

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 29, 2014**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:30	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:40	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Approval of a Street Name Change from Teets Lane to Crim Dell Lane (Hunter Mill District)
2	<b>Approved</b>	Streets into the Secondary System (Braddock and Mason Districts)
3	<b>Approved</b>	Authorization to Advertise a Public Hearing to Sublease Board-Leased Property at 2667 Prosperity Avenue to the Fairfax Symphony Orchestra (Providence District)
4	<b>Approved</b>	Authorization to Advertise a Public Hearing to Sublease Board-Leased Property at 2667 Prosperity Avenue to the Arts Council of Fairfax County (Providence District)
5	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-4, 7-2-8, 7-2-12, and 7-2-13 Relating to Election Precincts and Polling Places
6	<b>Approved</b>	Approval of Traffic Calming Measures and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Lee, Providence, Hunter Mill and Dranesville Districts)
7	<b>Approved</b>	Extension of Review Period for 2232 Review Application (Providence District)
8	<b>Approved</b>	Additional Time to Commence Construction for Special Exception SEA 78-L-074-6, Hilltop Sand and Gravel Company, Inc. (Lee District)
9	<b>Approved</b>	Authorization to Advertise Public Hearing on a Proposed Zoning Ordinance Amendment Re: Telecommunication Facilities - Modifications to Permit Antennas & Related Equipment on Existing or Replacement Utility Poles or Light/Camera Standards

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 29, 2014**

**ADMINISTRATIVE  
ITEMS  
(Continued)**

- |    |                 |  |
|----|-----------------|--|
| 10 | <b>Approved</b> | Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Planned Development District Recreational Fees  |
| 11 | <b>Approved</b> | Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant                         |
| 12 | <b>Approved</b> | Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services, Community Policing Emerging Issues Forums Grant             |
| 13 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2015 Revised Budget Plan  |
| 14 | <b>Approved</b> | Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services, COPS Hiring Program   |
| 15 | <b>Approved</b> | Authorization for the Fairfax County Health Department to Apply for and Accept Grant Funding from the Centers for Disease Control and Prevention (CDC), Partnerships to Improve Community Health (PICH)                              |
| 16 | <b>Approved</b> | Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Grant Funding from the Virginia Department of Behavioral Health and Developmental Services for the Young Adult Services Initiative Grant |
| 17 | <b>Approved</b> | Authorization for the Department of Transportation to Apply for the 2014-2015 Virginia Federal Action Contingency Trust (FACT) Fund Grant Program  |

**ACTION ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Approval of an Amended Parking Reduction for the Rolling-Fullerton Phase 4, Lot G Warehouses (Mount Vernon District)  |
| 2 | <b>Approved</b> | Approval of a Parking Reduction for Reston Section 91A Block 4 (Hunter Mill District)   |
| 3 | <b>Approved</b> | Authorization for the Chairman of the Fairfax County Board of Supervisors to Sign the Renewal of the Northern Virginia Workforce Investment Board Area 11 Consortium Agreement for July 1, 2014 Through June 30, 2016 |



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 29, 2014**

**ACTION ITEMS  
(Continued)**

4	<b>Approved</b>	Approval of a Resolution Authorizing Execution of a Project Agreement with the Virginia Department of Transportation for the Widening of Route 29 from Legato Road to Shirley Gate Road (Braddock District)
5	<b>Approved</b>	Approval of FY 2014 Year-End Processing
6	<b>Approved</b>	Approval of an Agreement Between the Washington Metropolitan Area Transit Authority (WMATA) and Fairfax County Regarding Operation of the County-Owned Parking Garage at the Wiehle-Reston East Metrorail Station (Hunter Mill District)
7	<b>Approved</b>	Approval on the Conveyance of Board-Owned Property and the Proposed Comprehensive Agreement Between the Board of Supervisors and The Alexander Company, Inc. for the Development of the Property under the Provisions of the Public-Private Education and Infrastructure Act of 2002, as Amended, known as the Laurel Hill Adaptive Reuse Area (Mount Vernon District)
8	<b>Approved</b>	Approval of the Department of Transportation's (FCDOT) Service Equity Analysis for Fairfax Connector Silver Line Phase 1 Service Changes
9	<b>Approved</b>	Memorandum of Agreement Between the Northern Virginia Transportation Commission (NVTC) and Fairfax County to Provide Technical Assistance in the Development, Testing, Funding and Implementation of the Washington Metropolitan Transit Authority's (WMATA) New Electronic Payments Program (NEPP) System
10	<b>Approved</b>	Decision on the Proposed Interim Development Agreement Between the Board of Supervisors and Wesley Hamel Lewinsville, LLC for the Redevelopment of the Lewinsville Senior Center and Daycare Property, and Approval of Reimbursement Resolution (Dranesville District)
11	<b>Approved</b>	Approval of Parking Modifications for Reston Town Center Urban Core – Phase I (Hunter Mill District)
10:50	<b>Done</b>	Matters Presented by Board Members
11:40	<b>Held</b>	Closed Session

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 29, 2014**

**PUBLIC  
HEARINGS**

3:30	<b>Approved</b>	Public Hearing on SE 2014-MV-008 (Lourdes C. Alvarez, Mamiluly Daycare LLC) (Mount Vernon District)
3:30	<b>Approved</b>	Public Hearing on PCA 85-C-088-09 (Block 4 LLC & Reston Town Center Property LLC) (Hunter Mill District)
3:30	<b>Approved</b>	Public Hearing on PRC 85-C-088-03 (Block 4 LLC & Reston Town Center Property LLC) (Hunter Mill District)
3:30	<b>Approved</b>	Public Hearing on DPA 85-C-088-07 (Block 4 LLC & Reston Town Center Property LLC) (Hunter Mill District)
3:30	<b>Approved</b>	Public Hearing on SE 2014-MA-003 (Kenneth H. Fisher) (Mason District)
3:30	<b>Approved</b>	Public Hearing on SE 2013-MV-023 (Hopkins House, a Center for Children and Their Families) (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing on SE 2014-SP-011 (Starbucks Coffee Company) (Springfield District)
4:00	<b>Approved</b>	Public Hearing on PCA-C-052-8 (CESC Skyline LLC) (Mason District)
4:00	<b>Deferred to September 23, 2014 at 3:30 p.m.</b>	Public Hearing on Proposed Plan Amendment 2013-I-B1, Located South of Leesburg Pike, East of Charles Street and West of Washington Drive (Mason District)
4:00	<b>Approved</b>	Public Hearing to Consider Adopting an Ordinance Expanding the West Potomac Residential Permit Parking District, District 36 (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing to Expand the Green Trails Community Parking District (Sully District)
4:00	<b>Approved</b>	Public Hearing on a Proposed Amendment to Chapter 61 (Building Provisions), of The Code of the County of Fairfax, Virginia Re: Civil Penalty for Unlicensed Contractors
4:30	<b>Approved</b>	Public Hearing on the Approval of Financing for the Purchase of a New Ambulance by the Bailey's Crossroads Volunteer Fire Department, Inc. (Mason District)
4:30	<b>Approved</b>	Public Hearing on the Approval of Financing for the Purchase of a New Ambulance by the Greater Springfield Volunteer Fire Department, Inc. (Lee District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 29, 2014**

**PUBLIC  
HEARINGS  
(Continued)**

4:30	<b>Approved</b>	Public Hearing on PCA C-696-10 (Dulles Rockhill Partners Limited Partnership) (Dranesville District)
4:30	<b>Approved</b>	Public Hearing on RZ 2009-HM-017 (Nugget Joint Venture L.C.)(Dranesville District)
4:30	<b>Approved</b>	Public Hearing Regarding the Amended and Restated Real Estate Exchange Agreement between the Board of Supervisors and Rocks Engineering Company and Nugget Joint Venture, L.C. (Collectively, "RECO") (Dranesville District)
5:00	<b>Approved</b>	Public Hearing on Amendment to The Code of the County of Fairfax, Virginia—Chapter 4 (Taxation and Finance), Article 22 (Court and Sheriff's Fees), to Add a New Section 4 22-6 in Order to Impose an Electronic Summons System Fee
5:00	<b>Denied</b>	Decision Only on PCA 2000-MV-034 (Furnace Associates, Inc.) (Mount Vernon District)
5:00	<b>Denied</b>	Decision Only on SEA 80-L/V-061-02 (Furnace Associates, Inc.) (Mount Vernon District)
5:00	<b>Done</b>	Public Comment

# **REVISED**



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

**Tuesday**  
**July 29, 2014**

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9:30 a.m.

### **GREETING**

To welcome exchange students from Turkey, Korea and the United Arab Emirates to Fairfax County who are Enrolled in George Mason University's Global Learning Institute program.

### **PRESENTATIONS**

- CERTIFICATE – To recognize the Fairfax County Fire and Rescue Department for its efforts to extricate a man buried in a 20-foot deep trench. Requested by Chairman Bulova.
- PROCLAMATION – To designate August 5, 2014, as National Night Out in Fairfax County. Requested by Supervisor Hudgins.
- CERTIFICATE – To recognize Jae Canetti — three-time county champion speller — for his accomplishments. Requested by Supervisor Hudgins.
- CERTIFICATE – To recognize the James Madison High School Girls Crew for its award-winning season. Requested by Supervisor Hudgins.

— more —

Board Agenda Item  
July 29, 2014

- CERTIFICATE – To recognize election officers who have served 20 or more elections. Requested by Chairman Bulova.
- PROCLAMATION – To designate August 2014 as Immunization Awareness Month in Fairfax County and recognize the Annandale Christian Community for Action Child Development Center for being an active partner with the Fairfax County Health Department. Requested by Chairman Bulova.
- RESOLUTION – To recognize Norma Heck for her years of service to the community. Requested by Chairman Bulova and Supervisor Cook.
- RESOLUTION – To recognize the Greenspring retirement community for establishing the Greenspring Scholars' Fund. Requested by Supervisor McKay.
- PROCLAMATION – To designate August 2014 as Community Action Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

Tony Castrilli, Director, Office of Public Affairs  
Bill Miller, Office of Public Affairs

Board Agenda Item  
July 29, 2014

10:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard July 29, 2014  
(An updated list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors

July 29, 2014

**FINAL COPY**

**APPOINTMENTS TO BE HEARD JULY 29, 2014**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH **AUGUST 31, 2014**)**  
(Unless otherwise noted, members are eligible for reappointment)

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

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Kelsey M. Phipps; appointed 2/11-9/12 by McKay) Term exp. 9/16	Lee District Representative		McKay	Lee
VACANT (Formerly held by Edwina Dorch; appointed 2/13 by Hyland) Term exp. 9/16 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Sosthenes Klu; Appointed 12/05-9/08 by Frey) Term exp. 9/12 <i>Resigned</i>	Sully District Representative		Frey	Sully

<b>AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 <i>Resigned</i>	Builder (Single Family) Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

<b>AIRPORTS ADVISORY COMMITTEE (3 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason



**ATHLETIC COUNCIL (2 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
James Pendergast (Appointed 7/12 by Cook) Term exp. 6/13	Braddock District Alternate Representative		Cook	Braddock
VACANT (Formerly held by Michael Rodgers; appointed 5/09-4/13 by McKay) Term exp. 4/15 <i>Resigned</i>	Lee District Principal Representative		McKay	Lee
Jane Dawber (Appointed 9/13 by Hudgins) Term exp. 6/14	Women's Sports Alternate Representative	<b>Jane Dawber</b> (Hudgins)	By Any Supervisor	At-Large

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Glenda DeVinney (Appointed 5/12-6/13 by McKay) Term exp. 6/14	Lee District Representative		McKay	Lee

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)**

(No official, technical assistant, inspector or other employee of the DPWES, DPZ,  
or FR shall serve as a member of the board.)

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17 <i>Resigned</i>	Alternate #2 Representative		By Any Supervisor	At-Large

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Kanthan Siva; appointed 1/13 by Frey) Term exp. 9/15 <i>Resigned</i>	Sully District Representative		Frey	Sully

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Adeel Mufti; appointed 7/06-5/12 by Hudgins) Term exp. 5/14 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Asif Akhtar; appointed 7/12 by McKay) Term exp. 5/14 <i>Resigned</i>	Lee District Representative		McKay	Lee
Charles Sneiderman (Appointed 9/10-5/12 by Gross) Term exp. 5/14	Mason District Representative	<b>Brian P. Foley</b>	Gross	Mason

**COMMISSION ON AGING (2 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Glenda DeVinney (Appointed 7/12 by McKay) Term exp. 5/14	Lee District Representative		McKay	Lee
Nazir Bhagat (Appointed 4/10-5/12 by Gross) Term exp. 5/14	Mason District Representative		Gross	Mason

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Howard Leroy Kelley; Appointed 8/01-1/13 by Hudgins) Term exp. 1/17 <i>Resigned</i>	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee

**COMMUNITY ACTION ADVISORY BOARD (CAAB) (3 years)**

**CONFIRMATION NEEDED:**

- Dr. Dennis Ritchie as the George Mason University Representative
- Ms. Phyllis K. Smith as the North Target #2 Representative

**CONSUMER PROTECTION COMMISSION  
(3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Michael J. Roark (Appointed 1/08-10/11 by Hyland) Term exp. 7/14	Fairfax County Resident #2 Representative		By Any Supervisor	At-Large
Dirck A. Hargraves (Appointed 2/06 by Kauffman; 10/08-7/11 by McKay) Term exp. 7/14	Fairfax County Resident #5 Representative	<b>Dirck A. Hargraves</b> (McKay)	By Any Supervisor	At-Large

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Michael Birch; appointed 1/08-4/10 by Frey) Term exp. 4/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

**FAIRFAX AREA DISABILITY SERVICES BOARD**

**(3 years- limited to 2 full consecutive terms per MOU, after initial term)**

[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local Disabilities Services Board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Chuck Caputo; appointed 1/10-11/10 by Bulova) Term exp. 11/13 <i>Resigned</i>	At-Large #1 Business Community Representative		Bulova	At-Large Chairman's
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 <i>Not eligible for reappointment</i>	Sully District Representative		Frey	Sully

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL  
(2 years)**

**CONFIRMATION NEEDED:**

- Dr. Eleanor M. Vincent as a Long Term Care Provider Representative

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION  
BOARD OF DIRECTORS (3 years)**

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
David Eisenman (Appointed 8/04-6/11 by Hudgins) Term exp. 6/14 <i>Not eligible for reappointment</i> (need 1 year lapse)	Hunter Mill District Representative		Hudgins	Hunter Mill

**CONFIRMATIONS NEEDED:**

- Mr. David Welliver as the Fairfax County Convention and Visitors Corporation #2 Representative
- Ms. Janet M. Sass as the Fairfax County Convention and Visitors Corporation #4 Representative
- Ms. Trish Drews as the Fairfax County Convention and Visitors Corporation #7 Representative
- Mr. Mike Chouri as the Fairfax County Convention and Visitors Corporation #10 Representative

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES  
(4 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Jon A. Miskell (Appointed 11/10 by Cook) Term exp. 7/14	At-Large #4 Representative	<b>Jon A. Miskell</b>	Cook	Braddock

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

[NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 3 year break from initial 3 full terms, per CSB By-laws.

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Willard Kenneth Garnes (Appointed 11/12 by Bulova) Term exp. 6/14	At-Large #4 Representative	<b>Willard Kenneth Garnes</b> (Bulova) <i>(Nomination announced on June 17, 2014)</i>	By Any Supervisor	At-Large
Juan Pablo Segura (Appointed 10/12 by Foust) Term exp. 6/14	Dranesville District Representative	<b>Juan Pablo Segura</b> <i>(Nomination announced on June 17, 2014)</i>	Foust	Dranesville

<b>HEALTH CARE ADVISORY BOARD (4 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Judith Beattie; appointed 6/96-9/12 by Frey) Term exp. 6/16 <i>Resigned</i>	Sully District Representative		Frey	Sully

<b>HEALTH SYSTEMS AGENCY BOARD (3 years - limited to 2 full terms, may be reappointed after 1 year lapse)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrew A. Painter; appointed 2/11 by Smyth) Term exp. 6/13 <i>Resigned</i>	Consumer #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 <i>Resigned</i>	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 <i>Resigned</i>	Provider #1 Representative		By Any Supervisor	At-Large



<b>HUMAN SERVICES COUNCIL (4 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Baba Freeman; appointed 5/97-6/98 by Dix; 7/02-7/10 by Hudgins) Term exp. 7/14 <i>Resigned</i>	Hunter Mill District #1 Representative		Hudgins	Hunter Mill
Richard Gonzalez (Appointed 7/97-7/05 by Kauffman; 8/09 by McKay) Term exp. 7/13	Lee District #1 Representative		McKay	Lee
Robert Faherty (Appointed 9/99-7/02 by Kauffman; 7/06-7/10 by McKay) Term exp. 7/14	Lee District #2 Representative	<b>Robert Faherty</b>	McKay	Lee
Stephanie Mensh (Appointed 1/06-7/10 by Gross) Term exp. 7/14	Mason District #1 Representative	<b>Stephanie Mensh</b> (Gross)	Gross	Mason
Colonel Marion "Barney" Barnwell (Appointed 4/03-7/10 by Hyland) Term exp. 7/14	Mount Vernon District #2 Representative		Hyland	Mount Vernon
Henry S. Wulf (Appointed 4/98 by Connolly; 7/02-7/10 by Smyth) Term exp. 7/14	Providence District #1 Representative	<b>Henry S. Wulf</b>	Smyth	Providence
VACANT (Formerly held by Richard Berger; appointed 2/06-8/09 by Frey) Term exp. 7/13 <i>Resigned</i>	Sully District #1 Representative	<b>Jerrold L. Foltz</b>	Frey	Sully

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL  
(2 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Paul Langley; appointed 4/10-1/12 by Cook) Term exp. 1/14 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Bernard Thompson; appointed 6/10-2/12 by Gross) Term exp. 1/14 <i>Resigned</i>	Mason District Representative	<b>Jan Reitman</b>	Gross	Mason

**LIBRARY BOARD  
(4 years)**

**CONFIRMATION NEEDED:**

- Ms. Priscille Dando as the School Board Representative

**NORTHERN VIRGINIA REGIONAL PARK AUTHORITY  
(4 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Jean Packard; appointed 9/95-10/07 by Hanley; 10/11 by Bulova) Term exp. 10/15 <i>Resigned</i>	Fairfax County #1 Representative	<b>Laura Grape</b> (Bulova)	By Any Supervisor	At-Large

<b>OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eileen Nelson; appointed 3/04-6/07 by Connolly; 6/10 by Bulova) Term exp. 6/13 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Richard Nilsen; appointed 3/10-6/10 by McKay) Term exp. 6/13 <i>Resigned</i>	Lee District Representative		McKay	Lee
Tina Montgomery (Appointed 9/10-6/11 by Smyth) Term exp. 6/14	Providence District Representative		Smyth	Providence

<b>ROAD VIEWERS BOARD (1 year)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

<p style="text-align: center;"><b>SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL</b> <b>(2 years)</b></p>
--

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Lilia Jimenez-Simhengalu (Appointed 4/10-9/12 by Hudgins) Term exp. 3/14	Fairfax County #3 Representative		By Any Supervisor	At-Large
Robert Dim (Appointed 3/05-3/12 by Hudgins) Term exp. 3/14 <i>Resigned</i>	Fairfax County #5 Representative		By Any Supervisor	At-Large

**CONFIRMATION NEEDED:**

- Ms. JoAnne Norton as the Reston Association #1 Representative

<b>TENANT LANDLORD COMMISSION (3 years)</b>
---

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 <i>Deceased</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Evelyn McRae; appointed 6/98-8/01 by Hanley; 12/04-1/08 by Connolly; 4/11 by Bulova) Term exp. 1/14 <i>Resigned</i>	Tenant Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

<b>TRAILS AND SIDEWALKS COMMITTEE (2 years)</b>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Jan Reitman (Appointed 3/08-1/12 by Gross) Term exp. 1/14	Mason District Representative		Gross	Mason

**TRANSPORTATION ADVISORY COMMISSION (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Edson Tennyson; (Appointed 7/08 by Connolly; 6/10-5/14 by Bulova) Term exp. 6/16 <i>Resigned</i>	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Michal D. Himmel; appointed 6/13 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**TREE COMMISSION (3 years)**

**CONFIRMATION NEEDED:**

- Ms. Sheila D. Allen as the Virginia Cooperative Extension Representative

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

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

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

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

<b>UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4 years)</b>
--

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Frank Henry Grace (Appointed 5/01-6/02 by Hanley; 10/06 by Connolly; 7/10 by Bulova) Term exp. 7/14	Citizen appointed by BOS #1 Representative	<b>Frank H. Grace</b> (Bulova)	By Any Supervisor	At-Large

<b>WETLANDS BOARD (5 years)</b>
---------------------------------

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Elizabeth Martin (Appointed 11/09 by Gross) Term exp. 12/13	At-Large #1 Representative	<b>Elizabeth Martin</b> (Hyland) <i>Deferred 12/3/13</i>	By Any Supervisor	At-Large

**ADDITIONAL APPOINTMENT**

**BOARD COMMITTEE ASSIGNMENTS**

Intergovernmental Boards and Committees

Phase II Dulles Rail Transportation Improvement District Commission

- Supervisor Michael Frey

Board Agenda Item  
July 29, 2014

10:40 a.m.

Items Presented by the County Executive



Board Agenda Item  
July 29, 2014

ADMINISTRATIVE - 1

Approval of a Street Name Change from Teets Lane to Crim Dell Lane (Hunter Mill District)

ISSUE:

Board of Supervisors approval of a street name change in the Official County Digital Property Map and the Master Addressing Repository from Teets Lane to Crim Dell Lane on Tax Map #028-4

RECOMMENDATION:

The County Executive recommends that the Board approve the street name change to Crim Dell Lane effective 30 days following Board approval, in accordance with Section 102-1-9 of *The Code of the County of Fairfax, Virginia*.

TIMING:

Routine.

BACKGROUND:

The Site and Addressing Center has received a request from Land Design Consultants, Inc. (LDC) and George Family Property Development, LLC to change the street name from Teets Lane to Crim Dell Lane. There are 4 properties on this stretch of roadway and all have requested the street name change.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter from LDC and George Family Property Development, LLC  
Attachment II – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive  
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)  
Audrey Clark, Acting Director, Land Development Services, DPWES



April 30, 2014

Fairfax County Board of Supervisors  
12000 Government Center Parkway, Suite 533  
Fairfax, VA 22035

Re: Petition to Change Existing Street Name  
Fairfax County Tax Map #28-4 ((1)), Parcels 21, 21B, 25, 25A, 25C  
LDC Project #11283-2-0

Dear Chairman Bulova and Members of the Board of Supervisors,

Land Design Consultants, Inc. (LDC) and the George Family Property Development, LLC are respectfully requesting to change the name of Teets Lane to Crim Dell Lane. Approximately 0.03 miles of Teets Lane, from its intersection with Ashgrove Meadows Way, is currently owned by The Board of Supervisors (Board) (DB 15290, PG 441), but not yet maintained by the Virginia Department of Transportation (VDOT). The remaining portion of Teets Lane exists within an existing Outlet Road (DB 757, PG 366, DB 1671, PG 282, and DB 4746, PG 492), which is privately maintained.

As you can see on the attached information, there are only two (2) properties currently addressed from Teets Lane – 1620 and 1630. Both of these properties are owned by the George Family Property Development, LLC. These properties are addressed from the private Outlet Road portion of Teets Lane. No properties are addressed from the public street portion. Both 1620 and 1630 Teets Lane will be subject to a future rezoning, which will reflect the revised street name.

Additionally, there are three (3) other properties (Lots 25, 25A and 25C), which have access rights to the private street portion of Teets Lane. These lots are owned by Otto Gutenson, Tr. Lot 25 is the only lot that contains an existing dwelling and is currently accessed and addressed from Higdon Drive. Lot 25 will maintain its current address. However, as all of these lots have access rights to Teets Lane, LDC understands they must be included in this petition.

LDC has confirmed with the Street Addresses section of the Department of Public Works that Crim Dell Lane is currently available; therefore, LDC does not anticipate any issues with this name change. Included with this request is the signature of George Family Property Development, LLC, and Otto Gutenson, Tr., the owners of the properties affected by this street name change. By signing this petition, the owners hereby request the Board process this street name change. George Family Property Development, LLC will be responsible for any costs associated with installing new street name signs which reflect this change. Attached hereto is a copy of the current real estate assessments and aforementioned deeds.

If you have any questions about this request, please do not hesitate to contact me at (703) 680-4585.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Atkinson', is written over a horizontal line.

Kelly M. Atkinson, AICP  
Senior Project Manager

cc: Supervisor Catherine Hudgins, Hunter Mill District Supervisor  
George Family Property Development, LLC, Owner 6120 and 6130 Teets Lane  
Greg Riegler, Esq., McGuire Woods, LLP  
Matt Marshall, L.S., AICP, LDC, Inc.  
File

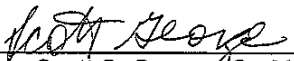
P:\PY 2011\11283-2-0 George Property\WORD PROCESSING DOCUMENTS\Street Name Petition\Letter - Petition for Street Name Change-Revised 4.30.14.doc

[www.ldc-va.com](http://www.ldc-va.com)

4585 Daisy Reid Avenue | Suite 201 | Woodbridge, VA 22192  
(P) 703.680.4585 | (F) 703.680.4775

**Petition to Change Existing Street Name**  
**Signature of Applicable Property Owner**

George Family Property Development, LLC  
Owner 1620 and 1630 Teets Lane

  
By: Scott S. George, Co-Managing Member

Otto Gutenson, Tr.  
Owner 28-4 ((1)) 25, 25A, and 25C

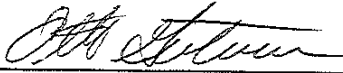
\_\_\_\_\_  
By: Otto Gutenson, Trustee

**Petition to Change Existing Street Name**  
**Signature of Applicable Property Owner**

George Family Property Development, LLC  
Owner 1620 and 1630 Teets Lane

\_\_\_\_\_  
By: Scott S. George, Co-Managing Member

Otto Gutenson, Tr.  
Owner 28-4 ((1)) 25, 25A, and 25C

 , Trustee  
\_\_\_\_\_  
By: Otto Gutenson, Trustee

Digital Map Viewer - Fairfax County GIS & Mapping Department - Windows Internet Explorer

http://www.fairfaxcounty.gov/gisapps/pdfViewer/

File Edit View Favorites Tools Help

Favorites Digital Map Viewer - Fairfax County GIS & Mapping

Fairfax County VIRGINIA

ATTACHMENT 2

Home Living Here Doing Business Visiting Departments & Agencies

Search Site: Go Advanced Search

**Digital Map Viewer**

Online help  
Map legends  
Return to GIS home  
Return to Fairfax County home  
Grid map (online)  
Grid map (495k PDF file) for printing

**Step 1.** Select the Map Type you wish to download:  
Property Map

**Step 2.** Select Map Grid you want to view by selecting the Grid Tile:  
28-4

**Step 3.** Limit your search to a particular Map Year (if applicable)  
2013

**Step 4.** Submit your Map request.  
Submit

Please Note: Due to file size of pdf maps, your download time will depend on your connection speed.

ATTACHMENT 2

Board Agenda Item  
July 29, 2014

ADMINISTRATIVE – 2

Streets into the Secondary System (Braddock and Mason Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Burke Centre Parcel A (Knollwood Community Church)	Braddock	Burke Centre Parkway (Route 643) (Additional Right-of-Way Only)
Elizabeth Crossing	Mason	Kling Drive (Route 2543)

TIMING:

Routine.

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)  
Audrey Clark, Acting Director, Land Development Services, DPWES

Print Form

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

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b> 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.		<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b> REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.	
<b>ENGINEERING MANAGER: Terry L. Yates, P.E.</b> BY: <u>Nadia Alphonse</u>		<b>PLAN NUMBER: 6791-SP-001</b> <b>SUBDIVISION PLAT NAME: Burke Centre Parcel A (Knollwood Community Church)</b> <b>COUNTY MAGISTERIAL DISTRICT: Braddock</b>	
<b>FOR OFFICIAL USE ONLY</b> <b>DATE OF VDOT INSPECTION APPROVAL: 04/23/2014</b>			
STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Burke Centre Parkway (Route 643) (Additional Right-of-Way Only)	46' SW CL Coffer Woods Road (Route 5847)	443' SW to End of Dedication	0.0
<b>NOTES:</b> 8' Asphalt Trail on North Side to be maintained by Fairfax County.			<b>TOTALS: 0.0</b>

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

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> <b>FAIRFAX, VA</b> 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.		<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b> REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.	
<b>ENGINEERING MANAGER: Terry L. Yates, P.E.</b> BY: <i>Nedie Apperson</i>		<b>PLAN NUMBER: 24548-SD-001</b> <b>SUBDIVISION PLAT NAME: Elizabeth Crossing</b> <b>COUNTY MAGISTERIAL DISTRICT: Mason</b>	
<b>FOR OFFICIAL USE ONLY</b> <b>DATE OF VDOT INSPECTION APPROVAL: 04/02/2014</b>			
STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Kling Drive (Route 2543)	Existing Kling Drive (Route 2543) - 262' E CL North Chambliss Street (Route 2542)	113' E to End of Cul-de-Sac	0.02
<b>NOTES:</b> 5' Concrete Sidewalk around the Cul-de-Sac to be maintained by Fairfax County			<b>TOTALS: 0.02</b>



Board Agenda Item  
July 29, 2014

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Sublease Board-Leased Property at 2667 Prosperity Avenue to the Fairfax Symphony Orchestra (Providence District)

ISSUE:

Authorization from the Board of Supervisors is requested to advertise a public hearing to sublease Board-leased property at 2667 Prosperity Avenue to the Fairfax Symphony Orchestra (Fairfax Symphony).

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing to sublease Board-leased property at 2667 Prosperity Avenue to the Fairfax Symphony.

TIMING:

Board action is requested on July 29, 2014 to provide sufficient time to advertise the proposed public hearing on September 9, 2014, at 4:00 p.m.

BACKGROUND:

As part of the proffers associated with Rezoning Application RZ 2009-PR-002 for the development of Prosperity Flats Apartments in Merrifield, the developer Square 1400, L.C. (Developer) agreed to lease rent-free to the County approximately 3,000 square feet of space for public and community uses (Leased Space). The Leased Space has been constructed in the ground floor building that is attached to the parking structure of the apartment complex with a street address of 2667 Prosperity Avenue and identified by Fairfax County Tax Map Number of 49-1((13)) parcel 13A. The lease between the County and the Developer (Master Lease) has a twenty (20) year term that commenced on May 12, 2014. The Master Lease allows the County to sublease the Leased Space to Fairfax County organizations or entities for public or community uses.

The Leased Space is now ready for occupancy. The Fairfax Symphony, a non-profit organization that provides County residents with the opportunity to experience symphonic and ensemble music, will occupy the space to conduct business and fundraising activities. Staff and the Fairfax Symphony have negotiated the terms of a sublease which will allow the Fairfax Symphony to share the Leased Space with another subtenant. The Fairfax Symphony will have the exclusive right to occupy 750 square feet and the nonexclusive right to use 453 square feet of common area within the Leased Space for an initial five (5) year term. At the Fairfax Symphony's election and the County's discretion, the Fairfax Symphony has the option to extend the term for two additional five (5) year periods. The Fairfax Symphony will pay its own utility bills and its proportionate share of common area expenses.

Board Agenda Item  
July 29, 2014

In accordance with Board Policy and Section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the disposition of Board-leased property.

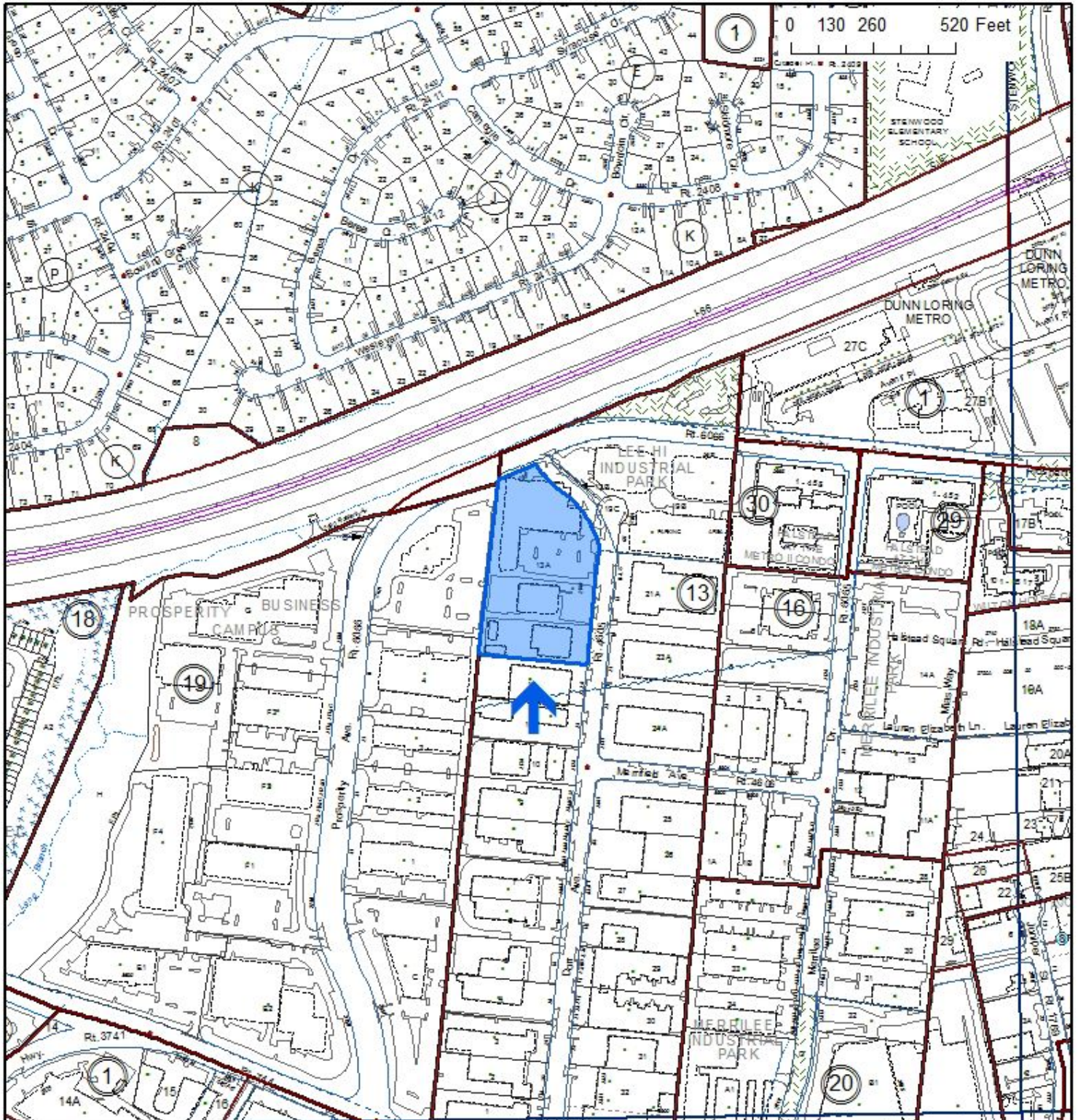
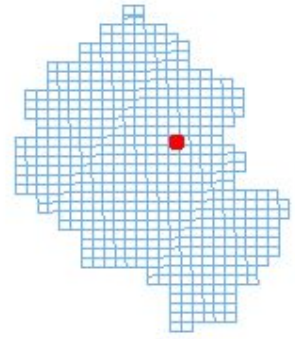
FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Attachment 1 – Location Map  
Attachment 2 – Draft sublease between County and the Fairfax Symphony

STAFF:  
David J. Molchany, Deputy County Executive  
Jose A. Comayagua, Jr., Director, Facilities Management Department

# Board-Leased Property at 2667 Prosperity Avenue, Merrifield

County Tax Map No.  
49-1 ((13)) Parcel 13A





## SUBLEASE AGREEMENT

This SUBLEASE AGREEMENT ("Sublease") is made as of \_\_\_\_\_, 2014, by and between the FAIRFAX SYMPHONY ORCHESTRA, INC., a Virginia corporation ("Subtenant"), and the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("Sublandlord" or "Board").

### RECITALS

WHEREAS, the Sublandlord is the holder of that certain lease dated December 16, 2013 ("Master Lease"), entered into between the Board, as tenant, and Square 1400, L.C., as landlord ("Prime Landlord"), for 3,000 square feet of ground floor space attached to the parking structure constructed on real property with a Fairfax County Tax Map Number of 49-1((13)) parcels 13A and 13B, which was leased to the Board pursuant to Proffer 28 of RZ 2009-PR-002 ("the Premises"). The Master Lease is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to the Master Lease, the Sublandlord has the right to sublease the Premises to qualified Fairfax County organizations, entities, departments, and/or persons for public or community uses; and

WHEREAS, as a local, performing arts organization, the Subtenant is a qualified organization for subleasing; and

WHEREAS, the Subtenant desires to sublease from the Sublandlord 750 square feet of the Premises, as well as 453 square feet of common area within the Premises (as defined below) that shall be shared with another subtenant (hereafter also referred to as the "Subleased Space"). The Sublandlord desires to sublease the Subleased Space to the Subtenant, for use as office space, on the terms and conditions set forth herein. The Subleased Space is identified on the document attached hereto as Exhibit B; and

THEREFORE, in consideration of the mutual covenants and agreements set forth in this Sublease, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Sublandlord does hereby sublease to Subtenant, and Subtenant does hereby sublease from Sublandlord, the Subleased Space hereinafter described, upon the terms and conditions as further set forth herein:

### AGREEMENT

1. Premises.

a. The "Premises," containing approximately 3,000 square feet, are attached to the Parking Garage, and depicted on Exhibit B attached hereto and incorporated herein by this reference.

b. The "Subleased Space," contains approximately 750 square feet of the Premises, as well as 453 square feet of common area that shall be shared with another subtenant. The Subtenant's proportionate share of the Premises as a whole shall be 29.45%. Subtenant shall also be entitled to four (4) reserved parking spaces.

c. Sublandlord shall serve as the project manager for the Subtenant fit out of the Subleased Space. The Sublandlord shall be responsible for all permits, construction, and information technology data and communications cabling costs. Sublandlord shall provide blue patch cable to Subtenant for data.

d. Sublandlord shall install and provide Systems Furniture for use in the Subleased Space. Sublandlord shall also provide signage and window treatments. Subtenant shall provide all loose furniture for use in the Subleased Space and any and all other items necessary for its use of the Subleased Space. Sublandlord and Subtenant agree that all Systems Furniture, signage, and window treatments are owned by the Sublandlord and shall remain in the space when vacated by the Subtenant.

e. Any and all relocation costs shall be the sole responsibility of the Subtenant.

2. Term. The term of this Sublease shall commence on the date Subtenant first takes possession of the Subleased Space ("Commencement Date") and shall continue for five (5) years after the Commencement Date (the "Term"), with the option, at Sublandlord's discretion, to extend the term for two additional five (5) year terms. Subtenant shall send Sublandlord a written notice confirming the Commencement Date promptly after taking possession.

3. Use.

a. The Subleased Space shall be used by the Subtenant solely for office purposes and no other purpose.

b. No changes shall be made to the exterior appearance of the Subleased Space or Premises, to include its façade, doors, windows, and landscaping.

c. The Subtenant shall not be permitted to post any signage on the exterior of the Subleased Space.

d. No modifications shall be made by the Subtenant to the Systems Furniture or interior of the Subleased Space.

e. Subtenant will not install or operate in the Subleased Premises any electrically operated equipment or other machinery, other than typical office equipment that includes, but is not limited to, copying machines, clocks, computers, printers, televisions, audiovisual equipment, telephone and radio communications equipment, without first obtaining prior written consent of Sublandlord, who may condition such consent upon payment by Subtenant of additional rent as compensation for additional consumption of utilities.

e. In no event shall the Subtenant use or permit the Subleased Space to be used for any illegal or unlawful purpose or activity or any activity which is hazardous, disruptive or disturbing to the Premises, the Subleased Space, and/or other buildings or persons in the vicinity of the Premises.

f. The Subleased Space shall be governed by the Sublandlord's policy regarding the use or consumption of Alcoholic Beverages on County property.

g. The Sublandlord, the Prime Landlord, and their respective representatives may enter and inspect the Subleased Space whenever such property is occupied and open to entry and may otherwise enter, at reasonable times and upon reasonable notice, for the purpose of inspecting the Subleased Space, or performing any work or maintenance necessary to the lease properties or the areas adjacent thereto. In the event of an emergency, Fairfax County safety/police/fire/maintenance services, the Sublandlord or Prime Landlord, or their respective representatives may enter without notice for the sole purpose of dealing with such emergency. The Subtenant agrees that it will deposit with and make available to the Sublandlord, at all times, keys or other devices as may be necessary to permit entry for such purposes.

4. Right of Ingress and Egress. Subtenant, including its employees, business invitees, volunteers, guests, and/or clients, shall have a right of ingress and egress through that portion of the Premises that does not comprise the Subleased Space, as depicted on Exhibit B, irrespective of whether that portion of the Premises is subleased to another subtenant.

5. Rent, Utilities, and Maintenance.

a. *Rent.* Except as otherwise provided herein, Sublandlord shall provide the Subleased Space to Subtenant at no cost to Subtenant.

b. *Cable and Data Utilities:* Subtenant shall be responsible for establishing in Subtenant's name a contract with a cable provider for telephone and data service upon Commencement Date. Thereafter, Subtenant shall be responsible, at its sole cost and expense, for maintaining and paying all costs associated with such contract.

c. *Other Utilities.* Sublandlord shall establish all utility accounts, other than those referenced in paragraph 5(b). Subtenant shall be responsible for reimbursing Sublandlord for Subtenant's proportionate share (29.45%) of the costs of all such utilities within thirty (30) days after presentation of an invoice by Sublandlord to Subtenant. The Subtenant shall provide access to the meters and/or submeters for the Subleased Space to utility providers, Sublandlord, or its agents, contractors, and employees.

d. *Maintenance.* Subtenant shall, at its sole cost and expense, maintain the Subleased Space in good condition and keep it in good order, free from any objectionable noises, odors or nuisances and in compliance with all health and police regulations, in all respects and at all times, usual wear and tear excepted. Subtenant shall be responsible for establishing, maintaining, and paying all costs associated with a contract for cleaning, trash removal, and pest

control services. Sublandlord shall be responsible for repairs, maintenance, and replacement to all interior improvements and mechanical systems serving the Premises, and Subtenant shall be responsible for reimbursing Sublandlord for its proportionate share (29.45%) of those costs within thirty (30) days following presentation of an invoice by Sublandlord to Subtenant. Subtenant shall immediately give Sublandlord notice of defect or need for repairs. After such notice, Sublandlord shall have reasonable opportunity to repair or cure such defect. Sublandlord's liability with respect to any defects, repairs or maintenance for which Landlord is responsible under any of the provisions of this Sublease shall be limited to the cost of such repairs or maintenance or the curing of such defect.

6. Property Management. The Sublandlord shall remain the property manager of the Subleased Space and shall be solely responsible for making decisions regarding the Premises and the Subleased Space. The Subtenant shall not be permitted to exercise any managerial role with respect to the Premises or to charge any other Sublessee any fee for such managerial function.

7. Subleases and Additional Occupancy.

a. During the continuation of this Sublease, the Subtenant shall be responsible for full observance of all of its terms, covenants, and conditions.

b. It is understood and agreed that the rights and obligations of the Subtenant hereunder are those of the Subtenant and the Subtenant shall not transfer or assign this Sublease, sublet any or all portion of the Subleased Space, or permit any other person, firm, entity, or organization to occupy or use any part of the Subleased Space.

8. Compliance with Laws. Subtenant shall, at its sole cost and expense, comply with all laws, ordinances, orders, rules and regulations (state, federal, municipal or any other agency having or claiming jurisdiction) related to Subtenant's use of the Subleased Space. All business licenses and other applicable permits and licenses shall be secured and paid for by Subtenant.

9. Default. If Subtenant breaches or violates any of the terms or conditions contained in this Sublease and fails to cure any such default(s) after ten (10) days' written notice from Sublandlord, or abandons or discontinues the use of the Subleased Space, this Sublease shall, at the sole option of the Sublandlord, terminate upon written notice to the Subtenant. Subtenant shall cease its operations on the Subleased Space and vacate the Subleased Space by close of business on the date of such termination. Further, the Sublandlord is authorized to repossess the Subleased Space and, should Subtenant fail to vacate the Subleased Space as provided herein, the Sublandlord is authorized to enter onto the premises and expel Subtenant and remove its effects forcibly, if necessary.

10. Termination for Convenience. Notwithstanding any other provision of this Sublease, the Sublandlord shall have the right to terminate this Sublease at any time and for any reason by giving ninety (90) days' written notice to Subtenant. Following receipt of such notice, Subtenant shall have no right to the continuation of this Sublease and, upon the expiration of the 90-day period, shall deliver possession of the Subleased Space to Sublandlord in the manner set forth in paragraph 14 below.

11. Subordination to Master Lease. This Sublease is subordinate and subject in all respects to the provisions of the Master Lease between the Sublandlord and Prime Landlord, and in the event of any conflict or ambiguity between this Sublease and the Master Lease, the provisions of the Master Lease shall govern. The terms, provisions, covenants, stipulations, conditions, rights, obligations, remedies and agreements of the Master Lease are incorporated into this Sublease by reference and made a part hereof as if herein set forth at length, except to the extent that they are expressly inapplicable to or expressly modified or eliminated by the terms of this Sublease.

12. Indemnification. The Subtenant hereby agrees to indemnify and hold harmless the Sublandlord, Board of Supervisors of Fairfax County, Virginia, its officers, employees, volunteers and agents, from any and all claims for bodily injuries and personal injuries to the public, including cost or investigation, all expenses of litigation, because of the Subtenant, including its agents, employees, volunteers, business invitees, customers, guests or trespassers arising from the use, occupancy, and/or condition of the Subleased Space.

13. Liability and Insurance.

a. All personal property of the Subtenant (including that of its employees, business invitees, volunteers, guests, and/or clients) in and on said Premises, shall be and remain the sole risk of the Subtenant, and the Sublandlord shall not be liable to them for any damage to or loss of such personal property. Further, the Sublandlord shall not be liable for any personal injury to the Subtenant (including that of its employees, business invitees, volunteers, guests, and/or clients) arising from the use, occupancy, and/or condition of the Subleased Space.

b. During the lease term, Subtenant shall maintain a policy of commercial general liability insurance insuring the Sublandlord and the Subtenant against liability arising out of the use, occupancy, and/or maintenance of the Subleased Space. The insurance will be for not less than \$1,000,000 per occurrence for bodily or personal injury or death. The insurance policy shall insure the Sublandlord and Subtenant against liability for property damage in an amount of not less than \$1,000,000 per occurrence. The limits of the insurance shall not limit the liability of the Subtenant. The Sublandlord shall be named as an "additional insured" on the Subtenant's General Liability policy and the Insurance Certificate shall state that this coverage "is primary to all other coverage the Sublandlord may possess."

c. Insurance carried by Subtenant will be with companies acceptable to the Sublandlord. The Subtenant will deliver to the Sublandlord a certificate evidencing the existence and amounts of insurance upon commencement of its occupancy and shall provide additional such certificates verifying ongoing insurance coverage promptly upon Sublandlord's request.

14. Possession Upon Termination. Upon expiration of the Term of this Lease, or the earlier termination thereof as set forth herein, Subtenant shall deliver possession of the Premises to the Sublandlord in good condition, broom clean, and free of any waste or debris. Subtenant shall remove all personal property owned by Subtenant, all loose furniture, equipment and inventory, and any other personal property owned by Subtenant or installed or placed by



Subtenant at its expense in the Premises within five (5) working days after the expiration of this Sublease, before surrendering the Premises as aforesaid, and shall repair any damage to the Premises caused by such removal. Any of Subtenant's property that is not removed by Subtenant within five (5) working days after the expiration of the Term of this Sublease, shall be considered abandoned and Sublandlord may remove any or all of such property and dispose of the same in any manner. Subtenant shall not remove any of the window treatments, Systems Furniture, and/or other items and improvements furnished or purchased by the Sublandlord. The Subtenant shall deliver all keys for the Premises to the Sublandlord at the Fairfax County Government Center, and shall inform Sublandlord of all combinations on locks, if any, in the Premises.

15. Notice. Any notices, requests for approval, and other communications under this Sublease (each, a "Notice") shall be in writing and shall be delivered via (a) hand delivery, (b) reputable, national overnight delivery service (with confirmatory receipt therefor), or (c) registered or certified United States mail, postage prepaid, in each case to the parties as follows:

If to Subtenant:

The Fairfax Symphony Orchestra, Inc.  
Attention: Debra Harrison  
Before Commencement Date:  
3905 Railroad Avenue, Suite 202N  
Fairfax, Virginia 22030

After Commencement Date:  
2667 Prosperity Avenue  
Fairfax, Virginia 22031

With a copy to:

[FSO General Counsel to be provided]

If to Sublandlord:

Facilities Management Department  
12000 Government Center Parkway, Suite 424  
Fairfax, Virginia 22035-5503  
Attention: Marguerite Guarino

With a copy to:

Office of the County Attorney  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035-0064

Attention: County Attorney

Either party may change such address(es) to which a Notice is to be delivered by furnishing five (5) business days written notice of such change(s) to the other party. Each Notice shall be deemed given on the day actually received or the day delivery was refused.

16. Severability. If any term or provision of this Sublease or any portion of a term or provision hereof or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Sublease shall not be affected thereby, and each term and provision of this Sublease and each portion thereof shall be valid and be enforced to the fullest extent permitted by law.

17. Subject to Appropriations. Any and all financial commitments of Sublandlord under this Sublease are subject to appropriation by the Sublandlord.

18. Counterparts. This Sublease may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one Sublease.

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[SIGNATURE PAGE FOLLOWS]***

IN WITNESS WHEREOF, the parties hereto have executed this Sublease as of the date first written above.

**SUBTENANT:**

**THE FAIRFAX SYMPHONY ORCHESTRA, INC.**

By: \_\_\_\_\_  
Name:  
Title:

**SUBLANDLORD:**

**THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,**  
a political subdivision of the Commonwealth of Virginia

By: \_\_\_\_\_  
Name:  
Title:

## LEASE AGREEMENT

This LEASE AGREEMENT ("Lease" or "Agreement") is made as of December 16 2013, by and between SQUARE 1400, L.C., a Virginia limited liability company ("Landlord"), and the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("Tenant").

## RECITALS

WHEREAS, Landlord is the owner of certain real property with a Fairfax County Tax Map Number of 49-1 ((13)), parcels 13A and 13B ("Land"); and

WHEREAS, pursuant to Proffer 28 of RZ 2009-PR-002 (the "Proffer"), Landlord agreed to provide Tenant with 3,000 GFA of ground floor space attached to the parking structure to be constructed on the Land; and

WHEREAS, the proffered space attached to the parking structure has been constructed on Parcels 13A and 13B, such building to have an address of 2667 Prosperity Avenue, Fairfax, Virginia 22031 (the "Parking Garage"); and

WHEREAS, Landlord has received a building permit for the Parking Garage; and

THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord does hereby lease and demise to Tenant, and Tenant does hereby lease and take from Landlord, the Premises hereinafter described, upon the terms and conditions of the Proffer and as further set forth herein:

## AGREEMENT

### 1. Premises.

a. The "Premises," containing approximately 3,000 square feet, are attached to the Parking Garage, and depicted on Exhibit A attached hereto and incorporated herein by this reference. Tenant shall also be entitled to 11 reserved parking spaces.

b. Landlord shall be responsible for constructing the Premises as a rough shell with utilities to meet building permit requirements. The shell shall be completed and made available to the Tenant prior to the issuance of the first Residential Use Permit ("RUP") on the Land or as otherwise agreed to in writing by the Tenant and the County.

c. Tenant shall be responsible for constructing all of its own betterments and interior improvements serving the Premises. The Tenant shall have the right to complete its own betterments and improvements within the shell without the approval of the Landlord. If and to the extent any mechanics liens are filed against the Premises or the Land as a result of Tenant's construction on the Premises, Tenant shall cause such mechanics liens to be removed within one

hundred and twenty (120) days of their filing at no cost to Landlord. Tenant shall have no obligation to remove these betterments and improvements upon termination of this Lease.

2. Term. The term of this Agreement shall commence on the date Tenant first takes possession of the Premises ("Commencement Date") and shall continue for twenty (20) years after the Commencement Date (the "Term"). Tenant shall send Landlord a written notice of the Commencement Date promptly after taking possession.

3. Use.

a. The Premises shall be used for office purposes or such other future public and/or community uses as may be reasonably and mutually agreed to in advance by the parties, which agreement shall not be unreasonably withheld.

b. Landlord hereby indemnifies Tenant against any and all damages, losses, and/or claims arising out of the use by the Landlord or its employees, agents, contractors, tenants or sub-lessees (other than Tenant), customers, or visitors, of the Premises.

c. Landlord shall be entitled to make a claim to the Board (as hereinafter defined) for compensation for any or all damages, losses, and/or claims arising out of the use by the Tenant, or Tenant's employees, agents, contractors, tenants or sublessees, customers or visitors, of the Premises, the Land or the Parking Garage, and associated personal property located within.

d. Tenant shall exercise diligent and commercially reasonable efforts through the Term of the Lease to fill the Premises and keep the Premises occupied.

4. Rent, Utilities, and Maintenance.

a. *Rent.* Except as otherwise provided herein, Landlord shall provide the Premises to Tenant at no cost to Tenant.

b. *Sublease.* Tenant shall be entitled to sublease the Premises to Fairfax County organizations, entities, departments, and/or persons for public or community uses without Landlord approval. Tenant shall provide Landlord with written notice of any such sublease. No such sublease shall serve to release Tenant from its obligations hereunder.

c. *Utilities.* Tenant shall be responsible for all utilities for the Premises, which will be separately metered. The Landlord shall provide access to the meters and/or submeters for the Premises to utility providers, Tenant, or its agents, contractors and employees. Tenant shall be responsible for placing service in Tenant's name upon Commencement Date.

d. *Maintenance.* Landlord, at its expense, shall be responsible for maintenance of the Parking Garage and the Land, including routine maintenance, cleaning and pest control. Tenant shall, at its sole cost and expense, maintain the Premises in good condition

and keep the Premises in good order, free from any objectionable noises, odors or nuisances and in compliance with all health and police regulations, in all respects and at all times. Tenant, at Tenant's sole cost and expense, shall be responsible for all repairs, maintenance, and replacement to all betterments, interior improvements and mechanical systems serving the Premises.

e. ADA. Landlord shall deliver the Premises as a cold dark shell with some improvements that have been voluntarily contributed to the Premises by Landlord including HVAC, ceiling tiles, lighting and bathrooms. The Premises have been inspected by Fairfax County as in compliance with Building Code. Landlord shall make any necessary changes to the Parking Garage and Land to comply with Fairfax County Building Code and the 2010 American with Disabilities Act (ADA). Landlord shall not be responsible for any alterations or fit out work completed within Premises by Tenant.

5. Compliance with Laws. Tenant shall, at its sole cost and expense, comply with all laws, ordinances, orders, rules and regulations (state, federal, municipal or any other agency having or claiming jurisdiction) related to Tenant's use, of the Premises. All business licenses and other applicable permits and licenses shall be secured and paid for by Tenant.

6. Insurance.

a. Landlord Insurance. Landlord agrees to obtain and maintain in effect at all times during the term hereof, fire and extended coverage insurance insuring the Parking Garage, including the Premises and the Land.

b. Tenant Insurance. Tenant represents that it is self-insured, and therefore, Tenant assumes the following risks arising from its use of the Premises:

- Workers' Compensation
- Commercial Automobile Liability
- Commercial General Liability
- Public Officials' Liability

Personal Property at the Premises from time to time, which is Tenant-owned and/or leased property in the care, custody and control of the Tenant, are commercially insured with self-insured retention. Tenant will insure its own losses to the extent such losses are not required to be covered by the Landlord under other sections of this Agreement, and provided that such losses do not result from the negligence of the Landlord, his employees and/or agent.

7. Possession Upon Termination. Upon expiration of the Term of this Lease, or the earlier termination thereof as set forth herein, Tenant shall deliver possession of the Premises to the Landlord in good condition, broom clean and free of any waste or debris. Tenant shall have the right, but not the obligation, to remove any fixtures capable of removal without damage to the Premises.

8. Notice. Any notices, requests for approval, and other communications under this Agreement (each, a "Notice") shall be in writing and shall be delivered via (a) hand delivery, (b) reputable, national overnight delivery service (with confirmatory receipt therefor), or (c) registered or certified United States mail, postage prepaid, in each case to the parties as follows:

If to Landlord:

Square 1400, L.C.  
c/o Rushmark Properties  
2900 Fairview Park Drive  
Falls Church, Virginia 20042  
Attention: Neal Kumar

With a copy to:

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Blvd., Suite 1300  
Arlington, Virginia 22201  
Attention: Thomas J. Colucci, Esq.

If to Tenant:

Facilities Management Department  
12000 Government Center Parkway, Suite 424  
Fairfax, Virginia 22035-5503  
Attention: Marguerite Guarino

With a copy to:

Office of the County Attorney  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035-0064  
Attention: County Attorney

Either party may change such address(es) to which a Notice is to be delivered by furnishing five (5) business days written notice of such change(s) to the other party. Each Notice shall be deemed given on the day actually received or the day delivery was refused.

9. Severability. If any term or provision of this Agreement or any portion of a term or provision hereof or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement and each portion thereof shall be valid and be enforced to the fullest extent permitted by law.

10. Subject to Appropriations. Any and all financial commitments of Tenant under this Agreement are subject to appropriation by the Board of Supervisors of Fairfax, County, Virginia (the "Board").

11. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one Agreement.

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***[SIGNATURE PAGE FOLLOWS]***



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

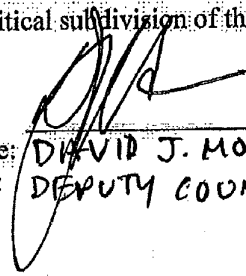
**LANDLORD:**

**SQUARE 1400, L.C.**

By:   
Name: Patrick Kearney  
Title: Manager

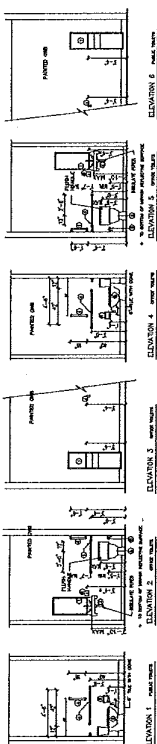
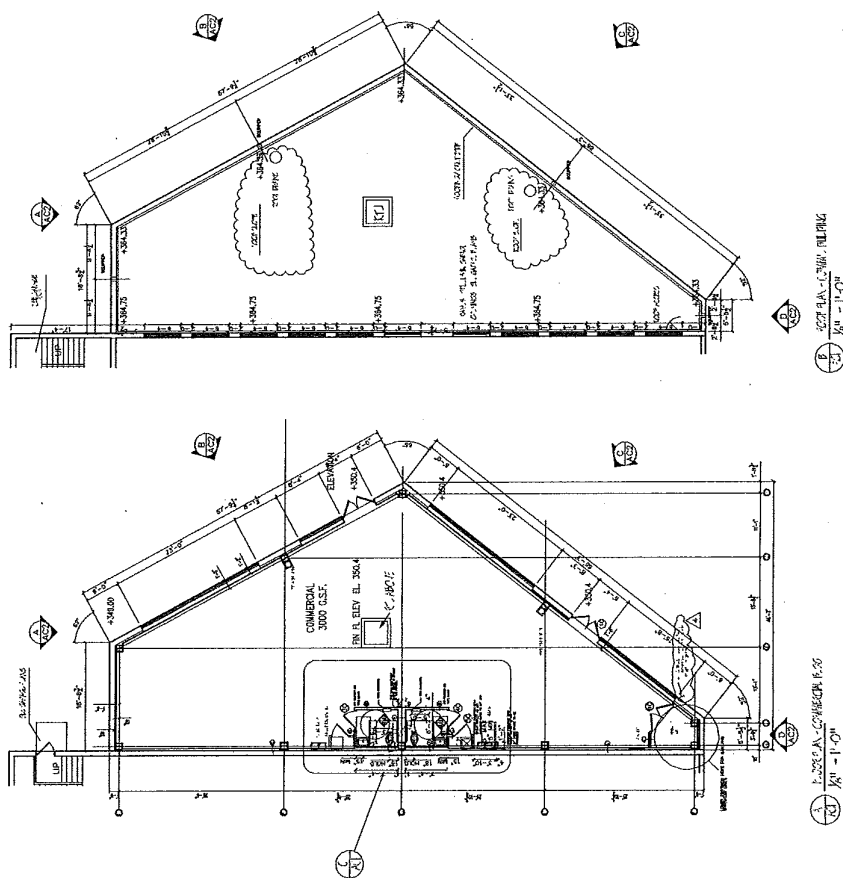
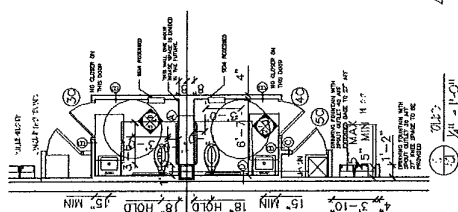
**TENANT:**

**THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,**  
a political subdivision of the Commonwealth of Virginia

By:   
Name: DAVID J. MOLCHAN  
Title: DEPUTY COUNTY EXECUTIVE

**EXHIBIT A - PREMISES**

REMARKS  
CONFIRM FINISHES WITH OWNER/BUILDER.  
1. 45" HT FRP WANGCUT AROUND  
WAP SINK  
2. SEMIGLOSS PAINT FINISH

[illegible]
$$\frac{\text{SALVAGES}}{\text{CLEANING}}$$

DETAIL B PAGE 048  
RMS 107-1

DOOR SCHEDULE COMMERCIAL SPACE												HEAD, JAMB AND SILL		REMARKS
ID.	TYPE	SIZE	H	MATL	FINISH	FRAME	HARDWARE	LOCK	FINISH	LOCK	FINISH			
1C	DR	3'0" X 7'0"	ALUM		P10	SF	PUSH PULL / LEVER	ENTRY	SC	FACT	TH 1	1,2		
2C	DR	3'0" X 7'0"	ALUM		P10	SF	PUSH PULL / LEVER	ENTRY	SC	FACT	TH 1	1,2		
3C	DR	3'0" X 7'0"	HOL MET		P10	PTD H	LEVER	PRIVATE	SC	HI	TH 3			
4C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
5C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
6C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
7C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
8C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
9C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
10C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
11C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
12C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
13C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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15C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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22C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
23C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
24C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
25C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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28C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
29C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
30C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
31C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
32C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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38C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
39C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
40C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
41C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
42C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
43C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
44C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
45C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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47C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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49C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
50C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
51C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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55C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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57C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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59C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
60C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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62C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
63C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
64C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
65C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
66C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
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74C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
75C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
76C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
77C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
78C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
79C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
80C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
81C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
82C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
83C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
84C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
85C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
86C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
87C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
88C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
89C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
90C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
91C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
92C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
93C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
94C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
95C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
96C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
97C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
98C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
99C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			
100C	DR	3'0" X 7'0"	HOL MET		P10	HOL MET	LEVER	PRIVATE	SC	HI	TH 3			

Door finishes PTD PAINTED (PRIMER + 2 COATS - HOL MET)

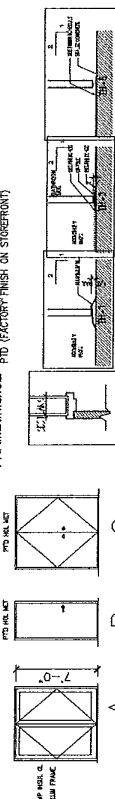
— PAINTED (FAC  
— HW finishes  
— SC SATIN CHROME

FRAME finishes  
PTD (HOL-MET) FINISH ON STOREFRONT

NOTES AND REMARKS:

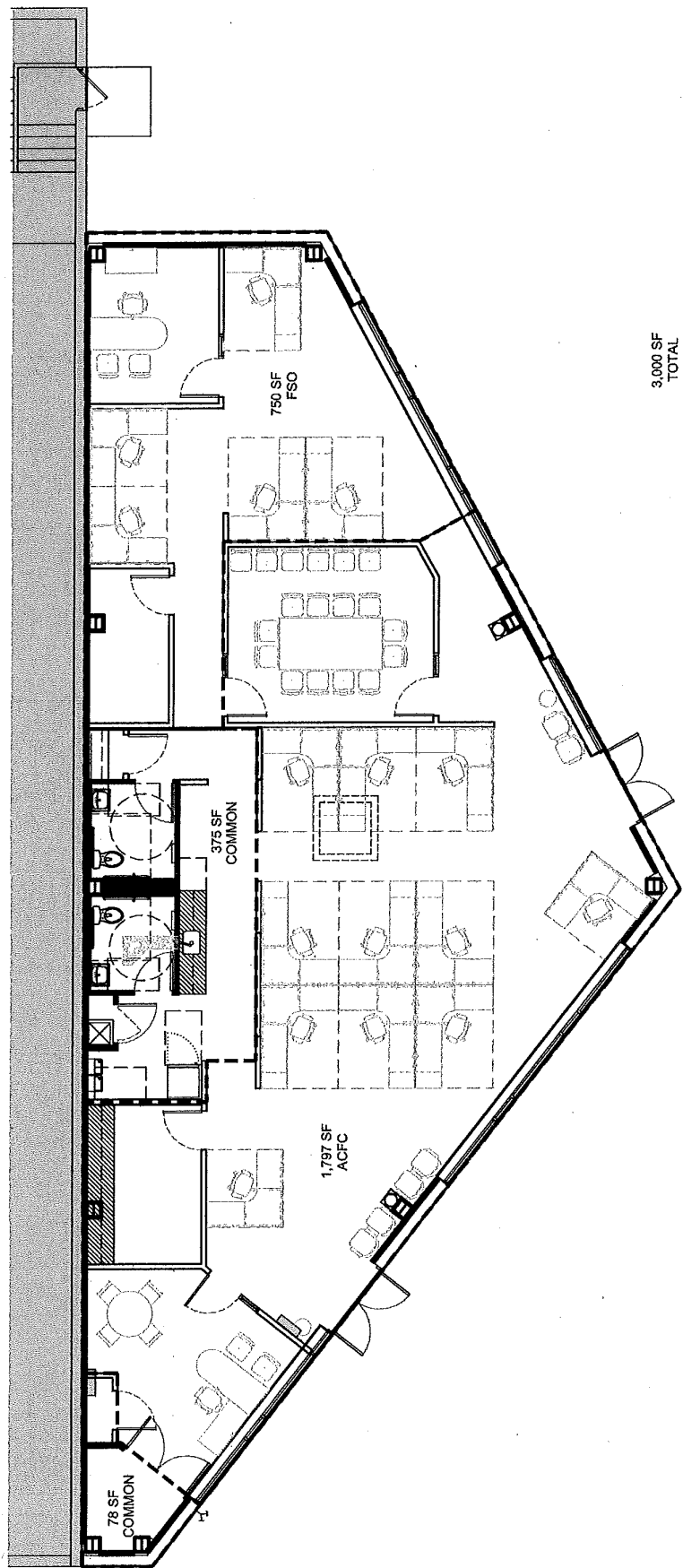
CONFIRM KEYING WITH OWNER  
FULLY WEATHERSTRIPPED

ADA SILL TREQ'D



## DOOR TYPES

2008 SEP 16 - CHINESE IN > PG



Board Agenda Item  
July 29, 2014

#### ADMINISTRATIVE - 4

#### Authorization to Advertise a Public Hearing to Sublease Board-Leased Property at 2667 Prosperity Avenue to the Arts Council of Fairfax County (Providence District)

##### ISSUE:

Authorization from the Board of Supervisors is requested to advertise a public hearing to sublease Board-leased property at 2667 Prosperity Avenue to the Arts Council of Fairfax County (Arts Council).

##### RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing to sublease Board-leased property at 2667 Prosperity Avenue to the Arts Council.

##### TIMING:

Board action is requested on July 29, 2014 to provide sufficient time to advertise the proposed public hearing on September 9, 2014, at 4:00 p.m.

##### BACKGROUND:

As part of the proffers associated with Rezoning Application RZ 2009-PR-002 for the development of Prosperity Flats Apartments in Merrifield, the developer Square 1400, L.C. (Developer) agreed to lease rent-free to the County approximately 3,000 square feet of space for public and community uses (Leased Space). The Leased Space has been constructed in the ground floor building that is attached to the parking structure of the apartment complex with a street address of 2667 Prosperity Avenue and identified by Fairfax County Tax Map Number of 49-1((13)) parcel 13A. The lease between the County and the Developer (Master Lease) has a twenty (20) year term that commenced on May 12, 2014. The Master Lease allows the County to sublease the Leased Space to Fairfax County organizations or entities for public or community uses.

The Leased Space is now ready for occupancy. The Arts Council, a non-profit organization that is designated as Fairfax County's local arts agency, will occupy the space to conduct business and fundraising activities. Staff and the Arts Council have negotiated the terms of a sublease which will allow the Arts Council to share the Leased Space with another subtenant. The Arts Council will have the exclusive right to occupy 1,797 square feet and the nonexclusive right to use 453 square feet of common area within the Leased Space for a five (5) year initial term. At the Arts Council's election and the County's discretion, the Arts Council has the option to extend the term for two additional five (5) year periods. The Arts Council will pay its own utility bills and its proportionate share of common area expenses.

In accordance with Board Policy and Section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the disposition of Board-leased property.

Board Agenda Item  
July 29, 2014

FISCAL IMPACT:  
None

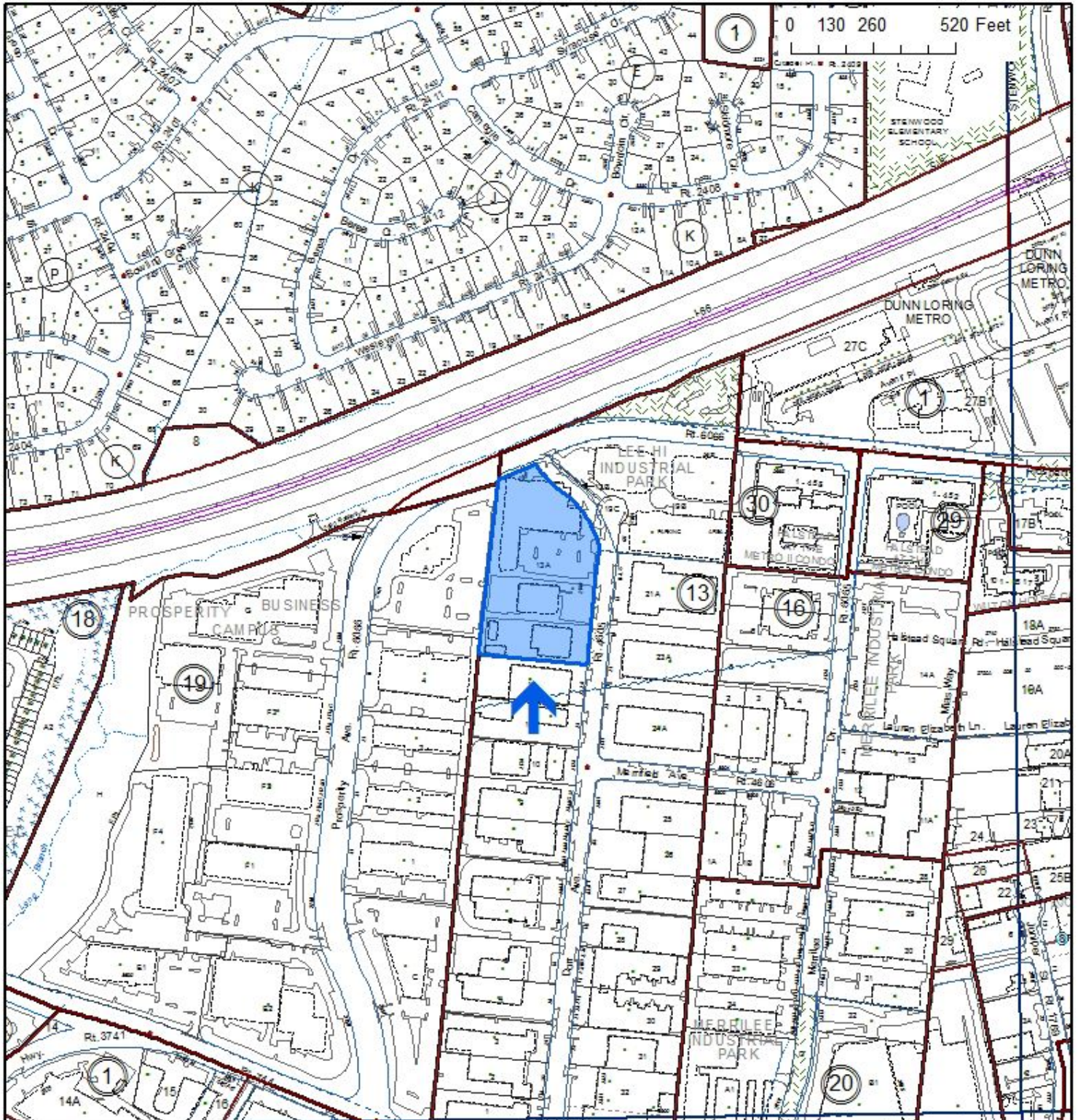
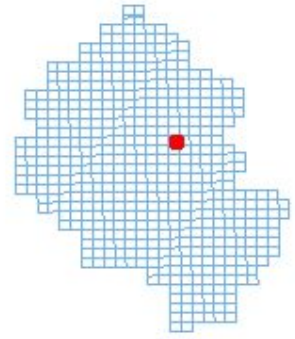
ENCLOSED DOCUMENTS:  
Attachment 1 – Location Map  
Attachment 2 – Draft sublease between County and the Arts Council

STAFF:  
David J. Molchany, Deputy County Executive  
Jose A. Comayagua, Jr., Director, Facilities Management Department



# Board-Leased Property at 2667 Prosperity Avenue, Merrifield

County Tax Map No.  
49-1 ((13)) Parcel 13A





## SUBLEASE AGREEMENT

This SUBLEASE AGREEMENT ("Sublease") is made as of \_\_\_\_\_, 2014, by and between the ARTS COUNCIL OF FAIRFAX COUNTY, a Virginia non-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 ("Subtenant"), and the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("Sublandlord" or "Board").

## RECITALS

WHEREAS, the Sublandlord is the holder of that certain lease dated December 16, 2013 ("Master Lease"), entered into between the Board, as tenant, and Square 1400, L.C., as landlord ("Prime Landlord"), for 3,000 square feet of ground floor space attached to the parking structure constructed on real property with a Fairfax County Tax Map Number of 49-1((13)) parcels 13A and 13B, having an address of 2667 Prosperity Avenue, Fairfax, Virginia 22031, which was leased to the Board pursuant to Proffer 28 of RZ 2009-PR-002 ("the Premises"). The Master Lease is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to the Master Lease, the Sublandlord has the right to sublease the Premises to qualified Fairfax County organizations, entities, departments, and/or persons for public or community uses; and

WHEREAS, as a local, non-profit arts organization, the Subtenant is a qualified organization for subleasing; and

WHEREAS, the Subtenant desires and intends to sublease from the Sublandlord, and Sublandlord desires and intends to sublease to Subtenant, 1,797 square feet of the Premises, as well as the non-exclusive right to use 453 square feet of common area within the Premises (as defined below) that shall be shared with another subtenant, and the non-exclusive right of ingress and egress through, over and across all common areas of the Premises (hereafter also referred to as the "Subleased Space"). The Sublandlord desires to sublease the Subleased Space to the Subtenant, for use as office space, on the terms and conditions set forth herein. The Subleased Space is identified on the document attached hereto as Exhibit B; and

THEREFORE, in consideration of the mutual covenants and agreements set forth in this Sublease, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Sublandlord does hereby sublease to Subtenant, and Subtenant does hereby sublease from Sublandlord, the Subleased Space hereinafter described, upon the terms and conditions as further set forth herein:

## AGREEMENT

### 1. Premises; Subleased Space.

a. The "Premises," containing approximately 3,000 square feet, are attached to the Parking Garage, and depicted on Exhibit B attached hereto and incorporated herein by this



reference.

b. The "Subleased Space," contains approximately 1,797 square feet of the Premises, as well as the non-exclusive right to use 453 square feet of common area that shall be shared with another subtenant. The Subtenant's proportionate share of the Premises as a whole shall be 70.55%. Subtenant shall also be entitled to seven (7) reserved parking spaces.

c. Sublandlord shall serve as the project manager for the Subtenant fit out of the Subleased Space, with input from Subtenant. The Sublandlord shall be responsible for all permits, construction, and information technology data and communications cabling costs. Sublandlord shall provide grey patch cable to Subtenant for data.

d. Sublandlord shall install and provide Systems Furniture for use in the Subleased Space. Sublandlord shall also provide signage and window treatments. Subtenant shall provide all loose furniture for use in the Subleased Space and any and all other items necessary for its use of the Subleased Space. Sublandlord and Subtenant agree that all Systems Furniture, signage, and window treatments are owned by the Sublandlord and shall remain in the space when vacated by the Subtenant. Subtenant may modify interior signage in the Subleased Space with prior, written consent of Sublandlord.

e. Any and all relocation costs shall be the sole responsibility of the Subtenant.

2. Term. The term of this Sublease shall commence on the date Subtenant first takes possession of the Subleased Space ("Commencement Date") and shall continue for five (5) years after the Commencement Date (the "Term"), with the option to extend the term, by mutual agreement, for two additional five (5) year terms, subject to the termination rights provided below. Such option may be exercised upon the Subtenant sending the Sublandlord a written request, six months prior to the end of the current term, of its desire to extend the term of the lease, and the Sublandlord accepting such request. Subtenant shall send Sublandlord a written notice confirming the Commencement Date promptly after taking possession.

3. Use.

a. The Subleased Space shall be used by the Subtenant solely for office purposes and no other purpose.

b. No changes shall be made to the exterior appearance of the Subleased Space or Premises, to include its façade, doors, windows, and landscaping.

c. The Subtenant shall not be permitted to post any signage on the exterior of the Subleased Space.

d. No modifications shall be made by the Subtenant to the Systems Furniture or interior of the Subleased Space, except that Subtenant shall be permitted to make modifications to its own loose furniture or office equipment.

e. Subtenant will not install or operate in the Subleased Premises any electrically operated equipment or other machinery, other than typical office equipment that includes, but is not limited to, copying machines, clocks, computers, printers, shredders, televisions, audiovisual equipment, telephone and radio communications equipment, without first obtaining prior written consent of Sublandlord, who may condition such consent upon payment by Subtenant of additional rent as compensation for additional consumption of utilities.

f. In no event shall the Subtenant use or permit the Subleased Space to be used for any illegal or unlawful purpose or activity or any activity which is hazardous, disruptive or disturbing to the Premises, the Subleased Space, and/or other buildings or persons in the vicinity of the Premises.

g. The Subleased Space shall be governed by the Sublandlord's policy regarding the use or consumption of Alcoholic Beverages on County property.

h. The Sublandlord, the Prime Landlord, and their respective representatives may enter and inspect the Subleased Space whenever such property is occupied and open to entry and may otherwise enter, at reasonable times and upon reasonable notice, for the purpose of inspecting the Subleased Space, or performing any work or maintenance necessary to the lease properties or the areas adjacent thereto. In the event of an emergency, Fairfax County safety/police/fire/maintenance services, the Sublandlord or Prime Landlord, or their respective representatives may enter without notice for the sole purpose of dealing with such emergency. The Subtenant agrees that it will deposit with and make available to the Sublandlord, at all times, keys or other devices as may be necessary to permit entry for such purposes.

4. Obligation to Provide Ingress and Egress. The Sublandlord intends to sublease to another subtenant 750 square feet of the Premises, which area lacks direct ingress and egress. The subtenant leasing such 750 square foot area, including its employees, business invitees, volunteers, guests, and/or clients shall have a right of ingress and egress through the Subleased Space, as depicted on Exhibit B. Subtenant hereby agrees not to interfere with or in any way obstruct the right of ingress and egress of its co-subtenant.

5. Rent, Utilities, and Maintenance.

a. *Rent.* Except as otherwise provided herein, Sublandlord shall provide the Subleased Space to Subtenant at no cost to Subtenant.

b. *Cable and Data Utilities:* Subtenant shall be responsible for establishing in Subtenant's name a contract with a cable provider for telephone and data service upon Commencement Date. Thereafter, Subtenant shall be responsible, at its sole cost and expense, for maintaining and paying all costs associated with such contract.

c. *Other Utilities.* Sublandlord shall establish all utility accounts, other than those referenced in paragraph 5(b). Subtenant shall be responsible for reimbursing Sublandlord for Subtenant's proportionate share (70.55%) of the costs of all such utilities within thirty (30)

days after presentation of an invoice by Sublandlord to Subtenant. The Subtenant shall provide access to the meters and/or submeters for the Subleased Space to utility providers, Sublandlord, or its agents, contractors, and employees.

d. Maintenance. Subtenant shall, at its sole cost and expense, maintain the Subleased Space in good condition and keep it in good order, free from any objectionable noises, odors or nuisances and in compliance with all health and police regulations, in all respects and at all times, normal and usual wear and tear excepted. Subtenant shall be responsible for establishing, maintaining, and paying all costs associated with a contract for cleaning, trash removal, and pest control services. Sublandlord shall be responsible for repairs, maintenance, and replacement to all interior improvements and mechanical systems serving the Premises, and Subtenant shall be responsible for reimbursing Sublandlord for its proportionate share (70.55%) of those costs within thirty (30) days following presentation of an invoice by Sublandlord to Subtenant. Subtenant shall immediately give Sublandlord notice of defect or need for repairs. After such notice, Sublandlord shall have reasonable opportunity to repair or cure such defect. Sublandlord's liability with respect to any defects, repairs or maintenance for which Landlord is responsible under any of the provisions of this Sublease shall be limited to the cost of such repairs or maintenance or the curing of such defect.

6. Property Management. The Sublandlord shall remain the property manager of the Subleased Space and shall be solely responsible for making decisions regarding the Premises and the Subleased Space. The Subtenant shall not be permitted to exercise any managerial role with respect to the Premises or to charge any other Sublessee any fee for such managerial function.

7. Subleases and Additional Occupancy.

a. During the continuation of this Sublease, the Subtenant shall be responsible for full observance of all of its terms, covenants, and conditions.

b. It is understood and agreed that the rights and obligations of the Subtenant hereunder are those of the Subtenant and the Subtenant shall not transfer or assign this Sublease, sublet any or all portion of the Subleased Space, or permit any other person, firm, entity, or organization to occupy or use any part of the Subleased Space.

8. Compliance with Laws. Following build-out of the Subleased Space by the Sublandlord, Subtenant shall, at its sole cost and expense, comply with all laws, ordinances, orders, rules and regulations (state, federal, municipal or any other agency having or claiming jurisdiction) related to Subtenant's use of the Subleased Space. All business licenses and other applicable permits and licenses shall be secured and paid for by Subtenant.

9. Default. If Subtenant breaches or violates any of the terms or conditions contained in this Sublease and fails to cure any such default(s) after thirty (30) days' written notice from Sublandlord, or abandons or discontinues the use of the Subleased Space, this Sublease shall, at the sole option of the Sublandlord, terminate upon written notice to the Subtenant. Subtenant then shall cease its operations on the Subleased Space and vacate the Subleased Space within an additional thirty (30) days. Further, the Sublandlord is authorized to

repossess the Subleased Space and, should Subtenant fail to vacate the Subleased Space as provided herein, the Sublandlord is authorized to enter onto the premises and expel Subtenant and remove its effects forcibly, if necessary.

10. Termination for Convenience. Notwithstanding any other provision of this Sublease, each party shall have the right to terminate this Sublease at any time and for any reason by giving ninety (90) days' written notice to the other party. Following receipt of such notice, Subtenant shall have no right to the continuation of this Sublease beyond the effective date of such termination and, upon the expiration of the 90-day period, shall deliver possession of the Subleased Space to Sublandlord in the manner set forth in paragraph 14 below.

11. Subordination to Master Lease. This Sublease is subordinate and subject in all respects to the provisions of the Master Lease between the Sublandlord and Prime Landlord, and in the event of any conflict or ambiguity between this Sublease and the Master Lease, the provisions of the Master Lease shall govern. The terms, provisions, covenants, stipulations, conditions, rights, obligations, remedies and agreements of the Master Lease are incorporated into this Sublease by reference and made a part hereof as if herein set forth at length, except to the extent that they are expressly inapplicable to or expressly modified or eliminated by the terms of this Sublease.

12. Indemnification. The Subtenant hereby agrees to indemnify and hold harmless the Sublandlord, Board of Supervisors of Fairfax County, Virginia, its officers, employees, volunteers and agents, from any and all claims for bodily injuries and personal injuries to the public, including cost or investigation and all expenses of litigation, arising from the use, occupancy, and/or condition of the Subleased Space by the Subtenant, including its agents, employees, volunteers, business invitees, customers, guests or trespassers.

13. Liability and Insurance.

a. All personal property of the Subtenant (including that of its employees, business invitees, volunteers, guests, and/or clients) in and on the Subleased Space shall be and remain the sole risk of the Subtenant, and the Sublandlord shall not be liable to them for any damage to or loss of such personal property. Further, the Sublandlord shall not be liable for any personal injury to the Subtenant (including that of its employees, business invitees, volunteers, guests, and/or clients) arising from the use, occupancy, and/or condition of the Subleased Space.

b. During the lease term, Subtenant shall maintain a policy of commercial general liability insurance insuring the Sublandlord and the Subtenant against liability arising out of the use, occupancy, and/or maintenance of the Subleased Space. The insurance will be for not less than \$1,000,000 per occurrence for bodily or personal injury or death. The insurance policy shall insure the Sublandlord and Subtenant against liability for property damage in an amount of not less than \$1,000,000 per occurrence. The limits of the insurance shall not limit the liability of the Subtenant. The Sublandlord shall be named as an "additional insured" on the Subtenant's General Liability policy and the Insurance Certificate shall state that this coverage "is primary to all other coverage the Sublandlord may possess."

c. Insurance carried by Subtenant will be with companies acceptable to the Sublandlord in its reasonable judgment. The Subtenant will deliver to the Sublandlord a certificate evidencing the existence and amounts of insurance upon commencement of its occupancy and shall provide additional such certificates verifying ongoing insurance coverage promptly thereafter upon Sublandlord's request.

14. Possession Upon Termination. Upon expiration of the Term of this Lease, or the earlier termination thereof as set forth herein, Subtenant shall deliver possession of the Premises to the Sublandlord in good condition, reasonable wear and tear excepted, broom clean, and free of any waste or debris. Subtenant shall remove all personal property owned by Subtenant, all loose furniture, equipment and inventory, and any other personal property owned by Subtenant or installed or placed by Subtenant at its expense in the Premises within thirty (30) days after the expiration of this Sublease, before surrendering the Premises as aforesaid, and shall repair any damage to the Premises caused by such removal. Any of Subtenant's property that is not removed by Subtenant within thirty (30) days after the expiration of the Term of this Sublease shall be considered abandoned and Sublandlord may remove any or all of such property and dispose of the same in any manner. Subtenant shall not remove any of the window treatments, Systems Furniture, and/or other items and improvements furnished or purchased by the Sublandlord. The Subtenant shall deliver all keys for the Premises to the Sublandlord at the Fairfax County Government Center, and shall inform Sublandlord of all combinations on locks, if any, in the Premises.

15. Notice. Any notices, requests for approval, and other communications under this Sublease (each, a "Notice") shall be in writing and shall be delivered via (a) hand delivery, (b) reputable, national overnight delivery service (with confirmatory receipt therefor), or (c) registered or certified United States mail, postage prepaid, in each case to the parties as follows:

If to Subtenant:

Arts Council of Fairfax County  
10604 Judicial Drive  
Fairfax, VA 22030  
Attention: Linda S. Sullivan  
(NOTE: After Commencement Date, to Subtenant at the Subleased Space.)

If to Sublandlord:

Facilities Management Department  
12000 Government Center Parkway, Suite 424  
Fairfax, Virginia 22035-5503  
Attention: Marguerite Guarino

With a copy to:

Office of the County Attorney

12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035-0064  
Attention: County Attorney

Either party may change such address(es) to which a Notice is to be delivered by furnishing five (5) business days written notice of such change(s) to the other party. Each Notice shall be deemed given on the day actually received or the day delivery was refused.

16. Severability. If any term or provision of this Sublease or any portion of a term or provision hereof or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Sublease shall not be affected thereby, and each term and provision of this Sublease and each portion thereof shall be valid and be enforced to the fullest extent permitted by law.

17. Subject to Appropriations. Any and all financial commitments of Sublandlord under this Sublease are subject to appropriation by the Sublandlord.

18. Counterparts. This Sublease may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one Sublease.

***[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]  
[SIGNATURE PAGE FOLLOWS]***

IN WITNESS WHEREOF, the parties hereto have executed this Sublease as of the date first written above.

**SUBTENANT:**

**ARTS COUNCIL OF FAIRFAX, COUNTY**

By: \_\_\_\_\_  
Name:  
Title:

**SUBLANDLORD:**

**THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,**  
a political subdivision of the Commonwealth of Virginia

By: \_\_\_\_\_  
Name:  
Title:

## LEASE AGREEMENT

This LEASE AGREEMENT ("Lease" or "Agreement") is made as of December 16 2013, by and between SQUARE 1400, L.C., a Virginia limited liability company ("Landlord"), and the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("Tenant").

## RECITALS

WHEREAS, Landlord is the owner of certain real property with a Fairfax County Tax Map Number of 49-1 ((13)), parcels 13A and 13B ("Land"); and

WHEREAS, pursuant to Proffer 28 of RZ 2009-PR-002 (the "Proffer"), Landlord agreed to provide Tenant with 3,000 GFA of ground floor space attached to the parking structure to be constructed on the Land; and

WHEREAS, the proffered space attached to the parking structure has been constructed on Parcels 13A and 13B, such building to have an address of 2667 Prosperity Avenue, Fairfax, Virginia 22031 (the "Parking Garage"); and

WHEREAS, Landlord has received a building permit for the Parking Garage; and

THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord does hereby lease and demise to Tenant, and Tenant does hereby lease and take from Landlord, the Premises hereinafter described, upon the terms and conditions of the Proffer and as further set forth herein:

## AGREEMENT

### 1. Premises.

a. The "Premises," containing approximately 3,000 square feet, are attached to the Parking Garage, and depicted on Exhibit A attached hereto and incorporated herein by this reference. Tenant shall also be entitled to 11 reserved parking spaces.

b. Landlord shall be responsible for constructing the Premises as a rough shell with utilities to meet building permit requirements. The shell shall be completed and made available to the Tenant prior to the issuance of the first Residential Use Permit ("RUP") on the Land or as otherwise agreed to in writing by the Tenant and the County.

c. Tenant shall be responsible for constructing all of its own betterments and interior improvements serving the Premises. The Tenant shall have the right to complete its own betterments and improvements within the shell without the approval of the Landlord. If and to the extent any mechanics liens are filed against the Premises or the Land as a result of Tenant's construction on the Premises, Tenant shall cause such mechanics liens to be removed within one



hundred and twenty (120) days of their filing at no cost to Landlord. Tenant shall have no obligation to remove these betterments and improvements upon termination of this Lease.

2. Term. The term of this Agreement shall commence on the date Tenant first takes possession of the Premises ("Commencement Date") and shall continue for twenty (20) years after the Commencement Date (the "Term"). Tenant shall send Landlord a written notice of the Commencement Date promptly after taking possession.

3. Use.

a. The Premises shall be used for office purposes or such other future public and/or community uses as may be reasonably and mutually agreed to in advance by the parties, which agreement shall not be unreasonably withheld.

b. Landlord hereby indemnifies Tenant against any and all damages, losses, and/or claims arising out of the use by the Landlord or its employees, agents, contractors, tenants or sub-lessees (other than Tenant), customers, or visitors, of the Premises.

c. Landlord shall be entitled to make a claim to the Board (as hereinafter defined) for compensation for any or all damages, losses, and/or claims arising out of the use by the Tenant, or Tenant's employees, agents, contractors, tenants or sublessees, customers or visitors, of the Premises, the Land or the Parking Garage, and associated personal property located within.

d. Tenant shall exercise diligent and commercially reasonable efforts through the Term of the Lease to fill the Premises and keep the Premises occupied.

4. Rent, Utilities, and Maintenance.

a. *Rent.* Except as otherwise provided herein, Landlord shall provide the Premises to Tenant at no cost to Tenant.

b. *Sublease.* Tenant shall be entitled to sublease the Premises to Fairfax County organizations, entities, departments, and/or persons for public or community uses without Landlord approval. Tenant shall provide Landlord with written notice of any such sublease. No such sublease shall serve to release Tenant from its obligations hereunder.

c. *Utilities.* Tenant shall be responsible for all utilities for the Premises, which will be separately metered. The Landlord shall provide access to the meters and/or submeters for the Premises to utility providers, Tenant, or its agents, contractors and employees. Tenant shall be responsible for placing service in Tenant's name upon Commencement Date.

d. *Maintenance.* Landlord, at its expense, shall be responsible for maintenance of the Parking Garage and the Land, including routine maintenance, cleaning and pest control. Tenant shall, at its sole cost and expense, maintain the Premises in good condition

and keep the Premises in good order, free from any objectionable noises, odors or nuisances and in compliance with all health and police regulations, in all respects and at all times. Tenant, at Tenant's sole cost and expense, shall be responsible for all repairs, maintenance, and replacement to all betterments, interior improvements and mechanical systems serving the Premises.

e. ADA. Landlord shall deliver the Premises as a cold dark shell with some improvements that have been voluntarily contributed to the Premises by Landlord including HVAC, ceiling tiles, lighting and bathrooms. The Premises have been inspected by Fairfax County as in compliance with Building Code. Landlord shall make any necessary changes to the Parking Garage and Land to comply with Fairfax County Building Code and the 2010 American with Disabilities Act (ADA). Landlord shall not be responsible for any alterations or fit out work completed within Premises by Tenant.

5. Compliance with Laws. Tenant shall, at its sole cost and expense, comply with all laws, ordinances, orders, rules and regulations (state, federal, municipal or any other agency having or claiming jurisdiction) related to Tenant's use, of the Premises. All business licenses and other applicable permits and licenses shall be secured and paid for by Tenant.

6. Insurance.

a. Landlord Insurance. Landlord agrees to obtain and maintain in effect at all times during the term hereof, fire and extended coverage insurance insuring the Parking Garage, including the Premises and the Land.

b. Tenant Insurance. Tenant represents that it is self-insured, and therefore, Tenant assumes the following risks arising from its use of the Premises:

- Workers' Compensation
- Commercial Automobile Liability
- Commercial General Liability
- Public Officials' Liability

Personal Property at the Premises from time to time, which is Tenant-owned and/or leased property in the care, custody and control of the Tenant, are commercially insured with self-insured retention. Tenant will insure its own losses to the extent such losses are not required to be covered by the Landlord under other sections of this Agreement, and provided that such losses do not result from the negligence of the Landlord, his employees and/or agent.

7. Possession Upon Termination. Upon expiration of the Term of this Lease, or the earlier termination thereof as set forth herein, Tenant shall deliver possession of the Premises to the Landlord in good condition, broom clean and free of any waste or debris. Tenant shall have the right, but not the obligation, to remove any fixtures capable of removal without damage to the Premises.

8. Notice. Any notices, requests for approval, and other communications under this Agreement (each, a "Notice") shall be in writing and shall be delivered via (a) hand delivery, (b) reputable, national overnight delivery service (with confirmatory receipt therefor), or (c) registered or certified United States mail, postage prepaid, in each case to the parties as follows:

If to Landlord:

Square 1400, L.C.  
c/o Rushmark Properties  
2900 Fairview Park Drive  
Falls Church, Virginia 20042  
Attention: Neal Kumar

With a copy to:

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Blvd., Suite 1300  
Arlington, Virginia 22201  
Attention: Thomas J. Colucci, Esq.

If to Tenant:

Facilities Management Department  
12000 Government Center Parkway, Suite 424  
Fairfax, Virginia 22035-5503  
Attention: Marguerite Guarino

With a copy to:

Office of the County Attorney  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035-0064  
Attention: County Attorney

Either party may change such address(es) to which a Notice is to be delivered by furnishing five (5) business days written notice of such change(s) to the other party. Each Notice shall be deemed given on the day actually received or the day delivery was refused.

9. Severability. If any term or provision of this Agreement or any portion of a term or provision hereof or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement and each portion thereof shall be valid and be enforced to the fullest extent permitted by law.

10. Subject to Appropriations. Any and all financial commitments of Tenant under this Agreement are subject to appropriation by the Board of Supervisors of Fairfax, County, Virginia (the "Board").

11. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one Agreement.

***[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]***

***[SIGNATURE PAGE FOLLOWS]***

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

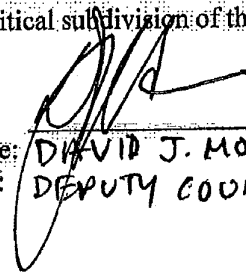
**LANDLORD:**

**SQUARE 1400, L.C.**

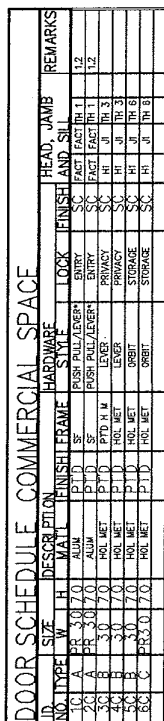
By:   
Name: Patrick Kearney  
Title: Manager

**TENANT:**

**THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,**  
a political subdivision of the Commonwealth of Virginia

By:   
Name: DAVID J. MOLCHAN  
Title: DEPUTY COUNTY EXECUTIVE

**EXHIBIT A - PREMISES**

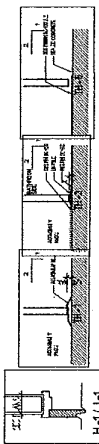


NOTES AND REMARKS:  
CONFORM MEETING WITH OWNER BUILDER  
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**F RAME L I N E S T R U C T U R E**

 PFD HOL NET	 PFD HOL NET	 PFD HOL NET
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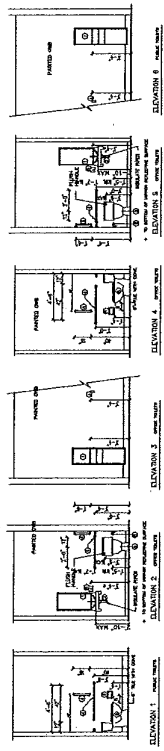
PFD (POLYNET) FINISH ON STOREFRONT



© 2011 SDE AND ASSOCIATES, INC.

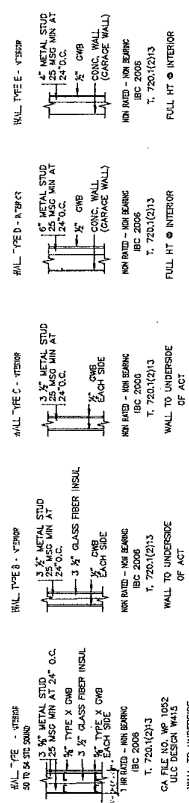
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REMARKS:  
CONFIRM FINISHES WITH OWNER/BUILDER.  
1. 45" HT FRP WASTECOT AROUND  
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2. SEMI-GLOSS PAINT FINISH

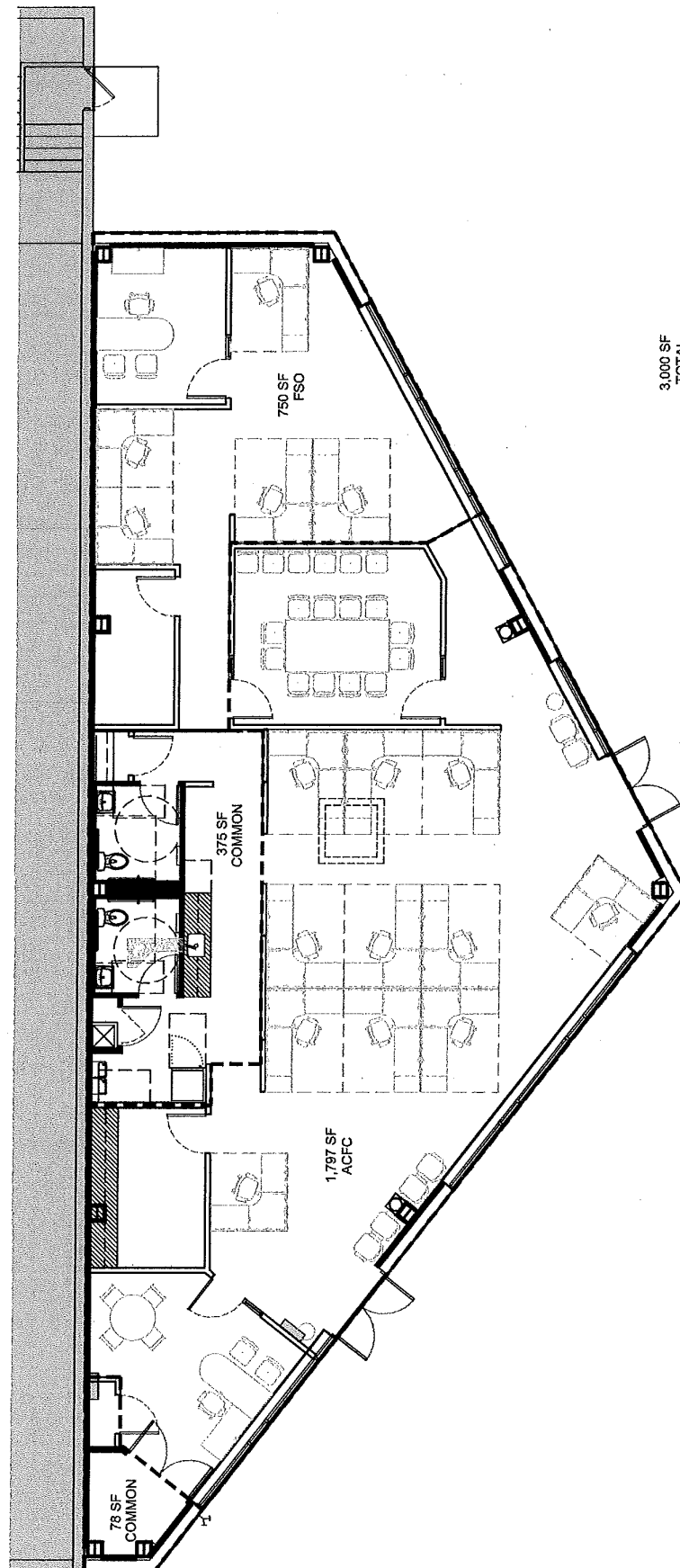

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-4, 7-2-8, 7-2-12, and 7-2-13 Relating to Election Precincts and Polling Places

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend and readopt Chapter 7 of the Fairfax County Code to (1) divide Little Run, Holmes and Skyline precincts to form three new precincts and establish polling places; (2) adjust the boundary between Belvoir and Woodlawn precincts; (3) adjust the boundary between Centre Ridge and London Towne No. 2 precincts; (4) rename London Towne No. 1 and London Towne No. 2 precincts and establish a new polling place; (5) relocate the polling places for Terraset and Thoreau precincts; and (6) to readopt the descriptions of Marshall and Westhampton precincts to conform to the adjusted boundary line between Fairfax County and the City of Falls Church.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, September 9, 2014, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on July 29, 2014, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on September 9, 2014, at 4:00 p.m. and to allow sufficient time to notify voters of the changes in advance of the 2014 general election.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their polling place will be mailed a new Virginia Voter Information Card in advance of the November general election.

(1) In Braddock District, staff recommends dividing the Little Run precinct along Olley Lane to reduce parking problems at the Little Run Elementary School polling place. The portion of the precinct east of Olley Lane, approximately 1,250 voters, will remain Little

Board Agenda Item  
July 29, 2014

Run precinct and will continue to vote at Little Run Elementary School. The portion of the precinct west of Olley Lane, approximately 2,300 voters, will be named "Olde Creek" and its polling place will be established at the Olde Creek Elementary School, located at 9524 Olde Creek Drive, Fairfax.

(2) In Hunter Mill District, staff recommends moving the polling place for Terraset precinct from the Terraset Elementary School located at 11411 Ridge Heights Road, Reston, to the Langston Hughes Middle School located at 11401 Ridge Heights Road, Reston. The middle school has a larger parking area and provides better accessibility for the voters than the elementary school which is currently undergoing renovation.

(3) In Dranesville District, staff recommends readopting the description of Westhampton precinct to conform to the new boundary between Fairfax County and the City of Falls Church that was adopted earlier this year. No voters were affected by this boundary change.

(4) In Mason District, staff recommends dividing the Skyline precinct to reduce the number of voters at the Goodwin House polling place where public access and parking are limited. The portion of the precinct that is south of Leesburg Pike will remain the Skyline precinct with approximately 2,800 voters and its polling place will be moved into the tenant conference center in Three Skyline Place located at 5201 Leesburg Pike, Falls Church. The portion of the precinct to the north of Leesburg Pike with approximately 1,100 voters will be named "Crossroads" and its polling place will be at the Goodwin House Bailey's Crossroads. ①

(5) In Mason District, staff also recommends dividing Holmes precinct along the boundary between the Eighth and Eleventh Congressional Districts and "resurrecting" Holmes No. 1 and Holmes No. 2 precincts. During the 2011 redistricting process, the Holmes No. 1 and Holmes No. 2 precincts were consolidated into one precinct to conserve resources. In order to comply with the State Board of Elections requirement to report election results by Congressional District, however, the voting equipment must be programmed and the election officers must manage Holmes as if it is two precincts. The voters also are checked in and are given different ballots for the two Congressional Districts. The election officers have requested that the precinct be re-divided to simplify the process for the officers and the voters. Both the new Holmes No. 1 and Holmes No. 2 will continue to vote at Baileys Elementary School.

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① The County is currently in contract negotiations with the property owner of Three Skyline Place for the Office of Elections to use the site as a polling place for the Skyline precinct. Should the parties fail to reach an agreement, paragraph (4) below will have to be amended prior to advertising the change in polling place location.

Board Agenda Item  
July 29, 2014

(6) In Mount Vernon District, staff recommends adjusting the boundary between Belvoir and Woodlawn precincts to redistribute the voting population. During the 2011 redistricting process, Belvoir precinct was divided between the Thirty-Sixth and Thirty-Ninth Senate Districts and the Forty-Third and Forty-Fourth House of Delegates Districts, creating three separate ballot styles for voters in that precinct. The proposed boundary change will move approximately 525 voters who reside in the Forty-Fourth Delegate District from Belvoir to Woodlawn, eliminating one of the ballot styles. Both the revised Belvoir and Woodlawn precincts will continue to use their existing polling places at the Kingstowne Library and the Knights of Columbus #5998, respectively.

(7) In Providence District, staff recommends readopting the description of Marshall precinct to conform to the new boundary between Fairfax County and the City of Falls Church that was adopted earlier this year. No voters were affected by this boundary change.

(8) In Providence District, staff recommends temporarily moving the polling place for Thoreau precinct from the Thoreau Middle School located at 2505 Cedar Lane, Vienna, to the Church for All Nations located at 8526 Amanda Place, Vienna. The church has kindly offered the use of its facility while the school is undergoing renovation.

(9) In Sully District, staff recommends adjusting the boundary between Centre Ridge and London Towne No. 2 precincts to redistribute the voting population. Centre Ridge precinct currently has nearly 5,000 registered voters, while London Towne No. 2 precinct has under 1,000 registered voters. The proposed boundary change will move approximately 1,350 voters from Centre Ridge to London Towne No. 2. Staff further recommends changing the name of London Towne No. 2 to "Spindle" and moving its polling place from London Towne Elementary School located at 6100 Stone Road, Centreville, to the Centreville Regional Library located at 14200 St. Germain Drive, Centerville.

(10) In Sully District, staff recommends changing the name of London Towne No. 1 to "London Towne" precinct.

For the Board's information, the Electoral Board has established the fall absentee satellite voting hours from 9:00 a.m. to 5:00 p.m. on 6 Saturdays beginning September 27 and extending through November 1, 2014, and from 3:30 p.m. to 7:00 p.m. on weekdays beginning October 14 and extending through October 31, 2014. The 7 existing satellite locations remain unchanged.

FISCAL IMPACT:

Insignificant. Funding for polling place change notifications is provided in the agency's FY 2015 Adopted Budget.

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July 29, 2014

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code Pertaining to Election Precincts and Polling Places  
Attachment 2 – Summary of Proposed Changes  
Attachment 3 – Descriptions and Maps of Proposed Changes  
Attachment 4 – Proposed Ordinance

STAFF:

Cameron Quinn, General Registrar  
Corinne Lockett, Assistant County Attorney

## Attachment 1: Virginia Code pertaining to Election Polling Places

**§ 24.2-305. Composition of election districts and precincts.**

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, state primary, or state secondary road system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

(1986, c. 593, § 24.1-40.7; 1990, c. 500; 1992, c. 425; 1993, c. 641; 2001, c. [614](#).)

**§ 24.2-307. Requirements for county and city precincts.**

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#).)

**§ 24.2-310. Requirements for polling places.**

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city if the city is wholly contained within the county election district served by the precinct. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

## Attachment 1: Virginia Code pertaining to Election Polling Places

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except (i) as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place or (ii) upon the approval of the local electoral board, inside the structure where the election is conducted, provided that a reasonable person would not observe any campaigning activities while inside the polling place. The local electoral board may approve campaigning activities inside the building where the election is conducted pursuant to clause (ii) when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#).)

### **§ 24.2-310.1. Polling places; additional requirement.**

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

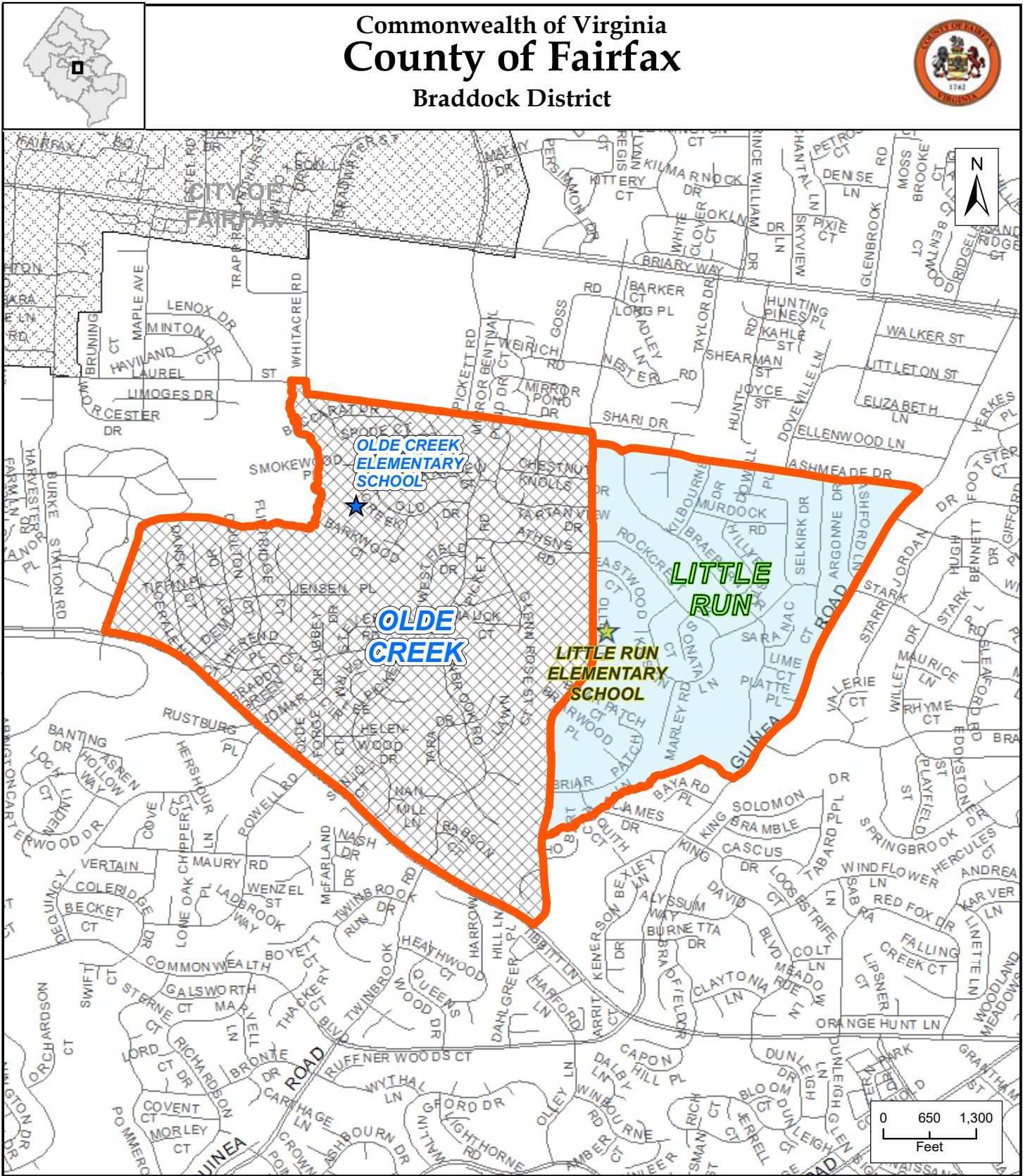
(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

<b>2014 PROPOSED PRECINCT and POLLING PLACE CHANGES</b>							
<b>SUPERVISOR DISTRICT</b>	<b>EXISTING PRECINCT(S)</b>	<b>CURRENT REGISTERED VOTERS*</b>	<b>EXISTING POLLING PLACE(S)</b>	<b>NEW PRECINCT(S)</b>	<b>PROJECTED REGISTERED VOTERS</b>	<b>NEW POLLING PLACE(S)</b>	<b>NOTES ON CHANGES</b>
BRADDOCK	LITTLE RUN	3,554	Little Run Elem. School	LITTLE RUN "OLDE CREEK"	1,228 2,326	Little Run Elem. School Olde Creek Elem. School	Divide precinct to reduce the number of voters voting at Little Run where parking is limited.
HUNTER MILL	TERRASET	4,172	Terraset Elem. School	TERRASET	4,172	Hughes Middle School	Move polling place for accessibility while Terraset is undergoing renovation.
DRANESVILLE	WESTHAMPTON	2,347	Lemon Road Elem. School	WESTHAMPTON	2,347	Lemon Road Elem. School	Readopt precinct description to conform to Fairfax County and City of Falls Church boundary change.
MASON	SKYLINE	3,945	Goodwin House	SKYLINE "CROSSROADS"	2,829 1,116	Three Skyline Place Goodwin House	Divide precinct to reduce the number of voters at Goodwin House where parking is limited.
MASON	HOLMES	2,651	Bailey's Elem. School	"HOLMES #1" "HOLMES #2"	713 1,938	Bailey's Elem. School Bailey's Elem. School	Divide precinct to eliminate the split Congressional District.
MOUNT VERNON	BELVOIR WOODLAWN	3,024 3,941	Kingstowne Library Knights of Columbus #5998	BELVOIR WOODLAWN	2,499 4,466	Kingstowne Library Knights of Columbus #5998	Adjust precinct boundary to eliminate the split House of Delegates District.
PROVIDENCE	MARSHALL	5,237	Marshall High School	MARSHALL	5,237	Marshall High School	Readopt precinct description to conform to Fairfax County and City of Falls Church boundary change.
PROVIDENCE	THOREAU	1,813	Thoreau Middle School	THOREAU	1,813	The Church of All Nations	Move polling place temporarily while Thoreau Middle School is under renovation.
SULLY	CENTRE RIDGE LONDON TOWNE #2	4,930 832	Centre Ridge Elem. School London Towne Elem. School	CENTRE RIDGE "SPINDLE"	3,584 2,178	Centre Ridge Elem. School Centerville Regional Library	Adjust boundary to redistribute voters and change precinct name and polling place.
SULLY	LONDON TOWNE #1	4,049	London Towne Elem. School	LONDON TOWNE	<b>832</b> <b>4,049</b>	London Towne Elem. School	Rename precinct.

