ordinance Work Program be approved, as presented by staff in the memorandum dated April 22, 2013, modified as follows:

1) Add facilitation of commercial revitalization initiatives and clothing drop boxes to be considered as items on the Priority 1 Work Program;

2) In Item #8, Priority 2 Work Program, clarify what is meant by "transient" in the hotel/motel definition.

Attached for your information is the verbatim of the Commission's action on this item and I would be happy to answer any questions you may have.

Attachment (a/s)

cc: Lorrie Kirst, ZAD, DPZ
April 25, 2013 date file
O-3c File

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330
Fairfax, VA 22035-0001
703-324-2865, TTY 703-324-7951, FAX 703-324-3948
www.fairfaxcounty.gov/planning

Planning Commission Meeting
April 25, 2013
Verbatim Excerpt

PROPOSED 2013 ZONING ORDINANCE AMENDMENT WORK PROGRAM

During Commission Matters

Commissioner Lawrence: This evening, we had a meeting of the Commission's Policy and Procedures Committee. And we discussed the Zoning Ordinance Work Program draft that staff has prepared. The Committee moved to bring this forward to the whole Commission and I have a motion to present along those lines. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION ENDORSE THE PROPOSED ZONING ORDINANCE WORK PROGRAM PRESENTED BY STAFF IN THE APRIL 22ND 2013 MEMORANDUM WITH TWO MODIFICATIONS: 1) ADD THE ITEMS IDENTIFIED BY STAFF, INCLUDING FACILITATION OF COMMERCIAL REVITALIZATION INITIATIVES AND CLOTHING DROP BOXES TO BE CONSIDERED ON THE PRIORITY 1 WORK PROGRAM; AND 2) ADD TO ITEM NUMBER 8 OF THE PRIORITY 2 WORK PROGRAM CLARIFICATION OF WHAT IS MEANT BY "TRANSIENT" IN THE HOTEL/MOTEL DEFINITION.

Commissioner Flanagan: Second.

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

Commissioner Sargeant: Mr. Chairman, I'm going to abstain. I was not present for that meeting.

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

Commissioner: Aye.

Chairman Murphy: Opposed? Motion carries. One abstention; Mr. Sargeant.

Commissioner Hall: I abstain.

Chairman Murphy: Okay, and Ms. Hall abstains also.

//

(The motion carried by a vote of 9-0-2 with Commissioners Hall and Sargeant abstaining from the vote; Commissioner Hurley absent from the meeting.)

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Board Agenda Item
July 9, 2013

ACTION – 2

Approval of a Parking Reduction for The Grande at Huntington (Mount Vernon District)

ISSUE:
Board of Supervisors (Board) approval of a 23.2 percent (102 parking spaces) reduction of the code required parking to 6220 Grande, LLC for the proposed residential component of The Grande at Huntington, Tax Maps # 83-3 ((1)) 22B, 22C, 22D and # 83-3 ((9)) (01) A, B, 1, 2, 3, 4, 4A, 5 and 5A, Mount Vernon District.

RECOMMENDATION:
The County Executive recommends that the Board approve a 23.2 percent parking reduction for the proposed residential component of The Grande at Huntington mixed-use development pursuant to paragraph 5 of Section 11-102 of Chapter 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia, based on an analysis of the residential parking requirements on the site and a parking reduction study on condition that:

1. A minimum of 338 garage parking spaces shall be maintained on site at all times to serve the 275 residential dwelling units based on 1.23 spaces per dwelling unit, which shall be distinguished from the parking spaces available to the site's other uses and separated by a physical barrier or separation approved by the Director. The site plan must clearly note how the residential parking spaces will be separated.

2. A parking tabulation shall be submitted during the site plan process that is consistent with the approved Conceptual/Final Development Plan.

3. This parking reduction for residential uses at The Grande at Huntington is based on 275 residential dwelling units, which shall include no less than 165 one bedroom units and no more than 110 two bedroom units. Any additional uses must be parked at code; however, a 20% reduction in the nonresidential parking requirement shall be granted, with an approved parking tabulation, for properties within the Richmond Highway Commercial Revitalization District pursuant to Zoning Ordinance §A7-409.3.A.

4. The Transportation Demand Management (TDM) program proffered in conjunction with the approval of The Grande at Huntington Development Proffers (RZ 2012-MV-018) must be implemented.

5. The current owners, their successors, or assigns of the parcels identified as Tax Maps # 83-3 ((1)) 22B, 22C, 22D and # 83-3 ((9)) (01) A, B, 1, 2, 3, 4, 4A, 5 and 5A on Fairfax County Property Maps shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so

requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements specified in Article 11 of the Zoning Ordinance.

6. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the Code of the County of Fairfax and the Zoning Ordinance in effect at the time the parking utilization study is submitted.

7. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the County Code and the Zoning Ordinance and shall be subject to the Board's approval.

8. All parking provided shall be in accordance with applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.

9. The conditions of approval of this parking reduction shall be binding on the successors of the current owners and/or other applicants and shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

10. Unless a time extension has been approved by the Board, this parking reduction shall expire without notice 6 months from the date of Board approval if Condition #9 has not been satisfied.

TIMING:
Board action is requested on July 9, 2013.

BACKGROUND:
6620 Grande, LLC has requested an onsite parking reduction of 23.2 percent for the residential uses at its development, The Grande at Huntington, justified by its proximity to mass transit pursuant to Zoning Ordinance § 11-102.5 and implementation of a Transportation Demand Management (TDM) program pursuant to proffers of rezoning application # RZ 2012-MV-018.

The proposed development consists of four (4) buildings on a 4.71-acre site located on an assemblage of parcels bounded by Richmond Highway (Route 1), North Kings Highway (Route 241), and Jamaica Drive (Route 1605) in the Richmond Highway Commercial Revitalization District. Each of the buildings will provide sub-grade structure parking with a

minimal amount of surface parking. A rezoning application # RZ 2012-MV-018, approved by the Board on June 4, 2013, rezoned the property from C-8 to PRM.

The parking reduction request is based on a proposed development that consists of a total of 275 residential dwelling units and 20,000 GSF of retail uses. The 275 residential dwelling units currently proposed would require 440 parking spaces at a rate of 1.6 spaces per unit under a strict application of the Zoning Ordinance requirements. The application proposes a reduction of 102 fewer spaces for the proposed residential component, which is approximately 1.23 spaces per unit for a reduction of 23.2 percent. Based on the approved Concept/Final Development Plan, an additional 130 spaces will be shared between the residential and non-residential uses.

The review of the parking study indicates that the proximity to the Huntington Metrorail station and implementation of a proffered transportation demand management (TDM) program in conjunction with rezoning application RZ 2012-MV-018, will support this parking reduction request. Therefore, staff recommends granting a 23.2 percent parking reduction for the residential component for the Grande at Huntington mixed-use development subject to the conditions listed in the Recommendation Section above.

The recommended parking reduction reflects a coordinated review by the Office of the County Attorney, the Department of Transportation, the Department of Planning and Zoning and the Department of Public Works and Environmental Services.

FISCAL IMPACT:

ENCLOSED DOCUMENTS:
Attachment 1 – Parking Reduction Study by Gorove/Slade dated June 13, 2013

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

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GOROVE / SLADE

7001 Heritage Village Plaza
Suite 220
Gainesville, VA 20155
571.248.0992

MEMORANDUM

To:	Bruce McGranahan	Fairfax County DPWES
CC:	Steve Bannister	6220 Grand LLC
	Lynne Strobel	Walsh Colucci Lubeley Emrich & Walsh
From:	Chad Baird	
	Cheryl Sharp	
Date:	June 13, 2013	
Subject:	The Grande at Huntington – Revised Parking Assessment	

Gorove/Slade Associates, Inc. conducted a parking demand analysis of the approved The Grande at Huntington redevelopment (RZ 2012-MV-018) located on an assemblage of parcels bounded by Route 1 (Richmond Highway), N. Kings Highway (Route 241), and Jamaica Drive (Route 1605) in the Richmond Highway Commercial Revitalization District of Fairfax County, VA. The assessment contained herein identifies the adequacy of the planned parking supply for the anticipated parking demand at the future redevelopment.

Parking Supply

The development will contain the following parking-generating land uses outlined below in Table 1. Note, 60% of the proposed units are one-bedroom units, which generally do not have more than one vehicle per unit associated with them.

Table 1: Development Land Uses and Sizes

Land Use		Size	
Retail Sales Establishment	(Gross Floor Area)	20,500	SF
	(Net Floor Area)	*17,500*	*SF*
Multiple Family Residential		275	DUs
	1 BEDROOM	*165*	*DUs*
	2 BEDROOM	*110*	*DUs*

The vast majority of proposed parking is provided underground, with four ingress/egresses providing access to the parking garage spread out in the northern end of the site property. The parking supply proposed by the current development plan is based on 1.23 spaces per dwelling unit (a 23.2% reduction from the Fairfax County Zoning Ordinance requirement of 1.6 spaces per unit), and the retail use will meet Zoning Ordinance minimum parking requirements after application of a 20% reduction as permitted in the Richmond Highway Commercial Revitalization District (CRD). With the current development plan, there will be a minimum of 468 spaces on-site. There will be no less than 40 surface spaces and 338 underground garage spaces; the residual spaces to meet the minimum 468 spaces may be placed either in the garage or on the surface to be used by the residents or commercial uses.

Parking Demand

Institute of Transportation Engineers

A parking demand assessment was prepared for the proposed The Grande at Huntington redevelopment based on national parking demand rates from the Institute of Transportation Engineers (ITE) Parking Generation, 4nd Edition. The ITE manual is compiled of research, data, and experiences of transportation engineering and planning professionals, and is the industry's leading resource for determining parking demand. A second industry standard for parking information is the Urban Land Institute (ULI) Shared Parking, 2nd Edition. However, this manual addresses shared parking synergy between different land uses, and references the ITE manual for the initial parking demand. The results of the parking demand analysis are presented in Table 2. The rates used for general retail represent the weekday (non-Friday) demand during December, the busiest shopping period of the year. The retail rate is based on Gross Leasable Area (GLA), which is similar to the net square footage noted earlier.

Table 2: ITE Parking Analysis

Land Use	Land Use Code	Size		Effective Parking Rate	ITE Parking Demand	Parking Supply	Parking Difference	
							# of Spaces	*Percent*
Retail	820	17.5	kSF	3.76 sp / 1,000 sf	66			
Low/Mid Rise Apts	221	275	DUs	1.20 sp / DU	330			
Total					396	468	+72	+18.2%

Using the ITE Parking Generation rates for parking demand, the site will provide approximately 18.2% more spaces than will be demanded by the residents and retail employees/patrons during peak demand in December.

Fairfax County Zoning Ordinance

Parking Rates

The parking requirement per Article 11-100 of the Zoning Ordinance for multiple family dwellings is 1.6 spaces for each unit and for a Retail Sales Establishment is one (1) space for every 200 square feet of net floor area for the first 1,000 square feet plus six (6) spaces per each additional 1,000 square feet. This would result in 104 parking spaces for the retail use and 480 spaces for the residential use. As shown in Table 3, the Zoning Ordinance would typically require 584 parking spaces for a development with the land uses/sizes as proposed. The current supply provides 468 parking spaces on-site, which would result in a 76-space (14.0%) shortage of parking spaces. However, as will be discussed below, the Zoning Ordinance allows for parking reductions when certain criteria are met.

Table 3: Number of Parking Spaces per Fairfax County Zoning Ordinance, Article 11-100

Land Use	Parking Ratio	Size		# of Required Spaces	Parking Supply	Parking Difference	
						# of Spaces	Percent
Retail Sales Est. (1st 1 ksf NFA)	1/200 NFA	1.0	kSF	5			
Retail Sales Est. (Each additional 1kSF over 1kSF)	6/1000NFA	16.5	kSF	99			
Low/Mid Rise Apts	1.6	275	DUs	440			
Total				544	468	-76	-14.0%

Commercial Revitalization District

For sites such as this one that are located within the Richmond Highway Commercial Revitalization Districts (CRD), a 20% reduction can be applied to the minimum parking requirements for the site's non-residential land uses. A 20% reduction is equivalent to 21 spaces, so the proposed redevelopment would require 83 spaces for the retail use instead of 104 spaces. Reductions in the Richmond Highway CRD are automatic with approval of a parking tabulation. A parking tabulation will be provided during the Site Plan process that is consistent with the proposed Conceptual/Final Development Plan.

Proximity to Mass Transit

Section 11-102.5 of the Zoning Ordinance allows a parking reduction for sites within 1 mile of a metro station entrance. The site is located approximately 3,400 feet (0.64 miles) from the Huntington Metrorail Station, as shown in Figure 1. To determine the extent of the reduction, census data from www.census.gov was reviewed for the Huntington Census Designated Place (CDP). The number of estimated renter-occupied dwelling units and the estimated aggregate number of vehicles for those renters was used in order to determine current vehicle parking demand for renters in the area surrounding the site. This summary is shown in Table 4.

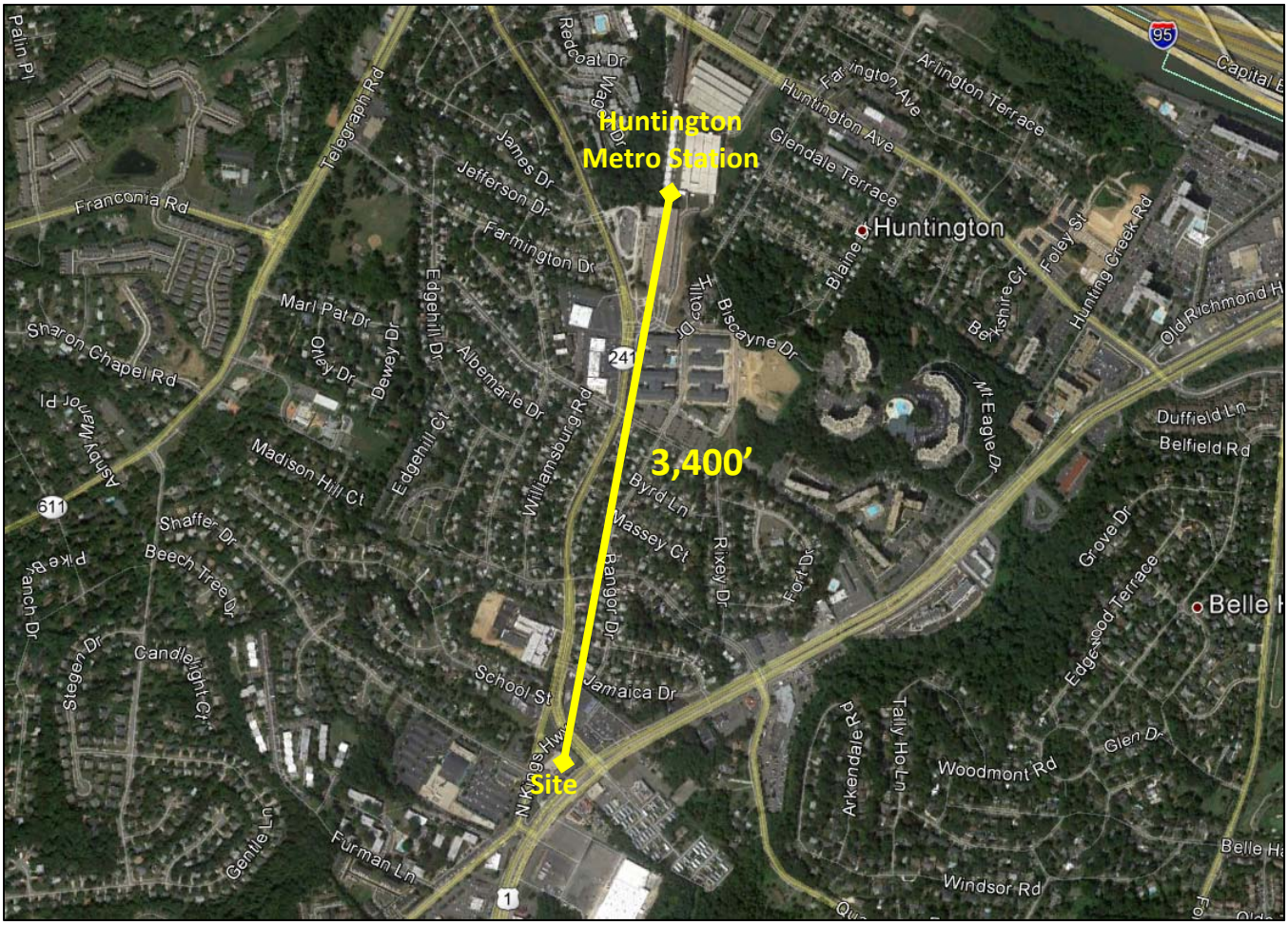

Figure 1: Distance from Site to Huntington Metro Station

Table 4: Census Data

Huntington CDP	# of Units	
Aggregate # of Vehicles for Renter-Occupied Units	4,174	Vehicles
Renter-Occupied Units	3,177	DUs
No vehicle available	*195*	DUs
1 vehicle available	*2,055*	*DUs*
2 vehicles available	*738*	*DUs*
3 or more vehicles available	*189*	*DUs*
Existing Parking Rate for Renter-Occupied Units	1.31	Vehicles/DU

Per the information in Table 4, the residents renting housing around the Huntington Metro Station area have an existing parking demand of approximately 1.31 vehicles per dwelling unit. Reducing the parking from the Zoning Ordinance's 1.6 space per dwelling unit parking rate to the 1.31 parking demand rate in the Huntington area is an 18.13% parking reduction for the residential use, which is equivalent to an 80 space reduction for the proposed 275 dwelling units.

Transportation Demand Management

The proposed site will be subject to a Transportation Demand Management (TDM) proffer to encourage non-vehicular modes of travel to and from the site. Section 11-102.26 of the Zoning Ordinance allows a parking reduction for sites subject to a TDM program. Many aspects of the TDM program will be captured from the proximity to Metro accounted for in the previous section. However, there are additional aspects of the TDM program, such as provision of transit fare cards, bicycle parking, on-site parking management strategies, and site infrastructure like high capacity data/network connections for teleworking, that will not only reduce peak hour trips, but will result in lower vehicle ownership by the residents. A reasonable estimation of residential parking reduction due to TDM measures not previously accounted for in the "Proximity to Transit" section is 5%, or 22 spaces.

Shared Parking

Per section 11-102.4.B of the Zoning Ordinance, a parking reduction is allowed to be taken for shared uses whose periods of peak parking demand do not coincide. Both leading sources for shared parking patterns, the ITE Parking Generation, 4th Edition and the Urban Land Institute (ULI) Shared Parking, 2nd Edition, were referenced for determining the shared parking opportunities between the two land uses. The ITE manual was more heavily relied upon as it contains more recent information than the ULI manual, and the ULI manual did not contain information on all the specific land use categories proposed in this redevelopment. The residential parking is planned to be controlled access and physically separated from the retail parking. Due to this, the residential parking was assumed to be 100% occupied throughout the day. The time of day variances for the general retail was for a non-Friday during December. The results of the shared parking analysis showing the variable time of day peaks is shown in Table 5.

Table 5: Hourly Parking Occupancy Profile per Land Use

	Retail	Residential
12:00-6:00AM	0%	100%
7:00 AM	9%	100%
8:00 AM	16%	100%
9:00 AM	55%	100%
10:00 AM	57%	100%
11:00 AM	84%	100%
12:00 PM	84%	100%
1:00 PM	83%	100%
2:00 PM	94%	100%
3:00 PM	90%	100%
4:00 PM	81%	100%
5:00 PM	93%	100%
6:00 PM	**100%**	**100%**
7:00 PM	93%	100%
8:00 PM	96%	100%
9:00 PM	87%	100%
10:00 PM	0%	100%
11:00 PM	0%	100%

The analysis in Table 5 shows that the mix of residential and retail uses will not yield a reduction in the peak parking demand since they lack variable peak time of day demands. That is, both land uses would need 100% of their allocated parking during the 6:00pm hour. Therefore, a shared parking reduction is not applicable for the site.

Reduction Calculations

The parking calculations with the above-described reductions are shown in Table 6. This represents the maximum justifiable reduction in parking for the proposed site.

Table 6: Number of Parking Spaces per Fairfax County Zoning Ordinance, Article 11-100

Land Use	Parking Ratio	Size		# of Required Spaces
Retail Sales Est. (1st 1 ksf NFA)	1/200 NFA	1.0	kSF	5
Retail Sales Est. (Each additional 1kSF over 1kSF NFA)	6/1000NFA	16.5	kSF	99
Low/Mid Rise Apts	1.6	275	DUs	440
Total				544
CRD Reduction (Non-Residential)		20%		-21
Proximity to Transit Reduction (Residential)		18.2%		-80
TDM Reduction (Residential)		5%		-22
Mixed Use Shared Parking Reduction		0%		0
Total with Reductions				421
Retail % reduction				*-21 (-20.0%)*
Residential % reduction				*-102 (-23.2%)*
Total % reduction				-123 (-22.6%)

Using the allowable parking reductions from the required Zoning Ordinance parking rates results in 421 parking spaces required for the site, or a 22.6% reduction from the original 544-space requirement (20% commercial reduction and 23.2% residential reduction).

Summary

The parking analysis for The Grande at Huntington redevelopment results in the following conclusions:

- The parking supply will consist of 468 or more spaces on the redeveloped site.
  - There will be no less than 40 surface spaces and 338 underground garage spaces; the residual spaces to meet the minimum 468 spaces may be placed either in the garage, on the surface, or both.
- Based on methods allowed per Article 11-100 of the Zoning Ordinance, a 22.6% maximum reduction (20% commercial, 23.2% residential) is justified for the site. Therefore, **a 23.2% residential parking reduction is requested** from the Board of Supervisors.
  - The residential units will meet a parking rate of 1.23 spaces per dwelling unit. This residential reduction is justified by the site's proximity to transit and being subject to a TDM plan.
  - The retail use will meet Zoning Ordinance minimum parking requirements after application of a 20% reduction as permitted in the Richmond Highway Commercial Revitalization District (CRD).
- The number of residential parking spaces will exceed parking demand as calculated based on industry standards. The 1.23 spaces per unit residential supply rate is lower than the 1.31 per unit demand currently seen in the Huntington CDP per census data in order to encourage transit ridership and participation in the TDM strategies required for the approved site.
- The requested parking reduction is a maximum reduction which sets a minimum amount of parking for the site. The Applicant reserves the right to provide more parking than the minimum if desired to meet potential market or tenant demands.

Appendix

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Huntington CDP, Virginia	
	Estimate	Margin of Error
Total:	5,652	+/-260
Owner occupied:	2,475	+/-252
No vehicle available	100	+/-59
1 vehicle available	1,324	+/-240
2 vehicles available	756	+/-177
3 vehicles available	219	+/-92
4 vehicles available	59	+/-30
5 or more vehicles available	17	+/-29
Renter occupied:	3,177	+/-267
No vehicle available	195	+/-82
1 vehicle available	2,055	+/-247
2 vehicles available	738	+/-161
3 vehicles available	142	+/-92
4 vehicles available	18	+/-25
5 or more vehicles available	29	+/-29

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2007-2011 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2007-2011 American Community Survey

Explanation of Symbols:

1. An '**' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '***' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

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	Huntington CDP, Virginia	
	Estimate	Margin of Error
Aggregate number of vehicles available:	8,005	+/-469
Owner occupied	3,831	+/-434
Renter occupied	4,174	+/-438

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

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Board Agenda Item
July 9, 2013

ACTION - 3

Changes to the Fairfax County Purchasing Resolution

ISSUE:
Board of Supervisors' approval of changes to the Fairfax County Purchasing Resolution.

RECOMMENDATION:
The County Executive recommends that the Board approve the changes outlined below to the Fairfax County Purchasing Resolution, to become effective on July 9, 2013. These proposed changes incorporate a modification resulting from legislation enacted during the 2013 session of the Virginia General Assembly and two administrative changes recommended by staff.

TIMING:
Routine.

BACKGROUND:
The Board of Supervisors adopted the current version of the Fairfax County Purchasing Resolution on July 10, 2012. During the 2013 session of the General Assembly, nine bills were approved relating to procurement and/or contracts. Of this number, only one bill enacted into law modified a mandatory section of the Virginia Public Procurement Act (VPPA). The remaining bills affected state agencies only or did not have any impact on Fairfax County. Staff recommends two administrative amendments to the Purchasing Resolution:

Code Change

1. Senate Bill 902, Code of Virginia §2.2-4338; alternative forms of security. Authorizes the acceptance of a cashier's check in lieu of a bid, payment, or performance bond. Currently the only acceptable alternative forms of security are a certified check or cash escrow. This bill changes a mandatory section of the Virginia Public Procurement Act, and accordingly this amendment is required by law.

Administrative Changes

1. Method of Public Notice: Change the website location for making public notice of invitation for bids and requests for proposals from "the

Department of Purchasing and Supply Management" to "Fairfax County government." The change will establish authority for the capital construction departments to post notices on the respective departmental web site.

2. Contractual Disputes: Change the period for the Purchasing Agent to make a decision on a contractual claim from 30 days to 90 days. This change conforms with the existing threshold in the Code of Virginia (ref. §2.2-4363.C.2).

The text changes proposed in the Resolution are presented in "track changes" format and legislative references are provided in the right margin in Attachment I. These changes have been coordinated with the Department of Public Works and Environmental Services, the Department of Housing and Community Development, the Fairfax County Park Authority, the Department of Transportation, Fairfax County Public Schools, and the Office of the County Attorney.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I - Revised Fairfax County Purchasing Resolution

STAFF:
Susan Datta, Chief Financial Officer
Cathy A. Muse, Director, Department of Purchasing and Supply Management

ATTACHMENT 1

Fairfax County

Purchasing Resolution

July ~~10~~9, ~~2012~~2013

ATTACHMENT 1

FAIRFAX COUNTY PURCHASING RESOLUTION

Article 1 2
GENERAL PROVISIONS 2
- **Section 1. Title.** 2
- **Section 2. Organization.** 2
- **Section 3. Exceptions.** 2
- **Section 4. Rules and Regulations.** 5
- **Section 5. Cooperative Procurement.** 5
- **Section 6. Definitions.** 6

Article 2 12
PURCHASING POLICIES 12
- **Section 1. General** 12
- **Section 2. Methods of Procurement.** 13
- **Section 3. Exceptions to the Requirement for Competitive Procurement.** 22
- **Section 4. General Purchasing Provisions.** 24
- **Section 5. Compliance with Conditions on Federal Grants or Contract.** 34
- **Section 6. Audit by the County.** 34
- **Section 7. HIPAA Compliance.** 34

Article 3 36
CONSTRUCTION CONTRACTING 36
- **Section 1. Authority** 36
- **Section 2. Rules and Regulations** 37
- **Section 3. Definitions** 38
- **Section 4. Purchasing Policies** 38
- **Section 5. Methods of Procurement** 40
- **Section 6. Prequalification, Bonds, Escrow Accounts** 42

Article 4 51
BIDDER/CONTRACTOR REMEDIES 51
- **Section 1. Ineligibility.** 51
- **Section 2. Appeal of Denial of Withdrawal of Bid.** 52
- **Section 3. Appeal of Determination of Nonresponsibility.** 53
- **Section 4. Protest of Award or Decision to Award.** 53
- **Section 5. Contractual Disputes.** 54
- **Section 6. Legal Action.** 55

Article 5 56
ETHICS IN COUNTY CONTRACTING 56
- **Section 1. General.** 56
- **Section 3. Disclosure of Subsequent Employment.** 57
- **Section 4. Gifts.** 57
- **Section 5. Kickbacks.** 57
- **Section 6. Purchase of Building Materials, etc., from Architect or Engineer Prohibited.** 58
- **Section 7. Certification of Compliance; Penalty for False Statements.** 58
- **Section 8. Misrepresentations.** 58

Adopted by the Fairfax County Board of Supervisors on July 9, 2013

Section 9. Penalty for Violation. **59**
Section 10. Personal Conflicts of Interest **59**
Article 6 ..... **60**
SUPPLY MANAGEMENT **60**
Section 1. Item Identification. **60**
Section 2. County Consolidated Warehouse **60**
Section 3. Inventory Accountability **60**
Section 4. Consumable Inventory Management **61**
Section 5. Accountable Equipment Inventory Management **61**
Section 6. Excess and Surplus Property and Inventory. **61**
Section 7. Donations **62**

FAIRFAX COUNTY PURCHASING RESOLUTION

WHEREAS, a central purchasing system is authorized by §15.2-1543 of the Code of Virginia, and is thus a part of the Urban County Executive Form of Government adopted by Fairfax County in 1951; and

WHEREAS, the Board of County Supervisors is dedicated to securing high quality goods and services at reasonable cost while ensuring that all purchasing actions be conducted in a fair and impartial manner with no impropriety or appearance thereof, that all qualified vendors have access to County business and that no offeror be arbitrarily or capriciously excluded, that procurement procedures involve openness and administrative efficiency, and that the maximum feasible degree of competition is achieved; and

WHEREAS, the Code of Virginia, §2.2-4300 through §2.2-4377 (as amended), enunciate the public policies pertaining to governmental procurement from nongovernmental sources by public bodies which may or may not result in monetary consideration for either party, which sections shall be known as the Virginia Public Procurement Act; and

WHEREAS, the Code of Virginia, §15.2-1236 (as amended) requires all purchases of and contracts for supplies, materials, equipment and contractual services shall be in accordance with Chapter 43 of Title 2.2 of the Code of Virginia; and

WHEREAS, the Code of Virginia, §2.2-4343 (as amended) allows implementation of the Virginia Public Procurement Act by ordinance, resolutions, or regulations consistent with this Act by a public body empowered by law to undertake the activities described by the Act: and

WHEREAS, the Code of Virginia, §15.2-1543, empowers the Board of Supervisors to employ a County Purchasing Agent and set his duties as prescribed by the Code of Virginia, §15.2-831, §15.2-1233 through §15.2-1240, and §15.2-1543;

THEREFORE BE IT RESOLVED that this resolution prescribes the basic policies for the conduct of all purchasing in Fairfax County (except as otherwise stipulated herein) to take effect immediately upon passage, as follows:

FAIRFAX COUNTY PURCHASING RESOLUTION

Article 1

GENERAL PROVISIONS

Section 1. Title.

This resolution shall be known as the Fairfax County Purchasing Resolution.

Section 2. Organization.

A. The Department of Purchasing and Supply Management is a staff activity of the Fairfax County government, operating under the direction and supervision of the County Executive.

B. The Director of the Department of Purchasing and Supply Management shall be the County Purchasing Agent who shall have general supervision of the Department. The Purchasing Agent shall be appointed by the Board of County Supervisors upon recommendation of the County Executive.

C. The primary duty of the County Purchasing Agent is to carry out the principles of modern central purchasing and supply management in accordance with applicable laws and regulations and with generally accepted professional standards in such a manner as to insure the maximum efficiency of governmental operation, and to give to County taxpayers the benefit in savings that such accepted business procedures are known to produce.

Section 3. Exceptions.

A. The procurement of architectural, engineering and related consultant services for construction projects and the contracting for construction projects are excluded from the duties of the County Purchasing Agent for the organizations as specified below:

FAIRFAX COUNTY PURCHASING RESOLUTION

1. **The Department of Public Works and Environmental Services, pursuant to §15.2-834 of the Code of Virginia, the Board of Supervisors' Resolution dated September 18, 1968, and this Resolution, shall be responsible for Fairfax County construction projects and related architectural, engineering and consultant services. The Director, Department of Public Works and Environmental Services or his designee, shall have the same authority as the County Purchasing Agent to execute and administer contracts and to make findings and address remedies as outlined in Article 4 of this Resolution regarding contracts assigned under this section in accordance with the mandatory sections of the Code of Virginia and the applicable sections of this Resolution.**

2. **The Fairfax County Public School Board shall be responsible for construction, related architectural and engineering services, related consulting services, maintenance, repair and related services in connection with building, furnishing equipping, renovating, maintaining, and operating the buildings and property of the school division in accordance with §22.1-79 of the Code of Virginia. The school division's Superintendent or his designee shall have the same authority as the County Purchasing Agent to execute and administer contracts. Execution of contracts under this section shall be conducted under the rules and regulations established by the Fairfax County School Board in accordance with the mandatory sections of the Code of Virginia.**

3. **The Fairfax County Park Authority shall be responsible for Fairfax County Park Authority capital construction and related architectural and engineering services per §15.2-5704 of the Code of Virginia and Board of Supervisors' Resolution dated April 6, 1981, governing the relationship of the Fairfax County Park Authority and Fairfax County. The Director of the Park Authority or his designee shall have the same authority of as the County Purchasing Agent to execute and administer contracts and to make findings and address remedies as outlined in Article 4 of this Resolution. Execution of contracts under this section shall be conducted under the rules and regulations established by the Fairfax County Park Authority in accordance with the mandatory sections of the Code of Virginia and applicable sections of this Resolution.**

4. **The Department of Housing and Community Development shall be responsible for capital construction and related architectural and engineering services for all programs and projects administered by the Department on behalf of either the Redevelopment and Housing Authority per §36-19 of the**

Code of Virginia or the Fairfax County Board of Supervisors, including contracts per §36-49.1:1 to carry out blight abatement. The Director of the Department of Housing and Community Development or his designee shall have the same authority as the County Purchasing Agent to execute and administer contracts and to make findings and address remedies as outlined in Article 4 of this Resolution. Execution of contracts under this section shall be conducted under the rules and regulations established by the Department of Housing and Community Development in accordance with the mandatory sections of the Code of Virginia and applicable sections of this Resolution.

5. The Department of Transportation, pursuant to §33.1-75.3 of the Code of Virginia, and this Resolution, may be responsible for the purpose of constructing or improving highways, including curbs, gutters, drainageways, sound barriers, sidewalks, and all other features or appurtenances conducive to the public safety and convenience, which either have been or may be taken into the primary or secondary system of state highways. The Director, Department of Transportation or his designee, shall have the same authority as the County Purchasing Agent to execute and administer contracts and to make findings and address remedies as outlined in Article 4 of this Resolution regarding contracts assigned under this section in accordance with the mandatory sections of the Code of Virginia and the applicable sections of this Resolution.

6. The Fairfax County Park Authority, the Department of Housing and Community Development, and the Department of Transportation, may by a Memorandum of Understanding (MOU) delegate construction authority as detailed in sections 3 – 5 above to the Department of Public Works and Environmental Services.

B. The Fairfax County Public Schools shall be responsible for the procurement of goods and services for individual schools using funds generated from school activities. Execution of contracts under this section shall be conducted under the rules and regulations established by the Fairfax County School Board in accordance with the mandatory sections of the Code of Virginia.

C. The Fairfax County Sheriff shall be the purchasing agent in all matters involving the commissary and nonappropriated funds received from inmates, in accordance with §53.1-127.1, Code of Virginia.

D. The Department of Administration for Human Services shall be responsible for procurement of goods and services for direct use by a recipient of County administered public assistance programs as defined by Code of Virginia §63.2-100, or the fuel

assistance program, or community services board as defined in Code of Virginia §37.2-100 or any public body purchasing services under the Comprehensive Services Act for At-Risk Youth and Families (Code of Virginia §2.2-5200 et seq.) or the Virginia Juvenile Community Crime Control Act (Code of Virginia §16.1-309.2 et seq.) provided such good or service is delivered by a vendor upon specific instructions from the appropriate employee of the County.

Section 4. Rules and Regulations.

A. The County Purchasing Agent shall prepare and maintain the Fairfax County Purchasing Resolution and other rules and regulations consistent with the laws of the Commonwealth of Virginia governing the operations of the County purchasing and supply management system.

B. The Agencies designated in Section 3 A – D shall prepare and maintain detailed rules and regulations on the conduct of these contracting actions. Such rules and regulations shall be consistent with this Resolution and the laws of the Commonwealth of Virginia. Such rules and regulations shall be approved by the County Executive for County staff agencies or the administrative head of the respective public body involved.

Section 5. Cooperative Procurement.

The County or any entity identified in Section 3 may participate in, sponsor, conduct or administer a cooperative procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services. Except for contracts for architectural and engineering services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies. Nothing herein shall prohibit the assessment or payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

Except for contracts for architectural and engineering services, as authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases, any county, city, town, or school board may purchase from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government.

Section 6. Definitions.

a. Acquisition Function Closely Associated with Inherently Governmental Functions means supporting or providing advice or recommendations with regard to the following activities:

1) **Planning acquisitions.**
2) **Determining what supplies or services are to be acquired by the County, including developing statements of work.**
3) **Developing or approving any contractual documents, to include documents defining requirements, incentive plans, and evaluation criteria.**
4) **Evaluating bids or proposals.**
5) **Awarding County contracts.**
6) **Administering contracts (including ordering changes or giving technical direction in contract performance or contract quantities, evaluating contractor performance, and accepting or rejecting contractor products or services).**
7) **Terminating contracts.**
8) **Determining whether contract costs are reasonable, allocable, and allowable.**

b. Best Value, as predetermined in the solicitation, means the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs.

c. Competitive Sealed Bidding is a formal method of selecting the lowest responsive and responsible bidder. It includes the issuance of a written Invitation to Bid, public notice, a public bid opening and evaluation based on the requirements set forth in the invitation (See Article 2, Section 2 A).

d. Competitive Negotiation is a formal method of selecting the top rated offeror. It includes the issuance of a written Request for Proposals, public notice, evaluation based on the criteria set forth in the Request for Proposals, and allows negotiation with the top rated offeror or offerors (See Article 2, Section 2 B).

e. Construction shall mean building, altering, repairing, improving or demolishing any structure, building, road, drainage, or sanitary facility, and any draining, dredging, excavation, grading or similar work upon real property.

f. Construction Management Contract shall mean a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

g. **Consultant Services shall mean any type of services required by the County, but not furnished by its own employees, which is in its nature so unique that it should be obtained by negotiation on the basis of demonstrated competence and qualification for the type of service required and at fair and reasonable compensation, rather than by competitive sealed bidding.**

h. **Covered Employee means an individual who**

1) **Is an employee of the contractor or subcontractor, a consultant, partner, or a sole proprietor; and**
2) **Performs an acquisition function closely associated with inherently governmental functions.**

i. **Design-build contract shall mean a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.**

j. **DPSM shall mean the Department of Purchasing and Supply Management**

k. **Emergency shall be deemed to exist when a breakdown in machinery and/or a threatened termination of essential services or a dangerous condition develops, or when any unforeseen circumstances arise causing curtailment or diminution of essential service.**

l. **Excess Property shall mean that property which exceeds the requirement of the department to which the property is assigned.**

m. **FCPS shall mean Fairfax County Public Schools.**

n. **Faith–Based Organization shall mean a religious organization that is or applies to be a contractor to provide goods or services for programs funded by the block grant provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P. L. 104-193.**

o. **Firm shall mean any individual, partnership, corporation, association, or other legal entity permitted by law to conduct business in the Commonwealth of Virginia; or any other individual, firm, partnership, corporation, association or other legal entity qualified to perform professional services, non-professional or consultant services.**

p. **Fixed Asset shall mean a tangible item (not a component) which has an expected useful life of at least one year and a dollar value in excess of $5,000.**

q. Goods shall mean all material, equipment, supplies, printing, and information technology hardware and software.

r. Immediate Family shall mean a spouse, child, parent, brother, sister, and any other person living in the same household as the employee.

s. Independent Contractor shall mean a worker over whom the employer has the right to control or direct the result of the work done, but not the means and methods of accomplishing the result.

t. Ineligibility shall mean an action taken to suspend or debar an individual or firm from consideration for award of contracts. The suspension shall not be for a period exceeding three (3) months and the debarment shall not be for a period exceeding three (3) years.

u. Informality shall mean a minor defect or variation of a bid or proposal from the exact requirements of the Invitation to Bid or the Request for Proposal which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured.

v. Non-public Government Information means any information that a covered employee gains by reason of work under a County contract and that the covered employee knows, or reasonably should know, has not been made public. It includes information that--

1) Is exempt from disclosure under the Virginia Freedom of Information Act; or

2) Has not been disseminated to the general public and is not authorized by the agency to be made available to the public.

w. Nonprofessional Services shall mean any service not specifically identified as a professional or consultant service.

x. Official Responsibility shall mean administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction or any resulting claim.

y. **Other Authorized Agency is an Agency as designated by the Code of Virginia and the Board of Supervisors authorized to procure architectural, engineering and related consultant services for construction projects and the contracting for construction projects to include public announcement, receipt of bids, recommending selection and award, negotiation, contract preparation and contract administration as more fully defined in Article 1, Section 3 of this Resolution.**

z. **Pecuniary Interest Arising From the Procurement shall mean a personal interest in a contract, as defined in the State and Local Government Conflict of Interests Act.**

aa. **Personal Conflict of Interest means a situation in which a covered employee has a financial interest, personal activity, or relationship that could impair the employee's ability to act impartially and in the best interest of the County when performing under the contract.**

Among the sources of personal conflicts of interest are--

1) **Financial interests of the covered employee, of close family members, or of other members of the household;**
2) **Other employment or financial relationships (including seeking or negotiating for prospective employment or business); and**
3) **Gifts, including travel.**

Financial interests may arise from--

1) **Compensation, including wages, salaries, commissions, professional fees, or fees for business referrals;**
2) **Consulting relationships (including commercial and professional consulting and service arrangements, or serving as an expert witness in litigation);**
3) **Services provided in exchange for honorariums or travel expense reimbursements;**
4) **Investment in the form of stock or bond ownership or partnership interest (excluding diversified mutual fund investments);**
5) **Real estate investments;**
6) **Patents, copyrights, and other intellectual property interests; or**
7) **Business ownership and investment interests.**

bb. **Potential Bidder or Offeror shall mean a person who, at the time the County negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under such contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.**

cc. **Procurement Transaction shall mean all functions that pertain to obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.**

dd. **Professional services shall mean any type of service performed by an independent contractor within the practice of accounting, actuarial services, architecture, dentistry, land surveying, landscape architecture, law, medicine, optometry, pharmacy, or professional engineering (which shall be procured as set forth in the Code of Virginia §2.2-4301 in the definition of competitive negotiation at paragraph 3 (a), and in conformance with this Resolution).**

ee. **Public Body shall mean any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this resolution. Public body shall include any metropolitan planning organization or planning district commission which operates exclusively within the Commonwealth of Virginia.**

ff. **Public Contract shall mean an agreement between a public body and a nongovernmental source that is enforceable in a court of law.**

gg. **Public or County Employee shall mean any person employed by the County of Fairfax, including elected officials or appointed members of governing bodies.**

hh. **Responsible Bidder or Offeror shall mean an individual, company, firm, corporation, partnership or other organization who has the capability in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance, and who has been prequalified, if required.**

ii. **Responsive Bidder or Offeror shall mean an individual, company, firm, corporation, partnership or other organization who has submitted a bid which conforms in all material respects to the Invitation to Bid or Request for Proposal.**

jj. **Reverse Auctioning shall mean a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services, but not construction or professional services, through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. During the bidding process, bidder's prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.**

kk. **SAC shall mean Selection Advisory Committee.**

ll. **Services shall mean any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.**

mm. **Employment Services Organization shall mean a work-oriented rehabilitative facility with a controlled working environment and individual goals which utilizes work experience and related services to assist individuals with disabilities to progress toward normal living and a productive vocational status.**

nn. **Surplus Property shall mean that property which exceeds the requirement of the entire County.**

Article 2

PURCHASING POLICIES

Section 1. General

A. **Unless otherwise authorized by law, all Fairfax County contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, construction, or construction management, shall be awarded after competitive sealed bidding or competitive negotiation, except as otherwise provided for in this Resolution or law.**

B. **Professional services shall be procured using competitive negotiation, except as otherwise provided for in this Article.**

C. **Consultant services may be procured using competitive negotiation, except as otherwise provided for in the Article.**

D. **Upon written determination made in advance that competitive sealed bidding is either not practical or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for the determination and shall be included in the appropriate contract file.**

E. **Certification of sufficient funds; orders and contracts in violation of Code of Virginia, §15.2-1238: - Except in emergency, no order for delivery on a contract or open market order for supplies, materials, equipment, professional and consultant services or contractual services for any County department or agency shall be awarded until the Director of Finance shall have certified that the unencumbered balance in the appropriation concerned, in excess of all unpaid obligations, is sufficient to defray the cost of such order. Whenever any department or agency of the County government shall purchase or contract for any supplies, materials, equipment or contractual services contrary to the provisions of §15.2-1238 of the Code of Virginia or the rules and regulations made thereunder, such order or contract shall be void and of no effect. The head of such department or agency shall be personally liable for the costs of such orders and contracts.**

F. **Not withstanding any other provision of law, the County may, as provided in the Code of Virginia, §2.2-4327, provide by resolution that in determining the award of any contract for time deposits or investment of its funds, the Director of Finance may consider, in addition to the typical criteria, the investment activities of qualifying**

institutions that enhance the supply of, or accessibility to, affordable housing within the jurisdiction. No more than fifty percent of the funds of the county, calculated on the basis of the average daily balance of the general fund during the previous fiscal year, may be deposited or invested by considering such investment activities as a factor in the award of a contract. A qualifying institution shall meet the provisions of the Virginia Security for Public Deposits Act (§2.2-4400 et seq.) and all local terms and conditions for security, liquidity and rate of return.

G. Best value concepts may be considered when procuring goods, nonprofessional and consultant services, but not construction or professional services. The criteria, factors, and basis for consideration of best value and the process for the consideration of best value shall be as stated in the procurement solicitation.

H. The County may enter into contracts with faith-based organizations on the same basis as any other nongovernmental source subject to the requirements of the Virginia Public Procurement Act (VPPA) §2.2-4343.1.

Section 2. Methods of Procurement.

A. Competitive Sealed Bidding.- is a method of contractor selection which includes the following elements:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the purchase. Unless the County has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. When it is impractical to prepare initially a purchase description to support an award based on prices, a solicitation may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

2. Public notice of the Invitation to Bid at least five days prior to the date set for receipt of bids by posting in a designated public area, or publication in a newspaper of county wide circulation, or both. Public notice may also be published on ~~the Department of Purchasing and Supply Management~~a Fairfax County government web site and other appropriate web sites. In addition, bids may be solicited directly from potential vendors.

3. Public opening and posting of all bids received.

4. Evaluation of bids based upon the requirements set forth in the invitation, which

may include special qualifications of potential vendors, life cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability.

5. Award to the lowest responsive and responsible bidder. Multiple awards may be made when so specified in the Invitation to Bid.

B. Competitive Negotiation.- is a method of contractor selection which includes the following elements:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors which will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of the contractor.

2. Public notice of the Request for Proposal at least five days prior to the date set for receipt of proposals by posting in a designated public area or by publication in a newspaper of county wide circulation or both. Public notice may also be published on ~~the Department of Purchasing and Supply Management~~a Fairfax County government web site and other appropriate web sites. In addition, proposals may be solicited directly from potential vendors.

3. Competitive Negotiation – Consultant Services

a. Selection Advisory Committee

1. When selecting a firm for consultant services where the compensation for such services is estimated to exceed $50,000, the Director of DPSM or other Authorized Agency, or the FCPS Division Superintendent, or designee shall appoint a Selection Advisory Committee to recommend to the Director of DPSM or other Authorized Agency, those consultant services firms that are to be retained by the County. The SAC will be composed of three or more principal staff personnel and other such individuals as determined by the Purchasing Agent and a member of the DPSM or other authorized agency.

***2.* When selecting a firm for consultant services, where the compensation for such consultant services is estimated to be less than $50,000, the Director of the funded Agency or FCPS Department Head shall appoint a Selection Advisory Committee composed of three or more**

principal staff personnel to recommend to the Director of the funded Agency or FCPS Department Head those consultant services firms that are to be retained by the County or an agency of the County.

3. Minutes of Selection Advisory Committee deliberations and records or votes taken shall be maintained for at least three years. Minutes shall detail pertinent reasons for committee recommendations and be available for review by the general public upon request.

b. Public Announcement

1. When consultant services are requested to be purchased, the requirement will be announced in a uniform and consistent manner. Requirements where the compensation for consultant services is estimated to be less than $50,000 may be accomplished without public announcement, but will, whenever possible, utilize available lists and other known sources to make a selection from at least four candidates.

c. Selection, Negotiation and Approval Process.

1. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. After negotiations have been conducted with each offeror so selected, the County shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so stated in the RFP, awards may be made to more than one offeror. Should the County determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

2. All proposed contracts for consultant services, where the compensation to be paid exceeds $100,000, the Director of DPSM or other Authorized Agency, after review of the SAC recommendation will recommend to the County Executive, or the FCPS Division Superintendent those consultant services to be retained by the County or an agency of the County. The proposed contracts shall be submitted to the Board of Supervisors and/or the School Board as an Information Item prior to final execution. Full and adequate explanation of the selection criteria and fee

determination shall be presented with the contract in such form as required by the County Executive or the Division Superintendent, FCPS.

3. All proposed contracts for consultant services, where the compensation to be paid is less than $100,000, shall be approved by the Director of DPSM or Other Authorized Agency. Full and detailed explanation of the selection criteria and fee determination shall be presented with the contract by the using agency.

4. For all cost-plus-a-fixed-fee consultant services contracts, the County shall require the firm receiving the award to execute a truth-in-negotiation certification stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any consultant services contract under which such a certificate is required shall contain a provision that the original contract price and any additions shall be adjusted to exclude any significant sums where the County determines the contract price was increased due to inaccurate, incomplete or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within three years following the end of the contract.

4. Competitive Negotiation – Professional Services

a. Selection Advisory Committee.

1. When selecting a firm for professional services where the compensation for such professional services is estimated to exceed $50,000, the Director of DPSM or other Authorized Agency, or the FCPS Division Superintendent, or designee shall appoint a Selection Advisory Committee to recommend to the Director of DPSM or other Authorized Agency, those professional services firms that are to be retained by the County. The SAC will be composed of three or more principal staff personnel and other such individuals as determined by the Purchasing Agent and a member of the DPSM or other authorized agency.

2. When selecting a firm for professional services, where the compensation for such professional services is estimated to be less than $50,000, the Director of the funded Agency or FCPS Department Head shall appoint a Selection Advisory Committee composed of three or more principal staff personnel to recommend to the Director of the funded Agency or FCPS Department Head those professional services firms that are to be retained by the County or an agency of the County.

3. Minutes of Selection Advisory Committee deliberations and records or votes taken shall be maintained for at least three years. Minutes shall detail pertinent reasons for committee recommendations and be available for review by the general public upon request.

b. Public Announcement and Qualifications for Professional Services.

1. When professional services are requested to be purchased, the requirement will be announced in a uniform and consistent manner. Requirements where the compensation for such professional services is estimated to be less than $50,000 may be accomplished without public announcement, but will, whenever possible, utilize available lists and other known sources to make a selection from at least four candidates.

2. For architectural or engineering services estimated to cost less than $50,000, an annual advertisement requesting qualifications from interested architectural or engineering firms will meet the requirements of paragraph (1) above. The County shall make a finding that the firm to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record of performance, and experience of the firm.

c. Selection, Negotiation, and Approval Process

1. Selection of Professional Services: Where the cost is expected to exceed $50,000, the County shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the County in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the County may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of

evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the County shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. DPSM or other Authorized Agency, with the aid of the Selection Advisory Committee, shall negotiate a proposed contract with the highest qualified firm for the professional services required. The firm deemed to be the most qualified will be required to disclose its fee structure during negotiation. If a contract satisfactory and advantageous to the County can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the County determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror. Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, the County may award contracts to more than one offeror.

2. Except for construction projects and related architectural, engineering, and consultant services, all proposed contracts for professional services, where the compensation to be paid exceeds $100,000, the Director of DPSM or other Authorized Agency, after review of the SAC recommendation will recommend to the County Executive, or the FCPS Division Superintendent those professional services to be retained by the County or an agency of the County. The proposed contracts shall be submitted to the Board of Supervisors and/or the School Board as an Information Item prior to final execution. Full and adequate explanation of the selection criteria and fee determination shall be presented with the contract in such form as required by the County Executive or the Division Superintendent, FCPS.

3. All proposed contracts for professional services, where the compensation to be paid is less than $100,000, shall be approved by the Director of DPSM or Other Authorized Agency. Full and detailed explanation of the selection criteria and fee determination shall be presented with the contract by the using agency.

4. For all cost-plus-a-fixed-fee professional services contracts, the County shall require the firm receiving the award to execute a truth-in-negotiation certification stating that wage rates and other factual unit costs

supporting the compensation are accurate, complete, and current at the time of contracting. Any professional services contract under which such a certificate is required shall contain a provision that the original contract price and any addition thereto shall be adjusted to exclude any significant sums where the County determines the contract price was increased due to inaccurate, incomplete or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within three years following the end of the contract.

5. Multiphase professional services contracts satisfactory and advantageous to the County for environmental, location, design and inspection work regarding construction of infrastructure projects may be negotiated and awarded based on qualifications at a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the procurement of any such contract, the County shall state the anticipated intended total scope of the project and determine in writing that the nature of the work is such that the best interests of the County require awarding the contract.

6. A contract for architectural or professional engineering services relating to construction projects may be negotiated by the County for multiple projects in accordance with the Virginia Public Procurement Act (VPPA), Subdivision 3a, of §2.2-4301.

5. Competitive Negotiation – Non-Professional Services

a. Selection Advisory Committee

1. When selecting a firm for non-professional services where the compensation is estimated to exceed $50,000, the Director of DPSM or other Authorized Agency, or the FCPS Division Superintendent, or designee shall appoint a Selection Advisory Committee to recommend to the Director of DPSM or other Authorized Agency, those non-professional services firms that are to be retained by the County. The SAC will be composed of three or more principal staff personnel and other such individuals as determined by the Purchasing Agent and a member of the DPSM or other authorized agency.

***2.* When selecting a firm for non-professional services, where the compensation is estimated to be less than $50,000, the Director of the funded Agency or FCPS Department Head shall appoint a Selection Advisory**

Committee composed of three or more principal staff personnel to recommend to the Director of the funded Agency or FCPS Department Head those non-professional services firms that are to be retained by the County or an agency of the County.

b. Public Announcement

1. When non-professional services are requested to be purchased, the requirement will be announced in a uniform and consistent manner. Requirements where the compensation for non-professional services is estimated to be less than $50,000 may be accomplished without public announcement, but will, whenever possible, utilize available lists and other known sources to make a selection from at least four candidates.

c. Selection, Negotiation and Approval Process.

1. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. After negotiations have been conducted with each offeror so selected, the County shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so stated in the RFP, awards may be made to more than one offeror. Should the County determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

2. All proposed contracts for non-professional services shall be approved by the Director of DPSM or Other Authorized Agency. Full and detailed explanation of the selection criteria and fee determination shall be presented with the contract by the using agency.

C. Emergency.- In case of an emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practical under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the appropriate contract or purchase order file. In addition, a notice shall be posted on the Department of Purchasing and Supply Management web site or other appropriate web sites on the day the County awards or

announces its decision to award the contract in excess of $50,000, whichever occurs first.

1. **If an emergency occurs during regular County business hours, the head of the using agency shall immediately notify the County Purchasing Agent who shall either purchase the required goods or services or authorize the agency head to do so.**

2. **If an emergency occurs at times other than regular County business hours, the using agency head may purchase the required goods or services directly. The agency head shall, however, when practical, secure competitive oral or written bids and order delivery to be made by the lowest responsive and responsible bidder. The agency head shall also, not later than the next regular County business day, submit to the County Purchasing Agent a requisition, a tabulation of the bids received, if any, a copy of the delivery record and a brief explanation of the circumstances of the emergency.**

3. **The County Purchasing Agent shall maintain a record of all emergency purchases supporting the particular basis upon which the emergency purchase was made. Such records shall be available for public inspection during regular County business hours in the office of the County Purchasing Agent.**

D. Informal Procurement.- Any Fairfax County contract when the estimated cost is less than $50,000 in value, shall be deemed an informal procurement and shall not be subject to the rules governing competitive sealed bidding or competitive negotiation. However, the County Purchasing Agent shall, wherever possible, solicit at least four written competitive bids on all informal procurements estimated to exceed $10,000 in value; and solicit at least three oral or written quotes for purchase transactions estimated between $5,000 - $10,000. The rules and regulations adopted pursuant to Section 4 of Article 2 of this Resolution shall prescribe in detail the procedures to be observed in giving notice to prospective bidders, in tabulating and recording bids, in opening bids, in making purchases from the lowest responsive and responsible bidder, and in maintaining records of all informal procurements for public inspection.

E. Public Private Education Facilities and Infrastructure.- The "Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA)" provides public entities an option for either approving an unsolicited proposal from a private entity or soliciting request for proposals or invitation for bids from private entities. Such projects are exempt from the Virginia Public Procurement Act. The County has developed procedures that are consistent with the principles of the PPEA and adopted by the Board of Supervisors.

F. Reverse Auctioning.- The purchase of goods, consultant or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

G. Small Purchase.- Any purchase or lease of goods, professional, consultant, or nonprofessional services, or for the purchase of insurance, construction, or construction management, when the estimated cost is less than $5,000, shall be deemed a small purchase and shall not be subject to the rules governing the formal competitive bidding process.

H. Sole Source.- Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. A written record documenting the basis for this determination shall be included in the appropriate contract file or other records of the procurement. In addition, a notice shall be posted on the Department of Purchasing and Supply Management web site or other appropriate web sites on the day the County awards or announces its decision to award the contract in excess of $50,000, whichever occurs first.

Section 3. Exceptions to the Requirement for Competitive Procurement.

A. Auction: Upon a determination in writing by the County Purchasing Agent that the purchase of goods, products or commodities from a public auction sale is in the best interests of the County, such items may be purchased at the auction, including online public auctions. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

B. Instructional Materials and Office Supplies: Instructional materials and office supplies which are not stocked or purchased by the Fairfax County School Board pursuant to an existing County contract may be purchased by school principals designated by the School Board. Such purchases shall be conducted in accordance with rules and regulations adopted by the School Board pursuant to §22.1-122.1 of the Code of Virginia. With the exception of textbooks and instructional computer software that have been approved by the State Board of Education and the Fairfax County School Board, no single purchase may exceed the small purchase dollar level (as set forth in Article 2, Section 2. G.). The rules and regulations adopted by the School Board shall prescribe in detail the procedures to be observed in making purchases of instructional materials, establishing accounts for purchases, accounting for the receipt and disbursement of funds, and maintaining records of all transactions. The purchases authorized herein shall be made using funds from accounts established by the School

Board solely for such purchases.

C. Insurance / Electric Utility Services: As provided in the Code of Virginia, subdivision 13 of §2.2-4345, the County may enter into contracts without competitive sealed bidding or competitive negotiation for insurance or electric utility services if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance or electric utility services by use of competitive principles.

D. Insurance: Upon a written determination made in advance by the County Purchasing Agent that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services in subdivision 3b of §2.2-4301 of the Virginia Public Procurement Act.

