FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 11, 2014

AGENDA

9:30	Presentations
10:30	Report on General Assembly Activities
10:40	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Designation of Plans Examiner Status under the Expedited Land Development Review Program
2	Streets into the Secondary System (Mason, Mount Vernon, Providence, and Sully Districts)
3	Supplemental Appropriation Resolution AS 14169 for the Fairfax County Office of Emergency Management to Accept Additional Funding for a Department of Homeland Security Urban Areas Security Initiative Sub-Grant Award from the District of Columbia Homeland Security and Emergency Management Agency
4	Approval of Traffic Calming Measures and "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Providence and Hunter Mill Districts)

ACTION ITEMS

1	Authorization for the County Executive to Execute an Interjurisdictional Pretreatment Agreement Between the County of Fairfax Virginia and Prince William County Service Authority

INFORMATION ITEMS

1	Contract Award – Radio Frequency Consultants
2	Contract Award – Park Authority Needs Assessment Consultant
10:50	Matters Presented by Board Members
11:40	Closed Session

FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 11, 2014

PUBLIC HEARINGS

3:30	Decision Only on Proposed Reston Master Plan Special Study (Phase I) Plan Amendment Item ST09-III-UP1(A), Consisting of the Reston-Herndon Suburban Center (Hunter Mill and Dranesville District)
3:30	Public Hearing on RZ 2013-SU-010 (Christopher Land, L.L.C.) (Sully District)
3:30	Public Hearing on PCA 86-D-108 (William Weiss) (Dranesville District)
3:30	Public Hearing on SE 2013-HM-013 (G&K, Inc. T/A Reston U-Haul) (Hunter Mill District)
4:00	Decision Only on SEA 2009-DR-008 (Oakcrest School) (Hunter Mill District)
4:00	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Home Child Care Facilities and Child Care Centers for Occasional Care
4:00	Public Hearing on Proposed Award of Taxicab Operator Certificates Pursuant to Chapter 84.1 of the Fairfax County Code

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
February 11, 2014

9:30 a.m.

PRESENTATIONS

WELCOME

- The Board of Supervisors will welcome Dr. Angel Cabrera, president of George Mason University, to Fairfax County. Requested by Chairman Bulova.

SCHOOLS/SPORTS

- CERTIFICATE – To recognize the Longfellow Middle School Lego Legion Team for winning first place in its age group at the 2013 Virginia/DC First Lego League Championship Tournament. Requested by Supervisor Foust.

- CERTIFICATE – To recognize the Langley High School Girls Volleyball Team for winning the 2013 Virginia High School League 6A state championship. Requested by Supervisor Foust.

RECOGNITIONS

- RESOLUTION – To recognize Howard Houghton for his years of service to Fairfax County. Requested by Supervisor Cook.

- RESOLUTION – To recognize the Family Caregiver Support Program for receiving a Best Practices Award from the Commonwealth Council for its work. Requested by Supervisor Herrty.

— more —

Board Agenda Item
February 11, 2014

DESIGNATIONS

- PROCLAMATION – To designate February 16-22, 2014, as Engineers Week in Fairfax County. Requested by Chairman Bulova

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

Board Agenda Item
February 11, 2014

10:30 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:
None. Materials to be distributed to the Board of Supervisors on February 11, 2014

PRESENTED BY:
Supervisor Jeff McKay, Chairman, Board of Supervisors' Legislative Committee
Edward L. Long Jr., County Executive

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Board Agenda Item
February 11, 2014

10:40 a.m.

Items Presented by the County Executive

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Board Agenda Item
February 11, 2014

ADMINISTRATIVE – 1

Designation of Plans Examiner Status under the Expedited Land Development Review Program

ISSUE:
Board of Supervisors' action to reinstate into active status an individual who has completed his continuing education requirements pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board.

RECOMMENDATION:
The County Executive recommends that the Board take the following action:

- Reinstate the following individual, identified with his registration number, as Plans Examiner:

  Travis D'Amico DPE #293 Inactive on 5/14/2013

TIMING:
Routine.

BACKGROUND:
On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Land Development Services, Department of Public Works and Environmental Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Reinstatement of Plans Examiner Status: Individuals are provided with information concerning requirements for reinstatement as an active DPE at the time they are placed on inactive status.

As detailed in a letter from the chairman of the APEB, dated December 19, 2013, this individual has applied for reinstatement as an active DPE. Upon review of his application and finding that the continuing education requirements have been satisfied, the APEB recommends reinstatement to active DPE status.

Staff concurs with this recommendation as being in accordance with Chapter 117 and the Board-adopted criteria.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Letter dated December 19, 2013, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

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

Engineers & Surveyors Institute
Founded 1987

Engineers & Surveyors Institute

"A public/private partnership"
4455 Brookfield Corporate Drive, Suite 107 • Chantilly, Virginia 20151
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Independent

EXECUTIVE DIRECTOR
Terrance C. Ryan PhD, P.E.

December 19, 2013

Hon. Sharon Bulova, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Dear Chairman Bulova:

The Board of Supervisors approved the following individual as Designated Plans Examiner but his status was changed to inactive. He wishes to reactivate his status and has met the requirements set out by the reinstatement panel. He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and to be in accordance with the criteria adopted by the Fairfax County Board of Supervisors.

Travis D'Amico # 293 --- Inactive on 5/14/2013

It is recommended by the Fairfax County Advisory Plans Examiner Board that he be granted active status.

Following the Board of Supervisors' approval of this recommendation, he will be notified of this change.

Sincerely,

James H. Scanlon, P.E., LS.
Chairman
Fairfax County Advisory Plans Examiner Board

Received
JAN - 7 2014
Land Development Services
Director's Office

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Board Agenda Item
February 11, 2014

ADMINISTRATIVE – 2

Streets into the Secondary System (Mason, Mount Vernon, Providence, 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**
Glendale Lot 5 (Edwards Zamin)	Mason	Edwards Street (Route 933) (Additional Right-of-Way (ROW) Only)
10212 Richmond Highway (AAAACO L.L.P. Site)	Mt. Vernon	Richmond Highway (Route 1) (Additional ROW Only)
Oakton Limited Partnership (Oakton Shopping Center)	Providence	Chain Bridge Road (Route 123) (Additional ROW Only)
Rogers Property	Sully	Golden Meadow Court
		Thompson Road (Route 669) (Additional ROW Only)
Jackson Fields	Sully	Jackson Fields Court
		Crim Station Road (Route 10152)
		Mount Olive Road (Route 859) (Additional ROW Only)

TIMING:
Routine.

Board Agenda Item
February 11, 2014

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

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

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: 6514-SP-002

SUBDIVISION PLAT NAME: Glendale Lot 5 (Edwards Zamin)

COUNTY MAGISTERIAL DISTRICT: Mason

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

BY: Nadir Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 11/04/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Edwards Street (Route 933) (Additional Right-of-Way Only)	234' S CL Little River Turnpike (Route 236)	180' S to End of Dedication	0.0
		TOTALS:	0.0

NOTES:

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.

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: 2611-SP-01

SUBDIVISION PLAT NAME: 10212 Richmond Highway (AAAACO L.L.P. Site)

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

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

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 11/14/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Richmond Highway (Route 1) (Additional Right-of-Way Only)	315' SW CL Hassett Street (Route 3180)	163' SW to End of Dedication	0.0
		TOTALS:	0.0

NOTES:

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: 7517-SP-001

SUBDIVISION PLAT NAME: Oakton Limited Partnership (Oakton Shopping Center)

COUNTY MAGISTERIAL DISTRICT: Providence

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

BY: Nadia Alphonse

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 11/08/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Chain Bridge Road (Route 123) (Additional Right-of-Way Only)	330' NE CL Hunter Mill Road (Route 674)	589' NE to End of Dedication	0.0
		TOTALS:	0.0

NOTES:

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: 0349-SD-03

SUBDIVISION PLAT NAME: Rogers Property

COUNTY MAGISTERIAL DISTRICT: Sully

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

BY: Nidia Alphonsi

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 11/01/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Golden Meadow Court	CL Thompson Road (Route 669) - 700' NW CL Oxon Road (Route 764)	919' NE to End of Cul-de-Sac	0.17
Thompson Road (Route 669) (Additional Right-of-Way Only)	465' NW CL Oxon Road (Route 764)	470' NW to End of Dedication	0.0
		TOTALS:	0.17

NOTES:

Thompson Road: 6' Asphalt Trail on East 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.

ENGINEERING MANAGER: Terry L. Yates, P.E.
BY: Nalia 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: 8783-SD-05
SUBDIVISION PLAT NAME: Jackson Fields
COUNTY MAGISTERIAL DISTRICT: Sully

FOR OFFICIAL USE ONLY
DATE OF VDOT INSPECTION APPROVAL: 10/18/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Jackson Fields Court	CL Mount Olive Road (Route 859) - 574' E CL Folkers Landing (Route 10151)	933' NW to End of Cul-de-Sac	0.18
Crim Station Road (Route 10152)	Existing Crim Station Road (Route 10152) - 158' NE CL Folkers Landing (Route 10151)	242' NE to CL Jackson Fields Court	0.05
Mount Olive Road (Route 859) (Additional Right-of-Way Only)	200' E CL Folkers Landing (Route 10151)	610' E to End of Dedication	0.00
		TOTALS:	0.23

NOTES:

Jackson Fields Court: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.
Crim Station Road: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.
Mount Olive Road: 8' Asphalt Trail on North Side to be maintained by Fairfax County.

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Board Agenda Item
February 11, 2014

ADMINISTRATIVE – 3

Supplemental Appropriation Resolution AS 14169 for the Fairfax County Office of Emergency Management to Accept Additional Funding for a Department of Homeland Security Urban Areas Security Initiative Sub-Grant Award from the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:
Board approval of Supplemental Appropriation Resolution AS 14169 in the amount of $320,000 for Fairfax County Office of Emergency Management to accept additional funding for a Department of Homeland Security (DHS) FY 2013 Urban Areas Security Initiative (UASI) subgrant award from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia, which is serving as the SAA, and will be used in support of the National Capital Region's Emergency Alerting System which supports 18 local jurisdictions. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant period for this award is retroactive from September 1, 2013 through May 31, 2015. No Local Cash Match is required.

RECOMMENDATION:
The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 14169 in the amount of $320,000. These funds will be used in support of the National Capital Region's Emergency Alerting System which supports 18 local jurisdictions. No new positions will be created with this grant and no Local Cash Match is required.

TIMING:
Board Approval is requested on February 11, 2014. It should be noted the Grant Adjustment Notice was received on December 18, 2013. Therefore, this Board Item is being presented at the earliest subsequent Board meeting.

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

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

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a subgrant award to handle all of the financial management, audit, procurement and payment provision of the subgrant award and grant program.

FISCAL IMPACT:
Grant funding in the amount of $320,000 is available in the DHS UASI grant funds through the District of Columbia. These will be used in support of the National Capital Region's Emergency Alerting System which supports 18 local jurisdictions. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2014. This award will allow the recovery of indirect costs. Indirect costs are not recoverable for this award. There is no Local Cash Match requirement.

CREATION OF NEW POSITIONS:
No new positions will be created by this grant.

ENCLOSED DOCUMENTS:
Attachment 1 – Supplemental Appropriation Resolution AS 14169
Attachment 2 – Grant Award Summary
Attachment 3 – Grant Adjustment Notice
Attachment 4 – Signed UASI Subgrant Award (ID # 13UASI531-05)

STAFF:
David Rohrer, Deputy County Executive
David McKernan, Coordinator, Office of Emergency Management
Roy Shrout, Deputy Coordinator, Office of Emergency Management

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 14169

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on February11, 2014, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2014, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G9393, Office of Emergency Management	$320,000
Grant:	1HS0050-2013, Text Alert Notification Maintenance (OEM)	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	$320,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: U.S. Department of Homeland Security, $320,000

A Copy - Teste:

_____

Catherine A. Chianese
Clerk to the Board of Supervisors

Deparment of Homeland Security - FY 2013 Homeland Security Grant Program
National Capital Region - Urban Area Security Initiative (UASI) Program
Project to be implemented by Fairfax County

Attachment 2

	Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County Agency	Program Manager	Positions	Begin Date	End Date	Project Synopsis
FY 2013 UASI Grant Adjustment Notice (GAN)											
1	Text Alert Notification (Maintenance)	FY2013	$ 320,000	Received	Continuation	Office of Emergency Management	Roy Shrout	0.0 SYE	9/1/2013	5/31/2015	Payment of the yearly maintenance costs for the National Capital Region's Emergency Alerting System, which includes 18 local jurisdictions. This GAN serves to increase the total amount of the related sub-grant award (13UASI531-05).
	Total:		**$ 320,000**					**0.0 SYE**			

Prepared by AB/ OEM

Government of the District of Columbia

GRANT ADJUSTMENT NOTICE

District of Columbia
Homeland Security and Emergency Management Agency
2720 Martin Luther King Jr Ave SE, 2nd Floor
Washington, DC 20032

Subgrantee	Fairfax County Office of Emergency Management	**Subgrant Number**	13UASI531-05
Project Title	Text Alert Notification (Maintenance)	**Nature of Adjustment**	Funds Increase
Adjustment Number	1	**Effective Date**	12/17/2013

To Subgrantee Please note the following change, amendment, or adjustment in the above grant project and that this adjustment is subject to conditions or limitations as may be set forth below

	Current Award	Adjustment	Revised Award
Total Project Amount	$735,000.00	$320,000.00	$1,055,000.00
Current Grant Period	**9 /1 /2013 - 5 /31/2015**		
Adjusted Grant Period			

Description

This GAN serves to increase the sub-grant award by $320,000.00 to a final total of $1,055,000.00.

Approvals

12/18/13

Authorized Official from Grantee Organization **Date**

Authorized Official from Subgrantee Organization **Date**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Homeland Security and Emergency Management Agency

Vincent C. Gray
Mayor

Chris T. Geldart
Director

September 6, 2013

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

Dear Mr. Long:

I am pleased to send your FY 2013 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title **Text Alert Notification (Maintenance)**
- Amount **$735,000.00**
- Project ID **13UASI531-05** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2013–May 31, 2015**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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

Please review and sign the necessary attached documents and return them to my office by **September 20, 2013**. If you have questions regarding this award, please contact Charles Madden at charles.madden@dc.gov or 202.724.6568.

Sincerely,

Chris T. Geldart
Director

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Homeland Security and Emergency Management Agency

FISCAL YEAR 2013 HOMELAND SECURITY GRANT PROGRAM
URBAN AREAS SECURITY INITIATIVE

SUBGRANT AWARD &
CERTIFICATION OF COMPLIANCE

- Subgrantee **Fairfax County Office of Emergency Management**
- Project Title **Text Alert Notification (Maintenance)**
- Amount **$735,000.00**
- Project ID **13UASI531-05**

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

- FY 2013 Homeland Security Grant Program Funding Opportunity Annoucement
- District of Columbia Homeland Security and Emergency Management Agency FY 2013 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Edward L. Long Jr.
Print name

County Executive
Print title

Edward L. Long Jr.
Signature

10/9/2013
Date

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Board Agenda Item
February 11, 2014

ADMINISTRATIVE - 4

Approval of Traffic Calming Measures and "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Providence and Hunter Mill Districts)

ISSUE:
Board endorsement of Traffic Calming Measures and "$200 Additional Fine for Speeding" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends that the Board endorse a traffic calming plan for Summerfield Road (Attachment I) consisting of the following:

- One Speed Hump on Summerfield Road (Providence District)
- Install or refurbish Stop Bars at the intersection of Summerfield Road and Custis Parkway and also at the intersection of Summerfield Road and Jefferson Avenue (Providence District)

The County Executive further recommends that the Board approve a resolution (Attachment III) for the installation of "$200 Additional Fine for Speeding" signs on the following roads:

- Viking Drive from Lawyers Road to Pinecrest Road (Hunter Mill District)
- Pinecrest Road from Fox Mill Road to End of Road (Hunter Mill District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measures as soon as possible. The County Executive also recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved signs as soon as possible.

TIMING:
Board action is requested on February 11, 2014.

BACKGROUND:
As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners' or civic association. Traffic calming employs the use of physical devices such as multi-way stop signs (MWS), speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to

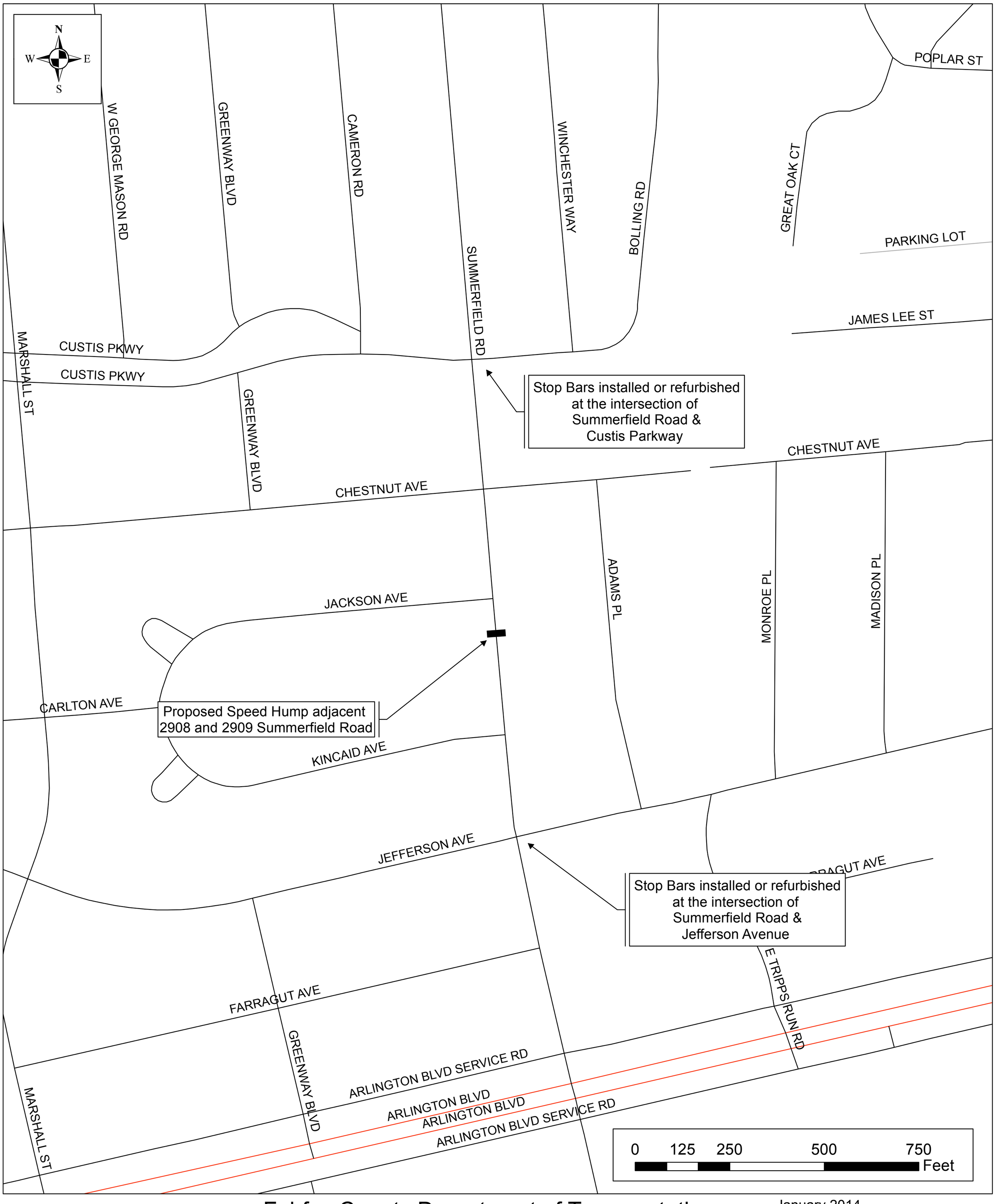
reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria. Staff worked with the local Supervisors' office and community to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On November 19, 2013, the Department of Transportation received verification from the local Supervisor's office confirming community support for the above referenced traffic calming plan.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of $200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Pinecrest Road from Fox Mill Road to its terminus, and Viking Drive from Lawyers Road to Pinecrest Road (Attachment II) meet the RTAP requirements for posting of the "$200 Additional Fine for Speeding Signs". On January 06, 2014, FCDOT received written verification from the appropriate local supervisor confirming community support.

FISCAL IMPACT:
Funding in the amount of $8,000 for the traffic calming measures associated with the Summerfield Road project is available in Fund100-C10001, General Fund, under Job Number 40TTCP. For the "$200 Additional Fine for Speeding" signs an estimated cost of $2,400 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:
Attachment I: Traffic Calming Plan for Summerfield Road
Attachment II: $200 Additional Fine for Speeding Board Map
Attachment III: $200 Additional Fine for Speeding Board Resolution

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Operations Section, FCDOT
Guy Mullinax, Transportation Planner, Traffic Operations Section, FCDOT

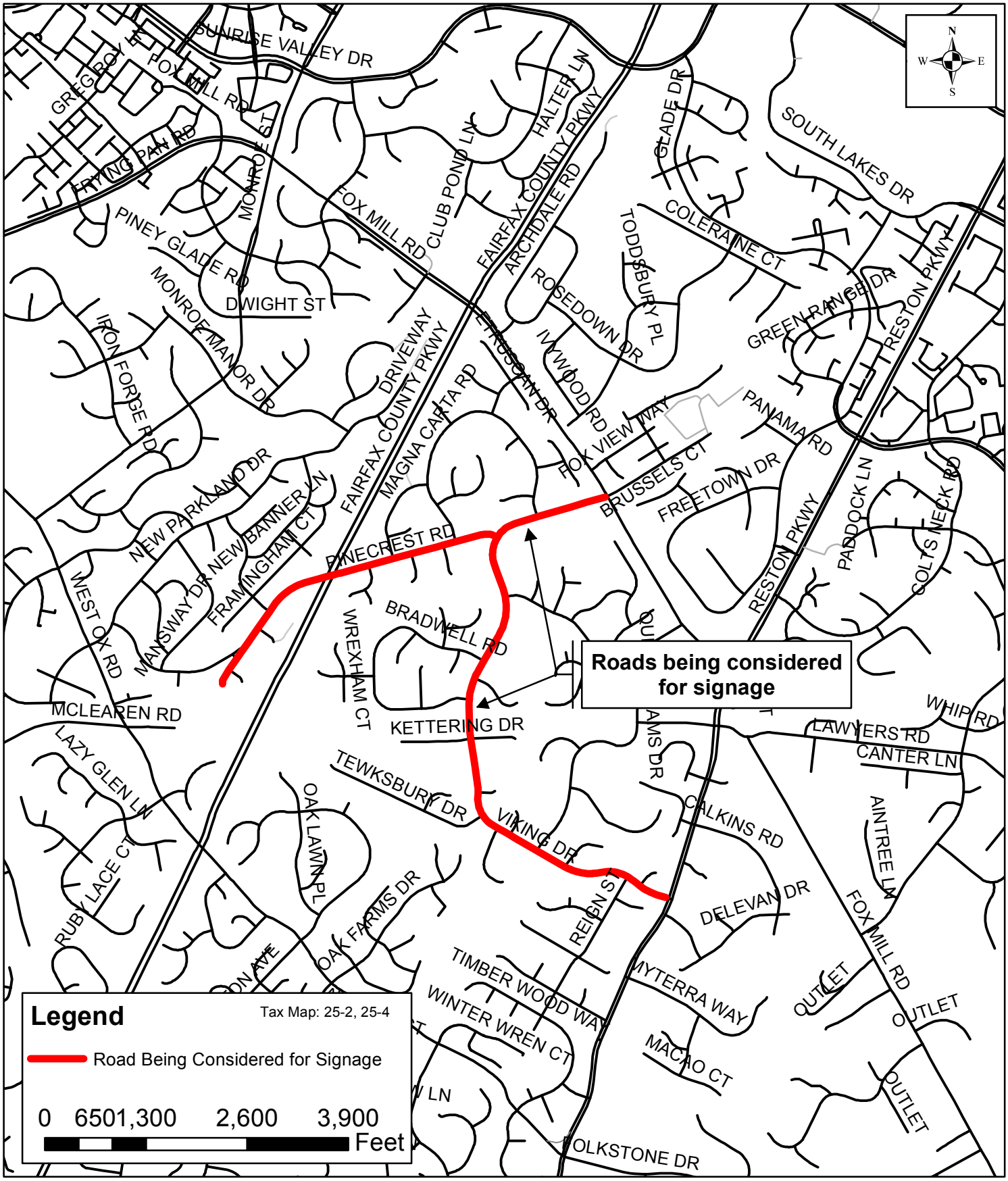


January 2014

Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING STUDY PLAN
SUMMERFIELD ROAD
Providence District

A Fairfax County, Va., publication

Tax Map: 50-2, 50-4



Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
PROPOSED $200 FINE FOR SPEEDING
VIKING DRIVE & PINECREST ROAD
Hunter Mill District

01/08/14

Attachment III

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
$200 ADDITIONAL FINE FOR SPEEDING SIGNS
VIKING DRIVE AND PINECREST ROAD
MASON AND PROVIDENCE DISTRICTS

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, February 11, 2014 at which a quorum was present and voting, the following resolution was adopted:

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

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Viking Drive from Lawyers Road to Pinecrest Road, and on Pinecrest Road from Fox Mill Road to end of Road. Such roads also being identified as Local Roads; and

WHEREAS, community support has been verified for the installation of $200 Additional Fine for Speeding" signs on Viking Drive from Lawyers to Pinecrest Road, and Pinecrest Road from Fox Mill Road to and of Road.

NOW, THEREFORE BE IT RESOLVED that "$200 Additional Fine for Speeding" signs are endorsed for Viking Drive from Fox Mill Road to Pinecrest Road, and Pinecrest Road from Fox Mill Road to end of Road.

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

A Copy Teste:

_____
Catherine A. Chianese
Clerk to the Board of Supervisors

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Board Agenda Item
February 11, 2014

ACTION - 1

Authorization for the County Executive to Execute an Interjurisdictional Pretreatment Agreement Between the County of Fairfax Virginia and Prince William County Service Authority

ISSUE:
A pretreatment agreement needs to be executed between the County of Fairfax and Prince William County Service Authority (PWCSA) for the portion of the County's wastewater that is conveyed and treated at PWCSA's treatment plant. The agreement will ensure PWCSA that the County will enforce its pretreatment program to prevent adverse effects on PWCSA's sewer system, the treatment plant, the employees, the public, and the environment.

RECOMMENDATION:
The County Executive recommends that the Board authorize the County Executive to execute the Interjurisdictional Pretreatment Agreement.

TIMING:
Board action is requested on February 11, 2014.

BACKGROUND:
Under federal and state regulations, and County Code Chapter 67.1, Sanitary Sewers and Sewage Disposal, the County's publicly owned treatment works (POTW), including the treatment plant and the associated collection system that conveys wastewater to the treatment plant, must have an approved Pretreatment Program. The purpose of this program is to permit and /or monitor non-domestic sources of wastewater to prevent adverse effects on the sewer system, the treatment plant, the employees of the POTW, the public, and the environment.

A portion of Fairfax County's wastewater is conveyed and treated at the H. L. Mooney Advanced Water Reclamation Facility, a POTW owned and operated by the Prince William County Service Authority (PWCSA). The PWCSA has a pretreatment program similar to Fairfax County. A pretreatment agreement between the County and PWCSA needs to be executed to assure that the County will enforce its pretreatment program to protect PWCSA's POTW. The agreement provides for each respective jurisdiction, under certain timeframes, to review and comment on each other's pretreatment program, provide a list of significant industrial users of the POTW, conduct inspection

and sampling of certain non-domestic wastewater sources, enforce the pretreatment program, cease the discharge of pollutants which may have adverse effects on PWCSA's POTW, and provide reports of monitoring and sampling results, among other things.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment l - Interjurisdictional Pretreatment Agreement between County of Fairfax and Prince William County Service Authority.

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Randy W. Bartlett, Deputy Director, DPWES
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

ATTACHMENT 1

INTERJURISDICTIONAL PRETREATMENT AGREEMENT BETWEEN COUNTY OF FAIRFAX, VIRGINIA, and PRINCE WILLIAM COUNTY SERVICE AUTHORITY

This Interjurisdictional Pretreatment Agreement ("Agreement") is made and entered as of this _____ day of _____, 2014, by and between the Board of Supervisors of Fairfax County, Virginia, the governing body of Fairfax County, Virginia, a political subdivision of the Commonwealth of Virginia, (hereinafter the "County"); and the Prince William County Service Authority, a body politic and corporate (hereinafter the "Authority"), or jointly as the "Parties."