\* Registered voters as of June 23, 2014



Commonwealth of Virginia  
County of Fairfax  
Braddock District



**Proposed Division of Little Run Voting Precinct**

- Proposed Olde Creek Precinct
- Updated Little Run Precinct
- Proposed New Polling Place
- Current Polling Place

September 2014



**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Braddock District**

**PRECINCT 109: LITTLE RUN**

**CONGRESSIONAL DISTRICT: ELEVENTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH**  
**HOUSE OF DELEGATES DISTRICT: FORTY-FIRST**

**DESCRIPTION:**

Beginning at the intersection of Olley Lane and Braeburn Drive, thence with Braeburn Drive in an easterly direction to its intersection with Ashmeade Drive, thence with Ashmeade Drive in an easterly direction to its intersection with Guinea Road, thence with Guinea Road in a southwesterly direction to its intersection with Long Branch (stream), thence with the meanders of Long Branch in a northwesterly direction to its intersection with an unnamed stream, thence with the unnamed stream in a southwesterly direction to its intersection with Olley Lane, thence with Olley Lane in a generally northerly direction to its intersection with Braeburn Drive, point of beginning.

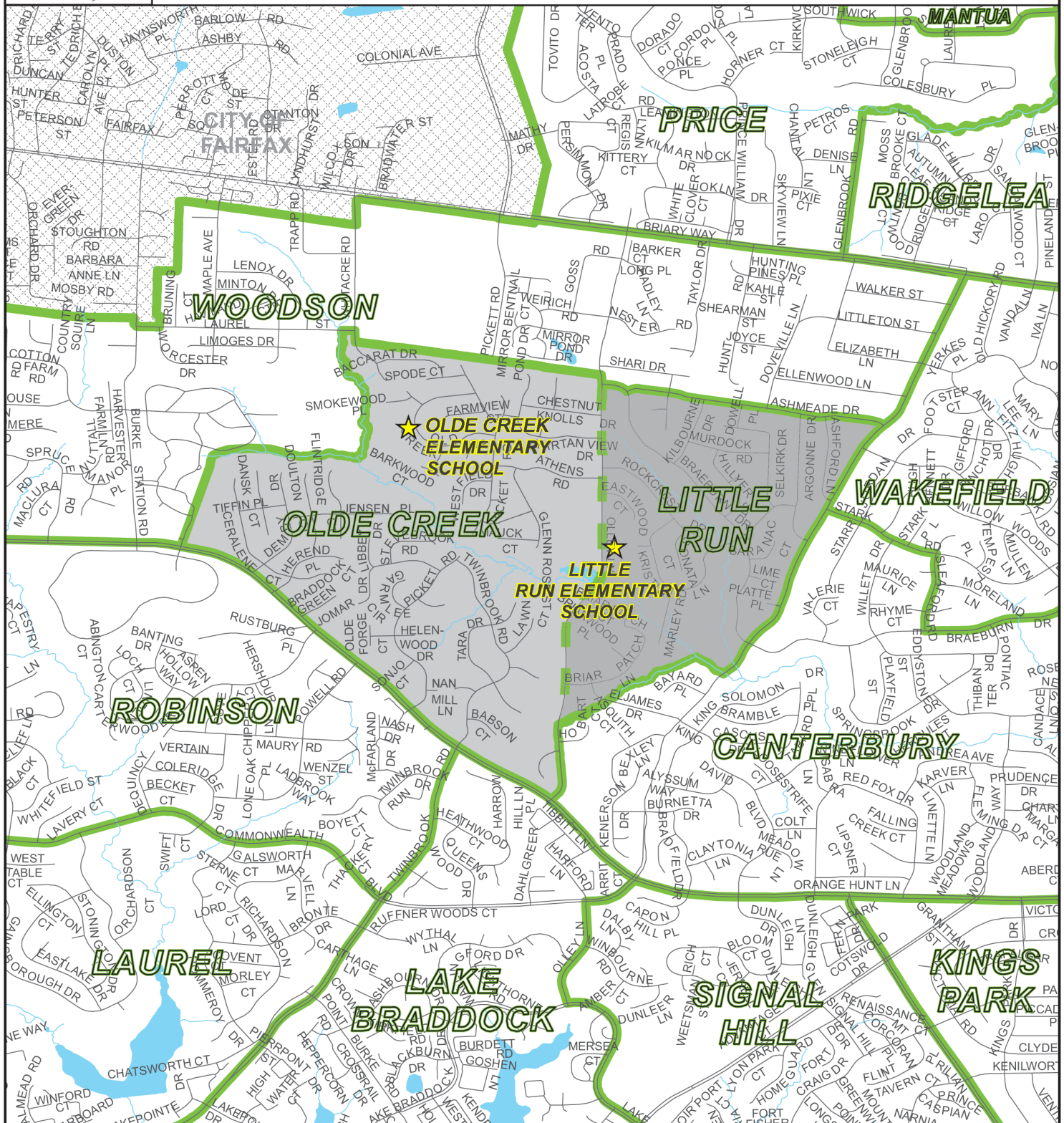
**POLLING PLACE:** Little Run Elementary School  
4511 Olley Lane, Fairfax

**MAP GRIDS:** 69-2, 69-4

**NOTES:** Established as Little Run Precinct - February 1982  
Name changed to Olde Creek Precinct - March 1996  
Precinct description revised and readopted - March 2003  
Precinct renamed and boundary adjusted – July 2011  
Delegate District changed from 37<sup>th</sup> to 41<sup>st</sup> – July 2011  
Precinct divided – September 2014



Commonwealth of Virginia  
**County of Fairfax**  
Braddock District



**PROPOSED POLLING PLACES**

*Polling Places: Olde Creek and Little Run Elementary Schools*

- Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features

0 800 1,600  
Feet



April, 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Braddock District**

**PRECINCT 114: OLDE CREEK**

**CONGRESSIONAL DISTRICT: ELEVENTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH**  
**HOUSE OF DELEGATES DISTRICT: FORTY-FIRST**

**DESCRIPTION:**

Beginning at the intersection of Long Branch (stream) and Laurel Street, thence with Laurel Street in an easterly direction to its intersection with Whitacre Road, thence with Whitacre Road in a southerly direction to its intersection with the south boundary of the Fairfax County School Property on which Woodson High School and Frost Middle School are located, thence with the boundary of the Fairfax County School Property and a projection of this boundary to an abandoned outlet road in an easterly direction to its intersection with Olley Lane, thence with Olley Lane in a generally southerly direction to its intersection with Braddock Road, thence with Braddock Road in a northwesterly direction to its intersection with the Calvary Memorial Park (cemetery) Road, thence with the Calvary Memorial Park Road in a general northerly direction to its intersection with a projection of an unnamed stream, thence with the projection and the unnamed stream in an easterly direction to its intersection with Long Branch, thence with the meanders of Long Branch to its intersection with Laurel Street, point of beginning.

**POLLING PLACE:** Olde Creek Elementary School  
9524 Olde Creek Drive, Fairfax

**MAP GRIDS:** 58-3, 58-4, 69-1, 69-2, 69-3, 69-4

**NOTES:** Established September 2014



Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Hunter Mill District**

**PRECINCT 225: TERRASET**

CONGRESSIONAL DISTRICT: ELEVENTH  
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND  
HOUSE OF DELEGATES DISTRICT: THIRTY-SIXTH

**DESCRIPTION:**

Beginning at the intersection of Reston Parkway and Sunrise Valley Drive, thence with Sunrise Valley Drive in a generally easterly direction to its intersection with Soapstone Drive, thence with Soapstone Drive in a southerly direction to its intersection with Snakeden Branch (stream), thence with the meanders of Snakeden Branch in a northwesterly direction to its intersection with Reston Parkway, thence with Reston Parkway in a northeasterly direction to its intersection with Sunrise Valley Drive, point of beginning.

**POLLING PLACE:** ~~Terraset Elementary School~~ Hughes Middle School  
~~11411~~ 11401 Ridge Heights Road, Reston

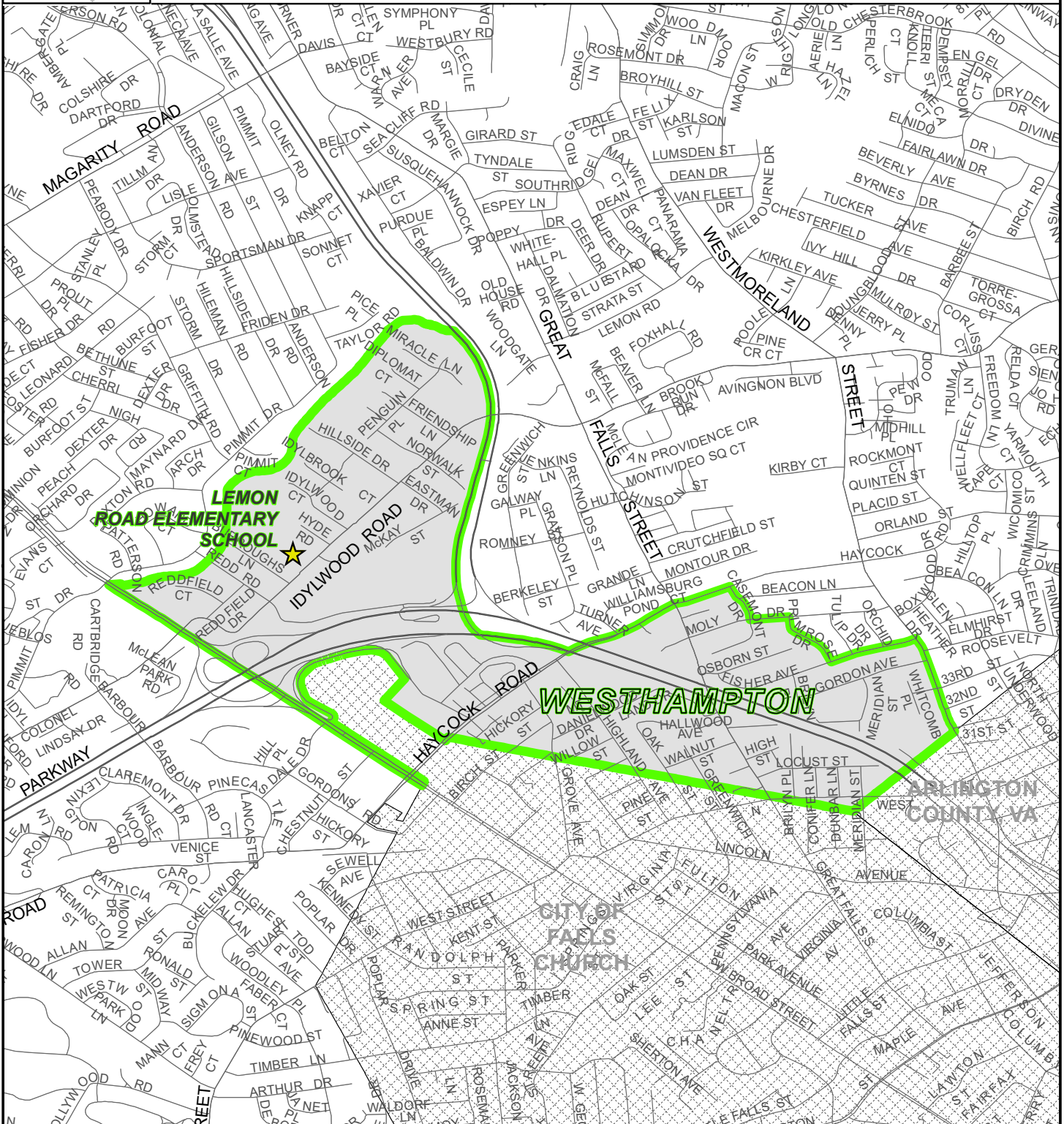
**MAP GRIDS:** 17-3, 17-4, 26-1, 26-2, 26-4

**NOTES:** Established December 1976  
Precinct description revised and readopted – March 2003  
Congressional District changed from 8<sup>th</sup> to 11<sup>th</sup> – January 2012  
Polling Place moved – September 2014





Commonwealth of Virginia  
**County of Fairfax**  
Dranesville District



**Precinct: 317 WESTHAMPTON**

**Polling Place: Lemon Road Elementary School**

**Fairfax County Voting Precincts** — Roadway Centerlines Other Jurisdictions

**Featured Precinct Polling Place** — Water Features

0 700 1,400  
Feet



January 2014

**- REVISED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Dranesville District**

**PRECINCT 317: WESTHAMPTON**

**CONGRESSIONAL DISTRICT: EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND**  
**HOUSE OF DELEGATES DISTRICT: FIFTY-THIRD**

**DESCRIPTION:**

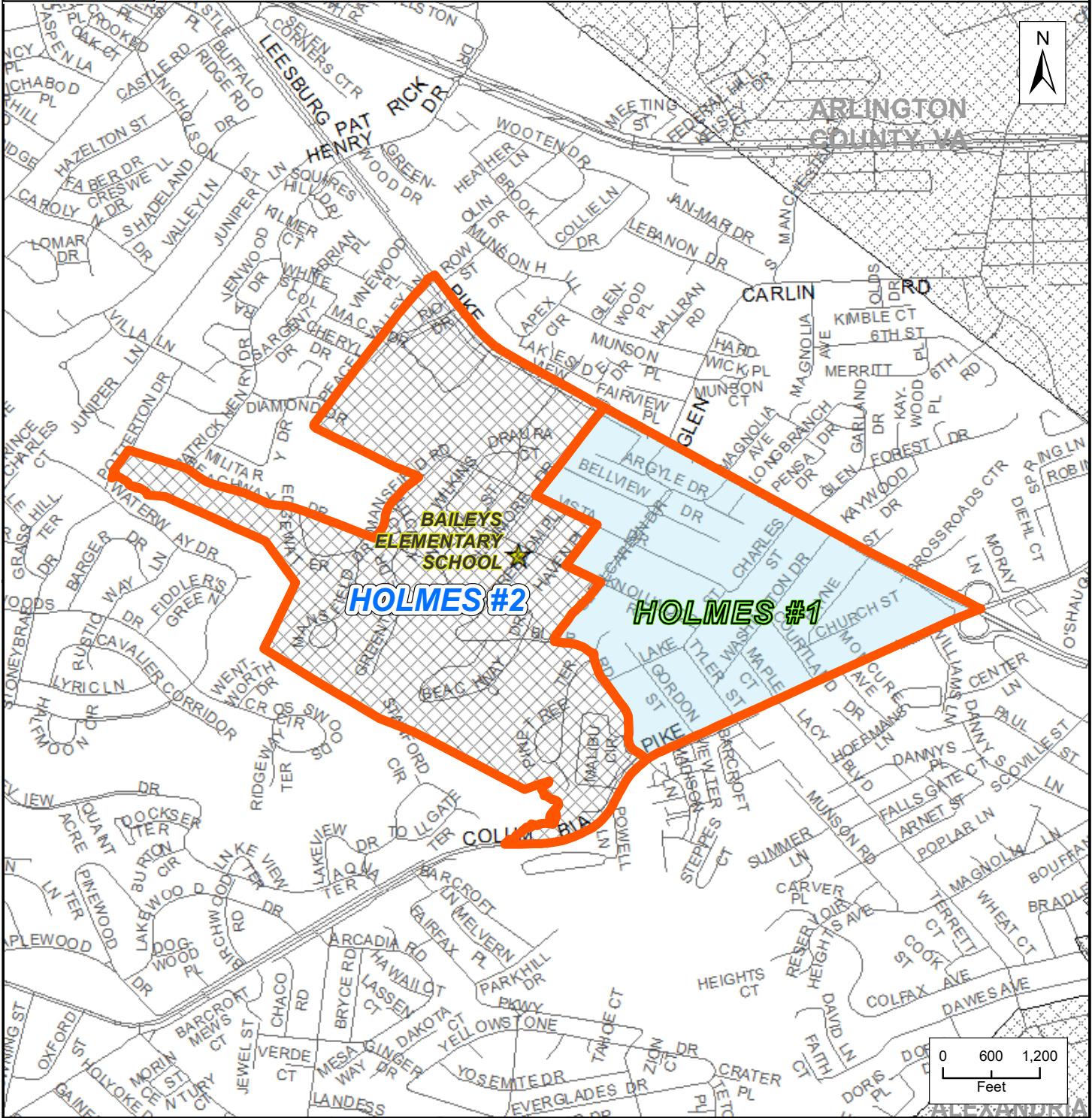
Beginning at the intersection of Pimmit Run (stream) and the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in a southerly direction to its intersection with Interstate 66, thence with Interstate 66 in an easterly direction to its intersection with Haycock Road, thence with Haycock Road in a northeasterly direction to its intersection with Casemont Drive, thence with Casemont Drive in a southerly direction to its intersection with Moly Drive, thence with Moly Drive in an easterly direction to its intersection with Primrose Drive, thence with Primrose Drive in a southeasterly direction to its intersection with Fisher Avenue, thence with Fisher Avenue in an northeasterly direction to its intersection with Westmoreland Street, thence with Westmoreland Street in a southeasterly direction to its intersection with the Arlington County/Fairfax County Line, thence with the Arlington County/Fairfax County Line in a southwesterly direction to its intersection with the north corporate boundary of the City of Falls Church, thence with the corporate boundary of the City of Falls Church in a westerly, northeasterly, northwesterly, westerly, (around the George Mason High School property), then southeasterly direction to its intersection with Leesburg Pike (Route 7), thence with Leesburg Pike in a northwesterly direction to its intersection with Pimmit Run, thence with the meanders of Pimmit Run in a generally northeasterly direction to its intersection with the Washington Dulles Access and Toll Road, point of beginning.

**POLLING PLACE:** Lemon Road Elementary School  
7230 Idylwood Road, Falls Church


**MAP GRIDS:** 40-1, 40-2, 40-3, 40-4



**NOTES:** Established June 1971  
Boundary adjusted to conform to Congressional District line - March 2002  
Precinct description revised and readopted – March 2003  
Boundary adjusted with City of Falls Church – January 2014





## Proposed Division of Holmes Voting Precinct

- 
Updated Holmes #1 Precinct


Current Polling Place
- 
Proposed Holmes #2 Precinct

September 2014



**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mason District**

**PRECINCT 506:        HOLMES NO. 1**

**CONGRESSIONAL DISTRICT:        EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT:    THIRTY-FIFTH**  
**HOUSE OF DELEGATES DISTRICT:   THIRTY-EIGHTH**

**DESCRIPTION:**

Beginning at the intersection of Glenmore Drive and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with Columbia Pike, thence with Columbia Pike in a southwesterly direction to its intersection with Blair Road, thence with Blair Road in a northwesterly direction to its intersection with Glen Carlyn Drive, thence with Glen Carlyn Drive in a northeasterly direction to its intersection with Knollwood Road, thence with Knollwood Road in a northwesterly direction to its intersection with Haven Place, thence with Haven Place in a northeasterly direction to its intersection with Vista Drive, thence with Vista Drive in a northwesterly direction to its intersection with Glenmore Drive, thence with Glenmore Drive in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

**POLLING PLACE:**                    Baileys Elementary School  
6111 Knollwood Drive, Falls Church

**MAP GRIDS:**    61-2, 61-4

**NOTES:**            Established July 2011  
Precinct combined Holmes No. 1 and Holmes No. 2 – July 2011  
Precinct re-divided – September 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mason District**

**PRECINCT 530:            HOLMES NO. 2**

<b>CONGRESSIONAL DISTRICT:</b>	<b>ELEVENTH</b>
<b>VIRGINIA SENATORIAL DISTRICT:</b>	<b>THIRTY-FIFTH</b>
<b>HOUSE OF DELEGATES DISTRICT:</b>	<b>THIRTY-EIGHTH</b>

**DESCRIPTION:**

Beginning at the intersection of Peace Valley Lane and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with Glenmore Drive, thence with Glenmore Drive in a southwesterly direction to its intersection with Vista Drive, thence with Vista Drive in a southeasterly direction to its intersection with Haven Place, thence with Haven Place in a southwesterly direction to its intersection with Knollwood Drive, thence with Knollwood Drive in a southeasterly direction to its intersection with Glen Carlyn Drive, thence with Glen Carlyn Drive in a southwesterly direction to its intersection with Blair Road, thence with Blair Road in a generally southeasterly direction to its intersection with Columbia Pike, thence with Columbia Pike in a southwesterly direction to its intersection with Holmes Run (stream), thence with the meanders of Holmes Run in a northwesterly direction into and through Lake Barcroft to its intersection with Potterton Drive, thence with Potterton Drive in a northeasterly direction to its intersection with Beachway Drive, thence with Beachway Drive in a southeasterly direction to its intersection with Mansfield Road, thence with Mansfield Road in a northeasterly direction to its intersection with Peace Valley Lane, thence with Peace Valley Lane, a projection of Peace Valley Lane and Peace Valley Lane in a northwesterly, then northeasterly direction to its intersection with Leesburg Pike, point of beginning.

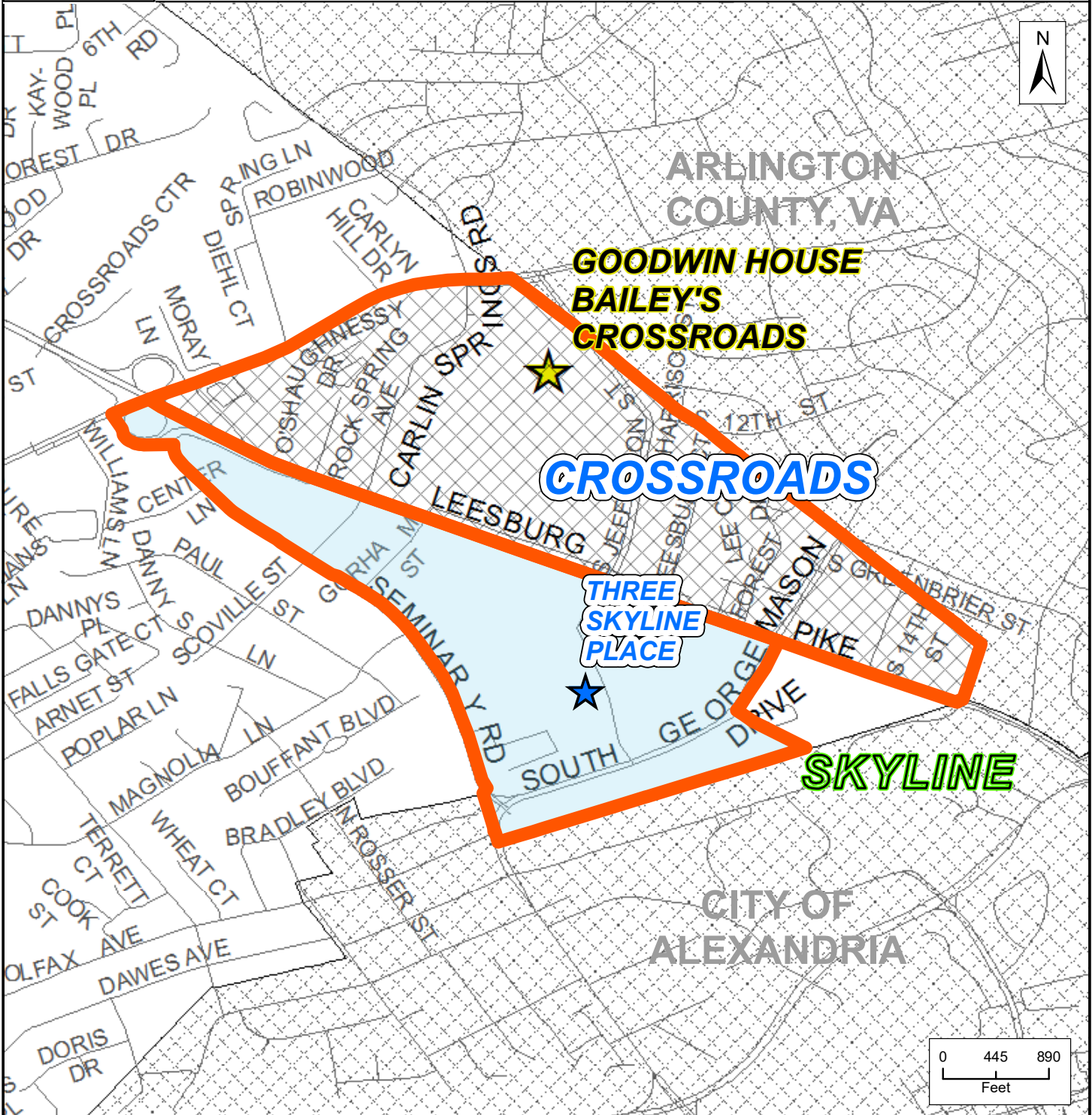
**POLLING PLACE:**            Baileys Elementary School  
6111 Knollwood Drive, Falls Church

**MAP GRIDS:**    51-3, 61-1, 61-2, 61-3, 61-4





**NOTES:**            Re-established September 2014



Commonwealth of Virginia  
**County of Fairfax**  
Mason District



**Proposed Division of Skyline Voting Precinct**

- |  |  |
|--|--|
|  Proposed Crossroads Precinct |  Proposed New Polling Place |
|  Updated Skyline Precinct     |  Current Polling Place      |

September 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mason District**

**PRECINCT 514: CROSSROADS**

**CONGRESSIONAL DISTRICT: EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-FIFTH**  
**HOUSE OF DELEGATES DISTRICT: FORTY-NINTH**

**DESCRIPTION:**

Beginning at the intersection of Columbia Pike and the Arlington County/Fairfax County Line, thence with the Arlington County/Fairfax County Line in a southeasterly, then southerly direction to its intersection with Leesburg Pike (Route 7), thence with Leesburg Pike in a northwesterly direction to its intersection with Columbia Pike, thence with Columbia Pike in a northeasterly direction to its intersection with the Arlington County/Fairfax County Line, point of beginning.

**POLLING PLACE:** Goodwin House Bailey's Crossroads  
3440 South Jefferson Street, Falls Church

**MAP GRIDS:** 61-2, 62-1

**NOTES:** Established September 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mason District**

**PRECINCT 520: SKYLINE**

**CONGRESSIONAL DISTRICT: EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-FIFTH**  
**HOUSE OF DELEGATES DISTRICT: FORTY-NINTH**

**DESCRIPTION:**

Beginning at the intersection of Seminary Road and Leesburg Pike (Route 7) thence with Leesburg Pike in a southeasterly direction to its intersection with South George Mason Drive, thence with South George Mason Drive in a southwesterly direction to its intersection with an unnamed parking lot access road along the southwestern boundary of the Skyline Plaza property, thence with the access road and a projection of the access road along the Skyline Plaza property line in a southeasterly direction to its intersection with the corporate boundary of the City of Alexandria, thence with the Corporate Boundary of the City of Alexandria in a southwesterly direction to its intersection with Seminary Road, thence with Seminary Road in a generally northwesterly direction to its intersection with Leesburg Pike, point of beginning.

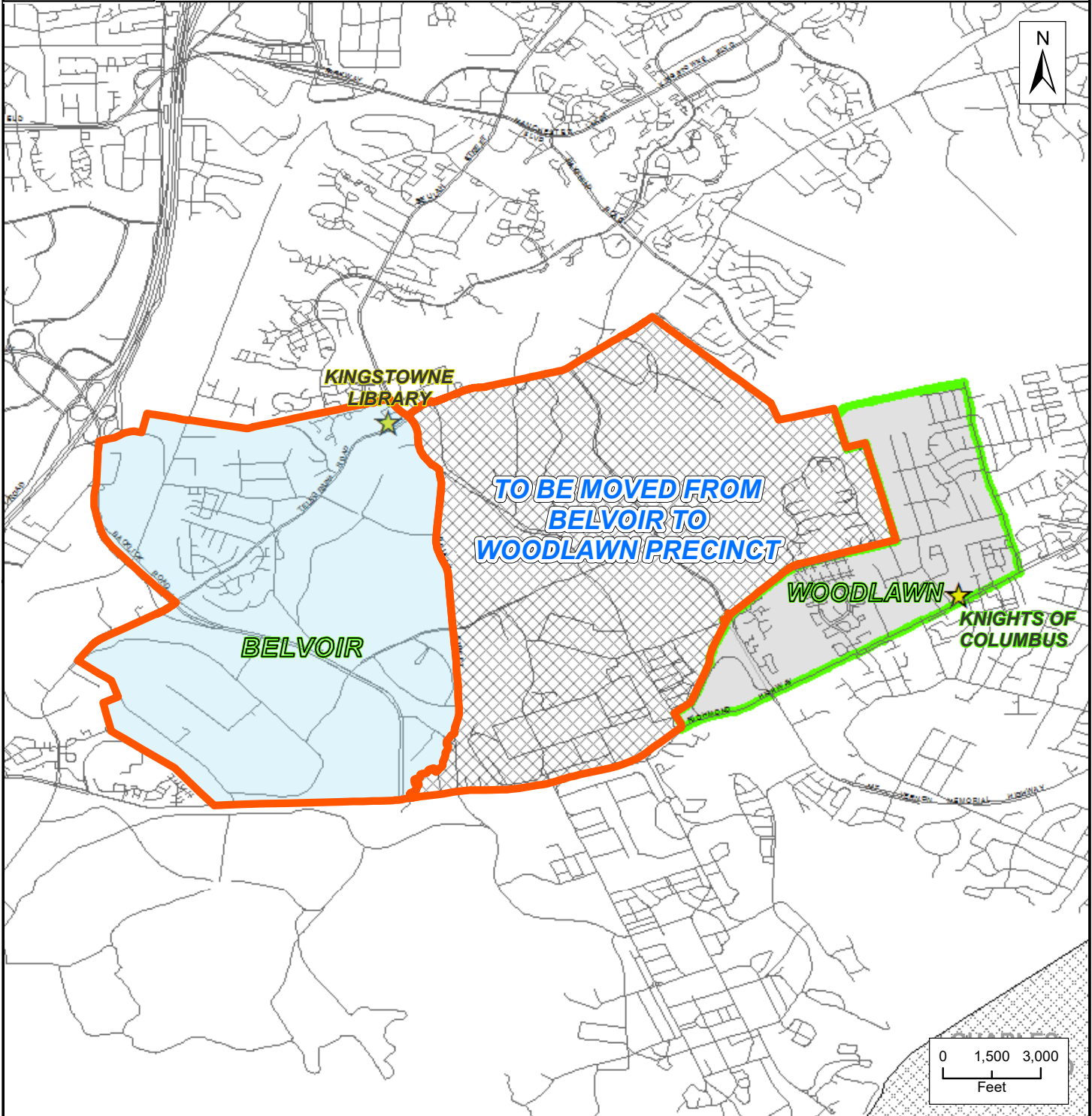
**POLLING PLACE:** ~~Goodwin House Bailey's Crossroads~~ Three Skyline Place  
~~3440 South Jefferson Street~~ 5201 Leesburg Pike, Falls Church

**MAP GRIDS:** 61-2, 61-4, 62-1, 62-3




**NOTES:** Established July 1981  
Polling place moved from Skyline Mall – March 2003  
Precinct description revised and readopted – March 2003  
Polling place moved – March 2010  
Boundary adjusted, polling place moved – July 2011  
Senate District changed from 31<sup>st</sup> to 35<sup>th</sup> – July 2011  
Delegate District changed from 46<sup>th</sup> to 49<sup>th</sup> – July 2011  
Precinct divided – July 2013  
Precinct divided – September 2014



Commonwealth of Virginia  
**County of Fairfax**  
Mount Vernon District



**Proposed Division of Belvoir Voting Precinct**

-  Updated Belvoir Precinct
-  Current Polling Place
-  To Be Moved to Woodlawn Precinct

September 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mount Vernon District**

**PRECINCT 619: BELVOIR**

CONGRESSIONAL DISTRICT: EIGHTH  
VIRGINIA SENATORIAL DISTRICT: THIRTY-SIXTH / THIRTY-NINTH  
HOUSE OF DELEGATES DISTRICT: FORTY-THIRD / ~~FORTY-FOURTH~~

**DESCRIPTION:**

Beginning at the intersection of Backlick Road and Newington Road, thence with Newington Road in an easterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a northerly direction to its intersection with the Virginia Power Easement, thence with Virginia Power Easement in an easterly direction to its intersection with [the old alignment of] Beulah Street, thence with [the old alignment of] Beulah Street and a projection of [the old alignment] of Beulah Street in an southerly direction to its intersection with Beulah Street at Woodlawn Road, thence with Beulah Street in a southerly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with Beulah Road, thence with Beulah Road in a southerly direction to its intersection with Backlick Road, thence with Backlick Road in a northwesterly direction to its intersection with Mason Run (stream), thence with the meanders of Mason Run in a southwesterly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a westerly direction to its intersection with Britten Drive, thence with Britten Drive in a northwesterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a generally northwesterly direction to its intersection with Newington Road, point of beginning.

**POLLING PLACE:** Kingstowne Library  
6500 Landsdowne Centre, Alexandria

**MAP GRIDS:** 99-1, 99-2, 99-3, 99-4, 100-1, 100-3, 101-3, 108-1, 108-2, 108-3,  
108-4, 109-1, 109-3

**NOTES:** Established July 1998  
Precinct description revised and readopted – March 2003  
Senate and Delegate boundaries changed – July 2011  
Boundary adjusted – September 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Mount Vernon District**

**PRECINCT 627:        WOODLAWN**

**CONGRESSIONAL DISTRICT:        EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT:    THIRTY-SIXTH**  
**HOUSE OF DELEGATES DISTRICT:   FORTY-FOURTH**

**DESCRIPTION:**

Beginning at the intersection of [the old alignment of] Beulah Street and Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the north boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a northeasterly, then southeasterly direction to its intersection with the western boundary of Huntley Meadows Park, thence with boundary of Huntley Meadows Park in a southeasterly, then northeasterly direction to its intersection with Frye Road, thence with Frye Road in a southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a southwesterly direction to its intersection with Mason Run (stream), thence with the meanders of Mason Run in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a southeasterly direction to its intersection with Beulah Street, thence with Beulah Street in a northerly direction to its intersection with a projection of and [the old alignment of] Beulah Street, thence with [the old alignment of] Beulah Street in a northerly direction to its intersection with Telegraph Road, point of beginning.

**POLLING PLACE:**                    Woodlawn Elementary School  
8505 Highland Lane, Alexandria

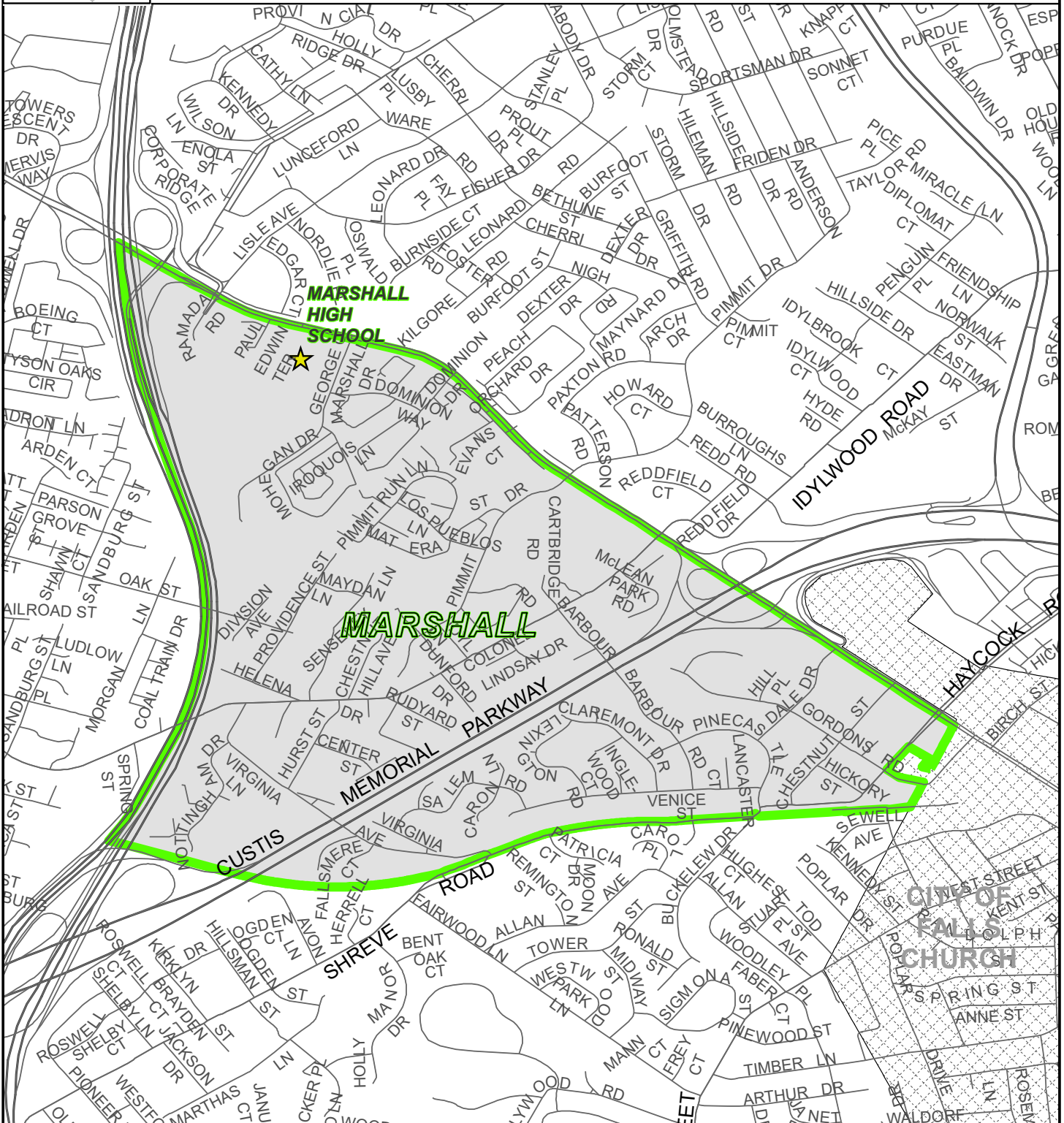
**MAP GRIDS:**    100-1, 100-2, 100-3, 100-4, 101-1, 101-3, 109-1, 109-2, 110-1

**NOTES:**            Established July 1981  
Moved from Lee District to Mount Vernon District-2001 Redistricting  
Precinct description revised and readopted – March 2003  
Precinct divided – April 2011  
Precinct boundary adjusted – July 2011  
Precinct boundary adjusted – September 2014





Commonwealth of Virginia  
**County of Fairfax**  
Providence District



**Precinct: 708 MARSHALL**

**Polling Place: Marshall High School**

- Fairfax County Voting Precincts**    Roadway Centerlines    Other Jurisdictions  
 **Featured Precinct Polling Place**    Water Features

0 550 1,100  
Feet



January 2014

**- REVISED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Providence District**

**PRECINCT 708:        MARSHALL**

**CONGRESSIONAL DISTRICT:        EIGHTH**  
**VIRGINIA SENATORIAL DISTRICT:    THIRTY-FIFTH**  
**HOUSE OF DELEGATES DISTRICT:   FIFTY-THIRD**

**DESCRIPTION:**

Beginning at the intersection of the Capital Beltway (I-495) and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with the west corporate boundary of the City of Falls Church, thence with the corporate boundary of the City of Falls Church in a southwesterly, westerly, northeasterly, northwesterly, southwesterly, easterly, (around the City of Falls Church Maintenance Yard property) and then a southerly direction to its intersection with the Washington and Old Dominion Railroad Regional Park (trail), thence with the Washington and Old Dominion Railroad Regional Park in a westerly direction to its intersection with the Capital Beltway, thence with the Capital Beltway in a generally northerly direction to its intersection with Leesburg Pike, point of beginning.

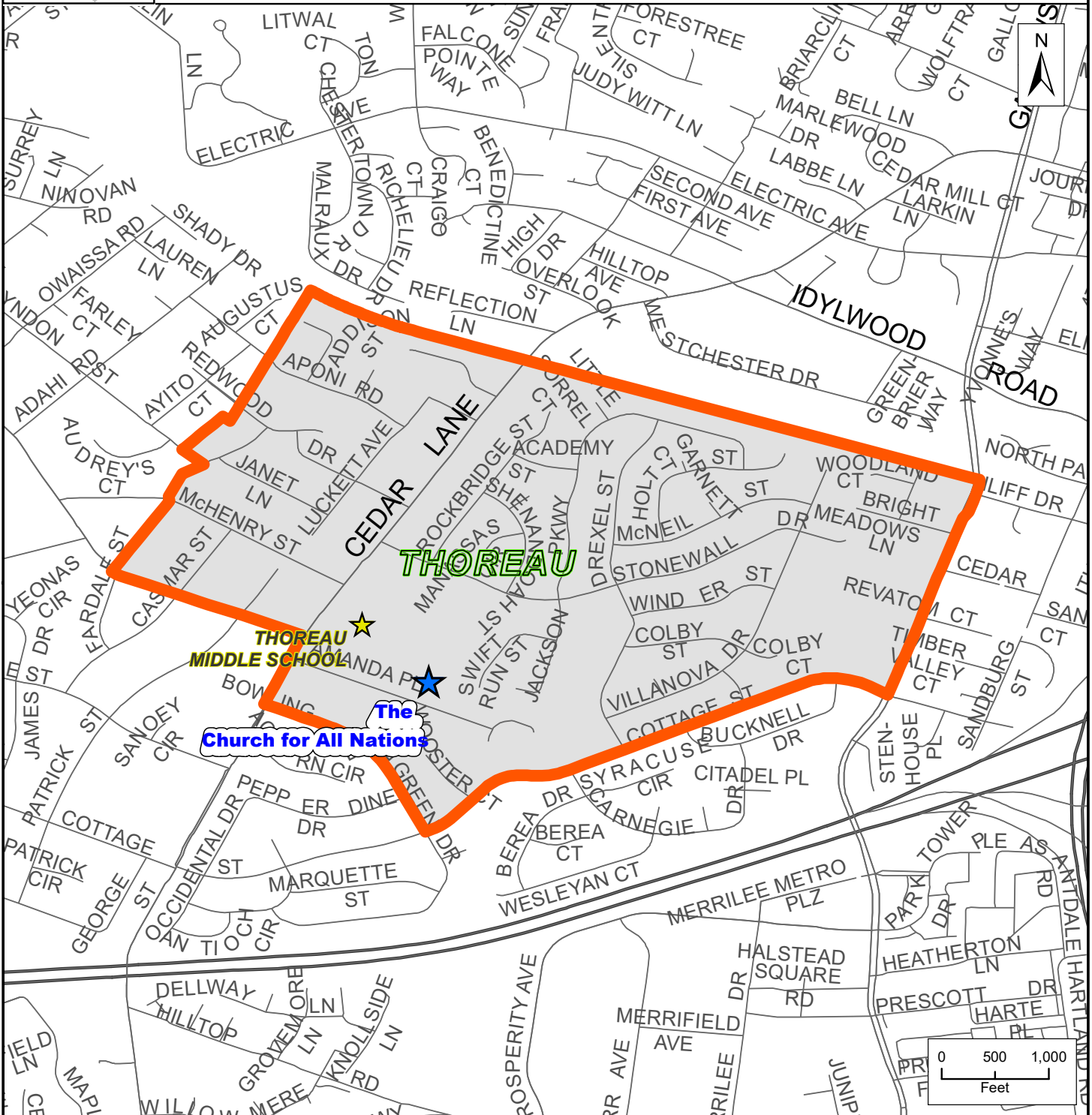
**POLLING PLACE:**                Marshall High School  
   7731 Leesburg Pike, Falls Church

**MAP GRIDS:**    39-2, 39-4, 40-1, 40-3

**NOTES:**            Established 1963  
                             The Washington and Old Dominion Railroad Regional Park (trail) is the  
                             abandoned Washington and Old Dominion Railroad right-of-way  
                             Precinct description revised and readopted – March 2003  
                             Senate district changed from 32<sup>nd</sup> to 35<sup>th</sup> - July 2011  
                             Boundary adjusted with City of Falls Church – January 2014



Commonwealth of Virginia  
**County of Fairfax**  
Providence District



**Proposed Polling Place Change for Thoreau Voting Precinct**

- ★ Proposed New Polling Place
- ★ Current Polling Place

September 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Providence District**

**PRECINCT 720: THOREAU**

**CONGRESSIONAL DISTRICT: ELEVENTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH**  
**HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH**

**DESCRIPTION:**

Beginning at the intersection of the east corporate boundary of the Town of Vienna and the Washington and Old Dominion Railroad Regional Park (trail), thence with the Washington and Old Dominion Railroad Regional Park in a southeasterly direction to its intersection with Gallows Road, thence with Gallows Road in a southwesterly direction to its intersection with Cottage Street, thence with Cottage Street in a generally southwesterly direction to its intersection with Bowling Green Drive, thence with Bowling Green Drive in a northwesterly direction to its intersection with the east corporate boundary of the Town of Vienna, thence with the corporate boundary of the Town of Vienna in a northeasterly, then northwesterly, then northeasterly direction to its intersection with the Washington and Old Dominion Railroad Regional Park, point of beginning.

**POLLING PLACE:** ~~Thoreau Middle School~~ The Church for All Nations  
~~2505 Cedar Lane~~ 8526 Amanda Place, Vienna

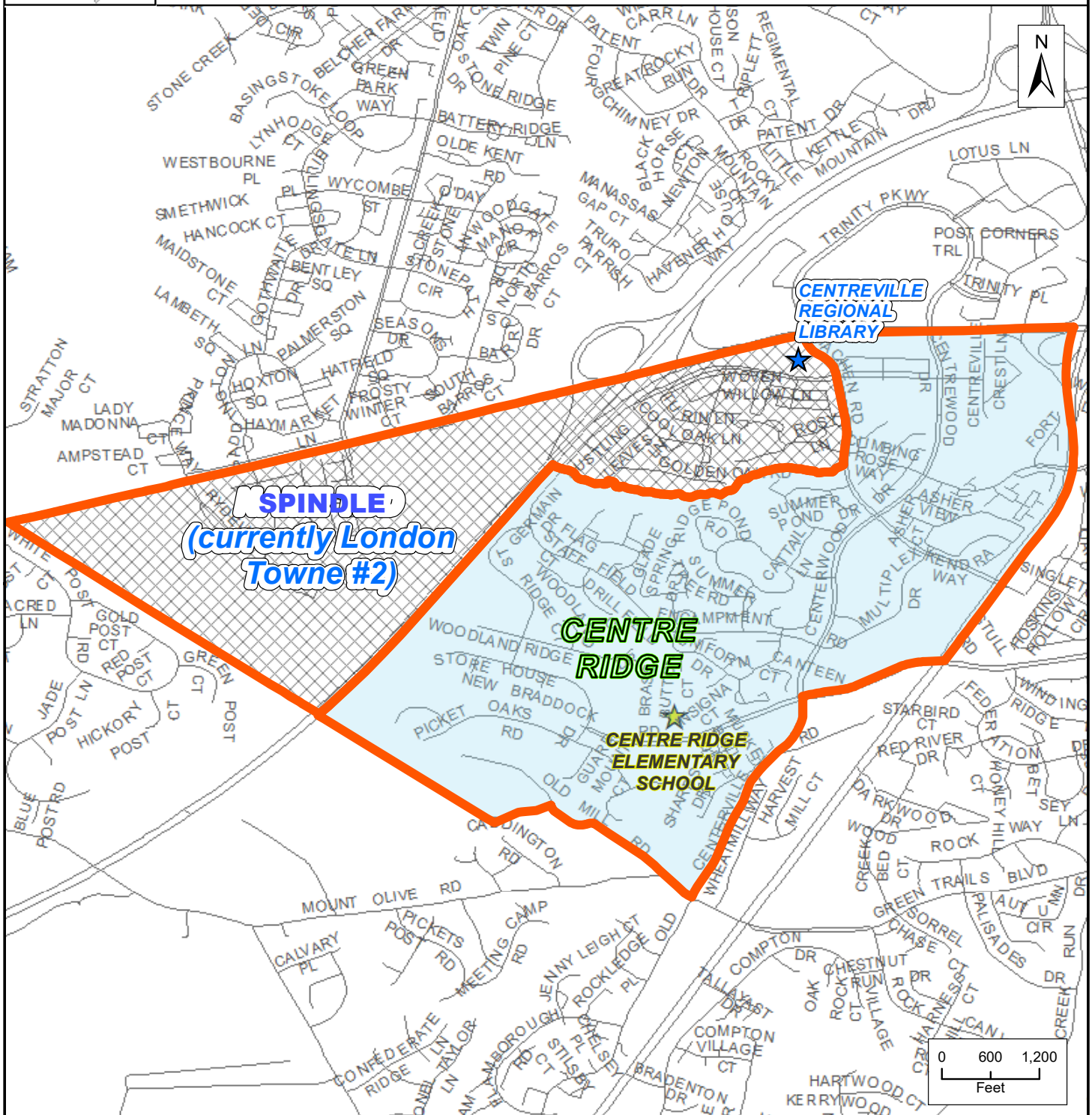
**MAP GRIDS:** 39-3, 39-4, 49-1, 49-2

**NOTES:** Established July 1981  
The Washington and Old Dominion Railroad Regional Park (trail) is the abandoned Washington and Old Dominion Railroad right-of-way  
Precinct description revised and readopted – March 2003  
Delegate District changed from 53<sup>rd</sup> to 35<sup>th</sup> - July 2011  
Polling place changed temporarily – September 2014





Commonwealth of Virginia  
**County of Fairfax**  
Sully District



### Proposed Division of Centre Ridge Voting Precinct



Proposed New Precinct (Name TBD)



Proposed New Polling Place



Updated Centre Ridge Precinct



Current Polling Place

September 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Sully District**

**PRECINCT 901: CENTRE RIDGE**

**CONGRESSIONAL DISTRICT: ELEVENTH**  
**VIRGINIA SENATORIAL DISTRICT: THIRTY-SEVENTH**  
**HOUSE OF DELEGATES DISTRICT: FORTIETH**

**DESCRIPTION:**

Beginning at the intersection of Machen Road and Lee Highway (Route 29), thence with Lee Highway in an easterly direction to its intersection with Centreville Road, thence with Centreville Road in a generally southwesterly direction to its intersection with New Braddock Road, thence with New Braddock Road in a westerly direction to its intersection with Old Centreville Road, thence with Old Centreville Road in a southwesterly direction to its intersection with Old Mill Road, thence with Old Mill Road in a northwesterly direction to its intersection with the Colonial Pipe Line Company Easement, thence with the Colonial Pipe Line Company Easement in a southwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northwesterly direction to its intersection with Interstate 66, thence with Interstate 66 in northwesterly direction to its intersection with an unnamed tributary of Big Rocky Run (stream) to the south of Golden Oak Road, thence with the meanders of the unnamed tributary in an easterly direction to its intersection with Machen Road, thence with Machen Road in a northerly direction to its intersection with Lee Highway, point of beginning.

**POLLING PLACE:** Centre Ridge Elementary School  
14400 New Braddock Road, Centreville

**MAP GRIDS:** 54-3, 54-4, 65-1, 65-2

**NOTES:** Established - May 1993  
Boundary adjusted - August 2001  
Precinct description revised and readopted – March 2003  
Congressional District changed from 10<sup>th</sup> to 11<sup>th</sup> – January 2012  
Boundary adjusted – July 2012  
Precinct boundary adjusted – September 2014

**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Sully District**

**PRECINCT 924: ~~LONDON TOWNE NO. 2~~ SPINDLE**

**CONGRESSIONAL DISTRICT:           ELEVENTH**  
**VIRGINIA SENATORIAL DISTRICT:   THIRTY-SEVENTH**  
**HOUSE OF DELEGATES DISTRICT:   FORTIETH**

**DESCRIPTION:**

Beginning at the intersection of the Columbia Liquified Natural Gas Easement and Lee Highway (Route 29), thence with Lee Highway in a northeasterly direction to its intersection with Machen Road, thence with Machen Road in a southerly direction to its intersection with an unnamed tributary of Big Rocky Run (stream) to the south of Climbing Rose Way, thence with the meanders of the unnamed tributary in a westerly direction to its intersection with Interstate 66, thence with Interstate 66 in a southwesterly direction to its intersection with the Columbia Liquified Natural Gas Easement, thence with the Columbia Liquified Natural Gas Easement in a northwesterly direction to its intersection with Lee Highway, point of beginning.

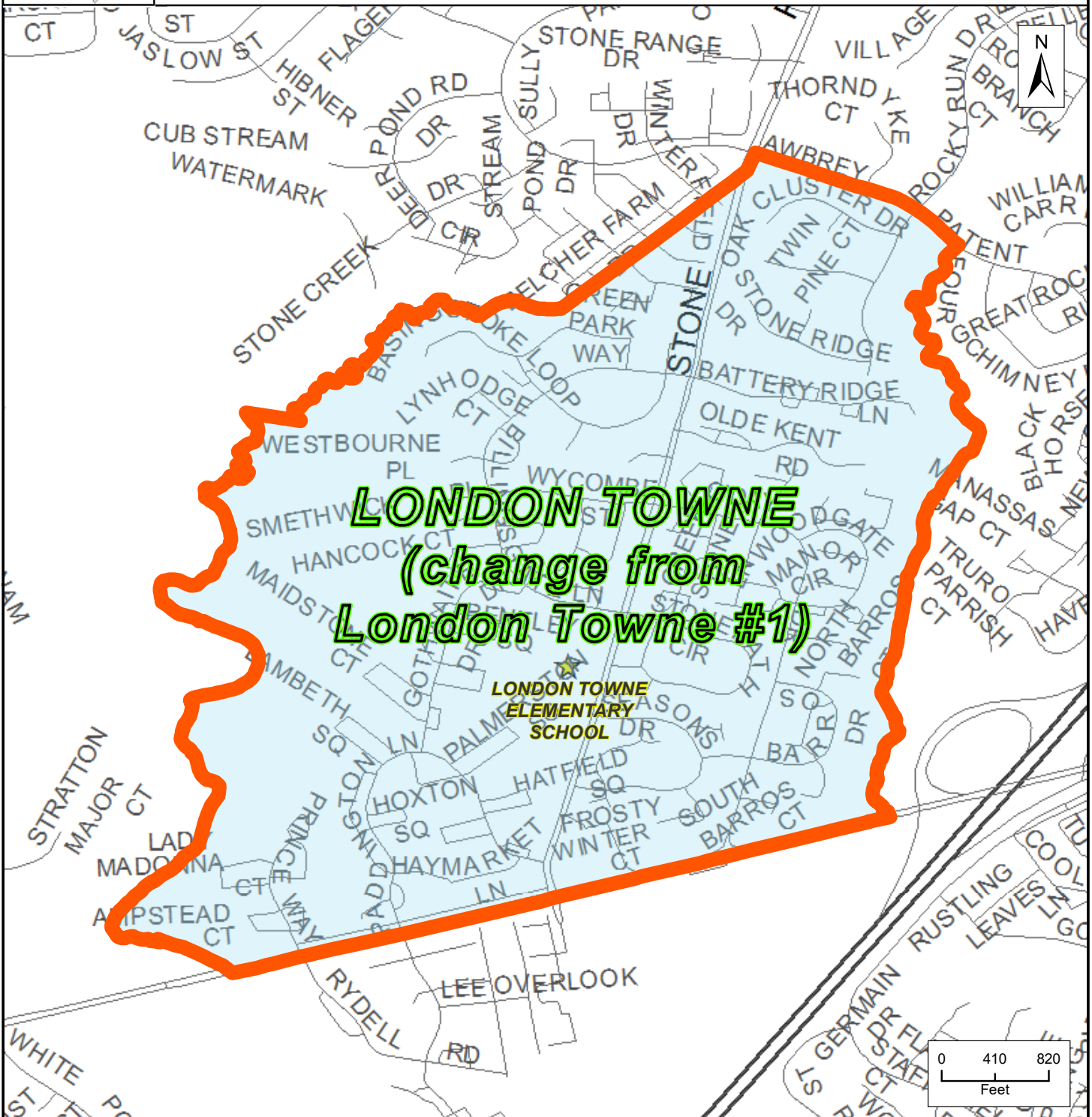
**POLLING PLACE:**                   ~~London Towne Elementary School~~ Centreville Regional Library  
  ~~6100 Stone Road~~ 14200 St. Germain Drive, Centreville

**MAP GRIDS:**   53-4, 54-3, 64-2, 65-1

**NOTES:**           Established May 2001  
                  Precinct description revised and readopted – March 2003  
                  Precinct boundary adjusted and precinct renamed – July 2011  
                  Congressional District changed from 10<sup>th</sup> to 11<sup>th</sup> – January 2012  
                  Precinct boundary adjusted and precinct renamed – September 2014



Commonwealth of Virginia  
**County of Fairfax**  
Sully District



**Proposed Name Change for London Towne #1 Voting Precinct**

 London Towne #1 Precinct

 Current Polling Place

September 2014



**- PROPOSED -**

Commonwealth of Virginia  
**COUNTY OF FAIRFAX**  
**Sully District**

**PRECINCT 910: LONDON TOWNE ~~NO. 1~~**

<b>CONGRESSIONAL DISTRICT:</b>	<b>ELEVENTH</b>
<b>VIRGINIA SENATORIAL DISTRICT:</b>	<b>THIRTY-SEVENTH</b>
<b>HOUSE OF DELEGATES DISTRICT:</b>	<b>THIRTY-SEVENTH</b>

**DESCRIPTION:**

Beginning at the intersection of Stone Road and Awbrey Patent Drive, thence with Awbrey Patent Drive in a southeasterly direction to its intersection with Big Rocky Run (stream), thence with the meanders of Big Rocky Run in a generally southerly direction to its intersection with Lee Highway (Route 29), thence with Lee Highway in a southwesterly direction to its intersection with Cub Run (stream), thence with the meanders of Cub Run in a generally northerly direction to its intersection with an unnamed branch of Cub Run (north of the Transcontinental Gas Pipeline Corporation Easement), thence with the meanders of the unnamed branch of Cub Run in a northeasterly direction to its intersection with the Transcontinental Gas Pipeline Corporation Easement at the southern end of Belcher Farm Drive, thence with the Transcontinental Gas Pipeline Corporation Easement in a northeasterly direction to its intersection with Stone Road at, thence with Stone Road in a northerly direction to its intersection with Awbrey Patent Road, point of beginning.

**POLLING PLACE:** London Towne Elementary School  
6100 Stone Road, Centreville

**MAP GRIDS:** 53-4, 54-1, 54-3

**NOTES:** Established May 2001  
Precinct description revised and readopted – March 2003  
Delegate District changed from 67<sup>th</sup> to 37<sup>th</sup> – July 2011  
Precinct boundary adjusted and precinct renamed – July 2011  
Congressional District changed from 10<sup>th</sup> to 11<sup>th</sup> – January 2012  
Precinct name changed – September 2014

**PROPOSED ORDINANCE TO AMEND AND READOPT SECTIONS OF CHAPTER 7  
OF THE FAIRFAX COUNTY CODE TO REFLECT THE FAIRFAX COUNTY - FALLS  
CHURCH BOUNDARY LINE AND ELECTION PRECINCT ADJUSTMENTS, TO  
ESTABLISH NEW PRECINCTS FOR BRADDOCK, MASON, AND SULLY DISTRICTS  
AND TO RELOCATE POLLING PLACES FOR CERTAIN PRECINCTS**

July 8, 2014

AN ORDINANCE to amend and readopt Sections 7-2-4, 7-2-8, 7-2-12, and 7-2-13 of the Fairfax County Code to reflect adjustments in the boundary line between Fairfax County and the City of Falls Church, election precinct adjustments for Braddock, Mason, and Sully Districts, and relocation of polling places for certain precincts.

Be it ordained that the Board of Supervisors of Fairfax County:

1. That Sections 7-2-4, 7-2-8, 7-2-12, and 7-2-13 of the Fairfax County Code are amended and readopted:

**Section 7-2-4. Braddock District.**

The Braddock District shall consist of these election precincts: Bonnie Brae, Burke Centre, Canterbury, Cardinal, Chapel, Danbury, Eagle View, Fairview, Heritage, Keene Mill, Kings Park, Lake Braddock, Laurel, Little Run, Monument, North Springfield, Olde Creek, Ravensworth, Robinson, Sideburn, Signal Hill, Terra Centre, University, Villa, Wakefield, and Woodson.

**Section 7-2-8. Mason District.**

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Crossroads, Edsall, Glen Forest, Holmes No. 1 and Holmes No. 2, Hummer, Lincolnia, Masonville, Parklawn, Plaza, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline [4], Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

**Section 7-2-12. Sully District.**

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Compton, Cub Run, Deer Park, Difficult Run, Franklin, Green Trails, Kinross East, Kinross West, Lees Corner No. 1, Lees Corner No. 2, London Towne ~~No. 1~~, ~~London Towne No. 2~~, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Spindle, Stone North, Stone South, Stonecroft, Vale, Virginia Run, and Waples Mill.

**Section 7-2-13. General provisions.**

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, ~~and~~ July 9, 2013, and September 9, 2014, and kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

**2. Polling place locations for new precincts identified in the first clause of this ordinance are established at:**

<u>Supervisor</u>		
<u>District</u>	<u>Precinct</u>	<u>Polling Place</u>
Braddock	Olde Creek (new)	Olde Creek Elementary School 9524 Old Creek Drive Fairfax, Virginia 22032
Mason	Crossroads (renamed-formerly part of Skyline)	Goodwin House Bailey's Crossroads 3440 South Jefferson Street Falls Church, Virginia 22041
	Holmes No. 1 and Holmes No. 2 (Holmes divided into two precincts with same polling place)	Bailey's Elementary School 6111 Knollwood Drive Falls Church, Virginia 22041
Sully	Spindle (formerly London Towne No. 2)	Centreville Regional Library 14200 St. Germain Drive Centreville, Virginia 20121
	London Towne (formerly London Towne No. 1)	London Towne Elementary 6100 Stone Road Centreville, Virginia 20120

**3. That the election polling places of the following precincts are relocated:**

<u>Supervisor</u>		
<u>District</u>	<u>Precinct</u>	<u>Polling Place</u>
Hunter Mill	Terraset	<u>From:</u> Terraset Elementary School

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Mason Skyline  
  
  
  
  
  
  
  
  
  
Providence Thoreau

11411 Ridge Heights Road  
Reston, Virginia 20191

To:  
Langston Hughes Middle School  
11401 Ridge Heights Road  
Reston, Virginia 20191

From:  
Goodwin House Bailey's Crossroads  
3440 South Jefferson Street  
Falls Church, Virginia 22041

To:  
Three Skyline Place  
5201 Leesburg Pike  
Falls Church, Virginia 22041

From:  
Thoreau Middle School  
2505 Cedar Lane  
Vienna, Virginia 22180

To:  
Church for All Nations  
8526 Amanda Place  
Vienna, Virginia 22180

**4. That this ordinance shall become effective upon adoption.**

GIVEN under my hand this \_\_\_\_\_ day of September, 2014.

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

ADMINISTRATIVE - 6

Approval of Traffic Calming Measures and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Lee, Providence, Hunter Mill and Dranesville Districts)

ISSUE:

Board endorsement of Traffic Calming measures and “Watch for Children” signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plan for School Street (Attachment I) consisting of the following:

- Two Speed Tables on School Street (Lee District)
- One Speed Hump on School Street (Lee District)

The County Executive further recommends that the Board endorse the traffic calming plan for Cherry Street and South Street (Attachment II) consisting of the following:

- Two Speed Humps on Cherry Street (Providence District)
- One Speed Hump on South Street (Providence District)

The County Executive further recommends that the Board endorse the traffic calming plan for Carpers Farm Way (Attachment III) consisting of the following:

- Four Speed Tables on Carpers Farm Way (Hunter Mill District)

The County Executive further recommends that the Board endorse the installation of “Watch for Children” signs on the following road:

- River Birch Road (2) (Dranesville District)

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

Board Agenda Item  
July 29, 2014

TIMING:

Board action is requested on July 29, 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 June 13, 2014 (School Street), and on June 19, 2014 (Cherry Street & South Street), and also on June 20, 2014 (Carpers Farm Way) the Department of Transportation received verification from the local Supervisor's offices confirming community support for the above referenced traffic calming plans.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On June 24, 2014, FCDOT received written verification from the Mason District Supervisor confirming community support for the referenced "Watch for Children" signs on River Birch Road.

FISCAL IMPACT:

For the traffic calming measures associated with the School Street project funding in the amount of \$20,671 is available from a proffer attached to RZ/FDP 2011-LE-016.

For the traffic calming measures associated with the Cherry Street & South Street project funding, with an anticipated cost of \$18,000, is available from proffer #29 attached to PCA C -108. Proffer #29 is a \$200,000 contribution for traffic calming, pedestrian and recreational facility projects.

Funding in the amount of \$28,000 for the traffic calming measures associated with the Carpers Farm Way project is available in Fund100-C10001, General Fund, under Job Number 40TTCP.

Board Agenda Item  
July 29, 2014

Funding in the amount of \$300 for the “Watch for Children” signs associated with the River Birch Road project is available in Fund100-C10001, General Fund, under Job Number 40TTCP.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for School Street

Attachment II: Traffic Calming Plan for Cherry Street & South Street

Attachment III: Traffic Calming Plan for Carpers Farm Way

STAFF:

Robert A. Stalzer, Deputy County Executive

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

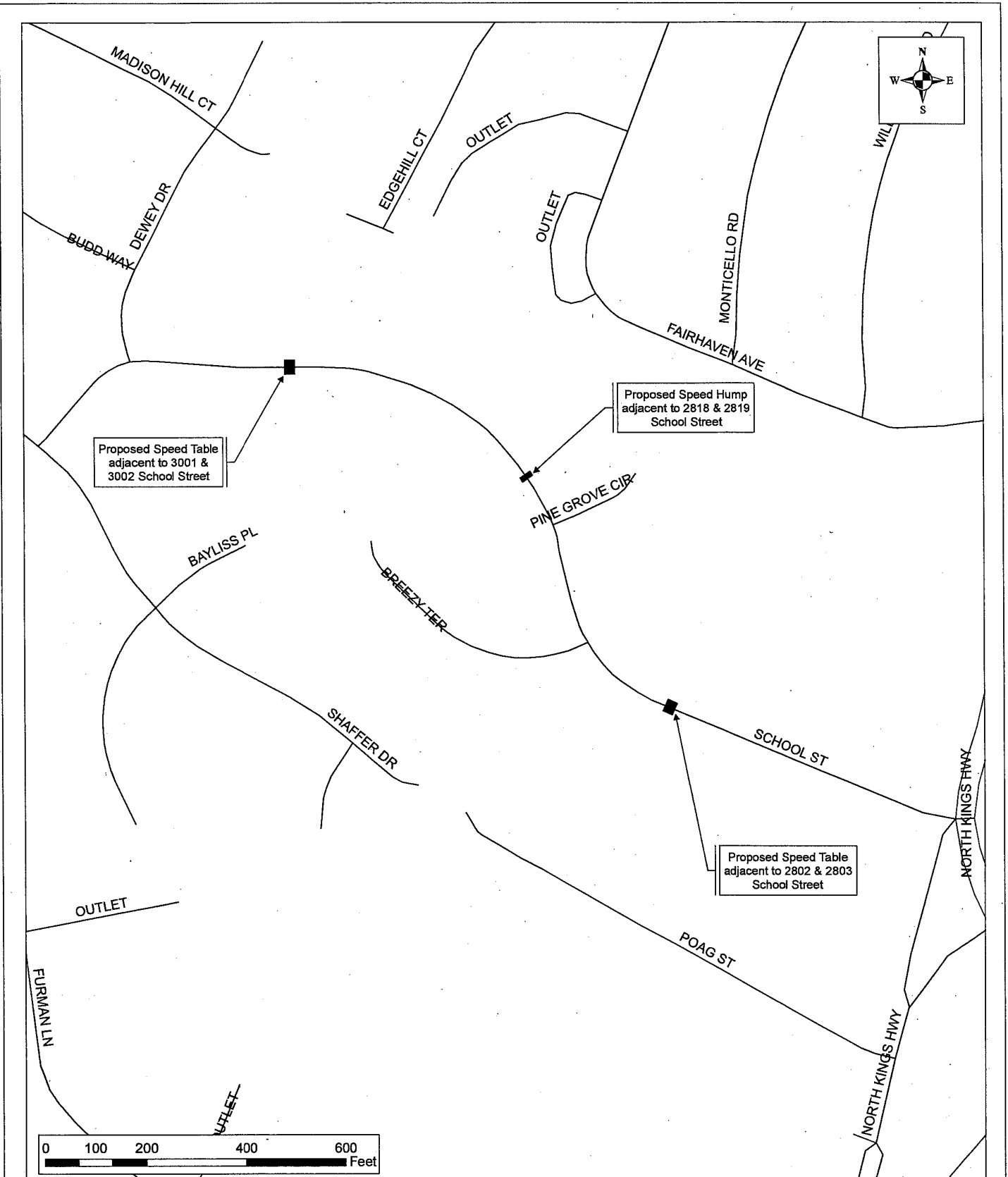
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Neil Freschman, Chief, Traffic Operations Section, FCDOT

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

Guy Mullinax, Transportation Planner, Traffic Operations Section, FCDOT

Gregory Fuller, Transportation Planner, Traffic Operations Section, FCDOT



JUNE 2014



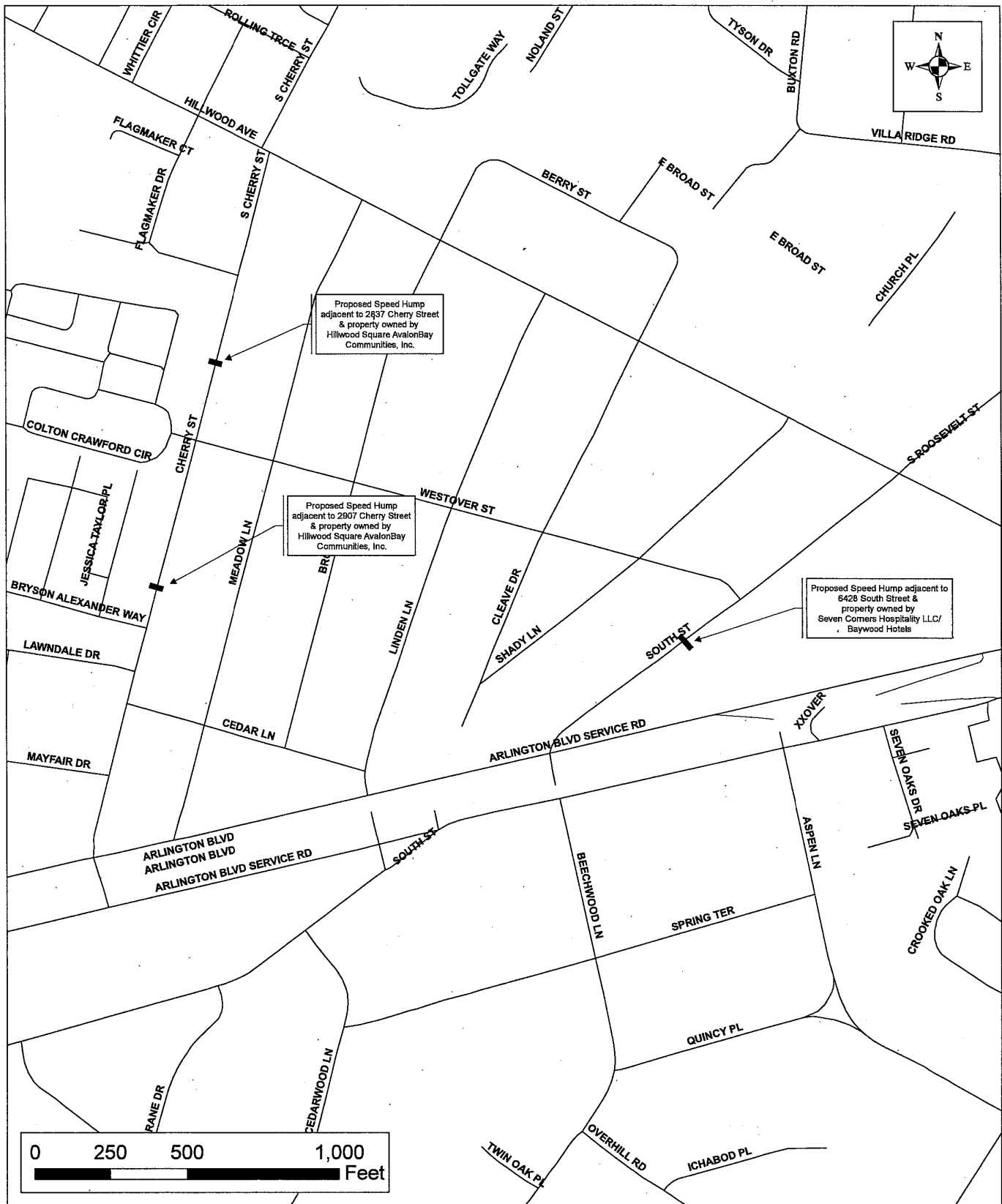
A Fairfax County, Va., Publication

Fairfax County Department of Transportation  
Residential Traffic Administration Program (RTAP)  
TRAFFIC CALMING PLAN  
SCHOOL STREET  
Lee District



Tax Map: 82-4, 83-3



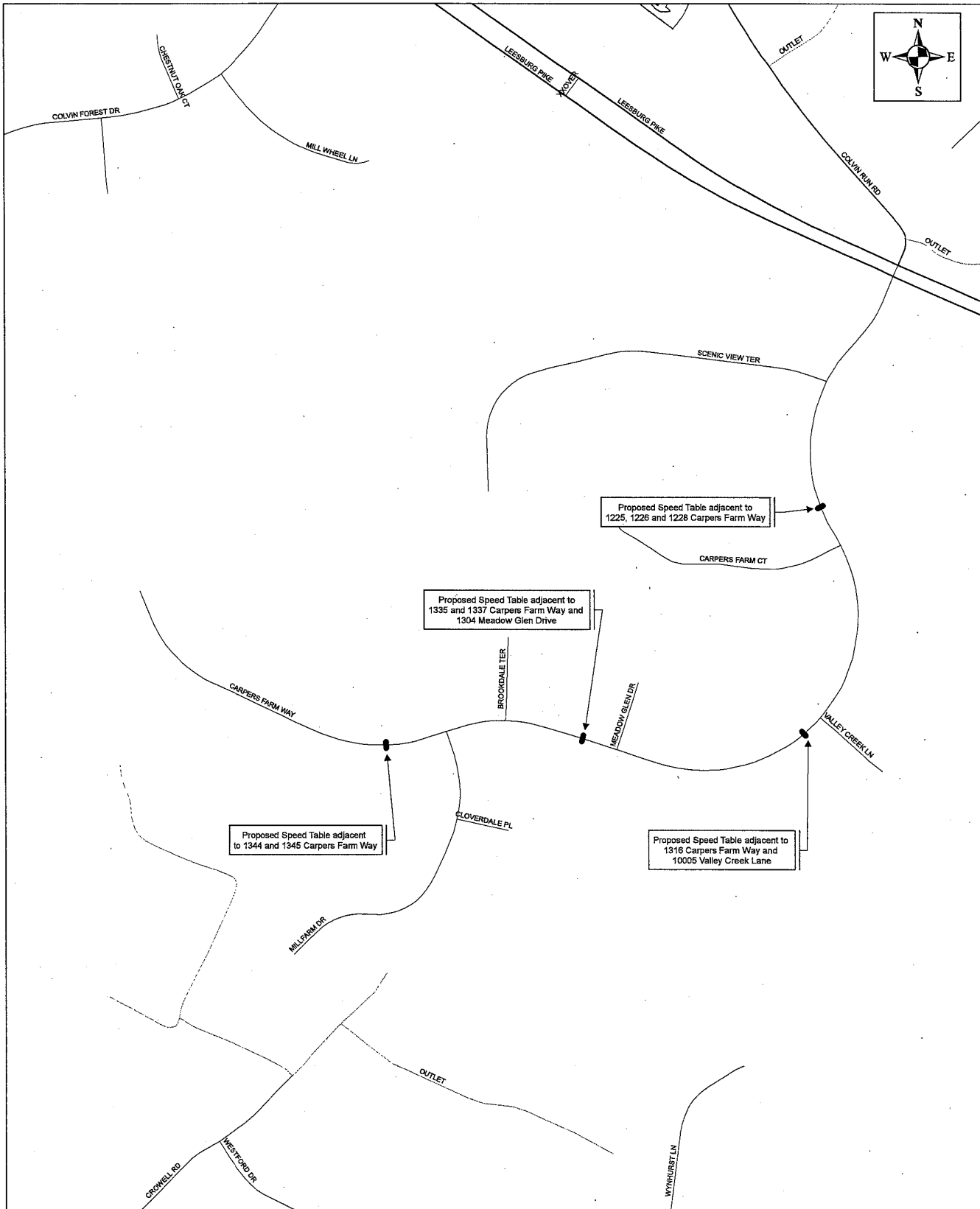


JUNE 2014



Fairfax County Department of Transportation  
Residential Traffic Administration Program (RTAP)  
TRAFFIC CALMING PLAN  
CHERRY STREET AND SOUTH STREET  
Providence District





Fairfax County Department of Transportation  
 Residential Traffic Administration Program (R-TAP)  
 TRAFFIC CALMING STUDY PLAN  
 CARPERS FARM WAY

Tax Map: 18-2, 18-4, 19-1, 19-3

Hunter Mill District

July 2014



ADMINISTRATIVE – 7

Extension of Review Period for 2232 Review Application (Providence District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-P14-6 to November 3, 2014.

TIMING:

Board action is required on July 29, 2014, to extend the review period of the application noted above before it expires.

BACKGROUND:

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

The Board is asked to extend the review period for application 2232-P14-6; which was accepted for review by the Department of Planning and Zoning (DPZ) on June 6, 2014, and is subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on this application by no more than sixty (60) additional days. Therefore, the review period for 2232-P14-6 should be extended as follows:

2232-P14-6	Verizon Wireless and Milestone Communications Proposed Telecommunications Facility (Monopole) 8102 Wolftap Road Providence District Extend review period to November 3, 2014
------------	--

Board Agenda Item  
July 29, 2014

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ

Leanna H. O'Donnell, Planner IV, Facilities Planning Branch, Planning Division, DPZ

Board Agenda Item  
July 29, 2014

ADMINISTRATIVE - 8

Additional Time to Commence Construction for Special Exception SEA 78-L-074-6,  
Hilltop Sand and Gravel Company, Inc. (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SEA 78-L-074-6, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four (24) months additional time for SEA 78-L-074-6 to March 9, 2016 (applicable to the quasi-public recreational facilities only).

TIMING:

Routine.

BACKGROUND:

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

On March 9, 2009, the Board of Supervisors approved RZ 2008-LE-002, without proffers, and SEA 78-L-074-6, subject to development conditions. The applications were filed in the name of Hilltop Sand and Gravel Company, Inc. for the purpose of amending SEA 78-L-074-5 in order to permit a reduction in the land area for the landfill operation (from 64.78 acres to 35.88 acres), to increase the amount of fill (from 8.5 million cubic yards to 8.95 cubic yards), and to permit the construction of quasi-public recreational facilities on top of the landfill following its closure. RZ 2008-LE-002 rezoned 3.51 acres from the I-3 zoning district to the R-1 zoning district to provide for consistent administration of the property, the remainder of which was currently zoned R-1. The 64.78 acre property is located at the northeast quadrant of Telegraph Road (Route 611) and Beulah Street, Tax Map 100-1 ((1)) 9B (see Locator Map in Attachment 1). A landfill, a Category 2 Heavy

Board Agenda Item  
July 29, 2014

Public Utility Use, is permitted by special exception pursuant to Section 3-104.2.B. of the Fairfax County Zoning Ordinance, and the original landfill use was established pursuant to the approval of SE 78-L-074 by the Board of Supervisors on December 18, 1978, subject to development conditions.

SEA 78-L-074-6 was approved with a condition that the landfill entrance be relocated and an initial Non-Residential Use Permit (Non-RUP) for the relocated landfill office be obtained within thirty (30) months of the approval date unless the Board grants additional time. SEA 78-L-074-6 was further approved with a condition that the recreational uses be established or construction commenced within five (5) years from the date of approval unless the Board grants additional time. The development conditions for SEA 78-L-074-6 are included as part of the Clerk to the Board's letter contained in Attachment 2.

Twenty-four (24) months of additional time (until September 9, 2013) was granted by the Board of Supervisors on September 27, 2011. Pursuant to the adoption of House Bill 571 by the 2012 Virginia General Assembly, "...any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2011, and related to new residential or commercial development, any deadline in exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project with a certain time, shall be extended to July 1, 2017." This provision is applicable to the landfill operation (a commercial development) but was determined by the Zoning Administrator, in consultation with the County Attorney, on June 4, 2014, not to be applicable to the quasi-public recreational facilities approved by this Special Exception Amendment.

On March 7, 2014, the Department of Planning and Zoning (DPZ) received a letter dated March 7, 2014 from Sara V. Mariska, agent for the Applicant, requesting twenty-four (24) months of additional time (see Attachment 3). The approved Special Exception Amendment will not expire pending the Board's action on the request for additional time.

Ms. Mariska states the landfill was substantially impacted by the downturn in the economy, which reduced the volume of fill being collected during that time. The final fill volume has since been reached, and the landfill has ceased collecting new fill. Ms. Mariska further states the Applicant has been diligently pursuing the fulfillment of all SEA conditions, and as such, the Applicant has relocated the landfill entrance as required by the SEA approval. A site plan for the ballfields was submitted in February 2014. However, construction of the ballfields cannot commence until the Virginia Department of Environmental Quality (DEQ) approves the landfill cap. A partial landfill closure plan was approved by DEQ in 2010, and the Applicant anticipates capping the landfill this summer with final DEQ approval anticipated in 2015. Finally, Ms. Mariska states the legal defense associated with the filing of a lawsuit challenging the March 9, 2009 approval by the Board of Supervisors further delayed the filing of site plans and permits. Given the delays

Board Agenda Item  
July 29, 2014

associated with the economic downturn and the protracted legal defense, the request for twenty-four (24) months of additional time is needed to allow for final DEQ approval and subsequent construction of the recreational facilities.

Staff has reviewed Special Exception Amendment SEA 78-L-074-6 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a landfill and quasi-public recreational uses. Further, staff knows of no change in land use circumstances that would affect compliance of SEA 78-L-074-6 with the special exception standards applicable to this use, or which should cause the filing of a new special exception amendment application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception Amendment. Finally, the conditions associated with the Board's approval of SEA 78-L-074-6 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twenty-four (24) months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated March 25, 2009, to Lynne J. Strobel

Attachment 3: Letter dated March 7, 2014, to Leslie B. Johnson

STAFF:

Robert A. Stalzer, Deputy County Executive

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

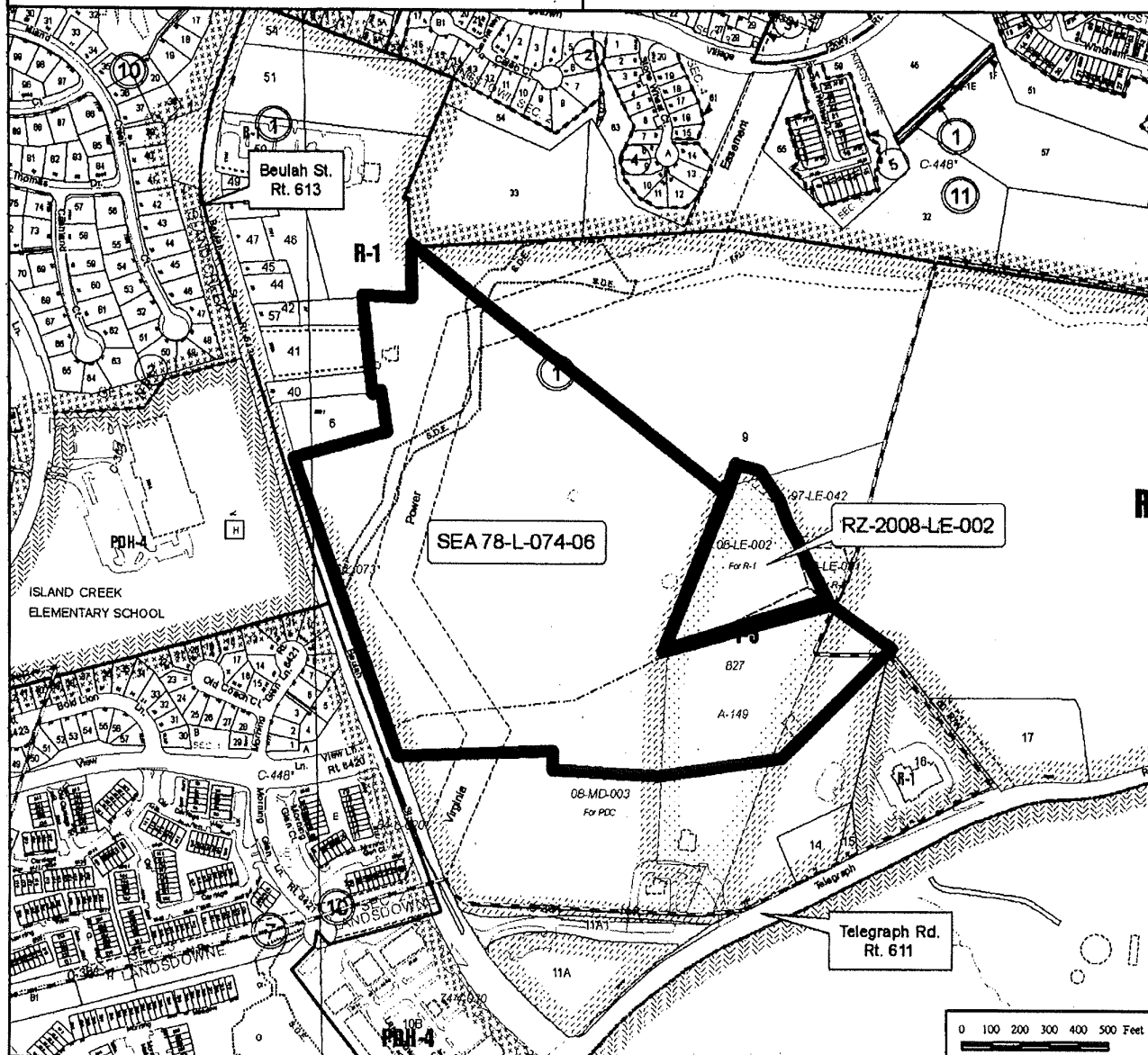
Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ

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

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

Stephen Gardner, Staff Coordinator, ZED, DPZ

Rezoning Application RZ 2008-LE-002	Special Exception Amendment SEA 78-L-074-06
Applicant: HILLTOP SAND AND GRAVEL COMPANY, INC. Accepted: 03/25/2008 Proposed: TO PERMIT CONTINUATION OF EXISTING LANDFILL AND FUTURE RECREATION FACILITIES	Applicant: HILLTOP SAND AND GRAVEL COMPANY, INC. Accepted: 03/25/2008 Proposed: AMEND SE 78-L-074 PREVIOUSLY APPROVED FOR LANDFILL TO PERMIT SITE MODIFICATIONS, REDUCTION OF LAND AREA, CONTINUATION OF EXISTING LANDFILL, AND TO ESTABLISH QUASI-PUBLIC RECREATION FACILITIES IN FUTURE
Area: 3.51 AC OF LAND; DISTRICT - LEE Zoning Dist Sect: Located: NORTHEAST OF BEULAH STREET APPROXIMATELY 1,000 FEET NORTH OF ITS INTERSECTION WITH TELEGRAPH ROAD	Area: 64.78 AC OF LAND; DISTRICT - LEE Zoning Dist Sect: 03-0104 Art 9 Group and Use: 3-08 2-03 Located: EAST SIDE OF BEULAH STREET APPROXIMATELY 1,000 FEET NORTH OF ITS INTERSECTION WITH TELEGRAPH ROAD
Zoning: FROM I-3 TO R-1 Overlay Dist: NR Map Ref Num: 100-1- /01/ /0009 pt.	Zoning: R-1 Plan Area: 4, Overlay Dist: NR Map Ref Num: 100-1- /01/ /0009 pt.







## County of Fairfax, Virginia

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

March 25, 2009

Lynne J. Strobel  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

RE: Special Exception Amendment Application SEA 78-L-074-06  
(Concurrent with Rezoning Application RZ 2008-LE-002)

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on March 9, 2009, the Board approved Special Exception Amendment Application SEA 78-L-074-06 in the name of Hilltop Sand and Gravel Company, Inc. The subject property is located on the east side of Beulah Street, approximately 1,000 feet north of its intersection with Telegraph Road, on approximately 64.78 acres of land zoned R-1, I-3, and NR in the Lee District [Tax Map 100-1 ((1)) 9 pt.]. The Board's action amends Special Exception Application SE 78-L-074, previously approved for a landfill to permit reduction of land area, continuation of existing landfill, to establish quasi-public recreation facilities in the future, and associated modifications to site design and development conditions pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

### General Conditions

1. This Special Exception Amendment is granted for the location indicated in the application and is not transferable to other land.
2. This Special Exception Amendment (SEA) is granted for the location and uses outlined in the application as amended by these conditions.
3. This SEA is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this SEA shall be in conformance with the approved Special Exception Amendment Plat (the "SEA Plat") prepared by Dewberry & Davis, which is dated February 11, 2008, as revised through December 16, 2008, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Section 9-004 of the Zoning Ordinance.

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

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

4. The existing single family detached dwelling unit in the northwestern corner of the property may continue to be used as a residence. Upon such time as the residential use is ceased, the residential building, other building and man-made structures and improvements (such as, but not limited to, sheds, clothes lines, driveways, patios, etc.) shall be removed and the disturbed land stabilized in accordance with the recommendations of the Urban Forestry Division as determined at the time of the issuance of the building permit to allow the demolition of the structure.
5. Construction of recreational facilities as depicted on the SEA Plat shall not take place until:
  - The Geotechnical Review Board (GRB) has determined that any residual post-construction settlement will not affect the appearance or structural integrity of the proposed improvements; and
  - The Fire and Rescue Department and/or DPWES has determined that the nature and extent of the generation and escape of combustible gases and potential fire hazards of the constituent material, considering its state of decomposition, has been provided for adequately and will not create an unsafe or hazardous condition in or around any of said proposed improvements.
  - The Approval of the Closure Certification by the Virginia Department of Environmental Quality (DEQ). A copy of the Closure Certification shall be provided to the Director, DPWES.

Conditions on the Operation of the Landfill

6. Until ceased as described herein, the landfill operations previously approved pursuant to SEA 78-L-074-05 may continue in full force and effect on reduced landfill area comprised of 35.86 acres.
7. A copy of the Closure Plan approved by DEQ shall be provided to the Department of Planning and Zoning (DPZ), the Division of Solid Waste Disposal and Resource Recovery (DSWDRR) of the DPWES and a copy of the approved Closure Plan shall be maintained on-site and made available. Amended versions of the Closure Plan shall be submitted to the above mentioned agencies as revisions occur and with any subsequent site plan submissions.
8. The applicant shall operate the landfill in conformance with all sections of Virginia Code (VAC) applicable to the proposed landfill operations. There shall be NO FUTURE EXPANSION of the landfill, beyond that outlined by the SEA Plat.

9. The fill volume of the landfill prior to the installation of final cover, vegetation, and "structures" as shown on the SEA Plat, shall not exceed the proposed final fill volume of 8.95 million cubic yards. The Applicant shall cease accepting construction and demolition debris when the final fill level is reached or prior to public occupancy of the proposed grocery store proposed on the CDP/FDP for RZ 2008-MD-003 or by April 1, 2013, whichever occurs first.
10. The landfill shall receive only construction/demolition debris materials, as defined in Section 104 of the County Code and as deemed permissible by Federal, State and County regulations. Unacceptable landfill materials shall be prohibited on-site in accordance with the facility's Unauthorized Waste Control Plan as required by DEQ.
11. Waste materials shall not be burned nor allowed to be burned at the site.
12. A licensed operator of the landfill shall provide the Director of DPWES a copy of the Annual Groundwater Monitoring Report at the same time it is submitted to DEQ. The Director of DPWES shall be notified within thirty (30) days if the landfill exceeds any of the facility's approved Groundwater Protection Standards.
13. Elevation certifications signed and sealed by a Virginia licensed land surveyor or professional engineer shall be provided to the Director of DPWES annually by the licensed operator of the landfill. The certification shall include a statement verifying whether the landfill elevations are at or below the approved elevations approved pursuant to this special exception amendment.
14. Dredge soils may be deposited at the landfill so long as the dredge soils entering the site meet the DEQ definition of acceptable waste for Construction and Demolition Debris landfills.
15. The control of decomposition gases from the landfill shall be monitored through the implementation of a Gas Monitoring and Management Plan in accordance with Virginia's Solid Waste Management Regulations. A gas collection system shall be installed per the DEQ approved Closure Plan. All proposed recreational structures shall be open air, self-venting construction in order to prevent the buildup of landfill gases. Any closed structures shall be locked to prohibit public access.
16. The height of the landfill shall not exceed the elevations depicted by the proposed topography on the SEA Plat, except for (i) any temporary berms which may be required by the Director for visual screening or noise attenuation; (ii) to provide adequate drainage from the center of the landfill; and (iii) temporary soil stockpiles for accelerating landfill

settlement prior to construction of the recreation improvements; and (iv) final grading as may be approved in conjunction with the Closure Plan.

17. An Emergency Contingency Plan has been prepared and implemented in accordance with Virginia's Solid Waste Management Regulations and a list of the landfill's equipment operators and their telephone numbers shall be made available to the County's Emergency Operations Center and kept current by the landfill operator.
18. Prior to the implementation of condition Number 9, no construction and demolition debris shall be accepted except between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and between 7:00 a.m. and 12:00 p.m. (noon) on Saturdays. In no case shall landfill operations begin until the commencement of the normal business hours listed above. With prior approval from the Director of DPWES, or his designated agent, the applicant may operate until 5:00 p.m. on Saturday on an emergency basis. This approval shall not be granted more than ten times per calendar year. In the event of a significant community emergency, as determined by the County Executive, the landfill may temporarily operate outside of normal business hours if so notified in writing.
19. Per Sect. 9-205 of the Zoning Ordinance, the site shall be made available to the Director of DPWES or his representatives in preparation for the annual report to the Board of Supervisors. As a result of the annual inspection, the Director of DPWES may recommend additional restrictions and limitations on the use to the Board.
20. A fee of fifty cents (\$0.50) per truck load will be collected from each truck carrying construction debris entering the Hilltop Landfill. This fund will be equally distributed for use in the development of Lee District Park and acquisition and restoration of Huntley Plantation. There will be no limitation on the amount collected for this fund. This fee shall be tied to a yearly escalator based on the Consumer Price Index.
21. Sound levels emanating from the site shall not exceed those applicable levels specified in Chapter 108, Noise, of the County Code.

Buffering, Landscaping and Screening Condition

22. Landscaping shall be provided as shown on the SEA Plat. All landscaping shall be maintained in good health by the applicant. Any landscaping materials that should die shall be replaced by the operator/applicant within six months (weather permitting as determined by Urban Forestry Management).
23. Final cover material shall be provided in accordance with DEQ design requirements as approved in the Closure Plan.

Transportation Conditions

24. Effective dust control measures shall be installed and maintained by the operator of the landfill. At a minimum, these measures shall include the full-time availability of a water tank truck and sweeper truck on-site.

Park Conditions

25. The proposed park is for active and passive recreation. All park improvements shall be provided by the applicant as depicted on the SEA Plat and shall be constructed to Fairfax County Park Authority (FCPA) standards in consultation with FCPA staff.
26. Public access easements shall be provided over all trails and those on-site park facilities intended for public access as depicted on the SEA Plat. A cooperative agreement shall be developed between FCPA and the applicant regarding liability.
27. A maintenance and liability agreement to govern park related uses shall be established between the applicant and FCPA prior to any portions of the property being made accessible to the public for park purposes.
28. Should the proposed recreation facilities be operated by the Fairfax County Park Authority and it is determined that 2232 approval is required, said approval shall be obtained by the Park Authority prior to the facilities being opened and operated by the Park Authority.
29. Subject to the review and approval of the Park Authority and FCDOT, bicycle racks that provide parking for 20 bicycles shall be included.
30. A four foot tall chain-link fence, vinyl coated, shall be provided along the boundary between the landfill and Hilltop Village Center prior to the issuance of the first Non-Residential Use Permit (Non-RUP) for that shopping center. This fence may be removed as part of the closure activities of the landfill.
31. Submission and approval of a site plan prepared in accordance with the provisions of Article 17, is required prior to the implementation of the recreational facilities. The site plan will be submitted upon submission of the landfill closure certification to DEQ. Any plan submitted pursuant to this SEA shall be in substantial conformance with the approved SEA Plat. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Section 9-004 of the Zoning Ordinance.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required

Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished. The approval of this special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the landfill entrance has been relocated and an initial Non-RUP obtained for the relocated landfill office. The recreational uses shown on the SEA Plat shall be established or construction has commenced and been diligently prosecuted within five (5) years from the date of approval. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**The Board also:**

- Waived the transitional screening yard and barrier requirements along all boundaries of the landfill to that depicted on the GDP/SEA Plat.
- Approved the construction of the proffered recreational facilities and the proposed parking lot on the closed landfill sooner than 20 years after closure of the landfill, pursuant to Paragraph 9 of Section 9-205 of the Zoning Ordinance.

Sincerely,

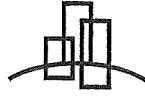


Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

SEA 78-L-074-06  
March 25, 2009

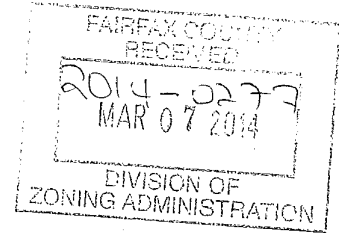
-7-

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



Sara V. Mariska  
(703) 528-4700 Ext. 5419  
[smariska@arl.thelandlawyers.com](mailto:smariska@arl.thelandlawyers.com)

WALSH COLUCCI  
LUBELEY & WALSH PC



March 7, 2014

**Via Hand Delivery**

Leslie B. Johnson  
Zoning Administrator  
Fairfax County Zoning Administration  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035

Re: SEA 78-L-074-06  
Applicant: Hilltop Sand and Gravel Company, Inc.  
Subject Property: Fairfax County Tax Map Reference: 100-1 ((1)) 9B pt.

Dear Ms. Johnson:

Please accept this letter as a request for additional time in accordance with the provisions of Section 9-015 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance") for SEA 78-L-074-06.

The Applicant has been the owner and operator of a construction and demolition debris landfill for over thirty (30) years in the Lee District. In 1998, a portion of the landfill was converted into a golf course. The approvals for the landfill and golf course have been amended from time to time since 1998. Most recently, the referenced special exception amendment application was approved by the Fairfax County Board of Supervisors at its hearing held on March 9, 2009. The application was part of a series of applications that were submitted and processed to achieve development of a shopping center, known as Hilltop Village Center, on 33 acres of land located in the northeast quadrant of the intersection of Telegraph Road and Beulah Street. The establishment of a shopping center necessitates the closure of the existing landfill operation on the Subject Property. Specifically, SEA 78-L-074-06 reduced the land area of the landfill from 64.7 acres to 35.88 acres, increased the amount of fill permitted on the remaining portion of the landfill, and allowed approval of recreational facilities on the site upon closure of the landfill operation.

The approval for SEA 78-L-074-6 was granted for a period of thirty (30) months during which the landfill entrance was required to be relocated and an initial non-RUP obtained for the relocated landfill office. The approval further states that the recreational uses as shown on the

ATTORNEYS AT LAW

703 528 4700 ■ [WWW.THELANDLAWYERS.COM](http://WWW.THELANDLAWYERS.COM)  
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664



SEA Plat shall be established or construction commenced and has been diligently prosecuted within five (5) years from the date of approval, which would be March 9, 2014. On June 8, 2013, Winnie Williams confirmed that the Applicant now has until July 1, 2017 to commence construction or establish the special exception due to legislation associated with Virginia Code Section 15.2-2209.1. Although the letter indicates that the Applicant had additional time to relocate the landfill's administrative office and commence construction, the letter does not specifically reference language included in the approval of the SEA regarding the recreational uses. Therefore, I am writing to confirm that the language of Virginia Code Section 15.2-2209.1 applies to the establishment of recreational uses and that the Applicant has until July 1, 2017 to establish such uses. Should you deem this language inapplicable, I hereby request an additional twenty-four (24) months to commence construction.

The Applicant has been diligently pursuing fulfillment of all SEA conditions. The Applicant's landfill was substantially impacted by the downturn in the economy. This circumstance was unknown and unforeseen at the time of approval of the referenced application. As a result of the economic downturn, the volume of fill that was collected over the last few years was less than would normally be collected in a similar time period. On May 15, 2013, Barbara Berlin allowed the Applicant the ability to continue accepting fill until July 1, 2013. The Applicant has ceased collecting fill since that time as the final fill volume has been reached. Additionally, the Applicant has relocated the landfill entrance as required by the SEA approval. In February 2014, the Applicant submitted a site plan to allow for construction of the ballfields approved in conjunction with the SEA. Ballfield construction cannot begin until the landfill is capped and the Virginia Department of Environmental Quality (DEQ) approves the cap. The Virginia Department of Environmental Quality approved a partial landfill closure plan in 2010. The Applicant anticipates capping the landfill this summer and planting vegetation which will allow for final approval from the DEQ in approximately summer 2015 once the vegetation has reached adequate maturity.

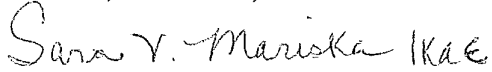
The Applicant was also impacted by a lawsuit that was filed challenging the March 9, 2009 approvals made by the Board of Supervisors. Due to the uncertainty associated with the lawsuit, additional time was necessary to process site plans and permits for the proposed Hilltop Village Center. The length of time associated with site plan approval and the protracted defense of a lawsuit are additional circumstances that were unknown and unforeseen at the time of approval of the referenced applications.

The economic downturn and length of time associated with site plan approval and the protracted defense of a lawsuit are circumstances that were unknown and unforeseen at the time of approval of the referenced application. Further, there has been no change in circumstances that would render the approvals inconsistent with the Comprehensive Plan or the public interest. Therefore, I would appreciate the granting of a request for twenty-four (24) months of additional time to fulfill the conditions of SEA 78-L-074-06 should you deem this request applicable.

Should you have any questions regarding this request, or require additional information, please do not hesitate to give me a call. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

A handwritten signature in cursive script that reads "Sara V. Mariska" followed by a stylized "KAE" monogram.

Sara V. Mariska

cc: Michael Gailliot  
Brent Clarke  
Kim Follin  
Lynne J. Strobel

{A0599439.DOCX / I Johnson Ltr re: Additional Time Request 003062 000008}

ADMINISTRATIVE - 9

Authorization to Advertise Public Hearing on a Proposed Zoning Ordinance Amendment  
Re: Telecommunication Facilities - Modifications to Permit Antennas & Related  
Equipment on Existing or Replacement Utility Poles or Light/Camera Standards

ISSUE:

The proposed amendment seeks to increase the maximum allowed volume and height of an unmanned equipment cabinet that is permitted to be located by-right on an existing or replacement utility distribution and transmission pole or light/camera standard in any street right-of-way or utility easement, in support of a telecommunication facility. In addition, the amendment also clarifies the limitation placed on the number of permitted antennas for such facilities by eliminating the maximum allotment when the proposed antennas are entirely enclosed within a stealth extension of the existing or replacement pole or standard.

RECOMMENDATION:

The County Executive recommends the authorization of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on July 29, 2014, to provide sufficient time to advertise the proposed Planning Commission public hearing on September 17, 2014, at 8:15 p.m., and the proposed Board of Supervisors public hearing on October 7, 2014, at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2014 Priority 1 Zoning Ordinance Amendment Work Program. The purpose of this amendment is to make those minor modifications to Par. 2, Section 2-514 of the Zoning Ordinance, which facilitate the location of multiple telecommunication carriers, or allow a single carrier to operate within multiple frequency bands, on an existing or replacement utility pole or light/camera standard in any street right-of-way or utility easement. The primary application of the specific technology associated with this amendment is for wireless Distributed Antennas Systems (DAS) and other small-cell facilities.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

Board Agenda Item  
July 29, 2014

REGULATORY IMPACT:

The proposed amendment would facilitate the installation of DAS and other small-cell facilities on existing or replacement utility poles or light/camera standards in any street right-of-way or utility easement. No additional reviews or staff time are required by this amendment.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive  
Fred Selden, Director, Department of Planning and Zoning (DPZ)  
Leslie B. Johnson, Zoning Administrator, DPZ  
Andrew B. Hushour, Deputy Zoning Administrator, DPZ

## RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on July 29, 2014, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, a constant increase in consumer demand continues to necessitate the need for telecommunications facilities; and

WHEREAS, it is necessary from time to time to evaluate and amend current County regulations regarding such facilities, to ensure such demand is satisfied while mitigating any adverse impacts on adjacent properties and fulfilling those policies set forth in the Fairfax County Comprehensive Plan; and

WHEREAS, for such reasons, it may be appropriate to modify those provisions regarding the colocation of antennas and related equipment on utility poles and/or light/camera standards located in any street right-of-way or utility easement; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapter 112 (Zoning Ordinance) of the County Code.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

---

Catherine A. Chianese  
Clerk to the Board of Supervisors



FAIRFAX  
COUNTY

ATTACHMENT 2

# STAFF REPORT

V I R G I N I A

## PROPOSED ZONING ORDINANCE AMENDMENT

Telecommunication Facilities: Modifications to Permit Antennas & Related Equipment on Existing or Replacement Utility Poles or Light/Camera Standards

## PUBLIC HEARING DATES

**Planning Commission**

September 17, 2014 at 8:15 p.m.

**Board of Supervisors**

October 7, 2014 at 4:00 p.m.

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

July 29, 2014

ABH



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 2014 Priority 1 Zoning Ordinance Amendment Work Program. The purpose of this amendment is to make those minor modifications to Par. 2A of Section 2-514 of the Zoning Ordinance, which facilitate the location of multiple telecommunication carriers, or allow a single carrier to operate within multiple frequency bands, on an existing or replacement utility pole or light/camera standards located in any street right-of-way or utility easement. The primary application of the specific technology that has generated and is associated with this amendment is for small cell, wireless Distributed Antennas Systems (DAS).

### **Background**

On October 23, 2013, the Department of Planning & Zoning received 2232 Review Application #2232-H13-16, NewPath Networks, LLC/Crown Castle, seeking a determination for the location of a wireless Distributed Antenna System (DAS) on several replacement utility poles owned by Virginia Dominion Power, and located within Virginia Department of Transportation (VDOT) right-of-way in the Hunter Mill and Providence magisterial districts. In total, three different nodes are proposed, on three replacement poles located along Vale Road, west of its intersection with Lakevale Drive; Carey Lane, at its intersection with Vale Road; and Fair Oaks Road, at its intersection with Oak Valley Drive. The system would provide needed coverage on Hunter Mill and Lawyers Road and those surrounding residential communities, and will accommodate service by four major carriers. Each node consists of 6 panel antennas approximately 22 inches in height and 1 foot in width, which are concealed in a cylindrical sheath attached to the top of the replacement poles and painted to match. In addition, a pole mounted equipment cabinet is proposed for each node, which is approximately 7.5 feet in height, 3 feet in width and 2 feet in depth, for a total of approximately 45 cubic feet in volume. The larger size of the equipment cabinet is necessary given the number of carriers and types of service that will be located on each node; a more in depth explanation of this issue is found below as part of the discussion on the proposed amendment.

Based on the proposed colocation on utility poles, the application is subject to those existing provisions found in Par. 2A of Section 2-514 of the Fairfax County Zoning Ordinance, which regulates antennas located on existing or replacement utility and transmission poles and light/camera standards in any street right-of-way or utility easement. Specifically, Par. 2A limits panel antennas to just 4 in number, with a maximum height of 5 feet and a width of 1 foot. The smaller size and limitations on the number of antennas should be noted, since this particular Ordinance section allows their location on poles and standards by-right in any right-of-way or utility easement, resulting in the potentially broad application of such facilities throughout the County. Subsequent sections of the Section 2-514 allow much larger antennas and, as such, they are further limited in areas in which they can be located, depending largely on road classifications and proximity to residentially zoned areas. In addition to the limitation on number and antenna size, the requirements in Par. 2A also limit the size of the associated equipment cabinets to a maximum height of 5 feet and no more than 20 cubic feet in volume. (For reference, a cabinet that is 20 cubic feet in volume could come in a variety of sizes. However, if one assumes the maximum height of 5 feet, this could result in a cabinet that could be 2 feet in width and 2 feet in depth.) Given each of these limitations, the existing provisions in Par. 2A make it difficult to accommodate, as a by-right use, a telecommunication

facility that seeks to locate multiple carriers on a single pole or standard.

To address these issues, it was determined that an amendment to the existing provisions would be the only manner to allow a system such as that proposed by Crown Castle to establish its facilities by-right. In addition, this specific applicant is also anticipating future 2232 applications that would exceed the current Zoning Ordinance requirements. As a first step to a potential amendment, staff reviewed the existing Ordinance provisions to determine the purpose of these limitations. The provisions found in Par. 2A of Section 2-514 were adopted as part of Zoning Ordinance Text Amendment ZO-03-359, as approved by the Fairfax County Board of Supervisors on September 29, 2003, with an effective date of September 30, 2003. Prior to adoption of the text amendment, panel antennas were not permitted on utility poles or light/camera standards, and equipment cabinets allowed in support of a permitted facility could not exceed 2 cubic feet, with no limitation on overall dimensions. However, based on demand and new wireless antenna design occurring in the late 1990's and early 2000's, it was believed at that time that small panel antennas would have minimal visual impact and would be appropriate to allow by-right in residential areas, particularly if such were flush mounted to and blended well visually with the pole or standard. For this reason, it was justified to allow facilities that proposed small antennas throughout the County, so the provisions in Par. 2A were so worded to include location on any pole or standard within any right-of-way or utility easement. In addition, staff at that time justified the increase in cabinet size from 2 to 20 cubic feet on the basis that many of the telephone, cable, electric and traffic light equipment cabinets commonly found within VDOT right-of-way greatly exceed the size limitations placed on telecommunication cabinets.

Next, staff looked at a number of current, proposed facilities that are seeking to locate small antennas on utility pole or light/camera standards, in an attempt to better understand the particulars of the issues that are now being raised, and to see if there is some way that these proposals could in fact be modified to meet the current requirements. As was occurring in those years leading up to the 2003 amendment, there has been a similar increase in demand for more coverage in recent times, and there have also been numerous innovations to antenna and equipment design. However, different than 2003 has been the opening up of additional frequency bands by the Federal Communications Commission (FCC), combined with the growing number of *spectrum uses* such as voice and data. As such, there is a new-old push within the telecommunications industry to acquire greater spectrum in order to meet consumer demand. Furthermore, there also appears to be a current trend towards lower power, small-cell, i.e. micro, systems that would include DAS, which provide necessary service to specific, targeted areas as opposed to a larger structure, such as a monopole, that could provide coverage to a much larger geographic area. What is being proposed by the Crown Castle application is unique, in that it is a DAS that can accommodate four major carriers, which are operating in various frequency bands. The increased cabinet size is driven by the different frequency bands of the users, in that each frequency requires its own ancillary equipment such as a radio and battery power. The same scenario would also apply to a single carrier that is operating within multiple frequency bands - each unique frequency band requires its own dedicated equipment. If one were to break up the proposed system, and each carrier located on 3 separate nodes, it would result in a smaller number of antennas on each node and an equipment cabinet that could meet the current height and size requirements. However, such a system would require colocation of antennas and associated equipment on 12 different poles, as opposed to the 3 poles proposed as part of the current 2232 application. While it would meet the letter of the Zoning Ordinance, this result may be perceived to



be at odds with the spirit of some of the policies of the Comprehensive Plan, which seek to promote collocation on existing utility structures and mitigate visual impact.

### **Proposed Amendment**

The proposed Zoning Ordinance amendment seeks to increase the maximum allowed volume and height of an unmanned equipment cabinet that is permitted to be located by-right on an existing or replacement utility distribution and transmission pole or light/camera standard in any street right-of-way or utility easement, in support of a telecommunication facility. In addition, the amendment also clarifies the limitation placed on the number of permitted antennas for such facilities by eliminating the maximum allotment when the proposed antennas are entirely enclosed within a stealth extension of the existing or replacement pole or standard. It is noted that while these facilities are proposed to be allowed by-right under the Zoning Ordinance, a determination that these facilities conform to the location, character and extent of the Comprehensive Plan would still be required under Sect. 15.2-2232 of the *Code of Virginia* (2232 Review)..

As proposed, there are two separate changes to Par. 2A of Section 2-514, which deals exclusively with those smaller antennas that are permitted on poles or standards in any street right-of-way or utility easement. First, staff is proposing to allow an increase in the number of antennas allowed on an existing or replacement utility pole or light/camera standard. The current provision allows up to 3 omnidirectional/whip antennas, with a maximum size of 8 ½ feet in height or 3 inches in diameter, and up to 4 panel antennas panel not exceeding 5 feet in height or one 1 foot in width. Staff is not recommending any change in the overall antenna size but has drafted language that would remove the limit on the number of permitted antennas, but *only* in those instances when the panel antennas are completely enclosed within a stealth sheath or cap located on the top of the pole or standard. This proposed language is the same concept that is used in other parts of Section 2-514, where limitations are not placed on antennas and/or associated equipment when located inside of another structure, or are similarly concealed in a manner to greatly reduce visibility. In addition, it is in keeping with the original intent of the 2003 amendment, which justified small panel antennas throughout those right-of-ways and utility easements in predominantly residential areas, particularly if such blended well visually with the pole or standard.

Second, staff is also recommending an increase to the permitted equipment cabinet size that is specified in Par. 2A(3), which are currently limited to no more than 5 feet in height, with a maximum volume of 20 cubic feet. As proposed, staff is recommending an increase to 8 feet in height, with a maximum volume of 50 cubic feet. This will easily accommodate a scenario in which multiple carriers or a single carrier operating in multiple frequency bands could locate on a single node, and provide the necessary volume of cabinet space to accommodate multiple sets of equipment. While it is acknowledged that 50 cubic feet of volume is more than double the current size, the additional height results in only a half foot increase to the width and depth, assuming that a cabinet maximizes the full 8 foot height. When mounted on a pole, the increase in height from 5 to 8 feet may or may not be easily discernible, depending on the actual mounting height.

It is noted that the proposed changes are limited to only those antennas allowed by-right pursuant to Par. 2A of Section 2-514. The applicant has expressed a desire to allow, by-right, the larger cabinet sizes for those antennas allowed pursuant to Par. 2B, with further limitations found in Par. 2C.

However, staff does not support this approach as these antennas are larger and there is no limitation on overall number. Furthermore, these provisions allow a much taller replacement pole or standard, ranging from 80 to 125 feet, to include the antennas, whereas the maximum height of the replacement pole or standard for those applications allowed pursuant to Par. 2A is only 64 feet, including the antennas. The standard utility pole in the United States is approximately 40 feet in length, with about 5 feet buried in the ground, leaving an effective height of 35 feet. According to the applicant, when the poles are replaced, they are increased in height anywhere from 5 to 15 feet in order to accommodate the additional load that will be carried when a facility is installed. In addition, the cylindrical sheath containing the antennas is approximately 6 feet in height. Assuming that the full 15 feet of additional height is needed for the replacement pole, the overall height of the pole with the sheath would be 56 feet, which is well under the 64 foot threshold prescribed in Par. 2A. A review of the Crown Castle application supports this analysis, as it shows that the proposed nodes are located on replacement poles that will be well under the 64 foot limit. For these reasons, staff does not believe it is necessary at this time to extend the proposed changes to additional provisions found in Section 2-514. Should it be determined at a later date that such changes are needed, they can be properly reviewed as a separate amendment with the benefit of having real life examples of larger cabinets that could be reviewed for impacts if this amendment is ultimately adopted.

### **Conclusion**

Staff believes that is appropriate to make the proposed amendments to Par.2A of Section 2-514 of the Zoning Ordinance, since these changes would facilitate the location of small-cell telecommunication facilities on existing utility infrastructure, in support of the policies set forth in the Comprehensive Plan. 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 July 29, 2014 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.*

1 **Amend Article 2, General Regulations, Part 5, Qualifying Use, Structure Regulations, Sect. 2-**  
 2 **514 Limitations on Mobile and Land Based Telecommunication Facilities, by revising Par. 2A**  
 3 **to read as follows:**

4  
 5 2. Antennas mounted on existing or replacement utility distribution and transmission poles  
 6 (poles) and light/camera standards (standards), with related unmanned equipment cabinets  
 7 and/or structures, shall be permitted in accordance with the following and may exceed the  
 8 maximum building height limitations, subject to the following paragraphs:

9  
 10 A. Omnidirectional/whip antennas not exceeding eight and one-half (8 ½) feet in height or  
 11 three (3) inches in diameter and panel antennas not exceeding five (5) feet in height or  
 12 one (1) foot in width shall be permitted on a pole or standard located in any street  
 13 right-of-way or any utility easement subject to the following and Paragraphs 2D  
 14 through 2I below:

15  
 16 (1) There Except for antennas totally enclosed within an extension of a new or  
 17 replacement pole or standard, there shall be a maximum of three (3)  
 18 omnidirectional /whip antennas or four (4) panel antennas. Such extension shall  
 19 be of a material or color which closely matches and blends with the pole or  
 20 standard.