E. Litigation / Regulatory Proceedings: The County (or any public body that has adopted this Resolution) may enter into contracts without competition for (1) legal services; (2) expert witnesses: and (3) other services associated with litigation or regulatory proceedings.

F. Public Assistance Programs: The County may procure goods or services without competition for direct use by a recipient of County administered public assistance programs as defined by §63.2-100 of the Code of Virginia, or the fuel assistance program, or community services board as defined in §37.2-100, or any public body purchasing services under the Comprehensive Services Act for At-Risk Youth and Families (§2.2-5200 et seq.) or the Virginia Juvenile Community Crime Control Act (§16.1-309.2 et seq.) provided such good or service is delivered by a vendor upon specific instructions from the appropriate employee of the County. Contracts for the bulk procurement of goods and services for use of recipients shall not be exempted from the requirements of competitive procurement.

G. Remedial Plan: The purchase of goods and services when such purchases are made under a remedial plan established by the County Executive pursuant to Code of Virginia §15.2-965.1.

H. Workshops: The County Purchasing Agent may enter into contracts without competition for the purchase of goods or services which are produced or performed by persons or in schools or workshops under the supervision of the Virginia Department for the Visually Handicapped; or which are produced or performed by employment services organizations which offer transitional or supported employment services serving individuals with disabilities, provided that the goods or services can be

purchased within ten percent of their fair market value, will be of acceptable quality and can be produced in sufficient quantities and within the time required.

I. Retirement Board Investments, Actuarial Services, Disability Determination Services: The selection of services related to the management, purchase, or sale of authorized investments, actuarial services, and disability determination services shall be governed by the standard of care in Code of Virginia §51.1-124.30 and shall not be subject to the provisions of the Virginia Public Procurement Act.

J. Ballots and Elections Materials: Chapter 43, Virginia Public Procurement Act, of Title 2.2 shall not apply to contracts for equipment, software, services, the printing of ballots or statements of results, or other materials essential to the conduct of the election, except as stated in §24.2-602. The provisions of Code of Virginia §24.2-602 shall apply to such contracts.

K. Other Special Exemptions: Procurement for single or term contracts for goods and services not expected to exceed $50,000 as identified by the Purchasing Agent.

Section 4. General Purchasing Provisions.

A. <u>Competitive Solicitation Process</u>.-

1. The County Purchasing Agent shall solicit bids from all responsible prospective vendors who have registered their firm to be included on the County's vendor database and/or the Commonwealth of Virginia's "eVA" central vendor registration system for all solicitations using the competitive sealed bidding and competitive negotiation methods of procurement. Other potential vendors may be solicited at the discretion of the County Purchasing Agent.

2. The County Purchasing Agent shall encourage open and competitive bidding by all possible means and shall endeavor to obtain the maximum degree of open competition on all purchase transactions using the competitive sealed bidding, competitive negotiation, or informal procurement methods of procurement. In submitting a bid or proposal each bidder shall, by virtue of submitting a bid, guarantee that the bidder has not been a party with other bidders to an agreement to bid a fixed or uniform price. Violation of this implied guarantee shall render void the bid of such bidders. Any disclosure to or acquisition by a competitive bidder, in advance of the opening of the bids, of the terms or conditions of the bid submitted by another competitor shall render the entire proceedings void and shall require readvertising for bids.

3. All solicitations shall include the following provisions:

a. **Each bidder or offeror shall certify, upon signing a bid or proposal, that to the best of his or her knowledge no Fairfax County official or employee having official responsibility for the procurement transaction, or member of his or her immediate family, has received or will receive any financial benefit of more than nominal or minimal value relating to the award of this contract. If such a benefit has been received or will be received, this fact shall be disclosed with the bid or proposal or as soon thereafter as it appears that such a benefit will be received. Failure to disclose the information prescribed above may result in suspension or debarment, or rescission of the contract made, or could affect payment pursuant to the terms of the contract.**

b. **Whenever there is reason to believe that a financial benefit of the sort described in paragraph a. has been or will be received in connection with a bid, proposal or contract, and that the contractor has failed to disclose such benefit or has inadequately disclosed it, the County Executive, as a prerequisite to payment pursuant to the contract, or at any other time, may require the contractor to furnish, under oath, answers to any interrogatories related to such possible benefit.**

4. **Unless otherwise provided in the Invitation to Bid, the name of a certain brand, make or manufacturer does not restrict bidders to the specific brand, make or manufacturer named: it conveys the general style, type, character, and quality of the article desired, and any article which the County in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted.**

5. **Prospective contractors may be prequalified for particular types of supplies, services, insurance, or construction, and consideration of bids or proposals limited to prequalified contractors. Any prequalification procedures shall be established in writing and sufficiently in advance of their implementation to allow potential contractors a fair opportunity to complete the process.**

6. **Prospective contractors may be debarred from contracting for particular types of goods, services, insurance, or construction, for specified periods of time. The debarment procedures are set forth under Article 4, Section 1.**

7. **The County shall establish procedures whereby comments concerning specifications or other provisions in Invitations to Bid or Requests for Proposal can be received and considered prior to the time set for receipt of bids or proposals or award of the contract.**

8. Withdrawal of bids by a bidder.

a. A bidder for a contract other than for public construction may request withdrawal of their bid under the following circumstances:

1. Requests for withdrawal of bids prior to opening of such bids shall be transmitted to the County Purchasing Agent in writing.

2. Requests for withdrawal of bids after opening of such bids but prior to award shall be transmitted to the County Purchasing Agent, in writing, accompanied by full documentation supporting the request. If the request is based on a claim of error, documentation must show the basis of the error. Such documentation may take the form of supplier quotations, vendor work sheets, etc. If bid bonds were tendered with the bid, the County may exercise its right of collection.

3. No bid may be withdrawn under this paragraph when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent.

4. If a bid is withdrawn under the authority of this paragraph, the lowest remaining bid shall be deemed to be the low bid.

5. No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

6. If the County denies the withdrawal of a bid under the provisions of this paragraph, it shall notify the bidder in writing stating the reasons for its decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder.

7. Work papers, documents, and materials submitted in support of a withdrawal of bids may be considered as trade secrets or proprietary information subject to the conditions of Article 2, Section 4, Paragraph D.

B. Contract Award Process.-

1. The County Purchasing Agent shall have the authority to waive informalities in bids, reject all bids, parts of all bids, or all bids for any one or more good or service included in a solicitation when in his judgment the public interest is best served. If all bids are for the same total amount or unit price (including authorized discounts and delivery times) and if the public interest will not permit the delay of readvertisement for bids, the County Purchasing Agent is authorized to award the contract to the resident Fairfax County tie bidder whose firm has its principal place of business in the County, or if none, to the resident Virginia tie bidder, or if none, to one of the tie bidders by drawing lots in public; or the County Purchasing Agent may purchase the goods or services in the open market except that the price paid shall not exceed the lowest contract bid price submitted for the same goods or services.

2. The County Purchasing Agent shall be responsible for determining the responsibility of a bidder. In determining responsibility, the following criteria will be considered:

a. The ability, capacity and skill of the bidder to perform the contract or provide the service required;

b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

d. The quality of performance of previous contracts or services;

e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;

f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

g. The quality, availability and adaptability of the goods or services to the particular use required;

h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

i. Whether the bidder is in arrears to the County on debt or contract or is a defaulter on surety to the County or whether the bidder's County taxes or assessments are delinquent; and

j. Such other information as may be secured by the County Purchasing Agent having a bearing on the decision to award the contract. If an apparent low bidder is not awarded a contract for reasons of nonresponsibility, the County Purchasing Agent shall so notify that bidder and shall have recorded the reasons in the contract file.

3. All contracts shall be approved as to form by the County Attorney or other qualified attorney and a copy of each long-term contract shall be filed with the Chief Financial Officer of the County.

4. Unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that if the responsive bid from the lowest responsible bidder exceeds available funds, the County may negotiate with the apparent low bidder to obtain a contract price within available funds; however, such negotiations may be undertaken only under conditions and procedures described in writing and approved by the County prior to issuance of the Invitation to Bid.

5. A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than twenty-five percent of the amount of the contract or $50,000, whichever is greater, without the advance written approval of the Purchasing Agent. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of an offeror from the consequences of an error in its bid or offer.

6. Every contract in excess of $50,000 shall contain the following: During the performance of a contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract of over $10,000, so that the provisions

will be binding upon each subcontractor or vendor. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in conjunction with a specific contract awarded to a contractor in accordance with this Resolution, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

C. Non Discrimination.-

The County will not discriminate against a bidder or offeror because of race, color, religion, sex, national origin, age, disability, status as a service-disabled veteran or any other basis prohibited by state law relating to discrimination in employment in the performance of its procurement activity. In accordance with the policy of the County's Small and Minority Business Enterprise Program, every effort shall be made to actively and diligently promote the procurement of goods and services from small businesses and minority-owned and woman-owned businesses and service-disabled veteran businesses in all aspects of procurement to the maximum extent feasible. Every contract shall include the following provisions:

1. During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this provision.

d. The contractor will include the provisions of paragraphs a, b, and c above in every subcontract or purchase order of over $10,000, so that the provisions will be binding upon each subcontractor or vendor.

D. Disclosure of Information.-

Except as provided herein, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act.

1. Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.

2. Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to award, except in the event that the County decides not to accept any of the bids and to reopen the contract. Otherwise, bid records shall be open to public inspection only after award of the contract. Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award except in the event that the County decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to the public inspection only after award of the contract except as provided in 3. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

3. Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction or prequalification application submitted pursuant to Article 2, Section 4 D.3 shall not be subject to the Virginia Freedom of Information Act; however, the bidder, offeror or contractor shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary.

4. Nothing contained in this section shall be construed to require the County, when procuring by competitive negotiation, to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous to the County.

E. Bonds.-

1. The County may, at the discretion of the County Purchasing Agent, require bid, payment or performance bonds for contracts for goods or services if provided in the Invitation to Bid or Request for Proposal.

No forfeiture under a bid bond shall exceed the lesser of:

a. the difference between the bid for which the bond was written and the next low bid, or

b. the face amount of the bid bond.

2. Action on performance bond - No action against the surety on a performance bond shall be brought unless within one year after (1) completion of the contract, including the expiration of all warranties and guarantees or (2) discovery of the defect or breach of warranty, if the action be for such, in all other cases.

3. Actions on payment bonds:

a. Subject to the provisions of subsection (b) hereof, any claimant who has performed labor or furnished material in accordance with the contract documents in the prosecution of the work provided in any contract for which a payment bond has been given, and who has not been paid in full therefore before the expiration of ninety days after the day on which such claimant performed the last of such labor or furnished the last of such materials for which he claims payment, may bring an action on such payment bond to recover any amount due him for such labor or material, and may prosecute such action to final judgment and have execution on the judgment. The obligee named in the bond need not be named a party to such action.

b. Any claimant who has a direct contractual relationship with any subcontractor but who has no contractual relationship, express or implied, with the contractor, may bring an action on the contractor's payment bond only if he has given written notice to the contractor within 180 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished. Notice to the contractor shall be served by registered or certified mail, postage prepaid, in an envelope addressed to such contractor at any place where his office is

regularly maintained for the transaction of business. Claims for sums withheld as retainages with respect to labor performed or materials furnished, shall not be subject to the time limitations stated in this subsection.

c. Any action on a payment bond must be brought within one year after the day on which the person bringing such action last performed labor or last furnished or supplied materials.

d. Any waiver of the right to sue on the payment bond required by this section shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has performed labor or furnished material in accordance with the contract documents.

4. Alternative forms of security:

SB 902

a. In lieu of a bid, payment or performance bond a bidder may furnish a certified check, cashier's check or cash escrow in the face amount required for the bond.

b. If approved by the County Attorney, a bidder may furnish a personal bond, property bond, or bank or savings institution's letter of credit on certain designated funds in the face amount required for the bid, payment or performance bond. Approval shall be granted only upon a determination that the alternative form of security proffered affords protection to the County equivalent to a corporate surety's bond.

F. Prequalification –

1. Any prequalification of prospective contractor by the County shall be pursuant to a prequalification process.

a. At least thirty days prior to the date established for submission of bids or proposals under the procurement of the contract for which the prequalification applies, the County shall advise in writing, each contractor who submitted an application whether that contractor has been prequalified. In the event that a contractor is denied prequalification, the written notification to the contractor shall state the reasons for the denial of prequalification and the factual basis of such reasons.

b. A decision by the County denying prequalification under the provisions of this subsection shall be final and conclusive unless the prospective

contractor appeals the decision in writing within ten (10) days after receipt of the notice by instituting legal action as provided in the Code of Virginia. The prospective contractor may not institute legal action until all statutory requirements have been met.

2. The County may deny prequalification to any contractor only if the County finds one of the following:

a. The contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the contractor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the County shall be sufficient to establish the financial ability of the contractor to perform the contract resulting from such procurement;

b. The contractor does not have appropriate experience to perform the project in question;

c. The contractor or any officer, director or owner thereof has had judgments entered against him within the past ten years for the breach of contracts;

d. The contractor has been in substantial noncompliance with the terms and conditions of prior contracts with the County without good cause. If the County has not contracted with a contractor in any prior contracts, the County may deny prequalification if the contractor has been in substantial noncompliance with the terms and conditions of comparable contracts with another public body without good cause. The County may not utilize this provision to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior file and such information relating thereto given to the contractor at that time, with the opportunity to respond;

e. The contractor or any officer, director, owner, project manager, procurement manager or chief financial official thereof has been convicted within the past ten years of a crime related to governmental or nongovernmental contracting, including, but not limited to, violation of Article 6 of the Virginia Public Procurement Act (§2.2-4367 et seq.), the Virginia Governmental Frauds Act (§18.2-498.1 et seq.), Chapter 42 (§59.1-68.6 et seq.) of Title 59, or any substantially similar law of the United States or another state;

f. The contractor or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government; and

g. The contractor failed to provide to the County in a timely manner any information requested by the County relevant to subdivisions (1) through (7) of this subsection.

Section 5. Compliance with Conditions on Federal Grants or Contract.

Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the policy of full and open competition, the County Purchasing Agent may comply with the federal requirements only upon written determination by the County Executive and/or Board of Supervisors that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provisions of this section in conflict with the conditions of the grant or contract.

Section 6. Audit by the County.

All contracts and amendments entered into by negotiation, shall include a provision permitting the County or its agent to have access to and the right to examine any books, documents, papers, and records of the contractor involving transactions related to the contract or compliance with any clauses thereunder, for a period of three (3) years after final payment. The contractor shall include these same provisions in all related subcontracts.

Section 7. HIPAA Compliance.

Fairfax County Government has designated certain health care components as covered by the Health Insurance Portability and Accountability Act of 1996. The successful vendor may be designated a business associate pursuant to 45 CFR part 164.504(e) and 164.308 (b) of those agencies identified as health care components of the County, including the Fairfax-Falls Church Community Services Board, upon award of contract. The successful vendor must adhere to all relevant federal, state, and local confidentiality and privacy laws, regulations, and contractual provisions of the Fairfax County Business Associate agreement. These laws and regulations include, but are not limited to: (1) HIPAA – 42 USC 201, et seq., and 45 CFR Parts 160 and 164; and (2) Code of Virginia – Title 32.1, Health, § 32.1-1 et seq. The vendor shall have in place appropriate administrative, technical, and physical safeguards to ensure the privacy and confidentiality of protected health information. Additional information may be obtained by going to the Fairfax County Web site at: http://www.fairfaxcounty.gov/hipaa.

Section 8. Immigration Reform and Control Act Compliance:

The County shall provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Section 9. Compliance with State Law; Foreign and Domestic Businesses Authorized to Transact Business in the Commonwealth:

A. **The County shall include in every contract exceeding $50,000 a provision that a contractor organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as otherwise required by law.**

B. **Pursuant to competitive sealed bidding or competitive negotiation, the County shall include in the solicitation a provision that requires a bidder or offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 to include in its bid or proposal the identification number issued to it by the State Corporation Commission. Any bidder or offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law shall include in its bid or proposal a statement describing why the bidder or offeror is not required to be so authorized.**

C. **Any bidder or offeror described in subsection B that fails to provide the required information may not receive an award unless a waiver of this requirement and the administrative policies and procedures established to implement this section is granted by the County Purchasing Agent.**

D. **Any business entity described in subsection A that enters into a contract with the County pursuant to this section shall not allow its existence to lapse or its certificate of authority or registration to transact business in the Commonwealth, if so required under Title 13.1 or Title 50, to be revoked or cancelled at any time during the term of the contract.**

E. **The County may void any contract with a business entity if the business entity fails to remain in compliance with the provisions of this section.** ◙

Article 3

CONSTRUCTION CONTRACTING

Section 1. Authority

The procurement of architectural, engineering and related consultant services for construction projects and the contracting for construction projects are excluded from the duties of the County Purchasing Agent for the organizations as specified below:

1. **The Department of Public Works and Environmental Services, pursuant to §15.2-834 of the Code of Virginia, the Board of Supervisors' Resolution dated September 18, 1968, and this Resolution, shall be responsible for Fairfax County construction projects and related architectural, engineering and consultant services. The Director, Department of Public Works and Environmental Services or his designee, shall have the same authority as the County Purchasing Agent to execute and administer contracts and to make findings and address remedies as outlined in Article 4 of this Resolution regarding contracts assigned under this section in accordance with the mandatory sections of the Code of Virginia and the applicable sections of this Resolution.**

2. **The Fairfax County Public School Board shall be responsible for construction, related architectural and engineering services, related consulting services, maintenance, repair and related services in connection with building, furnishing equipping, renovating, maintaining, and operating the buildings and property of the school division in accordance with §22.1-79 of the Code of Virginia. The school division's Superintendent or his designee shall have the same authority as the County Purchasing Agent to execute and administer contracts. Execution of contracts under this section shall be conducted under the rules and regulations established by the Fairfax County School Board in accordance with the mandatory sections of the Code of Virginia.**

3. **The Fairfax County Park Authority shall be responsible for Fairfax County Park Authority capital construction and related architectural and engineering services per §15.2-5704 of the Code of Virginia and Board of Supervisors' Resolution dated April 6, 1981, governing the relationship of the Fairfax County Park Authority and Fairfax County. The Director of the Park Authority or his designee shall have the same authority of as the County Purchasing Agent to execute and administer contracts and to make findings and address remedies as outlined in Article 4 of this Resolution. Execution of contracts under this section shall be conducted under the rules and regulations established by the Fairfax County Park Authority in accordance with the**

mandatory sections of the Code of Virginia and applicable sections of this Resolution.

4. The Department of Housing and Community Development shall be responsible for capital construction and related architectural and engineering services for all programs and projects administered by the Department on behalf of either the Redevelopment and Housing Authority per §36-19 of the Code of Virginia or the Fairfax County Board of Supervisors, including contracts per §36-49.1:1 to carry out blight abatement. The Director of the Department of Housing and Community Development or his designee shall have the same authority as the County Purchasing Agent to execute and administer contracts and to make findings and address remedies as outlined in Article 4 of this Resolution. Execution of contracts under this section shall be conducted under the rules and regulations established by the Department of Housing and Community Development in accordance with the mandatory sections of the Code of Virginia and applicable sections of this Resolution.

5. The Department of Transportation, pursuant to §33.1-75.3 of the Code of Virginia, and this Resolution, may be responsible for the purpose of constructing or improving highways, including curbs, gutters, drainageways, sound barriers, sidewalks, and all other features or appurtenances conducive to the public safety and convenience which either have been or may be taken into the primary or secondary system of state highways. The Director, Department of Transportation or his designee, shall have the same authority as the County Purchasing Agent to execute and administer contracts and to make findings and address remedies as outlined in Article 4 of this Resolution regarding contracts assigned under this section in accordance with the mandatory sections of the Code of Virginia and the applicable sections of this Resolution.

6. The Fairfax County Park Authority, the Department of Housing and Community Development, and the Department of Transportation, may by a Memorandum of Understanding (MOU) delegate construction authority as detailed in sections 3 – 5 above to the Department of Public Works and Environmental Services.

Section 2. Rules and Regulations

The Agencies designated in Section 1 above shall prepare and maintain detailed rules and regulations on the conduct of these contracting actions. Such rules and regulations shall be consistent with this Resolution and the laws of the Commonwealth of Virginia. Such rules and regulations shall be approved by the County Executive for County staff agencies or the administrative head of the respective public body involved.

Section 3. Definitions

a. Construction shall mean building, altering, repairing, improving or demolishing any structure, building, road, drainage, or sanitary facility, and any draining, dredging, excavation, grading or similar work upon real property.

b. Construction Management Contract shall mean a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

c. Design-build contract shall mean a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.

d. Other Authorized Agency is an Agency as designated by the Code of Virginia and the Board of Supervisors authorized to procure architectural and engineering design services to include public announcement, receipt of bids, recommending selection and award, negotiation, contract preparation and contract administration as more fully defined in Article 1, Section 3 of this Resolution.

Section 4. Purchasing Policies

A. Construction may be procured by competitive negotiation as set forth in the Code of Virginia, subsection D of §2.2-4303 for: a) the construction, alteration, repair, renovation or demolition of buildings or structures, when the contract is not expected to cost more than $1.5 million; b) the construction of highways and any draining, dredging, excavation, grading or similar work upon real property.

B. No contract for the construction of any building or for an addition to or improvement of an existing building for which state funds of $50,000 or more in the aggregate or for the sum of all phases of a contract or project, either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except after competitive bidding or competitive negotiation as provided in this Resolution and law. The procedure for the advertising for bids and letting of the contract shall conform, mutatis mutandis, to the Virginia Public Procurement Act.

C. A contract for architectural or professional engineering services relating to construction projects may be negotiated for multiple projects provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract term is limited

to one year and may be renewable for four additional one-year terms at the option of the County. Under such contract, (a) the fair and reasonable prices, as negotiated, shall be used in determining the cost of each project performed, (b) the sum of all projects performed in one contract term shall not exceed $5 million, (c) the project fee of any single project shall not exceed $1 million. Any unused amounts from the first contract term shall not be carried forward to the additional term(s). Competitive negotiations for such contracts may result in awards to more than one offeror provided (1) the Request for Proposal so states and (2) the County has established procedures for distributing multiple projects among the selected contractors during the contract term.

D. No County construction contract shall waive, release, or extinguish the rights of a contractor to recover costs or damages for unreasonable delay, in performing such contract, either on his behalf or on behalf of his subcontractor if and to the extent such delay is caused by acts or omissions of the County, its agents or employees and due to causes within their control.

a. Subsection D shall not be construed to render void any provision of a County construction contract that:

i. Allows the County to recover that portion of delay costs caused by the acts or omissions of the contractor, or its subcontractor, agents or employees;

ii. Requires notice of any delay by the party claiming the delay;

iii. Provides for liquidated damages for delay; or

iv. Provides for arbitration or any other procedure designed to settle contract disputes.

b. A contractor making a claim against the County for costs or damages due to the alleged delaying of the contractor in the performance of its work under any County construction contract shall be liable to the County and shall pay the County for a percentage of all costs incurred by the County in investigating, analyzing, negotiating, litigating and arbitrating the claim, which percentage shall be equal to the percentage of the contractor's total delay claim which is determined through litigation or arbitration to be false or to have no basis in law or in fact.

c. A public body denying a contractor's claim for costs or damages due

to the alleged delaying of the contractor in the performance of work under any public construction contract shall be liable to and shall pay such contractor a percentage of all costs incurred by the contractor to investigate, analyze, negotiate, litigate and arbitrate the claim. The percentage paid by the County shall be equal to the percentage of the contractor's total delay claim for which the County's denial is determined through litigation or arbitration to have been made in bad faith.

Section 5. Methods of Procurement

A. In addition to competitive bidding and competitive negotiations, the County may enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis consistent with this Resolution and law.

B. Competitive Negotiation – Construction Management / Design Build Services

1. Determination

a. The County may enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis in accordance with the Virginia Public Procurement Act (VPPA) §2.2-4308. Prior to issuing a Request for Proposal for any design-build or construction management project, the Purchasing Agent or Other Authorized Agency will document that a) the design-build or construction management contract is more advantageous than a competitive sealed bid construction contract, b) there is a benefit to the County by using a design-build or construction management contract, and c) competitive sealed bidding is not practical or fiscally advantageous. The County may proceed with design-build or construction management contracts in accordance with procedures approved by the County Executive in accordance with this Resolution and the laws of the Commonwealth of Virginia.

2. Selection Advisory Committee

a. The Purchasing Agent or Other Authorized Agency shall appoint a Selection Advisory Committee which will include a licensed professional engineer or architect with professional competence appropriate to the proposed project. The licensed professional engineer or architect shall advise the County regarding the use of design-build or construction management project and will assist with the preparation of the Request

for Proposal consistent with this Resolution for competitive negotiation of non-professional services, and will assist in the evaluation of proposals. The licensed professional engineer or architect services may be provided under a professional services contract by a qualified person or firm.

b. Selection, Evaluation and Award of Construction Management or Design-Build Contracts.

1. Design Requirements. The Request for Proposal shall include and define the criteria of the construction project in the areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; special telecommunications; and may define such other requirements as the County determines appropriate for the particular construction project.

2. Selection, Evaluation and Award Factors. Proposal evaluation factors and other source selection criteria shall be included in the Request for Proposal for the specific design-build or construction management project.

3. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. After negotiations have been conducted with each offeror so selected, the County shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so stated in the RFP, awards may be made to more than one offeror. Should the County determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

4. All proposed contracts for construction management or design-build services shall be approved by the Director of DPSM or Other Authorized Agency. Full and detailed explanation of the selection criteria and fee determination shall be presented with the contract by the using agency.

5. Post-Project Review. The County will provide post-project evaluation information, such as cost and time savings, effectiveness of the selection, evaluation and award of such contracts, and the benefit to Fairfax County, to the Design-Build/Construction Management Review Board.

6. Projects undertaken pursuant to Article 3, Section 4.A of this Resolution shall be exempt from approval of the Review Board.

Section 6. Prequalification, Bonds, Escrow Accounts

Prospective contractors may be prequalified for particular types of supplies, services, insurance, or construction, and consideration of bids or proposals limited to prequalified contractors. Any prequalification procedures shall be established in writing and sufficiently in advance of their implementation to allow potential contractors a fair opportunity to complete the process.

A. Any prequalification of prospective contractors for construction by the County shall be pursuant to a prequalification process for construction projects as outlined below.

1. **The application form used in such process shall set forth the criteria upon which the qualifications of prospective contractors will be evaluated. The application form shall request of prospective contractors only such information as is appropriate for an objective evaluation of all prospective contractors pursuant to such criteria. The form shall allow the prospective contractor seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the contractor pursuant to this subsection shall be considered a trade secret or proprietary information pursuant to Article 2, Section 4, Paragraph D.**

2. **In all instances in which the County requires prequalification of potential contractors for construction projects, advance notice shall be given of the deadline for the submission of prequalification applications. The deadline for submission shall be sufficiently in advance of the date set for the submission of bids for such construction so as to allow the procedures set forth in this subsection to be accomplished.**

3. **At least thirty days prior to the date established for submission of bids or proposals under the procurement of the contract for which the prequalification applies, the County shall advise in writing, each contractor who submitted an application whether that contractor has been prequalified. In the event that a contractor is denied prequalification, the written notification to the contractor shall state the reasons for the denial of prequalification and the factual basis of such reasons.**

4. **A decision by the County denying prequalification under the provisions of this subsection shall be final and conclusive unless the prospective contractor appeals the decision in writing within ten (10) days after receipt of the notice by instituting legal action as provided in the Code of Virginia. The prospective contractor may not institute legal action until all statutory requirements have been met.**

B. The County may deny prequalification to any contractor only if the County finds one of the following:

1. **The contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the contractor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the County shall be sufficient to establish the financial ability of the contractor to perform the contract resulting from such procurement;**

2. **The contractor does not have appropriate experience to perform the construction project in question;**

3. **The contractor or any officer, director or owner thereof has had judgments entered against him within the past ten years for the breach of contracts for governmental or nongovernmental construction, including, but not limited to, design-build or construction management;**

4. **The contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with the County without good cause. If the County has not contracted with a contractor in any prior construction contracts, the County may deny prequalification if the contractor has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause. The County may not utilize this provision to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior construction file and such information relating thereto given to the contractor at that time, with the opportunity to respond;**

5. **The contractor or any officer, director, owner, project manager, procurement manager or chief financial official thereof has been convicted within the past ten years of a crime related to governmental or nongovernmental construction or contracting, including, but not limited to, violation of Article 6 of the Virginia Public Procurement Act (§2.2-4367 et seq.), the Virginia Governmental Frauds Act**

(§18.2-498.1 et seq.), Chapter 42 (§59.1-68.6 et seq.) of Title 59, or any substantially similar law of the United States or another state;

6. The contractor or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government; and

7. The contractor failed to provide to the County in a timely manner any information requested by the County relevant to subdivisions (1) through (7) of this subsection.

8. The contractor fails to meet the eligibility criteria of the most recently adopted version of the Fairfax County Construction Safety Resolution.

a. If the County has a prequalification ordinance that provides for minority participation in municipal construction contracts, that public body may also deny prequalification based on minority participation criteria, provided, however, that nothing herein shall authorize the adoption or enforcement of minority participation criteria except to the extent that such criteria, and the adoption and enforcement thereof, are in accordance with the Constitution and laws of the United States and the Commonwealth.

C. Withdrawal of bids by a bidder.

1. A bidder for a public construction contract, other than a contract for construction or maintenance of public highways, may withdraw his bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. If a bid contains both clerical and judgment mistakes, a bidder may withdraw his bid from consideration if the price bid would have been substantially lower than the other bids due solely to the clerical mistake, that was an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid which shall be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

2. **The bidder shall give notice in writing of his claim of right to withdraw his bid within two business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice. No bid shall be withdrawn when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent. The lowest remaining bid shall be deemed to be the low bid. No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.**

3. **The County shall notify the bidder in writing within five business days of its decision regarding the bidder's request to withdraw its bid. If the County denies the withdrawal of a bid, it shall state in such notice the reasons for its decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder. At the same time that the notice is provided, the County shall return all work papers and copies thereof that have been submitted by the bidder.**

D. <u>Progress Payments</u>.

1. **In any public contract for construction which provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least ninety-five percent of the earned sum when payment is due, with not more than five percent being retained to be included in the final payment. Any subcontract for a public project which provides for similar progress payments shall be subject to the same limitations.**

E. <u>Bonds</u>.-

1. **Except in cases of emergency, all bids or proposals for nontransportation-related construction contracts in excess of $500,000 or transportation-related projects authorized under §33.1-12 that are in excess of $ 350,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder which is legally authorized to do business in Virginia, as a guarantee that if the contract is awarded to such bidder, that bidder will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent of the amount bid.**

   For nontransportation-related construction contracts in excess of $100,000 but less than $500,000, where the bid bond requirements are waived, prospective

contractors shall be prequalified for each individual project in accordance with §2.2-4317 of the Code of Virginia.

No forfeiture under a bid bond shall exceed the lesser of:

a. the difference between the bid for which the bond was written and the next low bid, or

b. the face amount of the bid bond.

Nothing in this section shall preclude the County from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than $500,000 for nontransportation-related projects or $350,000 for transportation-related projects authorized under §33.1-12 and partially or wholly funded by the Commonwealth.

The performance and payment bond requirements in E.1 above for transportation-related projects that are valued in excess of $250,000 but less than $350,000 may only be waived by the County if the bidder provides evidence, satisfactory to the County, that a surety company has declined an application from the contractor for a performance or payment bond.

2. Performance and payment bonds:

a. Upon the award of any (i) public construction contract exceeding $500,000 awarded to any prime contractor, (ii) construction contract exceeding $500,000 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures or other improvements to real property owned or leased by a public body, or (iii) transportation-related projects exceeding $250,000 that are partially or wholly funded by the Commonwealth, or (iv) construction contract exceeding $500,000 in which the performance of labor of the furnishing of materials will be paid with public funds, the contractor shall furnish to the County the following bonds:

1. A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract. For transportation-related projects authorized under §33.1-12, such bond shall be in a form and amount satisfactory to the public body.

2. A payment bond in the sum of the contract amount. The bond shall be for the protection of claimants who have and fulfill contracts to supply

labor or materials to the prime contractor to whom the contract was awarded, or to any subcontractors in the prosecution of the work provided for in such contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or performed in the prosecution of the work. For transportation-related projects authorized under §33.1-12 and partially or wholly funded by the Commonwealth, such bond shall be in a form and amount satisfactory to the public body. "Labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

b. Each of such bonds shall be executed by one or more surety companies selected by the contractor which are legally authorized to do business in Virginia.

c. Such bonds shall be payable to the County of Fairfax and filed with the County or a designated office or official.

d. Nothing in this section shall preclude the County from requiring payment or performance bonds for construction contracts below $500,000 for nontransportation-related projects or $250,000 for transportation-related projects authorized under §33.1-12 and partially or wholly funded by the Commonwealth.

e. Nothing in this section shall preclude such contractor from requiring each subcontractor to furnish a payment bond with surety in the sum of the full amount of the contract with such subcontractor conditioned upon the payment to all persons who have and fulfill contracts which are directly with the subcontractor for performing labor and furnishing materials in the prosecution of the work provided for in the subcontract.

3. Action on performance bond - No action against the surety on a performance bond shall be brought unless within one year after (1) completion of the contract, including the expiration of all warranties and guarantees or (2) discovery of the defect or breach of warranty, if the action be for such, in all other cases.

4. Actions on payment bonds:

a. Subject to the provisions of subsection (b) hereof, any claimant who has performed labor or furnished material in accordance with the contract documents in the prosecution of the work provided in any contract for which a payment bond has been given, and who has not been paid in full therefore

before the expiration of ninety days after the day on which such claimant performed the last of such labor or furnished the last of such materials for which he claims payment, may bring an action on such payment bond to recover any amount due him for such labor or material, and may prosecute such action to final judgment and have execution on the judgment. The obligee named in the bond need not be named a party to such action.

b. Any claimant who has a direct contractual relationship with any subcontractor but who has no contractual relationship, express or implied, with the contractor, may bring an action on the contractor's payment bond only if he has given written notice to the contractor within 180 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished. Notice to the contractor shall be served by registered or certified mail, postage prepaid, in an envelope addressed to such contractor at any place where his office is regularly maintained for the transaction of business. Claims for sums withheld as retainages with respect to labor performed or materials furnished, shall not be subject to the time limitations stated in this subsection.

c. Any action on a payment bond must be brought within one year after the day on which the person bringing such action last performed labor or last furnished or supplied materials.

d. Any waiver of the right to sue on the payment bond required by this section shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has performed labor or furnished material in accordance with the contract documents.

5. Alternative forms of security:

SB 902

a. In lieu of a bid, payment or performance bond a bidder may furnish a certified check, cashier's check or cash escrow in the face amount required for the bond.

b. If approved by the County Attorney, a bidder may furnish a personal bond, property bond, or bank or savings institution's letter of credit on certain designated funds in the face amount required for the bid, payment or performance bond. Approval shall be granted only upon a determination that the alternative form of security proffered affords protection to the County equivalent to a corporate surety's bond.

F. Escrow Accounts.-

1. **The County, when contracting directly with contractors for public contracts of $200,000 or more for construction of highways, roads, streets, bridges, parking lots, demolition, clearing, grading, excavating, paving, pile driving, miscellaneous drainage structures, and the installation of water, gas, sewer lines and pumping stations, where portions of the contract price are to be retained, shall include an option in the bid or proposal for the contractor to use an Escrow account procedure for utilization of the County's retainage funds by so indicating in the space provided in the bid or proposal documents and executing the Escrow Agreement form provided by the County. In the event the contractor elects to use the Escrow account procedure, the Escrow Agreement form shall be executed and submitted to the County within fifteen days after receipt of notification of contract award by the contractor.**

2. **The executed Escrow Agreement Form shall be submitted to the Office designated in the bid or proposal documents. If the Escrow Agreement Form is not submitted to the designated office within the fifteen day period, the contractor shall forfeit his rights to the use of the Escrow account procedure.**

3. **The Purchasing Agent shall promulgate escrow regulations. In order to have retained funds paid to an escrow agent, the contractor, the escrow agent and the surety shall execute the Escrow Agreement form. The contractor's escrow agent shall be a trust company, bank or savings institution with its principal office located in the Commonwealth and shall satisfy escrow agent qualifications promulgated by the Purchasing Agent.**

4. **This subsection E. shall not apply to public contracts for construction for railroads, public transit systems, runways, dams, foundations, installation or maintenance of power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter, the installation or maintenance of telephone, telegraph or signal systems for public utilities and the construction or maintenance of solid waste or recycling facilities and treatment plants.**

5. **Any such public contract for construction with the County which includes payment of interest on retained funds, may include a provision whereby the contractor, exclusive of reasonable circumstances beyond the control of the contractor stated in the contract, shall pay a specified penalty for each day exceeding the completion date stated in the contract.**

6. Any subcontract for such public project that provides for similar progress payments shall be subject to the provisions of this section.

This subsection E. shall apply to contracts as provided in the Code of Virginia, §2.2-4334.

Article 4

BIDDER/CONTRACTOR REMEDIES

Section 1. Ineligibility.

A. Any person or firm suspended or debarred from participation in County procurement shall be notified in writing by the County Purchasing Agent.

1. The Notice of Suspension shall state the reasons for the actions taken and such decision shall be final unless the person or firm appeals within thirty (30) days of receipt of the Notice by instituting legal action as provided in the Code of Virginia.

2. The Notice of Debarment shall state the reasons for the actions taken and the decision shall be final unless the person or firm appeals within thirty (30) days of receipt of the notice by instituting legal action as provided in the Code of Virginia.

B. The County Purchasing Agent shall have the authority to suspend or debar a person or firm from bidding on any contract for the causes stated below:

1. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a County contractor;

3. Conviction under the state or federal antitrust statutes arising out of the submission of bids or proposals;

4. Violation of contract provisions, as set forth below, of a character which is regarded by the County Purchasing Agent to be so serious as to justify suspension or debarment action:

a. failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

b. a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for suspension or debarment;

5. Any other cause the County Purchasing Agent determines to be so serious and compelling as to affect responsibility as a contractor, such as debarment by another governmental entity for any cause listed herein, or because of prior reprimands;

6. The contractor has abandoned performance, been terminated for default on a Fairfax County project, or has taken any actions that inure to the detriment of Fairfax County or a Fairfax County project.;

7. The contractor is in default on any surety bond or written guarantee on which Fairfax County is an obligee.

C. If, upon appeal, it is determined that the action taken by the County Purchasing Agent was arbitrary or capricious, or not in accordance with the Constitution of Virginia, statutes or regulations, the sole relief available to the person or firm shall be restoration of eligibility. The person or firm may not institute legal action until all statutory requirements have been met.

Section 2. Appeal of Denial of Withdrawal of Bid.

A. A decision denying withdrawal of a bid submitted by a bidder or offeror shall be final and conclusive unless the bidder appeals the decision within ten (10) days after receipt of the decision by instituting legal action as provided in the Code of Virginia. The bidder or offeror may not institute legal action until all statutory requirements have been met.

B. If no bid bond was posted, a bidder refused withdrawal of bid under the provisions of Article 2, Section 4A, paragraph 8, prior to appealing, shall deliver to the County a certified check or cash bond in the amount of the difference between the bid sought to be withdrawn and the next low bid. Such security shall be released only upon a final determination that the bidder was entitled to withdraw the bid.

C. If, upon appeal, it is determined that the decision refusing withdrawal of the bid was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid, the sole relief shall be withdrawal of the bid.

Section 3. Appeal of Determination of Nonresponsibility.

A. Any bidder who, despite being the apparent low bidder, is determined not to be a responsible bidder for a particular County contract shall be notified in writing by the County Purchasing Agent. Such notice shall state the basis for the determination, which shall be final unless the bidder appeals the decision within ten (10) days of receipt of the notice by instituting legal action as provided in the Code of Virginia. The bidder may not institute legal action until all statutory requirements have been met.

B. If, upon appeal, it is determined that the decision of the County Purchasing Agent was arbitrary or capricious and the award for the particular County contract in question has not been made, the sole relief available to the bidder shall be a finding that the bidder is a responsible bidder for the County contract in question. Where the award has been made, the County may declare the contract void upon a finding that this action is in the best interest of the public. Where a contract is declared void, the performing contractor shall be compensated for the cost of performance up to the time of such declaration. In no event shall the performing contractor be entitled to lost profits.

Section 4. Protest of Award or Decision to Award.

A. Any bidder or offeror may protest the award or decision to award a contract by submitting a protest in writing to the County Purchasing Agent, or an official designated by the County of Fairfax, no later than ten (10) days after the award or the announcement of the decision to award, whichever occurs first. Any potential bidder or offeror on a contract negotiated on a sole source or emergency basis who desires to protest the award or decision to award such contract shall submit such protest in the same manner no later than ten days after posting or publication of the notice of such contract as provided in Article 2, Section 2. However, if the protest of any actual or potential bidder or offeror depends in whole or in part upon information contained in public records pertaining to the procurement transaction which are subject to inspection under Article 2, Section 4.D, then the time within which the protest must be submitted shall expire ten days after those records are available for inspection by such bidder or offeror under Article 2, Section 4.D, or at such later time as provided herein. No protest shall lie for a claim that the selected bidder or offeror is not a responsible bidder or offeror. The written protest shall include the basis for the protest and the

relief sought. The County Purchasing Agent shall issue a decision in writing within ten (10) days of the receipt of the protest stating the reasons for the action taken. This decision shall be final unless the bidder or offeror appeals within ten (10) days of receipt of the written decision by instituting legal action as provided in the Code of Virginia.

B. If, prior to award, it is determined that the decision to award is arbitrary or capricious, then the sole relief shall be a finding to that effect. The County Purchasing Agent shall cancel the proposed award or revise it to comply with the law. If, after an award, it is determined that an award of a contract was arbitrary or capricious, then the sole relief shall be as hereinafter provided. Where the award has been made but performance has not begun, the performance of the contract may be declared void by the County. Where the award has been made and performance has begun, the County Purchasing Agent may declare the contract void upon a finding that this action is in the best interest of the County. Where a contract is declared void, the performing contractor shall be compensated for the cost of performance at the rate specified in the contract up to the time of such declaration. In no event shall the performing contractor be entitled to lost profits.

C. Pending final determination of a protest or appeal, the validity of a contract awarded and accepted in good faith in accordance with this article shall not be affected by the fact that a protest or appeal has been filed.

D. An award need not be delayed for the period allowed a bidder or offeror to protest, but in the event of a timely protest, no further action to award the contract will be taken unless there is a written determination that proceeding without delay is necessary to protect the public interest or unless the bid or offer would expire.

Section 5. Contractual Disputes.

A. Any dispute concerning a question of fact as a result of a contract with the County which is not disposed of by agreement shall be decided by the County Purchasing Agent, who shall reduce his decision to writing and mail or otherwise forward a copy to the contractor within ~~thirty~~ninety (~~30~~90) days. The decision of the County Purchasing Agent shall be final and conclusive unless the contractor appeals within six (6) months of the date of the final written decision by instituting legal action as provided in the Code of Virginia. A contractor may not institute legal action, prior to receipt of the County Purchasing Agent's decision on the claim, unless the County Purchasing Agent fails to render such decision within the time specified.

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Code of Virginia §2.2-4363.C.2

B. Contractual claims, whether for money or other relief, shall be submitted in writing no later than sixty days after final payment; however, written notice of the contractor's

intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Nothing herein shall preclude a contract from requiring submission of an invoice for final payment within a certain time after completion and acceptance of the work or acceptance of the goods. Pendency of claims shall not delay payment of amounts agreed due in the final payment.

Section 6. Legal Action.

A. No bidder, offeror, potential bidder or offeror, or contractor shall institute any legal action until all statutory requirements have been met.

Article 5

ETHICS IN COUNTY CONTRACTING

Section 1. General.

A. The provisions of this article supplement, but do not supersede, other provisions of law including, but not limited to, the State and Local Government Conflict of Interests Act (§2.2-3100 et seq.), the Virginia Governmental Frauds Act (§18.2-498.1 et seq.), and Articles 2 (§18.2-438 et seq.) and 3 (§18.2-446 et seq.) of Chapter 10 of Title 18.2. The provisions of this article apply notwithstanding the fact that the conduct described may not constitute a violation of the State and Local Government Conflict of Interests Act.

B. No County employee having official responsibility for a procurement transaction (except as may be specifically allowed by subdivisions of A2, A3 and A4 of §2.2-3112) shall participate in that transaction on behalf of the County when the employee knows that:

1. The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction; or,

2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror, or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent; or,

3. The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or,

4. The employee, the employee's partner, or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment with a bidder, offeror or contractor.

Section 2. Solicitation or Acceptance of Gifts.

No County employee having official responsibility for a procurement transaction shall solicit, demand, accept or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or

greater value is exchanged. The County may recover the value of anything conveyed in violation of this section.

Section 3. Disclosure of Subsequent Employment.

No County employee or former County employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the County employee or former County employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the County unless the County employee, or former County employee, provides written notification to the County prior to commencement of employment by that bidder, offeror or contractor.

Section 4. Gifts.

No bidder, offeror, contractor or subcontractor shall confer upon any County employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

Section 5. Kickbacks.

A. No contractor or subcontractor shall demand or receive from any of his suppliers or his subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services or anything present or promised, unless consideration of substantially equal or greater value is exchanged.

B. No subcontractor or supplier shall make, or offer to make, kickbacks as described in this section.

C. No person shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything of value in return for an agreement not to compete on a County contract.

D. If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the public body and will be recoverable from both the maker and recipient. Recovery from one offending party shall not preclude recovery from other offending parties.

E. No person who, for compensation, prepares an invitation to bid or request for proposal for or on behalf of the County shall (i) submit a bid or proposal for that procurement

or any portion thereof or (ii) disclose to any bidder or offeror information concerning the procurement which is not available to the public. However, the County may permit such person to submit a bid or proposal for that procurement or any portion thereof if the County determines that the exclusion of such person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the County.

Section 6. Purchase of Building Materials, etc., from Architect or Engineer Prohibited.

A. **No building materials, supplies or equipment for any building or structure constructed by or for the County shall be sold by or purchased from any person employed as an independent contractor by the County to furnish architectural or engineering services, but not construction, for such building or structure; or from any partnership, association or corporation in which such architect or engineer has a personal interest as defined in §2.2-3101 of the Code of Virginia.**

B. **No building materials, supplies, or equipment for any building or structure constructed by or for the County shall be sold by or purchased from any person who has provided or is currently providing design services specifying a sole source for such materials, supplies, or equipment to be used in such building or structure to the independent contractor employed by the County to furnish architectural or engineering services in which such person has a personal interest as defined in §2.2-3101 of the Code of Virginia.**

C. **The provisions of this Section shall not apply in the case of emergency.**

Section 7. Certification of Compliance; Penalty for False Statements.

A. **The County may require County employees having official responsibility for procurement transactions in which they participated to annually submit for such transactions a written certification that they complied with the provisions of this section.**

B. **Any County employee required to submit a certification as provided in subsection a. of this section who knowingly makes a false statement in such certification shall be punished as provided in §2.2-4377 of the Code of Virginia.**

Section 8. Misrepresentations.

No County employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false,

fictitious or fraudulent statements or representations; or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry.

Section 9. Penalty for Violation.

The penalty for violations of any of the provisions under Article 5 of this Resolution is provided in the Code of Virginia, §2.2-4377.

Section 10. Personal Conflicts of Interest

It is County policy to require contractors to:

1) **Identify and prevent personal conflicts of interest of their employees who perform an acquisition function closely associated with inherently governmental functions; and**
2) **Prohibit employees who have access to non-public County information from using such information for personal gain.**

Failure to comply may result in suspension or debarment or termination for cause. The Purchasing Agent may waive, in exceptional circumstances, a personal conflict of interest or waive the requirement to prevent conflict of interest for a particular employee, if he determines in writing that such mitigation is in the best interest of the County.

Article 6

SUPPLY MANAGEMENT

The Director of the Department of Purchasing and Supply Management is responsible for the management of all supplies and equipment except as excluded by formal agreement between the County and other public bodies. This includes physical accountability of consumable supplies and accountable equipment, as well as, validation of the inventory and accountable equipment values reported in Fairfax County's Comprehensive Annual Financial Report. DPSM shall prescribe the procedures to be used by departments in the acquisition, receipt, storage and management, and issuance of consumable supplies and accountable equipment inventory, and disposition of excess and surplus County property.

Section 1. Item Identification.

A. The Director of the Department of Purchasing and Supply Management will establish and maintain an identification system for consumable inventory, and one for accountable equipment. The system used for consumable inventory utilizes National Institute of Governmental Purchasing (NIGP) codes, which will be maintained in the unified business system (FOCUS). The system used for accountable equipment will utilize Property Identification (PID) numbers, which will be maintained in FOCUS.

Section 2. County Consolidated Warehouse

A. The Director of the Department of Purchasing and Supply Management is responsible for operation of the County Consolidated Warehouse which provides temporary storage and distribution of the supplies and equipment to all County departments. The Warehouse may be used as the storage point for goods on consignment from other departments. The Director of the Department of Purchasing and Supply Management is responsible for space management at the County Consolidated Warehouse.

Section 3. Inventory Accountability

County departments and Fairfax County Public Schools are required to establish and maintain accountability of consumable inventories and accountable equipment in their custody, and to conduct periodic physical inventories in accordance with schedules published by the Director of the Department of Purchasing and Supply Management.

Section 4. Consumable Inventory Management

A. **The Director of the Department of Purchasing and Supply Management shall exercise oversight responsibility over all County consumable inventory warehouses and stockrooms.**

B. **The Director of the Department of Purchasing and Supply Management shall administer Fairfax County's perpetual inventory management system through FOCUS, and shall approve the management of perpetual inventories through any system other than FOCUS.**

Section 5. Accountable Equipment Inventory Management

A. **The Director of the Department of Purchasing and Supply Management shall exercise oversight responsibility over all County and Fairfax County Public Schools accountable equipment.**

B. **The Director of the Department of Purchasing and Supply management is responsible for defining items to be capitalized as accountable equipment, and administering the Accountable Equipment Program in accordance with State and County codes, as well as industry standards and best practices.**

Section 6. Excess and Surplus Property and Inventory.

A. **The Director of the Department of Purchasing and Supply Management is responsible for redistribution of serviceable excess property and inventory, to include furniture, office equipment, repair parts, etc.**

B. **The Director of the Department of Purchasing and Supply Management is responsible for the disposal of surplus County and FCPS property and inventory as applicable by law. Disposals will be evaluated in an effort to maximize financial returns to the County and / or minimize environmental impact.**

C. **Confiscated or abandoned property in the hands of the police shall be disposed in accordance with Chapter 2, Article 2, Sections 2-2-1 through 2-2-3 of the County Code.**

D. **County and FCPS employees and members of their immediate family are not eligible to acquire County and FCPS property for personal use before such property has been declared surplus and has been made available to the general public. The County may, however, sell any dog specially trained for police work to the handler who was last in control of such dog, at a price deemed by the locality to be appropriate.**

Section 7. Donations

A. Accepting Donations:

1. Items $5,000 or more:
The Director of the Department of Purchasing and Supply Management or Assistant Superintendent of Financial Services is responsible for approving the acceptance donated items or services with a fair market value of $5,000 or more, and ensuring accepted items are properly accounted for.

2. Items under $5,000:
Department Heads, Principals, or their equivalents may accept donated items or services with a fair market value under $5,000.

B. Making Donations:

1. Items $5,000 or more:
When the fair market value of an item exceeds $5,000, the Board of County Supervisors or FCPS School Board, as appropriate and allowed by law, may offer surplus County or School property to charitable or non-profit organizations or public bodies for sale or donation, where appropriate. The Director of the Department of Purchasing and Supply Management or Assistant Superintendent of Financial Services shall coordinate all requests to donate items with their respective Board.

2. Items under $5,000:
When the fair market value of a surplus item is less than $5,000, the Director of the Department of Purchasing and Supply Management or Assistant Superintendent of Financial Services may donate the item directly to charitable or nonprofit organizations as appropriate and allowed by law.

It is further resolved that this resolution shall be effective July ~~10~~9, ~~2012~~2013.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
July 9, 2013

ACTION – 4

Approval of Transportation Funding Reallocations (Dranesville District)

ISSUE:
Board approval of reallocation of Commercial and Industrial (C&I) funds.

RECOMMENDATION:
The County Executive recommends that the Board approve reallocation of $1.161 million C&I funding previously allocated to a spot intersection improvement project at Old Dominion Drive and Towlston Road. The $1.161 million will be reallocated to:

- Old Dominion Drive and Linway Terrace intersection improvement - $400,000
- Old Dominion Drive and Bell View Road intersection improvement - $400,000
- Idylwood Road pedestrian improvements - $361,000

TIMING:
The Board should act on this item on July 9, 2013, so staff can continue to move forward with implementation of projects as expeditiously as possible.

BACKGROUND:
The spot intersection improvement project at Old Dominion Drive and Towlston Road, is not proceeding due to engineering challenges and community concerns.

Staff recommends $1.161 million in C&I funds from the project be reallocated to the following projects:

- $400,000 – Old Dominion Drive at Linway Terrace / Birch Road – Pedestrian and Intersection Improvements - The purpose of this project is to provide geometric and pedestrian access improvements across this intersection, and to the bus stops located within this intersection. This project includes upgrading all pedestrian facilities to current Americans with Disabilities Act standards, re-defining the intersection turning radius by installing new curb and gutter, minor drainage improvements, and upgrading all crosswalk markings within the intersection.

- $361,000 – Idlywood Road – Pedestrian Improvements - The purpose of this project is to fill in a “missing link” section of sidewalk. This project will provide a five-foot wide sidewalk adjacent to Idlywood Road from the intersection of Redd Road to a point approximately 600 feet south of the intersection of Redd Road. Once completed, Idlywood Road will have a pedestrian facility from Leesburg Pike to the intersection of Idlywood Court. This project includes the construction of curb and gutter, and a curb cut ramp.

- $400,000 - Old Dominion Drive at Bellview Road – Interim Intersection Improvement - This project will improve the intersection operations turning movements and sight distance for traffic entering the intersection from Bellview Road. This intersection has experienced several major traffic accidents over the last few years, one of which resulted in a fatality.

FISCAL IMPACT:
This action proposes reallocations of existing C&I revenues. The recommended changes to the C&I funding allocations have no impact to the General Fund.

ENCLOSED DOCUMENTS:
None

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
W. Todd Minnix, Chief, Transportation Design Division, FCDOT
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Karyn Moreland, Capital Projects and Operations Division, FCDOT
Ray Johnson, Sr. Transportation Planner, Coordination and Funding Division, FCDOT
William Harrell, Sr. Transportation Planner, Capital Projects and Operations Division, FCDOT

Board Agenda Item
July 9, 2013

ACTION – 5

Resolution of Support for a Break in the Limited Access Line and Adjustment of the Limited Access Line Adjacent to Route 7 (Leesburg Pike) and Route 123 (Chain Bridge Road) (Providence District)

ISSUE:
Board adoption of the attached resolution supporting a limited access break and adjustment of the limited access line adjacent to Leesburg Pike and Chain Bridge Road

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution supporting a limited access break and adjustment of the limited access line adjacent to Leesburg Pike and Chain Bridge Road.

TIMING:
Routine.

BACKGROUND:
With approval of the Comprehensive Plan amendments for the Tysons Corner Urban Center, an urban street grid is envisioned. In the Tysons Central area, there are multiple future points of access for Leesburg Pike proposed between Westpark Drive and the Leesburg Pike and Chain Bridge Road interchange.

One of these potential new points of access to Leesburg Pike is located at a limited access line established by VDOT for the interchange area of Leesburg Pike and Chain Bridge Road. The establishment of a limited access line is intended to prevent driveway and street access to a freeway or primary arterial roadway preserving the traffic throughput function of the facility. In this location, the limited access line was established for the interchange area to enhance traffic flow and functionality.

In order to allow a roadway to be constructed, a break in the limited access line is necessary. This break is supportable with the urban design concepts envisioned in the Comprehensive Plan and was analyzed as part of the Tysons Central Consolidated Transportation Impact Analysis which found it to be important to providing grid connectivity for the area. Also, while Leesburg Pike is a primary arterial street, its location in the Tysons Urban Center provides opportunities for additional points of street

access with logical spacing between intersections.

In addition to the limited access break, a lateral adjustment of the limited access line is also necessary for the parallel service drive. Modifications to the service drive are necessary to encourage consolidation and the lateral adjustment will further be needed for the construction of the fourth lane on Leesburg Pike.

According to Section 24VAC30-401-20 of the Virginia Administrative Code, a request for a change in limited access requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes in limited access are proposed.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Resolution
Attachment II: Applicant Letter to VDOT
Attachment III: Limited Access Line Exhibit
Attachment IV: Location Map

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Michael A. Davis, FCDOT

Attachment 1

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, July 9, 2013, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, development of a new grid of connected streets providing alternative pathways for traffic flow is one of the key elements of the new Comprehensive Plan for Tysons, and

WHEREAS, the proposed grid includes a new north-south street connecting Route 7 (Leesburg Pike), which will provide grid connectivity to the surrounding area, and

WHEREAS, the limited access line for the Route 7 and Route 123 (Chain Bridge Road) interchange area is located on the property frontage, and

WHEREAS, the connection of the new north-south street to Route 7 requires approval of a change to a portion of the limited access control adjacent to Route 7 by the Commonwealth Transportation Board, and

WHEREAS, the widening of Route 7 to four travel lanes requires approval of a lateral shift in the limited access control adjacent to Route 7 by the Commonwealth Transportation Board, and

WHEREAS, the reconstruction the existing service drive adjacent to the Route 123 southbound off-ramp requires approval of a lateral shift in the limited access control adjacent to the Route 123 southbound off ramp by the Commonwealth Transportation Board, and

WHEREAS, to process these requests, Section 24VAC30-401-20 of the Virginia Administrative Code requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes in limited access are proposed;

NOW THEREFORE, BE IT RESOLVED, that this Board, in concept, supports these proposed changes to the limited access controls along Route 7 and the Route 123 southbound off-ramp, and

BE IT FURTHER RESOLVED, that this Board hereby requests, pursuant to Section 24VAC30-401-20 of the Virginia Administrative Code, that the Commonwealth Transportation Board approve the proposed changes to the limited access controls.

A Copy Teste:

_____

Catherine A. Chianese
Clerk to the Board of Supervisors

WELLS + ASSOCIATES

COUNTY OF FAIRFAX
JUN 13 2013
DEPARTMENT OF TRANSPORTATION

June 10, 2013

Ms. Helen Cuervo
Northern Virginia District Administrator
Virginia Department of Transportation
4975 Alliance Drive
Fairfax, Virginia 22030

RE: RZ 2011-PR-005; NV Commercial, Inc. and Clyde's Real Estate Group
Request for a Change in Limited Access

Dear Ms. Cuervo:

In February 2011, NV Commercial, Inc. and Clyde's Real Estate Group (the "Applicants") filed the referenced rezoning application in order to develop a new transit-oriented development at the Greensboro Metrorail Station scheduled to open later this year. More specifically, this approximate 5.8 acre consolidation (identified as 2013 tax maps 29-3 ((1)) 65, 71 – 73, 75, 76 and 78A) is located on the north side of Route 7 (Leesburg Pike), west of the southbound Route 123 (Chain Bridge Road) off-ramp and east of Westpark Drive.