Recitals

1. The Authority owns and operates a publicly-owned treatment works ("POTW") known as the H.L. Mooney Advanced Water Reclamation Facility ("Mooney Facility") and its collection system (the "Authority's System").

2. The County owns and operates the public sewer system in Fairfax County, including a collection system for wastewater. Some of the wastewater collected from the County is discharged to the Authority's System and is generated by non-domestic or industrial sources. The County has an approved Pretreatment Program for regulating such sources in accordance with 9 VAC 25-31-730 *et seq* and 9 VAC 25-31-830 and implements and enforces the program in accordance with the County's Sewer Use Ordinance (Chapter 67.1, Sanitary Sewers and Sewage Disposal).

3. The Authority issues permits to non-domestic sources under authority of Prince William County, Code of Ordinances, Ch. 23, Article IV; Pretreatment, *et seq*. Not every industrial discharger is required to have a permit or discharge authorization, but all dischargers must be in compliance with the County's Sewer Use Ordinance.

4. Fairfax County issues permits or authorizations to industries discharging to the County's sanitary sewer. Not every industrial discharger is required to have a permit or discharge authorization, but all dischargers must be in compliance with the County's Sewer Use Ordinance.

5. The Parties agree that a discharge to the County system that is tributary to the Authority System is synonymous with, and shall be regulated and permitted in the same or similar manner as discharges directly to the County or the Authority System's POTW, except where the Authority's pretreatment standards and requirements are more stringent, in which case the County will apply the Authority's standards and requirements to those discharges.

6. The Authority and the County entered into a Memorandum of Understanding ("MOU") on or about August 16, 1999, to provide for alternatives for public sewer from existing facilities within Fairfax County, and as amended on July 11, 2005, and August 31, 2005. The provision for those services continues to be through reservation of capacity in the Mooney Facility.

7. The regulations found at 40 C.F.R. Part 403, and 9 VAC 25 -31, -151 and -820 *et seq*., implement certain provisions of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, (collectively as "applicable federal and state law"), which may be amended, changed or recodified from time to time. The Parties agree to review and revise this Agreement as necessary to ensure compliance with applicable federal and state law as necessary, but at least every five

(5) years. Applicable federal and state law requires that pretreatment requirements and standards apply to wastes from "industrial users" as that term is defined by 40 C.F.R. § 403.3, whether originating within the Authority service area or from the County. The Parties agree that they desire adoption of, and incorporation by reference as if fully set forth herein, to the definitions in 40 C.F.R. § 403.3.

8. The Parties agree that it is mutually beneficial to undertake individual and joint action to fully comply with applicable federal, state and local law regarding pretreatment of industrial users served by the Authority and the County.

Agreement

NOW THEREFORE, in consideration of the above recitals, the mutual agreements herein below, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

9. The Parties agree to periodically (but not less than every five years) or within thirty (30) days of receipt of a written request by the Authority to review their respective pretreatment programs or sewer use ordinance for the purpose of ascertaining whether such programs remain in full compliance with applicable federal, state and local law. If the programs are not in compliance, the Parties shall enact, or amend, or cause to be enacted or amended, appropriate ordinances and/or regulations to gain compliance. The governing body of the County and the Board of Directors of the Authority shall be promptly made aware of the discovery of non-compliance. The Parties agree to take reasonable action to correct such condition or occurrence of non-compliance.

10. Each Party shall provide the other Party a reasonable opportunity to comment on proposed changes to its pretreatment program affecting the other Party by notifying the other

Party in writing of the proposed changes, not less than thirty (30) days prior to the Party's submission to the Virginia Department of Environmental Quality ("DEQ") for its consideration of such proposed changes. Each Party shall provide the other Party the justification and authority for such changes. Each Party shall notify the other Party in writing within thirty (30) days of the DEQ's written notice of approval of any changes to its pretreatment program affecting the other Party and shall provide the other Party a copy of such approved changes.

11. The County agrees to make every reasonable effort to prevent any industrial discharge to the Authority's system that is in violation of applicable federal, state or local law. The County agrees to make every reasonable effort to prevent any discharge that it knows, or has reason to believe, may be an imminent danger to human health and safety, threatens the environment, threatens to cause an interference with the Authority's System or POTW, or may cause the pass through of harmful substances to the receiving waters of the Authority's POTW.

12. The County shall perform, not less than once every five (5) years, an industrial waste survey for its jurisdiction. This survey shall identify, locate, and characterize the industrial wastes from all "significant industrial users" ("SIU") and any other "industrial users" (as the terms SIU and industrial user are defined by applicable federal or state law) which will discharge or are likely to discharge pollutants which constitute an interference with, or a pass through of, any part of the Authority's System and POTW, or may otherwise constitute a threat to human health, safety, or welfare. The results of such surveys shall be provided to the Authority not more than thirty (30) days after they are available to the County.

13. The Authority shall provide a list of all identified pollutants which may cause adverse impact on the Authority's System, and the County shall include such pollutants within

the scope of its industrial waste survey, but in no event shall such specification limit the scope of the County's survey.

14. The County shall notify the Authority not less than five (5) days after it becomes aware of a material change in the nature of business of an SIU discharging to the Authority's System through the County system or any material change in the volume or character of pollutants introduced into the Authority's System through the County collection system by an SIU.

15. The Parties acknowledge that unannounced monitoring of SIU and industrial users tributary to the Authority is not always feasible. However, where feasible, the County shall conduct such unannounced monitoring, in its own jurisdiction, and from such monitoring shall gather samples for analysis of wastewater from the discharges of SIU and industrial users in accordance with the requirements of the County's DEQ-approved pretreatment program, together with such additional analysis as may be necessary, to verify compliance by such users. All monitoring procedures shall conform to those set out in 40 CFR Part 136, except as otherwise required by the U.S. Environmental Protection Agency or DEQ. The County shall make every reasonable effort to conduct all testing and analysis by means and methods that would generate admissible evidence in a judicial proceeding.

16. The County shall inspect, sample discharges, and monitor the discharge flow, and volume from SIUs that are located in the County and discharge to the Authority's System. Such inspection and sampling shall be in accordance with applicable federal, state and local law. The Authority may request, in writing, that the County inspect and monitor facilities that discharge to the Authority's System. On reasonable request, the County shall utilize best efforts to allow a representative designated by the Authority to participate in any such inspections. The County

will notify the Authority of the inspection schedule and shall make reasonable efforts to coordinate and schedule the inspection(s) within twenty (20) business days from receipt of the request by the Authority. If there is an imminent need or emergency situation, the County shall schedule the inspection as soon as possible. Written requests under these circumstances shall not be required. Such emergency inspections shall be either announced or unannounced, and although the County will exercise its best efforts to notify the Authority and coordinate the participation of a representative designated by the Authority, no such notice and participation shall be required in such circumstances.

17. SIU permits shall indicate that the Authority has right of entry to SIU facilities that discharge to the Authority's System for the purpose of inspection, observation, measurement, sampling, testing, and access to all pertinent compliance records located on the premises of the SIU. Whenever the Authority exercises this right, advance reasonable notice shall be given to the County. The County shall make all necessary legal and administrative arrangements for these inspections.

18. The Authority may request the County to immediately order the cessation of discharge if the Authority believes that an industrial user is discharging or may discharge any pollutant which presents a substantial and imminent risk of endangerment to any person, any Authority System or POTW component or process, or the receiving waters of the Authority's POTW. The Authority shall provide the County with the information and/or background upon which it bases the foregoing request and the County shall comply as expediently as possible with such justified request. The County agrees it will take all necessary steps to effectuate and attempt to enforce an order to cease discharge, including, but not limited to, actions in law or equity.

19. The County shall issue discharge permits to qualified SIUs prior to any process discharge from such SIUs to the Authority. SIU permits shall include appropriate discharge limitations, monitoring and reporting requirements, a statement of the duration of the permit, a statement of non-transferability without prior notification, a statement of the applicable penalties for violation of the pretreatment standards and requirements, and requirements for the reporting of any instance of noncompliance. The County shall utilize its best efforts to prevent (or terminate) discharge by an SIU which is not authorized by a valid permit issued through its pretreatment program and is not fully compliant with applicable federal, state and local law.

20. The County shall transmit to the Authority copies of all proposed permits for SIUs discharging to the Authority, prior to their issuance, for review and comment. The Authority shall review and comment on proposed permits from the County within fourteen (14) days of the Authority's receipt of a proposed permit from the County. Proposed reissuance of permits shall also be reviewed and commented on by the Authority within fourteen (14) days. The Authority may request that the County make additions, deletions, or changes to the proposed permit to assure compliance with the Authority's pretreatment program requirements.

21. The County agrees it will not issue a permit to an SIU or industrial user discharging to the Authority prior to review by the Authority or without making the Authority’s requested additions, deletions, or changes, unless such requirements are more stringent than those imposed on dischargers within the Authority’s service area or unless such requirements are inconsistent with applicable federal, state, or local law. Permits issued by the County to SIUs discharging to the Authority shall include, at a minimum, the reporting , record keeping, and notification requirements of 40 C.F.R. § 403.12, and the POTW pretreatment requirements in 40

C.F.R. § 403.8(f)(1)(iii), or such other pretreatment requirements as adopted or amended by applicable federal, state or local law.

22. The County will adopt and diligently enforce pollutant specific local limits for SIUs tributary to the Authority's System, which address at least the same pollutant parameters and are at least as stringent as the local limits enacted by the Authority.

23. The County agrees that it will continue to provide education, monitoring and enforcement of its best management practices for preventing Fats, Oils and Grease ("FOG") in the Authority's System as outlined in its Notice to Food Service Establishments (December 2011).

24. The County shall submit an Annual Report to the Authority within thirty (30) days after the end of each calendar year. This Annual Report shall contain the compliance status of each SIU discharging to the Authority and on all enforcement response actions taken, planned, and under consideration. Reports shall at a minimum contain copies of all relevant documents required for the Authority's annual report to the DEQ. In addition to the Annual Report, the County shall submit a quarterly report to the Authority when the County issues an SIU permit to an SIU discharging to the Authority's System.

25. The County shall act in accordance with its approved Enforcement Response Plan and shall take enforcement action against any industrial user that violates any provision of the County's approved Pretreatment Program. Enforcement action shall escalate for industrial users that continue to violate pretreatment standards or requirements.

26. Each Party shall enforce all applicable pretreatment requirements within its own jurisdiction. The Parties agree that the County has the primary responsibility for enforcement of the law, as it applies to County industrial users that discharge to the Authority. In event that the

County fails to adequately enforce applicable federal, state, or local law, or the terms of this Agreement, the Authority may seek enforcement against such industrial users to the full extent permitted by law.

General Provisions

27. Nothing in this agreement constitutes a partnership. It is the express intention of the parties to deny any such relationship.

28. The Parties agree to informally and in good faith pursue resolution of any dispute arising out of this Agreement. The General Manager of the Authority and the County Director of Public Works and Environmental Services, Wastewater Planning & Monitoring Division, or their designees, may meet as necessary to coordinate and resolve any disputes concerning implementation of this Agreement. However, the Parties recognize and agree that any dispute arising out of this Agreement may be submitted for resolution by either of the Parties in a court of the Commonwealth of Virginia.

29. If any provisions of this Agreement are found to be void or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall be unaffected and shall remain in full force and effect.

30. The Authority shall apply pretreatment requirements consistently and equitably among the participating jurisdictions of the Authority in accordance with applicable state and federal requirements.

31. Each of the Parties shall bear its own costs regarding responsibilities pursuant to this Agreement.

32. The Parties represent that they have the authority to enter into this Agreement and that the individuals signing this Agreement on their behalf have been granted the requisite power

and authority by public resolution in a duly advertised public meeting to bind the Parties to its provisions.

33. This Agreement shall apply to and shall be binding upon the Parties hereto, to the extent permitted by applicable law, as well as their elected officials, appointees, officers, directors, employees, agents, successors and assigns, and all persons whether natural or corporate acting under, through or for them.

34. This Agreement, including the 1999 MOU attached as **Exhibit 1**, as amended, and incorporated herein by reference, constitutes the entire agreement between the parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties in connection herewith. This Agreement is to be construed with the MOU but in the event of a conflict of terms, the Agreement controls.

35. No interpretation, modification, termination or waiver of any provision of or default pursuant to this Agreement shall be binding upon a party unless in writing and signed by the Party against whom enforcement is sought. All Parties have participated in the preparation of this Agreement and have received advice of legal counsel; consequently this Agreement shall not be construed against either Party based on the identity of the drafter of this Agreement.

36. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia without regard to principles of conflicts of law.

37. The Parties to this Agreement retain the right to amend this Agreement with the mutual approval of both parties, and such amendment shall be in writing.

38. The terms and conditions of this Agreement may be enforced as a contract by specific performance by any Party hereto. All rights and remedies available to the Parties at law and equity in accordance with the laws of the Commonwealth of Virginia are preserved.

39. The obligations of the Parties set out in this Agreement shall be subject to all federal, state and local requirements and are expressly subject to appropriation by future governing bodies. In no event shall any provision of this Agreement be construed to waive any such requirements. In the event that any federal, state or local requirement exceeds requirements of this Agreement, the higher standard shall be required.

40. All notices or other communications required or permitted under this Agreement shall be in writing directed to a Party at its address set forth below. A Party may designate a new address by written notice to the other Party. All notices shall be effective and be deemed delivered upon receipt as evidenced by a signed certified mail receipt, signed overnight delivery receipt or signed acceptance of hand delivery receipt.

Notice

Prince William County Service Authority
Attn: General Manager
4 County Complex Court
P.O. Box 2266
Woodbridge, VA 22195
(703) 335-7900

Fairfax County Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
Attn: Director
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035
(703) 324-5026

With a copy to:

The Office of the County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

Agreed and Approved by Resolution: Prince William County Service Authority

By: _____ Date: _____
Alexander I. Vanegas, Chairman

City/County of _____

Commonwealth/State of _____

Sworn to and subscribed before me this _____ day of _____, 2014, by

_____

Witness my hand and official seal.

_____ _____
My Commission Expires Notary Public

Agreed and Approved by Resolution: Fairfax County, Virginia

By: _____ Date: _____
Edward L. Long, Jr, County Executive

City/County of _____

Commonwealth/State of _____

Sworn to and subscribed before me this _____ day of _____, 2014, by

_____

Witness my hand and official seal.

_____ _____
My Commission Expires Notary Public

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INFORMATION - 1

Contract Award – Radio Frequency Consultants

The Department of Information Technology (DIT) requires Radio Frequency (RF) expert consulting services in support of the development and engineering of complex RF systems and applications, identification and resolution of performance and interference issues, the operational monitoring and analysis of existing systems, and the implementation and management of new RF based projects. The scope also includes participation in all related FCC frequencies, white space, and public safety narrowband and broadband issues, and associated infrastructure. Requirements are for experts in technical engineering, project management, policy analysis, and operational support. In accordance with the County's policy on the use of General Services Administration Multiple Award Schedules, the Department of Purchasing and Supply Management solicited offers from three qualified GSA contractors. The County received a single proposal in response to the solicitation. DIT staff evaluated the proposal and upon completion of the final evaluation and negotiations, DIT staff recommended that the contract be awarded to RCC Consultants, Inc., the current contractor.

RCC Consultants, Inc. was first engaged by Fairfax County in 1993 to develop a Needs Assessment Report and Request for Proposals for a modern public safety voice radio network and to assist the County with vendor selection. In March 1996, RCC Consultants began a full time engagement with the County, an engagement that continues to this day. With over twenty years of experience and direct institutional knowledge in Fairfax County, including nearly eighteen years of full time staff augmentation support, RCC Consultants is intimately familiar with the County's communications systems, policies, procedures and requirements.

The Fairfax County Department of Tax Administration has verified that RCC has a Fairfax County Business, Professional & Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to RCC Consultants, Inc. for Radio Frequency Consulting Services.

FISCAL IMPACT:
The amount for the contract is estimated at $500,000 annually. The contract may be renewed as provided in the RCC Consultants, Inc. GSA contract. The value of any subsequent contract terms is estimated to be $500,000 per year, and is currently funded in the baseline DIT Operations budget in Fund 40091, E-911."

ENCLOSED DOCUMENTS:
Attachment 1 - List of Offerors

STAFF:
Cathy A. Muse, Director, Department of Purchasing and Supply Management
Wanda Gibson, Director, Department of Information Technology

Attachment 1

List of Offerors

Offeror:	**Business Classification:**
RCC Consultants, Inc. 100 Woodbridge Center Drive Suite 201 Woodbridge, NJ 07095	Small Business

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Board Agenda Item
February 11, 2014

INFORMATION – 2

Contract Award – Park Authority Needs Assessment Consultant

The Department of Purchasing and Supply Management issued a Request for Proposal (RFP) soliciting consultant services to assist with completion of the Park Authority's needs assessment project. The Parks and Recreation Facilities Needs Assessment is an extensive needs assessment evaluation to address the recreation, open space, and park needs of Fairfax County residents for the next 10 years. The needs assessment will be used by the Fairfax County Park Authority to define future land acquisition, facility renovation, and new capital improvements for a planning horizon of 10 years. It will also be used to establish service level standards, evaluate growth impacts, and plan service provision. A needs assessment was last completed in 2004. The scope of work includes, but is not limited to coordination of public outreach efforts, design and reporting the results of a statistically-valid needs survey, analysis of Park Authority practices in comparison with best practice standards, development of a 10-year capital improvement plan, as well as working on the final assessment report and its presentation.

RFP2000000772 was publicly advertised in accordance with the requirements of the Fairfax County Purchasing Resolution. Three offerors submitted responsive proposals before the closing date. The Selection Advisory Committee (SAC), approved by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the evaluation of the proposals, the SAC negotiated with two of the highest-rated offerors, which resulted in selection of PROS Consulting. The SAC recommends contract award to this firm based on their demonstrated ability to meet the County requirements as defined in the RFP. The awardee is classified as a small business.

The Department of Tax Administration has verified that the selected firm meets Fairfax County Business, Professional, and Occupational License (BPOL) requirements.

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award contracts to PROS Consulting, LLC. The contract will commence on March 1, 2014, and terminate on December 31, 2015. The Purchasing Agent may amend the contract in response to a change in conditions in accordance with the Fairfax County Purchasing Resolution.

FISCAL IMPACT:
Services rendered through this contract will total $292,170.

ENCLOSED DOCUMENTS:
Attachment 1 – List of Offerors

STAFF:
Cathy A. Muse, Department of Purchasing and Supply Management
Kirk Kincannon, Fairfax County Park Authority

ATTACHMENT 1

RFP 2000000772 – List of Offerors

Name	SWAM Status
AECOM Technical Services, Inc.	Large Business
Brandstetter Carroll Inc.	Small Business
PROS Consulting, LLC	Small Business

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Board Agenda Item
February 11, 2014

10:50 a.m.

Matters Presented by Board Members

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11:40 a.m.

CLOSED SESSION:

(a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).

(b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

(c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Joseph Danzig v. Virginia Department of Medical Assistance Services and Fairfax County Department of Health*, Case No. CL-2013-0014772 (Fx. Co. Cir. Ct.)

2. *Steve T. Tran, Sheila M. Tran, Tricia L. Cooper, and Trustees of the Falls Church Church of Christ v. Fairfax County Board of Supervisors and CG Peace Valley, LLC*, Case No. CL-2013-0010098 (Fx. Co. Cir. Ct.) (Mason District)

3. *Sheila E. Frace, Trustee v. John F. Ribble, III*, Case No. CL-2013-0017108); *Leslie B. Johnson v. Sheila E. Frace, Trustee*, Case No. CL-2014-0000128 (Fx. Co. Cir. Ct.) (Dranesville District)

4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)

5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thanh V. Phan*, Case No. CL-2013-0015397 (Fx. Co. Cir. Ct.) (Mason District)

6. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Albert E. Mays*, Case No. CL-2013-0017866 (Fx. Co. Cir. Ct.) (Mount Vernon District)

7. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Paula Maria Robinson*, Case No. CL-2014-0000461 (Fx. Co. Cir. Ct.) (Lee District)

8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall***,** Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kevin N. Strickler and Joyce King-Strickler*, Case No. CL-2014-0000840 (Fx. Co. Cir. Ct.) (Providence District)

10. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Carlos Tramontana and Bety Tramontana***,** Case No. GV13-028577 (Fx. Co. Gen. Dist. Ct.) (Lee District)

11. *Dora Navarro v. Amanda Wallace*, Case No. GV14-001200 (Fx. Co. Gen. Dist. Ct.)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luz A. Uzmanor and Nelson Naitive, a/k/a Nelson Nativi***,** Case No. GV13-028574 (Fx. Co. Gen. Dist. Ct.) (Lee District)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Paul Nunnenkamp and Debby Evans***,** Case No. GV13-028576 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

14. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Paul Nunnenkamp and Debby Evans***,** Case No. GV13-028575 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David A. Almendarez and Milagro A. Lemus*, Case No. GV14-001327 (Fx. Co. Gen. Dist. Ct.) (Mason District)

16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adriana Bances*, Case No. GV14-001328 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

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Board Agenda Item
February 11, 2014

3:30 p.m.

Decision Only on Proposed Reston Master Plan Special Study (Phase I) Plan Amendment Item ST09-III-UP1(A), Consisting of the Reston-Herndon Suburban Center (Hunter Mill and Dranesville District)

ISSUE:
Plan Amendment ST09-III-UP1(A) proposes revisions to the Comprehensive Plan for the Reston-Herndon Suburban Center and the areas around the planned Wiehle-Reston East, Reston Town Center and Herndon Metrorail stations. The Suburban Center designation is proposed to be replaced by plans for three contiguous Transit Station Areas that are part of the overall Reston plan. Each Transit Station Area is proposed to have mixed-use Transit Oriented Development (TOD) that is planned with the highest intensities located within a half mile of the Metro stations. Much of the area outside of the TODs are proposed to maintain their existing character, uses and intensity. The proposed Plan amendment also provides recommendations for creating a multi-modal transportation system, fostering environmental stewardship, and providing urban parks and recreation facilities and schools. Further guidance is proposed to address urban design with an emphasis on creating a high-quality urban environment that is highly walkable. Changes to other sections of the Comprehensive Plan to reflect the above revisions are also proposed.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, January 9, 2014, the Planning Commission voted unanimously to recommend to the Board of Supervisors the adoption of Plan Amendment ST09-III-UP1A as recommended by Staff and shown in the handout dated January 9, 2014 and as further modified by the four page handout dated January 9, 2014. In addition, the Planning Commission voted unanimously to recommend to the Board of Supervisors the adoption of three follow-on motions to address additional work on urban design, transportation analysis and transportation funding.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – November 13, 2013
Planning Commission decision deferred – December 5, 2013
Planning Commission decision – January 9, 2014
Board of Supervisors' public hearing – January 28, 2014 deferred decision only to February 11, 2014 at 3:30 p.m.

Board Agenda Item
February 11, 2014

BACKGROUND:
The Board of Supervisors authorized the Reston Master Plan Special Study on May 18, 2009 and directed staff to initiate Phase I of the study, which is a review of Comprehensive Plan recommendations pertaining to the areas around the three planned Reston Metrorail stations: Reston Town Center Station, Wiehle-Reston East Station and the Herndon Station. Phase II of the Reston Master Plan Special Study will review the wider Reston community including the Village Centers and selected commercial areas. In the fall of 2009, a community Task Force was appointed for the Phase I effort by the Board of Supervisors, which included representatives of Reston resident groups, owners of commercial property in the study area and other interested members of the community. Working with staff, the Task Force was charged with evaluating existing Comprehensive Plan recommendations and identifying changes to guide future transit-oriented development (TOD) in the vicinity of the three Reston stations.

The Task Force and several sub-committees of the full Task Force met regularly from 2010 through 2013 to develop an approach to furthering TOD development at the stations. Subsequently, the Task Force worked with staff to develop their recommendations which were finalized at their meeting on October 29, 2013.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Recommendation and Verbatim
Attachment II: Planning Commission Recommended Text dated January 9, 2014 available online at:
http://www.fairfaxcounty.gov/dpz/projects/reston/bospacket/attachment_ii_-_st09-iii-up1_a_bos_item.pdf
Attachment III: Planning Commission Recommended follow-on motions and Verbatim

Staff Report (November 1, 2013) previously provided and available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/st09-iii-up1-a.pdf

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division, DPZ
Faheem Darab, Planner II, Planning Division, DPZ
Richard Lambert, Planner II, Planning Division, DPZ
Deborah Pemberton, Planner II, Planning Division, DPZ
Leonard Wolfenstein, Chief, Transportation Planning Section (TPS), Fairfax County Department of Transportation, (FCDOT)
Michael Garcia, Transportation Planner, TPS, FCDOT

Attachment I

Planning Commission Meeting
January 9, 2014
Verbatim Excerpt

ST09-III-UP1 (A) – COMPREHENSIVE PLAN AMENDMENT (RESTON TRANSIT STATION)

Decision Only During Commission Matters
(Public Hearing held on November 13, 2013)

Commissioner de la Fe: Thank you, Mr. Chairman. The second decision has to do with ST09-III-UP1 (A), Comprehensive Plan Amendment related to the Reston Transit Stations in the Hunter Mill District. The public hearing on this was held on November 13th, 2013, and we deferred decision in order to incorporate as many of the comments that we made and to try to satisfy as many of the folks that commented as we could. We have, I believe – are now ready to move on this. You have received a document which – I think your copy has a yellow copy dated January 9th, which all of the changes that have been made. Attached to that document is also a sheet that – a number of sheets that show the changes that were made. And I have not heard from anybody so I trust that everybody is satisfied with this. However, since we're – you know, something with 115 pages is never finished – tonight you received four pages, which look like this and I will incorporate into my motion. Please be assured that all of these are truly edits and, you know, typographical errors, things that were underlined that shouldn't have been underlined, capitals that weren't there – you know, that kind of stuff that really – you know, the things to clarify and perfect the document. So with that in mind, I will move ahead to my main motion and I will have some follow-on motions after that. Mr. Chairman, for the past four years, the Reston Master Plan Special Study Task Force, along with members of the community and County staff, has been working – worked diligently on updating the Comprehensive Plan's guidance for Reston in preparation for the operation of Metrorail's Silver Line service. Plan Amendment ST09-III-UP1 (A), the first part of a two-phase study of the Reston Master Plan, addresses the Reston-Herndon Suburban Center, which consists of approximately 1,700 acres bisecting the community of Reston along the Dulles Airport Access and Toll Road. The proposed amendment plans the area as three contiguous Transit Station Areas, which are located proximate to the Wiehle East, Reston Town Center, and Herndon Metrorail Stations. It's officially known as the Herndon Metrorail and most of us in Reston like to call it the Reston West Herndon, but the official name is the Herndon Metrorail Station. Sorry, Mr. Donahue. You're leaving anyways. Staff presented the draft Plan text, which was supported by the Task Force, at the Planning Commission public hearing on November 13th. Subsequently, we have reviewed the extensive public testimony and distributed to the Commission my proposed mark-up of the proposed Plan text. This mark-up is found in the document that I referenced before entitled, "Reston Transit Station Areas Comprehensive Plan Text," dated January 9th, 2014. For the Commission's benefit, I have shown my changes to the staff and Task Force recommendations using underlines and strikethroughs. This mark-up text is supportive of the staff and Task Force recommendation and responds to some of the specific comments from the public. Many of the revisions are editorial in nature or meant to help clarify the Plan text. These changes have been summarized and are included with my proposed mark-up as Attachment I. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE

ADOPTION OF THE "RESTON TRANSIT STATION AREAS COMPREHENSIVE PLAN TEXT" DATED JANUARY 9TH, 2014. THIS PROPOSED TEXT WILL REPLACE THE CURRENT PLAN GUIDANCE FOR THE RESTON-HERNDON SUBURBAN CENTER AND TRANSIT STATION AREAS CURRENTLY FOUND ON PAGES 28 THROUGH 80 OF THE AREA III PLAN, UPPER POTOMAC PLANNING DISTRICT. IN ADDITION, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF SEVERAL OTHER PROPOSED CHANGES, AS SPECIFIED IN ATTACHMENT II OF THE MARK-UP PLAN TEXT WHICH ALIGNS, MAPS, FIGURES, AND REFERENCES IN OTHER SECTIONS OF THE PLAN WITH THE PROPOSED NEW PLAN TEXT AND RECOMMENDATIONS. AND FINALLY, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF-IDENTIFIED EDITS OF TYPOS AND GRAMMAR, WHICH I'VE DISTRIBUTED TONIGHT.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt ST09-III-UP1 (A), say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JLC

Attachment III

Planning Commission Meeting
January 9, 2014
Verbatim Excerpt

ST09-III-UP1 (A) – COMPREHENSIVE PLAN AMENDMENT (RESTON TRANSIT STATION)

Decision Only During Commission Matters
(Public Hearing held on November 13, 2013)

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, I have three follow-on motions that I would like to make at this time. Mr. Chairman, this special attention to design has been a hallmark of Reston from the beginning. The Task Force, community, and staff have recognized this and have included urban design guidance unique to Reston in their recommended Plan text. However guided, this guidance may require further refinement. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO DIRECT STAFF TO WORK WITH A GROUP OF STAKEHOLDERS TO REVIEW AND MAKE RECOMMENDATIONS ON HOW BEST TO INCORPORATE RESTON-SPECIFIC DESIGN FEATURES INTO FUTURE DEVELOPMENT, AS OUTLINED IN THE PROPOSED PLAN.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of that motion? All those in favor of the motion, as articulated 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 TO THE BOARD OF SUPERVISORS TO DIRECT STAFF AND THE PLANNING COMMISSION TO DEVELOP AN INCLUSIVE PROCESS TO PREPARE A FUNDING PLAN FOR THE TRANSPORTATION IMPROVEMENTS RECOMMENDED IN THE RESTON MASTER PLAN AND RETURN TO THE BOARD WITH ITS RECOMMENDATIONS AT AN APPROPRIATE TIME. THE FUNDING PLAN SHOULD INCLUDE ARRANGEMENTS OR FINANCING THE PUBLIC SHARE OF RESTON INFRASTRUCTURE IMPROVEMENTS AND FACILITATE COOPERATIVE FUNDING AGREEMENTS WITH THE PRIVATE SECTOR. THE PLANNING COMMISSION STRONGLY BELIEVES THAT THE PUBLIC AND PRIVATE INVESTMENT IN RESTON IS BOTH CRITICAL AND RESPONSIBLE FOR ENSURING RESTON'S FUTURE SUCCESS.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND to the Board of – THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO CONDUCT A DETAILED EVALUATION AND OPERATIONAL ANALYSIS OF THE ENHANCED STREET NETWORK SHOWN ON THE RESTON MASTER PLAN, PRIORITIZE THESE IMPROVEMENTS, AND DEVELOP AN IMPLEMENTATION STRATEGY.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. 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, Mr. Chairman. That concludes my formal remarks.