21  
 22 (2) Antennas shall be flush mounted so that the antenna with supporting mount does  
 23 not extend more than eight and one-half (8 ½) feet above the pole or standard or  
 24 one (1) foot from the pole or standard.

25  
 26 (3) An equipment cabinet or structure not exceeding ~~twenty (20)~~ fifty (50) cubic feet  
 27 in volume or ~~five (5)~~ eight (8) feet in height shall be located on or adjacent to the  
 28 same pole or standard.

29  
 30 *[The advertised range is up to sixty (60) cubic feet]*  
 31  
 32

- 1 (4) The height of a replacement pole or standard, including antennas, shall not
- 2 exceed sixty-four (64) feet in height. The diameter of a replacement pole or
- 3 standard shall not exceed eighteen (18) inches.
- 4

ADMINISTRATIVE – 10

Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Planned Development District Recreational Fees

ISSUE:

The proposed Zoning Ordinance amendment increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM and PTC Districts from \$1700 to \$1800.

RECOMMENDATION:

The County Executive recommends authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on July 29, 2014 to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on September 11, 2014, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on October 28, 2014, at 4:00 p.m.

BACKGROUND:

The proposed amendment to revise the recreational facility provisions in the PDH, PDC, PRM, and PTC Districts, is on the 2014 Priority 1 Zoning Ordinance Amendment Work Program (ZOAWP). The proposed amendment is in response to a 2007 request by the Board of Supervisors that county staff reconsider the per unit recreational expenditure every two years. The amendment is now being brought forward for consideration given that it has been two years since the Board of Supervisors previously considered adjustments to the P district recreational fee.

The current Zoning Ordinance provisions require developed recreational facilities as part of the open space requirement to be provided in all PDH, PDC, PRM, and PTC Districts which contain a residential component. The developed recreational facility component is currently based on a minimum expenditure of \$1,700 per dwelling unit. The recreational facilities must either be provided on-site by the developer, and/or the Board of Supervisors may approve the provision of the facilities on land which is not part of the subject P district. The per dwelling unit expenditure does not apply to the affordable dwelling units in affordable dwelling unit developments.

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The \$1,700 expenditure has been in effect since January 2012 and was last adjusted based on the Construction Cost Index (CCI) increase between 2009 and the end of 2011. According to Architects Contractors Engineers Guide to Construction Costs, 2014 Edition, Volume XLV, the CCI has increased by 5% since January 2012. Given the 5% increase in construction costs since January 2012, an adjustment to the current \$1,700 fee is appropriate. The proposed amendment increases the per dwelling unit recreational facilities expenditure from \$1,700 to \$1,800 in the PDH, PDC, PRM, and PTC Districts. The Board of Supervisors could consider any fee between the existing fee of \$1,700 and up to \$1,800 and still be within the scope of advertising.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment increases the minimum expenditure per dwelling unit for recreational fees required in the PDH, PDC, PRM, and PTC District from \$1700 to \$1800. No additional reviews or staff time are required by this amendment.

FISCAL IMPACT:

An increase of \$100 per unit will be required of the developer to cover the construction costs of the recreational facility. No additional cost is required of staff.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive  
Kirk W. Kincannon, Director, Fairfax County Park Authority (FCPA)  
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)  
Leslie Johnson, Zoning Administrator, DPZ  
Heath Eddy, Senior Assistant to the Zoning Administrator, DPZ  
Gayle Hooper, Landscape Architect, Park Planning Branch, FCPA

## ATTACHMENT 1

### RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on July 29, 2014, at which meeting a quorum was present, the following resolution was adopted:

WHEREAS, the current Zoning Ordinance requires developed recreational facilities to be provided as part of the open space requirement in all PDH, PDC, PRM, and PTC Districts which contain a residential component and is based on a minimum expenditure of \$1700 per unit, and the facilities must be provided on-site and/or provided off-site with Board approval; and

WHEREAS, the \$1700 fee has not been increased since January 2012 and it may be appropriate to increase the fee to \$1800 to account for inflation, which has increased 5% over the past two years, according to the Construction Cost Index data provided by the Architects Engineers Surveyors Guide to Construction Costs, 2014 Edition, Volume XLV; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapter 112 (Zoning Ordinance) of the County Code;

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors



# FAIRFAX COUNTY

ATTACHMENT 2

# STAFF REPORT

V I R G I N I A

## PROPOSED ZONING ORDINANCE AMENDMENT

Planned Development District Recreational Fee

## PUBLIC HEARING DATES

**Planning Commission**

September 11, 2014 at 8:15 p.m.

**Board of Supervisors**

October 28, 2014 at 4:00 p.m.

**PREPARED BY  
FAIRFAX COUNTY PARK AUTHORITY  
703-324-8692**

July 29, 2014

GH/HE



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 revises the recreational facility provisions in the PDH, PDC, PRM, and PTC Districts, is included on the 2014 Priority 1 Zoning Ordinance Amendment Work Program, and is in response to a 2007 request by the Board of Supervisors (Board) to reconsider the per unit recreational expenditure every two years. Given that it has been two years since the Board previously considered adjustments to the P district recreational fee, this amendment is now being brought forward for the Board's consideration.

The current Zoning Ordinance provisions require that developed recreational facilities be provided as part of the open space requirement to be provided in all PDH, PDC, PRM, and PTC Districts which contain a residential component. The developed recreational facility component is currently based on a minimum expenditure of \$1700 per dwelling unit. The recreational facilities must either be provided on-site by the developer, and/or the Board may approve the provision of the facilities on land which is not part of the subject P district. It should be noted that in affordable dwelling unit developments, the per dwelling unit expenditure does not apply to the affordable dwelling units.

A per unit recreational fee expenditure was added to the Zoning Ordinance in 1975. The original \$500 expenditure per dwelling unit remained in effect until April 7, 1997 when a Zoning Ordinance amendment was adopted that increased the expenditure from \$500 to \$955. The fee per dwelling unit was increased from \$955 to \$1,500 in 2007 and was adjusted based on the Construction Cost Index (CCI) increase between 1997 and 2007. The fee was again adjusted from \$1,500 to \$1,600 in 2010 based on the CCI increase between 2007 and 2009. The most recent adjustment from \$1600 to \$1700 was approved in January 2012 based on the 5% CCI increase between 2009 and 2012. According to Architects Contractors Engineers Guide to Construction Costs, 2014 Edition, Volume XLV, the CCI has increased by 5% since 2012. Given the 5% increase in construction cost since the last adjustment was made, it may be appropriate to adjust the current \$1,700 fee accordingly. The last time the amount was updated, the calculated value was rounded down from \$1,766 to \$1,700, so when applying the 5% increase to \$1,766, the result is \$1,855. Again rounding down to an even number, the proposed amendment increases the per dwelling unit recreational facilities expenditure from \$1,700 to \$1,800 in the PDH, PDC, PRM, and PTC Districts. In order to provide flexibility, the Board could consider any fee between the existing fee of \$1,700 and up to \$1,800 and still be within the scope of advertising.

It is highly likely that construction costs will continue to rise and it is recommended that the per unit recreational expenditure continue to be reviewed every two years. If an increase is warranted based on the CCI, staff would recommend that the Board consider amending the Zoning Ordinance accordingly.

In conclusion, it is staff's belief that the proposed increase in the per unit recreation expenditure is warranted based on the CCI increase since the last time this issue was reviewed in 2012. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

Because this amendment may impact certain applications and/or prior approvals, staff recommends the following:

- Rezoning applications to the PDH, PDC, PRM or PTC Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to the effective date of the amendment and approved by March 1, 2015 shall be grandfathered from this amendment.
- Proffered condition amendments which propose to add dwelling units and are accepted on or after the effective date of the amendment shall be subject to the requirements of this amendment for the additional density.

## PROPOSED AMENDMENT

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of July 29, 2014 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 as follows:**

**- Amend Part 1, PDH Planned Development Housing District, Sect. 6-110, Open Space, by revising Par. 2 to read as follows:**

2. As part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities in all PDH Districts. The provision of such facilities shall be subject to the provisions of Sect. 16-404, and such requirements shall be based on a minimum expenditure of ~~\$1700~~ 1800 *[Advertised range is \$1700 to \$1800]* per dwelling unit for such facilities and either:

- A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan, and/or
- B. The Board may approve the provision of the facilities on land which is not part of the subject PDH District.

Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

**- Amend Part 2, PDC Planned Development Commercial District, Sect. 6-209, Open Space, by revising Par. 2 to read as follows:**

2. In a PDC development where dwelling units are proposed as a secondary use, as part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities for the enjoyment of the residents of the dwelling units. The provision of such facilities shall be subject to the provisions of Sect. 16-404 and such requirement shall be based on a minimum expenditure of ~~\$1700~~ 1800 *[Advertised range is \$1700 to \$1800]* per dwelling unit for such facilities and either:

A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan. In the administration of this provision, credit shall be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses, and/or

B. The Board may approve the provision of the facilities located on property which is not part of the subject PDC District.

Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

- **Amend Part 4, PRM Planned Residential Mixed Use District, Sect. 6-409, Open Space, by revising Par. 2 to read as follows:**

2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities. The provision of such facilities shall be subject to the provisions of Sect. 16-404, however, recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are located on rooftops, deck areas and/or areas within a building, may be used to fulfill this requirement. The requirement for providing recreational facilities shall be based on a minimum expenditure of ~~\$1700~~ 1800 *[Advertised range is \$1700 to \$1800]* per dwelling unit for such facilities and either:

A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan, and/or

B. The Board may approve the provision of the facilities on land which is not part of the subject PRM District.

Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

- **Amend Part 5, PTC Planned Tysons Corner Urban District, Sect. 6-508, Open Space, by revising Par. 2 to read as follows:**

2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities. The provision of such facilities shall be subject to the provisions of Sect. 16-404, however, recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are located on rooftops, deck areas and/or areas within a building, may be used to fulfill this requirement. The requirement for providing recreational facilities shall be based on a minimum expenditure of ~~\$1700~~ 1800 *[Advertised range is \$1700 to \$1800]* per dwelling unit for such facilities and either:

A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan; and/or

1           B. The Board may approve the provision of the facilities on land that is not part of the  
2           subject PTC District.

3  
4           Notwithstanding the above, in affordable dwelling unit developments, the requirement for a  
5           per dwelling unit expenditure shall not apply to affordable dwelling units.

ADMINISTRATIVE – 11

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant in the amount of \$129,005. Grant funding will be used to purchase night vision goggles for the Helicopter Unit; computers, televisions, and DVR recorders for the Public Information Office; and portable Forward Infrared Devices for the Search and Rescue Team. The grant period for this award is October 1, 2013 to September 30, 2017. No Local Cash Match is required. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCPD to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant in the amount of \$129,005. Funding will be used to purchase night vision goggles for the Helicopter Unit; computers, televisions, and DVR recorders for the Public Information Office; and portable Forward Infrared Devices for the Search and Rescue Team.

TIMING:

Board action is requested on July 29, 2014. Due to an application deadline of June 10, 2014, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant provides awards of federal funding to support a range of local program areas, including law enforcement equipment, technology improvements, and

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crime prevention programs. This grant will support officer safety improvements and operational equipment upgrades. Funding in the amount of \$129,005 will support the purchase of night vision goggles for the Helicopter Unit; computers, televisions, and DVR recorders for the Public Information Office; and portable Forward Infrared Devices for the Search and Rescue Team. This equipment will enhance the ability of FCPD to provide officer safety, improve response to endangered and missing persons, and allow for improvements in media communications.

As part of the grant application process and in accordance with the special conditions of the Justice Assistance Grant program, the grant application must be made available for review by the governing body of the local government during a scheduled meeting open to the public. The application must also be made available to provide an opportunity for citizens to comment. The grant will be made available to the public at the Board meeting as part of this administrative item to comply with the above requirement.

FISCAL IMPACT:

If awarded, grant funds from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant in the amount of \$129,005 will be used to purchase night vision goggles for the Helicopter Unit; computers, televisions, and DVR recorders for the Public Information Office; and portable Forward Infrared Devices for the Search and Rescue Team. No Local Cash Match is required. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created by this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Combined Budget Narrative

STAFF:

David M. Rohrer, Deputy County Executive for Public Safety  
Colonel Edwin C. Roessler Jr., Chief of Police

**Department of Criminal Justice Services – Justice Assistance Grant**

Byrne Memorial Justice Assistance Grant Program: Local Solicitation

**COMBINED BUDGET NARRATIVE****A) Part #1: PROJECT BUDGET NARRATIVE (Public Information Office Upgrades)**

The Fairfax County Police Department (FCPD) requests grant funding in the amount of \$30,000 to upgrade recording, viewing, and social media equipment necessary for the Public Information Office (PIO). The upgrade will enhance the Department's ability to capture media reports, produce written material, and provide timely information to residents of public safety issues, community threats, and other relevant information.

**Equipment****PIO Communication Equipment****\$30,000**

Grant funding will be used to purchase flat screen televisions, digital video recorders, and tablet computers capable of communicating from remote locations. The equipment will be utilized to efficiently facilitate lines of communication between public safety officials, the public, and the media. The equipment is necessary for providing valuable information to numerous entities and to allow Public Information Officers to view information reported from various media outlets. The equipment and necessary supplies to support the equipment are critical for maximizing the capabilities of PIO. Current technology has outpaced the Department's ability to effectively communicate with the community and officers. The requested equipment will strengthen the Department's ability to relay information in a timely and more efficient manner, thus enhancing communication with employees, media, and citizens. This equipment will also allow PIO to utilize current social media outlets as a venue to reach multiple audiences.

**Equipment:***1) Tablet Computers:*

The tablet computers will be used by PIO on the scene of incidents so critical information can be produced and disseminated in a timely manner. PIO personnel will be able to conduct internet research, produce press releases, answer emails from reporters, and keep in contact with the public while on the scene of an incident.

- 7 iPad Tablets @ \$929 each      \$6,503  
128 gigabytes with Wi-Fi and cellular capability
- Connectivity Plan @ \$50/month x 7 tablets x 24 months      \$8,400

*2) Flat Screen Televisions:*

Six televisions (TV's) to view/record various news outlets simultaneously to replace antiquated tube style televisions. The TV's and the DVR recorders (described below) are set to record all of the local news stations in the Washington, DC metropolitan area as well as several national news stations. This is done so the PIO staff can monitor the stations on a 24-hour basis in the event of a major event and to keep informed of regional issues. If necessary, staff can record a story or record breaking news using the DVR that



## **Department of Criminal Justice Services – Justice Assistance Grant**

Byrne Memorial Justice Assistance Grant Program: Local Solicitation

is attached to the TV and can then use the information for training, investigations, intelligence gathering, and command staff presentations. One of the requested TV's will be large and placed in a command and control position in PIO for large audiences and higher quality viewing during major events.

- 5 Flat Screen Television Sets @ \$400 each \$2,000
- 1 Large Flat Screen Television, Command and Control \$2,200

### *3) DVR Recorders:*

Grant funding will be used to purchase six DVR recorders to replace outdated VHS recording devices currently in use. DVR recorders are more efficient, provide a clearer image that may be used in court, and can be reproduced at a low cost and in a timely manner. When necessary, staff will record stories or breaking news using the DVR that is attached to the TV. The recorded program can then be reviewed for information gathering, analysis of press reports, training purposes, and analyzing data that may be useful to a criminal investigation. With the above upgrades, the Department will be able to record more information with a higher quality and in a more efficient manner as the current equipment is outdated.

- 6 DVR Recorders @ \$258 each \$1548

### *4) Desktop Computers:*

Two Desktop Computers: Two iMac computers will be used to create production quality material for the Department within the PIO office instead of having to outsource for these productions. The iMac systems are best suited due to their publishing capabilities and editing capabilities for audio and video requirements. The Department will be able to more efficiently communicate information to the residents of Fairfax County, employees, and the media by utilizing the newest computer systems by replacing antiquated equipment.

- 2 iMac Computers, 27 Inch 3.4 GHz @ \$1,999 \$3,998

### *5) Software and Hardware:*

Grant funding will purchase computer software and hardware for the listed computers. The programs will be installed to maximize the efficiency of the computers and the hardware will be needed to operate the units.

- Assorted Computer Software for Computers \$2,425.50
- Assorted Hardware for Computers \$2,925.50

## **Department of Criminal Justice Services – Justice Assistance Grant**

Byrne Memorial Justice Assistance Grant Program: Local Solicitation

### **PIO Budget Summary:**

7 iPad Tablet Computers	\$6,503
Connection Plan for iPads	\$8,400
5 Flat Screen Televisions	\$2,000
1 Large Flat Screen Television	\$2,200
6 DVR Recorders	\$1,548
2 iMac Computers	\$3,998
Computer Software	\$2,425.50
Computer Hardware	\$2,925.50
<b>Total:</b>	<b>\$30,000</b>

### **B) Part #2: PROJECT BUDGET NARRATIVE (Search and Rescue Team)**

The Fairfax County Police Department (FCPD) requests grant funding in the amount of \$34,005 to purchase eight Forward Looking Infrared (FLIR) LS32 Compact Thermal Night Vision Monocular devices. These devices will be used by the Department's Search and Rescue Team during searches for critical missing persons and other police operations where heat sources are being sought. The devices will allow team members to "see" heat sources at nighttime when searching for missing persons, suicidal citizens and allow for other nighttime operational capabilities that have previously been difficult to perform because of the lack of FLIR technology. These eight units will allow for 24-hour searches where currently team members must often terminate searches when it becomes too dark. The FLIR systems will allow for continual operations as time is critical in finding endangered missing persons or suspects.

### **Equipment**

**Eight FLIR LS32 Compact Thermal Night Vision Monocular Devices** **\$34,005**  
(8 units @ \$4,250.62)

Grant funding will be used to purchase eight FLIR LS32 Compact Thermal Night Vision Monocular devices for Search and Rescue Team members to operate during searches for critical missing persons. The FLIR LS32 Compact Thermal Night Vision Monocular device will provide operators with modern operational enhancements, including:

- FLIR Proprietary Digital Detail Enhancement
- White hot, black hot and InstAlert
- A range of 600 yards to detect a person
- Digital zoom
- 5+ hours of battery life
- Compact design that is lightweight and easy to carry in addition to the standard search gear

**Department of Criminal Justice Services – Justice Assistance Grant**

Byrne Memorial Justice Assistance Grant Program: Local Solicitation

**C) Part # 3: PROJECT BUDGET NARRATIVE (Helicopter Unit)**

The Fairfax County Police Department (FCPD) requests funding in the amount of \$65,000 to purchase six AN/AVS-9 Night Vision Goggle (NVG) Systems, 12 Low Profile Battery Packs, 12 Quick Disconnect Mounts, and 12 LPBP counterweight assemblies for the FCPD Helicopter Unit. The currently deployed NVG systems are over seven years old and have sustained fatigue and wear from daily use by the flight crews. These units have become expensive to maintain and have outdated technology. The new night vision systems allow for clearer vision, have a longer battery life, and are more durable because night vision units are operational during all nighttime flights and shared by multiple crew members. Night vision goggles have become a necessity for flight safety in the helicopter industry. They provide the ability of the helicopter crew to not only see critical structures and terrain in darkness, but also allow for enhanced support to canine handlers, SWAT teams, and patrol units because of their ability to “see” in the nighttime. These NVGs will also become mandatory for flight crews in 2015 per the Federal Aviation Administration (FAA).

The acquisition of the NVG systems and equipment will provide enhanced safety for both the flight crews and officers on the ground to include:

- Dual aircraft with crew NVG capability when current devices sets are sent out for service or repair.
- Replacement NVG’s for current aging and worn NVG units.
- Individual battery packs, mounts, and counterweights to reduce wear and handling issues that occurs when equipment is removed and shared by multiple crew members on a daily basis.
- Industry Compliance – In 2015, NVG use will be a requirement by the FAA for all medevac operators.

**Equipment**

AN/AVS-9 Night Vision Goggle (NVG) Systems	6 @ \$9764.99 ea (\$58,589.94)
Low Profile Battery Packs	12 @ \$468.61 ea (\$5,623.32)
Quick Disconnect Mounts	12 @ \$33.51 ea (\$402.12)
LPBP counterweight assemblies	12 @ \$32.05 ea (\$384.60)
Total: \$65,000	

**Combined Program Summary:**

PIO Equipment	\$30,000
Search and Rescue Team FLIR	\$34,005
Helicopter Unit Night Vision	\$65,000
Total:	\$129,005

ADMINISTRATIVE – 12

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services, Community Policing Emerging Issues Forums Grant

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Community Policing Services (COPS), Community Policing Emerging Issues Forums Grant in the amount of \$326,465. Grant funding will be used to seek community engagement to ensure a successful 2015 World Police and Fire Games through the use of contracted classroom facilitators, rental space at George Mason University (GMU), supplies, and equipment needed to conduct 16 community policing forums. The grant period is October 1, 2014 to September 30, 2016. No Local Cash Match is required. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCPD to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Community Policing Services, Community Policing Emerging Issues Forums Grant in the amount of \$326,465. Funding will be used to seek community engagement to ensure a successful 2015 World Police and Fire Games through the use of contracted classroom facilitators, rental space at GMU, supplies, and equipment needed to conduct 16 community policing forums.

TIMING:

Board action is requested on July 29, 2014. Due to an application deadline of June 23, 2014, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The U.S. Department of Justice, Office of Community Policing Services has allowed FCPD to apply for a competitive grant titled the Community Policing Emerging Issues Forums Grant. The grant will fund contracted classroom facilitators, rental space at GMU, supplies, and equipment needed to conduct 16 community policing forums.

Fairfax County is hosting the 2015 World Police and Fire Games in which the community can attend and volunteer to support athletic competitions involving athletes

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from more than 70 countries, much like the Olympic Games. It is expected that approximately 12,000 athletes from around the world, encompassing 700 participating agencies, will come to Fairfax County and the National Capital Region to participate in multiple sporting events. The FCPD is applying for the COPS Community Policing Emerging Issues Forums Grant, in partnership with GMU and with the assistance of the Fairfax 2015 World Police and Fire Games. The purpose of the COPS Community Policing Emerging Issues Forums Grant is to obtain a broad spectrum of experiential and anecdotal information from the field on various community policing topics. Forum attendees will share their challenges and successes in various community policing related subject areas and exchange information and ideas with topic experts facilitating the forums. The proposal would comprise 16 forums during the two week period in which the games are being held. Conducting the forums with law enforcement agencies from all over the country in one location enables a diverse set of ideas and discussions to take place. The grant funding would allow for round-table discussions, facilitator-led forums, and open discussion meetings on current community policing programs being utilized throughout the country from a diverse group of law enforcement professionals. These forums will produce emerging trends and ideas that work, or do not work, and lessons learned. GMU staff will facilitate the forums and subsequently compile data acquired and summarize best practices to distribute throughout the national law enforcement community.

FISCAL IMPACT:

If awarded, grant funds from the U.S. Department of Justice, Office of Community Policing Services, Community Policing Emerging Issues Forums Grant in the amount of \$326,465 will be used to seek community engagement to ensure a successful 2015 World Police and Fire Games through the use of contracted classroom facilitators, rental space at GMU, supplies, and equipment needed to conduct 16 community policing forums. No Local Cash Match is required. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created by this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Combined Budget Narrative

STAFF:

David M. Rohrer, Deputy County Executive for Public Safety

Colonel Edwin C. Roessler Jr., Chief of Police

Major Joseph R. Hill, Commander, Administrative Support Bureau

COPS 2014 Community Policing Development-COPS Community Policing Emerging Issues Forums  
Fairfax County Police Department

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**PROGRAM NARRATIVE**

**1. Topic and Program Outcome Identification and Justification**

*Briefly describe the program outcome(s) that will be addressed, the gap in existing knowledge and/or practice, why/how this project will meet that need, and the level of innovation and originality of the proposed work. If applicable, supply data to support the problem or gap and what has been done previously to address it. Explain how this project will build upon, expand, and/or incorporate the principles of community policing.*

The County of Fairfax is hosting the 2015 World Police and Fire Games (WPFG). The games are athletic competitions involving athletes from all over the world much like the Olympic Games. It is expected that approximately 12,000 athletes from around the world, which encompasses 700 participating agencies, will come to Fairfax County and the National Capital Region to participate in multiple sporting events. In this application, the Fairfax County Police Department (FCPD) is applying for the COPS Community Policing Emerging Issues Forums Grant, while partnering with George Mason University (GMU) and with the assistance of the Fairfax 2015 World Police and Fire Games. The purpose of the COPS Community Policing Emerging Issues Forums is to obtain a broad spectrum of experiential and anecdotal information from the field on various community policing topics. Forum attendees will share their challenges and successes in various community policing related subject areas, and exchange information and ideas with topic experts facilitating the forums. While advice and recommendations are strictly those of individual(s), each forum should provide professional perspectives on substantive community policing related issues affecting law enforcement professionals across the United States.

The proposal would encompass 16 forums during the two week period in which the games are being held. By conducting the forums, while law enforcement agencies from all over the country will be in one location, a diverse set of ideas and discussions can take place. The grant funding provided by COPS would allow for round-table discussions, leader-led forums, and open discussion meetings on current community policing programs being utilized throughout the country from a diverse group of law enforcement professionals. These forums will produce emerging trends and ideas that work, or do not work and will be summarized at the end of the games to distribute throughout the county as “lessons learned.” By gathering a diverse cross-section of law enforcement personnel (Chiefs’/Sheriffs’ to patrol officers) and getting a wide variety of ideas, thoughts and opinions, we believe best practices can be analyzed, developed and distributed to law enforcement. The proven community policing strategies will then be available to agencies to reduce crime in their jurisdictions or inevitably bring to light general community policing ideas to better interact with our communities and improve the bonding and partnerships with citizens. Throughout the history of law enforcement, many successful crime reducing

programs have found their genesis through this type of brainstorming forums and this program would be no exception. Sharing ideas will only increase agencies' abilities to address specific problem areas that they may not have been able to overcome.

The 16 distinct topic forums will have varying numbers of participants and structures. Some classes will be large and some will be small, so that the facilitators will be able to solicit frank and open discussions. George Mason's Center for Evidence-Based Crime Policy (CEBCP) is an internationally recognized entity that excels in research dissemination to practitioners and policymakers and has developed a world-wide reputation as a leading center for translational activities related to police research and practice. CEBCP shares the COPS Office vision for training and education. Each event the CEBCP creates will be freely accessible to the criminal justice community and will feature a strong research-oriented component as described in the solicitation.

## **2. Program Goals**

*Very briefly identify and describe the specific project goal(s), which are to be accomplished with reference to one or more of the following: developing knowledge, increasing awareness, increasing skills/abilities, increasing practice, and/or institutionalizing practice. Applicants must identify those goals that will be directly accomplished if funding is awarded. It is not expected or anticipated that the proposed project accomplish more than one of the goals listed above.*

As indicated, the purpose of these forums addresses the goal areas of developing knowledge and increasing awareness. The interaction between practitioners in the law enforcement field and academic researchers will encourage an open exchange of information that is beneficial to all involved. Forum attendees will have the benefit of exposure to, and awareness of, current best practices and trends within the profession. This will increase the knowledge base for many who may not be familiar with current trends or successful programs in community policing. Many times, law enforcement agencies are unaware of programs that are working around the country and these forums will bring those successes to light for many. We will video record the forums to satisfy our goal of making the various discussions and idea-sharing available to all law enforcement agencies via the internet sites at the CEBCP and COPS.

## **3. Strategy to Achieve Program Outcomes and Goals**

*Applicants should provide a comprehensive description of the overall strategy and specific activities of the proposed work. Applicants should specify how these proposed activities will achieve the identified program outcomes and goals.*

The FCPD has worked in conjunction with CEBCP to form a formal partnership with GMU to jointly plan and deliver the forums if awarded funding. The FCPD has had a long history of working with GMU on various law enforcement issues as their expertise is second to none with community policing issues being their strongest area of study. The basis of topics for the forums will draw from several primary knowledge pillars and would serve to highlight current trends and knowledge, and demonstrated best-practices within the following areas, among others:

- Evidence Based Policing

An important recent trend in policing has been the move toward greater incorporation of research knowledge into practices in the field. A considerable amount of knowledge as to the effectiveness of various police and criminal justice system practices has been accumulated through decades of professional research. The many researchers in the field are continually looking at many different aspects of professional practices, with an eye towards gauging results, and accumulating additional knowledge about how systems work. The challenge to researchers has always been two fold; how to work effectively with professional partners to accomplish thorough research and to identify current needs and issues, and how to disseminate knowledge throughout the profession, so that best practices can be shared and applied. These forums will be developed and presented to address these issues utilizing experts from around the country.

The CEBCP has developed an evaluation, categorization and dissemination tool, known as the Evidence Based Policing Matrix, which brings together a compilation of research study results across a range of topics. The Matrix outlines and evaluates the results of these studies in a manner that practitioners can easily gain useful evidence on best practices. In recent years as well, many fruitful partnerships have been developed between researchers and practitioners in the Criminal Justice system. A forum session will explore how to establish and maintain such a working partnership, so that the needs of both researchers and practitioners can be met.

- Community Oriented Policing

There are a number of topics to be explored within the area of Community Oriented Policing, and some key sub-topics will be identified for this forum. One example that will likely be addressed will be developing working partnerships between police agencies and parole and probation agencies to manage the growing number of parolees being released back into communities after many years in prison. A robust system of monitoring and reporting is required to ensure public safety and to reduce the likelihood of rampant recidivism. This requires much more extensive cooperation between the court agencies and police than has



been the norm in the past. Best practices for building and managing cooperative efforts will be highlighted.

Another area of interest will involve developing community-based partnerships to address mental health issues. For decades, police agencies and jails have served as *de facto* first responders, evaluators and treatment sources for many citizens who suffer from mental illness and who act out in criminal and violent ways. Efforts in many localities involve rebuilding robust mental health treatment systems that can work cooperatively with police and courts to ensure humane and effective treatment of those who suffer from these diseases, as well as to ensure protection and safety of the community. These are examples of forum sessions that will highlight best-practice efforts. A number of additional topics in this area will be identified for inclusion in forum presentations as GMU has vast experience with numerous community policing topics.

- Intelligence Led Policing and Crime Analysis

Intelligence-led policing (ILP) will be another topical area to be addressed through forum presentations. The CEBCP is uniquely qualified to present in this area as they have completed recent studies along with the FCPD, as a participating partner, that address different facets of this topic. In one, a study was done on License Plate Reader (LPR) technology, which looked at the efficacy of LPR as an effective police tool, and examined public response and concerns about the intrusiveness of such data-collection methods. A second recently completed study looked at the effects of the implementation of new technology in certain selected police agencies, and the degree to which that technology facilitated the application of ILP and effective dissemination and use of crime analysis data to direct policing efforts. Both of these studies could provide the basis for forum discussions as they relate directly to community policing and public perception of the police.

In the area of crime analysis, the CEBCP and other potential partners have completed much work in studying, evaluating and developing effective crime analysis techniques and approaches. A session that examines current tools and methods will be included, featuring a number of highly-regarded practitioners in the specialty. Another current FCPD research partner, Dr. Robert Kane of Drexel University has agreed to present on his current project, which involves using technology applications to gather intelligence from social media usage within a geo-spatial area. It is clear that the community now almost expects to gather information from social media on what is going on in their community and what their law enforcement agencies are doing at any given time. Best practices will definitely be exposed from discussions on this topic, thus improving the interaction with the community.

- Problem Oriented Policing

Another area of expertise and knowledge within the CEBCP is advanced research on the role of the place in crime, as well as regarding policing “hot spots”. Several significant studies have been completed in these areas, with the researchers available locally for presentations in the forums.

- Procedural Justice and Legitimacy

Current work and efforts in the area of procedural justice and police legitimacy will be highlighted. One current initiative between the CEBCP and the FCPD involves the development of a model community survey tool, which is designed to specifically address these areas of concern, particularly legitimacy. A CEBCP scholar, Dr. Devon Johnson, is the lead on this project, and will be able to present the tool and survey results.

- Leadership Studies

The FCPD works with a number of contract trainers to present leadership training programs. An examination of various such programs would be appropriate for one or more forums. The International Association of Chiefs of Police (IACP) is also locally situated to the WPFG in Northern Virginia, and would be able to discuss some of their key leadership initiatives, such as Leadership in Police Organizations (LPO), and their women’s leadership program.

These previous bullet items do not represent an all-inclusive or exhaustive list of potential topic areas or presentations, but simply provide a representative sample, based on early discussions among forum partners. A comprehensive program will be developed and refined following notice of a grant receipt.

#### **4. Capacity and Experience**

*Please detail the capacity of your organization to carry out the proposed plan, and briefly explain your experience with other similar efforts.*

The Fairfax County Police Department (FCPD) will be partnering with the Center for Evidence-Based Crime Policy (CEBCP) at George Mason University (GMU) to deliver the forum on emerging issues during the 2015 World Police and Fire Games. The FCPD is also a major party in the WPFG organizational committee and has received their input on this proposal. The CEBCP is uniquely qualified for this project. Since 2008, the CEBCP has successfully been engaged in executive yearly congressional briefings, symposia, workshops, law enforcement training modules, and video and in-class instruction in all areas proposed in this plan. It has

extensive social networks across the country as one of the top experts in research, practice, and policy who can supply training and technical assistance, and also has a large social network with those interested in receiving such training. With the WPPG being held in the immediate area, the vast audience available for these forums cannot be understated.

The CEBCP has extensive connection with national and international law enforcement agencies, and has partnered with the Police Foundation, IACP, PERF, Urban Institute, CNA Corporation, VERA, NCJA, and many federal, state, and local law enforcement and criminal justice agencies, including regularly with the Fairfax County Police Department. CEBCP excels in research dissemination to practitioners and policymakers and has developed an international reputation as a leading center for translational activities related to police research and practice.

The CEBCP shares the COPS Office vision for training and education. Each event the CEBCP creates has been freely accessible to criminal justice community and always features a strong research-oriented component. The CEBCP events have also supported training requirements for law enforcement officials across the United States and consistently cover the most pressing and emerging criminal justice issues and concerns. In short, there currently exists no other university center who has achieved the ability to deliver (and generate demand for) cutting edge research, resources, and training to a wide domestic and international audience. The CEBCP is home to *Translational Criminology Magazine*, the *Evidence-Based Policing Matrix*, Wilson's *Systematic Review toolkit*, the *License Plate Reader Webportal*, an extensive YouTube site filled with training modules, and numerous other resources. A number of COPS initiatives have used much of their efforts and resources to support the current work with the COPS Office.

As an institution, George Mason University (GMU) is well equipped to successfully carry out this project with the FCPD. The CEBCP will draw upon the resources of GMU, which include both human and physical resources. The university houses a student population of 35,000 and has numerous state of the art facilities that are designed for dynamic and technology-oriented learning. The university facilities are also cost-effective compared to hotel conference centers. This educational opportunity will be well matched with GMU's philosophy and goals of being a university of consequence and conscience. GMU and CEBCP's strong and geographically close partnership with the Fairfax County Police Department will also help facilitate the optimal use of GMU's facilities and educational philosophy.

Most importantly, GMU currently houses one of the highest concentrations of the country's active policing scholars. Its members and affiliates include five experienced police scholars with expertise in multiple areas of policing (three with specific expertise and experience in trajectory analysis and police evaluation research), and eleven Ph.D.-bound graduate assistants, all with experience and training in evaluation research, multiple types of statistical techniques, qualitative

and ethnographic research, geographic information systems analysis, and evidence-based crime policy. The PIs, Cynthia Lum and Christopher Koper, have successfully brought hundreds of speakers over the years to GMU and the Washington, DC area to speak on a variety of issues and concerns related to community policing. Their understanding and knowledge of evidence-based policing, problem solving, community policing and procedural justice, police policies (including use of force, pursuits, firearms policies, and officer safety) make them uniquely qualified to both develop a coherent set of modules for a successful forum, and to deliver on them.

#### **5. Management and Implementation Plan**

*Applicants should describe the overall management and implementation plan for the project. This should include: how you will ensure effective implementation of the project; a brief timeline with a list of key activities and milestones to take place within the award performance period (two years for all awards under this solicitation), grouped by month or quarter; a management/staffing plan, detailing who will work on this project, what role they will play, their education and experience in similar projects, and their understanding of community policing; identification of any key partnerships or stakeholders who will play a role in the implementation of this project; and, if applicable, a brief marketing plan for the deliverable(s), to ensure a broad dissemination of the product(s) to the target audience(s).*

George Mason University's (GMU) Center for Evidence-Based Crime Policy (CEBCP) under the direction of Director Cynthia Lum and Senior Fellow Christopher Koper, principal investigators responsible for this project, will work with the Fairfax County Police Department and the World Police and Fire Games to facilitate 16 forum modules during the WPPG in June 2015, on a variety of subjects within the realms of priorities of the COPS Office. These will include forums on evidence-based policing, problem-oriented policing, community-based policing, procedural justice and legitimacy, which will encompass key policy issues in policing (e.g., stress and fatigue, use of force, police pursuits, professional development, and police technology).

In collaboration with the FCPD, GMU staff will be responsible for finding speakers and facilitators for each of the modules, and designing a coherent curriculum that meets educational and professional needs of a modern, democratic police service. As seen in the budget narrative, the CEBCP has identified 16 experts who would facilitate the forums. FCPD will be responsible for coordinating logistics of the speakers (including travel and consultant fees), securing videography services so that each forum can be recorded, and facilitating the transport of participants to and from their hotels to the forum sites. GMU facilities will also be secured as venues for the forum sessions. FCPD and GMU will also work closely with the WPPG staff to promote the forums and to gather suggestions from them on potential participants.

#### **6. Evaluation Plan/Effectiveness of Program**

*Although a formal evaluation is not a requirement for funding, the COPS Office strongly encourages applicants to consider how they will determine if grant funding was effective in addressing the program outcomes and goals outlined above. Applicants should detail specifically how they will evaluate the effectiveness of activities implemented as a result of receiving this award, including the extent to which the deliverables would assist law enforcement in implementing or institutionalizing community policing. Applicants should identify if/how data and information will be collected and tracked, and how these measures are consistent with the COPS Office performance measure to “advance the capacity of law enforcement to practice community policing.”*

George Mason University (GMU) CEBCP staff will also work with FCPD staff to write the follow-up assessment of the learning modules and survey participants. Evaluation criteria will focus on the following:

- Quality of content delivered
- Usefulness of information provided to the participants
- Efficacy of holding such forums in conjunction with other major events (such as future WPFPG sessions, Police Week, etc.)
- Attendance and participation at the forums.

Rather than summarizing each module in written format, each module will be videotaped and published on the CEBCP and COPS websites, so that others may freely access the learning content to better their community policing initiatives.

In conclusion, we feel we are in a unique position to plan and produce high quality community policing forms described in this solicitation. With the World Police and Fire Games attracting approximately 7,000 law enforcement persons, an extensive cross-section of experience and geographical diversity can be brought to the table. GMU has a world-class think-tank program that can easily facilitate these forums and produce conversation and discussions that may help many agencies and communities.

**Budget Narrative:**  
**Program Total \$326,464.95**

**A. Personnel** **\$ 0.00**

**B. Fringe Benefits** **\$ 0.00**

**C. Equipment** **\$148,968**

Request funding for eight (8) WAN WTMMB BLUE/WHITE Wanco Message Boards, Full Size 1.0. The large, portable message boards will be strategically placed throughout the World Police and Fire Games housing areas to display messages relating to the various community policing forums being presented at the games. The signs will alert participants to time, location and other pertinent information on the forums in order to attract as many participants as possible. These message boards will also allow the community to see that law enforcement is conducting “think-tank”, interactive forums to improve the community policing initiatives around the county. The sign boards will be continued to be utilized by the Fairfax County Police Department (FCPD) when the Games end for community announcements, community warnings or information, and for traffic issues to assist the community in navigating around regional traffic issues all to assist the relationship between the police department and the citizens.

(8) WAN WTMMB BLUE/WHITE Wanco Message Boards, Full Size 1.0 with modem;  
\$18,621 x 8 = \$148,968

**D. Supplies** **\$17,289.88**

- (4) HP Envy TouchSmart 15.6” Touch Screen Laptops, 6GB memory and 750 GB hard drive. 4 x \$629.99 = \$2,519.96  
The four laptops will be purchased to be utilized by the Program Coordinators and their staff. They will be able to produce PowerPoints, keep documentation of participants, research topics on the internet, and perform other computer functions to produce an interactive product for the community policing forums.
- (4) Software for Laptops 4 x \$200 = \$800  
Software packages will be needed for the laptops so necessary programs can be added to maximize the usefulness of the laptops.
- (4) Brother-Network Ready Wireless All-in-One Printers 4 x \$550 = \$2,200  
Printers will be used in conjunction with the above laptops. The Program Coordinators can print relevant information for the various forums to include schedules, handouts, information packets, etc.

- (4) Apple iPad/Rotina Display Wi-Fi 16 GB 4 x \$379.99 = \$1,519.96  
Four iPads will be purchased for the George Mason Graduate students who will be hired to monitor the various forums. These students will take minutes of the meetings, document the discussions and issues, compile a summary of the meeting and be able to research anything from the classroom in order to memorialize the community policing forums.
- (4) Vizio M-Series 55" TV's, LED, 240Hz-Smart HDTV 4 x \$999.99 = \$3,999.96  
Four large TV's will be purchased to be utilized in the various classrooms where the forums will be held. The laptops can be connected with the TV to display the PowerPoints or other teaching materials for the forum.
- (5) Dry Writing Boards 5 x \$250 = \$1,250  
Five dry writing boards will be purchased with tripods so instructors can write ideas, methodology, best practices or any other item one would write down during a class or forum.
- Office Supplies \$5,000  
Miscellaneous office supplies for the forums to include printer paper, ink cartridges, erasable markers, binders and folders, etc.

The above items will be utilized by the Community Resources Division who is responsible for the community policing on-going programs after the Games have ended. These items will be used for community meetings, initiatives, and programs related directly to community policing.

<b>E. <u>Travel (N/A)</u></b>	<b><u>\$0.00</u></b>
<b>F. <u>Consultants/Contract</u></b>	<b><u>\$153,207.07</u></b>
• <b>Contractual Proposal with George Mason University</b>	<b>\$58,391.07</b>

George Mason University's Center for Evidence-Based Crime Policy (CEBCP) under the direction of Director Cynthia Lum and Senior Fellow Christopher Koper, principal investigators responsible for this project, will work with Fairfax County Police Department to facilitate sixteen (16) forum modules during the World Police and Fire Games in June 2015, on a variety of subjects within the realm of priorities of the COPS office. These will include forums on evidence-based policing, problem-oriented policing, community-based policing, procedural justice and legitimacy, which will encompass key policy issues in policing (e.g., stress and fatigue use of force, police pursuits, professional development, and police technology). In collaboration with the FCPD, George Mason University (GMU) staff will be responsible for scheduling speakers and facilitators for each of the modules, and designing a coherent curriculum that meets educational and professional needs of a modern, democratic police service. FCPD will be responsible for coordinating logistics of the speakers (including travel and consultant fees), securing videography services so that each forum can be recorded, and facilitating the transport of participants to and from their hotels to the forum sites. George Mason University CEBCP staff will also work with FCPD staff to write the follow up assessment of the

learning modules and survey participants. Rather than summarizing each module in written format, each module will be videotaped and published on the CEBCP website so that others might be able to freely access the learning content.

- **The Synthesis Media Video Agency for the Recording of Forums**      **\$30,000**  
Rather than summarize each module in written format, each module (16) will be videotaped and published on the CEBCP and COPS websites so others may be able to freely access the learning content from the forums. Each recording will cost approximately \$1,875 for each session.
- **Transportation:**      **\$16,832**  
The WPFPG committee has contracted with the Fairfax County School District to utilize their busses to transport participants in the games to the various venues around the region. There are 16 forums planned that will be conducted at the Arlington campus of GMU. We would advertise and provide transportation to those wishing to participate in a forum using the rate the school district is charging the games. Participants would be able to board a bus at four (4) different locations throughout the region to attend the forums.
- **Consultant Instructors**      **\$26,400**
- **Consultant Travel Costs:**      **\$21,584**  
Consultants who are subject experts in the various community policing topics will come to the World Police and Fire Games to facilitate and teach the 16 forums that will be scheduled. The program directors from GMU will choose the instructors from their expertise and knowledge of the skill level in producing and coordinating such forums on community policing. We expect a total of 16 instructors discussing 16 community policing topics. Of those 16 instructors, we are budgeting for 12 of them to travel from out-of-state. The remaining four instructors will be local and will only need per diem..
- **Other**      **\$7,000.00**  
Printing/Publication  
Each of the consultants hired may have items to print for forum attendees such as handouts, pamphlets, etc. Also, each of the approximately 7,000 police participants will receive a packet with schedules, topics and locations of the various forums.
- **Indirect Costs**      (N/A)      **\$ 0.00**



Board Agenda Item  
July 29, 2014

ADMINISTRATIVE – 13

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2015 Revised Budget Plan

ISSUE:

Board approval of an advertisement to increase the FY 2015 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2014 Carryover Reviews*. Section 15.2 – 2507 of the Code of Virginia requires that a public hearing be held prior to Board Action.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on September 9, 2014 at 10:30 a.m.

TIMING:

Board action is requested on July 29, 2014.

BACKGROUND:

As the *FY 2014 Carryover Review* includes potential increases in appropriation greater than \$500,000, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement for a public hearing.

Details of the proposed changes shown in the advertisement are provided to the Board in the enclosed *FY 2014 Carryover Review* documents. As stated in the advertisement, copies of these documents will be made available for citizen review at governmental centers, libraries and the Government Center.

The School Board funding adjustments included in the advertisement are based upon the School Board's actions on July 24, 2014.

Board Agenda Item  
July 29, 2014

DOCUMENTS TO BE DELIVERED UNDER A SEPARATE COVER:

*These attachments will be delivered to Board offices on Monday, July 28, 2014 and posted live online at: <http://www.fairfaxcounty.gov/dmb/carryover/fy2014/carryover.htm>*

Attachment A: Proposed advertisement for public hearing

Attachment B: July 29, 2014 Memorandum to the Board of Supervisors from Edward L. Long Jr., County Executive, with attachments, transmitting the County's *FY 2014 Carryover Review* with appropriate resolutions

Attachment C: Fairfax County School Recommended FY 2014 Final Budget Review and Appropriation Resolutions

STAFF:

Edward L. Long Jr., County Executive  
Susan Datta, Chief Financial Officer

ADMINISTRATIVE – 14

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services, COPS Hiring Program

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Community Policing Services (COPS). Grant funding in the amount of \$1,000,000, awarded over a three year period, will provide financial assistance to fund 8/8.0 FTE merit police officer positions. These positions are intended to partially offset General Fund costs associated with positions currently included in the FY 2016 Public Safety Staffing Plan request. One-time County funding of \$1,506,551 is required over the three-year grant period, for a total program cost of \$2,506,551. The one-time County funding of \$1,506,551 has not been specifically identified in the Police Department budget or the Federal-State Grant Fund. If new General Fund resources are not available, then funding will need to be identified within existing balances. However, if no County resources are identified, the County may need to decline the award. At the end of the three-year grant period, the County is required to retain the eight positions for an additional year. However, since these positions are included in the Public Safety Staffing Plan, it is intended that they will continue indefinitely at an estimated yearly cost of \$932,738.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fairfax County Police Department to apply for and accept funding, if awarded, from the U.S. Department of Justice, Office of Community Policing Services. Funding in the amount of \$1,000,000 will be used to hire, train and support 8/8.0 FTE merit police officer positions currently include in the FY 2016 Public Safety Staffing Plan.

TIMING:

Board Action is requested on July 29, 2014. Due to an application deadline of June 23, 2014, the application was submitted pending Board approval. If the Board does not approve this request the application will be immediately withdrawn.

BACKGROUND:

Recognizing that many jurisdictions continue to have budget constraints that have resulted in reductions in staffing, the COPS Hiring Program provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. The Police Department intends to use the grant funding, if awarded, to hire eight patrol officers. These officers will enable the department to continue the many initiatives associated with community policing by increasing staffing as described in the Public Safety Staffing Plan. The grant funded officers will be assigned to the Patrol Bureau to perform the duties associated with a Fairfax County police officer. Critical areas such as traffic enforcement, crime reduction and responding to calls for service will be incorporated with these positions as the Police Department explores best practices to further its community policing strategy.

The COPS grant allows for funding for up to 75 percent of the approved entry-level salary and fringe benefits of each newly-hired and/or rehired, full-time sworn career law enforcement officer over the three year grant period, with a minimum 25 percent local cash match requirement and maximum federal share of \$125,000 per officer position. The grant application funding costs were based on the department's current entry-level salary and fringe benefits for full-time sworn officers. Any additional costs for higher than entry-level salaries and fringe benefits as well as all operating expenses are the grantee agency's responsibility and will be evaluated with the County Executive if an award is received. The County is not obligated to accept the award if County funding is unavailable.

FISCAL IMPACT:

If awarded, the FCPD will receive \$1,000,000 in federal funding over a 3 year period to hire, train and support 8/8.0 FTE merit sworn police officers. One-time County funding of \$1,506,551 is required over the three-year grant period, for a total program cost of \$2,506,551. The one-time County funding of \$1,506,551 has not been specifically identified in the Police Department budget or the Federal-State Grant Fund. If new General Fund resources are not available, then funding will need to be identified within existing balances. However, if no County resources are identified, the County may need to decline the award. At the end of the three-year grant period, the County is required to retain the eight positions for an additional year. However, since these positions are included in the Public Safety Staffing Plan, it is intended that they will continue indefinitely at an estimated yearly cost of \$932,738. This grant does not allow the recovery of indirect costs.

Board Agenda Item  
July 29, 2014

CREATION OF NEW POSITIONS:

A total of 8/8.0 FTE merit positions would be created through this grant award. The County has an obligation to fully fund these positions for one additional year after the initial three-year grant period. However, since these positions are included in the Public Safety Staffing Plan, it is intended that they will continue indefinitely.

ENCLOSED DOCUMENTS:

Attachment 1 – Combined Budget Narrative

STAFF:

David M. Rohrer, Deputy County Executive for Public Safety  
Colonel Edwin C. Roessler Jr., Chief of Police  
Major Joseph R. Hill, Commander, Administrative Support Bureau

**Question 2.**

**Related governmental and community initiatives that complement your agency's proposed use of COPS funding.**

Our Department has incorporated many of the most effective elements of Community Policing in the administrative and operational responsibilities of the Patrol Bureau. Each of these elements provides important **direct links** between the police department and the community, and allows close collaboration in efforts to deal with community concerns. Several of the elements are seen throughout the Patrol Bureau in all eight of the District Stations and are centrally coordinated under the Deputy Chief of Patrol. Each of the commanders of the eight district stations have varying initiatives present within their select districts which have been identified as having specific community needs best served by utilizing community policing concepts unique to that station. .

One of our key components in community policing has been the various safety initiatives with the elementary schools at fairs, community events, and business locations. Programs such as the School Safety Patrols have been around for decades, while newer initiatives as Bicycle Safety Rodeos and Block Parent Programs have improved safety in the community. Additionally, we provided the first line of defense in grade specific education and intervention through the three-pronged approach to gang awareness/avoidance and drug awareness.

**Question 1.**

**Community partnerships and support, including consultation with community groups, private agencies, and /or other public agencies.**

The grant funds will be used to re-establish Police Officer positions which were cut from the Police Department's budget over the past several years, in which 37 positions were lost. The 8 positions are all requested for patrol to augment normal staffing levels, allow patrol area size to be reduced, and address increases in population and calls for service. It also permits the ability to begin the staffing enhancements necessary to meet the challenges of a new mass transit rail line crossing various segments of the Fairfax County and increased urbanization throughout the county. The mission of these patrol officers includes establishing partnerships with the community to identify and address quality of life issues, reduce the fear of crime, and ensure public safety through the protection of life and property.. Each of the 8 requested positions are critical in establishing and furthering our Community Policing efforts.

Police patrol in Fairfax County continues despite the reduction in force of 37 positions and the stagnant growth in staffing levels due to budget constraints. However, the proactive function of the police, in terms of establishing community relations, attending public meetings, participating in local programs dealing with the community and public safety, and taking aggressive efforts to prevent crime have been reduced due to staffing constraints created by the economic downturn. With these additional positions, the police patrol staffing levels will be increased which will provide the officer more time to address the quality of life issues that negatively impact a neighborhood or business community.

**4) Explanation for need of federal funds:**

The grant funds will be used to re-establish Patrol Officer positions which are required due to the increased urbanization of Fairfax County, the increasing population and calls for service, and to offset the decrease in Department staffing of 37 positions due to budget cuts over the past several years. The 8 positions will all be assigned to Patrol, as this is a critical need in the agency and are necessary for furthering our Community Policing efforts. These positions would not be possible without federal funding.

**Internal change to personnel management:**

Patrol staffing will be enhanced and the additional positions will be used to decrease the size of existing patrol areas to permit a more effective and efficient response to calls for service, proactive pro-active patrol, and enforcement of traffic laws. The reduced patrol areas will also permit additional responsiveness to community concerns and quality of issues. The smaller patrol areas will result in reduced response times and more effective effort to reduce crime and prevent the fear of crime.

**. Describe change to personnel management briefly:**

Increase the number of Patrol Officers on the street that have been lost or remained stagnant due to budget cuts and concerns. The officers will be assigned to patrol areas throughout Fairfax County where calls for service are at the highest to permit greater effort in proactive policing and community engagement and partnerships. These efforts have suffered over the past several years as increased calls for service and population have placed demands on the Police Department that are beyond the capability of the limited staffing to address.

**Describe internal change briefly:**

Patrol Officers provide critical services to the community. They engage in proactive patrol to prevent crime and address criminal incidents when they do occur, enforce traffic regulations, respond to calls for service, address quality of life issues in neighborhoods and business areas, and engage in community partnerships and dialogue. With the increasing population and calls for service and the reduction in Police Officer positions, response times to citizen needs and criminal incidents is increasing, pro-active patrol has been reduced, and community dialogue and partnerships have been negatively impacted due to the lack of time that Patrol Officers have to participate in these events. The additional positions will be directed to areas with the highest calls for service to reduce officer response time and address the issues of crime and quality of life that are negatively impacted by the insufficient staffing of these areas.

**Briefly describe the problems you will address with these grant funds:**

Patrol Officers provide protection to life and property throughout the communities of Fairfax County. These officers ensure public safety and address quality of life issues in neighborhoods and business areas. They enforce traffic laws and perform other service related functions as required by the community. The patrol officer also establishes

dialogue and works with members of the community to enhance the quality of life and reduce the fear of crime. The Fairfax County Police Department maintains one of the lowest ratios of police officer to resident populations, at 12 officers per 10,000 residents. Due to budget cuts over the past several years the Police Department has been reduced by 37 positions over the past five years. This is during a time when urbanization is growing, as well as an increase in residential population. Calls for service have also increased during this time period, at a time when Police Officer staffing has been decreased. The 8 requested positions will augment patrol staffing and be used to enhance the ability of the Department to respond to calls for service, investigate and prevent criminal incidents, establish community partnerships and address quality of life issues.



**DETAILED COST OF NEW POSITIONS**

 Application Processed in **FY2014**

<b>Police Officers</b> 8 positions (\$26.3531 O17/04)				<b>Budget Summary:</b>									
<b>Total</b> 8				1st Year      2nd Year      3rd Year      Subtotal      4th Year      Total									
<b># of Vehicles:</b> 8				CH20 - Personnel Expenses:      \$438,512      \$460,438      \$506,481      \$1,405,431      \$531,805      \$1,937,236									
<b>Mileage per Year:</b> 12,000 Miles per year				CH30 - Operating Expenses:      \$116,311      \$116,311      \$116,311      \$348,933      \$116,311      \$465,244									
				CH40 - Recovered Cost:      \$ -      \$ -      \$ -      \$ -      \$ -      \$0									
				CH60 - Capital Equipment:      \$ -      \$ -      \$ -      \$ -      \$ -      \$0									
				<b>Subtotal:</b> (a)      \$ 554,823      \$ 576,749      \$ 622,792      \$1,754,364      \$648,116      \$2,402,480									
				Fringe Benefit:                      (b)      \$234,692      \$246,426      \$271,069      \$752,187      \$284,622      \$1,036,809									
<b>Grant Index:</b>				<b>Total:</b> (a + b)      \$ 789,515      \$ 823,175      \$ 893,861      \$2,506,551      \$932,738      \$3,439,289									
				Annual Merit Increment:									
*	Index	Sub Obj	Qty	Subobj Title	Cost/Rate	Per	Unit Cost	1st Year	2nd Year	3rd Year	Subtotal	4th Year	Total
R	0		8	Regular Salary O17/4	\$26.3531		\$54,814	\$438,512	\$460,438	\$506,481	\$1,405,431	\$531,805	\$1,937,236
R	0		8	Fringe Benefit	53.52%		\$29,336	\$234,692	\$246,426	\$271,069	\$752,187	\$284,622	\$1,036,809
R	0		8	Supply- Ordnance	\$1,000.00		\$1,000	\$8,000	\$8,000	\$8,000	\$24,000	\$8,000	\$32,000
R	0		8	Uniforms	\$680.00		\$680	\$5,440	\$5,440	\$5,440	\$16,320	\$5,440	\$21,760
R	0		8	Uniform Maintenance Allowance	\$400.00		\$400	\$3,200	\$3,200	\$3,200	\$9,600	\$3,200	\$12,800
R	0		8	DVS - Fuel	\$0.310	/mile	\$3,720	\$29,760	\$29,760	\$29,760	\$89,280	\$29,760	\$119,040
R	0		8	DVS - Replacement (est)	\$458	/month	\$5,499	\$43,991	\$43,991	\$43,991	\$131,973	\$43,991	\$175,964
R	0		8	DVS - Vehicle Maintenance	\$0.270	/mile	\$3,240	\$25,920	\$25,920	\$25,920	\$77,760	\$25,920	\$103,680
Total								\$789,515	\$823,175	\$893,861	\$2,506,551	\$932,738	\$3,439,289

**BASIS FOR REIMBURSEMENT:**

Item	Cost/Rate	# of Pos	Unit Cost	1st Year	2nd Year	3rd Year	Subtotal	4th Year	Total
Regular Salary - Entry Level = O17/02	\$26.3531	8	\$54,814	\$438,512	\$460,438	\$506,481	\$1,405,431	\$531,805	\$1,937,236
Fringe Benefit	7.65%		\$4,193	\$33,546	\$35,223	\$38,746	\$107,515	\$181,484	\$288,999
Total		8	\$59,007	\$472,058	\$495,661	\$545,227	\$1,512,946	\$713,289	\$2,226,235

**MAX REIMBURSEMENT:**

Item	Cost/Rate	# of Pos	Max
\$125,000/Officer	\$125,000	8	\$1,000,000

**FUNDING SOURCES:**

Funding Source	Index	Subobj	%	1st Year	2nd Year	3rd Year	Subtotal	4th Year	Total
Federal			75%	\$354,044	\$371,745	\$274,211	\$1,000,000	\$0	\$1,000,000
Excess of Max Reimb						\$134,709	\$134,709	\$0	\$134,709
Required LCM			25%	\$118,015	\$123,915	\$136,307	\$378,236	\$0	\$378,236
Additional Local Support Sal + FB				\$201,146	\$211,203	\$232,323	\$644,672	\$816,427	\$1,461,099
Additional Local Support Op Exp				\$116,311	\$116,311	\$116,311	\$348,933	\$116,311	\$465,244
Total			100%	\$789,515	\$823,175	\$893,861	\$2,506,551	\$932,738	\$3,439,289

Total Program FY2015-2018	\$3,439,289
Max Fed Reimb	\$1,000,000
Local Support	\$2,439,289

ADMINISTRATIVE – 15

Authorization for the Fairfax County Health Department to Apply for and Accept Grant Funding from the Centers for Disease Control and Prevention (CDC), Partnerships to Improve Community Health (PICH)

ISSUE:

Board of Supervisors authorization is requested for the Health Department to apply for and accept funding, if received, from the Centers for Disease Control and Prevention's Partnerships to Improve Community Health (PICH). Funding will support implementation of policy, systems, and environmental changes that increase physical activity and reduce chronic disease risk factors and health disparities in high risk communities. If funded, the total amount of grant funding received from the grantor would be \$6,987,751, awarded over a three year period (\$2,293,406 year one, \$2,440,679 year two and \$2,253,666 year three). The award period for this grant is October 1, 2014 to September 30, 2017. A County contribution of 15 percent in year one, 20 percent in year two and 25 percent in year three is required and will be met with in-kind contributions. Funding will support 7/6.5 FTE new grant positions. The Health Department plans to continue to support and maintain the program and associated positions in the General Fund once grant funding expires through natural attrition of existing positions and through the continued realignment of existing resources to a population-based service delivery model. Additional General Fund resources will not be requested once grant funding expires. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorizes the Health Department to apply for and accept funding, if received, from the Centers for Disease Control and Prevention's Partnerships to Improve Community Health. Funding in the amount of \$6,987,751 will support implementation of policy, systems, and environmental changes that increase physical activity and reduce chronic disease risk factors and health disparities in high risk communities.

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TIMING:

Board action is requested on July 29, 2014. Due to the grant application deadline of July 22, 2014, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

Although the Fairfax County community ranks as one of the healthiest in the Commonwealth of Virginia and the nation, many of our children and adults face preventable health risks such as inadequate physical activity, poor nutrition, obesity, and tobacco use. Many within our community have limited access to health care and to other community resources that support healthy choices and healthy living.

The County's population growth and increasing diversity are challenging the abilities of County health planners and service providers to meet the specialized health needs within each community. The sheer size and diversity of the Fairfax population, as well as the shift in the drivers of morbidity and mortality from infectious diseases to chronic diseases, makes providing preventive health services within a clinic's four walls impractical, and for a large segment of our community, ineffective.

Recognizing these constraints, the Health Department has worked collaboratively over the last four years to strengthen the local public health system and to improve community health vis-à-vis the Partnership for a Healthier Fairfax (PFHF). To that end, Fairfax County was awarded a Community Transformation Grant (CTG) in September 2011 to build capacity within the community to support health improvement and prevention initiatives. The PFHF is comprised of individuals representing health care, business, nonprofit organizations, faith communities, schools, and government agencies who have joined together to assess the health needs of our community, to identify priorities, and to develop plans for mobilizing resources and taking action – all of which culminated in a five year Community Health Improvement Plan (CHIP). In tandem with the Partnership's efforts, the Health Department has developed a five year strategic plan to identify agency priorities that speak to the changing landscape of public health, with a focus on chronic disease prevention and eliminating health disparities and improving population health.

The County has used its CTG award to support the Partnership for a Healthier Fairfax in developing and implementing a plan to improve community health. In March 2014, the CDC announced that the CTG Program had been defunded, effective September 30, 2014. Health Department and CTG staff are working to identify external funding opportunities to move beyond capacity building and implement components of the PFHF's Community Health Improvement Plan.

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The PICH grant supports the implementation of population-based strategies that expand the reach and health impact of policy, system and environmental improvements to 75 percent of the population. If Fairfax County were awarded PICH funding, it would provide critical resources to support implementation activities to improve community health. Per the grant's requirements, the application will focus on two chronic disease risk factors: (1) physical inactivity and (2) lack of access to chronic disease prevention, risk reduction, and management opportunities. In order to increase physical activity across the population, the Health Department is proposing to partner with Fairfax County Public Schools (FCPS), community-based organizations and other County agencies to further implementation strategies designed to improve health and well-being for all, with a focus on increased physical activity and healthy behaviors in areas of the County with a high proportion of obese and overweight kindergarten students. The grant funds will expand the County's Eat and Run curriculum to all County permitted and state licensed child care providers, child care centers and preschools and create a family companion resource; improve community design by expanding the FCPS Safe Routes to School program; and increase physical activity and healthy behaviors in schools through continued investment in the FCPS' Physical Education Program to adopt the revised Standards of Learning (SOL) and ensure an activity-based curriculum. To decrease the burden of chronic disease across the population, the Health Department is proposing to develop a robust chronic disease education campaign; a sustainable chronic disease management program, which would expand the County's current Chronic Disease Self-Management Program (CDSMP); and provide health literacy resources to the community. Finally, the grant funds will further support the implementation of information technology to track the burden of chronic disease and chronic disease risk factors in target communities.

The Health Department is proposing a total of 7/6.5 FTE new grant positions. In an effort to address requirements included in the PICH Funding Opportunity Announcement, a core project team consisting of the following is proposed:

- 1/1.0 FTE PICH Project Director to provide project oversight, evaluation, and partnership development;
- 1/1.0 FTE Partnership Coordinator to coordinate coalition activities, PICH grant activity teams, and grant reporting;
- 1/1.0 FTE Project Assistant to provide administrative support, including fiscal, contract, and budget reporting and compliance; and
- 1/0.5 FTE Financial Specialist III to administer federal reporting requirements.

The proposal also includes a sustainable Chronic Disease Management Program. Key grant activities include the following:

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- 1/1.0 FTE bilingual CDSMP Program Manager to expand the CDSMP and educate community champions on chronic disease risk factors; and
- 1/1.0 FTE bilingual Administrative Assistant II to provide administrative support and front-line customer service.

Proposed activities around physical activity would leverage the Health Department's partnership with Fairfax County Public Schools (FCPS) to expand Safe Routes to School to new sites and expand physical education activities in schools within communities with a high incidence of overweight and obese students. Grant funding would also be used for the following:

- 1/1.0 FTE Eat and Run Coordinator in the Department of Family Services, Child Care Division to expand implementation of the Eat and Run curriculum to all County permitted and state licensed child care providers, child care centers and preschools and create a family companion resource.

FISCAL IMPACT:

Grant funding in the amount of \$6,987,751, awarded over a three year period (\$2,293,406 year one, \$2,440,679 year two and \$2,253,666 year three), is being requested from the Centers for Disease Control and Prevention's Partnerships to Improve Community Health Program. These funds will support implementation of policy, systems, and environmental changes that increase physical activity and reduce chronic disease risk factors and health disparities in high risk communities. A County contribution of 15 percent in year one, 20 percent in year two and 25 percent in year three is required and will be met with in-kind contributions. If this award is received, the appropriation will be requested in the Federal-State Grant Fund as part of a quarterly review. This grant does allow the recovery of indirect costs; however, because this grant program is highly competitive, the Health Department has elected to omit inclusion of indirect costs to maximize our competitive position.

CREATION OF POSITIONS:

A total of 7/6.5 FTE new grant positions will be created. The County is under no obligation to continue funding these positions once grant funding expires; however, the Health Department plans to continue to support and maintain the program and associated positions in the General Fund through natural attrition of existing positions and through the continued realignment of existing resources to a population-based service delivery model. Additional General Fund resources will not be requested to continue these positions.

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ENCLOSED DOCUMENTS:

Attachment 1 – Summary of Grant Proposal

STAFF:

Gloria Addo-Ayensu, MD, MPH, Director of Health, Health Department

Rosalyn Foroobar, Deputy Director for Health Services, Health Department

Sharon Arndt, Director, CTG, Department of Neighborhood and Community Services

Sherryn Craig, Health Planner, Health Department

## PARTNERSHIPS TO IMPROVE COMMUNITY HEALTH (PICH) SUMMARY OF GRANT PROPOSAL

<b>Grant Title:</b>	Partnerships to Improve Community Health
<b>Funding Agency:</b>	U.S. Department of Health and Human Services, Centers for Disease Control and Prevention
<b>Applicant:</b>	Fairfax County Health Department (FCHD)
<b>Partners:</b>	Fairfax County Public Schools (FCPS), Department of Family Services, Department of Neighborhood and Community Services, Department of Transportation, and Partnership for a Healthier Fairfax
<b>Purpose of Grant:</b>	PICH is a new three-year initiative to improve health and reduce the burden of chronic diseases. The purpose of the grant is to support the implementation of population-based strategies that expand the reach and health impact of the policy, systems, and environmental (PSE) improvements. PSE strategies must be implemented across multiple sectors that reach large number of people and have moderate to large effects on health outcomes or chronic disease risk factors. Interventions need to contribute to long-term outcomes of reduction in chronic diseases (i.e., heart disease, stroke, diabetes, and obesity) and related factors and conditions. FCHD has identified strategies around physical activity and lack of access to chronic disease prevention, risk reduction, and management opportunities to meet the grant's required reach of 75 percent of the population (848,193 people), with targeted strategies identified and implemented that achieve a reduction in health disparities by one or more priority populations (e.g., income, level of education, disability status, linguistic isolation, food deserts, etc.).
<b>Funding Amount:</b>	Funding of \$6,987,751, awarded over a three year period (\$2,293,406 year one, \$2,440,679 year two and \$2,253,666 year three). A County contribution of 15 percent in year one, 20 percent in year two and 25 percent in year three is required and will be met with in-kind contributions.
<b>Positions:</b>	A total of 7/6.5 FTE new grant positions (1/1.0 FTE PICH Project Director, 1/1.0 FTE Partnership Coordinator, 1/1.0 FTE Project Assistant, 1/0.5 FTE Financial Specialist III, 1/1.0 FTE bilingual CDSMP Program Manager, 1/1.0 FTE bilingual Administrative Assistant II, and 1/1.0 FTE Eat and Run Coordinator) will be created and funded for a period of at least 12 months, but no longer than three years.
<b>Proposed Use of Funds:</b>	The grant requires that 50 percent of funds be distributed beyond the awardee agency; therefore grant funds will be shared with FCPS, community-based organizations and other County agencies. Funding will be used to expand the County's Eat and Run curriculum to all County permitted and state licensed child care providers, child care centers and preschools and create a family companion resource; improve community design by expanding the FCPS Safe Routes to School program; increase physical activity and healthy behaviors in schools through continued investment in the FCPS' Physical Education Program to adopt the revised Standards of Learning (SOL) and ensure an

activity-based curriculum; implementation of a robust chronic disease education campaign; development of a sustainable chronic disease management program, which would expand the County's current Chronic Disease Self-Management Program (CDSMP); and the provision of health literacy resources to the community. To track and evaluate the burden of chronic disease and chronic disease risk factors, grant funding will be used to implement health information technology and data analysis.

**Target Population:** PSE strategies across various settings must increase access to healthier living for at least 75 percent (848,193 people) of the Fairfax County population.

**Performance Measures:** The success of this project will be based on the successful completion of the following:

- Increase the number of people with increased access to physical activity opportunities by:
  - Increasing the number of early child care providers trained to implement physical activity exercises with children in their care.
  - Increasing the number of students who use active transportation to school by expanding the Safe Routes to School program in elementary schools and summer programs
  - Increasing the number of students who engage in 60 minutes of daily physical activity by implementing the Living Fit Fairfax program in elementary, middle and high schools
- Increase the number of people with increased access to opportunities for prevention of chronic diseases through clinical and community linkages by:
  - Increasing the number of individuals who receive education, assistance, and support on how to use health insurance and health services effectively to make appropriate health care decisions and engage in health-promoting behaviors
  - Increasing the number of people who have access to and participate in the Chronic Disease Self-Management Program
  - Increasing the percent of adults aware of cardiovascular disease prevention, risk reduction, and management methods
  - Decrease the number of deaths from diseases of the heart
- Tracking progress, process measures, outcome measures, and evaluating the impact of all strategies implemented through the PICH Program
- Communicating and disseminating PICH program information with the public, partners, and stakeholders

**Grant Period:** October 1, 2014 – September 30, 2017



ADMINISTRATIVE - 16

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Grant Funding from the Virginia Department of Behavioral Health and Developmental Services for the Young Adult Services Initiative Grant

ISSUE:

Board approval for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept grant funding, if received, from the Virginia Department of Behavioral Health and Developmental Services (DBHDS) for the Young Adult Services Initiative Grant. Funding will support services for young adults ages 16 to 25 with serious behavioral health conditions, including substance use/abuse and First Episode Psychosis (FEP). Early intervention programs will be funded to bridge existing services for individuals and eliminate current gaps between child/adolescent and adult behavioral health programs. If funded, the total amount of grant funding received from the grantor would be \$1,225,000, awarded over a two-year period (\$525,000 year one and \$700,000 year two). The grant period is September 1, 2014 to June 30, 2016. There are no positions associated with this grant and no Local Cash Match is required to accept this funding. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept funding, if received, from the Virginia Department of Behavioral Health and Developmental Services for the Young Adult Services Initiative Grant. Funding in the amount of \$1,225,000 will support initiatives to develop and expand services for young adults ages 16 to 25 experiencing serious behavioral health conditions, including substance use/abuse and First Episode Psychosis.

TIMING:

Board action is requested on July 29, 2014.

BACKGROUND:

The Virginia Department of Behavioral Health and Developmental Services issued a Request for Applications (RFA) on July 3, 2014, announcing the availability of funds for multiple awards to support initiatives to develop and expand services for young adults ages 16 to 25 experiencing serious behavioral health conditions, including substance

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use/abuse and FEP. Early intervention programs will be funded to bridge existing services for individuals and eliminate current gaps between child/adolescent and adult behavioral health programs. The CSB will replicate the *Recovery After an Initial Schizophrenia Episode (RAISE)* program and components of other emergent best practice, evidence-based programs. This programming has been prioritized by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the National Institute of Mental Health (NIMH), and is also a DBHDS priority. Services for this population have been identified as a key area of need. In 2012, the percentage of adults with any mental illness in the past year was highest for adults aged 26 to 49, followed by those aged 18 to 25. Those aged 18 to 25 also had the second highest rate of serious mental illness. It is important to note that FEP has a peak onset occurring between 15 and 25 years of age, and psychotic disorders can have a significant impact on a young adult's social, academic and vocational development. Funds will be utilized to implement effective programming for up to 120 people per year.

As the RFA was issued on July 3, 2014, the Board of the Fairfax-Falls Church CSB addressed this request at the earliest opportunity, the July 23, 2014 CSB Board meeting, and fully endorses the application. The Board of Supervisors Human Services Committee was briefed on this grant application at its meeting on July 22, 2014.

**Target Population**

The population for this project is young adults, ages 16 to 25, who have experienced FEP within the last three years.

**Fairfax County Project Goal**

The goal of this proposed project is to offer early intervention services to identify and intervene early with young adults, ages 16 to 25 experiencing FEP, resulting in improved outcomes in key life areas. The goal will be to reduce the overall need for longer term, more intensive, CSB services for a target of 120 people per year.

**FISCAL IMPACT:**

If awarded, grant funding in the amount of \$1,225,000, awarded over a two year period (\$525,000 year one and \$700,000 year two), will support services for young adults ages 16 to 25 with serious behavioral health conditions, including substance use/abuse and First Episode Psychosis (FEP). No Local Cash Match is required. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards.

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CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Application

STAFF:

Patricia Harrison, Deputy County Executive

Leonard P. Wales, Acting Director of Administrative Services, Fairfax-Falls Church CSB

Laura Yager, Director, CSB Partnership and Resource Development

**TURNING POINT: YOUNG ADULT SERVICES INITIATIVE GRANT FOR PEOPLE WITH SERIOUS MENTAL HEALTH CONDITIONS INCLUDING FIRST EPISODE PSYCHOSIS (FEP)  
SUMMARY OF GRANT PROPOSAL**

*Please note: The actual grant application is not yet complete; therefore, this summary has been provided detailing the specifics of this application.*

<b>Grant Title:</b>	<u>Turning Point: Young Adult Services Initiative for People with Serious Health Conditions Including First Episode Psychosis</u>
<b>Funding Agency:</b>	Commonwealth of Virginia Department of Behavioral Health and Developmental Services
<b>Funding Amount:</b>	Total funding of \$1,225,000 over two years, with funding for a first year phased implementation totaling \$525,000 and full funding of \$700,000 in the second year.
<b>Proposed Use of Funds:</b>	Estimates are based on year one developing budget: <ul style="list-style-type: none"><li>– \$450,000 personnel through contractor partnerships</li><li>– \$25,000 equipment, travel, training, program materials</li><li>– \$50,000 administrative and miscellaneous expenses</li></ul>
<b>Target Populations:</b>	Young adults aged 16-25 experiencing serious behavioral health conditions, including substance use/abuse and First-Episode Psychosis. When fully operational, services will be available to 120 people.
<b>Performance Measures:</b>	The goal of this proposed project is to offer early intervention services to identify and intervene early with young adults, ages 16-25 experiencing first episode psychosis, resulting in improved outcomes in key life areas. The goal will be to reduce the overall need for longer term, more intensive CSB services for a target of 120 people per year.

Performance Measures

1. Replicate the *Recovery After an Initial Schizophrenia Episode* early treatment program with fidelity to the evidence based design.
2. Implement all program components with separate implementation and outcome requirements including
  - Coordinated medical services
  - Psychosocial support services
  - Supported employment and education interventions for early psychosis.
  - Family engagement
3. The majority of participants in this program will achieve successful treatment goals within 24 months of enrollment.
4. Community partners and referral sources will become knowledgeable about services available.

## Attachment 1

5. Community awareness about young adult needs will increase through planned educational outreach and communication approaches.

**Grant Period:**

Year 1: September 1, 2014 - June 30, 2015

Year 2: July 1, 2015 - June 30, 2016

ADMINISTRATIVE - 17

Authorization for the Department of Transportation to Apply for the 2014-2015 Virginia Federal Action Contingency Trust (FACT) Fund Grant Program

ISSUE:

Board of Supervisors' authorization is requested for the Department of Transportation to apply for the 2014-2015 Virginia Federal Action Contingency Trust (FACT) Fund Grant Program. The total County request for funding is \$900,000 for construction of the Rolling Road Loop Ramp Widening project, which will help reduce the economic impact of traffic congestion as a result of BRAC at Fort Belvoir. The \$900,000 will cover an existing shortfall in funding required to complete the project. The grant requires, at a minimum, a 100 percent unconditionally available match, should they be received. The funding already allocated to the project can be used for the matching funds. If Fairfax County is awarded funds from the FACT Fund Grant program, staff will return to the Board for concurrence with a grant agreement for the project.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Department of Transportation to apply for \$900,000 in Virginia FACT Funds for the Rolling Road Ramp Widening project.

TIMING:

The Board of Supervisors' authorization is requested on July 29, 2014, to meet the Commonwealth's July 31, 2014, submission deadline.

BACKGROUND:

The FACT Fund was created by the Virginia General Assembly in 2012 to counter actions taken by the federal government that may adversely impact the citizens and economy of Virginia including strategies to limit risks associated with or offset the adverse economic impacts of closure, relocation, or realignment of federal military or security installations or other federal agencies located in Virginia.

On July 21, 2014, Governor Terence R. McAuliffe announced the solicitation of applications FACT Fund Grants. The announcement noted that the grants are being supported with \$4,361,600 in the FACT Fund, and that Virginia localities that have had or have pending identifiable or measurable negative impacts caused by encroachment

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upon military or security installations are eligible to apply for these grant funds. The grant solicitation provided a July 31, 2014, deadline for applications.

An eligible 2014-15 FACT Fund grant application must clearly identify how encroachment has had or will have an adverse economic impact on the Applicant. The term of this grant application should be consistent with the expectations of how the Commonwealth's FACT Fund monies and the matching fund resources will be expended during the term of this grant proposal. However, the term cannot extend past June 30, 2016. Preferences will be given to those grant proposals that can be completed in a shorter period with a demonstrable impact that benefits the Commonwealth.

Given the purpose of the grant program, the evaluation criteria, and expediency required for expending the funds, staff is recommending the Rolling Road Loop Ramp Widening project.

As the population around Fort Belvoir increases, as a result of BRAC and natural population growth in Northern Virginia, so will congestion at the ramp to northbound Fairfax County Parkway at the interchange with Franconia-Springfield Parkway and Rolling Road. According to the Environmental Assessment performed for this project, "traffic volumes using the interchange of the Parkway ... are expected to increase dramatically.... Travel demand in the design year on the ramp connecting northbound and southbound Rolling Road to westbound Fairfax County Parkway is forecasted at approximately 30,000 vehicles per day, an increase of approximately 340% over the existing daily volume." The current Level of Service (LOS) for the ramp is B. Given the increased demand, and with no modifications, the LOS for the ramp would be F by 2020. However, with the widening project, the LOS would remain at B during the morning peak period through 2040.

The economic impact of the congestion and future congestion for the Rolling Road Loop Ramp project has been measured using Fairfax County Department of Transportation (FCDOT) transportation benefit cost analysis methodology. The analysis uses a 20-year timeframe to measure the economic benefits of transportation improvements using a build vs. no-build scenario comparison for a project. The analysis performed on the Rolling Road Ramp yields a benefit cost ratio of 1.5. Lifetime benefits are \$20.2 million over the 20 year window versus \$14 million construction costs. The payback period is 11 years.

Fairfax County is working with the Virginia Department of Transportation (VDOT) to implement the Rolling Road Loop Ramp Widening project. The cost estimate for the project was developed by VDOT. VDOT anticipates that the project will cost approximately \$14 million.

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FISCAL IMPACT:

There is a 100 percent local cash match required for the application. However, funding already allocated to the project can be used for the matching funds. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT  
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT  
Michael Riddle, Coordination and Funding Division, FCDOT



ACTION - 1

Approval of an Amended Parking Reduction for the Rolling-Fullerton Phase 4, Lot G Warehouses (Mount Vernon District)

ISSUE:

Board approval of a 40.1 percent reduction in required parking for the Rolling-Fullerton Phase 4, Lot G Warehouses, located at 7719 Fullerton Road, Tax Map No. 098-2-15-0000-G, Mount Vernon District.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) approve a parking reduction of 40.1 percent (81 fewer spaces) for Rolling-Fullerton Phase 4, Lot G Warehouses, located at 7719 Fullerton, pursuant to Paragraph 4(B) of Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a parking study of the hourly parking accumulation characteristics, on condition that:

1. A minimum of 121 parking spaces must be maintained on site at all times.
2. The uses permitted per this parking reduction are:
  - a total of 11,000 GSF office uses
  - a total of 3,500 GSF warehouse uses,
  - a 15,800 GSF church with 422 seats, and
  - a 12,100 GSF child care center with private school of general education
3. A maximum of 422 seats are permitted for the church use. The church will not hold weekday evening services before 7:00 P.M., as specified in the Parking Study.
4. As specified in the Parking Study, the child care center with private school of general education will be limited to a total maximum enrollment of 150 children, no more than 24 teachers and staff, and the hours of operation shall be limited to 7:00 A.M. to 6:00 P.M., Monday through Friday.

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5. No other parking spaces required to meet the parking requirements for this parking reduction shall be restricted or reserved except for those required to meet the parking requirements of the Americans with Disabilities Act (ADA).
6. The current owners, their successors or assigns of the parcel identified as Tax Map #098-2-15-0000-G, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
7. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.
8. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board of Supervisor's approval.
9. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing ADA.
10. The conditions of approval of this amended parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
11. Unless an extension has been approved by the Board, this parking reduction shall expire without notice 6 months from the date of Board approval if Condition #10 has not been satisfied.

TIMING:

Board action is requested on July 29, 2014.

BACKGROUND:

The Springs Montessori School ("the Springs") is an existing child care center with private school of general education, proposing to relocate into the existing Rolling-Fullerton Phase 4, Lot G, warehouse located at 7719 Fullerton Road. The Springs is seeking to renovate 12,100 square feet of existing office/warehouse space to accommodate an enrollment of 150 children, with 24 teachers and staff, and move to the location by September 2, in time for the start of the school year.

The subject site currently includes a mix of uses, including office, warehouse and a place of worship. The property is zoned I-5, and is part of a larger development that is subject to proffered conditions associated with Rezoning Application RZ 81-S-075, approved by the Board on February 8, 1982. On September 25, 2006, the Board approved a 27.4 percent reduction (45 fewer spaces) for the site to accommodate The Family Worship Center's expansion to 422 seats, based on the hourly parking accumulation characteristics of the different uses on the site. Condition #5 of the approval states "Shared parking with any additional uses shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board of Supervisor's approval."

The Springs has submitted a new parking study to include the child care center with private school of general education, and is requesting the Board approve an amended parking reduction to permit the shared parking with the additional use. Pursuant to Paragraph 4(B) of Section 11-102 of the Zoning Ordinance, the Board may reduce the total number of parking spaces required by the strict application of the Zoning Ordinance when it has been adequately demonstrated that fewer spaces will adequately serve two (2) or more uses by reason of the hourly parking accumulation characteristics of such uses, and when such reduction will not adversely affect the site or adjacent area. The strict application of Zoning Ordinance dictates that, when the use or building contains a combination of uses, the total number of parking spaces is based on the sum of the required spaces for each use. Based on the combined spaces required for each use, a total of 202 parking spaces would be required. The proposed available parking on the site, after the proposed restriping, is 121 parking spaces.

Based on the methodology established in the Urban Land Institute (ULI) publication Shared Parking, 2<sup>nd</sup> edition, individual parking spaces available on a site may be shared by multiple uses, when the peak parking demands associated with the different uses occur at different times and/or days of the week. The Springs will operate the proposed child care center with private school of general education Monday through Friday, from 7 a.m. to 6 p.m. Peak parking demand undoubtedly will occur during morning drop-off

Board Agenda Item  
July 29, 2014

and afternoon pick-up. The peak parking demand for The Family Worship Center occurs during Sundays or Wednesday evening services, when the Springs and the other office and warehouse uses are closed. Based on the different hours of operation, the available on-site parking spaces will be adequate to accommodate the parking demands associated with the different uses operating on the site at any given time.

The parking analysis indicates the new tenant can share the available parking spaces with the other uses on this site based on the hourly parking accumulation characteristics for each of the uses, without adversely affecting the site or adjacent area. Therefore, the staff supports the applicant's request for a 40.1 percent reduction (81 fewer spaces), subject to the conditions listed above.

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

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:

Attachment 1 – Parking Reduction Request and Parking Study # 2505-PKS-003-1,  
dated June 23, 2014, from Stephen Crowell, P.E., VIKI Virginia, LLC.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Audrey Clark, Acting Director, Land Development Services, DPWES



June 23, 2014

Jan Levitt  
Code Enforcement  
12055 Government Center Parkway  
Fairfax, VA 22035

**RE:    *Parking Reduction***  
***Family Worship Center and The Springs Montessori School***  
***Fairfax County Tax Parcel 98-2 ((15)) G***  
***Rolling-Fullerton Phase 4, Lot 6 Warehouses***  
***Mount Vernon District***  
***VIKA #VV7682.A***

Dear Jan:

The purpose of this letter is to request on behalf of my client, The Springs Montessori School, a parking reduction on the above referenced property. This request is made in accordance with Section 11-106.3 of the Fairfax County Zoning Ordinance (ZO).

The Family Worship Center (the Church) has been serving the community for more than 15 years, and in May of 2006 began an expansion of its facilities from 301 seats to 422 seats. At that time, The Family Worship Center applied for a parking reduction of 27.4% (or 45 spaces). The Board of Supervisors approved this requested parking reduction, with conditions, on September 25, 2006. One of the conditions of this approval was:

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

The Springs Montessori School (the Springs) is a program that has been providing Montessori education to the Northern Virginia area since 1966. Currently located at 5407 Backlick Road, Springfield, VA – the Springs is excited about the opportunity to relocate and upgrade its facilities in the Rolling-Fullerton Phase 4, Lot 6 site at 7719 Fullerton Road, Springfield VA 22153.

Upon inclusion of the Springs in the subject property, the aforementioned condition in the 2006 parking reduction approval requires the need for a new parking study and reduction request. That is the purpose of this submission, which accounts for the removal of the office/warehouse use the Springs is replacing, and the addition of the Springs to the site.

Pursuant to article 11-106 of the ZO, I hereby request that a reduction in the number of parking spaces required for the Assembly use (the Church) be granted – eliminating the need for expansion of existing parking facilities or use of other parking spaces connected to the site.

**VIKA Virginia, LLC**

8180 Greensboro Drive, Suite 200    Tysons, Virginia 22102    703.442.7800 Fax 703.761.2787  
Tysons, VA    Germantown, MD    Washington, DC  
[www.vika.com](http://www.vika.com)

**RE:     *Parking Reduction  
Family Worship Center and The Springs Montessori School  
Fairfax County Tax Parcel 98-2 ((15)) G  
Rolling-Fullerton Phase 4, Lot 6 Warehouses  
Mount Vernon District  
VIKA #VV7682.A***

Page 2 of 2

The requested reduction is for 40.1% (81 spaces). Per Article 11 parking rates (as shown in the attached parking tabulation) the required parking would be 202 spaces, while the proposed site condition after striping activities are complete would result in 121 spaces. This would result in two (2) additional spaces above the 119 spaces approved in the 2006 reduction.

The basis of this request remains the same as the approved 2006 parking reduction request/approval, the Church hours of operation on Sunday's and Wednesday evenings after the other uses have closed differ from the hours of operation of the rest of the site – Monday through Friday from 7:00 A.M. to 6:00 P.M. for the Springs and Monday through Saturday from opening until 6:00 P.M. for the existing office/warehouse use which is to remain.

Attached to this letter is a copy of 2505-PKS-003 which tabulates the required parking for the existing uses to remain as well as the proposed uses on the site. Also attached are Parking Accumulation Exhibits, which are based largely on the exhibits provided with the 2006 parking reduction request, but they have been updated to reflect the inclusion of the Springs at the site with removal of the office/warehouse use being replaced by the Springs.

I appreciate your consideration in this matter, please feel free to contact me with any questions you may have.

Sincerely,  
**VIKA Virginia, LLC**



Stephen E. Crowell, P.E.  
Project Manager / Associate

Enclosures:     Parking Study (2505-PKS-03)  
                      Parking Designation Exhibits  
                      Parking Accumulation Exhibits  
                      Excerpt from 2505-SP-02  
                      Previously Approved Parking Reduction Request dated May 25, 2006  
                      Board Agenda Excerpt from September 25, 2006 for Previous Reduction Approval

1. THIS EXHIBIT IS A COMPILATION OF RECORD INFORMATION AND GIS INFORMATION. THIS EXHIBIT DOES NOT REPRESENT A FIELD RUN BOUNDARY SURVEY AND THE IMPROVEMENTS SHOWN HEREON MAY NOT BE FIELD VERIFIED. THIS EXHIBIT SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES AND IS FOR ILLUSTRATIVE PURPOSES ONLY. AREAS SHOWN HEREON ARE BASED ON THE ASSESSMENT INFORMATION OF THE SUBJECT PROPERTY.

2. THE SUBJECT PROPERTY IS IDENTIFIED IN FAIRFAX COUNTY AS TM # 0892 15. G AND ZONED "7-S".

3. THE SUBJECT PROPERTY IS LOCATED IN ZONE X AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO 5109503082, DATED 09/17/2010. ZONE X HAS A 1% ANNUAL FLOOD RISK.

4. THE SUBJECT PROPERTY IS IDENTIFIED IN FAIRFAX COUNTY, VA AS NOT BEING WITHIN AN RPA AREA.

5. THE SUBJECT PROPERTY OWNERSHIP IS LISTED AS GK LEASING CORP AS RECORDED IN DEED BOOK 8601 AT PAGE 14.

6. THE GEOGRAPHIC DATA LAYERS PRODUCED BY THE VIKI VA SURVEY DEPARTMENT ARE PROVIDED AS A REFERENCE/PLANNING RESOURCE. THE VIKI VA, LLC MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS OR SUITABILITY OF THIS DATA, AND IT SHOULD NOT BE CONSTRUED OR USED AS A BASIS FOR CONSTRUCTION, DESIGN, OR ANY OTHER ENGINEERING OR SURVEYING PURPOSES.

7. PLEASE NOTE THE VIKI VA SURVEY DEPARTMENT IS NOT RESPONSIBLE FOR MAINTAINING COUNTY DATA LAYERS IN AN ELECTRONIC FORMAT, THESE AGENCIES ARE CONSIDERED THE OWNERS OF THEIR DATA, AND AS SUCH ARE RESPONSIBLE FOR THE CONTENT OF THE DATA.

8. STATE CODE OF VIRGINIA.

9. PURSUANT TO SECTION 54-1-402 OF THE CODE OF VIRGINIA, ANY DETERMINATION OF TOPOGRAPHY OR CONTOURS, OR ANY DEPICTION OF PHYSICAL IMPROVEMENTS, PROPERTY LINES OR BOUNDARIES IS FOR GENERAL INFORMATION ONLY AND SHALL NOT BE USED FOR THE DESIGN, MODIFICATION, OR CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY OR FOR FLOOD PREVENTION.



**VIVA**

ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

VIVA INCORPORATED  
8190 GREENSBORO DRIVE, SUITE 200 ■ MABLETON, VIRGINIA 22102  
(703)442-7600 ■ FAX (703)781-2787

THE SPRINGS  
MONTESSORI SCHOOL  
SPRINGFIELD, VIRGINIA

EXISTING PARKING

VIKA REVISIONS

[illegible]

DATE: 2-27-2014

DES. SC	DWN. JPK
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SCALE: 1" = 30'

PROJECT/FILE NO.

7682
SHEET NO.

SHEET NO.  
1 of 2

THIS EXHIBIT IS A COMPILATION OF RECORD INFORMATION AND GIS INFORMATION. THIS EXHIBIT DOES NOT REPRESENT A FIELD RUN BOUNDARY SURVEY AND THE IMPROVEMENTS SHOWN HEREON MAY NOT BE FIELD VERIFIED. THIS EXHIBIT SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES AND IS FOR INFORMATION PURPOSES ONLY. AREAS SHOWN HEREON ARE BASED ON THE ASSESSMENT INFORMATION ON HAND AND HAVE NOT BEEN VERIFIED.

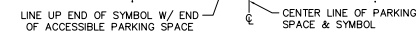
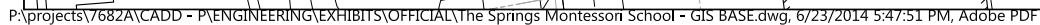
THE SUBJECT PROPERTY IS IDENTIFIED IN FAIRFAX COUNTY AS TM J 0982 15 G AND IS ZONED "J-5". THE SUBJECT PROPERTY IS LOCATED IN ZONE X AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) INSURANCE FLOOD ZONE MAP, FAIRFAX COUNTY, VA, FIRM NO 510596C308E, DATED 09/17/2010. ZONE X IS NOT IDENTIFIED AS A SPECIAL FLOOD HAZARD ZONE AREA.

THE SUBJECT PROPERTY IS IDENTIFIED IN FAIRFAX COUNTY, VA AS FELING NOT APRN 09/14/2010.

THE SUBJECT PROPERTY OWNERSHIP IS LISTED AS GK LEASING CORP AS RECORDED IN DEED BOOK 8601 AT PAGE 1000 AND 1001 OF THE FAIRFAX COUNTY RECORDS.

THE GEOGRAPHIC DATA LAYERS PRODUCED BY THE VKA VA SURVEY DEPARTMENT ARE PROVIDED AS A REFERENCE/PLANNING RESOURCE. THE VKA VA, LLC MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS OR SUITABILITY OF THIS DATA, AND IT SHOULD NOT BE CONSTRUED OR USED AS A BASIS FOR ANY DECISIONS OR ACTIONS. THE VKA VA SURVEY DEPARTMENT IS NOT RESPONSIBLE FOR MAINTAINING COUNTY DATA LAYERS IN AN ELECTRONIC FORMAT. THESE AGENCIES ARE CONSIDERED THE OWNERS OF THEIR DATA, AND AS SUCH STATE OF VIRGINIA IS RESPONSIBLE FOR THE CONTENT OF THE DATA.

PURSUANT TO SECTION 541-402 OF THE CODE OF VIRGINIA, ANY DETERMINATION OF TOPOGRAPHY OR CONTOURS, OR ANY DEPICTION OF PHYSICAL IMPROVEMENTS, PROPERTY LINES OR BOUNDARIES IS FOR GENERAL INFORMATION PURPOSES ONLY. NO GUARANTEE, WARRANTY, MODIFICATION, OR CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY OR FOR FLOOD PLAN DETERMINATION.



<p><b>VIKA</b></p> <hr/> <p>ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES</p> <p>VIA INCORPORATED 8190 GREENBROOK DRIVE SAN JUAN, VIRGINIA 22102 (703)462-7800 ■ FAX: (703)781-2787</p>	<p><b>THE SPRINGS MONTESSORI SCHOOL</b> SPRINGFIELD, VIRGINIA</p>
PROPOSED STRIPING	
VIKA REVISION:	
STRIPING AT BAY DOORS 6/13/14 DATE: 2-27-2014 DES. SC DWN. JPK SCALE: 1"= 30' PROJECT/FILE NO. 7682 SHEET NO. 2 OF 2	



(1) This includes 39.6 spaces (rounded to 40) for office  
3.5 spaces (rounded to 4) for warehouse  
52 spaces for the daycare  
106 spaces for the church

### PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: **VIKA** Address: **8180 Greensboro Dr. Suite 200 - McLean, VA 22102** Phone #: **703-442-7800**  
Plan Name: **Rolling Fullerton Phase 4 Lot G** Original Site Plan #: **2505-SP-002** Tax Map #: **98-2 (15) G**  
Zoning: **I-5** Revising Case #: **RZ 81-S-075** Preferred: ☒ Yes ☐ No Preferred Use Restrictions (See Note 1 below) **No Outdoor Storage**

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
7719 Fullerton Road	First	A	Office	X				1,750						Mon thru Sat only	3.6 / 1,000	6.3
7719 Fullerton Road	First	B	Office	X				1,750						Mon thru Sat only	3.6 / 1,000	6.3
7719 Fullerton Road	Second	C	Office	X				3,500						Mon thru Sat only	3.6 / 1,000	12.6
7719 Fullerton Road	First	E2	Office	X				2,000						Mon thru Sat only	3.6 / 1,000	7.2
(If additional space is required use Page 2)																202 (1)
REQUIRED TOTAL FOR ENTIRE SITE PLAN																5
NUMBER OF ACCESSIBLE SPACE(S) PROVIDED 4 + VAN ACCESSIBLE SPACE(S) PROVIDED 1 = TOTAL ACCESSIBLE PARKING SPACE(S) on site per ADA Act and VUSBC (See Note 6 below)																5
(The total number of parking spaces, including accessible parking spaces, available and useable for vehicular parking on the area covered by this site plan [See Note 6 below])																121*
TOTAL PARKING SPACE(S) PROVIDED																121*

- \* List preferred use Prohibitions or Limitations.  
 \* In building where one floor has more than one use (personal services, general office & retail), use a separate line for each use. The uses must correspond to those identified in Article 11 of the Zoning Ordinance, or else documentation of the Zoning Administration determination must be attached to the tabulation.  
 \* Units which are vacant shall be included, the intended use shall be indicated and parking allocated.  
 \* Developer should make an initial parking assignment for each unit on the site plan. If developer, condominium, association or landlord wishes to make changes to assigned number of spaces after final site plan bond release, a site plan revision for reallocation of parking will be required.  
 \* This form, when properly completed and certified, is intended to be such a site plan revision.  
 \* If use is a Grandfathered use, it may be calculated at previous code parking rate if so identified and justification is submitted with the parking tabulations.  
 \* Certification is taken to mean that the number of parking spaces shown as being provided is actually available on the site and useable (not occupied or blocked by dumpsters, air conditioners, incinerators, storage trailers, etc.), that all uses on the site have been included in the above, and that the requisite number of spaces and signage for compliance with ADA are provided. The number of parking spaces must be in conformance with the associated zoning, special exception, special permit and variance.

Certified Correct (Applicant) Engineer's Signature:

County Approval by:

Property Owners, Landlords, Condominium Association - Concurrence with Tabulation:

Print Name & Title (Include company name when appropriate):

**ERIC HENRIKEN - V.P.**

Signature:

*[Signature]*

Date:

Date:

Date:

**6/25/14**

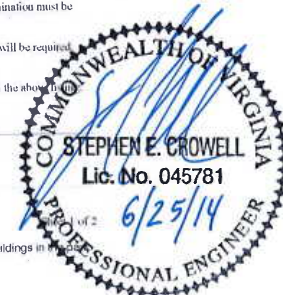
Submit to: Land Development Services, Site and Addressing Center, 12055 Government Center Parkway, Fairfax, Virginia 22035-5503

Number of copies required: One (1) original with Engineer's Seal, Signature and date, plus four (4) copies.

REPLACES PARAGRAPH 2012

\* Parking reduction previously approved for the site - an amended parking reduction request of 40.1% (81 spaces) has been submitted to the Board of Supervisors

\*\* This use allowed by-right per section 5-505 of the Z.O. - see attached exhibits for demonstration that access is through parks internal circulation system - per 2505-SP-02 the park GFA total is well in excess of 50,000 sf and there are multiple buildings in



### PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: VIKA Address: 8180 Greensboro Dr. Suite 200 - McLean, VA 22102 Phone #: 703-442-7800  
 Plan Name: Rolling Fullerton Phase 4 Lot G Original Site Plan #: 2505-SP-002 Tax Map #: 98-2 ((15)) G  
 Zoning: I-5 Rezoning Case #: RZ 81-S-075 Proffered: ☒ Yes ☐ No Proffered Use Restrictions (See Note 1 below) No Outdoor Storage

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
7719 Fullerton Road	Mezz	F2	Office	X			2,000							Mon thru Sat only	3.6 / 1,000	7.2
7719 Fullerton Road	First	F2	Warehouse	X			1,200							Mon thru Sat only	1.0 / 1,000	1.2
7719 Fullerton Road	First	G2	Warehouse	X			2,300							Mon thru Sat only	1.0 / 1,000	2.3
7719 Fullerton Road	First and Second	H, I, J K, & L	Church	X			15,800						422 Member	Sunday Only	1 per 4 Member	106
7719 Fullerton Road	First	D, E, F, and G	Childcare with School	X**			12,100					24 Teachers	150	Mon to Fri Only	1 / Teacher plus 4 visitor	52
															plus 0.16 / child	

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

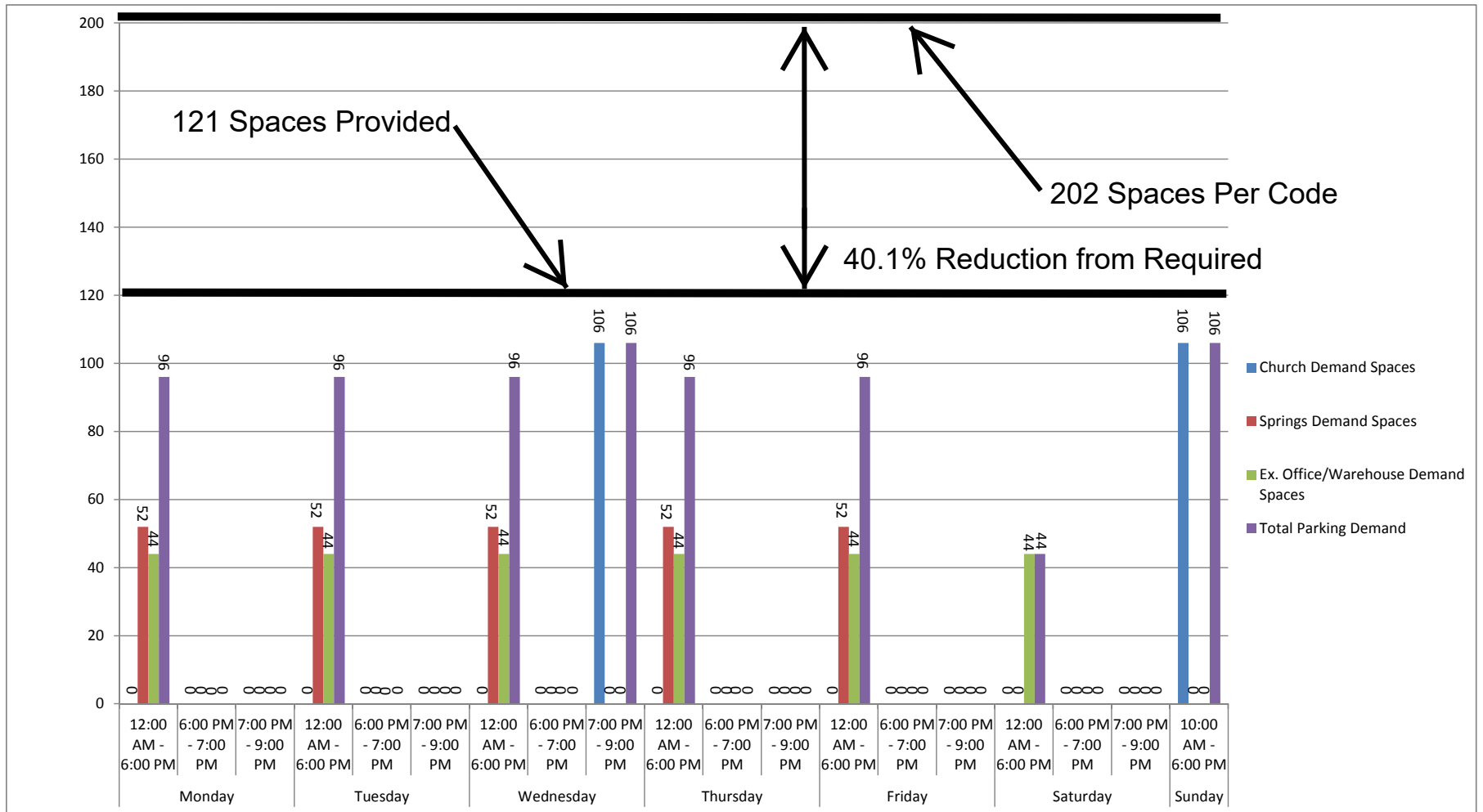
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\*\* This use allowed by-right per section 5-505 of the Z.O. - see attached exhibits for demonstration that access is through parks internal circulation system - per 2505-SP-02 the park GFA total is well in excess of 50,000 sf and there are multiple buildings in the park

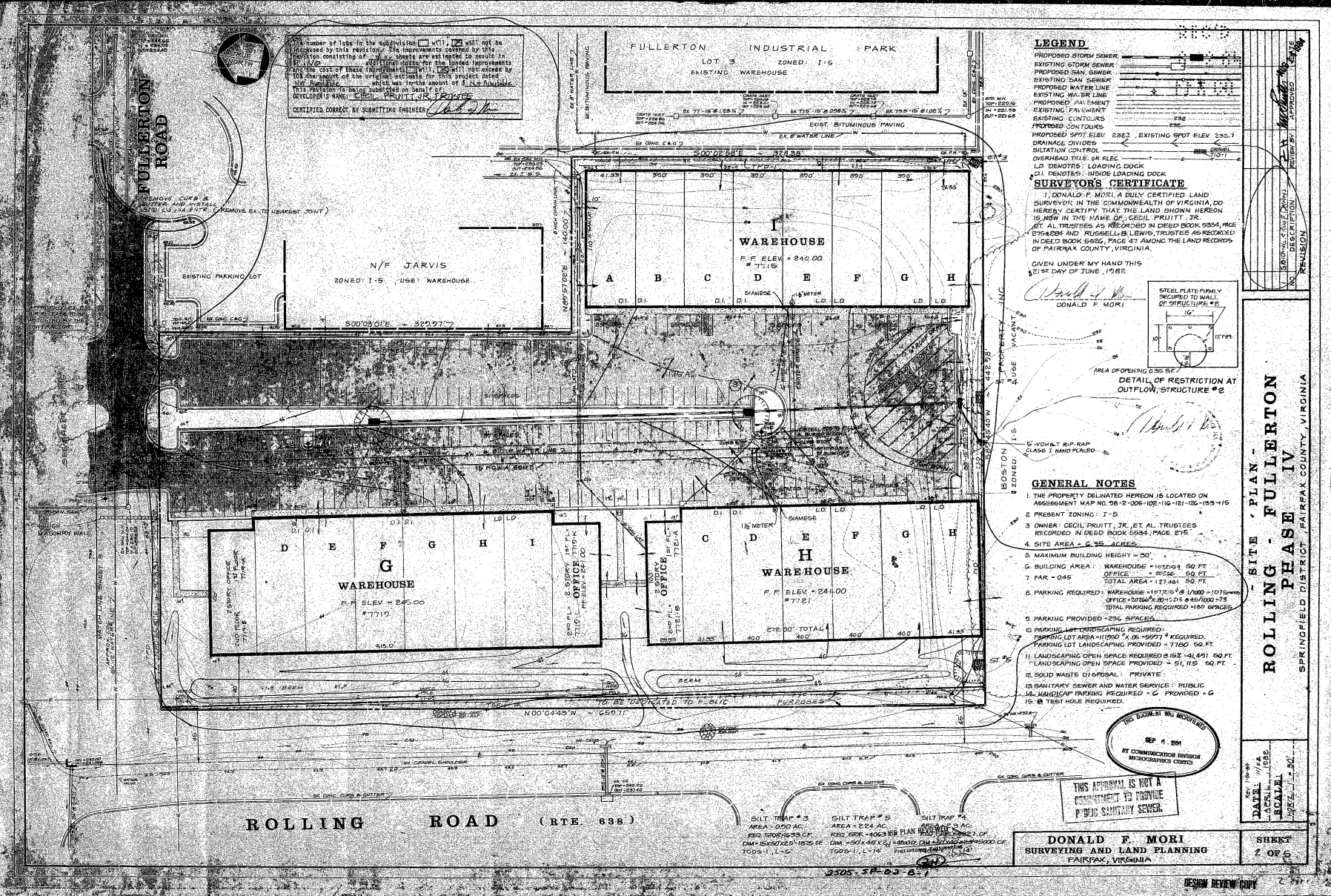
Parking Accumulation Exhibit 1 of 2

Day of the Week	Time of Day	Church Demand Spaces	Springs Demand Spaces	Ex. Office/Warehouse Demand Spaces	Total Parking Demand	Parking Provided (Includes 4 std. and 1 Van ADA)	Required By Code
Monday	12:00 AM - 6:00 PM	0	52	44	96	121	202
	6:00 PM - 7:00 PM	0	0	0	0	121	
	7:00 PM - 9:00 PM	0	0	0	0	121	
Tuesday	12:00 AM - 6:00 PM	0	52	44	96	121	
	6:00 PM - 7:00 PM	0	0	0	0	121	
	7:00 PM - 9:00 PM	0	0	0	0	121	
Wednesday	12:00 AM - 6:00 PM	0	52	44	96	121	
	6:00 PM - 7:00 PM	0	0	0	0	121	
	7:00 PM - 9:00 PM	106	0	0	106	121	
Thursday	12:00 AM - 6:00 PM	0	52	44	96	121	
	6:00 PM - 7:00 PM	0	0	0	0	121	
	7:00 PM - 9:00 PM	0	0	0	0	121	
Friday	12:00 AM - 6:00 PM	0	52	44	96	121	
	6:00 PM - 7:00 PM	0	0	0	0	121	
	7:00 PM - 9:00 PM	0	0	0	0	121	
Saturday	12:00 AM - 6:00 PM	0	0	44	44	121	
	6:00 PM - 7:00 PM	0	0	0	0	121	
	7:00 PM - 9:00 PM	0	0	0	0	121	
Sunday	10:00 AM - 6:00 PM	106	0	0	106	121	

## Parking Accumulation Exhibit 2 of 2







# LEGEND

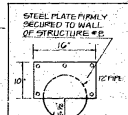
- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- PROPOSED SAN. SEWER
- EXISTING SAN. SEWER
- PROPOSED WATER LINE
- EXISTING WATER LINE
- PROPOSED FALLOUT
- EXISTING FALLOUT
- EXISTING CULVERTS
- PROPOSED CULVERTS
- PROPOSED SPOT ELEV.
- EXISTING SPOT ELEV.
- DRAINAGE DIVIDES
- SITUATION CONTROL
- OVERHEAD TELE. OR ELEC.
- LD. DENOTES: LOADING DOCK
- LD. DENOTES: WAREHOUSE LOADING DOCK

# SURVEYOR'S CERTIFICATE

I, DONALD F. MORI, A DULY CERTIFIED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON IS NOW IN THE NAME OF: CECIL PRUITT, JR., ET AL. TRUSTEES AS RECORDED IN DEED BOOK 5534, PAGE 575 AND RUSSELL B. LEWIS, TRUSTEE AS RECORDED IN DEED BOOK 5532, PAGE 471 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

GIVEN UNDER MY HAND THIS 6th DAY OF JUNE, 1992

*Donald F. Mori*  
DONALD F. MORI



# GENERAL NOTES

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON ASSESSMENT MAP NO. 58-2-006-108-116-121-125-133-135
2. PRESENT ZONING: I-5
3. OWNER: CECIL PRUITT, JR., ET AL. TRUSTEES RECORDED IN DEED BOOK 5534, PAGE 575
4. SITE AREA: 6.38 ACRES
5. MAXIMUM BUILDING HEIGHT: 30'
6. BUILDING AREA: WAREHOUSE - 107,219.9 SQ. FT. OFFICE - 30,226.50 SQ. FT. TOTAL AREA - 137,446.40 SQ. FT.
7. FAR - 0.45
8. PARKING REQUIRED: WAREHOUSE - 107,219.9 SQ. FT. OFFICE - 30,226.50 SQ. FT. TOTAL PARKING REQUIRED - 137,446.40 SQ. FT.
9. PARKING PROVIDED - 23% SPACES
10. PARKING LOT LANDSCAPING REQUIRED: PARKING LOT AREA - 11,050.74 SQ. FT. - 15,077.4 REQUIRED. PARKING LOT LANDSCAPING PROVIDED - 7,750.50 SQ. FT.
11. LANDSCAPING OPEN SPACE REQUIRED - 16% - 41,491.50 SQ. FT. LANDSCAPING OPEN SPACE PROVIDED - 51,115.50 SQ. FT.
12. SOLID WASTE DISPOSAL - PRIVATE
13. SANITARY SEWER AND WATER SERVICE - PUBLIC
14. LANDSCAPING PARKING REQUIRED - G. PROVIDED - G
15. TEST HOLE REQUIRED

THIS DOCUMENT IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER.

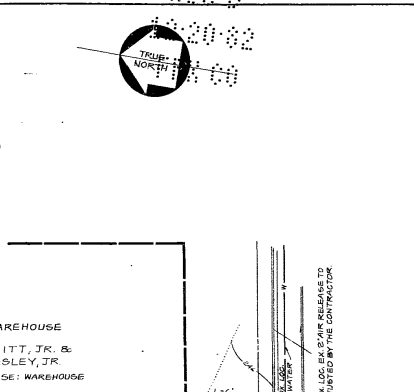
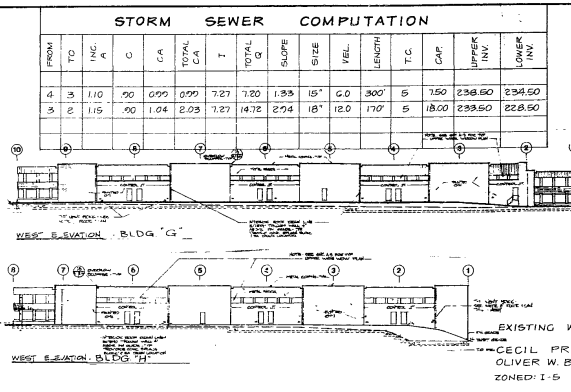
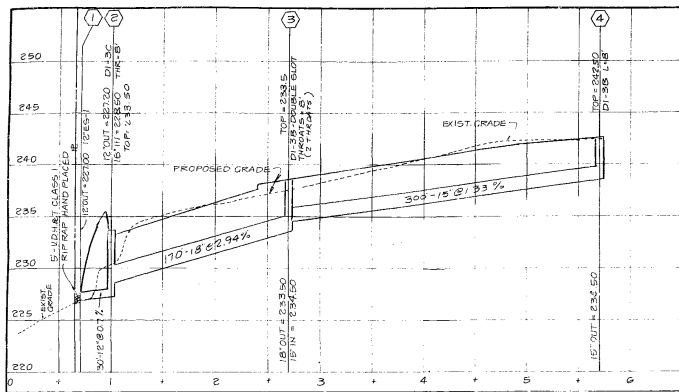
SEP 6 1991  
BY COMMUNICATIONS ENGINEER  
MICROGRAPHICS CENTER

DONALD F. MORI  
SURVEYING AND LAND PLANNING  
FAIRFAX, VIRGINIA

SITE PLAN -  
ROLLING - FULLERTON  
PHASE IV  
SPRINGFIELD DISTRICT, FAIRFAX COUNTY, VIRGINIA

DATE: 11/15/92  
SCALE: 1" = 40'  
SHEET: 2 OF 5





NO.	DESCRIPTION	REVISION
1	NO.	1

**PROPOSED PROFFER STATEMENT**  
REZONING APPLICATION NO. 91-S-075

The undersigned, as the owner of the property which is the subject of the above-referenced rezoning application, and as the Applicant for rezoning, hereby proffers that development of the property which is the subject of this rezoning application shall occur in accordance with the provisions of the I-5 District, the Development Plan and Landscape Plan A for the parcel prepared by Donald F. Mori, C.L.S., dated June, 1981 and the following conditions:

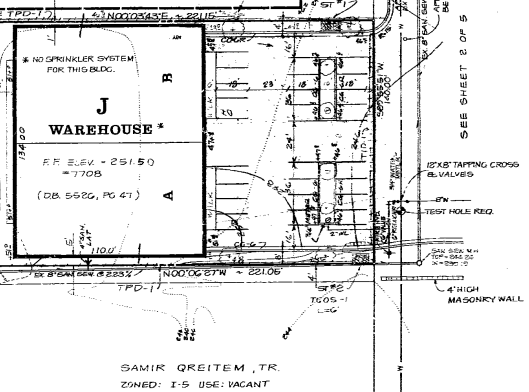
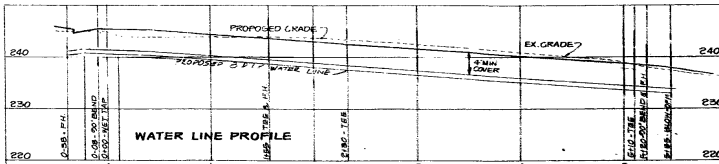
- The development of structures in accordance with the development plan prepared by Donald F. Mori, C.L.S., subject, however to the applicant's right to make engineering and field adjustments during the construction phase deemed necessary to facilitate development and construction of this project.
- Construction of an earth berm and the establishment of landscaping in accordance with the Development Plan prepared by Donald F. Mori, C.L.S., and Landscape Plan A contained therein, provided that the provision of the referenced berm and establishment of landscaping as shown therein shall be deemed in compliance with transitional screening requirements and, further, that the provision of the berm and establishment of landscaping as contained in this Proffer Statement, if accepted by the Board of Supervisors, shall be deemed direction to the director of the Department of Environmental Management to waive transitional screening requirements in accordance with Section 13-111, Paragraph 3, of the Zoning Ordinance of Fairfax County, Virginia.