In support of this new development, the Applicants committed to provide a grid of streets as recommended by the Comprehensive Plan. During the course of reviewing the rezoning application, both VDOT and/or the County suggested certain improvements to the grid proposed by the Applicants. Key among those suggested improvements was the provision of a new north-south connector roadway which extends from Center Street to Leesburg Pike, referred to as Viale Centrale and the addition of a fourth travel lane on Leesburg Pike along the Applicants' property frontage. In order to facilitate this new street connection to Leesburg Pike a break in the existing Limited Access (LA) line is necessary, as well as a lateral shift of the LA line to accommodate the fourth lane. A copy of the overall Conceptual Development Plan (CDP) associated with the rezoning is included herein as Attachment 1. Also shown on Attachment 1 are the existing and proposed LA limits.

In accordance with 24VAC30-401-20, the Applicants understand that any proposed change in limited access control shall be made in writing to your office and must be accompanied by the following:

- A resolution, letter of support or formal request, from the locality within which the highway is located where the change in LA is proposed;
- A global traffic analysis; and

11441 Robertson Drive, Suite 201 • Manassas, Virginia 20109 • 703.365.9262 • Fax: 703.365.9265
1420 Spring Hill Road, Suite 600 • McLean, Virginia 22102 • 703. 917.6620 • Fax: 703.917.0739

- An environmental analysis of the proposed change in limited access.

At this point in time, the Applicants have met with VDOT and FCDOT to finalize the scope of the global traffic analysis. A copy of the scope of work submitted to VDOT on June 5, 2013 is provided herein as Attachment 2. With regard to the need for an environmental analysis, as of this date the Applicants'engineers (VIKA and WSSI) are reviewing the necessary components of the environmental analysis as outlined on form EQ-112. Preliminary indications are that the proposed request for a change in limited access will not trigger the requirement for additional environmental assessment. The completed EQ-112 and documentation will be submitted to the Department under separate cover.

Further as of December 14, 2012, the *Green Book Nonattainment Areas for Criteria Pollutants* indicates that the Washington DC/Maryland/Virginia region is considered a non-attainment area for only ground level ozone and particulate matter (PM) – 2.5. Accordingly, it is concluded this project (changes to the Limit Access Line and Lateral Shift Adjustment) would not impact air quality and would not cause or contribute to a new violation, increase the frequency or severity of an existing violation, or delay timely attainment of any National Ambient Air Quality Standards. Based on the information provided above and with the submission of EQ-112, we would respectfully request VDOT's concurrence that the proposed LA break and lateral shift described herein would not require any additional environmental analysis.

With such a concurrence and final VDOT approval of the scope, the Applicants can complete the process established by VDOT for securing a change in Limited Access. To that end, the Applicants anticipate filing a complete package to the District no later than July 12, 2013. It is our hope that the Central Office will be able to schedule this issue for consideration before the Commonwealth Transportation Board at its December 4, 2013 meeting. Therefore, the District's concurrence with regard to the issues discussed herein is critical to meeting that timeline and expedited consideration is hereby requested.

As always VDOT's attention to these matters is greatly appreciated. Should you or any of your staff require additional information please do not hesitate to call or email me at 703.365.9262 or RLAntonucci@mjwells.com.

Sincerely,

Robin Antonucci
Vice President

Attachments: a/s

cc: Linda Q. Smyth, Supervisor, Providence Magisterial District
Thomas Biesiadny, Director, Fairfax County Department of Transportation
Abraham Lerner, Virginia Department of Transportation
Paul Kraucunas, Virginia Department of Transportation
Martha Coello, Fairfax County Department of Transportation
Cathy Lewis, Fairfax County Department of Planning & Zoning
Suzanne Lin, Fairfax County Department of Planning & Zoning
Stephen Cumbie, NV Commercial Inc.

VDOT Virginia Department of Transportation

SCOPE OF WORK FORM

Limited Access Break and Widening/Narrowing Request

Route 7/Route 123 Interchange at Proposed Viale Centrale

Contact Information	
Consultant Name: Tele: E-mail:	Michael Pinkoske, PTP & Robin Antonucci Wells + Associates, Inc. mrpinkoske@mjwells.com & rlantonucci@mjwells.com 703.676.3609 / 703.365.9262
Developer/Owner Name: Tele: E-mail:	**NV Commercial, Inc. and Clyde's Real Estate Group** Contact: Russell Marks NV Commercial 8230 Leesburg Pike Vienna, Virginia 22882 rmarks@nvcommercial.com 703-448-4308

Project Information	
Project Name:	**Interchange Modification Report** Limited Access Break and Limited Access Lateral Shift Request Route 7/Route 123 Interchange at proposed Viale Centrale
Project Location:	As shown in Attachment 1, the proposed project location is generally located in the northwest quadrant of the Route 7 (Leesburg Pike)/Route 123 (Chain Bridge Road) interchange as shown in **Attachment 1**. The existing conditions plan with the LA line highlighted in yellow is included as **Attachment 2**. Both Route 7 and Route 123 are part of the National Highway System (NHS).
Project Description:	In February 2011, NV Commercial, Inc. and Clyde's Real Estate Group filed a rezoning application (RZ 2011-PR-005) on a 5.7918-acre consolidation in Fairfax County. The application would permit the development of a new transit-oriented development at the Greensboro Metrorail station scheduled to begin operations in late 2013. In support of this new development the Applicants have committed to provide a grid of streets as recommended by the Comprehensive Plan. One of the key elements of the planned grid is the closure of the existing service drive along the property's Route 7 frontage and the construction of a new north-south street (referred to as "Viale Centrale"). Additionally, pursuant to draft Proffers the Applicants has committed to widen Route 7 to four (4) westbound travel lanes and improve the existing section of Tysons Central Street along the eastern site boundary. The overall CDP context plan is included as **Attachment 3** with the LA line highlighted in yellow. Each of the above proposed improvements listed above impact the existing Limited Access (LA) line for the Route 7/Route123 interchange located immediately east of the proposed

development. As proffered, the project would increase the capacity of westbound Route 7, create a new north/south gird connection, and improve the grade of the existing service drive as it relates to the site development and the future grid of streets. The widening of Route 7 and improvements to the existing service drive require a lateral shift of the LA while the construction of the Viale Centrale/Route 7 intersection would require a break in the LA line.

Interchange Modification Report (IMR) Requirements

According to the Interstate System Access Informational Guide (the "Informational Guide") prepared by the Federal Highway Administration (FHWA), dated August 2010, and the VDOT Location and Design Instructional and Informational Memorandum Number IIM-LD-200.6, dated February 14, 2013, certain types of changes proposed to non-interstate facilities may not require approval by, but simply coordination with FHWA, as stated in Section 3.3.2 of the Informational Guide. Therefore, this scope defines the scale of traffic analysis requested by VDOT and FHWA for approval of the LA break and lateral shift without going through the complete IMR process. IMRs on both interstate and non-interstate roadways require that all eight policy points (shown in the "Policy" section) be addressed. The level of effort necessary and the specific points to be addressed will be discussed and approved in the project scope. As shown in the VDOT IMR process flow chart (**Attachment 4**), the applicant requests VDOT to secure early confirmation of this understanding.

As specified in the above reference document, FHWA's decision to approve new or revised access points to the non-interstate facility must be supported by substantiated information justifying and documenting that decision. The FHWA's decision to approve a request is dependent on the proposal satisfying and documenting each of eight applicable Policy Points. Below are the three Policy Points deemed relevant to this potential IMR and each is discussed in detail below. A complete list of all eight of the Policy Points is included in the above memorandum herein provided as **Attachment 5**.

Policy Point 1: Need for the Access Point Revision

The need being addressed by the request cannot be adequately satisfied by existing interchanges to the Interstate, and/or local roads and streets in the corridor can neither provide the desired access, nor can they be reasonably improved (such as access control along surface streets, improving traffic control, modifying ramp terminals and intersections, adding turn bays or lengthening storage) to satisfactorily accommodate the design-year traffic demands (23 CFR 625.2(a)).

In response to Policy Point 1, the operational analysis included in the VDOT accepted traffic impact study (TIS) for the proposed development included an alternative analysis section that highlighted the need for an additional north/south connection to Route 7 (Viale Centrale) to maintain acceptable levels of service (LOS) for the minor street approaches. Without the Vaile Centrale connection to Route 7 the southbound approach of Station Place (located immediately west of Vaile Centrale) at Route 7 would operate at LOS "F" with 95th percentile queues over 300 feet. VDOT comments regarding the proposed connection of Vaile Centrale to Route 7 was included in their review of the 2nd submission TIS, "*....VDOT staff agrees with the proposed right-in and right-out access for Viale Centrale after reviewing the various alternatives analyzed in section 9 of the report. However, the study should establish that there will not be any interruption of traffic along Rt 7 due to this connection.....*"

Policy Point 3: Operational and Collision Analyses

An operational and safety analysis has concluded that the proposed change in access does not have a significant adverse impact on the safety and operation of the non-interstate facility (which includes mainline lanes, existing, new, or modified ramps, ramp intersections with crossroad) or on the local street network based on both the current and the planned future traffic projections. The analysis shall, particularly in urbanized areas, include at least the first adjacent existing or proposed interchange on either side of the proposed change in access (23 CFR 625.2(a),

	655.603(d) and 771.111(f)). The crossroads and the local street network, to at least the first major intersection on either side of the proposed change in access, shall be included in this analysis to the extent necessary to fully evaluate the safety and operational impacts that the proposed change in access and other transportation improvements may have on the local street network (23 CFR 625.2(a) and 655.603(d)). Requests for a proposed change in access must include a description and assessment of the impacts and ability of the proposed changes to safely and efficiently collect, distribute and accommodate traffic on the Interstate facility, ramps, intersection of ramps with crossroad, and local street network (23 CFR 625.2(a) and 655.603(d)). Each request must also include a conceptual plan of the type and location of the signs proposed to support each design alternative (23 U.S.C. 109(d) and 23 CFR 655.603(d)). In response to Policy Point 3, the study area will include the following intersections: 1. Route 7 and Westpark Drive (existing), 2. Route 7 and Station Place (proposed), 3. Route 7 and Viale Centrale (proposed), 4. Route 7 and Route 123 southbound off ramp (existing), 5. Center Street and Station Place (proposed), and 6. Center Street and Viale Centrale (proposed). ***Policy Point 5: Land Use and Transportation Plans*** The proposal considers and is consistent with local and regional land use and transportation plans. Prior to receiving final approval, all requests for new or revised access must be included in an adopted Metropolitan Transportation Plan, in the adopted Statewide or Metropolitan Transportation Improvement Program (STIP or TIP), and the Congestion Management Process within transportation management areas, as appropriate, and as specified in 23 CFR part 450, and the transportation conformity requirements of 40 CFR parts 51 and 93. In response to Policy Point 5, the proposed connection of Viale Centrale to Route 7 was first suggested by Fairfax County Department of Transportation (FCDOT) staff during the review of the conceptual development plan (CDP) for the proposed rezoning application. This connection is also being analyzed as part of the FCDOT's consolidated traffic impact analysis (CTIA) for the Tysons Central 7 District. ***Policy Point 7: Coordination*** When a new or revised access point is due to a new, expanded, or substantial change in current or planned future development or land use, requests must demonstrate appropriate coordination has occurred between the development and any proposed transportation system improvements (23 CFR 625.2(a) and 655.603(d)). The request must describe the commitments agreed upon to assure adequate collection and dispersion of the traffic resulting from the development with the adjoining local street network and Interstate access point (23 CFR 625.2(a) and 655.603(d)). In response to Policy Point 7, the Applicants propose to construct the grid of streets consistent with the Comprehensive Plan for the Tysons Corner Urban Center and continue to work with their neighbors, FCDOT and VDOT regarding the proposed improvements and the timing of the future grid of streets.
Locality/County:	Fairfax County, Virginia
Proposed Use:	Mixed used development consisting of the following uses: Office – ITE Land Use code 710 Residential – ITE Land Use code 220 Hotel – ITE Land Use code 310, Retail – ITE Land Use code 814, and Restaurant – ITE Land Use code 932.

Traffic Impact Analysis Assumptions			
Study Period	Existing Year: 2008	Build-out Year: 2020	Design Year: 2030
Study Area	The study area boundary includes one signalized intersection west and east of the subject intersection along Route 7. These intersections have been identified as the Route 7/Westpark Drive/Gosnell Road to the west and Route 7/Route 123 southbound off ramp to the east. Study intersections are shown on **Attachment 6**. 1. Route 7 and Westpark Drive (existing), 2. Route 7 and Station Place (proposed), 3. Route 7 and Viale Centrale (proposed), 4. Route 7 and Route 123 southbound off ramp (existing), 5. Center Street and Station Place (proposed), and 6. Center Street and Viale Centrale (proposed).		
Planned/Proffered - Road Improvements	1. Construction of Viale Centrale from Route 7 to future Center Street. 2. Route 7 widening from three (3) to four (4) lanes in the westbound direction along the Tysons Central development frontage from Route 123 Southbound off for future Station Place. 3. Reconstruct Route 7/Route123 frontage road (Tysons Central Street) from Vaile Centrale to approximately 300 feet northeast of the site. Additional proffered roadway improvements associated with the pending rezoning, but not associated with this LA break/lateral shift request include the following: • Construction of Station Place from Route 7 to Center Street. • Construction of Center Street from Station Place to Pinnacle Drive. • Construction of Pinnacle Drive auxiliary lane on Route 123 southbound ("123 Slip Ramp") generally located just south of the Route 123/International Drive intersection. In addition to those roadway improvements listed above, the Greensboro Metrorail Station is under construction and scheduled to begin operating in late 2013. Therefore the impact of rail service was also considered.		
Crash Data	Crash data for the study area road segment along Route 7 will be requested from VDOT and included in the report.		
Traffic Data / Future Forecasts / No Build / Build Assumptions	**Existing Baseline Conditions - 2008** AM and PM peak hour traffic counts collected in 2008 at existing study intersections were obtained from other traffic impact studies in the site vicinity conducted by Wells + Associates and VDOT Synchro 7 files. Due to the Silver Line, the Spring Hill Road widening project and HOT lanes construction, in consultation with FCDOT and VDOT staff during the scoping of the Chapter 870 (formally 527) traffic study, it was determined that 2010 traffic counts would generally not be representative of typical/normal operating conditions. With the Silver Line still under construction it is proposed that the 2008 traffic counts referenced above be used in the assessment of baseline conditions for this request. **2020 and 2030 Future Forecasts and Grid Assumptions** At the preliminary meeting with VDOT staff held on March 19, 2013, it was agreed that 2020 and 2030 future forecasts and assumptions from the VDOT accepted Chapter 870 (formally 527) traffic		

study would be used to complete this request. 2020 traffic forecasts will include a 0.75 percent growth rate, compounded annually, and the following recently approved rezoning applications Spring Hill Station (Georgelas site) and Tysons West By Right (Wal-Mart site). 2030 traffic forecasts will include a 0.75 percent growth rate, compounded annually, the approved developments mentioned above, and the proposed SAIC rezoning located immediately west of the proposed Tysons Central development.

No Build operational analysis will assume no connection of Viale Centrale to Route 7 and no fourth westbound travel lane along Route 7. Build operational analysis will include the proposed Viale Centrale connection to Route 7 and the forth westbound travel lane along Route 7. Future lane use and traffic controls for the No Build and Build scenarios are shown on **Attachment 7**.

Trip Distribution

Consistent with the accepted January 28, 2013 Tysons Central TIS, site generated traffic for the proposed Tysons Central development are as followed:

Origin/Destination	Residential	Commercial
East - Jones Branch Dr.	5%	2%
North - Westpark Dr.	15%	3%
North - Chain Bridge Rd.	30%	30%
East -Route 7	15%	10%
West - Route 7	15%	30%
South - Chain Bridge Rd.	5%	10%
South - Gallows Rd.	5%	5%
North - Spring Hill Rd.	10%	10%
TOTAL	100%	100%

Peak Period for Study

AM **PM**

Study Intersections and/or Road Segments

As shown in Attachment 6 and listed below, study intersections include one signalized intersection in each direction of the proposed LA Break and the other key intersections immediately adjacent to the proposed improvement.

1. Route 7 and Westpark Drive (existing),
2. Route 7 and Station Place (proposed)
3. Route 7 and Viale Centrale (proposed)
4. Route 7 and Route 123 southbound off ramp (existing),
5. Center Street and Station Place (proposed)
6. Center Street and Viale Centrale (proposed).

Software Methodology

Synchro software (version 7) will be used to evaluate operational analysis (levels of service and 95th percentile queues) at the study intersections during the AM and PM peak hours. The field measured PHF s will be adjusted to 0.85 < PHF < 0.92 under existing condition. Future conditions 2020 and 2030 will include, a PHF of 0.92 for all approaches at study intersections. Total loss will be adjusted to 3.0 seconds for all movements. Existing conditions will include timings received from VDOT prior to construction along Route 7. Percent heavy vehicles used in the Synchro analysis will be based on the 2008 VDOT traffic count data consistent traffic count data. See **Attachment 8**, for a complete list of operational analysis assumptions/parameters used to complete Tysons Corner traffic impact studies.

NOTES on ASSUMPTIONS:

- Operational output metrics will be provided per movement and will include LOS, delay, 50th percentile and 95th percentile queues.
- Crash history for the most recent three (3) year period will be included for the existing study intersections.
- Any existing design features that are substandard must be documented and approved by VDOT and FHWA if they are to remain.
- All new or replacement safety hardware installed on the NHS must be tested and found acceptable in accordance with NCHRP 350 criteria, regardless of funding source.
- A signing plan must be prepared and submitted to the FHWA for concurrence.

Additional memorandums provided by VDOT covering minor modification to the Interstate system and HCM reporting are provided as **Attachment 9.**

SCOPE OF WORK FORM SIGNATURE PAGE

Interchange Modification Report
Limited Access Break and Limited Access Lateral Shift Request
Route 7/Route 123 Interchange at Viale Centrale

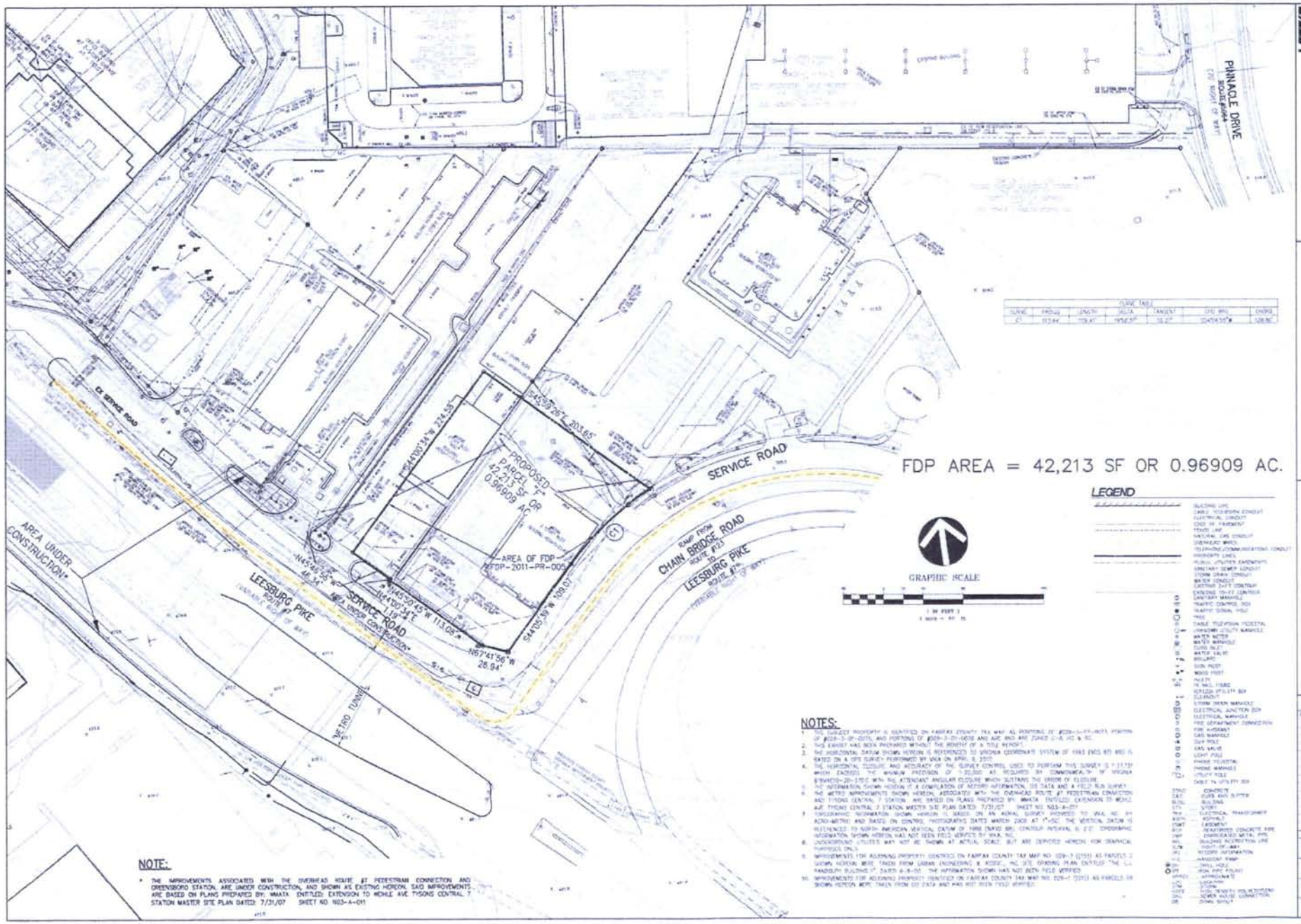
SIGNED: _____ DATE: April 10, 2013
Applicant or Consultant

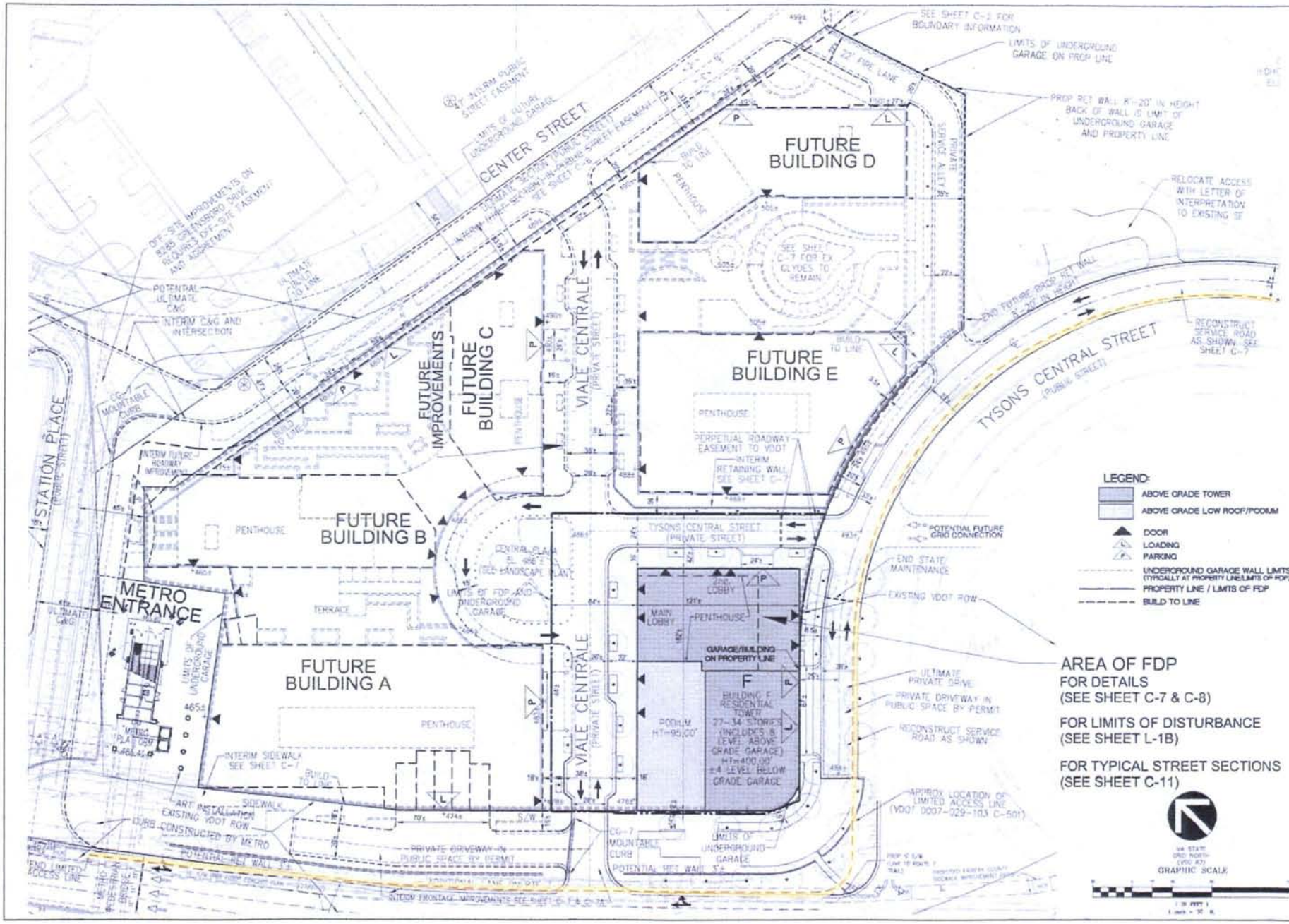
PRINT NAME: Michael Pinkoske, PTP
Applicant or Consultant

SIGNED: _____ DATE: _____
Virginia Department of Transportation Representative

PRINT NAME: _____
Virginia Department of Transportation Representative

Howard Ave
Chain Bridge Rd
Location of Future Vaile Central/Route 7 Intersection
Leesburg Pike
Pinnacle Dr
Solutions Dr
Saic Dr
Greensboro Dr
Westpark Dr
© 2013 Europa Technologies


PINNACLE DRIVE
ROUTE #684
(70' RIGHT OF WAY)
EX SERVICE ROAD
SERVICE ROAD
PROPOSED PARCEL "F" 42,213 SF OR 0.96909 AC.
AREA OF FDP FDP-2011-PR-005
S45°59'26"E 203.65'
N54°00'34"W 274.55'
S44°00'34"E 109.07'
N45°59'45"W 113.08'
N44°00'34"E 1.19'
N67°41'56"W 26.94'
N45°45'55"W 48.34'
AREA UNDER CONSTRUCTION
LEESBURG PIKE
ROUTE #7
RAMP FROM CHAIN BRIDGE ROAD ROUTE #123 TO LEESBURG PIKE ROUTE #7
METRO TUNNEL
FDP AREA = 42,213 SF OR 0.96909 AC.
LEGEND
GRAPHIC SCALE
NOTES:
NOTE:
TYSONS CENTRAL BUILDING F
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
EXISTING CONDITIONS
VIKA REVISIONS
DATE: JANUARY 4, 2013
SCALE: 1"=40'
PROJECT/FILE NO.
SHEET NO.
C-5A



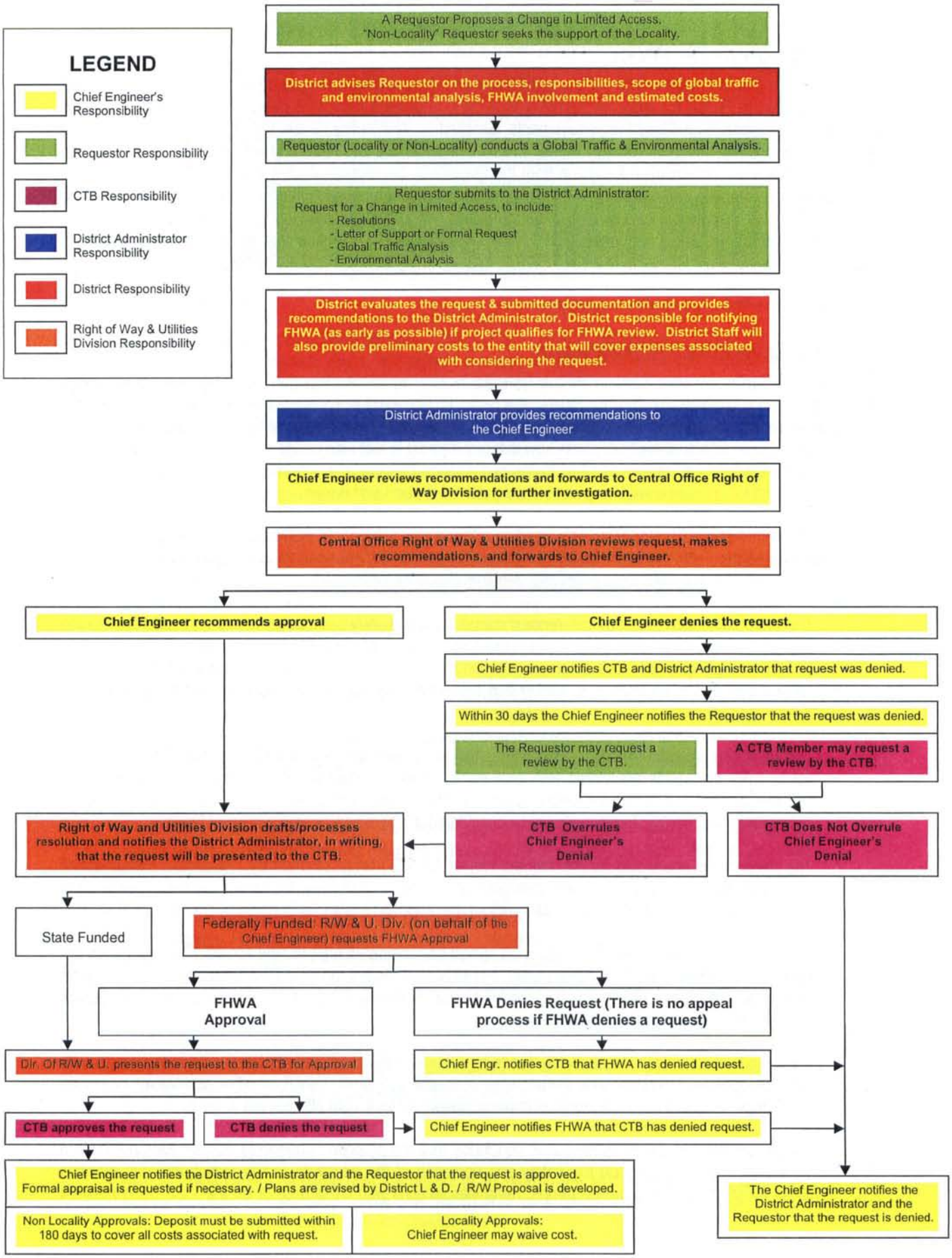
TYSONS CENTRAL BUILDING F
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

OVERALL CDP CONTEXT PLAN

VHA REVISIONS

SHEET NO C-6

NEW POLICY FOR THE CHANGE OF LIMITED ACCESS (Rev. 6-12-06)



2.6 SUMMARY OF THE POLICY

The Policy includes the requirements for the justification and documentation necessary to substantiate any request that is submitted to FHWA for approval. FHWA's decision to approve a request is dependent upon the information developed in support of fulfilling the requirements identified in The Policy. State DOTs are required to submit requests for proposed changes in access to their FHWA Division Office for review and action. These submittals also need to include a recommendation for action from the State DOT. Submission implies the State DOT has reviewed the request, it is complete and correct, and the State recommends the proposed change in access be approved. The State DOT is also responsible for ensuring the coordination with other agencies, such as a metropolitan planning organization (MPO) has been performed. The FHWA Division Office will ensure that all requests for changes in access contain sufficient information to allow FHWA to independently evaluate and act on the request.

A full copy of The Policy is provided in Appendix A.

2.7 THE EIGHT POLICY REQUIREMENTS

The Interstate System Access Change Request should include an introduction that describes the project and a statement of need. The request should address, at a minimum, the eight policy requirements outlined in The Policy. The access request should provide an explanation of how the request satisfies each of the eight policy requirements in The Policy. Supporting analysis to illustrate how that requirement is met also needs to be included. An approach is required that considers the issues identified in the coordination process and provides the information to allow an informed decision to be made considering all of these potential impacts and issues.

Interstate System Access Change Requests need to address the appropriate issues and provide the information necessary to allow the FHWA to make an informed decision considering the potential consequences of a change in access. Specifically, the following eight policy requirements should be addressed:

1. *The need being addressed by the request cannot be adequately satisfied by existing interchanges to the Interstate, and/or local roads and streets in the corridor can neither provide the desired access, nor can they be reasonably improved (such as access control along surface streets, improving traffic control, modifying ramp terminals and intersections, adding turn bays or lengthening storage) to satisfactorily accommodate the design-year traffic demands (23 CFR 625.2(a)).*

   The intent of this requirement is to demonstrate that an access point is needed for regional traffic needs and not to solve the needs associated with local traffic. While the Interstate facility should not be allowed to become part of the local circulation system, it should be maintained as the main regional facility. Improvements to parallel facilities should be considered in lieu of new access wherever feasible.

2. *The need being addressed by the request cannot be adequately satisfied by reasonable transportation system management (such as ramp metering, mass transit, and HOV facilities), geometric design, and alternative improvements to the Interstate without the proposed change(s) in access (23 CFR 625.2(a)).*

   Improvements within an existing interchange should be considered prior to new access. This point does not mean that only ramp metering, mass transit, and HOV facilities are the only TSM alternatives that should be considered. Analysis needs to be provided that addresses the design, safety, and operational considerations of these alternatives.

   The proposed change in access also needs to document the consistency of any proposed change with regional, corridor, or system-wide assumptions of special use lanes, transit, or other alternatives to ensure the change in access does not preclude implementation of these TSM alternatives in the future.

3. *An operational and safety analysis has concluded that the proposed change in access does not have a significant adverse impact on the safety and operation of the Interstate facility (which includes mainline lanes, existing, new, or modified ramps, ramp intersections with crossroad) or on the local street network*

based on both the current and the planned future traffic projections. The analysis shall, particularly in urbanized areas, include at least the first adjacent existing or proposed interchange on either side of the proposed change in access (23 CFR 625.2(a), 655.603(d) and 771.111(f)). The crossroads and the local street network, to at least the first major intersection on either side of the proposed change in access, shall be included in this analysis to the extent necessary to fully evaluate the safety and operational impacts that the proposed change in access and other transportation improvements may have on the local street network (23 CFR 625.2(a) and 655.603(d)). Requests for a proposed change in access must include a description and assessment of the impacts and ability of the proposed changes to safely and efficiently collect, distribute and accommodate traffic on the Interstate facility, ramps, intersection of ramps with crossroad, and local street network (23 CFR 625.2(a) and 655.603(d)). Each request must also include a conceptual plan of the type and location of the signs proposed to support each design alternative (23 U.S.C. 109(d) and 23 CFR 655.603(d)).

The operational and safety analysis performed needs to include all elements of the Interstate System, including collector-distributor roads, and provide a comparison of the no-build and build conditions that are anticipated to occur through the design year of the project. The analysis may be extended beyond the minimum requirements outlined above to establish the potential extent and scope of the impacts. Extending the limits of the analysis in urbanized areas where there are closely spaced interchanges may be required. The analysis should demonstrate the engineering and operational acceptability of the proposed change in access. When considering the impacts of various alternatives, priority needs to be given to the performance of the Interstate System within the context of the local planning, environmental, design, safety, and operational conditions.

4. *The proposed access connects to a public road only and will provide for all traffic movements. Less than "full interchanges" may be considered on a case-by-case basis for applications requiring special access for managed lanes (e.g., transit, HOVs, HOT lanes) or park and ride lots. The proposed access will be designed to meet or exceed current standards (23 CFR 625.2(a), 625.4(a)(2), and 655.603(d)).*

   All interchanges need to provide for each of the eight basic movements (or four basic movements in the case of a three-legged interchange), except in the most extreme circumstances. Partial interchanges usually have undesirable operational characteristics. If circumstances exist where a partial interchange is considered appropriate as an interim improvement, then commitments need to be included in the request to accommodate the ultimate design. These commitments may include purchasing the right-of-way required during the interim improvements.

   Access to special use lanes, transit stations, or park and ride lots that are part of the Interstate System are special cases, and the movements requiring access should be determined on a case-by-case basis.

5. *The proposal considers and is consistent with local and regional land use and transportation plans. Prior to receiving final approval, all requests for new or revised access must be included in an adopted Metropolitan Transportation Plan, in the adopted Statewide or Metropolitan Transportation Improvement Program (STIP or TIP), and the Congestion Management Process within transportation management areas, as appropriate, and as specified in 23 CFR part 450, and the transportation conformity requirements of 40 CFR parts 51 and 93.*

   The Interstate System Access Change Request needs to include a discussion as to how the proposal is consistent with the transportation planning activities for the area. If the project will be added to the planning process in the future, a discussion needs to be provided that indicates how the project will affect the current plan.

   Although FHWA may review a proposed change in access prior to its inclusion in the transportation plans, final approval cannot be given until the project is adopted in the MPO's long-range transportation plan or MPO's TIP within metropolitan areas and the STIP in rural areas. This would include funding from any

sponsor, including a State, local agency, or private developer. Additionally, if approval of the access hinges upon improvements to the local street network, those local improvements must also be included in the TIP and STIP.

6. *In corridors where the potential exists for future multiple interchange additions, a comprehensive corridor or network study must accompany all requests for new or revised access with recommendations that address all of the proposed and desired access changes within the context of a longer-range system or network plan (23 U.S.C. 109(d), 23 CFR 625.2(a), 655.603(d), and 771.111).*

   Sufficient review and coordination needs to be performed to avoid conflicts with other proposed changes in access or corridor improvements. If two or more changes in access are being considered in the same vicinity, then these changes should be analyzed together. The combined effect of the proposed change in access is especially important when several new interchanges are proposed.

   The intent of this requirement is to avoid isolated, piecemeal analysis for access change decisions. Where multiple access changes are anticipated in the vicinity, analysis must consider the possible, cumulative effects if all were to be implemented.

7. *When a new or revised access point is due to a new, expanded, or substantial change in current or planned future development or land use, requests must demonstrate appropriate coordination has occurred between the development and any proposed transportation system improvements (23 CFR 625.2(a) and 655.603(d)). The request must describe the commitments agreed upon to assure adequate collection and dispersion of the traffic resulting from the development with the adjoining local street network and Interstate access point (23 CFR 625.2(a) and 655.603(d)).*

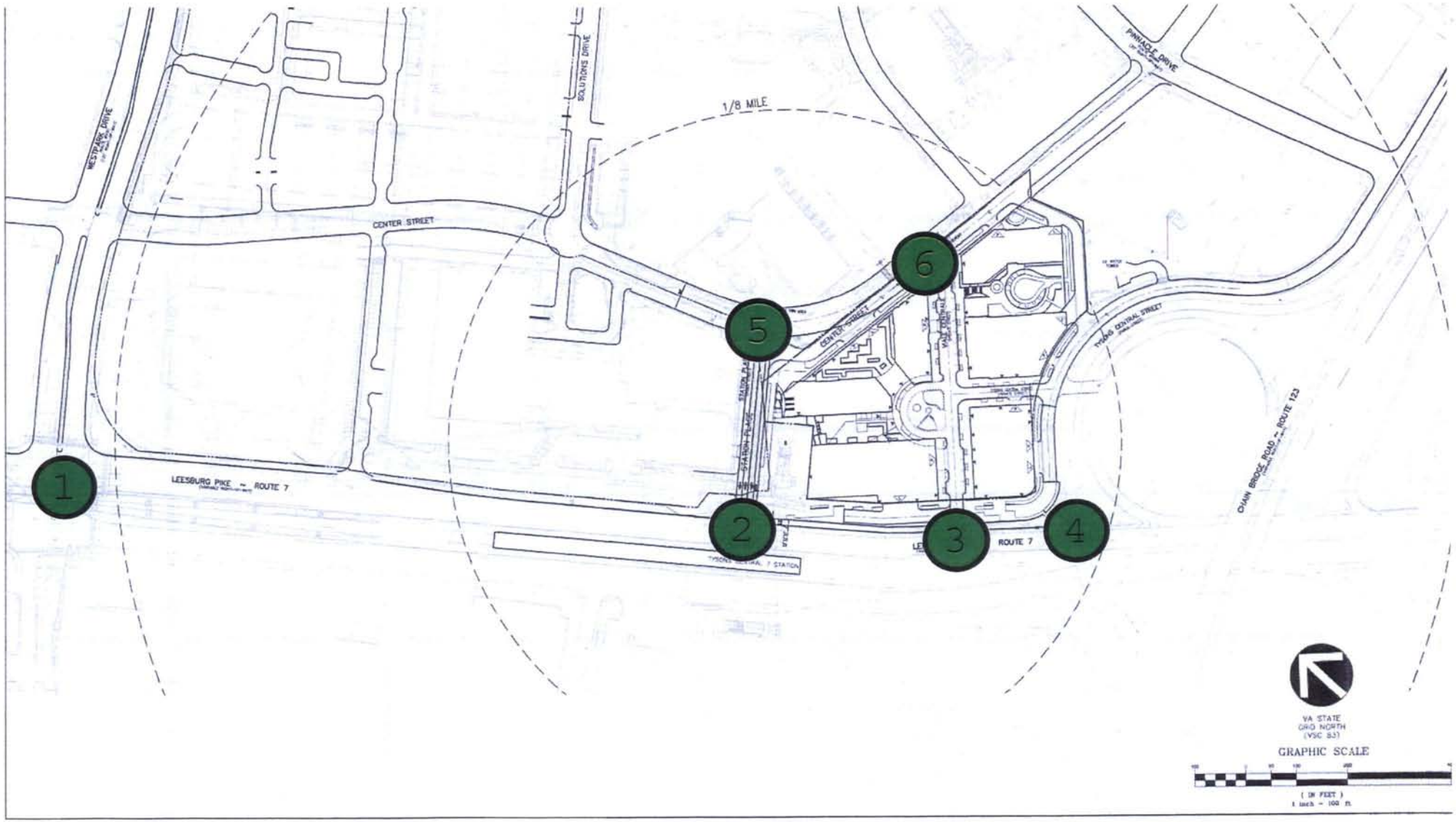
   Highways should be developed in an orderly and coordinated manner to serve the public. When new development is the driving force behind the need for access, it is expected that the appropriate coordination and analysis is performed to achieve mutual benefits with minimal adverse impact on Interstate travelers. As a condition of approval, certain parts of the local circulation system may be required to be constructed or improved before the new or change in access is opened to traffic. Coordination and cooperation is essential to ensure that when several projects are linked to the approval of a change in access that they are constructed according to an appropriate phasing plan. A commitment of funding or inclusion of projects as part of the planning process prior to final approval of the change in access may be required.

8. *The proposal can be expected to be included as an alternative in the required environmental evaluation, review and processing. The proposal should include supporting information and current status of the environmental processing (23 CFR 771.111).*

   The Policy allows for a two-step approval process. The first step is the determination of engineering and operational acceptability. The final approval can be granted only after the National Environmental Policy Act (NEPA) process is completed. The NEPA process must be followed regardless of the source of funding (including private funding) for the project, since approval of the proposed change in access constitutes a Federal Action. The development of final plans, specifications and engineering, and right-of-way acquisition and construction may be performed only after this final approval is granted.

2.8 FHWA Acceptance and Final Approval

The FHWA Division Office is responsible for ensuring all requests contain sufficient information to allow the FHWA to independently evaluate the request and ensure all pertinent factors and alternatives have been appropriately considered. The FHWA may approve the access point if it complies with The Policy. If the access point is approved, the State DOT is responsible for following the normal project development stages (assessment of environmental impacts, detailed design, and if needed, acquisition of right-of-way) before construction can begin.



Study Intersections

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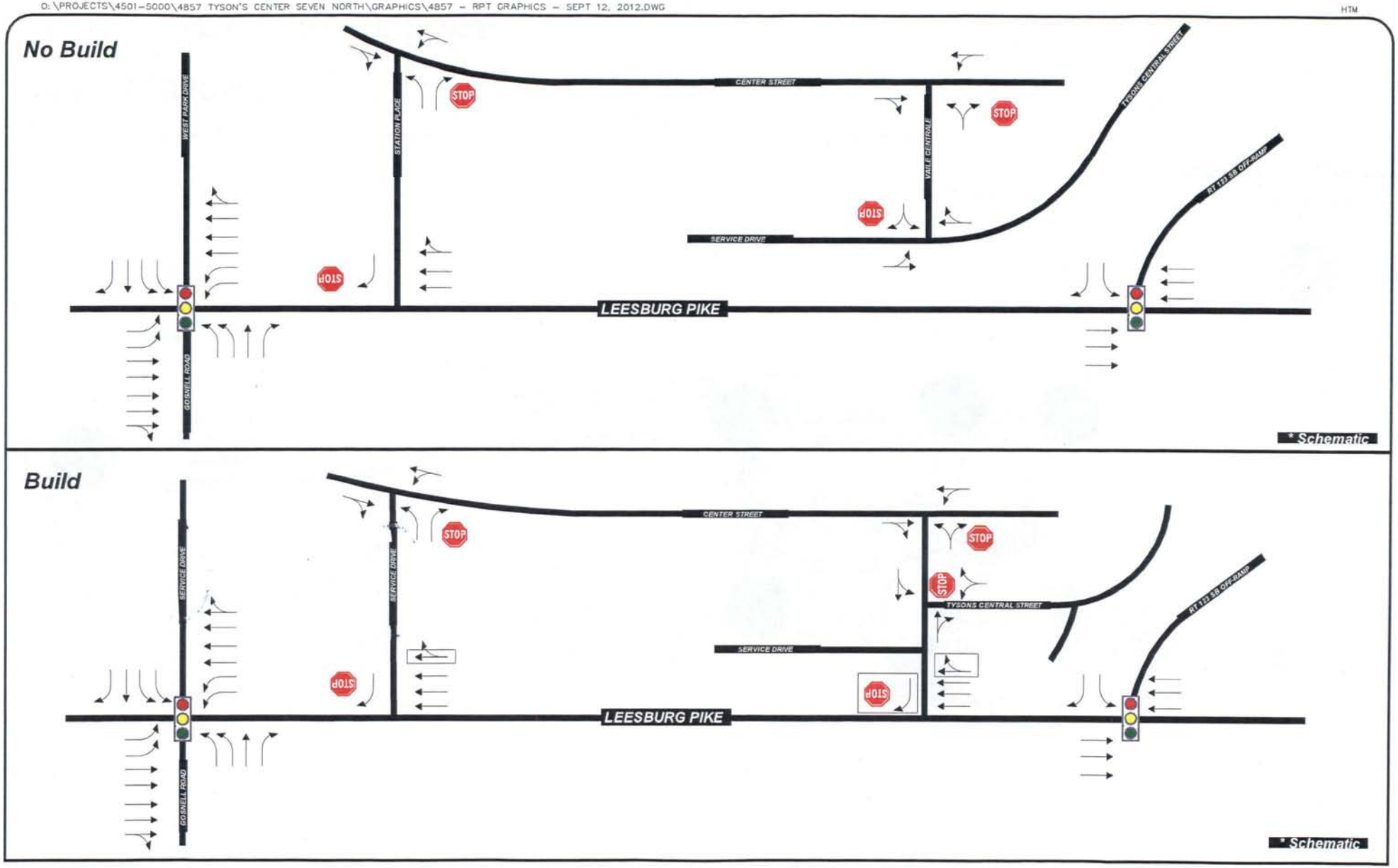


Future 2020/2030 Lane Use and Traffic Controls

← Represents One Travel Lane

Signalized Intersection

Stop Sign

North

Tysons Central
Fairfax County, Virginia

Wells + Associates, Inc.

WELLS + ASSOCIATES

MEMORANDUM

TO: Jim Turner, P.E.
Mohsin Zaidi, P.E.

FROM: Jami L. Milanovich, P.E.
John F. Cavan, P.E.

RE: Tysons Corner Traffic Study Coordination

SUBJECT: Synchro Intersection Capacity Analysis Standards

DATE: March 30, 2011

In an attempt to standardize certain variables in conducting capacity analyses and to facilitate consistency between the many studies currently being conducted in Tysons Corner, Wells + Associates has compiled a uniform set of analysis assumptions and parameters used in Synchro. The following outlines the proposed standards to be followed for conducting intersection capacity analyses for those projects within Tysons. These standards are based on a composite of VDOT regulation 24VAC30-155-60 D.8. (*Administrative Guidelines*, June 2010, pages 78-79), the Synchro 7 manual, VDOT and County staff comments on previous studies, Wells + Associates meetings/discussions (including a recent in-house training session), and engineering judgment.

We propose that these outlined standards be followed for **all** intersection capacity analysis conducted within Tysons Corner. Additionally, the majority of the standards are applicable for other VDOT Chapter 527 compliant traffic studies in Fairfax County. We would appreciate any feedback you may have regarding these standards. Our goal is to help facilitate the review process by providing consistency between the studies. Due to the number of studies currently in progress and the number of studies commencing, we respectfully request your feedback by Friday, April 1, 2011. We sincerely appreciate your time and input regarding this matter.

1420 Spring Hill Road, Suite 600 • McLean, Virginia 22102 • 703 / 917-6620 • Fax: 703 / 917-0739

ITEM DESCRIPTION	STANDARD
SOFTWARE	
Software Version	Synchro 7.
Build	Build 773, Rev 8 (or most current build).
Source of Synchro Base	VDOT Synchro files.
Analysis Performed	Signalized and STOP-controlled intersection capacity analysis.
Reports Generated	"HCM Signals", "HCM Unsignalized", and the "INT: Queues" reports should be used.
Analysis Period	15 minutes.
LAYOUT	
Street Names/Route Numbers	Verify all links have street names and/or Route numbers.
Number of Lanes/Lane Markings	Field verify.
Layout of Lanes	Use cardinal directions for approaches (N, S, E & W): Leesburg Pike (Route 7) – East-West Chain Bridge Road (Route 123) – East-West Refer to area studies for orientation of specific intersections.
Distance between Intersections (centerline to centerline)	Import and scale aerial for all Synchro bases. Adjust base as required.
Speed Limits	Field verify.
Lane Widths	Set as default of 12'.
Grades (if available)	Leave values from VDOT Synchro files.
Central Business District (CBD)	Leave unchecked.
Storage Lane Lengths	Storage Length = Full width + portion of taper to a width of 8' (approximately 1/3 of taper)
Number of Storage Lanes	Field verify.
Channelization (yield, stop, signal, free flow)	Field verify.
Curb Radius	Field verify.
Add/Drop Lanes	Field verify.
Right Turns on Red	Field verify.
Left Turn Lanes	Field verify protected or protected/permitted phasing.
Bus Stops/Shelters	Field verify.
Terrain	All terrain in Northern Virginia is "level".
VOLUMES	
Vehicle Volumes	Based on master list of Tysons Corner area baseline volumes.
Pedestrian Volumes	Code in conflicting peds from count sheets if available.
Bicycle Volumes	Code in conflicting bikes from count sheets if available.
Peak Hour Factors	Use existing PHF's by approach adjusted to 0.85≤PHF≤0.92. Carry existing PHF 's to future scenarios for existing intersections/approaches. New/modified intersections should be coded with PHF's of 0.92.
Heavy Vehicle Percentages	Use count data by movement if data is available. If not, use 2008 VDOT ADT data by approach.

ITEM DESCRIPTION	STANDARD
Bus Blockages per Hour	Code in for all affected lane groups if there is a bus stop at an intersection approach. Base on number on bus headway data (30 min = 2 stops per hour).
Adjacent Parking	Check for all affected lane groups if there is on-street parking at the intersection.
Parking Maneuvers per Hour	Use engineering judgment. (e.g. 5 parked cars * 1 maneuver/hr = 5 per hour)
TIMING/PHASING	
Current Signal Timing Plans	Obtain VDOT MIST timing sheets from VDOT or other area projects.
Turn Types (left and right turns)	Field verify. For right turns that are coded as channelized yield control in the lane window, code them as permitted with the through movement on the same approach in the timing window, except in rare instances such as Route 123/Tysons Blvd. DO NOT code dual lefts as protected/permitted EVER.
Detector Phases Overrides	Leave consistent with VDOT Synchro files unless there is an obvious error. One error that seems to occur often is for right turn overlap phases; the detector phase should be coded with the mainline phase of the same approach, that is, not with the corresponding left turn movement.
Switch Phases Overrides	Leave consistent with VDOT Synchro files unless there is an obvious error.
Controller Type	Most likely either "Actd-Coord" or "Actd-Uncrd".
Cycle Length	Future signal timings should maintain corridor cycle lengths.
Minimum Green Time	New signals assume minimum G=7 seconds
Offset Time	Obtained from coordination sheet of MIST timing sheets.
Offset Referenced to (beginning of yellow, etc.)	Set for "Begin of Yellow".
Reference Phase	Almost always Phases 2 + 6. (Notable exception – Spring Hill Rd / International Dr / Jones Branch Dr. intersection)
Master Controller	Leave consistent with VDOT Synchro files.
Yield Point	Set as "Single".
Correct Phasing (split, lead, lag, etc.)	Field verify. For new intersections/approaches, all lefts should be treated as protected on roadways with speeds 45mph (or higher) or with more than two opposing through lanes.
Minimum Initial	Based on "Phase Timing Bank" of MIST timing sheets. Usually 5-7s for lefts, 7-10s for side streets, and 10-20s for thrus.
Minimum Splits	Synchro can calculate as greater of min green + Y +AR or W + FDW + Y + AR.

ITEM DESCRIPTION	STANDARD
Maximum Splits	Based on "Coordination Sheet" or "Phase Timing Bank" of MIST timing sheets. Can be less than the min split if there is a pedestrian phase. (Ped call would override max split). For uncoordinated signals, field timings are recommended to verify how much time each phase actually is using.
Yellow Time	Based on "Phase Timing Bank" of MIST timing sheets. Usually 4 seconds. Minimum Y+All R=6 seconds per *Administrative Guidelines*.
Red Time	Based on "Phase Timing Bank" of MIST timing sheets. Usually 3 seconds. Minimum Y+All R=6 seconds per *Administrative Guidelines*
Lost Time Adjust	Set so that total lost time = 3 sec. (Y + R + Adj = 3)
Allow led/lag Optimization	Uncheck to prevent accidental "optimization".
Vehicle Extension	Based on "Phase Timing Bank" of MIST timing sheets. Usually 2-4 seconds.
Minimum Gap	Based on "Phase Timing Bank" of MIST timing sheets. Almost always same as vehicle extension. Usually 2-4 seconds.
Recall Modes	For coordinated signals, the recall mode for the coordinated phases should be "C-Max". Other phases should be set to "No Recall". For uncoordinated phases, the mainline phases (2+6) should be set to "Min Recall". Other phases should be set to "No Recall".
Pedestrian Phase	Based on "Phase Timing Bank" of MIST timing sheets.
Walk Time	Based on "Phase Timing Bank" of MIST timing sheets. Usually 7 seconds.
Flashing Don't Walk Time	Based on "Phase Timing Bank" of MIST timing sheets. For new signals FDW = distance (in feet) / 3.5 ft/sec.
Pedestrian Calls per Hour	Based on ped counts where available. Use nominal value (e.g. 5 calls) when no information available.
Dual Entry	Based on "Coordination Timing Parameters" of MIST sheets.
Inhibit Max	Check boxes for mainline/coordinated phases. Uncheck boxes for all other phases.
SIGNING (UNSIGNALIZED)	
Controller Type	Set as "Unsig".
Sign Control	Field verify.
Median Width	Equal to left turn lane width + additional median width.
TWLTL Median	Check if applicable. Use engineering judgment for storage length (e.g. distance to next driveway).
Right Turn Channelization	Should be same as in lane window.

ITEM DESCRIPTION	STANDARD
SIMULATION SETTINGS	
Taper Lengths	Leave consistent with VDOT Synchro files unless there is an obvious error.
Lane alignment	Leave consistent with VDOT Synchro files unless there is an obvious error.
Enter Blocked Intersection	Leave consistent with VDOT Synchro files unless there is an obvious error.
Median widths	Equal to left turn lane width + additional median width.
Distance between offset legs of intersection	Leave consistent with VDOT Synchro files unless there is an obvious error.
Crosswalk widths	Leave consistent with VDOT Synchro files unless there is an obvious error.
Two-way Left Turn Lane	Check if applicable. Use engineering judgment for storage length (e.g. distance to next driveway).
Turning Speed	Leave consistent with VDOT Synchro files unless there is an obvious error.

NHS-INTERSTATE

U.S. Department
of Transportation
**Federal Highway
Administration**

Virginia Division
(804) 775-3355

400 N. 8th Street Rm. 750
P.O. Box 10249
Richmond, Virginia 23240

November 6, 2001

Re: Efficiencies Agreement - Interstate System

Mr. Frank Gee
Acting Chief Engineer
Virginia Department of Transportation (VDOT)
1401 E. Broad Street
Richmond, VA 23219

Dear Gee:

Although the Efficiencies Agreement between our two agencies is currently being modified, we feel that several items need to be addressed at this time. These items deal with modifications at Interstate interchanges and signage along the Interstate.

Pursuant to 23 CFR 635.505, all replacements and repairs on the Interstate System are to conform to currently approved design standards. Design standards for the Interstate System are contained in 23 CFR 625.4. Title 23 CFR 625.4 requires that current AASHTO standards be followed on the Interstate System even for resurfacing, restoration, and rehabilitation (RRR) projects regardless of funding source.

Currently, modifications to the Interstate System are forwarded to our office for review only if the work involves Federal oversight. In order for FHWA to ensure that proper design and traffic operation standards are being maintained on the Interstate System, our office needs to become aware of critical projects currently not within our oversight. We believe that work at Interstate interchanges including the ramps is the most critical for our review. Thus, for all work not within our oversight at Interstate interchanges, we ask that the following minimum information be sent to this office for review:

1) A description of what work is to be done at the interchange;
2) A listing of current design elements and any exceptions to these design standards;
3) An appropriate level-of-service analysis based on projected 20-year traffic for work that could affect the operational characteristics of the interchange (e.g. lengthening of acceleration/deceleration lanes, addition of travel lanes to the ramps, etc). This analysis may also be necessary for work on a cross road if that work affects the level-of-service of the Interstate ramps.

Current design exception procedures need to be completed for features that do not meet AASHTO design standards. Also, FHWA retains approval authority for additional access points

to the Interstate, including temporary construction access off the mainline. Please note that approval authority for access to communication towers from Interstate ramps has been delegated to VDOT (see April 17 and May 14, 1997 letters from Allen Masuda to James Browder).