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(Each motion carried by a vote of 12-0.)

JLC

Board Agenda Item
February 11, 2014

3:30 p.m.

Public Hearing on RZ 2013-SU-010 (Christopher Land, L.L.C.) to Rezone from R-1 and WS to PDH-2 and WS to Permit Residential Development with an Overall Density of 1.89 du/ac and Approval of the Conceptual Development Plans, Located on Approximately 3.7 Acres of Land (Sully District)

This property is located at 13865 Walney Park Drive, Chantilly, 20151. Tax Map 44-4 ((1)) 18.

The Board of Supervisor's public hearing was deferred from 1/28/14 to 2/11/14 at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing was held on Wednesday, January 8, 2014, and decision was deferred to Wednesday, February 5, 2014. The Commission's recommendations will be forwarded to the Board of Supervisors subsequent to that date

ENCLOSED DOCUMENTS:
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4437398.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Joe Gorney, Planner, DPZ

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Board Agenda Item
February 11, 2014

3:30 p.m.

Public Hearing on PCA 86-D-108 (William Weiss) to Amend the Proffers for RZ 86-D-108 Previously Approved for Residential Development to Permit Modification of Approved Proffers at a Density of 1.54 Dwelling Units per Acre with Associated Modifications to Proffers and Site Design, Located on Approximately 36,000 Square Feet of Land Zoned R-2 (Dranesville District)

This property is located at 9416 Atwood Road, Vienna, 22182. Tax Map 19-3 ((17)) 23.

The Board of Supervisors deferred this public hearing from January 14, 2014 to February 11, 2014 at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 21, 2013, the Planning Commission voted 11-0 (Commissioner Hall was absent from the meeting) to recommend that the Board of Supervisors approve PCA 86-D-108, subject to the execution of proffers consistent with those dated November 6, 2013, and adding one proffer as follows: “install a 10-foot wide landscape berm along the entire rear of the property, planted with evergreen and deciduous trees.”

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4429182.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Megan Duca, Planner, DPZ

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Planning Commission Meeting
November 21, 2013
Verbatim Excerpt

PCA 86-D-108 – WILLIAM WEISS

Decision Only During Commission Matters
(Public Hearing held on October 3, 2013)

Commissioner Donahue: Thank you, Mr. Chairman. A number of weeks ago, we held a public hearing on PCA 86-D-108, the Weiss application on Akron Road. And there were a number of issues we wanted to consider further so we put it off for decision only until this evening. I'm going to move on it, but I would like to call the applicant or the applicant's representative down for a word or two before I do.

Chairman Murphy: Please.

Commissioner Flanagan: Is this on verbatim?

Commissioner de la Fe: Yes.

Chairman Murphy: Are we on verbatim now? Okay, we are on verbatim.

Commissioner Hart: Apparently.

Chairman Murphy: Come on up and identify – come on up and identify yourself for the record.

Gregory Budnik, Civil Engineer, GJB Engineering, Inc.: Greg Budnik, engineer for the application.

Commissioner Donahue: Thank you. Thank you, Mr. Budnik. The report we have and the proffers we have – I want to speak with you about adding one proffer, if we could. And it's something that you initially, I think, posed to some of the neighbors. It was – it's really considered a voluntary situation at heart with the wording of the proffer. And it has to do with the landscape berm at the rear of the property in question. And the wording we would like to have you to consider or add will be the follow: "Install a 10-foot wide landscape berm along the entire rear of the property, planted with evergreen and deciduous trees." Would have you have an objection to that type of wording of a proffer or something very close to that?

Mr. Budnik: The applicant would agree to that language.

Commissioner Donahue: Thank you. And that can be worked out and added as it – well, I'll make a motion to add here this evening, but also in the time you have when you go to the board – if it would be worked out with staff, as far as the wording is concerned.

Mr. Budnik: Yes sir.

Planning Commission Meeting
November 21, 2013
PCA 86-D-108

Commissioner Donahue: Thank you very much, Mr. Chairman. If that's it, I'm prepared to make a motion.

Chairman Murphy: Okay, go ahead. Thank you, sir.

Mr. Budnik: Thank you.

Commissioner Donahue: Thank you, Mr. Chairman. Mr. Chairman, I WOULD LIKE TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 86-D-108, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 6TH, 2013, AND ADDING ONE PROFFER AS FOLLOWS: "INSTALL A 10-FOOT WIDE LANDSCAPE BERM ALONG THE ENTIRE REAR OF THE PROPERTY, PLANTED WITH EVERGREEN AND DECIDUOUS TREES."

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 86-D-108, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: Thank you, Mr. Chairman. That's it.

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(The motion carried by a vote of 11-0. Commissioner Hall was absent from the meeting.)

JLC

Board Agenda Item
February 11, 2014

3:30 p.m.

Public Hearing on SE 2013-HM-013 (G & K, Inc. T/A Reston U-Haul) to Permit Truck Rental Establishment, Located on Approximately 37,096 Square Feet of Land Zoned PRC (Hunter Mill District)

This property is located at 11410 North Shore Drive, Reston, 20190. Tax Map 17-2 ((1)) 7.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, January 23, 2014, the Planning Commission voted unanimously to recommend that the Board of Supervisors approve SE 2013-HM-013 subject to the Development Conditions dated January 9, 2014.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4438025.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mary Ann Tsai, Planner, DPZ

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Planning Commission Meeting
January 23, 2014
Verbatim Excerpt

SE 2013-HM-013 – G & K, INC.

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. de la Fe.

Commissioner de la Fe: Thank you very much. And I thank Mary Ann for all her hard work on this and everyone else. However, this is a – again, a relatively simple case. And as we saw in the staff report, essentially what we're doing is making legal something that has been going on for a while, which nobody knew was really illegal until about a couple years ago when we discovered that you could not have this kind of service at a service station in the PRC District. The Ordinance was changed to make this a Special Exception possibility in the PRC District and that is what we are doing tonight. The Hunter Mill – the Reston Planning and Zoning Committee reviewed this and their only comment on this was, "Gee, we didn't know you couldn't do this." And second is the fact that this site is and will be part of the overall redevelopment of Lake Ann. A plan for that has been submitted, but has not been accepted or processed yet. And there is a development condition that at such a time as that plan goes to Site Plan, this use will end – so to make clear that that will happen. And again, the Reston Planning and Zoning Committee was very disturbed that there might not be a gas station at all at that location since there has been one there since the beginning of Reston. However, having said that Mr. Chairman I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2013-HM-013, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JANUARY 9TH, 2014. You did receive a change today because the original conditions in the report said January 9th, 2013, and it's January 9th, 2014.

Commissioners Hart and Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi and Mr. Hart, is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2013-HM-013, say aye.

Commissioners: Aye.

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

Commissioner de la Fe: Thank you very much.

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(The motion carried by a vote of 12-0.)

JLC

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Board Agenda Item
February 11, 2014

4:00 p.m.

Decision Only on SEA 2009-DR-008 (Oakcrest School) to Amend SE 2009-DR-008 Previously Approved for a Private School of General Education to Permit Modifications to Development Conditions and Site Access with no Increase in Enrollment, Located on Approximately 22.67 Acres of Land Zoned R-E (Hunter Mill District)

This property is located on the South side of Crowell Road, approximately 1,200 feet East of its intersection with Hunter Mill Road and North of Dulles Toll Road. Tax Map 18-4 ((1)) 26C; 18-4 ((8)) A and 4.

This public hearing was deferred on September 24, 2013 to January 28, 2014 at 4:30 p.m.; at which time the public hearing was held and the decision only was deferred until February 11, 2014 at 4:00 p.m.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, July 31, 2013, the Planning Commission voted 6-5-1 (Commissioners Donahue, Hall, Hart, Hedetniemi, and Lawrence opposed and Commissioner Sargeant abstaining) to recommend that the Board of Supervisors approve SEA 2009-DR-008, subject to the development conditions dated July 30, 2013.

The Commission also voted 8-2-1 (Commissioners Hart and Lawrence opposed; Commissioner Sargeant abstaining; and Commissioner Hall not present for the vote) to recommend the following actions to the Board of Supervisors:

- Reaffirmation of the transitional screening requirements on the east and south to favor existing vegetation and as shown on the special exception amendment plat; and

- Reaffirmation of the modification of the location of the required barrier along the eastern and southern boundaries to favor that barrier shown on the special exception amendment plat.

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Verbatim
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4419579.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Joe Gorney, Planner, DPZ

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Attachment 1

Planning Commission Meeting
July 31, 2013
Verbatim Excerpt

SEA-2009-DR-008 – OAKCREST SCHOOL (Hunter Mill District)

Decision Only During Commission Matters
(Public Hearing held on June 20, 2013)

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, I have a decision only. It's on SEA 2009-DR-008, Oakcrest School. Mr. Chairman, the public hearing for this case was held on June 20th, 2013. At the public hearing, 16 individuals presented testimony. Most were opposed to granting the SEA. Though there were a variety of issues raised, the predominant one related to the traffic impact on Crowell Road. During the deferral period, we have received a significant amount of further public comment, both supporting and opposing the application. All of those comments will be incorporated into the public record. In order to address not only the traffic management issues, but also removal of the berm, screening, and the relationship to previous actions related to the application property, the decision was deferred until July 25th. A staff report addendum was published on the 25th, which recommended a further deferral to tonight to allow staff additional time to review the submissions from the applicant. A second addendum dated July 30th was published and distributed electronically. As discussed in the addenda, development conditions were developed to attempt to address the issues. Condition 3 references the new date for the SE Plat, which, among other things, changes – which, among other changes, primarily relate to a reduction in the amount of berm to be removed and additional screening. Condition 4 was added to clarify the relationship between land disturbance activities associated with this SEA and the prior approvals collectively known as SP 91-C-070. Conditions 18 and 19 were added to address traffic and transportation demand issues. Conditions 33 and 34 were added to address issues related to the removal of portions of the berm. By approving the original SE, the Board of Supervisors determined that the land use, a Category 3, Private School of General Education, was appropriate. This application is an amendment to the previously-approved Special Exception because the applicant has been unable to acquire the land necessary to achieve the traffic mitigation anticipated in the approved SE. To state the obvious, this is a complicated case. Many of the issues raised with respect to this application had their origins long before this application; however, we must deal with the application before us now, which basically involves site access and traffic management. There is no question that the access point on Crowell will increase traffic on that road and exacerbate an already difficult situation; however, the traffic analyses and conclusions of the folks that we look to for advice tell us that, with the installation of a traffic signal at the intersection of Crowell and Hunter Mill roads, lane improvements, and provision of safety devices to alert vehicular traffic traveling west on Crowell, the increased traffic can be handled. At one point, I considered adding a requirement that a second site access point be provided; however, since the staff has concluded that the single access point, with the associated road improvements, could handle student enrollment at its highest allowable limit, I did not find it prudent to make such a requirement at this time. I believe that the provisions of Development Condition 19 allow the staff to monitor the situation and make the necessary changes. As I sated before, this is a complicated case. It is particularly complicated for me because of the divergent recommendations provided by the Hunter Mill Land Use Committee and staff. When the Land Use Committee and staff agree, it is less complicated for

me to arrive at a recommendation to present to the Commission, whether it's to approve or deny. In this case, the Land Use Committee has recommended denial and staff has recommended approval. I know that in the past I have disagreed with staff. I can't recall a case when I disagreed with the Land Use Committee. In this case, however, since I believe that the issue before us relates not to the appropriate use of the land – since that issue was settled when the Board approved the original SE – but is basically a traffic management issue, I will recommend approval. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 2009-DR-008, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JULY 30TH, 2013. Thank you.

Commissioner Litzenberger: Second.

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

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I was not present for the public hearing, but I reviewed the video and read all the materials so I think I'm competent to vote. Mr. Chairman, I've learned that every case is different, but successful applications have a common attribute. An acceptable balance is struck between what the applicant seeks in such terms as use, intensity, and land design, and the interests of the community in offsetting the impact of the development. The previous version of this application had achieved a balance. For a number of reasons, in my view, this version does not and I cannot support it. Thank you.

Chairman Murphy: Is there further discussion of the motion? Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I took the time to go to Crowell Road and drive it and I concur with Mr. Lawrence's comments. I am not convinced that this solution is appropriate for the neighbors and for the traffic congestion that is very likely in that area – in an already congested area. So I will not support it.

Chairman Murphy: Further discussion of the motion? Ms. Hall.

Commissioner Hall: Yes. Mr. Chairman, I also agree with Commissioner Lawrence. I cannot support the application – probably for the more simple reason that – when we work with our communities they've got to trust what we say. And if we get their support for a particular remedy, then we have to ensure that remedy stays as part of the application. So, therefore, I cannot support any traffic going out on Crowley (sic).

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes, I also had hoped that in the interim we would be given more consideration to a transportation alternative that would have located the circle – the proposed circle of the previous SE further south so that it would be only on two properties. And – however, in consulting with staff, I was found out that that was – that the owners of those properties were not amendable to that alternative. And so it would require condemnation if they wanted to pursue that and they – so I'm going to support the motion as enunciated.

Chairman Murphy: Mr. Sargeant?

Commissioner Sargeant: I'll wait until the end, Mr. Chairman.

Chairman Murphy: All right. All those in favor of the motion –

Commissioner Donahue: Mr. Chairman? Mr. Chairman?

Commissioner de la Fe: Mr. Donahue.

Chairman Murphy: Oh, I'm sorry.

Commissioner Donahue: Yes, Mr. Chairman. I'm not sure exactly what some of these comments mean because not supporting the motion can take one of two directions. I'm going to have to oppose the motion. I'm going to have to oppose this application. And the reason I'm going to have to oppose it because I am clearly and emphatically on record with respect to Crowell Road – a number of years ago – saying this application doesn't work with Crowell Road access. I've always believed that. I believed it three years ago; I believe it now. And we still have Crowell Road access. I'm going to tell just a little story that goes a little further. We've been all wound up about – about the turn – about the roundabout. The roundabout, for me, has always been a secondary consideration. The need for the roundabout – or it is made necessary by the fact that the Crowell Road access point does not work. That leaves us with Hunter Mill. If you have a Hunter Mill access point and a right-out only – and you would sure as heck have to have that – most of the folks dropping people off there, I think, are going to want to get back to the Toll Road. And with a right-out only, in order to get back to the Toll Road, they're going to go a long, long ways without a roundabout to do so. That's what made the roundabout necessary; nothing else. There's nothing independent with respect to the roundabout other than you need the roundabout if you're going to have a route (sic) – a right-only out on Hunter Mill Road. But the Crowell Road issue, it just has never – it has never gotten my support. Crowell Road is not going to accommodate, I don't think, what it's going to have to accommodate as an access point to this application without greatly, greatly inconveniencing people in the area. And also, I think it's a dangerous – I think it's a dangerous situation. So I'm going to have to oppose the application. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 2009-DR-008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Donahue, Hall, Hart, Hedetniemi, and Lawrence: No.

Chairman Murphy: Motion carries – well, I believe I'm going to take a division on this. Mr. Donahue?

Commissioner Donahue: No.

Chairman Murphy: Ms. Hedetniemi?

Commissioner Hedetniemi: No.

Chairman Murphy: Mr. Litzenberger?

Commissioner Litzenberger: Yes.

Chairman Murphy: Mr. Flanagan?

Commissioner Flanagan: Yes.

Chairman Murphy: Mr. Lawrence?

Commissioner Lawrence: No.

Chairman Murphy: Mr. de la Fe?

Commissioner de la Fe: Yes.

Chairman Murphy: Ms. Hall?

Commissioner Hall: Yes. No! N, no. Yes, on Ms. Hall, but the answer is no.

Chairman Murphy: I thought Ms. Harsel came back.

Commissioner Hall: We'll have words over that one.

Chairman Murphy: Mr. Hart?

Commissioner Hart: No.

Chairman Murphy: Mr. Sargeant?

Commissioner Sargeant: Mr. Chairman, in addition to not participating in the public hearing, I want the record to show that I am I not participating in the vote.

Chairman Murphy: Okay. Mr. Migliaccio?

Commissioner Migliaccio: Yes.

Chairman Murphy: Ms. Hurley?

Commissioner Hurley: Yes.

Chairman Murphy: The chair votes aye. And the motion passes 7 – 5 to one.

Commissioner de la Fe: Too many – 6-5-1.

Chairman Murphy: 6-5-1, I'm sorry.

Commissioner Hall: I want an auditor.

Commissioner de la Fe: Mr. Chairman –

Chairman Murphy: Yes, well you confused me with your vote. You're lucky I put it down in the right column.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND REAFFIRMATION OF THE PREVIOUS MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ON THE EAST AND SOUTH TO FAVOR EXISTING VEGETATION AND AS SHOWN ON THE SPECIAL EXCEPTION AMENDMENT PLAT.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Hart and Lawrence: No.

Chairman Murphy: Motion carries. Is it the same division?

Commissioner Donahue: I support that motion, Mr. Chairman. As long as we're going to have the project anyway, I think it's a good motion to support.

Chairman Murphy: Okay, who votes no on that one? Mr. Lawrence votes no and Mr. Hart votes no.

Commissioner Sargeant: Not participating.

Chairman Murphy: And same abstention; Mr. Sargeant. Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND REAFFIRMATION OF THE PREVIOUS MODIFICATION OF THE LOCATION OF THE REQUIRED BARRIER ALONG THE EASTERN AND SOUTHERN BOUNDARIES TO FAVOR THAT BARRIER THAT IS SHOWN ON THE SPECIAL EXCEPTION AMENDMENT PLAT.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Hart and Lawrence: No.

Chairman Murphy: Motion carries. Mr. Lawrence and Mr. Hart vote no. Mr. Sargeant abstains. Is that it?

Commissioner de la Fe: That's it.

Chairman Murphy: Well you were right about one thing. You carried all the votes when you said this is a complicated application.

Commissioner de la Fe: Yes. Thank you, Mr. Chairman. And I realize that this is not satisfactory, probably, to anyone. And I also believe that given the development conditions that exist, this may not be the end of the case.

Chairman Murphy: You heard it here first.

Commissioner de la Fe: So, as I said, the origins on this extend more than 20 years and may be around another 20 years. And then it will be back in Dranesville.

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(The first motion carried by a vote of 6-5-1 with Commissioners Donahue, Hall, Hart, Hedetniemi, and Lawrence opposed; Commissioner Sargeant abstaining.)

(The second and third motions carried by a vote of 8-2-1 with Commissioners Hart and Lawrence opposed; Commissioner Sargeant abstaining; Commissioner Hall not present for the vote.)

JLC

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Board Agenda Item
February 11, 2014

4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Home Child Care Facilities and Child Care Centers for Occasional Care

ISSUE:
The proposed amendment is in response to the Board of Supervisors' (Board's) request for staff to consider ways to streamline the special exception application filing process for home child care facilities that are located in the PDH, PDC, PRM and PTC Districts, as well as reducing the special exception application filing fee for home child care facilities. This proposal would bring the application process and filing fee for such special exception applications into alignment with the application process and filing fee for home child care facilities requiring special permit approval. Staff is also including a proposed modification to the zoning regulations for child care centers for occasional care in regional and super-regional shopping centers as part of this amendment.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, January 8, 2014, the Planning Commission unanimously voted (Commissioners Hedetniemi and Hurley absent from the meeting) to recommend to the Board of Supervisors approval of the proposed Zoning Ordinance amendment regarding Home Child Care Facilities and Child Care Centers for Occasional Care as advertised and recommended a Special Exception application fee for Home Child Care Facilities of $435 with an effective date of 12:01 a.m. on the day following adoption.

RECOMMENDATION:
The County Executive concurs with the Planning Commission's recommendation.

TIMING:
Board of Supervisors' authorization to advertise - December 3, 2013; Planning Commission public hearing – January 8, 2014; Board of Supervisors' public hearing – February 11, 2014 at 4:00 p.m.

BACKGROUND:
On June 18, 2013, the Board of Supervisors adopted the Home Child Care Facilities Zoning Ordinance Amendment to better align county zoning regulations with administrative changes that were made by the Virginia Department of Social Services in June of 2012. All requests for approval or renewal of state licenses for "Homes" (home

child care facilities) now require sign-off by the local Zoning Administrator. The Board recently amended the Zoning Ordinance to increase the maximum number of children from 10 to 12 that can be cared for in a home child care facility with special permit or special exception approval. This amendment aligned the Zoning Ordinance with the maximum number of children permitted with a state license. In addition, the amendment reduced the special permit filing fee, and incorporated both additional standards and added flexibility for the Board of Zoning Appeals (BZA) review of special permit applications for home child care facilities. At the time of the Board of Supervisors' adoption of these Zoning Ordinance changes, the Board directed staff to look for ways to streamline the application process and potentially reduce the application fee for those home child care center facilities requiring special exception approval in the PDH, PDC, PRM and PTC Districts Family Day

The proposed changes to the provisions for child care centers for occasional care are in response to a recent request to locate such a facility in a regional shopping center in the County. Currently child care centers for occasional care are only permitted in the C-7 District when located within a regional shopping center and in the C-9 District when located within a super-regional shopping center. All but one of the regional shopping centers in the county are now zoned PDC District. Given the current regulations and zoning designations, a child care center for occasional care would only be permitted in one location in the County. Staff believes that it would be appropriate to allow this use as a permitted accessory use in regional and super-regional shopping centers if such centers are located entirely within the main structure of the shopping center.

Specifically, the amendment:

(1) Revises the use limitations for home child care facilities requiring special exception approval in the PDH, PDC, PRM, and PTC Districts so that the additional standards and plan submission requirements are the same as those that are contained in Sect. 8-305 and are applicable for those home child care facilities requiring special permit approval.

(2) Reduces the current special exception application fee of $1,100 for home child care facilities to as low as $435.

(3) Revises the provisions for child care facilities for occasional care to allow such use in regional and super-regional shopping centers as a permitted accessory use, provided that such use is located with the main structure of a regional or super-regional shopping center.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

REGULATORY IMPACT:
There are approximately 80 existing home child care facilities licensed by the Virginia Department of Social Services in the County that are located within the PDH, PDC, PTC, and PRM Zoning Districts, out of the overall approximately 420 total state licensed child care providers in the County. These and any new applications for home child care facilities above the by-right numbers would be impacted by these changes, which would make the review standards and application fee the same whether a special exception or a special permit was required. This amendment, however, would not change the special exception review process or the length of time that it takes to process an application.

FISCAL IMPACT:
It is anticipated that the influx of special permit and special exception applications for home child care facilities as a result of the previous amendment to the regulations will continue, and this amendment will add to that influx. Lowering the application fee will, however, reduce the amount of revenue that is generated from these applications. The increase in applications will impact the work load of both staff and the Planning Commission and Board of Supervisors because it is anticipated that the additional applications will be processed using existing resources. Although there will be increased workloads in the short term, it is anticipated that in the long term the impacts will be minimal because once a special exception for a home child care facility is approved for a certain provider at a specific location, there are no additional zoning approvals required. Home child care providers will continue to be required to renew their State licenses every one, two, or three years.

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Verbatim Excerpt
Attachment 2 – Staff Report, also available online at
http://www.fairfaxcounty.gov/dpz/zoningordinance/proposed/hcc-ccc-foroccasionalcare.pdf

STAFF:
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Cathy S. Belgin, Senior Assistant to the Zoning Administrator, DPZ

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Planning Commission Meeting
January 8, 2014
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT (HOME CHILD CARE FACILITIES AND CHILD CARE CENTERS FOR OCCASIONAL CARE)

After Close of the Public Hearing

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

Commissioner Hart: Thank you, Mr. Chairman. First let me thank staff, particularly Cathy Belgin and Lorrie Kirst, for their fine work on this case. Last year, the Commission made recommendations to the Board of Supervisors regarding a Zoning Ordinance Amendment for Home Childcare Facilities, which included several follow-on motions. As the Commission may recall, due to some procedural changes in Richmond regarding state licenses for child care providers, staff determined that we had as many as several hundred child care providers operating without zoning approval or with state licenses allowing more children than the Zoning Ordinance would allow by Special Permit or Special Exception. After public hearing and extensive outreach by staff to the community, we recommended some changes to harmonize the Ordinance with these state procedures to allow the BZA some additional flexibility in approvals and reduce the filing fees for the applicants. The Board adopted most but not all of the Commission's recommendations and, in its wisdom, decided to retain a Special Exception process for home child care applications in some but not all P-Districts, creating an anomaly in the filing fees. Tonight's Amendment, among other things, addresses the filing fee discrepancy and allows the filing fee in those P-Districts to be brought in line with the fee in R Districts and the other P-Districts. The Amendment was advertised with a range of fees. I believe that $435, which is the corresponding filing fee in the other districts, and is the low end of the advertised range, would be appropriate under the circumstances. The Amendment also would allow occasional child care facilities in regional or super-regional shopping centers as an accessory use, which seems entirely reasonable and probably was what was intended when the 1992 amendment was adopted. The Amendment has staff's favorable recommendation with which I concur. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING HOME CHILD CARE FACILITIES AND CHILD CARE CENTERS FOR OCCASIONAL CARE AS ADVERTISED WITH A SPECIAL EXCEPTION APPLICATION FEE FOR HOME CHILD CARE FACILITIES OF $435 WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioners Hall and Sargeant: Second.

Chairman Murphy: Seconded by Ms. Hall and Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the Zoning Ordinance Amendment on Home Child Care Facilities and Child Care Centers for Occasional Care, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried unanimously with Commissioners Hedetniemi and Hurley absent from the meeting.)

JN

ATTACHMENT 2

FAIRFAX COUNTY

V I R G I N I A

STAFF REPORT

PROPOSED ZONING ORDINANCE AMENDMENT

Home Child Care Facilities and Child Care Centers for Occasional Care

PUBLIC HEARING DATES

Planning Commission January 8, 2014 at 8:15 p.m.