- The architectural treatment of the west elevation of the buildings shall be a brick or painted masonry wall surface with a window and roof line treatment comparable to those shown on architectural plans prepared by Brown and Page, Architects and Planners.
- That the height of the structures to be erected on the property shall not exceed 40 feet in height, and further, that in the event that rooftop mechanical structures are deemed necessary, such structures shall be screened from common observance.
- That access to the subject property will be limited in that such access will be provided by way of Fullerton Road to the east of the subject property and, further, that no direct access will be provided to the property from Rolling Road.
- That the applicant will use its best efforts to obtain consent of the fee owners of Parcel 127 and all interested parties to close that portion of Parcel 127 from a point west of the applicant's site entrance and thereafter to construct a four foot high masonry wall, at the expense of the applicant, to obstruct vehicular passage on Parcel 127 to the west of the entrance to the subject property onto Rolling Road.
- That the uses permitted on the subject property shall not include outdoor storage.
- The applicant commits, prior to final site plan approval, to record covenants to provide for the following:
  - The surface areas of the site which are not covered by structures or landscaping shall be treated and maintained so as to retain dust free.

*OLIVER W. BESLEY, JR.*  
OLIVER W. BESLEY, JR., Trustee  
1-5-82  
Date



- That the owner shall provide adequate automobile parking on site capable of accommodating the reasonable parking needs of its employees, visitors and company vehicles and in no case shall such available parking be less than County requirements applicable at the time of this rezoning.
- The owners shall provide adequate loading and unloading facilities on site, which facilities shall not require the use of, or expand onto, adjacent streets.
- The entire area of the site, including paved and landscaped areas and the exterior of all structures, shall be maintained in good order, condition, and repair.
- No signs shall be constructed on the west elevation of the buildings proximate to Rolling Road and, further, no sign shall be placed or be permitted to be placed, on buildings erected on the site which project above the roof line of any building.



- ① DENOTES WILLOW OAK 2"-2 1/2" CALIFER
- ② DENOTES GREENSPIRE LINDEN 2"-2 1/2" CALIFER



APPROVED  
FAIRFAX COUNTY WATER AUTHORITY  
BY *W. G. Thompson*  
DATE 12/14/82

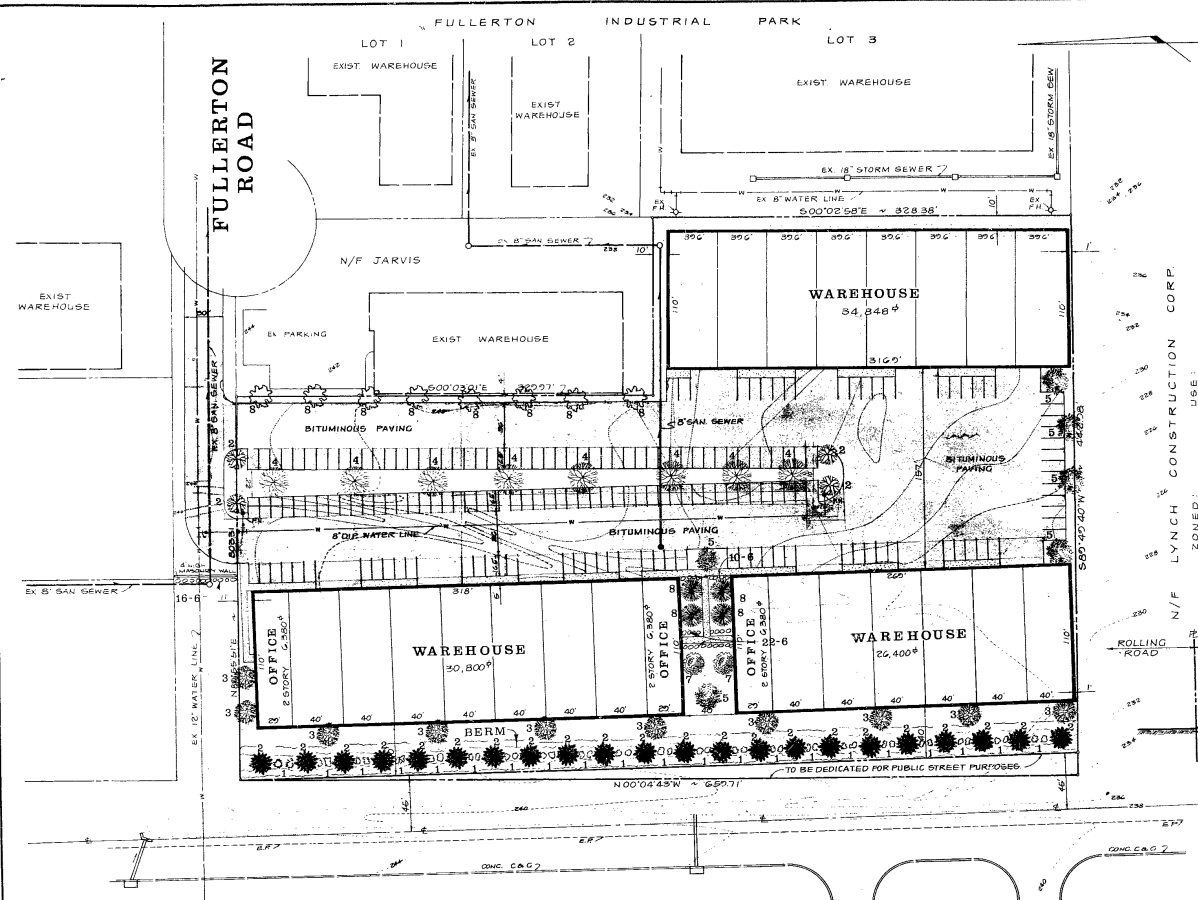
**DONALD F. MORI**  
SURVEYING AND LAND PLANNING  
ANNANDALE, VIRGINIA

DATE: 1/14/82  
SCALE: 1"=40'  
SHEET 3 OF 5

**SITE PLAN - FULLERTON ROLLING - FULLERTON PHASE IV**  
SPRINGFIELD DISTRICT, FAIRFAX COUNTY, VIRGINIA

2505-SP-02-A-1

DESIGN REVIEW COPY



#### AREA TABULATION

- 1 SITE AREA - 5.6441 ACRES
- 2 BUILDING AREA WAREHOUSE = 92,048.00 SF  
OFFICE = 10,400.00 SF  
TOTAL AREA = 102,448.00 SF
- 3 PARK - 0.45
- 4 PARKING REQUIRED AREA = 102,448.00 SF \* 0.02 = 2,048.96 SF  
TOTAL PARKING REQ = 2,048.96 SF
- 5 PARKING PROVIDED 17 SPACES
- 6 PARKING LOT LANDSCAPING REQUIRED
- 7 PARKING LOT LANDSCAPING PROVIDED 7,500.00 SF
- 8 LANDSCAPING OPEN SPACE REQ = 15% = 36,000.00 SF
- 9 LANDSCAPING OPEN SPACE PROVIDED = 47,500.00 SF

#### BERM DETAIL

#### LEGEND

- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- PROPOSED SAN SEWER
- EXISTING SAN SEWER
- PROPOSED WATER LINE
- EXISTING WATER LINE
- PROPOSED PAVEMENT
- EXISTING PAVEMENT
- EXISTING CONTOURS

#### LANDSCAPE PLAN A

DONALD F. MORI  
SURVEYING AND LAND PLANNING  
ANNANDALE, VIRGINIA

SCALE: 1" = 40'  
DATE: JUN 28 1982

SHEET 4 OF 5

PLANT LIST			
NO.	QUAN.	BOTANICAL NAME	COMMON NAME
1	42	JUNIPERUS COMPACTA	COMPACT PITCHER JUNIPER
2	20	PINUS THUNDERB	JAPANESE BLACK PINE
3	10	ACER RUBRUM	RED MAPLE
4	8	QUERCUS PHELLOS	WILLOW OAK
5	6	TILIA CORDATA GREENSPIRE	GREENSPIRE LINDEN
6	48	ILEX CRENATA COMPACTA	COMPACT JAPANESE HOLLY
7	2	CEDRUS DEOPAKA	INDIAN CEDAR
8	12	PRUNUS CERASIFERA THUNDERCLOUD	PURPLELEAF FLOWERING PLUM
9	11	PINUS STRUBUS	WHITE PINE



REC'D

7-14-82

2 YEAR ROUTING									
TIME	INFLW. RATE	AVERAGE	STORAGE	TOTAL IN	TOTAL	OUTFLOW	AVERAGE	VOLUME OUT	TOTAL IN
MIN.	CFS	FEET	CU. FT.	CU. FT.	FEET	CFS	FEET	CU. FT.	FEET
0	0	0	0	0	0	0	0	0	0
10	10	0.1	100	100	100	10	0.1	100	100
20	20	0.2	400	200	200	20	0.2	400	200
30	30	0.3	900	300	300	30	0.3	900	300
40	40	0.4	1600	400	400	40	0.4	1600	400
50	50	0.5	2500	500	500	50	0.5	2500	500
60	60	0.6	3600	600	600	60	0.6	3600	600
70	70	0.7	4900	700	700	70	0.7	4900	700
80	80	0.8	6400	800	800	80	0.8	6400	800
90	90	0.9	8100	900	900	90	0.9	8100	900
100	100	1.0	10000	1000	1000	100	1.0	10000	1000

TABULATION OF OUTFLOW HYDROGRAPH									
TIME	INFLW. RATE	AVERAGE	STORAGE	TOTAL IN	TOTAL	OUTFLOW	AVERAGE	VOLUME OUT	TOTAL IN
MIN.	CFS	FEET	CU. FT.	CU. FT.	FEET	CFS	FEET	CU. FT.	FEET
0	0	0	0	0	0	0	0	0	0
10	10	0.1	100	100	100	10	0.1	100	100
20	20	0.2	400	200	200	20	0.2	400	200
30	30	0.3	900	300	300	30	0.3	900	300
40	40	0.4	1600	400	400	40	0.4	1600	400
50	50	0.5	2500	500	500	50	0.5	2500	500
60	60	0.6	3600	600	600	60	0.6	3600	600
70	70	0.7	4900	700	700	70	0.7	4900	700
80	80	0.8	6400	800	800	80	0.8	6400	800
90	90	0.9	8100	900	900	90	0.9	8100	900
100	100	1.0	10000	1000	1000	100	1.0	10000	1000

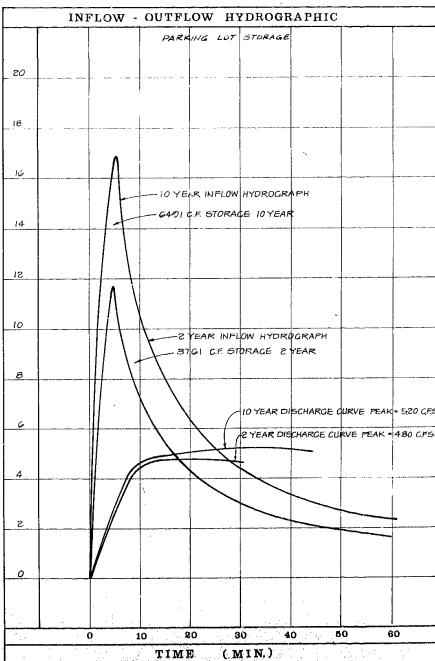
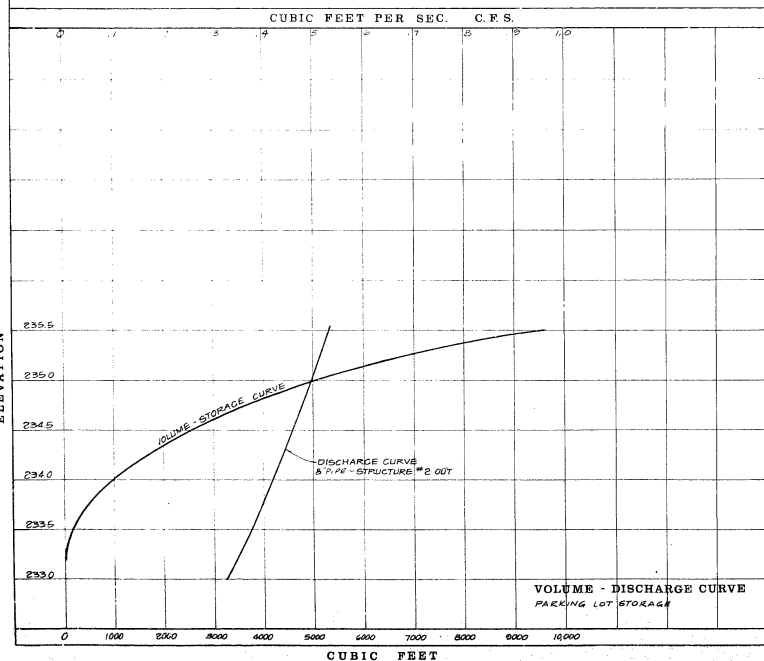
CAPACITY OUT OF 8" PIPE				
TIME	INFLW. RATE	AVERAGE	STORAGE	TOTAL IN
MIN.	CFS	FEET	CU. FT.	FEET
0	0	0	0	0
10	10	0.1	100	100
20	20	0.2	400	200
30	30	0.3	900	300
40	40	0.4	1600	400
50	50	0.5	2500	500
60	60	0.6	3600	600
70	70	0.7	4900	700
80	80	0.8	6400	800
90	90	0.9	8100	900
100	100	1.0	10000	1000

**ROOF TOP DETENTION**  
 STORAGE PROVIDED AT DETENTION - 100000 CU. FT.  
 MAY ALLOW FOR STORAGE IN DETENTION - 100000 CU. FT.  
 STORAGE PROVIDED AT DETENTION - 100000 CU. FT.  
 MAY ALLOW FOR STORAGE IN DETENTION - 100000 CU. FT.  
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 MAY ALLOW FOR STORAGE IN DETENTION - 100000 CU. FT.

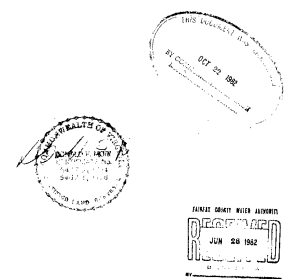
10 YEAR ROUTING									
TIME	INFLW. RATE	AVERAGE	STORAGE	TOTAL IN	TOTAL	OUTFLOW	AVERAGE	VOLUME OUT	TOTAL IN
MIN.	CFS	FEET	CU. FT.	CU. FT.	FEET	CFS	FEET	CU. FT.	FEET
0	0	0	0	0	0	0	0	0	0
10	10	0.1	100	100	100	10	0.1	100	100
20	20	0.2	400	200	200	20	0.2	400	200
30	30	0.3	900	300	300	30	0.3	900	300
40	40	0.4	1600	400	400	40	0.4	1600	400
50	50	0.5	2500	500	500	50	0.5	2500	500
60	60	0.6	3600	600	600	60	0.6	3600	600
70	70	0.7	4900	700	700	70	0.7	4900	700
80	80	0.8	6400	800	800	80	0.8	6400	800
90	90	0.9	8100	900	900	90	0.9	8100	900
100	100	1.0	10000	1000	1000	100	1.0	10000	1000

PARKING LOT STORAGE VOLUME				
TIME	INFLW. RATE	AVERAGE	STORAGE	TOTAL IN
MIN.	CFS	FEET	CU. FT.	FEET
0	0	0	0	0
10	10	0.1	100	100
20	20	0.2	400	200
30	30	0.3	900	300
40	40	0.4	1600	400
50	50	0.5	2500	500
60	60	0.6	3600	600
70	70	0.7	4900	700
80	80	0.8	6400	800
90	90	0.9	8100	900
100	100	1.0	10000	1000

**CAPACITY OUT OF 8" PIPE - STORM SEWER STRUCTURE #2**  
 MAX. FLOW DET. STORAGE - 100000 CU. FT.  
 STORAGE PROVIDED AT DETENTION - 100000 CU. FT.  
 MAY ALLOW FOR STORAGE IN DETENTION - 100000 CU. FT.  
 STORAGE PROVIDED AT DETENTION - 100000 CU. FT.  
 MAY ALLOW FOR STORAGE IN DETENTION - 100000 CU. FT.



**STORM WATER MANAGEMENT**  
 Q10 PRE-DEVELOPMENT - 0.35 AC X 55 X 5.02 = 1.16 CFS  
 Q10 POST-DEVELOPMENT - 0.35 AC X 55 X 7.27 = 4.15 CFS  
 Q2 PRE-DEVELOPMENT - 0.35 AC X 55 X 4.20 = 0.81 CFS  
 Q2 POST-DEVELOPMENT - 0.35 AC X 55 X 5.10 = 2.15 CFS  
 RUN-OFF:  
 TOTAL AREA - 0.35 ACRES  
 PRE-DEVELOPMENT RUN-OFF - 1.16 CFS  
 POST-DEVELOPMENT RUN-OFF - 4.15 CFS  
 ROOF WITH DETENTION 2.57 AC 5.51 CFS  
 PARKING LOT WITH DETENTION 2.57 AC 5.20 CFS  
 LAWN WITHOUT DETENTION 1.12 AC 2.86 CFS  
 DETENTION REQUIRED Q10 - 2.89 CFS  
 DETENTION PROVIDED Q10 - 2.75 CFS



**DONALD F. MORI**  
 SURVEYING AND LAND PLANNING  
 ANNANDALE, VIRGINIA  
 SCALE: \_\_\_\_\_  
 DATE: JUL 1, 1982  
 SHEET 5 OF 5

**PLAN - SITE**  
**ROLLING - FULLERTON**  
**PHASE IV**  
 SPRINGFIELD DISTRICT, FAIRFAX COUNTY, VIRGINIA

# family worship center

Pastor Eddie Trayers

May 25 2006

Mr. Richard Hayes  
Office of Site Development  
Code Analysis Division  
Department of Public Works & Environmental Services  
12055 Government Center Parkway  
Fairfax, Virginia 22035-5502

RE: Parking Code Reduction for Family Worship Center of Springfield Virginia

Reference: Lee District; Tax Map # 0982-15-G;

Dear Mr. Hayes

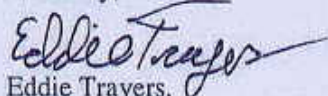
Family Worship Center has been serving northern Virginia for 10 years. It is our intention to expand our existing assembly area from 301 seats to 422 seats as part of the churches continued community service and activities. The addition of this area for worship will require further use of the existing parking available on site of our current leased location. Pursuant to the article 11-106 of the Fairfax County Zoning Ordinance. We are requesting a reduction in the number of parking spaces associated with Assembly use. **Thereby eliminating the need to expand the existing parking lot or use other spaces connected to site.**

This request is based on the following:

**Sunday's only different hours of operation.**

Thank you for your consideration of this matter.

Sincerely,



Eddie Trayers,  
Pastor Family Worship Center

# PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

FE: 5555 60

Engineer: HAROLD A. LOGAN ASSOCIATES P.C. Address: 9114 INDUSTRIAL DR. MANASSAS PARK VA 20108 Phone: 703-330-1988  
 Plan Name: ROLLING-FULLERTON PHASE 4 LOT G. Original Site Plan #: 2503-SP-003-11 Tax Map #: 098-2-15-0006  
 Zoning: E-5 INDUSTRIAL Rezoning Case #: N/A Proffered: ☐ Yes ☒ No Proffered Use Restrictions (See Note 1 below)

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE	
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION											
7719 FULLERTON ROAD	FIRST	A	OFFICE					3500							MON-SAT ONLY 3.6/1000	12.6	
" "	SECOND	B	OFFICE					3500							MON-SAT ONLY 3.6/1000	12.6	
" "	FIRST	D	WH					4400							MON-SAT ONLY 1.0/1000	4.4	
" "	FIRST	E	WH MFG					4400							MON-SAT ONLY 1.0/1000 + 1.0/2500	5.7	
(If additional space is required use Page 2)															REQUIRED TOTAL FOR ENTIRE SITE PLAN		16.4
NUMBER OF ACCESSIBLE SPACE(S) PROVIDED			4	+VAN ACCESSIBLE SPACE(S) PROVIDED			1	=TOTAL ACCESSIBLE PARKING SPACE(S) on site per ADA Act and VUSBC (See Note 6 below)								5	
(The total number of parking spaces, including accessible parking spaces, available and useable for vehicular parking on the area covered by this site plan (See Note 6 below))															TOTAL PARKING SPACE(S) PROVIDED		119

<sup>1</sup>List proffered use Prohibitions or Limitations.

<sup>2</sup>In building where one floor has more than one use (personal services, general office & retail), use a separate line for each use. The uses must correspond to those identified in Article 11 of the Zoning Ordinance, or else documentation of the Zoning Administration determination must be attached to the tabulation.

<sup>3</sup>Units which are vacant shall be included, the intended use shall be indicated and parking allocated.

<sup>4</sup>Developer should make an initial parking assignment for each unit on the site plan. If developer, condominium, association or landlord wishes to make changes to assigned number of spaces after final site plan bond release, a site plan revision for reallocation of parking will be required. This form, when properly completed and certified, is intended to be such a site plan revision.

<sup>5</sup>If use is a Grandfathered use, it may be calculated at previous code parking rate if so identified and justification is submitted with the parking tabulations.

<sup>6</sup>Certification is taken to mean that the number of parking spaces shown as being provided is actually available on the site and useable (not occupied or blocked by dumpsters, air conditioners, incinerators, storage trailers, etc.), that all uses on the site have been included in the above listing, and that the requisite number of spaces and signage for compliance with ADA are provided. The number of parking spaces must be in conformance with the associated rezoning, special exception, special permit and variance.

Certified Correct\* (Applicant) Engineer's Signature: [Signature] Date: 6-12-2006

County Approval by: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owners, Landlords, Condominium Association - Concurrence with Tabulation  
 Print Name & Title (Include company name when appropriate): G. G. Henshaw President Signature: [Signature] Date: 6-12-2006  
G. H. Collins

Submit to: Land Development Services, Plan and Document Control, 12055 Government Center Parkway, Fairfax, Virginia 22035-5503  
 REVISED FORM (5/2006)

Number of copies required: One (1) original with Engineer's Seal, Signature and date, plus four (4) copies.

Sheet 1 of 2

2. A 27.4 % (45 SPACE) PARKING REDUCTION HAS BEEN REQUESTED FROM THE BOARD OF SUPERVISORS

ZONING 2505-PKS-003-11





# PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: HAROLD A. LOGAN ASSOCIATES, PC Address: 9114 INDUSTRIAL DRIVE MANASSAS PARK VA 20108 Phone #: 703-330-1988  
 Plan Name: ROLLING-FULLERTON PHASE 4 LOT G Original Site Plan #: 2505-SP-002-2 Tax Map #: 098-2-15-000 G  
 Zoning: I-5 INDUSTRIAL Rezoning Case #: NA Proffered: ☐ Yes ☒ No Proffered Use Restrictions (See Note 5 below): \_\_\_\_\_

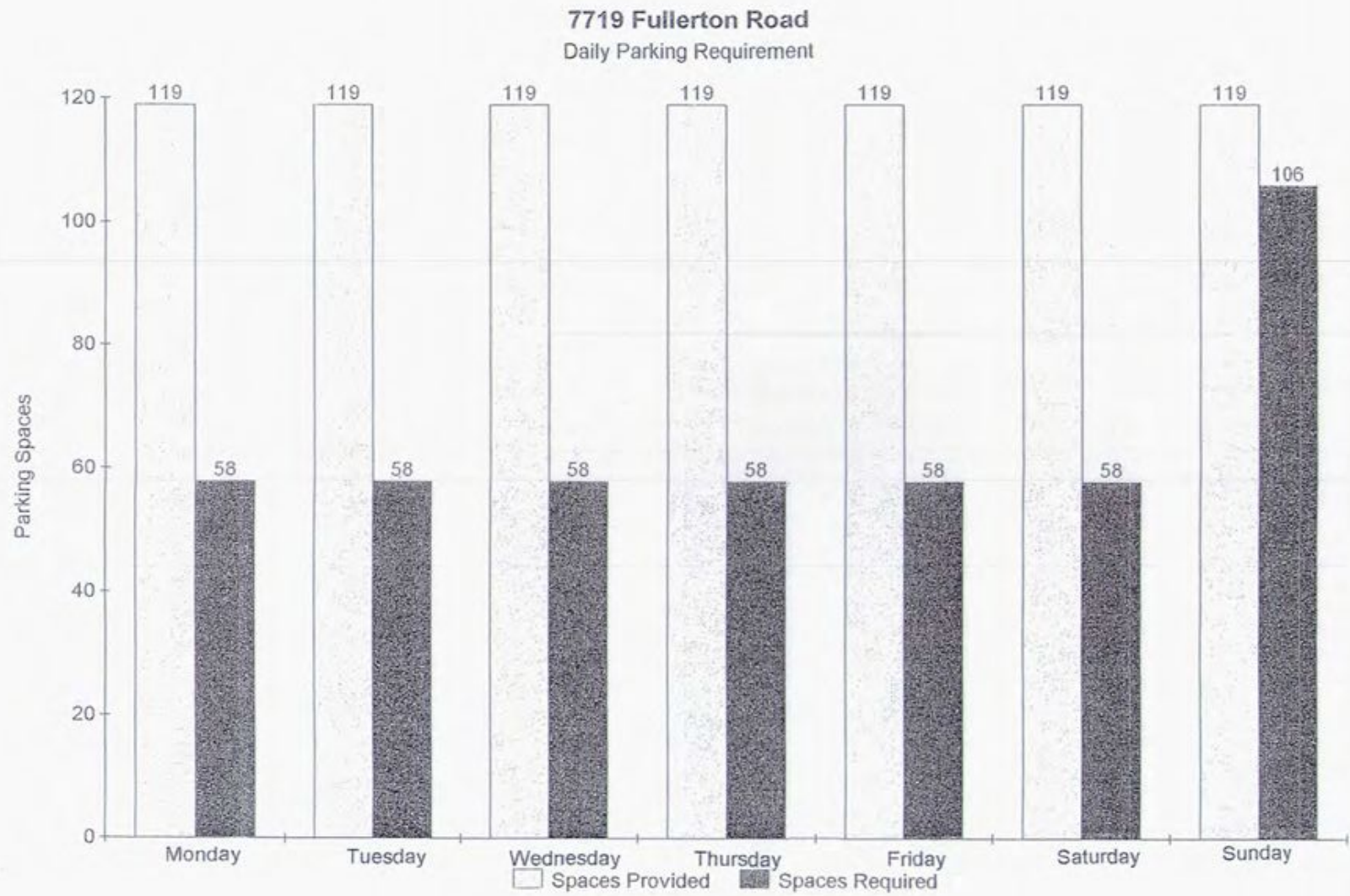
ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE VANS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
7719 FULLERTON RD	SECOND	E & F	OFFICE					2000				4		MON-SAT ONLY	3.6/1000	7.2
" "	MEZZ	E & F	WH					1500			-	2		MON-SAT ONLY	1.0/1000 + 1.5/EMP	2.8
" "	FIRST	F	WH MFG					4400			-	2		MON-SAT ONLY	1.0/1000 + 1.5/EMP	5.7
" "	FIRST	G	WH MFG					2400			-	2		MON-SAT ONLY	1.0/1000 + 1.5/EMP	3.7
" "	FIRST	G	WH MFG					2000			-	2		MON-SAT ONLY	1.0/1000 + 1.5/EMP	3.3
7719 FULLERTON RD	FIRST	K	CHURCH					3500					↑	SUNDAY ONLY		
" "	FIRST	L	CHURCH					3500					422	SUNDAY ONLY	1.0/4 MEMBER	105.5
" "	SECOND	H	CHURCH					4500					MEMBER	SUNDAY ONLY		
" "	FIRST	I	CHURCH					4400					↓	SUNDAY ONLY		

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

Sheet 2 of 2

**Daily Parking Required: 7719 Fullerton Road**

Day of the Week	Parking Required	Parking Provided
Monday	58 Spaces	119 Total (114 Regular + 5 Handicap)
Tuesday	58 Spaces	119 Total (114 Regular + 5 Handicap)
Wednesday	58 Spaces	119 Total (114 Regular + 5 Handicap)
Thursday	58 Spaces	119 Total (114 Regular + 5 Handicap)
Friday	58 Spaces	119 Total (114 Regular + 5 Handicap)
Saturday	58 Spaces	119 Total (114 Regular + 5 Handicap)
Sunday	106 spaces	119 Total (114 Regular + 5 Handicap)





Board Agenda Item  
September 25, 2006

**ACTION - 1**

**Parking Reduction for the Rolling-Fullerton Phase 4, Lot 6 Warehouses**

**ISSUE:**

Board approval of a 27.4 percent reduction in required parking for the Rolling-Fullerton Phase 4, Lot 6 Warehouses, located at 7719 Fullerton Road, Tax Map 098-2-15-0000-G, Mount Vernon District.

**RECOMMENDATION:**

The County Executive recommends that the Board approve a parking reduction of 27.4 percent for the Rolling-Fullerton Phase 4, Lot 6 Warehouses located at 7719 Fullerton Road pursuant to Paragraph 4(B), Section 11-102 of the Fairfax County Zoning Ordinance (Zoning Ordinance), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. A minimum of 119 parking spaces must be provided on site at all times.
2. A maximum of 422 seats are permitted for the church use.
3. The current owners, their successors or assigns, of the parcel identified as Fairfax County Tax Map #098-2-15-0000-G, shall submit a parking space utilization study for review and approval by the Board of Supervisors at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
4. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.
5. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board of Supervisors' approval.

**Board Agenda Item  
September 25, 2006**

6. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA).
7. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

**TIMING:**

Board action is requested on September 25, 2006.

**BACKGROUND:**

The Family Worship Center is an existing use located in the Rolling-Fullerton Phase 4, Lot 6 Warehouse complex on Sublot G. The Center proposes to expand from 301 seats to 422 seats in the place of worship. Other uses on site include office, warehouse, and warehouse manufacturing. Upon evaluation of the proposed expansion and the other existing uses on the site, it is determined that 164 parking spaces are required by the Code and 119 spaces are provided. However, the mix of uses will permit a reduction in the required number of parking spaces, based on different hourly parking accumulations on site. Therefore, it is recommended that the Board grant a 27.4 percent parking reduction (45 spaces) for on site shared parking.

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

**ENCLOSED DOCUMENTS:**

Attachment I: Parking Reduction Study and Letter of Request dated May 25, 2006 from Eddie Trayers, Pastor, Family Worship Center  
Attachment II: Parking Tabulation 2505-PKS-002-1, prepared by Harold A. Logan Associates, P.C.

**STAFF:**

Robert A. Stalzer, Deputy County Executive  
Jimmie Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
Howard Guba, Deputy Director, DPWES  
James Paffeson, Deputy Director, DPWES  
Hayden Coddington, County Attorney, Office of the County Attorney



ACTION – 2

Approval of a Parking Reduction for Reston Section 91A Block 4 (Hunter Mill District)

ISSUE:

Board of Supervisors (Board) approval of a 22 percent reduction (up to 192 fewer parking spaces) in required parking for the residential uses on Reston Section 91A Block 4, Tax Map Nos. 17-1-016-0001 and -0004, Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 22 percent (up to 192 fewer parking spaces) in required parking for the residential uses proposed for Reston Section 91A Block 4, pursuant to Paragraph 5, Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for the use on the site and a parking study, #7067-PKS-011-1.

The County Executive further recommends that the Board approve the requested reduction subject to the following conditions:

1. A minimum of 1.25 parking spaces per dwelling unit, inclusive of resident and visitor parking, shall be maintained on site at all times to serve up to 549 multi-family dwelling units. The parking spaces for residents (excluding the 17 visitor parking spaces) shall be secured by controlled access within the parking garage. The site plan shall clearly identify how the parking spaces for residents will be secured for residential use only, and such measures may be adjusted with subsequent approvals.
2. Residential Building Visitor Parking, a Transportation Demand Management (TDM) program and Bicycle Parking proffered in conjunction with the approval of Planned Residential Community 85-C-088-03 and Proffered Condition Amendment PCA 85-C-088-09, and Development Plan Amendment DPA 85-C-088-07, (Block 4 LLC & Reston Town Center Property LLC) shall be implemented.
3. All non-residential uses on the site shall be parked at Code.
4. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Nos. 17-1-16-0001 and -0004, a portion of the subject of PRC 85-C-088-03 and PCA 85-C-088-09, and DPA 85-C-088-07, (Block 4 LLC &

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Reston Town Center Property LLC) shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests in writing. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance in effect at the time the parking utilization study is submitted.

5. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the Code of the County of Fairfax, Virginia, and the Zoning Ordinance in effect at the time of said parking utilization study submission.
6. Notwithstanding the recorded Shared Parking Agreement for Reston Town Center Phase 1, shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
7. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual including the provisions referencing the Americans with Disabilities Act and the Uniform Statewide Building Code.
8. The conditions of approval of this parking reduction shall be binding on the successors of the current owners and/or other applicants and shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
9. Unless an extension has been approved by the Board, this parking reduction shall expire without notice 6 months from the date of Board approval if Condition #8 has not been satisfied.

TIMING:

Board action is requested on July 29, 2014.

BACKGROUND:

Block 4 LLC, an affiliate of Boston Properties, desires to construct a mixed-use development on Block 4 of the Reston Town Center Phase I development (Urban Core). The proposed mixed-use development consists of up to 549 multi-family dwelling units in a 19-story building with 25,100 gross square feet (GSF) of non-residential uses on

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the ground level. A 9-level parking garage, attached to the primary structure with 3 levels below grade, would serve as the source of off-street parking for the development. The site is zoned Planned Residential Development (PRC) and located approximately ¼ miles from the Reston Town Center Transit Station. The future Reston Town Center Metrorail Station will be constructed slightly more than a ½ mile away. The site is located as depicted on Figure 4 of the attachment. A surface parking lot is currently constructed on the site providing parking for 251 vehicles for the uses in Reston Town Center Phase 1.

The Block 4 site is subject to existing development conditions placed on the parcel under a PRC and a DPA, and proffers under PCA 85-C-088-02. In addition, Block 4 was the subject of a site plan (#7067-SP-014), submitted in November 2001 and revised through April 2012, that proposes 250,000 GSF of office uses. In lieu of the approved 250,000 GSF office building, Boston Properties is seeking an amendment to its Planned Residential Community plan (PRC 85-C-088-03) and a development plan amendment (DPA 85-C-088-07), and a proffered condition amendment (PCA 85-C-088-09) to shift its site-plan approved office building from Block 4 to Block 5 in order to develop the mixed-use building on Block 4. The proposed proffers include the establishment of a Transportation Demand Management (TDM) program and a minimum number of bicycle parking spaces to complement the site's proximity to mass transit to assist in reducing the site's residential parking needs.

This parking reduction request applies only to the residential component (up to 549 multi-family units) of the proposed development on Block 4. Pursuant to Code, 549 multi-family dwelling units will require 879 residential parking spaces based on the rate of 1.6 spaces per dwelling unit. The applicant is seeking a 22 percent reduction of the required parking spaces resulting in a rate of 1.25 spaces per dwelling unit. If approved, a minimum of 687 parking spaces would be required to serve the new residential uses should all 549 units be constructed. The proposed retail component will be parked in accordance with Article 11 of the Zoning Ordinance.

In addition to the proposed parking spaces designated for the new residential uses, the Reston Urban Core development provides a variety of unrestricted garage and on-street parking spaces throughout Phase 1 to serve a mix of non-residential uses through a Shared Parking Agreement approved by the Board on July 26, 2011. The Shared Parking Agreement pertains to non-residential uses only and is separate from this proposed reduction request for Block 4 which pertains to residential uses only.

The basis for the requested reduction is proximity to mass transit under Zoning Ordinance § 11-102(5). Under that section, the site is required to be conveniently accessible to a mass transit station and that the reduced parking supply will not have an adverse impact on either the site or the adjacent area. The review of the parking study

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indicates the site is in the vicinity of both an existing and a future transit station. The study demonstrates adequacy of the parking supply for the anticipated parking demand of the future development. Therefore, staff recommends approval of a 22 percent reduction of the Code-required parking for the proposed residential uses subject to the conditions listed above. This recommendation reflects a coordinated review by the Department of Transportation, the Department of Planning and Zoning, the Office of the County Attorney and the Department of Public Works and Environmental Services (DPWES).

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Parking Study and Reduction Request, #7067-PKS-011-1, from Kevin Fellin, P.E., Wells and Associates, dated August 8, 2013 (without attachments)

STAFF:

Robert A. Stalzer, Deputy County Executive

James Patteson, Director, DPWES

Audrey Clark, Acting Director, Land Development Services, DPWES



August 8, 2013

Tom Williamson, Chief  
Site Code Research & Development Branch  
Department of Public Works and Environmental Services  
12055 Government Center Parkway  
Fairfax, Virginia 22035-5503

85-C-088

SUBJECT: DPA/PCA/PRC 2013-HM-XXX (TBD); Reston Town Center – Block 4  
2013 Tax Map: 17-1 ((16)) 1 and 4

Dear Mr. Williamson:

Herein is an executive summary of a parking reduction submitted in conjunction with the development of residential uses proposed on Block 4 of the Reston Town Center (the “Project”). The requested parking reduction is based on “proximity to a mass transit station” (existing and future). A check made payable to the County of Fairfax is submitted with this application in the amount of \$2,343.00. Full size plan sheets for the Project are included with this parking reduction study. A compact disc is attached to the back cover of the parking reduction study that includes electronic copies of this letter, the parking reduction study, and the overall plan sheets referenced above.

The Project reflects the development of a mixed-use building, which includes up to 549 multi-family residential dwelling units and up to 25,100 gross square feet (GSF) of support retail/service uses replacing a 251-space parking lot currently located on the site. The site is zoned Planned Residential Community (PRC) and located in Area III, Upper Potomac Planning District, Reston-Herndon Suburban Center and Transit Station Area, Land Unit D, and Subunit D-2 of the Fairfax County Comprehensive Plan. More specifically, the Project is located in the southeast quadrant of the New Dominion Parkway/Fountain Drive intersection in the northeast corner of the Reston Town Center. Existing bus service is provided at the Reston Town Center Transit Station located ¼ southwest of Block 4. Future Metrorail service will be provided at “Wiehle-Reston East” Phase I station located 1 ¼ miles to the southeast as well as the “Reston Town Center” Phase II station located ½ mile to the south.

This parking reduction assessment evaluates a plan for the following uses on Block 4:

- 549 multi-family residential dwelling units

**Residential Parking Reduction.** The code requirement for the proposed residential multi-family dwelling units is 879 parking spaces at a parking ratio of 1.6 spaces per dwelling unit. **An approximate 22% residential parking reduction for an effective parking ratio of 1.25 spaces per dwelling unit (or 192 fewer parking spaces) is requested.**

The proposal would provide a minimum of 687 residential parking spaces to be located within the residential building's parking structure. The ground floor retail uses on Block 4 will be parked in accordance with the Fairfax County Zoning Ordinance and are not subject to the parking reduction request. Based on final design and layout of the parking garage, the applicant would reserve the right to provide additional parking spaces beyond the requested required minimum. Any additional uses would be parked to code and these uses would not exceed the approved F.A.R.

Therefore, a parking reduction is hereby requested on behalf of Boston Properties (the "Applicant") as described above. Article 11, Section 102.5 provides for such a requested reduction in the number of residential parking spaces.

Please contact me with any questions and/or comments you might have and thank you again for your assistance on this important project.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kevin R. Fellin', with a stylized flourish at the end.

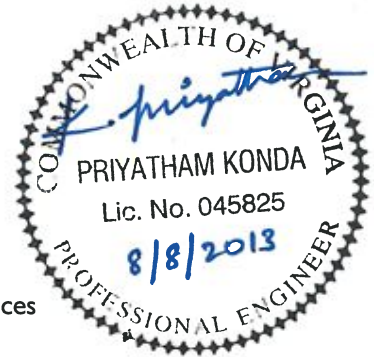
Kevin R. Fellin, P.E.  
Senior Associate

Enclosure: a/s

Cc: Brian Winterhalter, Cooley LLP  
Pete Otteni, Boston Properties  
Richard Ellis, Boston Properties



**WELLS + ASSOCIATES**



## MEMORANDUM

**TO:** Tom Williamson, Chief  
Site Code Research & Development Branch  
Department of Public Works and Environmental Services

**FROM:** Robin L. Antonucci  
Kevin R. Fellin, P.E.  
Priyatham Konda, P.E.

**RE:** DPA/PCA/PRC 2013-HM-XXX (TBD); Reston Town Center – Block 4  
2013 Tax Map: 17-1 ((16)) 1 and 4  
Fairfax County, Virginia

**SUBJECT:** Parking Reduction Request

**DATE:** August 8, 2013

## OVERVIEW

### Introduction

This memorandum presents the results of a parking reduction study conducted in support of a proposed Development Plan Amendment (DPA)/Proffered Condition Amendment (PCA)/Planned Residential Community (PRC) plan to be filed by Block 4 LLC, an affiliate of Boston Properties, on Block 4 of Reston Town Center (RTC). The project site (Block 4) is identified as Fairfax County 2013 Tax Map Parcels 17-1 ((16)) 1 and 4 which are located in the southeast quadrant of the New Dominion Parkway/Fountain Drive intersection in the northeast corner of the Town Center (see Figure 1). A surface parking lot is currently constructed on Block 4 providing parking for 251 vehicles (see Figure 2). For confirmation, the DPA/PCA/PRC application also covers Tax Map 17-1 ((16)) parcel 5A. Parcel 5A is not included in this parking reduction request however.

Block 4 was the subject of a site plan (7067-SP-14) dated November 2001 as revised through April 2012 filed by Urban Engineering and reflecting 250,000± gross square feet of office uses. In April 2013, affiliates of Boston Properties acquired Block 4 from Beacon Capital. In lieu of an approved 250,000 gross square foot (GSF) office building, Boston Properties is now proposing to construct a new residential building to include approximately 549 multi-family residential dwelling units (DUs) and approximately 25,100 GSF of ground floor retail space on Block 4. These new uses would be integrated into Phase I of Reston Town Center as shown on Figure 3.

Phase I of the Reston Town Center Urban Core consists of eight blocks (Blocks 1, 4, 5, 6, 7, 8, 9, and 10) as shown on Figure 4. Blocks 4, 5 and 7 through 10 are owned by affiliates of Boston Properties and Blocks 1 and 6 (the Hyatt Reston) are owned by Host Marriot. The Blocks that comprise Phase I of



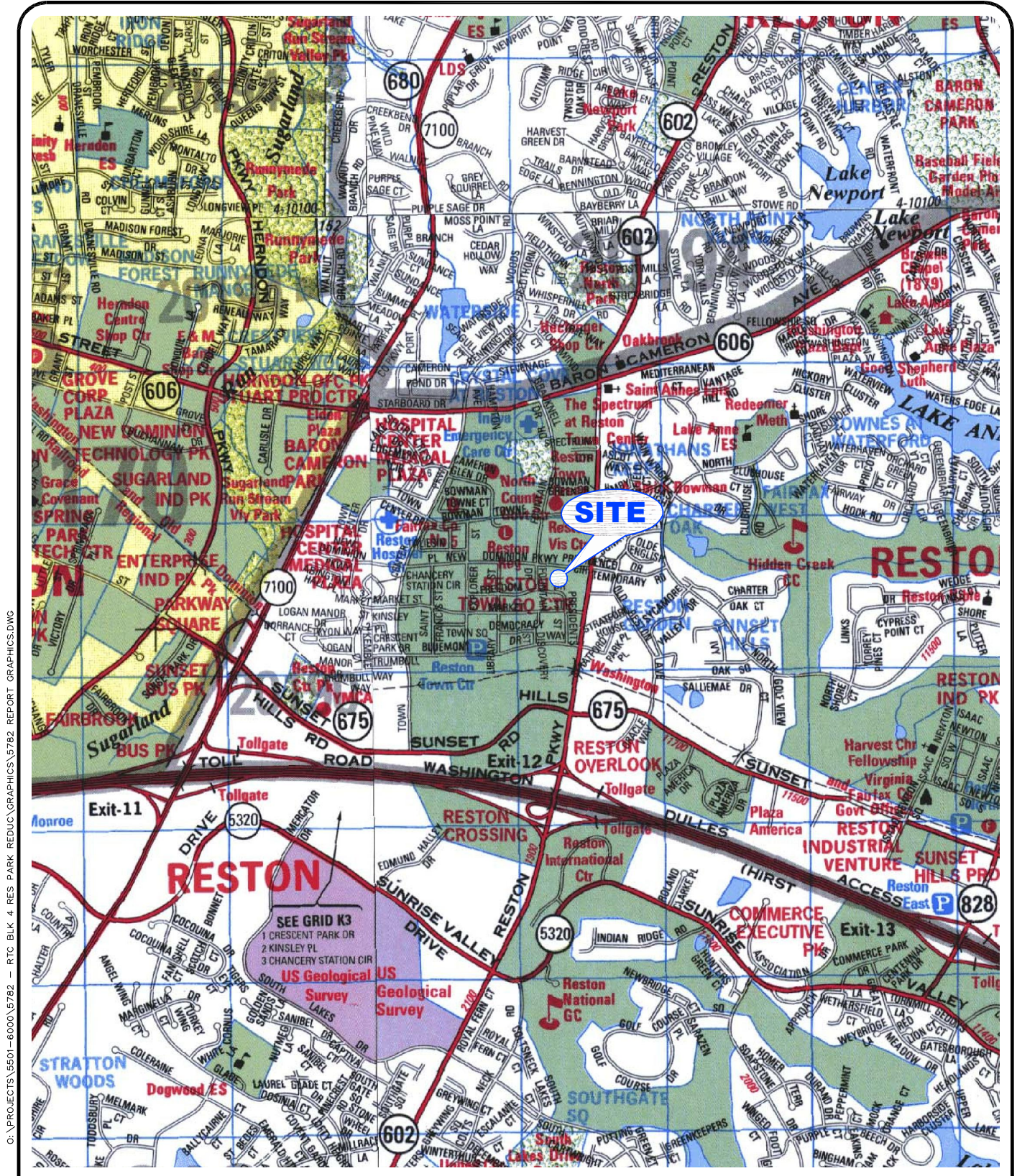


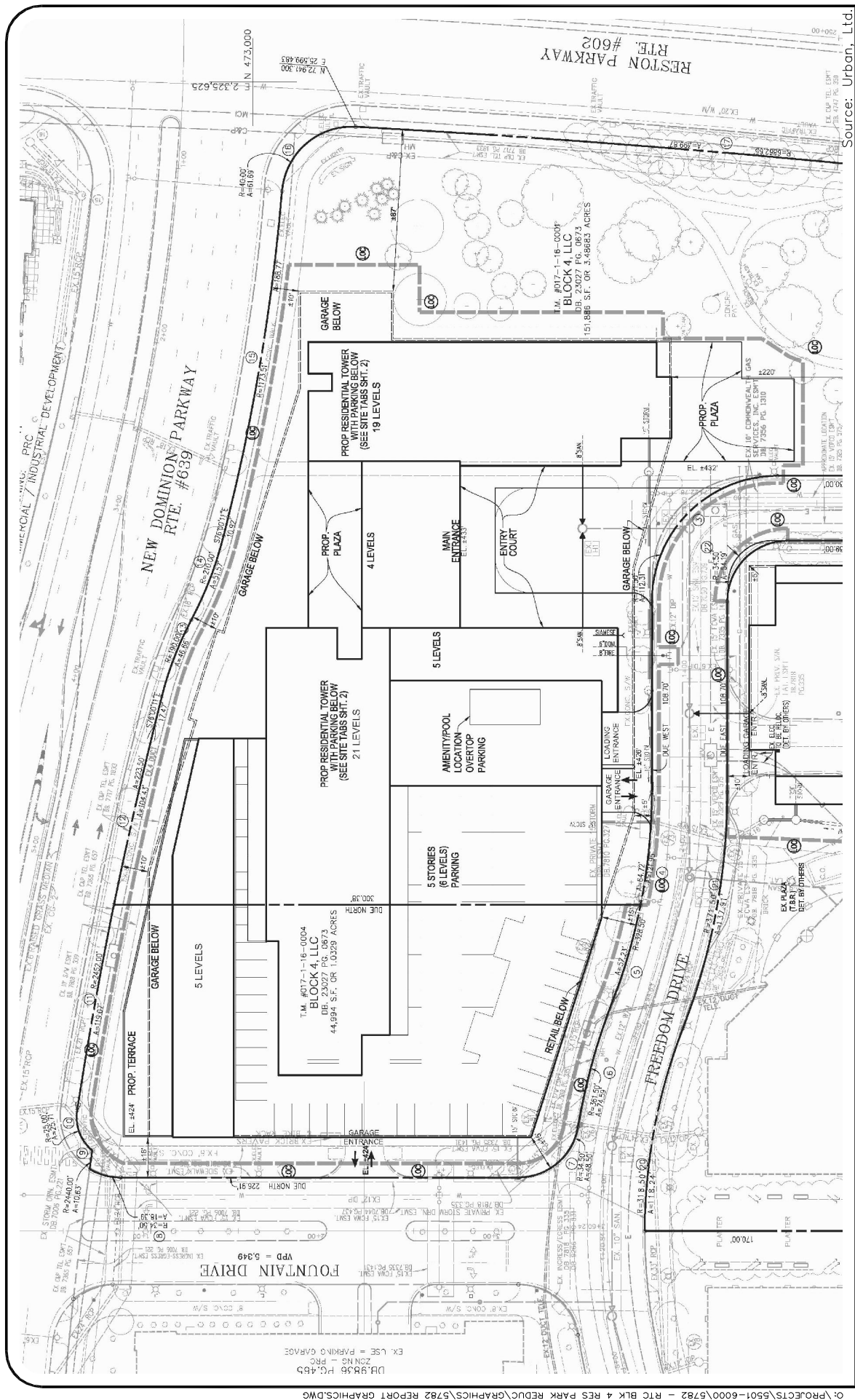
Figure 1  
Site Location Map

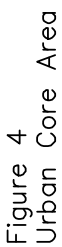




Figure 2  
Aerial of Existing Site (Block 4)







Reston Town Center are generally bounded by New Dominion Parkway (Route 6363) on the north, Bluemont Way (Route 7199) on the south, Reston Parkway (Route 602) on the east, and Library Street on the west. The Town Center core is located in Area III, Upper Potomac Planning District, Reston-Herndon Suburban Center and Transit Station Area, Land Unit D, and Subunit D-2 of the Fairfax County Comprehensive Plan.

This parking reduction request applies only to the residential component (549 multi-family units) of the proposed development on Block 4. The retail component would be parked in accordance with Article 11 of the County's Zoning Ordinance. The 549 multi-family residential DUs would require 879 residential parking spaces based on 1.6 spaces per unit pursuant to the Ordinance. The Applicant is requesting a reduction from that number of parking spaces. Specifically, **a residential multi-family parking reduction of approximately 22% from the 1.6 spaces per DU, as required by the County's Zoning ordinance, to 1.25 spaces per DU (or 192 fewer parking spaces) is hereby requested. A minimum of 687 on-site parking spaces would therefore be required to serve the new residential uses.**

Consistent with other nearby residential parking reductions, the subject parking reduction request is based on the site's proximity to an existing transit facility and a future Metrorail station. Trends in auto ownership in such transit rich environments, Transportation Demand Management (TDM) program elements, and the target market for this type of housing further support the reduction requested. Sources of data for this analysis include, but are not limited to, the files and library of Wells + Associates (W+A), Boston Properties, plans prepared by Urban Engineering and Associates, Inc., the Institute of Transportation Engineers (ITE), Urban Land Institute's (ULI) *Shared Parking* 2<sup>nd</sup> Edition, and Fairfax County.

## Background

The proposed plan for the subject site prepared by Urban Engineering reflects a total of 549 multi-family residential dwelling units. A reduced copy of the overall plan is provided as Figure 3. A full size copy of the plan is also provided for staff's convenience as Attachment I. The 549 multi-family units would consist of 362 one (1) bedroom, 176 two (2) bedroom, and 11 three (3) bedroom multi-family dwelling units. A summary of the proposed mix of units and their percentage breakdown is provided below in Table 1. The developer will unbundle parking by marketing each dwelling unit exclusive of parking. Future residents would have the option to rent one or more spaces per unit in the residential building's parking structure at market rates based on availability. The 25,100 GSF of ground floor support/ancillary retail uses on Block 4 will be parked in accordance with the Fairfax County Ordinance.

If the 549 DUs were parked at one space per dwelling unit (assuming each unit rented one market rate space), a total of 549 spaces would be occupied resulting in a surplus of 138 spaces out of a 687 parking supply. If the units were parked consistent with Non-TOD sites within the PTC (Planned Tysons Corner) zoning district a parking supply of 655 parking spaces would be required. As shown in Table 2, the proposed parking supply of 687 spaces (1.25 spaces per unit) would include 32 spaces beyond those required for a Non-TOD site within the PTC zoning district.

Table 1  
Reston Town Center – Block 4 Residential Parking Reduction  
Multi-family Unit Mix Breakdown <sup>(1)</sup>

Multi-family Unit Type	Amount (DU)	Percent of Total
One (1) Bedroom	362	66%
Two (2) Bedroom	176	32%
Three (3) Bedroom	11	2%
<b>Totals</b>	<b>549</b>	<b>100%</b>

Notes:

(1) Information provided by Boston Properties.

Table 2  
Reston Town Center – Block 4 Residential Parking Reduction  
Parking Supply Allocation Breakdown

Unit Type	Amount (DU)	Parking Rate [space(s)/DU]	Parking Supply
One (1) Bedroom	362	1.1	399
Two (2) Bedroom	176	1.35	238
Three (3) Bedroom	11	1.6	18
Subtotal Provided	549		655
Plus Additional Spaces for Residential Use ( <i>or parking spaces provided beyond those required for a Non-TOD site within the PTC zoning district</i> )			+32
<b>Total Provided</b>	<b>549</b>	<b>1.25</b>	<b>687</b>

Notes: Based on minimum "Tysons Parking Ratios for Tysons Corner" for multi-family units classified as Non-TOD.

## **PARKING REDUCTION REQUEST**

### **Fairfax County Parking Requirements**

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

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

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

As stated above and reflected on Table 3, based on a strict application of the Zoning Ordinance, 879 parking spaces would be required to accommodate the parking demand associated with the proposed 549 multi-family DUs.

### **Requested Parking Reduction**

For purposes of this analysis and generally consistent with recent County initiatives in other transit areas, the Applicant is requesting the parking for the planned residential units be reduced to an **overall effective rate of 1.25 parking spaces per unit** or 687 total parking spaces in support of 549 multi-family DUs. Based on the above, the Applicant is therefore requesting an approximate **22% reduction** (or 192 fewer parking spaces) from the number of parking spaces that would be required by a strict application of the Zoning Ordinance. Article 11, Section 102.5 provides for the requested reduction in the number of residential parking spaces.

### **Proposed Parking Supply**

Resident Parking Spaces. A minimum parking supply of 687 spaces (effectively 1.25 spaces per unit) would be provided within the parking structure in support of the multi-family residential building as shown on Figure 3.

Retail Parking Spaces. The parking required for the approximate 25,100 GSF of proposed ground floor retail uses will be provided in accordance with the Fairfax County Code requirements. No reduction in parking is requested for the proposed retail uses on Block 4 at this time.

Table 3

## Reston Town Center - Block 4 Residential Reduction

## Parking Requirement Summary

Land Use	Amount	Units <sup>(1)</sup>	Code Requirement <sup>(2)</sup>	Parking Required
<b>Multi-Family Dwelling Units</b>				
Code Requirement	549	DU	"One and six-tenths (1.6) spaces per unit"	<b>879</b>
<b>Total Parking Provided</b>				<b>687</b>
Difference (Provided minus Code)				<b>(192)</b>
Percent Difference (% Parking Reduction)				<b>22%</b>
<b>Effective Multi-Family Parking Ratio Request (spaces per unit)</b>				<b>1.25</b>

Note(s):

(1) DU = Residential Dwelling Unit

(2) Fairfax County Code based on the Fairfax County Zoning Ordinance (Article 11).

## Proximity to a Mass Transit

The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites located in proximity to transit. Article 11, Section 11-102.5 states:

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

Existing Bus Service. Located approximately ¼ mile southwest of Block 4 is the Reston Town Center Transit Station that serves five (5) Fairfax Connector bus routes (505, 574, 605, 950 and 981) as well as the Reston Internal Bus System (RIBS) routes 1, 2, 3, and 4. A map showing the existing bus routes serving Reston Town Center is shown on Figure 5. The distance from the site to the Reston Town Center Transit Station is shown on Figure 6.

WMATA Metrorail Service. There will be a future Metrorail service in the immediate vicinity of the Reston Town Center as part of the Phase II extension of the future Silver Line. The nearest Metrorail station in the near term will be the “Wiehle-Reston East” station serving as the interim end-of-the line station for Phase I. Phase I of the Silver Line is planned to be in operation by early 2014 and will provide a new Metrorail connection from the “Wiehle-Reston East” station on the Dulles Toll Road to the existing Orange line just east of the West Falls Church-VT/UVA Metrorail station. Phase I of the Silver Line will be served by five (5) new stations with one (1) at Wiehle Avenue and four (4) serving Tysons. Ultimately, Phase II would provide a total of 11 new Metrorail stations along a 23.1 mile extension of Metrorail service extending from the existing Orange Line to Dulles International Airport and then beyond along the Dulles Greenway into Loudoun County, Virginia. The distances from the site to the future Metrorail Stations are shown on Figure 7.

Future Bus Service. In conjunction with the Silver Line’s Phase I 2014 opening, a majority of the existing Fairfax Connector, as well as the RIBS routes, were optimized and/or modified to provide better connectivity between the Reston area including the Town Center and the new Wiehle-Reston East station on the Silver Line. Fairfax Connector Route 505 will provide access to the new Wiehle-Reston East station and Route 574 will provide access to the new Spring Hill station. The future bus routes are shown on Figure 8.

Given the proximity of the Reston Town Center Transit Station to the proposed residential development and the convenient bus connections to the new Metrorail station on the Silver line that is located approximately 1.25 miles from Block 4, the proposed reduction in the parking spaces will not adversely affect adjacent uses within or immediately around the RTC.



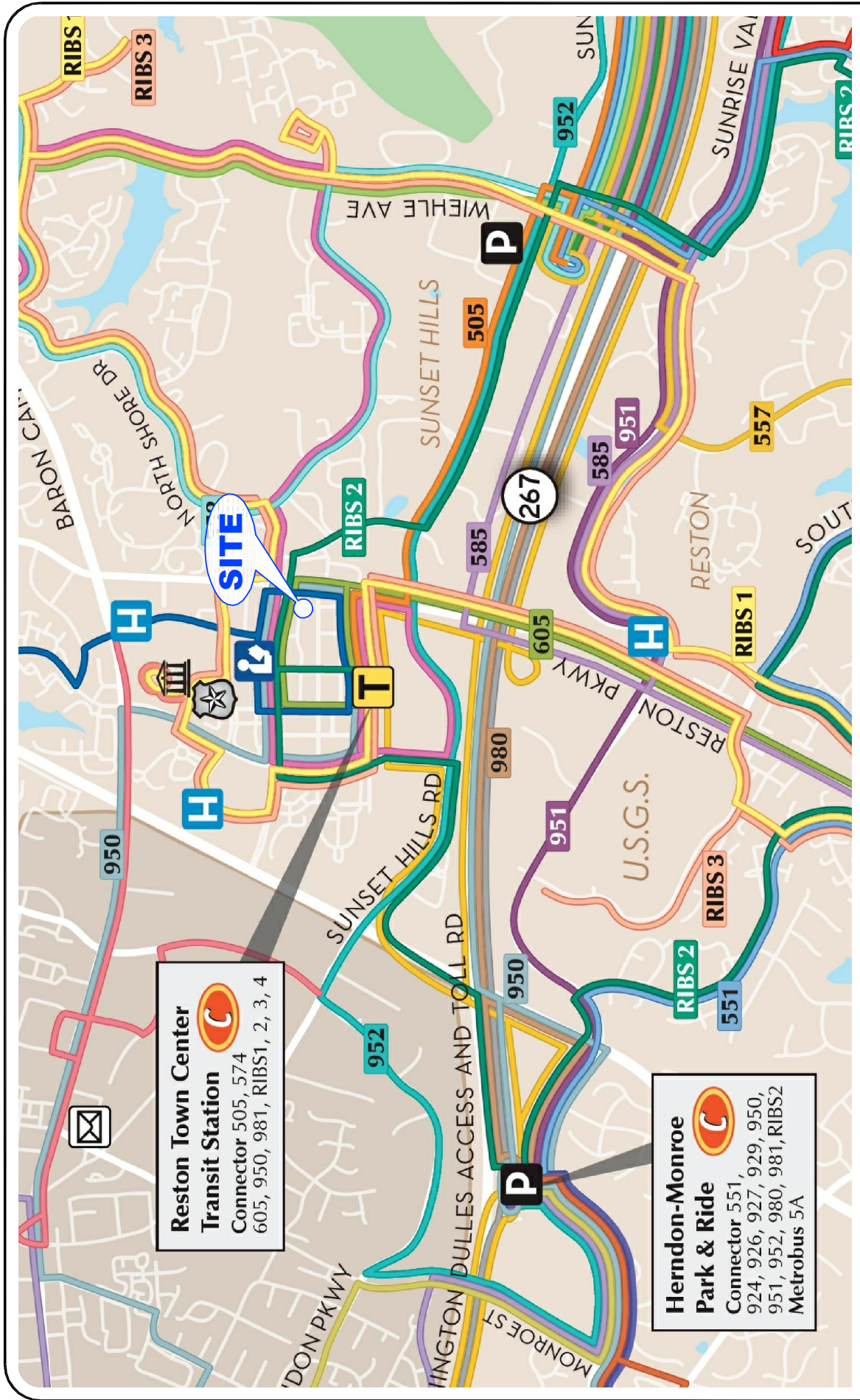


Figure 5  
Existing Transit Bus Routes





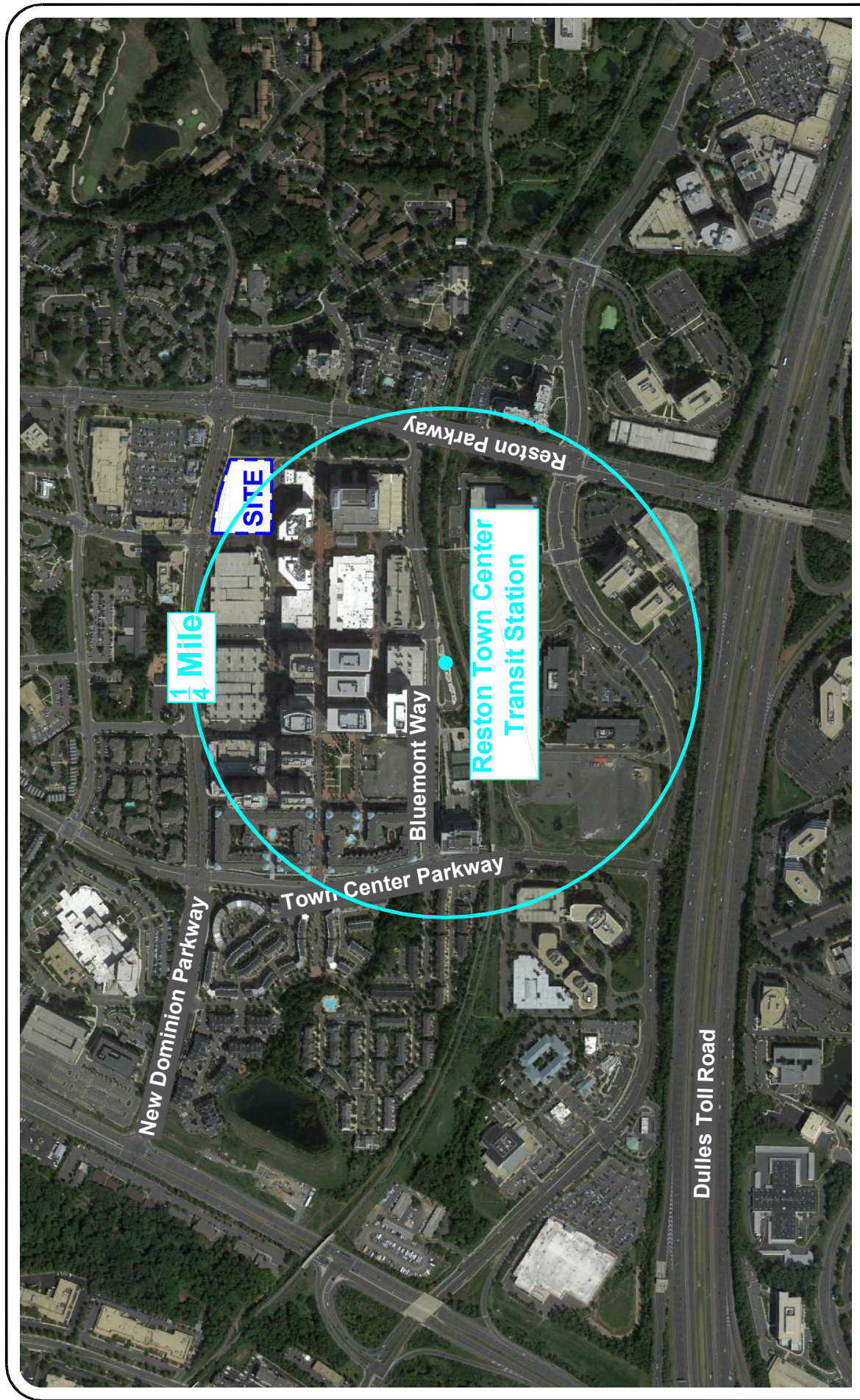


Figure 6  
Distance from Reston Town Center Transit Station



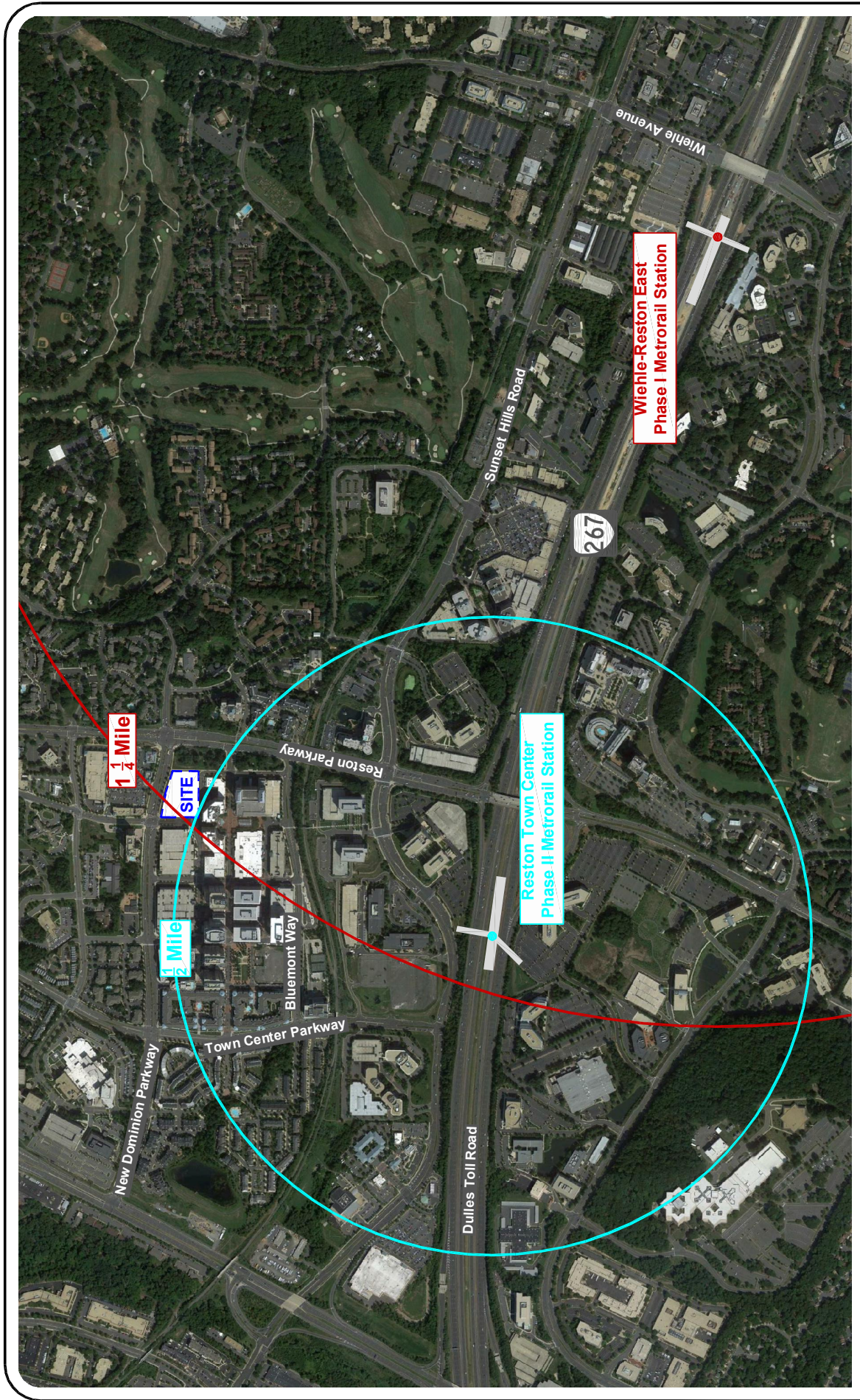


Figure 7  
Distance from Future Metrorail Stations



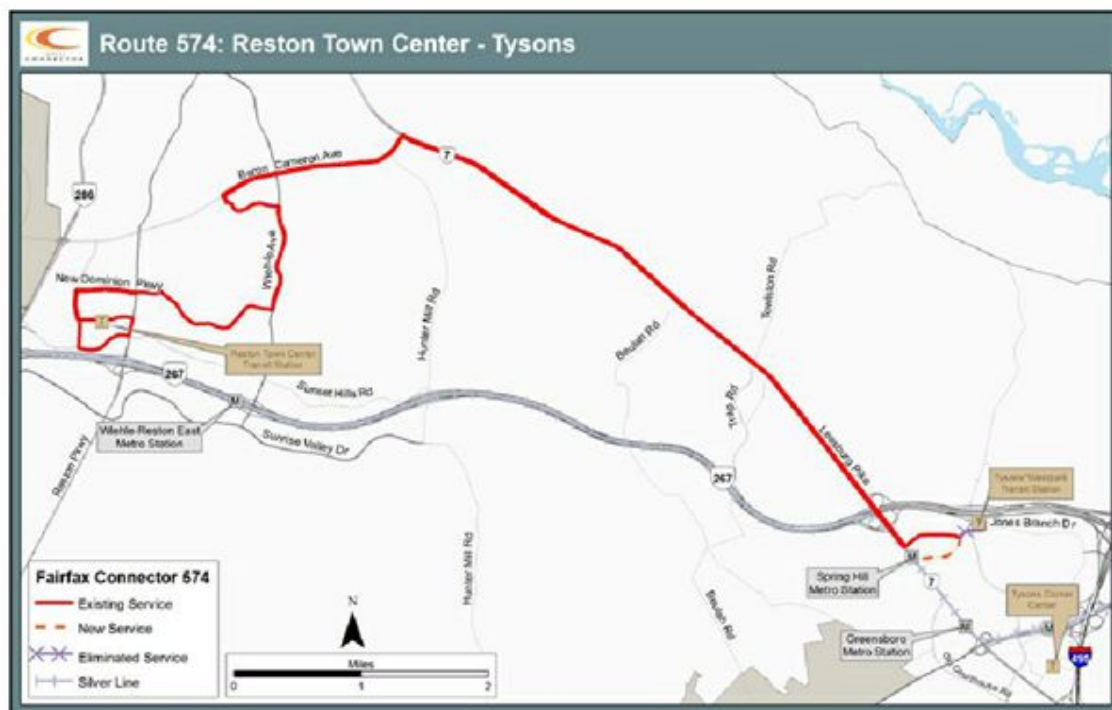
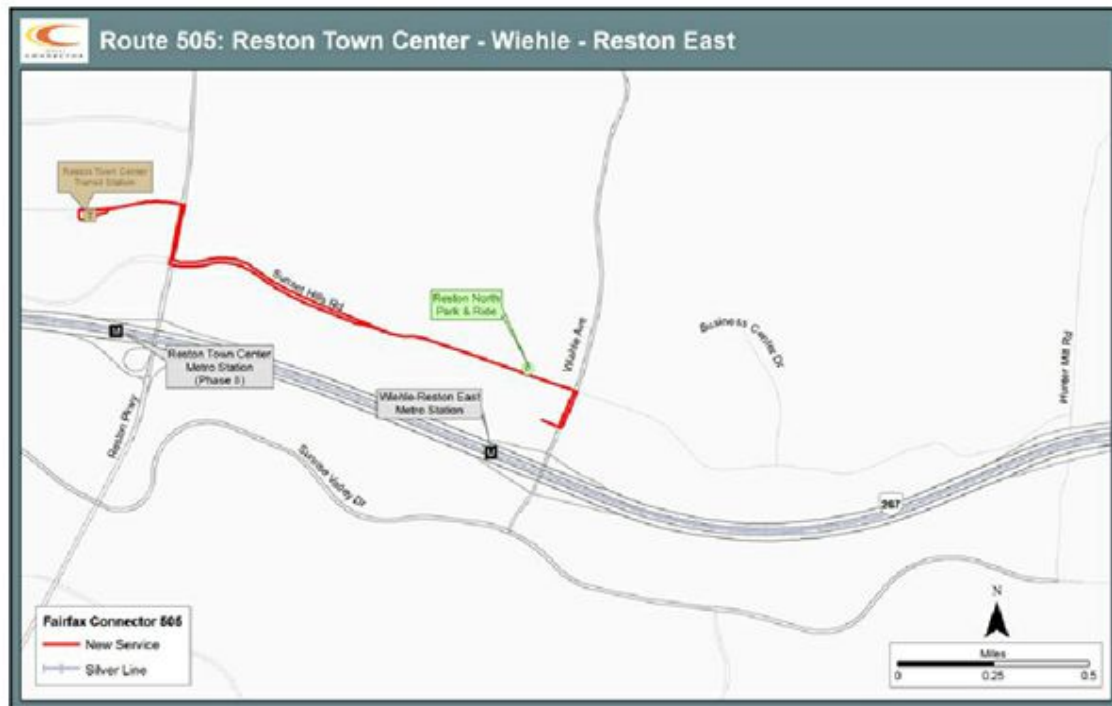


Figure 8  
Planned Bus Routes to Silver Line



### **Additional Non-Designated Nearby Parking Spaces**

In addition to the 687 parking spaces designated for the proposed multi-family use, the entire Reston Town Center development (Urban Core) is to provide a variety of unrestricted garage and on-street parking spaces throughout the Phase I area of the project to serve a mix of complementary non-residential uses through a Shared Parking Agreement. There are approximately 2,900 parking spaces that serve the Phase I area, which include the existing Block 4 (subject site) spaces and, practically speaking, other uses within the entire Reston Town Center.

### **Auto Ownership Based on Census Tract Information**

Auto ownership was determined based on data from the 2011 American Community Survey (ACS) published by the U.S. Census Bureau. Data for the census block encompassing the subject site and the immediate surrounding area indicate that the average auto ownership for rental units in the area in 2011 was 1.20 vehicles per household. The ACS data is summarized in Table 4. The census data results suggest that a parking ratio of 1.25 parking spaces per unit would be adequate to serve the residents' parking needs.

### **Area II: Tysons Corner Urban Center – Areawide Recommendations (Amended through 2-12-2013)**

In response to the advent of Metrorail, the Board of Supervisors established minimum and maximum "Parking Ratios for Tysons Corner." According to the Plan's Areawide Recommendations for Tysons Corner, minimum parking requirements should be substantially reduced from County wide standards proximate to a rail station and for those Non-Transit Oriented Development (Non-TOD) as well. Non-TOD is defined as locations more than 1/2 mile from a Metrorail station. For multi-family dwelling units located in non-TOD areas (or TOD areas 1/4 to 1/2), the plan recommends a minimum of 1.1, 1.35, and 1.6 parking spaces per one (1) bedroom, two (2) bedroom, and three (3) bedroom units, respectively. The plan also recommends a maximum of 1.4, 1.7, and 2.0 parking spaces per one (1) bedroom, two (2) bedroom, and three (3) bedroom units, respectively.

Based on the Tysons Corner parking recommendations, the residential parking demand for the Project would range from a minimum of 655 to a maximum of 829 parking spaces. The proposed 687 residential parking spaces exceeds the Tysons Corner minimum parking requirement for non-TOD multi-family units by 32 parking spaces and is 142 parking spaces less than the Tysons Corner maximum rates would require. Relevant information for Tysons Corner (Parking Ratios for Tysons Corner) is contained in Attachment III. A table and bar chart comparison for the Tysons Corner parking ratios versus the proposed reduction and the County code requirement is shown in Table 5 below and on Figure 9.

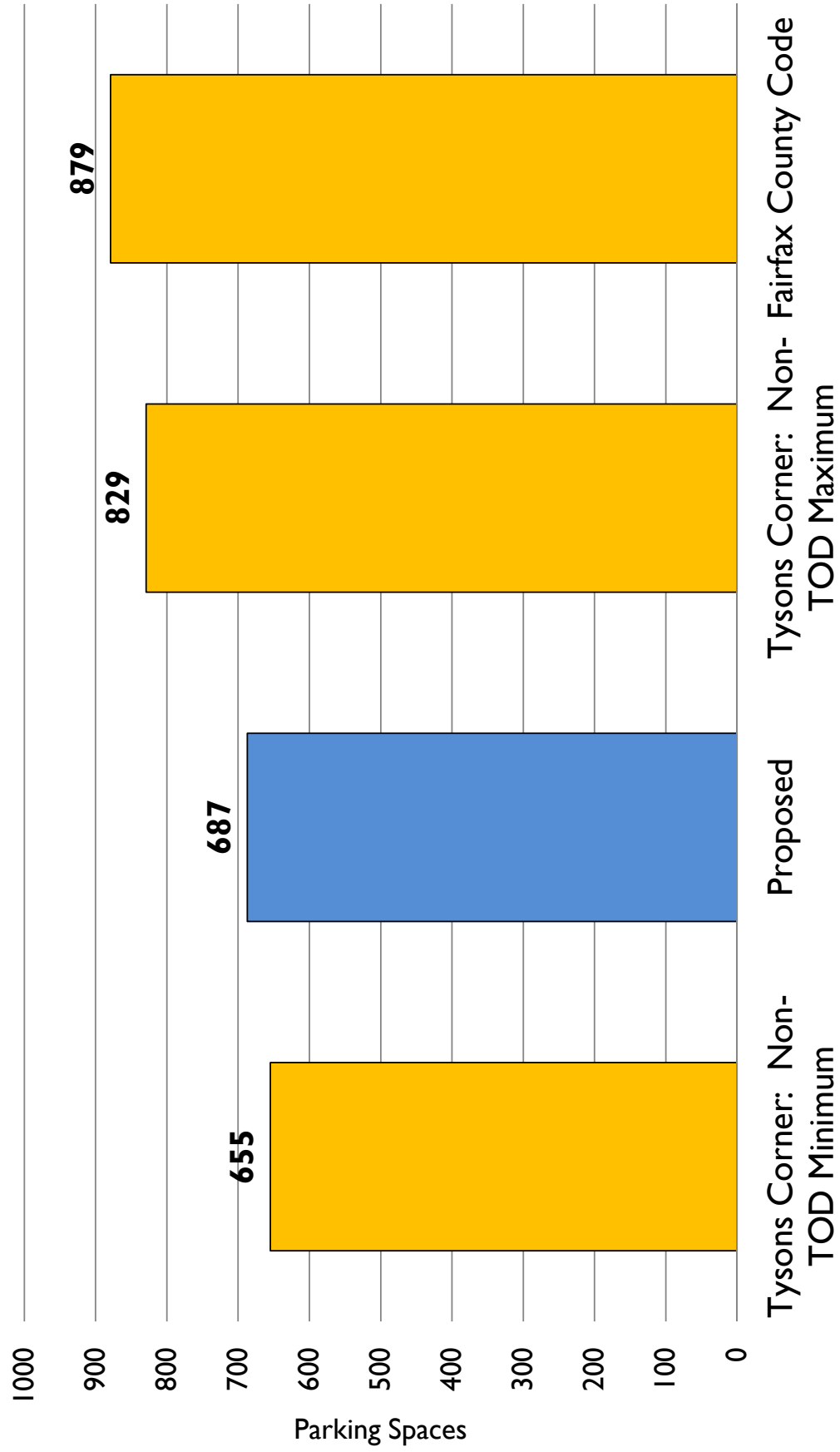
Table 4  
Reston Town Center Residential Parking Reduction  
2011 American Community Survey Data

Number of Households	Total	Percent
	2,447	100%
<b>Renter Occupied</b>		
No vehicle Available	234	9.6%
1 Vehicle Available	1,582	64.6%
2 Vehicles Available	555	22.7%
3 Vehicles Available	71	2.9%
4 Vehicles Available	5	0.2%
≥ 5 Vehicles Available	0	0%
<b>Total</b>	<b>2,447</b>	<b>100%</b>
<b>Average Auto Ownership</b>		<b>1.20</b>

Table 5  
Reston Town Center – Block 4 Residential Parking Reduction  
Tysons Corner Urban Center Parking Ratio Comparison

Dwelling Units	Number of Bedrooms	Non-TOD Parking Ratio	Units by Number of Bedrooms	Parking Spaces
Tysons Corner Minimum Parking Ratios	0-1 Bedroom	1.1	362	399
	2 Bedroom	1.35	176	238
	3+ Bedroom	1.6	11	18
<b>Total (Tysons Min.)</b>			549	655
Proposed Parking Ratios	0-1 Bedroom	1.25	362	453
	2 Bedroom	1.25	176	220
	3+ Bedroom	1.25	11	14
<b>Total (Proposed)</b>			549	687
Tysons Corner Maximum Parking Ratios	0-1 Bedroom	1.4	362	507
	2 Bedroom	1.7	176	300
	3+ Bedroom	2.0	11	22
<b>Total (Tysons Max.)</b>			549	829
Countywide Ratios	Multi-Family	1.6	549	879
<b>Total (County Overall)</b>			549	879

**Figure 9**  
**Parking Requirement Comparisons**  
**Tysons Corner Non-TOD (Min, Max) vs Proposed vs Fairfax County Code**



## **Transportation Demand Management (TDM)**

The governing proffers for Reston Town Center currently provides for implementation of Transportation Demand Management (TDM) strategies to reduce vehicle trips associated with the office that would also likely reduce the parking needs for area residents. The overall office strategies include, but are not limited to, the following:

- a. Transportation Coordinator
- b. Parking Management Program
  - o Preferential parking for ride-sharers
  - o Paid Parking
  - o Shared Parking
  - o Structured Parking
  - o No all day, on-street parking
- c. Participation in Fairfax County's Ridesharing Program
  - o Computerized matching services
  - o Ridesharing information kits for new employees
  - o Ridesharing display maps and forms in each office building
- d. Promotion of Transit Services
  - o Transit Information Center
  - o Facilities of time transfers between local and regional service
  - o Mid-day shuttle service program
- e. Provision of Bus Stops and Shelters Throughout the Town Center Study Area
- f. Designation of a Location in the Town Center Study Area for a Transit Center
- g. Sidewalk System Throughout the Town Center Study Area
- h. Connection to the W&OD Trail at Designated Sidewalks
- i. Grade Separation of W&OD Trail at Reston Avenue Town Center Parkway and South First Street, subject to Park Authority approval
- j. Promotion of Staggered Work Hours Program and Flex-Time
- k. Provision for bicycle storage capable of accommodating at least 1.5 percent of all Property employees
- l. Provision for Kiss and Ride Center for future Metrorail Station along the Dulles Airport Access Road

As part of the approvals for the proposed residential development, a comprehensive TDM program will be implemented by the Applicants. A TDM program would, among other things, complement the applicable office strategies discussed above, as well as reduce residential site-generated vehicle trips and parking needs. Elements to reduce the number of household vehicles would potentially include:

1. Provision of information on Metrorail, Metrobus, and other public transportation facilities, services, routes, schedules, and fares.
2. Implementation of targeted marketing program for residential sales/leases that encourages and attracts one (1) and no-car individuals and families through incentives. Targeted marketing with the adjacent office, retail and restaurant uses will also encourage persons to live where they work and shop.



3. The Applicant would unbundle the multi-family residential parking spaces by offering residential leases exclusive of parking. Each new tenant would have the option to rent an additional space(s) at market rates based on availability.
4. The Project would provide bicycle racks and on-site pedestrian connectivity to further enhance non-auto mode choices for future residents, visitors, customers, and employees.

These elements are likely to assist in reducing the number of households within the site that own multiple vehicles.

Further, the Fairfax County Department of Transportation has developed TDM guidelines in a document dated January 1, 2013. This document speaks specifically to limiting the parking supply, pricing and unbundled parking for residential and office space, incorporating parking permit controls to ensure a convenient supply of appropriate parking, and preferential parking for high occupancy vehicles (HOV). These are several parking management techniques aimed to reduce vehicle trips through alternative mode choices and reducing the minimum parking requirements for uses located within TOD Districts and Non-TOD areas just outside the ½ mile radius from future rail.

## CONCLUSIONS

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

1. Under a strict application of the Zoning Ordinance, 879 parking spaces would be required to accommodate the proposed 549 multi-family dwelling units and their visitors.
2. Based on the proximity to transit, the **Applicant is requesting a 22% parking reduction from 1.6 spaces per DU as required by the County's Zoning ordinance to 1.25 spaces per DU**. This equates to 192 fewer parking spaces than the 879 spaces required by code for a minimum of 687 parking spaces to serve the proposed new multi-family residential use.
3. The location of the site is approximately 1.25 miles of the future Wiehle-Reston East Metrorail station (Phase I), ½ mile from the future Reston Town Center Metrorail station (Phase II), and ¼ mile from the existing Reston Town Center Transit Station as well as multiple WMATA Metrobus routes. The subject site is served by nine (9) bus routes.
4. The proposed 549 multi-family residential DUs will consist of approximately 66% one-bedroom DUs, approximately 32% two-bedroom DUs, and approximately 2% three-bedroom DUs. The ultimate mix of units will be determined at the time of site plan.
5. Census tract data from 2011 suggests that the proposed parking ratio of 1.25 parking spaces per unit would be adequate to serve resident parking needs within similar transit rich environments.
6. Several of the TDM program elements that apply to the existing Town Center office space, as well as to the entire Town Center, would also benefit the proposed residential multi-family dwelling units and assist in encouraging use of modes other than the automobile. A residential specific TDM program would further complement the site's proximity to mass transit to reduce residential parking needs while supporting County goals to reduce those peak hour vehicle trips.

## RECOMMENDED PARKING CONDITION

A provision in the Board imposed parking conditions should allow future minor potential changes to the number and mix of units (1-bedroom, 2-bedroom, and 3+ bedroom units). The modification would be subject to the Director of the Department of Public Works and Environmental Services and would not reduce the parking ratio below the requested 1.25 parking spaces per DU.

Board Agenda Item  
July 29, 2014

ACTION - 3

Authorization for the Chairman of the Fairfax County Board of Supervisors to Sign the  
Renewal of the Northern Virginia Workforce Investment Board Area 11 Consortium  
Agreement for July 1, 2014 Through June 30, 2016

ISSUE:

Board authorization is requested to allow the Chairman to sign the Workforce Investment Act (WIA) 11 Consortium Agreement, which is due for renewal for the July 1, 2014, through June 30, 2016 biennium.

RECOMMENDATION:

The County Executive recommends the Board authorize the Chairman of the Board to sign the above-referenced Consortium Agreement so that the NVWIA Area 11 may continue to receive WIA funds and also meet the requirements of the federal WIA of 1998.

TIMING:

Board approval is requested on July 29, 2014.

BACKGROUND:

The federal Workforce Investment Act (WIA) authorizes the structure of the nation's employment and training system, providing guidance, support, and coordination to the nation's businesses and workforce, promoting job creation, and helping businesses remain competitive.

The Northern Virginia Workforce Area 11, a consortium of seven jurisdictions (the counties of Fairfax, Prince William and Loudoun, and the cities of Fairfax, Falls Church, Manassas and Manassas Park), is one of fifteen in our state, operating in partnership with the Commonwealth of Virginia and the U.S. Department of Labor.

Key principles of the WIA are to streamline information and services through One-Stop delivery systems, empower individuals to obtain needed employment and training services, ensure universal access to core employment services, increase accountability of states, localities and training providers, establish stronger roles for the private sector, strengthen local WIA Board involvement, and improve employment services for youth. Each local workforce investment area within the state is required to designate a Chief

Board Agenda Item  
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Local Elected Official (CLEO), have a Workforce Investment Board (WIB), and if the local area includes more than one unit of local government, as in the case of the NVWIA Area 11, then a Consortium Agreement between the CLEOs of each unit of local government is required.

The prior consortium agreement expired on June 30, 2014. Accordingly, a new Consortium Agreement must be signed by the CLEO covering the period of July 1, 2014, through June 30, 2016.

FISCAL IMPACT:

There is no specific fiscal impact associated with this particular action; however, failure to sign the Consortium agreement will prevent NVWIA 11 from being in compliance with federal law and from receiving WIA funds in FY2015. The Workforce Area 11 WIA Formula funding award for FY2015 is \$3,237,849.

CREATION OF POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1 - Northern Virginia Workforce Investment Board Area 11 Consortium Agreement for the Period of July 2014 through June 2016

STAFF:

Nannette M. Bowler, Director, Department of Family Services  
Juani Diaz, Director, Self-Sufficiency Division, Department of Family Services  
Karen L. Gibbons, Senior Assistant County Attorney

ATTACHMENT 1



**Northern Virginia Workforce Investment Board  
Area XI  
Consortium Agreement**

For The Period of July 2014 - June 2016

# CONSORTIUM AGREEMENT

## BETWEEN

FAIRFAX COUNTY  
CITY OF FAIRFAX  
CITY OF FALLS CHURCH  
LOUDOUN COUNTY  
PRINCE WILLIAM COUNTY  
CITY OF MANASSAS  
CITY OF MANASSAS PARK

Establishing the

### **I. WORKFORCE INVESTMENT ACT**

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*WHEREAS*, the Commonwealth of Virginia has determined that workforce development is critical to the long-term economic health of the state, and

*WHEREAS*, the driving force for the envisioned workforce development system should be local, employer driven partnerships focused upon continuous improvement of customer services, and

*WHEREAS*, cost effective grant management, oversight and strategic planning for the local partnerships, is best provided through intergovernmental collaboration, and

*WHEREAS*, the Commonwealth of Virginia Workforce Board (“State Board”) established pursuant to the Workforce Investment Act of 1998 (“WIA”) is required to designate Workforce Investment Areas (“Areas”) as expeditiously as possible, and

*WHEREAS*, each Area shall have a local Workforce Investment Board (“Local Board”) appointed by Chief Local Elected Officials in accordance with the WIA and State criteria, and

*WHEREAS*, each Area containing two or more general purpose local governments (cities and counties) is required to execute a Consortium Agreement (“Agreement”) between the Chief Local Elected Officials of those governments,

NOW, THEREFORE, BE IT RESOLVED as follows:

#### **1. AREA DESIGNATION**

The Counties of Fairfax, Loudoun, and Prince William, and the Cities of Fairfax, Falls Church, Manassas and Manassas Park, hereinafter referred to as the parties, jointly apply for designation as a Workforce Investment Area.

## **2. AREA NAME**

The Area shall be entitled the Northern Virginia Workforce Investment Area.

## **3. THE CHIEF LOCAL ELECTED OFFICIAL**

The parties shall select a single Chief Local Elected Official (“CLEO”) as follows: Each of the parties will select a chief elected official from the general purpose local governmental body. These Chief Local Elected Officials will form the Consortium. They will select a Chair of the Consortium, who will serve as the single Chief Local Elected Official for the Area. The Consortium shall appoint Local Board members in accordance with the Agreement and the Consortium Chair will have a seat on the Local Board.

The Consortium will meet at least two times a year for the purpose of strategic planning and approving the Area's plan. At least one of these meetings shall be in conjunction with the Local Board.

## **4. LOCAL ELECTED OFFICIAL (CLEO) AND WORKFORCE INVESTMENT BOARD (WIB) FUNCTIONS**

The parties, acting through the CLEO chosen in accordance with the preceding section of this Agreement, shall perform the following functions:

- a. Oversight over the local workforce investment system;
- b. Oversight over the youth programs and other funding sources which may from time to time fall under the purview of the Local Board;
- c. Consultation on appointments to the Local Board's Youth Council;
- d. Plan and plan modification review and approval for WIA programs, and other programs for which the Local Board is given responsibility;
- e. Review and approval of the budget for the local workforce investment system;
- f. To the extent feasible, align all investments in workforce development in the Area, whether WIA resources or other resources, under the policy umbrella of the Local Board;
- g. When applicable, ensure that policies of the Local Board for workforce development, become integrated into county and city overall policies for economic development, education, and workforce investment;
- h. Other functions as assigned by agreement between the CLEO and the Local Board, by this Agreement, by the WIA, by the State or by the parties.

In partnership with the Local Elected Officials, the Local Board shall perform the following functions to fulfill the requirements of the federal Workforce Investment Act of 1998 (P.L. 105-220) including:

- a. Develop a three (3) year strategic plan that connects all investments in workforce development
- b. Conduct strategic oversight to the workforce delivery system
- c. Oversee the One Stop Delivery System
- d. Develop and enter into a Memorandum of Understanding with workforce development system partners for the implementation and operation of the service delivery system in the local area
- e. Certify one-stop center operators and affiliate sites
- f. Promote quality in customer service
- g. Provide continuous accountability and evaluation through customer satisfaction surveys and other performance outcomes
- h. Such other functions as may be required by the WIA or by the State.

## **5. LOCAL BOARD APPOINTMENTS**

The Parties agree to appoint Local Board members in accordance with the Workforce Investment Act, implementing federal regulations, criteria established by the State and this Consortium Agreement. The Local Board shall consist of no fewer than 48 members. Appointments shall be made by each of the Chief Local Elected Officials as follows: Appointments shall be principally based on the respective populations of member's governments, with the business and non-business representation being divided up for appointment by each of the Chief Local Elected Official. Population estimates will be updated annually and will be based on data from the Institute of Government, University of Virginia. Some of the appointments shall be regional, and those shall be appointed by consensus of all the Chief Local Elected Officials making up the Consortium. If consensus is not reached, such regional appointments shall be made on a proportionate basis using relative population figures as indicated above.

The following constitute the criteria for appointments to the Local Board:

- All jurisdictions will have at least one representative on the Local Board ~~WIB~~ regardless of the locality's population size. When a unit of government has only one seat on the Board, said board member shall be a representative from the business sector,
- The largest jurisdictions will cede some of their seats to accommodate the need for regional representation and to allow the smaller cities to have at least one representative on the Board,
- A total of seven (7) members from the following sectors will be determined to be 'regional representatives' on the WIB: Federal Labor organizations (2); Northern Virginia Community College (1); Virginia Department of Rehabilitative Services (1); Virginia Department for the Visually Handicapped (1); Virginia Employment Commission (1); and Job Corps (1), and



- The remainder of the seats will be assigned to the localities based on the closest figure proportionate to the size of the populations of member governments.

## 6. LOCAL BOARD TERMS

Board members shall be appointed for a 4-year term. Term limits will not apply for the Chief CLEO and the mandatory non-business seats. Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment, and vacancies resulting from resignations or removal of mandatory members, as defined under the WIA, shall be filled within 120 days pursuant to the requirements of the Commonwealth of Virginia, Virginia Community College System Policy #99-2 (Establishment of Local Workforce Investment Boards).

## 7. THE GRANT RECIPIENT AND SUBRECIPIENT

The parties designate Fairfax County as the grant recipient for the WIA. The parties also designate The *SkillSource* Group, Inc., a non profit corporation, as the grant subrecipient and fiscal agent. Fairfax County will authorize the transfer of such funds as they become available and are approved by the Local Board, to the *SkillSource* Group, Inc., for the limited purpose of fulfilling the requirements of the Local Board under WIA.

- The *SkillSource* Group, Inc., shall follow the federal cost principles contained in OMB Circular A-122 (“Cost Principles for Non-Profit Organizations”). On an annual basis, the *SkillSource* Group, Inc., shall submit audited year-end financial statements to include Single Audit requirements under OMB Circular A-133. The audited financial statements shall be submitted within the 30 days after receipt of the auditor’s report or six months after the end of the fiscal year, whichever occurs first. The *SkillSource* Group, Inc., shall provide these audited financial statements to any other party upon request.
- The *SkillSource* Group, Inc. shall make available financial and programmatic records as requested by the County of Fairfax or its independent auditors.

## 8. LIABILITY INSURANCE

- (a) The Local Board, or its authorized representatives, may provide from eligible funds liability insurance policies for its (i) representatives, (ii) the Policy Council, (iii) the Youth Council, (iv) officers, (v) employees, (vi) volunteers, and (vii) members (“the covered persons”) and may provide legal defense of claims thereunder in accordance with the terms of the policies of insurance. The liability insurance should be in such amounts as are sufficient to cover any and all claims resulting from the performance of the official duties and responsibilities of the covered persons. The Local Board, or its authorized representatives, shall retain legal counsel to represent the covered

- persons to the extent deemed necessary to supplement legal counsel provided under said liability insurance policies.
- (b) Nothing contained in this Resolution shall be construed to abrogate or waive any defense of governmental or sovereign immunity on behalf of the Local Board or its representatives, the Policy Council, the Youth Council, officers, employees, volunteers, and members.

## **9. TERM**

This Agreement shall take effect when the Area is designated by the Governor and shall remain in effect until terminated in accordance with this paragraph or until the WIA is otherwise dissolved. Any party may terminate this Agreement by giving advance written notice to each of the other parties on or before January 1 of the year in which termination is to occur. Termination shall be effective June 30, 2016. Termination of this Agreement shall not affect the liabilities incurred prior to the termination date.

## **10. AMENDMENT**

This Agreement may be amended at any time by the written, signed consent of all the parties.

## **11. MEETINGS**

The Chief Local Elected Officials (CLEOs) of the parties shall meet at least twice annually and at such other times as are deemed necessary by the CLEO designated under Section 3 of this Agreement. A majority of the CLEOs may also call a meeting. CLEOs shall be notified in writing at least two weeks in advance of meetings. The notice shall include the time and place for the meeting and the proposed agenda. Advanced notice may be waived by unanimous consent of the parties.

## **12. DECISIONS**

Decisions shall be approved by a majority of the CLEOs, except as otherwise established in this Agreement, by the state or from time to time by resolution of the CLEOs.

## **13. DUTIES**

The CLEOs may each designate a single representative at a senior staff level to carry out any duties assigned to them by this Agreement. A Policy Council, made up of senior staff designees, shall be established to carry out operational and administrative functions. Notification to the designee shall be considered notice to the CLEO the designee represents.

#### **14. SEVERABILITY**

Should any part of this Agreement be invalidated otherwise rendered null and void, the remainder of this Agreement shall remain in full force and effect.

#### **15. AUTHORITY**

The undersigned officials are authorized to execute this Agreement on behalf of the parties.

#### **16. COMPLIANCE WITH THE LAW**

This Agreement is formed in compliance with all applicable federal, State, and local laws, rules, and regulations, including without limitation, all laws applicable to the WIA.

##### **FAIRFAX COUNTY**

By: \_\_\_\_\_  
Name: Sharon Bulova  
Title: Chairman, Fairfax County Board of Supervisors  
Date: \_\_\_\_\_

##### **PRINCE WILLIAM COUNTY**

By: \_\_\_\_\_  
Name: Corey A. Stewart  
Title: Chairman, Prince William Board of County Supervisors  
Date: \_\_\_\_\_

##### **LOUDOUN COUNTY**

By: \_\_\_\_\_  
Name: Scott K. York  
Title: Chairman, Loudoun County Board of Supervisors  
Date: \_\_\_\_\_

##### **CITY OF FAIRFAX**

By: \_\_\_\_\_  
Name: R. Scott Silverthorne  
Title: Mayor, City of Fairfax  
Date: \_\_\_\_\_

CITY OF FALLS CHURCH

By: \_\_\_\_\_  
Name: P. David Tarter  
Title: Mayor, City of Falls Church  
Date: \_\_\_\_\_

CITY OF MANASSAS

By: \_\_\_\_\_  
Name: Harry J. (Hal) Parrish, II  
Title: Mayor, City of Manassas  
Date: \_\_\_\_\_

CITY OF MANASSAS PARK

By: \_\_\_\_\_  
Name: Frank Jones  
Title: Mayor, City of Manassas Park  
Date: \_\_\_\_\_

Board Agenda Item  
July 29, 2014

ACTION - 4

Approval of a Resolution Authorizing Execution of a Project Agreement with the Virginia Department of Transportation for the Widening of Route 29 from Legato Road to Shirley Gate Road (Braddock District)

ISSUE:

Board of Supervisors' approval of a resolution authorizing the Fairfax County Department of Transportation to execute a Standard Project Administration Agreement with the Virginia Department of Transportation (VDOT) for the widening of Route 29 from Legato Road to Shirley Gate Road.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution to execute a Standard Project Agreement (Attachment II) with VDOT for the widening of Route 29 from Legato Road to Shirley Gate Road.

TIMING:

Board approval is requested on July 29, 2014, so that the project can move forward as expeditiously as possible.

BACKGROUND:

On September 24, 2013, the Board authorized staff to apply for \$6.5 million in VDOT FY 2015 Revenue Sharing funds for the widening of Route 29 from Legato Road to Shirley Gate Road. On June 18, 2014, the Commonwealth Transportation Board approved its FY 2015 Six-Year Transportation Program which included the full award of \$6.5 million in state Revenue Sharing funds for the Route 29 widening project.

The Route 29 widening project has a total project estimate of \$14,174,634. Project scope includes the widening of northbound Route 29 from two to three lanes from Legato Road to Shirley Gate Road (1.5 miles). Construction also includes sidewalk and water main installation, and relocation of utility poles. The project is currently in utility relocation phase, and the award of the construction contract is scheduled for March 2015.

To access these funds, a Standard Project Administration Agreement for the development and administration of the proposed projects must be executed with VDOT.

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This agreement stipulates the guidelines and requirements that the County must adhere to during the design, land acquisition, and construction of the proposed project.

FISCAL IMPACT:

The current total project estimate for the widening of Route 29 from Legato Road to Shirley Gate Road is \$14,174,634. The CTB's FY 2015 Adopted Six Year Transportation Program includes \$6.5 million in VDOT revenue sharing funds earmarked for this project. As stipulated by the Revenue Sharing program, these funds are to be matched 100 percent by local funds. The County will provide the required local cash match of \$6.5 million, and the remaining \$1,174,634, from the Commercial and Industrial Tax Fund (Fund 40010) and General Obligation Transportation Bonds (Fund 30050) respectively, allocated to the project.

ENCLOSED DOCUMENTS:

Attachment I – Resolution to Execute Agreement

Attachment II – Standard Project Agreement and Appendix A

STAFF:

Robert A. Stalzer, Deputy County Executive

Jim McGettrick, Office of the County Attorney

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

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

Todd Minnix, Chief, Transportation Design Division, FCDOT

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

Janet Nguyen, Transportation Planner, Coordination and Funding Division, FCDOT

## **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, July 29, 2014, at which meeting a quorum was present and voting, the following resolution was adopted.

### **AGREEMENT EXECUTION RESOLUTION**

WHEREAS, in accordance with Virginia Department of Transportation project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, a Project Administration Agreement with the Virginia Department of Transportation for the Route 29 Widening Project by the County of Fairfax.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014, Fairfax, Virginia

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

**STANDARD PROJECT ADMINISTRATION AGREEMENT****State-aid Projects**

Project Number	UPC	Local Government
0029-029-R54	105397	Fairfax County

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the County of Fairfax, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project(s) and the funding currently allocated or proposed for the project(s) does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state and local laws and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
  - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
  - b. Receive prior written authorization from the DEPARTMENT to proceed with the project.
  - c. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
  - d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the **State Certification Form for State Funded Projects** or in another manner as prescribed by the DEPARTMENT.
  - e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.



- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date project summary and schedule tracking payment requests and adjustments.
  - g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if due to action or inaction solely by the LOCALITY the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of state law or regulations require such reimbursement.
  - h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
  - i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of state-aid reimbursements
  - j. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
  - k. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
  - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
  - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.

- d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.
- e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing,

receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to the project, this agreement is no longer applicable and shall be terminated. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

The remainder of this page is BLANK

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

**COUNTY OF FAIRFAX, VIRGINIA:**

\_\_\_\_\_  
\_\_\_\_\_  
Typed or printed name of signatory

\_\_\_\_\_  
Title Date

\_\_\_\_\_  
Signature of Witness Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:**

\_\_\_\_\_  
Chief of Policy Date  
Commonwealth of Virginia  
Department of Transportation

\_\_\_\_\_  
Signature of Witness Date

**Attachment**  
Appendix A – UPC 105397

**APPENDIX A**

Project Number: <b>0029-029-R54</b>	UPC: <b>105397</b>	Locality: <b>Fairfax County</b>
Project Location ZIP+4: <b>22030-8800</b>	Locality DUNS# <b>074873626</b>	Locality Address (incl ZIP+4): <b>4050 Legato Road, Suite 400, Fairfax, VA 22033-2867</b>

**Project Narrative**

Scope:	Widen Route 29 from 4 to 6 lanes, install sidewalk, watermain, relocation of utility poles		
From:	Legato Road		
To:	Shirley Gate Road		
Locality Project Manager Contact Info:	Brook Khorashadi, 703-877-5737	fereshteh.khorashadi@fairfaxcounty.gov	
Department Project Coordinator Contact Info:	Zamir Mirza, 703-259-1794	zamir.mirza@vdot.virginia.gov	

**Project Estimates**

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$1,591,151	\$5,366,796	\$7,106,687	\$14,064,634
Estimated VDOT Project Expenses	\$5,000	\$5,000	\$100,000	\$110,000
Estimated Total Project Costs	\$1,596,151	\$5,371,796	\$7,206,687	\$14,174,634

**Project Cost and Reimbursement**

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$421,517	Revenue Sharing	50%	\$210,759	\$210,759	
	\$1,174,634	Local Funds	100%	\$1,174,634	\$0	
				\$0	\$0	
				\$0	\$0	
<b>Total PE</b>	<b>\$1,596,151</b>			<b>\$1,385,393</b>	<b>\$210,759</b>	
Right of Way & Utilities	\$5,371,796	Revenue Sharing	50%	\$2,685,898	\$2,685,898	
				\$0	\$0	
				\$2,685,898	\$2,685,898	
<b>Total RW</b>	<b>\$5,371,796</b>			<b>\$2,685,898</b>	<b>\$2,685,898</b>	
Construction	\$7,206,687	Revenue Sharing	50%	\$3,603,344	\$3,603,344	
				\$0	\$0	
				\$3,603,344	\$3,603,344	
<b>Total CN</b>	<b>\$7,206,687</b>			<b>\$3,603,344</b>	<b>\$3,603,344</b>	
<b>Total Estimated Cost</b>	<b>\$14,174,634</b>			<b>\$7,674,634</b>	<b>\$6,500,000</b>	<b>\$6,390,000</b>

**Total Maximum Reimbursement by VDOT to Locality (Less Local Share)**
**\$6,500,000**
**Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)**
**\$6,390,000**
**Project Financing**

Revenue Sharing - State Funds	Revenue Sharing - Local Funds	Local Funds				Aggregate Allocations (A+B+C+D+E+F)
\$6,500,000	\$6,500,000	\$1,174,634				\$14,174,634

**Program and project Specific Funding Requirements**

- This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality completed scoping in 12/2008.
- This project is a Revenue Sharing project and must follow the procedures set forth in the Revenue Sharing Program Guidelines.
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of **\$14,174,634** (if applicable)
- Estimated eligible VDOT expenses are based on VDOT processing SERP (if applicable) and inspection. Any additional assistance may result in additional VDOT charges.
- In accordance with §33.1-23.05 of the *Code of Virginia*, this project must be initiated and at least a portion of the funds expended within one year of allocation. If not initiated by July 1, 2015 the project may be subject to deallocation.
- Revenue Sharing Funds above consist of the following Fiscal Years:
  - FY 15 - \$13,000,000 (\$6,500,000 locality and \$6,500,000 VDOT)
- Funds are not available until July 1 of the fiscal year in which they are allocated.
- Total project allocations: **\$14,174,634**

Authorized Locality Official and date

 Authorized VDOT Official  
Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

Version 8/19/11

ACTION - 5

Approval of FY 2014 Year-End Processing

ISSUE:

Board approval to allow staff to process payment vouchers for items previously approved and appropriated in FY 2014. In addition, this item is to inform the Board that no General Fund agencies, County other funds, or School Board funds require an additional appropriation for FY 2014.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize staff to process payment vouchers for items previously approved and appropriated in FY 2014 for the interim period from July 1 until the Board approves the *FY 2014 Carryover Review*, which is scheduled for action on September 9, 2014.

TIMING:

Board approval is required on July 29, 2014 since the *FY 2014 Carryover Review* is not scheduled for Board action until September 9, 2014.

BACKGROUND:

The *FY 2014 Carryover Review* is scheduled for final action on September 9, 2014 following a public hearing. In the interim, Board approval is requested to allow staff to process payment vouchers for items previously approved and appropriated in FY 2014 such as capital construction projects, grant-funded programs, and capital equipment purchases for the period of July 1 to September 9, 2014 or until final action is taken on the *FY 2014 Carryover Review*. Similar action has been taken in prior years as part of the year-end closeout.

It should be emphasized that no County agency or fund or School Board fund exceeded its appropriation authority in FY 2014. This is directly attributable to the outstanding efforts of all department heads in managing their approved allocation.

FISCAL IMPACT:

This item relates to funding for previously appropriated items approved in FY 2014 and carried forward to FY 2015 for payment.

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ENCLOSED DOCUMENTS:  
None.

STAFF:  
Susan Datta, Chief Financial Officer

Board Agenda Item  
July 29, 2014

ACTION - 6

Approval of an Agreement Between the Washington Metropolitan Area Transit Authority (WMATA) and Fairfax County Regarding Operation of the County-Owned Parking Garage at the Wiehle-Reston East Metrorail Station (Hunter Mill District)

ISSUE:

Board approval of an Agreement between WMATA and the County for WMATA to collect and process the parking fees, and monitor the exit gates at the County-owned parking garage at the Wiehle-Reston East Metrorail Station.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Agreement with WMATA for the operation of the parking garage at Wiehle-Reston East Metrorail Station (Attachment 1) in substantial form, and authorize the Director of the Department of Transportation to execute this agreement, and similar agreements for future County owned Metrorail garages, on behalf of Fairfax County.

TIMING:

Board action is requested on July 29, 2014, because the parking structure opened with the Metrorail Silver Line service on July 26, 2014. WMATA has operated and monitored the fare gates at the Wiehle-Reston East parking garage since July 26, 2014, with the understanding that the Board of Supervisors would vote on this agreement on July 29, 2014.

BACKGROUND:

Fairfax County owns a parking garage at the Wiehle-Reston East Metrorail Station with approximately 2,300 parking spaces. It was constructed to provide parking for Metrorail patrons. The facility was designed and built to function like all other parking garages at Metrorail stations in Fairfax County. The parking fees for this garage were set by the Board of Supervisors on July 1, 2014, and are the same as all other Metrorail stations in the County.

WMATA and Fairfax County staff have worked together to create the attached operating agreement. Per the terms of the agreement, WMATA will remotely monitor the parking garage gates and fare collection equipment at the Wiehle-Reston East Metrorail Station, will be responsible for maintaining such equipment, and will collect and process



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SmarTrip and credit card payments for this garage. Other than a minimal transaction fee for processing SmarTrip and credit cards, and reasonable costs of maintaining the fare collection equipment, WMATA will not charge for operating or monitoring this garage, as long as the operating conditions (such as hours of operation) stay the same as the WMATA-owned parking facilities in Fairfax County.

FISCAL IMPACT:

This action item will create an ongoing revenue stream to the County. The revenue will be deposited into Fund 40010 (County and Regional Transportation Projects). The estimated annual revenue in FY 2015 is \$2.1 million. This revenue will be used to offset the debt service, operations, and maintenance costs that are related to the County owned parking garage at the Wiehle-Reston East Metrorail Station.

ENCLOSED DOCUMENTS:

Attachment I: Agreement for the Operation of a Parking Garage at the Wiehle-Reston East Metrorail Station.

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Ryan Wolf, Assistant County Attorney  
Joe LaHait, County Debt Manager, Department of Management and Budget  
Dwayne Pelfrey, Division Chief, Transit Services Division, FCDOT  
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT  
Andrew Miller, Project Coordinator, Department of Public Works and Environmental Services

**AGREEMENT FOR THE OPERATION OF A  
PARKING GARAGE AT THE WIEHLE-RESTON EAST METRORAIL STATION**

This Agreement for the Operation of a Parking Garage at the Wiehle-Reston East Metrorail Station (the "Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between the Washington Metropolitan Area Transit Authority ("WMATA") and Fairfax County, Virginia (the "County") (collectively, the "Parties").

**RECITALS**

WHEREAS, Phase 1 of the Metrorail Silver Line will include the Wiehle-Reston East Metrorail Station; and

WHEREAS, the County has partnered with a third party to create a transit-oriented development, including a County-owned parking garage (the "Garage") for users of the Wiehle-Reston East Metrorail Station and that is distinct from the parking that is ground leased to the third party; and

WHEREAS, unlike other existing parking garages adjacent to Metrorail stations, this parking garage is owned and will be operated by Fairfax County; and

WHEREAS, the Parties want the customers of the Garage to have a seamless commuting experience, similar to that of WMATA owned and operated Metrorail garages, which requires the Parties to make certain agreements between them.

Now, therefore, the Parties agree as follows:

**Article 1: The Role of the County in the Operation of the Garage.**

- 1.01. Reserved.
- 1.02. The County owns the Garage as of the Effective Date but not the PARC system. WMATA owns the Parking Access and Revenue Collection (PARC) System described in section 2.04 but does not own the Garage.
- 1.03. The operation and maintenance of the Garage and its equipment shall be the sole responsibility of the County except for the PARC system.
- 1.04. All hardware and software used in the collection and/or processing of funds either through credit/debit cards or through SmarTrip® cards shall be and shall remain in compliance with the most recent applicable WMATA and Payment Card Industry (PCI) Data Security Standards. To the extent that such software and related hardware are WMATA

prescribed and are within the custody of WMATA, the County may rely on WMATA's PCI certification for that software and related hardware.

- 1.05. The County shall provide WMATA with Room G355 for use as a Parking Operations Room. Direct and exclusive access to the Parking Operations Room shall be provided by a door directly accessible from the parking area. Finish room with painted walls, tiled floor and acoustical panel ceiling. Provide office quality lighting, heating and air conditioning. The Parking Operations Room shall be provided with a phone. This phone shall be connected to the WMATA VoIP phone system or its replacement or upgraded system. One of these phone lines shall be connected to enable use of a dial-up modem for the PARC central processor with the other line used for voice communications. The County shall also provide WMATA with two (2) parking spaces reasonable close to Room G355 reserved for and signed for WMATA vehicles for use by WMATA personnel when providing equipment service and maintenance.
- 1.06. The County shall allow County personnel and WMATA personnel working at the Garage access to the Garage free of charge. Such access shall be arranged through one or more mutually agreed upon methods, which may potentially include exception cards, a list of authorized personnel, and/or added functionality to County identification badges.