Recently, our office has found signs placed on the Interstate without our knowledge that do not conform with the MUTCD as per 23 CFR 655.603. We request that you reinforce to District personnel that any new signage being placed on the Interstate must come to our office for concurrence, pursuant to 23 U.S.C. 109(d).

To summarize, the following actions are required by VDOT:

1) A description and analysis of all FHWA non-oversight work at Interstate interchanges (except non-mainline communication tower access roads) must be submitted for our concurrence.
2) Normal design exception procedures must be followed for all work on the Interstate.
3) Additional temporary and permanent Interstate access points should continue to follow current procedures.
4) Proposals for new signage on the Interstate must be submitted for our concurrence.

Finally, by taking these steps we are ensuring that FHWA's long-standing policy to provide safe and efficient traffic operation on the Interstate System is not compromised. We believe that the most efficient way to implement our requirements is for VDOT to update their current procedures. As always, FHWA personnel are prepared to work with VDOT personnel in updating of the current operating procedures between our two offices. If there are any questions, please refer them to Mr. Vince Barone of my staff at (804)775-3355.

Sincerely yours,

Roberto Fonseca-Martinez
Division Administrator

Vincent P. Barone

By: Vincent P. Barone, P.E.
Field Operations Team Leader

cc: M. Mirshahi
D. Liston

IJR

U.S. Department
of Transportation

**Federal Highway
Administration**

Virginia Division
(804) 775-3320

400 N. 8th Street Rm. 750
P.O. Box 10249
Richmond, Virginia 23240

IN REPLY REFER TO:

March 19, 2001

Design Criteria - Level Of Service

Mr. Frank Gee, Acting Chief Engineer
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Dear Mr. Gee:

This letter is intended to clarify the Level of Service (LOS) design criteria requirements for projects on the National Highway System (NHS). As background, United States Code (U.S.C.) 23 Part 109 requires that NHS projects be designed to "... adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance..." In an effort to comply with 23 U.S.C. 109, the Code of Federal Regulations (CFR) lists documents to be used as standards for the design of highways on the NHS, regardless of funding source. The document listed in 23 CFR 625.4, A Policy On Geometric Design Of Highways And Streets, 1994 (Green Book) is used to provide the LOS standard for highways on the NHS.

To define the term "adequately serve," our office has generated at table (see attached) that specifies the LOS requirements for roads on the NHS. This table is a summary of the AASHTO "Green Book" discussions on this topic. Level of Service determinations must be made using industry standard methods for computing such information (e.g.: Highway Capacity Software (HCS)). The level of detail of LOS analysis for the facility must be consistent with the highest level that would be shown by the HCS (e.g.: each movement of an intersection). With regard to the term "planned future traffic," NHS projects must provide a 20-year design life for reconstruction and new construction projects.

Design criteria for LOS should be established and documented early in the project development process, such as during project scoping. Written justification, filed in VDOT's project files, is required for any location where the minimum LOS standard could not be met. The established criteria and written justifications for any deviations from that criteria must be submitted to our office for concurrence on all full oversight projects as defined by the VDOT-FHWA Efficiencies Agreement

If you have questions or require additional clarification regarding this issue, please contact Mr. Vince Barone at (804) 775-3355.

Sincerely,

Roberto Fonseca-Martinez
Division Administrator

Vincent P. Barone

By: Vincent P. Barone
Field Operations Engineer

Attachment
P:\Wpwork\Letters\LOS Requirements Letter, 02-19-01.doc

Facility	Level of Service (LOS) Required
Rural NHS Routes (Including Rural Interstate)	**Mainline Lanes:** LOS B *(Go to LOS C on the mainline if LOS B is not reasonable* or if the terrain is mountainous*)* **Auxiliary Lanes:** LOS C
Urban NHS Routes (Including Urban Interstate)	**Mainline Lanes and Auxiliary Lanes:** LOS C *(LOS D may be used in heavily developed sections of Metropolitan Areas*)*

* FHWA Division office must concur, in writing, that such a condition exists.

Notes:

1. LOS below those shown requires a written justification to be issued to the project file. The justification must be provided to FHWA Division Office for concurrence on all full oversight projects as defined by the VDOT-FHWA Efficiencies Agreement.

2. LOS determinations are to be made using industry standard methods for computing such information (e.g.: Highway Capacity Software (HCS)). The level of detail for showing the LOS of the facility is to be consistent with the highest level that would be shown by the HCS (e.g.: each movement of an intersection).

3. Auxiliary facilities includes ramps, turn lanes, main lane weaving sections, C-D roads, and intersections

4. "Metropolitan areas" are the urbanized areas. As of 03/19/01, those areas include Bristol, Charlottesville, Danville, Fredericksburg, Kingsport, Lynchburg, Norfolk-Virginia Beach-Newport News, Petersburg, Richmond, Roanoke, and Northern Virginia.

VDOT Virginia Department of Transportation

SCOPE OF WORK FORM

Limited Access Break and Lateral Adjustment Request

(Leesburg Pike) Route 7 at Proposed Viale Centrale

Contact Information	
Consultant Name: Tele: E-mail:	Michael Pinkoske, PTP & Robin Antonucci Wells + Associates, Inc. mrpinkoske@mjwells.com & rlantonucci@mjwells.com 703.676.3609 / 703.365.9262
Developer/Owner Name: Tele: E-mail:	**NV Commercial, Inc. and Clyde's Real Estate Group** Contact: Russell Marks NV Commercial 8230 Leesburg Pike Vienna, Virginia 22882 rmarks@nvcommercial.com 703-448-4308

Project Information	
Project Name:	**Global Traffic Analysis** Limited Access Break and Lateral Adjustment Request Leesburg Pike (Route 7) at proposed Viale Centrale
Project Location:	The requested break in the Route 7 Limited Access line would be located approximately 220 feet west of the intersection of the Route 123 southbound off-ramp with Route 7 (as measured centerline to centerline) and shown in Attachment 1. The requested lateral shift in Limited Access is along Route 7 and along the western boundary of the Route 123 southbound off ramp as shown on Attachment 1. The existing conditions plan showing the Limited Access line is included as Attachment 2. Both Route 7 and Route 123 are part of the National Highway System (NHS).
Project Description:	In February 2011, NV Commercial, Inc. and Clyde's Real Estate Group filed a rezoning application (RZ 2011-PR-005) on a 5.7918-acre consolidation in Fairfax County. The application, if approved by the Board of Supervisors (the "BOS"), would permit the development of a new transit-oriented development at the Greensboro Metrorail station, which is scheduled to begin operations in late 2013. In support of this new development, the Applicants/Requestors have committed to provide a grid of streets as recommended in the County's Comprehensive Plan and as further refined in consultation with VDOT and FCDOT (Fairfax County Department of Transportation) staff. One of the key elements of the planned grid is the closure of the existing service drive connection on the property's Route 7 frontage and the construction of a new north-south street (referred to as "Viale Centrale"). Additionally, pursuant to the draft Proffers (see Attachment 3) the Applicants/Requestors have committed to widen Route 7 to provide four (4) westbound travel

	lanes and improve the existing section of Tysons Central Street along the eastern site boundary. The overall CDP context plan is included as Attachment 4. As proffered, the project would increase the capacity of westbound Route 7, create a new north/south gird connection (Viale Centrale), and improve the grade of the existing service drive (Tysons Central Street) as it relates to the site development and the planned grid of streets. The widening of Route 7 and the modifications/improvements to the existing service drive require a lateral shift of the LA line while the construction of the Viale Centrale/Route 7 intersection would require a break in the existing LA line. In November 2005, the Commonwealth Transportation Board (the "CTB") adopted revisions to a Department Policy Memorandum (DPM 2-11) addressing disposal of access rights and conditions under which access would be allowed to adjoining properties. This action rescinded DPM 2-11 and adopted the Limited Access Policy presented as 24 VAC20-401 on November 16, 2005. The CTB subsequently approved amendments to this regulation on October 15, 2009. According to 24VAC30-401-20, changes in Limited Access control will only be considered by the CTB in limited, special situations. Further, the CTB will not consider such a change without a written determination from the Chief Engineer. To that end, any proposed change in LA shall be made in writing to the [local] District Administrator and must be accompanied by the following: (a) a resolution from the locality where the change in LA is requested; (b) a Global Traffic Analysis; and (c) an environmental review if necessary. As outlined above, the Requestor has proposed a scope of work associated with the Global Traffic Analysis; determined that an environmental assessment is not necessary and will secure a BOS resolution of support for both the LA break and lateral shift.
Locality/County:	Fairfax County, Virginia
Proposed Use:	The proposed rezoning (RZ 2011-PR-005) reflects two development options. Option 1is considered the maximum commercial development option; Option 2 is the maximum residential development option. For purposes of this study and in the interest of conservatism, Option 1 (the higher trip generating option) was analyzed. Option 1 consists of the following: 630,728 GSF Office – ITE Land Use code 710 795 Residential Dwelling Units – ITE Land Use code 220 204 Hotel Rooms – ITE Land Use code 310, 60,742 GSF Retail – ITE Land Use code 814, and 38,072 GSF Restaurant – ITE Land Use code 932. A copy of the trip generation analysis completed for Option 1 and reflected in the VDOT accepted Chapter 870 TIA is provided herein as Attachment 5.

Traffic Impact Analysis Assumptions

Study Period	Existing Year: 2008	Build-out Year: 2020	Design Year: 2030
Study Area	The study area boundary includes one signalized intersection west and east of the subject planned intersection along Route 7. These intersections have been identified as Route 7/Westpark Drive/Gosnell Road to the west and Route 7/Route 123 southbound off ramp to the east. Study intersections are shown on Attachment 6.		

	1. Route 7 and Westpark Drive (existing), 2. Route 7 and Station Place (proposed), 3. Route 7 and Viale Centrale (proposed), 4. Route 7 and Route 123 southbound off ramp (existing), 5. Center Street and Station Place (proposed), and 6. Center Street and Viale Centrale (proposed).
Planned/Proffered - Road Improvements	As described in Attachment 3 and shown on Attachment 1, the Applicant/Requestor has committed to provide a number of transportation improvements/enhancements, which shall be reflected in the total future conditions analyses and include the following: 1. Construction of Viale Centrale from Route 7 to Center Street (requires break in Limited Access). 2. Route 7 widening from three (3) to four (4) lanes in the westbound direction along the Tysons Central development frontage from Route 123 Southbound off ramp tor future Station Place (requires lateral shift in Limited Access). 3. Reconstruct Route 7/Route123 frontage road, Tysons Central Street, from the northeast corner of Building F to approximately 300 feet northeast of the site (requires lateral shift in Limited Access). 4. Construction of Station Place from Route 7 to Center Street. 5. Construction of Center Street from Station Place to Pinnacle Drive. 6. Construction of Pinnacle Drive auxiliary lane on Route 123 southbound ("123 Slip Ramp") generally located just south of the Route 123/International Drive intersection. In addition to those roadway improvements listed above, the Greensboro Metrorail Station is under construction and scheduled to begin operating in late 2013. Therefore the impact of rail service was also considered.
Crash Data	Crash data for the study area road segment along Route 7 will be requested from VDOT and a crash hazard analysis will be completed and included in the report.
Traffic Data / Future Forecasts / No Build / Build Assumptions	**Existing Baseline Conditions - 2008** AM and PM peak hour traffic counts collected in 2008 at the existing study intersections were obtained from other traffic impact studies completed in the site vicinity and conducted by Wells + Associates, as well as from VDOT Synchro 7 files. Due to the Silver Line, the Spring Hill Road widening project and the I-495 Express lane construction, in consultation with FCDOT and VDOT staff during the scoping of the Chapter 870 (formally 527) traffic study, it was determined that 2010 traffic counts would not be representative of typical/normal operating conditions. As a result, VDOT and FCDOT recommended the use of 2008 baseline traffic count data. With the Silver Line still under construction, it is proposed that the 2008 traffic counts referenced above continue to be used in the assessment of baseline conditions for this request. **2020 and 2030 Future Forecasts and Grid Assumptions** At the meetings held with VDOT and/or FCDOT on March 19, 2013 and May 26, 2013, it was agreed that 2020 and 2030 future forecasts and assumptions from the VDOT accepted Chapter 870 (formally 527) traffic study would be used to complete this request. 2020 traffic forecasts will include a 0.85 percent growth rate, compounded annually, and the following recently approved land use applications Spring Hill Station (Georgelas site) and Promenade at Tysons West (Wal-Mart site). 2030 traffic forecasts will include a 0.85 percent growth rate, compounded annually, the approved developments listed above, and the proposed Solutions Plaza (formerly SAIC) and Westpark Plaza (formerly Dittmar) rezoning applications located immediately west of the proposed Tysons Central development. Trip generation analyses for each of the pipeline developments are included in Attachment 7. The No Build and Build future traffic forecasts will be analyzed with and without Improvement #6

	(Route 123 Slip Ramp) under the Planned/Proffered Road Improvements section above. This is consistent with the accepted traffic study. The No Build operational analysis will assume no connection of Viale Centrale to Route 7 and no fourth westbound travel lane along Route 7. The Build operational analysis will include the proposed Viale Centrale connection to Route 7 and the forth westbound travel lane along Route 7. Future lane use and traffic controls for the No Build and Build scenarios are shown on Attachment 8.
Trip Distribution	Consistent with the accepted January 28, 2013 Tysons Central TIS, site generated traffic for the proposed Tysons Central development are as described below. As mentioned above site generated traffic forecasts will be analyzed with and without Improvement #6 (Route 123 Slip Ramp) under the Planned/Proffered Road Improvements section above.

Origin/Destination	Residential	Commercial
East - Jones Branch Dr.	5%	2%
North - Westpark Dr.	15%	3%
North - Chain Bridge Rd.	30%	30%
East -Route 7	15%	10%
West - Route 7	15%	30%
South - Chain Bridge Rd.	5%	10%
South - Gallows Rd.	5%	5%
North - Spring Hill Rd.	10%	10%
TOTAL	100%	100%

Peak Period for Study	**AM** **PM**
Study Intersections and/or Road Segments	As shown in Attachment 6 and listed below, study intersections include one signalized intersection in each direction of the proposed LA Break and the other key intersections immediately adjacent to the proposed improvement. 1. Route 7 and Westpark Drive (existing), 2. Route 7 and Station Place (proposed) 3. Route 7 and Viale Centrale (proposed) 4. Route 7 and Route 123 southbound off ramp (existing), 5. Center Street and Station Place (proposed) 6. Center Street and Viale Centrale (proposed).
Software Methodology	Synchro software (version 7) will be used to evaluate operational analysis (levels of service and 95th percentile queues) at the study intersections during the AM and PM peak hours. The field measured PHF s will be adjusted to 0.85 < PHF < 0.92 under existing condition. Future conditions 2020 and 2030 will include, a PHF of 0.92 for all approaches at study intersections. Total loss will be adjusted to 3.0 seconds for all movements. Existing conditions will include timings received from VDOT prior to construction along Route 7. Pedestrian calls will be evaluated and the future pedestrian volumes will be estimated. Percent heavy vehicles used in the Synchro analysis will be based on the 2008 VDOT traffic count data consistent traffic count data. See Attachment 9, for a complete list of operational analysis assumptions/parameters used to complete Tysons Corner traffic impact studies.

NOTES on ASSUMPTIONS:

- Operational output metrics will be provided per movement and will include LOS, delay, 50th percentile and 95th percentile queues.
- Crash history for the most recent three (3) year period will be included for the existing study intersections and a crash hazard analysis completed.
- Future pedestrian volumes based on WMATA estimates will be forecasted through study intersections and included in the Synchro analysis.
- Any existing design features that are substandard must be documented and approved by VDOT if they are to remain. Any Design Waivers and/or exceptions to Access Management standards will be filed concurrent with the Global Traffic Impact Study. A summary of those filed to date is included as Attachment 10.
- All new or replacement safety hardware installed on the NHS must be tested and found acceptable in accordance with NCHRP 350 criteria, regardless of funding source.
- A signing and striping plan must be prepared and submitted to VDOT for concurrence.

Additional memorandums provided by VDOT covering minor modification to the Interstate system and HCM reporting are provided as Attachment 11.

SCOPE OF WORK FORM SIGNATURE PAGE

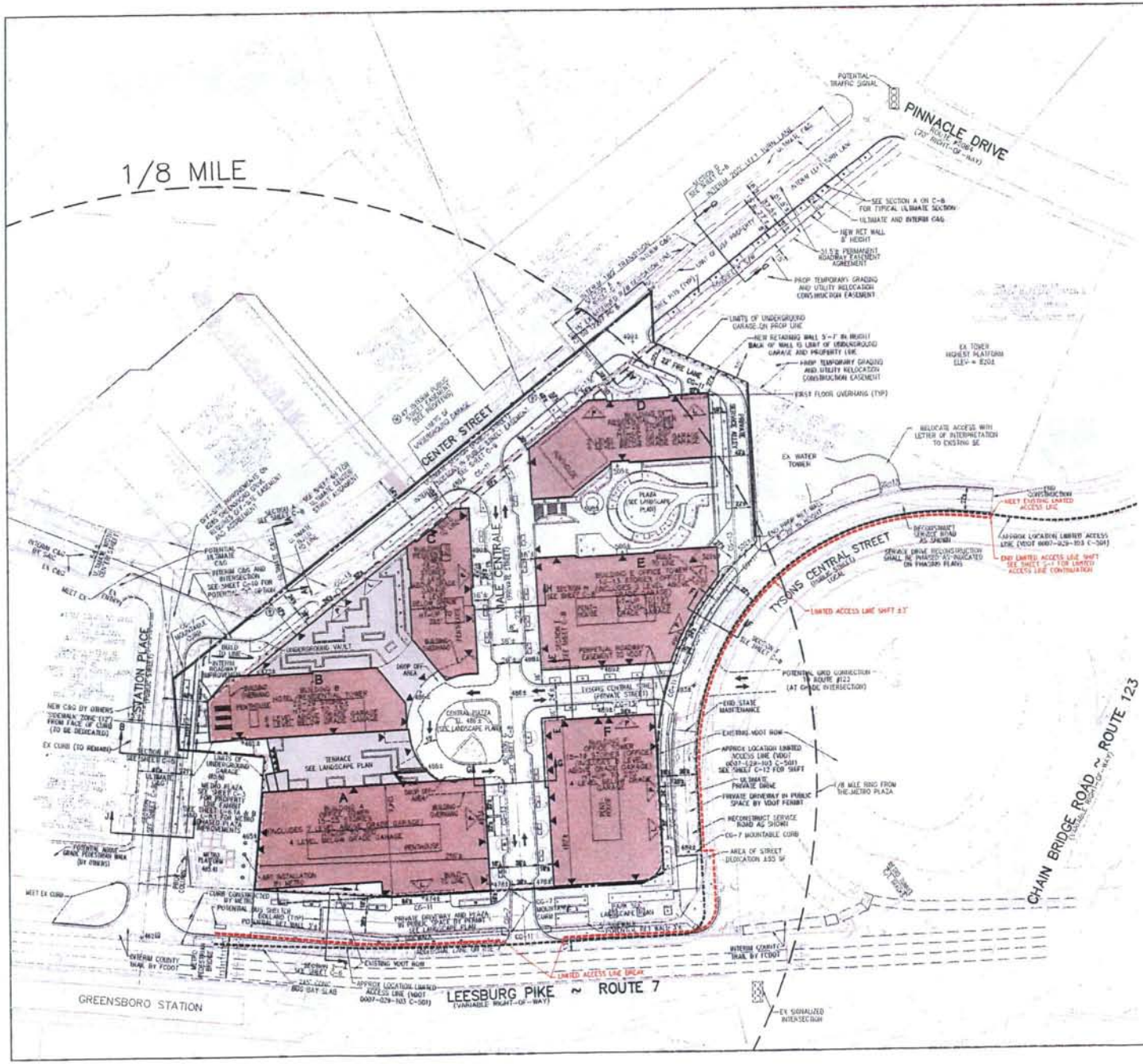
Global Traffic Impact Analysis
Limited Access Break and Limited Access Lateral Shift Request
Route 7 at Proposed Viale Centrale

SIGNED: _____ DATE: June 5, 2013
Applicant or Consultant

PRINT NAME: Michael Pinkoske, PTP_____
Applicant or Consultant

SIGNED: _____ DATE: _____
Virginia Department of Transportation Representative

PRINT NAME: _____
Virginia Department of Transportation Representative



LEGEND:

ENTRANCE (TYP)

DENOTES ABOVE GRADE LOWER ROOF. SEE SHEET C-3 FOR HEIGHT TABULATIONS AND RANGES

ENTRANCE (TYP)

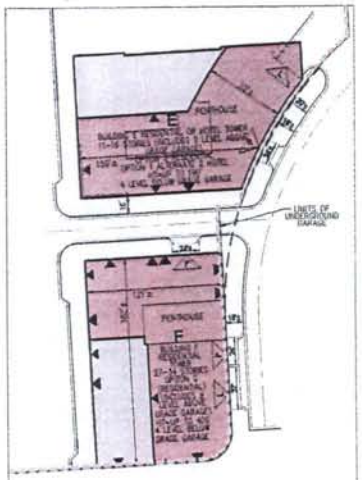
DENOTES ABOVE GRADE TOWER, NOT INCLUDING PENTHOUSE. SEE SHEET C-3 FOR HEIGHT TABULATIONS AND RANGES

DENOTES UNDERGROUND PARKING STRUCTURE FOR ABOVE AND BELOW GRADE PARKING SEE A-153

LOADING ENTRANCE

PARKING ENTRANCE

TREE PITS



ALTERNATE MAXIMUM RESIDENTIAL OR HOTEL BUILDINGS "E" AND "F"

SEE SHEET C-3 FOR HEIGHTS OF BUILDINGS A, B, C, & D

COP SHEET NOTES:

1. SEE SHEET C-3 FOR ALL SITE TABULATIONS AND PARKING TABULATIONS
2. SEE SHEET C-4 FOR BOUNDARY INFORMATION AND EXISTING TOPOGRAPHY AS IT RELATES TO THE CDP LAYOUT.
3. SEE SHEET C-6A FOR ALTERNATE VALE CENTRALE AND TYSONS CENTRAL STREET
4. SEE SHEET C-6B FOR ULTIMATE CENTER STREET PLAN.
5. SEE SEE SHEET C-10 FOR ALTERNATE CENTER STREET AND STATION PLACE INTERSECTION OPTIONS.
6. SEE SHEET C-8 FOR ULTIMATE TYPICAL STREET SECTIONS
7. SEE SHEET C-9 FOR INTERIM ROAD CROSS-SECTIONS C,D, & J.
8. SEE SHEET C-13 THRU C-20 FOR SWM PLANS.
9. SEE SHEET L-3.1 AND L-3.2 FOR OPEN SPACE PLAN.
10. SEE SHEET L-1 FOR PEDESTRIAN CIRCULATION PLAN.
11. SEE SHEET L-5.1 FOR TYPICAL STREET SECTIONS.

VA STATE
GRID NORTH
(VSC 83)

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

VIKA

TYSONS CENTRAL
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

CONCEPTUAL
DEVELOPMENT PLAN

VIKA REVISIONS

REV MAY 13, 2013
REV APRIL 19, 2013
REV MARCH 11, 2013
REV NOVEMBER 19, 2012
REV JUNE 28, 2012
REV MARCH 30, 2012
REV JANUARY 25, 2012

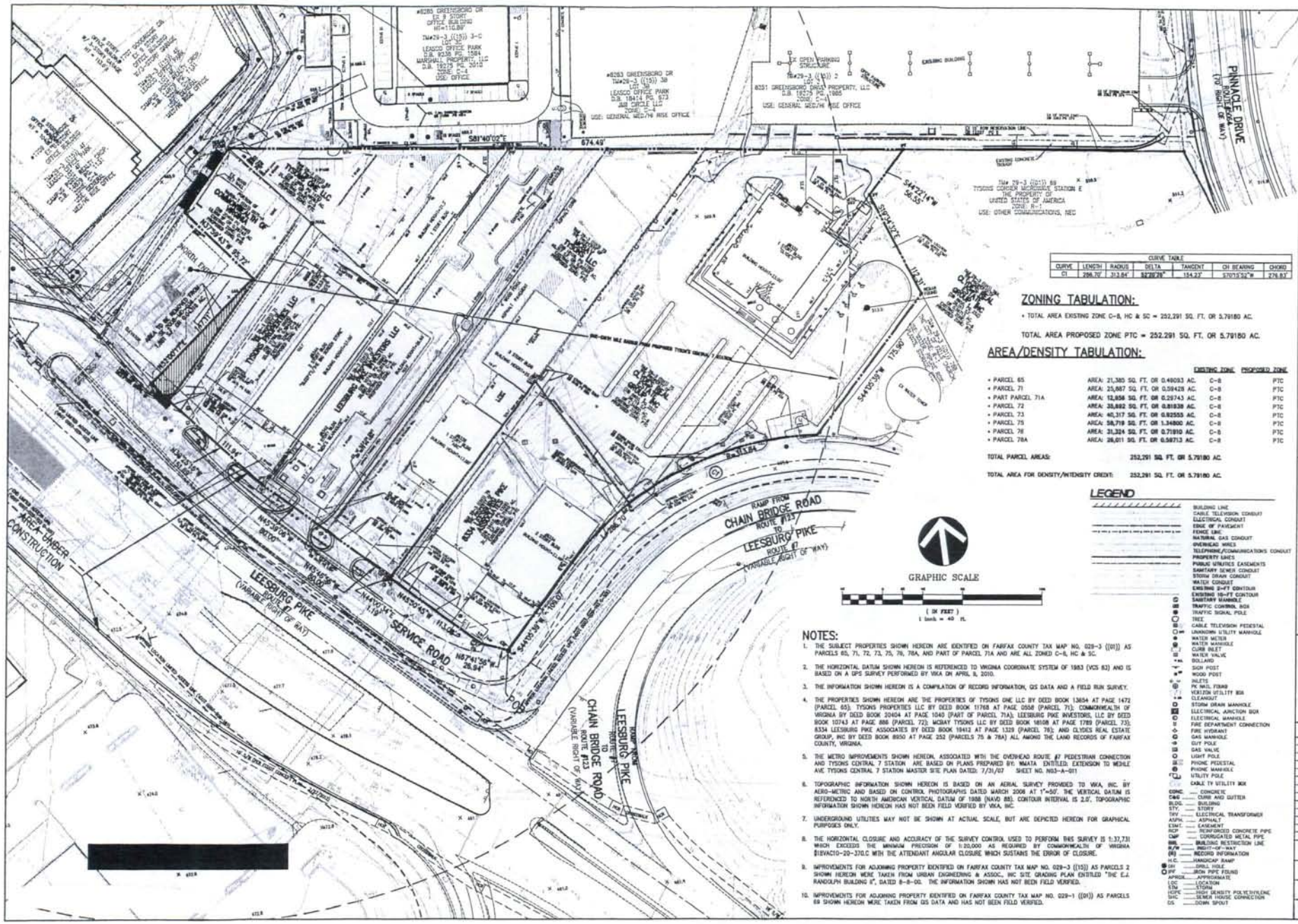
DATE FEBRUARY 22, 2011

DES. JFA
DWN. RMC

SCALE: 1"=50'

PROJECT/FILE NO. V71480

SHEET NO. C-6



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CH BEARING	CHORD
C1	286.70'	312.84'	52°28'28"	154.23'	S70°15'52"W	276.83'

ZONING TABULATION:

- TOTAL AREA EXISTING ZONE C-8, HC & SC = 252,291 SQ. FT. OR 5.79180 AC.

TOTAL AREA PROPOSED ZONE PTC = 252,291 SQ. FT. OR 5.79180 AC.

AREA/DENSITY TABULATION:

		EXISTING ZONE	PROPOSED ZONE
• PARCEL 65	AREA: 21,385 SQ. FT. OR 0.49093 AC.	C-8	PTC
• PARCEL 71	AREA: 25,867 SQ. FT. OR 0.59428 AC.	C-8	PTC
• PART PARCEL 71A	AREA: 12,858 SQ. FT. OR 0.29743 AC.	C-8	PTC
• PARCEL 72	AREA: 35,882 SQ. FT. OR 0.81938 AC.	C-8	PTC
• PARCEL 73	AREA: 40,317 SQ. FT. OR 0.92553 AC.	C-8	PTC
• PARCEL 75	AREA: 58,719 SQ. FT. OR 1.34800 AC.	C-8	PTC
• PARCEL 76	AREA: 31,324 SQ. FT. OR 0.71910 AC.	C-8	PTC
• PARCEL 76A	AREA: 26,011 SQ. FT. OR 0.59713 AC.	C-8	PTC
TOTAL PARCEL AREAS:	252,291 SQ. FT. OR 5.79180 AC.		
TOTAL AREA FOR DENSITY/INTENSITY CREDIT:	252,291 SQ. FT. OR 5.79180 AC.		

LEGEND

BUILDING LINE
CABLE TELEVISION CONDUIT
ELECTRICAL CONDUIT
EDGE OF PAVEMENT
FENCE LINE
NATURAL GAS CONDUIT
OVERHEAD WIRES
TELEPHONE/COMMUNICATIONS CONDUIT
PROPERTY LINES
PUBLIC UTILITIES EASEMENTS
SANITARY SEWER CONDUIT
STORM DRAIN CONDUIT
WATER CONDUIT
EXISTING 2-FT CONTOUR
EXISTING 10-FT CONTOUR
SANITARY MANHOLE
TRAFFIC CONTROL BOX
TRAFFIC SIGNAL POLE
TREE
CABLE TELEVISION PEDESTAL
UNKNOWN UTILITY MANHOLE
WATER METER
WATER MANHOLE
CURB INLET
WATER VALVE
CLEANOUT
BOLLARD
SIGN POST
WOOD POST
INLETS
PK NAIL FOUND
VERIZON UTILITY BOX
STORM DRAIN MANHOLE
ELECTRICAL JUNCTION BOX
ELECTRICAL MANHOLE
FIRE DEPARTMENT CONNECTION
FIRE HYDRANT
GAS MANHOLE
GUY POLE
GAS VALVE
LIGHT POLE
PHONE PEDESTAL
PHONE MANHOLE
UTILITY POLE
CABLE TV UTILITY BOX
CONC. ___ CONCRETE
C&G ___ CURB AND GUTTER
BLDG. ___ BUILDING
STY. ___ STORY
TRV ___ ELECTRICAL TRANSFORMER
ASPH. ___ ASPHALT
ESMT. ___ EASEMENT
RCP ___ REINFORCED CONCRETE PIPE
CMP ___ CORRUGATED METAL PIPE
BRL ___ BUILDING RESTRICTION LINE
R/W ___ RIGHT-OF-WAY
(R) ___ RECORD INFORMATION
H.C. ___ HANDICAP RAMP
DH ___ DRILL HOLE
IPF ___ IRON PIPE FOUND
APPROX. ___ APPROXIMATE
LOC ___ LOCATION
STM ___ STORM
HDPE ___ HIGH DENSITY POLYETHYLENE
SHC ___ SEWER HOUSE CONNECTION
DS ___ DOWN SPOUT

NOTES:

1. THE SUBJECT PROPERTIES SHOWN HEREON ARE IDENTIFIED ON FAIRFAX COUNTY TAX MAP NO. 029-3 ((01)) AS PARCELS 65, 71, 72, 73, 75, 76, 76A, AND PART OF PARCEL 71A AND ARE ALL ZONED C-8, HC & SC.
2. THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 83) AND IS BASED ON A GPS SURVEY PERFORMED BY VIKA ON APRIL 9, 2010.
3. THE INFORMATION SHOWN HEREON IS A COMPILATION OF RECORD INFORMATION, GIS DATA AND A FIELD RUN SURVEY.
4. THE PROPERTIES SHOWN HEREON ARE THE PROPERTIES OF TYSONS ONE LLC BY DEED BOOK 13654 AT PAGE 1472 (PARCEL 65); TYSONS PROPERTIES LLC BY DEED BOOK 11768 AT PAGE 0558 (PARCEL 71); COMMONWEALTH OF VIRGINIA BY DEED BOOK 20404 AT PAGE 1040 (PART OF PARCEL 71A); LEESBURG PIKE INVESTORS, LLC BY DEED BOOK 10743 AT PAGE 886 (PARCEL 72); MCRAY TYSONS LLC BY DEED BOOK 18108 AT PAGE 1789 (PARCEL 73); 8334 LEESBURG PIKE ASSOCIATES BY DEED BOOK 19412 AT PAGE 1328 (PARCEL 76); AND CLYDES REAL ESTATE GROUP, INC BY DEED BOOK 8950 AT PAGE 252 (PARCELS 75 & 76A) ALL AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
5. THE METRO IMPROVEMENTS SHOWN HEREON, ASSOCIATED WITH THE OVERHEAD ROUTE #7 PEDESTRIAN CONNECTION AND TYSONS CENTRAL 7 STATION ARE BASED ON PLANS PREPARED BY: WMATA ENTITLED: EXTENSION TO MEHLE AVE TYSONS CENTRAL 7 STATION MASTER SITE PLAN DATED: 7/31/07 SHEET NO. N03-A-011
6. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON AN AERIAL SURVEY PROVIDED TO VIKA, INC. BY AERO-METRIC AND BASED ON CONTROL PHOTOGRAPHS DATED MARCH 2006 AT 1"=50'. THE VERTICAL DATUM IS REFERENCED TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). CONTOUR INTERVAL IS 2.0'. TOPOGRAPHIC INFORMATION SHOWN HEREON HAS NOT BEEN FIELD VERIFIED BY VIKA, INC.
7. UNDERGROUND UTILITIES MAY NOT BE SHOWN AT ACTUAL SCALE, BUT ARE DEPICTED HEREON FOR GRAPHICAL PURPOSES ONLY.
8. THE HORIZONTAL CLOSURE AND ACCURACY OF THE SURVEY CONTROL USED TO PERFORM THIS SURVEY IS 1:37,731 WHICH EXCEEDS THE MINIMUM PRECISION OF 1:20,000 AS REQUIRED BY COMMONWEALTH OF VIRGINIA $18VAC10-20-370.C WITH THE ATTENDANT ANGULAR CLOSURE WHICH SUSTAINS THE ERROR OF CLOSURE.
9. IMPROVEMENTS FOR ADJOINING PROPERTY IDENTIFIED ON FAIRFAX COUNTY TAX MAP NO. 029-3 ((15)) AS PARCELS 2 SHOWN HEREON WERE TAKEN FROM URBAN ENGINEERING & ASSOC., INC SITE GRADING PLAN ENTITLED "ENE E.J. RANDOLPH BUILDING 8", DATED 8-8-00. THE INFORMATION SHOWN HAS NOT BEEN FIELD VERIFIED.
10. IMPROVEMENTS FOR ADJOINING PROPERTY IDENTIFIED ON FAIRFAX COUNTY TAX MAP NO. 029-1 ((01)) AS PARCELS 69 SHOWN HEREON WERE TAKEN FROM GIS DATA AND HAS NOT BEEN FIELD VERIFIED.

VIKA
VIKA INCORPORATED
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ SUSTAINABLE DESIGN
8180 GREENSBORO DRIVE, SUITE 200 ■ TYSONS CORNER, VIRGINIA 22102
(703) 442-7800 FAX (703) 848-2801 ■ WWW.VIKA.COM
20251 CENTURY BOULEVARD, SUITE 400 ■ GERMANTOWN, MARYLAND 20874
(301) 916-4960 ■ FAX (301) 916-2262

TYSONS CENTRAL
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

EXISTING CONDITIONS PLAN

VIKA REVISIONS
REV MAY 13, 2013
REV APRIL 18, 2013
REV MARCH 11, 2013
REV NOVEMBER 19, 2012
REV JUNE 20, 2012
REV MARCH 30, 2012
REV JANUARY 25, 2012
DATE: FEBRUARY 22, 2011

DES. JFA	DWN. JMB
SCALE: 1"=40'	
PROJECT/FILE NO. V7148C	
SHEET NO. C-4	

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DRAFT
PROFFERS

NVCommercial Incorporated and Clyde's Real Estate Group, Inc.
RZ 2011-PR-005

May 13, 2013

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owners and Applicants, for themselves and their successors and/or assigns (referred to hereafter, both collectively and, where appropriate, individually as the "Applicants"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County 2013 tax maps as Tax Map 29-3 ((1)) 65, 71, 71A pt., 72, 73, 75, 76 and 78A (collectively, the "Property") shall be in accordance with the following conditions if, and only if, Rezoning application 2011-PR-005 (this "Rezoning") is granted.

GENERAL

1. Conceptual Development Plan. The Property shall be developed in substantial conformance with the proffered elements of the Tysons Central Conceptual Development Plan ("CDP") dated February 22, 2011 and revised through May 13, 2013, prepared by VIKA, Incorporated, Davis, Carter, Scott Ltd and LSG Landscape Architecture Inc. The proffered elements of the CDP are limited to the grid of streets, the general location of the buildings and build-to-lines, the uses, minimum and maximum building heights, the amount, general location and character of urban park land and the general quality and character of the streetscape (the "Proffered Elements"), and only a future amendment to the Proffered Elements shall require a subsequent Conceptual Development Plan Amendment ("CDPA") or Proffered Condition Amendment ("PCA"). Other elements of the CDP may be adjusted or modified with approval of future Final Development Plans ("FDPs") in accordance with the provisions set forth in Section 16-402 of the Fairfax County Zoning Ordinance (the "Ordinance").

   The CDP includes two options; Option 1 represents the maximum commercial proposal. Option 2 represents the maximum residential proposal. The Applicants reserve the right to develop in accordance with either option or a combination of the two options, provided the maximum gross square footages identified in Proffer 5 are not exceeded.

2. Minor Modifications. Minor modifications to the Proffered Elements of the CDP may be permitted without the need for a CDPA or PCA when necessitated by sound engineering or that may become necessary as part of FDP approval or final site design or engineering, pursuant to Section 16-403(4) of the Ordinance provided the development is otherwise in substantial conformance with the CDP and these Proffers.

3. Declarations/Owners Associations. The Applicants shall cause the recordation of one or more declarations creating an umbrella owners' association ("UOA") and as necessary, condominium owners' associations ("COA") or declarations of covenants and

shall be in keeping with Article 12 of the Ordinance or alternatively in accordance with an approved Comprehensive Sign Plan.

TRANSPORTATION IMPROVEMENTS

23. Grid of Streets. The Applicants shall construct and place into operation a new grid of streets throughout the Property including portions of streets identified on the CDP as Center Street, Station Place, Viale Centrale and Tysons Central Street and shall make improvements to existing public streets identified as Leesburg Pike and Tysons Central Street. For the purposes of these proffers, Leesburg Pike and Center Street shall be considered to run east to west, and Stations Place and Viale Centrale shall be considered to run north to south. The functional classification of the streets is provided below:

Street	Classification
Leesburg Pike (State Route 7)	Boulevard
Center Street	Collector
Station Place	Collector
Viale Centrale	Local (private)
Tysons Central Street	Local (a portion of which is private)
Private Access Streets	Service Alley (private)

A. Public Streets. Those streets constructed adjacent to and within the limits of the Property and identified on the CDP as Leesburg Pike, Center Street, Station Place and portions of Tysons Central Street shall be designed and constructed as public streets. Public street improvements proposed herein shall be subject to VDOT approval and be in general conformance with the *Transportation Design Standards for Tysons Corner Urban Center* (the "Design Standards") of the Memorandum of Agreement approved by the Board of Supervisors on September 13, 2011, as may be amended (the "MOA"), subject to modifications/waivers as may be granted. The Applicants shall design and construct these streets to meet the Design Standards. Should the right-of-way be dedicated, the Applicants shall work diligently with VDOT and the County during the FDP and site plan approval processes to ensure that the improvements proposed to existing and new public streets will be accepted into the VDOT system for maintenance.

The Applicants shall diligently pursue VDOT acceptance of improvements to existing streets and new public streets, for secondary street maintenance in accordance with the process outlined in VDOT's Secondary Street Acceptance Requirements (the "SSAR"), as amended, including VDOT's written certification that such streets and/or improvements have been constructed in a manner consistent with the VDOT approved plans and compliant with all applicable regulations ("VDOT's Written Certification"). In the event the Board of Supervisors has not requested that VDOT accept the dedicated new public streets or improvements into the secondary street network for maintenance within five (5) years of VDOT's Written Certification, such street(s) may be retained by the Applicants upon notification to, and the concurrence of FCDOT, as a private street subject to a public access and maintenance agreement in a form acceptable

to the County Attorney. In such event, a PCA, CDPA and/or FDPA will not be required

B. Right-of-Way. The Applicants shall dedicate and convey in fee simple to the Board of Supervisors rights-of-way for each of the public streets listed in Paragraph A above. Dedication shall include the area of the landscape amenity panel and sidewalk and shall occur at the time of site plan approval, with the following exceptions:

(i) If at the time of site plan approval it is determined that electric vaults or other similar facilities proposed to be located beneath the landscape amenity panel/sidewalk prevent VDOT and/or Fairfax County from accepting the landscape amenity panel/sidewalk within the right-of-way, the Applicants shall provide dedication from 18 inches back of curb to 18 inches back of curb for the street section and shall grant a public sidewalk and utility easement in a form acceptable to the Office of the County Attorney, over the area of the amenity panel/sidewalk. This easement shall allow for the installation of signage necessary for safety and operation of the street as well as parking regulation equipment by VDOT and/or the County. In addition, the Applicants shall provide easements within the amenity panel/sidewalk area for bus shelters as determined at the time of FDP or site plan.

(ii) If at the time of site plan approval it is unclear whether stormwater management facilities, electric vaults or other similar facilities proposed to be located beneath the landscape amenity panel/sidewalk will be acceptable to VDOT and/or Fairfax County, the Applicants shall provide dedication from 18 inches back of curb to 18 inches back of curb for the street section at the time of site plan approval and shall reserve for potential future dedication the landscape amenity panel and sidewalk areas. A temporary public access easement in a form acceptable to the County Attorney shall be recorded over the reserved landscape amenity panel/sidewalk areas until such time as such areas are dedicated in fee simple. Conveyance of the amenity panel/sidewalk areas to the Board of Supervisors shall occur following construction of the street and streetscape improvements and final street acceptance inspection by Fairfax County and/or VDOT subject to the stipulations in these Proffers.

(iii) Should it be determined at final street acceptance inspection that the landscape amenity panel and sidewalk areas are not acceptable to VDOT and/or the County to be included in the right-of-way, the reservation of potential future dedication of the landscape amenity panel and sidewalk areas shall be released and a public sidewalk and utility easement, in a form acceptable to the County Attorney, shall be granted in its place. This easement shall allow for the installation of signage necessary for safety and operation of the street as well as parking regulation equipment by VDOT and/or the County. In addition, the Applicants shall provide

easements within any privately-owned amenity panel for bus shelters identified on the CDP or any subsequent FDP, as determined at the time of site plan.

C. Private Streets and Alleys. The Applicants shall construct and maintain Viale Centrale, Tysons Central Street, and access streets as private streets (the "Private Streets") as shown on the CDP to the standards contained in the PFM. Public access easements in a form acceptable to the Office of the County Attorney shall be granted for the Private Streets and appurtenant facilities to facilitate public access, inspection and emergency access; such public access easements to become effective upon completion of each private street.

D. Definition of Construct. For purposes of this Proffer "construct" shall mean that the committed road improvement is open to use by the public for travel whether or not the improvement has been accepted for maintenance by the state or has obtained the release of bond.

E. Naming. The Applicants reserve the right to provide different names for the streets than those shown on the CDP.

F. Street Closures. The Applicants may temporarily close part or all of any streets to accommodate construction activity on the Property provided safe and adequate vehicle and pedestrian access is maintained.

G. Parking Lanes. The Applicants shall provide on-street parking throughout the limits of the Property as generally located on the CDP and as may be adjusted with approval of the FDP and/or site plan. The County and VDOT may restrict parking during peak commuting periods (typically 6:00 to 9:00 AM and 4:00 to 7:00 PM), in order to provide for turning movements to/from the public and/or private street network or to provide additional travel lanes. If requested by the County and/or VDOT, the Applicants shall install signs restricting parking subject to VDOT approval.

24. Leesburg Pike Frontage. The Applicants, subject to approval from VDOT and FCDOT, shall construct improvements along the Property's Leesburg Pike frontage measuring approximately 13 feet back from the existing face of curb to accommodate an additional combination through/right turn lane as shown on Sheets C-6 and C-6A of the CDP. Such improvement shall include a bus stop located in the new combination through/right turn lane and a bus shelter as described in Proffer 34, subject to VDOT approval. Said improvements shall be constructed concurrent with the construction of the Viale Centrale/Leesburg Pike intersection as set forth in Proffer 27. In the event that the Limited Access Break described in Proffer 29 is not approved, the construction of said Leesburg Pike improvements shall occur with the construction of Station Place.

25. Station Place

A. If not previously constructed by others, then in conjunction with the submission of the site plan for Buildings A, B or C, whichever occurs first, the Applicants

shall submit a Public Improvement Plan (the "Road Plan") for the ultimate improvement of Station Place generally from Leesburg Pike to Center Street. Station Place shall be constructed with an ultimate section measuring approximately 41 feet from face of curb to face of curb and the typical section presented as depicted on Sheets C-6, C-6A and C-8 of the CDP. The final design of the improvements to Station Place as generally described above shall be determined in conjunction with the submission of the site plan for the Buildings A, B or C and the improvements shall be constructed consistent with the Phasing Sheets, except where modified by FDP, prior to the issuance of the first RUP or Non-RUP for Buildings A, B or C, whichever occurs first. The Applicant shall be entitled to utilize any previously escrowed contributions for the construction of Station Place that have been received by the County, and shall be reimbursed out of any future escrowed contributions received by the County.

In the event that Station Place cannot be completed to its ultimate cross section between Leesburg Pike and Center Street without impacting existing uses on the adjacent SAIC Property, then the Applicants shall be permitted to construct interim improvements for this link as shown on Sheet C-9 the CDP or as determined in consultation with VDOT and FCDOT.

B. If Station Place is to be constructed by others prior to the Applicants' obligation to construct as stated above, then upon written demand by Fairfax County, the Applicants shall dedicate and convey at no cost the right-of-way and ancillary easements necessary to facilitate such construction by others provided: (i) sufficient interim access to/from the existing on-site uses is maintained at all times; and (ii) such improvements to the Property are minimized and coordinated with the Applicants prior to site plan approval for the improvement of this section of Station Place. In addition the Applicants shall escrow, or demonstrate that it has otherwise provided, its share of the cost of the ultimate improvements along the Property's frontage prior to the issuance of the building permit associated with Buildings A, B, or C, whichever occurs first. The specific streetscape improvements as reflected on the Phasing Sheet along the Building A and B frontages shall be constructed by the Applicants with the development of Buildings A and B and associated Metro Plaza impovements.

C.

26. Center Street. The Applicants shall construct Center Street through the Property connecting Station Place and Pinnacle Drive. The ultimate alignment of Center Street shall be designed as a 54 foot section from face of curb to face of curb as depicted Sheet C-8 on the CDP.

A. Center Street Between Station Place and the Property's Eastern Boundary. Between Station Place and the Property's eastern boundary, the Applicants shall construct Center Street as a 25 foot interim section to accommodate two lanes of

traffic (one in each direction) as shown on Sheets C-6, C-6A and C-9 of the CDP. It is anticipated that the future redevelopment of adjacent properties will provide widening or realignment to accommodate additional lanes and on-street bicycle facilities. The section of Center Street between Station Place and Viale Centrale shall be constructed prior to the issuance of the first RUP or Non-RUP for Buildings B or C, whichever shall be completed first. The section of Center Street between Viale Centrale and the Property's eastern boundary shall be constructed prior to the issuance of the first RUP or Non-RUP for Buildings D or E whichever shall occur first.

Construction of this section of Center Street as shown on Sheets C-6, C-6A and C-9 of the CDP will require off-site rights-of-way and/or easements from the adjacent parcel identified on the 2013 Fairfax County tax maps as Tax Map 29-3 ((15)) 2, 3B and 3C (the "Off-Site Parcels"). The Applicants shall make diligent efforts to obtain the necessary off-site rights-of-way and/or easements to construct Center Street through a cooperative agreement with owners of the Off-Site Owners.

(i) In the event the Applicants are unable to acquire the right-of-way and/or easements necessary to construct the above improvement through a cooperative agreement with the owner(s), which may include a reservation of advanced density credit for dedicated rights-of-way consistent with the Ordinance, then the Applicants shall submit a written request to Fairfax County in accordance with Proffer 59.

(ii) In the event the County elects not to use its powers of condemnation to acquire the off-site rights-of-way and/or easements to facilitate the construction of the above improvement, then the Applicants shall be relieved of their obligation to construct the section of Center Street shown on Sheet C-6 and be permitted to construct the interim Option #2 alignment of Center Street with an interim section dimension as shown on Sheet C-10. In the event the Applicants construct the interim Option #2 alignment, then the Applicants shall fund and install traffic signals at the intersections of Station Place and Center Street, Center Street and Pinnacle Drive; and Leesburg Pike and Station Place, as may be warranted by VDOT. Should any of the signals not be warranted, the Applicants shall escrow the cost of the unwarranted signal(s) with Fairfax County for future installation by others.

B. Center Street <u>Between the Property's Eastern Boundary and Pinnacle Drive</u>
Between the Property's eastern boundary and Pinnacle Drive, the Applicants shall construct an interim section of Center Street measuring approximately 36 feet from face of curb to face of curb to accommodate three lanes of traffic as shown on Sheets C-6, C-6A and C-9 of the CDP. This section of Center Street shall be constructed prior to the issuance of: the first RUP or Non-RUP for Building D or E, whichever shall occur first.

Construction of this interim section will require 15 feet of off-site right-of-way previously reserved on property shown on the Fairfax County 2013 tax maps as Tax Map 29-3 ((15)) 2 as well as permission and a roadway license from property shown on the Fairfax County 2013 tax maps as Tax Map 29-3 ((1)) 69. In the event the Applicants are unable to acquire the permission and roadway license necessary to construct the above improvement through a cooperative agreement with the owners, then the Applicants shall escrow the cost of constructing the interim section from its eastern boundary to Pinnacle Drive and thereby be relieved of their obligation to construct that section of Center Street. Such escrow shall be posted prior to the approval of a site plan for Building D or E, whichever occurs first, but the escrowed contribution shall be returned to the Applicants if the section of Center Street between the Property's eastern boundary and Pinnacle Drive is not constructed within (10) years following issuance of the last initial RUP or Non-RUP for Building D or E, whichever occurs last.

C. In the event, Center Street is reconstructed by others on a more northern alignment, the Applicants shall construct, an enhanced streetscape/public open space area on the Property as shown on Sheet L-4.2. In addition, the Applicants shall reconstruct the loading and parking entrances between Buildings B and C as may be required with the realignment of Center Street.

27. Viale Centrale. The Applicants shall be construct Viale Centrale within the Property from Center Street to Leesburg Pike with a section measuring approximately 38 feet from face of curb to face of curb to accommodate two lanes of traffic (one lane in each direction) with parallel parking on both sides of the street in specified locations as generally depicted on Sheet C-6 of the CDP. Viale Centrale shall be privately owned and maintained with parking garages and other uses permitted under the street. The Applicants reserve the right to close a portion of Viale Centrale on a temporary basis to accommodate special events such as, but not limited to, art fairs, farmers markets, outdoor concerts, festivals and other such events provided safe and adequate vehicle and pedestrian access is maintained. Viale Centrale from Leesburg Pike to Tysons Central Street shall be constructed prior to the issuance of the first RUP or Non-RUP for Building A or F, whichever is completed first.

(i) With Building A, the Applicants shall, subject to VDOT approval: 1) close the existing connection of the service drive paralleling Leesburg Pike to Leesburg Pike; 2) remove the portion of the service drive between Station Place and Viale Centrale; 3) construct a service alley to serve Building A as shown on the CDP; and 4) construct the new connection of Viale Centrale to Leesburg Pike.

(ii) With the construction of Building F, the Applicants shall, subject to VDOT approval: 1) remove the existing service drive paralleling Leesburg Pike from Viale Centrale to the east and construct a park as shown on the CDP and further described in Proffer 50D; 2) reconstruct the service drive east of Building F as a service alley serving the loading and parking for

Building F; and 3) construct the new connection of Viale Centrale to Leesburg Pike.

(iii) Construction of the connection to Leesburg Pike will require approval of a break in the existing Limited Access Line along Leesburg Pike (the "Limited Access Break") as described in Proffer 29. In the event approval of the Limited Access Break is delayed beyond the completion of Buildings A or F, the Applicants shall provide for alternate interim access acceptable to FCDOT and VDOT. Such alternate interim access shall be reviewed and approved with the FDP for Buildings A and/or F, as applicable.

B. Viale Centrale from Tysons Central Street to Center Street shall be constructed prior to the issuance of the first RUP or Non-RUP for Building B or C, whichever is completed first.

C. Due to the potential construction phasing, the Applicants reserve the right to delay the installation of the final specialty paving materials in the Central Piazza until the last of Buildings A, B, C, E and F are constructed. If delayed, alternate interim paving shall be included in the FDP application for the respective buildings.

28. Tysons Central Street

A. Tysons Central Street from Viale Centrale to the existing portion of Tysons Central Street shall be constructed with a section measuring approximately 24 feet from face of curb to face of curb to accommodate two lanes of traffic (one lane in each direction). It shall be privately owned and maintained with parking garages and other uses permitted under the street. This section of Tysons Central Street shall be constructed prior to the issuance of the first RUP or Non-RUP for Building F.

B. The existing section of Tysons Central Street located along the Property's eastern boundary shall be reconstructed in part in order to improve the grade and relationship to the Property. It is anticipated that this improvement will extend northward along property identified on the Fairfax County 2013 tax maps as Tax Map 29-3 ((1)) 78B and may require reconstruction of its site access by the Applicants. This section of Tysons Central Street shall be constructed prior to the issuance of the first RUP or Non-RUP for either of Buildings D, E or F, whichever is completed first.

29. Limited Access Break. Construction of the new connection of Viale Centrale to Leesburg Pike will require approval of a break in the existing Limited Access Line along Leesburg Pike shown on Sheet C-5 of the CDP (the "Limited Access Break"). The Applicants shall file the request for the Limited Access Break with VDOT prior to October 2013 and shall diligently pursue its approval. If the Limited Access Break is not approved and a direct connection between Viale Centrale and Leesburg Pike cannot be constructed, then the Applicants shall construct an alternate grid of streets to serve the

Proposed Development as shown on Sheet C-6A. In this event, the Applicant shall provide supplemental operational traffic analyses as may be required by FCDOT or VDOT at the time of FDP and/or site plan submission for each new building to demonstrate that the proposed segments of the grid of streets shown on the FDP are adequate to support the proposed building(s). Commitments to the timing of construction of the necessary grid of streets to support the Proposed Development outlined elsewhere in these Proffers may be adjusted at the time of FDP approval based on the supplemental analyses, without the requirement for a PCA or CDPA.

30. Traffic Signals.

A. If requested by VDOT, the Applicants shall complete and submit to VDOT warrant studies for potential signals at the following intersections within 12 months of the first RUP/Non-RUP for the second building to be constructed on the Property and each consecutive building:

(i) Station Place and Center Street;

(ii) Center Street and Pinnacle Drive; and

(iii) Leesburg Pike and Station Place.

B. If a signal(s) is warranted by VDOT, the Applicants shall equip and install the signal along with installation of pedestrian crosswalks and audible pedestrian countdown signals as may be permitted and approved by VDOT, utilizing any escrowed contributions for the signal received by the County and any future escrowed contributions received by the County within ten (10) years of installation of the applicable signal by the Applicants.

C. If a signal at any of the identified intersections is not warranted within twelve (12) months after the issuance of the initial RUP or Non-RUP for the last new building to be constructed on the Property, then the Applicants' shall escrow with Fairfax County its pro-rata share of the unwarranted signal(s).

D. For any signal warranted by VDOT, the Applicants shall provide VDOT with the requisite traffic signal plans for review and approval. All right-of-way associated with signal equipment (poles, equipment boxes, etc.) on the Property not already dedicated shall be reserved for dedication in fee simple to the Board of Supervisors in accordance with Proffer 23B and 62.

E. If the County, upon request of the Applicants or on its own initiative, determines that such signal installations as proffered will be detrimental to traffic operations, the Zoning Administrator may (1) agree to a later date for completion of the traffic signal installation(s) or (2) permit the Applicants to proceed without the signal installations.

31. Route 123 Slip Ramp. Subject to VDOT and FHWA approval, the Applicants shall construct a vehicular connection ("Slip Ramp") within the existing right-of-way on

southbound Route 123 between International Drive and Leesburg Pike, providing direct access to Tysons Central Street and Pinnacle Drive. The Applicants shall file a public improvement plan for the Slip Ramp concurrent with the submission of a site plan for the second building to be constructed on the Property and shall diligently pursue approval. The Applicant shall commence construction of the Slip Ramp within six (6) months of receipt of all approvals and permits. The Applicants shall be entitled to credit for all costs associated with the design, permitting and construction, including the relocation of all utilities traffic signals, etc., of the Slip Ramp against their proffered contributions to the Tysons Grid of Streets Transportation Fund as described in Proffer 32. Should VDOT not approve construction of the Slip Ramp in the existing right-of-way, the Applicants shall be relieved of their obligation under this Proffer. Nothing herein shall limit the Applicants ability to file for and receive site plan approvals, building permit approvals, RUPs and Non-RUPS for the entirety of the Proposed Development.

32. Tysons Grid of Streets Transportation Fund. The Applicants shall provide a contribution of $1,000 for each residential unit and $6.44 for each square foot of new non-residential space constructed on the Property to Fairfax County for the Tysons Grid of Streets Transportation Fund. The contribution associated with each building shall be paid on or before the issuance of the initial RUP or Non-RUP for the subject building based on the actual GFA of non-residential space and/or the actual number of residential units in the building. This contribution shall not apply to any public-use facilities constructed on the Property. The Applicant shall receive and deduct credits against the contributions that would otherwise be due to the County for the Grid of Streets Transportation Fund in keeping with the Guidelines for the Tysons-wide Transportation Fund endorsed by the Board of Supervisors on January 8, 2013.

Pursuant to the Guidelines, the Applicants shall receive credits for the following costs:

A. Costs incurred by the Applicant at the request of the County in the preparation of plats, exhibits, agreements and administrative fees to advance the granting of a license/easement agreement allowing for the construction of Center Street between the Property's eastern boundary and Pinnacle Drive;

B. Costs incurred by the Applicants in the acquisition of off-site right-of-way and associated easements, including costs borne by the Applicants associated with any Fairfax County condemnation actions, for the construction of off-site public streets and intersection improvements (including the intersection of Station Place and Center Street , and the Route 123 Slip Ramp); and

C. Costs incurred by the Applicants for the construction of all or a part of off-site public streets, (including costs for the off-site portion of Center Street between the Property's eastern boundary and Pinnacle Drive and the construction of the Route 123 Slip Ramp).