Board of Supervisors February 11, 2014 at 4:00 p.m.

PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314

December 3, 2013

CSB

Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

The proposed amendment is on the 2013 Priority 1 Zoning Ordinance Amendment Work Program and is in response to the Board of Supervisors' (Board's) request for staff to consider ways to streamline the special exception application filing process for home child care facilities that are located in the PDH, PDC, PRM and PTC Districts, as well as reducing the special exception application filing fee for home child care facilities. This proposal would serve to bring the application process and cost for such special exception applications into alignment with the application process and cost for home child care facilities located in other zoning districts requiring special permit approval. These requested changes were prompted by the Board's recent approval of a Zoning Ordinance Amendment that raised the number of children permitted to be cared for in a home child care facility with special permit or special exception approval from 10 to a maximum of 12; that simplified the special permit application filing process and lowered the special permit filing fee for home child care facilities.

Staff is also including a proposed modification to the zoning regulations for child care centers for occasional care located in regional or super-regional shopping centers as part of this amendment. Currently this use is only permitted in the C-7 and C-9 zoning districts, which staff believes is overly restrictive and fails to meet the original intent of the Zoning Ordinance to allow these uses in shopping centers.

Current Zoning Ordinance Provisions for Home Child Care Facilities

Currently, home child care providers who wish to care for more children or employ more non-resident assistants than is permitted by-right as an accessory use (see Attachment A for these provisions) must request approval for either a special permit or a special exception, depending on the zoning district. Providers residing in the conventional "R" residential districts and the PRC District can request additional children or assistants by applying for special permit approval from the Board of Zoning Appeals (BZA), and are subject to the application requirements and additional standards set forth in Sect. 8-305 of the Zoning Ordinance, which includes a filing fee of $435 (see Attachment B for these provisions). Providers residing in the PDH, PDC, PRM, or PTC Districts, however, must obtain special exception approval from the Board, which is subject to more rigorous application requirements and an application fee of $1,100. Whereas the special permit application process requires one public hearing before the BZA, the special exception application process requires two public hearings, one before the Planning Commission and another before the Board of Supervisors.

Background

On June 18, 2013, the Board of Supervisors adopted the Home Child Care Facilities Zoning Ordinance Amendment to better align the Zoning Ordinance provisions with administrative changes that were made by the Virginia Department of Social Services in June of 2012. All requests for approval or renewal of state licenses for "Family Day Homes" (home child care facilities) now require sign-off by the local Zoning Administrator. The Board amended the Zoning Ordinance to increase the number of children from 10 to 12 that with zoning approval can be cared for in a home child care facility. This amendment aligns the Zoning Ordinance with the maximum number of children permitted with a state license. The recent amendment also reduced the special permit filing

fee and incorporated additional standards and increased flexibility for the BZA's review of special permit applications for home child care facilities.

At the time of the Board of Supervisors' adoption of these Zoning Ordinance changes, the Board directed staff to look for opportunities to streamline the application process for home child care facilities located within P Districts which are subject to special exception approval, and to report back with a status update after some applications subject to the new provisions had been processed.

On October 22, 2013, staff provided this update to the Board's Development Process Committee, which included the numbers of special permit and special exception applications for home child care facilities that had been approved, were in process, or had been submitted and were awaiting acceptance. Staff also reviewed the steps that had been taken to reach out to the home child care provider community since the time of the amendment, including holding a Town Hall Meeting on July 20, 2013, posting application assistance information on the home child care facilities webpage, and holding a series of zoning application workshops in several locations in the County where applicants could receive individualized application filing assistance and information. Staff also discussed the fee for special exception applications for home child care facilities and whether the fee should be lowered to $435 from the current fee of $1,100, to make the application fees more equitable for prospective home child care providers. The Board, in consultation with staff, concluded that the advertised range should be between $435 and the current fee of $1,100.

Proposed Amendment

As previously noted, home child care facilities are permitted accessory uses subject to the use limitations contained in Par. 6 of Sect. 10-103 (see Attachment A) which include, among requirements, prohibition of signs, permitted employee hours, and that the facility must be the primary residence of the provider. Increases in the number of children and/or non-resident employees currently requires special permit approval in most districts, and all such special permit requests are subject to the additional standards contained in Sect. 8-305 of the Zoning Ordinance (See Attachment B). The Board of Supervisors, however, continues to review requests for home child care facilities above the by-right numbers in the PDH, PDC, PRM, and PTC Districts. In order to align more fully with the application and review requirements established for home child care facilities requiring special permit approval from the BZA, and in consideration of the Board's desire to streamline the application process for those facilities subject to Board approval, staff believes that it is appropriate to revise the use limitations in the PDH, PDC, PRM, and PTC districts to make the application requirements and additional standards set forth in Sect. 8-305 also applicable to special exception requests for home child care facilities, and that applicants for either home child care application type should be subject to the same filing fee of $435. In order to give the Board flexibility, a range of $435 to $1,100 is included in the advertised amendment, and the Board could adopt any fee within that range and still be within the scope of advertisement.

Child Care Centers for Occasional Care

Child care centers for occasional care were added to the Zoning Ordinance in 1992 in conjunction with the approval of Zoning Ordinance Amendment ZO-92-219. Child care centers for occasional care are defined, in pertinent part, as *"a structure, other than a dwelling or mobile home, where one*

(1) or more children receive care, protection and supervision on an occasional basis unattended by parent or guardian. Such care per child shall not exceed four (4) hours in any twenty-four (24) hour day and shall be limited to a maximum of ten (10) days per month." Child care centers for occasional care are intended to provide care for children for occasional, brief periods when their parents or guardians are shopping or utilizing other services within a regional shopping center. The business model for a child care center for occasional care is distinctly different than for a child care center where children are brought for longer periods of time and on a regular basis. In 1992 when this use was added to the Zoning Ordinance, the major malls in the County were all zoned C-7, and the use was permitted by right in the C-7 and C-9 Districts provided that it was located in the main structure of a regional shopping center in the C-7 District and in the main structure of a super-regional shopping center in the C-9 District.

Regional shopping centers are defined, in pertinent part, as "*a group of commercial enterprises offering a range of commercial goods and services in an aggregate of 400,000 square feet or more of net floor area which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under one common ownership or management, or having one common arrangement for the maintenance of the grounds; (c) are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; (d) share a common parking area; and (e) otherwise present the appearance of one continuous commercial area.*" The distinction between a regional shopping center and a super-regional shopping center is size. A regional shopping center must serve an aggregate of at least 400,000 square feet of net floor area, and a super-regional shopping center must serve an aggregate area of at least 1,400,000 square feet of gross floor area. The regional shopping centers in Fairfax County include Tyson's Corner Center, Tyson's Galleria, Fair Oaks Mall, and Springfield Mall, and of these only Fair Oaks Mall is currently zoned C-7. There are no areas in the County zoned C-9.

Staff has recently had a request from a prospective occasional child care provider. It is staff's opinion that a child care center for occasional care that is located entirely within a regional or super-regional shopping center and provides care for only those children whose parents or guardians are using other services within the shopping center should be permitted as an accessory use within any regional or super-regional shopping center. Staff believes that this was the intent of the 1992 amendment, but at that time none of the regional shopping centers were zoned to a P district, and staff did not include such use in the P districts. However, three of the four regional shopping centers in the County are now zoned PDC and staff believes that it would be appropriate to allow child care centers for occasional care in the main building of such centers in the P districts. As such, the proposed amendment would allow child care centers for occasional care as an accessory use in any regional or super-regional shopping center, provided that such use is located entirely within the main shopping center building.

Conclusion

The proposed amendment more closely aligns the County's regulations regarding applications for home child care facilities requesting numbers of children or assistants above the by-right numbers located within the P Districts (other than the PRC District) with the regulations regarding such requests located within all other zoning districts, including the submission requirements and standards of review, as well as the application filing fee. Although the submission requirements, application fee and standards would be the same, given the unique nature of P districts and the

potentially smaller lot sizes, the Board will continue to be able to review home child care facilities applications in the P Districts (other than the PRC District) through the special exception process, when such facility is not shown on an approved development plan. In addition, the proposed amendment would allow child care centers for occasional care to be located in regional or super-regional shopping centers as an accessory use. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of December 3, 2013 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 6, Planned Development District Regulations, PDH, PDC, PRM and PTC Districts, as follows:

- **Amend Sections 6-106, 6-206 and 6-406, Use Limitations, by revising Par. 3 of Sections 6-106 and 6-206 and Par. 5 of Sect. 6-406 to read as follows:**

3. or 5. When a use presented in Sect. 103 [203,403] above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 103 [203,403] above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 105 [205,405] above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. <u>In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.</u>

- **Amend Sect. 6-505, Use Limitations, by revising Par. 4 to read as follows:**

4. When a use presented in Sect. 502 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 502 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 504 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable, and the use limitations set forth in this Section. In the event a special exception or special permit standard conflicts with a use limitation of this Section, the use limitation of this Section shall apply. Provided that such use is in

substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.

In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9. In addition, a Group 3 home child care facility shall be subject to the plan submission requirements and additional standards set forth in Sect. 8-305.

Amend Article 18, Administration, Amendments, Violations, and Penalties, Part 1, Administration, Sect. 18-106, Application and Zoning Compliance Letter Fees, by revising the Category 3 special exception application fee set forth in Par. 1 to read as follows:

All appeals and applications as provided for in this Ordinance and requests for zoning compliance letters shall be accompanied by a filing fee in the amount to be determined by the following paragraphs unless otherwise waived by the Board for good cause shown; except that no fee shall be required where the applicant is the County of Fairfax or any agency, authority, commission or other body specifically created by the County, State or Federal Government. All fees shall be made payable to the County of Fairfax. Receipts therefore shall be issued in duplicate, one (1) copy of which receipt shall be maintained on file with the Department of Planning and Zoning.

1. Application for a variance, appeal, special permit or special exception:

Category 3 special exception

- Child care centers, nursery schools and private schools which have an enrollment of less than 100 students daily, churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of less than 100 students daily and independent living facilities for low income tenants, whether a new application or an amendment to a previously approved and currently valid application, with or without new construction~~, home child care facilities~~ — $1100

- Home child care facilities — $435
  [The advertised fee range is $435 to $1,100]

- Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily — $11025

- All other uses — $16375

Amend Article 4, Commercial District Regulations, C-7 and C-9 Districts, as follows:

- **Amend Sections 4-702 and 4-902, Permitted Uses, by deleting Par. 5 of Sect. 4-702 and Par. 4 of Sect. 4-902, and renumbering the subsequent paragraphs accordingly.**

  ~~4. or 5. Child care centers for occasional care, limited by the provisions of Sect. 705 [905] below.~~

- **Amend Sect. 4-705, Use Limitations, by deleting Par. 9 and renumbering the subsequent paragraphs accordingly.**

  ~~9. Child care centers for occasional care shall be permitted by right only when such uses are located within the main structure of a regional shopping center and shall be subject to the applicable provisions of Chapter 30 of The Code and Title 63.2, Chapter 17 of the Code of Virginia.~~

- **Amend Sect. 4-905, Use Limitations, by deleting Par. 10 and renumbering the subsequent paragraphs accordingly.**

  ~~10. Child care centers for occasional care shall be permitted by right only when such uses are located within the main structure of a super-regional shopping center and shall be subject to the applicable provisions of Chapter 30 of The Code and Title 63.2, Chapter 17 of the Code of Virginia.~~

Amend Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1, Accessory Uses and Structures, Sect. 10-102, Permitted Accessory Uses, by adding a new Par. 32 to read as follows:

32. Child care centers for occasional care, only when located within the main structure of a regional or super-regional shopping center, and subject to the applicable provisions of Chapter 30 of The Code and Title 63.2, Chapter 17 of the Code of Virginia.

HOME CHILD CARE FACILITIES
ZONING ORDINANCE PROVISIONS

Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1, Accessory Uses and Structures, Sect. 10-103, Use Limitations:

6. The following use limitations shall apply to home child care facilities:

   A. The maximum number of children permitted at any one time shall be as follows:

      (1) Seven (7) when such facility is located in a single family detached dwelling.

      (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

      The maximum number of children specified above shall not include the provider's own children.

   B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

   C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

   D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

   E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

   F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

   G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.

Article 8, Special Permits, Part 3, Group 3 Institutional Uses, Sect. 8-305, Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.

2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.

3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.

4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:

   A. The dimensions, boundary lines and area of the lot or parcel.

   B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.

   C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

   D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.

5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Board Agenda Item
February 11, 2014

4:00 p.m.

Public Hearing on Proposed Award of Taxicab Operator Certificates Pursuant to Chapter 84.1 of the Fairfax County Code

ISSUE:
On November 19, 2013, the Consumer Protection Commission (CPC) approved a recommendation to the Board to award 78 taxicab operator certificates to four applicants.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution, which establishes 78 as the number of newly-authorized taxicab operator certificates, and approve the allocation of new certificates as recommended by the CPC.

TIMING:
Routine.

BACKGROUND:
Section 84.1-2-5 of the Fairfax County Code requires that the Board of Supervisors (Board) determine the number of taxicab operator certificates that are available to be issued on a biennial basis. At its June 18, 2013 meeting, the Board approved the recommendations of the Consumer Protection Commission (CPC) to authorize an additional 39 taxicab operator certificates.

Following completion of the application process, seven companies filed requests for 421 new taxicab certificates in the 2013 review period.

In order to identify the top-rated applicants among the applications received, staff developed an application evaluation criteria scoring system based on the factors cited in § 84.1-2-6 (b). Staff presented the evaluation criteria to the CPC at its October 15, 2013 meeting and received the Commission's support to use these factors to evaluate and score the applications.

A six person multi-departmental staff team used the CPC-approved criteria to evaluate the seven applicants and applications. The evaluation process is discussed in Section

IV of the attached CPC Report (Attachment 2) and the team's scoring results are summarized in a chart on page 15 of that report.

As a part of the taxicab certificate determination, evaluation, and recommendation process, staff organized or participated in eight educational/outreach activity events with community, consumer, taxicab industry, and transportation organizations including the following events/meetings:

- Consumer Protection Commission (May, October, November, 2013)
- Industry applicants for new certificates (May 2013)
- Taxicab drivers association (August 2013)
- Fairfax County Mobility and Transportation Committee, comprised of members of the Fairfax Area Disability Services Board and the Fairfax Community Long-Term Coordinating Council (October 2013)
- Arlington and Alexandria Taxicab Administrators (October 2013)
- Transportation Advisory Commission – TAC (scheduled for February 4, 2014)

On November 19, 2013, the CPC held a public hearing pursuant to § 84.1-2-6 for the purposes of developing its recommendations to the Board regarding (1) whether demand for taxicab service and the enhancement of public welfare warranted certificates in excess of the 39 authorized and, if so, the number of such additional certificates; and (2) the allocation of taxicab operator certificates among the applicants. In developing its recommendations, the CPC considered the applications, the staff report, and information provided during the public hearing.

At the public hearing, the CPC heard from applicants, public witnesses, and staff. Representatives from six of the seven applicants made presentations to the Commission - incumbent taxicab operators: Fairfax Yellow Cab, Red Top Cab of Fairfax, and White Top Cab, and potential new entrants: enviroCAB, Fairfax Green Cab, and GoGreen Cab. Applicants were given an unlimited period of time in which to make their presentations. One applicant, King Cab, did not make a presentation. Five public witnesses representing the following three organizations: the Fairfax Area Disability Services Board, the Long Term Care Coordinating Council, and ENDependence Center of Northern Virginia, Inc. provided testimony during the public hearing. In general, comments of the public witnesses' centered on supporting an increase in the overall number of taxicabs, and specifically in providing an increase in wheelchair-accessible taxicabs. Other information presented during the hearing included: a demand analysis presented by one of the applicants, enviroCAB, that supported more taxicab certificates than the 39 authorized by the Board in June 2013, and proposals by several applicants to provide significantly more wheelchair-accessible taxicabs than described in their applications. Staff presented the results of its evaluation scoring and discussed both primary and secondary recommendations for the allocation of the 39 certificates.

Following the close of presentations, the CPC voted to recommend to the Board that (1) an additional 39 taxicab operator certificates, or a total of 78 certificates, be authorized to meet demand for taxicab service and to enhance public welfare, and (2) the 78 certificates be allocated among the four top-rated applicants. The CPC recommended that the 78 taxicab certificates be allocated as follows:

- Fairfax Yellow – 23 certificates, 9 for wheelchair-accessible vehicles
- Red Top – 10 certificates, 1 for a wheelchair-accessible vehicle
- White Top – 6 certificates
- enviroCAB – 39 certificates, 10 for wheelchair-accessible vehicles

The CPC did not recommend the allocation of taxicab certificates to Fairfax Green, Go Green, or King Cab.

If adopted, the CPC's recommendations will result in a substantial increase in the number of standard taxicabs in Fairfax County's fleet, and significant public benefits for those riders seeking trips from wheelchair-accessible vehicles. The CPC's recommendation will increase the total number of taxicabs by 78 (a 13.6 percent increase in current fleet size), or from 576 to 654. The Commission's recommendation will expand the number of wheelchair-accessible taxicabs serving the Fairfax County market, increasing the number from 23 to 43 (an 87 percent increase in the number of wheelchair-accessible vehicles). With this increase, wheelchair-accessible taxicabs will account for 6.6 percent of the total fleet, which exceeds the Code requirement of 4 percent. With the exception of wheelchair-accessible taxicabs, the taxicabs to be placed in service will be hybrid or plug-in electric hybrid vehicles.

ENCLOSED DOCUMENTS:
Attachment 1 – Board Resolution on Number of Taxicab Operator Certificates
Attachment 2 – Report to the Board of Supervisors on the CPC's November 19, 2013 Public Hearing on New Taxicab Certificates and Allocation, 2014

STAFF:
Michael S. Liberman, Director, Department of Cable and Consumer Services
Steve Sinclair, Chief, Public Utility Branch, DCCS
John Burton, Assistant County Attorney

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Attachment 1

Resolution to Establish the Number of Taxicab Operator Certificates Available to be Issued As a Result of the 2013 Biennial Review

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on February 11, 2014, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Fairfax County Code § 84.1-2-5(a) provides that the number of taxicab operator certificates available to be issued on a biennial basis will be determined by the Board, based on public convenience and necessity, after May 1 of each odd-numbered year, but that the Board may revise that number of subsequent resolution as it deems appropriate; and

WHEREAS, at its June 18, 2013 meeting, the Board approved the recommendations of the Consumer Protection Commission (CPC) and Department of Cable and Consumer Services (DCCS) to authorize an additional 39 taxicab operator certificates; and

WHEREAS, thereafter, pursuant to § 84.1-2-5(a) seven companies filed applications during the 2013 biennial review period requesting a total of 421 new taxicab operator certificates, or 382 more certificates than the Board had authorized; and

WHEREAS, the applications were investigated by DCCS and a report prepared pertaining to all applications, as provided in to § 84.1-2-4; and

WHEREAS, on November 19, 2013 the CPC held a public hearing pursuant to § 84.1-2-6 for the purposes of making recommendations to the Board regarding the

allocation of certificates among applicants and additional allocations beyond the 39 taxicab operator certificates previously authorized by the Board; and

WHEREAS, after considering the applications, the DCCS staff report, and information presented during the November 19, 2013, public hearing, the CPC voted to recommend to the Board that (1) an additional 39 taxicab operator certificates, or a total of 78 certificates, be authorized to meet demand for taxicab service and to enhance public welfare, and (2) the 78 certificates be allocated among four applicants; and

WHEREAS, the Board of Supervisors concurs in the recommendation of the CPC that an additional 39 taxicab operator certificates, or a total of 78 certificates, be authorized; now, therefore,

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

That the number of additional taxicab operator certificates available to be issued as a result of the 2013 biennial review is 78, bringing the number of authorized taxicab operator certificates from 576 to 654.

Given under my hand on this _____ day of ___ 2014.

_____
Catherine A. Chianese
Clerk to the Board of Supervisors
County of Fairfax, Virginia

Attachment 2

REPORT TO THE BOARD OF SUPERVISORS ON THE CPC NOVEMBER 19, 2013 PUBLIC HEARING ON NEW TAXICAB CERTIFICATES AND ALLOCATION

2014

Department of Cable and Consumer Services
February 11, 2014

EXECUTIVE SUMMARY

The Fairfax County Code provides for the biennial review of taxicab certificates, which helps ensure that taxicab supply and demand are appropriately balanced. The biennial review system and the Taxicab Demand Model utilizes recent and historical actual taxicab demand data, and current economic and demographic factors affecting the demand for taxicab services, as a means for making recommendations for new taxicab certificates. Every other year, the Board of Supervisors (Board) determines whether additional certificates are needed and, if so, the number. Applicants are then permitted to apply for certificates. Pursuant to the Code, an applicant that requests certificates in excess of the Board-authorized number must provide evidence indicating demand for the additional certificates and establishing public welfare. The applications are reviewed and evaluated by the Department of Cable and Consumer Services (DCCS), then considered during a public hearing before the Consumer Protection Commission (CPC). The CPC's recommendations regarding the number and allocation of taxicab certificates are submitted to the Board for a final determination.

On June 18, 2013, the Board authorized an additional 39 taxicab certificates, based on results of the Taxicab Demand Formula that indicated the need for a 6.0 percent increase in certificates. Seven applicants, including three incumbent operators, subsequently requested a total of 421 certificates. Two applicants requested certificates in excess of 39 and, as required by the Code, provided material regarding demand and public welfare. To facilitate the objective evaluation of these applications, staff developed evaluation criteria based on applicable Code provisions, including financial and managerial capability. The CPC approved use of these criteria during a public meeting. Staff then assembled a multi-departmental team that used the CPC-approved criteria to evaluate the seven applicants and applications. During this period, staff also conducted outreach to solicit public input. Staff's analysis and recommendations were provided in a report made available to the CPC and public prior to the CPC's November 19, 2013, public hearing.

The staff report included both primary and alternate recommendations for the allocation of the 39 certificates the Board authorized. Under staff's primary recommendation, the 39 certificates would be allocated to three incumbent taxicab operators so as to maximize the number of wheelchair-accessible vehicles in the county's taxicab fleet. These operators were ranked first, second, and fourth under the evaluation criteria. Staff's preferred secondary recommendation proposed to allocate the 39 certificates to an applicant currently providing taxicab service in Arlington County; this applicant was ranked third. Staff also proposed allocating the 39 certificates among all four potential entrants, but acknowledged numerous issues with this approach. These concerns included questions regarding the operators' ability to provide effective, reliable and timely dispatch service with ten or less vehicles, and the downsides associated with awarding certificates to the applicants that received the lowest scores using the CPC-approved evaluation criteria. The staff recommendations were not derived based on differences in vehicle fuel efficiency, as virtually all applicants proposed fleets comprised primarily of hybrid and plug-in electric vehicles.

During its November 2013 public hearing, the CPC heard from six of the seven applicants and five public witnesses, as well as staff. Material presented during the hearing included a demand analysis prepared by enviroCAB that supported a number of certificates greater than the 39 authorized previously by the Board. In addition, during the hearing several applicants offered to provide significantly more wheelchair-accessible taxicabs than described in their applications.

After the hearing's close, the CPC voted to recommend to the Board that: (1) an additional 39 taxicab operator certificates, or a total of 78 certificates, should be authorized to meet demand for taxicab service and to enhance public welfare; and (2) the 78 certificates should be allocated among the four top-rated applicants. Three of the four top-rated applicants are currently providing taxicab service in Fairfax County: Fairfax Yellow, Red Top and White Top. The fourth applicant, enviroCAB, is a new entrant that is currently providing taxicab service in Arlington County.

If adopted, the CPC's recommendations will Increase the total number of taxicabs by 78, or from 576 to 654. This represents a 13.6 percent increase in current fleet size. With the exception of wheelchair-accessible taxicabs, the taxicabs to be placed in service will be new or later-model hybrid or plug-in electric hybrid vehicles. The CPC's recommendation will result in a significant public benefit with the increase in the number of wheelchair-accessible taxicabs serving the Fairfax County market from 23 to 43, or by 87 percent. With this increase, wheelchair-accessible taxicabs will account for 6.6 percent of the total fleet, which exceeds the Code requirement of 4 percent.

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ATTACHMENTS

Attachment 1: Fairfax County Code, Chapter 84.1, *Public Transportation*, Article 2, *Operator's Certificates*, Sections 84.1-2-1 to 84.1-2-6

Attachment 2: 2013 Taxicab Demand Formula

Attachment 3: Summary of Certificate Applications

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Attachment 5: Number of Taxicabs in Metropolitan Washington Jurisdictions, 2013

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Attachment 7: Evaluation Scoring Criteria for Incumbent Taxicab Operators

I. THE FAIRFAX COUNTY TAXICAB MARKET TODAY

Currently, four taxicab companies provide essential on-demand public transportation service in Fairfax County. These four companies have been awarded a total of 576 taxicab operator certificates. The companies, listed in order of the size of their taxi fleets, are:

- Murphy Brothers, which operates Fairfax Yellow Cab Company, with 283 certificates;
- Paul Wallace Management, which operates Springfield Yellow Cab, Reston Herndon, and South Alexandria, with 125 certificates;
- Fairfax Taxi, which operates Red Top Cab Company, with 101 certificates; and
- L&Z Transportation, which operates White Top Cab Company, with 67 certificates.

Fairfax County's certificated taxicab companies are required to submit biennial reports in odd-numbered years that contain data on number of trips, paid miles, and other measures of taxicab services and the demand for those services. According to these reports, taxicabs operated by the four certificated providers make approximately 2.4 million taxi trips per year, serving about 3 million passengers, and generates in excess of $40 million in annual revenues. The average trip length is approximately seven miles.

The taxi industry is primarily a one-shift business in Fairfax County. It is delivered by taxicab drivers who are independent contractors associated with one of the four certificate holders; they are not company employees. About 832 individuals maintain Fairfax County hack licenses authorizing them to drive a taxicab in the county.

II. THE FAIRFAX COUNTY CODE FRAMEWORK

A. A taxicab operator certificate is required to operate a taxicab in Fairfax County

Chapter 84.1, *Public Transportation*, of the Fairfax County Code ("the Code") governs the provision of for-hire public transportation services in Fairfax County. Article 2 of Chapter 84.1 provides that a taxicab operator certificate must be obtained from the county before a taxicab may be operated in Fairfax County. A copy of Article 2 is provided as Attachment 1.

Under Article 2, any person interested in obtaining taxicab operator's certificates must file an application with the Department of Cable and Consumer Services (DCCS). The application must be submitted by June 30 of an odd-numbered year, be accompanied by a non-refundable fee, and be supplemented with proof of timely notification to existing certificate holders.

That application will be the subject of a DCCS investigation and public hearing before the Consumer Protection Commission (CPC or Commission). After the public hearing, the CPC may – but is not required to – recommend to the Board of Supervisors (Board) that an applicant be awarded all or some of the taxicab operator certificates it requests. Additionally, if multiple applicants are competing for a limited number of available certificates, CPC also recommends how such certificates should be allocated among the applicants. The Board may accept or revise the CPC's recommendations.

B. The Board establishes the number of available operator certificates on a biennial basis

Section 84.1-2-5(a) limits the number of available taxicab operator certificates. The limitation serves to maintain a taxicab fleet size of manageable proportions that provides adequate, safe, and reliable service to the public, while guarding against an over-saturation of taxicabs that would unduly dilute drivers' incomes and negatively affect customer service.

Under Section 84.1-2-5(a), on a biennial basis after May 1, the Board determines the number of taxicab operator's certificates available for award. According to the Code, the Board's determination is based on Public Convenience and Necessity recommendations from the CPC or DCCS and other information the Board chooses to consider. Section 84.1-2-5(a) expressly authorizes the Board to revise the number by subsequent resolution, if warranted.

As part of this biennial process, DCCS develops a recommendation regarding an appropriate number of taxicab operator certificates. In developing this recommendation, DCCS relies on the results of its Taxicab Demand Formula. This formula was adopted by the Board in 1998 following a Board request to develop a methodology for adjusting the number of taxicabs going forward that was objective, periodic, verifiable and reflective of factors affecting the demand for taxicabs. The taxicab demand formula outcome reflects the weighted change in quantifiable factors generally recognized as determinants of taxicab demand, including the average number of trips per certificate, mass transit and tourism related economic indicators, and population. The formula's outcome may be adjusted by either DCCS or the CPC to account for less quantifiable factors, such as citizen complaints, unique community needs, or evidence of certificate over- or under-utilization.