**Article 2: The Role of WMATA in the Operation of the Garage.**

- 2.01. WMATA shall allow the County to connect its revenue collection equipment, including SmarTrip® readers to the WMATA regional fare collection IT backbone.
- 2.02. WMATA shall serve as a clearinghouse for revenue reconciliation via credit card payments, through SmarTrip® card payments, or the successor system to SmarTrip® all of which shall run through the SmarTrip® Operations Funding Agreement reconciliation process.
- 2.03. WMATA shall provide the County with all required details and specifications for the equipment the County will be required to obtain and install to provide the Garage with the same remote monitoring of parking control gates as exists in WMATA parking garages but shall have no other role in the design or construction of the Garage except as described in section 2.04. WMATA shall provide such operating services for the remote monitoring as are provided to all other Metrorail parking garages owned and operated by WMATA.

- 2.04 WMATA shall own and maintain the Parking Access and Revenue Collection (PARC) System which shall include the following: gate and lane control signal control console(s), communications support installations and connections, vehicle detector loops and loop leads to operate gates, lot full signs, credit card readers, in-lane customers service stations, SmarTrip readers, cameras, vehicle counting equipment, vehicle detector loop amplifier electronics and logic, programmable vehicle counting equipment and software, lane entrance/exit point counters, barrier/lane control gates, barrier/lane control gate controller/microprocessors, back-up power supplies for PARC system equipment, controls for FULL signs and lane control signals, bollards, interfaces, wiring and miscellaneous equipment required to complete the system. Repairs to the PARC System shall be performed to the same level of responsiveness as WMATA does for other WMATA owned and operated Metrorail garages, and reasonable efforts shall be made to avoid any material or adverse effects on the use and operation of the Garage, (it being understood that the same level of efforts as WMATA uses for other WMATA owned and operated Metrorail garages shall meet the requirements hereunder). It is further understood by the Parties that WMATA's response time may be contingent upon receiving access from Comstock Partners (or any successor owner) which is not under WMATA's control.
- 2.05 Except as noted in this article or necessarily required under the SmarTrip® Operations Funding Agreement, WMATA shall have no role or responsibility in the construction or operation of the Garage.

Article 3: Fees and Fee Reconciliation

- 3.01 The determination of any fees (i.e., daily parking rates and Reserved Monthly Parking permit fees) to be charged to customers shall be made by the County through its normal processes.
- 3.02 All fees paid at the Garage shall belong to the County.
- 3.03 For purposes of revenue reconciliation under the SmarTrip® Operations Funding Agreement, the SmarTrip® card payments and credit card payments made at the Garage shall be considered to be County receipts ("County Receipts"). The County shall be credited for the parking fees incurred by customers of the Garage and paid through a SmarTrip® card or through a credit card (the "County Receipts" defined in this section) net of credit card fees described in section 4.01.E.
- 3.04 All SmarTrip® transactions at the Garage shall be considered to be transactions under the SmarTrip® Operations Funding Agreement.

3.05 All revenue losses at the Garage, regardless of cause, shall be borne by the County, except that (a) WMATA shall be responsible for any losses arising out of its fraud and/or that of its employees and/or contractors, and (b) Neither Party shall be responsible for revenue losses due to emergency situations necessitating the temporary disabling of the PARC system. Revenues lost due to emergency situations shall not be treated as revenues for any purpose.

(c) WMATA shall not be responsible for any revenue lost due to not receiving any required permission from Comstock Partners (or any successor owner) to access property controlled by them.

3.06 Reserved Monthly Parking permit fees as established by the County will be transmitted to the County on a monthly basis transmitting the funds for fees collected in the month prior to the previous month.

#### Article 4: Costs and Expenses To Be Borne By Fairfax County

4.01 Fairfax County agrees to pay to WMATA within thirty (30) days of its receipt of invoicing by WMATA the following costs and expenses:

A. All reasonable costs of administration, including WMATA administrative costs, for remote monitoring of the PARC system to be used at the Garage as referenced in section 2.03, above. However, WMATA will not charge Fairfax County for the administrative costs of remote monitoring the PARC system at the Garage so long as the operating conditions such as hours of operation, etc. are the same as the WMATA owned garages in Fairfax County.

B. All reasonable costs of maintenance and operation for equipment that is part of the WMATA fare collection system and the PARC system, including the cost to reprogram the fare tables for changes not made in coordination with WMATA fare & rate changes..

C. Subject to the approval of the County, the reasonable cost of any future equipment changes or upgrades necessary to ensure the continued compatibility of the Garage with the WMATA regional SmarTrip® system and/or any successor fare collection system, including credit card processing. Should the County not approve of future equipment changes or upgrades, then this Agreement shall terminate 120 days after the County's refusal to agree to fund the equipment change or upgrade.

- D. SmarTrip® Operating system costs. For the avoidance of doubt, the parties agree that payment of the costs incurred under the SmarTrip® Operations Funding Agreement shall be deemed to be payment for purposes of this Agreement, i.e., payment of costs required under both agreements shall be required from the County only once.
- E. All credit and debit card transaction and processing fees assessed by WMATA's settlement provider on Garage transactions. Such term shall also include all chargebacks, fees on the chargebacks, and any fines or penalties assessed by credit card organization or the settlement provider on WMATA for transactions covered by this Agreement.

#### Article 5: Disputes

5.01. **Dispute Resolution.** Any disputes between the County and WMATA, arising out of this Agreement may be disposed of by the parties by written agreement and/or amendment of this Agreement. If the parties cannot resolve the dispute, then the party seeking a resolution shall provide written notice of the nature of the dispute and the issue(s) to the other party. The other party may respond within thirty (30) days. If the dispute is not resolved within thirty (30) days following the response, the dispute will be resolved under one of the procedures described in Section 5.02.

#### 5.02. ADR and Court Jurisdiction.

- A. **Alternative Dispute Resolution ("ADR").** The parties agree to make their best good faith efforts to resolve any disputes which relate to or arise under this Agreement. Absent resolution, the parties agree to pursue any type of alternative dispute resolution procedure which appears to have a likelihood of successfully resolving any dispute. Either party may propose and the parties may agree to any type of dispute resolution procedure including but not limited to mediation, arbitration, mini trial, etc.
- B. **Court Jurisdiction.** In the event the parties do not jointly elect to use the procedure set forth in Section 5.02(A), any party may commence a civil action for resolution of the dispute in a court of competent jurisdiction.

#### Article 6: Notices

6.01. All notices hereunder shall be in writing and shall be deemed to have been sufficiently given or served for all purposes when presented personally, or sent by a courier service or a national overnight delivery service, or the U.S. Overnight Express Mail, to any party hereunder as follows:

If to Fairfax County, Virginia:

Mr. Edward L. Long Jr.  
County Executive  
12000 Government Center Parkway, Suite 552  
Fairfax, VA 22035

With a second copy to:

Mr. Tom Biesiadny  
Director  
Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033

and

County Attorney  
12000 Government Center Parkway, Suite 549  
Fairfax, VA 22035  
Attention: WMATA Parking Agreement (Wiehle-Reston East)

If to WMATA:

Mr. Richard R. Sarles  
General Manager and Chief Executive Officer  
Washington Metropolitan Area Transit Authority  
Jackson Graham Building  
600 Fifth Street, N.W.  
Washington, D.C. 20001

With a second copy to:

Ms. Kathryn H. S. Pett  
General Counsel  
Washington Metropolitan Area Transit Authority  
Jackson Graham Building, Second Floor  
600 Fifth Street, N.W.  
Washington, D.C. 20001

Article 7: Amendments

- 7.01. This Agreement may be amended in writing by the parties. Such amendments will be valid upon execution by both parties. No amendment shall be effective unless it is in writing and signed by both parties.

Article 8: Term

- 8.01 The term of this Agreement shall begin on the effective date of this Agreement and shall have an initial duration of five (5) years and shall automatically be renewed for successive additional five (5) year periods unless either party gives written notice that they do not wish to renew their participation one hundred twenty (120) calendar days prior to the expiration of the Agreement. If this Agreement is not renewed, the Parties shall use the one hundred twenty (120) calendar day period prior to the expiration of the Agreement for the orderly termination of the use of SmarTrip® System and other WMATA assets in the Garage. As part of this winding-up process, WMATA shall deliver ownership of the PARC system to Fairfax County on an "as is where is" basis, which shall then become responsible for any PCI requirements for the PARC system. In addition, the Parking Operations Room shall be turned back over to the County in the manner as original given to WMATA, normal wear and tear excepted. Any cabinets and counters in the Parking Operations Room shall remain the property of the County.
- 8.02 Upon termination of the Agreement, the wiring and conduit connections to the SmarTrip® System shall be handled as follows:
- A. If Fairfax County remains the owner of the garage and annually provides WMATA with an acceptable certification of PCI compliance then the wiring and conduits shall remain in place and connected to WMATA's system.
  - B. If Fairfax County sells or otherwise disposes of its interest in the garage to a private entity such that it no longer has obligations under the SmarTrip Operating Agreement for that garage, then the wiring and conduit shall be severed at a mutually agreeable point.
  - C. If Fairfax County continues to own the garage but fails to provide an acceptable PCI certificate on an annual basis then the wiring and conduit shall be severed at a mutually agreeable point.



Article 9: Certification of WMATA

9.01 WMATA makes the following representations as of the date of the execution of this Agreement as a basis for the undertakings on the part of the County:

- A. WMATA has full power and authority to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder;
- B. WMATA by proper corporate action has duly authorized the execution and delivery of this Agreement;
- C. When executed and delivered by the County and by WMATA, this Agreement will constitute the legal, valid and binding obligation of WMATA enforceable in accordance with its terms, except as such enforceability may be limited by annual appropriations, bankruptcy, reorganization, insolvency, moratorium or other laws affecting the enforcement of creditors' rights generally.
- D. No director, officer or employee of WMATA shall have or obtain a personal or financial interest or benefit from any activity in connection with this Agreement or have an interest in any contract, subcontract or agreement entered in connection with the activities described herein during the term of this Agreement.

Article 10: Certification of the County; Appropriations

10.01 The County makes the following representations as of the date of the execution of this Agreement as a basis for the undertakings on the part of WMATA:

- A. County has all necessary power and authority to enter into the transactions contemplated by this Agreement and to carry out its individual obligations hereunder;
- B. County has duly authorized the execution and delivery of this Agreement;
- C. When executed and delivered by the County and by WMATA, this Agreement will constitute the legal, valid and binding obligation of the County enforceable in accordance with its terms, except as such enforceability may be limited by annual appropriations, bankruptcy, reorganization, insolvency, moratorium or other laws affecting the enforcement of creditors' rights generally;

D. No officer or employee of the County shall have or obtain a personal or financial interest or benefit from any activity in connection with this Agreement or have an interest in any contract, subcontract or agreement entered in connection with the activities described herein during the term of this Agreement.

10.02 The County's financial obligations under this Agreement are subject to annual appropriations by the Board of Supervisors of Fairfax County, Virginia. The failure of the Board of Supervisors to appropriate the necessary funds annually on or before June 30 of each year will trigger the termination of this Agreement, to occur 90 days after such failure to appropriate.

#### Article 11: Governing Law

11.01 All issues under this Agreement shall be construed under the WMATA Compact and, if not addressed by the WMATA Compact, under the laws of the Commonwealth of Virginia

#### Article 12: Counterparts

12.01 This Agreement may be executed in two (2) identical counterparts, each of which shall constitute an original and all of which shall constitute, collectively, one Agreement. The counterpart with the most recent date shall determine the date of entry of this Agreement by the parties given on page one.

#### Article 13: Further Assurances

13.01 WMATA acknowledges and agrees that the County may obtain financing related to the Garage or the revenues arising from the Garage. In connection with any such financing, WMATA consents to the pledge or assignment by the County of the County's rights and property related to the Garage, Garage revenues, the County's rights under this agreement and any other agreement with WMATA relating to the Wiehle-Reston East Garage. In addition WMATA agrees that it will cooperate with efforts by the County to obtain such financing, including providing information, executing additional documents and taking such further actions, in each case as may be reasonably requested by the County.

(Remainder of this page intentionally left blank)

**FAIRFAX COUNTY, VIRGINIA**

Attest:

\_\_\_\_\_

By: \_\_\_\_\_ [Seal]

Witness

Dated:

Approved as to Form and Legal Sufficiency:

BY:

Dated:

[signatures continued on following page]

**WASHINGTON METROPOLITAN AREA  
TRANSIT AUTHORITY**

Attest:

\_\_\_\_\_  
Loyda Sequeira-Castillo  
Secretary

By: \_\_\_\_\_ [Seal]  
Richard R. Sarles  
General Manager and Chief Executive  
Officer

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

Approved as to Form and Legal Sufficiency:

BY:

Office of General Counsel

ACTION – 7

Approval on the Conveyance of Board-Owned Property and the Proposed Comprehensive Agreement Between the Board of Supervisors and The Alexander Company, Inc. for the Development of the Property under the Provisions of the Public-Private Education and Infrastructure Act of 2002, as Amended, known as the Laurel Hill Adaptive Reuse Area (Mount Vernon District)

ISSUE:

Board approval of the disposition of County-owned property as required by Va. Code Ann § 15.2-1800 (2012) in connection with the development of the former Lorton Reformatory and Penitentiary, also known as the Laurel Hill Adaptive Reuse Area Lorton, Virginia, Tax Map ID 107-1-((01))-0009 (“Laurel Hill Adaptive Reuse Area”) and approval of a Comprehensive Agreement (the “Comprehensive Agreement”) between the County and The Alexander Company, Inc. (“Alexander”) for the purpose of development of the Laurel Hill Adaptive Reuse Area in accordance with the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002, as amended (“PPEA”). The County is currently responsible for site maintenance and security. If the Board takes no action, the County will continue to provide security and maintenance for the historic buildings at an estimated cost of \$10.7 million over a ten-year period. In addition, failure to reach an agreement with the developer will result in a payment of \$700,000 to the developer. The total ten-year cost of no action by the Board is estimated to be \$11.4 million. The adaptive reuse project is an opportunity to activate County-owned property and make it income-producing with uses endorsed by the Comprehensive Plan and the community.

RECOMMENDATION:

The County Executive recommends the Board approve the disposition of County-owned property in connection with the development of the former Lorton Reformatory and Penitentiary as described above, and approve the Comprehensive Agreement between the Board and Alexander for the purpose of development of the Laurel Hill Adaptive Reuse Area.

TIMING:

Pursuant to Va. Code Ann. § 56.2-1800, a public hearing is required for the disposition of public property. In addition, pursuant to the PPEA, the Board is required to hold a public hearing on a comprehensive agreement at least thirty days prior to entering into such an agreement. On May 13, 2014, the Board authorized advertisement of the public hearing which was held on June 3, 2014 at 3:30 p.m. Following the public hearing, consistent with the requirements of the PPEA, the Board adopted a motion to keep the record open for written comments until 3:30 p.m. July 29, 2014, at which time the Board would consider a decision on the Comprehensive Agreement. In accordance with the Board’s direction at

the June 3, 2014, meeting, the decision on this action was deferred until 3:30 p.m. on July 29, 2014.

**BACKGROUND:**

On July 11, 2002, the County acquired approximately 2,323 acres of land located in Fairfax County, Virginia from the United States of America, acting by and through the Administrator of General Services. The property was a portion of the property formerly known as the Lorton Correctional Complex. The County property is now referred to as Laurel Hill. The development of Laurel Hill is governed by, *inter alia*, covenants requiring the County to adaptively reuse certain prison structures as part of any County development of the Laurel Hill Adaptive Reuse Area.

The former prison property has a long community planning history, beginning with the Board's establishment of citizen advisory committees in 1995 and 1999 to provide recommendations for the reuse of the area, prior to the closing of the prison. A similar committee was established by the Board in 2002, and their recommendations were accepted by the Board in 2004. The Board then appointed a Project Advisory Committee ("PAC") in 2005 to provide continued community oversight, monitor the planning of the Laurel Hill Adaptive Reuse Area, and to report to the Board its findings and recommendations. In 2007, the County recognized the need to partner with an expert in historic preservation and adaptive reuse to develop a plan for this unique site. Pursuant to a solicitation under the provisions of the PPEA, the Department of Purchasing and Supply Management ("DPSM") sought qualified developers to prepare a master plan ("Master Plan") for the Laurel Hill Adaptive Reuse Area and ultimately to develop the site. Alexander, a Madison Wisconsin developer with extensive experience in historic preservation and adaptive reuse, was selected by DPSM as the preferred developer. In accordance with an initial contract under the PPEA, Alexander assisted with the development of the Master Plan. Alexander and County staff, under the guidance of the PAC, worked with the community and other stakeholders for over two years to develop a plan for the site. The Laurel Hill Adaptive Reuse Area Master Plan, with PAC and community stakeholder endorsement, was adopted by the Board on May 11, 2010.

The Board entered into an Interim Agreement with Alexander on November 4, 2011, in accordance with the PPEA ("Interim Agreement"). Under the Interim Agreement Alexander, in collaboration with the County and a residential housing developer, Elm Street Communities, Inc. ("Elm Street") has pursued engineering, architectural and zoning activities in order to obtain land use entitlements for the Laurel Hill Adaptive Reuse Area. In addition, as contemplated by the Interim Agreement, Alexander and Elm Street have undertaken financial analysis and feasibility studies to determine how the site can be developed consistent with the Master Plan. Finally, as specifically contemplated by the

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Interim Agreement, staff for the County and Alexander have negotiated a proposed Comprehensive Agreement for the development of the Laurel Hill Adaptive Reuse Area.

In 2012, the Board approved a Comprehensive Plan amendment that reflected the recommendations of the Master Plan. On June 3, 2014, the Board approved RZ 2012-MV-008 to implement these recommendations.

At the June 3, 2014 public hearing for the Comprehensive Agreement, the Board requested that staff evaluate Alexander's demolition and abatement budget numbers to ensure that the salvage value of recyclable materials was being factored into the budget.

Southway Builders provided demolition and abatement estimates for Phase I activities within the future residential buildings (Reformatory dorms and workshops) and the Power Plant. Salvageable materials from Phase I buildings include bathroom and electrical piping, metal screens on windows (2 buildings), and the Power Plant infrastructure. The contractor determined that there is marginal salvageable value within the residential portions (dorms and workshops) of Phase 1, given the high level of reuse of the limited salvageable material in those areas. The value of salvageable materials in the dining hall is estimated to be \$8,000. Demolition and abatement for the Power Plant is estimated at \$259,000. The value of salvageable materials in the Power Plant is estimated to be \$35,000.

Estimates for salvageable materials in the Chapel cannot be quantified until the developer completes the asbestos abatement and can determine the extent of material contamination.

Southway Builders provided demolition and abatement estimates for Phase II activities in the Penitentiary cell blocks and dining hall. Demolition and abatement is estimated at \$607,000. Salvageable materials from Phase II buildings include the prison cell blocks, window screens, and infrastructure (pipes and wiring). The value of salvageable materials is estimated to be \$86,000.

In summary, salvage values were incorporated in the total demolition and abatement estimates and reflected as savings in the total estimate. Worth noting is the fact that historic preservation tax credits require the reuse of the majority of the buildings and many building components, including hundreds of steel sash windows, will be retained and reused as part of the development.

#### Summary of the Comprehensive Agreement:

The Comprehensive Agreement will include: (i) the Master Development Agreement, which will govern the development and construction of the Laurel Hill Adaptive Reuse Area including construction of new townhome and single-family detached homes as well as

construction of new retail facilities (“New Construction”); (ii) a form of Ground Lease for the Laurel Hill Adaptive Reuse Area, between an affiliate owned and managed by Alexander, as tenant, and the County, as landlord; (iii) a form of deed conveying to Elm Street (or its affiliate) the property on which the New Construction will be located (the portion of Adaptive Reuse Area on which the New Construction is anticipated is referred to herein as the “New Construction Area”); and (iv) a construction easement for the New Construction to permit Elm Street to begin construction of the infrastructure improvements prior to the conveyance of the property by deed.

Each of the agreements that comprise the Comprehensive Agreement addresses various legal components of the development, ownership and use of Laurel Hill, and is summarized herein:

The Master Development Agreement:

The Master Development Agreement will govern the phasing, development and construction of the Laurel Hill Adaptive Reuse Area including the New Construction and describes the responsibilities of Alexander, Elm Street and the County. The developer of the property will be a combination of a special purpose entity owned and controlled by Alexander (“Alexander Developer”) and a special purpose entity owned and controlled by Elm Street (“Elm Street Developer”). Alexander Developer and Elm Street Developer are collectively referred to as the “Developer.” The development and construction of the Laurel Hill Adaptive Reuse Area including the Laurel Hill New Construction is collectively referred to as the “Project.” Generally, Elm Street Developer will be responsible for the development and construction of the infrastructure improvements on the entire Project and for the development and construction of all of the New Construction, and Alexander Developer will be responsible for the development and construction of the adaptive reuse buildings in Laurel Hill Adaptive Reuse Area and all aspects related to the adaptive reuse nature of the Project. The important provisions of the Master Development Agreement are summarized as follows:

- Phasing.

The development of the Project is broken into two phases. The first phase of the Project (“Phase I”) consists of (i) construction of the infrastructure improvements necessary for the rehabilitation and refurbishment of the reformatory buildings, Chapel and Power Plant, (ii) construction of certain infrastructure improvements in the New Construction Area, (iii) rehabilitation and refurbishment of the reformatory buildings into multi-family residential buildings for both market rate and affordable dwelling units in the Laurel Hill Adaptive Reuse Area, (iv) rehabilitation and refurbishment of the Chapel to a “warm-lit” shell for an interim use such as storage facilities during



construction of the Project, (v) rehabilitation and refurbishment of the Power Plant to a “warm-lit” shell for an interim use such as storage facilities during construction of the Project, and (vi) development and construction of approximately 107 for-sale market rate residential units in the New Construction Area. Phase I is scheduled to commence in October 2014, but may be delayed for up to an additional one year. The adaptive reuse in the Laurel Hill Adaptive Reuse Area in Phase I is scheduled to be completed by the spring of 2016. The infrastructure improvements for the Laurel Hill New Construction Area in Phase I are scheduled to be completed in the spring of 2016. The completion of the for-sale market rate residential units will be determined generally as market conditions dictate, with an outside scheduled delivery date on the last of such units to be in October 2020.

The second phase of the Project (“Phase II”) consists of (i) construction of the infrastructure improvements necessary for the rehabilitation and refurbishment of the penitentiary buildings and dining hall in the Laurel Hill Adaptive Reuse Area, (ii) construction of certain infrastructure improvements in the New Construction Area, (iii) rehabilitation and refurbishment of the penitentiary buildings in the Laurel Hill Adaptive Reuse Area to a “warm-lit” shell for an interim use such as storage facilities during construction of the Project, (iv) rehabilitation and refurbishment of the walls and towers in the Laurel Hill Adaptive Reuse Area, (v) rehabilitation and refurbishment of the guard quarters in the New Construction Area, (vi) development and construction of approximately 74 for-sale market rate residential units in the New Construction Area, and (vii) development and construction of for-rent commercial buildings in the New Construction Area. Phase II is scheduled to commence in October 2016. The portions of Phase II which involve adaptive reuse in the Laurel Hill Adaptive Reuse Area are scheduled to be completed by October, 2022. The completion of the for-sale market rate residential units will be determined generally as market conditions dictate, with an outside scheduled delivery date on the last of such units to be in October 2022. The for-rent commercial buildings completion date will be determined based on successful leasing of the space.

For any of the Laurel Hill Adaptive Reuse Area buildings to be rehabilitated to a “warm-lit” shell for interim use, upon the leasing (or sale, as identified in the “Ownership and Conveyance” section below) of such buildings for commercial uses, the buildings will be adapted from the “warm-lit” shell to the intended use for each building. As market conditions will govern the leasing of those buildings, their final conversion is not contemplated by the Project schedule. See “Ownership and Conveyance” below for more details.

- Requirements to Close on each Phase of the Project.

The Project schedule sets forth the Closing for each Phase I and Phase II (each, a “Phase”). Phase I is scheduled to Close in October, 2014. Phase II is scheduled to

Close in October, 2016. Closing may be delayed up to one year (excluding incidences of “force majeure”) in the event that the requirements for Closing have not yet occurred.

The Closing on each Phase of the Project shall occur after Developer has obtained (i) all required land use and zoning approvals from the County, (ii) all required approvals from the Virginia Department of Historic Resource (“VDHR”) and the National Park Service (“NPS”) to obtain the historic tax credit awards for each Phase necessary for Developer’s financing of the Project, (iii) approval from the Architectural Review Board for each Phase that is consistent with the approvals of VDHR and NPS to the extent necessary to obtain the historic tax credit awards, (iv) other equity or debt financing necessary to achieve substantial completion of each Phase of the Project, and (v) County approval of its portion of the financing of each Phase of the Project.

In the event that any approval from the ARB would result in either a material increase in costs to the Project or a change to the award of historic tax credits for either Phase of the Project, Developer may request additional financing from the County and the County and Developer will have to agree on modifications to the budget for the Project before Closing occurs.

Developer’s financing plan may also include low-income housing tax credits (“LIHTCs”). In the event LIHTCs are included, the fiscal impact to the County will change as described in Fiscal Impact of Master Development Agreement below.

As part of Developer’s financing, Developer shall obtain payment and performance bonds for the completion of each of the adaptive reuse buildings and structures being rehabilitated and refurbished in each Phase of the Project. Additionally, Developer shall be required to provide bonds for completion of the infrastructure improvements for each Phase prior to entering into a Closing on such Phase.

- Ownership and Conveyance.

Ownership of the Project is generally separated into 4 different types of ownership. The reformatory buildings will be conveyed to Alexander, or an affiliate of Alexander, by long term ground lease with the County remaining as the fee owner (as further described in Ground Lease section below). All of the for-sale market residential units will be conveyed to Elm Street, or an affiliate of Elm Street, by deed (as further described in Deed section below). The penitentiary buildings, Chapel and Power Plant and for-rent commercial buildings will all initially be conveyed by long-term ground

lease with the County remaining as the fee owner, provided however, that in certain circumstances (described below), one or more of the foregoing buildings could be conveyed by deed to Developer or an affiliate of Developer. Lastly, the guard quarters will be conveyed as a ground lease to Developer or an affiliate of Developer and upon completion of the infrastructure improvements and the adaptive reuse rehabilitation and reformation, Developer will have a right to have the property conveyed to it in fee. The final intended use of the guard quarters is as a condominium building with multiple residential units which will be for-sale at market rates. In order to ensure that the adaptive reuse of the guard quarters complies with the requirements of VDHR and NPS for historic tax credits, the County will hold a ground lease until completion.

With respect to all other buildings which are a part of the Laurel Hill Adaptive Reuse Area (other than the reformatory buildings), depending on market conditions, Developer may request, in order to make any such building more marketable, that the County convey such building to Developer in fee, to be further conveyed in fee to the end user of such building. Except with respect to the penitentiary buildings and the Power Plant, the County may or may not consent to such conveyance by deed, in its sole discretion.

For the penitentiary buildings and the Power Plant, Developer agrees in the Master Development Agreement to undertake certain minimum marketing obligations for those buildings in order to lease them at market rental terms for commercial uses. If Developer undertakes such marketing efforts and is unable to successfully find a tenant willing to lease the penitentiary buildings or the Power Plant within thirty (30) months (or in certain instances described in the Master Development Agreement, within forty-two (42) months), Developer may elect, at its own risk and expense, to undertake the design and permitting for such buildings as for-sale residential units. Upon completion of permitting of such buildings for residential units, the County shall convey such buildings by deed to Developer.

- Developer Covenants and Completion Guarantees.

The Master Development Agreement provides two additional mechanisms that were negotiated to make Developer accountable for completion of any Phase for which a Closing has occurred. First, the Master Development Agreement provides that, as a general matter, the Developer shall invest its money in the infrastructure improvements on the Property on a dollar-for-dollar basis with the County. The purpose of this provision is to prevent Developer from spending County funds first without having any "skin in the game." In the event Developer is not investing its own funds at the times required in the Budget, the County has the right to withhold any funds the County is required to pay until such time as Developer has "caught up" to its dollar-for-dollar obligation.

Second, the County has required that each Alexander Developer and Elm Street Developer provide affiliated entities with sufficient resources to act as guarantors and enter into payment and performance guarantees for the work on any Phase for which a Closing has occurred. Each of their guarantors have to maintain certain financial covenants, which will be periodically reviewed by the County for compliance, to make sure that they have the financial resources to complete their respective portion of any Phase in the event that Alexander Developer or Elm Street Developer (as applicable) is unable or unwilling to complete.

- Defaults and Remedies.

If changes occur to the budget or other material factors change before a Closing of a Phase, the County and Developer can mutually agree to terminate the Master Development Agreement. If a termination occurs hereunder, the County shall pay to Developer up to \$700,000 in expenses actually incurred in connection with obtaining the development approvals for the Project, as originally provided in the Interim Agreement.

If a default occurs by Developer before the Closing of a Phase and Developer does not cure such default within the applicable cure period, the County may terminate Developer's right to develop and construct such Phase (and any future Phases which have not yet closed), provided however, in the event a Closing has occurred on a previous Phase and the default does not relate to that previous Phase, the County may not terminate the Master Development Agreement with respect to the Phase for which such Closing has occurred. If the County terminates as provided in this paragraph, Developer shall be responsible to reimburse the County any amount of the County's share of costs actually expended by Developer prior to such termination.

After Closing, if Developer defaults on a Phase and the default is not cured within the applicable cure period, the County shall have the right to terminate the Master Development Agreement with respect to such Phase where the default occurred (and any future Phases where a Closing has not yet occurred) and Developer shall forfeit any amounts expended by Developer in connection with such Phase.

Notwithstanding the preceding paragraph, if a default occurs by either Alexander Developer or Elm Street Developer (but not both), and the non-defaulting party of Developer elects to continue with the Project, the County may not terminate the Master Development Agreement if the non-defaulting party of Developer cures the defaulting party's default and elects to and is capable of completing the portion of the

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Phase for which the defaulting party was responsible. In this event, the County may terminate the defaulting party, provided however, the non-defaulting party of Developer will be given up to an additional 12 months to find a new partner to replace the defaulting party that is capable of completing such defaulting party's portion of the Phase of the Project. Additionally, any leasehold mortgagee under a ground lease will have certain cure rights (as those rights will be set forth in such ground lease).

In addition to termination of the Developer (or a defaulting party of Developer), the County may exercise any and all rights it has under the payment and performance bonds required to be obtained by Developer for the Project. The County has also required that Alexander Developer and Elm Street Developer each provide a parent or subsidiary (which has been approved by the County) to execute a payment and performance guaranty for the Project. Each of these foregoing remedies is cumulative and not exclusive.

- Fiscal Impact of Master Development Agreement.

The Board-approved Master Plan estimated the financial gap of the project to be between \$9-\$13 million. The County contribution stands at \$12,765,000. The Developer has delivered a budget ("Budget") for the development and construction of the Project. The Budget contains two scenarios: (i) Developer obtains 4% LIHTCs for the Project ("4% Scenario"); and (ii) Developer obtains 9% LIHTCs for the Project ("9% Scenario"). The current expectation of the Developer is that financing will be pursued under the 4% Scenario, under which the County's fixed price contribution for the County's share of infrastructure of the Project will be \$12,765,000. The County's costs are spread over four years in the following amounts: \$5,000,000 in 2015; \$3,050,000 in FY 2016; \$2,900,000 in FY 2017; and \$1,815,000 in FY 2018. Based on the specific infrastructure improvement a number of funding sources have been identified, including Transportation, Wastewater, Stormwater and the General Fund. The County's \$12,765,000 total infrastructure contribution is allocated as follows: various Transportation funds (\$5,715,000), General Fund (\$4,475,000), Stormwater (\$1,925,000), and Wastewater (\$650,000). The County is recommending the initial \$5,000,000 be included as part of the FY 2014 Carryover package as follows: General Fund (\$2,600,000), Transportation funds (\$1,300,000), Stormwater funds (\$750,000), and Wastewater funds (\$350,000). The Developer does not currently intend to pursue the 9% Scenario because of the uncertainty associated with such tax credits and the fact that commencement of construction of Project would be delayed by about one year until October 2015 because the Developer would not learn if it will be successful in obtaining tax credits until June 2015. If, however, the Developer is unable to close on its financing until next year and it applies for and receives the 9% LIHTC, the County's fixed price share of infrastructure improvements would be reduced to

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a total of \$11,908,000. The County consultant, Alvarez and Marsal Real Estate Advisory Services ("Consultant") has thoroughly reviewed the entire budget for the project and the County's cost for infrastructure improvements and determined that expenses are reasonable and appropriate. The Consultant also determined that the Developer's market assumptions, proposed expenses, and profits are also reasonable and appropriate. The County is currently responsible for ongoing maintenance and security at the site. Security is estimated at about \$2.1 million over the next ten years. The County is also required, pursuant to the 2001 Memorandum of Agreement between the County, the U.S. General Services Administration and other stakeholders to maintain the historic site and buildings. That maintenance cost is estimated by Alexander to be about \$8.6 million over a ten year period. Failure to reach an agreement with the developer will require immediate County actions for building stabilization, repair, and maintenance and allows the developer to make a claim against the County of \$700,000, pursuant to the Interim Agreement. The total cost to the County of this claim, along with ongoing site maintenance and security responsibilities, is estimated to be a total of \$11.4 million over a ten year period.

The adaptive reuse project is an opportunity to activate County-owned property and make it income-producing with uses that are endorsed by the Comprehensive Plan and the community.

Ground Lease:

For the reformatory buildings, penitentiary buildings, Power Plant and Chapel (and for the guard quarters until conditions have been met to deed the Property to Developer (see "Master Development Agreement" section above)), the County will enter into separate ground leases for the different buildings (each being a "Ground Lease"). The penitentiary buildings, Power Plant and Chapel are anticipated to be conveyed to an affiliate of Developer by one or more Ground Leases, although they may be transferred to Developer in fee by a Deed if it is determined by the County that so doing will enhance the ability to market and develop those properties (see "Master Development Agreement" section above). The tenant ("Tenant") under each Ground Lease will likely be an entity comprised of an affiliate of Developer and a tax credit investor, although such entity has certain rights under the Ground Lease to assign its interest to an unaffiliated third party during the term.

The form of the Ground Lease for the reformatory buildings and all other buildings that are conveyed by ground lease to Tenant, will be for a term of ninety-nine (99) years. At the end of the term, the land and any improvements thereon will revert back to the County. The County will not charge rent for the Property, it being the intention of the County that the residential and retail improvements on the Property will be a benefit to the County as part of the Master Plan for the Property.

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Tenant will be solely responsible for all operation, management, maintenance, repairs and replacements for the Property and all of the improvements thereon leased under a Ground Lease, including without limitation, the obligation to pay real property taxes and any personal property taxes associated therewith. Additionally, Tenant will be responsible for maintaining all insurance on the Property and for any repair, replacement or restoration of any of the improvements on the Property in the event of a casualty. However, due to the historic nature of the buildings on the Property and the restrictive covenants on the Property regarding its historic nature, the ability to rebuild may be limited. If Tenant is unable to rebuild any improvements as a result of the restrictive covenants on the Property, the County, as landlord, may either elect to work with Tenant, at Tenant's cost (subject to insurance proceeds being available) to try and remove the restrictive covenants so that some or all of the improvements can be rebuilt or to have the improvements that were subject to the casualty demolished and removed from the Property and return the Property to "green space". In the latter event, to the extent that insurance proceeds remain after the demolition and removal of the irreparable improvements and payments of any outstanding debt to any mortgagee, all remaining insurance proceeds will be paid to the County in consideration for the loss of its interest in the demolished leasehold improvements.

In connection with the zoning of the Property and the proffers associated therewith, Tenant will be responsible for maintaining at least 44 affordable dwelling units in the reformatory buildings during the term of the Ground Lease and Tenant covenants to comply with the Zoning Ordinance of Fairfax County related to the affordable dwelling units during the term.

If Tenant fails to comply with any provision of the Ground Lease, the County will send notice to Tenant (and its mortgagee) to cure any breaches of the Lease. The Lease provides cure periods for Tenant to cure any breach of the Lease and thereafter provides its mortgagee (and any tax investor) an opportunity to step in and cure such breach by Tenant or replace Tenant, if necessary, under the Lease. If no party elects to cure such breach, the County may, but is not obligated to, cure such breach at Tenant's cost and expense or terminate the Lease and exercise any other remedies the County deems necessary which are available at law or in equity.

Deed:

For any portion of the Property that is being conveyed to Developer in fee (see the "Ownership and Conveyance" section above of the Master Development Agreement description), the Master Development Agreement contains as an exhibit a form of deed ("Deed"). The Deed from the County is without warranty of any kind. The Deed conveying the Property to be conveyed under the Master Development Agreement

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subjects the new owner (i.e. Developer) to comply with all existing restrictions on the Property, including without limitation all of the restrictions related to the historic nature of the Property.

Additionally, in order to ensure that the County is getting the benefit of what it bargained for in the Master Development Agreement, the Deed contains a “right of reversion”, which in this instance, means that if Developer does not commence or complete the infrastructure improvements within certain time periods set forth in the Master Development Agreement, the portion of the Property that Developer received by Deed for which the infrastructure improvements were not completed will go back to the County as the fee owner. If Developer does complete the infrastructure improvements, the right of reversion goes away and the Deed (and the portion of the Property related to the Deed) will remain the property of Developer.

Easement:

The Temporary Construction and Access Easement Agreement (“Easement”) is to provide Developer access to a portion of Phase I of the Project at Closing of the Phase, but prior to delivery of a Deed for the New Construction Area portion of Phase I. The purpose of the Easement is to allow Developer to commence construction of certain infrastructure improvements in the New Construction Area of Phase I. Upon completion of such infrastructure improvements, the Phase I portion of the New Construction Area will be conveyed by Deed to Developer in accordance with the Master Development Agreement. Under the Easement, Developer will be required to maintain the same insurance required for construction as it will under the Master Development Agreement for the Property covered by the Easement during construction and to indemnify the County for claims of any costs, expenses, damages, losses or liens against the County or the Project under the same terms and conditions as set forth in the Master Development Agreement.

FISCAL IMPACT:

The County’s fixed price contribution for the County’s share of infrastructure of the Project will be \$12,765,000. The County’s costs are spread over four years in the following amounts: \$5,000,000 in 2015; \$3,050,000 in FY 2016; \$2,900,000 in FY 2017; and \$1,815,000 in FY 2018. Based on the specific infrastructure improvements, a number of funding sources have been identified, including Transportation, Wastewater, Stormwater and the General Fund. The County’s \$12,765,000 total infrastructure contribution is allocated as follows: various Transportation funds (\$5,715,000), General Fund (\$4,475,000), Stormwater (\$1,925,000), and Wastewater (\$650,000). The County is including the initial \$5,000,000 as part of the FY 2014 Carryover package as follows: General Fund (\$2,600,000), Transportation funds (\$1,300,000), Stormwater funds (\$750,000), and Wastewater funds (\$350,000).



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ENCLOSED DOCUMENTS:

Attachment I: Comprehensive Agreement – available online at:  
<http://www.fairfaxcounty.gov/dpsm/solic2.htm#ppea>); Hard copies for Board members

STAFF:

Robert A. Stalzer, Deputy County Executive  
Joe LaHait, Debt Coordinator, Department of Management and Budget  
Fred Selden, Director, Department of Planning and Zoning  
Chris Caperton, Laurel Hill Project Coordinator, Department of Planning and Zoning  
Cathy Muse, Director of Purchasing and Supply Management  
Alan Weiss, Assistant County Attorney

ACTION - 8

Approval of the Department of Transportation's (FCDOT) Service Equity Analysis for Fairfax Connector Silver Line Phase 1 Service Changes

ISSUE:

Board of Supervisors approval of the Service Equity Analysis of the proposed Fairfax County Silver Line Phase 1 Service Changes.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve FCDOT's Service Equity Analysis, in substantial form of the attached document, for the proposed Fairfax Connector Silver Line Phase 1 Service Changes. All Silver Line Phase 1 Service Changes have passed the analysis.

TIMING:

The Board of Supervisors is requested to act on this item on July 29, 2014, so that Fairfax County will remain Title VI compliant.

BACKGROUND:

Recipients of federal financial assistance (e.g., states, local governments, transit providers) are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the United States Department of Transportation's (USDOT) implementing regulations. Recipients must maintain a valid Title VI Plan that demonstrates how the recipient is complying with Title VI requirements, including prohibiting discrimination on the basis of race, color, or national origin.

The Board of Supervisors approved the County's Title VI Program on July 1, 2014. The Title VI Plan prohibits discrimination on the basis of race, color, or national origin. Although not directly prohibited by Title VI, preventing discrimination on the basis of economic status is also a Title VI Plan requirement [See Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, signed by President Clinton on February 11, 1994].

As part of the Title VI Program, the Board separately approved a Major Service Change, Disparate Impact, and Disproportionate Burden policy on April 29, 2014. The Major Service Change, Disparate Impact, and Disproportionate Burden policy requires additional Board approval of a Service Equity Analysis for any proposed major service changes. FCDOT's analysis of the proposed service changes is included in Attachment I: Service Equity Analysis – Silver Line Phase 1 Service Changes.

The analysis identified potential disparate impacts for minority populations along six routes. Each of those potential impacts was mitigated, as required by Federal Transit Administration (FTA) Circular 4702.1B. The potential impacts were as follows:

- Two of the potential disparate impacts include proposed new routes that will provide service in minority areas, but not at the expense of existing services in other minority areas.
- One of the potential disparate impacts involves the elimination of midday service, due to low ridership, on one route. Despite the elimination of midday service, two other routes that partially travel the same alignment will adequately serve the area impacted.
- Additional potential disparate impacts involve two routes that will have a new terminus and improved headways for weekday midday and evening services. The improved headways are a net benefit to the overall system, and a third route will provide alternate service on the section of the routes that are abandoned.
- A final potential disparate impact involves proposed longer headways for the morning and evening peak periods on one route. To offset the headway increases, a bus-to-bus transfer at the Herndon-Monroe Park-and-Ride lot will be eliminated, thereby reducing travel times.

FISCAL IMPACT:

The result of this service equity analysis is that Fairfax County remains in compliance with Title VI, which allows Fairfax County to be eligible to receive future FTA grant and other USDOT funding, including Transportation Infrastructure Finance and Innovation Act (TIFIA) funding for the Silver Line. TIFIA funding is approximately \$403 million.

ENCLOSED DOCUMENTS:

Attachment I: Service Equity Analysis – Silver Line Phase 1 Service Changes

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT  
Randy White, Countywide Transit Services Coordinator, FCDOT  
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT  
Brent Riddle, Coordination and Funding Division, FCDOT  
Patricia McCay, Assistant County Attorney

**Fairfax Connector Title VI Service Equity Analysis of Bus  
Service Changes Related to the Opening of Phase 1 of the  
Metrorail Silver Line**

**July 29, 2014**

**Prepared by  
Fairfax County Department of Transportation**

## **Fairfax Connector Title VI Service Equity Analysis of Bus Service Changes Related to the Opening of Phase 1 of the Metrorail Silver Line**

### **INTRODUCTION**

This service equity analysis was conducted in accordance with Federal Transit Administration (FTA) Circular 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The Circular, developed in accordance with Title VI of the Civil Rights Act of 1964, requires any transit operator with at least 50 vehicles in peak service to conduct a service equity analysis of any proposed major service change to determine whether it may have a discriminatory impact on Title VI protected minority populations or on low-income populations. The requirement applies to any and all service changes that meet the threshold, including elimination of routes, creation of new routes, or modification to alignments, headways, or span of service of existing routes. The Fairfax County Department of Transportation (FCDOT) has undertaken an evaluation of the proposed changes to Fairfax Connector bus services related to the implementation of the Washington Metropolitan Area Transit Authority's (WMATA) Silver Line Metrorail extension.

The analysis is to be completed and approved by the operator's governing board during the planning stage, and will be submitted to FTA as a part of the Title VI Program update submission. In summary, the FTA Circular states that the analysis should include:

- A statement of the agency's "disparate impact" and "disproportionate burden" policies and how the public was engaged in developing the policies.
- A clear explanation of how the proposed service changes meets or exceed the operator's Major Service Change Policy.
- A description of the public engagement process for setting the major service change policy.
- Inclusion of a copy of the operator's Board of Directors meeting minutes or a resolution demonstrating the Board's consideration, awareness, and approval of the major service change policy.
- An analysis that takes into effect any adverse effects related to a major service change. Demonstration that the operator has analyzed service between the existing and proposed service, and have considered the degree of adverse effects when planning service changes.
- Description of data and methodology used in service equity analysis.
- Overlay maps and tables showing how the proposed service changes would impact minority and low-income populations. If a disparate impact is found, the operator will clearly demonstrate substantial legitimate justification for the proposed service change and analysis of alternatives.



### Relevant Fairfax County Title VI Program Elements

The FTA Circular requires that FCDOT establish policies for what constitutes a disparate impact and a disproportionate burden for use in service equity and fare equity analyses as well as what constitutes a major service change. FCDOT has used the following policies which were approved by the Fairfax County Board of Supervisors on April 29, 2014:

A **major service change** is a change (due to a reduction in service, route restructuring, or addition of service) of 25 percent or more of total daily revenue service hours or miles on an individual route basis.

A **disparate impact** occurs when the difference between the system wide percentage of minority riders and the percentage of minority riders affected by a proposed service change or fare change is 10 percent or greater.

A **disproportionate burden** occurs when the difference between the system-wide percentage of low-income riders and the percentage of low-income riders affected by a proposed service change or fare change is 10 percent or greater.

Related to the above policies, the following Adverse Effect policy was included in the Final Title VI Program approved by the Fairfax County Board of Supervisors on July 1, 2014:

An **adverse effect** occurs when the proposed service change meets any of the following criteria:

- New or Additional Service: if other service was eliminated to release resources to implement it;
- Headway Changes: if headway(s) increase by at least 20 percent;
- Alignment Changes: if at least 15 percent of the alignment is eliminated or modified;
- Span of Service Changes: if the span of service decreases by at least 10 percent; or
- Elimination of an entire route.

FCDOT measured the minority population living within one quarter mile of the route alignment and compared the percentage of minority population within that area to the percentage of minorities living in the entire service area to determine whether a service change will cause a disparate impact. Since this service equity analysis utilized population data (as opposed to ridership data), FCDOT used the service area average, which is 49.1 percent minority overall. The route modification triggered a finding of a disparate impact, if the minority population of a route was at least 10 percent greater than the minority population of the service area. For example, if a route is 60 percent minority prior to a proposed service change, then that route must be analyzed further to determine if the proposed change causes an adverse effect. If the proposed change causes an adverse effect, then FCDOT must avoid, minimize, or mitigate the impact of the change. FCDOT can only make the service change if substantial legitimate justification exists, and there are no alternatives for meeting the same legitimate objectives with a lower disparate impact.

FCDOT measured the percentage of low-income households within one quarter mile of the route alignment and compared it to the percentage of low-income households in the service area to determine whether a service change will cause a disproportionate burden. Since this service equity analysis utilized population data (as opposed to ridership data), FCDOT used the service area average, which is 25.7 percent low-income overall. The route modification will trigger a finding of a disproportionate burden if



the proportion of low-income households served by a route is at least 10 percent greater than the percentage of low-income households in the service area. For example, if a route is 39 percent low-income prior to a proposed service change, then that route must be analyzed further to determine if the proposed change causes an adverse effect. If the proposed change causes an adverse effect, then FCDOT must avoid, minimize, or mitigate the impact of the change where practical, and describe the alternatives available.

The major service change, disparate impact, and disproportionate burden policies were drafted collaboratively by FCDOT staff from the Transit Services and Coordination and Funding Divisions. A public comment period on the definition of a major service change and the thresholds for disparate impact and disproportionate burden was held from February 28 to March 30, 2014. The public comment period on the policies was advertised on the Fairfax Connector website, in social media (posts each week during the comment period to Fairfax Connector's Facebook page and Twitter feed), and through the ConnectorInfo email listserv. The proposed policies were posted to the Fairfax Connector website, along with a detailed description of the policies and how they will be used and a PowerPoint presentation that summarized the policies. Fairfax Connector also held two focus groups, co-hosted with the Office of Human Rights and Equity Programs, for invited community-based organizations to solicit feedback directly from community stakeholders serving minority, low-income, and limited English proficient populations. Members of the public were invited to provide public comment to FCDOT by U.S. Mail as well as by electronic mail.

## **Data and Methodology**

The service equity analysis was based on population data from the U.S. Decennial Census and the American Community Survey (ACS). In the future, FCDOT will be able to use ridership survey data for both individual route analysis and the overall comparative percentage of minority and low-income populations. On-board surveying on Fairfax Connector routes in the northern part of Fairfax County will not occur until after the Silver Line Metrorail extension opens in summer 2014.

For this analysis, FCDOT used 2010 U.S. Decennial Census race data at the Census Block level to determine the share of minority population within a quarter mile of each route and the overall system average. The system average (49.1 percent) was calculated as the share of minority population living within one quarter of a mile of the entire Fairfax Connector system. As stated previously, the overall comparative percentage of minority and non-minority will be based on ridership survey data in future analyses.

FCDOT used the definition for low-income households of any household below 50 percent of the area median income, or all households with an income of \$53,650 or less. This is the same definition used by the Fairfax County Department of Housing and Community Development. It is consistent with the U.S. Department of Housing and Urban Development's Fair Market Rents Income Limits for a family of four to be classified as "very low-income." Typically, a Service Equity Analysis is conducted with ridership data from route-level onboard surveys. As ridership data was unavailable at the time of this analysis, FCDOT used five-year estimates at the Census Tract level from the ACS 2007-2011 survey to determine the share of low-income households at the individual route level and for the service area average. FCDOT used Tract-level data rather than Block-level data for low-income households, because this was the lowest geographic level for which data was available. The system average of 25.7 percent was calculated as the proportion of low-income households living within one quarter of a mile of the entire Fairfax Connector system.



To carry out the service equity analysis, FCDOT first created a spreadsheet summarizing the current daily revenue hours and daily revenue miles for each current route in the system. FCDOT then calculated the percentage change in daily revenue hours and daily revenue miles between the current routes and the proposed changes for each route affected by the Silver Line Service Change Package. Any proposed service modification that resulted in an increase or decrease of 25 percent or more was categorized as a major service change. Any route change that would result in an elimination of service was also flagged as having an adverse effect, as were those routes that would experience adverse effect(s) based on proposed service reductions. The individual route analyses presented below were conducted on any route that would experience either a major service change or an adverse effect.

FCDOT then created a quarter mile buffer around each current Fairfax Connector route using Geographic Information Systems (GIS) and calculated the share of minority population from each Census Block within the buffered areas. Next, the share of low-income households in the portion of each Census Tract contained within each buffer was also calculated. The process was repeated for GIS routes representing Fairfax Connector routes *after* implementation of the Silver Line Service Change Package. The GIS analysis excluded segments on limited access highways where there were no passenger stops. Additionally, three other routes (Routes 595, 597, and 599) stop at a park-and-ride facility which serves as the sole stop within Fairfax County for those routes. The demographic information for these routes was pulled from a 4.5 mile buffer around the park-and-ride facility, in addition to the route buffer.<sup>1</sup> Finally, the demographic route information pulled for each route was compared to the service area average. The individual route analyses presented below were conducted on any route that would experience either a major service change or an adverse effect.

The analysis contained herein reports on demographics from the current or existing route pattern. For new service, demographics for the proposed service are reported. Route changes are classified as follows: eliminated service; alignment modification; alignment modification and additional service; alignment modification and headway modification; alignment modification, and additional service; headway modification; and, new service. The results from each individual route analysis are provided in detail in the following sections.

### **Description and Rationale for the Proposed Service Changes**

FCDOT created the Silver Line Service Change Package in response to the planned opening of Metrorail's Silver Line Phase 1 through Fairfax County. Figure 1 shows a map of the proposed service changes overlaid on the existing Fairfax Connector service. As the map illustrates, the Silver Line Service Change Package is designed to provide Fairfax County residents with additional Fairfax Connector feeder service to connect to new Silver Line Metrorail stations, as well as service to connect the existing Orange Line Metrorail stations and the new Silver Line stations. All four of the Silver Line stations in Tysons Corner were built without public parking, and Fairfax Connector service will provide access to the Silver Line for residents of nearby neighborhoods. FCDOT also proposes cutting a limited number of routes that will duplicate service to be provided by the Silver Line. FCDOT used the Silver Line Service Change Package as an opportunity to examine all north county routes and segments to rationalize segments where they could be streamlined and to increase both service frequency and span of service, where necessary.

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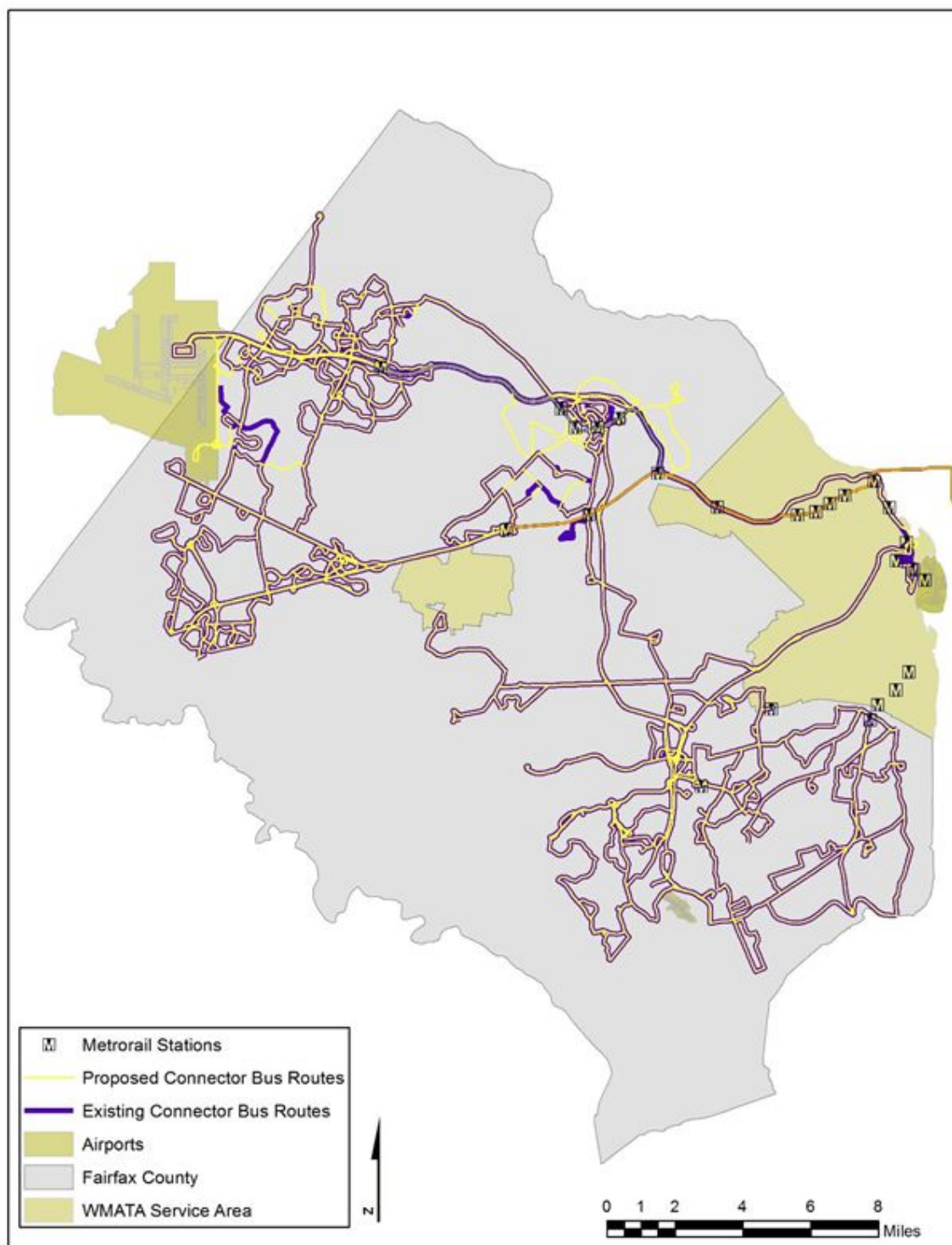
<sup>1</sup> 4.5 miles is the mean distance traveled to the Reston North Park-and-Ride facility, according to a license plate study conducted in 2008.





Overall, the Silver Line Service Change Package improves the existing north county Fairfax Connector routes and will help to provide frequent and timely access to the new Silver Line Metrorail stations.



**Figure 1 Fairfax County Proposed and Existing Bus Route Map**

## OVERALL FINDINGS

None of the 44 proposed service changes that trigger a major service change demonstrate a potential for a disproportionate burden on low-income households. The analysis found, however, that six routes potentially create a disparate impact on minorities. Those potential disparate impacts, and how they are mitigated, are described below.

- Two of the six routes are new routes. Route 928 is a new feeder service proposed to serve the Herndon-Monroe Park-and-Ride during weekday peak periods. The key to evaluating new service for disparate impact is to determine that new service is not being provided at expense of existing service that specifically serves minority riders. That is not the case with Route 928. This route also will serve an area that has a 10 percent greater minority population than the service area average. Thus, the implementation of this route will not create a disparate impact. Rather, this route will be a positive change for Fairfax Connector riders.
- Route 937 is the other new route that triggers a disparate impact. Route 937 is a feeder service proposed to provide weekday and weekend service to the Herndon-Monroe Park-and-Ride. The proposed service will provide predominantly minority neighborhoods to the north and south of the Herndon-Monroe Park-and-Ride with bus connections to Metrorail. Route 937 is not being provided at the expense of existing service that specifically serves minority riders. Thus, the implementation of this new service will be a positive change for Fairfax Connector riders.
- FCDOT proposed to eliminate midday service on Route 927 due to low ridership. Route 927 is 16.9 percent more minority than the service area average. The route currently operates on 30 minutes headways during peak and midday periods. The proposed route changes will preserve the peak headways and eliminate midday service. Route 937 and 950 will provide alternate service during the midday period, which will mitigate any impact on riders.
- There was also a finding of a disparate impact on Routes 401 and 402. The Silver Line Service Change Package proposes to modify the alignment and improve weekday off-peak headways on both routes. The plan calls for shifting the terminus on Route 401 from the Tysons West\*Park Transit Center to the Tysons Corner Metrorail Station to provide access to the new Silver Line. The weekday midday and evening headways will also be improved from every 30 minutes to every 20 minutes. The change in headways is an overall improvement to the benefit of riders. Route 423 will provide alternative service on the segment abandoned by the route alignment change to Route 401.
- Similar to Route 401, the Silver Line Service Change Package calls for modifying the terminus on Route 402 and improving weekday off-peak headways. The terminus will shift from the Tysons West\*Park Transit Center to the Tysons Corner Metrorail Station on the Silver Line. This will provide important feeder service to the Silver Line. Weekday midday and evening headways will also be improved from every 30 minutes to every 20 minutes. The increase in frequency will be a benefit to riders. Route 423 will provide alternative service on the segment abandoned by the route alignment change to Route 402.
- The Silver Line Service Change Package calls for increasing peak period headways on Route 924, from 24 minutes in the AM peak and 27 minutes in the PM peak to a consistent 30 minutes during both periods. Evening service on 30-minute headways will also be added. Another aspect of this



change is the elimination of a bus-to-bus transfer at the Herndon-Monroe Park-and-Ride through extending the route to the Wiehle-Reston East Metrorail Station. This will reduce customers' travel time and mitigate the headway increases.

Although the individual route level analysis found six routes where a major service change would potentially result in a disparate impact on minorities, FCDOT is able to provide sufficient justification for each service change, including the addition of service, and has identified alternative service available to supplement any service that is proposed for reduction or elimination.

## **SERVICE ANALYSIS BY ROUTE**

### **Overview**

FCDOT evaluated all 50 Fairfax Connector routes in the Silver Line Service Change Package to determine which proposed service changes would constitute a major service change. According to FCDOT's policy, if a service change of any kind to a route results in an increase or decrease of 25 percent or more of either total daily revenue service hours or miles on an individual route basis, then that service change is considered a major service change. Of the 50 routes evaluated in the plan, 44 are considered major service changes under FCDOT's Major Service Change Policy. Appendix 1 contains a table that lists all proposed route changes and how the Major Service Change Policy was applied.

Figure 2 provides an overview of the Fairfax Connector service area in relation to minority population and Fairfax Connector's current bus routes. It also shows how the Connector system is integrated with Metrorail lines and Metrobus routes.



Figure 2 Fairfax County Bus Route Map with Minority Population

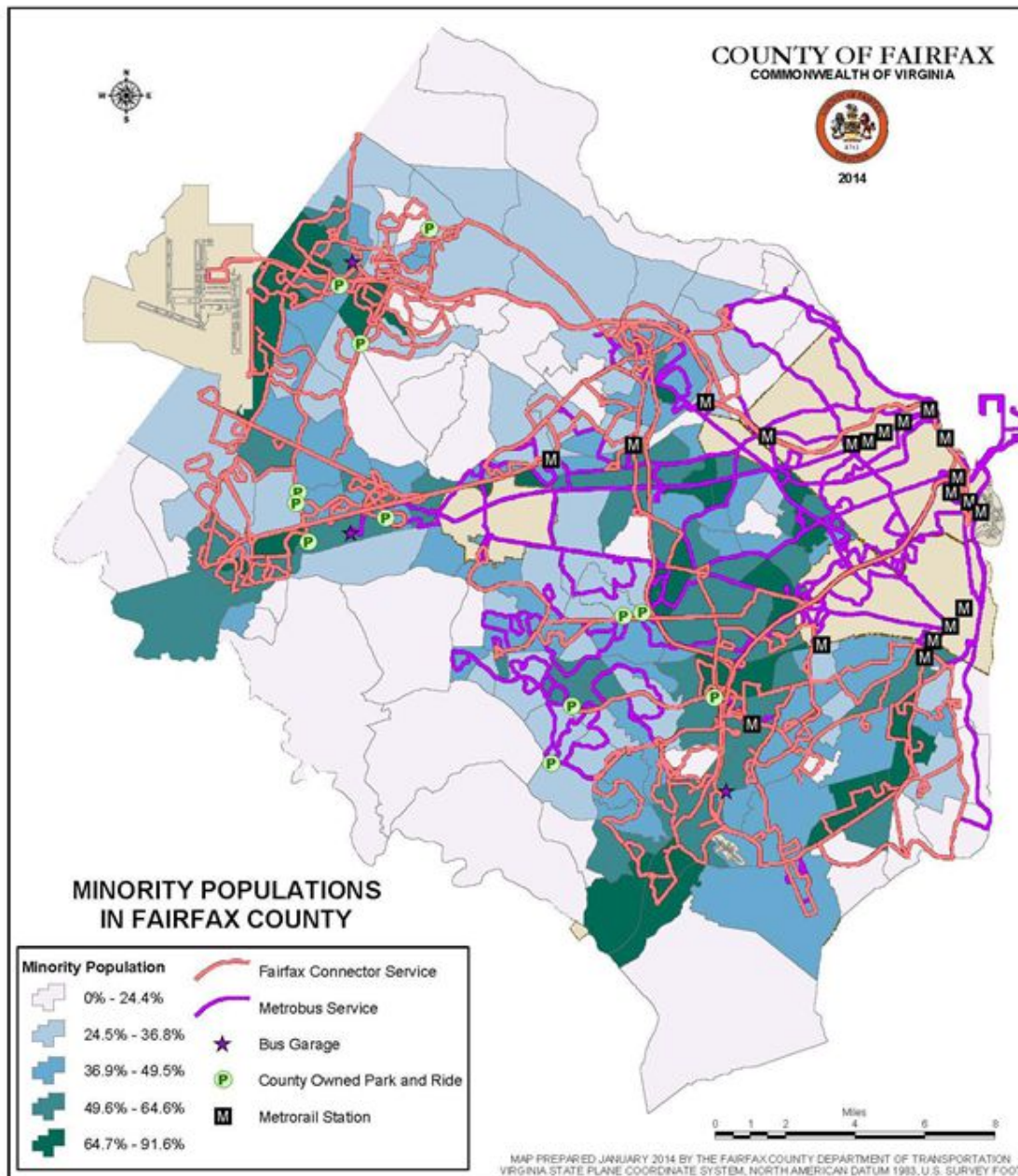
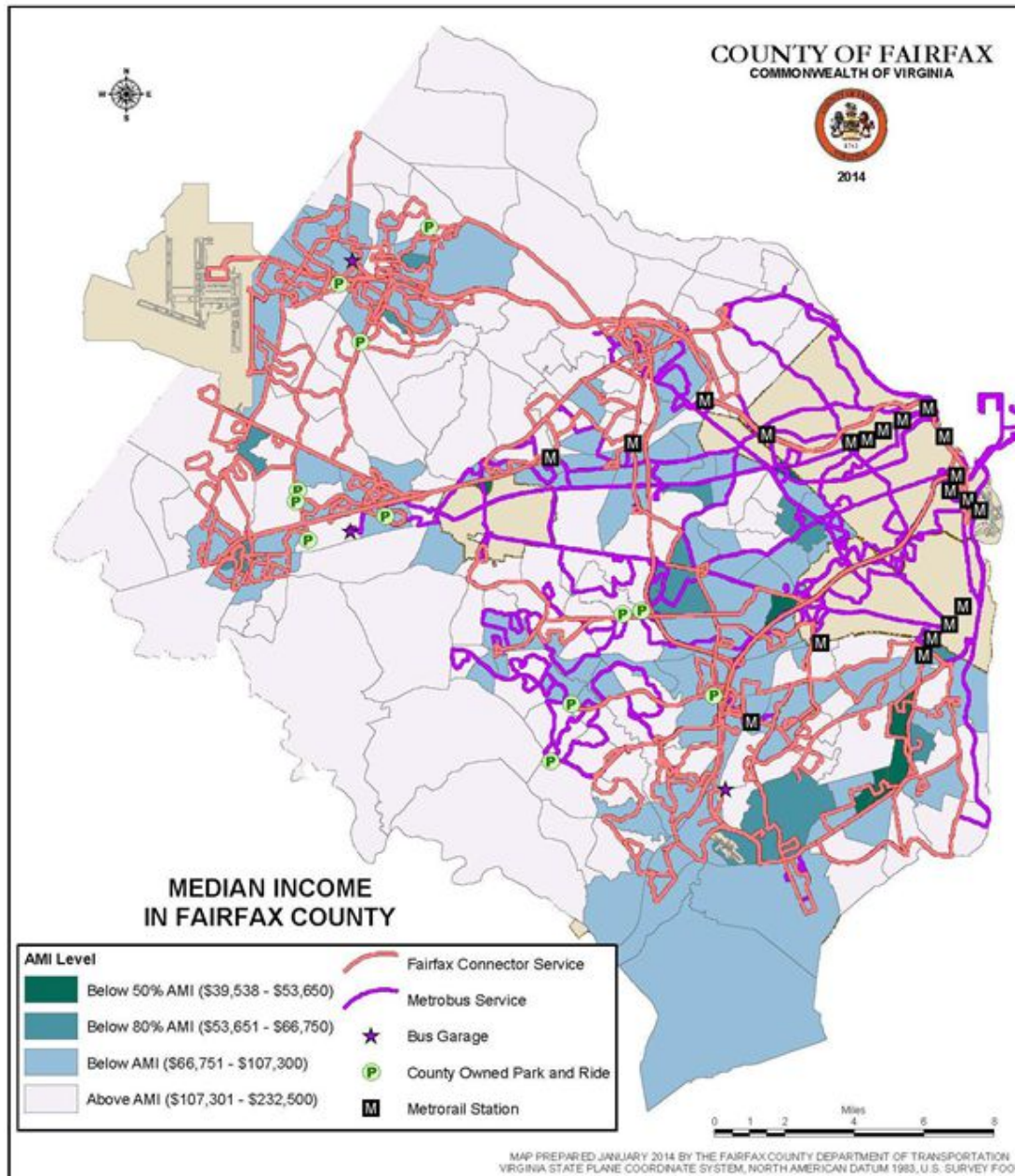


Figure 3 shows the Fairfax Connector system along with Metrorail and Metrobus within the Fairfax service area in relation to low-income households. In Figure 3, low-income Census Tracts, according to FCDOT's definition, are colored green. The Silver Line Service Change Package proposes service changes to the north county routes, which are the cluster of bus routes north and west of the Metrorail stations in Figure 2 and Figure 3. The new Metrorail Silver Line (not pictured) will extend north and west from the existing Metrorail system. Initially, this line will serve Tysons and Reston; the second phase will extend the line through Herndon to Dulles International Airport and eastern Loudoun County.

**Figure 3 Fairfax Connector County Bus Route Map with Low-Income Households**





The following sections examine each of the 44 routes that will experience a major service change. The routes are organized by the type(s) of change that have been proposed:

- Eliminated Service (7 routes)
- Alignment Modification (1 route)
- Alignment Modification and Additional Service (3 routes)
- Alignment Modification and Headway Modification (13 routes)
- Alignment Modification and Headway Modification and Additional Service (4 routes)
- New Service (16 routes)

Each route has been examined to determine whether or not the proposed service change creates a disparate impact and/or disproportionate burden. If such an impact is identified, then further justification for the service change is provided. Per FTA Circular 4702.1B, the analysis classifies the type of service and measures any potential impact on minority population and low-income households to determine if there is a disparate impact or disproportionate burden.

## Eliminated Service

### Overview

The FCDOT Silver Line Service Change Package proposed to eliminate service, either the span of service for a period of the day or the entire route, on seven routes. Service will be eliminated on four routes to avoid duplication of service, and on one route due to the closure of a temporary park-and-ride facility. One route will have midday service eliminated due to low ridership, while a second will have its current midday and afternoon service replaced by a new route with more frequent service.

The elimination of service, either the span of service for a period of the day or the entire route, constitutes a Major Service Change, according to the policies adopted by the Fairfax County Board of Supervisors. FTA Circular 4702.1B requires the performance and documentation of an analysis of any proposed service change that meets or exceeds the Major Service Change threshold.

Table 1 provides an overview of any potential disparate impact on minority population living in the vicinity from the routes proposed for elimination. The table shows the only disparate impact is on Route 927, which is proposed for a midday service reduction.

**Table 1 Service Elimination Disparate Impact**

Route	Minority Population	Route Population	Service Area Percent Minority	Route Percent Minority	Difference	Disparate Impact
425	3,130	7,820	49.1	40.0	-9.1	No
427	3,099	7,722	49.1	40.1	-9.0	No
555	3,815	9,056	49.1	42.1	-7.0	No
595	82,832	206,576	49.1	40.1	-9.0	No
597	82,832	206,576	49.1	40.1	-9.0	No
927	16,510	25,181	49.1	65.6	+16.5	Yes
981	6,168	14,039	49.1	43.9	-5.2	No



Table 2 shows the percentage of low-income households within one-quarter mile of the seven routes proposed for partial or total service elimination compared to the service area as a whole. None of the routes are more than 10 percent above the average percentage of low-income households in the service area. Therefore, the proposed changes to these routes will not result in a disproportionate burden on low-income households.

**Table 2 Service Elimination Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Service Area Percent Low-Income	Route Percent Low-Income	Difference	Disproportionate Burden
425	1,739	11,883	25.7	14.6	-11.1	No
427	1,735	11,623	25.7	14.9	-10.8	No
555	3,058	14,617	25.7	20.9	-4.8	No
595	12,587	85,286	25.7	14.8	-10.9	No
597	12,587	85,286	25.7	14.8	-10.9	No
927	2,396	14,892	25.7	16.1	-9.6	No
981	3,451	17,886	25.7	19.3	-6.4	No





### ***Individual Route Analyses***

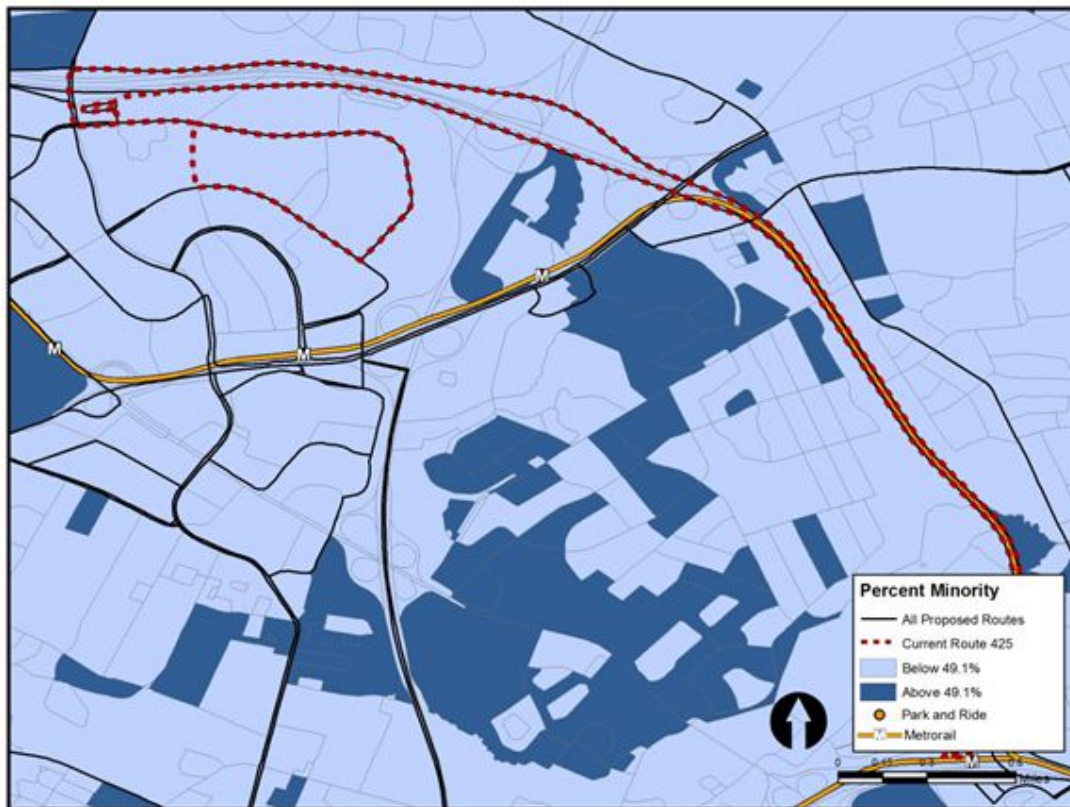
#### **Route 425**

Route 425 is proposed for elimination, because it would duplicate the proposed Routes 423 and 424, as well as Silver Line rail service. These two proposed bus routes and the Silver Line will provide alternative service for Route 425.

Route 425 currently serves a population which is 40.0 percent minority. This is 9.1 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, eliminating this service will not create a disparate impact.

Figure 4 shows the current route alignment in relation to predominantly minority Census Blocks.

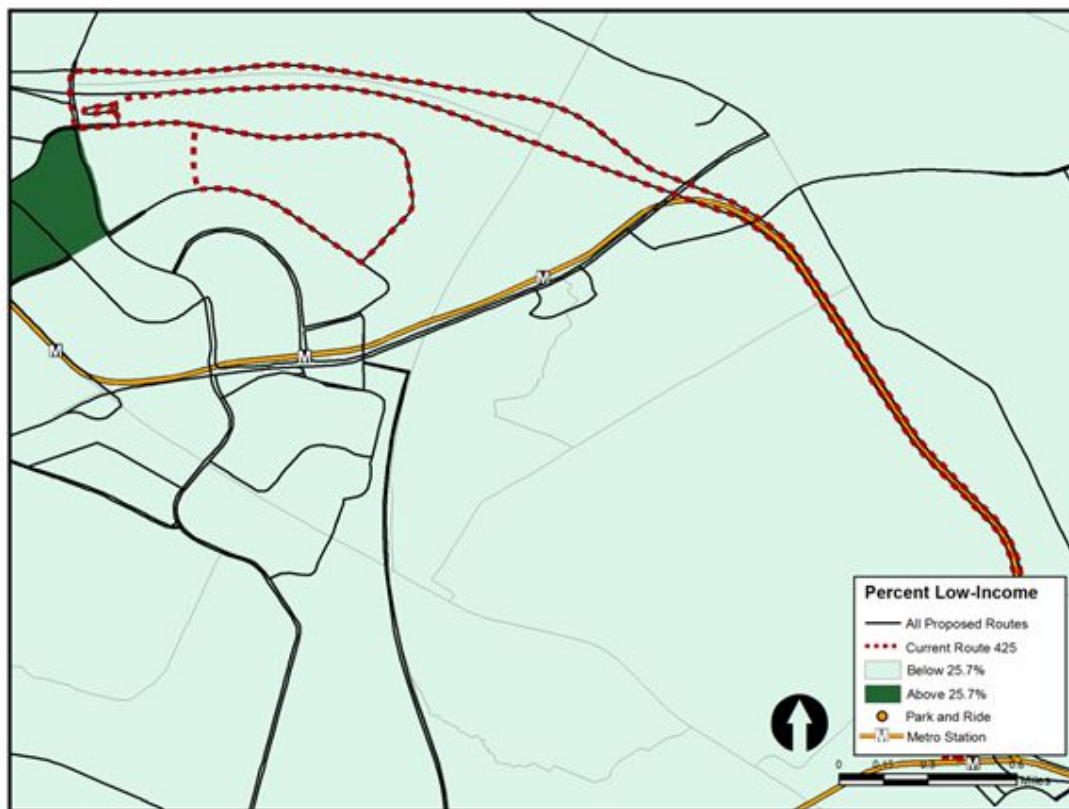
**Figure 4 Route 425 Minority Map**



The households within a quarter mile of Route 425 are 14.6 percent low-income. This is 11.1 percent less than the system-wide average of 25.7 percent low-income households. The difference in the percentage of route-level and system-wide low-income households served is less than the disproportionate burden threshold of 10 percent. Therefore, eliminating Route 425 will not create a disproportionate burden.

Figure 5 shows the proposed route alignment overlaid on a map of low-income Census Tracts.

**Figure 5 Route 425 Low-Income Map**



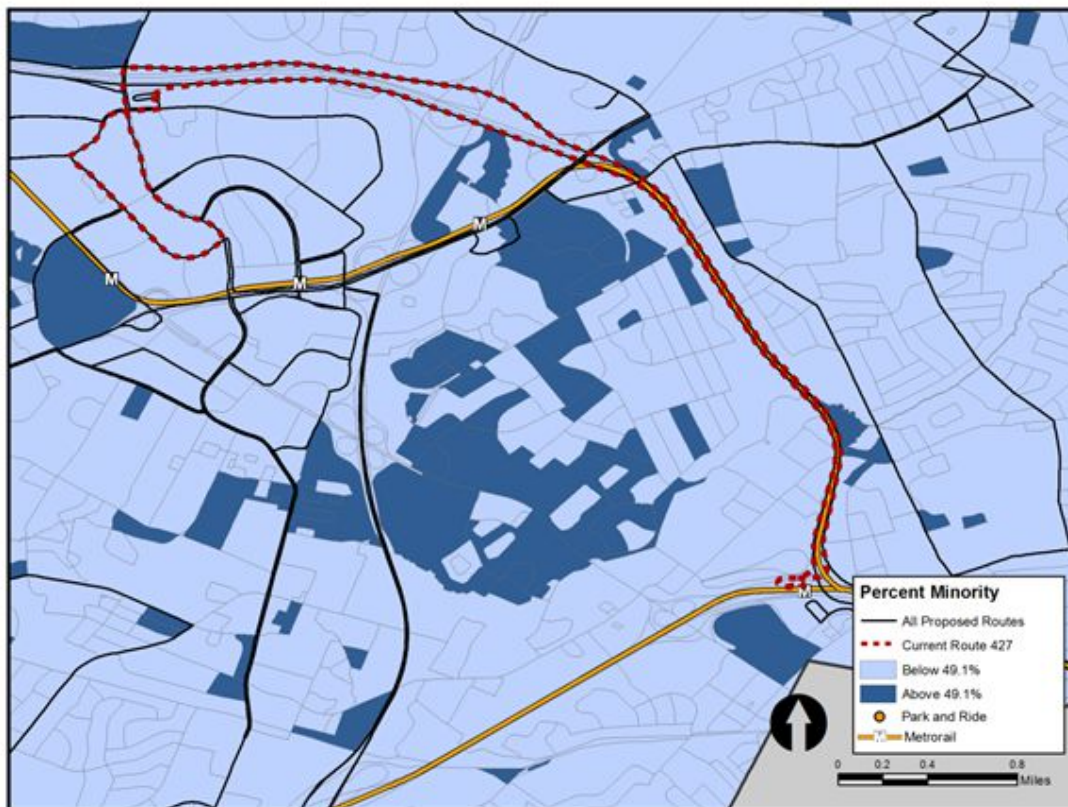
### Route 427

Route 427 is proposed for elimination, because it would duplicate the proposed Routes 423 and 424, as well as Silver Line rail service. These two proposed bus routes and the Silver Line will provide alternative service for Route 427.

Route 427 currently serves a population which is 40.1 percent minority. This is 9.0 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide minority percentages is less than the disparate impact threshold of 10 percent. Therefore, eliminating this route will not create a disparate impact.

Figure 6 shows the proposed route alignment in relation to predominantly minority Census Blocks.

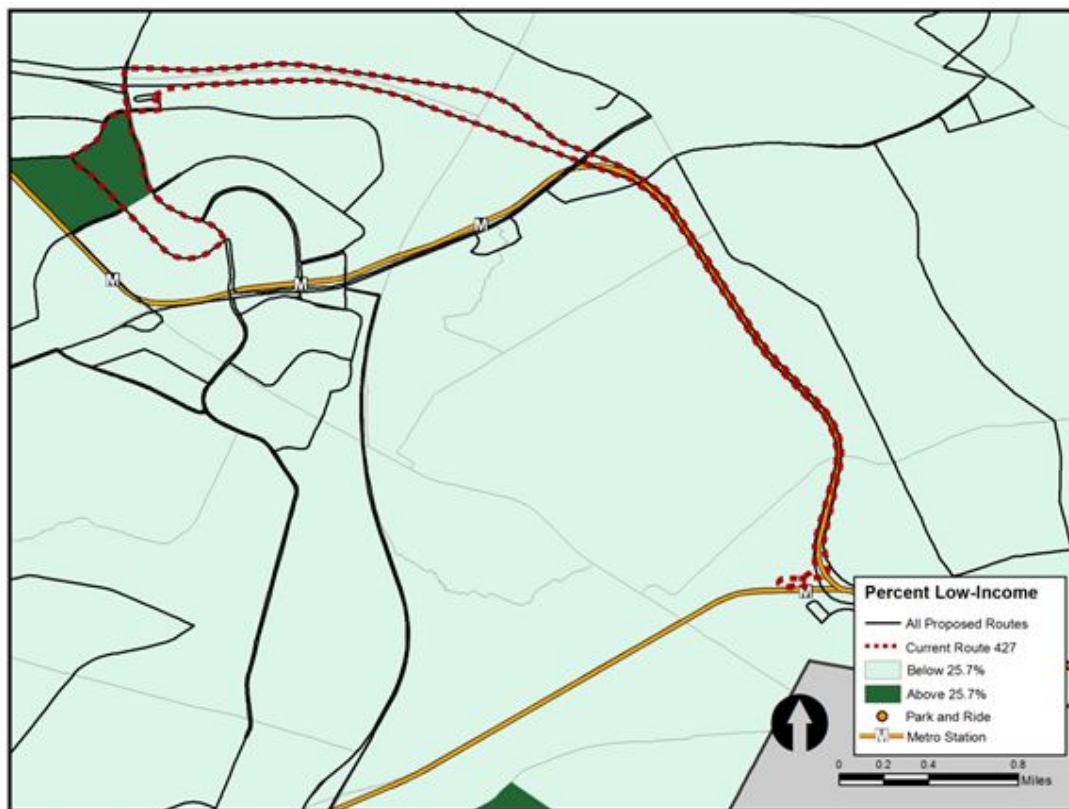
**Figure 6 Route 427 Minority Map**



The households within a quarter mile of Route 427 are 14.9 percent low-income. This is 10.8 percent less than the system-wide average of 25.7 percent low-income households. The difference between the route-level and system-wide percentages of low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, eliminating Route 427 will not create a disproportionate burden.

Figure 7 shows the proposed route alignment overlaid on a map of low-income Census Tracts.

**Figure 7 Route 427 Low-Income Map**





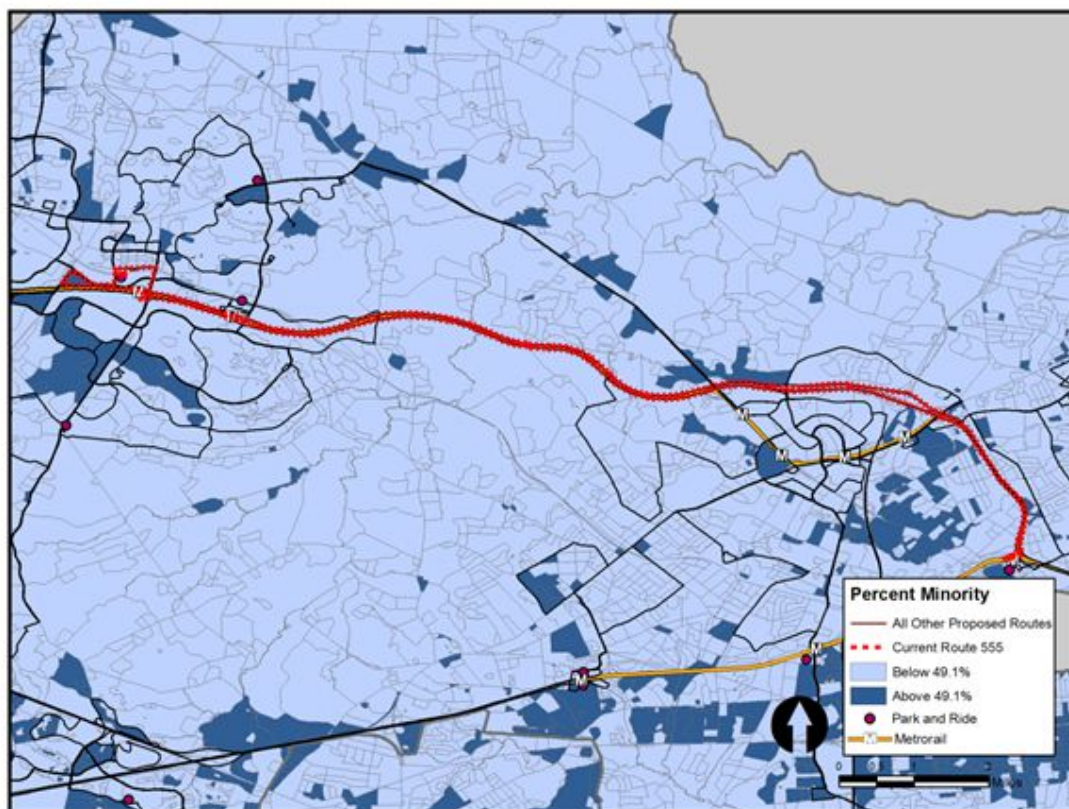
### Route 555

Route 555 is proposed for elimination due to the closure of the temporary Park-and-Ride lot that this route primarily serves. Alternate service will be available through Route 505 and the Metrorail Silver Line.

Route 555 serves a population which is 42.1 percent minority. This population is 7.0 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide minority percentages is less than the disparate impact threshold of 10 percent. Therefore, eliminating this service will not create a disparate impact.

Figure 8 shows the proposed route alignment in relation to predominantly minority Census Blocks.

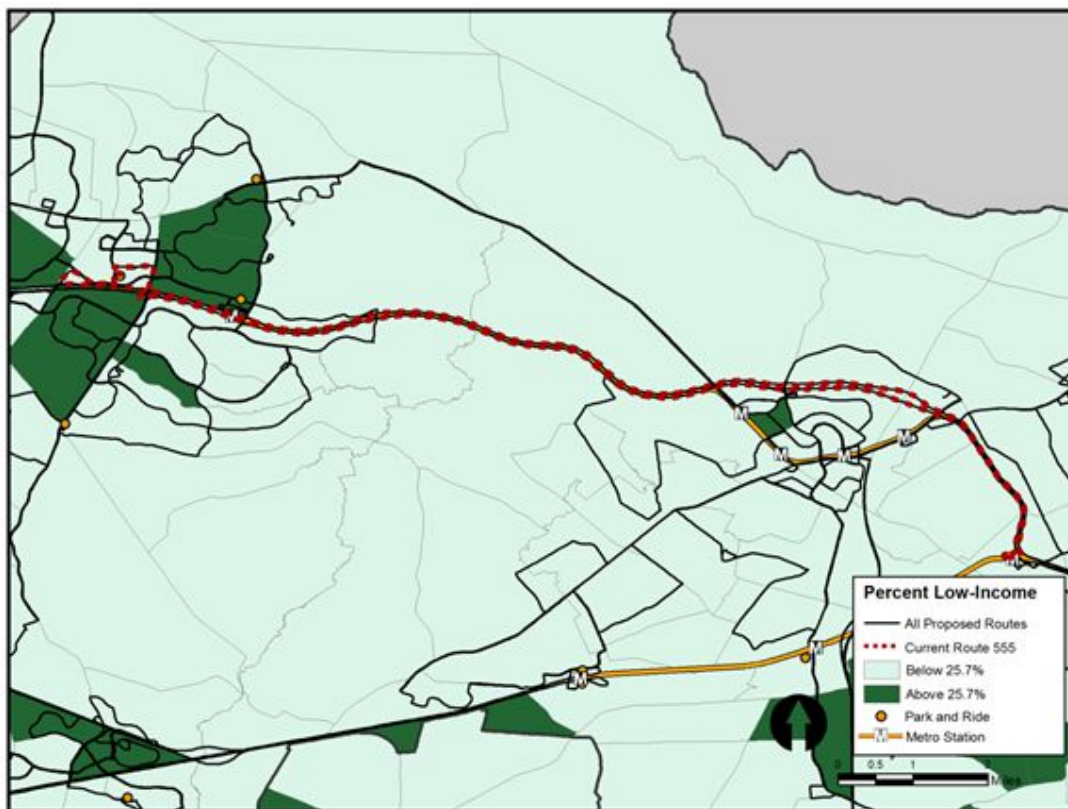
**Figure 8 Route 555 Minority Map**



The households within a quarter mile of Route 555 are 20.9 percent low-income. This is 4.8 percent less than the system-wide average of 25.7 percent low-income households. The difference between the route-level and system-wide percentages of low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, eliminating Route 555 will not create a disproportionate burden.

Figure 9 shows the proposed route alignment overlaid on a map of low-income Census Tracts.

**Figure 9 Route 555 Low-Income Map**



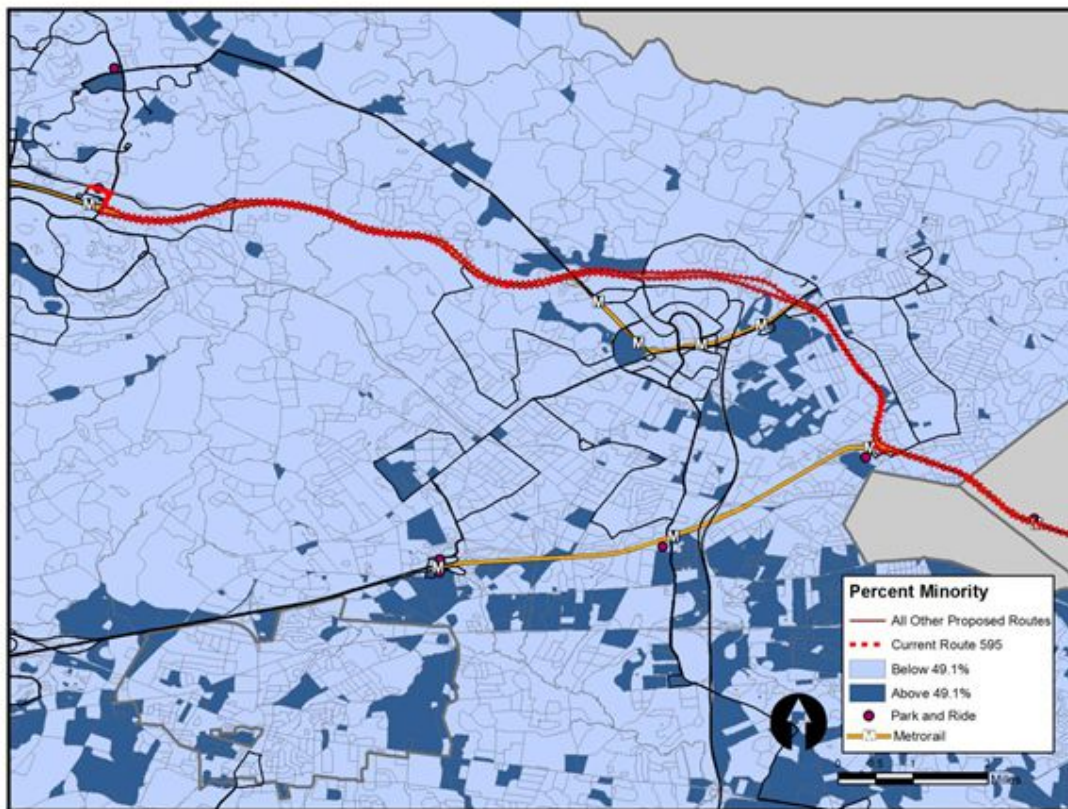
### Route 595

Route 595 is proposed for elimination due to its duplication of Metrorail Silver and Blue Line service. Alternate service will be available through Route 599 or the Silver and Blue Lines.

Route 595 currently serves a population which is 40.1 percent minority. This is 9.0 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide minority percentages is less than the disparate impact threshold of 10 percent. Therefore, eliminating Route 595 will not create a disparate impact.

Figure 10 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 10 Route 595 Minority Map**

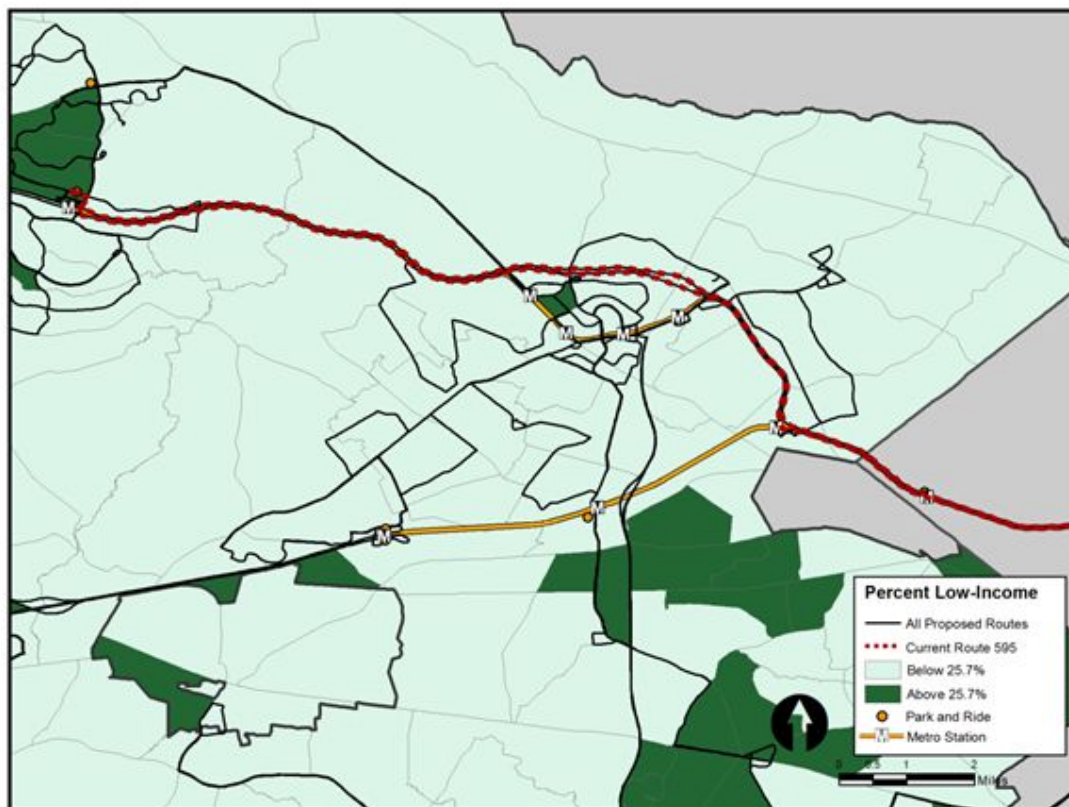




The households within a quarter mile of Route 595 are 14.8 percent low-income. This is 10.9 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, eliminating Route 595 will not create a disproportionate burden.

Figure 11 shows the proposed route alignment overlaid on a map of low-income Census Tracts.

**Figure 11 Route 595 Low-Income Map**





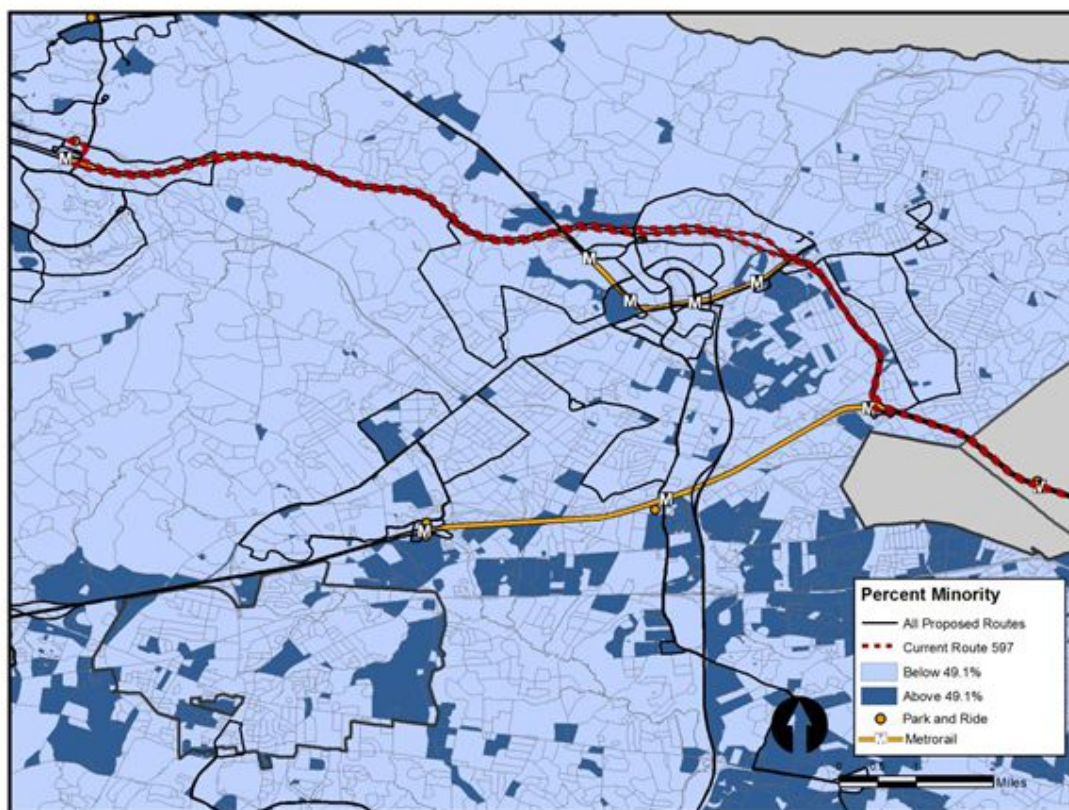
### Route 597

Route 597 is proposed for elimination due to its duplication of Metrorail Silver and Blue Line service. Alternate service will be available through Route 599 or the Metrorail Silver and Blue Lines.

Route 597 currently serves a population which is 40.1 percent minority. This is 9.0 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, eliminating Route 597 will not create a disparate impact.

Figure 12 shows the proposed route alignment in relation to predominantly minority Census Blocks.

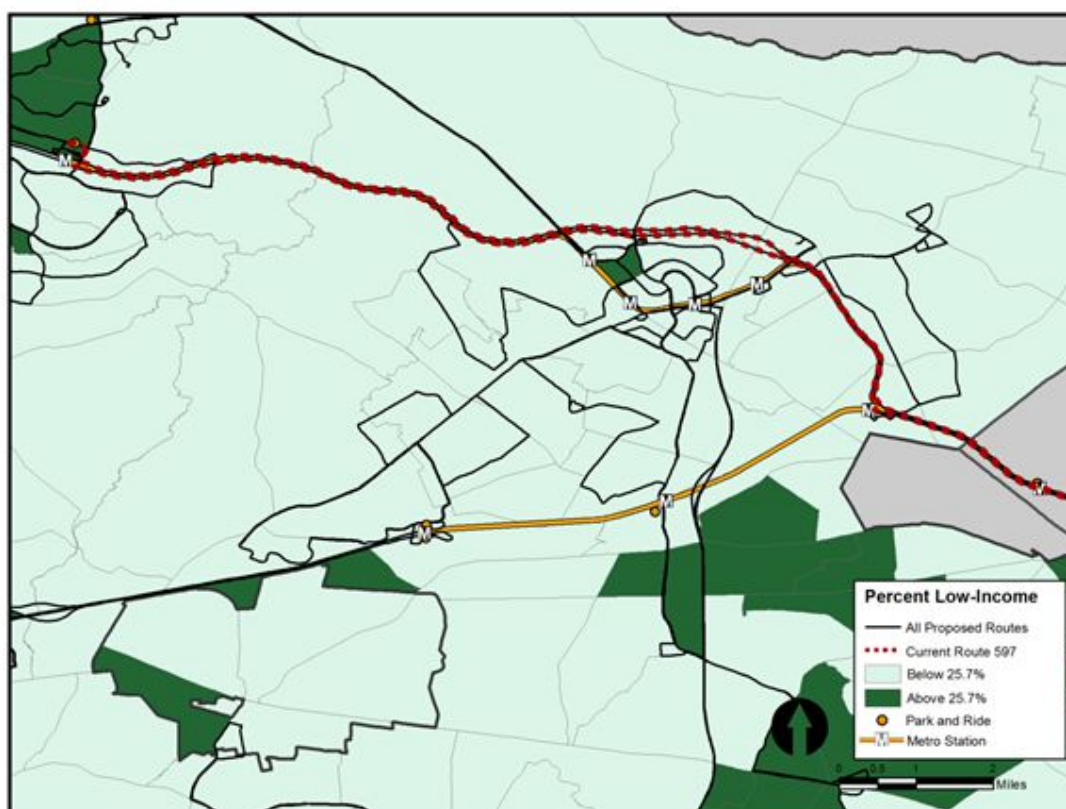
**Figure 12 Route 597 Minority Map**



The households within a quarter mile of Route 597 are 14.8 percent low-income. This is 10.9 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, eliminating Route 597 will not create a disproportionate burden.

Figure 13 shows the proposed route alignment overlaid on a map of low-income Census Tracts.

**Figure 13 Route 597 Low-Income Map**



### Route 927

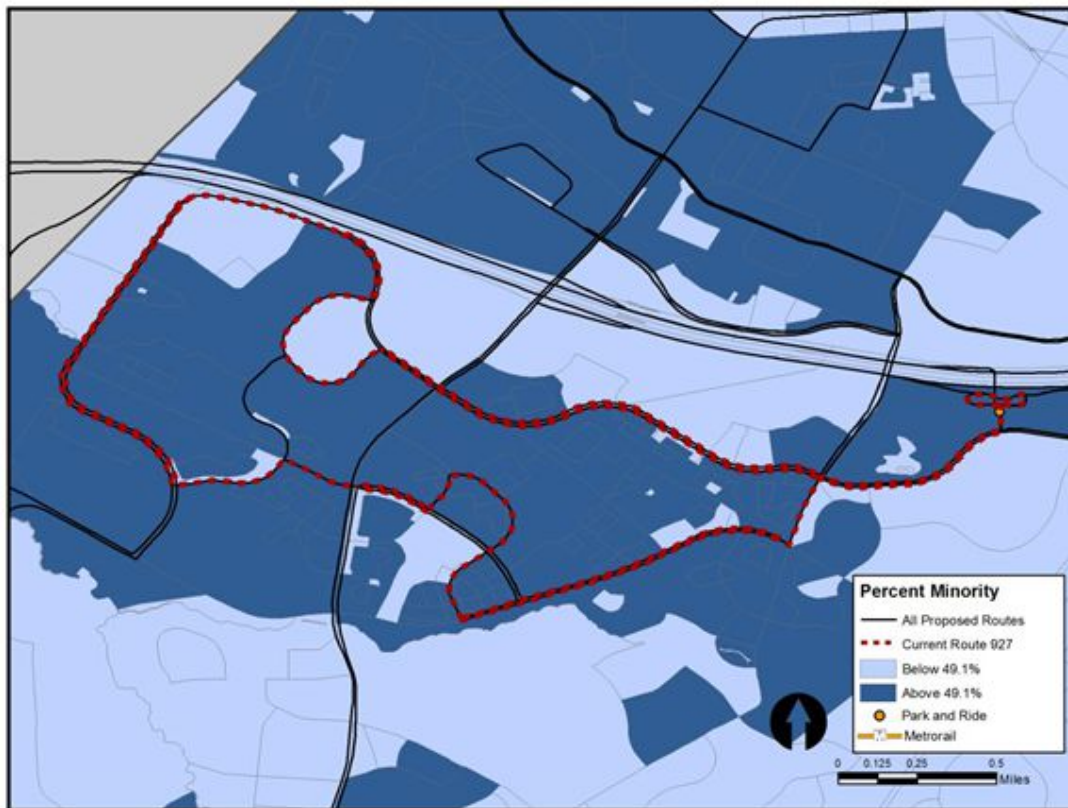
Midday service on Route 927 is proposed for elimination due to low ridership.

The population that lives within a quarter mile of Route 927 is 65.6 percent minority. This is 16.5 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is greater than the 10 percent disparate impact threshold. Circular 4702.1B requires that FCDOT either modify its proposed change to avoid, minimize, or mitigate the disparate impact of the change, or provide a legitimate substantial justification for eliminating service and triggering the resulting disparate impact.

To address the disparate impact, FCDOT will provide alternative midday service for riders who will no longer have such service on Route 927. This service will be provided by Routes 937 and 950. Both routes provide 30-minute headway service during the weekday midday period. This is the same level of service as currently provided by the midday Route 927. These routes were included in the in the Phase I Silver Line Service Package approved by the Board of Supervisors in May 2013.

Figure 14 shows the proposed route alignment in relation to predominantly minority Census Blocks.

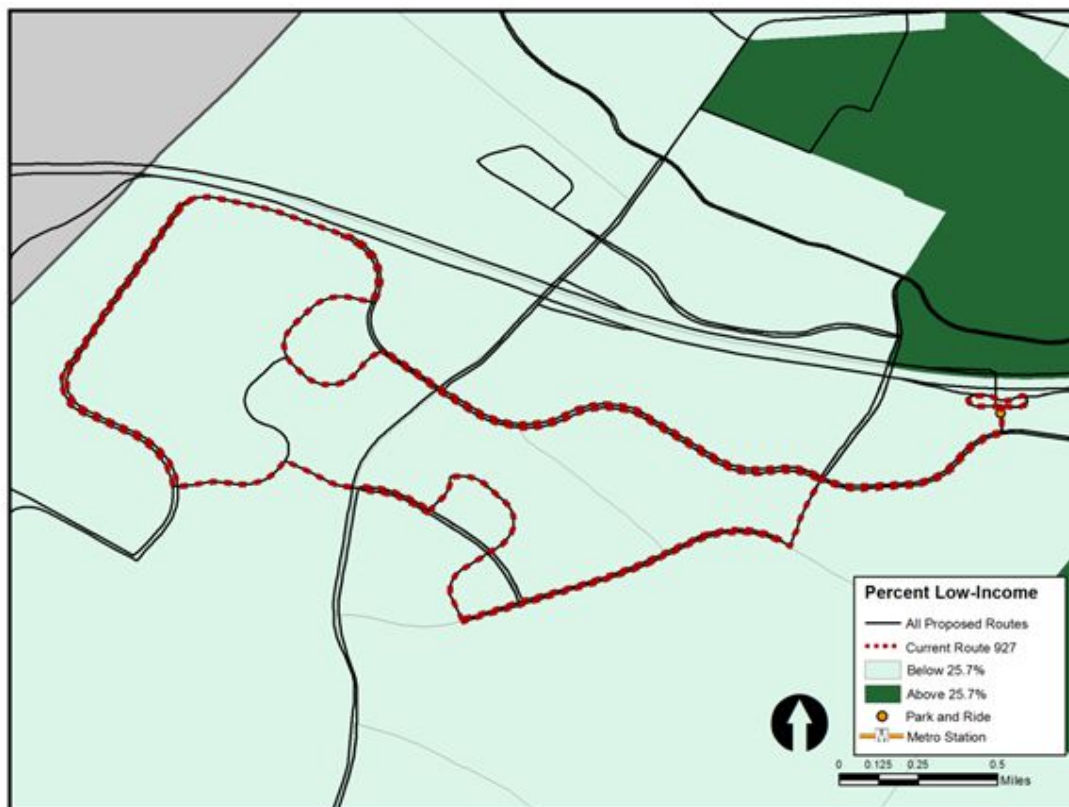
**Figure 14 Route 927 Minority Map**



The households within a quarter mile of Route 927 are 16.1 percent low-income. This is 9.6 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 927 will not create a disproportionate burden.

Figure 15 shows the proposed route alignment overlaid on a map of low-income Census Tracts.

**Figure 15 Route 927 Low-Income Map**





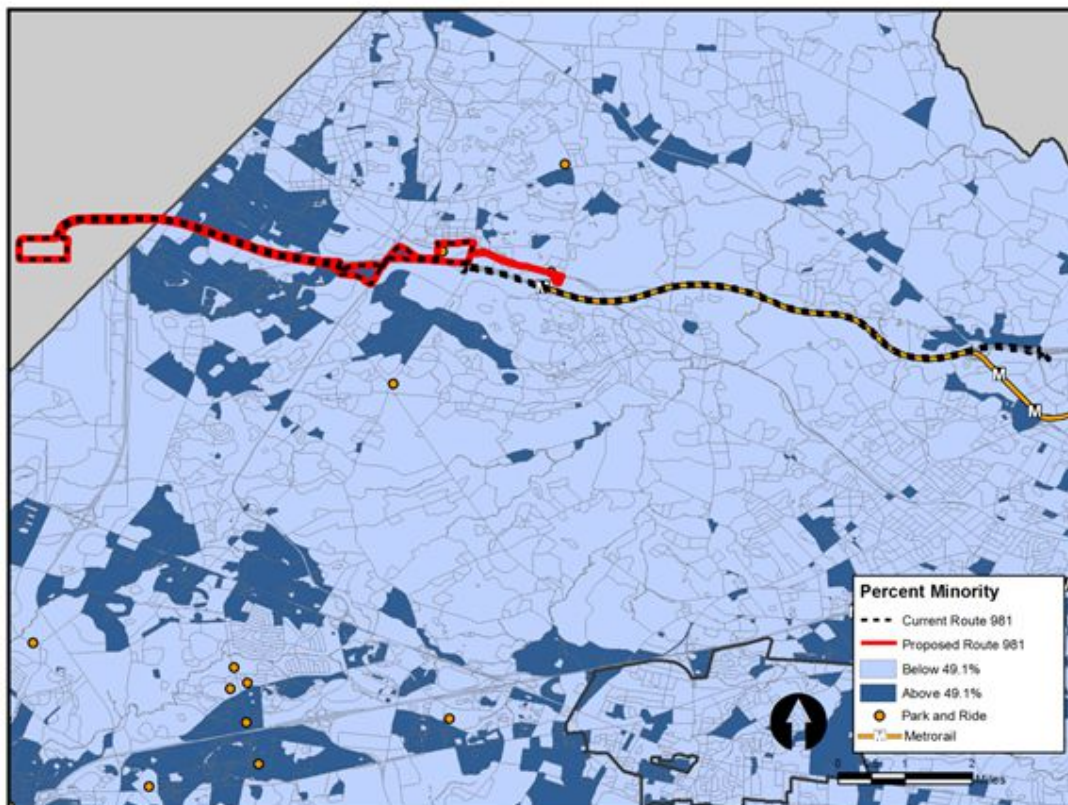
### Route 981

Route 981 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the Tysons West\*Park Transit Center to Wiehle-Reston East Metrorail Station on the Metrorail Silver Line. FCDOT will also modify headways on the 981. Weekday morning peak and evening headways are currently every 25 minutes; the proposed service change will increase the frequency to every 40 minutes. The Saturday and Sunday frequencies will increase from every 50 minutes to every 40 minutes on Saturday and Sunday. Midday and afternoon service on the 981 will be replaced by the new Route 983, which will provide 20-minute service daily.

The population that lives within a quarter mile of Route 981 is 43.9 percent minority. This is 5.2 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment and headway modification to Route 981 will not trigger a disparate impact.

Figure 16 shows the proposed route alignment in relation to predominantly minority Census Blocks.

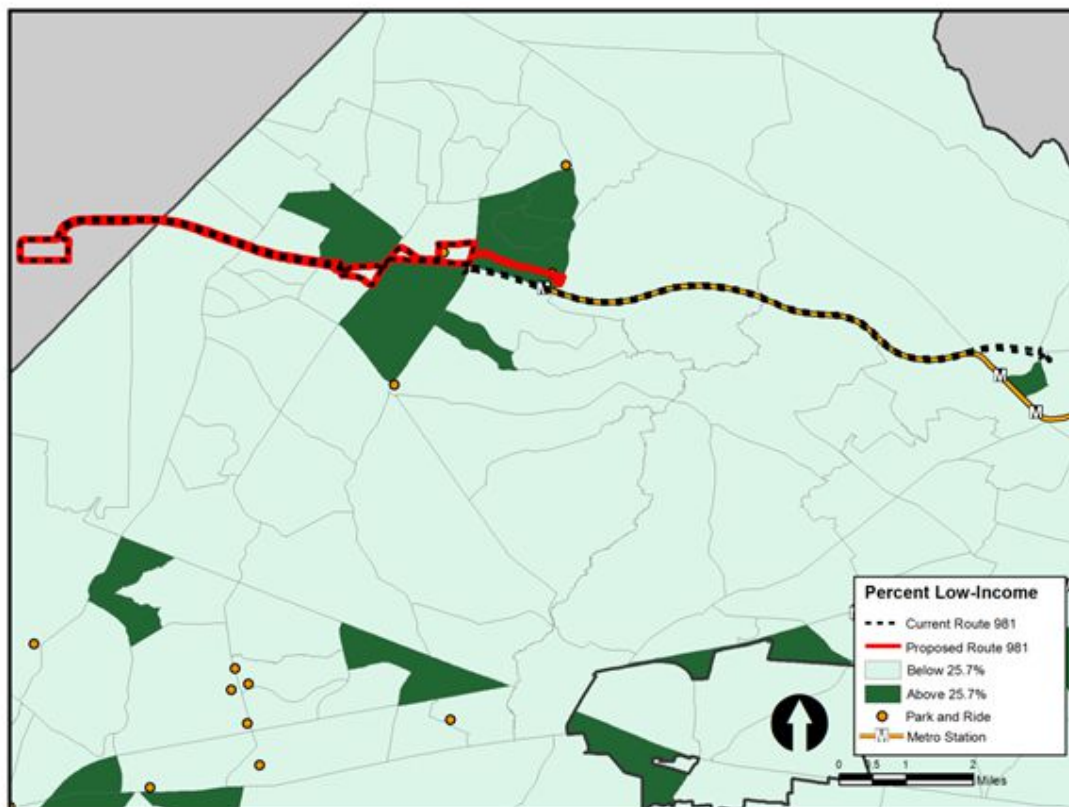
**Figure 16 Route 981 Minority Map**



The households within a quarter mile of Route 980 are 19.3 percent are low-income; this is 6.4 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 981 will not create a disproportionate burden.

Figure 17 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 17 Route 981 Low-Income Map**



## Alignment Modification

### Overview

The FCDOT Silver Line Service Change Package modifies a number of existing route alignments to provide feeder service to the new Silver Line Metrorail stations. This particular section discusses Route 493. This is the single route for which only the alignment will be modified, without any adjustment to headways or span of service.

Alignment modifications may constitute a Major Service Change, according to the policies adopted by the Fairfax County Board of Supervisors. FTA Circular 4702.1B requires the performance and documentation of an analysis of any proposed service change that meets or exceeds the Major Service Change threshold.

Table 3 provides an overview of any potential impact from the proposed route alignment on Route 493 on minority population living in the vicinity. The table shows that Route 493 serves a population that is slightly more minority than the service area as a whole, but will not create a disparate impact.