33. Tysons-wide Transportation Funds. The Applicant shall contribute the sum of $5.63 per square foot of new non-residential space and $1,000 for each residential unit constructed

on the Property to Fairfax County for the Tysons-wide Transportation Fund. This contribution shall not apply to any public-use facilities constructed on the Property, including the public use described in Proffer 53. The contribution associated with each building shall be paid on or before the issuance of each initial RUP or Non-RUP for the subject building based on the actual GFA of non-residential space and/or the actual number of residential units in the building. The Applicant shall receive and deduct credits against the contributions that would otherwise be due to the County for the Tysons-wide Transportation Fund in keeping with the Guidelines for the Tysons-wide Transportation Fund endorsed by the Board of Supervisors on January 8, 2013.

34. Bus Facilities. In conjunction with the Applicants' improvement to Leesburg Pike as discussed in Proffer 24, the Applicants shall install a reinforced concrete bus pad within the new combination through/right turn lane and one (1) bus shelter along the Leesburg Pike frontage in close proximity to the Metro Plaza as shown on Sheets C-6, subject to VDOT approval. In the event FCDOT and/or WMATA determine the reinforced concrete bus lane and/or bus shelter will not be needed, then the Applicants' obligation to provide the concrete pad construct a shelter shall be deemed null and void.

PEDESTRIAN AND BICYCLE FACILITIES

35. Bicycle Parking. The Applicants shall provide bicycle racks, and bike storage areas throughout the Property both at the street level and within the parking garages, the specific locations of which shall be determined at the time of FDP approval. The bike racks shall be inverted U-style racks or other design approved by Fairfax County Department of Transportation in consultation with OCR. The total number of bike parking/storage spaces shall be consistent with LEED certification requirements or as may be determined at the time of FDP approval.

36. Pedestrian Path to Metro. The Applicants shall coordinate with the owners of adjacent properties identified as 2013 Tax Map 29-3 ((15)) 3C and 4E (the "Adjacent Properties") to design and construct a five (5) foot wide concrete sidewalk to the Greensboro Metro Station as shown on Sheet C-10 of the CDP. Provided all necessary easements and cost sharing agreements are in place, the Applicants shall construct the sidewalk and open it for public use within 18 months of the approval of this Rezoning. Should another party (including Fairfax County) seek to construct the sidewalk in advance of the Applicants' obligation to do so, upon demand by Fairfax County, the Applicants shall make the necessary right-of-way and/or ancillary easements on the Property available at no cost for the construction of the sidewalk by others.

PARKING

37. Zoning Ordinance Requirements. Parking on the Property shall be provided in accordance with the parking requirements for the PTC District set forth in Section 6-509 and Article 11 of the Fairfax County Ordinance, and as shown on the CDP. Tandem and valet parking shall be permitted and shall count toward parking requirements. Tandem parking spaces may be used for residential units with two cars and in office and hotel buildings where spaces are assigned by building management. The exact number of

spaces to be provided shall be refined with approval of FDPs and determined at the time of site plan approval based on the specific uses, number of residential units and bedroom mix. If changes in the mix of uses or bedroom mix result in parking greater than that anticipated on the CDP, the additional parking spaces shall be accommodated within the proposed parking structures, without increasing the height or mass of the above-grade parking structures.

38. Phasing of Parking. Parking shall be provided in phases commensurate with development of the Property. Parking spaces in excess of the maximum parking rates set forth in the Ordinance may be provided in the early phases of development of the Property, provided that at the build-out of the Property, the maximum parking rates are not exceeded. Required parking spaces for an individual building need not be provided on the parcel on which the building is located, but shall be provided within the Property.

39. Commercial Off-Street Parking. The Applicants may provide interim commercial off-street parking as described in Proffer 4E.

40. Parking Spaces along Streets. The Applicants shall provide on-street parking spaces as generally as shown on the FDP for each building subject to VDOT approval as may be applicable for public streets. The spaces may be part of or in addition to the total number of required parking spaces to be provided. The Applicants reserves the right to restrict the use of spaces along any private streets, through appropriate signage or such other means as the Applicants determines, that otherwise are not required to satisfy the parking requirements for use as temporary or short term parking, car-share parking and/or similar uses.

41. Parking Stipulations.

    A. The Applicants shall provide controlled access to the parking garages and shall ensure that the control equipment is capable of counting vehicles entering and exiting the garages. Such controls shall be located so as to avoid vehicle stacking on the public streets.

    B. The sale or lease rates of parking spaces shall be "unbundled" from the purchase price or lease rate of the individual dwelling units; meaning a unit's purchase price or lease rate shall be exclusive of parking costs.

    C. The Applicants shall be permitted to install and maintain parking controls and fencing on its existing surface parking lots, without the requirement for a FDP, in order to control Metro-related parking by the general public.

42. Future Parking Revisions.

    A. Ordinance Revisions. The Applicants reserve the right to provide parking at revised rates as may be permitted by a future amendment to the Fairfax County Ordinance. Optional use of revised rates shall not require a CDPA or PCA, provided there is no increase in the size or height of above-grade parking structures.

B. Increases. The Applicants reserve the right to seek a special exception for an increase in parking for the Property; such special exception application shall not require a CDPA or PCA, provided there is no increase in the size or height of above-grade parking structures.

TRANSPORTATION DEMAND MANAGEMENT

43. Tysons Transportation Management Association. The Applicants shall contribute towards the establishment of a future transportation management association (the "TMA"), which may be established for the Tysons Corner Urban Center and which all other Tysons property owners will contribute to also.

A. The Applicants shall make a one-time contribution to Fairfax County for the establishment of this future TMA based on a participation rate of $0.10 per gross square foot of new office uses and $0.05 per gross square foot of new residential uses to be constructed on the Property.

B. Twenty-five percent (25%) of the total contribution to the TMA shall be paid upon site plan approval of the first new building to be constructed on the Property. The remaining seventy-five (75) percent of the total contribution shall be paid in three (3) equal installments prior to the issuance of the first initial RUP or Non-RUP for the subsequent three (3) new buildings but in any event no later than ten (10) years from the date of this rezoning approval.

C. If subsequent to the approval of this Rezoning, a Tysons Corner Urban Center-wide TMA is approved by FCDOT and established for the purpose of administering TDM programs in the Urban Center, then the Applicants may, at his sole discretion, join or otherwise become associated with such entity and transfer some or all functions of this TDM Program to the new entity, whereupon this Proffer in whole or in part shall be void and of no further force or effect. Further, if determined by FCDOT that a proactive, private TDM program is no longer necessary, the TDM structure in this Proffer may be rendered null and void in whole or in part without the need for a PCA.

D. If the TMA has not been established within three (3) years after the approval of this Rezoning, this Proffer shall be null and void with no further effect on the Property. Further, any funds contributed to the TMA would then be returned to the Applicant.

44. Transportation Demand Management Plan. The proffered elements of the TDM Program as set forth below are more fully described in the Tysons Central Transportation Demand Management Plan prepared by Wells + Associates, Inc. dated May 2013 (the "TDM Plan"). It is the intent of this Proffer that the TDM Plan will adapt over time to respond to the changing transportation related circumstances of the Property, the surrounding community and the region, as well as to technological and/or other improvements, all with the objective of meeting the trip reduction goals as set forth in these Proffers. Accordingly, modifications, revisions, and supplements to the TDM Plan as coordinated

with FCDOT can be made without the need for a PCA provided that the TDM Plan continues to reflect the proffered elements of the TDM Program as set forth below.

A. Definitions. For purposes of this Proffer, "Stabilization" shall be deemed to occur one-year following issuance of the last initial RUP or Non-RUP for the final new building to be constructed on the Property. "Pre-stabilization" shall be deemed to occur any time prior to Stabilization.

B. Trip Reduction Objective. The objective of this TDM Program shall be to reduce the vehicle trips generated by residents and office tenants of the Property (i.e., not including trips from hotel and retail uses), during weekday peak hours associated with the adjacent streets as more fully described in the TDM Plan, by meeting the percentage vehicle trip reductions established by the Comprehensive Plan as set forth below. These trip reduction percentages shall be multiplied by the total number of residential and office vehicle trips that would be expected to be generated by the uses developed on the Property as determined by the application of the Institute of Traffic Engineers, 8th Edition, Trip Generation rates and/or equations (the "ITE Trip Generation"), and the number of trips determined by the product of such equation shall be referred to herein as the "Maximum Trips After Reduction." For purposes of this calculation, the maximum number of dwelling units or the total gross square footage of office uses proposed to be constructed in each new building on the Property, as determined at the time of site plan approval for each new building, shall be applied to the calculation described in the preceding sentence. The target reductions shall be as follows:

Development Levels	Percentage Vehicle Trip Reduction
Up to 65 million GSF	30%
65 million GSF	35%
84 million GSF	40%
90 million GSF	43%
96 million GSF	45%
105 million GSF	48%
113 million GSF	50%

The trip reduction goals outlined above are predicated on the achievement of specific development levels within the Tysons Corner Urban Center as anticipated in the Comprehensive Plan. Prior to undertaking trip measurements, the TPM shall provide the County with a summary of the then existing development levels in Tysons Corner (based on RUPs and Non-RUPS issued) in order to determine the appropriate vehicle trip reduction goal.

If through an amendment to the Comprehensive Plan, the Board of Supervisors should subsequently adopt a goal for trip reductions that is lower than that committed to in this Proffer, then the provisions of this Proffer shall be adjusted accordingly without requiring a PCA.

C. TDM Program Components – Site-Wide. The TDM Program shall include, but not necessarily be limited to, the following site-wide components, each of which are more fully described in the TDM Plan:

(i) Site-wide TDM Program Management.

(ii) TDM Program Branding.

(iii) Transportation Program Web Site.

(iv) Promotion of Real Time Transit Information.

(v) Site Specific Transportation Access Guide.

(vi) Live/work/play marketing to new tenants.

(vii) Pedestrian/bicycle facilities.

(viii) Monitoring/reporting.

(ix) Sustainable annual funding.

(x) Parking Management.

D. TDM Program Components – Residential. The TDM Program shall include, but not necessarily be limited to the following residential components, each of which is more fully described in the TDM Plan.

(i) Residential Transportation Coordinators.

(ii) Try Transit Campaign for new residents

E. TDM Program Components – Office. The TDM Program shall include, but not necessarily be limited to the following office components, each of which is more fully described in the TDM Plan.

(i) Office Transportation Coordinators.

(ii) Coordinated Outreach and Marketing Activities with TDM Providers.

(iii) Try Transit Campaign for new employees

F. Process of Implementation. The TDM Program shall be implemented as follows, provided that modifications, revisions, and supplements to the implementation process as set forth herein as coordinated with FCDOT can be made without requiring a PCA.

(i) TDM Program Manager. If not previously appointed, the Applicants shall appoint and continuously employ, or cause to be employed, a TDM Program Manager (TPM). If not previously appointed, the TPM shall be appointed by the Applicants no later than sixty (60) days after the issuance of the first building permit for the first new building to be constructed on the Property. The TPM duties may be part of other duties associated with the appointee. The Applicants shall notify FCDOT and the District Supervisor in writing within 10 days of the appointment of the TPM. Thereafter the Applicants shall do the same within ten (10) days of any change in such appointment.

(ii) TDM Work Plan and Annual Budget. If not already effectuated for the then-current calendar year, the TPM shall prepare and submit to FCDOT a TDM Work Plan ("TDMWP") and Annual Budget no later than 180 days after issuance of the first building permit for the first new building on the Property. If a TDMWP is already in place for the then-current calendar year, the TPM shall revise the TDMWP with the following year's submission to incorporate the new construction on the Property. The TDMWP shall include, at a minimum:

a. Details as to the start-up components of the TDMWP that will be put into action effective with the first new building on the Property;

b. The budget needed to implement the TDMWP (the "TDM Budget") for the coming calendar year;

c. A summary of the then existing development levels in the Tysons Corner Urban Center

d. A determination of the applicable Maximum Trips After Reduction for the Property;

e. Provision of the specific details associated with the monitoring and reporting requirements of the TDM program in accordance with the TDM plan; and

f. Submission of an annual report to FCDOT by February 1 of each year beginning with the first calendar year following the submission of the first TDMWP and Budget.

The TDMWP shall be reviewed by FCDOT. If FCDOT has not responded with any comments within sixty (60) days after submission, then the TDMWP shall be deemed approved and the TDMWP shall be implemented. If FCDOT responds with comments on the TDMWP, then the TPM will meet with FCDOT staff within fifteen (15) days of receipt of the County's comments. Thereafter but in any event, no later than thirty (30) days after the meeting, the TPM shall submit such revisions to the

TDMWP as discussed and agreed to with FCDOT and begin implementation of the approved program and fund the approved TDM Budget. Thereafter the TPM, in conjunction with each annual report summarizing the results of the TDM Program to be submitted no later than February 1 (the "Annual Report"), shall update the TDMWP and TDM Budget for each succeeding calendar year, modify or enhance program elements and establish a budget to cover the costs of implementation of the TDMWP for such year. The expected annual amounts of the TDM Budget are further described in the TDM Plan.

(iii) TDM Account. If not previously established, the Applicant, through the TPM, shall establish a separate interest bearing account with a bank or other financial institution qualified to do business in Virginia (the "TDM Account") within 30 days after approval of the TDMWP and TDM Budget. All interest earned on the principal shall remain in the TDM Account and shall be used by the TPM for TDM purposes. The TDM Account shall be funded by the Applicant, through the TPM. The TDM Account shall not be eliminated as a line item in any governing budget associated with the Property and that funds in the TDM Account shall not be utilized for purposes other than to fund TDM strategies/programs and/or specific infrastructure needs as may be approved in consultation with FCDOT.

Funding of the TDM Account shall be in accordance with the budget for the TDM Program elements to be implemented in a year's TDMWP. In no event shall the TDM Budget exceed $_____ (this amount shall be adjusted annually from the date of rezoning approval for the Property (the "Base Year")) and shall be adjusted on each anniversary thereafter of the Base Year as permitted by VA. Code Ann. Section 15.2-2303.3. The TPM shall provide written documentation to FCDOT demonstrating the establishment of the TDM Account within ten (10) days of its establishment. The TDM Account shall be replenished annually thereafter following the establishment of each year's TDM Budget. The TDM Account shall be managed by the TPM.

(iv) TDM Remedy Fund. At the same time the TPM creates and funds the TDM Account, the TPM shall establish a separate interest bearing account (referred to as the "TDM Remedy Fund") with a bank or other financial institution qualified to do business in Virginia. Funding of the TDM Remedy Fund shall be made one time, on a building by building basis, at the rate of $0.40 per gross square foot of new office uses and $0.30 per gross square foot of new residential uses on the Property. Funding shall be provided by the building owners prior to the issuance of the first initial RUP or Non-RUP for each applicable new building. This amount shall be adjusted annually from the date of rezoning approval of the Property (the "Base Year") and shall be adjusted on each anniversary thereafter of the

Base Year as permitted by VA. Code Ann. Section 15.2-2303.3. Funds from the TDM Remedy Fund shall be drawn upon only for purposes of immediate need for TDM funding and may be drawn on prior to any TDM Budget adjustments as may be required.

(v) TDM Incentive Fund. The "TDM Incentive Fund" is an account into which the building owners, through the TPM, shall deposit contributions to fund a transit incentive program for initial purchasers/lessees within Arbor Row. Such contributions shall be made one time on a building by building basis at the rate of $0.02 per gross square foot of new office or residential uses to be constructed on the Property and provided prior to the issuance of the first initial RUP or Non-RUP for each individual new building.

(vi) TDM Penalty Fund. The "TDM Penalty Fund" is an account into which the Applicants shall, through the TPM, deposit penalty payments as may be required to be paid pursuant to this Proffer for non-attainment of trip reduction goals. The County may withdraw funds from the TDM Penalty Fund for the implementation of additional TDM Program elements/incentives and/or congestion management associated with the Property. To secure the Applicant's obligations to make payments into the TDM Penalty Fund, the Applicants shall provide the County with a letter of credit or a cash escrow as further described below.

Prior to the issuance of the first RUP or Non-RUP for each new building on the Property, the Applicants shall:

a. Establish the TDM Penalty Fund, if not previously established by the TPM, and/or

b. Deliver to the County a clean, irrevocable letter of credit issued by a banking institution approved by the County or escrow cash in an interest-bearing account with an escrow agent acceptable to DPWES to secure the AG's obligations to make payments into the TDM Penalty Fund (the "Letter(s) of Credit or Cash Escrow(s)"). The Letter(s) of Credit or Cash Escrow(s) shall be issued in an amount equal to $0.10 for each square foot of new office GFA or $0.05 for each square foot of new residential GFA shown on the approved site plan for each new building on the Property. Until the Letter(s) of Credit or Cash Escrow(s) has been posted, the figures in the preceding sentence shall be adjusted annually from the first day of the calendar month following the date on which the first RUP or Non-RUP, as the case may be, for the first new building on the Property has been issued as permitted by VA. Code Ann. Section 15.2-2303.3. using the date of rezoning approval as the base year. Once the Letter(s) of Credit or Cash Escrow(s) has been posted, there shall be no further adjustments or increases in

the amount thereof. The Letter(s) of Credit or Cash Escrow(s) shall name the County as the beneficiary and shall permit partial draws or a full draw. The foregoing stated amount(s) of the Letter(s) of Credit or Cash Escrow(s) shall be reduced by the sum of any and all previous draws under the Letter(s) of Credit or Cash Escrow(s) and payments by the Applicants (or the TPM) into the TDM Penalty Fund as provided below.

(vii) Monitoring. The TPM shall verify that the proffered trip reduction goals are being met through the completion of Person Surveys, Vehicular Traffic Counts of residential and/or office uses and/or other such methods as may be reviewed and approved by FCDOT. The results of such Person Surveys and Vehicular Traffic Counts shall be provided to FCDOT as part of the Annual Reporting process. Person Surveys and Vehicular Traffic Counts shall be conducted for the Property beginning one year following issuance of the final initial RUP or Non-RUP for the first new building to be constructed on the Property. Thereafter, Person Surveys shall be conducted every three years and Vehicular Traffic Counts shall be collected annually until the results of three (3) consecutive annual traffic counts conducted upon Stabilization show that the applicable trip reduction goals for the Property have been met. At such time and notwithstanding Paragraph H below, Person Surveys and Vehicular Traffic Counts shall thereafter be provided every five (5) years. Notwithstanding the above, FCDOT may suspend such Person Surveys and/or Vehicular Traffic Counts if conditions warrant.

G. Remedies and Penalties.

(i) Pre-Stabilization. If the Maximum Trips After Reduction for the Property is exceeded as evidenced by the Vehicular Traffic Counts outlined above, then the TPM shall meet and coordinate with FCDOT to address, develop and implement such remedial measures as may be identified in the TDM Plan and annual TDMWP.

a. Such remedial measures shall be funded by the Remedy Fund, as may be necessary, and based on the expenditure program that follows:

Maximum Trips Exceeded	Expenditure
Up to 1%	No Remedy needed
1.1% to 3%	1% of Remedy fund
3.1% to 6%	2% of Remedy Fund
6.1% to 10%	4% of Remedy Fund
Over 10%	8% of Remedy Fund

b. If the results of the traffic counts conducted during Pre-Stabilization show that the trip reduction goals have been met site-

wide for three (3) consecutive years in accordance with the goals outlined on the table below, then a portion of the Remedy Fund as outlined in the same table below shall be released back to the building owners through the TPM. The amount released will be relative to the amount contributed by those buildings constructed and occupied at the time Vehicular Traffic Counts. Any funds remaining in the Remedy Fund after such release will be carried over to the next consecutive three (3) year period.

Up to 65,000,000 Square Feet of GFA in Tysons	
Meet or Exceed Trip Goal for 3 Years By:	**Cumulative % Remedy Fund Returned**
Meet Goal	**30%**
5% - 10%	50%
10.1% - 15%	65%
15.1% - 18%	80%
18.1 - 20%	90%
Reach Final Goal	**100%**

65-84,000,000 Square Feet of GFA in Tysons	
Meet or Exceed Trip Goal for 3 Years By:	**Cumulative % Remedy Fund Returned**
Meet Goal	**50%**
5% - 10%	65%
10.1% - 13%	80%
13.1% - 15%	90%
Reach Final Goal	**100%**

84-90,000,000 Square Feet of GFA in Tysons	
Meet or Exceed Trip Goal for 3 Years By:	**Cumulative % Remedy Fund Returned**
Meet Goal	**65%**
5% - 8%	80%
8.1% - 10%	90%
Reach Final Goal	**100%**

90-96,000,000 Square Feet of GFA in Tysons	
Meet or Exceed Trip Goal for 3 Years By:	**Cumulative % Remedy Fund Returned**
Meet Goal	**80%**
5% - 8%	90%
Reach Final Goal	**100%**

96-113,000,000 Square Feet of GFA in Tysons	
Meet or Exceed Trip Goal for 3 Years By:	**Cumulative % Remedy Fund Returned**
Meet Goal	**90%**
5%	**100%**

113,000,000+ Square Feet of GFA in Tysons	
Meet or Exceed Trip Goal for 3 Years By:	**Cumulative % Remedy Fund Returned**
Meet Goal	**100%**

c. There is no requirement to replenish the TDM Remedy Fund at any time. Any cash left in the Remedy Fund will be released to the TPM for final distribution to the Applicant/Owner once three consecutive annual Traffic Counts conducted upon Stabilization show that the trip reduction goals have been met.

(ii) Upon Stabilization.

a. If the TDM Program monitoring, as evidenced by the Vehicular Traffic Counts outlined above, reveals that the Maximum Trips After Reduction for the Property is exceeded, then the TPM shall meet and coordinate with FCDOT to address, develop and implement such remedial measures as may be identified in the TDM Plan and annual TDMWP and funded by the Remedy Fund (if available) as may be necessary, commensurate with the extent of deviation from the Maximum Trips After Reduction goal as set forth in accordance with the expenditure schedule outlined above.

b. If the results of the traffic counts conducted upon-Stabilization show that the trip reduction goals have been met site-wide for three (3) consecutive years in accordance with the goals outlined on the table above, then any remaining Remedy Funds shall be released back to the building owners through the TPM.

c. If despite the implementation of remedial efforts, the applicable Maximum Trips After Reduction (based on the existing development levels in the Tysons Corner Urban Center as described in Paragraph B above) are still exceeded after three consecutive years, then, in addition to addressing further remedial measures as set forth in this Proffer, the TPM shall be assessed a penalty according to the following:

Exceeded Trip Goals	Penalty
Less than 1%	No Penalty Due
1% to 3%	5% of Penalty Fund
3.1% to 6%	10% of Penalty Fund
6.1% to 10%	15% of Penalty Fund
Over 10%	20% of Penalty Fund

d. The Applicants through the TPM shall make the payments required by this Proffer into the TDM Penalty Fund upon written demand by the County, and the County shall be authorized to withdraw the amounts on deposit in the TDM Penalty Fund. If the Applicants fail to make the required penalty payment to the TDM Penalty Fund within thirty (30) days after written demand, the County shall have the ability to withdraw the penalty amount directly from the Letter(s) of Credit or Cash Escrow(s).

e. The maximum amount of penalties associated with the Property, and the maximum amount the Applicants shall ever be required to pay pursuant to the penalty provisions of this Proffer, including prior to and after Stabilization, shall not in the aggregate exceed the amount of the Letter(s) of Credit or Cash Escrow(s) determined and computed pursuant to the provisions of the above proffer. There is no requirement to replenish the TDM Penalty Fund at any time. The Letter(s) of Credit and/or any cash left in the Cash Escrow(s) (either Penalty and/or Remedy Funds) shall be released to the TPM once three consecutive counts conducted upon Stabilization show that the Maximum Trips After Reduction have not been exceeded.

H. Additional Trip Counts. If an Annual Report indicates that a change has occurred that is significant enough to reasonably call into question whether the applicable vehicle trip reduction goals are continuing to be met, then FCDOT may require the TPM to conduct additional Trip Counts (pursuant to the methodology set forth in the TDM Plan) within 90 days to determine whether in fact such objectives are being met. If any such Vehicular Traffic Counts demonstrate that the applicable vehicle trip reduction goals are not being met, then the TPM shall meet with FCDOT to review the TDM strategies in place and to develop modifications to the TDM Plan to address the surplus of trips.

I. Review of Trip Reduction Goals. At any time and concurrent with remedial actions and/or the payment of penalties as outlined in this Proffer, the TPM may request that FCDOT review the vehicle trip reduction goals established for the Property and set a revised lower goal for the Property consistent with the results of such Person Surveys and Vehicular Traffic Counts provided for by this Proffer.

In the event a revised lower goal is established for the Property, the Maximum Trips After Reduction shall be revised accordingly for the subsequent review period without the need for a PCA.

J. Continuing Implementation. The Applicants through the TPM shall bear sole responsibility for continuing implementation of the TDM Program and compliance with this Proffer. The TPM shall continue to administer the TDM Program in the ordinary course in accordance with this Proffer including submission of Annual Reports.

K. Notice to Owners. All owners of the Property shall be advised of the TDM Program set forth in this Proffer. The then current owner shall advise all successor owners and/or developers of their funding obligations pursuant to the requirements of this Proffer prior to purchase and the requirements of the TDM Program, including the annual contribution to the TDM Program (as provided herein), shall be included in all initial and subsequent purchase documents.

L. Enforcement. If the TPM fails to timely submit a report to FCDOT as required by this Proffer, the TPM will have sixty (60) days within which to cure such violation. If after such sixty (60) day period the TPM has not submitted the delinquent report, then the Applicants shall be subject to a penalty of $100 per day not to exceed $36,500 for any one incident. Such penalty shall be payable to Fairfax County to be used for transit, transportation, or congestion management improvements within the vicinity of the Property.

45. Transportation Demand Management for Retail/Hotel Uses. As provided in the above Proffer, certain components of the TDM Plan are applicable to and will benefit any proposed retail/hotel uses on the Property. Therefore, the Applicants will provide an additional TDM program tailored to specifically serve the Retail/Hotel Uses (the "Retail/Hotel TDM Program"). In no event will penalties be assessed against any Retail/Hotel Uses, which may be established on the Property.

A. Goals of the Retail/Hotel TDM Program. Because tenants of the Retail stores and Hotels and their employees work hours that are atypical of the standard work day, these tenants and their employees do not necessarily travel to and from the Property during Peak Hours. Given this, the Retail/Hotel TDM Program shall encourage Retail tenants, Hotel Guests and the Retail/Hotel employees to utilize transit, carpools, walking, biking and other non-Single Occupancy Vehicle ("non-SOV") modes of transportation to travel to and from the Property rather than focusing on the specific trip reductions during the AM or PM Peak Hours.

B. Components of the Retail/Hotel TDM Program. The Retail/Hotel TDM Program shall include, at a minimum, those components applicable to the Property that are described in Proffer 44 and the additional components provided below. These additional components may be subsequently amended by mutual agreement between the Applicants and FCDOT. All amendments to the components of the Retail/Hotel TDM Program contained in this Proffer shall be approved by

FCDOT and will not require a PCA. The Retail/Hotel TDM Program components are further described in the TDM Plan.

(i) Employee/Tenant Meetings. The TPM shall hold, at a minimum, an annual TDM meeting with the Retail store tenants and Hotel Managers, and their respective employees, to review the available transit options, changes in transit service and other relevant transit-related topics. Based on these meetings, the TPM shall work with Fairfax County to consider changes to the relevant services, such as changes to bus schedules, if such changes would provide better service to the Property tenants and their employees.

(ii) Regional TDM Programs. The TPM shall make information available to Retail store tenants, Hotel Guests and the Retail/Hotel employees about regional TDM programs that promote alternative commuting options. This shall include information on vanpools, carpools, guaranteed ride home and other programs offered by organizations in the Washington, D.C. Metropolitan Area.

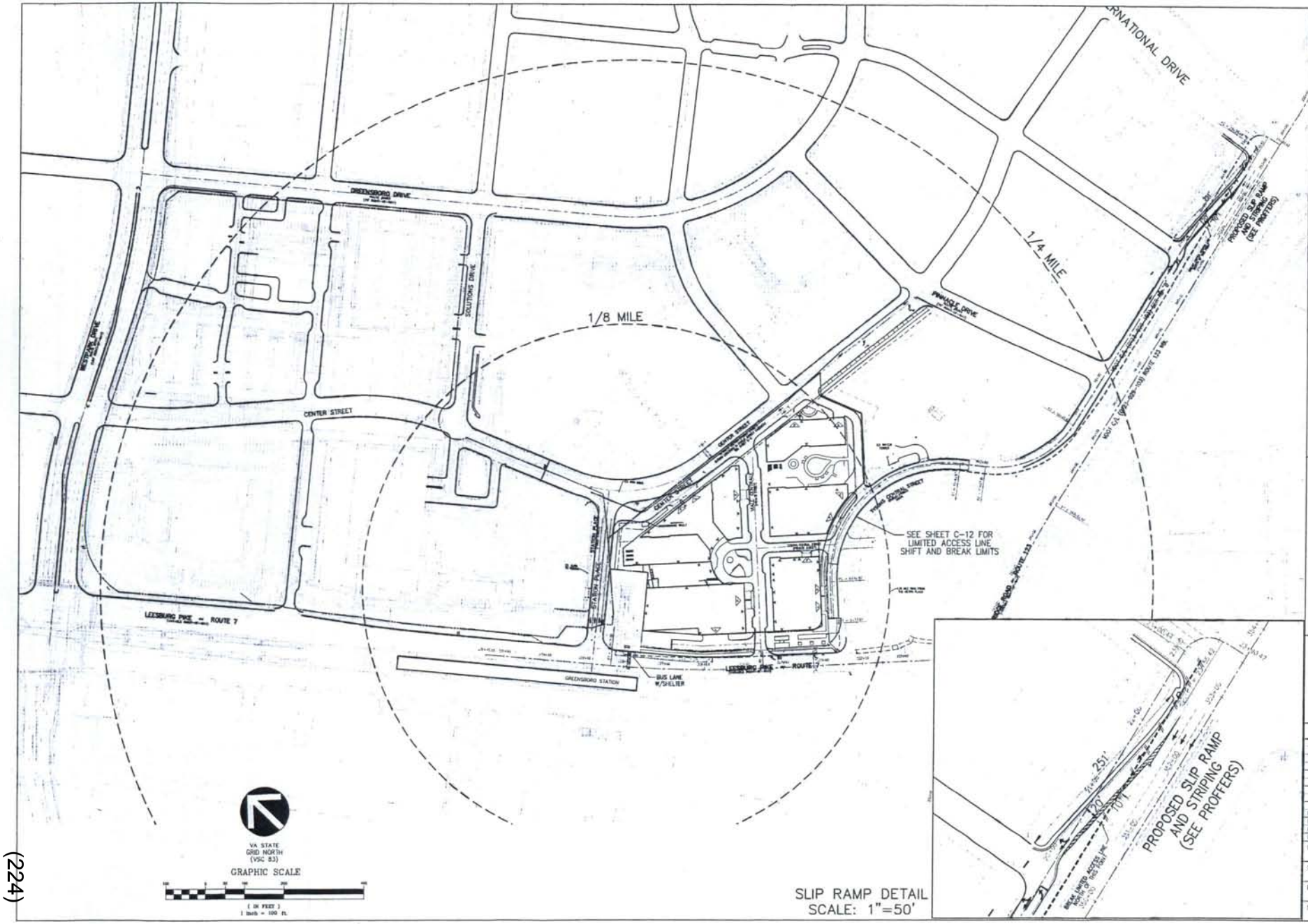
(iii) Retail/Hotel TDM Program Participation Outreach. The TPM shall endeavor in good faith to encourage participation by Retail store tenants and Hotel Management in the Retail/Hotel TDM Program, including the encouragement of a financial participation by such tenants through their direct offering of transit benefit programs and transit incentives to their employees. Actions taken by the TPM and Property management in furtherance of this objective may include dissemination of information to, and solicitation of participation from, the tenant's in-store management and executives or officers at their headquarters offices, at appropriate intervals. The TPM shall include a report to the County with respect to the activities described in the TDM Proffer as part of the Annual Report to be filed with the County. This report shall include detailed accounts of the outreach efforts and the feedback and response from the tenants.

46. Intelligent Transportation Systems. To optimize safe and efficient travel in Tysons, the Applicants shall incorporate and maintain a system that provides pertinent traffic and transit information that allows users to make informed travel decisions. This information shall be provided at initial occupancy of each building. The delivery of this information shall be made convenient for building occupants and visitors, such as via computer, cell phone, monitors, or similar technology. Such devices shall provide, but not be limited to, information on the following:

A. Traffic conditions, road hazards, construction work zones, and road detours.

B. Arrival times and delays on Metrorail, Tysons Circulator, and area bus routes.

C. Real time parking conditions and guidance to current on-site parking vacancies, if available.



TYSONS CENTRAL BUILDING F
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

TYSONS CENTRAL 7
SUB-SECTION CONTEXT
STREET GRID PLAN

VIKA REVISIONS

REV MAY 13, 2013
REV. APRIL 18, 2013
REV. MARCH 11, 2013
DATE JAN. 4, 2013

DES. JFA DWN. KY
SCALE: 1"=100'
PROJECT/FILE NO. W71480
SHEET NO. S-1

Table 6-1
Tysons Central
Site Trip Generation Analysis

Land Use	ITE Code	Size	Units	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	AM Percent Reduction	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	PM Percent Reduction
Office Vehicle Trips	710	**630,728**	S.F.	721	98	819		133	652	785	
Office Person Trips		VOF =	1.20	865	118	983		160	782	942	
		Internal Reduction Residential		(16)	(4)	(20)		(8)	(15)	(23)	
		Internal Reduction Hotel		(4)	(6)	(10)		(6)	(6)	(12)	
		External Office Trips		845	108	953		146	761	907	
		Mode Split Reduction		(320)	(43)	(363)		(58)	(284)	(342)	
		Rail		(202)	(27)	(229)		(37)	(179)	(215)	
		Bus		(70)	(9)	(80)		(13)	(62)	(75)	
		Walk		(26)	(3)	(29)		(5)	(23)	(27)	
		Bike		(22)	(3)	(25)		(4)	(20)	(24)	
		Office Person Trips		525	65	590		88	477	565	
Office Vehicle Trips		**New Vehicle Trips**		**438**	**54**	**492**	**40%**	**73**	**398**	**471**	**40%**
Residential Vehicle Trips	220	**795**	D.U.	79	314	393		296	159	455	
Residential Person Trips		VOF =	1.00	79	314	393		296	159	455	
		Internal Reduction Office		(4)	(16)	(20)		(15)	(8)	(23)	
		Internal Reduction Restaurant		(4)	(16)	(20)		(30)	(16)	(46)	
		External Residential Trips		71	282	353		251	135	386	
		Mode Split Reduction		(24)	(94)	(118)		(74)	(40)	(114)	
		Rail		(17)	(67)	(84)		(53)	(28)	(81)	
		Bus		(2)	(7)	(8)		(5)	(3)	(8)	
		Walk		(3)	(10)	(13)		(8)	(4)	(13)	
		Bike		(3)	(10)	(13)		(8)	(4)	(13)	
		Residential Person Trips		47	188	235		177	95	272	
Residential Vehicle Trips		**New Vehicle Trips**		**47**	**188**	**235**	**40%**	**177**	**95**	**272**	**40%**
Hotel Vehicle Trips	310	**204**	Rooms	60	39	99		64	56	120	
Hotel Person Trips		VOF =	1.00	60	39	99		64	56	120	
		Internal Reduction		(6)	(4)	(10)		(6)	(6)	(12)	
		External Hotel Trips		54	35	89		58	50	108	
		Mode Split Reduction		(18)	(12)	(30)		(19)	(17)	(36)	
		Rail		(8)	(5)	(13)		(8)	(7)	(16)	
		Bus		(1)	(1)	(2)		(1)	(1)	(2)	
		Walk		(5)	(3)	(8)		(5)	(4)	(9)	
		Bike		(5)	(3)	(8)		(5)	(4)	(9)	
		Hotel Person Trips		36	23	59		39	33	72	
Hotel Person Trips		**New Vehicle Trips**		**36**	**23**	**59**	**40%**	**39**	**33**	**72**	**40%**
Retail Vehicle Trips	814	**60,742**	S.F.	108	116	224		73	94	167	
Retail Person Trips		VOF =	1.23	133	143	276		90	116	205	
		Internal Reduction		(14)	(12)	(26)		(24)	(15)	(39)	
		External Retail Trips		119	130	250		66	101	167	
		25% Pass-by Reduction		(30)	(33)	(63)		(16)	(25)	(41)	
		Retail Person Trips		89	97	187		50	76	126	
		New Retail Vehicle Trips		**73**	**79**	**152**	**32%**	**41**	**62**	**103**	**38%**
Restaurant Vehicle Trips	932	**38,072**	S.F.	228	211	439		251	174	425	
Restaurant Person Trips		VOF =	1.52	347	321	668		382	264	646	
		Internal Reduction		(8)	(8)	(16)		(15)	(15)	(30)	
		External Restaurant Trips		339	313	652		367	249	616	
		25% Pass-by Reduction		(85)	(78)	(163)		(92)	(62)	(154)	
		Restaurant Person Trips		254	235	489		275	187	462	
Restaurant Vehicle Trips		**New Retail Vehicle Trips**		**167**	**155**	**322**	**27%**	**181**	**123**	**304**	**28%**
Trip Generation											
Total Generated Vehicle Trips				1,196	778	1,974		817	1,135	1,952	
Total Generated Person Trips				1,484	934	2,418		991	1,377	2,368	
Internal Person Trips				(56)	(66)	(122)		(104)	(80)	(184)	
Pass-By Reductions				(115)	(111)	(226)		(108)	(87)	(195)	
Transit/TDM Person Trips				(362)	(149)	(511)		(151)	(341)	(492)	
External Person Trips				951	608	1,559		628	869	1,497	
External Vehicle Trips				**761**	**499**	**1,260**		**511**	**711**	**1,222**	
Percent Reduction				**36%**	**36%**	**36%**		**37%**	**37%**	**37%**	

Notes:
(1) Trip Generation obtained from ITE's Trip Generation, 8th Edition.
(2) VOF = Vehicle Occupancy Factory
(3) VDOT 527 Internal Capture Rates (up to a 15% Internal Residential Trip Reduction w/non residential mix & up to a 10% Internal Hotel Trip Reduction w/office)

Study Intersections

Spring Hill Station
Site Trip Generation Analysis [1, 2, 3, 4]

Land Use	ITE Code	Size	Units	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	AM Percent Reduction	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	PM Percent Reduction
Neighborhood 1 - Option 1											
Part D											
Office	710	1,272,000	S.F.	1,263	172	1,435		256	1,247	1,503	
		Internal Reduction Residential		-84	-12	-96		-33	-81	-114	
		Internal Reduction Hotel		-6	-9	-15		-9	-10	-19	
		External Office Trips		1,173	151	1,324		214	1,156	1,370	
		Mode Split Reduction		-415	-48	-463		-60	-408	-468	
		New Vehicle Trips		758	103	861	40%	154	748	902	40%
Residential	220	1,035	D.U.	102	409	511		382	205	587	
		Internal Reduction		-15	-61	-76		-57	-31	-88	
		External Residential Trips		87	348	435		325	174	499	
		Mode Split Reduction		-26	-102	-128		-96	-51	-147	
		New Vehicle Trips		61	246	307	40%	229	123	352	40%
Retail	814	83,000	S.F.	147	159	306		97	124	221	
		Internal Reduction Residential		-10	-11	-21		-12	-8	-20	
		External Retail Trips		137	148	285		85	116	201	
		25% Pass-by Reduction		-34	-37	-71		-21	-29	-50	
		New Vehicle Trips		103	111	214		64	87	151	
Hotel	310	252	Rooms	79	50	129		79	70	149	
		Internal Reduction		-8	-5	-13		-8	-7	-15	
		External Hotel Trips		71	45	116		71	63	134	
		Mode Split Reduction		-24	-15	-39		-24	-21	-45	
		New Vehicle Trips		47	30	77	40%	47	42	89	40%
Neighborhood 2 - Option 1											
Part E											
Office	710	420,000	S.F.	520	71	591		93	456	549	
		Internal Reduction Residential		-35	-5	-40		-12	-30	-42	
		Internal Reduction Hotel		-2	-4	-6		-3	-4	-7	
		External Office Trips		483	62	545		78	422	500	
		Mode Split Reduction		-119	-12	-131		-13	-103	-116	
		New Vehicle Trips		364	50	414	30%	65	319	384	30%
Retail	814	23,000	S.F.	41	44	85		34	43	77	
		Internal Reduction Residential		-3	-3	-6		-4	-3	-7	
		External Retail Trips		38	41	79		30	40	70	
		25% Pass-by Reduction		-10	-10	-20		-8	-10	-18	
		New Vehicle Trips		28	31	59		22	30	52	P
Hotel	310	180	Rooms	52	33	85		56	50	106	
		Internal Reduction		-5	-3	-8		-6	-5	-11	
		External Hotel Trips		47	30	77		50	45	95	
		Mode Split Reduction		-10	-7	-17		-11	-10	-21	
		Hotel Vehicle Trips with **30% Total Reduction**		37	23	60	30%	39	35	74	30%
Part A											
Residential	220	404	D.U.	40	162	202		156	84	240	
		Internal Reduction		-4	-16	-20		-16	-8	-24	
		External Residential Trips		36	146	182		140	76	216	
		Mode Split Reduction		-8	-32	-40		-31	-17	-48	
		New Vehicle Trips		28	114	142	30%	109	59	168	30%
Retail	814	6,000	S.F.	11	11	22		16	20	36	
		Internal Reduction Residential		-1	-1	-2		-2	-1	-3	
		External Retail Trips		10	10	20		14	19	33	
		25% Pass-by Reduction		-3	-3	-6		-4	-5	-9	
		New Vehicle Trips		7	7	14		10	14	24	
Neighborhood 3 - Option 1											
Part B											
Residential	220	1,434	D.U.	141	565	706		524	282	806	
		Internal Reduction		-14	-57	-71		-52	-28	-80	
		External Residential Trips		127	508	635		472	254	726	
		Mode Split Reduction		-28	-113	-141		-105	-56	-161	
		New Vehicle Trips		99	395	494	30%	367	198	565	30%
Retail	814	18,100	S.F.	32	35	67		29	36	65	
		Internal Reduction Residential		-2	-2	-4		-4	-2	-6	
		External Retail Trips		30	33	63		25	34	59	
		25% Pass-by Reduction		-8	-8	-16		-6	-9	-15	
		New Vehicle Trips		22	25	47		19	25	44	

Spring Hill Station Trip Generation - Option 1

Total Generated Trips	**2,428**	**1,711**	**4,139**	**1,722**	**2,617**	**4,339**
Internal Trips	**-189**	**-189**	**-378**	**-218**	**-218**	**-436**
Transit/TDM Trips	**-630**	**-329**	**-959**	**-340**	**-666**	**-1,006**
Pass-By Trips	**-55**	**-58**	**-113**	**-39**	**-53**	**-92**
Total New Vehicle Trips	**1,554**	**1,135**	**2,689**	**1,125**	**1,680**	**2,805**
Percent Reduction						

Notes: (1) Trip Generation obtained from ITE's Trip Generation, 8th Edition.
(2) VDOT 527 Internal Capture Rates (up to a 15% Internal Residential Trip Reduction w/non residential mix & up to a 10% Internal Hotel Trip Reduction w/office)
(3) Assumptions:

	Neighborhood 1		Neighborhood 2		Neighborhood 3	
	Office/Hotel	Residential	Office	Residential	Office/Hotel	Residential
Total Reduction:	40%	40%	30%	30%	30%	30%

(4) Residential dwelling units based on 1 unit / 1,200 S.F.
Hotel rooms based on 1 room / 750 S.F.

Promenade at Tysons West
Trip Generation Analysis **(1)**

Land Use	Land Use Code	Size	Units **(3)**	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	ADT **(4)**
Shopping Center	820	166,479	GLA	128	81	209	440	456	896	9,459
Pass-by Reduction (25%)				-32	-20	-52	-110	-114	-224	-2,365
Shopping Center Subtotal				**96**	**61**	**157**	**330**	**342**	**672**	**7094**
Office	710	30,200	SF	63	9	72	19	94	113	531
30% Mode Split Reduction				-19	-2	-21	-6	-28	-34	-159
Office Subtotal				**44**	**7**	**51**	**13**	**66**	**79**	**372**
Total Net new trips (Shopping Center + Retail)				**140**	**68**	**208**	**343**	**408**	**751**	**7,466**

Note(s)

(1) ITE's Trip Generation, 8th Edition, unless otherwise noted

(2) Trips based on peak hour counts conducted at the Dunn Loring Kiss & Ride at the intersection of Gallows Road and Bellforest Drive in Fairfax County on April 14, 2005

(3) GLA = Gross Leaseable Area, SF = Square Feet

(4) ADT = Average Daily Traffic

Table 6-1
Solutions Plaza and Westpark Plaza
Solutions Plaza Site Trip Generation Analysis (1) (2) (3) (4)

Land Use	ITE Code	Size	Units	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	AM Percent Reduction	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	PM Percent Reduction
Block F (within .125 miles)											
Office - Block F	710	592,864	GSF	686	93	779		126	617	743	
			Total Person Trips	823	112	935		151	740	891	
			Internal Reduction With Residential	-10	-2	-12	1%	-5	-9	-14	2%
			Internal Reduction With Hotel	-3	-4	-7	1%	-3	-4	-7	1%
			External Office Trips	810	106	916		143	727	870	
			Non-Auto Person Trips (5)	-316	-39	-355	38%	-52	-283	-335	38%
			Metro Rail	-198	-24	-222		-33	-179	-212	
			Bus	-70	-9	-79		-11	-62	-73	
			Bike	-24	-3	-27		-4	-21	-25	
			Walk	-24	-3	-27		-4	-21	-25	
			Office Auto-Person Trips **40% Total Reduction**	494	67	561	40%	91	444	535	40%
			Office Vehicle Trips	412	56	468		76	370	446	
Blocks A thru E (.125 to .25 miles)											
Office - Block C	*710*	*738,000*	*GSF*	*817*	*111*	*928*		*154*	*751*	*905*	
Office - Block E	*710*	*664,500*	*GSF*	*751*	*102*	*853*		*140*	*683*	*823*	
Office - C & E	710	1,402,500	GSF	1,568	213	1,781		294	1,434	1,728	
			Total Person Trips	1,882	256	2,138		353	1,721	2,074	
			Internal Reduction With Residential	-22	-6	-28	1%	-11	-21	-32	2%
			Internal Reduction With Hotel	-6	-10	-16	1%	-8	-9	-17	1%
			External Office Trips	1,854	240	2,094		334	1,691	2,025	
			Non-Auto Person Trips (5)	-537	-61	-598	28%	-87	-486	-573	28%
			Metro Rail	-339	-38	-377		-54	-307	-361	
			Bus	-118	-13	-131		-19	-107	-126	
			Bike	-40	-5	-45		-7	-36	-43	
			Walk	-40	-5	-45		-7	-36	-43	
			Office Auto-Person Trips **30% Total Reduction**	1,317	179	1,496	30%	247	1,205	1,452	30%
			Office Vehicle Trips	1,098	149	1,247		206	1,004	1,210	
Residential - Block A	*220*	*475*	*D.U.*	*47*	*189*	*236*		*181*	*98*	*279*	
Residential - Block B	*220*	*1,140*	*D.U.*	*112*	*450*	*562*		*419*	*226*	*645*	
Residential - A & B	220	1,615	D.U.	159	639	798		600	324	924	
			Total Person Trips	159	639	798		600	324	924	
			Internal Reduction With Office	-8	-32	-40	5%	-30	-16	-46	5%
			Internal Reduction With Retail	-8	-10	-18	2%	-21	-17	-38	4%
			External Residential Trips	143	597	740		549	291	840	
			Non-Auto Person Trips (6)	-32	-150	-182	23%	-129	-64	-193	21%
			Metro Rail	-22	-105	-127		-92	-46	-138	
			Bus	-2	-11	-13		-9	-4	-13	
			Bike	-4	-17	-21		-14	-7	-21	
			Walk	-4	-17	-21		-14	-7	-21	
			Residential Auto-Person Trips **30% Total Reduction**	111	447	558	30%	420	227	647	30%
			Residential Vehicle Trips	111	447	558		420	227	647	
Retail - Block A	*814 (7)*	*8,000*	*GSF*	*14*	*16*	*30*		*18*	*23*	*41*	
Retail - Block E	*815 (7)*	*30,000*	*GSF*	*53*	*58*	*111*		*41*	*52*	*93*	
Retail - Block C	*814 (7)*	*38,000*	*GSF*	*67*	*73*	*140*		*50*	*63*	*113*	
Retail - Block B	*814 (7)*	*18,000*	*GSF*	*32*	*34*	*66*		*29*	*36*	*65*	
Retail - A, E, C, & B	814 (7)	94,000	GSF	166	181	347		138	174	312	
			Total Person Trips	204	223	427		170	214	384	
			Internal Reduction with Residential	-10	-8	-18		-17	-21	-38	
			External Retail Trips	194	215	409		153	193	346	
			Retail Vehicle Trips	158	175	333		124	157	281	
Hotel - Block A	310	400	Rooms	140	89	229		125	111	236	
			Total Person Trips	140	89	229		125	111	236	
			Internal Reduction With Office	-14	-9	-23	10%	-13	-11	-24	10%
			External Hotel Trips	126	80	206		112	100	212	
			Non-Auto Person Trips (8)	-28	-18	-46	20%	-24	-22	-46	19%
			Metro Rail	-12	-7	-19		-11	-9	-20	
			Bus	-2	-1	-3		-1	-1	-2	
			Bike	-7	-5	-12		-6	-6	-12	
			Walk	-7	-5	-12		-6	-6	-12	
			Hotel Auto-Person Trips **30% Total Reduction**	98	62	160	30%	88	78	166	30%
			Hotel Vehicle Trips	82	52	134		73	65	138	
SAIC McLean Campus Trip Generation											
Total Generated Vehicle Trips				**2,719**	**1,215**	**3,934**		**1,283**	**2,660**	**3,943**	
Total Generated Person Trips				**3,208**	**1,319**	**4,527**		**1,399**	**3,110**	**4,509**	
Internal Person Trips				**-81**	**-81**	**-162**		**-108**	**-108**	**-216**	
Transit/TDM Person Trips				**-913**	**-268**	**-1,181**		**-292**	**-855**	**-1,147**	
External Person Trips				**2,214**	**970**	**3,184**		**999**	**2,147**	**3,146**	
External Vehicle Trips				**1,861**	**879**	**2,740**		**899**	**1,823**	**2,722**	
Percent Reduction				**32%**	**28%**	**30%**		**30%**	**31%**	**31%**	

Notes:

(1) Trip Generation obtained from ITE's Trip Generation, 8th Edition.

(2) Average Auto Occupancy

Office	Residential	Retail	Hotel
1.2	1.0	1.23	1.0

Based on Institute of Transportation Engineers (ITE), Trip Generation, 5th edition.

(2) VDOT 527 Internal Capture Rates (up to a 15% Internal Residential Trip Reduction w/non residential mix & up to a 10% Internal Hotel Trip Reduction w/office).

(3) Total reduction based on TDM goals shown in Table 5, Page 62 of the Tysons Corner Urban Center, Amended through 6-22-2010 Areawide Recommendations: Transportation.

	Block F		Blocks A-E	
	Commercial	Residential	Commercial	Residential
Total Reduction (Internal + Mode Split):	40%	40%	30%	30%

(4) **Residential** dwelling units based on one (1) dwelling unit / 1,000 GSF.

(5) **Rail, bus**, bike and walk mode shares based on Table 3 of WMATA's 2005 Development Related Ridership Survey and Dunn-Loring Metro Area census data.

(6) **Rail, bus**, bike and walk mode shares based on Table 9 of WMATA's 2005 Development Related Ridership Survey and Dunn-Loring Metro Area census data.

AM **peak** hour of adjacent street rate based on (AM peak hour of generator rate X (PM peak hour of adjacent street rate / PM peak hour of generator rate))

Rail, bus, bike and walk mode shares based on Table 15 of WMATA's 2005 Development Related Ridership Survey and Dunn-Loring Metro Area census data.

Table 6-2
Solutions Plaza and Westpark Plaza
Westpark Plaza Site Trip Generation Analysis **(1) (2) (3) (4)**

Land Use	ITE Code	Size	Units	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	AM Percent Reduction	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	PM Percent Reduction
(.125 to .25 miles)											
Residential	*220*	*1,280*	*D.U.*	*126*	*505*	*631*		*469*	*253*	*722*	
	220	1,280	D.U.	126	505	631		469	253	722	
			Total Person Trips	126	505	631		469	253	722	
			Internal Reduction With Retail	-2	-2	-4	1%	-4	-3	-7	1%
			External Residential Trips	124	503	627		465	250	715	
			Non-Auto Person Trips **(6)**	-36	-149	-185	29%	-137	-73	-210	29%
			Metro Rail	-25	-107	-132		-97	-52	-149	
			Bus	-3	-10	-13		-10	-5	-15	
			Bike	-4	-16	-20		-15	-8	-23	
			Walk	-4	-16	-20		-15	-8	-23	
		Residential Auto-Person Trips **30% Total Reduction**		88	354	442	30%	328	177	505	30%
			Residential Vehicle Trips	88	354	442		328	177	505	
Retail	*814 (7)*	*14,000*	*GSF*	*25*	*27*	*52*		*24*	*31*	*55*	
	814 **(7)**	14,000	GSF	25	27	52		24	31	55	
			Total Person Trips	31	33	64		30	38	68	
			Internal Reduction with Residential	-2	-2	-4		-3	-4	-7	
			External Retail Trips	29	31	60		27	34	61	
			Retail Vehicle Trips	24	25	49		22	28	50	
Hotel	310	280	Rooms	90	57	147		88	78	166	
		280		90	57	147		88	78	166	
			Total Person Trips	90	57	147		88	78	166	
			External Hotel Trips	90	57	147		88	78	166	
			Non-Auto Person Trips **(8)**	-27	-17	-44	30%	-26	-23	-49	30%
			Metro Rail	-11	-8	-19		-10	-10	-20	
			Bus	-2	-1	-3		-2	-1	-3	
			Bike	-7	-4	-11		-7	-6	-13	
			Walk	-7	-4	-11		-7	-6	-13	
		Hotel Auto-Person Trips **30% Total Reduction**		63	40	103	30%	62	55	117	30%
			Hotel Vehicle Trips	53	33	86		52	46	98	
Total Generated Vehicle Trips				**241**	**589**	**830**		**581**	**362**	**943**	
Total Generated Person Trips				**247**	**595**	**842**		**587**	**369**	**956**	
Internal Person Trips				**-4**	**-4**	**-8**		**-7**	**-7**	**-14**	
Transit/TDM Person Trips				**-63**	**-166**	**-229**		**-163**	**-96**	**-259**	
External Person Trips				**180**	**425**	**605**		**417**	**266**	**683**	
External Vehicle Trips				**165**	**412**	**577**		**402**	**251**	**653**	
Percent Reduction				**32%**	**30%**	**30%**		**31%**	**31%**	**31%**	

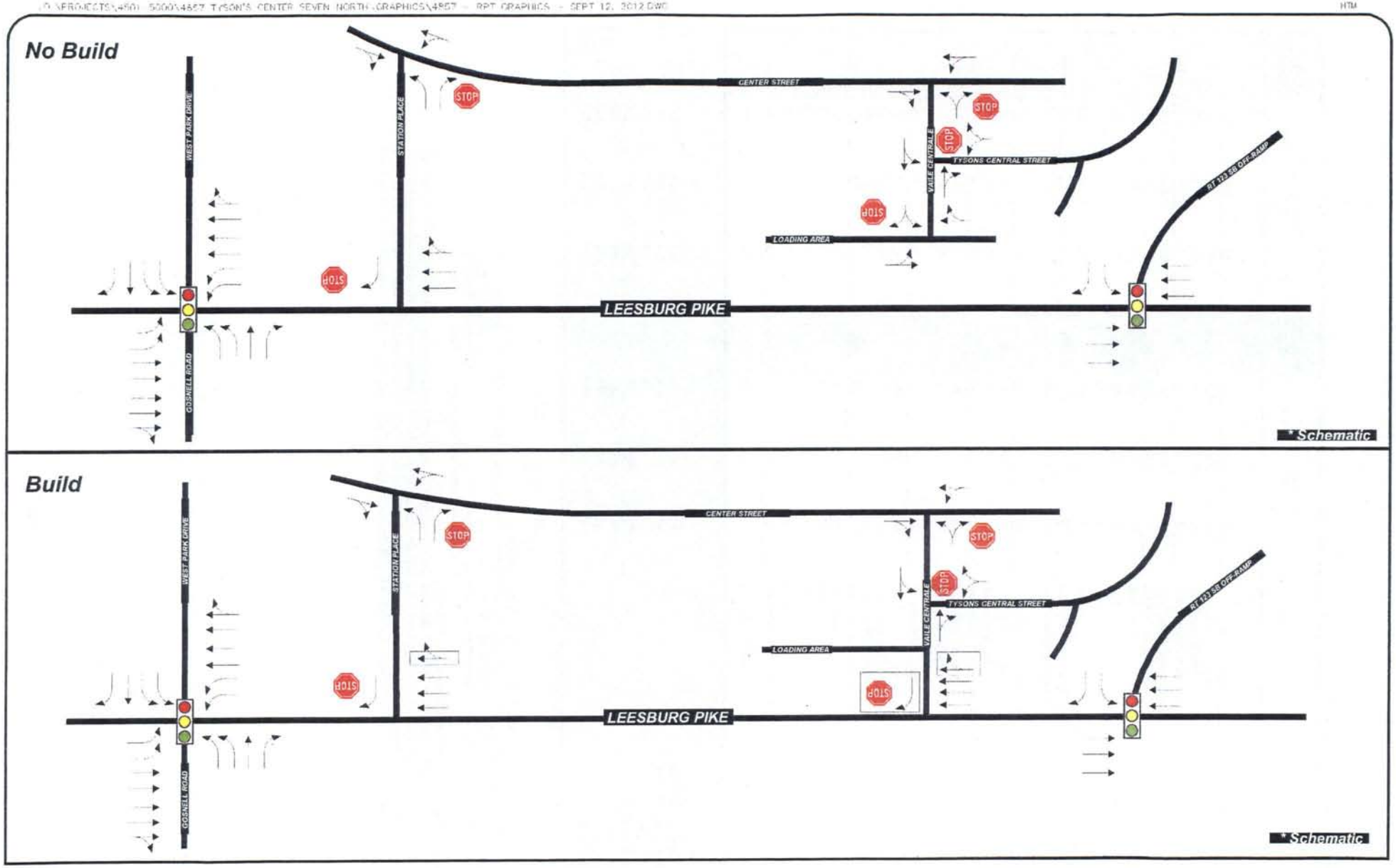
Notes:
(1) Trip Generation obtained from ITE's Trip Generation, 8th Edition.
(2) Average Auto Occupancy

Residential	Retail	Hotel
1.0	1.23	1.0

Based on Institute of Transportation Engineers (ITE), Trip Generation, 5th edition.
(2) VDOT 527 Internal Capture Rates (up to a 15% Internal Residential Trip Reduction w/non residential mix & up to a 10% Internal Hotel Trip Reduction w/office).
(3) Total reduction based on TDM goals shown in Table 5, Page 62 of the Tysons Corner Urban Center, Amended through 6-22-2010 Areawide Recommendations: Transportation.