C. The Code imposes a burden of proof on applicants that seek certificates in excess of the Board-authorized number

An applicant may request taxicab operator certificates in excess of the number authorized by the Board but bears the burden to establish the need for such additional certificates. Section 84.1-2-5(b) provides that the applicant will "have the burden of establishing that public welfare will be enhanced by the award of the certificates . . . [and] will be required to provide factual documented evidence indicating the demand

and establishing public welfare." The applicant must include this "factual documented evidence" as part of the application.

D. The Code specifies the criteria for CPC consideration when certificate requests exceed available certificates

Under the regulatory framework established by the Code, the number of available taxicab operator certificates is determined without regard to the number of applicants or certificates requested. The Code provides specific direction regarding certificate allocation among qualified applicants.

Section 84.1-2-6 directs the CPC to consider seven criteria in making the recommendations to the Board regarding allocation of certificates among applicants for new certificates:

1. Current and potential levels of usage of taxicab services in the Fairfax County market as set forth in § 84.1-2-5;
2. Areas of the County to be served, and the adequacy of existing public vehicle service, existing taxicab service, and other forms of passenger transportation in those areas;
3. The kind, class, fuel efficiency, character of the vehicles to be used, and the adequacy of the proposed dispatch system;
4. The conformance of proposed operational facilities with zoning and other legal requirements;
5. The financial status of the certificate applicant and its effect on permanence and quality of service, as demonstrated by the applicant's ability to provide, maintain, and operate the number of vehicles proposed in accordance with the character of service proposed in the application;
6. The character and responsibility and related business experience of the applicant; and
7. The investigative report of the Director and the applications of the applicants.

III. AN APPLICATION OVERVIEW

A. The Board authorized an additional 39 taxicab operator certificates

Pursuant to § 84.1-5-2, certificated taxicab companies are required to submit biennial reports in odd-numbered years that contain data on number of trips, paid miles, and other measures of taxicab services and the demand for those services.

In April 2013, staff in the Department of Cable and Consumer Services (staff) began developing its recommendation regarding the demand for taxicab services in Fairfax County. The recommendation is based on the results of the Fairfax County Taxicab

Demand Formula. The data used in the formula comes from various sources: including the certificated providers' biennial reports (average number of trips per certificate), Dulles and Reagan airport passenger traffic, Metrorail ridership, hotel rooms occupied and the U.S. Census Bureau data on population.

The results of staff's Taxicab Demand Formula analysis suggested that the authorization of an additional 35 taxicab certificates (6.0%) was justified in 2013, based on changes in the formula outcome since the period in which the last increase in certificates occurred (2005). The 2013 Taxicab Demand Formula analysis, including inputs and results, is contained in Attachment 2.

On May 10, 2013, staff circulated a memorandum to current certificate holders, as well as other interested parties who had contacted DCCS with an interest in applying for potential new certificates. The memorandum stated that DCCS's preliminary results suggested an increase of up to 35 certificates could be warranted, but that the actual number could be revised.

The results of staff's taxicab demand analysis were presented to the CPC at its regularly-scheduled May 21, 2013 meeting. The CPC voted to recommend to the Board a 10 percent increase in staff's recommended number of certificates, or a total of 39 additional certificates[1]. The CPC expressed a preference for a greater number of taxicabs due to its belief that taxicab demand is likely to grow in the 2014-2015 period as new Silver Line Metro stations are opened in Fairfax County.

On May 29, 2013, DCCS conducted a workshop for potential certificate applicants to review and answer questions about the application process. Staff advised attendees that, given the CPC vote to increase the number of certificates, it would recommend that the Board approve the additional 39 certificates. During its June 18, 2013 meeting, the Board approved the recommendations of the CPC and DCCS to authorize an additional 39 taxicab certificates in 2013.

On August 28, 2013, staff met with Mr. Yahya Bashan, the president of the Fairfax Taxicab Drivers Association, to discuss the upcoming rate request and Board action on numbers of certificates. Mr. Bashan expressed his opinion that the Silver Line extension will reduce taxicab driver trips to DC and airports and cost the drivers income. He said that no more than 39 cabs should be allowed to be issued in 2013.

After the Board's authorization, DCCS engaged in outreach regarding the certificate review process. On October 3, 2013, DCCS staff gave an overview of the taxicab rate and certificate review process to members of the Fairfax County Mobility and Transportation Committee (comprised of members of the Fairfax Area Disability Services Board and the Fairfax Community Long-Term Coordinating Council). Following the presentation, members of that committee expressed the need for additional wheel chair accessible taxicab certificates in Fairfax County.

[1] The Board demand model allows for a 10 percent adjustment factor based on other relevant considerations.

On October 15, DCCS addressed the CPC at their monthly meeting to discuss the certificate review process, and obtained the CPC's approval to evaluate the applications using the criteria discussed in Section IV. In addition, throughout October staff from DCCS and the Office of the County Attorney met with members of the Board of Supervisors to discuss the certificate review and evaluation process.

On February 4, 2014, staff is scheduled to give an overview of the taxicab rate and certificate review process to the Transportation Advisory Commission (TAC). In addition, staff briefed the TAC on the Consumer Protection Commission recommendations to the Board of Supervisors on the appropriate number and allocation of new certificates.

B. Seven applicants requested 421 taxicab operator certificates

Under the Code, applications for taxicab operator certificates must be filed by June 30 of odd-numbered years. Seven applicants filed by the deadline, and requested a total of 313 taxicab operator certificates.

In August 2013, DCCS notified each applicant that the decision-making process would be lengthier than anticipated due to scheduling issues with the CPC and staff availability. On August 15, 2013, each of the seven applicants was advised that it could make amendments or substitutions to its application if it chose to do so. Applicants were directed to file amendments or substitutions with the DCCS by August 30, 2013. Only two applicants submitted amended applications that included changes in the number of certificates requested.

The applicants and the number of certificates that they requested are summarized in Table 1, below:

Table 1. *Summary of Applicants and Requested Certificates*

Company	**Number of Certificates Requested**	
	Initial Request	**Amended Request**
Potential Entrants		
Fairfax Green Cab LLC	80	No change
GoGreen Cab, Inc.	40	No change
King Cab Company, Inc.	30	No change
enviroCAB LLC	100	200
Subtotal	*250*	*350*
Incumbent Providers		
L&Z Transportation, Inc. d/b/a White Top Cab	33	No change
Fairfax Taxi, Inc. T/A Red Top Cab of Fairfax	15	No change
Murphy Brothers, Inc. T/A Fairfax Yellow Cab	15	23
Subtotal	*63*	*71*
Total	**313**	**421**

Three applicants, all potential new entrants, requested certificates in excess of the Board-authorized 39: Fairfax Green Cab (80 certificates), GoGreen Cab (40 certificates), and enviroCAB (200 certificates). Only enviroCAB and Fairfax Green Cab provided information in support of their requests for excess certificates.

C. The majority of applications share two key similarities

The seven applications share similarities in two key areas that suggest changes in the traditional taxicab business model.

First, the applicants embrace fuel efficiency. All of the seven applicants ultimately proposed that their standard taxicab vehicles, with the exception of wheelchair-accessible vehicles, would be exclusively fuel-efficient hybrid vehicles and, in some cases, plug-in electric hybrid vehicles.

Second, five of the seven applicants – including all four potential new entrants – proposed operations in which the taxicab fleets would be comprised either entirely or almost entirely of taxicabs that are owned by drivers. The driver-owners would be responsible for purchasing, maintaining, and insuring the vehicle. It appears that the driver-owners also would be responsible for painting the vehicle and purchasing and installing all required equipment, including lights, a meter, and communications equipment. Incumbent White Top is already moving in this direction, with 89.5 percent of its vehicles currently driver-owned. Incumbent providers Red Top and Fairfax Yellow Cab have much lower percentages of driver-owned vehicles, at 46.5 percent and 21 percent, respectively.

In addition, all applicants either propose to use or are currently using computerized dispatch systems that accommodate both telephonic and on-line booking. Within the taxicab, mobile data terminals (MDTs) allow for two-way information exchanges with the dispatch system. The electronic capabilities of these systems include in-cab electronic payment options, such as credit and debit card, global positioning system (GPS) tracking, and data collection.

D. Two applicant proposals exceed the Code's wheelchair-accessibility requirement

Pursuant to § 84.1-8-5(o), when a taxicab operator has been granted authority to operate 25 or more taxicabs, then at least four percent of its taxicabs must qualify as wheelchair-accessible (WCA) taxicabs. Two applicants (Fairfax Yellow and enviroCAB) exceeded the four percent minimum threshold wheelchair accessible vehicle requirement, as highlighted in Table 2, below:

Table 2, *Applicants Proposals regarding Wheelchair-Accessibility*

Company	# Certificates Requested	Proposed WCAs		Minimum WCA Cabs Required
		Initial	Amended	
Potential Entrants				
Fairfax Green Cab LLC	80	2	No Change	3
GoGreen Cab, Inc./	40	2[2]	No Change	2
King Cab Company, Inc.	30	1	No Change	1
enviroCAB LLC	**100 (initial) 200 (amended)**	**10**	**20**	**8**
	Subtotal	*15*	*25*	*14*
Incumbent Providers				
L&Z Transportation, Inc. d/b/a White Top Cab	33	Not addressed	No Change	1
Fairfax Taxi, Inc. T/A Red Top Cab of Fairfax	15	1	No Change	1
Murphy Brothers, Inc. T/A Fairfax Yellow Cab	**15 (initial) 23 (amended)**	**1**	**9**	**1**
	Subtotal	*2*	*9*	*3*
	Total	**17**	**34**	**17**

[2] GoGreen's application stated that it would operate two wheelchair-accessible taxicabs but its financial projections included the cost of just one such taxicab. Its business plan was inconsistent on this point.

enviroCAB LLC proposed that 20 of its requested 200 certificates, or 10 percent of its fleet, be assigned to specialty wheelchair-accessible vehicles, specifically the MV-1 and Transit Connect. These vehicles would be purchased by enviroCAB drivers. Murphy Brothers, Inc. T/A Fairfax Yellow Cab proposed that nine of its requested 23 certificates be assigned to wheelchair-accessible vehicles. Its wheelchair-accessible taxicabs would be company-owned.

E. Summary of Applications

Four applications were submitted by potential new entrants into the Fairfax County taxicab market: Fairfax Green Cab LLC, GoGreen Cab, Inc., King Cab Company, Inc. and enviroCAB LLC. These four applicants requested a total of 350 certificates. Three applications were received from current certificate holders: Fairfax Yellow, Red Top and White Top. The three incumbent certificate operators in total requested 71 certificates. Total number of certificates requested was 421. Key elements of each of the applications are summarized in the following section and in Attachment 3.

1. Fairfax Green Cab LLC

Fairfax Green Cab LLC (Fairfax Green) is a start-up company that was organized in April 2013. Fairfax Green does not own a dispatch system, operate a taxicab fleet, or have an office location in Fairfax County.

Fairfax Green submitted its application by the deadline, complied with notice requirements, and a criminal background check revealed no issues. Key elements derived from Fairfax Green's application and proposals include:

- a request for 80 taxicab operator certificates;
- a taxicab service whose "office will be manned on a twenty-four hour basis and will serve all of Fairfax County;"
- the planned purchase of a Mobile Knowledge dispatch system that, according to the application, "can generally be described as a computer-aided voice dispatch system with radio back-up" that will serve the entire Washington area;
- an operational center for call dispatch and company business;
- in-cab acceptance of credit and debit cards with printed receipts;
- a planned complaint system to both monitor performance and resolve customer complaints within 24 hours;
- two wheelchair-accessible taxicabs to be purchased (owned) and operated by Fairfax Green; and
- 78 hybrid taxicabs, of model years 2010 and later, that will be purchased, maintained, and insured by Fairfax Green's drivers.

2. Go Green Cab, Inc.

GoGreen Cab, Inc. (GoGreen) was established in March 2008. GoGreen does not currently provide taxicab service in Fairfax County, does not have a business location in Fairfax County, and apparently does not own a dispatch system.

GoGreen submitted its application by the deadline, complied with notice requirements, and a criminal background check revealed no issues. Key elements derived from GoGreen's application and proposals include:

- a request for 40 taxicab operator certificates;
- the provision of taxicab service to all of Fairfax County on a 24x7 basis every day of the year;
- the planned purchase of a Mobile Knowledge xPert Dispatch System (XDS) and either Series 2008 or Series 9008 mobile data terminals (MDTs);
- an office location in Alexandria, Virginia;
- acceptance of major credit cards, with transaction fees dependent upon the credit card companies;
- a proposal to handle all complaints by taking "proper actions" and to maintain a detailed complaint log;
- one wheelchair-accessible taxicab apparently to be purchased (owned) and operated by GoGreen;[3] and
- 39 model-year 2013 hybrid taxicabs that will be purchased, maintained, and insured by GoGreen's drivers.

3. King Cab Company, Inc.

King Cab Company, Inc. (King Cab) has been providing taxicab service in the City of Alexandria for nearly 43 years. It has been owned and operated by its current management since 2002. King Cab does not currently provide taxicab service in Fairfax County, and does not have a business location in Fairfax County.

King Cab submitted its application by the deadline, complied with notice requirements, and a criminal background check revealed no issues. Key elements derived from King Cab's application and proposals include:

- a request for 30 taxicab operator certificates;
- the provision of taxicab service on a 24-hour basis to all Fairfax County residents;
- the planned purchase of a Mobile Knowledge XDS and the Series 2008 MDTs;
- a planned Fairfax County location;
- in-cab acceptance of debit and credit cards (VISA, MasterCard, Discover, and American Express);
- a proposal that the owner and general manager will be accessible at all times to discuss customer complaints;
- one wheelchair-accessible van that will be purchased, maintained, and insured by a driver-owner; and

[3] GoGreen's application is ambiguous on this point. It stated that "[a]ll taxicabs would be Owned and Operated by Taxicab Drivers." Its financial projections, however, included the cost of one such taxicab.

- 29 hybrid taxicabs, of model years 2011 and higher, that will be purchased, maintained, and insured by King Cab's drivers.

4. enviroCAB LLC

enviroCAB LLC (enviroCAB) has been providing taxicab service in Arlington County since 2007. It experienced a change of ownership and management in 2013, when it was sold to its current owner, SuperTaxi, Inc., which is a wholly-owned subsidiary of Veolia Transportation, Inc. enviroCAB does not currently provide taxicab service in Fairfax County and does not have a business location in Fairfax County.

enviroCAB submitted its application by the deadline, complied with notice requirements, and a criminal background check revealed no issues. Key elements derived from enviroCAB's application and proposals include:

- a request for 200 taxicab operator certificates;
- 24-hour taxicab service, with the goal of providing service in all areas of the county, including more suburban areas where the elderly or disabled may have difficulty getting service;
- continued use of its Arlington County call center and dispatch office, which operates a Mobile Knowledge solution that includes Series 9008 MDT;
- a planned Fairfax County location;
- in-cab acceptance of all major credit cards, with printed receipts;
- use of the Veolia Customer Compliment/Complaint Tracking System to electronically track and respond to customer complaints, as well as monitor and analyze them;
- 20 model-year 2012 wheelchair-accessible specialty vehicles, either the MV-1 or Ford Transit Connect, that will be purchased, maintained, and insured by driver-owners;[4]
- 180 hybrid taxicabs, all of which will be model year 2011 and purchased, maintained, and insured by enviroCAB's drivers.[5] The fleet will be comprised of 80 Toyota Prius-Vs, 80 Toyota Priuses, and 20 Toyota Prius plug-ins, model year 2011; and
- detailed procedures regarding driver training.

5. L&Z Transportation, Inc. d/b/a White Top Cab Company

L&Z Transportation, Inc. d/b/a White Top Cab Company (White Top) has been providing taxicab service in Fairfax County since 1994. It currently holds 67 taxicab operator certificates. White Top also provides taxicab service in the City of Alexandria, where it holds 110 certificates. White Top's call center and dispatch operations are located in City of Alexandria but it maintains a business office in Fairfax County.

[4] enviroCAB proposed that wheelchair-accessible vehicles would comprise 10 percent of its total proposed fleet. Its proposal exceeds the minimum County Code requirement of 4 percent.

[5] enviroCAB stated that it would offer financing and insurance to its drivers.

White Top submitted its application by the deadline, complied with notice requirements, and a criminal background check revealed no issues. Key elements derived from White Top's application and proposals include:

- a request for 33 taxicab operator certificates;
- the anticipated expansion of its 24-hour taxicab service to accommodate both contract service and service to the western half of Fairfax County, including upgraded service in the Tysons area, the Vienna and Dunn Loring Metro stations, and the newly-urbanized areas surrounding Reston and Fairfax Town Center;
- the continued use of dispatch capabilities in its Alexandria location, including a Mobile Knowledge XDS integrated with Series 2008 MDTs, multiple computer servers for different dispatch and office functions, telecommunications facilities, and a two-way dispatch radio as a back-up;
- in-cab acceptance of debit and credit cards;
- personal involvement of White Top's General Manager in complaints against drivers and policies regarding driver misconduct; and
- assignment of the 33 certificates, if awarded, to vehicles that will be purchased, maintained, and insured by White Top's drivers. White Top did not address the character, class, fuel efficiency, or model years of the vehicles.

6. Fairfax Taxi, Inc. T/A Red Top Cab of Fairfax

Fairfax Taxi, Inc. T/A Red Top Cab of Fairfax (Red Top) has been providing taxicab service in Fairfax County since 1989. It currently holds 101 taxicab operator certificates. Red Top's call center and dispatch operations are located in Arlington County, but its business office and maintenance facility is located in Fairfax County.

Red Top submitted its application by the deadline, complied with notice requirements, and a criminal background check revealed no issues. Key elements derived from Red Top's application and proposals include:

- a request for 15 taxicab operator certificates;
- the continued provision of 24-hour taxicab service throughout Fairfax County, particularly the western portions of the county, such as those along the I-66 and Dulles Corridors, where rapid growth has created greater demand for taxicab service;
- continued use of its consolidated communications center, which includes an advanced Internet Protocol-based computerized digital dispatch and telecommunications system and is integrated with MDTs in each taxicab;
- a Fairfax County location that includes business offices, a vehicle maintenance facility including paint shop, car wash, and fueling facilities;
- in-cab acceptance of credit and debit cards via a rear-seat, self-service Passenger Information Monitor, or PIM, that processes the transaction and generates a printed receipt;

- an established customer complaint system that involves one or more operation groups, depending on the type of complaint, and includes escalation procedures;
- one 2014 wheelchair-accessible 2014 Toyota Sienna van that would be purchased, maintained, and insured by Red Top;
- 14 hybrid vehicles, all 2014 model years, that would be purchased, maintained, and insured by Red Top. Of these 14, 13 would be Ford Fusion hybrids and one would be a Ford C-MAX Energi plug-in hybrid; and.
- detailed procedures regarding driving training.

7. Murphy Brothers, Inc. T/A Fairfax Yellow Cab

Murphy Brothers, Inc. T/A Fairfax Yellow Cab (Fairfax Yellow) has been providing taxicab service in Fairfax County since 1968. It currently holds 283 taxicab operator certificates. Fairfax Yellow's call center and dispatch operations are located in Arlington County, but its business office and maintenance facility is located in Fairfax County.

Fairfax Yellow submitted its application by the deadline, complied with notice requirements, and a criminal background check revealed no issues. Key elements derived from Fairfax Yellow's application and proposals include:

- a request for 23 taxicab operator certificates;
- the continued provision of 24-hour taxicab service throughout Fairfax County to respond to increasing demand for taxicab service along the I-66 and Dulles Corridors, in Fairfax City, and in the Springfield and Fort Belvoir areas;
- continued use of its consolidated communications center, which includes an advanced Internet Protocol-based computerized digital dispatch and telecommunications system and is integrated with MDTs in each taxicab;
- a Fairfax County location that includes offices, a vehicle maintenance facility including paint shop, car wash and fueling facilities;
- in-cab acceptance of credit and debit cards via a rear-seat, self-service Passenger Information Monitor, or PIM, that processes the transaction and generates a printed receipt;
- an established customer complaint system that involves one or more operation groups, depending on the type of complaint, and includes escalation procedures;
- nine 2014 wheelchair-accessible 2014 Toyota Sienna vans that would be purchased, maintained, and insured by Fairfax Yellow[6];
- 14 hybrid vehicles, all 2014 model years, that would be purchased, maintained, and insured by Red Top. Of these 14, 13 would be Ford Fusion hybrids and one would be a Ford C-MAX Energi plug-in hybrid; and
- detailed procedures regarding driving training.

[6] Fairfax Yellow Cab's wheelchair accessible proposal of nine vehicles exceeds the Code's wheelchair accessibility requirement by eight vehicles.

IV. EVALUATION OF CERTIFICATE APPLICANTS

In order to identify the top-rated applicants among the pool of applications received, DCCS staff developed an application evaluation criteria scoring system based on the factors cited in § 84.1-2-6 (b) (see Attachment 1). Staff developed this approach to lend guidance to the CPC in evaluating all applicants based on criteria established in the Fairfax County Code.

Staff presented the evaluation criteria to the CPC at its October 15, 2013 meeting and the Commission affirmed the use of these factors to evaluate and score the applications received. The CPC-approved evaluation criteria scoring system is shown in Attachment 4. The factors used to evaluate the applications and associated points are as follows:

1. Financial capability and wherewithal – 33 points.
2. Industry experience successfully managing and/or owning a taxicab company operation – 33 points.
3. Application responses relating to the sufficiency of the business plan, facilities, fleet, and other code provisions – 33 points.
4. Extra points for use of credit cards and additional handicap accessible vehicles assigned – 6 points.

A team of six was assembled to evaluate the applications based on the criteria approved by the Commission and found in Attachment 4. The six-person multi-agency evaluation team consisted of DCCS , as well as Department of Administration of Human Services staff (whose responsibilities include administering the county's discounted taxi-ride programs). The team scored the applications based on the evaluation factors shown in Attachment 4.

The six person team's cumulative scoring results, listed in descending order, are summarized in Table 3, below:

Table 3, *Summary of Evaluation Factor Scoring Results*

Applicant	Industry Experience	Financials	Application Responses	Extra Points		Total
				Electronic Payment	Wheelchair Accessibility	
Maximum	198	198	198	18	18	630
Fairfax Yellow	192	195	194	18	18	617
Red Top	192	195	194	18	6	605
enviroCab	148	135	166	17	16	482
White Top	141	66	110	17	0	334
King Cab	108	60	109	10	0	287
GoGreen	54	65	87	13	0	219
Fairfax Green	66	68	61	8	0	203

Key considerations that reflect each applicant's score are discussed in Section IV., A. through G. as follows below.

A. Fairfax Yellow scored 617 out of a possible 630 points

A.1. Fairfax Yellow received 192 points for its industry experience

Fairfax Yellow has provided taxicab service in Fairfax County since 1968. It is an established provider of on-demand transportation services with demonstrated long-term experience in the Fairfax County market. In addition to on-demand taxicab service, Fairfax Yellow provides services pursuant to contract. The company's customers include the Fairfax County Public Schools, the Virginia Department of Medical Assistance Services (Medicaid transportation), and county agencies.

Fairfax Yellow currently holds 283 Fairfax County taxicab operator certificates, of which 60 (21 percent) are assigned to driver-owners. The remaining 223 certificates are assigned to drivers who lease company-owned vehicles. The company has a track-record of attracting and retaining drivers and has established procedures regarding driver training, insurance verification, vehicle maintenance and inspection, and complaint handling and resolution.

Fairfax Yellow has an extensive infrastructure that supports its taxicab operations in the county. Fairfax Yellow's reservation services are delivered through an advanced consolidated communications center located in Arlington County that serves Fairfax Yellow as well as those of its affiliate companies. The center, which has redundant systems with full power back-up capability, employs 25 full and part-time dispatchers. Fairfax Yellow's Hillwood Avenue facility, which it shares with Red Top, houses a nine-bay maintenance shop, a full body shop equipped with a paint booth, an automated car

wash, and a fueling station where affiliated drivers can purchase gasoline at prices below those in the retail market.

Murphy Brothers, Inc., which owns Fairfax Yellow, is a wholly-owned subsidiary of Transportation General, Inc. (TGI). Through its subsidiaries, TGI operates taxicab and executive sedan fleets in Arlington and Loudoun Counties and the Cities of Falls Church and Fairfax, as well as the airport taxicab service at Raleigh-Durham International Airport. Fairfax Yellow describes its overall organization as the area's largest privately-owned passenger transportation provider, indicating that Fairfax Yellow has substantial corporate resources and industry expertise available to it.

A.2. Fairfax Yellow received 195 points for its financials

As part of their showing regarding financial capability, applicants were directed to provide their two most recent annual financial statements (audited if available) and pro forma statements for the first two years of operation.

Fairfax Yellow provided the requested financial statements, which had been reviewed by independent certified public accountants. These statements demonstrate that Fairfax Yellow is a financially viable operation. They also demonstrate that even without the support of its affiliates, Fairfax Yellow has the financial wherewithal to provide taxicab service in Fairfax County.

Fairfax Yellow also provided detailed pro forma statements consistent with the application requirements. These statements appeared credible. Estimated expenses and revenues appeared reasonable and the statements did not contain any of the types of errors found in the pro forma statements of several of the other applicants.

A.3. Fairfax Yellow received 194 points for its application responses

Fairfax Yellow provided complete and thorough responses to each application question and provided all requested documentation. The business plan that it provided demonstrated that Fairfax Yellow is familiar with issues associated with the ownership, operation, and management of a taxicab business and has anticipated what the proposed expansion of its Fairfax County operations, including its wheelchair-accessible services, would entail.

A.4. Fairfax Yellow was awarded 36 extra points

During the scoring process, extra points were awarded to those applicants whose proposals (1) addressed in-cab electronic payment options available to customers, and (2) exceeded the Code's wheelchair-accessibility requirements. Fairfax Yellow was awarded the maximum with respect to both items. The Passenger Information Monitors, or PIMs, installed in the rear seats of its vehicles allow for self-service electronic payment options and maximize customer convenience and security. Fairfax Yellow's proposal assigned nine of its requested 23 certificates for wheelchair-

accessible taxicabs (eight more than required by the Code), which far exceeded the Code requirement of four percent.

B. Red Top scored 605 out of a possible 630 points

B.1. Red Top received 192 points for its industry experience

Red Top has provided taxicab service in Fairfax County since 1989. Like Fairfax Yellow, it is an established provider of on-demand transportation services with demonstrated long-term experience in the Fairfax County market. In addition to on-demand taxicab service, Red Top provides services pursuant to contract. Its customers include the Fairfax County Public Schools, the Virginia Department of Medical Assistance Services (Medicaid transportation), and county agencies.

Red Top currently holds 101 Fairfax County taxicab operator certificates, of which 54 (46.5 percent) are assigned to driver-owners. Red Top's remaining operator certificates are assigned to leased vehicles. Red Top has a track-record of attracting and retaining drivers, and has established procedures regarding driver training, insurance verification, vehicle maintenance and inspection, and complaint handling and resolution.

Red Top has an extensive infrastructure that supports its taxicab operations in the county and is capable of accommodating the requested increase in certificates. Red Top's reservation services are delivered through an advanced consolidated communications center located in Arlington County that serves Red Top as well as those of its affiliate companies. The center, which has redundant systems with full power back-up capability, employs 25 full and part-time dispatchers. Red Top's Hillwood Avenue facility, which it shares with Fairfax Yellow, houses a nine-bay maintenance shop, a full body shop equipped with a paint booth, an automated car wash, and a fueling station where affiliated drivers can purchase gasoline at prices below those in the retail market.

Fairfax Taxi, Inc., which owns Red Top, is a wholly-owned subsidiary of Transportation General, Inc. (TGI). Through its subsidiaries, TGI operates taxicab and executive sedan fleets in Arlington and Loudoun Counties and the Cities of Falls Church and Fairfax, as well as the airport taxicab service at Raleigh-Durham International Airport. Red Top describes its overall organization as the area's largest privately-owned passenger transportation provider, indicating that Red Top has substantial corporate resources and industry expertise available to it.