**Table 3 Alignment Modification Disparate Impact**

Route	Minority Population	Route Population	Service Area Percent Minority	Route Percent Minority	Difference	Disparate Impact
493	23,444	44,267	49.1	53.0	+3.9	No

Table 4 provides an overview of any potential impact to low-income households living near the route identified for modification. The route had a lower percentage of low-income households living in proximity than the service area average. Therefore, modifying Route 493 will not result in a disproportionate burden.

**Table 4 Alignment Modification Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Service Area Percent Low-Income	Route Percent Low-Income	Difference	Disproportionate Burden
493	6,498	36,949	25.7	17.6	-8.1	No



### ***Individual Route Analysis***

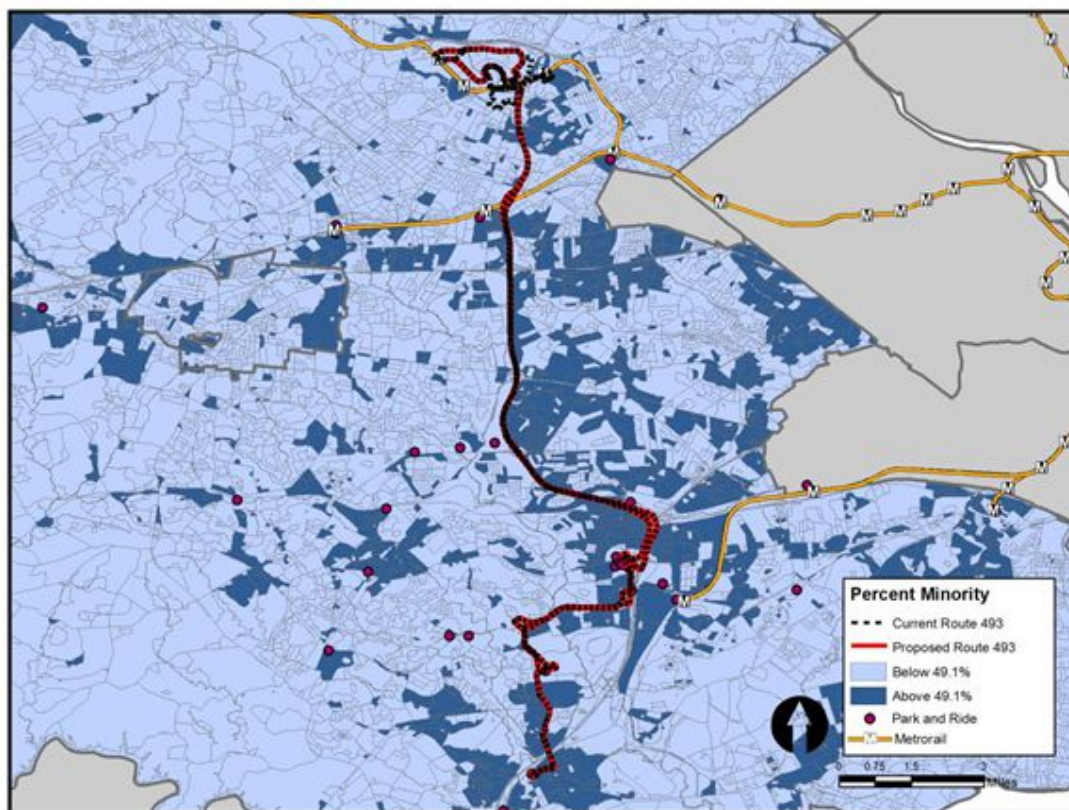
#### **Route 493**

Route 493 currently operates using four different alignments within Tysons. The proposed changes will rationalize these multiple routings into a single alignment.

Route 493 serves a population which is 53.0 percent minority. This is 3.9 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the proposed alignment change will not create a disparate impact.

Figure 18 shows the proposed change overlaid on a map of minority population.

**Figure 18 Route 493 Minority Map**

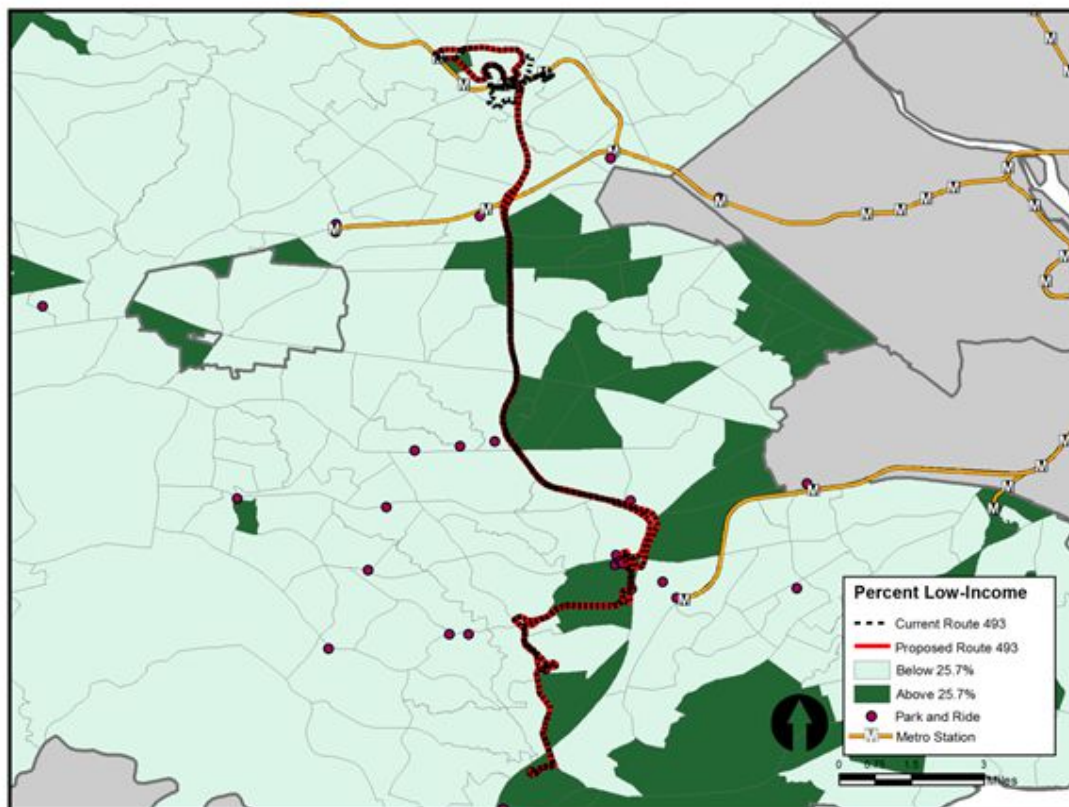




The households within a quarter mile of Route 493 are 17.6 percent low-income. This is 8.1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 493 will not create a disproportionate burden.

Figure 19 shows the proposed route alignment overlaid on a map of low-income Census Tracts.

**Figure 19 Route 493 Low-Income Map**



## Alignment Modification and Additional Service

### Overview

The FCDOT Silver Line Service Change Package modifies a number of existing route alignments to provide feeder service to the new Silver Line Metrorail stations. This particular section discusses routes where the alignment is modified along with the addition of new service. Table 5 provides an overview of any potential impact on minorities from the three proposed route alignments and new service for Routes 585, 951, and 952. The table shows that none of these routes serves a population that is significantly more minority than the service area as a whole, and therefore does not create a disparate impact.

Alignment modifications that include the addition of new service may constitute a Major Service Change, according to the policies adopted by the Fairfax County Board of Supervisors. FTA Circular 4702.1B requires the performance and documentation of an analysis of any proposed service change that meets or exceeds the Major Service Change threshold.

**Table 5 Alignment Modification and Additional Service Disparate Impact**

Route	Minority Population	Route Population	Service Area Percent Minority	Route Percent Minority	Difference	Disparate Impact
585	8,076	15,621	49.1	51.7	+2.6	No
951	6,969	16,671	49.1	41.8	-7.3	No
952	11,195	24,642	49.1	45.4	-3.7	No

Table 6 shows the share of low-income households living within the vicinity of the three routes proposed for alignment modification compared to the service area as a whole. None of the routes serves a population that is more low-income than the service area average, which confirms that the proposed changes will not result in a disproportionate burden on low-income households.

**Table 6 Alignment Modification and Additional Service Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Service Area Percent Low-Income	Route Percent Low-Income	Difference	Disproportionate Burden
585	3,664	20,214	25.7	18.1	-7.6	No
951	4,032	19,565	25.7	20.6	-5.1	No
952	4,752	25,824	25.7	18.4	-7.3	No



### ***Individual Route Analyses***

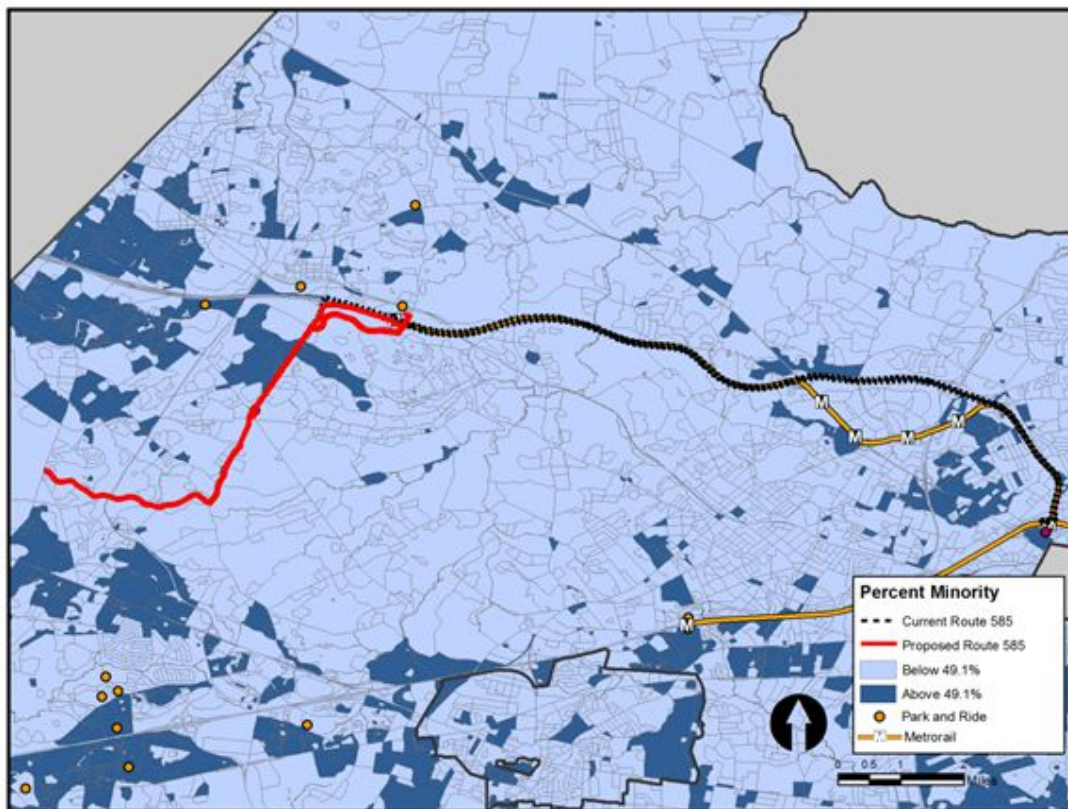
#### **Route 585**

Route 585 will be modified to provide a direct connection to the Silver Line. The eastern terminus of the route will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The route segment proposed to be cut will be served by the Metrorail Silver Line. The western terminus of the route will also be shifted from Reston Parkway at Franklin Farm Road to Franklin Farm Road at Centreville Road. FCDOT will add midday and evening service on Route 585 as well. Currently, the route runs only during peak periods. The additional service will provide for weekday midday and evening service at 70 minute headways in addition to the existing 20 minute peak headways.

The population that lives within a quarter mile of Route 585 is 51.7 percent minority. This is 2.6 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, modifying Route 585 will not create a disparate impact.

Figure 20 shows the proposed route alignment overlaid on a map of minority Census Blocks.

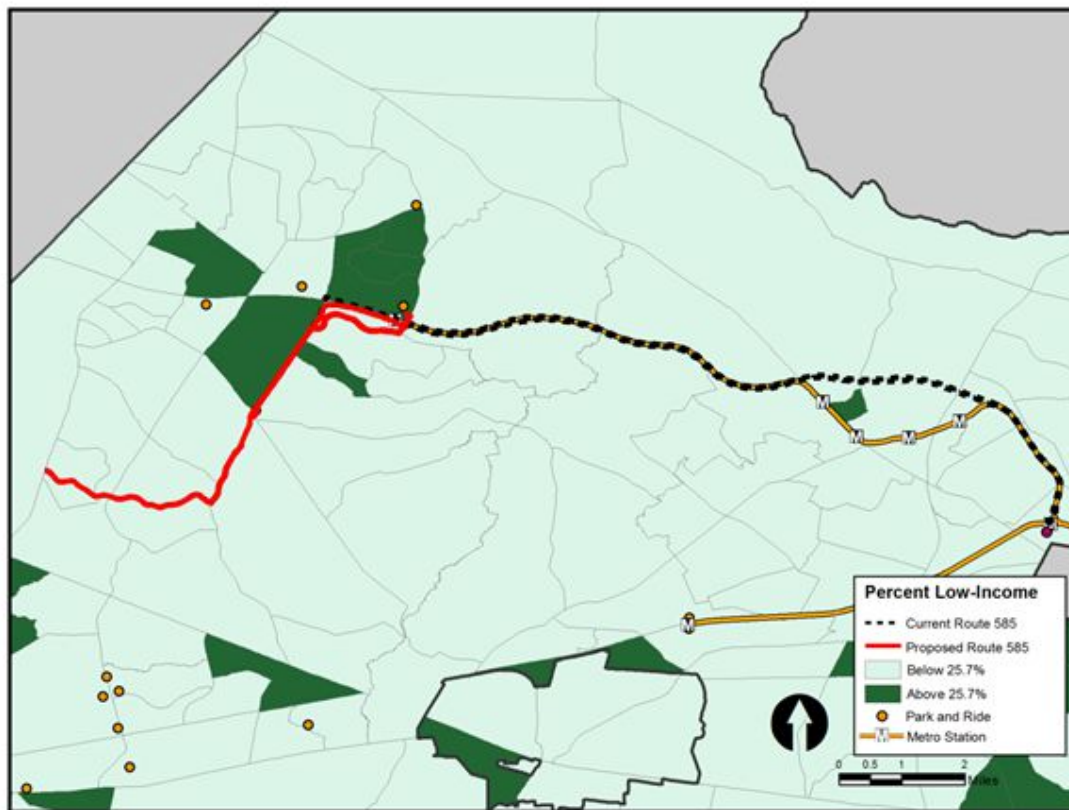
**Figure 20 Route 585 Minority Map**



The households within a quarter mile of Route 585 are 18.1 percent low-income. This is 7.6 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 585 will not create a disproportionate burden.

Figure 21 shows the proposed route alignment overlaid on a map of low-income Census Tracts.

**Figure 21 Route 585 Low-Income Map**





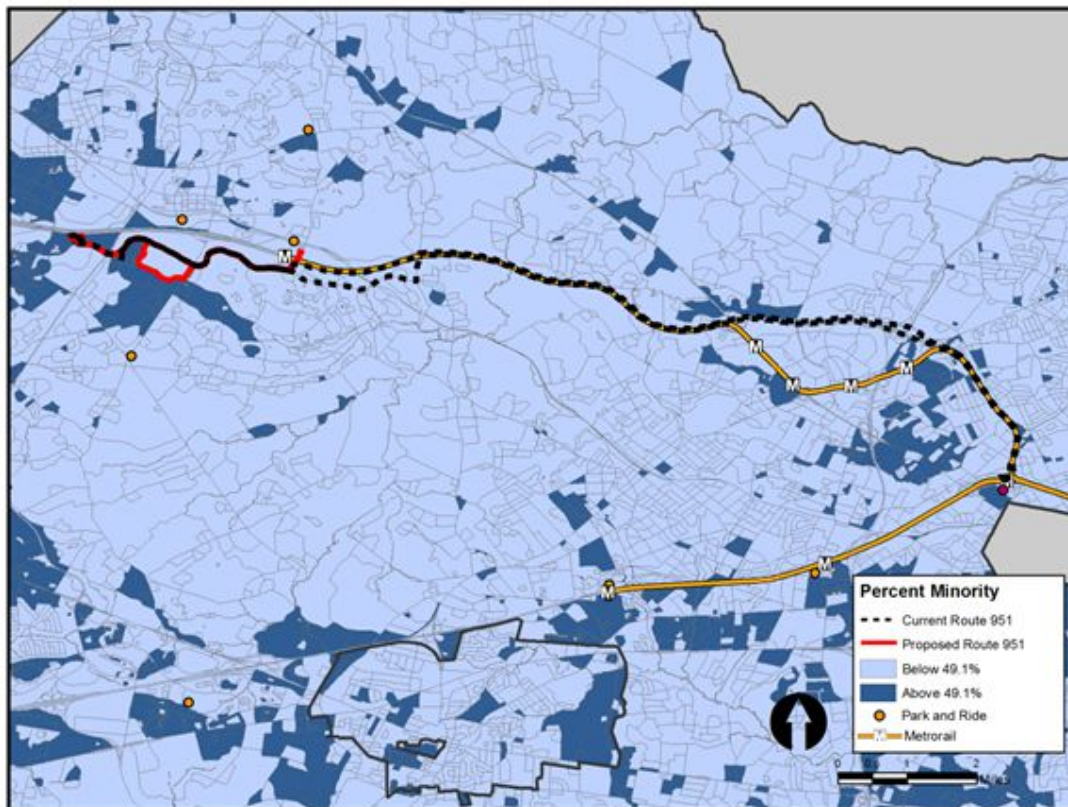
### Route 951

Route 951 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The route segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also add midday and evening service to Route 951. Currently this route operates during the peak period only, on 30 minute headways. The proposed service change calls for adding weekday midday and evening service at 40 minute headways.

The population that lives within a quarter mile of Route 951 is 41.8 percent minority. This is 7.3 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 951 will not trigger a disparate impact.

Figure 22 shows the proposed route alignment in relation to predominantly minority Census Blocks.

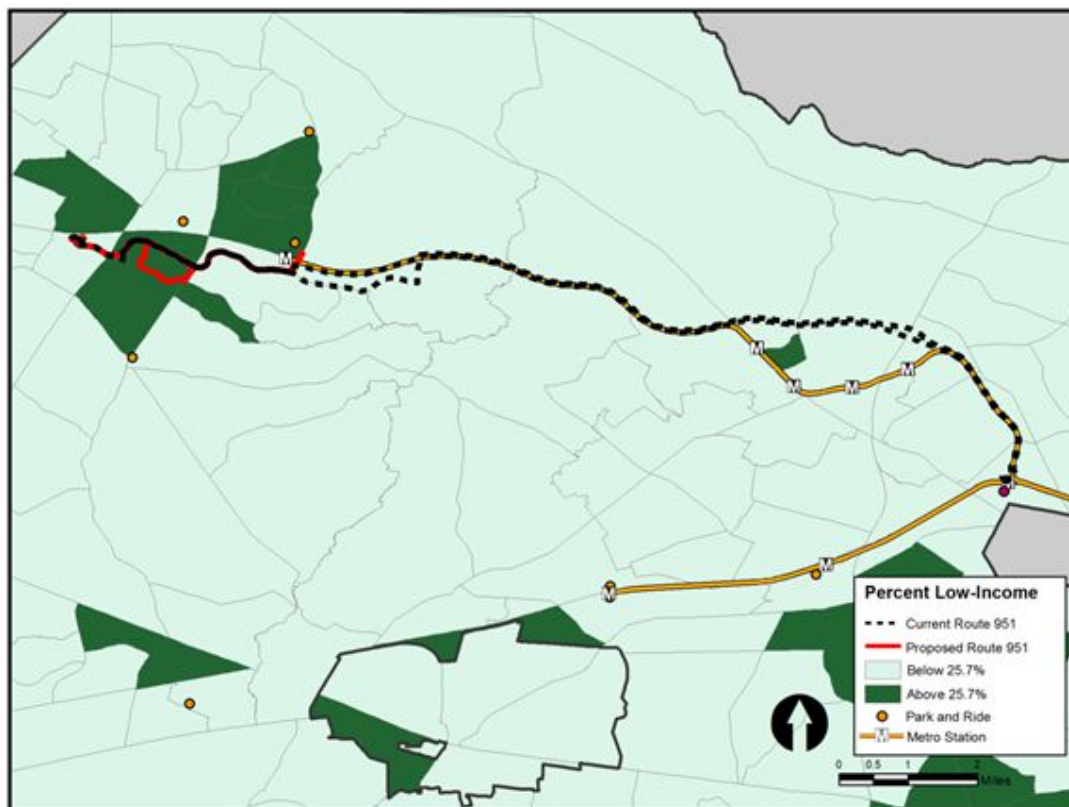
**Figure 22 Route 951 Minority Map**



The households within a quarter mile of Route 951 are 20.6 percent low-income. This is 5.1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 951 will not create a disproportionate burden.

Figure 23 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 23 Route 951 Low-Income Map**



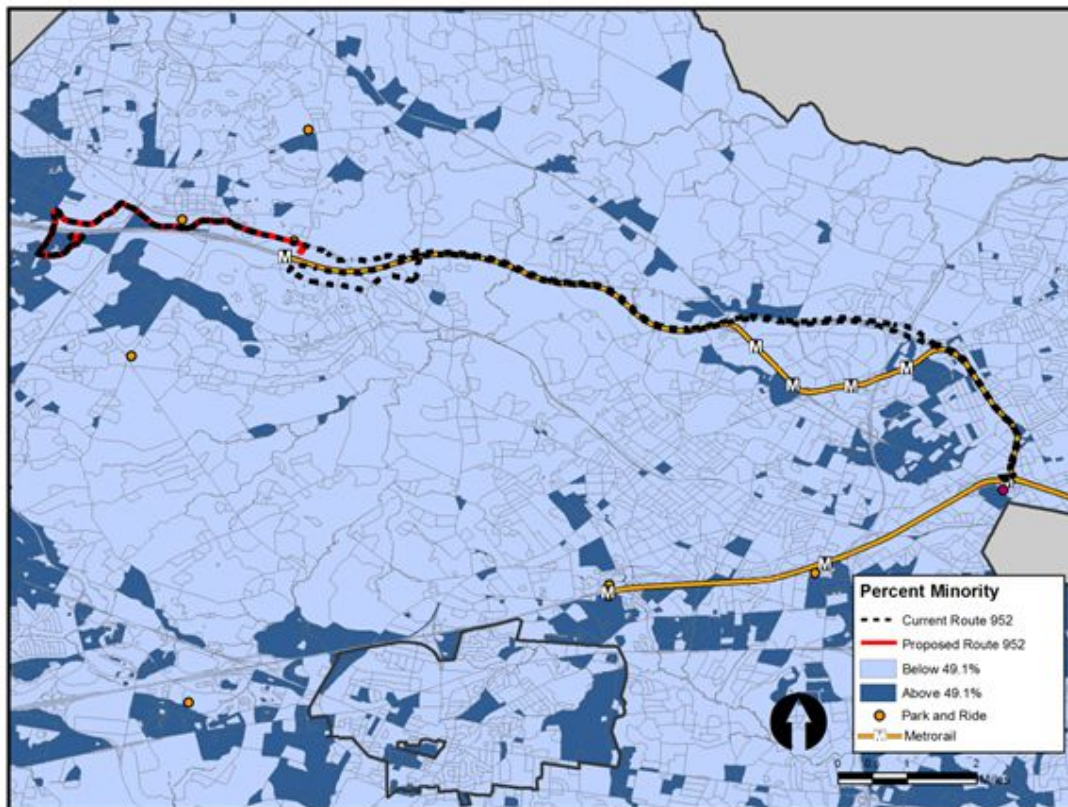
### Route 952

Route 952 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The route segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also add midday and evening service to Route 952. Currently this route operates during the peak period only, on 30 minute headways. The proposed service change calls for adding weekday midday and evening service at 40 minute headways.

The population that lives within a quarter mile of Route 952 is 45.4 percent minority. This is 3.7 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 952 will not trigger a disparate impact.

Figure 24 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 24 Route 952 Minority Map**

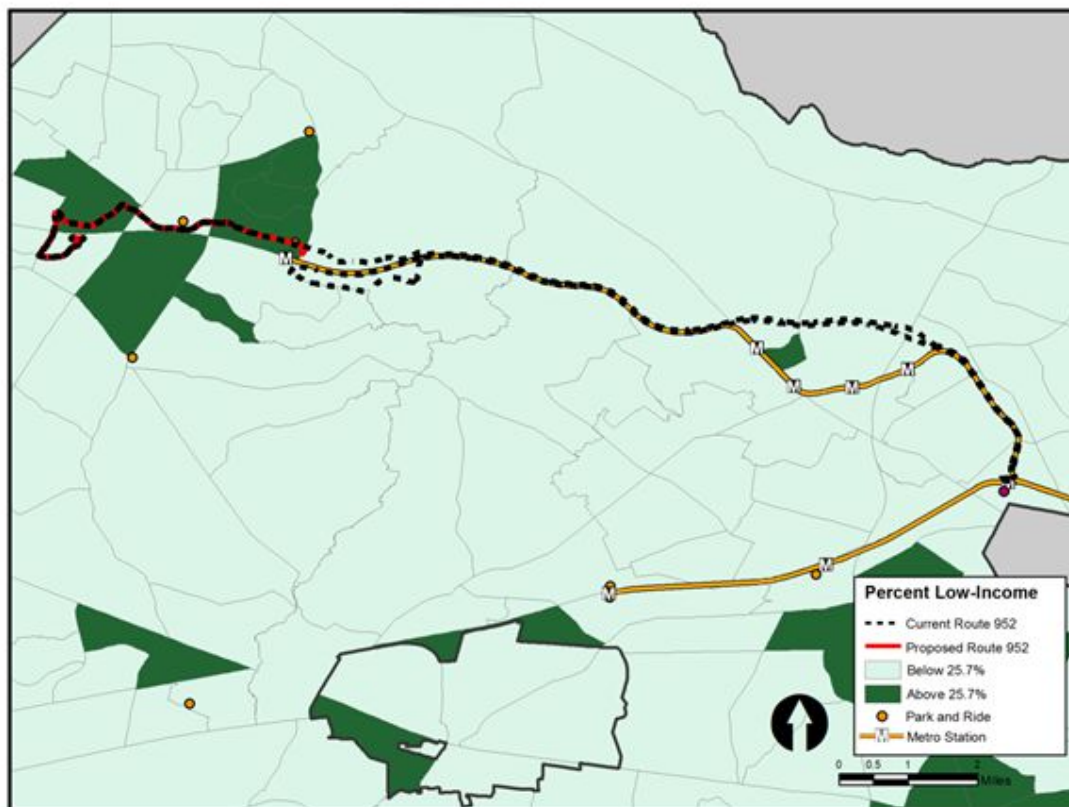




The households within a quarter mile of Route 952 are 18.4 percent low-income. This is 7.3 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 952 does not create a disproportionate burden.

Figure 25 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 25 Route 952 Low-Income Map**





## Alignment Modification and Headway Modification

### Overview

A substantial number of the service changes under the FCDOT Silver Line Service Change Package modify both the alignment and the current headway(s) of an existing route. With the exception of Route 950 and 980, all headway modifications call for reducing headways, or increasing frequency, resulting in an overall improvement in service for riders.

Combined alignment and headway modifications may constitute a Major Service Change, according to the policies adopted by the Fairfax County Board of Supervisors. FTA Circular 4702.1B requires the performance and documentation of an analysis of any proposed service change that meets or exceeds the Major Service Change threshold.

Table 7 provides an overview of any potential impact on minorities from the proposed modifications. The results show disparate impacts on Routes 401 and 402, but do not find a significant impact on the remaining 12 routes proposed for modification.

**Table 7 Alignment Modification and Headway Modification Disparate Impact**

Route	Minority Population	Route Population	Service Area Percent Minority	Route Percent Minority	Difference	Disparate Impact
401	40,112	67,080	49.1	59.8	+10.7	Yes
402	40,221	67,469	49.1	59.6	+10.5	Yes
462	10,319	23,790	49.1	43.4	-5.7	No
495	17,816	39,764	49.1	44.8	-4.3	No
505	2,938	8,756	49.1	33.6	-15.5	No
552	6,457	17,237	49.1	37.5	-11.6	No
553	10,606	28,807	49.1	36.8	-12.3	No
554	6,315	19,929	49.1	31.7	-17.4	No
557	4,107	15,019	49.1	27.3	-21.8	No
574	11,971	32,909	49.1	36.4	-12.7	No
950	21,977	37,880	49.1	58.0	+8.9	No
980	2,842	5,330	49.1	53.3	+4.2	No
RIBS 4	5,705	20,354	49.1	28.0	-21.1	No



Table 8 provides an overview of any potential impact on low-income households from the proposed modifications. All of the routes analyzed serve households that are less low-income than the system average. This confirms that there is not a disproportionate burden as a result of any of the proposed modifications.

**Table 8 Alignment Modification and Headway Modification Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Service Area Percent Low-Income	Route Percent Low-Income	Difference	Disproportionate Burden
401	10,353	49,186	25.7	21.0	-4.7	No
402	10,014	47,713	25.7	21.0	-4.7	No
462	2,265	15,017	25.7	15.1	-10.6	No
495	6,864	41,373	25.7	16.6	-9.1	No
505	3,236	15,255	25.7	21.2	-4.5	No
552	3,463	18,531	25.7	18.7	-7.0	No
553	3,567	20,814	25.7	17.1	-8.6	No
554	3,800	19,821	25.7	19.2	-6.5	No
557	4,277	22,765	25.7	18.8	-6.9	No
574	4,872	27,647	25.7	17.6	-8.1	No
950	5,702	31,042	25.7	18.4	-7.3	No
980	1,700	9,033	25.7	18.8	-6.9	No
RIBS 4	2,145	13,385	25.7	16.0	-9.7	No



### Individual Route Analyses

#### Route 401

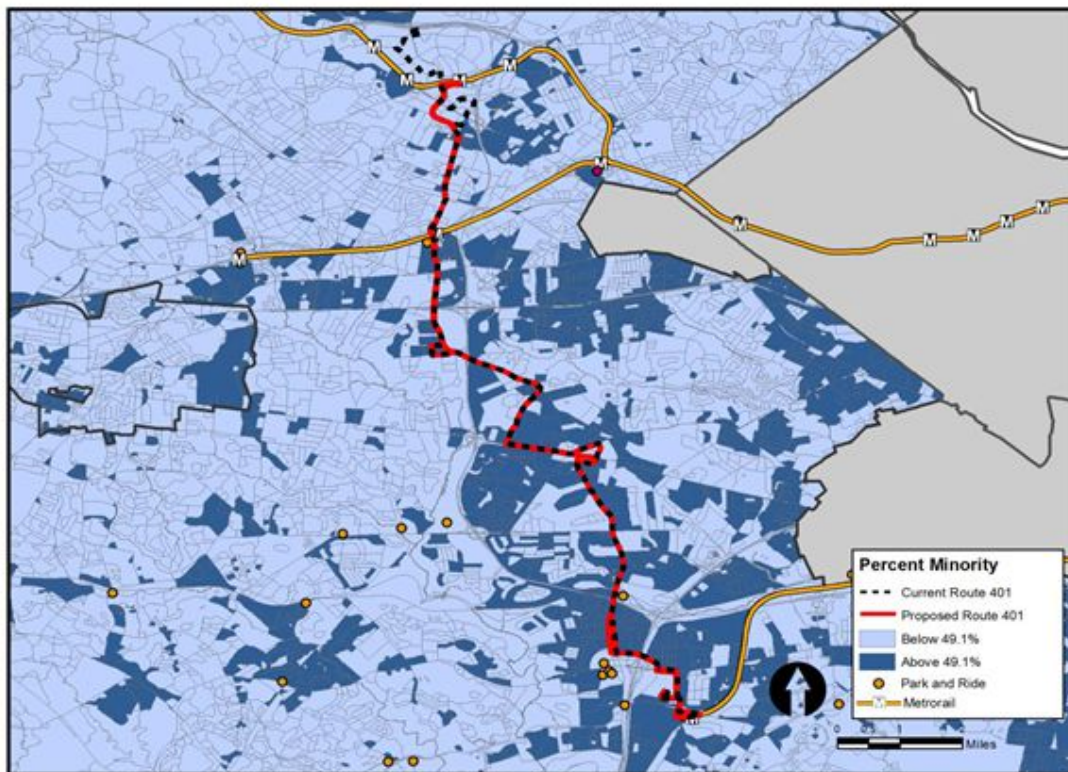
FCDOT plans to modify the Route 401 alignment by shifting the route terminus from the Tysons West\*Park Transit Center to the Tysons Corner Metrorail Station on the Silver Line. The proposal will also increase weekday midday and evening service from every 30 minutes to every 20 minutes.

The population that lives within a quarter mile of Route 401 is 59.8 percent minority. This is 10.7 percent greater than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is greater than the 10 percent disparate impact threshold. Circular 4702.1B requires that FCDOT either modify its proposed change to avoid, minimize, or mitigate the disparate impact of the change, or provide a legitimate substantial justification for eliminating service and triggering the resulting disparate impact.

To address the disparate impact, FCDOT will provide alternative service for the eliminated segment of Route 401 with Route 423. Both routes will operate on the same headways, except that Route 423 will operate every 10 minutes during weekday peaks, but Route 401 will continue to run every 15 minutes.

Figure 26 shows the proposed route alignment in relation to predominantly minority Census Blocks.

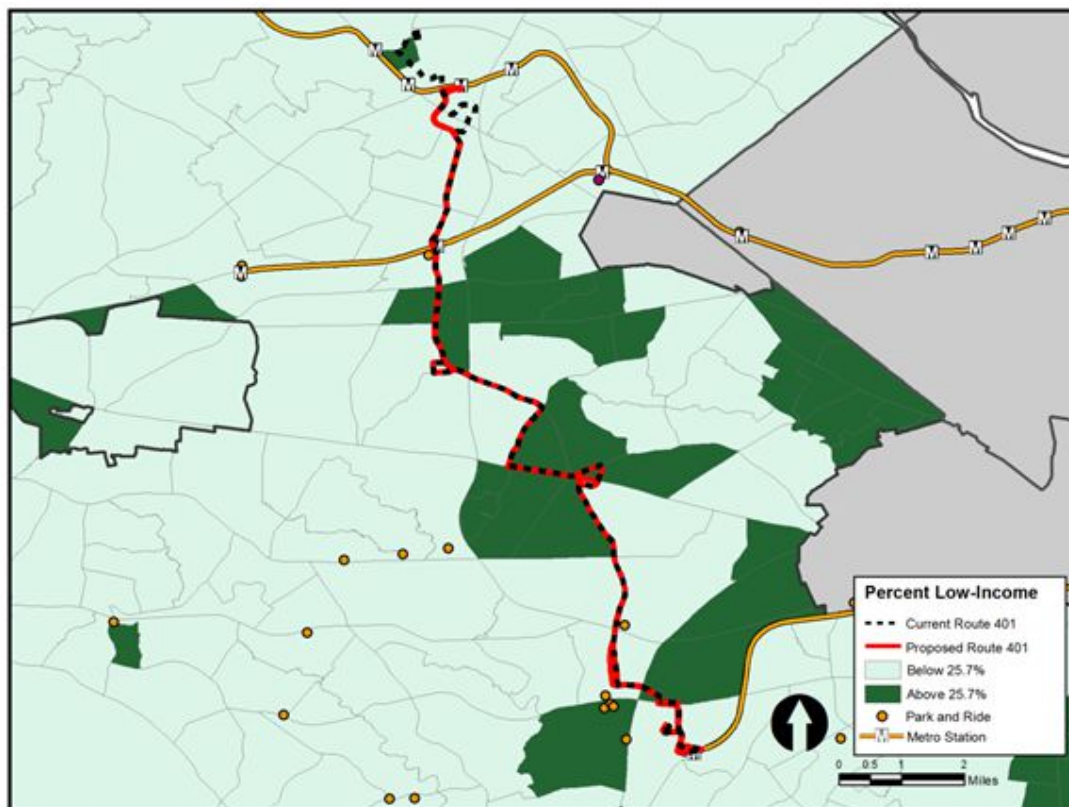
**Figure 26 Route 401 Minority Map**



The households within a quarter mile of Route 401 are 21.0 percent low-income. This is 4.7 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 401 will not create a disproportionate burden.

Figure 27 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 27 Route 401 Low-Income Map**



### Route 402

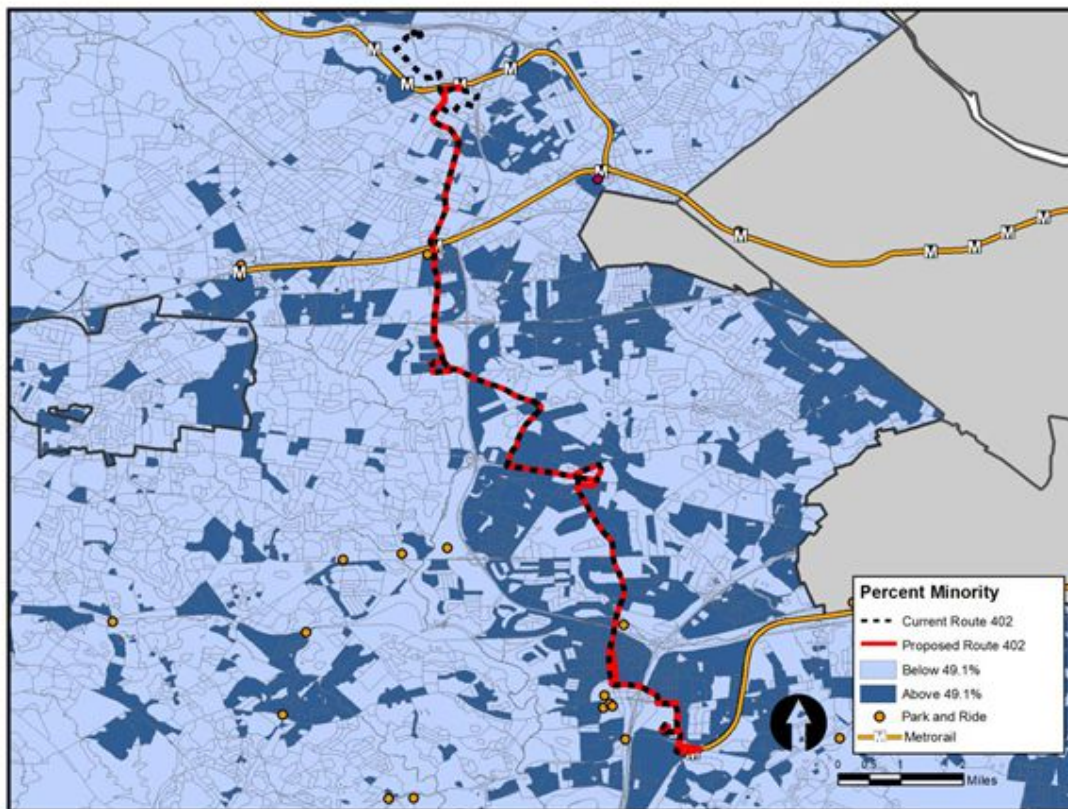
FCDOT plans to modify the Route 402 alignment by shifting the route terminus from the Tysons West\*Park Transit Center to the Tysons Corner Metrorail Station on the Silver Line. The proposal will also increase weekday midday and evening service from every 30 minutes to every 20 minutes.

The population that lives within a quarter mile of Route 402 is 59.6 percent minority. This is 10.5 percent greater than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is greater than the 10 percent disparate impact threshold. Circular 4702.1B requires that FCDOT either modify its proposed change to avoid, minimize, or mitigate the disparate impact of the change, or provide a legitimate substantial justification for eliminating service and triggering the resulting disparate impact.

To address the disparate impact, FCDOT will provide alternative service for the eliminated segment of Route 402 with Route 423. Both routes will operate on the same headways, except that Route 423 will operate every 10 minutes during weekday peaks, while Route 402 will continue to operate every 15 minutes.

Figure 28 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 28 Route 402 Minority Map**

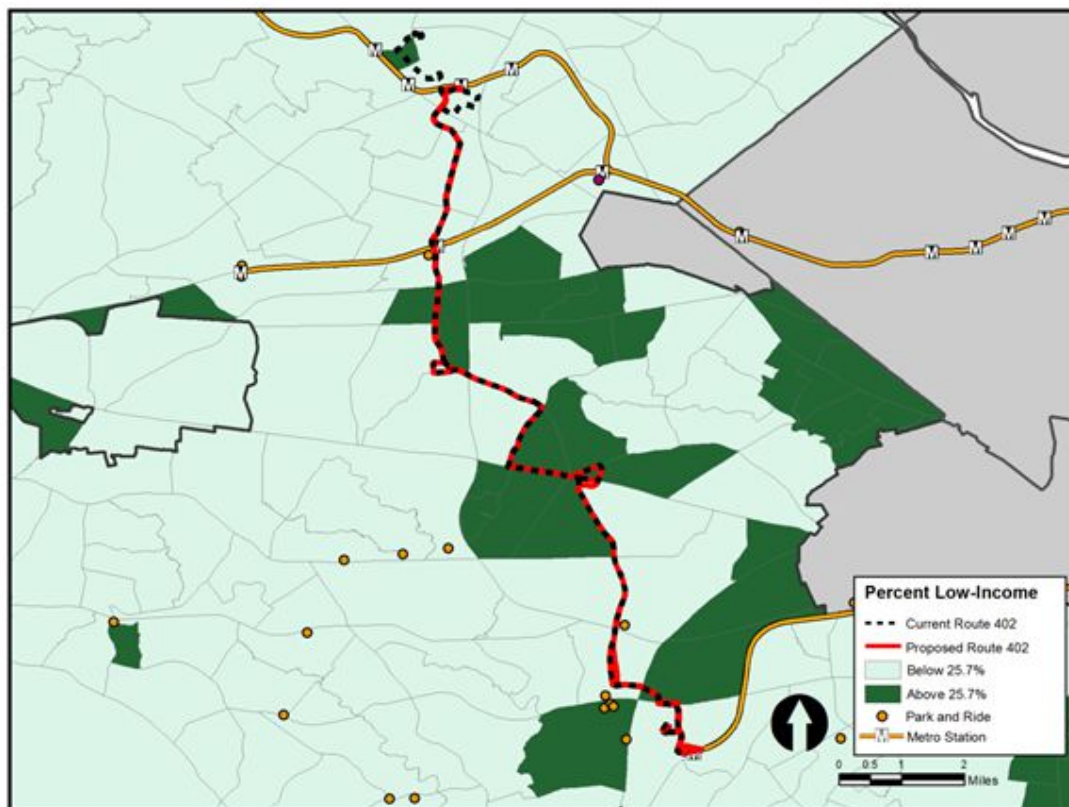




The households within a quarter mile of Route 402 are 21.0 percent low-income. This is 4.7 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 402 will not create a disproportionate burden.

Figure 29 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 29 Route 402 Low-Income Map**



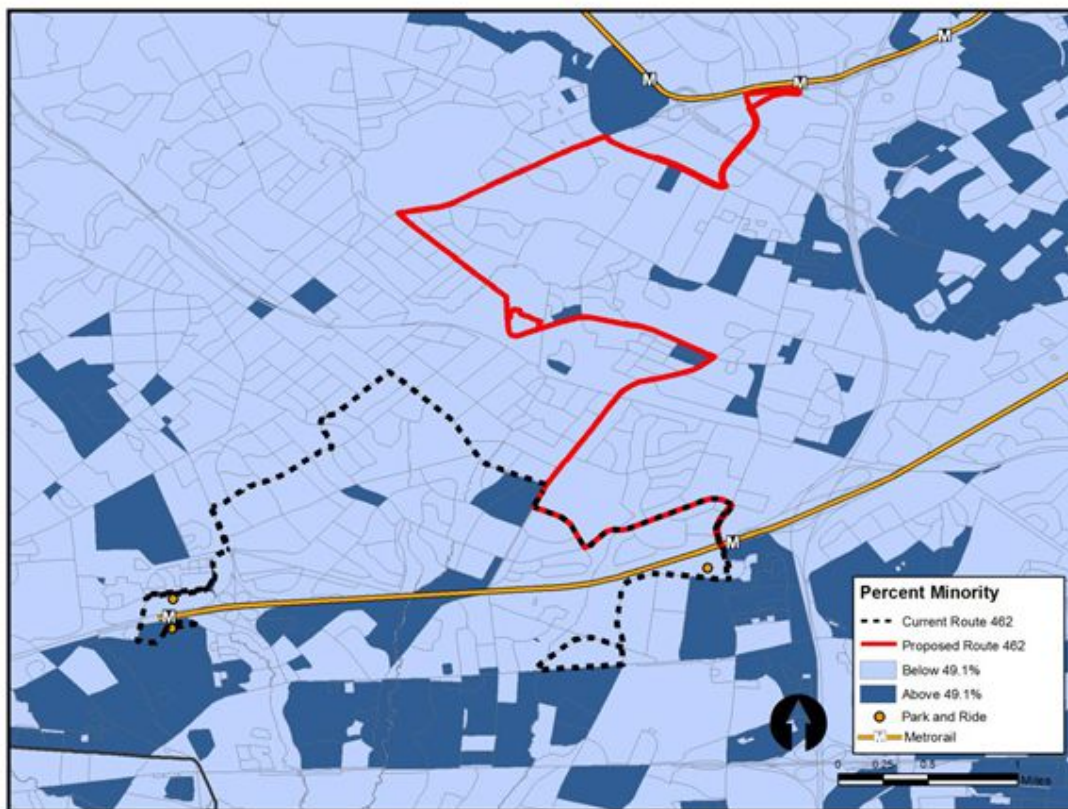
### Route 462

Route 462 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the Vienna Metrorail Station on the Orange Line to the Tysons Corner Metrorail Station on the Silver Line. The proposed service change includes an increase in frequency on Route 462 by decreasing headways from 35 minutes to 30 minutes during the weekday peak.

The population that lives within a quarter mile of Route 462 is 43.4 percent minority. This is 5.7 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 462 will not trigger a disparate impact.

Figure 30 shows the proposed route alignment in relation to predominantly minority Census Blocks.

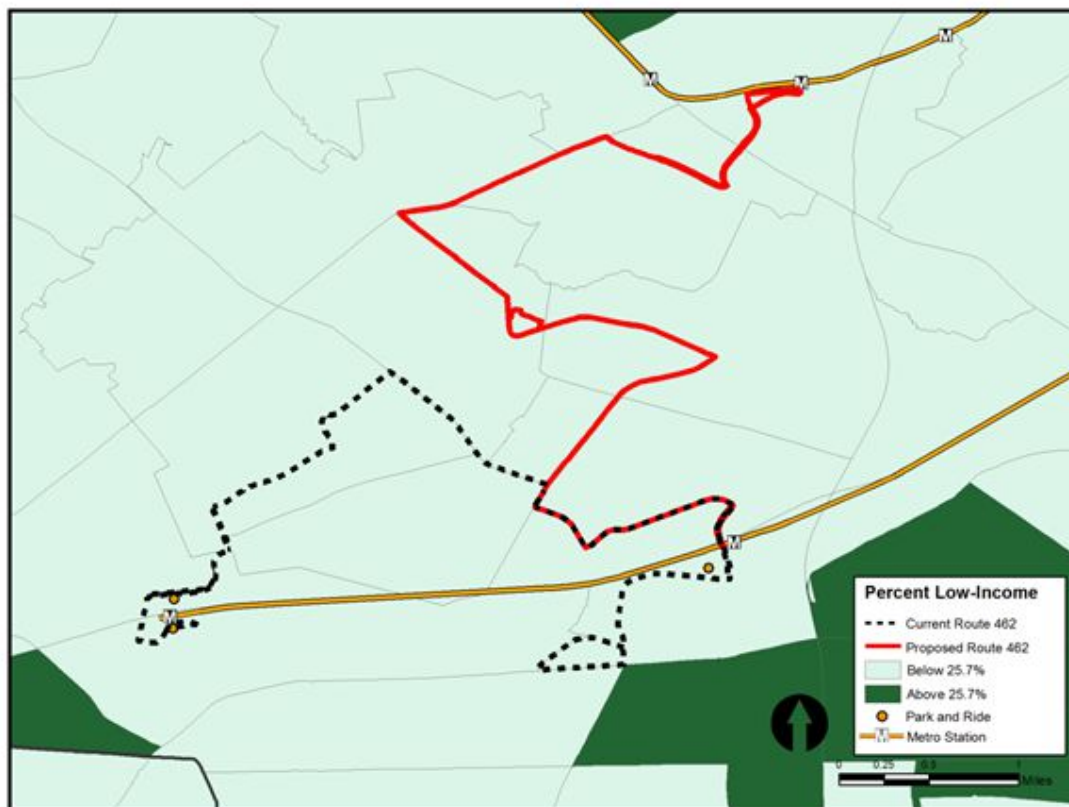
**Figure 30 Route 462 Minority Map**



The households within a quarter mile of Route 462 are 15.1 percent low-income. This is 10.6 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 462 will not create a disproportionate burden.

Figure 31 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 31 Route 462 Low-Income Map**





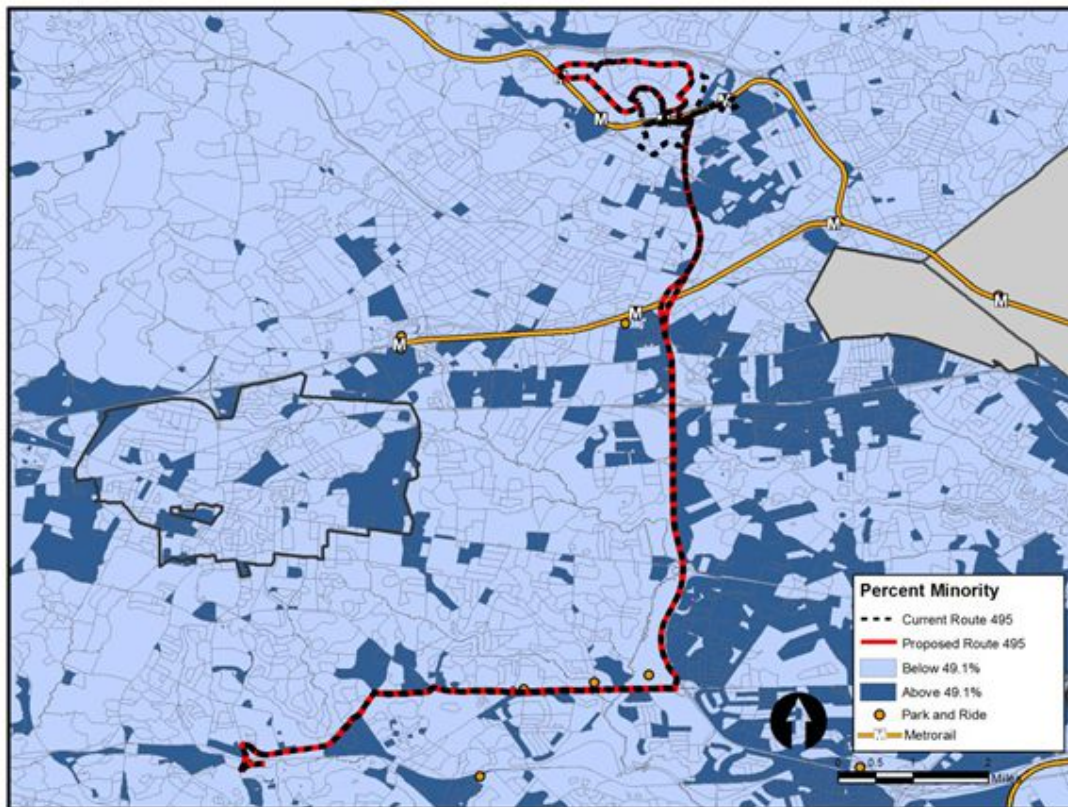
### Route 495

Route 495 currently operates using four different alignments within Tysons. The proposed changes will rationalize these multiple routings into a single alignment that will link the Burke Centre VRE Station with the Tysons Corner and Spring Hill Metrorail Stations on the Silver Line. FCDOT will also reduce weekday peak service from every 21 minutes to every 33 minutes in the AM and every 37 minutes in the PM. Midday service will be improved from every 63 to 105 minutes to every 53 to 64 minutes.

Route 495 serves a population which is 44.8 percent minority. This is 4.3 percent less than the system average of 49.1 percent. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the proposed alignment and headway changes will not create a disparate impact.

Figure 32 shows the proposed alignment change in relation to predominantly minority Census Blocks.

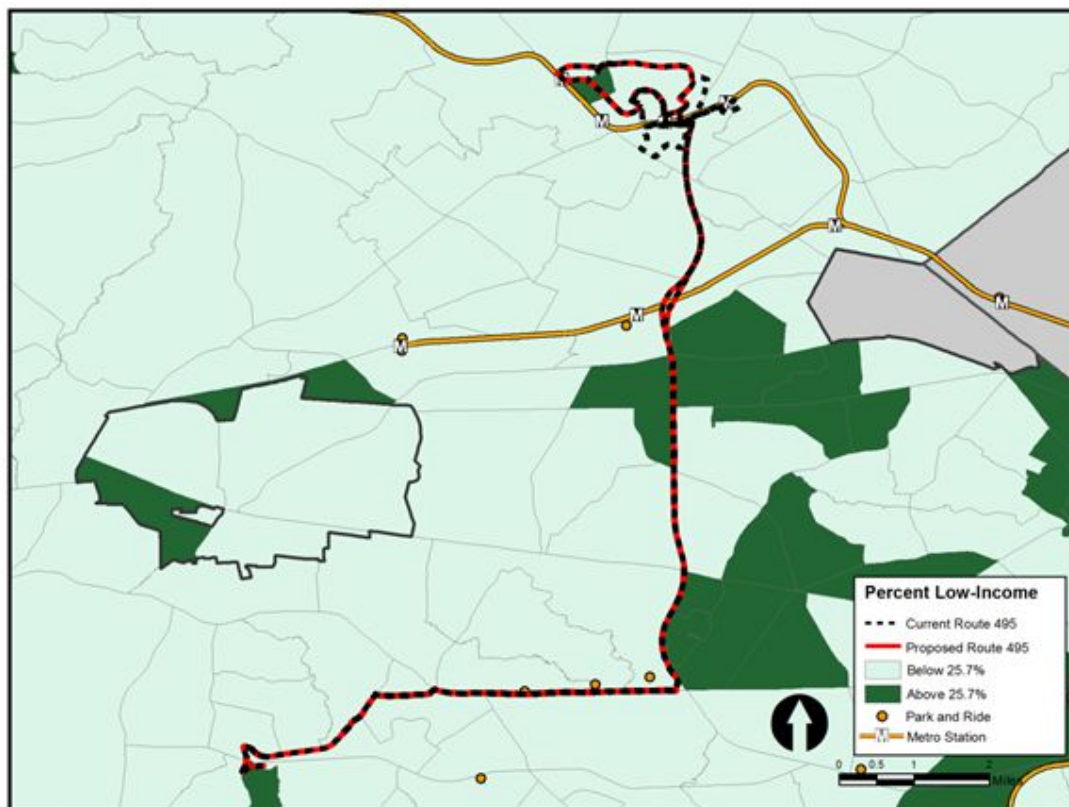
**Figure 32 Route 495 Minority Map**



The households within a quarter mile of Route 495 are 16.6 percent low-income. This is 9.1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 495 will not create a disproportionate burden.

Figure 33 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 33 Route 495 Low-Income Map**



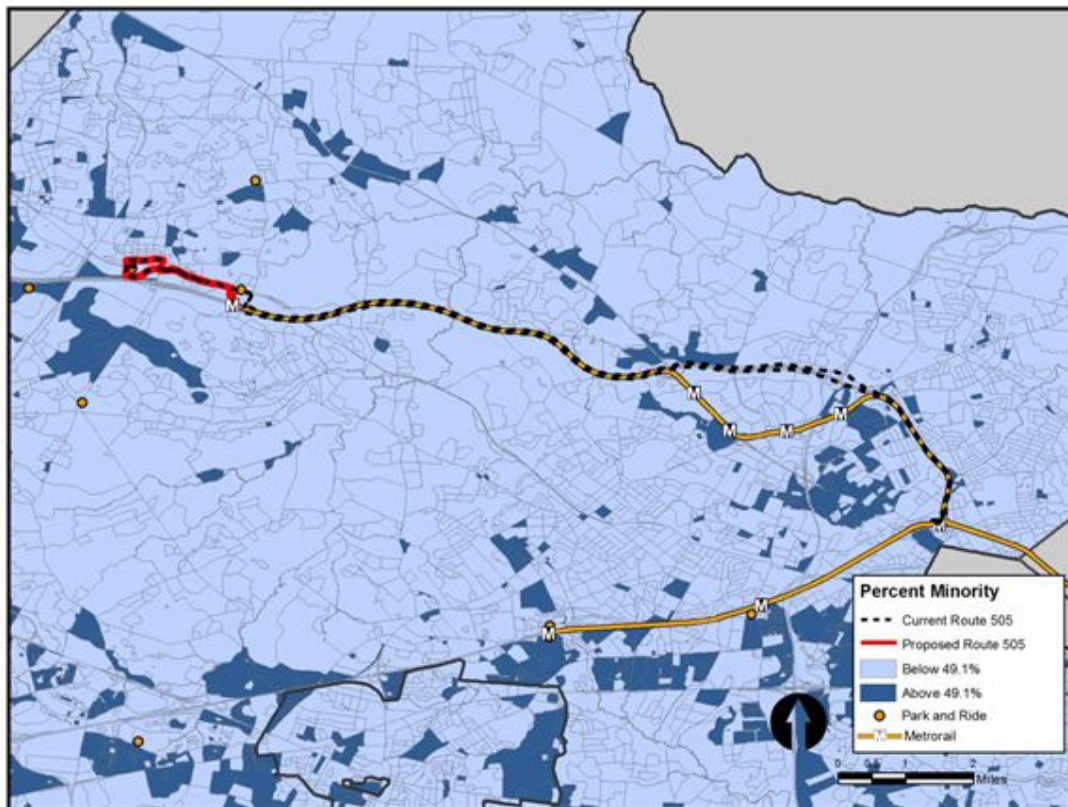
### Route 505

Route 505 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The route segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also improve peak and evening headways and add off-peak and weekend service. Route 505 currently runs on 30 minute headways during all weekday and weekend periods. The proposal increases frequency by reducing headways to 20 minutes during all periods.

The population that lives within a quarter mile of Route 505 is 33.6 percent is minority. This is 15.5 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 505 will not trigger a disparate impact.

Figure 34 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 34 Route 505 Minority Map**

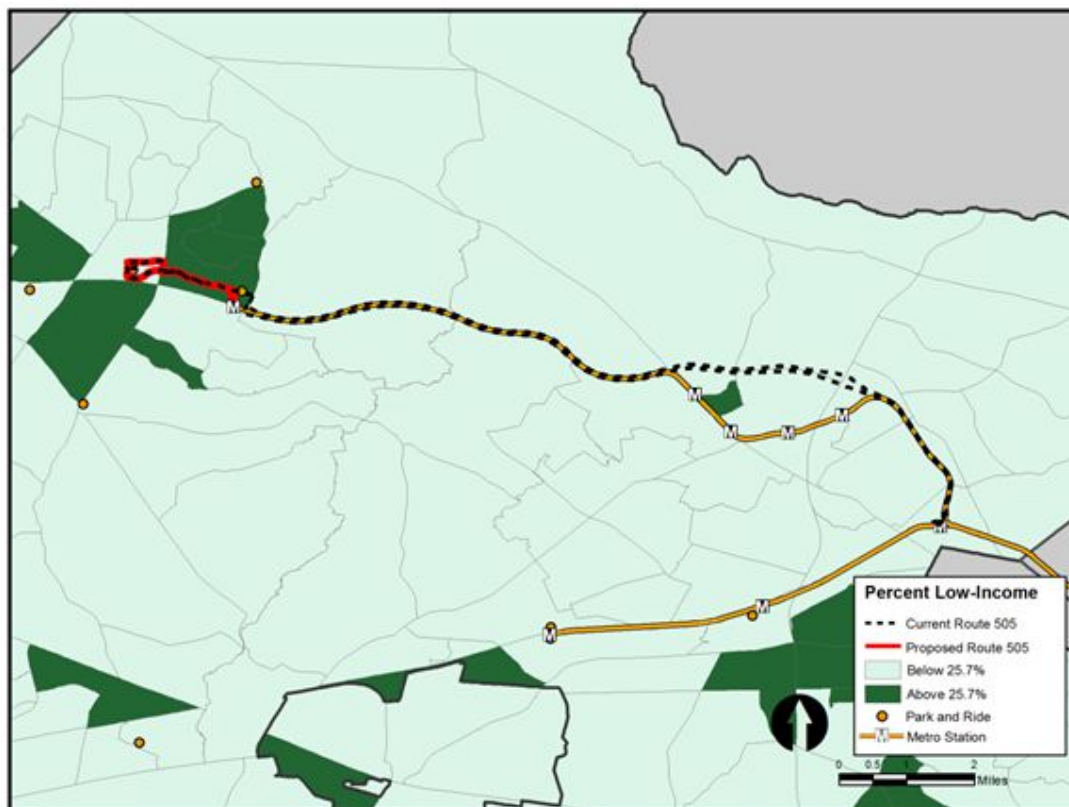




The households within a quarter mile of Route 505 are 21.2 percent low-income. This is 4.5 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 505 will not create a disproportionate burden.

Figure 35 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 35 Route 505 Low-Income Map**



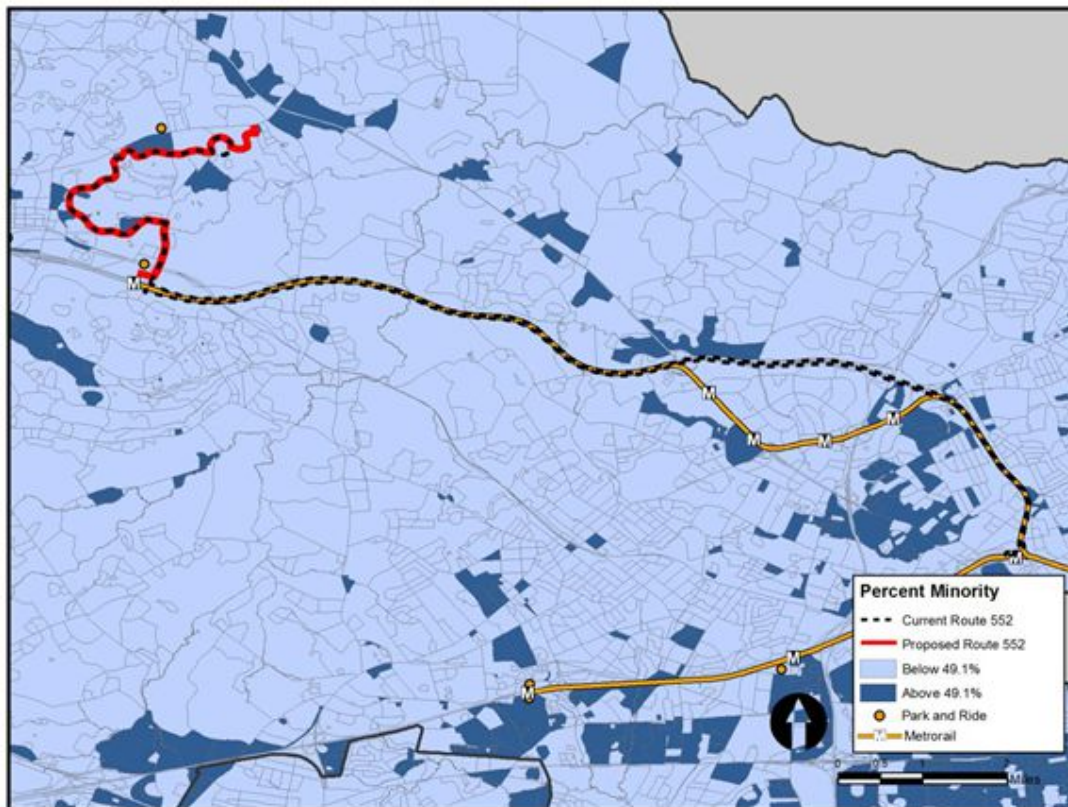
### Route 552

Route 552 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The route segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also improve peak headways on Route 552. The route currently operates during weekday peak periods on 30 minute headways; the proposed service will increase service to 18 minute headways.

The population that lives within a quarter mile of Route 552 is 37.5 percent minority. This is 11.6 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 552 will not trigger a disparate impact.

Figure 36 shows the proposed route alignment in relation to predominantly minority Census Blocks.

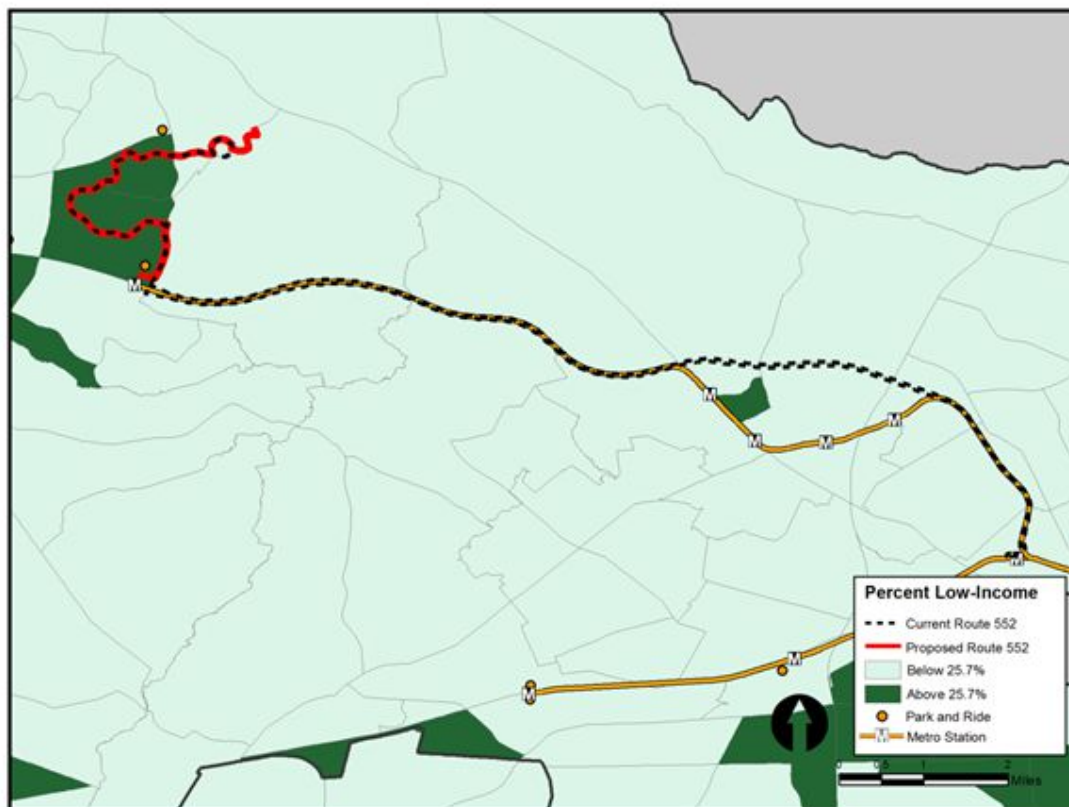
**Figure 36 Route 552 Minority Map**



The households within a quarter mile of Route 552 are 18.7 percent low-income. This is 7.0 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 552 will not create a disproportionate burden.

Figure 37 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 37 Route 552 Low-Income Map**



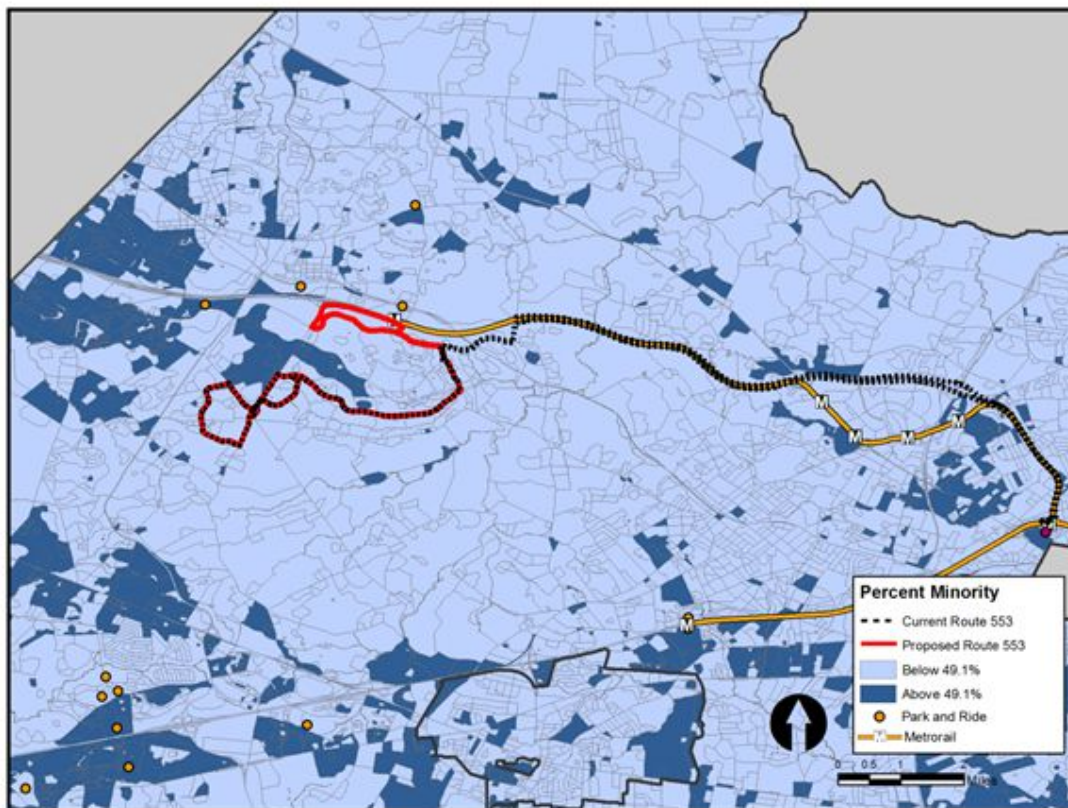
### Route 553

Route 553 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The route segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also improve peak headways on Route 553 from 30 minutes to 18 minutes.

The population that lives within a quarter mile of Route 553 is 36.8 percent minority. This is 12.3 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 553 will not trigger a disparate impact.

Figure 38 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 38 Route 553 Minority Map**

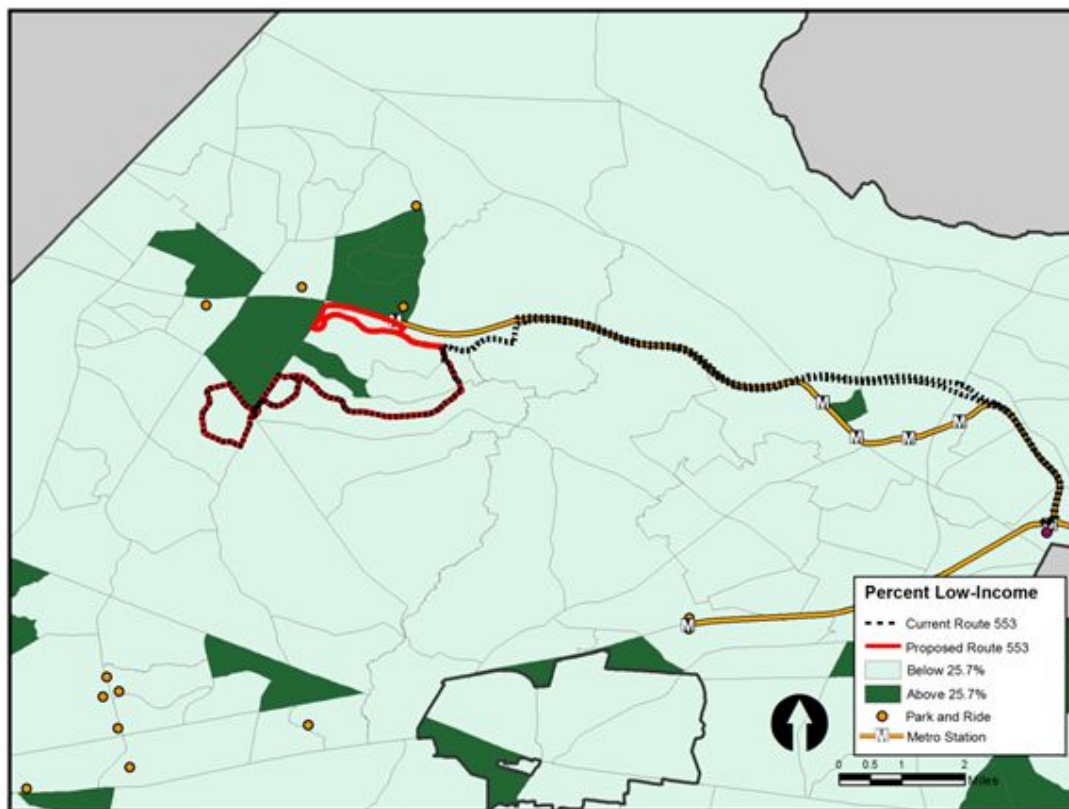




The households within a quarter mile of Route 553 are 17.1 percent low-income. This is 8.6 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 553 will not create a disproportionate burden.

Figure 39 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 39 Route 553 Low-Income Map**





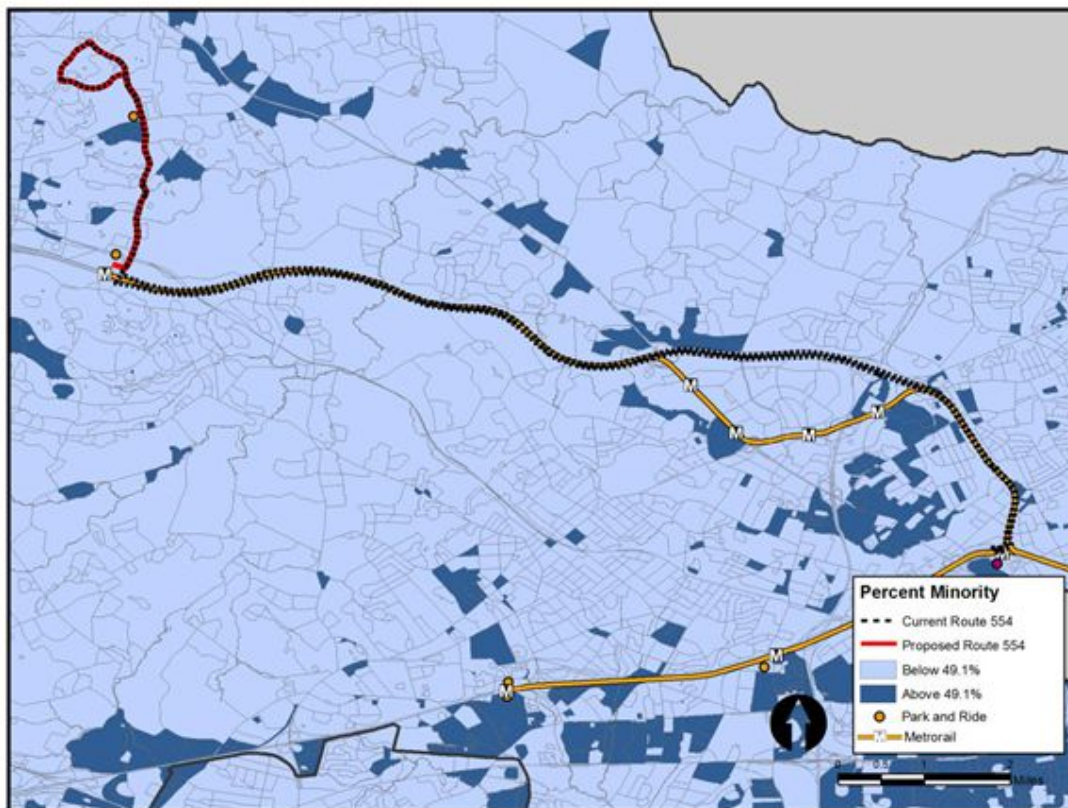
### Route 554

Route 554 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The route segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also improve peak headways on Route 554 from every 30 minutes to every 18 minutes.

The population that lives within a quarter mile of Route 554 is 31.7 percent minority. This is 17.4 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 554 will not trigger a disparate impact.

Figure 40 shows the proposed route alignment in relation to predominantly minority Census Blocks.

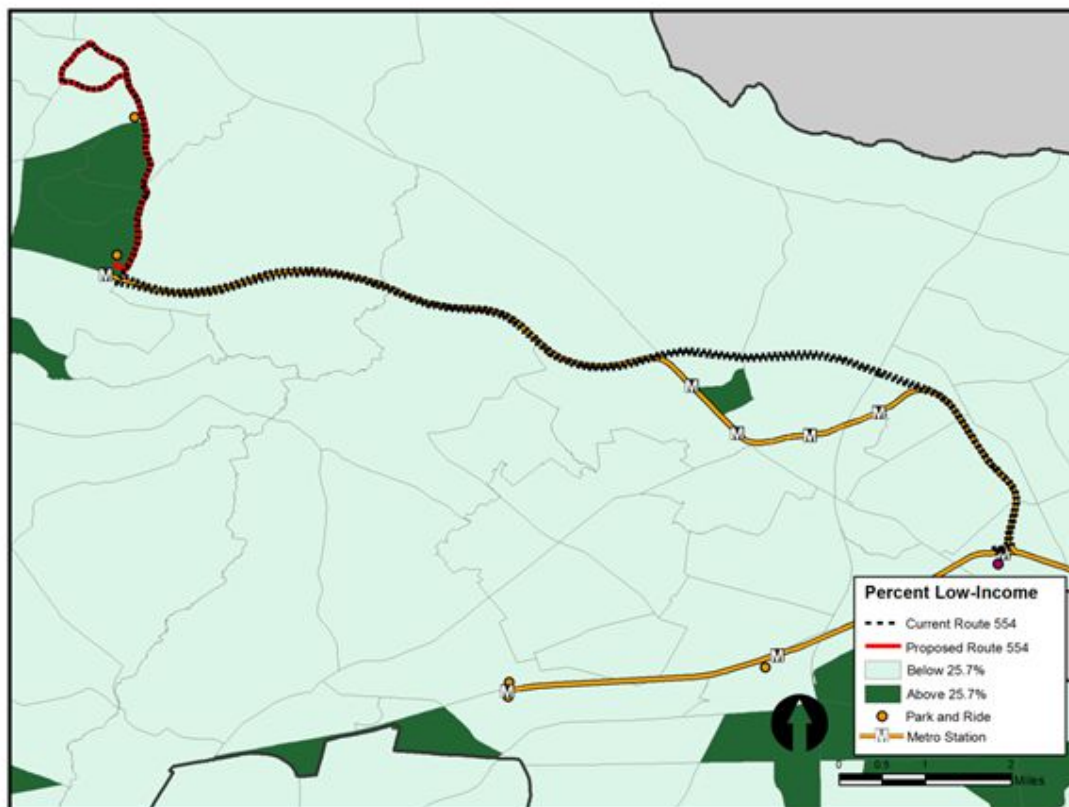
**Figure 40 Route 554 Minority Map**



The households within a quarter mile of Route 554 are 19.2 percent low-income. This is 6.5 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 554 will not create a disproportionate burden.

Figure 41 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 41 Route 554 Low-Income Map**



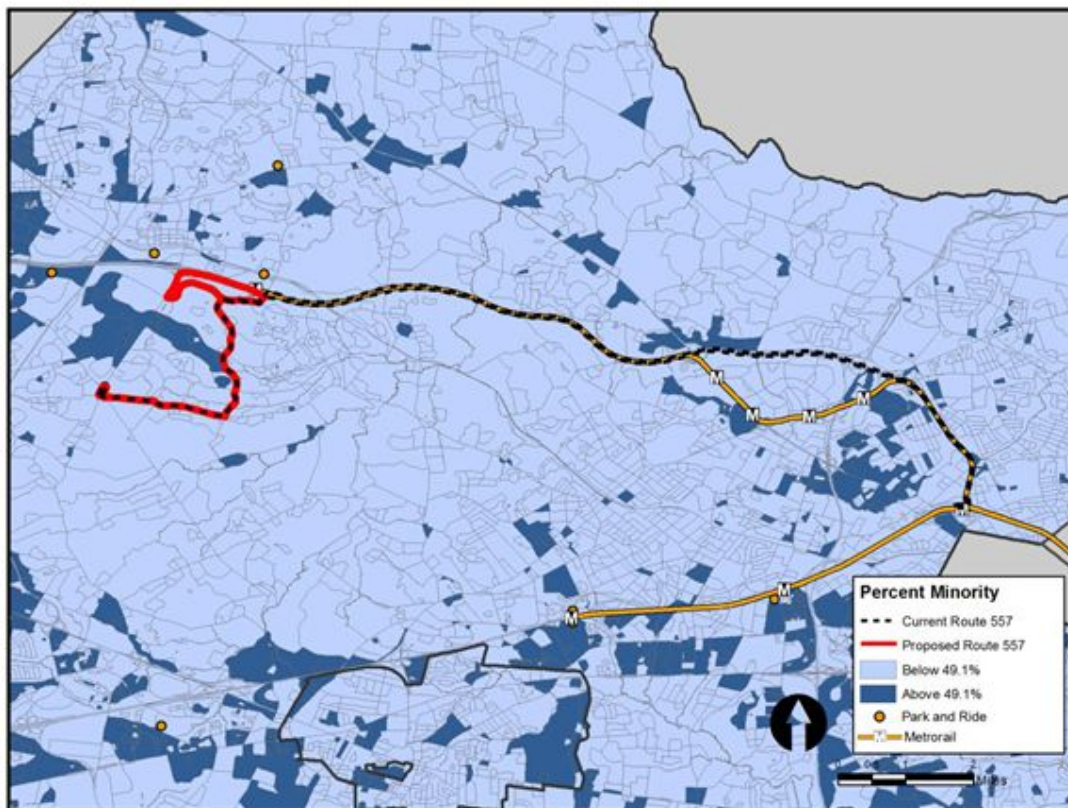
### Route 557

Route 557 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The route segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also improve peak headways on Route 557 from every 30 minutes to every 18 minutes.

The population that lives within a quarter mile of Route 557 is 27.3 percent minority. This is 21.8 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 557 will not trigger a disparate impact.

Figure 42 shows the proposed route alignment in relation to predominantly minority Census Blocks.

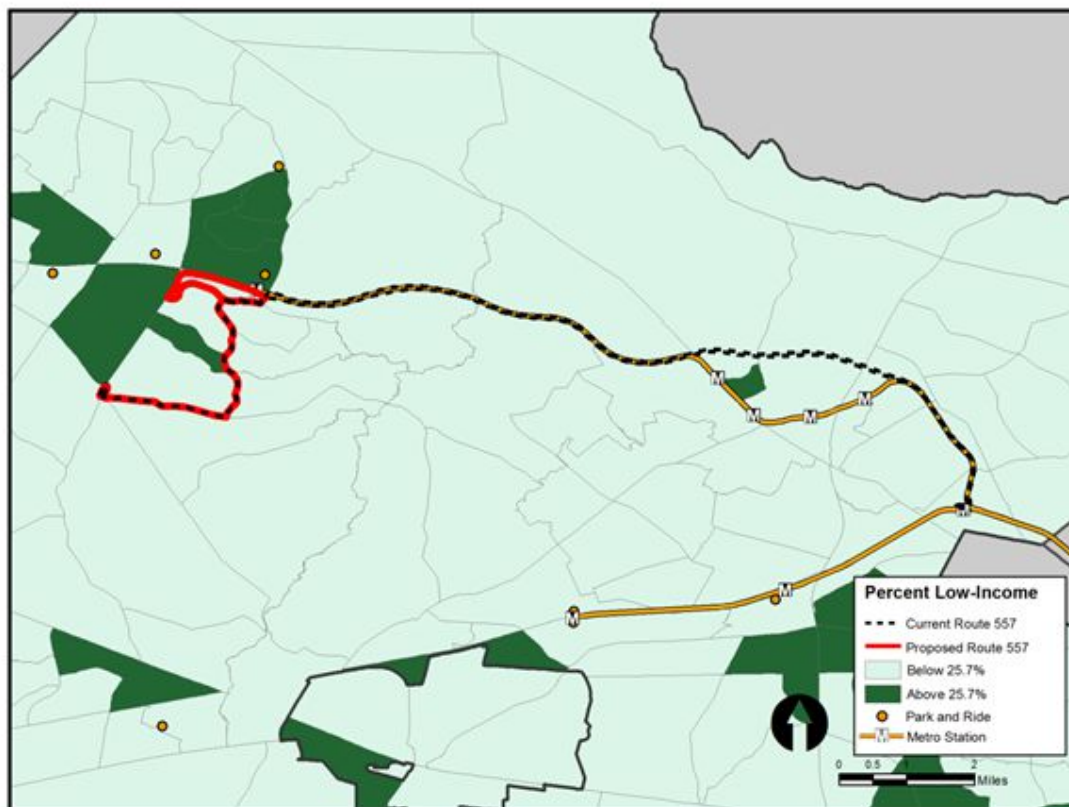
**Figure 42 Route 557 Minority Map**



The households within a quarter mile of Route 557 are 18.8 percent low-income. This is 6.9 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 557 will not create a disproportionate burden.

Figure 43 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 43 Route 557 Low-Income Map**





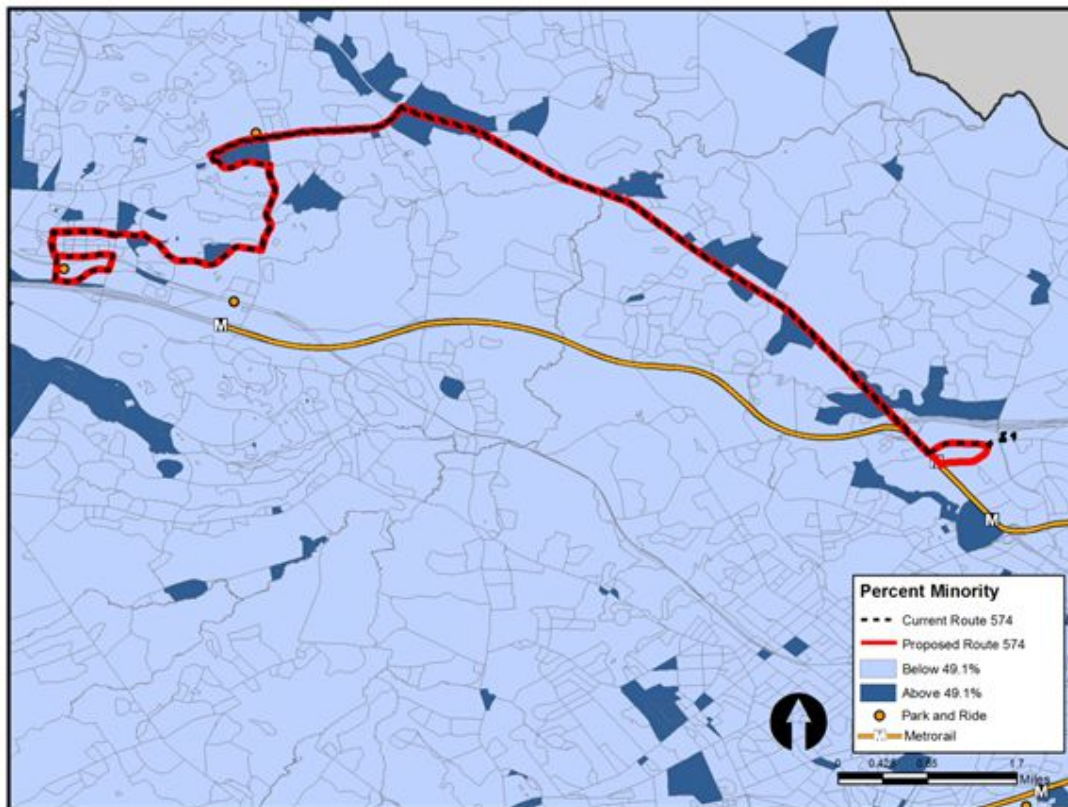
### Route 574

Route 574 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from Tysons West\*Park Transit Center to the Spring Hill Metrorail Station on the Silver Line. Route 423 will provide alternate service on the eliminated segment of Route 574. FCDOT will also improve weekday, Saturday, and Sunday headways on Route 574. This route currently runs on 60 minute headways in all periods. The proposed service will run on 30 minute headways during the weekday peak and on 40 minute headways during midday, evening, Saturday, and Sunday periods.

The population that lives within a quarter mile of Route 574 is 36.4 percent minority. This is 12.7 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 574 will not trigger a disparate impact.

Figure 44 shows the proposed route alignment in relation to predominantly minority Census Blocks.

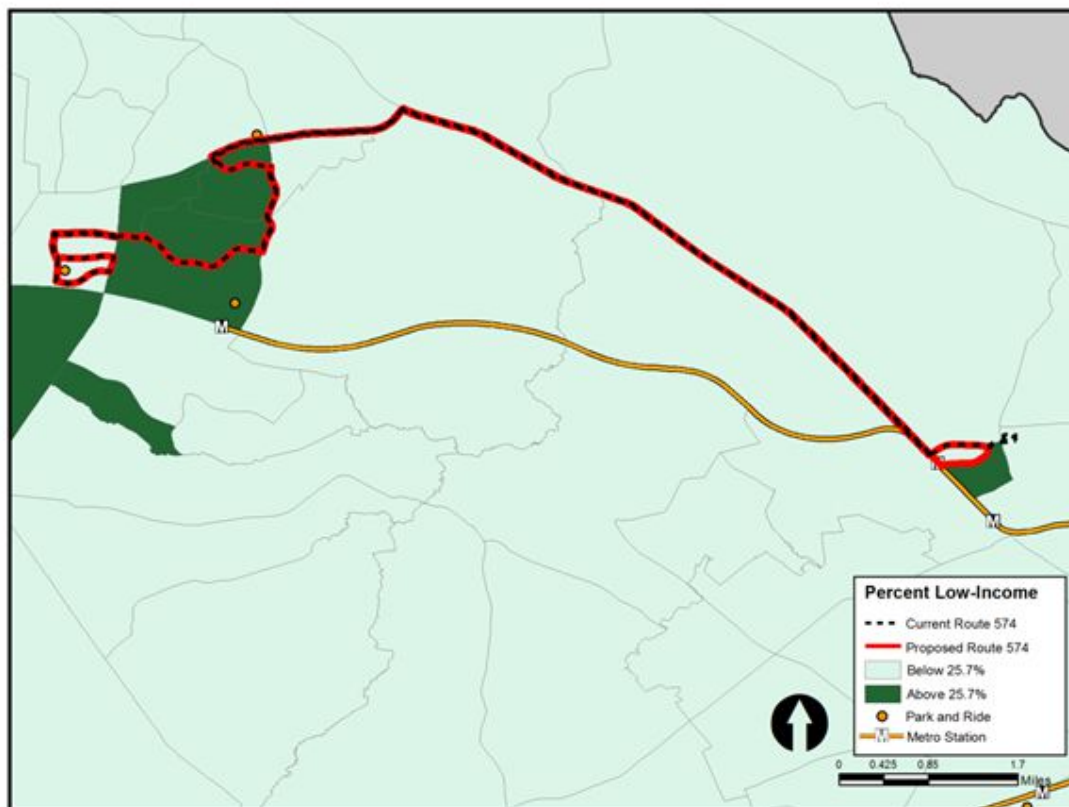
**Figure 44 Route 574 Minority Map**



The households within a quarter mile of Route 574 are 17.6 percent low-income. This is 8.1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 574 will not create a disproportionate burden.

Figure 45 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 45 Route 574 Low-Income Map**



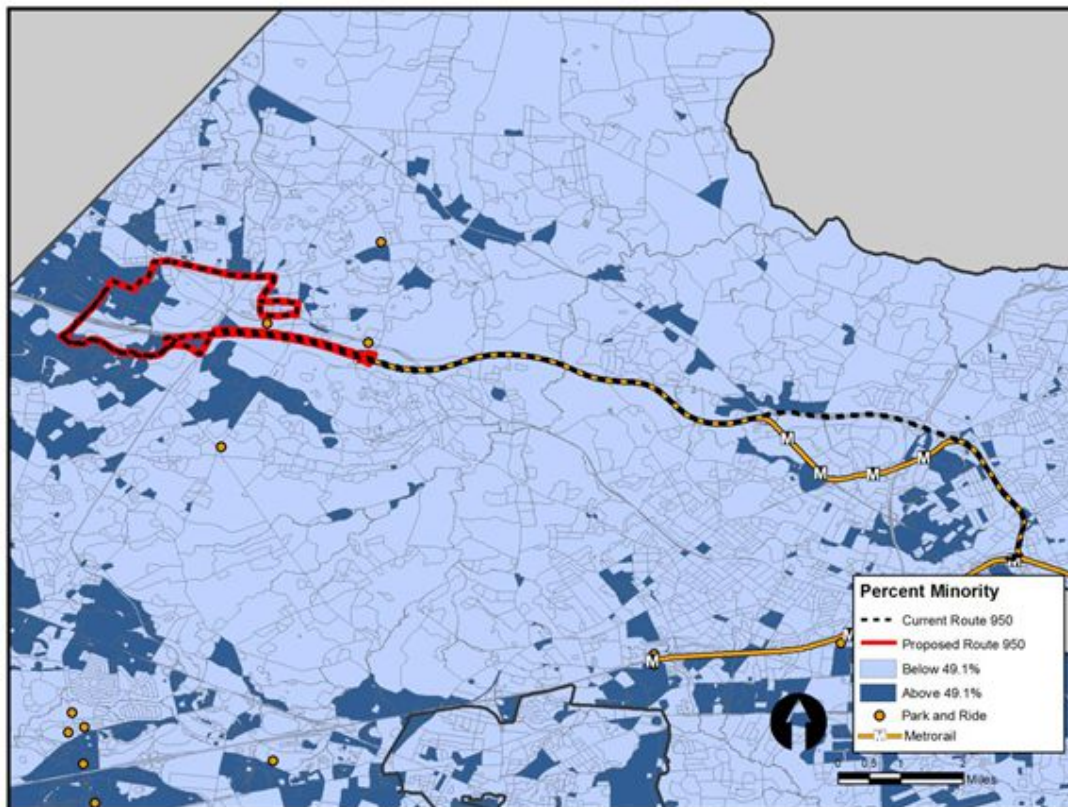
### Route 950

Route 950 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The bus segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also adjust headways. Route 950 currently operates every 15 minutes but under the new service plan will operate every 30 minutes. Route 950 is one of the few routes where headways will be increased, to reduce service.

The population that lives within a quarter mile of Route 950 is 58.0 percent minority. This is 8.9 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, modifying Route 950 will not create a disparate impact on minorities in Fairfax County.

Figure 46 shows the proposed route alignment in relation to predominantly minority Census Blocks.

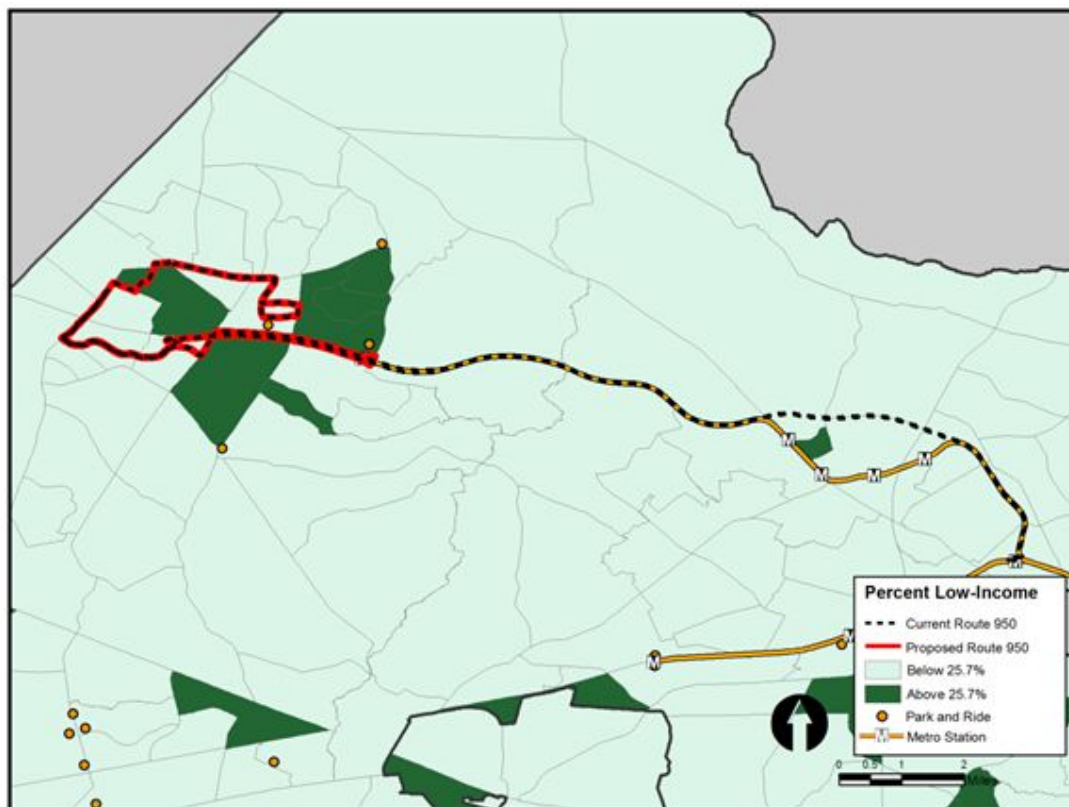
**Figure 46 Route 950 Minority Map**



The households within a quarter mile of Route 950 are 18.4 percent low-income. This is 7.3 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 950 will not create a disproportionate burden.

Figure 47 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 47 Route 950 Low-Income Map**





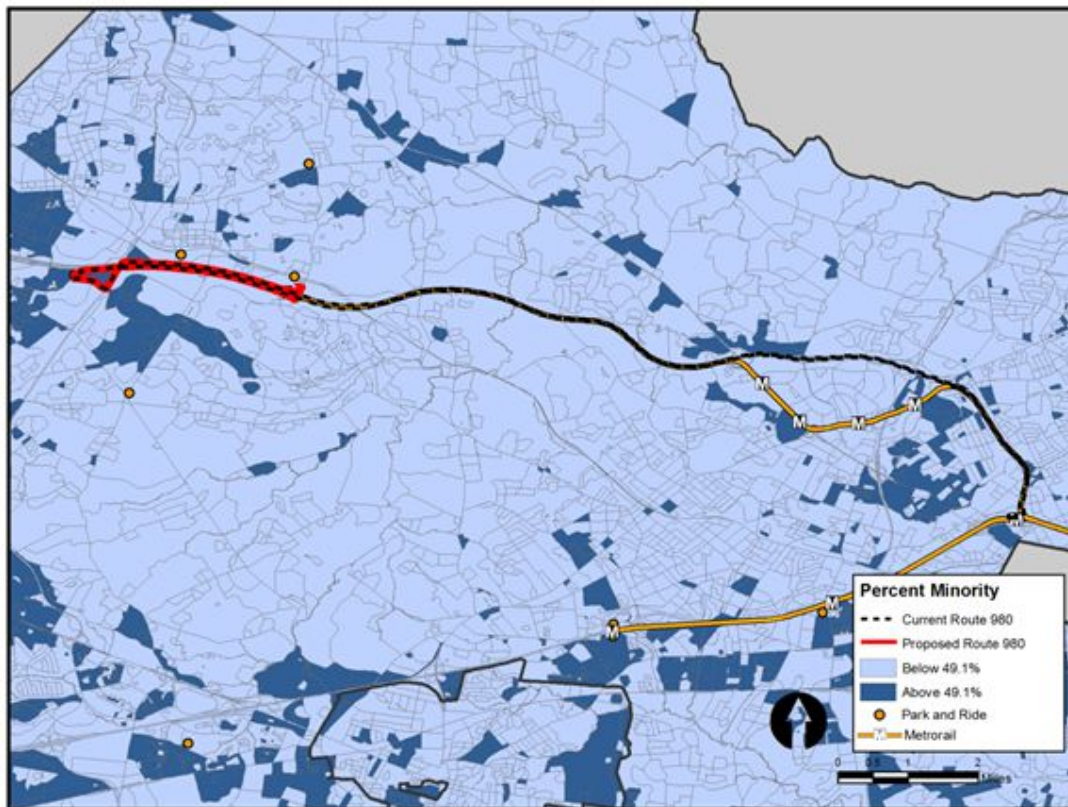
### Route 980

Route 980 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The bus segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also reduce service headways to from 6 minutes to 12 minutes in the peak period.

The population that lives within a quarter mile of Route 980 is 53.3 percent minority. This is 4.2 percent greater than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, modifying Route 980 will not create a disparate impact on minorities in Fairfax County.

Figure 48 shows the proposed route alignment in relation to predominantly minority Census Blocks.

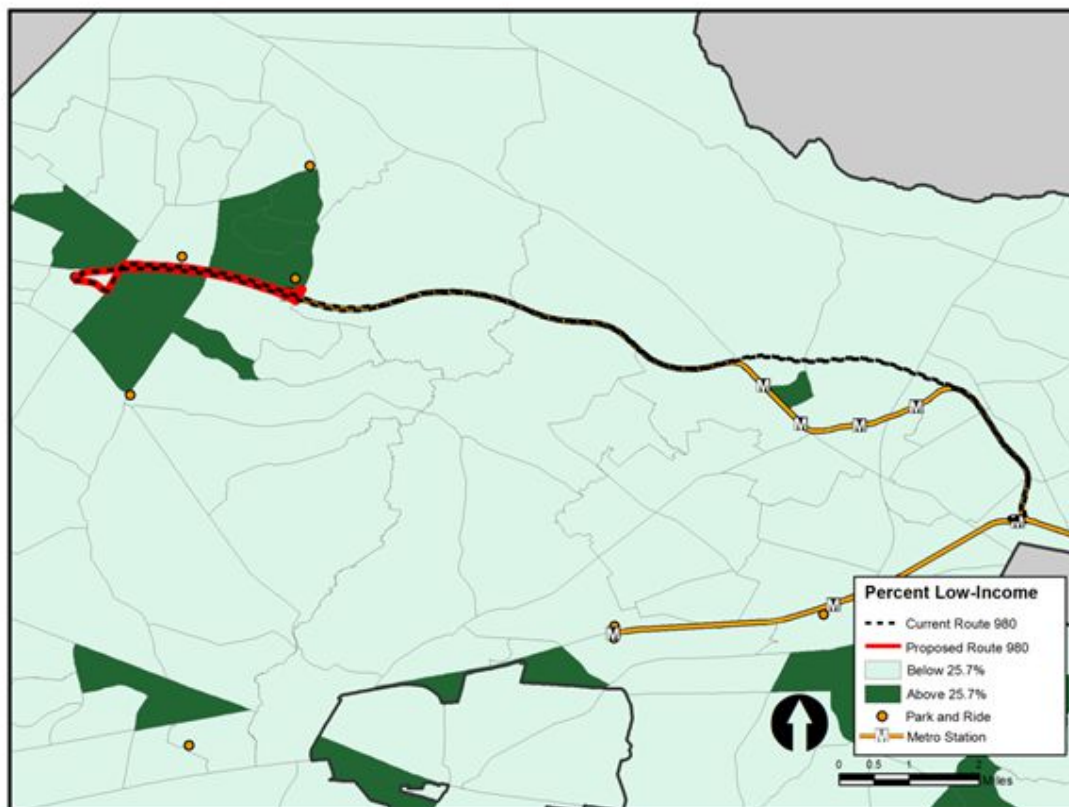
**Figure 48 Route 980 Minority Map**



The households within a quarter mile of Route 980 are 18.8 percent low-income. This is 6.9 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 980 will not create a disproportionate burden.

Figure 49 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 49 Route 980 Low-Income Map**



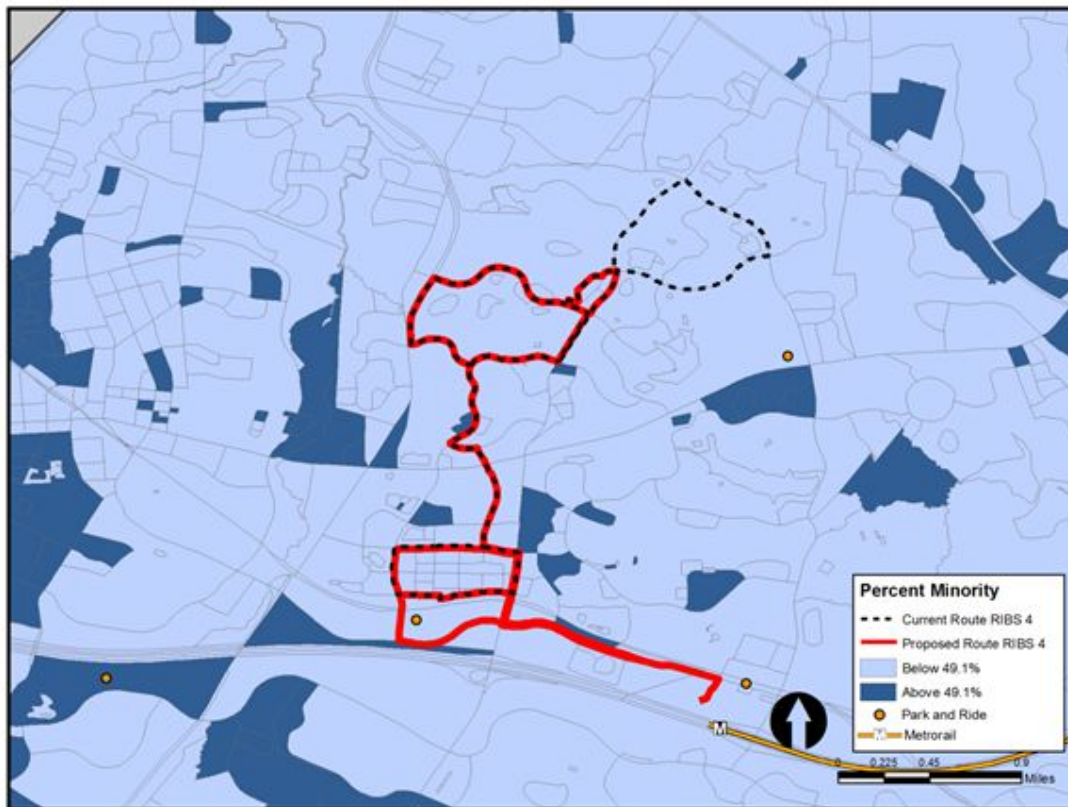
RIBS 4

RIBS 4 will be modified to shift the terminus from Reston Town Center Transit Station to Wiehle-Reston East Metrorail Station on the Silver Line. The route modification will also eliminate the Center Harbor loop. FCDOT will improve Saturday evening headways from every 60 minutes to every 30 minutes. Headways will remain constant for the remaining time periods.

The population that lives within a quarter mile of RIBS 4 is 28.0 percent minority. This is 21.1 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on RIBS 4 will not trigger a disparate impact.

Figure 50 shows the proposed route alignment in relation to predominantly minority Census Blocks.

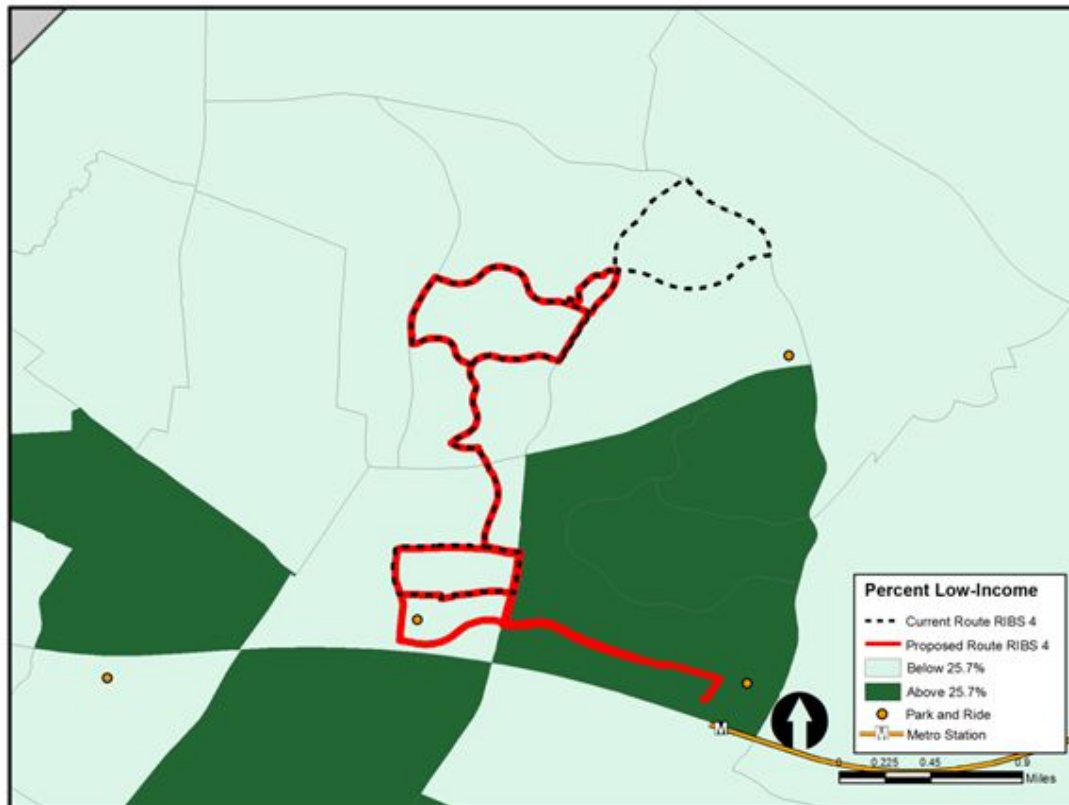
**Figure 50 Route RIBS 4 Minority Map**



The households within a quarter mile of RIBS 4 are 16.0 percent low-income. This is 9.7 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying RIBS 4 will not create a disproportionate burden.

Figure 51 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 51 Route RIBS 4 Low-Income Map**



## Alignment Modification and Headway Modification and Add Service

### Overview

The FCDOT Silver Line Service Change Package proposes to modify four routes by realigning the route, adjusting headways, and increasing service on the routes. Combined alignment and headway modifications that also add service may constitute a Major Service Change, according to the policies adopted by the Fairfax County Board of Supervisors. FTA Circular 4702.1B requires the performance and documentation of an analysis of any proposed service change that meets or exceeds the Major Service Change threshold.

Table 9 provides an overview of any potential impact from the combination of route alignment changes, headway modifications, and additional service on the minority population living in the vicinity of the four routes. This table identifies the proposed Route 924 as having a disparate impact.

**Table 9 Alignment Modification, Headway Modification, and New Service Disparate Impact**

Route	Minority Population	Route Population	Service Area Percent Minority	Route Percent Minority	Difference	Disparate Impact
463	13,268	33,452	49.1	39.7	-9.4	No
551	11,572	25,465	49.1	45.4	-3.7	No
924	21,391	36,090	49.1	59.3	+10.2	Yes
926	17,646	31,299	49.1	56.4	+7.3	No

Table 10 provides an overview of any potential impact on low-income households from the proposed modifications. All of the routes analyzed serve households that are less low-income than the system average, which confirms there is not a disproportionate burden as a result of the proposed modifications.

**Table 10 Alignment Modification, Headway Modification, and New Service Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Service Area Percent Low-Income	Route Percent Low-Income	Difference	Disproportionate Burden
463	3,174	22,573	25.7	14.1	-11.6	No
551	4,479	20,259	25.7	22.3	-3.4	No
924	4,658	29,846	25.7	15.6	-10.1	No
926	4,603	30,503	25.7	15.1	-10.6	No





### ***Individual Route Analyses***

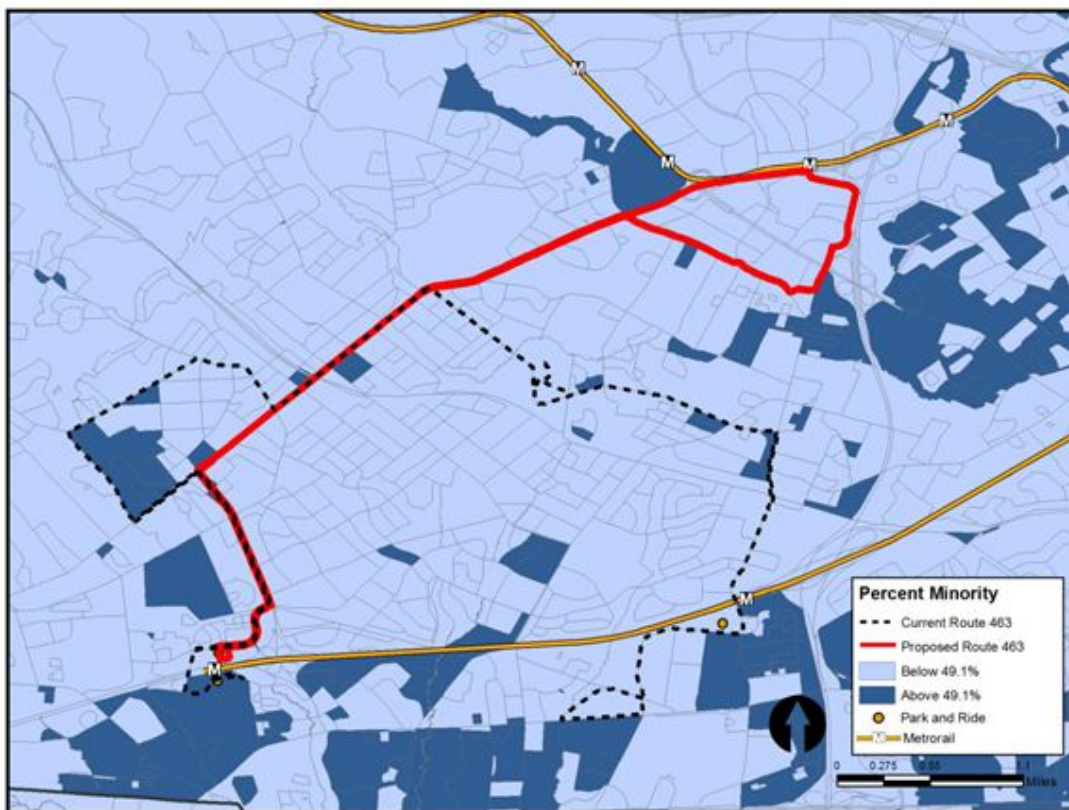
#### **Route 463**

Route 463 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the Dunn Loring Metrorail Station on the Orange Line to the Tysons Corner Metrorail Station on the Silver Line. FCDOT will also add service during the weekday off-peak and during weekends. Currently Route 463 operates in the peak period every 35 minutes. Under the proposed plan, all weekday headways will be every 20 minutes and Saturday and Sunday headways will be every 60 minutes.

The population that lives within a quarter mile of Route 463 is 39.7 percent minority. This is 9.4 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 463 will not trigger a disparate impact.

Figure 52 shows the proposed route alignment in relation to predominantly minority Census Blocks.