	(.125 to .25 miles) Commercial	Residential
Total Reduction (Internal + Mode Split):	**30%**	**30%**

(4) Residential dwelling units based on one (1) dwelling unit / 1,000 GSF.
(5) Rail, bus, bike and walk mode shares based on Table 3 of WMATA's 2005 Development Related Ridership Survey and Dunn-Loring Metro Area census data.
(6) Rail, bus, bike and walk mode shares based on Table 9 of WMATA's 2005 Development Related Ridership Survey and Dunn-Loring Metro Area census data.
(7) AM peak hour of adjacent street rate based on (AM peak hour of generator rate X (PM peak hour of adjacent street rate / PM peak hour of generator rate))
(8) Rail, bus, bike and walk mode shares based on Table 15 of WMATA's 2005 Development Related Ridership Survey and Dunn-Loring Metro Area census data.



Future 2020/2030 Lane Use and Traffic Controls

← Represents One Travel Lane
Signalized Intersection
Stop Sign

North

(231)

Tysons Central
Fairfax County, Virginia

Wells + Associates, Inc.

WELLS + ASSOCIATES

MEMORANDUM

TO: Jim Turner, P.E.
Mohsin Zaidi, P.E.

FROM: Jami L. Milanovich, P.E.
John F. Cavan, P.E.

RE: Tysons Corner Traffic Study Coordination

SUBJECT: Synchro Intersection Capacity Analysis Standards

DATE: March 30, 2011

In an attempt to standardize certain variables in conducting capacity analyses and to facilitate consistency between the many studies currently being conducted in Tysons Corner, Wells + Associates has compiled a uniform set of analysis assumptions and parameters used in Synchro. The following outlines the proposed standards to be followed for conducting intersection capacity analyses for those projects within Tysons. These standards are based on a composite of VDOT regulation 24VAC30-155-60 D.8. (*Administrative Guidelines*, June 2010, pages 78-79), the Synchro 7 manual, VDOT and County staff comments on previous studies, Wells + Associates meetings/discussions (including a recent in-house training session), and engineering judgment.

We propose that these outlined standards be followed for **all** intersection capacity analysis conducted within Tysons Corner. Additionally, the majority of the standards are applicable for other VDOT Chapter 527 compliant traffic studies in Fairfax County. We would appreciate any feedback you may have regarding these standards. Our goal is to help facilitate the review process by providing consistency between the studies. Due to the number of studies currently in progress and the number of studies commencing, we respectfully request your feedback by Friday, April 1, 2011. We sincerely appreciate your time and input regarding this matter.

1420 Spring Hill Road, Suite 600 • McLean, Virginia 22102 • 703 / 917-6620 • Fax: 703 / 917-0739

ITEM DESCRIPTION	STANDARD
SOFTWARE	
Software Version	Synchro 7.
Build	Build 773, Rev 8 (or most current build).
Source of Synchro Base	VDOT Synchro files.
Analysis Performed	Signalized and STOP-controlled intersection capacity analysis.
Reports Generated	"HCM Signals", "HCM Unsignalized", and the "INT: Queues" reports should be used.
Analysis Period	15 minutes.
LAYOUT	
Street Names/Route Numbers	Verify all links have street names and/or Route numbers.
Number of Lanes/Lane Markings	Field verify.
Layout of Lanes	Use cardinal directions for approaches (N, S, E & W): Leesburg Pike (Route 7) – East-West Chain Bridge Road (Route 123) – East-West Refer to area studies for orientation of specific intersections.
Distance between Intersections (centerline to centerline)	Import and scale aerial for all Synchro bases. Adjust base as required.
Speed Limits	Field verify.
Lane Widths	Set as default of 12'.
Grades (if available)	Leave values from VDOT Synchro files.
Central Business District (CBD)	Leave unchecked.
Storage Lane Lengths	Storage Length = Full width + portion of taper to a width of 8' (approximately 1/3 of taper)
Number of Storage Lanes	Field verify.
Channelization (yield, stop, signal, free flow)	Field verify.
Curb Radius	Field verify.
Add/Drop Lanes	Field verify.
Right Turns on Red	Field verify.
Left Turn Lanes	Field verify protected or protected/permitted phasing.
Bus Stops/Shelters	Field verify.
Terrain	All terrain in Northern Virginia is "level".
VOLUMES	
Vehicle Volumes	Based on master list of Tysons Corner area baseline volumes.
Pedestrian Volumes	Code in conflicting peds from count sheets if available.
Bicycle Volumes	Code in conflicting bikes from count sheets if available.
Peak Hour Factors	Use existing PHF's by approach adjusted to $0.85 \leq PHF \leq 0.92$. Carry existing PHF 's to future scenarios for existing intersections/approaches. New/modified intersections should be coded with PHF's of 0.92.
Heavy Vehicle Percentages	Use count data by movement if data is available. If not, use 2008 VDOT ADT data by approach.

ITEM DESCRIPTION	STANDARD
Bus Blockages per Hour	Code in for all affected lane groups if there is a bus stop at an intersection approach. Base on number on bus headway data (30 min = 2 stops per hour).
Adjacent Parking	Check for all affected lane groups if there is on-street parking at the intersection.
Parking Maneuvers per Hour	Use engineering judgment. (e.g. 5 parked cars * 1 maneuver/hr = 5 per hour)
TIMING/PHASING	
Current Signal Timing Plans	Obtain VDOT MIST timing sheets from VDOT or other area projects.
Turn Types (left and right turns)	Field verify. For right turns that are coded as channelized yield control in the lane window, code them as permitted with the through movement on the same approach in the timing window, except in rare instances such as Route 123/Tysons Blvd. DO NOT code dual lefts as protected/permitted EVER.
Detector Phases Overrides	Leave consistent with VDOT Synchro files unless there is an obvious error. One error that seems to occur often is for right turn overlap phases; the detector phase should be coded with the mainline phase of the same approach, that is, not with the corresponding left turn movement.
Switch Phases Overrides	Leave consistent with VDOT Synchro files unless there is an obvious error.
Controller Type	Most likely either "Actd-Coord" or "Actd-Uncrd".
Cycle Length	Future signal timings should maintain corridor cycle lengths.
Minimum Green Time	New signals assume minimum G=7 seconds
Offset Time	Obtained from coordination sheet of MIST timing sheets.
Offset Referenced to (beginning of yellow, etc.)	Set for "Begin of Yellow".
Reference Phase	Almost always Phases 2 + 6. (Notable exception – Spring Hill Rd / International Dr / Jones Branch Dr. intersection)
Master Controller	Leave consistent with VDOT Synchro files.
Yield Point	Set as "Single".
Correct Phasing (split, lead, lag, etc.)	Field verify. For new intersections/approaches, all lefts should be treated as protected on roadways with speeds 45mph (or higher) or with more than two opposing through lanes.
Minimum Initial	Based on "Phase Timing Bank" of MIST timing sheets. Usually 5-7s for lefts, 7-10s for side streets, and 10-20s for thrus.
Minimum Splits	Synchro can calculate as greater of min green + Y +AR or W + FDW + Y + AR.

ITEM DESCRIPTION	STANDARD
Maximum Splits	Based on "Coordination Sheet" or "Phase Timing Bank" of MIST timing sheets. Can be less than the min split if there is a pedestrian phase. (Ped call would override max split). For uncoordinated signals, field timings are recommended to verify how much time each phase actually is using.
Yellow Time	Based on "Phase Timing Bank" of MIST timing sheets. Usually 4 seconds. Minimum Y+All R=6 seconds per *Administrative Guidelines*.
Red Time	Based on "Phase Timing Bank" of MIST timing sheets. Usually 3 seconds. Minimum Y+All R=6 seconds per *Administrative Guidelines*
Lost Time Adjust	Set so that total lost time = 3 sec. (Y + R + Adj = 3)
Allow led/lag Optimization	Uncheck to prevent accidental "optimization".
Vehicle Extension	Based on "Phase Timing Bank" of MIST timing sheets. Usually 2-4 seconds.
Minimum Gap	Based on "Phase Timing Bank" of MIST timing sheets. Almost always same as vehicle extension. Usually 2-4 seconds.
Recall Modes	For coordinated signals, the recall mode for the coordinated phases should be "C-Max". Other phases should be set to "No Recall". For uncoordinated phases, the mainline phases (2+6) should be set to "Min Recall". Other phases should be set to "No Recall".
Pedestrian Phase	Based on "Phase Timing Bank" of MIST timing sheets.
Walk Time	Based on "Phase Timing Bank" of MIST timing sheets. Usually 7 seconds.
Flashing Don't Walk Time	Based on "Phase Timing Bank" of MIST timing sheets. For new signals FDW = distance (in feet) / 3.5 ft/sec.
Pedestrian Calls per Hour	Based on ped counts where available. Use nominal value (e.g. 5 calls) when no information available.
Dual Entry	Based on "Coordination Timing Parameters" of MIST sheets.
Inhibit Max	Check boxes for mainline/coordinated phases. Uncheck boxes for all other phases.
SIGNING (UNSIGNALIZED)	
Controller Type	Set as "Unsig".
Sign Control	Field verify.
Median Width	Equal to left turn lane width + additional median width.
TWLTL Median	Check if applicable. Use engineering judgment for storage length (e.g. distance to next driveway).
Right Turn Channelization	Should be same as in lane window.

ITEM DESCRIPTION	STANDARD
SIMULATION SETTINGS	
Taper Lengths	Leave consistent with VDOT Synchro files unless there is an obvious error.
Lane alignment	Leave consistent with VDOT Synchro files unless there is an obvious error.
Enter Blocked Intersection	Leave consistent with VDOT Synchro files unless there is an obvious error.
Median widths	Equal to left turn lane width + additional median width.
Distance between offset legs of intersection	Leave consistent with VDOT Synchro files unless there is an obvious error.
Crosswalk widths	Leave consistent with VDOT Synchro files unless there is an obvious error.
Two-way Left Turn Lane	Check if applicable. Use engineering judgment for storage length (e.g. distance to next driveway).
Turning Speed	Leave consistent with VDOT Synchro files unless there is an obvious error.

Summary of Design Standards for Tysons Corner as Applicable to Tysons Central

CLASSIFICATION / CRITERIA	LOW SPEED BOULEVARD	Leesburg Pike (Route 7)	COLLECTOR	Center Street	Station Place	LOCAL	Tysons Central Street	Viale Centrale	SERVICE STREET	Private Service Alley
Raised/Landscaped Median (Table 6, DS-15)	Required (16'-20')	✓	Optional[3, 7]	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Circulator Route (Table 13, DS-6)	N/A	N/A	Yes @ certain locations	N/A	N/A	N/A	N/A	N/A	N/A	N/A
On-Street Parking (Table 5, DS-13)[9]	Restricted	✓	Required (8')	Need Waiver (FC_P2)	Need Waiver (FC_P3)	Required (7'-8')	Need Waiver (FC_P1)	✓	N/A	N/A
Target LOS (Table 2, DS-5)	D/E[1]	✓	E	✓	✓	E	✓	✓	N/A	N/A
# of Through Lanes (Table 3, DS-10)	4-8 lanes	✓	2-4 lanes	✓	✓	2 lanes	✓	✓	2 lanes	✓
Design Speed (Table 3, DS-10)	40 mph	✓	25-30 mph	✓	✓	25 mph	✓	✓	25 mph or less	✓
Operating Speed (Table 3, DS-10)	35 mph	✓	25-30 mph	✓	✓	25 mph	✓	✓	25 mph or less	✓
Operational Analysis (Table 4, DS-11)	Required	✓	Discretionary	✓	✓	N/A	N/A	N/A	N/A	N/A
Signal Spacing (Table 4, DS-11)	Operational Analysis Req'd [2]	N/A	425'-660' [5]	N/A	N/A	325'-660'	N/A	N/A	N/A	N/A
Unsignalized, Full Access Spacing (Table 4, DS-11)	Operational Analysis Req'd [2]	N/A	200'-660'	✓	N/A	100'-660'	✓	✓	N/A	N/A
Unsignalized, Partial Access Spacing (Table 4, DS-11)	325'-660'	* See Below	155'-660'	N/A	✓	N/A	N/A	N/A	N/A	N/A
Driveway Spacing (Table 4, DS-11)	Restricted	N/A	155'	* See Below	✓	50'	✓	*See Below	50'	*See Below
Lane Widths (Table 5, DS-13)	11'	✓	10'-11'[4]	✓	✓	10'	✓	✓	10'	✓
Streetscape Zone Width (Table 14, DS-27)	33'= 15' Building zone 10' sidewalk 8' landscaping panel	✓	20-28'= 4'-12' Building zone 8' sidewalk 8' landscaping panel	✓	✓	16-24'= 4'-12' Building zone 6' sidewalk 6' landscaping panel	✓	✓	5' sidewalk	✓
Sight Distance (Table 12, DS-23)	385' (305' SSD)	✓	155'	✓	✓	155'	✓	✓	155'	*See Below
Bike Lane (Table 15, DS-29)	N/A	N/A	4'-6'[8]	✓	✓	N/A	N/A	N/A	N/A	N/A

Notes on Requirements:
1. District Administrator may accept lower LOS pending operational analysis.
2. Spacing must be demonstrated through an operational analysis; 880 to 1,320 feet recommended.
3. Evaluated on a case-by-case basis.
4. 10' for streets residential in character; 11' for streets more commercial in nature.
5. New signalized intersections on collectors/avenues within 660 feet of low speed boulevards need operational analysis.
6. Widths vary depending on location relative to curb and curbside parking.
7. On circulator routes medians should be 24'-36' on Avenues and Collectors.
8. Parking may be restricted in the vicinity of circulator routes.

*Intersection spacing requiring exceptions - distances shown (required):

Leesburg Pike
- Viale Centrale to Route 123 westbound off ramp 220' (325') (AM-1_1) – VDOT APPROVED 3.26.2013

Center Street (Solutions to Station Plaza)
- Viale Centrale to Building D Driveway 140' (155') (AM-2_1) – VDOT APPROVED 3.26.2013
- Building D Driveway to Building D Alley 70' (155') (AM-2_3) – VDOT APPROVED 3.26.2013

Station Plaza
- Alley to SAIC Existing 60' (155') (AM-2_4) – VDOT APPROVED 3.26.2013
- Leesburg Pike to SAIC Existing (south) 65' (225') (AM-2_5)
- Leesburg Pike to SAIC Existing (north) 125' (225') (AM-2_6) – VDOT APPROVED 3.21.2013

Viale Centrale
- Tysons Central Street to Circle Entrance (north) 20' (50') (AM-2_3) – VDOT APPROVED 3.26.2013
- Leesburg Pike to Private Service Alley 20' (225') (AM-2_7)
- Leesburg Pike to Building A Drive 145' (225') (AM-2_8) – VDOT APPROVED 3.26.2013

Private Service Alley
- Sight Distance at Building D Loading 25' (155') (FC_SD1)

SEE SHEET C-2 FOR ADDITIONAL STREETSCAPE MODIFICATIONS TO ADDRESS VARIATIONS OF THE ELEMENTS WITHIN THE PROVIDED STREETSCAPE WIDTH.

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22225 CENTURY PARKWAY, SUITE 400 ■ GAITHERSBURG, MARYLAND 20879
(301) 948-8180 ■ FAX (301) 948-2065
www.vika.com

TYSONS CENTRAL
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

WAIVERS / EXCEPTIONS OF TYSONS CORNER TRANSPORTATION TRAFFIC STANDARDS

VIKA REVISIONS
REV MAY 13, 2013
REV APRIL 18, 2013
REV MARCH 11, 2013
DATE: JANUARY 4, 2013
DES. ENG | DWN. RMC
SCALE: N/A
PROJECT/FILE NO. V714BC
SHEET NO. S-4

NHS-INTERSTATE

U.S. Department
of Transportation
**Federal Highway
Administration**

Virginia Division
(804) 775-3355

400 N. 8th Street Rm. 750
P.O. Box 10249
Richmond, Virginia 23240

November 6, 2001

Re: Efficiencies Agreement - Interstate System

Mr. Frank Gee
Acting Chief Engineer
Virginia Department of Transportation (VDOT)
1401 E. Broad Street
Richmond, VA 23219

Dear Gee:

Although the Efficiencies Agreement between our two agencies is currently being modified, we feel that several items need to be addressed at this time. These items deal with modifications at Interstate interchanges and signage along the Interstate.

Pursuant to 23 CFR 635.505, all replacements and repairs on the Interstate System are to conform to currently approved design standards. Design standards for the Interstate System are contained in 23 CFR 625.4. Title 23 CFR 625.4 requires that current AASHTO standards be followed on the Interstate System even for resurfacing, restoration, and rehabilitation (RRR) projects regardless of funding source.

Currently, modifications to the Interstate System are forwarded to our office for review only if the work involves Federal oversight. In order for FHWA to ensure that proper design and traffic operation standards are being maintained on the Interstate System, our office needs to become aware of critical projects currently not within our oversight. We believe that work at Interstate interchanges including the ramps is the most critical for our review. Thus, for all work not within our oversight at Interstate interchanges, we ask that the following minimum information be sent to this office for review:

1) A description of what work is to be done at the interchange;
2) A listing of current design elements and any exceptions to these design standards;
3) An appropriate level-of-service analysis based on projected 20-year traffic for work that could affect the operational characteristics of the interchange (e.g. lengthening of acceleration/deceleration lanes, addition of travel lanes to the ramps, etc). This analysis may also be necessary for work on a cross road if that work affects the level-of-service of the Interstate ramps.

Current design exception procedures need to be completed for features that do not meet AASHTO design standards. Also, FHWA retains approval authority for additional access points

to the Interstate, including temporary construction access off the mainline. Please note that approval authority for access to communication towers from Interstate ramps has been delegated to VDOT (see April 17 and May 14, 1997 letters from Allen Masuda to James Browder).

Recently, our office has found signs placed on the Interstate without our knowledge that do not conform with the MUTCD as per 23 CFR 655.603. We request that you reinforce to District personnel that any new signage being placed on the Interstate must come to our office for concurrence, pursuant to 23 U.S.C. 109(d).

To summarize, the following actions are required by VDOT:

1) A description and analysis of all FHWA non-oversight work at Interstate interchanges (except non-mainline communication tower access roads) must be submitted for our concurrence.
2) Normal design exception procedures must be followed for all work on the Interstate.
3) Additional temporary and permanent Interstate access points should continue to follow current procedures.
4) Proposals for new signage on the Interstate must be submitted for our concurrence.

Finally, by taking these steps we are ensuring that FHWA's long-standing policy to provide safe and efficient traffic operation on the Interstate System is not compromised. We believe that the most efficient way to implement our requirements is for VDOT to update their current procedures. As always, FHWA personnel are prepared to work with VDOT personnel in updating of the current operating procedures between our two offices. If there are any questions, please refer them to Mr. Vince Barone of my staff at (804)775-3355.

Sincerely yours,

Roberto Fonseca-Martinez
Division Administrator

Vincent P. Barone

By: Vincent P. Barone, P.E.
Field Operations Team Leader

cc: M. Mirshahi
D. Liston

IJR

U.S. Department
of Transportation

Federal Highway
Administration

Virginia Division
(804) 775-3320

400 N. 8th Street Rm. 750
P.O. Box 10249
Richmond, Virginia 23240

IN REPLY REFER TO:

March 19, 2001

Design Criteria - Level Of Service

Mr. Frank Gee, Acting Chief Engineer
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Dear Mr. Gee:

This letter is intended to clarify the Level of Service (LOS) design criteria requirements for projects on the National Highway System (NHS). As background, United States Code (U.S.C.) 23 Part 109 requires that NHS projects be designed to "... adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance..." In an effort to comply with 23 U.S.C. 109, the Code of Federal Regulations (CFR) lists documents to be used as standards for the design of highways on the NHS, regardless of funding source. The document listed in 23 CFR 625.4, A Policy On Geometric Design Of Highways And Streets, 1994 (Green Book) is used to provide the LOS standard for highways on the NHS.

To define the term "adequately serve," our office has generated at table (see attached) that specifies the LOS requirements for roads on the NHS. This table is a summary of the AASHTO "Green Book" discussions on this topic. Level of Service determinations must be made using industry standard methods for computing such information (e.g.: Highway Capacity Software (HCS)). The level of detail of LOS analysis for the facility must be consistent with the highest level that would be shown by the HCS (e.g.: each movement of an intersection). With regard to the term "planned future traffic," NHS projects must provide a 20-year design life for reconstruction and new construction projects.

Design criteria for LOS should be established and documented early in the project development process, such as during project scoping. Written justification, filed in VDOT's project files, is required for any location where the minimum LOS standard could not be met. The established criteria and written justifications for any deviations from that criteria must be submitted to our office for concurrence on all full oversight projects as defined by the VDOT-FHWA Efficiencies Agreement

If you have questions or require additional clarification regarding this issue, please contact Mr. Vince Barone at (804) 775-3355.

Sincerely,

Roberto Fonseca-Martinez
Division Administrator

Vincent P. Barone

By: Vincent P. Barone
Field Operations Engineer

Attachment
P:\Wpwork\Letters\LOS Requirements Letter, 02-19-01.doc

Facility	Level of Service (LOS) Required
Rural NHS Routes (Including Rural Interstate)	**Mainline Lanes:** LOS B *(Go to LOS C on the mainline if LOS B is not reasonable* or if the terrain is mountainous*)* **Auxiliary Lanes:** LOS C
Urban NHS Routes (Including Urban Interstate)	**Mainline Lanes and Auxiliary Lanes:** LOS C *(LOS D may be used in heavily developed sections of Metropolitan Areas*)*

* FHWA Division office must concur, in writing, that such a condition exists.

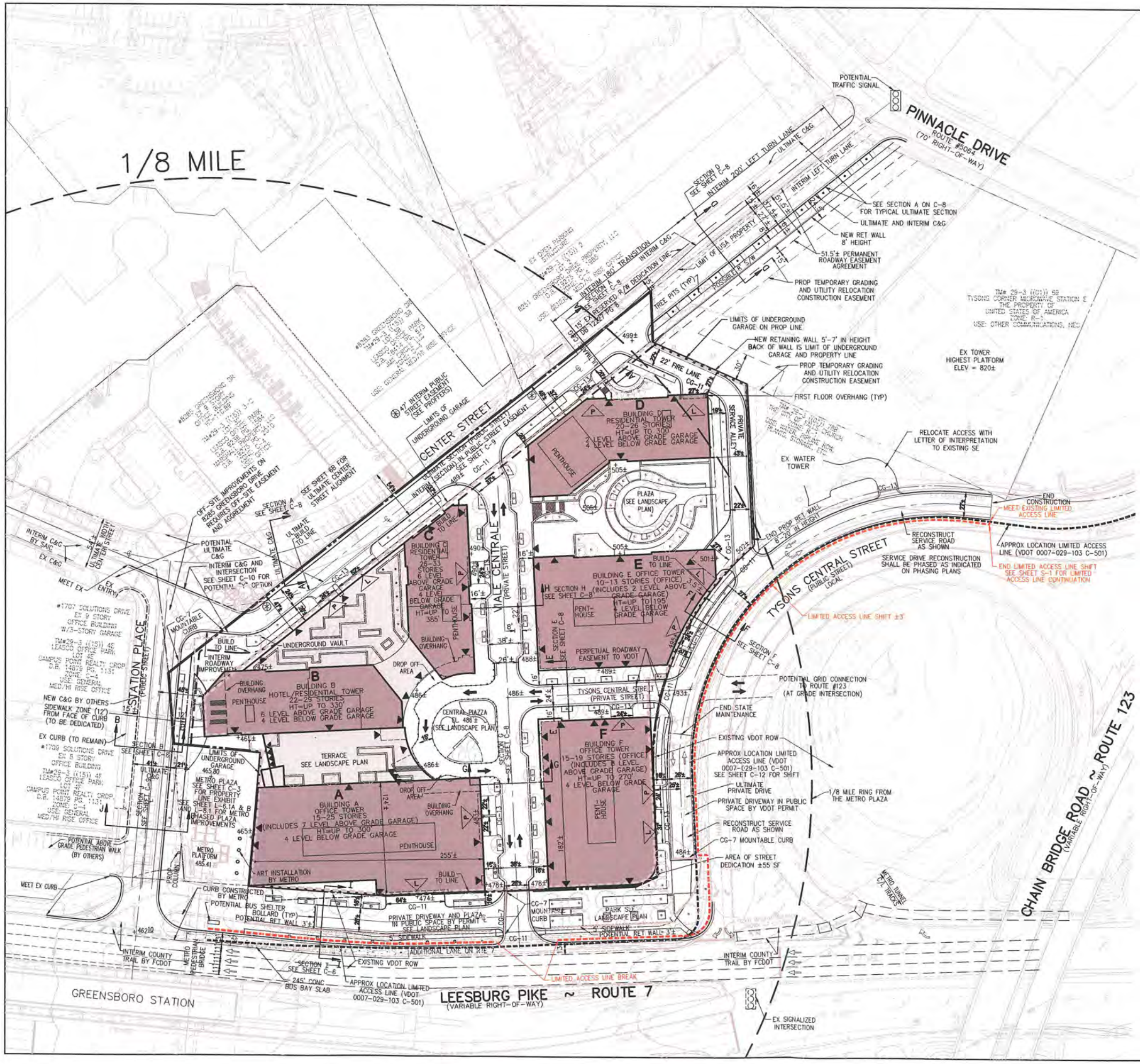
Notes:

1. LOS below those shown requires a written justification to be issued to the project file. The justification must be provided to FHWA Division Office for concurrence on all full oversight projects as defined by the VDOT-FHWA Efficiencies Agreement.

2. LOS determinations are to be made using industry standard methods for computing such information (e.g.: Highway Capacity Software (HCS)). The level of detail for showing the LOS of the facility is to be consistent with the highest level that would be shown by the HCS (e.g.: each movement of an intersection).

3. Auxiliary facilities includes ramps, turn lanes, main lane weaving sections, C-D roads, and intersections

4. "Metropolitan areas" are the urbanized areas. As of 03/19/01, those areas include Bristol, Charlottesville, Danville, Fredericksburg, Kingsport, Lynchburg, Norfolk-Virginia Beach-Newport News, Petersburg, Richmond, Roanoke, and Northern Virginia.



LEGEND:

ENTRANCE (TYP)

DENOTES ABOVE GRADE LOWER ROOF. SEE SHEET C-3 FOR HEIGHT TABULATIONS AND RANGES

ENTRANCE (TYP)

DENOTES ABOVE GRADE TOWER, NOT INCLUDING PENTHOUSE. SEE SHEET C-3 FOR HEIGHT TABULATIONS AND RANGES

DENOTES UNDERGROUND PARKING STRUCTURE FOR ABOVE AND BELOW GRADE PARKING SEE A-153

LOADING ENTRANCE

PARKING ENTRANCE

TREE PITS

ALTERNATE MAXIMUM RESIDENTIAL OR HOTEL BUILDINGS "E" AND "F"

SEE SHEET C-3 FOR HEIGHTS OF BUILDINGS A, B, C, & D

CDP SHEET NOTES:

1. SEE SHEET C-3 FOR ALL SITE TABULATIONS AND PARKING TABULATIONS
2. SEE SHEET C-4 FOR BOUNDARY INFORMATION AND EXISTING TOPOGRAPHY AS IT RELATES TO THE CDP LAYOUT.
3. SEE SHEET C-6A FOR ALTERNATE VIALE CENTRALE AND TYSONS CENTRAL STREET.
4. SEE SHEET C-6B FOR ULTIMATE CENTER STREET PLAN.
5. SEE SEE SHEET C-10 FOR ALTERNATE CENTER STREET AND STATION PLACE INTERSECTION OPTIONS.
6. SEE SHEET C-8 FOR ULTIMATE TYPICAL STREET SECTIONS
7. SEE SHEET C-9 FOR INTERIM ROAD CROSS-SECTIONS C,D, & J.
8. SEE SHEET C-13 THRU C-20 FOR SWM PLANS.
9. SEE SHEET L-3.1 AND L-3.2 FOR OPEN SPACE PLAN.
10. SEE SHEET L-1 FOR PEDESTRIAN CIRCULATION PLAN.
11. SEE SHEET L-5.1 FOR TYPICAL STREET SECTIONS.

VA STATE GRID NORTH (VSC 83)

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

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W W W . V I K A . C O M

TYSONS CENTRAL
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

CONCEPTUAL DEVELOPMENT PLAN

VIKA REVISIONS

REV MAY 13, 2013
REV APRIL 18, 2013
REV MARCH 11, 2013
REV NOVEMBER 19, 2012
REV JUNE 20, 2012
REV MARCH 30, 2012
REV JANUARY 25, 2012

DATE: FEBRUARY 22, 2011

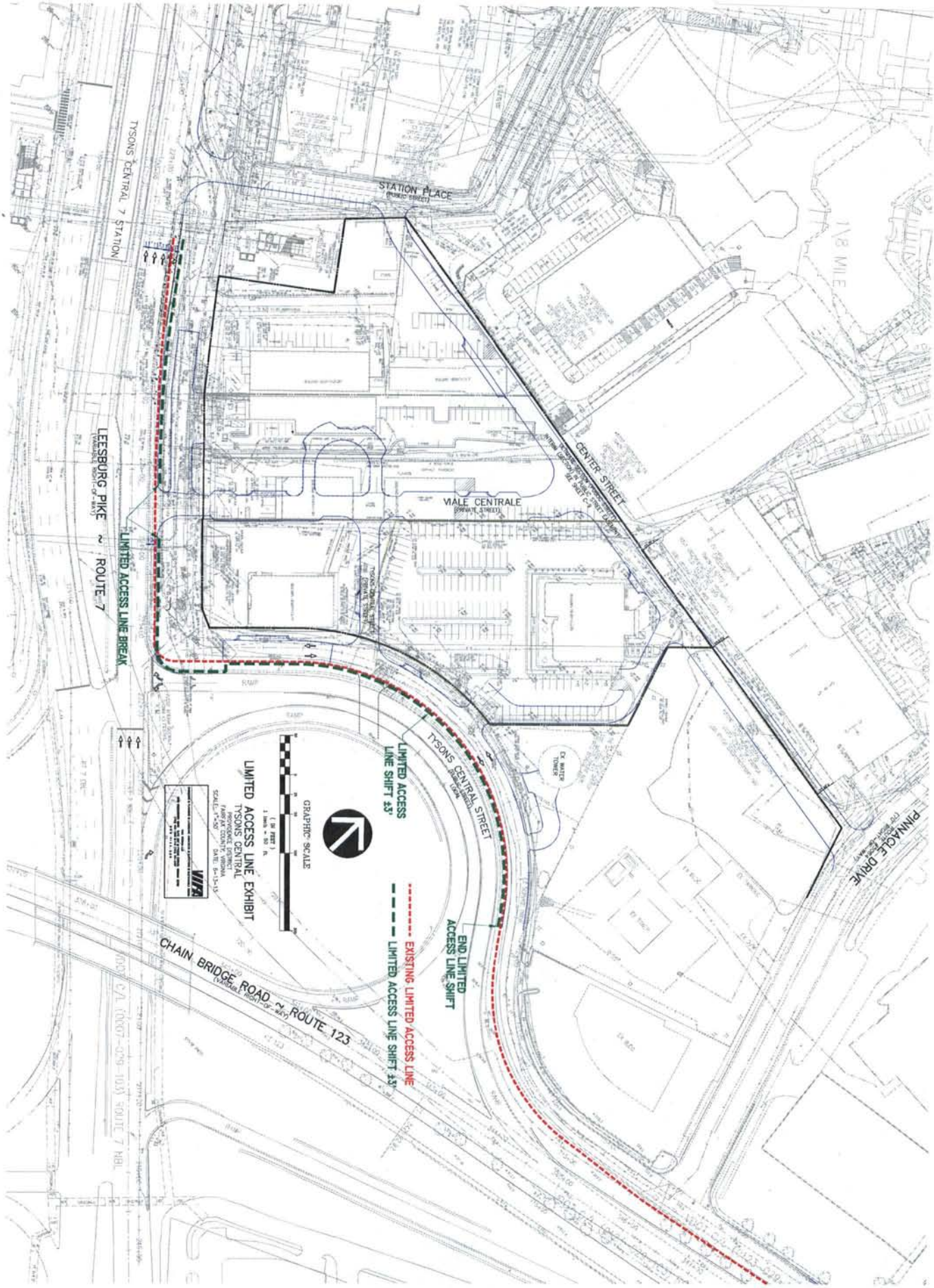
DES.	DWN.
JFA	RMC

SCALE: 1"=50'

PROJECT/FILE NO. V7148C

SHEET NO. C-6

P:\LD03\Projects\V7148C\dwg\EXHIBIT\V7148100 LIM ACC XBIT.dwg 5/31/2013 2:42:41 PM EDT


STATION PLACE
(PUBLIC STREET)
TYSONS CENTRAL 7 STATION
CENTER STREET
VIALE CENTRALE
(PRIVATE STREET)
LEESBURG PIKE ~ ROUTE 7
(VARIABLE WIDTH-OF-WAY)
LIMITED ACCESS LINE BREAK
TYSONS CENTRAL STREET
(PUBLIC STREET)
LIMITED ACCESS
LINE SHIFT ±3'
GRAPHIC SCALE
1 IN = 50 FT
LIMITED ACCESS LINE EXHIBIT
TYSONS CENTRAL
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=50'
DATE: 8-13-15
EXISTING LIMITED ACCESS LINE
LIMITED ACCESS LINE SHIFT ±3'
END LIMITED
ACCESS LINE SHIFT
CHAIN BRIDGE ROAD ~ ROUTE 123
(VARIABLE WIDTH-OF-WAY)
PINNACLE DRIVE
(70' RIGHT-OF-WAY)
1/8 MILE

Request for a Change in Limited Access (Route 7 - Leesburg Pike)

Providence District

Attachment IV

Tax Map 29-3

N
W E
S

*** Symbol Denotes Limited Access Request**

Board Agenda Item
July 9, 2013

ACTION – 6

Consolidated Community Funding Advisory Committee Recommendations for the FY 2015 and FY 2016 Funding Priorities for the Consolidated Community Funding Pool

ISSUE:
Board of Supervisors' approval of the FY 2015 and FY 2016 Funding Priorities for the Consolidated Community Funding Pool, as recommended by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:
The County Executive recommends that the Board approve the FY 2015 and FY 2016 Funding Priorities for the Consolidated Community Funding Pool (CCFP) as recommended by the CCFAC.

TIMING:
The decision on the funding priorities for CCFP funding is requested in July to allow staff time to prepare the next Request for Proposals for the CCFP for release in late September 2013.

BACKGROUND:
The Board of Supervisors has charged the CCFAC with the responsibility for overseeing the Consolidated Community Funding Pool. As part of that responsibility, the CCFAC recommends funding priorities for the funding pool for each two-year cycle. On July 12, 2011, the Board concurred in the recommendation of staff and approved the FY 2013 and FY 2014 funding priorities for the CCFP, as recommended by the CCFAC. Recognizing the need for the critical services provided by CCFP contractors to the community, families, and individuals, particularly in the current economic climate, the Board approved an increase in the FY 2013 General Fund transfer of $897,068, or 10 percent over FY 2012, for a total of $9,867,755. Funding for FY 2014 was approved at a constant level. All awards, assuming successful performance, are through June 30, 2014.

The CCFAC maintains a regular process for receiving community input and reviewing data throughout the year to inform decisions on which funding and priority recommendations are based. The data that the CCFAC considers includes information given for the preparation of the County's Consolidated One-Year Action Plan for

FY 2014, which was recently submitted to the U.S. Department of Housing and Urban Development. The FY 2014 Action Plan covers the fourth year of the county's Five-Year Consolidated Plan for Fiscal Years 2011-2015. Additionally, staff-prepared studies and analyses are provided and information is reported from advocacy groups and the nonprofit and community-based providers to assist in establishing the recommendations.

Several specific activities factored into the needs assessment and development of the priority recommendations this cycle. These included the following:

- Public Hearing: The CCFAC conducted an announced formal public hearing on November 13, 2012, for the development of funding priorities for the county's FY 2015-16 Consolidated Community Funding Pool. Six of the seventeen representatives from community-based organizations in attendance discussed their ideas and responses to questions regarding the effectiveness of the existing Funding Priorities (*Prevention, Crisis Intervention, Self-Sufficiency,* and *Long Term Supportive Services*) in addressing the community needs. The attendees also participated in facilitated conversations on the future direction of the CCFP by discussing areas of the process they thought were working and identifying those areas that could be improved.
- Community Input Sessions: Between November 26 and December 12, 2012, staff worked with the CCFAC to hold a community input session in each human services region to listen to other community-based providers and stakeholders about the current CCFP priorities and the future direction. More than 120 unduplicated attendees participated in these facilitated discussions.
- Briefings from County Staff: Staff presented information to the CCFAC over the year on topics such as the county's human services vision and direction, county collaboration of services, the Housing Blueprint and other housing programs such as initiatives serving the physically disabled, and status reports on the Ten–Year Plan to End Homelessness.
- Discussion of *Draft* Priorities at the CCFAC meeting on May 14, 2013: Input provided at the public comment meeting on these *Draft* Priorities was considered in making the final recommendation to the Board of Supervisors.

The CCFAC recommends that the Funding Pool continue its historic focus on programs that provide direct human services. Some institutional activities to support direct services such as organizational development, professional development, case management, public education, outreach, and networking will be appropriate components of a human services program proposal as in the previous cycles. The CCFAC also explicitly recognizes the value of programs serving neighborhoods (geographically defined) and communities (shared interests, not bound to one location),

as well as those for individuals and families. The CCFP will not provide general support for organizations.

The CCFP will focus on measurable outcomes for individuals, families, neighborhoods, and communities rather than on types of services or particular populations of clients. The CCFAC is recommending outcome-focused priorities which reflect an important and necessary continuum of stability and self-sufficiency opportunities based on the need, condition, and potential among those to be served. The CCFAC believes that these outcome-focused priorities will support a number of Board and county initiatives and will enhance efforts to *prevent* conditions or behaviors that undermine health, stability, growth and development, or independent living in the community.

The table below and the attached document provide the specific outcome and action statements for each priority and the proposed target funding percentage ranges and includes examples of the types of services and activities that would support each priority.

Priority	**Outcome Statement**	**Target Funding Percentages**
I. PREVENTION	Families and individuals remain independent and have the tools and resources to prevent future dependence. Communities increase their ability to support their members in preventing dependence.	10% to 20%
II. CRISIS INTERVENTION	Individuals, families, or communities in crisis overcome short-term problems (generally not more than three months) and quickly move back to independence.	15% to 25%
III. SELF-SUFFICIENCY	Families, individuals, neighborhoods, and communities attain self-sufficiency over a period of three months to three years.	45% to 55%
IV. LONG-TERM SUPPORTIVE SERVICES	Individuals who have continuing long-term needs and who therefore may not become self-sufficient, achieve and/or maintain healthy, safe, and independent lives to the maximum extent possible.	10% to 20%

CCFAC Recommendation
Based on the review of available data and information on community needs, and in consideration of comments and input received, the CCFAC recommends that the Board of Supervisors approve the four priorities and the target percentage allocation ranges for CCFP funds as shown above and in the attachment for FY 2015 and FY 2016.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment A: Recommended Priorities for the Consolidated Community Funding Pool for Fiscal Years 2015-2016.

STAFF:
Patricia D. Harrison, Deputy County Executive
Christopher A. Leonard, Director, Neighborhood and Community Services
Paula C. Sampson, Director, Housing and Community Development
Nannette M. Bowler, Director, Department of Family Services
M. Gail Ledford, Director, Department of Administration for Human Services
Telly C. Whitfield, Strategic Performance Manager, NCS

ATTACHMENT A

Draft PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)

for Fiscal Years 2015-2016

Draft PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)

for Fiscal Years 2015-2016

Purpose:

This document presents the Consolidated Community Funding Advisory Committee's (CCFAC) recommendations on priorities for the Consolidated Community Funding Pool (CCFP) for the two-year funding cycle beginning in Fiscal Year 2015 (July 1, 2014). The recommendations were developed by the CCFAC, the citizen group established by the Fairfax County Board of Supervisors and charged with the responsibility to recommend CCFP priorities based on community and staff assessments of the human services and community development needs within the county. Members of the CCFAC are appointed by the County Executive and represent various public and private citizen advisory or administrative boards, councils, and committees within the county.

The purpose of the CCFP is to provide public support for private community-based human services programs through an orderly process that is responsive to changing community needs.

Background:

Over the past 16 years, the Fairfax County Board of Supervisors has provided approximately $142 million in local, state, and federal resources through the CCFP to hundreds of human services and community development programs serving our at-risk families and communities in every part of the county. These programs are managed by nonprofit and faith-based organizations. Through the CCFP, the funds are allocated among worthwhile applicants in accord with the priorities set by the Board of Supervisors through an open procurement competition conducted by the county using citizen volunteer review panels.

Throughout its history, the CCFP has adjusted priorities and contracting requirements to meet changing needs and to recognize the changing nature of community-based providers. As recipients of resources from the funding pool have grown in sophistication, they have been asked to do more to measure outcomes, show clients' progress toward self-sufficiency, and collaborate with other providers to ensure that beneficiaries receive the many services they need.

On April 24, 2012, the Board of Supervisors directed staff to work with the CCFAC and representatives from the nonprofit community to review the current CCFP funding framework, practices, and procedures to ensure the program supports strategic human services outcomes and leverages community resources for maximum collective impact on communities and those individuals and families most at risk. Five community input sessions were held to engage the community and elicit stakeholder feedback on the current process, as well as gather thoughts on the future direction of the program. A steering committee has been evaluating information received through those efforts, conducting research, and exploring potential changes for future cycles. Steering Committee members were selected for their variety of perspectives based on different areas of knowledge, experience, and expertise. The Steering Committee will report its final recommendations to the Board of Supervisors in the fall of 2013.

Given that this work has not been completed to date, the CCFAC agreed that significant changes in the priorities should not be recommended for the Fiscal Years 2015-2016 funding cycle. However, it is likely that changes to several components of the Funding Pool will be proposed in the following cycle.

Needs Assessment:

The Fiscal Year 2015-16 CCFP priorities are based on a review and analysis of information regarding human services and community development needs and conditions in the county obtained from a variety of sources. These sources include:

Draft PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)

for Fiscal Years 2015-2016

- Public Hearing: The CCFAC conducted an announced formal public hearing on November 13, 2012, for the development of funding priorities for the county's FY 2015-16 Consolidated Community Funding Pool. Six of the seventeen representatives from community-based organizations in attendance discussed their ideas and responses to the questions regarding the effectiveness of the existing Funding Priorities (*Prevention, Crisis Intervention, Self-Sufficiency,* and *Long Term Supportive Services*) in addressing the community needs. The attendees also participated in facilitated conversations on the future direction of the CCFP by discussing areas of the process they thought were working and identifying those areas that could be improved.
- Community Input Sessions: Between November 26 and December 12, 2012, staff worked with the CCFAC to hold a community input session in each human services region to listen to other community-based providers and stakeholders about the current CCFP priorities and the future direction.
- Briefings from County Staff: Various county staff presented information to the CCFAC over the year on topics such as the county's human services vision and direction, county collaboration of services, the Housing Blueprint and other housing programs, and status reports on the Ten–Year Plan to End Homelessness.
- Discussion of *Draft* Priorities at the CCFAC meeting on May 14, 2013: Input provided at the public comment meeting on these *Draft* Priorities was considered in making the final recommendation to the Board of Supervisors.

Focus:

The CCFAC recommends that the Funding Pool continue its historic focus on programs that provide direct human services. As in the past, some institutional activities to support direct services such as organizational development, professional development, case management, public education, outreach, and networking will be appropriate components of a human services program proposal. Yet, indirect services cannot be the entire project proposal nor should they be the majority. Again this cycle, the Fund explicitly recognizes the value of programs serving neighborhoods (geographically defined) and communities (shared interests – not bound to one location), as well as those for individuals and families.

The Fund will not provide general support for organizations.

The CCFP will focus on measurable outcomes for individuals, families, neighborhoods, and communities, rather than on types of services or particular populations of clients. When appropriate, these outcomes should be long-lasting and measurable to advance the human services goal asserted by the Board of Supervisors in the County's 2012 Comprehensive Plan.

Staff will continue to investigate operational/procedural changes that may add value to the current funding pool process as part of efforts to increase the community capacity to respond to critical needs. The CCFP will also continue to work with contract recipients to strengthen their internal management and program outcome evaluation capacities.

The attachment describes four recommended priorities, the outcomes to be achieved, target funding ranges, and service examples.

Draft PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)

for Fiscal Years 2015-2016

I. PREVENTION

Outcome: Families and individuals remain independent and have the tools and resources to prevent future dependence. Communities increase their ability to support their members in preventing dependence.

Services in this category are intended to help those who are at risk of falling into, but are not yet in situations which would require significant, multiple, or ongoing interventions or services. Those who are repeatedly falling into difficulties generally need more extensive and complex services than "prevention." This category also includes community and neighborhood development programs that provide early and positive public engagement to identify emerging problems and solutions and develop community-based prevention activities.

Target Funding Range: 10-20 percent

Service Examples (may include some of the following examples, but are not limited to):

- Mentoring programs for youth, adults, and families
- Conflict resolution and anger management training and counseling
- After-school or other programs that provide positive alternatives to risky behavior
- Courses that teach language or culture to help groups interact positively
- Life-skills and healthy choices programs
- Financial literacy/management training and counseling to foresee and prevent financial crises
- Health fairs and health screening clinics, dental clinics, inoculations, nutrition education
- Community or neighborhood need/asset assessments to engage local resources for implementing community-based prevention programs

II. CRISIS INTERVENTION

Outcome: Individuals, families, or communities in crisis overcome short-term problems (generally not more than three months) and quickly move back to independence.

Services in this category assist individuals and families that need (due to personal or social crises such as those related to the economic downturn of 2008-2009, a health crisis, or temporary disability) short-term or one-time assistance with basic needs (food, shelter, transportation, counseling) to avoid falling more deeply into dependency on public support. In addition, providers of these programs should conduct initial assessments or referrals to identify longer-term or chronic issues and steer recipients toward resources to address these more complex problems. This category would not cover ongoing services to address more chronic conditions such as illiteracy, substance abuse, long-term poverty, ongoing illness, or permanent disability.

Target Funding Range: 15-25 percent

Service Examples:

- Food pantry
- Utility payments
- Rental assistance
- Financial counseling

- Furniture collection and distribution
- Disaster response
- Services to victims of domestic violence and their families
- Emergency medical assistance, including emergency counseling and pharmaceutical assistance
- Provision of temporary or emergency shelter to the homeless

III. SELF-SUFFICIENCY

Outcome: Families, individuals, neighborhoods, and communities attain self-sufficiency over a period of three months to three years.

Services in this category recognize that many social problems are complex in origin and require complex intervention. Sophisticated assessment, coordination, collaboration, and case management are generally required to provide these services effectively. Individuals, families, neighborhoods, and communities served have long-term, but not permanent, problems. Services in this category may link to prevention services but should not be confused with them. This category should not include emergency short-term (category II) or ongoing-needs (category IV) services for individuals or families.

Target Funding Range: 45-55 percent

Service Examples:

- Evaluation of long-term needs
- Development of a comprehensive plan to achieve self-sufficiency, which may include phased services and/or referrals
- Acquiring/preserving/rehabilitating/constructing affordable, accessible, and stable housing with accessible supportive social services
- Transition assistance requiring involvement with individuals or families over a period of more than three months
- Employment training/job skills/awareness of economic opportunities
- Primary medical/dental services
- Counseling services
- Trauma recovery
- Adult education
- Language and cross-cultural assistance
- Childcare to help parents stay employed
- Legal services
- Transportation to provide access to existing programs or services
- Financial asset formation
- Services for homeless families and individuals, including homeless youth

IV. LONG-TERM SUPPORTIVE SERVICES

Outcome: Individuals who have continuing long-term needs, and who therefore may not become self-sufficient, achieve and/or maintain healthy, safe, and independent lives to the maximum extent possible.

Services in this category meet the needs of individuals who, because of age or other permanent conditions, will need ongoing help and likely will never achieve self-sufficiency. It may be difficult to initially assess whether an individual or family needs services from this category, as compared to another category. Indeed, those receiving ongoing services may also benefit from preventive programs, require emergency services, or move from dependence to self-sufficiency in some areas of their lives while needing ongoing assistance in others. Programs to help neighborhoods or communities address growing ongoing supportive service needs within the community would also fall into this category.

Target Funding Range: 10-20 percent

Service Examples:

- Affordable, accessible, and stable long-term housing with supportive social services
- Services to assist individuals transitioning from institutional to home or community-based care
- Personal assistance with routine tasks
- Transportation to medical appointments
- Social environments for isolated individuals
- Home health visits
- Individual and family counseling
- Respite services to help caregivers
- Nutrition assistance
- Supportive employment

Capital Projects from the Community Development Block Grant may be awarded in multiple categories (generally self-sufficiency and long-term supportive services) independently of the target funding percentage.

Board Agenda Item
July 9, 2013

10:40 a.m.

Matters Presented by Board Members

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11:30 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. *Vienna Metro, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2011-0006322 (Fx. Co. Cir. Ct.) (Providence District)

2. *Beatriz Karina Roa v. Fairfax County, Chairman Sharon Bulova, David Bobzien, Oakton Fire and Rescue Department, Jason G. Pryor and Man Y. Li*, Case No. CL-2011-0016728 (Fx. Co. Cir. Ct.)

3. *Tonita Hall a/k/a Louise Redditt Toni v. Robert Mueller, Eric Holder, Albert L. Lord, Albert Murray, Tanja Gilmore, Harold W. Clarke, B. Meyers, R. Wenmoth, Debra Wiley, John Frey, FSA Ombudsman U.S. Dept. of Education, Fairfax County Board of Supervisors, Jessi Vannalli, Lieutenant T. Crabtree, Officer Bauer, Fairfax County Police Dept., David M. Rohrer, Fairfax County Sheriff's Dept., Magistrate Garcia, Deputy Sheriff Wayne Hannah, Hank W. Chao, Kathleen Tighe, Jason Williams, Joan Zanders, Joe Kuebler, Juanita Ford, Northern Virginia Community College, Ian Rodway, Raymond F. Morrogh, Theophani Stamos, U.S. Office of the Inspector General, Patricia Tucker, Robert Templin, Jr., Sallie Mae, Arne Duncan, Sharon Bulova, Nathan Deal, Unknown Transportation Company, U.S. Dept. of Justice, William W. Muse, William D. Hamel*, Civil Action No. 13-1704 (U.S. Ct. of Appeals for the Fourth Cir.)

4. *Khadija Ahmed v. Phimmery Muongkhoth*, Case No. CL 2012-0002136 (Fx. Co. Cir. Ct.) (Providence District)

5. *Mark Boudreau v. Detective Jeremy Hoffman*, Case No. GV13-003768 (Fx. Co. Gen. Dist. Ct.)

6. *MGA Virginia 86-1 Limited Partnership v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0018812 (Fx. Co. Cir. Ct.) (Hunter Mill District)

7. *MGA Virginia 85-1 Limited Partnership and Boston Properties Limited Partnership v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2013-0000015 (Fx. Co. Cir. Ct.) (Hunter Mill District)

8. *MGA Virginia 86-2 Limited Partnership and Boston Properties Limited Partnership v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2013-0000016 (Fx. Co. Cir. Ct.) (Hunter Mill District)

9. *In Re: February 13, 2013, Decision of the Fairfax County Board of Zoning Appeals; Trang P. Mai v. Fairfax County Department of Planning and Zoning*, Case No. CL-2013-0005213 (Fx. Co. Cir. Ct.) (Mason District)

10. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Edward Caine and Susan Power*, Case No. CL-2013-08131 (Fx. Co. Cir. Ct.) (Dranesville District)

11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fred F. Khamnei, Afkhamolmollk Khamnei, and Ming, LLC d/b/a B & M Therapy*, Case No. CL-2013-0009085 (Fx. Co. Cir. Ct.) (Providence District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Deochand Narish Lawkaran and Mahabal Leelawattee*, Case No. CL-2012-0006262 (Fx. Co. Cir. Ct.) (Mason District)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charilene N. Lucas, a/k/a Christine N. Lucas*, Case No. CL-2011-0012915 (Fx. Co. Cir. Ct.) (Lee District)

15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)

16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rajendra Bernard Edwards*, Case No. CL-2012-0008576 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)

17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile*, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank L. Stevens and Mary E. T. Stevens*, Case No. CL-2012-0005051 (Fx. Co. Cir. Ct.) (Providence District)

20. *Leslie B. Johnson, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Linda L. LaFever*, Case No. CL-2012-0008507 (Fx. Co. Cir. Ct.) (Lee District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rotonna L. Mullen*, Case No. CL-2012-0008992 (Fx. Co. Cir. Ct.) (Mount Vernon District)

22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jorge A. Ayala and Olimpia T. Amaya, a/k/a Olimpia T. Ayala*, Case No. CL-2011-0004001 (Fx. Co. Cir. Ct.) (Springfield District)

24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Helen Bartlett*, Case No. CL-2012-0014136 (Fx. Co. Cir. Ct.) (Mason District)

25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Akmal Ghani and Hamida Ghani*, Case No. CL-2012-0008004 (Fx. Co. Cir. Ct.) (Braddock District)

26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick McLein and Toui Emanivong*, Case No. CL-2013-0004456 (Fx. Co. Cir. Ct.) (Providence District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George W. Spicer, Agnes G. Spicer, and Abiy Bisrat*, Case No. CL-2013-0008289 (Fx. Co. Cir. Ct.) (Mason District)

28. *Board of Supervisors of Fairfax County, Virginia v. D and J Real Estate, LLC, and L & M Body Shop, Inc.*, Case No. CL-2011-0016596 (Fx. Co. Cir. Ct.) (Lee District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Groveton Office, LLC, and SPUSO5 Wood Groveton, LLC*, Case No. CL-2013-0003609 (Fx. Co. Cir. Ct.) (Lee District)

30. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carl H. Richmond, Jr., and Elizabeth S. Richmond, Trustees of the Carl H. Richmond, Jr. Revocable Trust and the Elizabeth S. Richmond Revocable Trust*, Case No. CL-2013-0001344 (Fx. Co. Cir. Ct.) (Lee District)

31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Amy Junhong Long*, Case No. CL-2013-0005065 (Fx. Co. Cir. Ct.) (Providence District)

32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kam Saykhamphone and Thong B. Saykhamphone*, Case No. CL-2013-0007059 (Fx. Co. Cir. Ct.) (Braddock District)

33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wayne E. Lloyd and C & L Mulching and Lawn Maintenance, Inc.*, Case No. CL-2013-0009604 (Fx. Co. Cir. Ct.) (Lee District)

34. *Leslie B. Johnson, Fairfax County Zoning Administator v. Manzoor Ul Haq Sheikh and Shagufta A. Sheikh*, Case No. CL-2013-0009607 (Fx. Co. Cir. Ct.) (Lee District)

35. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kevin A. Curry and Laura C. Curry*, Case No. CL-2013-0009606 (Fx. Co. Cir. Ct.) (Providence District)

36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel C. Robinson*, Case No. CL-2013-0010319 (Fx. Co. Cir. Ct.) (Mount Vernon District)

37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peter Komtzamanys*, Case No. CL-2013-0010321 (Fx. Co. Cir. Ct.) (Sully District)

38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gloria R. Dean*, Case Nos. GV13-001114 and GV13-001116 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Bracamonte Castillo***,** Case Nos. GV12-014032 and GV12-014033 (Fx. Co. Gen. Dist. Ct.) (Lee District)

40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Fairfax Investors Limited Partnership, LLP*, Case No. GV13-009848 (Fx. Co. Gen. Dist. Ct.) (Mason District)

41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mark Skrinski and Maria Skrinski*, Case No. GV13-009846 (Fx. Co. Gen. Dist. Ct.) (Lee District)

42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Peel Family Revocable Trust, and Charles A. Peel and Jane E. Peel, Trustees of the Peel Family Revocable Trust*, Case No. GV13-010739 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roger L. Vasilas and Karen B. Vasilas*, Case No. GV13-010487 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Peggy Shannon Bryant Starke Trust, and Peggy Shannon Bryant Starke, Trustee of the Peggy Shannon Bryant Starke Trust*, Case Nos. GV13-011059 and GV13-011060 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gloria Cruz and Jose Santana Escobar*, Case Nos. GV13-011000 and GV13-011001 (Fx. Co. Gen. Dist. Ct.) (Mason District)

46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harlan Y.M. Lee and Mary Jane Lee***,** Case No. GV12-026231 (Fx. Co. Gen. Dist. Ct.) (Providence District)

47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sergio Luna Lozano*, Case No. GV13-009800 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

48. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sam K. Yoon*, Case No. GV13-009706 (Fx. Co. Gen. Dist. Ct.) (Mason District)

49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vivian Villaroel*, Case No. GV13-012764 (Fx. Co. Gen. Dist. Ct.) (Mason District)

50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hector V. Flores and Sara E. Ventura*, Case No. GV13-012763 (Fx. Co. Gen. Dist. Ct.) (Lee District)

51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Karen A. Kallio*, Case No. GV13-012768 (Fx. Co. Gen. Dist. Ct.) (Mason District)

52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edgar Molina and Hilda Crespo De Molina*, Case No. GV13-013006 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kiet Nguyen and Jenny Nguyen*, Civil Case No. GV13-013293 (Fx. Co. Gen. Dist. Ct.) (Mason District)

54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Byung Young Kim and Myung Sook Kim*, Civil Case No. GV13-013294 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

55. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Miguel A. Orellana*, Case No. GV13-013434 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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Board Agenda Item
July 9, 2013

3:30 p.m.

Public Hearing on AF 2013-SP-001, John T. Kincheloe; Mary T. Kincheloe, Trustee; John T. Kincheloe, Trustee, Jean Nelson Kincheloe Swim, 13219 Yates Ford Road, LLC, to Permit Renewal of Previously Approved Agricultural and Forestal Districts, Located on Approximately 374.29 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 7821 Kincheloe Road, 7900 My Way and 13219 Yates Ford Road, Clifton, 20124. Tax Map 85-1 ((6)) 1, 2Z, 4; 85-3 ((1)) 5Z, 6Z, 7Z; 85-3 ((2)) 18Z, 19Z, 20Z, 48Z-53Z; 85-4 ((1)) 1Z, 10Z, 20Z, 21Z, 22Z, 23Z; 85-4 ((6)) 2Z and 3Z.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, June 27, 2013, the Planning Commission voted unanimously (Commissioners Donahue, Lawrence, and Litzenberger absent from the meeting) to recommend that the Board of Supervisors approve the request to amend Appendix E of the Fairfax County Code to establish the Kincheloe Statewide Agricultural and Forestal District subject to the Ordinance Provisions dated May 15, 2013.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4419400.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Brent Krasner, Staff Coordinator, DPZ

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Planning Commission Meeting
June 27, 2013
Verbatim Excerpt

AF 2013-SP-001 – JOHN T. KINCHELOE; MARY T. KINCHELOE, TRUSTEE; JOHN T. KINCHELOE, TRUSTEE; JEAN NELSON KINCHELOE SWIM; 13219 YATES FORD ROAD, LLC

After Close of the Public Hearing

Vice Chairman de la Fe: Close the public hearing and Mr. Chairman – this is in the Springfield District.