B.1. Red Top received 195 points for its financials

Red Top provided the requested historical financial statements, which had been reviewed by independent certified public accountants. Those statements demonstrate that Red Top is a financially viable operation. They also demonstrate that even without the support of its affiliates, Red Top has the financial wherewithal to provide taxicab service in Fairfax County.

Red Top also provided detailed pro forma statements consistent with the application requirements. These statements appeared credible. Estimated expenses and revenues appeared reasonable and the statements did not contain any of the types of errors found in the pro forma statements of several of the other applicants.

B.3. Red Top received 194 points for its application responses

Red Top provided complete and thorough responses to each application question and provided all requested documentation. The business plan that it provided demonstrated that Red Top is familiar with issues associated with the ownership, operation, and management of a taxicab business and has anticipated what the proposed expansion of its Fairfax County operations would entail.

B.4. Red Top was awarded 24 extra points

Red Top was awarded 18 points for its electronic payment options. The Passenger Information Monitors, or PIMs, installed in the rear seats of its vehicles allow for self-service electronic payment options and maximize customer convenience and security. While Red Top's proposal to add one wheelchair-accessible taxicab did not exceed Code requirements, Red Top received six extra points for proposing a new (2014) wheelchair-accessible vehicle.

C. enviroCAB scored 482 out of a possible 630 points

C.1. enviroCAB received 148 points for industry experience

enviroCAB has been in operation since 2007, when Arlington County awarded it 50 taxicab operator certificates. All certificates are assigned to drivers who purchase, maintain, and insure their vehicles; none are assigned to company-owned vehicles. In 2013 enviroCAB was acquired by SuperTaxi, Inc., which is owned in its entirety by Veolia Transportation on Demand, Inc. (Veolia).[7] enviroCAB's current management has been in place for less than a year. According to Arlington County regulators, the ownership transition appears not to have been disruptive to enviroCAB's Arlington operations.

[7] On May 21, 2013, the Arlington County Board of Supervisors voted 5-0 to approve the transfer of ownership.

enviroCAB has experience in the taxicab industry. Under its prior ownership, enviroCAB had between four and five years' experience in Arlington County with a business model that relies on a fleet of drivers who purchase, maintain, and insure their own later-model hybrid vehicles. enviroCAB's prior management had a track record of attracting and retaining drivers, although the extent to which the current management will uphold this record cannot be determined from the application. enviroCAB does not have experience in providing wheelchair-accessible taxicab service, however, which may be significant given that wheelchair-accessible vehicles comprise 10 percent of its proposed Fairfax County fleet.

According to enviroCAB's application, enviroCAB's Fairfax County operations will use the same systems and procedures currently in place for its Arlington operation, such as its computerized dispatch and communications systems and its computerized compliment/complaint module. These systems and procedures should be capable of accommodating an expansion of enviroCAB's service into Fairfax County

As a result of its 2013 acquisition by Veolia, enviroCAB has substantial corporate resources and industry expertise available to it. Veolia owns several on-demand transportation providers in the metropolitan Washington D.C. area in addition to enviroCAB, including SunCab (Montgomery County), Washington Flyer Taxi, and SuperShuttle. Veolia also owns a number of taxicab companies outside the metropolitan area, including Baltimore Yellow Cab, Pittsburgh Yellow Cab, Kansas City Yellow Cab, and Colorado Cab.

C.2. enviroCAB received 135 points for its financials

enviroCAB submitted the audited consolidated financial statements of its parent, Veolia Transportation, Inc. and subsidiaries, as well as pro forma statements. The consolidated financial statements describe Veolia as the largest private-sector operator of multiple modes of transit in North America, providing bus, rail, paratransit, shuttle, sedan, and taxi services. The submission of consolidated financial statements demonstrated the financial strength of its parent, Veolia, but precluded examination of enviroCAB's historical financial information or an assessment of its financial performance.

enviroCAB did not submit a complete set of pro forma statements. In lieu of a statement of cash flows, enviroCAB simply stated that all cash requirements are met through intercompany transactions. Further, the company provided only limited information regarding its pro forma assets and liabilities and did not explain the basis for certain revenue and expense items, including revenue from stand dues.

enviroCAB also provided documentation regarding a senior line of credit available to Veolia subsidiaries, including enviroCAB. This document indicates that, with the backing of its parent, Veolia, enviroCAB has the financial wherewithal to provide taxicab service in Fairfax County.

C.3. enviroCAB received 166 points for its application responses

enviroCAB provided complete and thorough responses to almost every application question and provided requested documentation. As a general rule, its business plan indicated that enviroCAB is familiar with issues associated with the ownership, operation, and management of a taxicab business and has anticipated what its proposed Fairfax County operations would entail. The plan, however, did not address how enviroCAB would incentivize drivers to purchase vehicles, particularly the specialty wheelchair-accessible taxicabs that would comprise 10 percent of enviroCAB's fleet. The MV-1 and Ford Transit Connect that enviroCAB identified as its proposed wheelchair-accessible vehicles are substantially more expensive to purchase and maintain than the hybrid vehicles that will comprise the remainder of its fleet.[8]

Moreover, enviroCAB's application appeared premised on a proposal that fails to take into account the county's regulatory authority and Code requirements. Specifically, enviroCAB proposed a two-tiered fleet structure which, it explained, would facilitate service to outlying (non-urban) areas of the county. The first tier would consist of 78 certificates authorized to provide taxicab service throughout Fairfax County. The second tier would consist of 122 certificates that would be banned from providing service in Tysons, Fairfax City and Falls Church City. enviroCAB did not address any issues raised by its proposals. For example, it did not address how enviroCAB would assign these certificates among its associated drivers or how it would enforce the geographic restrictions. Further, the company did not include a legal analysis with its proposal addressing the county's authority to issue geographically-limited certificates.

C.4. enviroCAB was awarded 34 extra points

enviroCAB was awarded 17 out of 18 points for proposing in-cab credit-card payment. It also proposed to establish a DriverCard within its cashiering system to facilitate driver access to processed electronic transactions. The DriverCard will function as a debit card and so can be used to obtain cash at ATMs and to make purchases wherever VISA cards are accepted. In addition, enviroCAB received 16 extra points for its proposal to assign 20 of its requested 200 certificates, or 10 percent of its fleet, to wheelchair-accessible taxicabs and to use the MV-1 and Ford Transit Connect vehicles rather than vans.

D. White Top scored 334 out of a possible 630 points

D.1. White Top received 141 points for its industry experience

White Top has provided taxicab services in Fairfax County since 1994, and is an established provider of on-demand transportation services with demonstrated long-term experience in the Fairfax County market. In addition to on-demand taxicab service, White Top provides services pursuant to contract. The company's customers include

[8] According to an Internet survey, prices for 2012 models of the MV-1 and Ford Transit Connect range from $31,000 to $43,000.

the Fairfax County Public Schools and county agencies. The company also operates 110 taxicabs in Alexandria, where it provides both on-demand service and services pursuant to contract.

White Top currently holds 67 Fairfax County taxicab operator certificates, of which 60 (89.5 percent) are assigned to driver-owners who purchase, maintain, and insure their own vehicles. White Top has a track-record of attracting and retaining drivers and has established procedures regarding driver training, insurance verification, vehicle inspection, and complaint handling and resolution.

An expansion of White Top's Fairfax County operations will not require new or different levels of experience or expertise. The company's dispatch and communications systems, which are operated out of its Alexandria location, appear capable of accommodating the requested growth in certificates.

White Top's performance as a regulated provider of on-demand transportation services in Fairfax County appears to have improved as the scale of its operations has increased.

D.2. White Top received 66 points for its financials

White Top provided historical financial statements that indicate that White Top is a financially viable operation. Its pro forma statements, however, exhibit a number of issues that undermine their credibility. Most significantly, the pro forma statements show declines in gross revenues despite a proposed 49 percent increase in certificates. White Top's explanation regarding revenue estimates suggests that the company may have inappropriately excluded contractual revenues from its revenue estimates. Other issues with the pro forma statements include math errors and the inability to reconcile certain account balances between the balance sheet and income statements.

White Top stated that it has a line of credit but did not provide supporting documentation.

D.3. White Top received 110 points for its application responses

While White Top provided detailed responses to certain questions, in some cases it provided cursory responses and in other cases did not respond at all. Perhaps most significantly, it did not identify the makes, model years, and fuel efficiency of the 33 vehicles it proposed to add to its fleet. White Top also did not address include wheelchair-accessibility and insurance coverage. The company provided most documentation, but did not document the cash funds available to it.

D.4. White Top was awarded 17 extra points

White Top was awarded 17 extra points for its electronic payment options that include both credit and debit cards. The company received no points regarding wheelchair-accessibility as its application did not address that issue.

E. King Cab scored 287 out of a possible 630 points

E.1. King Cab received 108 points for its industry experience

King Cab, which has been in operation for 43 years, was acquired in 2002 by its current owner, Mr. Abdul Karim. Since 2002, Mr. Karim has managed King Cab's daily operations and staff, overseen marketing and advertising strategies, and assisted in dispatch service. Mr. Karim also has experience owning or managing other businesses.

King Cab has substantial experience in the taxicab industry. Mr. Karim has over a decade of experience owning and managing a taxicab company. King Cab's application was accompanied by numerous letters of recommendation from satisfied customers, indicating that King Cab is providing a high level of customer service to its Alexandria customers.

All of King Cab's industry experience, however, is in the provision of service that differs markedly from that required in Fairfax County. The majority of taxicab trips in Fairfax County originate by dispatch, making dispatch an essential element of every Fairfax County provider's operation. King Cab has only very limited dispatch experience. According to a November 2012 report by the City of Alexandria's Traffic and Parking Board, its dispatch service level was just 1.37 dispatch trips per cab per day.[9]

Further, King Cab's application does not demonstrate that it has the capability to expand into dispatch service. King Cab did not demonstrate that it has the technical expertise to operate, manage and maintain the computerized dispatch system that it proposes to purchase if awarded its requested certificates, nor did King Cab address how it would compensate for this lack of expertise. While Mr. Karim served as part-owner and general manager of a computer store from 1993 to 2006, that experience appears to have been focused in the areas of sale, management, and administration, not information technology.

E.2. King Cab received 60 points for its financials

King Cab provided historical financial statements regarding its Alexandria operations. According to these financial statements, King Cab's Alexandria operations do not appear to be consistently profitable. This inconsistent profitability raises significant

[9] According to Alexandria staff, the majority of King Cab's trips originate at Reagan National Airport, where its cabs wait in a queue to pick up arriving passengers. This airport business would not be available to King Cab's Fairfax County drivers.

concerns regarding the financial viability of King Cab's proposed Fairfax County operations, which would require the acquisition and operation of a functional dispatch system and thus be more costly than King Cab's Alexandria operations. Other issues pertaining to the credibility of the historical financial statements include missing entries, and an undefined entry of a substantial amount that was recorded as a contra-income account in two years but an expense item in another year.

King Cab also provided pro forma statements regarding its proposed Fairfax County operations, which raised concerns regarding their credibility. According to the company's pro forma statements, King Cab's Fairfax County operations will generate substantially more income than its Alexandria operations despite a 58 percent smaller fleet. King Cab also provided only a summary and somewhat incomplete explanation regarding the derivation or source of the estimated revenues and expenses used in developing its pro forma statements (e.g., discussions with its accountant).

King Cab indicated that the applicant's net worth should be considered in the assessment of its financial viability. The net worth consisted of King Cab's cash and the applicant's personal checking and saving accounts. These assets accounted for 16% of the applicant's total net worth. The remaining assets included a home owner's line of credit, the estimated value of the applicant's equity interest in King Cab and the estimated value of personal assets (i.e., home and vehicle). No documentation was provided to verify King Cab's value or that of the applicant's personal assets.

E.3. King Cab received 109 points for its application responses

While King Cab responded to all application questions, in several cases its responses were cursory and lacking in detail. For example, in describing the "kind, class, fuel efficiency, [and] character of the vehicles to be used," King Cab merely stated that "[t]he vehicles will all be hybrid/fuel efficient cars, with an estimated miles per gallon of 50. . . . The make and model of the vehicles will vary." In addition, King Cab did not provide all referenced documents (e.g., net worth), and certain documents provided were not responsive to the underlying question (e.g., articles of incorporation).

King Cab provided a business plan regarding its proposed Fairfax County operations. The business plan discussed at a very high level King Cab's prior successes and its goals for the future. The business plan did not address essential operator responsibilities, such as driver training, insurance verification, or vehicle inspections. The company's staffing plan appeared not to take into account the need for staffing in areas including driver management, payment processing, and information technology. Ultimately, the company's business plan provided little assurance that King Cab is either familiar with or has anticipated what its proposed Fairfax County operations would entail.

E.4. King Cab was awarded 10 extra points

King Cab received 10 points for its discussion of electronic payment options, which included both debit and credit cards. The company received no points regarding wheelchair accessibility because its proposal did not exceed Code requirements.

F. GoGreen Cab scored 219 out of a possible 630 points

F.1. GoGreen received 54 points for its industry experience

GoGreen was established in March 2008 by Mr. Mujahid Ahmad, who serves as GoGreen's president and is its sole officer. According to the application, Mr. Ahmad has worked as a taxicab driver in the District of Columbia since 1993. He also served as an assistant manager at a D.C. taxicab company from May 1996 to August 1998.

The application does not demonstrate that GoGreen or Mr. Ahmad has an understanding of taxicab business operations or of the Fairfax County taxicab market. Mr. Ahmad also has minimal experience in owning or managing a taxicab business. Although in 2009 the City of Alexandria awarded GoGreen 20 taxicab operator certificates, the application did not describe either GoGreen's Alexandria operations or Mr. Ahmad's experience in managing GoGreen's Alexandria operations.[10]

GoGreen does not currently own a viable dispatch system and, according to the application, Mr. Ahmad has no experience in taxicab dispatch service. While GoGreen proposed the purchase of a computerized dispatch system integrated with in-cab MDTs if it received its requested certificates, the application did not demonstrate that GoGreen has the technical expertise to operate, manage, and maintain that system, nor did it explain how GoGreen would compensate for that lack of expertise.

F.2. GoGreen received 65 points for its financials

In lieu of the historical financial statements and pro forma statements required as part of the application, GoGreen provided high-level five-year projections.

GoGreen's projected statements contained a number of irregularities that significantly undermined their credibility. For example, certain statements could not be reconciled (e.g., balance sheet and income statement), in some instances depreciation principles were incorrectly applied, and a number of expenses were not included (e.g., income, payroll, property, and BPOL taxes, as well as annual regulatory fees). Further,

[10] Due to certain regulatory issues, including a significant delay in filling its certificates, Alexandria placed GoGreen on probation in October 2012. According to Alexandria staff, its probationary status has not been terminated. Also in 2012, GoGreen requested 40 taxicab operator certificates from Arlington County, Virginia. GoGreen was not awarded any certificates by Arlington County. In 2009, the CPC denied GoGreen's request for 50 taxicab operator certificates to provide service in Fairfax County.

GoGreen did not explain how it derived its expense estimates, stating simply that all "expenses are projected estimates."

F.3. GoGreen received 61 for its application responses

Although GoGreen included responses to all application questions, those responses were often cursory and lacking in detail. For example, GoGreen stated that a question regarding insurance coverage was not applicable but did not explain why it believed the question was inapplicable. (That explanation was provided in its response to a question regarding complaints, accidents, and injuries, when GoGreen stated that "[s]ince all taxicabs will be owned by the drivers, they will handle all accidents and injuries with their insurance companies directly.") In addition, certain documents that GoGreen provided did not meet the application requirements, and did not provide all requested documents (e.g., historical financial statements regarding its Alexandria operations).

GoGreen provided a business plan, but much of it consisted of laudable goals with little explanation as to how GoGreen would achieve them. The plan lacked detail regarding essential operator responsibilities, such as driver training, insurance verification, vehicle inspections, and complaint handling and resolution. Ultimately, the company's business plan provided little assurance that GoGreen is either familiar with or has anticipated what its proposed Fairfax County operations would entail.

Additionally, GoGreen's application appears to have been submitted without consideration of the county's procedures, requirements, and authority. For example, GoGreen represented that it will pick up customers at Dulles Airport if Fairfax County allows it to do so, apparently unaware that Dulles Airport operations are outside the county's jurisdiction and, that the airport's taxicab services are provided under concession. GoGreen apparently did not recognize that its request for 40 certificates exceeded the Board-established number of 39 and proposed the use of an Alexandria business office despite the fact that § 84.1-7-1(a)(1) requires that taxicab operators maintain a place of business or office within the county. GoGreen also proposed a 10 percent senior discount, apparently unaware that § 84.1-6-3(b) prohibits certificate holders or taxicab drivers from charging rates that differ from those in the Code.

F.4. GoGreen was awarded 13 extra points

GoGreen received 13 points for its discussion of electronic payment options. GoGreen received no points regarding wheelchair accessibility because its proposal did not exceed Code requirements.

G. Fairfax Green scored 203 out of a possible 630 points

G.1. Fairfax Green received 66 points for its industry experience

Fairfax Green was established in April 2013 by two individuals who are currently working as taxi drivers. The individual who organized Fairfax Green and is identified as

its managing member, Mr. Kohistany Shah, holds a Fairfax County hack (taxicab driver) license but has been working for the past six years with Union Cab in Alexandria. The other member is a taxi driver currently working in the District of Columbia.

Fairfax Green does not currently provide taxicab service in any jurisdiction. According to its application, neither member has any experience owning or managing a taxicab business, or any type of business. The application does not demonstrate that Fairfax Green or its members have an understanding of taxicab business operations or of the Fairfax County taxicab market.

Fairfax Green does not currently own a dispatch system. According to its application, Fairfax Green does not have any experience in taxicab dispatch service. While Fairfax Green proposed the purchase of a computerized dispatch system if it received its requested certificates, the application did not demonstrate that Fairfax Green has the technical expertise to operate, manage, and maintain that system, nor did it explain how Fairfax Green would compensate for that lack of expertise.

G.2. Fairfax Green received 68 points for its financials

Fairfax Green is a start-up that lacks historical financial statements and so provided only pro forma statements regarding its first two years of operation. The pro forma statements contained a number of irregularities that significantly undermined their credibility. For example, certain statements could not be reconciled (e.g., balance statement and statement of estimated cash flows), in some instances depreciation principles were incorrectly applied, and a number of costs and revenues were not included (e.g., the cost of insuring the two wheelchair-accessible taxicabs Fairfax Green proposed to purchase).

Fairfax Green's revenue and expense estimates raised additional concerns. Fairfax Green did not explain how it derived its estimates, stating simply that they were "derived from the owners and their long experience in the taxi industry." Further, Fairfax Green predicated its revenue estimates on 60 active certificates, rather than the 80 requested. Fairfax Green did not explain its use of 60 certificates, but it may reflect Fairfax Green's intent to ramp up service over a multi-year period. The Code does not permit operators to phase in service over a period of years. Under § 84.1-2-9(b), certificates that are not placed in service within 180 days become null and void and are available for redistribution.

The documentation that Fairfax Green provided regarding available cash funds and net worth did not satisfy the elements required by the application.

G.3. Fairfax Green received 61 points for its application responses

Although Fairfax Green included responses to all application questions, those responses were often cursory and lacking in detail.

Fairfax Green provided a business plan, but it lacked detail about key topics, such as its staffing and management, and did not discuss matters essential to viability and growth, including the development of its driver network and marketing. Its business plan offered little assurance that Fairfax Green is either familiar with or has anticipated what its proposed operations would entail.

Fairfax Green also did not appear familiar with the county's taxicab regulatory requirements, particularly those regarding fleet requirements. For example, some indeterminate portion of Fairfax Green's proposed fleet will be comprised of 2010 vehicles, but 2010 models are more than two model years old and thus under § 84.1-8-5(m)(1) may not be placed in service. In addition, the number of wheelchair-accessible vehicles that Fairfax Green proposes is below Code requirements. To comply with the Code's four percent requirement, Fairfax Green should have proposed three wheelchair-accessible taxicabs. It proposed only two.

G.4. Fairfax Green was awarded eight extra points

Fairfax Green received eight points for its discussion of electronic payment options. Fairfax Green received no points regarding wheelchair accessibility because its proposal to include two wheelchair-accessible vehicles in its fleet did not satisfy Code requirements.

V. EVIDENCE OF DEMAND AND PUBLIC WELFARE

When an applicant requests certificates in excess of the number determined by the Board, then the CPC must determine whether such applicant has met its burden of "establishing that public welfare will be enhanced by the award of the certificates of public convenience and necessity requested in the application", and the applicant must do so by providing "factual documented evidence indicating the demand and establishing public welfare," as required by § 84.1-2-5(b). If the CPC determines that the applicant has satisfied its burden that the excess number of certificates is necessary to meet demand for taxicab service and the public welfare, then under § 84.1-2-6(b) the CPC may recommend additional certificate allocations to the Board.

In this case, two applicants submitted requests for certificates in excess of the Board-authorized 39 certificates: Fairfax Green, which requested 80 certificates, and enviroCAB, which requested 200 certificates.[11] Both applicants submitted material in support of their requests.

[11] GoGreen requested 40 certificates, which exceeds 39, but stated that it did not request certificates in excess of the Board-determined number and did not provide information or material in support of excess certificates.

The following comments and recommendations reflect the judgment of the six-person staff evaluation team as to whether or not the tow applicants have proven the need for certificates in excess of those approved by the Board.

A. Fairfax Green

Fairfax Green requested 80 certificates, or 41 above and beyond the 39 that the Board authorized. As a part of its application, Fairfax Green submitted a statement of public demand and public welfare containing information to support its request for these 41 additional certificates. Its discussion and supporting documentation was provided as part of its application.

Fairfax Green's primary argument appeared to be that economic development and growth in Fairfax County warrant the award of an additional 41 certificates. It also presented arguments regarding population, the number of taxicab operator certificates on a per capita basis as compared to other jurisdictions, and the opening of new Metrorail stations. In support of these arguments, Fairfax Green included several categories of documents: (1) a study prepared in 2012 by Arlington County regarding taxicab demand in Arlington County; (2) media accounts from newspaper and other websites regarding growth associated with long-term development and economic activity in Fairfax County; and (3) Fairfax County reports and excerpts from Fairfax County's website about long-term development, particularly in the Tyson's area.

The evaluation team was in agreement that none of the documents Fairfax Green submitted demonstrate a need for an additional 41 certificates. The Arlington study analyzes the need for certificates in Arlington County, and not in Fairfax County, which is a very different market.[12] The various media accounts and Fairfax County materials submitted address economic or demographic activity, but do not present any related correlation to the need for additional certificates beyond the 39 indicated by the results of taxicab demand formula as adjusted by the CPC.

Fairfax Green's arguments regarding population and per-capita taxicab comparisons also did not demonstrate a need for 41 additional certificates.[13] Fairfax Green noted that the Arlington County study included a comparison of authorized taxicabs on a per capita basis in a number of jurisdictions (Attachment 5 shows the number of taxicabs per person in Washington, D.C.area jurisdictions). Fairfax Green contended that, based on numbers in the Arlington County study, an appropriate number of taxicabs in Fairfax County would be 795, not the 615 authorized. Fairfax Green's contention is not consistent with industry studies. In a widely-referenced study within the taxicab

[12] Arlington County exhibits many of the characteristics of a city rather than a county; does not require dispatch service of all its taxicab companies, as does Fairfax County; has twice as many Metrorail stops as Fairfax County; has a significant number of taxicabs that serve a vibrant nightlife business; and has a significant number of taxicabs that serve Reagan National airport.

[13] As shown in Attachment 2, the taxicab demand formula includes population growth as one of the weighted components in determining taxicab demand.

industry, a noted taxicab transportation economist, Bruce Schaller, used a regression model to identify factors that measure changes in local demand for taxicab service. Mr. Schaller concluded that population data was not a statistically significant variable for explaining the number of taxicabs in a jurisdiction.[14] Similarly, as shown in Attachment 6, a 2013 study conducted by O'Hara Associates of 14 large size cities in the United States illustrates a 3,000 percent difference in numbers of taxicabs per 10,000 populations.[15] The results of these studies strongly suggest that comparisons of population, or numbers of taxicabs per capita, between jurisdictions is not a meaningful stand-alone method to measure the relative need or demand for taxicab services.

Finally, the opening of four new Metrorail Silver line stations in 2014 is expected to have a mixed effect on the demand for taxicab services. As noted in Section III.B, at its May 2013 meeting, the CPC recommended an increase in the number of certificates from 35 to 39 due in large part to the CPC's belief that taxicab demand is likely to grow in the 2014-2015 period as new Silver Line Metro stations are opened in Fairfax County. While the new Metrorail stations will likely create new taxicab stands and the opportunity for some level of new business, there is concern among some within the industry that the Metrorail openings will have an adverse effect on taxicab services, in particular the lucrative long-haul trips to the airports and into Washington, D.C.[16] Prematurely adding taxicabs prior to the demonstrated need for additional certificates saturates the market and negatively affects driver incomes.

Evaluation Team Recommendation. The six-person evaluation team considered the arguments and documents Fairfax Green provided in its application in support of its request for an additional 41 certificates. Its consideration included evaluating whether Fairfax Green met its burden under § 84.1-2-5(b) to establish "that public welfare will be enhanced by the award of the certificates of public convenience and necessity requested in the application" and did so by providing "factual documented evidence indicating the demand and establishing public welfare." It was the unanimous recommendation of the evaluation team that Fairfax Green did not meet its burden and did not provide the "factual documented evidence" indicating that demand for taxicab services exceeded the Board-authorized number of 39 certificates. The evaluation team concluded that, based on the information presented by Fairfax Green, the CPC need not recommend that the Board authorize certificates beyond the 39 already authorized.

[14] Schaller, Bruce, "A Regression Model of the Number of Taxicabs in U.S. Cities, Journal of Public Transportation, Vol 8, No. 5 (2005) at p. 69.

[15] O'Hara Associates, *Managing Taxi Supply*, prepared for San Francisco Municipal Transportation Agency (April 2013) at p, p.4-3. A March 2013 draft version of this report is available on the agency's website at http://www.sfmta.com/about-sfmta/reports/hara-associates-draft-managing-taxi-supply.

[16] Meeting with Fairfax County Taxicab Drivers Association, August 28, 2013.

B. enviroCAB

enviroCAB initially requested 100 taxicab operator certificates. It subsequently amended its application and on August 30, 2013 requested 200 certificates. In both its initial and amended applications, the company included a submission in support of "excess" certificates – that is, certificates in excess of the Board-authorized 39. enviroCAB's amended submission in support of excess certificates differed from the initial submission only in the number of certificates referenced. In all other respects, both the initial and amended versions of their justification for new certificates were identical.

enviroCAB's request for 200 certificates exceeds the Board-authorized number of 39 by 161. In support of its request for these 161 additional certificates, enviroCAB discussed: (1) an apparent need for more wheelchair-accessible taxicabs; (2) the results of a survey it conducted regarding taxicab response times in four locations; and (3) options for providing service to outlying areas. enviroCAB also appeared to imply that Fairfax County may be underserved because it has significantly fewer cabs than Montgomery County, since Fairfax County has a larger population. As discussed previously, however, population (by itself) is not a statistically significant variable for explaining the number of taxicabs in a jurisdiction.

enviroCAB's justification for 161 excess certificates appeared to be based in part on data that suggests there is a significant segment of the population that is currently underserved, especially the elderly, the disabled, and residents who live in the less densely populated areas of Fairfax County. This statement was excerpted from the Fairfax County study, "Fairfax Area Transportation Options for Older Adults and People with Disabilities," which enviroCAB cited. This study recommends that the county increase the number of wheelchair-accessible taxicabs for two primary reasons:

- According to the report, 27 percent of respondents to a survey stated that they were unable to get somewhere in the past month because they could not find transportation. The study does not state that these respondents requested or were unable to obtain taxicab service.
- The study reports that some residents currently expect a two-hour wait for same-day taxicab service. This statement appears based on four or less survey responses out of 1,100 total responses and so may not represent a typical experience.

Data reported to DCCS as part of the certificated operators' biennial reports indicates that the average number of wheelchair-accessible taxicab trips ranges from 0.6 to 1.5 per day. To the extent the need for additional wheelchair-accessible taxicabs exists, the data available to DCCS suggests that the number of such additional taxicabs need not be large.