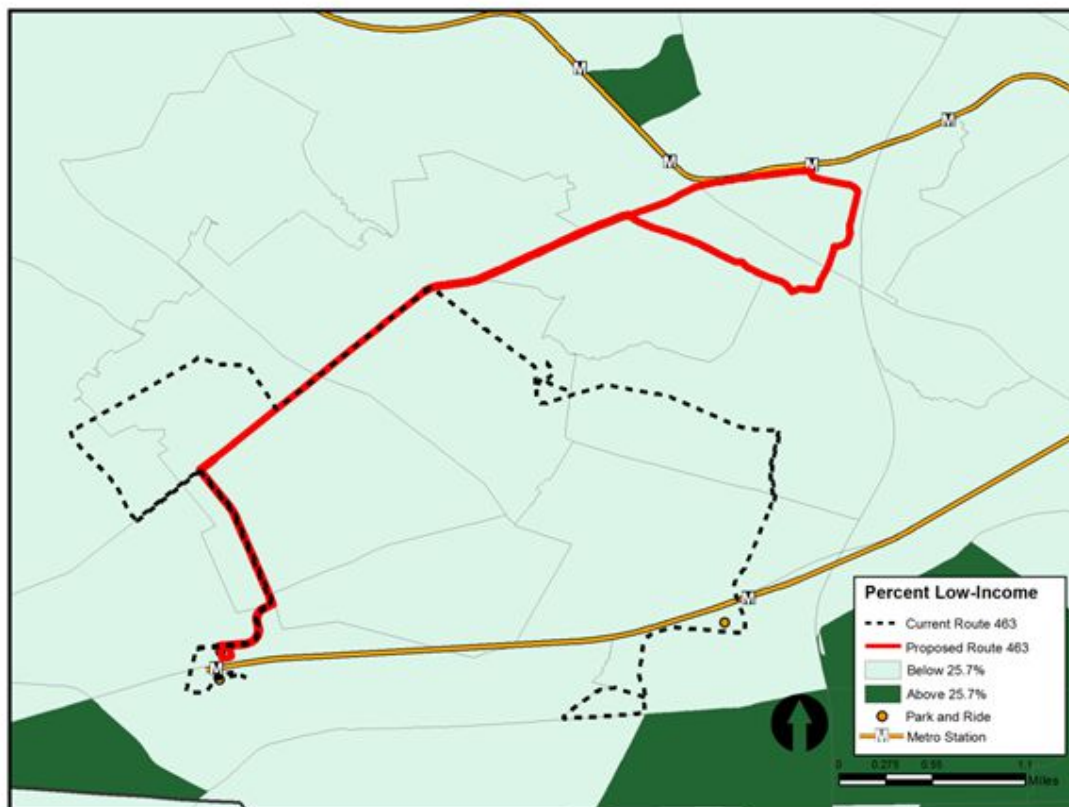
**Figure 52 Route 463 Minority Map**



The households within a quarter mile of Route 463 are 14.1 percent low-income. This is 11.6 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 463 will not create a disproportionate burden.

Figure 53 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 53 Route 463 Low-Income Map**



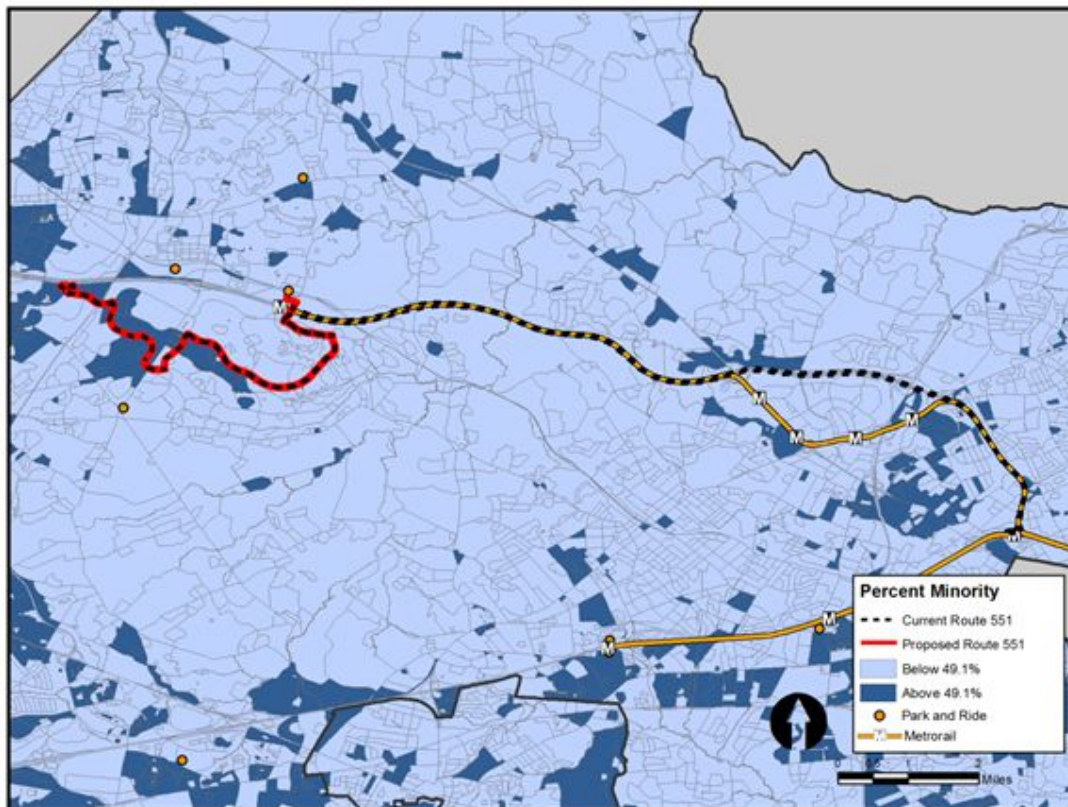
### Route 551

Route 551 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the West Falls Church Metrorail Station on the Orange Line to the Wiehle-Reston East Metrorail Station on the Silver Line. The bus segment proposed to be cut will be served by the Metrorail Silver Line. FCDOT will also improve peak and evening headways and add off-peak and weekend service. Route 551 currently runs during the weekday peak period only, on 30 minute headways. The proposed service change calls for 18 minute headways, which will increase frequency.

The population that lives within a quarter mile of Route 551 is 45.4 percent minority. This is 3.7 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, the alignment modification on Route 551 will not trigger a disparate impact.

Figure 54 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 54 Route 551 Minority Map**

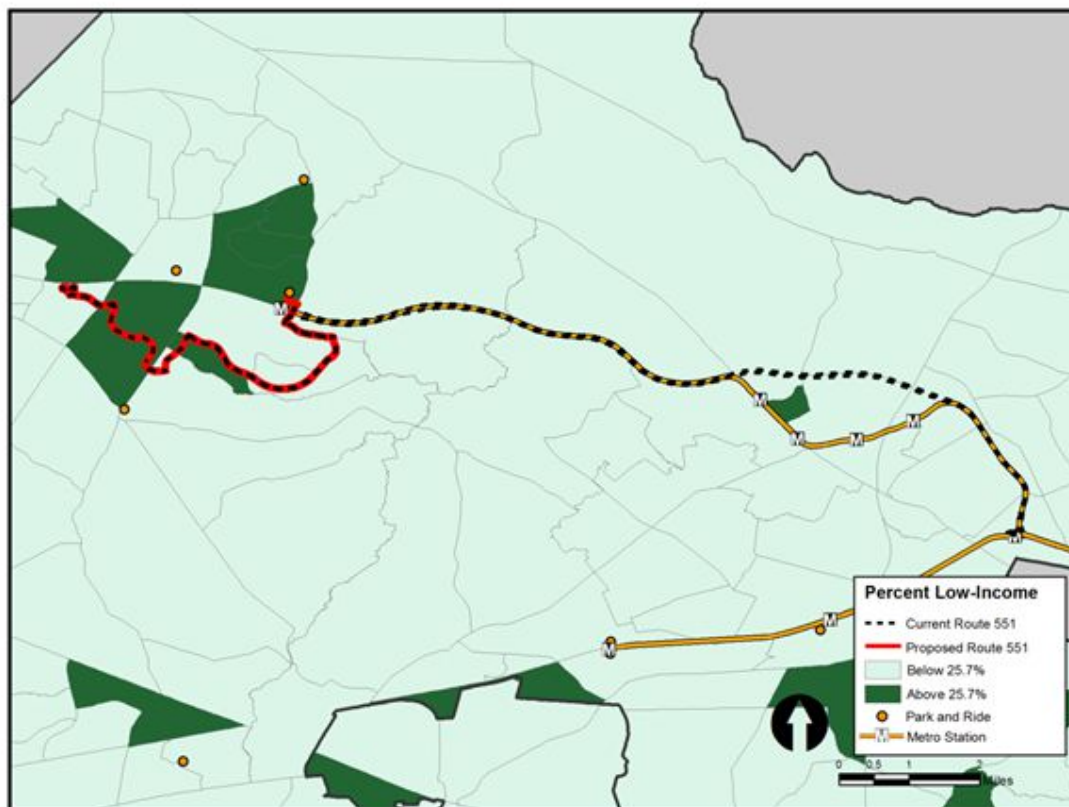




The households within a quarter mile of Route 551 are 22.3 percent low-income. This is 3.4 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 551 will not create a disproportionate burden.

Figure 55 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 55 Route 551 Low-Income Map**



### Route 924

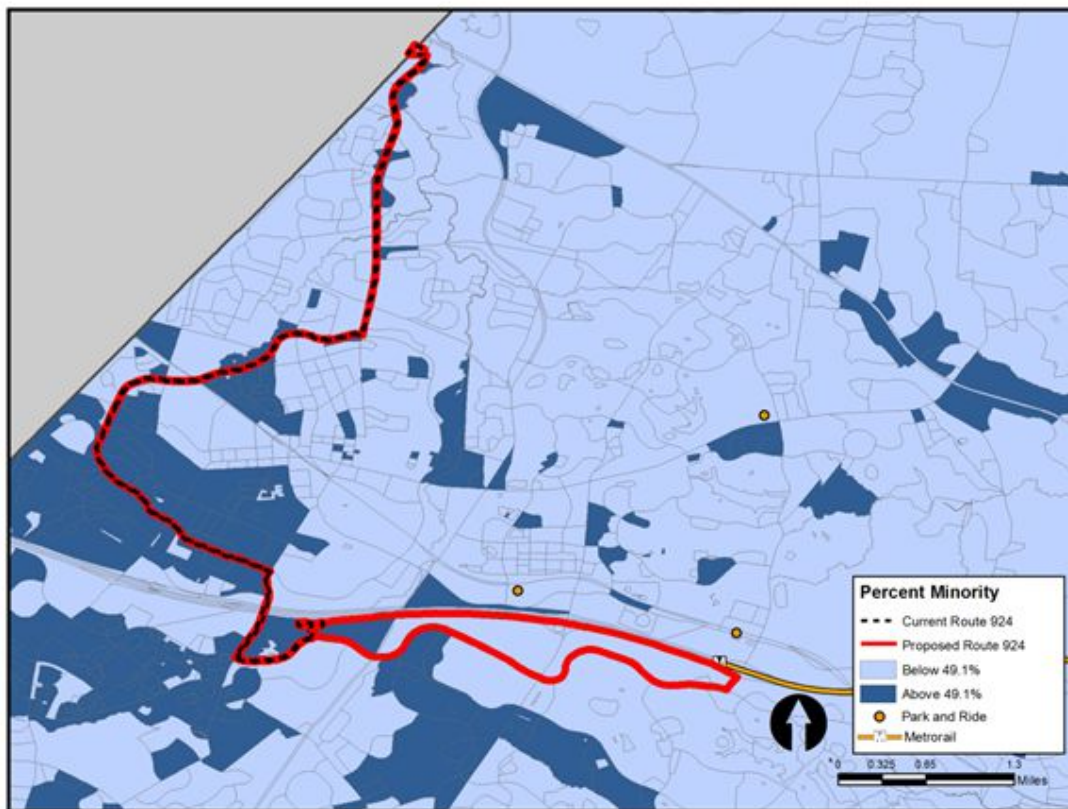
Route 924 will be modified to provide a direct connection to the Silver Line by shifting the route terminus from the Herndon-Monroe Park-and-Ride to the Wiehle-Reston East Metrorail Station. FCDOT will also extend peak headways from 24 (AM) and 27 (PM) minutes to 30 minutes. New 30-minute evening service will also be added.

The population that lives within a quarter mile of Route 924 is 59.3 percent minority. This is 10.2 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is greater than the 10 percent disparate impact threshold. FTA Circular 4702.1B requires that FCDOT either modify its proposed change to avoid, minimize, or mitigate the disparate impact of the change, or provide a legitimate substantial justification for changing service and triggering the resulting disparate impact.

To address the disparate impact, FCDOT will improve service by extending the 924 to the Wiehle-Reston East Metrorail Station. This will eliminate a bus-to-bus transfer for Route 924 riders who travel to and/or from Metrorail, reducing their travel time, and helping to offset the proposed headway increases.

Figure 56 shows the proposed route alignment in relation to predominantly minority Census Blocks.

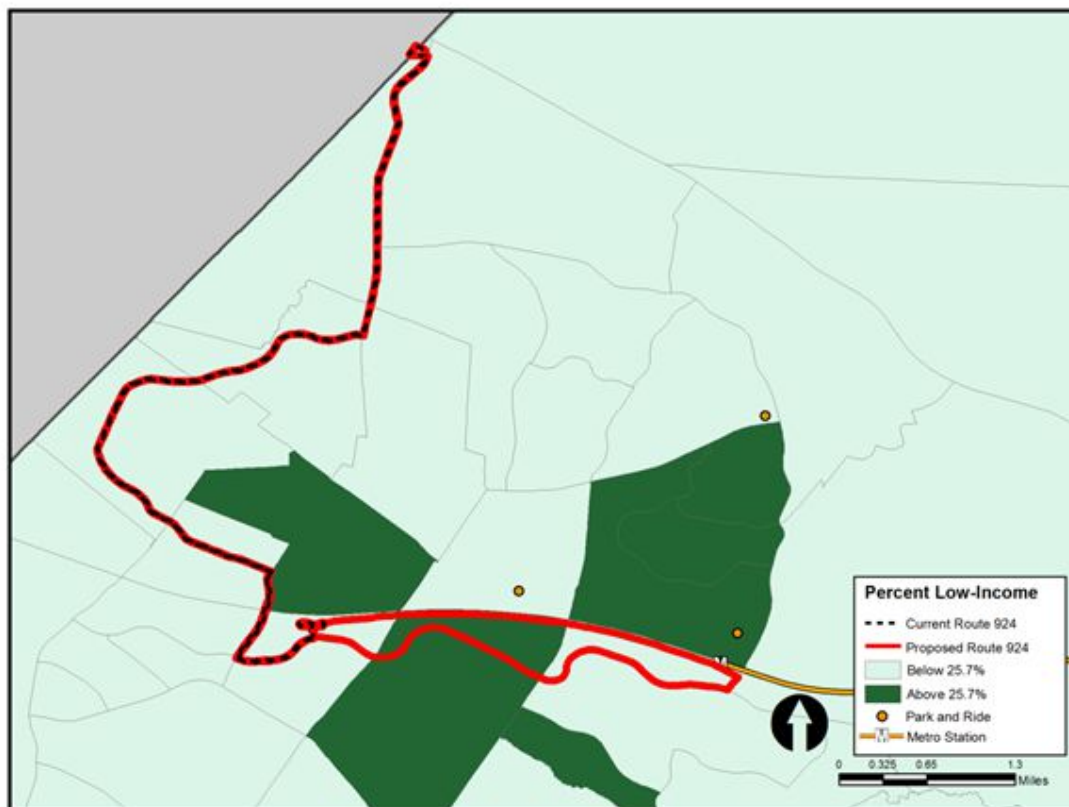
**Figure 56 Route 924 Minority Map**



The households within a quarter mile of Route 924 are 15.6 percent low-income. This is 10.1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 924 will not create a disproportionate burden.

Figure 57 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 57 Route 924 Low-Income Map**



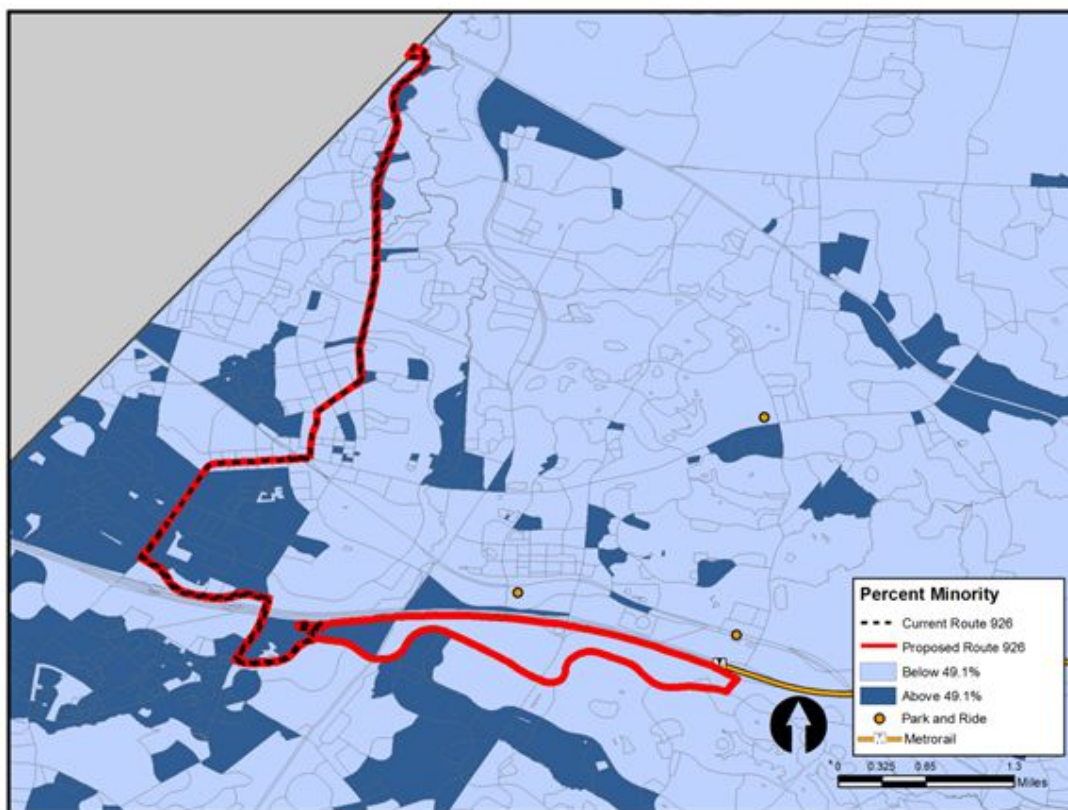
### Route 926

Route 926 will be modified to provide a direct connection to the Silver Line. The route terminus will be shifted from the Herndon-Monroe Park-and-Ride to the Wiehle-Reston East Metrorail Station on the Silver Line. FCDOT will also modify peak headways and add evening service. Currently Route 926 operates during the weekday peak period, every 24 minutes in the AM and every 27 minutes in the PM. Under the proposed service change, Route 926 will operate every 30 minutes in the weekday peak period and service will be added to the weekday evening period, on 30 minutes headways.

Of the population that lives within a quarter mile of Route 926, 56.4 percent is minority, which is 7.3 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Therefore, modifying Route 926 will not create a disparate impact.

Figure 58 shows the proposed route alignment in relation to predominantly minority Census Blocks.

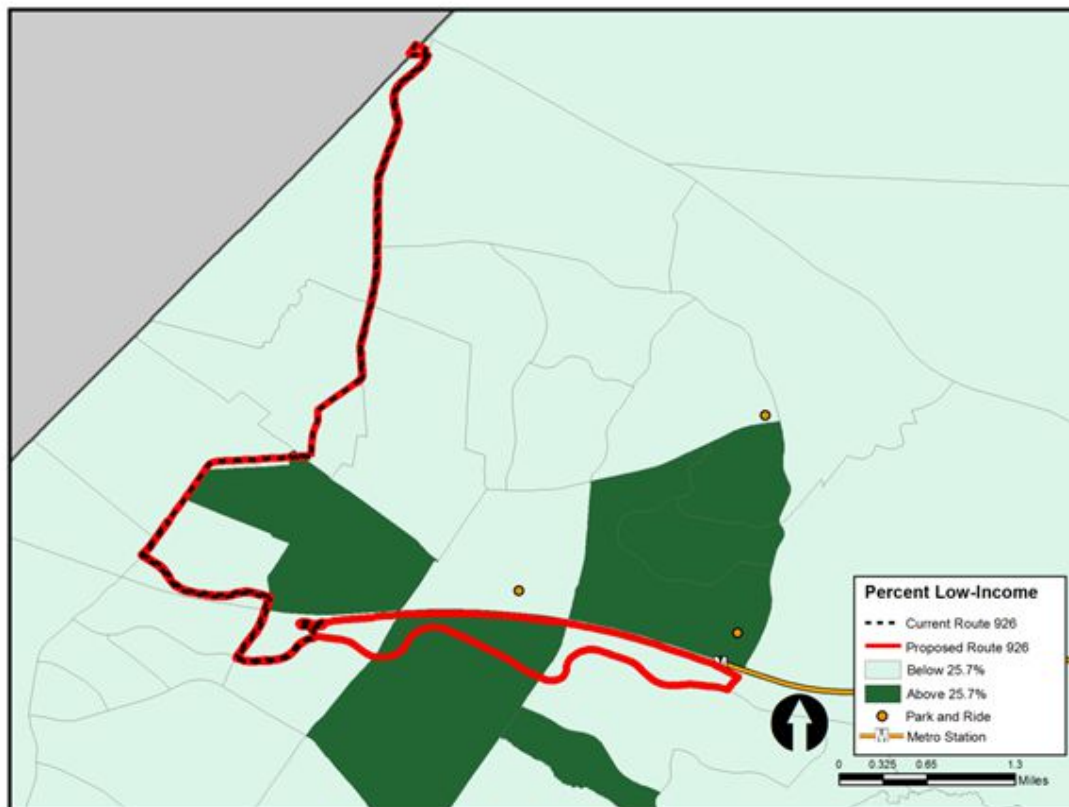
**Figure 58 Route 926 Minority Map**



The households within a quarter mile of Route 926 are 15.1 percent low-income. This is 10.6 percent less than the system-wide average of 25.7 percent low-income. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, modifying Route 926 will not create a disproportionate burden.

Figure 59 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 59 Route 926 Low-Income Map**





## New Service

### Overview

The FCDOT Silver Line Service Change Package proposes to add 16 new routes, most of which are feeder routes to Silver Line Metrorail Stations. New Service constitutes a Major Service Change, according to the policies adopted by the Fairfax County Board of Supervisors. FTA Circular 4702.1B requires the performance and documentation of an analysis of any proposed service change that meets or exceeds the Major Service Change threshold. New service may also be considered an adverse impact if service is provided to non-minority populations at the expense of minorities.

New service must be evaluated at the system-wide level to ensure service is not eliminated in predominantly minority areas while new service is proposed in non-minority areas. The operator needs to provide justification for eliminating service and for proposing new service. In the case of FCDOT, the new routes proposed in this section are feeder routes to support the Silver Line Metrorail extension and are not being proposed at the expense of service in predominantly minority neighborhoods. These routes are necessary as four of the five Silver Line stations opening will not have parking, and commuters from neighboring areas will only be able to access the stations via the bus, by walking or biking, or by being dropped off. These new routes increase access to jobs for minority populations and all populations throughout the region. Overall the addition of service creates a net benefit for Fairfax County and the region.

Table 11 provides an overview of any potential impact from the new routes. The table also shows the demographics of each of the new routes. While two routes are significantly more minority than the service area as a whole, these two routes are a benefit as they represent the provision of additional bus service in the system.

**Table 11 New Service (Demographics for Proposed Routes)**

Route	Minority Population	Total Population	Service Area Percent Minority	Route Percent Minority	Difference	Disparate Impact
422	5,853	13,398	49.1	43.7	-5.4	No
423	3,130	7,311	49.1	42.8	-6.3	No
424	2,910	6,896	49.1	42.2	-6.9	No
432	5,458	17,618	49.1	31.0	-18.1	No
461	7,409	21,196	49.1	35.0	-14.1	No
507	1,805	7,827	49.1	23.1	-26.0	No
558	6,301	19,685	49.1	32.0	-17.1	No
559	8,918	24,770	49.1	36.0	-13.1	No
599	82,832	206,576	49.1	40.1	-9.0	No
721	5,852	15,577	49.1	37.6	-11.5	No
724	4,768	12,895	49.1	37.0	-12.1	No
734	6,147	19,162	49.1	32.1	-17.0	No
928	15,871	26,875	49.1	59.1	+10.0	No
937	28,795	42,975	49.1	67.0	+17.9	No
983	8,864	17,009	49.1	52.1	+3.0	No
985	11,825	20,675	49.1	57.2	+8.1	No



Table 12 provides an overview of household income along the 16 proposed new routes under the Silver Line Service Change Package. The table shows all the proposed routes run through neighborhoods that are less low-income than the system average. Because the provision of new service does not come at the expense of service in low-income area of Fairfax County, there is not a disproportionate burden as a result of the new service.

**Table 12 New Service Disproportionate Burden (Demographics for Proposed Routes)**

Route	Low-Income Households	Total Households along Route	Service Area Percent Low-Income	Route Percent Low-Income	Difference	Disproportionate Burden
422	1,993	11,900	25.7	16.7	-9.0	No
423	1,548	10,586	25.7	14.6	-11.1	No
424	1,548	10,586	25.7	14.6	-11.1	No
432	1,846	14,849	25.7	12.4	-13.3	No
461	1,770	12,647	25.7	14.0	-11.7	No
507	1,865	8,820	25.7	21.1	-4.6	No
558	3,289	16,604	25.7	19.8	-5.9	No
559	3,766	19,548	25.7	19.3	-6.4	No
599	12,587	85,286	25.7	14.8	-10.9	No
721	2,182	16,568	25.7	13.2	-12.5	No
724	2,152	14,315	25.7	15.0	-10.7	No
734	2,466	16,498	25.7	14.9	-10.8	No
928	3,311	22,144	25.7	15.0	-10.7	No
937	4,007	23,216	25.7	17.3	-8.4	No
983	4,990	25,443	25.7	20.4	5.3	No
985	4,990	25,443	25.7	19.6	-6.1	No



### ***Individual Route Analyses***

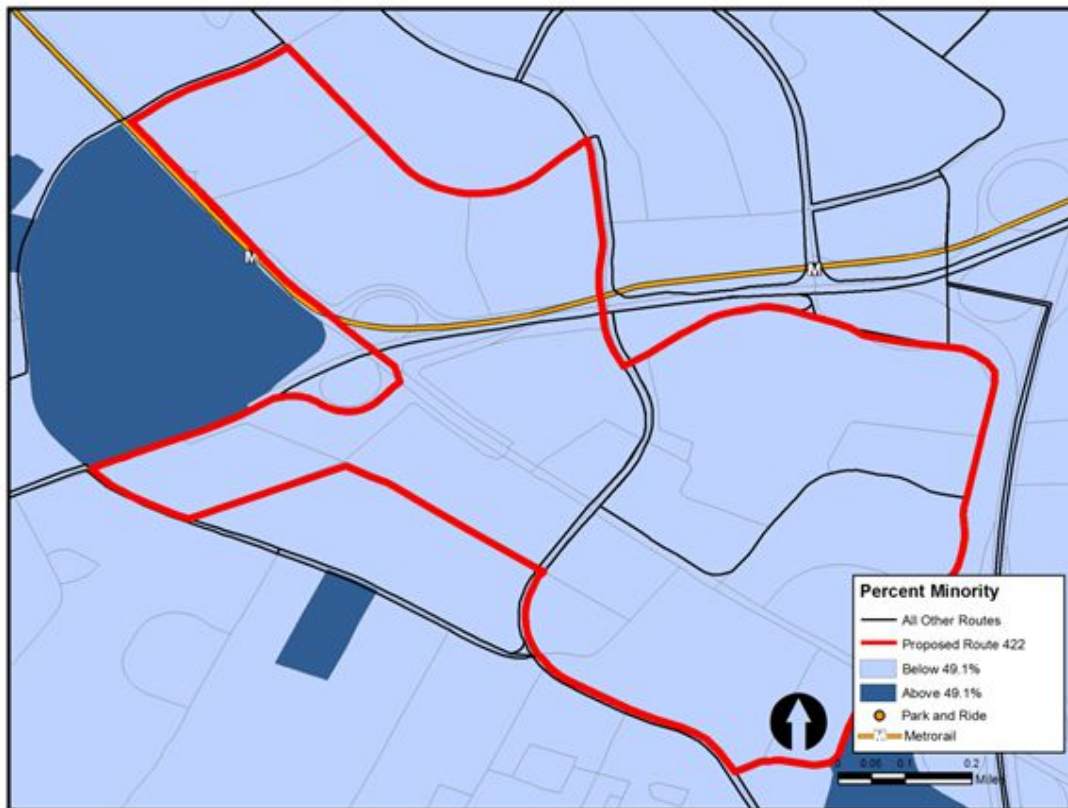
#### **Route 422**

FCDOT plans to add Route 422 as a new Tysons circulator route with weekday service to the Tysons Corner and Greensboro Metrorail Stations on the Silver Line. Tysons circulator service, including this route, will be a key to increasing job accessibility in the entire region. This new service will provide a last mile solution to individuals traveling to and within Tysons, one of the largest employment centers in the region, as well as a major commercial center.

The population which lives within one-quarter mile of the proposed Route 422 alignment is 43.7 percent minority. This is 5.4 percent less than the system-wide average of 49.1 percent minority residents. The difference between the percentages of route-level and system-wide minority residents served is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 424 will not result in a reduction in service to other minority populations within the County. Therefore, the proposed Route 422 will not cause a disparate burden.

Figure 60 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 60 Route 422 Minority Map**

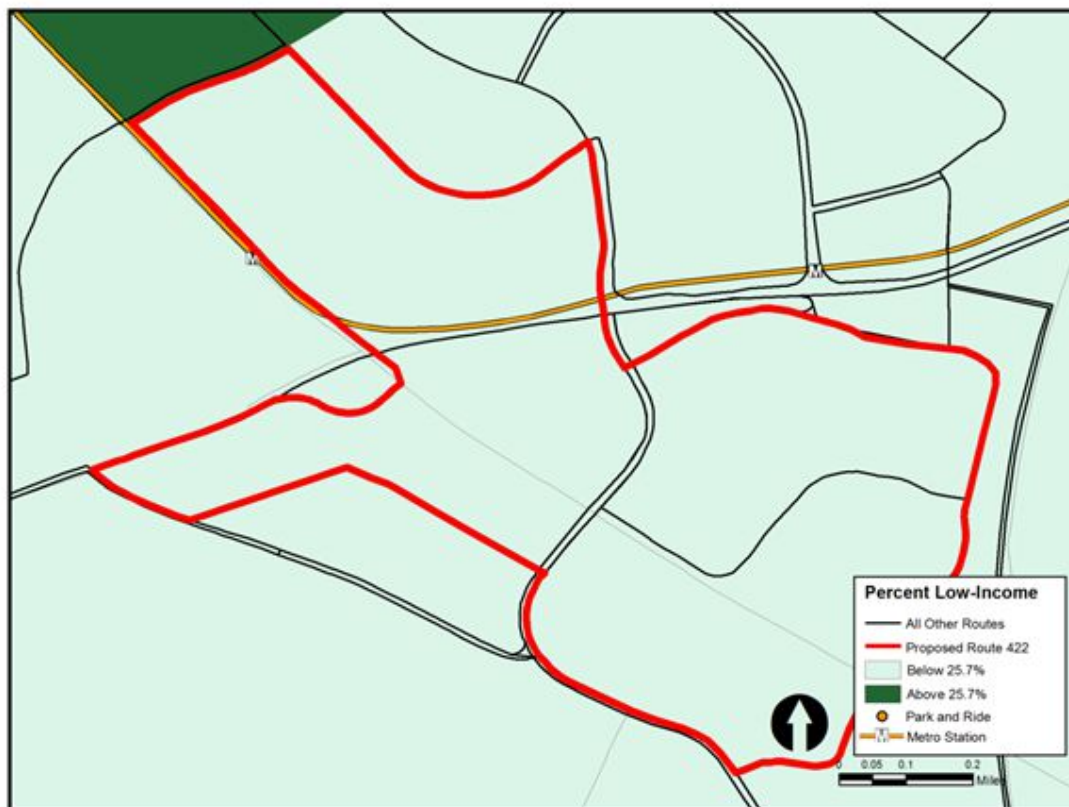




The households within a quarter mile of Route 422 are 16.7 percent low-income. This is 9.0 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households served is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 422 will not create a disproportionate burden.

Figure 61 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 61 Route 422 Low-Income Map**



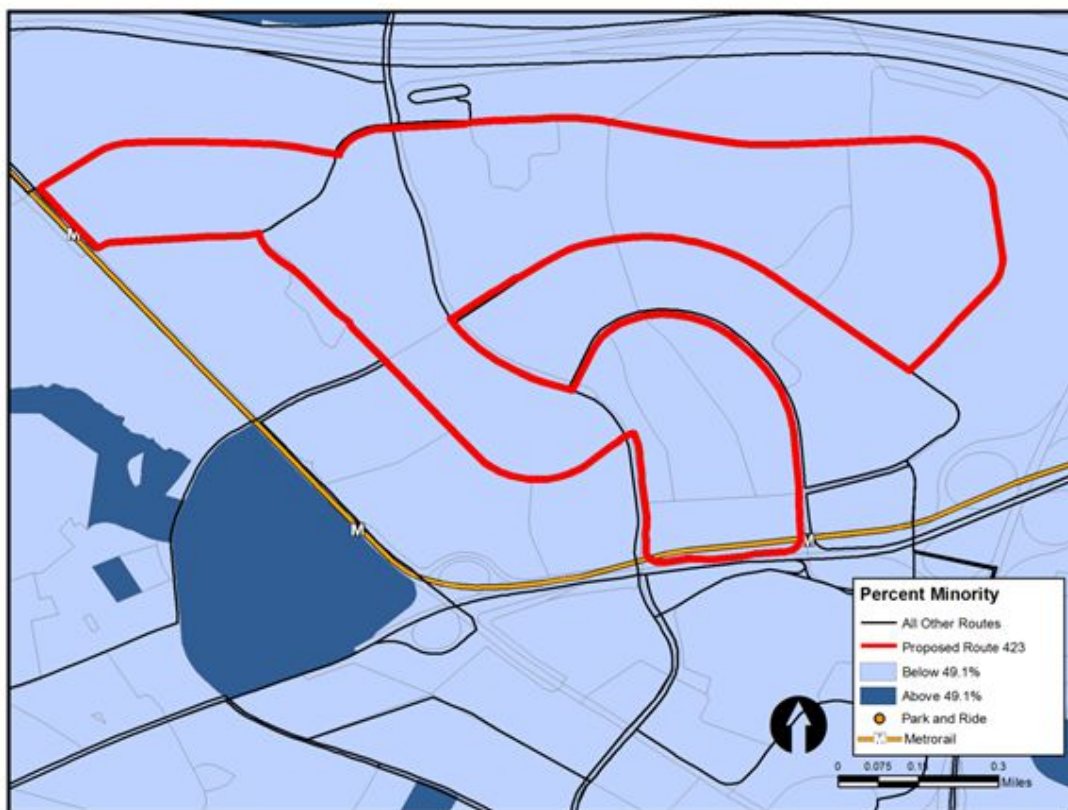
### Route 423

FCDOT plans to add Route 423 as a new Tysons circulator route with weekday, Saturday, and Sunday service to the Tysons Corner and Spring Hill Metrorail Stations on the Silver Line. Tysons circulator service, including this route, will be a key to increasing job accessibility in the entire region. This new service will provide a last mile solution to individuals traveling to and within Tysons, one of the largest employment centers in the region, as well as a major commercial center.

The population that lives within a quarter mile of the proposed route is 42.8 percent minority. This is 6.3 percent less than the system-wide average of 49.1 percent minority population. The difference between the percentages of route-level and system-wide minority residents served is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 423 will not result in a reduction in service to other minority populations within the County. Therefore, the proposed Route 423 will not cause a disparate burden.

Figure 62 shows the proposed route alignment in relation to predominantly minority Census Blocks.

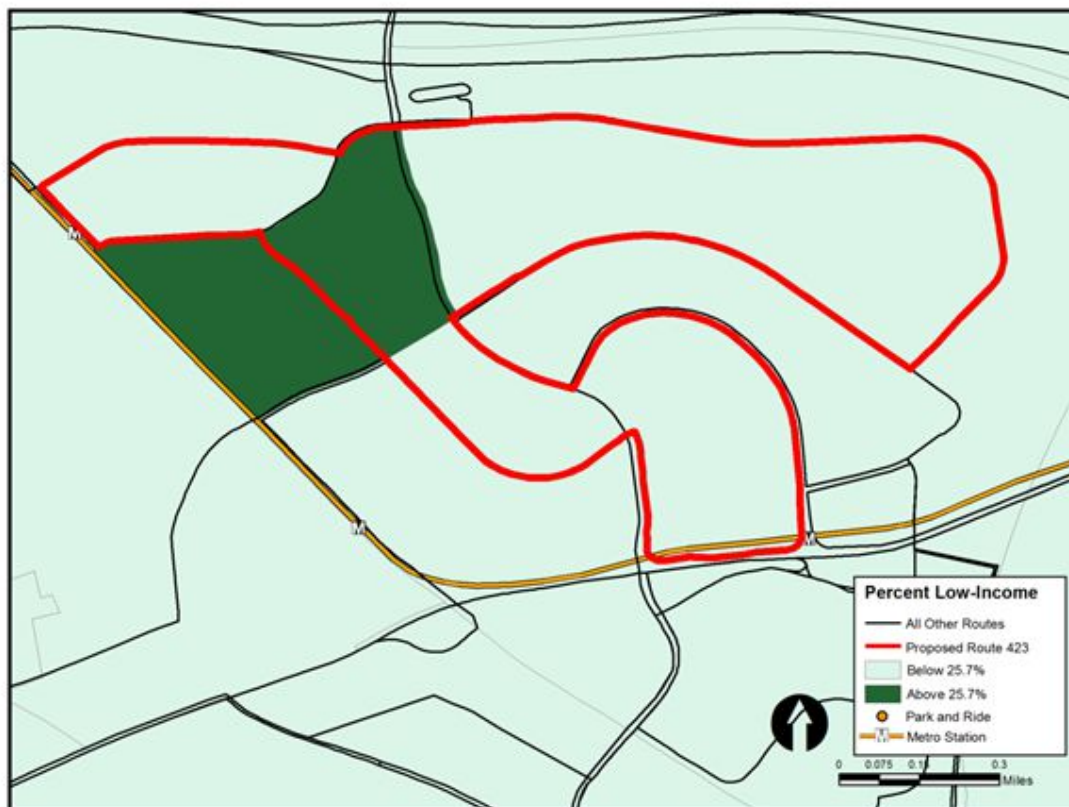
**Figure 62 Route 423 Minority Map**



The households within a quarter mile of Route 423 are 14.6 percent low-income. This is 11.1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households served is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 423 will not create a disproportionate burden.

Figure 63 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 63 Route 423 Low-Income Map**



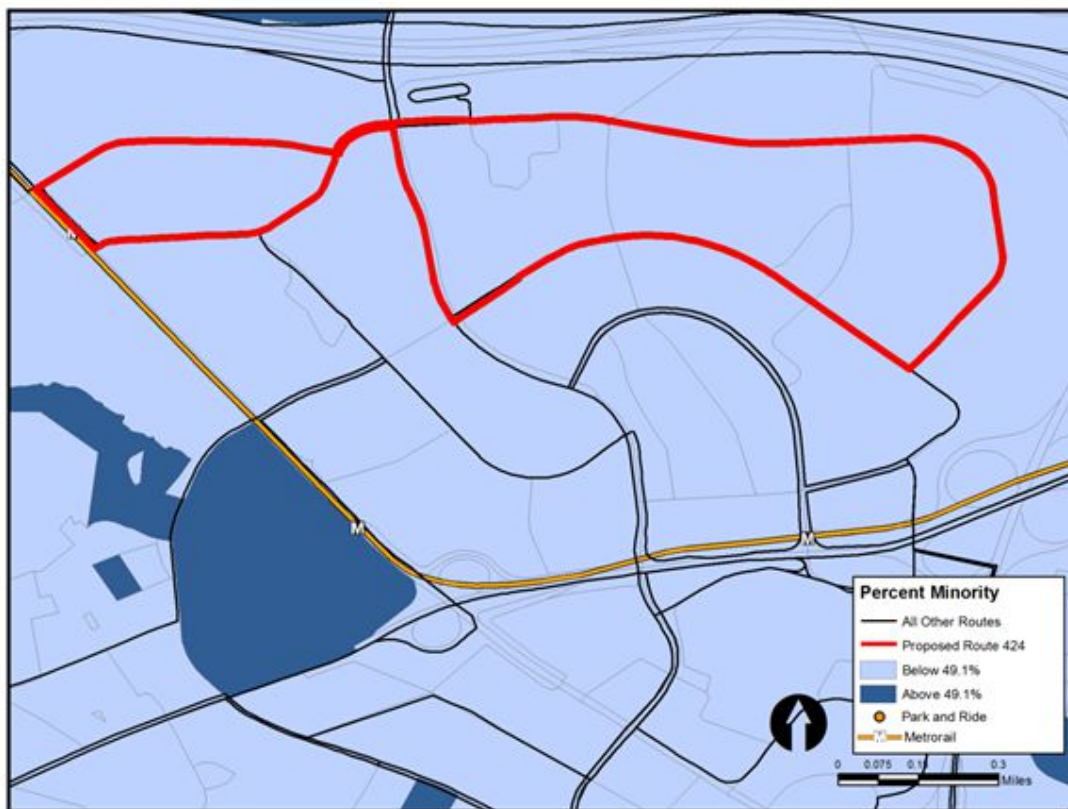
### Route 424

FCDOT plans to add Route 424 as a new Tysons circulator route with weekday service to Spring Hill Metrorail Station on the Silver Line. Route 424 will provide essential circulator service in Tysons, which creates a last mile solution for workers commuting from throughout the County and the region.

The population that lives within a quarter mile of the proposed route is 42.2 percent minority. This is 6.9 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 424 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 64 shows the proposed route alignment in relation to predominantly minority Census Blocks.

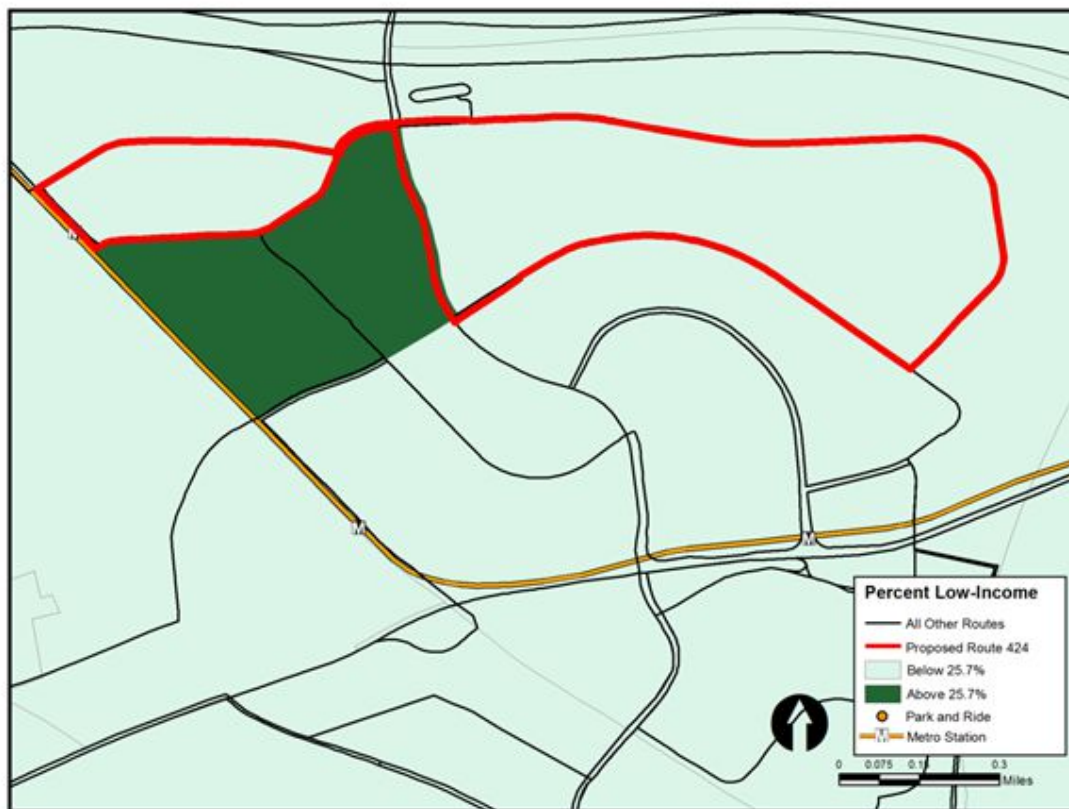
**Figure 64 Route 424 Minority Map**



The households within a quarter mile of Route 424 are 14.6 percent low-income. This is 11.1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 424 will not create a disproportionate burden.

Figure 65 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 65 Route 424 Low-Income Map**





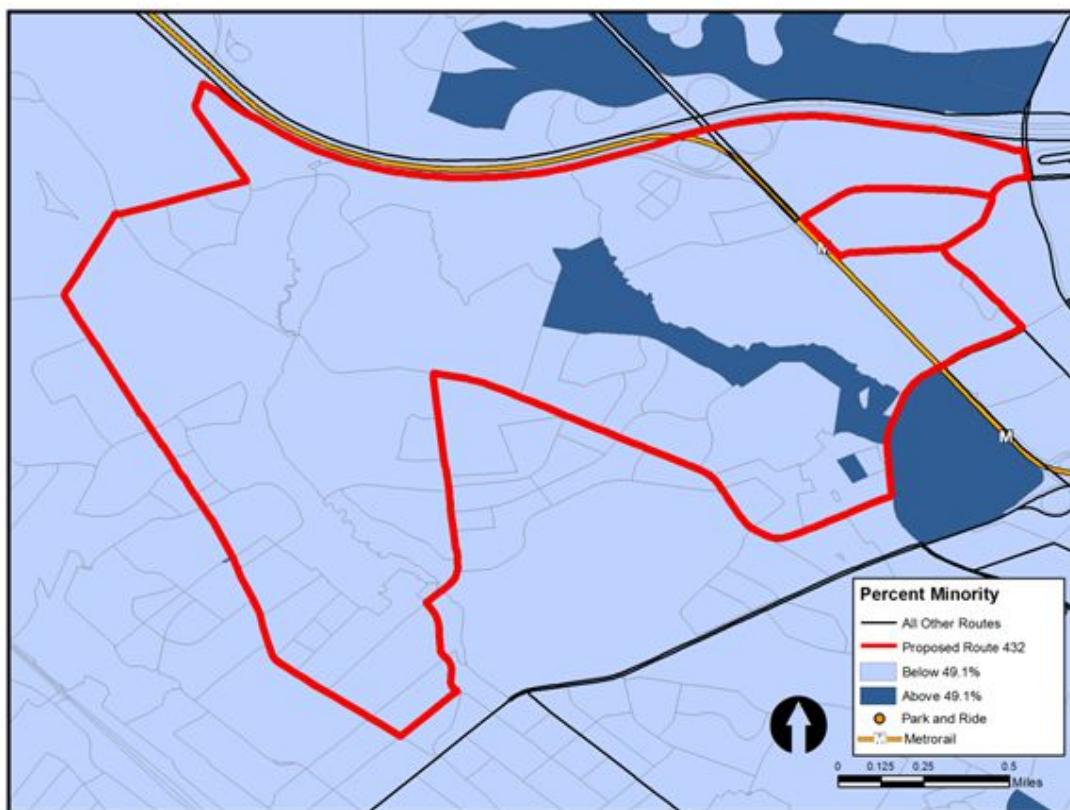
### Route 432

FCDOT plans to add Route 432 as a new Tysons circulator route with weekday service to Spring Hill Metrorail Station on the Silver Line. This new route provides essential circulator service in Tysons, and creates a first mile solution for residents commuting via the Silver Line to jobs in the County and the region.

The population that lives within a quarter mile of the proposed route is 31.0 percent minority. This is 18.1 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 432 will not result in a reduction of service to other minority populations within the County. Therefore, the implementation of this new route will not trigger a disparate impact.

Figure 66 shows the proposed route alignment in relation to predominantly minority Census Blocks.

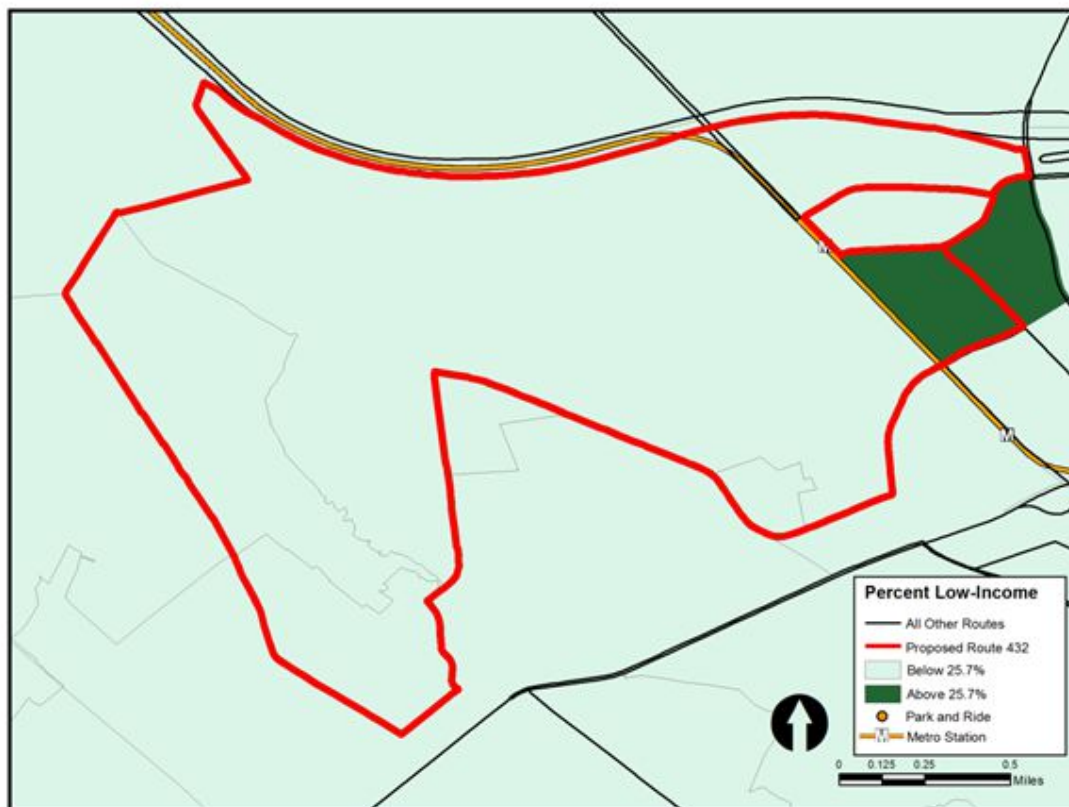
**Figure 66 Route 432 Minority Map**



The households within a quarter mile of Route 432 are 12.4 percent low-income. This is 13.3 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 432 will not create a disproportionate burden.

Figure 67 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 67 Route 432 Low-Income Map**



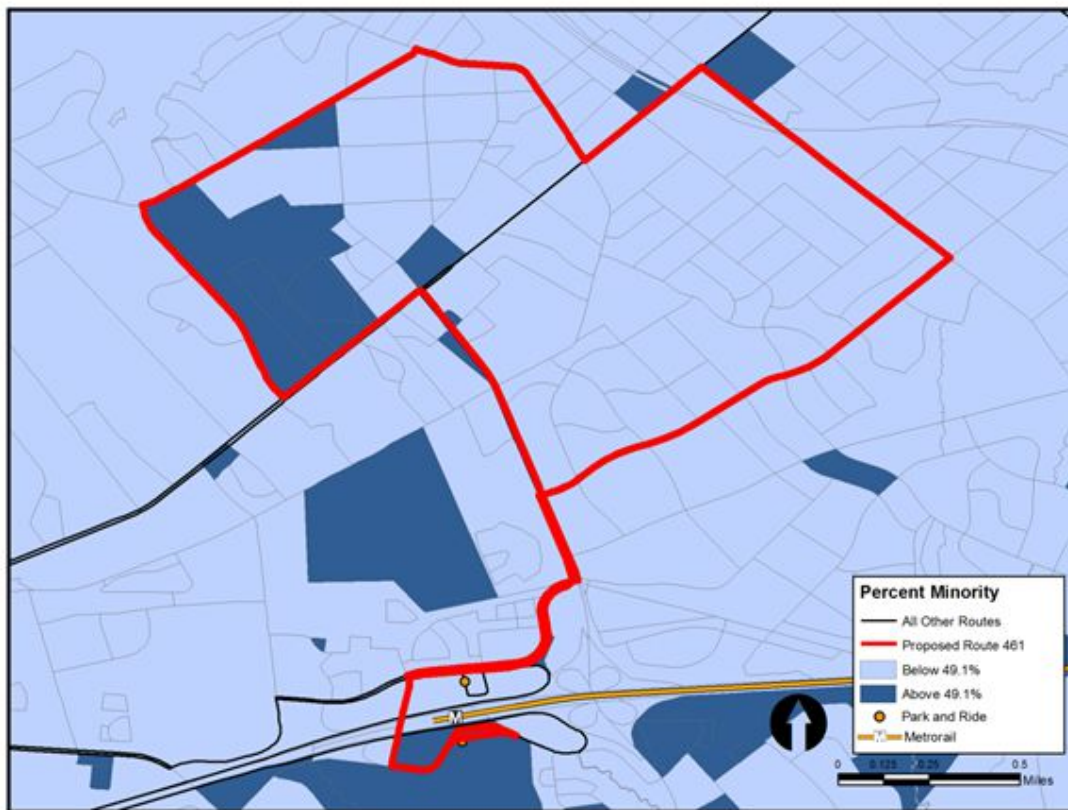
### Route 461

FCDOT plans to add Route 461 as a new feeder route with weekday service to the Vienna Metrorail Station on the Orange Line.

The population that lives within a quarter mile of the proposed route is 35.0 percent minority. This is 14.1 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 461 will not result in a reduction of service to other minority populations within the County. Therefore, this route will not trigger a disparate impact.

Figure 68 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 68 Route 461 Minority Map**

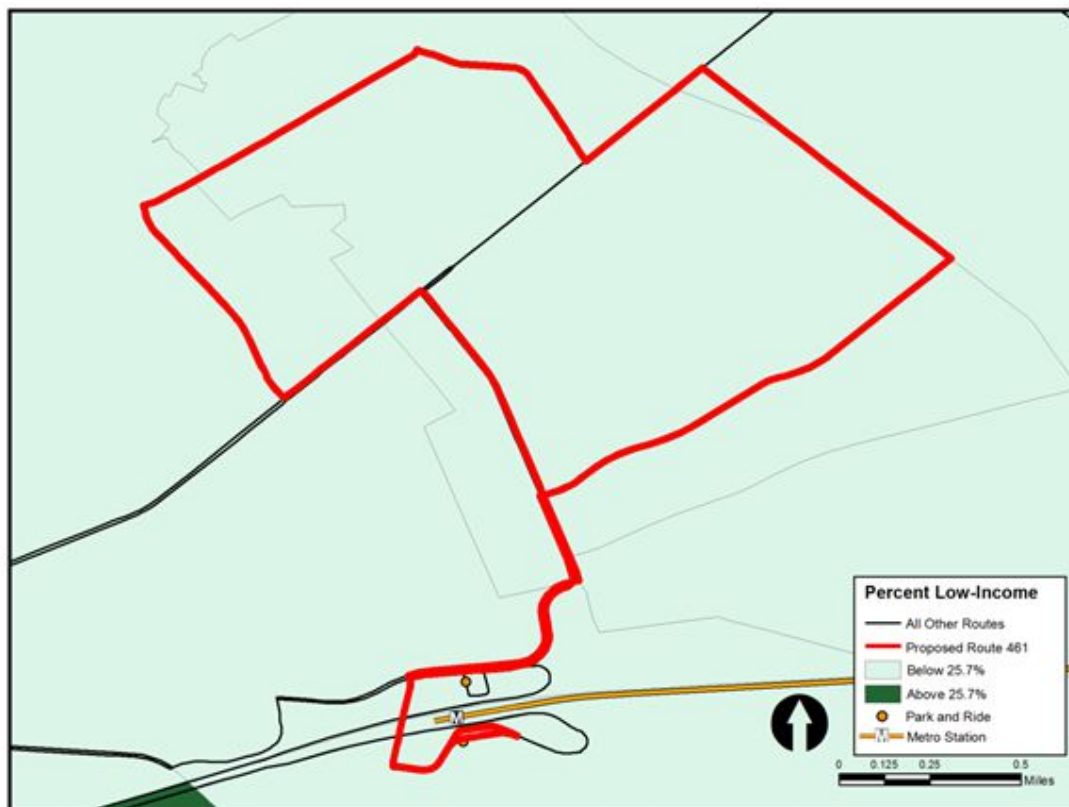




The households within a quarter mile of Route 461 are 14.0 percent low-income. This is 11.7 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 461 will not create a disproportionate burden.

Figure 69 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 69 Route 461 Low-Income Map**



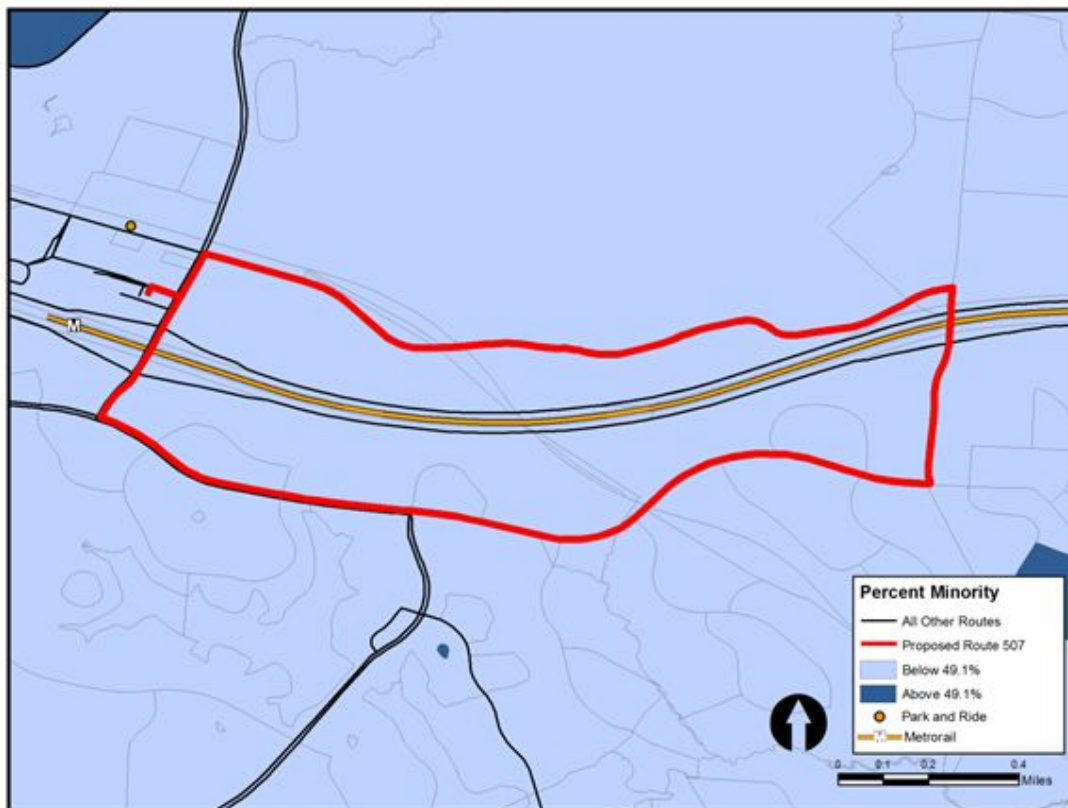
### Route 507

FCDOT plans to add Route 507 as a new feeder route with weekday service to the Wiehle-Reston East Metrorail Station on the Silver Line.

The population that lives within a quarter mile of the proposed route is 23.1 percent minority. This is 26.0 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 507 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 70 shows the proposed route alignment in relation to predominantly minority Census Blocks.

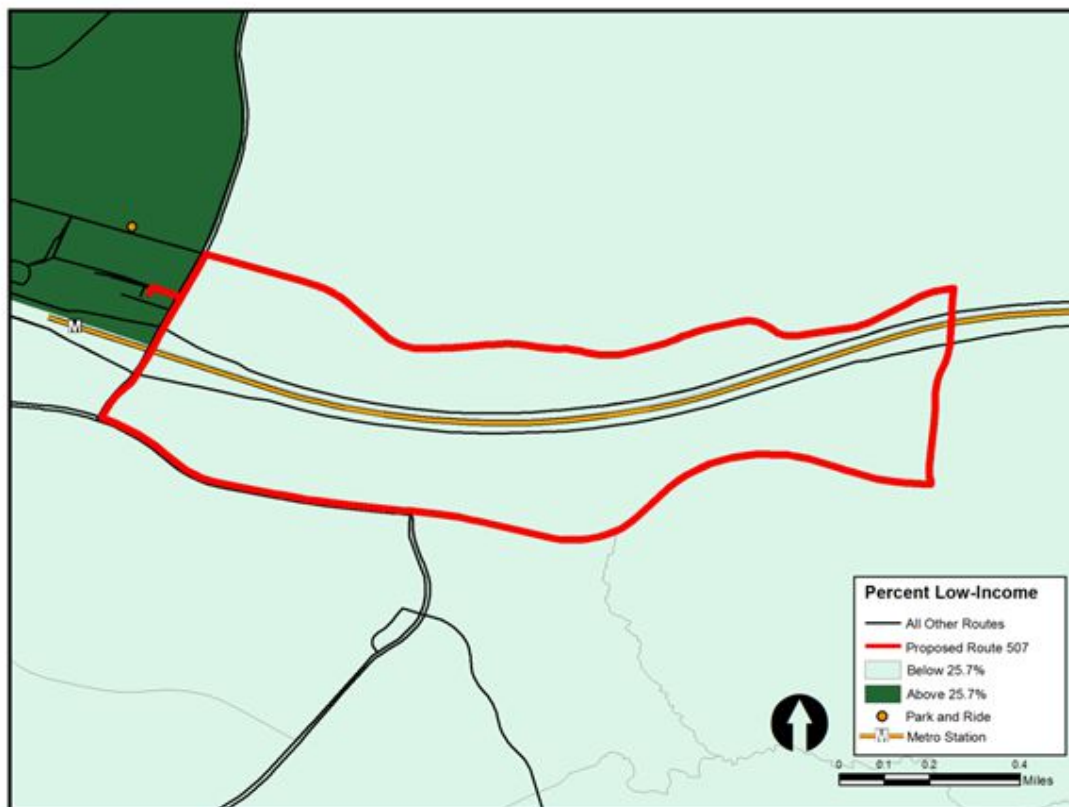
**Figure 70 Route 507 Minority Map**



The households within a quarter mile of Route 507, 21.1 percent are low-income. This is 4.6 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 507 will not create a disproportionate burden.

Figure 71 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 71 Route 507 Low-Income Map**



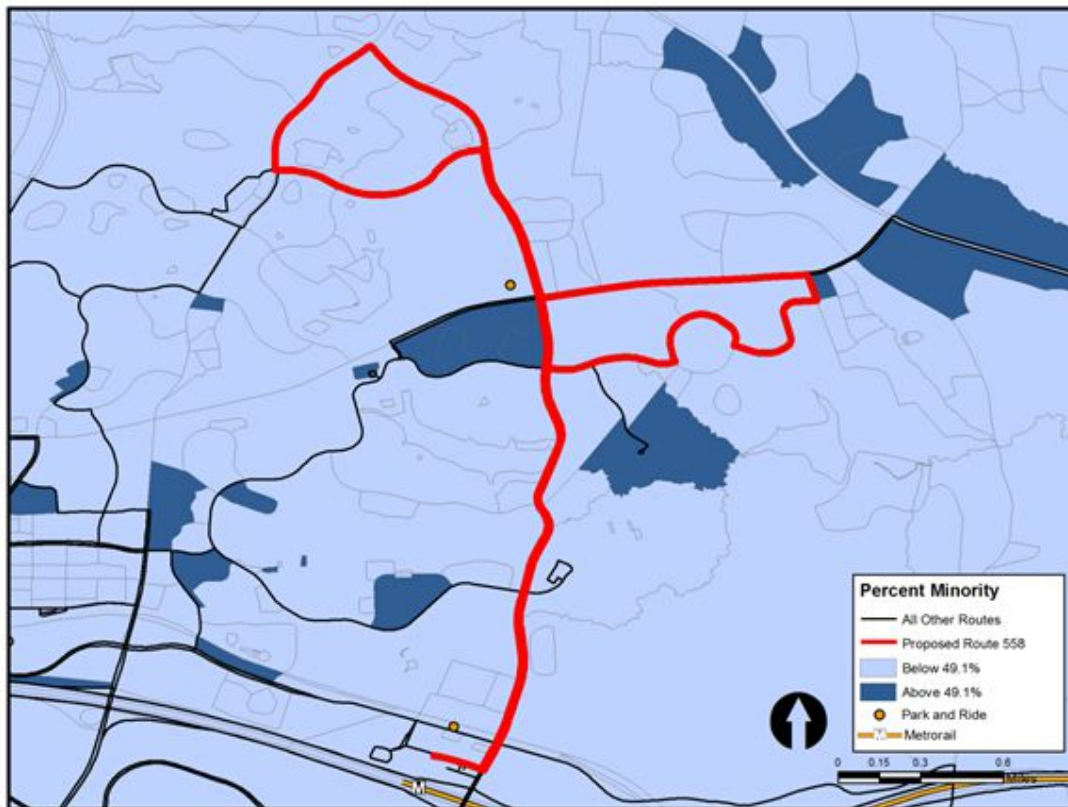
### Route 558

FCDOT plans to add Route 558 as a new feeder route with weekday midday and evening service and with weekend service to Wiehle-Reston East Metrorail Station on the Silver Line. The provision of this new service is necessary to support Silver Line ridership.

The population that lives within a quarter mile of the proposed route is 32.0 percent minority. This is 17.1 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 558 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 72 shows the proposed route alignment in relation to predominantly minority Census Blocks.

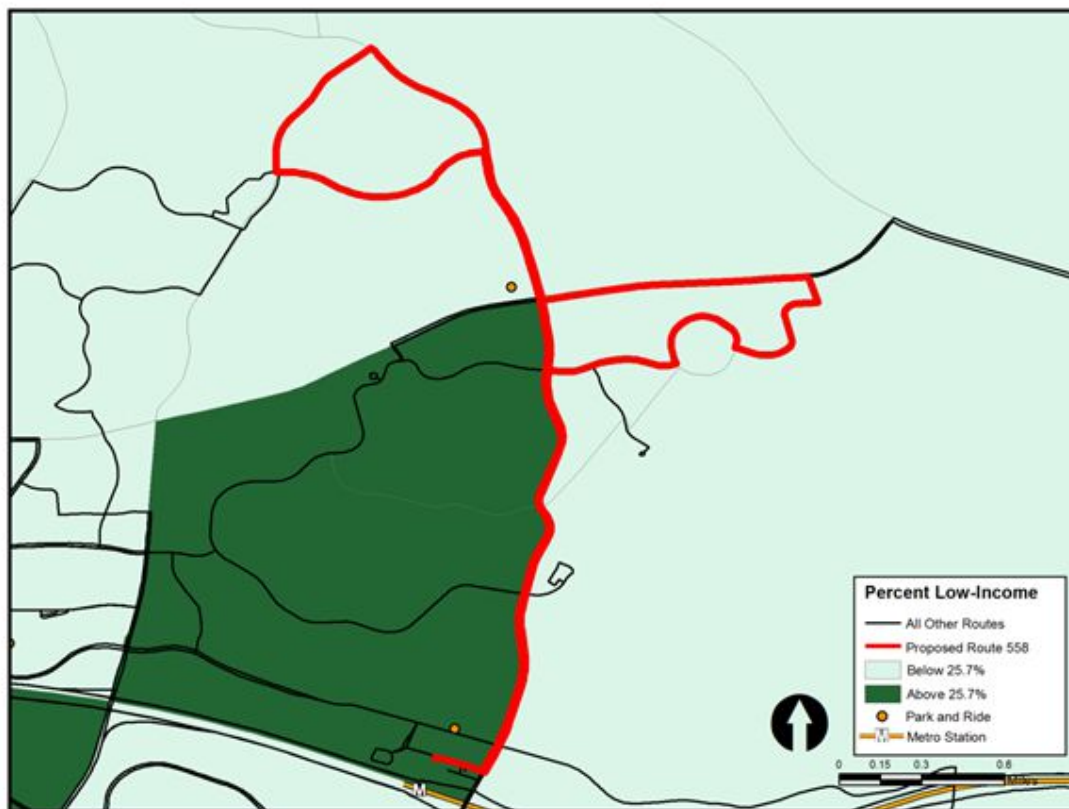
**Figure 72 Route 558 Minority Map**



The households within a quarter mile of Route 558 are 19.8 percent low-income. This is 5.9 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 558 will not create a disproportionate burden.

Figure 73 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 73 Route 558 Low-Income Map**





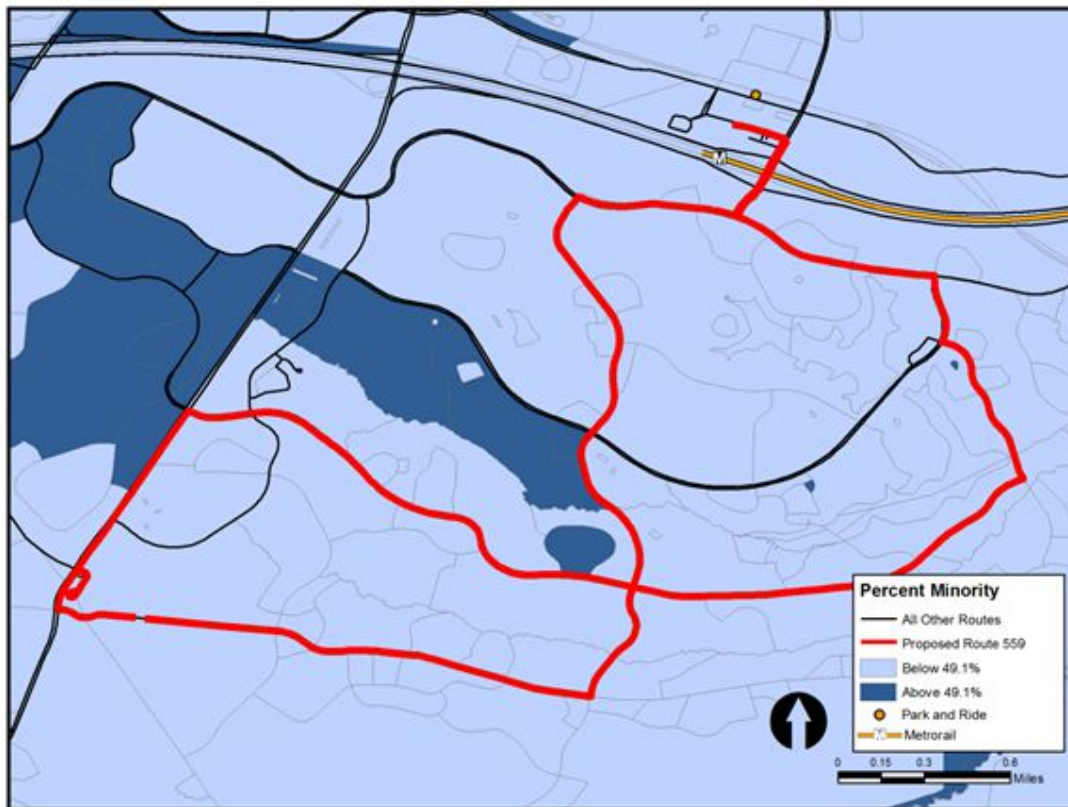
### Route 559

FCDOT plans to add Route 559 as a new feeder route with midday, evening, and weekend service to the Wiehle-Reston East Metrorail Station on the Silver Line. The provision of this new service is necessary to support Silver Line ridership.

The population that lives within a quarter mile of the proposed route is 36.0 percent minority. This is 13.1 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 559 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 74 shows the proposed route alignment in relation to predominantly minority Census Blocks.

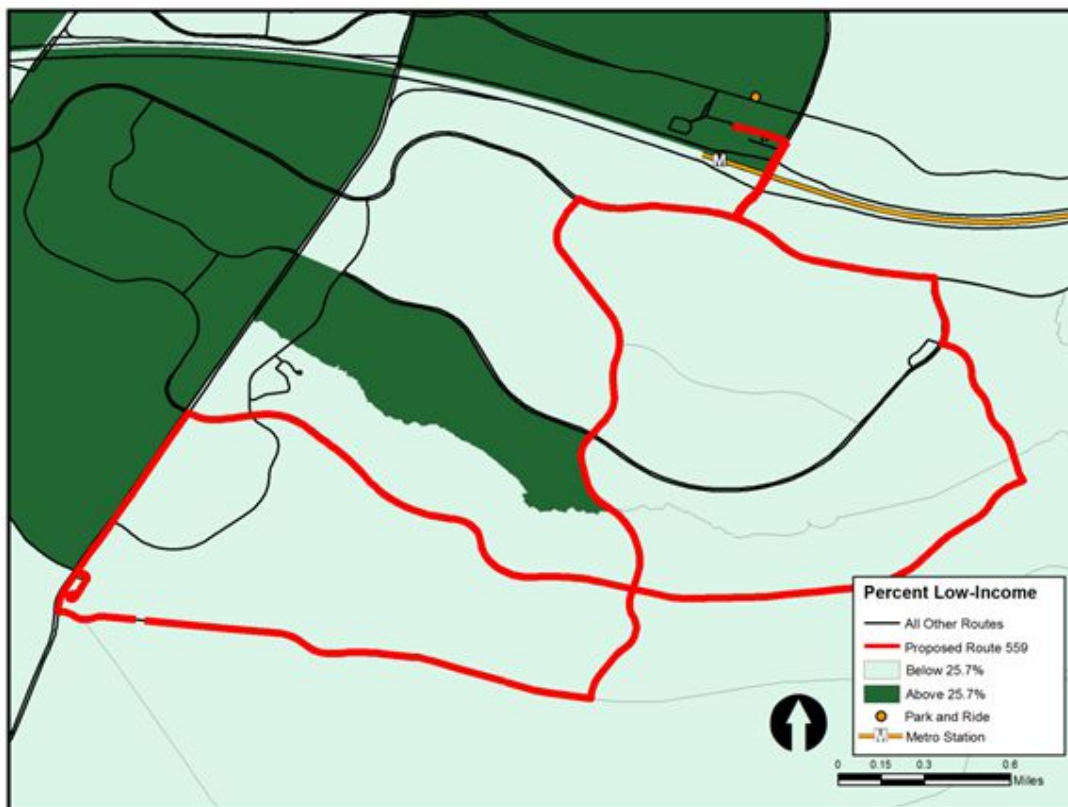
**Figure 74 Route 559 Minority Map**



The households within a quarter mile of Route 559 are 19.3 percent low-income. This is 6.4 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 559 will not create a disproportionate burden.

Figure 75 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 75 Route 559 Low-Income Map**



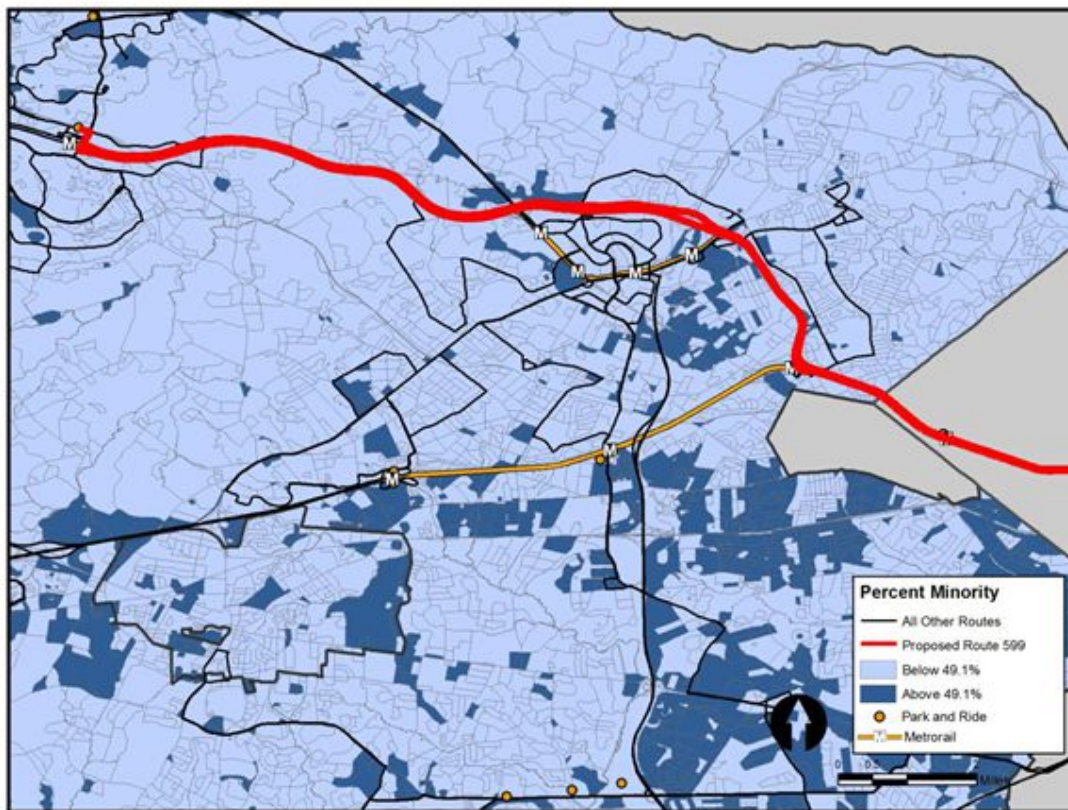
### Route 599

FCDOT plans to add Route 599 as a new express route with weekday peak service combining Routes 595 and 597, both of which are proposed for elimination.

The population that lives within a quarter mile of the proposed route is 40.1 percent minority. This is 9.0 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 599 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 76 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 76 Route 599 Minority Map**

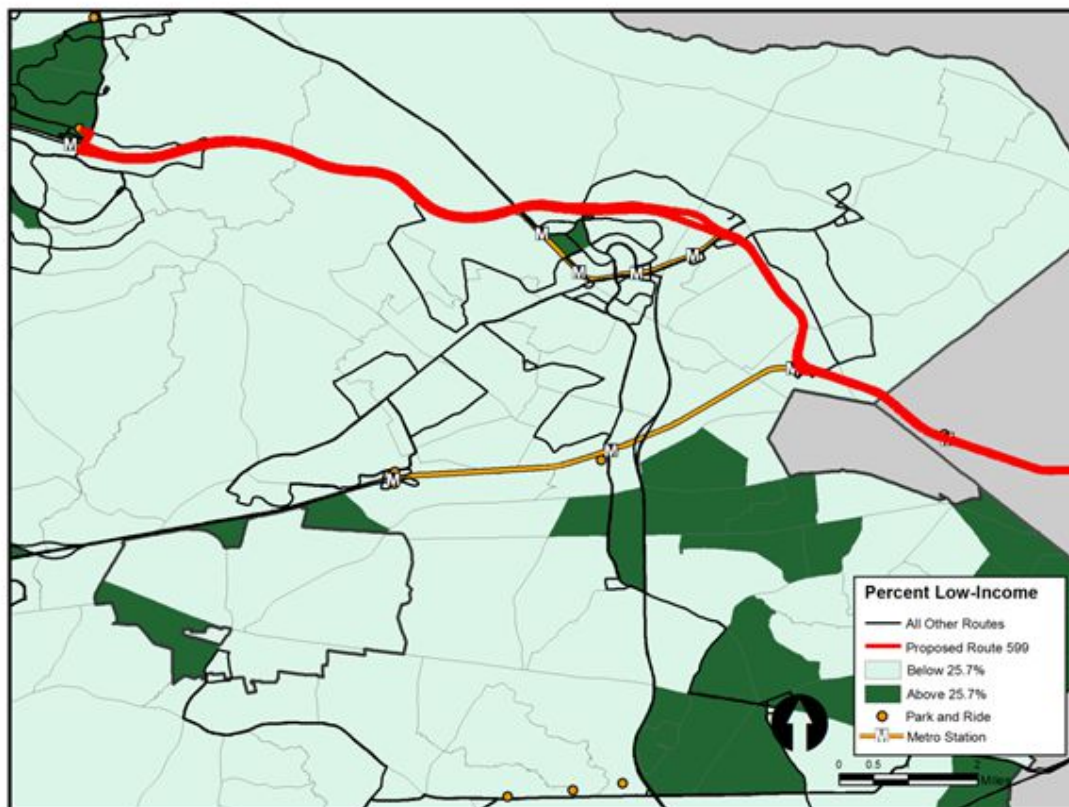




The households within a quarter mile of Route 599 are 14.8 percent low-income. This is 10.9 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 599 will not create a disproportionate burden.

Figure 77 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 77 Route 599 Low-Income Map**



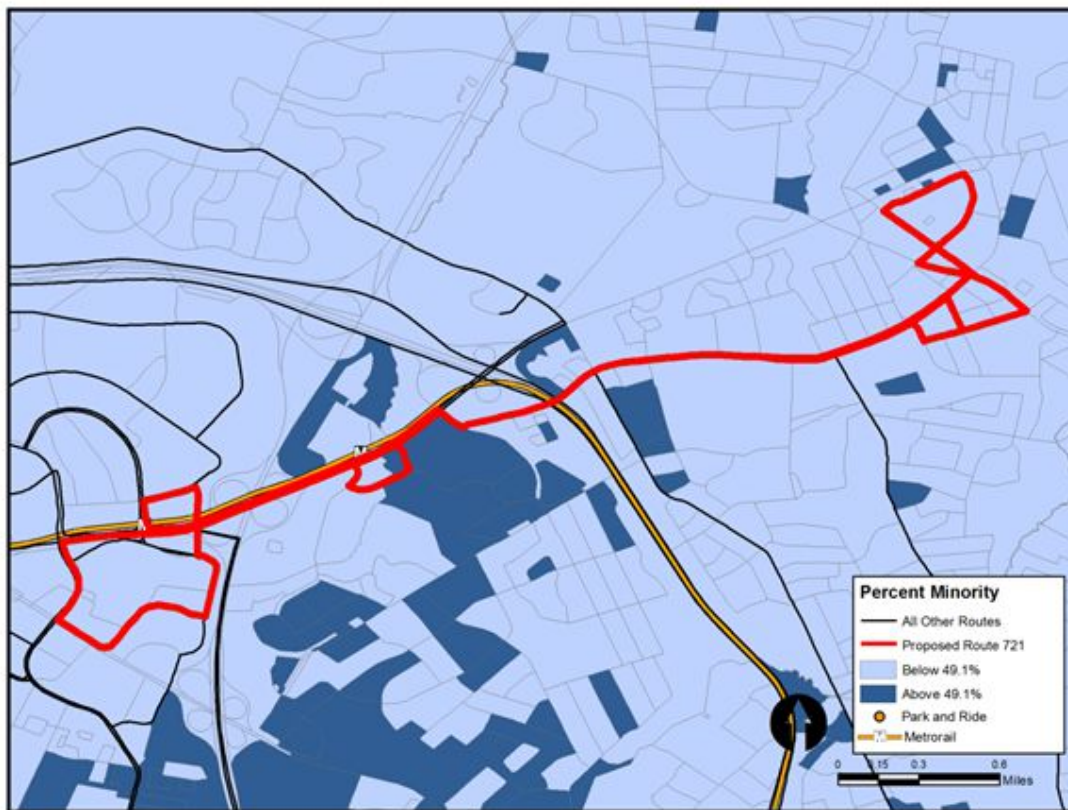
### Route 721

FCDOT plans to add Route 721 as a new feeder route with seven day service to the McLean Metrorail Station on the Silver Line.

The population that lives within a quarter mile of the proposed route is 37.6 percent minority. This is 11.5 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 721 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 78 shows the proposed route alignment in relation to predominantly minority Census Blocks.

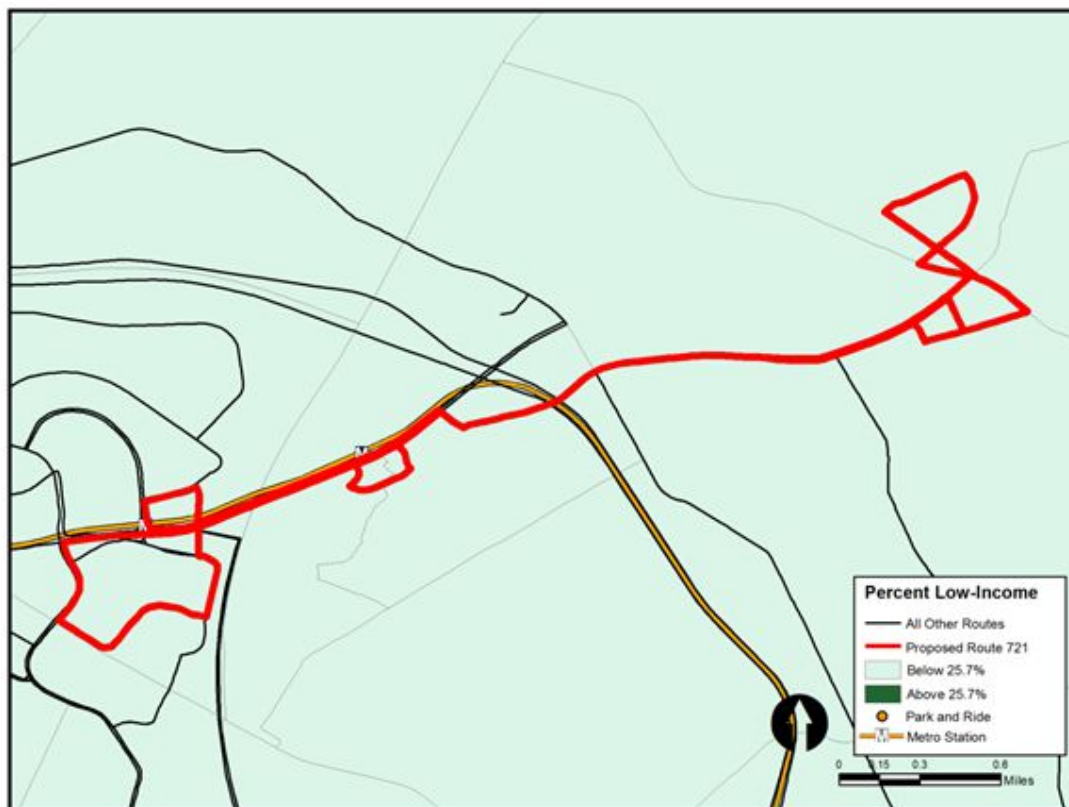
**Figure 78 Route 721 Minority Map**



The households within a quarter mile of Route 721 are, 13.2 percent low-income. This is 12.5 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 721 does not create a disproportionate burden.

Figure 79 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 79 Route 721 Low-Income Map**



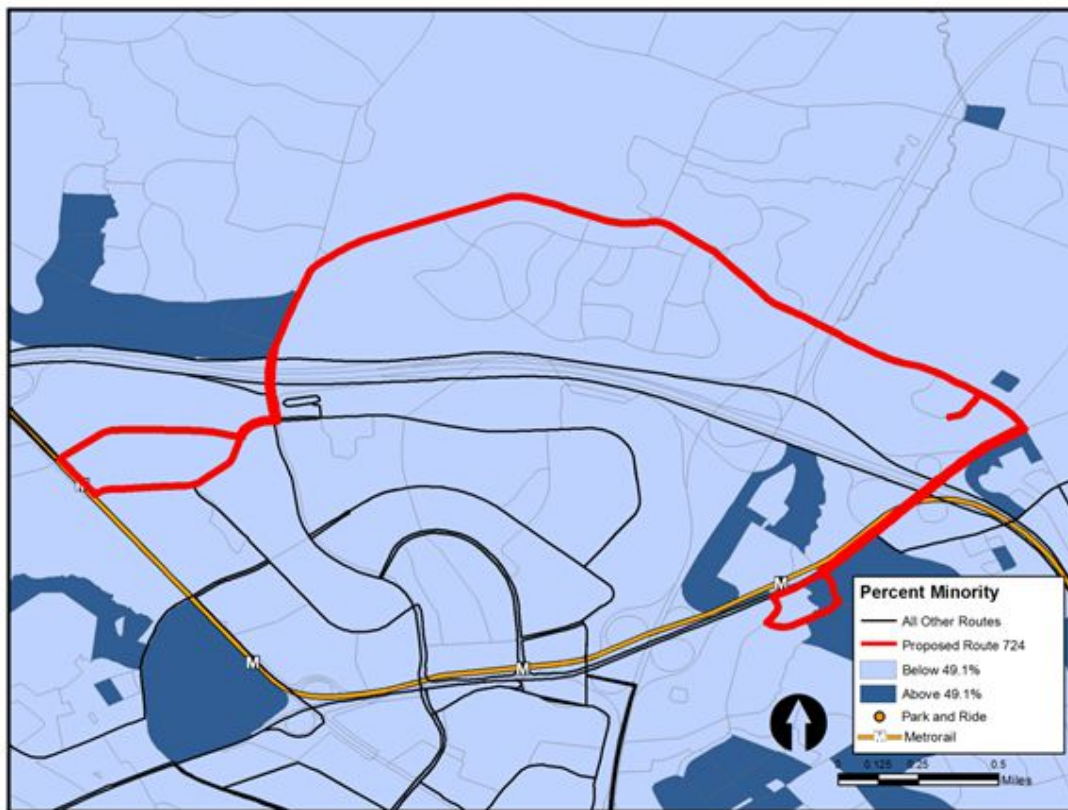
### Route 724

FCDOT plans to add Route 724 as a new feeder route with weekday service to the McLean and Spring Hill Metrorail Stations on the Silver Line.

The population that lives within a quarter mile of the proposed route is 37.0 percent minority. This is 12.1 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 724 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 80 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 80 Route 724 Minority Map**





The households within a quarter mile of Route 724 are 15.0 percent low-income. This is 10.7 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 724 does not create a disproportionate burden.

Figure 81 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 81 Route 724 Low-Income Map**



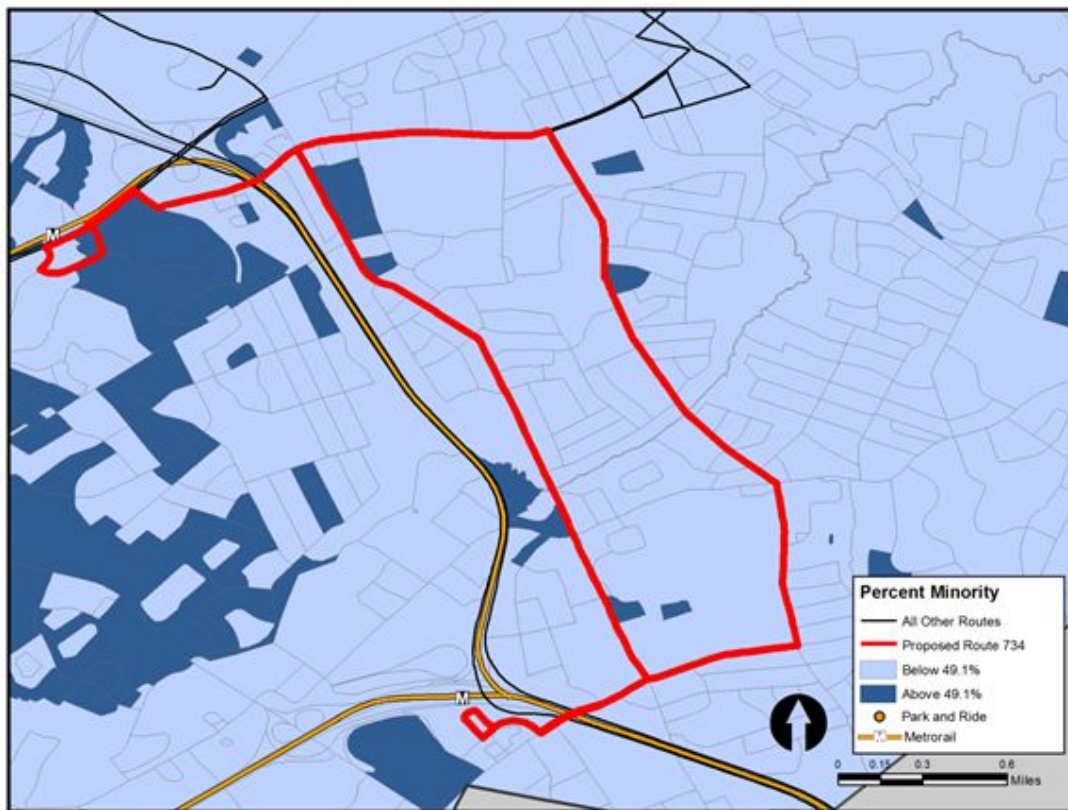
### Route 734

FCDOT plans to add Route 734 as a new feeder route with weekday peak service to the McLean Metrorail Station on the Silver Line and the West Falls Church Metrorail Station on the Orange Line.

The population that lives within a quarter mile of the proposed route is 32.1 percent minority. This is 17.0 percent less than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 734 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 82 shows the proposed route alignment in relation to predominantly minority Census Blocks.

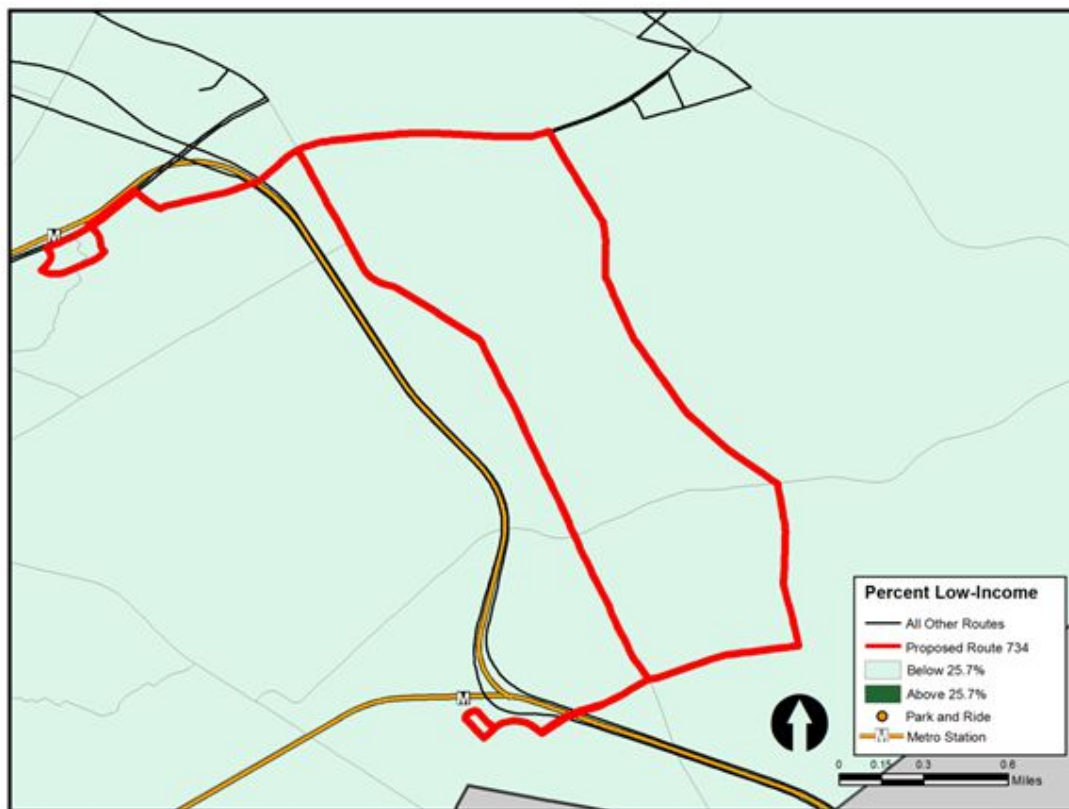
**Figure 82 Route 734 Minority Map**



The households within a quarter mile of Route 734 are 14.9 percent low-income. This is 10.8 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 734 will not create a disproportionate burden.

Figure 83 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 83 Route 734 Low-Income Map**





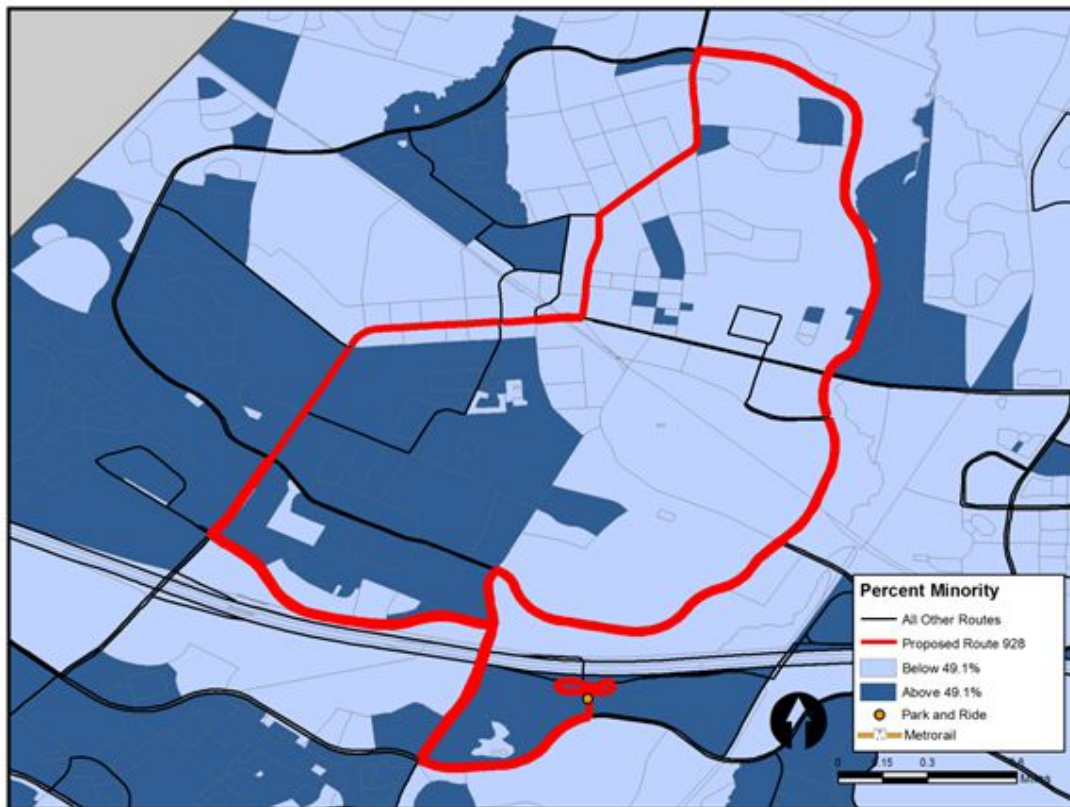
### Route 928

FCDOT plans to add Route 928 as a new feeder route with weekday peak service to the Herndon-Monroe Park-and-Ride.

The population that lives within a quarter mile of the proposed route is 59.1 percent minority, which is 10.0 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is equal to the disparate impact threshold of 10 percent. Route 928 will serve a significant minority population that currently does not have convenient bus service. Also, the implementation of this route will not result in a reduction of service to other minority populations within the County. Therefore, Route 928 will not trigger a disparate impact.

Figure 84 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 84 Route 928 Minority Map**



The households within a quarter mile of Route 928 are 15.0 percent low-income. This is 10.7 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 928 will not create a disproportionate burden.

Figure 85 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 85 Route 928 Low-Income Map**



### Route 937

FCDOT plans to add Route 937 as a new feeder route with weekday and weekend service to the Herndon-Monroe Park-and-Ride. The park-and-ride facility is an important bus transfer facility within the Connector's service area, where riders can access feeder service to the Orange and Silver Metrorail Lines.

The population that lives within a quarter mile of the proposed route is 67.0 percent minority. This is 17.9 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is greater than the disparate impact threshold of 10 percent. Route 937 will serve several areas with significant minority populations that currently do not have convenient bus service. Also, the implementation of this route will not result in a reduction of service to other minority populations within the County. Therefore, implementing Route 937 will not trigger a disparate impact.

Figure 86 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 86 Route 937 Minority Map**



The households within a quarter mile of Route 937 are 17.3 percent low-income. This is 8.4 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 937 will not create a disproportionate burden.

Figure 87 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 87 Route 937 Low-Income Map**





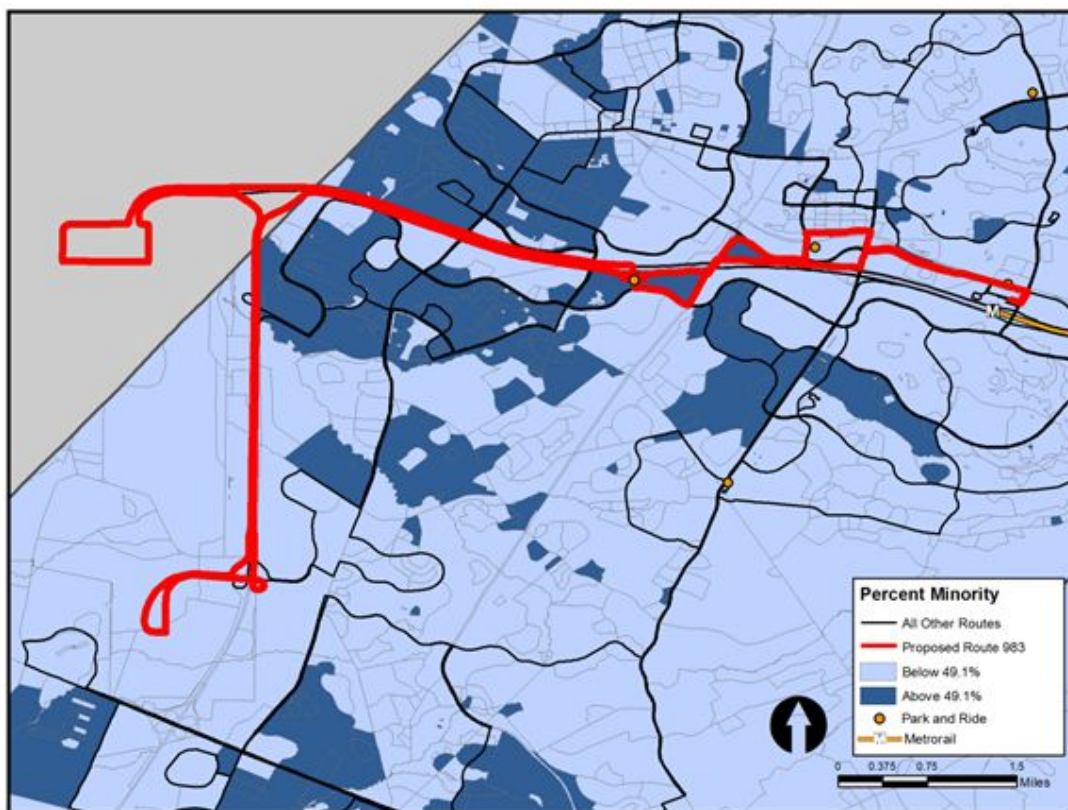
### Route 983

FCDOT plans to add Route 983, which is a modified alignment of Route 981. The new Route 983 will replace midday and PM peak service on Route 981. Route 983 will provide service to the Udvar-Hazy Center of the Smithsonian Air & Space Museum. It will run on 20 minute headways during weekday midday and PM peak periods, and will operate on the same schedule on Saturday and Sunday.

The population that lives within a quarter mile of Route 983 is 52.1 percent minority. This is 3.0 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 983 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact.

Figure 88 shows the proposed route alignment in relation to predominantly minority Census Blocks.

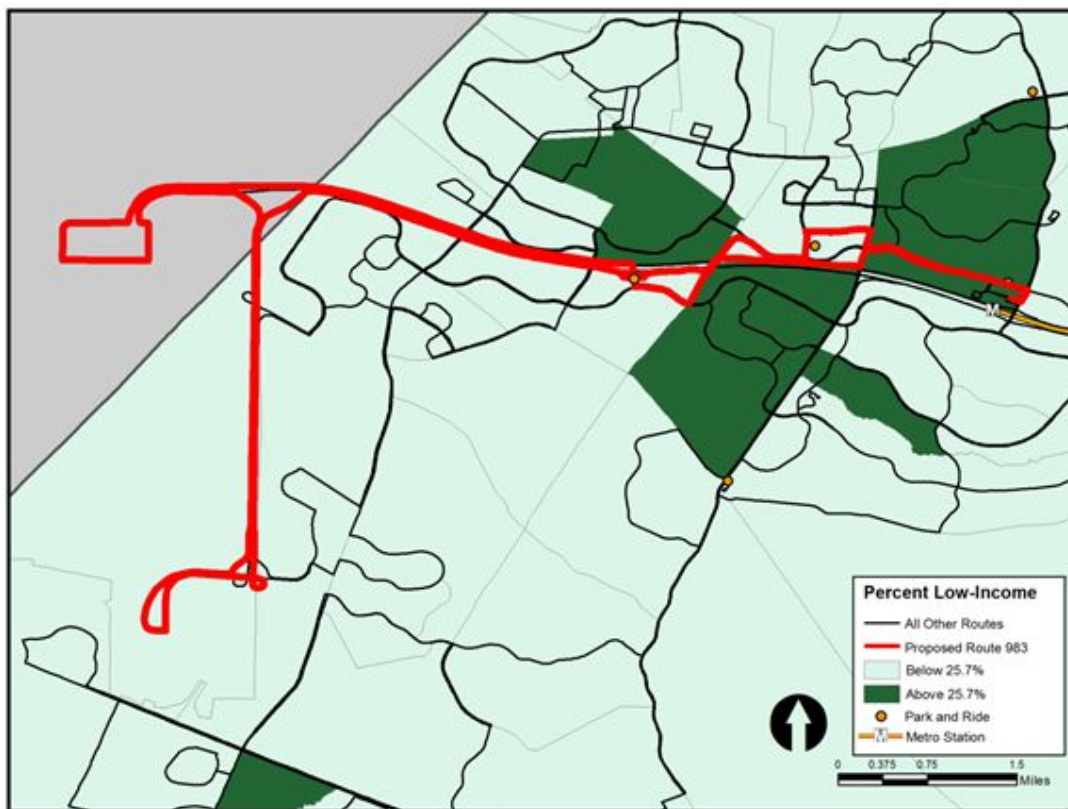
**Figure 88 Route 983 Minority Map**



The households within a quarter mile of Route 983 are 20.4 percent low-income. This is 5.3 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 983 will not create a disproportionate burden.

Figure 89 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 89 Route 983 Low-Income Map**



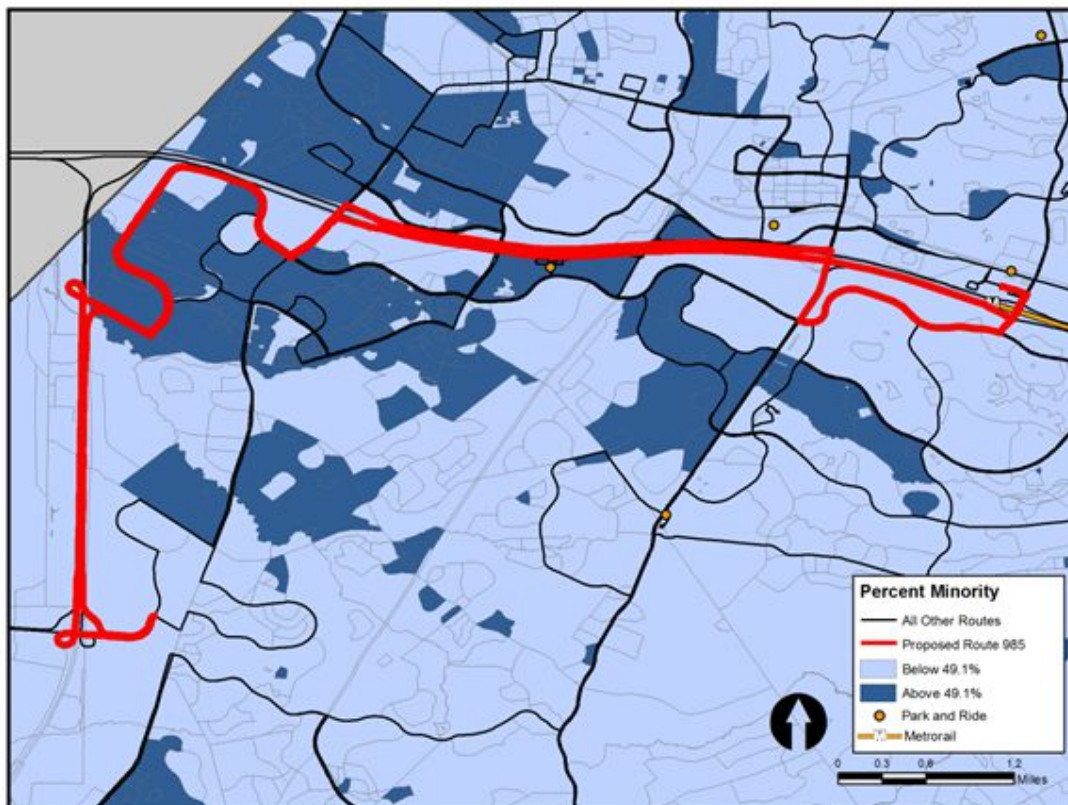
### Route 985

FCDOT plans to add Route 985 as a new feeder route with weekday peak service to the Wiehle-Reston East Metrorail Station on the Silver Line. The new service will provide an important connection between neighborhoods south of Herndon and along the I-66 corridor, including connections between the Herndon-Monroe Park-and-Ride to the Silver Line at Wiehle-Reston East Station.

The population that lives within a quarter mile of the proposed route is 57.2 percent minority. This is 8.1 percent more than the system-wide average of 49.1 percent minority residents. The difference between the route-level and system-wide percentages of minority population is less than the disparate impact threshold of 10 percent. Also, the implementation of the new Route 985 will not result in a reduction of service to other minority populations within the County. Therefore, this additional service will not trigger a disparate impact. The proposed service will extend the catchment area for the Wiehle-Reston East Metrorail Station, particularly through minority neighborhoods. The proposed route provides a benefit for minority communities.

Figure 90 shows the proposed route alignment in relation to predominantly minority Census Blocks.

**Figure 90 Route 985 Minority Map**

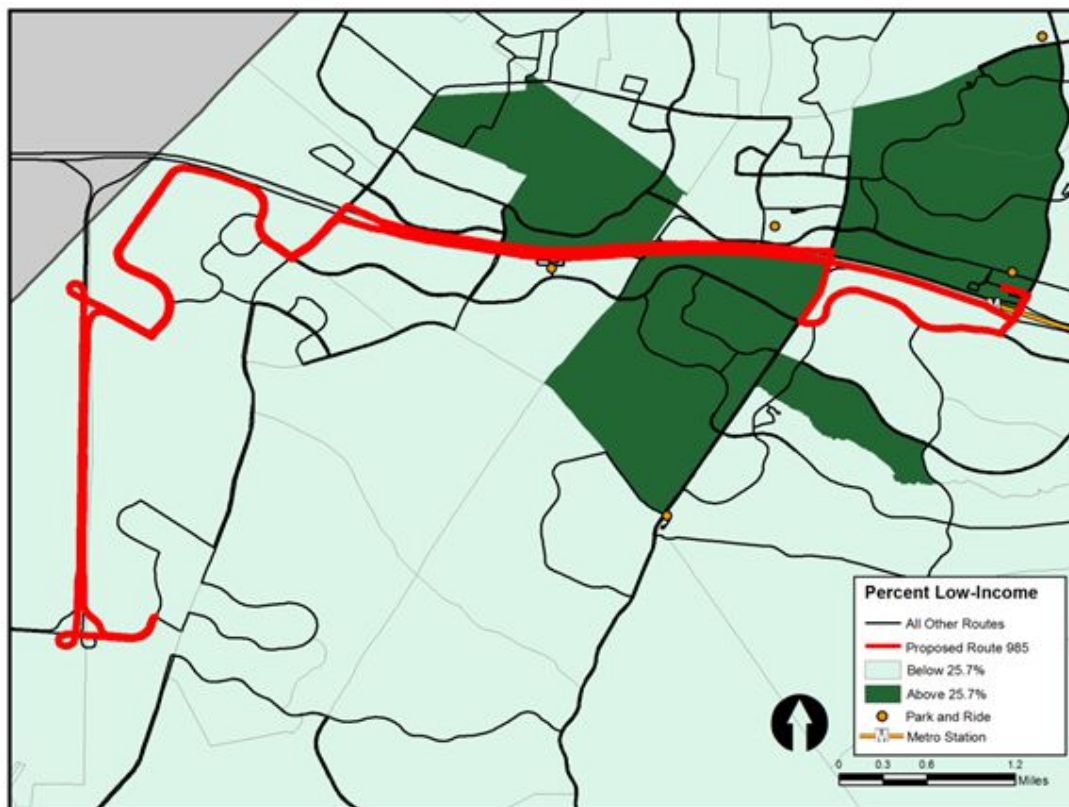




The households within a quarter mile of Route 985 are 19.6 percent low-income. This is 6.1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of route-level and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing Route 985 will not create a disproportionate burden.

Figure 91 shows the proposed route alignment in relation to predominantly low-income Census Tracts.

**Figure 91 Route 985 Low-Income Map**



## APPENDIX 1 – FAIRFAX CONNECTOR SERVICE CHANGES TRIGGERING A MAJOR SERVICE CHANGE OR ADVERSE EFFECT

The table shows all Fairfax Connector routes impacted by the Silver Line Service Change Package. Routes highlighted in red fall under FCDOT's Major Service Change Policy. Routes highlighted in blue have proposed services changes that not only fall under FCDOT's Major Service Change Policy but also fall under FCDOT's Adverse Effects definition.

**Service Changes Triggering a Major Service Change or Adverse Effect**

Route	Proposed Service Changes - Change Types	% Change in Revenue Hours			% Change in Revenue Miles		
		Weekday	Sat	Sun	Weekday	Sat	Sun
401	Modify alignment. Modify weekday off-peak headways.	-7%	-34%	-34%	0%	-11%	-11%
402	Modify alignment. Modify weekday off-peak headways.	-6%	-36%	-36%	-7%	-12%	-12%
422	Add new Tysons circulator route with weekday service.	100%			100%		
423	Add new Tysons circulator route with 7-day service.	100%	100%	100%	100%	100%	100%
424	Add new Tysons circulator route with weekday service.	100%			100%		
425	Eliminate route.	-100%			-100%		
427	Eliminate route.	-100%			-100%		
432	Add new feeder route with weekday service to Spring Hill Metrorail Station.	100%			100%		
461	Add new feeder route with weekday service to Vienna Metrorail Station.	100%			100%		
462	Modify alignment. Modify headway.	530%			360%		
463	Modify alignment. Modify peak headways. Add weekday off-peak and weekend service.	663%	100%	100%	302%	100%	100%
493	Modify alignment.	5%			-28%		
494	Modify alignment. Modify headways.	-11%			-1%		
495	Modify alignment. Modify headways.	-29%			-50%		
505	Modify alignment. Modify headways during all service periods.	-47%	-51%	-54%	-75%	-77%	-77%
507	Add new feeder route with weekday service to Wiehle-	100%			100%		



Route	Proposed Service Changes - Change Types	% Change in Revenue Hours			% Change in Revenue Miles		
		Weekday	Sat	Sun	Weekday	Sat	Sun
	Reston East Metrorail Station.						
551	Modify alignment. Modify peak and evening headways. Add weekday off-peak and weekend service.	69%	100%	100%	-3%	100%	100%
552	Modify alignment. Modify peak headways.	-16%			-66%		
553	Modify alignment. Modify peak headways.	44%			-17%		
554	Modify alignment. Modify peak headways.	9%			-70%		
555	Eliminate route.	-100%			-100%		
557	Modify alignment. Modify peak headways.	-1%			-48%		
558	Add new feeder route with midday, evening, and weekend service to Wiehle-Reston East Metrorail Station.	100%	100%	100%	100%	100%	100%
559	Add new feeder route with midday, evening, and weekend service to Wiehle-Reston East Metrorail Station.	100%	100%	100%	100%	100%	100%
574	Modify alignment. Modify headways for all periods.	28%	19%	7%	80%	74%	56%
585	Modify alignment. Add weekday off-peak service.	-15%			-61%		
595	Eliminate route.	-100%			-100%		
597	Eliminate route.	-100%			-100%		
599	Add new express route with weekday peak service combining Routes 595 and 597.	100%			100%		
721	Add new feeder route with 7-day service to McLean Metrorail Station.	100%	100%	100%	100%	100%	100%
724	Add new feeder route with weekday peak service to McLean and Spring Hill Metrorail Stations.	100%			100%		
734	Add new feeder route with weekday peak service to McLean and West Falls Church Metrorail Stations.	100%			100%		



Route	Proposed Service Changes - Change Types	% Change in Revenue Hours			% Change in Revenue Miles		
		Weekday	Sat	Sun	Weekday	Sat	Sun
924	Modify alignment. Modify peak headways. Add evening service.	75%			51%		
926	Modify alignment. Modify peak headways. Add evening service.	52%			37%		
927	Eliminate midday service.	-48%			-49%		
928	Add new feeder route with weekday peak service to Herndon-Monroe Park-and-Ride.	100%			100%		
929	Modify alignment.	16%			19%		
937	Add new feeder route with 7-day service to Herndon-Monroe Park-and-Ride.	100%	100%	100%	100%	100%	100%
950	Modify alignment. Modify peak headways.	-19%	-26%	-17%	-53%	-51%	-44%
951	Modify alignment. Add midday and evening service.	-21%			-55%		
952	Modify alignment. Add midday and evening service.	1%			-49%		
980	Modify alignment. Modify peak headways.	-59%			-88%		
981	Modify alignment. Modify headways.	-8%	97%	97%	-4%	61%	61%
983	Modify alignment. Modify headways.	-8%	97%	97%	-4%	61%	61%
985	Add new feeder route with weekday peak service to Wiehle-Reston East Metrorail Station.	100%			100%		
RIBS 1	Modify alignment. Modify weekday evening and Saturday evening headways.	0%	0%	0%	-2%	-4%	-4%
RIBS 2	Modify alignment. Modify weekday evening and Saturday evening headways.	0%	0%	0%	-3%	-3%	-4%
RIBS 3	Modify alignment. Modify weekday evening and Saturday evening headways.	0%	0%	0%	3%	3%	3%
RIBS 4	Modify alignment. Modify weekday evening and Saturday evening headways.	28%	-1%	0%	8%	-14%	0%
RIBS 5	Modify weekday and Saturday headways.	0%	1%	0%	0%	0%	0%



ACTION – 9

Memorandum of Agreement Between the Northern Virginia Transportation Commission (NVTC) and Fairfax County to Provide Technical Assistance in the Development, Testing, Funding and Implementation of the Washington Metropolitan Transit Authority's (WMATA) New Electronic Payments Program (NEPP) System

ISSUE:

Board approval of a Memorandum of Agreement (MOA) between NVTC and the County to provide technical assistance for Fairfax County in the regional NEPP Project.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the MOA with NVTC (Attachment 1) and authorize the Director of the Department of Transportation to execute (in substantial form) the final agreement on behalf of Fairfax County.