Commissioner Murphy: Thank you, Mr. Chairman. It's always a pleasure to act on Agricultural and Forestal Districts and this is no exception. This is a rather large one. It's 374.29 acres and west of Clifton. It's owned by the Kincheloe family, who are very famous in that part of town and, quite frankly, all over the Fairfax County. So it's a pleasure to move, Mr. Chairman, that the Planning Commission recommend to the Board of Supervisors that AR 2004-SP-001 be approved and Appendix F of the staff report be amended to renew the Kosters –

Brent Krasner, Zoning Evaluation Division, Department of Planning and Zoning: Excuse me, I think you're reading the Kosters. We're on the Kincheloe.

Commissioner Murphy: That's right. I'm sorry. I read the wrong one. I got the same number on each one. That's why it confused me. I RECOMMEND THE BOARD OF SUPERVISORS – AF 2013-SP-001 BE APPROVED AND APPENDIX E OF THE FAIRFAX COUNTY CODE BE AMENDED TO ESTABLISH THE KINCHELOE STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED MARCH 15TH, 2013 (sic).

Commissioner Hall: Seconded.

Mr. Krasner: I believe that's May 15th.

Commissioner Murphy: MAY 15TH, thank you. We're doing great.

Commissioner Hall: There's a lot of this going around.

Vice Chairman de la Fe: Seconded by Mrs. Hall. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

//

(The motion carried unanimously with Commissioners Donahue, Lawrence, and Litzenberger absent from the meeting.)

JLC

Board Agenda Item
July 9, 2013

3:30 p.m.

Public Hearing on AR 2004-SP-001, Mark A. and Lisa K. Kosters, Marvin H. Kosters and Bonnie M. Kosters, to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 20.3 Acres of Land Zoned R C and WS (Springfield District)

This property is located at 13120 Cedar Ridge Drive, Clifton, 20124. Tax Map 75-1 ((8)) 6Z; 75-1 ((10)) 7Z, 8Z and 9Z.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, June 27, 2013, the Planning Commission voted unanimously (Commissioners Donahue, Lawrence, and Litzenberger absent from the meeting) to recommend that the Board of Supervisors approve the request to amend Appendix F of the Fairfax County Code to renew the Kosters Local Agricultural and Forestal District subject to the Ordinance Provisions dated May 15, 2013.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4419398.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Brent Krasner, Staff Coordinator, DPZ

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Board Agenda Item
July 9, 2013

3:30 p.m.

Public Hearing on PRC-C-377, Fairfax County Public Schools, PRC to Approve the PRC Plan Associated with RZ-C-377 to Permit an Addition to an Existing Public Elementary School and Associated Improvements, Located on Approximately 14.98 Acres of Land Zoned PRC (Hunter Mill District)

This property is located in the South East quadrant of the intersection of Sunrise Valley Drive and Cross School Road. Tax Map 27-1 ((3)) 2.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, June 27, 2013, the Planning Commission voted unanimously (Commissioners Donahue, Lawrence, and Litzenberger absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PRC C-377, subject to the proposed Development Conditions dated June 20, 2013, with the added condition to reflect the intent and purpose of reserved parking spaces; and

- Modification of the Public Facilities Manual's trail requirement for the proposed walkway along Cross School Road to allow reductions in the minimum clear zone in accordance with the Development Conditions.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4386553.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nick Rogers, Staff Coordinator, DPZ

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Planning Commission Meeting
June 27, 2013
Verbatim Excerpt

PRC C-377 – FAIRFAX COUNTY PUBLIC SCHOOLS (Hunter Mill District)

After Close of the Public Hearing

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

Commissioner de la Fe: Thank you, Mr. Chairman. I'm glad that the Reston Association and its – its support contractor were not here tonight because they have been working with the applicant to resolve the issues that were brought up last time. And also, I'm glad to see that in a school system there is some learning. I think the Sunrise Valley PRC Plan reflects much of the learning that was done with the Terraset plan, as far as working with the community and meeting the stormwater requirements. Therefore – Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PRC C-377, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 20TH, WITH THE ADDITION OF A CONDITION TO REFLECT THE INTENT AND PURPOSES AS DISCUSSED TONIGHT OF OLD CONDITION NUMBER 3 IN THE ORIGINAL STAFF REPORT.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Sargeant, was it?

Commissioner Hart: No.

Commissioner Hall: Mr. Hart.

Chairman Murphy: Mr. Hart, I'm sorry. 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-377, as amended in the development conditions by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE PUBLIC FACILITIES MANUAL'S TRAIL REQUIREMENT, IN FAVOR OF THE PROPOSED WALKWAY ALONG CROSS SCHOOL ROAD TO ALLOW REDUCTIONS IN THE MINIMUM CLEAR ZONE IN ACCORDANCE WITH THE DEVELOPMENT CONDITIONS.

Commissioners Flanagan and Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much to all concerned. After a year of work, we can move this onto the Board of Supervisors. Thank you very much.

//

(The motions carried unanimously with Commissioners Donahue, Lawrence, and Litzenberger absent from the meeting.)

JLC

Board Agenda Item
July 9, 2013

3:30 p.m.

Public Hearing on SE 2012-MV-019, Seyed M. Falsafi, to Permit Uses in a Floodplain, Located on Approximately 3.12 Acres of Land Zoned R-2 (Mount Vernon District)

This property is located at 835 Herbert Springs Road, Alexandria, 22308. Tax Map 102-4 ((1)) 77B.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, May 22, 2013, the Planning Commission voted unanimously (Commissioners Hurley and Lawrence absent from the meeting) to recommend that the Board of Supervisors approve SE 2012-MV-019, subject to the Development Conditions dated May 21, 2013.

ENCLOSED DOCUMENTS:
Attachment 1 - Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4417396.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nick Rogers, DPZ

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Planning Commission Meeting
May 22, 2013
Verbatim Excerpt

SE 2012-MV-019 – SEYED M. FALSAFI

After Close of the Public Hearing

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

Commissioner Flanagan: Thank you, Mr. Chairman. This application has been quite contentious in spite of the fact that there's no one here to testify in opposition. I was just informed that the Mount Vernon Council recommended adoption of the – approval of this application unanimously. And so I think that stands as good testimony to the fact that working with staff and - in particular, Mr. Rogers - that we've been able to iron out all of the contentious issues I think that exist here. They – the Mount Vernon Council did, though - - I would like to ask you some of their questions here. The applicant – they asked that, in approving this application, the applicant does no further damage to or filling in of the RPA or flood plain. And it is your understanding that they have agreed to that.

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning: That's correct.

Commissioner Flanagan: And has the applicant – has the applicant – does not build in the RPA and flood plain when he builds his new home on this property.

Mr. Rogers: Our understanding is that that would also be the case.

Commissioner Flanagan: And that's in the proffers, as I understand it. Right?

Mr. Rogers: The development conditions have been structured – has been structured in such a way so that if the applicant were to demolish the existing structure and build a new dwelling on the site that that dwelling would not be allowed to encroach in either the RPA or the flood plain without coming back before this Board as a Special Exception Amendment.

Commissioner Flanagan: Excellent. The Council also requests that the applicant re-plant and restore the RPA with the required plant material specified by the County. Has the applicant agreed to that?

Mr. Rogers: The applicant has agreed to that. That's a process that would be handled through a water quality impact assessment to be reviewed and approved by Public Works and Environmental Services.

Commissioner Flanagan: And the applicant has agreed to correct issues related to the dock that projects out into the Potomac River.

Mr. Rogers: Again, the applicant would be required to secure approval of a retroactive building permit, also from DPWES, for that pier.

Commissioner Flanagan: Excellent. And also that the County staff will monitor this project every step of the way to include the construction of the new home to ensure that no more missteps are made by the applicant or his contractors.

Mr. Rogers: All I can say on that front is we do have a skilled and experienced inspection staff with DPWES who handles not only the review of those building permits, but also the on-site inspections to ensure that what was approved was built.

Commissioner Flanagan: Well I think with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2012-MV-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 21, 2013.

Commissioners Litzenberger and Sargeant: Seconded by Mr. Litzenberger and 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 SE 2012-MV-019, say aye.

Commissioners: Aye.

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

//

(The motion carried unanimously with Commissioners Hurley and Lawrence absent from the meeting.)

JLC

Board Agenda Item
July 9, 2013

4:00 p.m.

Public Hearing on PRCA-B-846, JBG/RIC, L.L.C. and RIC Retail, L.L.C., to Amend the PRC Plan Associated with RZ –B-846 to Permit Mixed Use Development with a Total Floor Area Ratio of 2.8, Located on Approximately 9.96 Acres of Land Zoned PRC (Hunter Mill District)

This property is located on the West side of Sunrise Valley Drive approximately 900 feet North West of its intersection with Reston Parkway. Tax Map 17-3 ((3)) 1C and 1D.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, May 22, 2013, the Planning Commission voted unanimously (Commissioners Hurley and Lawrence absent from the meeting) to recommend that the Board of Supervisors approve PRCA B-846, subject to the Development Conditions dated May 21, 2013.

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4416119.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nick Rogers, DPZ

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Planning Commission Meeting
May 22, 2013
Verbatim Excerpt

PRCA B-846 – JBG/RIC, LLC AND RIC RETAIL, LLC (Hunter Mill District)

Decision Only During Commission Matters
(Public Hearing held on May 2, 2013)

Commissioner de la Fe: Thank you, Mr. Chairman. On May 2nd, we had a public hearing on PRCA B-846, in the name of JBG/RIC, LLC and RIC Retail, LLC. It's essentially the property that is generally known as the Reston International Center. We had a number of speakers and letters that all were in favor so there was no disagreement on that. We deferred the decision primarily to address some minor issues related to the TDM program and language that was being used – and to try to make it as close as possible to our standard TDM proffers, even though this is a not a proffered plan. This is a PRC Plan, so these become development conditions. But everybody seems to be satisfied with the new ones that were mailed to you. There is one issue which, unfortunately, cannot be settled at this time, which relates to the pedestrian crossing – and I'm talking about pedestrian; includes bicycles – across Reston Parkway from this site to the other side of the Reston Parkway. The applicant shows a sidewalk and trail up to a certain point where the Reston Access Master - - Access Group recommended that there be a crossing. However, the decision as to where, how, and at what point to cross - provide this crossing will have to wait until the Reston Center Metro Station is - all of the transportation improvements for that have gone through final design and so forth, so we cannot address them at this time. But the applicant has committed to work with, you know, work with and make sure that people from their side of Reston Parkway can get across safely once those decisions are made. Having said that, Mr. Chairman, I believe that, as I said, nobody seems to object to this. It's a good plan. And I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PRCA B-846, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED MAY 21ST, 2013.

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 PRCA B-846, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much, Mr. Chairman. And thank you very much to everyone involved in this project.

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(The motion carried unanimously with Commissioners Hurley and Lawrence absent from the meeting.)

JLC

Board Agenda Item
July 9, 2013

4:00 p.m.

Public Hearing on RZ 2011-PR-018, Christopher Land, L.L.C. to Rezone from R-1 to PDH-3 to Permit Residential Development with a Density of 2.55 du/ac in Land Bay B and a Private Club as a Secondary Use with a Floor Area Ratio of 0.07 in Land Bay A with an Overall Total Density of 0.033 Floor Area Ratio and 1.4 du/ac and Approval of the Conceptual Development Plans, Located on Approx. 5.72 Acres of Land (Providence District)

This property is located on the North side of Courthouse Road approximately 500 feet East of the intersection with Sutton Road. Tax Map 48-1 ((1)) 62 and 64.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, April 25, 2013, the Planning Commission voted 10-0-1 (Commissioner Hall abstaining, and Commissioner Hurley absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approve RZ 2011-PR-018 and the associated CDP, subject to the execution of proffers, consistent with those dated April 22, 2013, and additional proffer language to be added by the applicant as agreed on April 25, 2013, and reviewed by the Providence District Supervisor prior to a scheduled Board of Supervisors public hearing;

- Approve the requested modification of Section 13-303 for the transitional screening and Section 13-304 of the Zoning Ordinance for the barrier requirements of Land Bay A to permit the transitional screening and barrier requirements shown on the CDP/FDP; and

- Approve a waiver of the sidewalk requirement along the frontage of Courthouse Road, east of the site entrance.

In a related action, the Commission also voted 10-0-1 (Commissioner Hall abstaining, and Commissioner Hurley absent from the meeting) to approve FDP 2011-PR-018, subject to the Board's approval of RZ 2011-PR-018.

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4412552.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William Mayland, DPZ

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Planning Commission Meeting
April 25, 2013
Verbatim Excerpt

RZ/FDP 2011-PR-018 – CHRISTOPHER LAND, LLC

Decision Only During Commission Matters
(Public Hearing held on April 3, 2013)

Commissioner Lawrence: Mr. Chairman, tonight we have the decision on RZ 2011-PR-018, the Moose Lodge application. With your indulgence, I have a few things for the record before we go on verbatim for the motions. We had the public hearing on this application on April 3rd and the decision was then deferred. The application site is bordered on the north, east, and west by the Vienna Oaks community and on the south by Nottoway Park. At the public hearing, Commissioners expressed some concerns. In addition, the neighbors to the north, east, and west provided testimony with their concerns. During the deferral period, a communication was received from the Friends of Nottoway Park. Together, the matters to be addressed covered the internals of the site and all four compass directions. I have, however, heard nothing on mineral or air rights with this application. The applicant has worked with us to develop solutions to the issues, and Commissioners will have received a new submittal of plans and proffers earlier this week. Most of what was needed is represented in that package. However, we continued to focus on proffer language. We've made some small but significant additions, and I'd like to confirm the applicant's willingness to make these voluntary provisions a part of the rezoning proposal. Mr. Adams, will you come forward please, and identify yourself.

Scott Adams, Esquire, McGuireWoods LLP: Good evening. I'm Scott Adams with McGuireWoods. I'm the attorney for the applicant.

Commissioner Lawrence: Thank you for coming. We will now have a limitation on the Lot 5 deck to half the width of the house. And we will now have all limitations and responsibilities of the homeowners documented for disclosure not only for the first buyers, but through the HOA to successive buyers, correct?

Mr. Adams: Correct.

Commissioner Lawrence: Next, we will now have language that allows for additional supplemental landscaping plantings as strategic screening, especially for lots to the north such as 4 and 5, correct?

Mr. Adams: Correct.

Commissioner Lawrence: We will now have the first floor datum elevation of the home on Lot 5 specifically prescribed, and we will now have the treatment of the edging for parking pavement next to the east side conservation easement specifically called out. Are those things correct?

Mr. Adams: Correct.

Commissioner Lawrence: The language to be added to proffers will be reviewed by the Supervisor's office before the Board hears this case. Do we agree?

Mr. Adams: Correct. We agree.

Commissioner Lawrence: Thank you very much, Mr. Adams.

Mr. Adams: Thank you.

Commissioner Lawrence: Mr. Chairman, I believe we have reached a workable compromise here. The two uses on this site might be described by some as uneasy bedfellows, and fitting the new homes of today into the fabric of the neighborhood is a challenge. Thanks to the thoughtful input of the neighbors and the applicant's diligent pursuit of a solution, I think the result is worthwhile. Therefore, Mr. Chairman, I have the following motions.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner de la Fe: I have a question on what you handed out to us, when you referred to the additional supplemental landscaping plantings. In what you gave us, you said, "such as Lots 5 and 6," but you read '4 and 5.' Which is correct?

Commissioner Lawrence: Let's use "four and five" for the record, please.

Commissioner de la Fe: Okay.

Commissioner Lawrence: Actually, it would apply to any or all of them.

Commissioner de la Fe: – to any. Okay.

Commissioner Lawrence: I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE RZ 2011-PR-018 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLANS, SUBJECT TO THE EXECUTION OF PROFFERS, CONSISTENT WITH THOSE DATED April 1st, 2013, [*sic*] and the additions agreed to this evening.

William Mayland, Department of Planning and Zoning: Excuse me, it should be April 22nd.

Commissioner Lawrence: APRIL 22ND, – sorry – 2013, AND THE ADDITIONS AGREED TO THIS EVENING.

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 2011-PR-018 and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Ms. Hall abstains; not present for the public hearing. Mr. Lawrence, please.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINAL DEVELOPMENT PLAN, SUBJECT TO THE PROPOSED CONDITIONS DATED April – staff can you furnish the date, please.

Mr. Mayland: 22nd also.

Commissioner Lawrence: APRIL 22ND, 2013.

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 2011-PR-018, subsequent to the Board's approval of the Conceptual Development Plan, say aye.

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE REQUESTED MODIFICATION OF SECTION 13-303 FOR THE TRANSITIONAL SCREENING AND SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENTS OF LAND BAY A TO PERMIT THE TRANSITIONAL SCREENING AND BARRIER SHOWN ON THE CDP/FDP.

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, say aye.

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A WAIVER OF THE SIDEWALK REQUIREMENT ALONG THE FRONTAGE OF COURTHOUSE ROAD EAST OF THE SITE ENTRANCE.

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.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstention.

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(Each motion carried by a vote of 10-0-1with Commissioner Hall abstaining; Commissioner Hurley absent from the meeting.)

JN

Board Agenda Item
July 9, 2013

4:00 p.m.

Public Hearing to Consider Fairfax Forward Planning Process and Associated Pilot Comprehensive Plan Amendment Work Program

ISSUE:
Fairfax Forward proposes a new approach to Comprehensive Plan review. The approach expands public outreach, involvement and education; enhances comprehensive impact analyses through areawide studies; and includes greater opportunity to monitor Plan policy and implementation. The initial review schedule for the next three years is considered a pilot ("the Pilot Comprehensive Plan Amendment Work Program"). After the second year, an evaluation of the efficiency, effectiveness, accessibility, and impact of the process and the work program will be completed. A multi-year calendar lists planning activities contemplated beyond the three year work program. The calendar will help inform future review of the work program as it suggests a means to complete the review of the Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, April 3, 2013, the Planning Commission unanimously voted (Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adopt the revised Comprehensive Plan review process outlined in the Fairfax Forward staff report dated February 20, 2013, and subsequent addendum dated April 3, 2013, which uses a Comprehensive Plan Amendment Work Program to schedule future planning studies;

- Adopt the pilot Comprehensive Plan Amendment Work Program dated February 28, 2013, as a formal test of program operations;

- After two years, staff should evaluate the efficiency, effectiveness, accessibility, and impact of the new process and the pilot work program. Measurement criteria should be developed by staff in concert with the Planning Commission and the Board of Supervisors, allowing for public review and comment, and should be assessed utilizing surveys, interviews, or other methods to reach all parties involved. The evaluation should conclude with recommendations to the Planning Commission and the Board of Supervisors on modifications and improvements; and

- Rescind the outstanding Area Plans Review nominations listed on Attachment VII of the staff report dated February 20, 2013, and recommend that the Board of

Supervisors rescind the outstanding Board authorized amendments listed within the same document.

RECOMMENDATION:
The County Executive recommends that the Board adopt the Planning Commission recommendation, as revised by the Pilot Comprehensive Plan Amendment Work Program dated June 11, 2013 and updated to reflect Board-authorized amendments initiated between April and June 2013.

TIMING:
Planning Commission public hearing (cancelled due to weather) – March 6, 2013
Board of Supervisors' public hearing (deferred) – March 19, 2013
Planning Commission public hearing (rescheduled) – March 27, 2013
Planning Commission decision – April 3, 2013
Board of Supervisors' public hearing (deferred) – April 30, 2013
Board of Supervisors' public hearing – July 9, 2013

BACKGROUND:
In early 2012, at the direction of the Planning Commission, Department of Planning and Zoning (DPZ) staff began Fairfax Forward, an effort to develop a new means to review the Comprehensive Plan. Fairfax Forward proposes a Comprehensive Plan Amendment Work Program for scheduling the review of the Area Plans, Policy Plan, and related maps. This schedule is meant to ensure that guidance remains up-to-date and relevant based on current and future needs. The initial work program is considered the "Pilot Comprehensive Plan Amendment Work Program" to emphasize that the first cycle will be a formal test of the work program, which will be evaluated after two years.

Fairfax Forward also proposes a new approach for conducting planning studies to provide more focused study parameters, greater community outreach, and a more organized approach to the overall Plan review. State requirements for Comprehensive Plan review will be met through the regular evaluation and update of the work program, and the option for Board-authorized amendments, which will be retained. After two years, this approach also will be evaluated with recommendations for improvements made to the Planning Commission and the Board of Supervisors.

A number of Board-authorized amendments have been deferred indefinitely or remain pending, despite no recent work on these items. Many of these amendments were either superseded by other amendments or determined to be no longer warranted as the issue was resolved. No additional work is anticipated in the future on these amendments. These items

are not listed on the work program and recommended to be rescinded in order to avoid carrying forward amendments that are no longer in progress as part of Fairfax Forward.

Staff has continued community outreach efforts in the past few months. A Frequently Asked Questions document was published on May 10, 2013 to clarify issues related to public involvement in the upcoming land use studies and future evaluation of Fairfax Forward (Attachment 3).

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Verbatim Excerpt
Attachment 2: The Pilot Comprehensive Plan Amendment Work Program, dated 6-11-13
Attachment 3: Fairfax Forward Frequently Asked Questions, dated May 10, 2013

Staff Report (February 20, 2013) previously furnished and available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/fairfaxforward.pdf
Staff Report Addendum (April 3, 2013) previously furnished and available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/fairfaxforwardaddendum.pdf

STAFF:
Fred R. Selden, Director, DPZ
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Meghan D. Van Dam, Chief, Policy and Plan Development Branch II, PD, DPZ

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Planning Commission Meeting
April 3, 2013
Verbatim Excerpt

FAIRFAX FORWARD WORK PROGRAM

Decision Only During Commission Matters
(Public Hearing held on March 27, 2013)

Commissioner Lawrence: Thank you, Mr. Chairman. I have a couple of decisions to do. I would like to do Fairfax Forward first, if I may. And before we go on verbatim to make the motion – with your permission, I have a couple things I need to say.

Chairman Murphy: Sure.

Commissioner Lawrence: On Fairfax Forward, we received today – it's dated April 3rd – an addendum from staff to the staff report. It's a very brief one and on the cover page it gives a summary of what the addendum contains and what changes were made. They're pretty straight-forward. I'm going to move approval of this program tonight, but as we'll be seeing in the motions that I'm going to make, it will be approved – we will recommend that it be approved for operation as a pilot program in an evaluation phase of operation. And we're timing that to come out with the first evaluation of the Work Program itself so that the process we're working with and the Program that is being worked on will get evaluated at the same time, according to a specific set of criteria. So what that motion means is that it's time to find out about this thing by doing it. There is only so much we can do prospectively and I think we've done – with the great work of staff – all that can be done about it. Therefore, Mr. Chairman – now I'm ready for verbatim – I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE REVISED COMPREHENSIVE PLAN REVIEW PROCESS OUTLINED IN THE FAIRFAX FORWARD STAFF REPORT DATED FEBRUARY 20, 2013, AND SUBSEQUENT ADDENDUM DATED APRIL 3, 2013, WHICH USES A COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM TO SCHEDULE FUTURE PLANNING STUDIES.

Commissioners Migliaccio and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Sargeant. Is there a discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes, I just want to have for the record that I did not attend the public hearing on the 27th of March. However, I did watch the entire proceeding by television and so I will be voting tonight on this particular provision. And had I been here, I would have put into the record the fact that the Mount Vernon Council wholeheartedly – I think you all received a letter

previously, probably by an email, that the Mount Vernon Council wholeheartedly recommends the approval of this – the Fairfax Forward as drafted.

Chairman Murphy: Okay. Thank you very much. I have a couple of comments I want to make. During this entire process, including the discussions in the Committee – and I want to congratulate Mr. Lawrence for doing a great job in leading us through this process and the staff, Marianne Gardner and Meghan Van Dam. I had a couple concerns and I still have those concerns about the involvement of the citizens in this process. And we continuously say that the Planning Commission is the custodian of the Comprehensive Plan, but it is the citizens' plan. And my concern was that with this new process there is a possibility that we may be taking the citizens out of the process not completely, but diluting their participation in the process. But I can't vote against this because the only way we're going to find out if that is good or whether it was just a figment of my imagination is to go into this Program with the idea – which I think is going to come up in a future motion – that we have some sort of monitoring or pilot program where we can sit back and take a look at something that is this important to the citizens of the County, the Planning Commission, and the Board of Supervisors and take a look at it and see if it's working and to ensure that the citizens are still an important, crucial part of the planning process in Fairfax County at the stage where it really counts the most. And that's when we're looking at the Comprehensive Plan. Is there further discussion of the motion? All those in favor of the motion as articulated by Commissioner Lawrence to approve Fairfax Forward, as contained in the staff report dated February 20, 2013, and as amended by the addendum dated April 3, 2013, say aye.

Commissioners: Aye.

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

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PILOT COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM DATED FEBRUARY 28, 2013, AS A FORMAL TEST OF PROGRAM OPERATIONS.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi and also the Chair seconds that motion because this is what I think is going to be a crucial part of this entire Program. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Commissioner Lawrence, please.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AFTER TWO YEARS, STAFF SHOULD EVALUATE THE EFFICIENCY, EFFECTIVENESS, ACCESSIBILITY, AND IMPACT OF

FAIRFAX FORWARD WORK PROGRAM

THE NEW PROCESS AND THE PILOT WORK PROGRAM. MEASUREMENT CRITERIA SHOULD BE DEVELOPED BY STAFF IN CONCERT WITH THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS, ALLOWING FOR PUBLIC REVIEW AND COMMENT, AND SHOULD BE ASSESSED UTILIZING SURVEYS, INTERVIEWS, OR OTHER METHODS TO REACH ALL PARTIES INVOLVED. THE EVALUATION SHOULD CONCLUDE WITH RECOMMENDATIONS TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS ON MODIFICATIONS AND IMPROVEMENTS.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion – and seconded by the Chair – is there a discussion of that motion? All those in favor of the motion as articulated by Mr. Lawrence, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RESCIND THE OUTSTANDING AREA PLANS REVIEW NOMINATIONS LISTED ON ATTACHMENT VII OF THE STAFF REPORT DATED FEBRUARY 20, 2013, AND RECOMMEND THAT THE BOARD OF SUPERVISORS RESCIND THE OUTSTANDING BOARD-AUTHORIZED AMENDMENTS LISTED WITHIN THE SAME DOCUMENT.

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, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you, Mr. Chairman.

Chairman Murphy: Thank you. Once again, I want to thank Mr. Lawrence. And I think – intrinsic in these motions is the fact that the Planning Commission has a definite role in ensuring that in each of our districts, with our At-Large Commissioners joining in, that this is monitored very carefully and that we have a good notion when we finish the monitoring process as to what the results of this new Program are going to be. Again, I thank staff for all their hard work and for putting up with me – and not necessarily in that order.

(The motions carried unanimously with Commissioner Hall absent from the meeting.)
JLC

Comprehensive Plan Amendment Work Program
June 11, 2013

The Comprehensive Plan Amendment Work Program lists: 1.) planning studies that have previously been authorized and will continue through 2013 and, 2.) new planning studies that are anticipated to commence between 2013 through 2016, authorized through the adoption of the work program. Studies on the work program are not assumed to be completed by 2016. The following list of planning studies is preliminary and subject to change until the adoption of the work program.

Colors used for legibility purposes to separate types of amendments.

Previously Authorized Plan amendments:

Plan Amendment Name	Authorization	Type	General Purpose
Dulles Station (15-4((5))5A) (PA S11-III-DS1)	3-8-11	Land use	• Consider revising recommendation to allow for additional multi-family residential use
Parcel in the vicinity of Elden Street/ Centreville Road/ Parcher Avenue (PA S09-III-UP2)	7-13-09	Land use	• Consider appropriate uses and intensity
Rocks Site (PA S07-III-UP2)	12-3-07	Land use	• Consider appropriate uses and intensity including an evaluation of the capacity of the planned and existing road network
Route 28 Station-South (PA ST09-III-UP3)	7-13-09	Land use	• Consider appropriate uses and intensity including an evaluation of the capacity of the planned and existing road network
North Gateway (APR 09-IV-1MV; 09-IV-15MV)	2009-2010 South County APR	Land Use	• Propose office, retail and hotel mixed-use development up to 2.0 FAR on consolidated Sub-units A-1 and A-2 of the North Gateway CBC
Distributed Antenna System Policy Plan Amendment (PA S11-CW-5CP)	12-6-11	Countywide (Telecommunications)	• Evaluate Distributed Antenna System (DAS) applications as a possible "Feature Shown" of the Comprehensive Plan, to include an evaluation and recommendation for DAS Standards

Plan Amendment Name	Authorization	Type	General Purpose
Reston Master Plan (PA ST09-III-UP1)	5-18-09	Land use	• Phase 1: Evaluation of Reston-Herndon Suburban Center guidance • Phase 2: Evaluation of recommendations for areas outside Reston-Herndon Suburban Center in Reston Community Planning Sector
Parks Comprehensive Plan Update (PA S11-CW-3CP)	12-6-2011	Countywide (Parks)	• Phase 2/3: Amend parks recommendations in planning district recommendations to align with Great Parks, Great Communities plans
Giles Run- Lorton-Laurel Crest Connector Rd (PA S11-CW-T1) (FCDOT)	12-6-11	Countywide (Transportation)	• Consider removal of recommendation for Lorton-Laurel Crest Connector Road
Heritage Resources	12-7-2009	Countywide (Heritage Resources)	• Update recommendations for inventory of historic sites
Leland Road Connector	1-29-2013	Countywide (Transportation)	• Evaluate removing Leland Road connection from Plan
McLean CBC Subarea 29 (PA S13-II-M1; PA S13-II-M2)	1-29-2013	Land Use	• Evaluate subject areas for residential mixed-use development
Tysons: Implementation, Land Use and Urban Design (PA S13-II-TC1); Transportation (PA S13-II-TC2); Parks, Public Facilities, Other (PA S13-II-TC3)	3-5-2013	Land Use	• Consider amendments to the Plan related to implementation, land use (including the Initial Development Level), and urban design; transportation; parks, public facilities, and other updates as may be determined during the amendment process
McLean CBC Editorial Updates (PA S13-II-M3)	4-30-2013	Editorial	• Prepare editorial amendment to McLean CBC guidance, based on McLean Planning Committee recommendations
Fairfax Center Area Land Units T,U,V (PA S13-III-FC1)	5-14-2013	Land Use	• Consider land use amendments to subject area
Vulcan Quarry (PA S13-IV-LP1)	6-4-2013	Land Use	• Reflect future water supply storage facility at Vulcan Quarry

Plan Amendment Name	Anticipated length of study	Anticipated Type	Preliminary Purpose

Anticipated amendments to begin 2013-2015:

1. Suburban Center Classification	6 months	Countywide	• Assess whether Suburban Center term in Concept for Future Development reflects future character of the areas, • Evaluate potentially renaming term and removing or reclassifying existing centers, i.e., Flint Hill Suburban Center.
2. Procedural References	6 months	Countywide	• Editorially update references to Area Plans Review process or other out of date procedures, e.g., “456” Public Facilities Review.
3. Bicycle Master Plan	4-6 months	Countywide	• Evaluate the countywide bicycle master plan documents and maps for incorporation into the Comprehensive Plan.
4. Tidal Shoreline Erosion Control	12 months	Countywide	• Investigate the extent to which (if any) the Environment section of the Policy Plan will need to be amended to comply with §15.2-2223.2 of the Code of Virginia, which requires, for Tidewater localities (including Fairfax County), incorporation into comprehensive plans of comprehensive coastal resource management guidance developed by the Virginia Institute of Marine Science. • Follow-up development and consideration of a Policy Plan amendment, as may be needed.
5. Constructed Roadways and Commuter Parking Facility	12 months	Countywide	Follow-on Considerations to Plan Amendment S11-CW-1CP: • Consider modifications to the Plan Map and the Area Plans volumes to remove designations for planned improvements that have been constructed and add county-owned commuter parking facilities. • Consider modifications to the Countywide Transportation Plan Map where planned improvements have been constructed and the locations of county-owned commuter parking facilities. • Consider modification to the Transportation Plan Map and Transportation Policy Section to define a completed road facility.

Plan Amendment Name	Anticipated length of study	Anticipated Type	Preliminary Purpose
6. Public Facilities	18-24months	Countywide	Follow-on Considerations to Plan Amendment S11-CW-1CP, Adopted Amendment No. 2011-12: • Coordinate with other local and state utilities, such Dominion Virginia Power, that own property planned for uses other than Public Facilities, Governmental, and Institutional uses to determine if those properties should be replanned as Public Facilities, Governmental, and Institutional uses. • Update Area Plans and Policy Plan text as necessary to reflect new public facilities and changes to existing public facilities identified during the Plan Map update process that were outside of the scope of that process. • Consider replanning land recommended for public facilities that is developed as residential and non-residential uses.
7. Green Building Policy Plan Amendment	18 months	Countywide	• As directed by the BOS when the original policy was adopted in December 2007, review and recommend revisions to the Green Building Policy. • Incorporate the recommendations from the Planning Commission's Environment Committee detailed in the revised Green Building Comprehensive Plan Policy Review Strawman II document, dated December 3, 2012.
8. Conservation Areas and Community and Neighborhood Improvement Areas	18 months	Countywide	Follow-on Considerations to Plan Amendment S11-CW-1CP: • Consider an amendment to remove the expired Conservation Areas from the Plan Map and the Area Plans recommendations. • Consider an amendment to reflect the implementation of the Community and Neighborhood Improvement Plans in the Plan text and removal of the areas from the Plan Map.
9. Public Schools	18 months	Countywide	• Evaluate changes to school classifications in Plan. • Consider revising references to intermediate schools that are shown as planned for middle schools. • Consider adding new symbols to Plan Map for Fairfax County Public School Administrative Centers, Service Centers, Maintenance Facilities, and/or Adult Education Centers. (Follow-on Consideration to Plan Amendment S11-CW-1CP.)

Plan Amendment Name	Anticipated length of study	Anticipated Type	Preliminary Purpose
10. Merrifield Suburban Center (including Dunn Lorring Transit Station Area	18 months	Activity Center (Editorial)	• Areawide editorial update. • Consider removal of Plan recommendations from Jefferson, Vienna, and Fairfax Planning District text. • Add Heritage Resources guidance
11. Fairfax Center Area (FCA) Suburban Center	3 years	Activity Center (Editorial & Land Use)	• Verify areawide recommendations are consistent with current policy and practice. • Review and update existing conditions, including implemented recommendations, in areawide and land unit recommendations, pipeline development, and roadway contribution formula, as per Procedural Guidelines for Annual Review Process of FCA. • Review boundaries of FCA to make sure land use is consistent with character of activity center, i.e., area south of Lee Highway. • Evaluate illustration on Plan Map • Consider removal of Plan recommendations from Fairfax, Upper Potomac, and Bull Run Planning District plan text.
12. Dulles Suburban Center	3 years	Activity Center (Editorial and Land Use)	• In addition to ongoing work to Land Unit A and Herndon, areawide editorial update. • Consider removal of Plan recommendation from Bull Run and Upper Potomac Planning District text. • Land Unit J to be reviewed to reflect implementation in the area, as scheduled, and the planned mix of uses for the land unit, including the Tax Map parcel 44-3((1))15, be evaluated using the results of the countywide transit study.
13. Flint Hill Suburban Center	12 months	Activity Center (Editorial and Land Use)	• Consider character of area to verify that area still meets criteria for suburban center, if not accomplished in task 1. • Consider removal of Plan recommendations from Fairfax Planning District text if area remains an activity center in task 1. • Areawide editorial update.
14. Lincolnia Planning District	12-18 months	Neighborhood Planning	• Consider redesignation on Concept for Future Development from Suburban Neighborhood to Community Business Center. • “Check in” to neighborhood planning for L1, L2, and L3 Community Planning Sector (CPS) • Consider removal Beltway South Industrial Area from L3 CPS and add to Beltway South Industrial Area recommendations in Annandale Planning District

Plan Amendment Name	Anticipated length of study	Anticipated Type	Preliminary Purpose
15. Transportation- Transit Study	12-18months	Countywide	Evaluate potential amendments resulting from countywide transit study: • Phase I: Modification of Countywide Transportation Plan recommendations • Phase II: Modification of activity center recommendations
16. Pohick Planning District and planning sectors	12 months	Neighborhood Planning	• Editorial and “check in” of district.
17. West Falls Church TSA	12-18 months	Activity Center (Editorial and Land Use)	• Areawide editorial update • Consider removal of recommendations from McLean and Jefferson Planning District Plan text.
18. Lorton South-Route 1 Suburban Center	12-18 months	Activity Center (Editorial and Land Use)	• Areawide editorial update • Consider removal of recommendations from Lower Potomac Planning District Plan text.
19. Centreville Suburban Center	12-18 months	Activity Center (Editorial)	• Areawide editorial update. • Consider removal of recommendations from Bull Run Planning District recommendations.
20. Lower Potomac Planning District and planning sectors	12 months	Neighborhood Planning:	• Consider removal of Plan recommendations for Lorton South-Route 1 Suburban Center from district text. • Editorial and “check in” of district. • Potential amendment for indigent cemetery 9501 Old Colchester Road, Lorton, Va.
21. Plan Map: Residential Planned Communities	12 months	Neighborhood Planning: (Editorial)	Follow-On Consideration to PA S11-CW-1CP: • Consider reclassifying the Residential Planned Communities with unique land use classifications and density or intensity ranges, rather than singular color for areas.

Frequently Asked Questions
May 10, 2013

This document provides answers to frequently asked questions about Fairfax Forward, the proposed process to review and amend the Comprehensive Plan.

References within the document are made to the February 20, 2013 Fairfax Forward staff report available online at
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/fairfaxforward.pdf
and the April 3, 2013 Fairfax Forward Staff Report Addendum available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/fairfaxforwardaddendum.pdf

Questions:

1) Can the North-South County planning calendar be preserved, especially for proposals that affect suburban and low-density residential area?

   Answer: The pilot work program encompasses approximately half of the geography of the county, like the North-South County planning calendar, as shown on the maps on pages 6-7 of the February 20, 2013 staff report. While some of the new studies are not anticipated to be completed during the first two years of the pilot work program, the schedule also incorporates needed Policy Plan and other countywide amendments that have not had the opportunity in many years to be reviewed through the North-South County calendar of the Area Plans Review.

2) How can the process of defining the work plan ensure enough time to accommodate meaningful citizen participation?

   Answer: A timetable has been created to describe how the work program will be evaluated on page 8 of the February 20, 2013 staff report and has since been extended. As part of the April 3, 2013 Staff Report Addendum, the schedule for review incorporates a workshop held by the Planning Commission to review the public comments and the staff findings.

3) Can the community have the ability to submit a proposed Comprehensive Plan change?

   Answer: It is anticipated that there will be an opportunity for anyone, including the community, to submit a proposed change during the initial stages of a land use study while the scope is being finalized. This opportunity is envisioned to occur most likely as part of visioning session, as described on pages 9-10 of the February 20, 2013 staff report and diagrammed on pages 4-5 of the April 3, 2013 addendum. For those who cannot attend the visioning meeting, other opportunities will be available online via an online submission form a study-specific website for a defined time period.

4) Can proposals for planning changes and their status be posted prominently online to prevent proposals from being discarded by staff before reaching any community consideration? Can submissions which fail to gain staff recommendation for their addition to the work program have some means of being raised to a district land use community or community task force, so that residents' perspective can be gauged?

Answer: Staff does not plan to discard any ideas, although may recommend that an idea is inconsistent with the criteria (http://www.fairfaxcounty.gov/dpz/fairfaxforward/comp-plan-amend-work-program.htm) and not be pursued. This question highlights the importance of documentation, as shown in Attachment IV of the Fairfax Forward staff report, which numerically lists, describes and maps all submissions received during the public comment period of the work program, as well as staff's responses to these submissions. A website that duplicates the Attachment IV table has been created to increase the accessibility of these submissions (http://www.fairfaxcounty.gov/dpz/fairfaxforward/2012publiccomment.htm).

Ideas raised during the scoping meeting, such as a visioning meeting, for an individual planning study, similarly can be numbered and tracked on a project-specific website. Once the new land use studies identified on the work program begin, these project specific websites can be designed to accommodate posting this information

5) Can a community outreach working group that invites the Fairfax County Federation of Citizens Associations, the district councils and other interested community players to devise specific ways to engage the public on an ongoing basis, and to ensure that all web material on Comprehensive Plan proposals be maximally transparent?

Answer: Staff is organizing discussion groups to elicit suggestions to enhance community outreach, including inviting larger civic associations to join the Comprehensive Plan listserv and to post study-related information on their own websites or through email lists. Taking advantage of existing neighborhood connections to broadcast information is an exciting way to grow public outreach.

6) Can community organizations choose their own representatives to task forces and land use study groups to enhance and broaden community representation and bolster broad public trust in final decisions?

Answer: In the APR process, Task Force representation and composition was at the discretion of each Supervisor. Fairfax Forward recommends retaining this and collaborating between districts when an area extends over multiple districts, as described on page 9 of the February 20, 2013 staff report. New ways to gather feedback, for example website and comment forms, can be explored to solicit ideas for updates, corrections or changes.

7) Can a late-stage community review meeting by a broadly representative citizen body, similar to a previous Area Plans Review (APR) task force or a district land use committee,

be part of the planning process to provide "back-end" review of all proposed Comprehensive Plan changes?

Answer: Presenting draft recommendations and seeking feedback from a larger task force, District council, or other standing committee identified by the respective Supervisor will be encouraged during planning studies. The recommendations for Fairfax Forward do not preclude this body from being involved earlier in the review, if that is part of the public participation plan, as described on pages 9-10 of the February 20, 2013 staff report. This approach can help assure that the study recommendations are fairly disseminated and discussed.

8) Can a broad notification process for proposals that affect multiple magisterial districts be instated, so that all potentially affected stakeholders will learn in a timely manner of proposed replannings, even if they fall on the other side of a district line?

Answer: Yes. It is anticipated that some studies will affect multiple magisterial districts. Announcements in district newsletters, e-mails to Home Owners Associations and websites could be utilized as a major means of communication in all affected districts, as described in the Public Outreach, Participation, and Education Toolkit, Attachment VI of the February 20, 2013 staff report. Staff supports partnering with larger groups such as the Fairfax Federation of Civic Associations and district councils to convey notifications to their respective member groups as the distribution may be greater.

9) Will broad impact analyses, on traffic and other basic services such as schools and parks, be included in the studies?

Answer: Yes. Areawide studies, as opposed to review of individual, parcel-specific amendments, will consider the broader impacts to the surrounding systems, such as parks and open space, schools, and transportation, as mentioned on page 3 of the February 20, 2013 staff report. The cumulative impact analyses completed for many recent studies, including for the Merrifield area during the 2008-2009 North County APR process and the Huntington Area in the 2009-2010 South County APR process, demonstrated the benefit of grouping individual nominations to understand the total impact on the area. These types of analyses is planned to be used during future areawide studies and will be made available to help inform decisions during the evaluation.

10) How can the public be assured that Fairfax Forward will not open the door to disruptive, open-ended replanning proposals that do not conform with the Comprehensive Plan's goals, particularly in stable low density residential areas and suburban neighborhoods?.

Answer: The Concept for Future Development speaks to the preservation of stable low density residential areas and suburban neighborhoods. Better implementation of the Concept for Future Development is one of the criteria for studies scheduled on the work program, and staff will promote the Concept for Development guidance when evaluating proposed changes to the work program and during planning studies.

As described on page 5 of the February 20, 2013 staff report, staff does not anticipate major plan changes during the neighborhood planning studies, with the majority of the work involving editorial updates and eliminating overlapping Plan recommendations. Few proposals that do not conform to the Concept are expected because many of these areas are developed according to the Plan, and an existing conditions report will be written to demonstrate this with recommendations affirmed through a public process, like a visioning session, at the beginning stages of a planning study.

11) When will the Fairfax Forward process be reevaluated? How can citizens participate in this evaluation?

Answer: Staff concurs with the Planning Commission recommendation on April 3, 2013 to:

- evaluate the efficiency, effectiveness, accessibility, and impact of the new process and the Pilot Work Program after two years,
- to develop measurement criteria in concert with the Planning Commission and the Board of Supervisors, allowing for public review and comment, and to utilize surveys, interviews, or other methods to reach all parties involved, and
- to conclude the evaluation with recommendations to the Planning Commission and the Board of Supervisors on modifications and improvements.

Staff is organizing focus groups to discuss information dissemination and is available to discuss means of outreach for this evaluation.

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Board Agenda Item
July 9, 2013

4:00 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law

ISSUE:
Public hearing to amend Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2013 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed amendments to Chapter 82.

TIMING:
Board of Supervisors authorized the advertisement of a public hearing on the proposed amendments on June 4, 2013; Board of Supervisors' public hearing scheduled for July 9, 2013 at 4:00 p.m. If approved, the majority of these amendments will become effective immediately; with the exception that the amendments related to Virginia State Code Sections 46.2-828.2 and 46.2-2910 (Escort Driver Certification) will become effective January 1, 2014.

BACKGROUND:
As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2013 General Assembly. A summary of all changes is provided in Attachment 2.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic
Attachment 2 - Summary of 2013 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:
Lt. Colonel Edwin C. Roessler Jr., Acting Chief of Police
Karen L. Gibbons, Senior Assistant County Attorney

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ATTACHMENT 1

Proposed Amendments to
Chapter 82, Motor Vehicles and Traffic

Section 82-1-6. Adoption of State Law

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, ~~2012~~ 2013, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, ~~2012~~ 2013, except where noted.

18.2-266	18.2-269	46.2-203.1
18.2-266.1	18.2-270	46.2-218
18.2-267	18.2-270.01	46.2-300
18.2-268.1	18.2-270.1	46.2-301
18.2-268.2	18.2-271	46.2-301.1
18.2-268.3	18.2-271.1	46.2-302
18.2-268.4	18.2-272	46.2-329
18.2-268.5	46.2-100*	46.2-334.001
18.2-268.6	46.2-102	46.2-341.20:5
18.2-268.7	46.2-104	46.2-341.21
18.2-268.8	46.2-108	46.2-346
18.2-268.9	46.2-109	46.2-349
18.2-268.10	46.2-110	46.2-357
18.2-268.11	46.2-111	46.2-371
18.2-268.12	46.2-112	46.2-373

46.2-376
46.2-379
46.2-380
46.2-391.2
46.2-391.3
46.2-392
46.2-393
46.2-398
46.2-602.3*
46.2-613
46.2-616
46.2-617
46.2-618
46.2-704
46.2-715
46.2-716
46.2-724
46.2-730
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46.2-804
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46.2-806
46.2-807
46.2-808
46.2-808.1
46.2-810
46.2-811
46.2-812
46.2-814
46.2-816
46.2-817
46.2-818
46.2-819.4
46.2-820
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46.2-822
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46.2-825
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46.2-827
46.2-828
46.2-828.2*
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46.2-1001.1*
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46.2-1173
46.2-1218
46.2-1219.2
46.2-1234
46.2-1240
46.2-1242
46.2-1250
46.2-1309
46.2-1508.2
46.2-1552
46.2-1561
46.2-2812
46.2-2910*

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18-2.272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

~~* To become effective on October 1, 2012, per 2012 Acts of General Assembly Chapter 177~~

* To become effective on January 1, 2014, per 2013 Acts of General Assembly Chapter 312.

ATTACHMENT 2

SUMMARY OF 2013 GENERAL ASSEMBLY
AMENDMENTS AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2 and Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

Sections 46.2-100, 46.2-804, 46.2-805, 46.2-807, 46.2-821, 46.2-822, 46.2-826, 46.2-830, 46.2-831, 46.2-832, 46.2-833, 46.2-834, 46.2-835, 46.2-836, and 46.2-846 amended. Regulation of traffic. Conforms Title 46.2 (Motor Vehicles) of the Code of Virginia to recent changes to the Manual on Uniform Traffic Control Devices.

Sections 46.2-100, 46.2-613, 46.2-905, 46.2-908.1, 46.2-914, 46.2-915, and 46.2-1047 amended. Non-conventional vehicles. Provides for the titling and registration of mopeds and distinctive license plates for low-speed vehicles. The bill also requires a moped operator to carry government-issued photo identification and wear a face shield, safety glasses, or goggles if his moped is not equipped with safety glass or a windshield. The bill also makes all-terrain vehicles, off-road motorcycles, and mopeds subject to the motor vehicle sales and use tax, if the owner does not show that they already paid the retail sales and use tax. The bill further classifies mopeds for valuation purposes in personal property taxation and allows localities to exempt mopeds from personal property taxation. The bill also replaces the term "scooter" with "foot-scooter" and makes other largely technical changes based upon recommendations made by DMV after a year-long study of Virginia's laws relating to non-conventional vehicles.

Sections 46.2-1076 amended; Section 46.2-341.20:5 added. Motor carrier and commercial driver's licensing. Amends several motor carrier and commercial driver's licensing laws. The bill clarifies and strengthens fitness and operating authority requirements for intrastate motor carriers. It also enables Virginia to comply with new Federal Motor Carrier Safety Administration regulation amendments regarding commercial motor vehicles and a prohibition on texting in commercial motor vehicles, and it codifies federal commercial driver's license requirements.

Sections 46.2-828.2 and 46.2-2910 added. Escort driver certification. Provides for the certification and regulation of escort drivers in the Commonwealth. The bill also adds a traffic infraction for impeding or disrupting vehicles operating under a hauling permit that requires an escort vehicle. **The bill has a delayed effective date of January 1, 2014.**

Sections 46.2-868 and 46.2-1078.1 amended. Driving while texting; primary offense; increased penalties. Provides that driving while texting is a traffic infraction punishable, for a first offense, by a fine of $125 and, for a second or subsequent offense, by a fine of $250. The current penalties are $20 for a first offense and $50 for a second or subsequent offense. The bill also increases the punishment of any person convicted of

reckless driving to include a $250 mandatory minimum fine if the person was texting at the time of the reckless driving offense. The bill also changes the offense from a secondary offense (one that can only be charged when the offender is stopped for another, separate offense) to a primary offense. The bill also provides that the Department of Criminal Justice Services shall make training on such offenses available to state and local law-enforcement agencies.

Section 46.2-924 amended. Crossing highways. Allows local governing bodies to adopt ordinances requiring users of shared-use paths to stop before crossing highways at marked crosswalks.

Section 46.2-1043.1 added. Vehicle tire weight limitations. Prohibits operation, for a commercial purpose, of certain vehicles whose tire weight exceeds 125 percent of the tire weight limit guidelines.

Section 46.2-1120 amended. Extension of loads beyond front of vehicles. Allows loads to extend 10 feet beyond the front of the vehicle for utility poles during the daytime and for emergency utility repair at night. Under current law, no vehicle is allowed to carry a load that extends more than three feet beyond the front of the vehicle.

Board Agenda Item
July 9, 2013

4:00 p.m.

Public Hearing to Convey Board-Owned Property to the Washington Metropolitan Area Transit Authority (Providence District)

ISSUE:
Public hearing to convey Board-owned property to the Washington Metropolitan Area Transit Authority (WMATA).

RECOMMENDATION:
The County Executive recommends that the Board authorize staff to convey Board-owned property to WMATA.

TIMING:
On June 4, 2013, the Board authorized the advertisement of a public hearing to convey Board-owned property to WMATA.

BACKGROUND:
The Dulles Corridor Metrorail Project, also known as the Silver Line (the Project) extends the Washington Metro rail system to Dulles International Airport. The Metropolitan Washington Airports Authority (MWAA) is the construction manager for the Project, and WMATA will manage and operate the Silver Line upon completion. To reduce the costs associated with the Project, the Board entered into a Cooperative Agreement, dated July 19, 2007, with MWAA wherein the Board agreed to transfer such property rights necessary for the operation and maintenance of the Project to WMATA for no consideration.

The Board is the owner of seven parcels of land identified by Tax Map Numbers: 29-3 ((1)) 53 and 53A; 29-4 ((1)) 35A; 30-3 ((28)) B3; and 29-4((5)) A1, B1, and D, as further described on Attachment 4, as well as a portion of Old Springhouse Road Route 3543 delineated on the plat attached as Attachment 5 (Springhouse Parcel). The parcels are currently part of or adjacent to the existing rights-of-way of Route 7 or Route 123. MWAA has identified these seven parcels and the Springhouse Parcel to be transferred (in whole or partially) to WMATA to facilitate the commencement of revenue operations by WMATA of the first phase (extension to Wiehle Avenue) of the Project.

Staff recommends that the County should convey the real property (as described above) to WMATA at no cost in accordance with the terms of the Cooperative Agreement.

Board Agenda Item
July 9, 2013

FISCAL IMPACT:
The Board entered into a Cooperative Agreement with MWAA to transfer the property rights necessary for the operations and maintenance of the Dulles Corridor Metrorail project to WMATA for no consideration.