Also in support of its request for 161 additional certificates, enviroCAB stated that a major problem in many suburban jurisdictions is that "customers completely overlook

the possibility of taking taxicabs" because "response times are low, and taxicab service is [perceived as] very unreliable." Significantly, enviroCAB did not state that this is the case in Fairfax County, and there is scant evidence of poor service in the Fairfax County taxicab market. Biennial reports submitted to DCCS indicate response times average less than 15 minutes per call. Despite an annual volume of 2.4 million taxicab trips per year, DCCS has received less than 10 complaints for unmet service in 2013 . Staff suggests that potential riders are generally aware of the availability of taxicabs (high visibility), but that the high cost of service (with tip, a 10-minute ride can cost as much as $25) deters greater service usage.

As further justification for 161 additional certificates, enviroCAB also reported the results of a survey it conducted that suggests spotty service in certain areas of Fairfax County. To conduct its survey, enviroCAB made a total of 16 telephone calls for taxicabs from four locations: Centreville, Herndon, Reston and Tysons Corner. One call was made to each of the four Fairfax County taxicab operators from each location, with response times noted. enviroCAB concluded that, based on the results of this survey, service is "bad" and taxi drivers do not make the effort to provide service in outlying areas because "nobody calls." The survey conclusions, which are based on anecdotal experience rather than an analytical foundation, appear inconsistent with DCCS data regarding taxicab response time and its complaint records.

To address the issue of ostensibly poor service to outlying areas, enviroCAB proposed bifurcated certificates. Of its requested 200 certificates, 78 would be traditional certificates entitled to provide service throughout the entire county. The remaining 122 certificates would be permitted to serve only the "suburban" areas of Fairfax County and would be banned from Tyson's, Fairfax City, and the City of Falls Church. According to enviroCAB, with its bifurcated fleet, "the people of Fairfax County will experience a significant improvement in the quality of service, especially in outlying areas, with the elderly and disabled experiencing an exceptional change in the availability of mobility vans for them."

enviroCAB did not address the legality of a bifurcated fleet, and its proposal demonstrates a lack of understanding of the County Code, specifically Chapter 84.1, regarding for-hire public transportation. There are no provisions within Section 84.1 that authorize the issuance of certificates with geographic limitations. Staff would not support the concept of geographically-limited certificates because such limitations are not enforceable, would inhibit economic efficiency, and are inconsistent with energy conservation. Staff believes that taxicabs should be able to provide service where the demand is apparent, either by dispatch or stand- derived trip requests, and should not serve arbitrarily designated areas.

Evaluation Team Recommendation. The six-person evaluation team considered the arguments, references, and survey results enviroCAB provided in its application in support of its request for an additional 161 certificates. Its consideration included evaluating whether enviroCAB met its burden under § 84.1-2-5(b) to establish "that public welfare will be enhanced by the award of the certificates of public convenience

and necessity requested in the application" and provided "factual documented evidence indicating the demand and establishing public welfare." It was the unanimous recommendation of the evaluation team that enviroCAB did not meet its burden and did not provide the "factual documented evidence" indicating that demand for taxicab services exceeded the Board-authorized number of 39 certificates. The evaluation team concluded that, based on the information presented by enviroCAB, the CPC need not recommend that the Board authorize certificates beyond the 39 already authorized.

VI. FAIRFAX COUNTY CODE: CERTIFICATE ALLOCATIONS

The Code directs the CPC to consider seven specific criteria when making recommendations of taxicab certificate allocations among applicants

As discussed in Section II.D., § 84.1-2-6 directs the CPC to consider seven criteria in making the recommendations that it will submit to the Board regarding allocations among two or more applicants. (See Attachment 1) These criteria lend guidance to the CPC in evaluating all applicants, and aid in identifying the highest-rated applicants among the pool of applicants received.

The following discussion summarizes the applicant's positions with respect to these seven criteria and reflects the basis for the scoring results found in Section IV and Table 3:

1. Current and potential levels of usage of taxicab services in the Fairfax County market of this report.

   All applicants have proposed to offer taxicab service throughout Fairfax County. Consequently, all are similarly situated with respect to this criterion.

2. Areas of the County to be served, and the adequacy of existing public vehicle service, existing taxicab service, and other forms of passenger transportation in those areas.

   All applicants have proposed to offer taxicab service throughout Fairfax County.

3. The kind, class, fuel efficiency, character of the vehicles to be used, and the adequacy of the proposed dispatch system.

   Proposed Vehicles. White Top did not identify or discuss the kind, class, fuel efficiency or character of the vehicles to which it would assign the requested certificates. The six remaining applicants proposed that all vehicles, other than wheelchair-accessible taxicabs, would be hybrid or plug-in electric hybrid vehicles:

   - Fairfax Yellow and Red Top each proposed to add 2014 Ford Fusion hybrid vehicles that would be company-owned. Each cab company also proposed to add one plug-in hybrid electric vehicle, the Ford C-MAX Energy Plug-In.

- enviroCAB proposed use of 160 2011 Toyota Prius-V and Toyota Prius vehicles (80 and 80, respectively) in its fleet, as well as 20 2011 Toyota Prius plug-in hybrid electric vehicles. All vehicles would be driver-owned.
- King Cab proposed use of 2011 or later "hybrid/fuel efficient" vehicles with an estimated fuel efficiency of 50 miles per gallon. No further detail was provided. The vehicles would be driver-owned.
- GoGreen proposed a fleet comprised of an unspecified number of 2013 Toyota hybrid models (Prius, Camry, Civic, and Highlander hybrids), as well as an unspecified number of "other hybrid vehicles in the market." The vehicles would be driver-owned.
- Fairfax Green proposed a fleet comprised of an unspecified number of hybrid vehicles from three manufacturers: the Toyota Prius and Camry, the Chevrolet Malibu, and the Ford Escape. Vehicles would be 2010 model years and later and owned by Fairfax Green drivers.

Wheelchair Accessibility. White Top's application did not address wheelchair-accessibility. The six remaining applicants offered a range of proposals:

- Fairfax Yellow proposed that nine of its requested 23 certificates, or eight certificates in excess of the minimum required by the Code, would be assigned to wheelchair-accessible 2014 Toyota Sienna vans. All vans would be owned by Fairfax Yellow.
- Red Top proposed that one of its requested 15 certificates be assigned to a wheelchair-accessible 2014 Toyota Sienna van that would be owned by Red Top.
- enviroCAB proposed that 20 of its requested 200 certificates, or 10 percent of its proposed fleet, would be either the MV-1, which is designed to accommodate wheelchairs, or the Ford Transit Connect, which is a commercial vehicle that can be converted to accommodate wheelchairs. All wheelchair-accessible taxicabs would be 2012 models purchased by drivers.
- According to its application, the King Cab fleet would include "a van that is for handicap customers." King Cab did not describe the van's make, model, or year. Its pro forma statements do not include costs associated with van ownership, suggesting that the van would be driver-owned.
- In its application, GoGreen stated that its fleet would include two "ADA-compliant" taxicabs, but in its financial projections and Business Plan only one vehicle was specified. GoGreen did not address ownership or provide any detail regarding the make, model, or year of the proposed vehicle(s).

Adequacy of Proposed Dispatch Systems. This criterion will be addressed from two perspectives: market structure and system capabilities.

1) Market Structure. There is a recognized concept in the industry that a taxicab company must have a minimum fleet size to be able to offer meaningful, effective, reliable and timely dispatch services and to be able to do so in a

profitable manner. This minimum fleet size will vary by scope of its operating area; the smaller the area, the smaller the fleet size necessary to operate effective dispatch. While there is no industry standard that identifies these minimum parameters, and they will vary by market, the concept is well-known and acknowledged within the industry. Analysis of trip data in Fairfax County indicates that the largest operator, Fairfax Yellow, is able to generate two to three times as many dispatch calls per day per cab as smaller operators.

Although dispatch is required for all operators in Fairfax County, neighboring localities (of much smaller size than Fairfax County) permit some smaller taxicab companies (less than 50 vehicles) to operate without dispatch because of both the expense associated with implementation and the poor experience of small operators in developing and maintaining an effective dispatch market. These non-dispatch companies essentially can only serve the “hail” or “stand” markets. Attempts to institute dispatch service among smaller operators in neighboring jurisdictions have met with generally poor results. While there are examples of smaller companies implementing some level of dispatch service, they have primarily done so with only limited success (less than an average of two calls per day per cab).

Since the demand for dispatch service taxicab trips in Fairfax County accounts for approximately 60 percent of the completed trips, it is important that a taxicab operator offer not just nominal dispatch services, but rather develop and operate an effective, reliable and timely dispatch service within the county. Staff is concerned that a new entrant, even one receiving all 39 certificates authorized by the Board, may be unable to provide this type and level of dispatch service on a countywide basis. Realistically, a new entrant may have to limit its dispatch service to a confined geographic area of the county in order to meet high service quality standards.

2) System Capabilities. All applicants either propose to use or are currently using computerized dispatch systems that can accommodate both telephonic and on-line booking. Mobile data terminals (MDTs) in the taxicabs allow for two-way information exchanges with the dispatch system. The electronic capabilities of these systems include in-cab electronic payment options, such as credit and debit card, global positioning system (GPS) tracking, and data collection. All applicants proposed 24-hour service.

- Fairfax Yellow, Red Top, enviroCAB, and White Top are currently providing dispatch service through existing systems.
- King Cab, GoGreen, and Fairfax Green each proposed the purchase of a Mobile Knowledge dispatch system.

While all applicants stated that they will accept electronic payment, only Red Top and Fairfax Yellow stated that their cabs are equipped with Passenger Information Monitors (PIMs) that enable rear-seat self-service payment.

4. The conformance of proposed operational facilities with zoning and other legal requirements.

- Fairfax Yellow, Red Top, and White Top currently have operational facilities in Fairfax County that conform with zoning and other legal requirements.
- enviroCAB, King Cab, and Fairfax Green each stated that it would obtain facilities in the county if it was awarded taxicab operator certificates. These facilities would be business offices only; they would not include maintenance or other facilities because vehicles would be owned and maintained by the drivers. Conformance cannot be assessed until a location is obtained.
- GoGreen stated that it would use its Alexandria location. It did not reconcile this statement with the Code requirement that certificated operators maintain a location in Fairfax County.

5. The financial status of the certificate applicant and its effect on permanence and quality of service, as demonstrated by the applicant's ability to provide, maintain, and operate the number of vehicles proposed in accordance with the character of service proposed in the application.

   - Fairfax Yellow and Red Top achieved near perfect scores – 195 out of 198 – regarding their financials.
   - enviroCAB received 135 out of 198 points for its financials.
   - White Top, King Cab, GoGreen, and Fairfax Green each received points in the range of 60 to 68 for their financials (66, 60, 65, and 68, respectively).

   This criterion includes a consideration of the “applicant’s ability to provide, maintain, and operate” vehicles. Only Red Top and Fairfax Yellow proposed to provide and maintain the vehicles described in their applications.

6. The character and responsibility and related business experience of the applicant.

   - Fairfax Yellow and Red Top, both of which are long-time providers of taxicab services in Fairfax County, received near perfect scores – 192 out of 198 – for their industry experience.
   - enviroCAB and White Top, both of which have taxicab experience and provide dispatch service, received 148 and 141 points, respectively, for their industry experience.
   - King Cab received 101 points for its industry experience. That experience includes only limited dispatch operations.
   - GoGreen and Fairfax Green received scores of 54 and 66, respectively, for their industry experience. Both applications evidenced limited experience in owning or managing a taxicab business or in providing dispatch services.

7. The investigative report of the Director and the applications of the applicants.

VII. STAFF RECOMMENDATIONS TO CPC AT ITS NOVEMBER 19, 2013 PUBLIC HEARING ON DETERMINATION OF CERTIFICATES

Staff's objective in this review process has been to fairly and accurately evaluate all applications received in order to identify those companies that exhibit superior fleet characteristics and are the most qualified taxicab certificate applicants. Staff believes that by evaluating the applications with this objective, the process has identified those companies that have the greatest probability of providing the highest level of on-demand taxicab service to Fairfax County residents, businesses, and visitors.

In evaluating the applicants and their applications, staff primarily considered three categories of scoring criteria. These three categories were (1) demonstrated industry experience; (2) financial wherewithal and knowledge of generally accepted accounting procedures; and (3) quality of the application responses. The applicants' scores in each of these categories are shown in Table 3 of this report.

Other factors contributed to the development of staff's recommendations. As noted, the Fairfax County taxicab market is reliant on dispatch service, with approximately 60 percent of trips originated by dispatch. In developing its recommendations, staff has sought to identify the mix of taxicab companies that can provide the highest levels of dispatch service. Second, staff has sought to maximize the deployment of newer models, hybrid vehicles, and specialized taxicab vehicles designed to serve individuals with disabilities.

The CPC was advised that it may take various approaches in allocating the 39 certificates among the applicants. This section identifies and discusses three allocation recommendations for CPC consideration. The first is staff's recommended allocation, and is followed by two alternative recommendations.

A. Staff's Primary Recommendation

<u>The CPC should recommend that the Board allocate the 39 authorized certificates in a way that awards the majority of vehicles to the highest-rated applicants, maximizes the number of wheelchair-accessible vehicles (10), and ensures the deployment of new 2014 hybrid vehicles.</u>

Under this recommended approach, the CPC would recommend the following awards:

- Fairfax Yellow would be awarded 23 taxicab operator certificates. Fifteen of these certificates would be assigned to 2014 hybrid vehicles (including one plug-in hybrid) and nine would be assigned to 2014 wheelchair-accessible vehicles.
- Red Top would be awarded 10 taxicab operator certificates. Nine of these certificates would be assigned to 2014 hybrid vehicles (including one plug-in hybrid) and one would be assigned to a 2014 wheelchair-accessible vehicle.
- White Top would be awarded six taxicab operator certificates

Fairfax Yellow was the highest-rated applicant. It also was one of two applicants (the other being enviroCAB) whose application offered a significant increase in accessible vehicles over and above the four-percent minimum required by the Code. Fairfax Yellow requested 23 certificates and, under the Code, would have been required to offer one wheelchair-accessible taxicab. Instead of proposing just one wheelchair-accessible vehicle, however, Fairfax Yellow proposed nine.

The two other awardees, Red Top and White Top, were the second and fourth highest-rated applicants, respectively.

Staff has identified five advantages associated with this recommended allocation. First, this approach maximizes the number of wheelchair-accessible vehicles proposed in the application process. Under this approach, more than a quarter of the available certificates – 10 out of 39 – would be assigned to wheelchair-accessible vehicles, increasing the number of wheelchair-accessible taxicabs from 23 to 33 (representing a 43% increase from the current fleet). Second, because the awardees are incumbents with existing dispatch systems, this recommended allocation ensures that the new certificates will be integrated seamlessly into the county's existing taxicab fleet. Third, in their applications each of the three companies identified and explained the need for more certificates, so an award of additional certificates to them should improve dispatch call service. Fourth, this recommended allocation rewards the two highest-rated applicants among the seven who applied. And finally, the recommended allocation is aligned with staff's assessment of the companies' performance in providing taxicab service in Fairfax County. Staff assessed their performance using evaluation criteria specific to incumbent taxicab operators, such as certificate utilization rate, vehicle condition, etc. The criteria and assessment results are provided in Attachment 6. As Attachment 6 shows, Fairfax Yellow achieved the highest evaluation scores, followed closely by Red Top and then White Top.

B. Staff Secondary Recommendation: No. 1

<u>The CPC could recommend that the Board allocate all 39 authorized certificates to enviroCAB</u>

If all 39 certificates were allocated to enviroCAB, then the allocation would be made to the potential new entrant that scored most highly in the application evaluation process.[17] Additionally, enviroCAB may be better situated to succeed than the other new entrants, as the company has both dispatch experience and a dispatch system currently in place, and through its parent, Veolia, enviroCAB has resources and expertise available that other potential new entrants do not possess.

It is unknown if 39 certificates would provide enviroCAB with a sufficient number of certificates to establish a financially-viable taxicab company in Fairfax County, and it is highly doubtful that 39 certificates would be sufficient to provide effective countywide

[17] enviroCAB was the third highest scoring applicant, after incumbents Fairfax Yellow and Red Top.

dispatch service. Given the chance to amend its application, enviroCAB doubled the size of its requested number of certificates from 100 to 200, stating that "[a] minimum 200 vehicle fleet is critical to enviroCAB's ability to provide high-quality service throughout the entire county." Significantly, enviroCAB's application does not provide sufficient information to assess how enviroCAB would perform with only 39 of its requested 200 certificates. It cannot be determined from enviroCAB's pro forma statements whether and to what extent its operations are scalable. While the financial statements associated with its 50-cab Arlington County operation could have provided some insight, enviroCAB did not provide those statements.

It should be noted that while awarding certificates to enviroCAB would increase the competitive options available to customers, the extent to which it would offer a competitive alternative for drivers cannot be determined. First, enviroCAB offers an alternative only for those drivers who are willing to purchase, maintain, and insure their own later-model hybrid vehicles. It does not offer options for those with more limited financial resources who would prefer to lease a vehicle. Second, enviroCAB would not necessarily offer drivers a low-cost alternative to other operators. Unlike several other applicants, enviroCAB did not specify the stand dues it would charge Fairfax County drivers. However, given enviroCAB's estimated annual revenues derived from stand fees, it appears enviroCAB's stand dues would not be the lowest in Fairfax County. Further, enviroCAB's revenue estimates indicate that it plans a 12.5 percent increase in stand dues between Years 1 and 2.

If all 39 certificates are awarded to enviroCAB, it would appear appropriate to require that enviroCAB designate 10 percent of those certificates, or four certificates, to wheelchair-accessible taxicabs, consistent with both its initial and amended applications. Further, because enviroCAB has no experience with wheelchair-accessible taxicabs and did not discuss how it would incentivize drivers to purchase them, a recommendation to award the certificates to enviroCAB should provide that if the wheelchair-accessible taxicabs are not placed in service within the 180-day time period established by § 84.1-2-9(b), then enviroCAB should be obligated to purchase and operate those vehicles itself.

This recommended allocation has several advantages. First, it allows new entry into the Fairfax County taxicab market. Second, because enviroCAB currently has a dispatch system and call center in place in a neighboring jurisdiction, its entry will not be delayed while it establishes that aspect of its operation. Third, assuming enviroCAB was required to designate 10 percent of its certificates as wheelchair-accessible, consistent with its applications' proposals, then it would add four wheelchair-accessible vehicles to the county fleet, which is double the Code minimum of two.

This recommendation also has several disadvantages. First, as noted, a grant of 39 certificates may not be sufficient to allow enviroCAB to establish a financially viable operation. Second, 39 certificates does not appear sufficient to allow enviroCAB to provide effective dispatch service throughout all of Fairfax County. Third, in the absence of effective dispatch, enviroCAB's drivers may have to primarily serve the stand market, which accounts for just 40 percent of total county trips. Fourth, this

approach offers just four wheelchair-accessible taxicabs, which is six less than staff's primary recommendation.

C. Staff Secondary Recommendation: No. 2

<u>The CPC could recommend that the Board allocate the 39 authorized certificates among the potential four new entrants:</u>

Under this recommended approach, the CPC could recommend that the Board award each potential entrant roughly the same number of certificates: enviroCAB, King Cab, and Fairfax Green each would be awarded 10 certificates, and nine certificates would be awarded to GoGreen. GoGreen would be awarded nine due to its failure to acknowledge or describe its Alexandria operations, including its probationary status, or provide the financial statements associated with those operations.

This option, if adopted by the CPC, would discount the application evaluation process and scores. It would simply divide the 39 certificates among the four new entrants, three of which had the lowest evaluation scores of the applicant pool.

Several potential new entrants stated in their applications that the Fairfax County taxicab market would be well-served by increasing the number of authorized operators. In theory, an increase in the number of certificate holders may offer customers more choices when selecting a provider and may offer drivers additional options with respect to working conditions, lease fees, stand dues, and so forth. The quality of those choices and options cannot be known in advance, however.

A review of the applicants' financial documentation indicates that it is unlikely that an allocation on this basis would provide each recipient with a sufficient number of certificates to establish a financially-viable taxicab company. The revenue estimates included in the potential entrants' pro forma statements were based primarily or entirely on the stand dues that will be generated from the requested number of certificates. Estimated revenues will drop substantially if the applicants receive only a fraction of the requested certificates. For example, the estimated revenues in King Cab's pro forma statements reflect the stand dues generated by the 30 certificates it requested. Awarding it one-third that number, or 10 certificates, will drop its revenues by one-third. That one-third will be insufficient to cover King Cab's significant fixed start-up expenses, including the leasing of a business location, the purchase of a dispatch system, and the staffing of a call center. According to King Cab's pro forma statements, with one-third the estimated revenue it will end each year with a loss. The same is true for Fairfax Green, GoGreen, and enviroCAB: given their estimated expenses – many of which are not scalable – awarding the applicants just 10, or even nine, certificates essentially guarantees that the companies will operate at a loss.

The advantage to this recommended allocation is that it allows four new companies to enter the Fairfax County taxicab market.

There are a number of disadvantages, however. First, an award of nine or ten certificates would be inadequate to establish a financially viable operation providing the

on-demand countywide taxicab service each applicant proposed. Second, even assuming financial viability is not a concern, an award of nine or ten certificates would be insufficient to provide effective, reliable and timely dispatch service, particularly in a market the size of Fairfax County. Third, in the absence of effective dispatch, drivers would need to serve the stand market, which accounts for just 40 percent of total county taxicab trips. Fourth, although the number of certificates in service would increase, there would no increase in the number of wheelchair-accessible vehicles. None of the awardees would be required to provide wheelchair-accessible vehicles, because that requirement pertains only to those companies with fleets of 25 taxicabs or more. Consequently, the number of wheelchair-accessible vehicles would remain at 23, which are 10 fewer vehicles than those available under staff's primary allocation recommendation.

VIII. CPC RECOMMENDATIONS TO THE BOARD FROM ITS PUBLIC HEARING ON THE NUMBER AND ALLOCATION OF TAXICAB CERTIFICATES

On November 19, 2013 at 6:40 PM, the CPC commenced its Public Hearing on its recommendations to the Board on the appropriate number and allocation of taxicab certificates for the 2013-2014 biennial review period. Representatives from six of the seven applicants made presentations to the Commission. One applicant, King Cab, did not make a presentation. Applicants were given an unlimited period of time in which to make their presentations.

There were five public witnesses that made presentations, representing the following organizations:

- Fairfax Area Disability Services Board
- Long Term Care Coordinating Council
- ENDependence Center of Northern Virginia, Inc.

In general, the public witness recommendations centered on supporting an increase in the number of taxicabs, and in providing a significant increase in wheel-chair accessible taxicabs.

Staff presented to the Commission a summary of the 2013 Taxicab Certificate Allocation Process which included:

- an overview of the Taxicab Market in Fairfax County (see Section I of this report)
- the County Code framework on taxicab certificates (see Section II of this report)
- a summary of the applications received (see Section III of this report)
- the evaluation of certificate applicants based on criteria developed by staff and affirmed by the Commission at its October 2013 meeting (see Section IV of this report). Applications evaluations were based on three primary criteria:
    - financial wherewithal
    - industry managerial and ownership experience
    - application evaluation

- evidence of demand and public welfare (see Section V of this report),
- Fairfax Code specific to the allocation of certificates (see Section VI of this report),
- staff recommendations to the CPC, including the results of the application evaluations, industry experience, financials, evidence of demand for excess certificates, and the allocation of certificates (see Section VII of this report).

Following receipt of all the public testimony and presentations, the Commission approved a motion (6 to 4 vote) to increase the number of certificates recommended to the Board from 39 to 78.

In terms of the recommended allocation of certificates, the Commission passed a motion (7 to 3 vote) to recommend to the Board the following:

> The CPC recognizes that as part of the certificate allocation review process, the voluntary increase in the number of wheelchair-accessible vehicles above the minimum required in the Code is in the public interest, and recommends to the Board that 78 certificates be allocated in the 2013 review period as follows:
>
> 1. Fairfax Yellow would be awarded 23 taxicab operator certificates. Fourteen of these certificates would be assigned to 2014 hybrid vehicles (including one plug-in hybrid) and nine would be assigned to 2014 wheelchair-accessible vehicles.
>
> 2. Red Top would be awarded ten taxicab operator certificates. Nine of these certificates would be assigned to 2014 hybrid vehicles (including one plug-in hybrid), and one would be assigned to 2014 wheelchair-accessible vehicle.
>
> 3. White Top would be awarded six hybrid taxicab operator certificates.
>
> 4. enviroCAB would be allocated 39 certificates with 10 vehicles being wheelchair-accessible (either Ford Transit Connect or VPG MV-1 vehicles). While enviroCAB has proposed driver-owned wheelchair-accessible vehicles, if the company has not secured driver-owned vehicles within the 180 day period to put the certificates in-place, enviroCAB will be responsible for owning and leasing those vehicles.

The CPC's Public Hearing on the determination of the number and the allocation of Taxicab Certificates ended at 1:20 AM.

ATTACHMENT 1

FAIRFAX COUNTY CODE
CHAPTER 84.1, *PUBLIC TRANSPORTATION*
ARTICLE 2, *OPERATOR'S CERTIFICATES*
Sections 84.1-2-1 through 84.1-2-6

CHAPTER 84.1, PUBLIC TRANSPORTATION
Article 2, Operator's Certificates, Sections 2-1 through 2-6

Section 84.1-2-1. Operator's certificate required.

No person will operate or permit to be operated a taxicab or taxicabs in the County without having been approved for and been issued operator's certificates by the County. The individual numbered certificate, issued by the Department, must be carried in the taxicab to which it pertains at all times during operation and must be presented, upon request, to any taxicab inspector or duly sworn law enforcement officer. The driver of a taxicab which is duly authorized as a taxicab in any other jurisdiction of this State or in any other state may convey into and discharge within the County a passenger or passengers; and, if required by the passenger or passengers, the taxicab driver who conveyed the passenger or passengers into the County may wait for the passenger or passengers and convey the passenger to his or her ultimate destination. The driver of a taxicab registered in any other jurisdiction will not otherwise convey, pick up, wait for or solicit a passenger or passengers within this County, except as permitted in Section 84.1-10-1 or Section 84.1-10-2. (4-00-84.1; 56-08-84.1.)

Section 84.1-2-2. Application; forms; contents; notice of application.

(a) Applications for operator's certificates or for an increase in the number of individual certificates authorized to be issued to a certificate holder will be accepted by the Director on a biennial basis, in odd numbered years by 4:00 p.m. June 30. Incomplete applications will be returned to the applicant, who will be given seven calendar days after receipt of a rejected application to correct any deficiencies. A resubmitted application which remains incomplete will be returned and will not be processed. In the event that certificates are made available for redistribution as in Section 84.1-2-9, the Director will establish prescribed milestone dates for certificate application similar to the timing intervals for the biennial certificate application process as set forth herein.

(b) Application for operator's certificates, or for an increase in the number of individual certificates authorized to be issued, will be made by the proposed operator or its duly authorized agent upon forms provided and in the format requested by the Department. The applicant will provide full answers to all questions on the application, and that information will be submitted under oath. The Director may require full disclosure of all corporate, financial, and business interests of the applicant and of all corporate, financial and business interests of persons having a corporate, financial or business interest in the applicant. Information required on the application will be related to the considerations of the Commission in its investigation of the public convenience and necessity of additional certificates as stated in Section 84.1-2-6(b).

(c) The fee for processing operator's certificate applications will be $100.00 for each vehicle to be operated under the application. This application processing fee is nonrefundable, and it will be paid by check or money order upon submission of the application to the Director.

(d) In order to carry out the purposes of this Chapter, the Department, the Commission, or the Board may ask for information in addition to that provided on the application from the applicant.

(e) An applicant for operator's certificates, or a certificate holder applying for an increase in the number of individual certificates authorized to be issued to such certificate holder, will, within seven calendar days of such application, provide written notice of such application to all other County certificate holders, to any driver association as defined herein, and if a current County Certificate holder, will conspicuously display notice of such application at the applicant's place of business. Such notice will be provided by certified mail to the regular place of business of other certificate holders and to the legal address of any driver association as defined herein. Notice will be sufficient if it describes the number of certificates sought, the area to be served, identification of the applicant, and the date of the application.

(f) If the Department has not received proof of notification by any applicant within 15 calendar days from the date of the receipt by the Department, that applicant's application will be returned and not processed. (4-00-84.1; 56-08-84.1.)

Section 84.1-2-3. False statements on applications.