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map 29-3
Attachment 2 – Location Map 29-4
Attachment 3 – Location Map 30-3
Attachment 4 – Parcel Descriptions
Attachment 5 – Plat for Springhouse Parcel

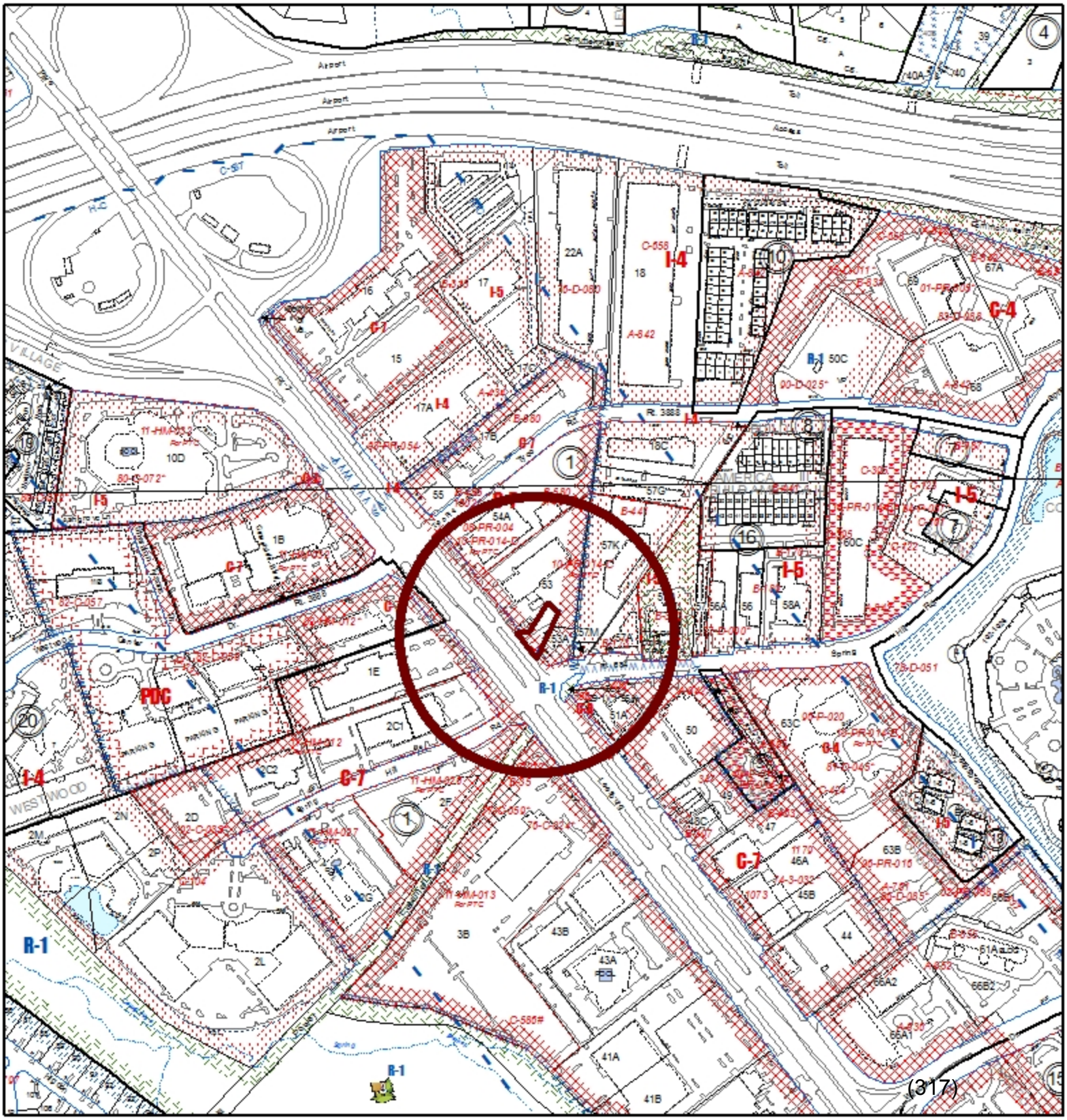
STAFF:
Tom Biesiadny, Director, Department of Transportation
José A. Comayagua, Director, Facilities Management Department
Mark Canale, Chief, Special Projects Division, FCDOT

Attachment 1

Subject Property:
Portions of Tax Map Nos. 29-3 ((1))
Parcels 53 & 53A

0 125 250 500 Feet

N



Attachment 2

Subject Property:
Tax Map Nos. 29-4 ((1)) 35A

0 125 250 500 Feet

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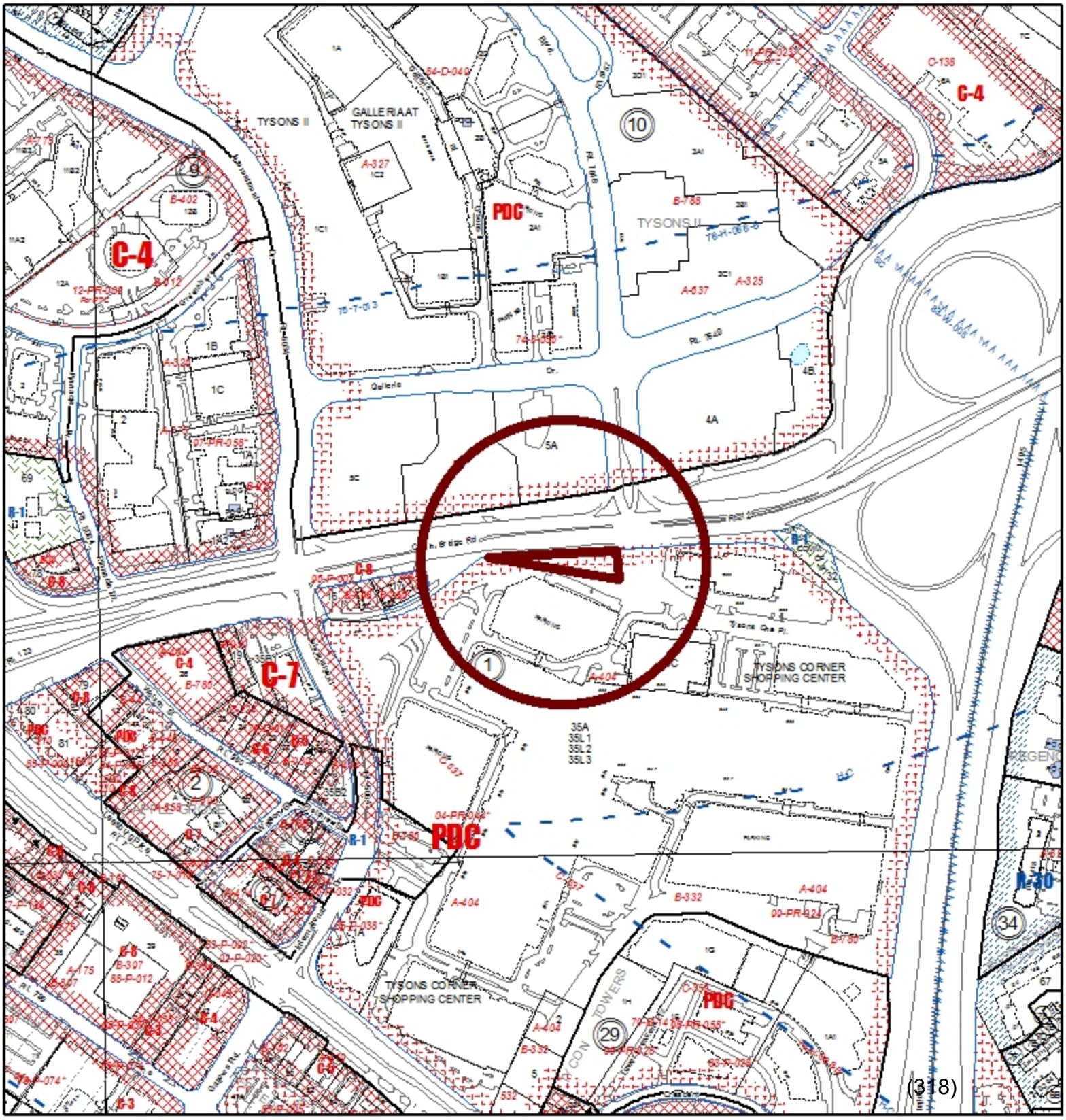
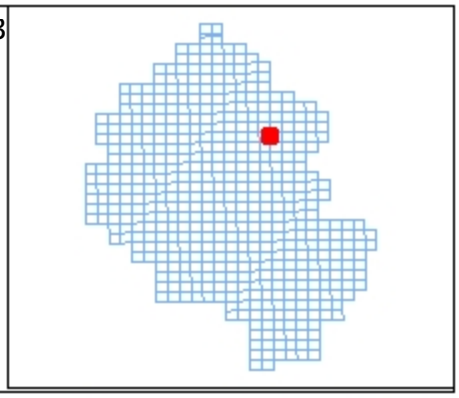
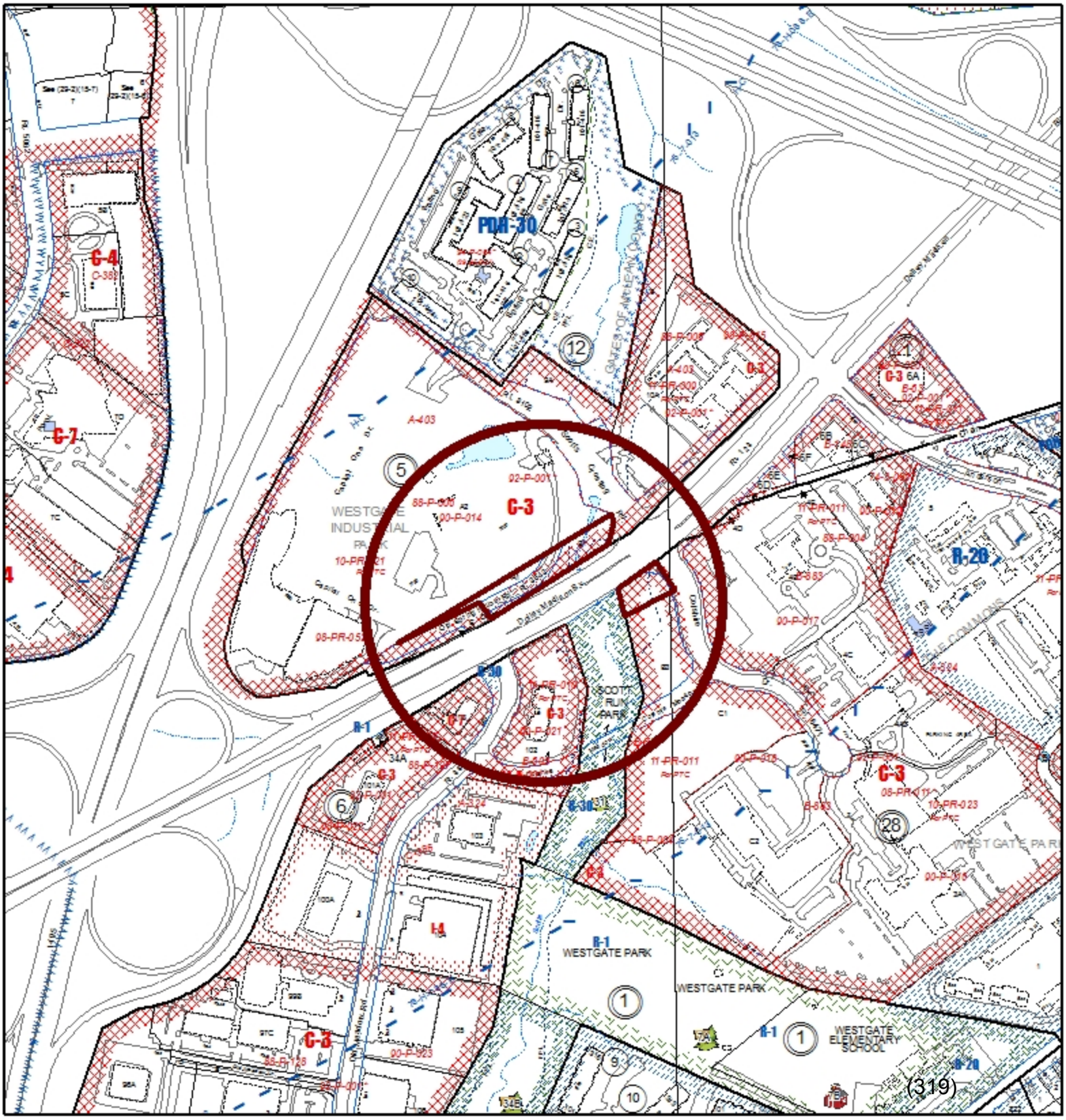


Subject Property:
Tax Map Nos. 29-4 ((5)) A1, B1 & D, a portion of 30-3 ((28)) B3, & a portion of Old Springhouse Rd. (Rte. 3543)

0 135 270 540 Feet

N





All or part of the following tax map parcels are proposed to be transferred in fee to WMATA:

<u>“Spring Hill”/ Previously “Tysons West” - North Passenger Pavilion</u>

A portion of tax map parcels 29-3 ((1)) 53 and 29-3 ((1)) 53A, with an area totaling approximately 12,985 square feet, more or less, dedicated by Cherner Family LLC to the Board for “Public Use” by deed dated April 5, 2012 and recorded at DB 22290 at PG 1015 of the Fairfax County Land Records. The conveyance will facilitate the operation and maintenance of the “Spring Hill/Tysons West” - North Passenger Pavilion and will be assigned the tax map number 29-3 ((1)) 53B after transfer to WMATA.

<u>“Tysons Corner”/ Previously “Tysons Central 123” - South Passenger Pavilion</u>

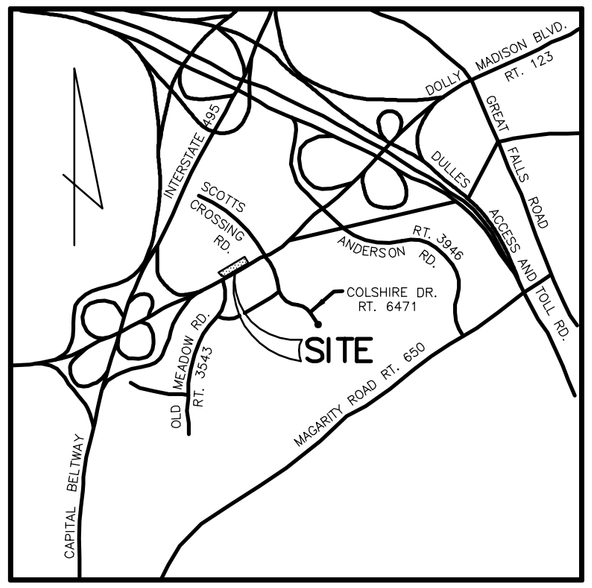
A portion of tax map parcel 29-4 ((1)) 35A, with an area totaling approximately 25,805 square feet, more or less, to be dedicated by Tysons Corner Property Holdings LLC to the Board for “Public Use”. The conveyance will facilitate the operation and maintenance of the “Tysons Corner/ Tysons Central 123” - South Passenger Pavilion and will be assigned the tax map number 29-4 ((1)) 35D after transfer to WMATA.

<u>“McLean”/Previously “Tysons East”</u>

A portion of the tax map parcel 30-3 ((28)) B3, with an area totaling approximately 7,556 square feet, more or less, as may be adjusted by agreement of the Board and WMATA, currently owned by the Board. The conveyance will facilitate the operation and maintenance of the “McLean/Tysons East” - South Passenger Pavilion located on the north side of the parcel, adjacent to Route 123, and will be assigned the tax map number 30-3 ((27)) B6 after transfer to WMATA.

All or portions of tax map parcels 29-4 ((5)) A1, 29-4 ((5)) B1, 29-4 ((5)) D, and a portion of Old Springhouse Road Route 3543 (see Attachment 5), with an area totaling approximately 40,546 square feet, more or less, as may be adjusted by agreement of the Board and WMATA, currently owned by the Board. The conveyance will facilitate the operation and maintenance of the “McLean/Tysons East” - Passenger Station adjacent to the lands owned by Capital One. The portion of Old Springhouse Road will be assigned the tax map number 29-4 ((5)) F after transfer to WMATA.

Attachment 5



VICINITY MAP
SCALE : 1"= 2,000'

VIRGINIA PHASE 1 WMATA NORTH

CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CH. BEARING
1	44.50'	66°39'20"	51.77'	29.26'	48.90'	N66°09'19"W
2	150.50'	21°49'20"	57.32'	29.01'	56.97'	N43°44'19"W

PARCEL A
WESTGATE INDUSTRIAL PARK
D.B. 11964 PG. 1011
CAPITAL ONE BANK
D.B. 11627 PG. 18
(TAX MAP 029-4-05-0000A2)

OUTLOT A
WESTGATE INDUSTRIAL PARK
D.B. 11964 PG. 1011
THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA
D.B. 11964 PG. 1011
(TAX MAP 029-4-05-0000A1)

OUTLOT B
WESTGATE INDUSTRIAL PARK
D.B. 11964 PG. 1011
THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA
D.B. 11964 PG. 1011
(TAX MAP 029-4-05-0000B1)

N 7,022,810.19
E 11,850,605.59

S31°03'01"E-99.41'

N59°04'17"E-429.90'

40,546 SQ. FT. HEREBY QUITCLAIMED

N 7,022,589.23
E 11,850,236.82

S59°38'45"W-389.29'

CAPITAL ONE DRIVE
PRIVATE STREET

OLD SPRINGHOUSE ROAD RT. 3543

DOLLEY MADISON BOULEVARD RT. 123
R/W VARIES

OUTLOT D
WESTGATE INDUSTRIAL PARK
D.B. 11964 PG. 1011
THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA
D.B. 11964 PG. 1011
(TAX MAP 029-4-05-0000D)

NOTES:

1. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 29-4 ((5)) PT. A1, PT. B1 & PT. D.

COMMONWEALTH OF VIRGINIA
BRYANT L. ROBINSON
Lic. No. 1932
LAND SURVEYOR

PLAT SHOWING
QUITCLAIM AREAS
THRU
OUTLOTS A, B AND D
WESTGATE INDUSTRIAL PARK
D.B. 11964 PG. 1011
AND THRU
OLD SPRINGHOUSE ROAD RT. 3543

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=30' MARCH, 2013

Dewberry®
Dewberry Consultants LLC
8401 ARLINGTON BLVD.
FAIRFAX, VA 22031
PHONE: 703.849.0100
FAX: 703.849.0518

SHEET 1 OF 1

P:\PROJECT\F04-040\SC040\DWG\PHASE 1\PLATS\QUITCLAIM PLAT (CAPTAL ONE).DWG

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Board Agenda Item
July 9, 2013

4:30 p.m.

Public Hearing to Consider an Ordinance Amending County Code Chapter 7 Relating to Election Precincts and Polling Places (Mason and Mount Vernon Districts)

ISSUE:
An ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) divide Skyline precinct in Mason District, (2) move three polling places in Mount Vernon District, and (3) adjust the boundaries of two precincts in Mount Vernon District.

RECOMMENDATION:
The County Executive recommends adoption of the proposed ordinance.

TIMING:
The Board authorized this public hearing on June 18, 2013.

BACKGROUND:
Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change precinct boundaries and polling place locations subject to the requirements of Virginia Code Sections 24.2-305, 24.2-307, 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their polling place will be mailed a new Virginia Voter Information Card following federal preclearance of the proposed changes.

(1) In Mason District, staff recommends dividing the Skyline precinct which currently has 4,915 registered voters. This proposal will create a new precinct to be named “Plaza” and its polling place will be established in the lobby of the Skyline Plaza residential towers, located at 3703 South George Mason Drive, Falls Church. The remainder of the Skyline precinct will continue to vote at Goodwin House Bailey’s Crossroads. The new precinct will remove almost 1,000 voters from the Goodwin House facility which experienced long lines last November.

(2) In Mount Vernon District, staff recommends moving the polling place for Laurel Hill precinct from the South County High School, located at 8501 Silverbrook Road, Lorton, to the Laurel Hill Elementary School, located at 8390 Laurel Crest Drive, Lorton. The Laurel Hill Elementary School is located within the precinct and voter confusion will be

reduced since the name of the precinct and the name of the voting location will be the same.

(3) In Mount Vernon District, staff recommends moving the polling place for South County precinct from the South County Middle School, located at 8700 Laurel Crest Drive, Lorton, to the South County High School, located at 8501 Silverbrook Road, Lorton. The high school provides better access and parking for the community.

(4) In Mount Vernon District, staff recommends moving the polling place for Woodlawn precinct from the Woodlawn Elementary School, located at 8505 Highland Lane, Alexandria, to the Mount Vernon Knights of Columbus Council #5998, located at 8592 Richmond Highway, Alexandria. The Knights of Columbus facility will provide better access and a larger parking area for the Woodlawn voters.

(5) In Mount Vernon District, staff recommends adjusting the boundaries between Alban and Saratoga precincts to redistribute the voting population. Alban precinct currently has under 1,500 registered voters, while Saratoga precinct has over 5,100 registered voters. The proposed boundary change will move approximately 1,500 voters from Saratoga to Alban. To avoid splitting neighborhoods, the Virginia Power Easement was used for the new boundary. Both precincts will continue to use the Saratoga Elementary School as their polling place.

FISCAL IMPACT:
Insignificant. Funding for polling place change notifications is provided in the agency's FY 2014 Adopted Budget.

ENCLOSED DOCUMENTS:
Attachment 1 – Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 – Summary of Proposed Changes
Attachment 3 – Descriptions and Maps of Proposed Changes
Attachment 4 – Proposed Ordinance

STAFF:
Cameron Quinn, General Registrar
Erin C. Ward, Senior Assistant County Attorney

§ 24.2-305. Composition of election districts and precincts.

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, state primary, or state secondary road system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

(1986, c. 593, § 24.1-40.7; 1990, c. 500; 1992, c. 425; 1993, c. 641; 2001, c. 614.)

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. 515.)

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. 307; 2003, c. 1015; 2004, c. 25; 2005, c. 340; 2008, cc. 113, 394; 2010, cc. 639, 707; 2012, cc. 488, 759.)

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

2013 PROPOSED PRECINCT BOUNDARY and POLLING PLACE CHANGES

SUPERVISOR DISTRICT	EXISTING PRECINCT(S)	CURRENT REGISTERED VOTERS*	EXISTING POLLING PLACE(S)	PROPOSED PRECINCT(S)	PROJECTED REGISTERED VOTERS	PROPOSED POLLING PLACE(S)	NOTES ON PROPOSED CHANGES
MASON	SKYLINE	4,915	Goodwin House	SKYLINE “PLAZA”	3,939 976	Goodwin House Skyline Plaza	Divide precinct to reduce the number of voters voting at Goodwin House.
MOUNT VERNON	LAUREL HILL	3,876	South County High School	LAUREL HILL	3,876	Laurel Hill Elementary School	Move Laurel Hill precinct to Laurel Hill Elementary so the name of the precinct matches the location.
MOUNT VERNON	SOUTH COUNTY	2,942	South County Middle School	SOUTH COUNTY	2,942	South County High School	Move South County precinct from the middle school to the high school.
MOUNT VERNON	WOODLAWN	3,960	Woodlawn Elementary School	WOODLAWN	3,960	Knights of Columbus #5998	Move polling place to provide an accessible location with a larger parking area for voters.
MOUNT VERNON	ALBAN SARATOGA	1,458 5,157	Saratoga Elementary School Saratoga Elementary School	ALBAN SARATOGA	2,942 3,673	Saratoga Elementary School Saratoga Elementary School	Adjust the boundary between the two precincts to reduce the number of voters in Saratoga precinct.

Commonwealth of Virginia

COUNTY OF FAIRFAX

Mason District

PRECINCT 520: SKYLINE

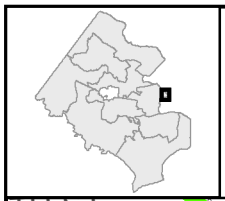
CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-FIFTH**
HOUSE OF DELEGATES DISTRICT: **FORTY-NINTH**

DESCRIPTION:
Beginning at the intersection of Columbia Pike and the Arlington County/Fairfax County Line, thence with the Arlington County/Fairfax County Line in a southeasterly, then southerly direction to its intersection with Leesburg Pike (Route 7), thence with Leesburg Pike in a northwesterly direction to its intersection with South George Mason Drive, thence with South George Mason Drive in a southwesterly direction to its intersection with an unnamed parking lot access road along the western boundary of the Skyline Plaza property, thence with the access road and a projection of the access road along the Skyline Plaza property line in a southeasterly direction to its intersection with the corporate boundary of the City of Alexandria, thence with the Corporate Boundary of the City of Alexandria in a southwesterly direction to its intersection with Seminary Road, thence with Seminary Road in a northwesterly direction to its intersection with Columbia Pike, thence with Columbia Pike in a northeasterly direction to its intersection with the Arlington County/Fairfax County Line, point of beginning.

POLLING PLACE: Goodwin House Bailey's Crossroads
3440 South Jefferson Street, Falls Church

MAP GRIDS: 61-2, 61-4, 62-1, 62-3

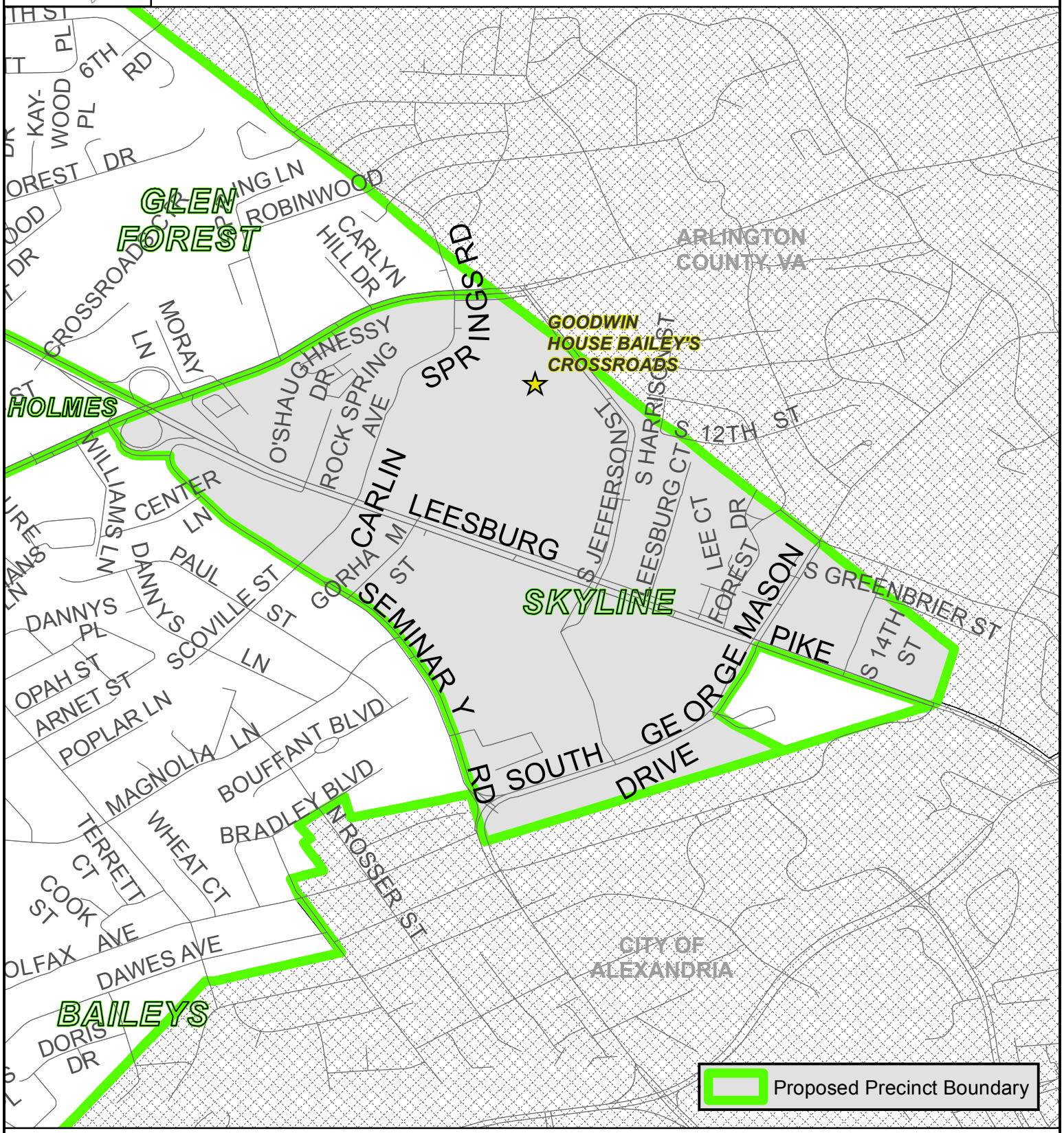
NOTES: Established July 1981
Polling place moved from Skyline Mall – March 2003
Precinct description revised and readopted – March 2003
Polling place moved – March 2010
Boundary adjusted, polling place moved – July 2011
Senate District changed from 31st to 35th – July 2011
Delegate District changed from 46th to 49th – July 2011
Precinct divided – July 2013



Commonwealth of Virginia

County of Fairfax

Mason District



Precinct: 520 SKYLINE

Polling Place: Goodwin House Bailey's Crossroads

Fairfax County Voting Precincts — Roadway Centerlines — Other Jurisdictions

Featured Precinct Polling Place — Water Features

0 445 890
Feet

N

(330) May 2013

Commonwealth of Virginia

COUNTY OF FAIRFAX

Mason District

PRECINCT 509: PLAZA

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-FIFTH**
HOUSE OF DELEGATES DISTRICT: **FORTY-NINTH**

DESCRIPTION:
Beginning at the intersection of South George Mason Drive and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with the corporate boundary of the City of Alexandria, thence with the Corporate Boundary of the City of Alexandria in a southwesterly direction to its intersection with the Skyline Plaza property line and a projection of an unnamed parking lot access road along the western boundary of the Skyline Plaza property, thence with the projection and the unnamed access road in a northwesterly direction to its intersection with South George Mason Drive, thence with South George Mason Drive in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: Skyline Plaza [Residential Towers]
3703 South George Mason Drive, Falls Church

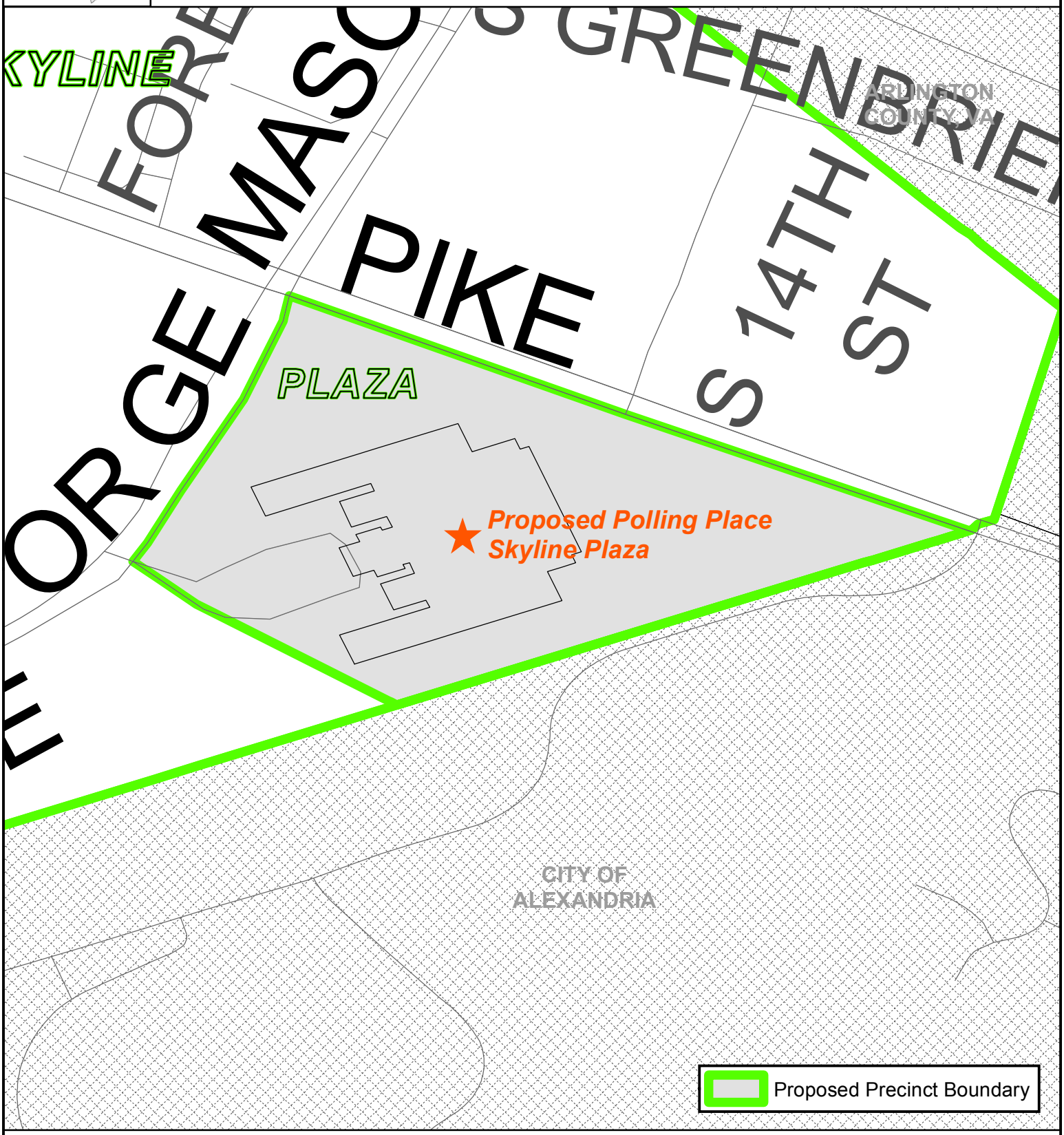
MAP GRIDS: 62-3

NOTES: Established July 2013

Commonwealth of Virginia

County of Fairfax

Mason District



Precinct: 509 PLAZA

Proposed Polling Place: Skyline Plaza

Fairfax County Voting Precincts — Roadway Centerlines — Other Jurisdictions

Featured Precinct Polling Place — Water Features

0 112.5 225
Feet

N

May 2013

Commonwealth of Virginia

COUNTY OF FAIRFAX

Mount Vernon District

PRECINCT 628: LAUREL HILL

CONGRESSIONAL DISTRICT: **ELEVENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-NINTH**
HOUSE OF DELEGATES DISTRICT: **FORTY-SECOND**

DESCRIPTION:
Beginning at the intersection of Silverbrook Road and Silverbrook Run (stream), thence with the meanders of Silverbrook Run in an easterly direction to its intersection with Rocky Branch (stream), thence with the meanders of Rocky Branch in an easterly direction to its intersection with the northwestern boundary of the Fairfax County Park Authority property, thence with the boundary of the Fairfax County Park Authority property in a northeasterly direction to its intersection with Pohick Road, thence with Pohick Road in a southeasterly direction to its intersection with Creekside View Lane, thence with Creekside View Lane in a southeasterly direction and a right-angle projection of Creekside View Lane in a southwesterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a northwesterly, then southerly direction to its intersection with the Richmond Fredericksburg and Potomac Railroad, thence with the Richmond Fredericksburg and Potomac Railroad in a southerly direction to its intersection with Lorton Road, thence with Lorton Road in an southwesterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southerly, then southwesterly direction to its intersection with Furnace Road, thence with Furnace Road in a generally northerly direction to its intersection with Lorton Road, thence with Lorton Road in an easterly direction to its intersection with Silverbrook Road, thence with Silverbrook Road in a northwesterly direction to its intersection with the north boundary of the Fairfax County Park Authority property, point of beginning.

POLLING PLACE: ~~South County High School~~ Laurel Hill Elementary School
~~8501 Silverbrook Road~~ 8390 Laurel Crest Drive, Lorton

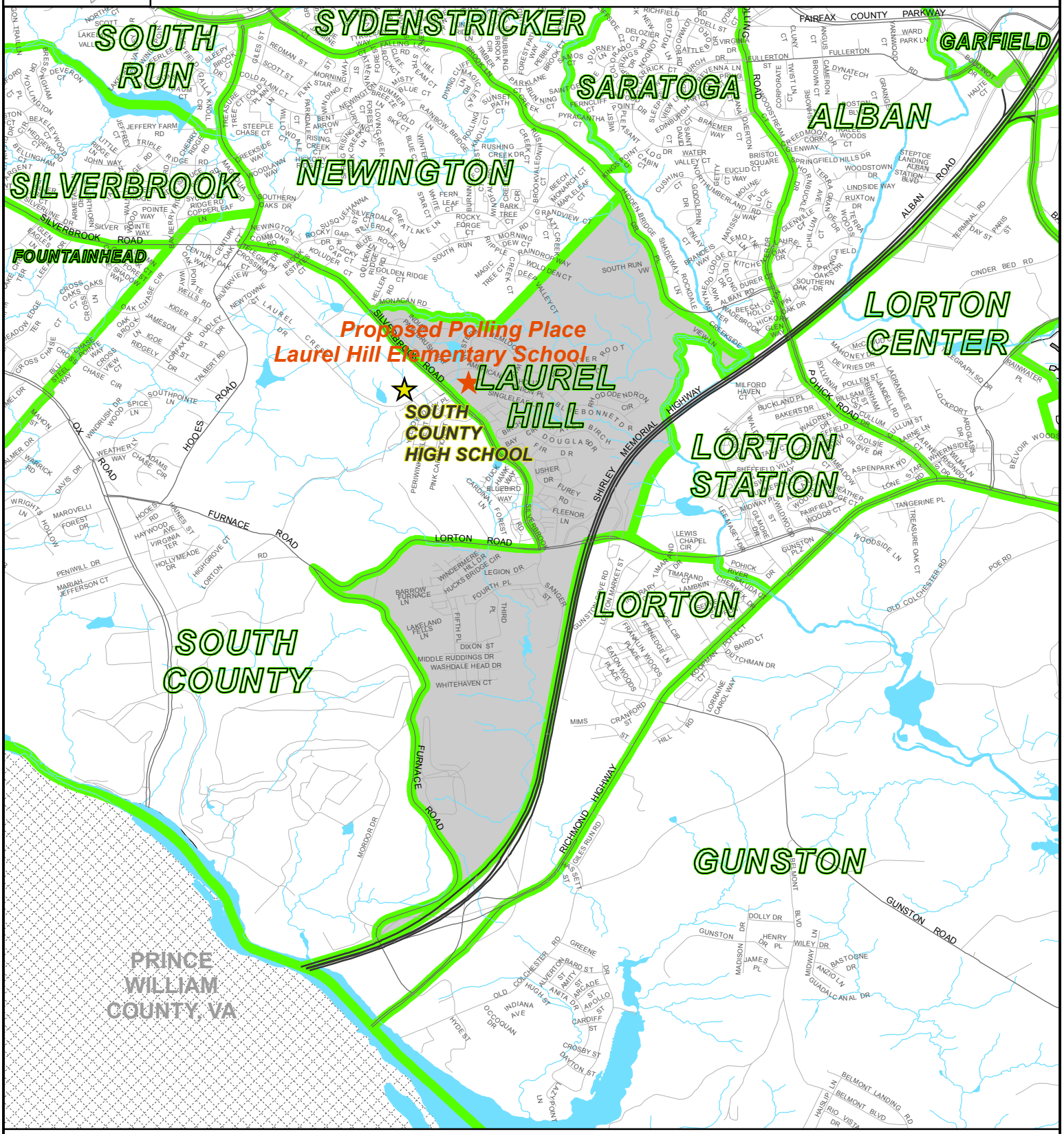
MAP GRIDS: 98-3, 98-4, 107-1, 107-2, 107-3, 107-4, 113-1, 113-2, 113-3

NOTES: Established March 2006
Precinct divided – January 2009
Polling place name changed – July 2012
Polling place changed – July 2013

Commonwealth of Virginia

County of Fairfax

Mount Vernon District



Precinct: 628 LAUREL HILL

Polling Place: South County High School

Fairfax County Voting Precincts — Roadway Centerlines — Other Jurisdictions

Featured Precinct Polling Place — Water Features

N

0 1,375 2,750
Feet

(334)

May 2013

Commonwealth of Virginia

COUNTY OF FAIRFAX

Mount Vernon District

PRECINCT 629: SOUTH COUNTY

CONGRESSIONAL DISTRICT: **ELEVENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-NINTH**
HOUSE OF DELEGATES DISTRICT: **FORTY-SECOND**

DESCRIPTION:
Beginning at the intersection of the Virginia Power Easement and Hooes Road, thence with Hooes Road in a southerly direction to its intersection with Silverbrook Road, thence with Silverbrook Road in a southeasterly direction to its intersection with Lorton Road, thence with Lorton Road in a westerly direction to its intersection with Furnace Road, thence with Furnace Road in a generally southerly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northeasterly direction to its intersection with Hooes Road, point of beginning.

POLLING PLACE: ~~South County Middle School~~ South County High School
~~8700 Laurel Crest Drive~~ 8501 Silverbrook Road, Lorton

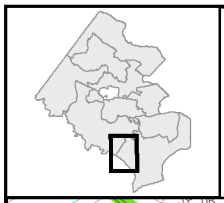
MAP GRIDS: 97-4, 98-3, 106-1, 106-2, 106-3, 106-4, 107-1, 107-2, 107-3, 107-4, 112-1, 112-2, 112-4, 113-1, 113-3

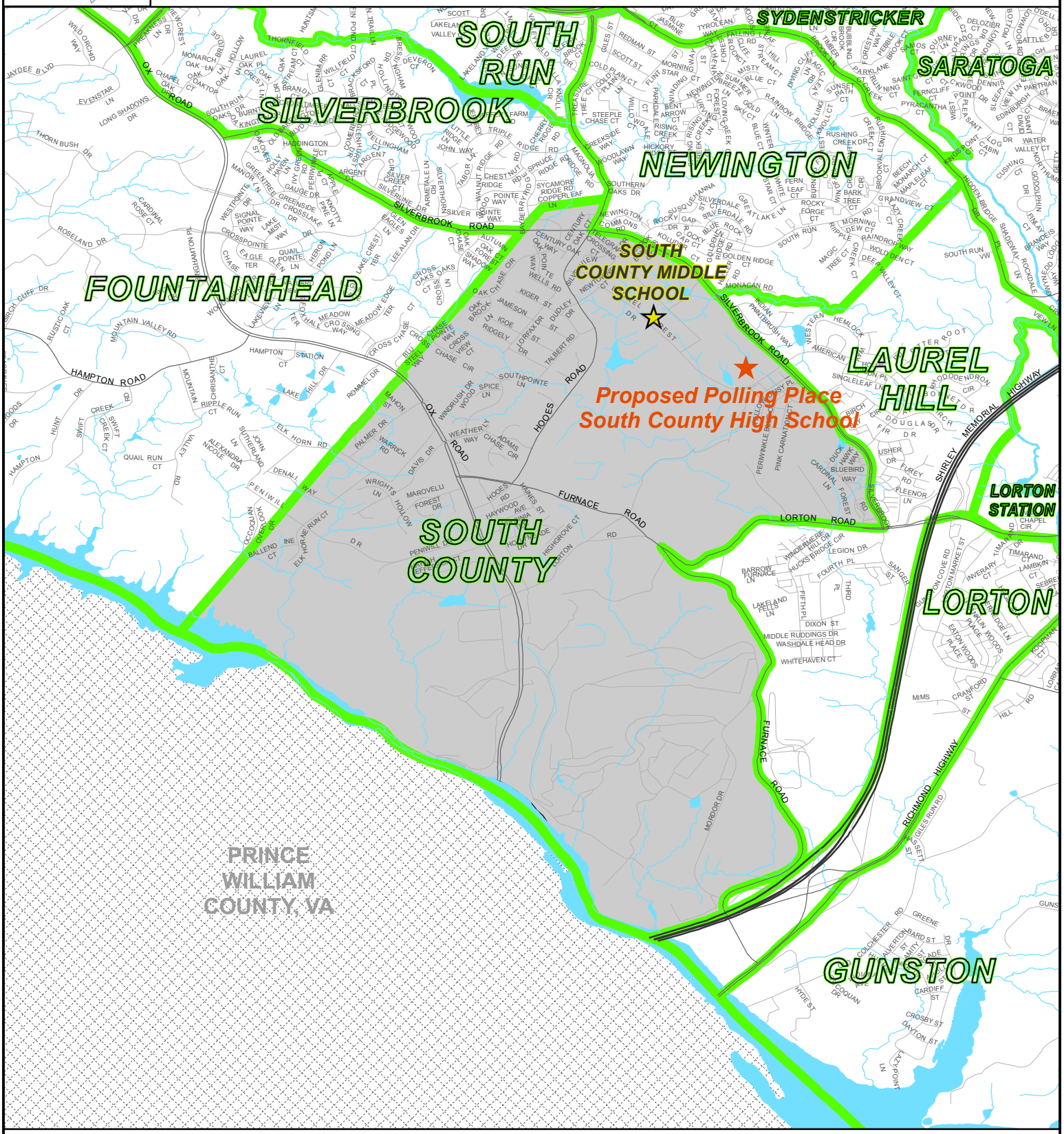
NOTES: Established January 2009
Polling place moved to new school – July 2012
Polling place moved – July 2013

Commonwealth of Virginia

County of Fairfax

Mount Vernon District





Precinct: 629 SOUTH COUNTY

Polling Place: South County Middle School

Fairfax County Voting Precincts — Roadway Centerlines — Other Jurisdictions

Featured Precinct Polling Place — Water Features

0 1,400 2,800
Feet

N

(336) May 2013

Commonwealth of Virginia

COUNTY OF FAIRFAX

Mount Vernon District

PRECINCT 627: WOODLAWN

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-SIXTH**
HOUSE OF DELEGATES DISTRICT: **FORTY-FOURTH**

DESCRIPTION:
Beginning at the intersection of the east boundary of the Fort Belvoir Military Reservation and the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a northeasterly direction to its intersection with Frye Road, thence with Frye Road in a southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a southwesterly direction to its intersection with the east boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a generally northeasterly, then northwesterly direction to its intersection with the south boundary of Huntley Meadows Park, point of beginning.

POLLING PLACE: ~~Woodlawn Elementary School~~ Knights of Columbus #5998
~~8505 Highland Lane~~ 8592 Richmond Highway, Alexandria

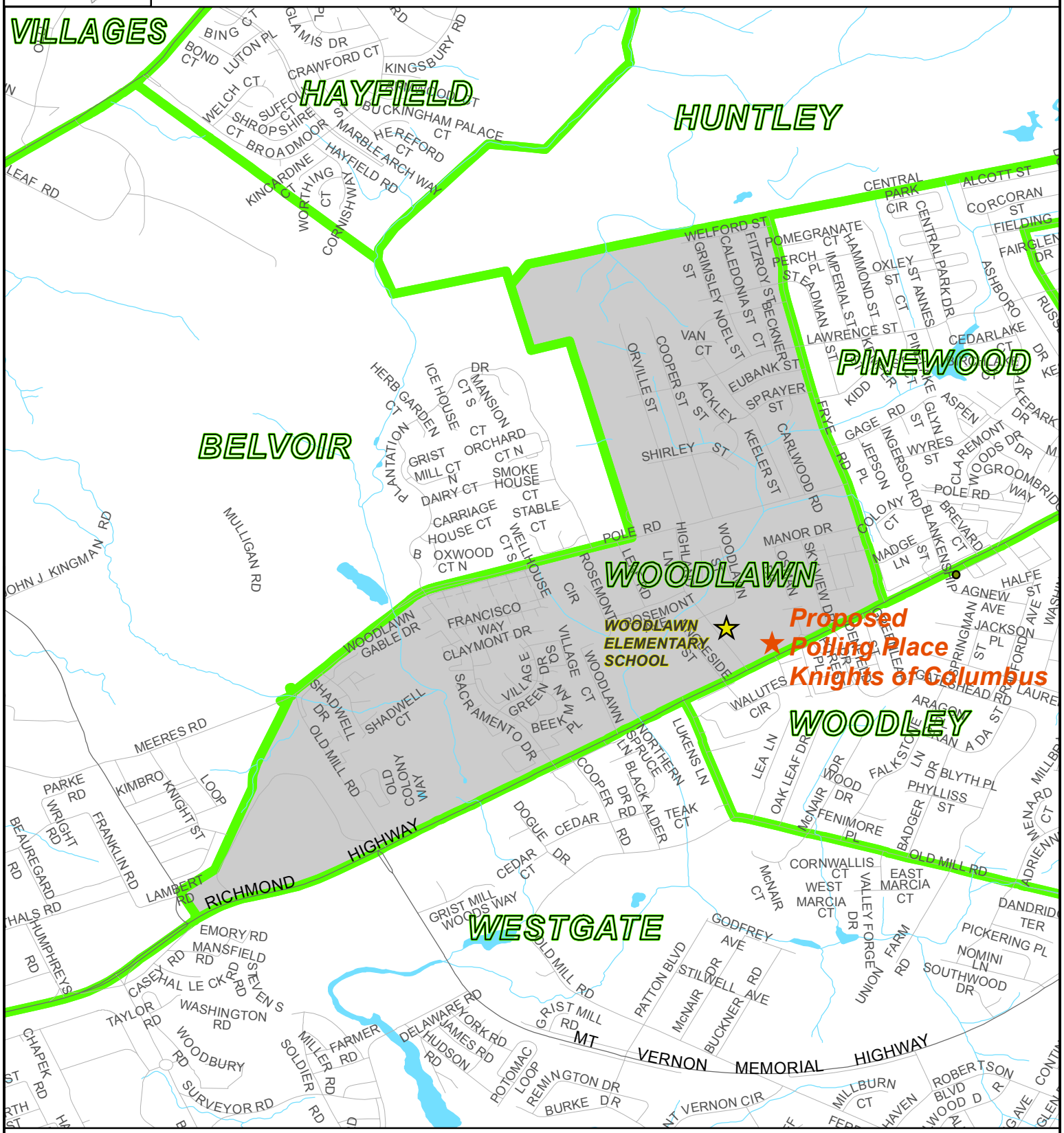
MAP GRIDS: 100-2, 100-4, 101-1, 101-3, 109-2, 110-1

NOTES: Established July 1981
Moved from Lee District to Mount Vernon District-2001 Redistricting
Precinct description revised and readopted – March 2003
Precinct divided – April 2011
Precinct boundary adjusted – July 2011
Polling place changed – July 2013

Commonwealth of Virginia

County of Fairfax

Mount Vernon District



Precinct: 627 WOODLAWN

Polling Place: Woodlawn Elementary School

Fairfax County Voting Precincts — Roadway Centerlines — Other Jurisdictions

Featured Precinct Polling Place — Water Features

0 700 1,400
Feet

N

May 2013

Commonwealth of Virginia

COUNTY OF FAIRFAX

Mount Vernon District

PRECINCT 623: ALBAN

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-NINTH**
HOUSE OF DELEGATES DISTRICT: **THIRTY-NINTH**

DESCRIPTION:
Beginning at the intersection of Rolling Road and the north boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a northeasterly, then southeasterly, then easterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally southeasterly direction to its intersection with Fullerton Road, thence with Fullerton Road in an easterly direction to its intersection with Boudinot Drive, thence with Boudinot Drive in a southeasterly direction to its intersection with Alban Road, thence with Alban Road in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a southeasterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with Wadebrook Terrace, thence with Wadebrook Terrace and a projection of Wadebrook Terrace in a southwesterly direction to its intersection with Creekside View Lane, thence with Creekside View Lane in a northwesterly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a generally northerly direction to its intersection with the north boundary of the Fort Belvoir Military Reservation, point of beginning.

POLLING PLACE: Saratoga Elementary School
8111 Northumberland Road, Springfield

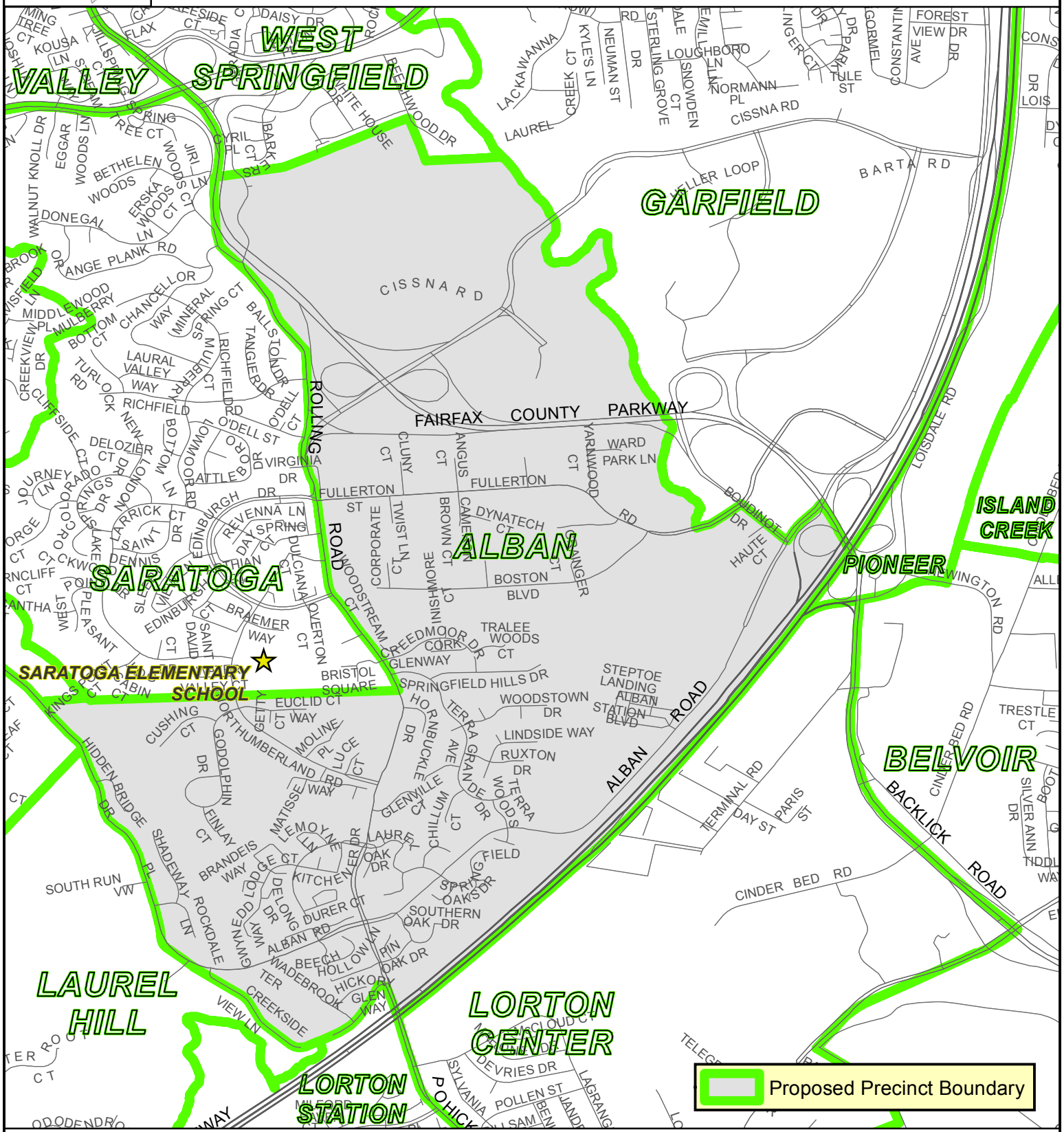
MAP GRIDS: 89-4, 90-3, 98-2, 98-4, 99-1, 99-3, 107-2, 108-1

NOTES: Established August 2001
Precinct description revised and readopted – March 2003
Congressional District changed from 11th to 8th – January 2012
Boundary adjusted with Saratoga – July 2013

Commonwealth of Virginia

County of Fairfax

Mount Vernon District



Precinct: 623 ALBAN

Polling Place: Saratoga Elementary School

Fairfax County Voting Precincts — Roadway Centerlines — Other Jurisdictions

Featured Precinct Polling Place — Water Features

0 700 1,400
Feet

N

May 2013

Commonwealth of Virginia

COUNTY OF FAIRFAX

Mount Vernon District

PRECINCT 626: SARATOGA

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-NINTH**
HOUSE OF DELEGATES DISTRICT: **THIRTY-NINTH**

DESCRIPTION:
Beginning at the intersection of Pohick Creek and the Fairfax County Parkway (Route 286), thence with the Fairfax County Parkway in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a generally southerly direction to its intersection with Pohick Road, thence with Pohick Road in a southerly direction to its intersection with ~~Wadebrook Terrace, thence with Wadebrook Terrace and a projection of Wadebrook Terrace in a southwesterly direction to its intersection with Creekside View Lane, thence with Creekside View Lane in a northwesterly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with~~ the Virginia Power Easement, thence with the Virginia Power Easement in ~~an easterly~~ a westerly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a generally northerly direction to its intersection with the Fairfax County Parkway, point of beginning.

POLLING PLACE: Saratoga Elementary School
8111 Northumberland Road, Springfield

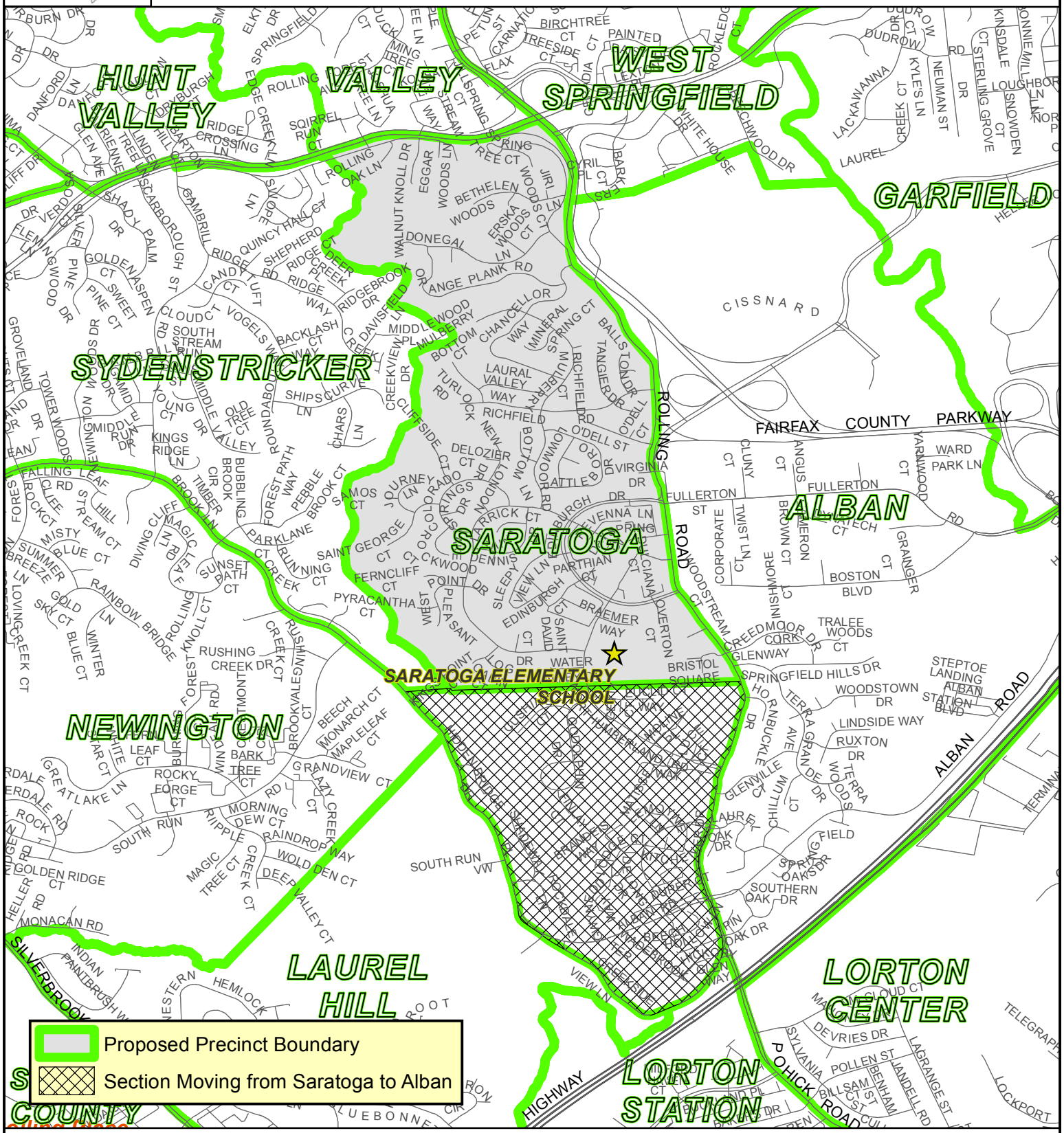
MAP GRIDS: 89-4, 98-2, 98-4, ~~107-2~~

NOTES: Established June 1991
Pohick Road was realigned with Alban Road in the late 1990's. Parts of the old Pohick Road were renamed Creekside View Lane and Wadebrook Terrace, but no longer connect.
Moved from Springfield District to Mount Vernon District-2001 Redistricting
Combined with Delong precinct which was abolished - August 2001
Precinct description revised and readopted – March 2003
Delegate District changed from 42nd to 49th – July 2011
Congressional District changed from 11th to 8th – January 2012
Boundary adjusted with Alban – July 2013

Commonwealth of Virginia

County of Fairfax

Mount Vernon District



Precinct: 626 SARATOGA

Polling Place: Saratoga Elementary School

Fairfax County Voting Precincts — Roadway Centerlines — Other Jurisdictions

Featured Precinct Polling Place — Water Features

0 750 1,500
Feet

N

May 2013

AN ORDINANCE TO AMEND CHAPTER 7 OF THE FAIRFAX COUNTY CODE TO CREATE A NEW ELECTION PRECINCT IN MASON DISTRICT AND ESTABLISH A POLLING PLACE FOR THAT NEW PRECINCT; AND TO ADJUST CERTAIN PRECINCT BOUNDARIES AND RELOCATE POLLING PLACES FOR CERTAIN ELECTION PRECINCTS IN MOUNT VERNON DISTRICT

Draft of June 26, 2013

AN ORDINANCE to amend and readopt Sections 7-2-8, 7-2-9, and 7-2-13, relating to the creation of a new election precinct and the establishment of a polling place for that new precinct in Mason District; and the adjustment of the boundaries of certain precincts and the relocation of polling places for certain election precincts in Mount Vernon District.

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

1. That Sections 7-2-8, 7-2-9, and 7-2-13 are amended and readopted as follows:

Section 7-2-8. - Mason District.

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Edsall, Glen Forest, Holmes, Hummer, Lincolnia, Masonville, Parklawn, Plaza, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline[1], Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

Section 7-2-9. - Mount Vernon District.[2]

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

Section 7-2-13. - General Provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24,

[1] Plaza Precinct is created by dividing Skyline as described in the files of the Clerk to the Board of Supervisors.
[2] Adjust boundaries of Alban and Saratoga Precincts as described in the files of the Clerk to the Board of Supervisors.

2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, ~~and~~ March 19, 2013, and July 9, 2013, and kept on file with the Clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

2. That the election polling place of the newly created precinct identified in the first clause of this ordinance is established at:

Supervisor District	Precinct	Polling Place
Mason	Plaza (new)	Skyline Plaza 3703 South George Mason Drive Falls Church, VA 22041

3. That the election polling places of the following existing precincts are relocated:

Supervisor District	Precinct	Polling Place
Mount Vernon	Laurel Hill	From: South County High School 8501 Silverbrook Road Lorton, VA 22079 To: Laurel Hill Elementary School 8390 Laurel Crest Drive Lorton, VA 22079
Mount Vernon	South County	From: South County Middle School 8700 Laurel Crest Drive Lorton, VA 22079 To: South County High School 8501 Silverbrook Road Lorton, VA 22079

Mount Vernon	Woodlawn	From: Woodlawn Elementary School 8505 Highland Lane Alexandria, VA 22309 To: Knights of Columbus #5998 8592 Richmond Highway Alexandria, VA 22309

4. That this ordinance shall take effect upon adoption.

GIVEN under my hand this ____ day of July 2013.

_____
Catherine A. Chianese
Clerk to the Board of Supervisors

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