It will be unlawful for any person to make or cause to be made any false statement in writing for the purpose of procuring an operator's certificate or a hacker's license, or to make any false statements or entry on the records required to be kept by this Chapter. (4-00-84.1; 56-08-84.1.)

Section 84.1-2-4. Investigation of applicant; procedure.

Upon the Director's determination that an application filed under Section 84.1-2-2 of this Chapter is technically complete, the Director will cause to be made a thorough investigation of the character, traffic, criminal record, financial status and service plan of the applicant or its officers, among other relevant factors. Upon completion of the investigation, the information obtained as a result of this investigation, together with all pertinent documents, will be submitted to the Commission.

The Director's report pertaining to all applications for certificates will be distributed to members of the Commission and will be made available to applicant companies and the public not later than 10 calendar days before the scheduled hearing date. (4-00-84.1; 56-08-84.1.)

Section 84.1-2-5. Establishment of public convenience and necessity; burden of applicant.

(a) The number of certificates that are available to be issued on a biennial basis, will be determined by the Board, based on public convenience and necessity, after considering any appropriate recommendations submitted by the Commission or the Director and such other information as the Board chooses to consider. That number will be reviewed and established by resolution of the Board after May 1 of each odd numbered year, but the Board reserves the right to revise that number by subsequent resolution as the Board deems appropriate. The burden will be upon the applicant to establish the existence of all facts and statements within the applicant's application and to provide such other information as is required or requested pursuant to this Chapter.

(b) If the applicant applies for certificates in excess of the number determined by the Board, based on public convenience and necessity, the burden of proof for the excess certificates shifts to the applicant. The applicant will then have the burden of establishing that public welfare will be enhanced by the award of the certificates of public convenience and necessity requested in the application. The applicant will be required to provide factual documented evidence indicating the demand and establishing public welfare. (4-00-84.1; 56-08-84.1.)

Section 84.1-2-6. Public hearing; requirements; regulations.

(a) Upon the filing of applications for operator's certificates, or for any additions to the number of individually numbered certificates issued to an existing certificate holder, the Commission will hold hearings as promptly as practical, prior to September 30 of each year, or as soon thereafter as the Commission conveniently may schedule the matter for hearing. The Commission will give the applicant, certificate holders, and any driver association as defined herein notice of the hearing at least 14 calendar days prior to the hearing date and will cause notice to be published once a week for two successive weeks in a newspaper published or circulated in the County. If the application is for an increase in the number of certificates, the applying certificate holder must conspicuously display notice of such application and the hearing date and place at the applicant's place of business at least 10 calendar days prior to the hearing date.

(b) The Commission will, upon holding public hearings and after such further investigation as it may deem advisable, make recommendations to the Board of Supervisors the allocation of taxicab certificates among the certificate applicants, which have been designated by the Board for the given year. If an applicant meets the burden of proof for excess certificates as set forth in 84.1-2-5, the Consumer Protection Commission may recommend to the Board additional allocations. In making these recommendations, the Commission will consider the following:

(1) Current and potential levels of usage of taxicab services in the Fairfax County market as set forth in 84.1-2-5.

(2) Areas of the County to be served, and the adequacy of existing public vehicle service, existing taxicab service, and other forms of passenger transportation in those areas;

(3) The kind, class, fuel efficiency, character of the vehicles to be used, and the adequacy of the proposed dispatch system;

(4) The conformance of proposed operational facilities with zoning and other legal requirements;

(5) The financial status of the certificate applicant and its effect on permanence and quality of service, as demonstrated by the applicant's ability to provide, maintain, and operate the number of vehicles proposed in accordance with the character of service proposed in the application;

(6) The character and responsibility and related business experience of the applicant;

(7) The investigative report of the Director and the applications of the applicants.

(c) All parties notified under Section 84.1-2-2(e) will have the right to present comments when the Commission holds public hearings to investigate the public convenience and necessity of applied for certificates. (4-00-84.1; 56-08-84.1.)

ATTACHMENT 2

2013 TAXICAB DEMAND FORMULA

Attachment 2

STAFF'S TAXICAB DEMAND FORMULA ANALYSIS
2004 – 2012

Criteria		Growth Rate (% Change)	x	Formula Weight	=	Weighted Change
Average Trips per Certificate		3.5%	x	50%	=	1.8%
Mass Transit/Tourism		8.2%	x	30%	=	2.4%
Population		8.8%	x	20%	=	1.8%
Total Weighted Change				**100%**	=	**6.0%**
576 then-authorized certificates x 6.0% = 35 new certificates						
CPC increase of 10% x 35 = 35 + 4 = 39						

The results of the Taxicab Demand Formula may be increased or decreased by 10 percent to allow for the consideration of less quantifiable factors, such as citizen complaints, evidence of over- or under-utilization of certificates, or changes in known economic conditions.

The CPC voted to recommend to the Board a 10 percent increase in staff's recommended number of certificates, or a total of 39 additional certificates. The CPC expressed a preference for a greater number of taxicabs due to its belief that taxicab demand is likely to grow in the 2014-2015 period as new Silver Line Metro stations are opened in Fairfax County.

During its June 18, 2013 meeting, the Board approved the recommendations of the CPC and DCCS to authorize an additional 39 taxicab certificates.

ATTACHMENT 3

SUMMARY OF CERTIFICATE APPLICATIONS

FAIRFAX COUNTY TAXICAB OPERATOR'S CERTIFICATES APPLICATIONS AS OF AUGUST 30, 2013										
Company	Type of Entity	Certificates Requested	Current Certificates		Driver-Owned		Proposed Vehicles			
			Total	W/A	Current	Proposed	Hybrid	Plug-In/EV	Wheelchair Accessible	Year(s)
Incumbents										
Fairfax Yellow Cab	Corporation	23 (8%↑)	283 49% FFX	11	60/283 21%	0/23 ↓ to 19.6%	13/23	1/23	9/23	2014 (all)
Red Top of Fairfax	Corporation	15 (15%↑)	101 17% FFX	4	47/101 46.5%	0/15 ↓ to 40.5%	13/15	1/15	1/15	2014 (all)
White Top	Corporation	33 (49.2%↑)	67 11.6% FFX	3	60/67 89.5%	33/33 ↑ to 93%	Not discussed (Response to Q11 states "All cabs will be assigned")			
Potential Entrants										
enviroCAB	LLC	200 (122 restricted)	Arlington: 50 certificates		--	200/200 100%	160/200	20/200	20/200	2011 – 180 2012 – 20
Fairfax Green	LLC	80	N/A		--	78 98%	80/80	--	2 (per Att.F) WA taxis will be co.-owned	2010 and later
GoGreen	Corporation	40	Alexandria – 20 certificates]		--	40/40 100%	40/40	--	Q9 states 2 but BusPlan states 1 ADA-compliant vehicle	2013 and others
King Cab	Corporation	30	Alexandria – 56 certificates		--	30/30 100%	- Q11: [V]ehicles "will all be hybrid/fuel efficient" w/estimated 50 mpg - Bus.Plan: One van for handicap passengers; all vehicles hybrids			2011 or later

FAIRFAX COUNTY TAXICAB OPERATOR'S CERTIFICATES APPLICATIONS AS OF AUGUST 30, 2013						
Company	**Dispatch System**	**Dispatch Staff**	**In-Cab Equipment**		**Electronic Payment**	**Q22: Insurance**
			Taximeter	**MDT**		
Incumbent						
Fairfax Yellow Red Top	IP-based system serves Fairfax Yellow, Red Top, and affiliated companies; service 24x7/365	25 FT/ PT dispatchers; 80 taxi reservation agents	Centrodyne Silent 610 (w/ printer)	MDTs to be upgraded to touchscreen tablets	All cabs equipped w/rear-seat self-service PIMs	- Self-insured; 100K/300K/50K; admin support provided by TGI - Owner/operators obtain own ins. satisfying county req'ts
White Top	Mobile Knowledge XDS for Alex/FFX operations; service 24x7/365	Not discussed	Pulars 2030 R, Centrodyne 620 (w/printer)	2008 MDT	Cabs required to accept all credit/debit cards	No response to Q22 but, per BusPlan, drivers will provide their own insurance
Potential Entrants						
enviroCAB	Mobile Knowledge system currently serving Arlington; service 24x7/365	Multiple staff and roles	Taximeter built into 9008 MDT	9008 MDT	All cabs required to accept all major credit cards	- Q22: 100K/300K/25K - BusPlan: Drivers to obtain 100k/300K/50K comp policy
Fairfax Green	Will purchase Mobile Knowledge, but precise system not yet known; 24-hour service	3 shifts/day; appears 1 staff/shift (Fin.Stmts)	Plusar F3 or Senodyne [sic] (w/printer)	Not discussed	Each taxi will accept debit/credit cards	Each driver to obtain own insurance that meets Code requirements
GoGreen	"Will use" Mobile Knowledge XDS; service 24x7/365	3 shifts/day; 1 staff/shift	Centrodyne Silent 620	2008 MDT or 9008 MDT	Will accept all major credit cards	Q22 response is "N/A," but Q23 and BusPlan refer to driver's insurance company
King Cab	"Will look to acquire" Mobile Knowledge XDS; 24-hour service	2-3 shifts per day; 1 staff per shift	Not discussed	2008 MDT	Customers can use debit/credit cards	Q22 response discusses business (not vehicle) ins, but Q23 refers to driver's ins. company

FAIRFAX COUNTY TAXICAB OPERATOR'S CERTIFICATES APPLICATIONS AS OF AUGUST 30, 2013							
Company	**Complaints**	**Fairfax Location**	**License and Convictions**	**Stand Dues for O/O**	**Driver Training**	**Contract Services**	**Comments**
Incumbent							
Fairfax Yellow Red Top	Established procedures; action depends on complaint type	Yes	#26: No #27: N/A	Not discussed	Yes; Driver Training Guide is Appendix 1	VA DMAS, FCPS, MetroAccess, and others	- FFX Yellow and Red Top applications virtually identical - 15% of svc requests not being satisfied due to ↑calls and worsening traffic (Att.G)
White Top	Addressed by GM	Yes	No response to either Q	$150/week	Not discussed	Schools (FFX/Alex) Human Svcs Dpts (FFX/Alex) Corporate accounts	Only about 45 cabs active at any time, so transfers 10 calls/day due to shortage
Potential Entrants							
enviroCAB	Uses tracking system; 48-hr response; action depends on complaint type	Will obtain FFX location	#26: No #27: None	Not discussed	Yes; see BusPlan and Exhibits 9,10	Not discussed	
Fairfax Green	Will respond w/in 24 hours; also will submit report to CPC	Will obtain FFX location	#26: None #27: None	**Not discussed**	Not discussed	Not discussed	Start-up as of 4/18/13
GoGreen	"[W]ill handle all complaints, . . . and take proper actions." Also will maintain complaint log	Will use Alexandria location (3/13)	#26: None #27: None	$150/week	Yes (type not specified; see Justification, Sec.5.9)	Not discussed	-No discussion of Alexandria operations -Proposes ↓reduced stand fees during non-peak times
King Cab	Addressed by owner and GM	Will obtain FFX location	#26: No #27: None	$150/week	Not discussed	Intends to sign contracts	L&Z (WhiteTop) and King share office space; L&Z Ass't Mgr **is** also King Cab's GM

ATTACHMENT 4

EVALUATION SCORING CRITERIA

Taxicab Certificate Application Assessment - All Applicants

(Assumes satisfaction of criminal background checks and notice requirements)

Evaluation Factors	Points	Considerations	Fairfax County Code Section
1. Financial capability *Does the applicant have the financial wherewithal to provide service on both a short-term and long-term basis?*	33	- Applicant's financial strength and reserves, as determined by analysis of financial statements - Reasonableness of applicant's projections and pro-formas - Applicant's demonstrated financial knowledge and applicability of generally accepted accounting standards	**Article 2, regarding issuance of Operator's Certificates:** 84.1-2-2 (b): "The Director may require full disclosure of all corporate, **financial**, and business interests of the applicant and of [those having a corporate, business, or financial interest in the applicant]." 84.1-2-4: ". . . the Director will cause to be made a thorough investigation of the character, traffic criminal record, **financial status** and service plan of the applicant or its officers, among other relevant factors." **Other provisions demonstrating significance of financial capability:** 84.1-5-2: "In order to accomplish the purposes of this Chapter. . . all certificate holders will file, under oath . . . **financial** and statistical reports. . . "
2. Industry experience and operational capability *What skills and experience ensure that the applicant can successfully operate and manage the business on a day-to-day basis?*	33	- Successful experience in ownership and management of taxicab company or other regulated business - Demonstrated familiarity with the taxicab industry	Article 2, regarding issuance of Operator's Certificates: 84.1-2-6 (b): [In making certificate allocations, the CPC will consider]. . . "(5) The financial status of the certificate applicant and its effect on permanence and quality of service, as demonstrated by the applicant's ability to provide, maintain, and operate the number of vehicles proposed in accordance with the character of service proposed in the application; (6) The character and responsibility and related business experience of the applicant;" 84.1-2-2 (b): "The Director may require full disclosure of all corporate, financial, and business interests of the applicant and of [those having a corporate, business, or financial interest in the applicant]." 84.1-2-4 (above): ". . . The Director will cause to be made a thorough investigation of the character, traffic criminal record, financial status and service plan of the applicant or its officers. . . . " 1. 84.1-7-1 (b): "(t) *Training requirements.* Each certificate holder will ensure that personnel are trained to proficiency" to ensure "safe" vehicle operation and "respectful, and courteous service" to the disabled.
3. Sufficiency of the business plan, facilities and vehicle fleet	33	1. Business plan (15 pts)	1. 84.1-2-6 (b): [In making certificate allocations, the CPC will consider]. . . "(3) The kind, class, fuel efficiency, [and] character of the **vehicles to be used** . . . .".

Taxicab Certificate Application Assessment - All Applicants

(Assumes satisfaction of criminal background checks and notice requirements)

Evaluation Factors	Points	Considerations	Fairfax County Code Section
To what extent does the applicant's proposal satisfy other Code requirements and provisions?		2. Proposed fleet (4 pts) 3. Dispatch system (3 pts) 4. Operational facilities or business office (2 pts) 5. Other Code provisions (9 pts) (i) zoning compliance (ii) insurance (iii) complaint system	2. 84.1-2-6 (b): [In making certificate allocations, the CPC will consider]. . . "(3) . . . the adequacy of the **proposed dispatch system**;" 3. 84.1-2-4: ". . . the Director will cause to be made a thorough investigation of the character, traffic criminal record, financial status and **service plan** of the applicant or its officers . . . . " 4. 84.1-7-1(a): "(1) All persons engaged in the taxicab business the County **will maintain a place of business or office** with telephone service within the County . . . ." 5. (i) 84.1-2-6 (b): [In making certificate allocations, the CPC will consider]. . . . "(4) **the conformance of proposed operational facilities with zoning** and other legal **requirements**;" (ii) 84.1-2-11: "(a). . . [N]o operator's certificates will be issued . . . unless there is in full force and effect [an] . . . **automobile insurance policy** for each authorized taxicab . . . . [or satisfaction of self-insurance requirements]." (iii) 84.1-1-1: ". . . The purpose of this Chapter is to regulate . . . taxicabs . . . [to ensure the provision of] **safe, reliable, adequate, and efficient** taxicab service. . . ." - 84.1-3-7 (a): "Repeated passenger complaints" [constitutes cause to suspend a hacker's license]. (iv) 84.1-2-4: ". . . The Director will cause to be made a thorough investigation . . . of **other relevant factors**."
Extra points	6	1. Acceptance of electronic payment options 2. Additional wheelchair accessible taxicabs	2. 84.1-7-1 (b): "(k) *Acceptance of payment.* Methods of payment will be at the discretion of the operator [but providing for electronic payments]." 3. 84.1-8.5 (o): "Every operator [authorized] to operate 25 or more taxicabs will have at least 4 percent . . . qualify as wheelchair accessible. . . ." (iv) 84.1-2-4: ". . . The Director will cause to be made a thorough investigation . . . of **other relevant factors**."
Total Evaluation Factors	**100**		

ATTACHMENT 5

NUMBER OF TAXICABS IN METORPOLITAN WASHINGTON JURISDICTIONS
2013

Attachment 5

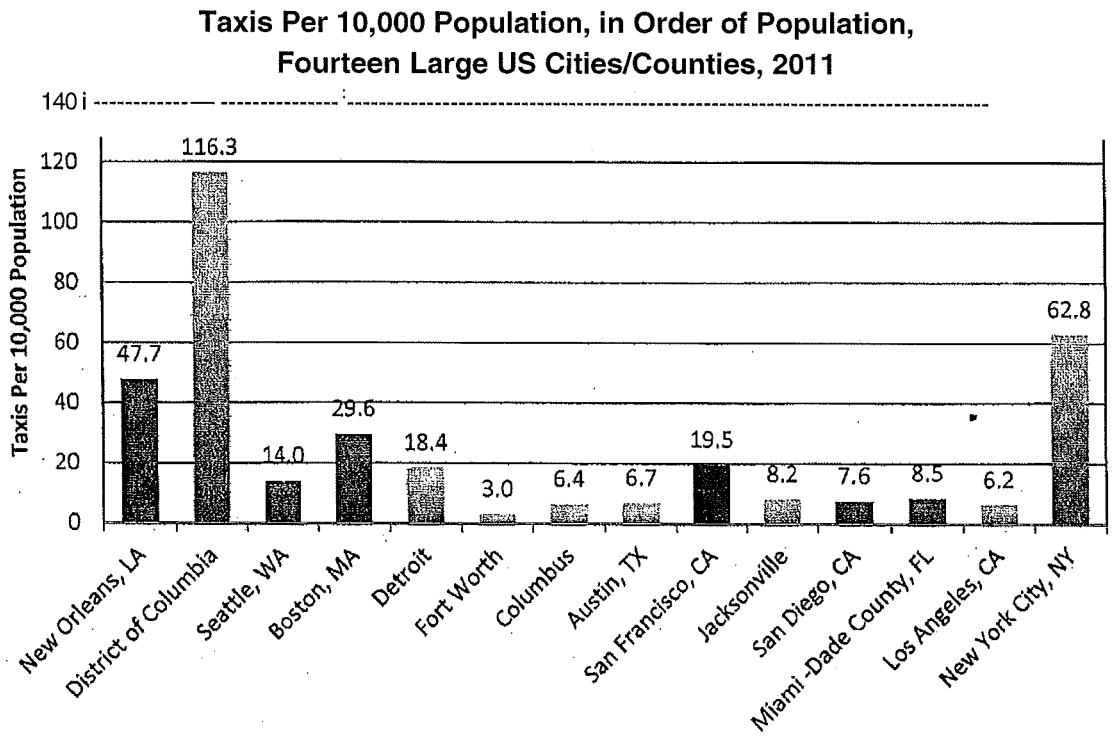
NUMBER OF TAXICABS IN METORPOLITAN WASHINGTON JURISDICTIONS: 2013

Jurisdiction	Number of Taxicabs	Population	Persons per Taxicab
District of Columbia	6,750	632,323	94
Alexandria City	766	146,294	191
Arlington County	787	221,045	281
Baltimore City	1,074	621,342	579
Prince George's County	1,062	881,138	830
Montgomery County	770	1,004,709	1,305
Fairfax County (inc. 2013 authorization)	**615**	**1,118,602**	**1,819**
Fairfax County / current	**576**	**1,118,602**	**1,942**
Prince William County	165	430,289	2,608
Baltimore County	296	817,455	2,762

ATTACHMENT 6

TAXIS PER 10,000 POPULATION
Managing Taxi Supply, O'Hara Associations (2013)

Attachment 6



'Based on US Census Bureau estimates for 2011.

Source: "Managing Taxi Supply", prepared for San Francisco Municipal Transportation Agency, by O'Hara Associates, April 2013, p.4-3.

ATTACHMENT 7

EVALUATION SCORING CRITERIA FOR INCUMBENT TAXICAB OPERATORS

EVALUATION SCORING CRITERIA FOR INCUMBENT TAXICAB OPERATORS

Evaluation Factor	Maximum Score		Certificated Taxicab Operator		
			Fairfax Yellow	Red Top	White Top
Scored by Evaluation Team and RALB based on DCCS Data (7 scorers)					
Taxi Utilization Rate	210		201	180	88
Drivers Pass/Fail	140		125	125	66
Complaints	70		63	69	52
Subtotal	*420*		*389*	*374*	*206*
Scored by RALB based on Inspections and Records (1 scorer)					
Vehicle Condition	10		9	9	7
Fleet Fuel Efficiency	10		10	10	8
Insurance	10		10	10	7
RALB Administration	10		9	9	7
Subtotal	*40*		*38*	*38*	*29*
Total	**460**		**427**	**412**	**235**

Note: RALB refers to the DCCS Regulation and Licensing Branch.

Taxicab Applicant Assessment Scoring Factors
Applicant: Fairfax Yellow Cab (Murphy Bros.)

			Applicant Responses (33)							Extra Points (6)		
(Maximum Points per Reviewer)	Financials (33 Points)	Industry Experience (33 Points)	Business Plan (15 Points)	Proposed Fleet (4 Points)	Dispatch System (3 Points)	Business Office (2 Points)	Zoning (3 Points)	Insurance (3 Points)	Complaint System (3 Points)	Electronic Payment (3 Points)	Wheelchair Accessible (3 Points)	Total Points (106 Points)
Reviewer 1	33	32	15	4	3	2	3	3	3	3	3	104
Reviewer 2	33	32	15	4	3	2	3	3	3	3	3	104
Reviewer 3	33	32	14	4	3	2	3	3	3	3	3	103
Reviewer 4	33	32	14	4	3	2	3	3	3	3	3	103
Reviewer 5	30	32	13	4	3	2	3	3	3	3	3	99
Reviewer 6	33	32	15	4	3	2	3	3	3	3	3	104
Consensus Total	195	192	86	24	18	12	18	18	18	18	18	617

Taxicab Applicant Assessment Scoring Factors
Applicant: Red Top (Fairfax Taxi, Inc.)

			Applicant Responses (33 Points)							Extra Points (6 Points)		
(Maximum Points per Reviewer)	Financials (33 Points)	Industry Experience (33 Points)	Business Plan (15 Points)	Proposed Fleet (4 Points)	Dispatch System (3 Points)	Business Office (2 Points)	Zoning (3 Points)	Insurance (3 Points)	Complaint System (3 Points)	Electronic Payment (3 Points)	Wheelchair Accessible (3 Points)	Total Points (106 Points)
Reviewer 1	33	32	15	4	3	2	3	3	3	3	1	102
Reviewer 2	33	32	15	4	3	2	3	3	3	3	1	102
Reviewer 3	33	32	14	4	3	2	3	3	3	3	1	101
Reviewer 4	33	32	14	4	3	2	3	3	3	3	1	101
Reviewer 5	30	32	13	4	3	2	3	3	3	3	1	97
Reviewer 6	33	32	15	4	3	2	3	3	3	3	1	102
Consensus Total	195	192	86	24	18	12	18	18	18	18	6	605

Taxicab Applicant Assessment Scoring Factors
Applicant: enviroCab

			Applicant Responses (33 Points)							Extra Points (6 Points)		
(Maximum Points per Reviewer)	Financials (33 Points)	Industry Experience (33 Points)	Business Plan (15 Points)	Proposed Fleet (4 Points)	Dispatch System (3 Points)	Business Office (2 Points)	Zoning (3 Points)	Insurance (3 Points)	Complaint System (3 Points)	Electronic Payment (3 Points)	Wheelchair Accessible (3 Points)	Total Points (106 Points)
Reviewer 1	25	24	13	4	3	1	2	3	3	3	3	84
Reviewer 2	25	27	12	3	3	1	3	3	3	2	3	85
Reviewer 3	20	18	12	3	3	1	3	3	3	3	3	72
Reviewer 4	20	28	11	3	3	1	3	3	2	3	2	79
Reviewer 5	25	24	11	3	3	1	2	3	3	3	3	81
Reviewer 6	20	27	12	3	3	2	3	3	3	3	2	81
Consensus Total	135	148	71	19	18	7	16	18	17	17	16	482

Taxicab Applicant Assessment Scoring Factors
Applicant: White Top (L&Z Transportation)

			Applicant Responses (33 Points)							Extra Points (6 Points)		
(Maximum Points per Reviewer)	Financials (33 Points)	Industry Experience (33 Points)	Business Plan (15 Points)	Proposed Fleet (4 Points)	Dispatch System (3 Points)	Business Office (2 Points)	Zoning (3 Points)	Insurance (3 Points)	Complaint System (3 Points)	Electronic Payment (3 Points)	Wheelchair Accessible (3 Points)	Total Points (106 Points)
Reviewer 1	9	26	11	0	3	2	3	1	2	3	0	60
Reviewer 2	11	23	7	0	3	2	3	1	2	3	0	55
Reviewer 3	12	23	7	0	3	2	3	1	2	3	0	56
Reviewer 4	10	23	6	1	3	2	3	2	2	3	0	55
Reviewer 5	14	23	8	0	2	2	2	1	3	3	0	58
Reviewer 6	10	23	7	0	3	2	1	1	1	2	0	50
Consensus Total	66	141	46	1	17	12	15	7	12	17	0	334

Taxicab Applicant Assessment Scoring Factors
Applicant: King Cab

			Applicant Responses (33 Points)							Extra Points (6 Points)		
(Maximum Points per Reviewer)	Financials (33 Points)	Industry Experience (33 Points)	Business Plan (15 Points)	Proposed Fleet (4 Points)	Dispatch System (3 Points)	Business Office (2 Points)	Zoning (3 Points)	Insurance (3 Points)	Complaint System (3 Points)	Electronic Payment (3 Points)	Wheelchair Accessible (3 Points)	Total Points (106 Points)
Reviewer 1	9	24	11	3	3	1	1	1	1	3	0	57
Reviewer 2	10	18	8	3	2	1	2	0	1	1	0	46
Reviewer 3	9	18	9	3	1	1	1	1	1	2	0	46
Reviewer 4	10	15	5	2	2	2	2	2	2	2	0	44
Reviewer 5	12	18	9	2	2	1	1	2	1	1	0	49
Reviewer 6	10	15	9	3	2	2	1	1	1	1	0	45
Consensus Total	60	108	51	16	12	8	8	7	7	10	0	287

Taxicab Applicant Assessment Scoring Factors
Applicant: GoGreen

			Applicant Responses (33 Points)							Extra Points (6 Points)		
(Maximum Points per Reviewer)	Financials (33 Points)	Industry Experience (33 Points)	Business Plan (15 Points)	Proposed Fleet (4 Points)	Dispatch System (3 Points)	Business Office (2 Points)	Zoning (3 Points)	Insurance (3 Points)	Complaint System (3 Points)	Electronic Payment (3 Points)	Wheelchair Accessible (3 Points)	Total Points (106 Points)
Reviewer 1	13	18	10	4	3	0	1	0	1	3	0	53
Reviewer 2	11	6	9	3	2	0	0	0	1	2	0	34
Reviewer 3	11	6	7	2	1	1	0	0	1	2	0	31
Reviewer 4	10	12	6	1	3	1	0	0	1	2	0	36
Reviewer 5	10	6	7	3	2	0	0	1	1	2	0	32
Reviewer 6	10	6	8	3	2	0	0	1	1	2	0	33
Consensus Total	65	54	47	16	13	2	1	2	6	13	0	219

Taxicab Applicant Assessment Scoring Factors
Applicant: Fairfax Green

			Applicant Responses (33 Points)							Extra Points (6 Points)		
(Maximum Points per Reviewer)	Financials (33 Points)	Industry Experience (33 Points)	Business Plan (15 Points)	Proposed Fleet (4 Points)	Dispatch System (3 Points)	Business Office (2 Points)	Zoning (3 Points)	Insurance (3 Points)	Complaint System (3 Points)	Electronic Payment (3 Points)	Wheelchair Accessible (3 Points)	Total Points (106 Points)
Reviewer 1	15	11	5	2	1	0	1	1	2	3	0	41
Reviewer 2	11	11	3	1	1	1	1	1	2	0	0	32
Reviewer 3	10	11	2	1	1	1	1	2	1	1	0	31
Reviewer 4	11	11	2	2	1	2	1	1	1	2	0	34
Reviewer 5	11	11	4	1	1	1	1	2	1	1	0	34
Reviewer 6	10	11	2	2	1	1	1	1	1	1	0	31
Consensus Total	68	66	18	9	6	6	6	8	8	8	0	203