TIMING:

Board action is requested on July 29, 2014, to allow NVTC to begin coordination of the NEPP Program with WMATA.

BACKGROUND:

WMATA in cooperation with the region is seeking to modernize the existing SmarTrip fare collection system. The NEPP system is expected to be in place region-wide by December, 2020.

The NEPP system will allow Fairfax County to customize and implement the system to meet its needs, and the needs of Fairfax Connector riders. The proposed technology solution will be a more open payment system that will allow a variety of payment options, and bring competition to the procurement of vendors and contractors. WMATA's vendor will be required to demonstrate the new payment system through a pilot program. The conceptual design review (CDR) will occur concurrently with the pilot. Technical support is needed from NVTC to support Fairfax County in the CDR, and provide oversight of the pilot, the selection of options in the NEPP system, and the implementation phase of the NEPP. NVTC will be the lead entity for Northern Virginia in working closely with County staff to oversee the NEPP system development, testing and implementation.

In February 2014, WMATA issued a notice to Proceed (NTP) to Accenture for the test pilot program. Prior to WMATA's final procurement of the NEPP system, the region will conduct analyses on the transition from the existing regional fare collection system to

the NEPP system. These plans include common regional fare policies, operating procedures, and administrative procedures such as the transmission of data required to clear financial transactions. WMATA and the regional transit partners have sought proposals for the development, deployment, financing, operation and maintenance of the next generation of electronic fare payment equipment under the NEPP system.

To achieve program goals identified by the regional partners, a coordinated regional approach to the administration of the NEPP system is required. Some of the areas requiring coordination to ensure as seamless fare collection system are policy coordination, fare technology, and operating/administrative procedures. There may also be procedural issues that will require a coordinated regional response, which can best be addressed by a standing committee of the region. This MOA sets forth the principles that will be used in establishing such a centralized administrative/coordinating function, and the guidelines for region-wide participation.

**FISCAL IMPACT:**

NVTC has applied to DRPT for fiscal year 2014 mid-cycle grant for technical assistance in the amount of \$200,000. The grant requires a local match of \$100,000 which will come from the regional partners executing this MOA. Fairfax County's share of this match (\$42,691) will be taken from available funds at NVTC.

The technical assistance grant match share structure for the regional partners is as follows:

<b><u>JURISDICTION</u></b>	<b><u>Percentage Share (based on FY14 transactions)</u></b>	
<b>NVTC WMATA</b>	65.1%	\$65,126.50
<b>Jurisdictions</b>	5.8%	\$5,764.65
<b>Loudoun Co.</b>	11.8%	\$11,841.15
<b>PRTC</b>	17.3%	\$17,267.70
<b>VRE*</b>	<b>100.0%</b>	<b>\$100,000.00</b>

**ENCLOSED DOCUMENTS:**

Attachment I: NVTC NEPP Memorandum of Agreement

**STAFF:**

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Patricia McCay, Assistant County Attorney  
Dwayne Pelfrey, Division Chief, Transit Services Division, FCDOT  
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT  
Kris Miller, Transportation Planner, FCDOT

Final – May 14, 2014

**MEMORANDUM OF AGREEMENT****REGARDING COORDINATION OF TECHNICAL ANALYSIS, TESTING, FUNDING AND ADMINISTRATION  
for NEW ELECTRONIC PAYMENTS PROGRAM SYSTEM**

This Memorandum of Agreement is entered into between and among the Northern Virginia Transportation Commission (NVTC) and the below identified participating jurisdictions and transportation agencies (collectively, the Entities) as a means of demonstrating their joint commitment to the development, testing, funding and implementation of the Washington Metropolitan Transit Authority's (WMATA or Metro) New Electronic Payments Program (NEPP) system as is more fully described below. The Memorandum of Agreement shall be effective upon the signature of the NVTC and one or more of the Entities and shall continue in accordance with the terms hereof.

In accordance with the terms of this Memorandum of Agreement, NVTC is authorized to act on behalf of the following Entities as the contracting and coordinating agent for technical analysis, testing, funding and administration of WMATA's NEPP System:

- Arlington County (Arlington ART)
- Fairfax County (Fairfax Connector)
- Loudoun County (LC Transit)
- City of Alexandria
- Alexandria DASH
- City of Fairfax (Fairfax CUE)
- Potomac and Rappahannock Transportation Commission (PRTC OmniRide and Omni Link)
- NVTC and PRTC jointly as owners and operators of Virginia Railway Express (VRE)

**1.0 PURPOSE**

NVTC and the Entities mutually desire, in coordination with WMATA, and with the assistance of grant funding agencies including the Virginia Department of Rail and Public Transportation ("DRPT"), to provide transit customers a common means for payment of transit fares by using WMATA's NEPP system.

**2.0 BACKGROUND**

WMATA is seeking to modernize and eventually replace the existing SmarTrip fare collection system. The NEPP system is expected to be completely in place region-wide by December, 2020. Metro and its regional transit partners have sought proposals for the development, deployment, financing, operation and maintenance of the next generation of electronic fare payment under the NEPP system. This solicitation sought proposals that would bring together the innovation of consumer electronics and wireless industries into a standards-based, customer-centric fare payment system that will provide greater flexibility, reduce operating costs and refocus Metro on its core business of providing transportation services. As designed, the program will secure the services of a system integrator to bring the necessary industry specialists together to deploy



a state-of-the-art fare payment system. The new system will only use contactless cards, including payment cards (pre-paid, debit or credit), federal identity cards or smart phones with near-field communication (NFC) capability to pay transit fares directly at the faregate or farebox.

The NEPP system uses non-proprietary technology and is based on a centralized data system (CDS) rather than a complex layer of field devices and will allow riders to use smart phones, credit cards and government ID cards and other media to pay fares. The NEPP system will also permit the Entities, after exercising their option to participate in the NEPP system, to customize and implement the NEPP system to suit their needs. This technology solution will be the first of its kind, globally, and as such WMATA's vendor will be required to demonstrate proof of concept through a pilot at the expense of the vendor. The concept design review (CDR) will occur concurrently with the pilot. Technical support is needed by NVTC and the Entities beginning in the first quarter of 2014 to support the Entities' transit systems in the CDR, the oversight of the pilot, the exercise of options to participate in the NEPP system, and the implementation phase. NVTC, working with WMATA, VRE and PRTC, has taken the lead for Northern Virginia on the coordination of the NEPP system development, testing and implementation.

Participating transit operators and agencies in the District of Columbia and Maryland, along with the Entities, are being asked to jointly design and test the NEPP system beginning in January 2014 with the goal of each of them purchasing and implementing transit fare collection equipment and system that will replace SmarTrip® and continue to support a uniform regional approach to fare collection.

In February, WMATA issued a Notice to Proceed to Accenture for a test pilot program. Prior to WMATA's final procurement of the NEPP system, the Entities will need to conduct analyses on how to effect the transition from the existing regional fare collection system to the NEPP system. These plans include common regional fare policies, operating procedures, and administrative procedures, such as the transmission of data required to clear financial transactions.

The Entities concur in the following goals for the regional NEPP system:

- Maximize passenger convenience in purchasing and using existing devices, such as secure ID badges, cell phones, existing SmarTrip cards and credit cards, all of which are integral to allowing ease of access for transit customers to pay fares in the system;
- Continue to maximize transit integration by allowing passengers to travel seamlessly between and among different transit service providers and transportation modes using existing devices paired with an individual account;
- Capitalize on operational effectiveness and work to develop a simpler system focused on operational ease;
- Utilize the NEPP system to the benefit of customers, participating agencies and jurisdictions, and creating an environment which is conducive to the continued growth and expansion of the transit ridership base;
- Support broad access to transit through NEPP system policies and programs;

- Ensure commonality of passenger fare collection practices leveraging existing, accessible technology and the ability for customers to still use cash on board buses if desired;
- Maintain a regional approach that takes advantage of pricing opportunities and regional opportunities to maximize available funding;
- Develop policies and programs regarding the NEPP system in an open and cooperative environment; and
- Maintain local decision making authority and coordinate policies and procedures regionally to support continued seamless operation of the NEPP system.

To achieve the program goals identified by the Entities, a coordinated approach to the NEPP system regional administration is required. Among the areas requiring coordination to ensure as seamless a fare collection system as intended are: fare policy coordination (but not necessarily pricing), fare technology, and operating/administrative procedures. There may also be procedural issues that will require a coordinated response, which can best be addressed by a standing committee of the Entities. This Memorandum of Agreement sets forth the principles which will be used in establishing such a centralized administrative/coordinating function and principles for Entity participation.

### **3.0 TECHNICAL ANALYSIS AND TESTING**

Each Entity authorizes NVTC to procure on their behalf contract support for technical analysis during WMATA's development, testing and implementation of the NEPP system through the WMATA transit zone, and to work with the Entities in identifying sources of funding to achieve full implementation of NEPP system.

NVTC will issue a request for proposals ("RFP") for a consultant to support the technical analysis, pilot and testing for the NEPP system. NVTC shall develop a scope of work and initial task list for the required technical assistance for approval by the Entities which scope will include but not be limited to the following:

- 1. Serve as Technical Representative for NVTC's Contract Officer** - Provide overall management and technical support on behalf of the Entities for the NEPP system CDR, the development of the CDS, and the pilot program. Work in this task will include but not be limited to:
  - Reviewing WMATA's vendor procurement progress with respect to contract milestones and evaluation;
  - Reviewing and monitoring WMATA's vendor performance with emphasis on testing and quality assurance;
  - Reviewing and responding to requests for technical information or resources;
  - Developing periodic progress reports to NVTC and the Entities.
  - Attendance at meetings of all transit entities participating in implementation of the NEPP system;

- Supporting regional subcommittees that represent the Entities' interests, including, but not limited to, participation in Technical Review Committee and Operations Subcommittee and other committees at request of NVTC;
  - Attending design review meetings and related workshops for regional CDR and CDS activities;
  - Attending design review and related activities for the CDR of the NEPP system; and
  - Providing technical support in reviewing and coordinating any suggested changes through the designated change management process as documented by WMATA.
2. **Design and Monitor Pilot and Tests for CDR and CDS development** - Provide technical support related to the design and monitoring of tests. This support will be comprised of three primary components:
- A. Support related to the design and testing of the WMATA - configured NEPP system including validating testing performed by others (WMATA) on the NEPP system.
  - B. Additional support related to testing of CDR and CDS for the NEPP system.  
The pilot and testing activities are intended to validate the following functions and processes:
    - Functionality, operational speed and configuration of the NEPP system;
    - Performance of the NEPP system with various payment media;
    - Reliability of data transmission and upload process;
    - Accuracy of reported data;
    - Communication of data to the CDS.
  - C. Work with the Entities to ensure adequate testing of any of the specific components to be purchased by NVTC or the Entities and not tested by others, including:
    - Identification of functionality to be tested and methods for testing and validating different aspects of the functionality;
    - Data collection forms;
    - Methods for collecting comparison and validation data;
    - Sampling methods;
    - Data evaluation processes; and
    - Success criteria.
3. **Assist in Integrating NEPP and Fareboxes with GPS and Other On-Board and Off-Board Electronic Equipment** - The intent of the integration will be to reduce the operator workload by combining functions into a single device, to reduce redundant activities and data collection processes that may be present once the NEPP system is installed and to provide consolidated reporting. This task will include the following activities:
- Work with the Entities to identify integration capabilities and to review preferred integration approach from technical and contractual perspectives;

- Identify and negotiate integration capabilities of existing fareboxes to the NEPP system;
  - Review integration conceptual designs;
  - Review any contractual change documents related to this integration;
  - Review pilot and testing activities; and
  - Review pilot and test plans and results.
- 4. Review Alternatives for Integrating VRE Fare Collection with NEPP** -- Assist VRE with identifying and evaluating options for deploying the NEPP system functionality in the VRE environment. This includes options such as modifying existing systems. Options for providing proof of payment inspection on the trains will also be explored.
- 5. Bridge Assistance for additional Phases of Work** – This includes advice and plan review regarding the functionality of parallel fare payment systems while phasing out SmarTrip. Elements of this work includes but are not limited to:
- Dual operation;
  - Data collection/analysis;
  - Costs; and
  - User error.

#### **4.0 FUNDING AND FINANCING**

On behalf of the Entities, NVTC has applied to DRPT for fiscal year 2014 mid-cycle grant assistance for technical assistance in the amount of \$200,000 (including the 50% match) to support technical assistance, analysis and startup costs. The application was reviewed by Entities and is attached (Appendix B). The grant requires a total local match of \$100,000 which will come from the Entities executing this Memorandum of Agreement.

Please note: The allocation of the cost described in this section are intended for purposes of determining proportional share among the Entities for any match required for all grant funding for technical assistance support. It is anticipated that the Entities will determine the appropriate allocation of costs for the procurement of the NEPP and amend this agreement or execute a separate agreement as appropriate.

The Technical Assistance Grant match share structure for the Entities is as follows:

<u>JURISDICTION</u>	<b>Percentage Share</b>	
	<b><u>(Based on FY14 Transactions)</u></b>	
<b>NVTC WMATA Jurisdictions</b>	65.10%	\$65,126.50
<b>Loudoun Co.</b>	5.80%	\$5,764.65
<b>PRTC</b>	11.80%	\$11,841.15
<b>VRE</b>	<u>17.30%</u>	<u>\$17,267.70</u>
	<b>100.00%</b>	<b>\$100,000.00</b>
*50% DRPT Match		

In accordance with Resolution #2228 adopted by NVTC on November 7, 2013, a copy of which is attached hereto as Appendix C, each Entity that is a NVTC WMATA jurisdiction authorizes NVTC to use future state transit assistance reimbursement receipts before allocation to the jurisdictions (“off the top”) to pay the above listed respective share of the grant match. Each Entity who is not a NVTC WMATA jurisdiction shall be responsible for providing its respective share of the grant match from other eligible sources.

In addition, subject to approval by the Entities and agreement to pay their respective shares of any grant match amount in accordance with the percentages set forth above, NVTC will apply for additional funding for technical assistance in support of the CDR, the pilot, and implementation for the time period July 1, 2014 to June 30, 2016 and for all fiscal years thereafter for which this Agreement is in effect.

NVTC and the Entities will work together to develop a plan for funding for the acquisition of equipment and implementation of the NEPP system among the Entities. This plan may include but will not be limited to NVTC seeking grant assistance on behalf of the Entities (some of whom which do not accept federal funds on an individual basis) from the Federal Transit Administration (FTA) and DRPT, and the Commonwealth as well as looking at financing options.

## **5.0 COORDINATION AND ADMINISTRATION**

NVTC will coordinate and administer the Entities’ participation in development and implementation of the NEPP system. NVTC will convene regular meetings among the Entities and other regional stakeholders to discuss and seek agreement on all aspects of the NEPP system testing, funding and implementation.

## **6.0 PARTICIPANT ROLES AND RESPONSIBILITIES**

Entities executing this Memorandum of Agreement agree to:

- Actively participate in the technical review and implementation of the NEPP system;
- Work to consensus insofar as possible in resolution of all matters;
- Designate a lead and appropriate additional representatives to participate in technical teams for the concept design review and the pilot phase, and in the funding work group for both technical resources and acquisition and implementation of the new hardware and system;
- Make personnel available to analyze a variety of functions related to the NEPP system and the purposes of this Memorandum of Agreement, including: operations, customer service, technology, marketing and finance;
- Participate in work sessions, routine progress checks, and milestone reviews; and
- Identify appropriate funding sources of local or system match.

## **7.0 AMENDMENTS**

Any signatory to this Memorandum of Agreement may propose an amendment at any time. Any such amendment shall become effective upon the receipt of written approval of the amendment by all participating Entities.

#### **8.0 DURATION OF MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement shall have an initial duration of five (5) years from its initial effective date and shall automatically be renewed for an additional five (5) year period unless a majority of the participating Entities give written notice that they do not wish to renew their participation not less than ninety (90) calendar days prior to the expiration date. Nothing herein shall, however, be construed that any signatory to this Memorandum of Agreement must continue as a participant entity beyond the initial five year term unless such continuation has been duly authorized in writing by the signatory. If this Memorandum of Agreement is not renewed, the participating Entities shall use the ninety (90) calendar day period prior to the expiration of the Memorandum of Agreement for the orderly termination of their further participation in the development, testing, and implementation of the NEPP system.

#### **9.0 ASSIGNMENTS**

No Entity shall have the power to assign either their rights or obligations under this Memorandum of Agreement, provided however, that any reorganization of an Entity shall automatically transfer the former Entity's rights and obligations to the successor entity.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement by their duly authorized representative;

AGENCY: City of Alexandria

By: \_\_\_\_\_  
Name: Rashad Young (Date)  
Title: City Manager

AGENCY: Alexandria DASH

By: \_\_\_\_\_  
Name: Sandy Modell (Date)  
Title: CEO/General Manager, Alexandria DASH

AGENCY: Arlington County / Arlington Transit (ART)

By: \_\_\_\_\_  
Name: Barbara Donnellan (Date)  
Title: County Manager

AGENCY: City of Fairfax /CUE

By: \_\_\_\_\_  
Name: Robert Sisson (Date)  
Title: City Manager

AGENCY: Fairfax County / Fairfax Connector

By: \_\_\_\_\_  
Name: Tom Biesiadny (Date)  
Title: Director of Transportation

AGENCY: Potomac and Rappahannock Transportation Commission (PRTC)

By: \_\_\_\_\_  
Name: Alfred H. Harf (Date)  
Title: Executive Director, PRTC

AGENCY: Loudoun County / Loudoun County Transit (LC Transit)

By: \_\_\_\_\_  
Name: Tim Hemstreet (Date)



Title: County Administrator

AGENCY: NVTC and PRTC, jointly as the Virginia Railway Express (VRE)

By: \_\_\_\_\_  
Name: Doug Allen (Date)  
Title: Chief Executive Officer

AGENCY: Northern Virginia Transportation Commission (NVTC)

By: \_\_\_\_\_  
Name: Kelley Coyner (Date)  
Title: Executive Director, NVTC

Acknowledgement that WMATA will work with NVTC through this agreement framework:

AGENCY: Washington Metropolitan Area Transit Authority (WMATA)

By: \_\_\_\_\_  
Name: Richard Sarles (Date)  
Title: General Manager & CEO

ACTION - 10

Decision on the Proposed Interim Development Agreement Between the Board of Supervisors and Wesley Hamel Lewinsville, LLC for the Redevelopment of the Lewinsville Senior Center and Daycare Property, and Approval of Reimbursement Resolution (Dranesville District)

ISSUE:

Board decision on the Interim Agreement with Wesley Hamel Lewinsville LLC ("Wesley-Hamel") for the redevelopment of the Board-owned Lewinsville Senior Center and Daycare property (the "Lewinsville property"). The Interim Agreement would permit Wesley-Hamel to conduct due diligence on the site and file a rezoning action in the form of a Special Exception Amendment, to be followed by the filing of a Site Plan.

RECOMMENDATION:

The County Executive recommends that the Board approve the Interim Agreement with Wesley Hamel, LLC. County Executive also recommends approval of a reimbursement resolution.

TIMING:

On June 3, 2014, the Board authorized advertisement of a public hearing on the Interim Agreement to be held on June 17, 2014. The Public Hearing was held on Tuesday, June 17, 2014 at which time the decision was deferred to July 29, 2014 to facilitate the public comment period as required by the Code of Virginia and allow the Board to take action on the Interim Agreement at its meeting on July 29, 2014.

BACKGROUND:

The 8.65 acre Lewinsville property is located at 1609 Great Falls Street in McLean. The property's existing facility, formerly the Lewinsville Elementary School, was constructed in 1961 and contains approximately 38,355 square feet. Transferred from Fairfax County Public Schools to the Board of Supervisors in 1985, the building now houses a 22-unit senior independent residence, the Lewinsville Senior Center, an adult day health care center, and two separate private child day care centers. The site, which is currently zoned R-3, also contains athletic fields.

**Prior Redevelopment Proposal:** On February 9, 2004, the Board approved Special Exception Amendment SEA 94-D-002 and 2232 D-03-09, which permitted the construction of a redesigned 52,500 square foot building (the "Prior Proposal"), in addition to the existing 38,355 square foot facility. The Prior Proposal would have

provided for, among other things, a 60-bed Assisted Living facility with commercial kitchen and dining facility. However, due to the costs to construct and operate such an Assisted Living facility, the County elected to pursue the currently proposed independent living senior residential model that could be constructed and operated under a ground lease at no cost to the County.

**Current Redevelopment Proposal; Selection Process and Recommendation:** On May 14, 2012, the County publicly advertised Request for Proposal RFP- 2000000263: the Lewinsville Senior Center and Independent Living Residence Development (RFP) under the Public-Private Education and Infrastructure Act of 2002 (PPEA). Pursuant to the RFP, the County sought a developer to act as agent for the County to file another Special Exception Amendment to supercede the Prior Proposal. The Amendment would provide for the existing Senior Center and Daycare building to be razed and replaced with both a replacement public facility (the "Senior and Daycare Center"); and a new independent living senior residential building (the "Senior Independent Living Residence"). The PPEA solicitation further provided that the Senior Independent Living Residence must contain affordable units and be located on a portion of the property that will be subject to a long-term ground lease from the County.

Six (6) proposals were received in response to the PPEA solicitation. A Selection Advisory Committee (SAC) comprised of representatives from the County's Department of Housing and Community Development, the Department of Planning and Zoning, the Department of Management and Budget, the Department of Public Works and Environmental Services, the Department of Human Services, and the County Health Department was formed. A Technical Advisory Committee (TAC) was also formed to provide technical input. The TAC included County staff with technical expertise and the County's real estate advisor, Jones Lang LaSalle. The SAC evaluated the six proposals in accordance with the criteria and procedures established under PPEA. The SAC considered the technical and financial merits of proposals of each offeror, conducted oral interviews with top ranked candidates, and received written responses to clarification questions and negotiation points from the top ranked offerors. The SAC evaluated and ranked the proposals in accordance with the criteria and procedures set forth in the PPEA and concluded that Wesley Hamel best demonstrated the ability and capacity to meet the county's needs as identified in the PPEA. Based on this evaluation, the SAC recommends entering into an Interim Agreement with Wesley Hamel.

**About the Proposed Interim Agreement:** The proposed Interim Agreement establishes general terms and conditions that may lead to a Master Development Agreement between the County and Wesley-Hamel. Key components of the proposed Interim Agreement include:

- *Designating Wesley-Hamel as Board Agent for Land Use Purposes:* The proposed Interim Agreement designates Wesley-Hamel as the Board's agent for the limited purpose of pursuing the land use entitlements with respect to the property and

permits Wesley-Hamel to file the necessary applications for zoning and land use approvals (land use entitlements) prior to execution of a final, full Master Development Agreement for the redevelopment of the property.

- *Timing and Cost of Land Use Application:* Wesley-Hamel will be required to file the initial land use entitlement application for a Special Exception Amendment (SEA) within 120 days of date of the Interim Agreement and stipulates that Wesley-Hamel will be responsible for all costs associated with the SEA process.
- *Predevelopment Costs:* The proposed Interim Agreement establishes the predevelopment responsibilities and costs of each party with respect to the preparation and filing of the Site Plan (i.e. design, engineering, architectural, legal) for the Senior and Daycare Center and the Senior Independent Living Residence.
- *Responsibilities for Senior Independent Living Residence:* Wesley-Hamel shall, at no cost to County, design, develop, construct, own and operate the Senior Independent Living Residence under a long-term ground lease.
- *Responsibilities for Senior and Daycare Center:* The County, at its cost, shall design, construct, own and operate the Senior and Daycare Center; however, the proposed Interim Agreement also provides Wesley-Hamel the opportunity, at the County's sole discretion, to provide the County, in its proprietary capacity, with a bid to construct the Senior and Daycare Center.
- *Responsibilities for Site Infrastructure Construction and Cost:* Wesley-Hamel will be responsible, unless otherwise decided, for the construction of the entire site's infrastructure. Each party shall be responsible for the cost of its pro-rata portion thereof.
- *Master Development Agreement:* The proposed Interim Agreement stipulates that Wesley-Hamel and the County will pursue negotiations, diligently and in good faith, of a Master Development Agreement (MDA) that shall address the financial and transactional aspects of the redevelopment of the property. The MDA shall contain a negotiated Ground Lease. The proposed agreement also requires Wesley-Hamel to receive SEA approval and to have made its initial Site Plan submission and received staff comments prior to the Board of Supervisors entering into the MDA. Approval of the MDA shall occur concurrently with the approval of the SEA.
- *Project Design:* Wesley-Hamel is required to consult and coordinate with the County regarding the design of the Senior Independent Living Residence, so that its design is consistent with the design submitted in response to the RFP and homogeneous with the County's design of the Senior and Daycare Center.

- *Land Use Entitlement Cooperation:* The proposed Interim Agreement requires the parties to coordinate on and diligently pursue the land use entitlements, although the County's approval and execution of the proffered conditions shall be in the County's sole and absolute discretion.
- *Residential Tenant Relocation Plan:* A relocation plan for the 22 current Lewinsville residents will be developed during the negotiations of the full Master Development Agreement and will be subject to the approval of the County and the Fairfax County Redevelopment and Housing Authority (FCRHA), which operates the current residential component of the Lewinsville property on behalf of the County. The relocation plan is intended to provide the option for current residents to be able to live at the new Senior Independent Living Residence when complete, if they meet eligibility requirements.
- *Tax Credit Financing:* The proposed Interim Agreement requires Wesley Hamel to prepare and submit an application to the Virginia Housing and Development Authority for 9% Low Income Housing Tax Credits in 2015 and again in 2016 if not initially awarded in 2015.

The Interim Development Agreement has been posted on the county web site by the Department of Purchasing and Supply Management and is available under PPEA Opportunities at: <http://www.fairfaxcounty.gov/dpsm>)

FISCAL IMPACT:

The total development cost of the Senior and Daycare facility is approximately \$15 million; however a total amount of \$1.6 million is required prior to providing permanent financing to perform preconstruction and engineering services.

Under the proposed Interim Agreement, the County would be obligated to pay its share of actual predevelopment costs with respect to the preparation and filing of the initial Site Plan (i.e. design and engineering), in an amount of up to \$222,500. Additionally, the County will contribute \$100,000 toward Site Plan costs, to be reimbursed in the event the parties reach agreement on a final Master Development Agreement. In addition, funding of \$350,000 will be required to proceed with architectural design. The remaining amount of approximately \$950,000 would be required prior to permanent financing for the balance of predevelopment costs. While the proposed Interim Agreement establishes the general parameters for the redevelopment of the property, final terms and conditions will be established in a Master Development Agreement negotiated between the County and Wesley-Hamel, subject to Board approval, currently anticipated to take place in the winter of 2014.

As part of the Adopted FY 2011 Capital Improvement Program, the Board of Supervisors approved the use of long term financing for capital renovations at

Board Agenda Item  
July 29, 2014

Lewinsville, as discussed in the context of the Housing Blueprint. Funding for all costs associated with the preliminary design and predevelopment costs, which include funding required as part of the proposed Interim Agreement, are available in the Lewinsville Expansion Project (2H38-064-000) under the Housing Trust Fund (40300) and project balances in County Construction (30010), which will be reallocated as part of FY 2014 Carryover. It should be noted that the design and predevelopment costs relate to the County Senior and Daycare Center, and not the Senior Independent Living Residence component; therefore, the Housing Trust Fund will be reimbursed from future financing.

Staff recommends approval of a reimbursement resolution (Attachment 3) for the aforementioned costs. This does not authorize or commit the Board to a plan of finance for the project at this time, but rather provides for a reimbursement mechanism for costs incurred on the project prior to the bond sale, which is currently scheduled for spring 2016. The County will consider bond financing through the Fairfax County Economic Development Authority, the FCRHA or the Virginia Resources Authority's (VRA) Virginia Pooled Financing Program. The decision to sell the bonds through one of these entities will be determined based on market conditions in the months leading up to the bond sale. The future debt service payments on the Lewinsville project will be paid by the County from the Consolidated Debt Service Fund (20000). The financing cost of this project has been included as part of the County's out year financial forecast and debt ratio projections, as cited in the FY 2015-2019 Adopted Capital Improvement Program.

ENCLOSED DOCUMENTS:

Attachment 1: Interim Agreement – available online under PPEA Opportunities at: <http://www.fairfaxcounty.gov/dpsm>; Hard copies to Board members

Attachment 2: Reimbursement Resolution

STAFF:

Patricia D. Harrison, Deputy County Executive

Paula Sampson, Director, Department of Housing and Community Development (HCD)

John L. Payne, Deputy Director, Real Estate, HCD

Hossein Malayeri, Director, Design, Development and Construction Division, HCD

Joe LaHait, Debt Coordinator, Department of Management and Budget

**REIMBURSEMENT RESOLUTION**

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA DECLARING ITS INTENT TO REIMBURSE  
ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT  
FINANCINGS FOR CERTAIN EXPENDITURES MADE AND TO BE  
MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION  
AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR THE  
LEWINSVILLE COMMUNITY SERVICES FACILITY**

WHEREAS, the County of Fairfax, Virginia (the “**County**”), is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the County has paid, beginning no earlier than May 30, and will pay, on and after the date hereof, certain expenditures (the “**Expenditures**”) in connection with the acquisition, construction and equipping of community services building (the “**Project**”), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Supervisors of Fairfax County, Virginia (the “**Board**”) has determined that the money previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures is available only for a temporary period and that it is necessary to reimburse the County for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the “**Bonds**”);

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

Section 1. The Board hereby declares the County’s intent to reimburse the County with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after [insert date that is no more than 60 days prior to adoption of resolution], which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$17,000,000 [

A-1

ACTIVE 201247136v.3



Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

A Copy Teste:

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Clerk to the Board of Supervisors

(seal)



EXHIBIT A

**DESCRIPTION OF PROJECT**

**[Please review this draft of the project description.]**

The redevelopment of the Lewinsville community services facility in the Dranesville District, consisting of the preparation and filing of a Special Exception Amendment and a Site Plan as well as all design, development and construction activities associated with the new facility including the demolition of existing facility. The redesigned new community and services facility will provide various community support services including, a senior center, an adult day care center, an adult respite center to serve seniors with Alzheimer's, and two child day care centers.

ACTION – 11

Approval of Parking Modifications for Reston Town Center Urban Core – Phase I  
(Hunter Mill District)

ISSUE:

Board approval of parking modifications to reflect modified future build out conditions for Reston Town Center Urban Core - Phase I, Tax Map 17-1 ((16)) 4, 5A, 9A, 10; and Tax Map 17-3 ((10)) 1, 6, 7, 8A1, 8B, Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board):

- Recommend that the Director of the Department of Public Works and Environmental Services (Director) approve a reduction in the minimum number of parking spaces that must be maintained based on the proposed changes to the mix and square footage of uses consistent with the maximum reduction of 28 percent allowed under the approved Amended and Restated Parking Agreement dated July 26, 2011, (the Agreement) and Tables 1 and 3 of Attachment A (Parking Generation Study, dated June 5, 2014).
- Approve the temporary use of non-contiguous, off-site parking spaces to serve the Phase 1 uses during the Construction Period of the new residential building on Block 4 and the office building on Block 5.

The proposed parking modifications reflect future build out conditions for Reston Town Center Urban Core-Phase 1, pursuant to Paragraphs 5 and 13 of the Agreement and Paragraph 1 of Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia*; based on a request and analysis of the parking requirements for each use on the Property, and such temporary off-site parking shall be provided in accordance with the following conditions:

1. Approval does not relieve the Applicant of its obligations set forth in the Agreement, including, without limitation, the timeframes and interim parking requirements, and all of the terms and provisions of the Agreement shall remain in full force and effect, except as explicitly modified herein.
2. The following off-site parking scenarios are permitted:

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- If Block 4 is under construction for the development of the residential building prior to the development of the office building on Block 5, then approximately 132 surplus parking spaces within Phase II of Reston Town Center urban Core shall be permitted to serve uses under the Agreement dated July 26, 2011, during the Block 4 construction period.
  - If Block 5 is under construction for development of the office building prior to the development of the residential building on Block 4, then approximately 94 surplus parking spaces within Phase II shall be permitted to serve uses under the Agreement upon completion of construction of Block 5 and continuing until the completion of construction of Block 4.
  - If Block 4 is under construction for development of the residential building during or after the development of the office building on Block 5, then approximately 345 surplus parking spaces within Phase II shall be permitted to serve uses under the Agreement during the Block 4 construction period, subject to the approval of a parking reduction (of approximately 7%) by the Board for the Phase II non-residential uses if and as necessary to provide approximately 345 surplus parking spaces within Phase II.
3. Offsite parking spaces shall be located within any of the parking garages on Blocks 12, 12A, 14 and 15 that currently serve the Phase II area. The Applicant shall install and maintain signage directing patrons to the locations of any off-site parking facilities and shall provide evidence of such signage to the Director prior to the commencement of construction on Block 4 and/or prior to issuance of the first Non-Residential Use Permit for the new uses on Block 5.
  4. The Applicant shall provide documentation satisfactory to the Director demonstrating the right to use such off-site parking spaces as permitted during the construction of the residential development on Block 4 and the office development on Block 5.
  5. The maximum permissible "Construction Period," as defined in paragraph 7 of the Agreement and applied in the Agreement to the then-proposed construction of the proposed office building on Block 4, shall apply to the newly proposed construction of the office building on Block 5. The maximum permissible construction period of the residential building on Block 4 shall be limited to the earlier of (a) thirty (36) months following the commencement of construction of the proposed residential building or (b) the issuance of a Residential Use Permit or Non-Residential Use Permit (or its equivalent) for the parking facilities to be constructed as part of the proposed residential building, as more particularly shown on the approved site plan for such building.

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6. The conditions of approval shall be binding on the successors of the current owners and/or other applicants and shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
7. This approval for the temporary use of off-site parking shall expire without notice 6 months from the date of Board approval if condition #6 has not been satisfied.

TIMING:

Board action is requested on July 29, 2014

BACKGROUND:

The 84-acre Reston Town Center Urban Core is part of the 449-acre Town Center Study area which was rezoned to PRC (Planned Residential Community) pursuant to RZ-C-088, RZ 86-C-119, RZ 86-C-121 and RZ 89-C-025. Phase 1 of the Reston Town Center Urban Core covers approximately 42 acres and includes Blocks 1 and 4 through 10, as shown on Figure 1 of Attachment A. The Phase 1 area is also identified as Tax Map 17-1 ((16)) 4, 5A, 9A, 10; and Tax Map 17-3 ((10)) 1, 6, 7, 8A1, 8B.

The proposed parking modifications are associated with a provision provided by the conditions approved by the Board on July 26, 2011 (see Attachment I of the attached Parking Generation Study) and the corresponding July 26, 2011 Agreement (see Attachment II of the attached Parking Generation Study). The provision allows administrative approval under strict conditions, of a "Parking Modification Request" to modify the mix of non-residential uses and parking requirements for the Phase 1 area.

The approved existing Agreement provides for the following mix of uses within Phase 1:

- 121,647 gross square feet (GSF) of shopping center retail uses
- 89,314 GSF of eating establishment uses with 2,648 seats (2,416 table seats and 232 counter seats) and 330 employees
- 531,653 of office uses
- 395,576 GSF of hotel uses with 515 guest rooms and an additional 24,500 GSF of hotel function space
- 62,032 GSF cinema (with 2,918 seats)

Proposed Modifications to the Mix and Square Footage of Uses Within Phase 1

Since the July 2011 approval, the mix of non-residential uses within Phase 1 has changed as a result of market forces and tenant turnaround. The primary modification to the mix was the renovation of the cinema space and reduction in the number of

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theatre seats from 2,918 to 1,990 seats. Overall, however the total square footage of non-residential development established for the property (irrespective of the allocation of such square footage among uses) does not increase.

The Applicant is seeking approval of modifications to the mix and square footages of uses within Phase 1 in accordance with the methodology contained in the Agreement. As noted in Section 5 of the Agreement, future modifications to the mix and square footages of uses within the Property may be approved provided that:

- a) The total square footage of non-residential development established on the Property (irrespective of the allocation of such square footage among uses) does not increase; and
- b) A new parking generation study prepared by the Owner(s) proposing the change and ensuring the same methodology (latest edition of the Urban Land Institute (ULI) Shared Parking model) as the Shared Parking study demonstrates that:
  - i. The synergy among the proposed uses is comparable to that set forth in the Shared Parking Study, and
  - ii. The percentage reduction in the required parking set forth in the Shared Parking study is not increased.

Staff supports the difference between the Agreement uses and proposed uses for both existing and future build out conditions as shown on Table 1 (July 26, 2011 Approved Shared Parking Uses vs Proposed Modification) of Attachment A, and as further detailed below.

- Modified Existing Build Out (Modified Current Condition): The change of uses and square footages, as compared to the Agreement, is based on an increase of the shopping center retail by 12,413 GSF, decrease in the number of theatre seats (928 fewer seats), an increase in the office space by 201 GSF, a decrease in floor area of the eating establishment uses by 15,891 GSF (88 more table seats and 29 more counter seats with 79 fewer employees to serve them). The hotel space would remain the same. The current mix of uses would be:
  - 133,790 GSF of shopping center retail uses
  - 73,423 GSF of eating establishment uses with 2,765 seats (2,504 table seats and 261 counter seats) and 251 employees
  - 531,854 of office uses
  - 395,576 GSF of hotel uses with 515 guest rooms and an additional 24,500 GSF of hotel function space
  - 62,032 GSF cinema (with 1,990 seats)

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- Modified Future Build Out (Upon completion of the office building on Block 5): The modified future mix of uses associated with Phase 1 would be:
  - 125,276 GSF of shopping center retail uses
  - 73,423 GSF of eating establishment uses with 2,765 seats (2,504 table seats and 261 counter seats) and 251 employees
  - 785,820 GSF of office uses (includes 250,000 GSF future)
  - 395,576 GSF of hotel uses with 515 guest rooms and an additional 24,500 GSF of hotel function space
  - 62,032 GSF cinema (with 1,990 seats)

Proposed Reduction in the Minimum Number of Parking Spaces that must be Maintained On-Site

The Fairfax County Zoning Ordinance, Article 11-102(4), provided the opportunity for the currently approved parking reduction due to “shared parking” resulting from different peak hours for mixed-use scenarios. All the methodologies employed with the original shared parking study dated March 31, 2011 were incorporated again with this parking modification request. The minimum number of parking spaces required for each condition (Approved and Modified) are summarized on Table 3 (Program/Parking Summary) of Attachment A, and described below.

- Approved Existing Build Out Uses (Shared Parking Agreement Approved Uses): Under the Zoning Ordinance, 4,021 on-site parking spaces would be required to accommodate full occupancy of the Agreement uses in Reston Town Center-Phase 1. The ULI 2<sup>nd</sup> Edition Shared Parking model supported a 33.2% reduction for 2,685 parking spaces or 1,336 fewer parking spaces than otherwise required by code. The requested parking reduction that was approved by the Board provided a 28.0% reduction for 2,895 parking spaces or 1,126 fewer spaces than otherwise required by code.
- Modified Existing Build Out Uses (Modified Current Condition): Under the current Zoning Ordinance, 3,881 on-site parking spaces would be required to accommodate the current change of uses and square footages (modified existing uses) within the Urban Core. The ULI 2<sup>nd</sup> edition Shared Parking model supports a 29.9% reduction for 2,719 parking spaces or 1,162 fewer parking spaces than otherwise required by code. The parking reduction that was approved by the Board of Supervisors caps the parking reduction at 28.0% which would result in a new minimum requirement of 2,795 parking spaces, or 1,086 fewer spaces than otherwise required by code for the Agreement’s modified uses.



- Modified Future Build Out Uses (Upon completion of the office building on Block 5): Under the current Zoning Ordinance, 4,484 on-site parking spaces would be required to accommodate the modified future uses in Reston Town Center-Phase 1. The ULI 2<sup>nd</sup> Edition Shared Parking model supports a 28.3% reduction for 3,214 parking spaces or 1,270 fewer parking spaces than otherwise required by code. The parking reduction that was approved by the Board caps the parking reduction at 29.7% but per previous correspondence the modified future results will be capped at 28% consistent with the existing build out. This would result in a new minimum requirement of 3,229 parking spaces or 1,255 fewer spaces than otherwise required by code for the modified uses.

Based on the above, staff supports the Applicant's requests for a reduction in the minimum number of parking spaces that must be maintained, consistent with the maximum reduction of 28 percent in accordance with the provisions of the approved Agreement, and Table 3 of Attachment A.

Temporary Use of Non-Contiguous, Off-site Parking Spaces During Construction of the Proposed Residential Building on Block 4 and the Office Building on Block 5

The proposed modifications pertain to Boston Properties' current application seeking a Development Plan Amendment (DPA 85-C-088-07), Proffered Condition Amendment (PCA 85-C-088-09), and Planned Residential Community plan (PRC 85-C-088-03). Specifically, Boston Properties is planning to shift its site plan approved, 250,000 GSF office building from Block 4 to Block 5 in order to develop a residential building with ground floor retail and structured parking on Block 4. This new residential building would replace a 251 space surface parking lot that currently exists on Block 4.

Paragraph 7 of the July 2011 Agreement provides that "...during the period of construction of the new office building on Block 4 that a minimum of 2,733 parking spaces shall remain available to serve the property." This requirement to provide 2,733 parking spaces during the development of block 4 was based on the specific mix of uses and square footages set forth in the 2011 Agreement and do not reflect the modifications that have occurred over the past two years. With the reduced demand associated with the new mix of uses and the change in cinema seats, the 2,733 spaces required during construction are more than sufficient to meet the ULI model demand, of 2,719 spaces, associated with Phase 1, as it exists today.

Although the new office use was site plan approved to be constructed on Block 4, Boston Properties is proposing to shift the office uses onto Block 5. The new residential uses on Block 4 are the subject of a separate parking reduction request. Parking to serve the new office and residential uses would be located in parking structures on Block 4 and Block 5. Upon completion and as reflected in attached Table 3, after

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construction a total of 3,229 spaces will be required to meet the demand associated with current uses, as well as the new office use, under the Agreement.

As also reflected on Table 3, there are also currently a total of 2,914 spaces located throughout Phase 1 of which 251 spaces are located on Block 4. Removing those 251 spaces during construction of Block 4 yields a total of 2,663 spaces to serve the current Agreement requirement of 2,795 spaces. At the time of the July 2011 Agreement, Beacon Capital did not own/control any of the other parking garages/surface spaces located within Phases II or III of the Town Center. As a result, it was anticipated that a portion of the Block 4 surface spaces would have to remain available during construction. Given that Boston Properties and its affiliates own all of Phase II and a portion of Phase III, the 132 spaces shortage could be accommodated elsewhere within the Town Center where a surplus of approximately 162 parking spaces currently exists within the Phase II area.

Section 13 of the current Agreement allows for the use of off-site spaces “[i]n the event that future development, construction and/or renovation is undertaken” which “causes the displacement of required parking spaces under this Agreement.” Pursuant to Section 11-102 (1) of the Zoning Ordinance, staff recommends that the Board approve the applicants’ request to approve the temporary use of up to 132 surplus parking spaces within Phase II to serve Phase 1 uses during the Construction Period of Block 4. Similarly, under the circumstances that Block 5 is redeveloped prior to the construction of Block 4, staff recommends that the Board approve the applicants’ request to approve the temporary use, during the Construction Period, of up to 94 surplus parking spaces within Phase II to serve Phase 1 uses until the completion of the development of Block 4 or the approval of a parking reduction for Phase II as described below.

Under the circumstance that Block 5 is redeveloped by the time Block 4 begins construction staff supports the Applicant’s concept of pursuing an interim (construction) parking reduction of approximately 7% for the Phase II non-residential uses to provide enough surplus spaces to serve the Phase I parking during that temporary period. Under this scenario, the Applicant acknowledges the need for the reduction and plans on processing the reduction request concurrent with the office building site plan. If the reduction is not approved by the Board, the Applicant’s options for proceeding with construction would be to construct the residential building on Block 4 first, or seek approval for use of offsite spaces elsewhere.

Staff’s recommendations reflect a coordinated review by DPWES, the Office of the County Attorney, and the Departments of Planning and Zoning, and Transportation.

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FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Attachment A - Parking Generation Study dated June 5, 2014

STAFF:  
Robert A. Stalzer, Deputy County Executive  
James W. Patteson, Director, DPWES  
Audrey C. Clark, Acting Director, Land Development Services, DPWES

## WELLS + ASSOCIATES

### MEMORANDUM

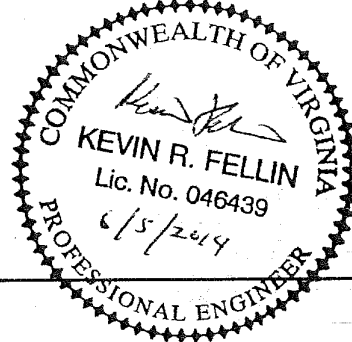
To: Jan Leavitt, P.E., Chief  
Site Code Research & Development Branch  
Department of Public Works & Environmental Services

From: Kevin R. Fellin, P.E.

Re: Reston Town Center – Phase I

Subject: Parking Generation Study

Date: June 05, 2014



### INTRODUCTION

This memorandum presents the results of a Parking Generation Study conducted in support of a program revision to the Reston Town Center – Phase I area in Fairfax County, Virginia. Reston Town Center - Phase I is the area bounded by New Dominion Parkway on the north, Reston Parkway on the east, Bluemont Way on the south, and Library Street on the west, as shown on Figure 1. The Phase I area is also identified as **Tax Map 17-1 ((16)) 4, 5A, 9A, 10; and Tax Map 17-3 ((10)) 1, 6, 7, 8A1, 8B.**

This study is associated with a provision provided by the conditions approved by the Board of Supervisors on July 26, 2011 (**see Attachment I**) and corresponding Section 5 of the "Amended and Restated Parking Agreement" (the "Agreement") dated July 26, 2011 (**see Attachment II**). The provision dictates that an administrative approval of a "Parking Modification Request" is permitted to modify the mix of uses and parking requirements for the Phase I area. The approved Agreement currently provides for the following mix of uses:

- 121,647 gross square feet (GSF) of shopping center retail uses
- 62,032 GSF of movie theatre uses with 2,918 seats
- 781,653 GSF of office uses (531,653 existing and 250,000 GSF future)
- 395,576 GSF of hotel uses with 515 guest rooms and an additional 24,500 GSF of space for hotel functions
- 89,314 GSF of eating establishment uses with 2,648 seats (2,416 table seats and 232 counter seats) and 330 employees

Under existing build out, the Agreement provides for a non-residential parking reduction of **1,126 fewer parking spaces, or 28.0%**, based on the approved mix of

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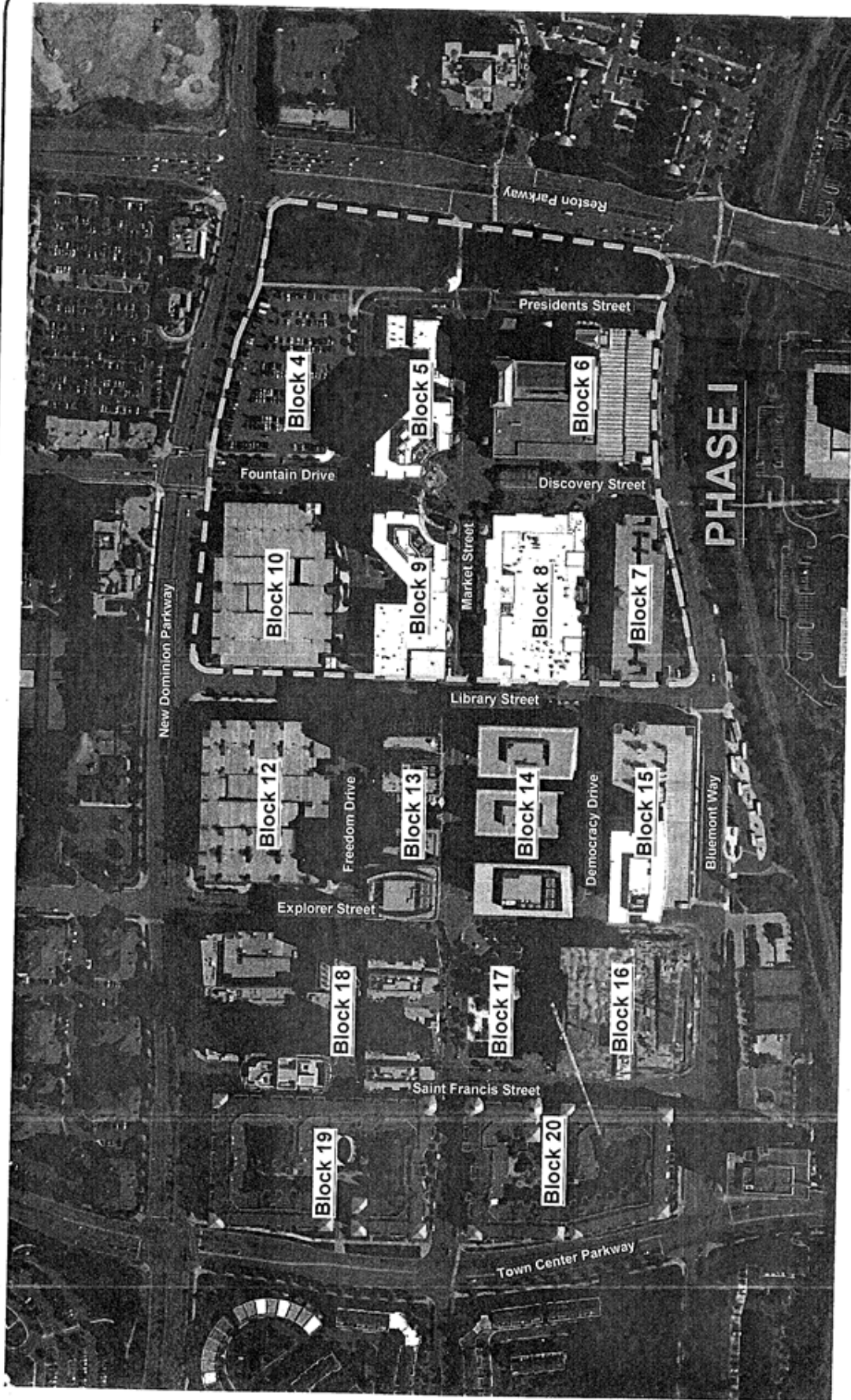


Figure 1  
Location of "Reston Town Center - Phase I"



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Reston Town Center - Phase I  
Fairfax County, Virginia



## WELLS + ASSOCIATES

### MEMORANDUM



existing uses listed above and its ULI Shared Parking model. The code requirement for the non-residential uses is 4,021 parking spaces and the 28.0% reduction would reduce the required parking to **2,895 parking spaces**.

Under future build out that included an additional 250,000 GSF of new office space in Phase I, the Agreement provided an additional non-residential parking reduction of **1,385 fewer parking spaces, or 29.7%**, based on the approved future mix of uses listed above and its ULI shared parking model. The code requirement for the non-residential uses is 4,671 parking spaces and the 29.7% reduction would reduce the required parking to **3,286 parking spaces**.

To respond to changing market and current economic conditions, the Applicant is seeking an administrative parking modification request in accordance with the methodology contained in the Agreement. As noted in Section 5 of the Agreement:

"...the Owners may implement and the Director of the Department (the "Director") may approve future modifications to the mix and square footage of uses within the Property...provided that:"

- (a) the total square footage of non-residential development established on the Property (irrespective of the allocation of such square footage among uses) does not increase; and
- (b) a new parking generation study prepared by the Owner(s) proposing the change and using the same methodology (latest edition of the ULI Share Parking model) as the Shared Parking Study (each a "Parking Modification Request") demonstrates to the satisfaction of the Director that
  - (i) the synergy among the proposed uses is comparable to that set forth in the Shared Parking study; and
  - (ii) the percentage reduction in the required parking set forth in the Shared Parking Study is not increased.

The parking modification request is based on the following changes:

**Modified Existing Build Out.** The parking generation for existing build out, as compared to the Agreement, is based on an increase of the shopping center retail by  $\pm 12,143$  GSF, decrease in the number of theatre seats ( $\pm 928$  fewer seats), an increase in the office space by  $\pm 201$  GSF, a decrease in floor area of the eating establishment uses by  $\pm 15,891$  GSF ( $\pm 88$  more table seats and  $\pm 29$  more counter seats with  $\pm 79$  fewer employees to serve them). The hotel and hotel function space would remain the same. The modified existing build out uses would then include:

- 133,790 GSF of shopping center retail uses
- 62,032 GSF of movie theatre uses with 1,990 seats
- 531,854 GSF of office uses



## WELLS + ASSOCIATES

### MEMORANDUM

- 395,576 GSF of hotel uses with 515 guest rooms and an additional 24,500 GSF of space for hotel functions
- 73,423 GSF of eating establishment uses with 2,765 seats (2,504 table seats and 261 counter seats) and 251 employees

Modified Future Build Out Conditions. *(Includes a shift of the new, unbuilt commercial space from Phase I/Block 4 to Phase I/Block 5.)* The parking generation for future build out, as compared to the Agreement, is based on an increase of the shopping center retail by  $\pm 3,629$  GSF, decrease in the number of theatre seats ( $\pm 928$  fewer seats), an increase in the office space by  $\pm 4,167$  GSF, a decrease in floor area of the eating establishment uses by  $\pm 15,891$  GSF ( $\pm 88$  more table seats and  $\pm 29$  more counter seats with  $\pm 79$  fewer employees to serve them). The hotel and hotel function space would remain the same. The modified future build out uses would then include:

- 125,276 GSF of shopping center retail uses
- 62,032 GSF of movie theatre uses with 1,990 seats
- 785,820 GSF of office uses
- 395,576 GSF of hotel uses with 515 guest rooms and an additional 24,500 GSF of space for hotel functions
- 73,423 GSF of eating establishment uses with 2,765 seats (2,504 table seats and 261 counter seats) and 251 employees

The difference between the Agreement uses and modified uses are summarized on Table 1 for both existing and future build out conditions.



Table 1

## Reston Town Center - Phase I

"July 26, 2011 Approved Shared Parking Uses" vs "Proposed Modification"

Required Spaces/Uses	Approved Agreement <sup>(1)</sup>	Proposed Modification Request	Difference Proposed minus Approved
<b>Existing Build Out of Non-Residential Uses</b>			
Shopping Center Retail Uses (GFA)	121,647	133,790	12,143
Movie Theatre Uses (GFA)	62,032	62,032	0
Theatre Seats	2,918	1,990	(928)
Office Uses (GFA)	531,653	531,854	201
Hotel Uses (GFA)	395,576	395,576	0
Hotel Function Space (GFA)	24,500	24,500	0
Eating Establishment/Restaurants (GFA)	89,314	73,423	(15,891)
Restaurant Table Seats	2,416	2,504	88
Restaurant Counter Seats	232	261	29
Restaurant Employees	330	251	(79)
<b>Total Floor Area (GFA)</b>	<b>1,224,722</b>	<b>1,221,175</b>	<b>(3,547)</b>
<b>Future Build Out of Non-Residential Uses <sup>(2) (3)</sup></b>			
Shopping Center Retail Uses (GFA)	121,647	125,276	3,629
Movie Theatre Uses (GFA)	62,032	62,032	0
Theatre Seats	2,918	1,990	(928)
Office Uses (GFA)	781,653	785,820	4,167
Hotel Uses (GFA)	395,576	395,576	0
Hotel Function Space (GFA)	24,500	24,500	0
Eating Establishment/Restaurants (GFA)	89,314	73,423	(15,891)
Restaurant Table Seats	2,416	2,504	88
Restaurant Counter Seats	232	261	29
Restaurant Employees	330	251	(79)
<b>Total Floor Area (GFA)</b>	<b>1,474,722</b>	<b>1,466,627</b>	<b>(8,095)</b>

## Note(s):

- (1) Based the approved "Amended and Restated Parking Agreement" (the "Agreement") dated July 26, 2011.
- (2) Over the approved existing conditions, the approved future build out includes 250,000 GFA of new office space on Phase I/Block 4 under the current approved Agreement.
- (3) Over the modified existing conditions, the modified future build out includes 253,966 GFA of new office space on Phase I/Block 5 and 8,514 GFA less of shopping center retail.



WELLS + ASSOCIATES



## **WELLS + ASSOCIATES**

### **MEMORANDUM**

#### **PARKING MODIFICATION REQUEST**

##### **Fairfax County Parking Requirements**

Article 11 of the Fairfax County Zoning Ordinance establishes weekday parking requirements for various land uses by providing parking rates per unit of land use (square feet of shopping center space, for example). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. Off-street parking may serve two or more uses; however, in such case, the total number of spaces must equal the sum of the spaces required for each separate use except that the Board [of Supervisors] may reduce the total number of parking spaces required to serve two or more uses by reason of the hourly parking accumulation characteristics of such uses (Section 11-102.4.B).

As reflected on Table 2, based on a strict application of the Zoning Ordinance, a minimum of 4,021 parking spaces would be required to accommodate the parking demand associated with the approved existing build out, 3,881 parking spaces for modified existing build out, and 4,484 parking spaces for the modified future build out.

##### **Shared Parking Concept**

The Urban Land Institute (ULI) publication Shared Parking, 2<sup>nd</sup> edition has established a model and methodology for determining parking demand for various types of development. This methodology is especially useful in cases such for the Reston Town Center, where a single parking space may be used for multiple uses (e.g. office, shopping center, eating establishment/restaurant uses, and/or theatre). Because each land use within a development may experience a peak parking demand at different times of day, or different months of the year, relative to the other land uses on-site, the actual peak parking demand of the entire development may be less than if the peak parking demand of each land use was considered separately. For example, a sit-down restaurant (a.k.a. an eating establishment) tends to experience peak parking demand during the evening hours, while shopping center uses experience peak demand just after the noon hour.

Table 2  
Reston Town Center - Phase I  
Zoning Ordinance Code Parking Requirements - Approved Existing, vs Modified Existing vs Modified Future Build Out <sup>(1) (2) (3)</sup>

Scenario	Use	Amount	Units	Fairfax County Zoning Ordinance	Required Parking Spaces
<b>Existing Build Out Per Approved Agreement<sup>(4)</sup></b> - Block 1 - Block 4 - Block 5 - Block 6 - Block 7 - Block 8 - Block 9	Cinema	2,918 Seats 62,032 GFA		0.3 spaces/seat for seats over 2,000 4 spaces/1,000 SF	276 248
	Shopping Center	121,647 GFA		4 spaces/1,000 SF	487
	Office ≤ 50,000 SF	38,315 GFA		3.6 spaces/1,000 SF	138
	Office > 125,000 SF	493,338 GFA		2.6 spaces/1,000 SF	1,283
	Restaurant/ Eating Establishment	2,416 Total Table Seats 232 Total Counter Seats 330 Total Employees		1 space/4 table seats 1 space/2 counter seats 1 space/2 employees	604 116 165
	Hotel	515 Rooms		1.08 spaces/room	557
	Hotel Function Area	24,500 GFA		6.0 spaces/1,000 SF	147
				<b>Total</b>	<b>4,021</b>
<b>Modified Existing Buildout</b> - Block 1 - Block 4 - Block 5 - Block 6 - Block 7 - Block 8 - Block 9	Cinema	1,990 Seats 62,032 GFA		6 spaces per 100 seats over 750 4 spaces/1,000 SF	75 249
	Shopping Center	133,790 GFA		4 spaces/1,000 SF	536
	Office ≤ 50,000 SF	49,780 GFA		3.6 spaces/1,000 SF	180
	Office > 125,000 SF	482,074 GFA		2.6 spaces/1,000 SF	1,254
	Restaurant/ Eating Establishment	2,504 Total Table Seats 261 Total Counter Seats 251 Total Employees		1 space/4 table seats 1 space/2 counter seats 1 space/2 employees	626 131 126
	Hotel	515 Rooms		1.08 spaces/room	557
	Hotel Function Area	24,500 GFA		6.0 spaces/1,000 SF	147
				<b>Total</b>	<b>3,881</b>
<b>Modified Future Buildout</b> - Block 1 - Block 4 - Block 5 - Block 6 - Block 7 - Block 8 - Block 9	Cinema	1,990 Seats 62,032 GFA		6 spaces per 100 seats over 750 4 spaces/1,000 SF	75 249
	Shopping Center	125,276 GFA		4 spaces/1,000 SF	502
	Office ≤ 50,000 SF	27,006 GFA		3.6 spaces/1,000 SF	98
	Office > 125,000 SF	758,814 GFA		2.6 spaces/1,000 SF	1,973
	Restaurant/ Eating Establishment	2,504 Total Table Seats 261 Total Counter Seats 251 Total Employees		1 space/4 table seats 1 space/2 counter seats 1 space/2 employees	626 131 126
	Hotel	515 Rooms		1.08 spaces/room	557
	Hotel Function Area	24,500 GFA		6.0 spaces/1,000 SF	147
				<b>Total</b>	<b>4,484</b>

Note(s):

(1) Based on the Fairfax County Zoning Ordinance Code Requirements.

(2) The Fairfax County "Shopping Center" rate was applied to the retail uses.

(3) GFA = Gross Floor Area in Square Feet (SF).

(4) Based the approved "Amended and Restated Parking Agreement" (the "Agreement") dated July 26, 2011.



## WELLS + ASSOCIATES

### MEMORANDUM

#### Parking Generation Study

The Fairfax County Zoning Ordinance, Article 11-102(4), provided the opportunity for the currently approved parking reduction due to "shared parking" resulting from different peak hours for mixed-use scenarios. In addition, the approved ULI Shared Parking, 2<sup>nd</sup> edition model included a 15% mode adjustment for the office uses and a 20% captive market reduction for the restaurant (eating establishment) uses. All the methodologies employed with the original shared parking study dated March 31, 2011 were incorporated again with this parking modification request.

A summary of the ULI Shared Parking model results for each condition (Approved and Proposed) are summarized on Table 3 and described below:

*(See attached compact disk for the supporting ULI Shared Parking model spreadsheet for each scenario discussed below).*

Approved Existing Build Out Uses. Under the current Fairfax County Zoning Ordinance, 4,021 on-site parking spaces would be required to accommodate full occupancy of the Agreement uses in Reston Town Center – Phase I. The ULI 2<sup>nd</sup> Edition *Shared Parking* model supported a 33.2% reduction for 2,685 parking spaces or 1,336 fewer parking spaces than otherwise required by code. The requested parking reduction that was approved by the Board of Supervisors provided a 28.0% reduction for 2,895 parking spaces or 1,126 fewer spaces than otherwise required by code.

Modified Existing Build Out Uses. Under the current Fairfax County Zoning Ordinance, 3,881 on-site parking spaces would be required to accommodate the modified uses in Reston Town Center – Phase I. The ULI 2<sup>nd</sup> Edition *Shared Parking* model supported a 29.9% reduction for 2,719 parking spaces or 1,162 fewer parking spaces than otherwise required by code. The parking reduction that was approved by the Board of Supervisors caps the parking reduction at 28.0% which would result in a new minimum requirement of 2,795 parking spaces or 1,086 fewer spaces than otherwise required by code for the modified uses.

Modified Future Build Out Uses. *(Includes a shift of the new, unbuilt commercial space from Phase I/Block 4 to Phase I/Block 5.)* Under the current Fairfax County Zoning Ordinance, 4,484 on-site parking spaces would be required to accommodate the modified uses in Reston Town Center – Phase I. The ULI 2<sup>nd</sup> Edition *Shared Parking* model supported a 28.3% reduction for 3,214 parking spaces or 1,270 fewer parking spaces than otherwise required by code. The parking reduction that was approved by the Board of Supervisors caps the parking reduction at 29.7%, but since the new model results are less than 29.7, per previous correspondence the modified future results will be capped at 28% consistent with the existing build out. This would result in a new minimum requirement of 3,229 parking spaces or 1,255 fewer spaces than otherwise required by code for the modified uses.

Table 3  
Reston Town Center - Phase I  
Program/Parking Summary

Program/Parking Summary		July 2011 Approval		2013 Current Conditions		With Proposed New Office	
		Phase I		Phase I		Phase I	
Program/Parking		Shared Parking Agreement Uses		Shared Parking Agreement with Permitted Modified Uses		Shared Parking Agreement with Permitted Modified Uses	
		- Utilize "Shopping Center" parking rate for retail uses. - Cinema utilized Shopping Center/Par. A,B,C rate - Accounts for counter seats & employees in Restaurant/Eating Establishments - Includes a 15% Office TDM Reduction - Includes a 20% Restaurant Synergy with Office		- Converted applicable restaurant uses to "Shopping Center" parking rate - Reflects smaller cinema tenant - Cinema updated to Shopping Center/Par. D rate - Accounts for counter seats & employees in Restaurant/Eating Establishments - Includes a 15% Office TDM Reduction for Ph I - Includes a 20% Restaurant Synergy with Office		- Converted applicable restaurant uses to "Shopping Center" parking rate - Reflects smaller cinema tenant - Cinema updated to Shopping Center/Par. D rate - Accounts for counter seats & employees in Restaurant/Eating Establishments - Includes a 15% Office TDM Reduction for Ph I - Includes a 20% Restaurant Synergy with Office - Partial redevelopment of Block 5 reduces retail by 8,514 SF, reduces office to 50K SF by 22,774 SF, and increases office >125K SF by 276,740 SF	
Program Uses	Cinema	2,918 Seats 62,032 GSF	1,990 Seats 62,032 GFA	1,990 Seats 62,032 GFA	1,990 Seats 62,032 GFA		
	Shopping Center	121,647 GSF	133,790 GFA	133,790 GFA	125,276 GFA		
	Office ≤ 50,000 SF	38,315 GSF	49,780 GFA	49,780 GFA	27,006 GFA		
	Office > 125,000 SF	493,338 GSF	482,074 GFA	482,074 GFA	758,814 GFA		
Hotel	Restaurant/Eating Establishment	2,416 Total Table Seats 232 Total Counter Seats 330 Total Employees 515 Rooms 24,500 GSF	2,504 Total Table Seats 261 Total Counter Seats 251 Total Employees 515 Rooms 24,500 GSF	2,504 Total Table Seats 261 Total Counter Seats 251 Total Employees 515 Rooms 24,500 GSF	2,504 Total Table Seats 261 Total Counter Seats 251 Total Employees 515 Rooms 24,500 GSF		
	Hotel Function Area						
Ordinance Parking Requirement		4,021 Spaces	3,881 Spaces	3,881 Spaces	4,484 Spaces		
Program Uses Code Requirement	Program Uses - ULI Shared Parking Model Reduction	4,021 Spaces	3,881 Spaces	3,881 Spaces	4,484 Spaces		
	Less Spaces from Code	33.2% 2,685 Spaces (1,336) Spaces	29.9% 2,719 Spaces (1,162) Spaces	29.9% 2,719 Spaces (1,162) Spaces	28.3% 3,214 Spaces (1,270) Spaces		
Program Uses Code Requirement		4,021 Spaces	3,881 Spaces	3,881 Spaces	4,484 Spaces		
Program Use Parking Reduction Request		28.0% (1,126) Spaces	28.0% (1,086) Spaces	28.0% (1,086) Spaces	28.0% (1,255) Spaces		
Less Spaces from Code		2,895 Spaces	2,795 Spaces	2,795 Spaces	3,229 Spaces		
Required Program Use Spaces							
Parking Supply Summary	Parking Supply	251 Spaces	251 Spaces	251 Spaces	0 Spaces		
	Block 4 Surface Parking	0 Spaces	0 Spaces	0 Spaces	623 Spaces (Per BP)		
	Future Block 4/Block 5 Garage Office Spaces	450 Spaces	455 Spaces	455 Spaces	455 Spaces		
	Block 6 Structured Parking	514 Spaces	512 Spaces	512 Spaces	512 Spaces		
	Block 7 Structured Parking	1,625 Spaces	1,634 Spaces	1,634 Spaces	1,634 Spaces		
	Block 10 Structured Parking	0 Spaces	0 Spaces	0 Spaces	0 Spaces		
	Block 12 Structured Parking	0 Spaces	0 Spaces	0 Spaces	0 Spaces		
	Block 14 Structured Parking	0 Spaces	0 Spaces	0 Spaces	0 Spaces		
	Block 15 Structured Parking	0 Spaces	0 Spaces	0 Spaces	0 Spaces		
	Block 18A Structured Parking	70 Spaces	62 Spaces	62 Spaces	62 Spaces		
Curb	2,910 Spaces	2,914 Spaces	2,914 Spaces	3,286 Spaces			
Total Parking Supply		15 Spaces	119 Spaces	119 Spaces	57 Spaces		
Total Parking Surplus							

Wells + Associates, Inc.  
Tysons, Virginia



## WELLS + ASSOCIATES

### MEMORANDUM

#### Conclusions/ Parking Modification Request

Based on the documentation provided herein, the following is requested:

Modified Existing Build Out. Based on the same ULI methodology utilized for the approved Shared Parking model dated March 31, 2011, a non-residential parking reduction of **1,086 fewer parking spaces, or 28.0%**, is requested based on the modified mix of uses discussed above. The ULI Shared Parking methodology justified a reduction greater than 28.0%, but per the approved Agreement, this parking modification request is limited to 28.0%. The code requirement for the non-residential uses is 3,881 parking spaces and the 28.0% reduction would reduce the required parking to a minimum of 2,795 parking spaces.

Modified Future Build Out. Based on the same ULI methodology utilized for the approved Shared Parking model dated March 31, 2011, a non-residential parking reduction of **1,255 fewer parking spaces, or 28.0%**, is requested based on the modified mix of uses discussed above. The ULI Shared Parking methodology justified a reduction greater than 28.0%, but per the approved Agreement and previous correspondence, this parking modification request is limited to 28.0%. The code requirement for the non-residential uses is 4,484 parking spaces and the 28.0% reduction would reduce the required parking to a minimum of 3,229 parking spaces.

If you have any questions or require additional information, please do not hesitate to contact Kevin Fellin (kfellin@mjwells.com) at 703.676.3606.

## ATTACHMENT I

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### ACTION – 3

#### Approval of an Amended Parking Reduction for Reston Town Center Urban Core – Phase I (Hunter Mill District)

##### ISSUE:

Board approval of:

- A reduction of 28.0 percent (1,126 fewer parking spaces) in required parking for the existing uses prior to commencement of construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston
- A temporary reduction of 32.0 percent (1,288 fewer parking spaces) in required parking for the existing uses during construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston
- A reduction of 29.7 percent (1,385 fewer parking spaces) in required parking for the uses existing upon completion of construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston

for Reston Town Center Urban Core – Phase I, Tax Map # 17-1 ((16)) 1, 4, 5, 9A, and 10 and # 17-1 ((10)) 6, 7, and 8A1, Hunter Mill District.

##### RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) approve:

- A reduction of 28.0 percent (1,126 fewer parking spaces) in required parking for the existing uses prior to commencement of construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston
- A temporary reduction of 32.0 percent (1,288 fewer parking spaces) in required parking for the existing uses during construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston
- A reduction of 29.7 percent (1,385 fewer parking spaces) in required parking for the uses existing upon completion of the proposed office building on Block 4 and Parcel 1, Section 91A Reston

for Reston Town Center Urban Core – Phase I, pursuant to paragraph 4(B), Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

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1. The following minimum number of parking spaces must be maintained on site at all times:
  - 2,895 parking spaces for the existing uses prior to commencement of construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston
  - 2,733 parking spaces for the existing uses during construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston
  - 3,286 parking spaces for the uses existing upon completion of construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston

In the event the proposed office building on Block 4 is constructed to less than 250,000 gross square feet (GSF), the total number of parking spaces required to serve the property upon completion of construction may be reduced below 3,286 parking spaces as determined by the Director of the Department of Public Works and Environmental Services (Director) and approved by the Board.

2. The Construction Period shall be limited to the earlier of (a) thirty-six (36) months following commencement of construction of the Proposed Office Building or (b) the issuance of a Nonresidential Use Permit (or its equivalent) for the parking facilities to be constructed as part of the Proposed Office Building, as more particularly shown on the approved site plan for such building. For purposes of this Agreement, the "commencement of construction" means (i) the issuance of a County permit for land disturbing activities associated with an approved Site Plan for construction of the Proposed Office Building; and (ii) the general contractor has, in fact, mobilized at the Property to undertake and proceed with construction of the Proposed Office Building.
3. The uses included in this parking reduction are:
  - 121,647 GSF of shopping center retail uses
  - 62,032 GSF of movie theatre uses with 2,918 seats
  - 781, 653 GSF of office uses (531,653 existing GSF and 250,000 GSF proposed)
  - 395,576 GSF of hotel uses with 515 guest rooms and an additional 24,500 GSF of space for hotel functions
  - 89,314 GSF of eating establishment (restaurant) uses with 2,648 seats and 330 employees
4. Notwithstanding the provisions of Condition 3 above, except for the period of construction of the proposed office building the owners may implement and the Director may approve future modifications to the mix and square footage of uses



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within the property, including the addition of new uses or the subtraction of existing uses (such as the replacement of the cinema use with another use) as may be permitted by the current zoning regulations and the Town Center proffers, provided that (a) the total square footage of non-residential development established on the Property (irrespective of the allocation of such square footage among uses) does not increase; and (b) a new parking generation study prepared by the owner(s) proposing the change and using the same methodology (latest edition of the Urban Land Institute (ULI) Shared Parking model) as the shared parking study (each a "Parking Modification Request") demonstrates to the satisfaction of the Director that (i) the synergy among the proposed uses is comparable to that set forth in the shared parking study; and (ii) the percentage reduction in the required parking set forth in the shared parking study is not increased. Upon receipt of the Parking Modification Request, the Director may also require the requesting owner to submit a parking utilization study if it is determined to be needed to evaluate the existing parking condition at the time of the Parking Modification Request. Subject to the foregoing qualifications, the Parking Modification Request may be implemented without Board approval, as determined by the Director. Any additional uses not meeting the above requirements must be parked at rates required by the then-current Zoning Ordinance unless a new or amended parking reduction is approved by the Board.

5. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map No. Tax Map # 17-1 ((16)) 1, 4, 5, 9A, and 10 and # 17-1 ((10)) 6, 7, and 8A1, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
6. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.
7. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA).

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8. No parking spaces required to meet the shared parking requirements for the parking reduction conditions shall be restricted or reserved except for those required to meet the parking requirements of the Americans with Disabilities Act (ADA).
9. The attached agreement, incorporating the conditions of approval of this parking reduction, shall be recorded in the Fairfax County land records.

TIMING:

Board action is requested on July 26, 2011.

BACKGROUND:

The 84-acre Reston Town Center Urban Core is part of the 449-acre Town Center Study area which was rezoned to PRC (Planned Residential Community) pursuant to RZ-C-088, RZ 86-C-119, RZ 86-C-121 and RZ 89-C-025. Phase I of Reston Town Center Urban Core covers approximately 42 acres. Proffer Number 6, under Part F on Page 21 of the proffers dated February 27, 1987, states in part:

Parking will be provided in accordance with Fairfax County Zoning Ordinance requirements. Applicant may seek reductions in parking consistent with the Zoning Ordinance, Applicant's TSM (Transportation System Management) program and subject to the Board of Supervisors' approval.

Subsequent proffer condition amendment applications expressly maintained the exact language of the February 27, 1987, proffers except as specifically amended by the application. Proffer Number 6 was not affected by the amendments. Pursuant to Proffer Number 6, Reston Town Center Urban Core – Phase I received a 32.75 percent parking reduction from the Board on February 29, 1988. The Board approved a revision to the parking reduction on April 17, 1989, to reflect a change in the mix of uses resulting in a 24.7 percent parking reduction. The Board approved a second revision to the parking reduction on October 31, 1994, resulting in a 31.1 percent reduction. This last reduction is currently in effect.

Reston Town Center Urban Core – Phase I is built-out except for Block 4 and Parcel 1, Section 91A. A 250,000 sq. ft. office building with an underground garage is proposed on this site. An amended parking reduction is being requested to incorporate the new office use and additional existing uses, currently parked at the full code requirement, within Reston Town Center Urban Core – Phase I that are not included in the current reduction. The additional existing uses not included in the current reduction are referred to as "excess uses" in the shared parking analysis and the proposed parking

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agreement. The requested reduction addresses the existing parking demand, parking supply during construction of the proposed office building, and parking demand on completion of the proposed office building.

Parking demand was analyzed based on Fairfax County Zoning Ordinance requirements utilizing a standard methodology from ULI *Shared Parking* 2<sup>nd</sup> edition. The current analysis considers hourly peak parking demand, synergy between the eating establishment uses and the office uses, and the TSM program. The code requirement for the existing uses is 4,021 parking spaces. The number of parking spaces required under the current reduction is 2,800 spaces plus 95 spaces for the excess uses parked at the full code requirement. The current parking supply is 2,910 spaces. The shared parking analysis supports a larger reduction than the currently required 2,895 parking spaces. However, because the parking spaces already exist and to preserve the parking supply for future conditions, the current requirement will remain in effect until construction of the new office building begins. This results in a 28.0 percent reduction for the existing uses. The site of the proposed office building is currently occupied by a surface parking lot with 251 parking spaces. Construction of the office building will reduce the parking supply below 2,895 spaces. Based on the shared parking analysis, a minimum of 2,685 parking spaces are needed during construction of the proposed office building to serve the existing uses and the applicant proposes to maintain a minimum of 2,733 spaces. In order to provide 2,733 parking spaces, a temporary surface parking area of up to 100 spaces may be constructed on the site of the proposed office building. During construction, the reduction in parking supply will create a 32.0 percent reduction. After completion of the proposed office building, the code requirement for the uses will be 4,671 parking spaces. The parking supply at build-out will be 3,286 spaces which equates to a 29.7 percent reduction. It is noted that proposed Condition 3 provides flexibility for the Director to approve, within strict parameters, future modifications to the mix and square footage of uses within Reston Town Center Urban Core – Phase I to accommodate business turnover in the Town Center.

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

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment I – Parking Reduction Request from Kevin R. Fellin, Senior Associate, Wells and Associates.

Attachment II – Amended and Restated Parking Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle A. Brickner, Deputy Director, DPWES

AMENDED AND RESTATED PARKING AGREEMENT

THIS AMENDED AND RESTATED PARKING AGREEMENT ("Agreement") is made and entered into as of this 26 day of July, 2011 by and among RESTON TOWN CENTER PROPERTY LLC, a Delaware limited liability company ("RTC"); RESTON SIGNATURE PROPERTY LLC, a Delaware limited liability company ("Signature"); HMC RESTON, LP, a Delaware limited partnership ("Host") and THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a body corporate and politic (the "Board").

RECITALS

R-1. On February 29, 1988, the Board approved a parking reduction for the Property (as hereinafter defined) upon the request of Reston Land Corporation ("RLC"), prior owner of the Property ("Resolution").

R-2. On April 17, 1989, the Board revised the Resolution for the Property ("First Revised Resolution").

R-3. On October 31, 1994, the Board amended the Resolution and First Revised Resolution for the Property (the "Second Revised Resolution").

R-4. Reston Town Center Phase I Associates ("Associates"); Property Investments, Inc. ("Property Investments"); Courtland L. Traver, Trustee ("Trustee"); and the Board entered into that certain Agreement dated July 7, 1995 (the "Original Phase I Parking Agreement") and recorded in Deed Book 9707 at Page 0645 in which certain provisions of the Second Revised Resolution were memorialized. Prior to the date of this Agreement, parking for uses and structures within the Reston Town Center Urban Core - Phase I (as hereinafter defined) have been governed by the Original Phase I Parking Agreement, except for the Excess Uses (hereinafter defined).

R-5 By Amendment to the Declaration of Covenants, Conditions and Restrictions for the Reston Urban Core Association (the "Association") dated July 12, 1996, RLC, Associates, Property Investments and the Association granted each owner of the Property (as hereinafter defined) and their respective employees, guests and invitees, among other things, the right to use all parking areas and parking structures established on the Property for the purpose of pedestrian and vehicular access and parking (the "Parking Easement").

R-6 RTC is a successor in interest to Associates. RTC is the owner of land located in Fairfax County, Virginia, known as BLOCKS 5A, 7, 8A-1, 8B, 9A and 10, SECTION 91A, RESTON (hereinafter collectively referred to as the "RTC Property"), having acquired the same by Deed recorded in Deed Book 19275 Page 1919.

R-7 Signature is a successor in interest to Associates. Signature is the owner of land located in Fairfax County, Virginia, known as BLOCK 4 and PARCEL 1, SECTION 91A, RESTON (hereinafter referred to as the "Signature Property"), having acquired the same by Deed recorded in Deed Book 19275 Page 2026.

Elizabeth D. Teare, Senior Assistant County Attorney  
12000 Government Center Pkwy, Suite 549  
Fairfax, VA 22035

R-8. Host is a successor in interest to Property Investments. Host is the owner of land located in Fairfax County, Virginia, known as BLOCK 6, SECTION 91A, RESTON (hereinafter referred to as the "Host Property"), having acquired the same by Deed recorded in Deed Book 10737 Page 1545.

R-9. The RTC Property, the Signature Property and the Host Property together constitute the "Reston Town Center Urban Core - Phase I" or the "Property". A copy of the Plat delineating the Reston Town Center Urban Core - Phase I is attached hereto and incorporated herein as Exhibit A.

R-10. The Original Phase I Parking Agreement contemplates the following mix of uses for the Property: 531,653 gross square feet of office space; 118,153 gross square feet of retail space; eating establishments with a total of 2,450 seats (including indoor table, counter and outdoor seats); a hotel with a total of 515 rooms (395,576 gross square feet not including hotel function space); hotel function rooms containing 24,500 gross square feet and a 62,032 gross square foot multiplex cinema facility with 2,918 seats. The Original Phase I Parking Agreement requires a supply of 2,800 parking spaces for the mix of uses within the Original Phase I Parking Agreement.

R-11. Block 7 of the Property contains 3,494 gross square feet of retail uses and eating establishments with 198 seats ("Excess Uses") that are currently not covered by the Original Phase I Parking Agreement and utilize 95 parking spaces (the "Block 7 Excess Uses Spaces") of the total of 514 parking spaces contained in the parking structure on Block 7 of the Property. The Block 7 Excess Use Spaces are required for the Excess Uses pursuant to Article 11 of the Fairfax County Zoning Ordinance.

R-12. The Property, which includes the mix of uses within the Original Phase I Parking Agreement together with the Excess Uses, is currently constructed to the following program: 530,320 gross square feet of office space; 121,647 gross square feet of retail uses; eating establishments with a total of 2,648 seats served by 330 employees and containing 89,314 gross square feet; a hotel with a total of 515 rooms (395,576 gross square feet not including hotel function space); hotel function rooms containing 24,500 gross square feet and a 62,032 gross square foot multiplex cinema facility with 2,918 seats.

R-13. According to 7067-PKS-008-1 approved for the Property by Fairfax County, the total number of parking spaces currently required for the Property under the Original Phase I Parking Agreement for the uses therein and under Article 11 of the Fairfax County Zoning Ordinance (for the Excess Uses) is 2,895 (the "Required Spaces"). The existing supply of parking spaces available to the Property is 2,910 (the "Existing Parking Spaces").

R-14. Signature intends to construct 250,000 gross square feet of space for office uses on the Signature Property (the "Proposed Office Building"). Construction activities associated with the construction of the Proposed Office Building are expected to temporarily displace approximately 251 surface parking spaces on the Property, as well as create additional parking requirements for the Property.

R-15. RTC and Signature engaged Wells + Associates, Inc. ("Consultant") to perform a Shared Parking Study for the Property (the "Shared Parking Study"). The Shared Parking Study was prepared in accordance with the Fairfax County Zoning Ordinance and the Urban Land Institute (ULI) Sharing Parking model 2<sup>nd</sup> edition, and submitted to the Department of Public Works and Environmental Services (the "Department"). The Study, 7067-PKS-006-02, dated March 31, 2011, is attached hereto as Exhibit B.

R-16. RTC, Signature, Host and the Board desire hereby to amend and restate the Original Phase I Parking Agreement in its entirety in order to, (a) incorporate the Excess Uses within the Agreement; (b) address and accommodate the temporary displacement of existing surface lot spaces during construction of the Proposed Office Building, (c) incorporate the new mix of uses within the Property effected by the addition of the Proposed Office Building within this Agreement, and (d) facilitate the tenant and use changes inherent in the retail environment of Reston Town Center, as may be necessary from time to time.

NOW THEREFORE, from and after the date hereof, RTC, Signature, Host and the Board agree that the Original Phase I Parking Agreement shall be, and hereby is, amended and restated in its entirety to read as set forth in this Agreement, and RTC, Signature, Host and the Board hereby declare, covenant and agree as follows:

#### AGREEMENT

1. The Recitals set forth above are hereby made a part of this Agreement as if set forth in full in this Section 1.

#### INCORPORATION OF BLOCK 7 EXCESS USES WITHIN THE AGREEMENT AND CURRENT MIX OF USES WITHIN THE PROPERTY

2. The 3,494 gross square feet of retail uses and eating establishments with 198 restaurant seats on Block 7 that constitute the Excess Uses are hereby incorporated within this Agreement, and the Block 7 Excess Uses Spaces are hereby brought within the total parking supply for the Property under this Agreement.

3. The incorporation of the Excess Uses within the provisions of this Agreement results in the following allowed existing mix of uses for the Property subject to this Agreement: up to 531,653 gross square feet of office space; 121,647 gross square feet of shopping center; eating establishments with a total of 2,648 seats served by 330 employees and containing 89,314 gross square feet; a hotel with a total of 515 rooms (395,576 gross square feet not including hotel function space); hotel function rooms containing 24,500 gross square feet; and a 62,032 gross square foot multiplex cinema facility with 2,918 seats. Under Article 11 of the Fairfax County Zoning Ordinance, the parking requirement for this mix of uses would be 4,021 parking spaces.

4. Based on the conclusions set forth in the Shared Parking Study, and except as set forth in Sections 7 and 8 herein, RTC, Signature and Host (each an "Owner" and, collectively,

the "Owners") agree to ensure that a minimum of 2,895 parking spaces shall remain available to serve the Property for the mix and square footage of uses listed in Section 3 above.

5. Notwithstanding the provisions of Sections 3 and 4 above and except as set forth in Sections 9 and 10 herein, the Owners may implement and the Director of the Department (the "Director") may approve future modifications to the mix and square footage of uses within the Property, including the addition of new uses or the subtraction of existing uses (such as the replacement of the cinema use with another use) as may be permitted by the current zoning regulations and the Town Center proffers, provided that (a) the total square footage of non-residential development established on the Property (irrespective of the allocation of such square footage among uses) does not increase; and (b) a new parking generation study prepared by the Owner(s) proposing the change and using the same methodology (latest edition of the ULI Shared Parking model) as the Shared Parking Study (each a "Parking Modification Request") demonstrates to the satisfaction of the Director that (i) the synergy among the proposed uses is comparable to that set forth in the Shared Parking study; and (ii) the percentage reduction in the required parking set forth in the Shared Parking Study is not increased. Upon receipt of the Parking Modification Request, the Director may also require the requesting Owner to submit a parking utilization study if it is determined to be needed to evaluate the existing parking condition at the time of the Parking Modification Request. Subject to the foregoing qualifications, the Parking Modification Request may be implemented without Board approval, as determined by the Director. Any additional uses not meeting the above requirements must be parked at rates required by the then-current Zoning Ordinance unless a new or amended parking reduction is approved by the Board.

6. If at any time the Zoning Administrator may have reason to believe that parking on the Property is insufficient to serve the uses and square footage then-existing on the Property, then the Zoning Administrator may require the Owners to submit a new parking study to the Board for review and approval (the "New Parking Study") within ninety (90) days of a written request from the Zoning Administrator. Following review of such New Parking Study, or if the New Parking Study is not timely submitted, the Board may require the Owners to implement alternative measures to satisfy the parking requirements for the Property, as approved by the Director, or rescind the parking reduction granted to the Owners with this Agreement, which may result in all uses having to comply with the full parking requirements of Article 11 of the Zoning Ordinance. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on the applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.

#### INTERIM PARKING REQUIREMENTS FOR PERIOD OF CONSTRUCTION OF PROPOSED OFFICE BUILDING

7. Should Signature proceed with construction of the Proposed Office Building, then, during the period of such construction (the "Construction Period"), the Owners agree to ensure that a minimum of 2,733 parking spaces shall remain available to serve the Property. Signature may construct a temporary 100-space surface parking area on the Signature Property in furtherance of this Section 7. The Construction Period shall be limited to the earlier of (a) thirty-six (36) months following Signature's commencement of construction of the Proposed Office



Building or (b) the issuance of a Nonresidential Use Permit (or its equivalent) for the parking facilities to be constructed as part of the Proposed Office Building, as more particularly shown on the approved site plan for such building. For purposes of this Agreement, the "commencement of construction" means (i) the issuance of a County permit for land disturbing activities associated with an approved Site Plan for construction of the Proposed Office Building; and (ii) the general contractor has, in fact, mobilized at the Signature Property to undertake and proceed with construction of the Proposed Office Building.

8. In the event that, during the Construction Period, the Director determines that 2,733 parking spaces is an insufficient number of spaces for the uses then-existing on the Property, the parties agree that Signature shall promptly implement alternative measures, as approved by the Director, to satisfy the parking needs for the Property during the Construction Period of the Proposed Office Building. Such measures may be implemented without Board approval.

PARKING REQUIREMENTS FOR MIX OF USES WITHIN  
THE PROPERTY AFTER PROPOSED OFFICE BUILDING CONSTRUCTION

9. After construction of the Proposed Office Building, the mix of uses for the Property subject to this Agreement shall be as follows: up to 781,653 gross square feet of office space; 121,647 gross square feet of shopping center; eating establishments with a total of 2,648 seats served by 330 employees and containing 89,314 gross square feet; a hotel with a total of 515 rooms (395,576 gross square feet not including hotel function space); hotel function rooms containing 24,500 gross square feet; and a 62,032 gross square foot multiplex cinema facility with 2,918 seats. Under Article 11 of the Fairfax County Zoning Ordinance, the parking requirement for this mix of uses would be 4,671 parking spaces.

10. Commencing upon the expiration of the Construction Period, the Owners agree to ensure that a minimum of 3,286 parking spaces shall remain available to serve the Property. Signature shall construct new parking facilities on the Signature Property that shall contain the additional number of parking spaces required for the Property under this Agreement necessitated by the construction of the Proposed Office Building. In the event Signature constructs the Proposed Office Building to a lesser square footage than that set forth in R-14, then the total number of parking spaces required to serve the Property upon expiration of the Construction Period may be reduced below 3,286 parking spaces as determined by the Director and approved by the Board.

11. Notwithstanding the provisions of Sections 9 and 10 above, following construction of the Proposed Office Building the Owners may implement and the Director may approve future modifications to the mix and square footage of uses within the Property, including the addition of new uses or the subtraction of existing uses (such as the replacement of the cinema use with another use) as may be permitted by the current zoning regulations and the Town Center proffers, provided that (a) the total square footage of non-residential development established on the Property (irrespective of the allocation of such square footage among uses) does not increase; and (b) a new parking generation study prepared by the Owner(s) proposing the change and using the same methodology (latest edition of the ULI Shared Parking model) as

the Shared Parking Study (each a "Parking Modification Request") demonstrates to the satisfaction of the Director that (i) the synergy among the proposed uses is comparable to that set forth in the Shared Parking Study; and (ii) the percentage reduction in the required parking set forth in the Shared Parking Study is not increased. Upon receipt of the Parking Modification Request, the Director may also require the requesting Owner to submit a parking utilization study if it is determined to be needed to evaluate the existing parking condition at the time of the Parking Modification Request. Subject to the foregoing qualifications, the Parking Modification Request may be implemented without Board approval, as determined by the Director. Any additional uses not meeting the above requirements must be parked at rates required by the then-current Zoning Ordinance unless a new or amended parking reduction is approved by the Board.

12. If at any time the Zoning Administrator has reason to believe that parking on the Property is insufficient to serve the uses and square footage then-existing on the Property, then the Zoning Administrator may require the Owners to submit a New Parking Study to the Board for review and approval within ninety (90) days of a written request from the Zoning Administrator. Following review of such New Parking Study, or if the New Parking Study is not timely submitted, the Board may require the Owners to implement alternative measures to satisfy the parking requirements for the Property, as approved by the Director, or rescind the parking reduction granted to the Owners with this Agreement, which may result in all uses having to comply with the full parking requirements of Article 11 of the Zoning Ordinance. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on the applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.

13. In the event that future development, construction and/or renovation is undertaken by one or more of the Owners on the Property and such development, construction and/or renovation causes the displacement of required parking spaces under this Agreement, the parties agree that non-standard parking arrangements, including, but not limited to, attendant parking and off-Property parking, may be utilized on an interim basis during such displacement to satisfy the parking requirements contained herein, subject to the Director's approval.

#### GENERAL REQUIREMENTS

14. No parking spaces required by this Agreement shall be restricted or reserved except for those required to meet the parking requirements of the Americans with Disabilities Act ("ADA").

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

#### RECORDATION

16. This Agreement shall be recorded among the land records of Fairfax County and shall run with title to the Property. The terms and conditions of this Agreement shall be binding upon the parties' successors and assigns.

BK 21796 0595

**[Signatures Appear on the Following Pages]**

BK 21796 0596

IN WITNESS WHEREOF, this Agreement is entered into as of the day and year first written above.

RTC:

RESTON TOWN CENTER PROPERTY LLC, a  
Delaware limited liability company

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

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

Title: \_\_\_\_\_

Jeffrey L. Kovach  
Managing Director

COMMONWEALTH/STATE OF

Virginia

CITY/COUNTY OF

Arlington to-wit:

I, the undersigned Notary Public in and for the jurisdiction aforesaid, do hereby certify that Jeffrey L. Kovach, as Managing Director of Reston Town Center Property LLC, whose name is signed to the foregoing Agreement, has acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand and seal this 25<sup>th</sup> day of July, 2011.

Kecia R. Ellis [SEAL]  
Notary Public

My Commission Expires: November 30, 2012

KECIA RENEE ELLIS  
NOTARY PUBLIC  
REGISTRATION # 7184817  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
NOVEMBER 30, 2012

BK 21796 0597

SIGNATURE:

RESTON SIGNATURE PROPERTY LLC, a  
Delaware limited liability company

By: 

Name:

Jeffrey L. Kovach

Title:

Managing Director

COMMONWEALTH/STATE OF Virginia

CITY/COUNTY OF Arlington to-wit:

I, the undersigned Notary Public in and for the jurisdiction aforesaid, do hereby certify that Jeffrey L. Kovach, as Managing Director of Reston Signature Property LLC, whose name is signed to the foregoing Agreement, has acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand and seal this 25<sup>th</sup> day of July, 2011.

 [SEAL]  
Notary Public

My Commission Expires: November 30, 2012

KECIA RENEE ELLIS  
NOTARY PUBLIC  
REGISTRATION # 7184817  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
NOVEMBER 30, 2012

HOST:

HMC RESTON LP, a Delaware  
limited partnership

By: HOST RESTON GP LLC, a Delaware  
limited liability company

By: *Larry K. Harvey*  
Name: Larry K. Harvey  
Title: Manager

COMMONWEALTH/STATE OF Maryland

CITY/COUNTY OF Montgomery to-wit:

I, the undersigned Notary Public in and for the jurisdiction aforesaid, do hereby certify that Larry K. Harvey, as manager of HOST RESTON GP LLC, a Delaware limited liability company, the general partner of HMC RESTON LP, whose name is signed to the foregoing Agreement, has acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand and seal this 25 day of July, 2011.

*Melissa A. Durbin* [SEAL]  
Notary Public

My Commission Expires:

Embossed Hereon is My  
Carroll County, Maryland Notary Public Seal  
My Commission Expires April 08, 2014  
MELISSA A. DURBIN

BK 21796 0599

APPROVED AS TO FORM:

William D. Jean

Assistant County Attorney  
Fairfax County, Virginia

BOARD:

BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA

By: [Signature]

Name: Director

Title: Land Development Services

COMMONWEALTH/STATE OF Virginia

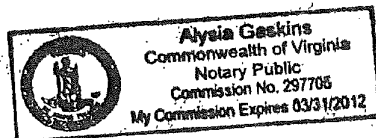
CITY/COUNTY OF Fairfax to-wit:

I, the undersigned Notary Public in and for the jurisdiction aforesaid, do hereby certify that Michelle Bickner, as Director of Land Development Services of the Board of Supervisors of Fairfax County, Virginia, whose name is signed to the foregoing Agreement, has acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand and seal this 2 day of August, 2011.

[Signature] [SEAL]  
Notary Public

My Commission Expires: 3-31-2012



Board Agenda Item  
July 29, 2014

10:50 a.m.

Matters Presented by Board Members



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. Authorization to File Amicus Brief in the Virginia Supreme Court in Support of Arlington County Board, an Appellee in *The Neilsen Company (US), LLC v. County Board of Arlington County, Virginia, and Ingrid H. Morroy*, Record No. 140422 (Va. Sup. Ct.)
  - 2. Application of Columbia Gas of Virginia, Inc., PUE-2014-00020 (Va. State Corp. Comm'n) (Dranesville, Hunter Mill, and Sully Districts)
  - 3. *Gerard Morrison, Christopher Thompson, Elton Polen, Jr., Calvin Alexander, Michael Allen, Rocco Alvaro, Thomas Arnold, William Atwell, Robert Banasik, Timothy Barb, Todd Barb, Mathew Barnhart, Mervin Barrera, Oscar Beasley, William Best, Jr., Bill Betz, Daniel Borden, Jr., Edward Bowman, Fred Brandell, Donald Brasfield, Christopher Brown, Jon Bruley, Clyde Buchanan, Carlton Burkhammer, Robert Burlingame, Matthew Burns, Leo Burt, Leroy Butler, Jr., Keith Cerzullo, John Cheseck, Jr., Michael Ciarrocchi, Steven Clark, Bradford Cochrane, Jr., Thomas Connolly, David Conrad, Arthur Cox, Dustin Cramer, Tracy Crawford, Keith Cross, Charles Cunningham, Eric Cunningham, Danny Daniels, II, Michael Davis, Troy Dean, Yolanda Demark, Samuel Devera, Keith Dubetsky, Brian Edmonston, Kevin Edwards, Derek Edwards, Felecia Edwards, Sean Evans, Mark Feaster, Michael Fischer, Colin Flanigan, Thomas Flint, Michael Fontana, Ramiro Galvez, Michael Garcia, Kenneth Geffen, Jared Goff, George Gonzalez, Todd Gorham, Samuel Gray, Raymond Griffin, Wesley Grigg, David Gruendel, Mark Guditus, David Hall, James Harrison, III, Sheryl Hemingway, Charles Henderson, Kit Hessel, John Higginbotham, James Hobgood, Kimberly Hood, Trenton Houghton, Gregory Hunter, James Iacone, James Istvan, Michael Istvan, Anthony Jackson, James Johnson, Reginald Johnson, Thomas Johnson, Walter Johnson, Joseph Kaleda, Glenn Kaplan, Patrick Kelly, Rebecca Kelly, William Kingdon, Joseph Kiser, Robert Kitchen, Joseph Knerr, Robert Konczal, Tony Kostecka, Ronald Kuley, Richard Lancing, David Lange, James Lee, John Leete, Jeffrey Lewis, Robert Lison, Matthew*

*Lopez, William Lynch, Barry Maham, Michael Marks, Charles Martin, James Masiello, Glenn Mason, Corey Matthews, Thomas Mayhew, Steven McFarland, Roger McGehee, Richard McKinney, Jr., Kerwin McNamara, Francis Mensah, Mark Menton, Joseph Merritt, Jr., Stephen Miller, Robert Mohler, Jeffrey Mongold, Donald Montague, Brian Moravitz, John Morris, Richard Moxley, John Niemiec, Bryan Nix, Jr., Steven Norris, Stephen O'Brien, Milton Painter, Joseph Palau, III, Dennis Passmore, Gary Pemberton, John Peters, Dallas Phillips, Ralph Pisani, Charles Pullen, E. Martin Ranck, III, Barry Rathbone, John Richter, Natalie Robb, Ronnie Rodriguez, Matthew Ryan, William Schellhammer, III, Mark Schroeder, David Schwarzmann, Michael Sease, II, David Sellers, Daniel Shaw, Richard Smith, Scott Smith, Michael Snapp, James Sticklen, Rex Strickland, Cheri Stroup, Ronald Sydnor, Kendall Thompson, Lorenzo Thrower, Christopher Tilles, David Tobin, Jeffrey Tolle, Glenn Tschann, William Vannoy, Donald Vaught, Jack Walmer, Jr., John Walser, Thomas Wealand, Oscar Wells, Wayne Wentzel, Michael Whetsell, Paul White, Kenneth Wildman, Jerome Williams, Marcus Williams, Elton Wright v. County of Fairfax, Virginia, Civil Action No. 1:14-cv-5 (E.D. Va.)*

4. *Sebastian Cerda v. Fairfax County Department of Family Services, Record No. 2030-13-4 (Va. Ct. App.); Kathleen Mary Fabian-Cerda v. Fairfax County Department of Family Services, Record No. 2055-13-4 (Va. Ct. App.)*
5. *Angela Pledger v. Fairfax County, Case No. 14-1590 (U.S. Ct. of App. for the Fourth Cir.)*
6. *Harold Elam v. Fairfax County Police Officer C.J. Chamberlain, Case No. 2014-0004203 (Fx. Co. Cir. Ct.)*
7. *Light Global Mission Church and Seyku Chang v. Lawyer's Title Realty Services, Inc.; Reliance Trust Company; Ridgestone Bank; B.C. Ziegler and Co.; Cede & Co.; The Depository Trust Co.; The Unknown Owners of the \$9,070,000 Light Global Mission Church First Mortgage Bonds Dated December 1, 2007; Su Chang Kim, Trustee; Corbett Construction, Inc.; Pender, L.L.C.; and the County of Fairfax, Case No. 13-11337-BFK and Adv. Proc. No. 14-01112-BFK (E.D. Va. Bankr.) (Sully District)*
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Duc Dang, Case No. CL-2012-0011237 (Fx. Co. Cir. Ct.) (Providence District)*
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime R. Rueda, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)*
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne Kreiser, Case No. CL-2012-0008224 (Fx. Co. Cir. Ct.) (Mount Vernon District)*

11. *Board of Supervisors of Fairfax County, Virginia v. D and J Real Estate, LLC and L & M Body Shop, Inc.*, Case No. CL-2011-0016596 (Fx. Co. Cir. Ct.) (Lee District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald M. Douglas and Louise L. Douglas*, Case No. CL-2013-0003838 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eduardo Mendez Alvarez*, Case No. CL-2012-0006511 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio Moya*, Case No. CL-2009-0017993 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Victoria Almanza, a/k/a Victoria A. De Rojas*, Case No. CL-2014-0004116 (Fx. Co. Cir. Ct.) (Providence District)
16. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Brian N. Walsh*, Case No. CL-2014-0001509 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Board of Supervisors of Fairfax County, Virginia v. Rixen Liao and Xiaoying Wang*, Case No. CL-2014-0006337 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 44 Alexandria Associates, L.L.C.*, Case No. CL-2013-0013888 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joyce P. Borden*, Case No. CL-2014-0008508 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Keun Hoon Lee and Yong Ja Lee*, Case No. GV14-009919 (Fx. Co. Gen. Dist. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Daniel C. Robinson*, Case Nos. GV14-011327 and GV14-011328 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judi D. Raphael*, Case No. GV14-010218 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luz A. Uzmanor and Nelson Naitive, a/k/a Nelson Nativi*, Case No. GV14-011326 (Fx. Co. Gen. Dist. Ct.) (Lee District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose O. Flores, Blanca H. Flores, Doris E. Villatoro, and Jose A. Villatoro*, Case No. GV14-007985 (Fx. Co. Gen. Dist. Ct.) (Lee District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert A. Meskunas, Trustee, and Margaret A. Meskunas, Trustee, Meskunas Family Trust Dated September 16, 2002*, Case Nos. GV14-011324 and GV14-011325 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Brian A. Robertson*, Case Nos. GV14-011446 and GV14-011447 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vicente Escobar and Martha E. Escobar*, Case No. GV14-011794 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pascal Sung-Won Hong and Agnes Song-Kyung Hong*, Case No. GV14-007987 (Fx. Co. Gen. Dist. Ct.) (Sully District)
29. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin Hercules Funk, Jr.*, Case Nos. GV13-003199, GV13-003355, GV14-008401, and GV14-008402 (Fx. Co. Gen. Dist. Ct.) (Lee District)
30. *Joanne E. Leonard-Anderson v. Mason District Police, Officer Deputy [sic] White, and Chief Gun Lee*, Case No. GV14011819-00 (Fx. Co. Gen. Dist. Ct.)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Onofre Augusto D. Alvarez, II, and Anita Sanchez-Alvarez*, Civil Case No. GV14-012493 (Fx. Co. Gen. Dist. Ct.) (Lee District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Juan Onofre Augusto D. Alvarez, II, and Anita Sanchez-Alvarez*, Civil Case No. GV14-012492 (Fx. Co. Gen. Dist. Ct.) (Lee District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard E. During and Eugenia F. During*, Case No. GV14-014521 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Araya Neway and Yodit Seifu*, Case No. GV14-013319 (Fx. Co. Gen. Dist. Ct.) (Mason District)

35. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Araya Neway and Yodit Seifu*, Case No. GV14-013318 (Fx. Co. Gen. Dist. Ct.) (Mason District)
36. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yong H. Kim and Yang Ja Kim*, Case No. GV14-013440 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kelvin J. Lee*, Case No. GV14-013441 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Antonio Salmeron and Emilio Salmeron*, Case No. GV14-013437 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yung Chi Yung*, Case No. GV14-013438 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
40. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yung Chi Yung*, Case No. GV14-013439 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
41. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Charles R. Gentry*, Case No. GV14-013553 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carson F. Scheirer*, Case No. GV14-013552 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
43. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Patrick V. Ferree*, Case No. GV14-014523 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
44. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John E. Johnston and Meegan P. Johnston*, Case No. GV14-014525 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John E. Johnston and Meegan P. Johnston*, Case No. GV14-014524 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael L. Lewis and Sonja B. Lewis*, Case No. GV14-014522 (Fx. Co. Gen. Dist. Ct.) (Lee District)

Board Agenda Item  
July 29, 2014  
Page 6

47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chau Ly*, Case No. GV14-014520 (Fx. Co. Gen. Dist. Ct.) (Providence District)

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Board Agenda Item  
July 29, 2014

3:30 p.m.

Public Hearing on SE 2014-MV-008 (Lourdes C. Alvarez, Mamiluly Daycare LLC) to Permit a Home Child Care Facility, Located on Approximately 8,740 Square Feet of Land Zoned PDH-3 (Mount Vernon District)

This property is located at 8018 Diving Cliff Lane, Springfield, 22153. Tax Map 98-1 ((4)) 10.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 10, 2014, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to recommend that the Board of Supervisors approve SE 2014-MV-008, subject the Development Conditions dated July 9, 2014.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4455097.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
William O'Donnell, Planner, DPZ

SE 2014-MV-008 – LOURDES C. ALVAREZ, MAMILULY DAYCARE, LLC

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed. Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. It's my pleasure to MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MV-008, SUBJECT THE DEVELOPMENT CONDITIONS NOW DATED JULY 9, 2014.

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 approve SE 2014-MV-008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

JN



Board Agenda Item  
July 29, 2014

3:30 p.m.

Public Hearing on PCA 85-C-088-09 (Block 4 LLC & Reston Town Center Property LLC) to Amend the Proffers for RZ 85-C-088 Previously Approved for Mixed Use Development to Permit Associated Modifications to Proffers, Site Design, and Development Plan to Permit a Residential Building at a Density of 30.78 du/ac with Commercial Uses and an Office Building Containing 284,588 Square Feet of Office and Commercial Uses for a total of 3.6 FAR, Which are Within the Overall Maximums of Commercial Density (0.95 FAR) and Residential Density (50 du/ac) Permitted in the Reston Town Center Core Area, the Applicant also Requests a Waiver #7067-WPFM-004-1 to Permit the Location of Underground Stormwater Management Facilities in a Residential Area, Located on Approximately 6.35 Acres of Land Zoned PRC (Hunter Mill District)

and

Public Hearing on PRC 85-C-088-03 (Block 4 LLC & Reston Town Center Property LLC) to Approve a PRC Plan Associated with RZ 85-C-088 Previously Approved for Mixed Use Development to Permit Associated Modifications to Proffers, Site Design, and Development Plan to Permit a Residential Building at a Density of 30.78 du/ac with Commercial Uses and an Office Building Containing 284,588 Square Feet of Office and Commercial Uses for a Total of 3.6 FAR, Which are Within the Overall Maximums of Commercial Density (0.95 FAR) and residential density (50 du/ac) permitted in the Reston Town Center Core Area. The applicant also Requests a Waiver #7067-WPFM-004-1 to Permit the Location of Underground Stormwater Management Facilities in a Residential Area, Located on Approximately 6.35 Acres of Land Zoned PRC (Hunter Mill District)

and

Public Hearing on DPA 85-C-088-07 (Block 4 LLC & Reston Town Center Property LLC) to Permit the 7th Amendment of the Development Plan for RZ 85-C-088 to Permit Mixed Use Development to Permit Associated Modifications to Proffers, Site Design, and Development Plan to Permit a Residential Building at a Density of 30.78 du/ac with Commercial Uses and an Office Building Containing 284,588 Square Feet of Office and Commercial Uses for a Total of 3.6 FAR, Which are Within the Overall Maximums of Commercial Density (0.95 FAR) and Residential Density (50 du/ac) Permitted in the Reston Town Center Core Area, the Applicant also Requests a Waiver #7067-WPFM-004-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 6.35 Acres of Land Zoned PRC (Hunter Mill District)

This property is located in the South West quadrant of the intersection of Reston Parkway and New Dominion Parkway. Tax Map 17-1 ((16)) 1, 4 and 5A. (Concurrent DPA 85-C-088-07 and PRC 85-C-088-03 and PCA 85-C-088-09)

Board Agenda Item  
July 29, 2014

PLANNING COMMISSION RECOMMENDATION:

On June 25, 2014, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to recommend the following action to the Board of Supervisors:

- Approval of PCA 85-C-088-09, DPA 85-C-088-07, and PRC 85-C-088-03; subject to the proffered conditions consistent with those dated June 24, 2014, and subject to the proposed Development Conditions dated May 28, 2014;
- Approval of a modification of Section 11-203 of the Zoning Ordinance for the loading space requirements to that shown on the DPA/PRC Plan;
- Approval of a modification of Section 13-303 of the Zoning Ordinance for the transitional screening and barrier requirements, in favor of that shown on the DPA/PRC Plan; and
- Approval of Waiver 7067-WPFM-004-1 to permit underground water detention facilities within a residential development in accordance with Section 6-0303.8 of the PFM, subject to the conditions dated March 26, 2014.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4452642.PDF>

STAFF:

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

Mary Ann Tsai, Planner, DPZ

Planning Commission Meeting  
June 25, 2014  
Verbatim Excerpt

PCA 85-C-088-09/DPA 85-C-088-07/PRC 85-C-088-03 – BLOCK 4, LLC AND RESTON  
TOWN CENTER PROPERTY, LLC

Decision Only During Commission Matters  
(Public Hearing held on June 11, 2014)

Commissioner de la Fe: Now moving to my second decision, it was also heard on the 11<sup>th</sup> and we deferred decision on that because we had a number of speakers that seem to not have heard about it – the planned actions on this case, even though it had appeared – the case had been discussed at the Reston Land Use Planning and Zoning Committee a number of times. And, frankly, I thought all of the issues at that time had been resolved, but – if you will recall – at the public hearing we had a number of speakers, primarily from the condominium known as Stratford House across the street from the site application, that expressed concern about – you know, a number of things, but primarily the fact that some of the – what is called the linear park along Reston Parkway in front of Reston Town Center – and part of Reston Town Center was being encroached upon. As you will recall – and was brought up at the public hearing – the – there is an approved and site planned development for that site that – the site that was under consideration – which actually encroached on that park a lot further than this development that we are now considering. And after much discussion with the County arborist and the applicant, the – actually, the park will probably be much more useful to the folks that are – you know, because they will have amenities. If I recall, correctly, only one major tree that is in good condition will have to be removed for this development, as opposed to a number of other trees that are being – that are in not as good condition – but all of them will be replaced by almost three times as many trees as are being cut down – so that there is tremendous amount of green space that will be preserved and added to. The one other thing that, in effect, surprised me was that many of these folks said that they preferred the existing parking lot to remain rather than see anything built there. And I don't understand how a parking lot in an urban area so close to a metro station makes much sense. I think the development that is being proposed makes much more sense. It is mixed use. It brings more office space, retail – as well as residential into the last parking lot – surface parking lot at the Reston Urban Core. There were some other changes in the proffers in response to issues that were raised by Commissioners at the public hearing. And so there is a – Proffer 30B was changed to clarify and to – the size of the proposed vegetative roofs so that they would not, under any conditions, totally disappear. Proffer 44 is a new proffer related to bird-friendly design strategies. Proffer 45 is a new proffer related to electric vehicle charging infrastructure. And there is also Proffer 46, relating to recycling of construction and demolition debris waste. Overall, I believe that this is a welcome addition to the Reston Town Center – particularly the urban core. This will probably be the last new development in the urban core. Anything from now on will be redevelopment and I believe that it is in the best interests of everyone concerned to move ahead with this application – or several applications. And I might add that the Reston Planning and Zoning Committee considered this very carefully and recommended approval. And the two negative votes were related to the reduction of the existing green space in the park. And most of the other – or almost all of the other members –

acknowledged that there was a reduction. However, the reduction is not as great as what could be built by – in effect, by what had been approved already – and represented a good addition to it. One thing that I did mention, and commended the applicant on, is that this is the first set of applications that follow the new Reston Area Transit Station Guidelines. The applicant and staff and the Commissioner and, let's say, the County differed as to whether the new guidelines were applicable. Fortunately, the applicant agreed with the County that yes, they were applicable. Therefore, we have TDM strategies, we have 16 percent workforce housing, we have a variety of things that, under the old development, we would not be getting. So with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSIONER RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 85-C-088-09, DPA 85-C-088-07, AND PRC 85-C-088-03; SUBJECT TO THE PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JUNE 24<sup>TH</sup>, AND SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS IN THE APPENDIX 2 OF THE REPORT.

Commissioners Hart and Hedetniemi: Second.

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

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Flanagan: Yes, I'd like to thank Commissioner de la Fe for including in the proffers – Proffer 46 – about recycling. That is going to be the fourth time an application coming before us will have this proffer language – and the first three having been the – started out with the adapted reuse of the Lorton Prison – the Alexandria Company. And I really think we should – I hope this will become standard operating procedure, actually, in the future, on the part of all of our applications for rezoning or Special Exception. So I'm going to be very pleased to support this motion.

Chairman Murphy: Okay. Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve the three applications, 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 APPROVAL OF A MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE LOADING SPACE REQUIREMENTS AND A MODIFICATION OF SECTION 13-303 OF THE ZONING

ORDINANCE FOR THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS,  
IN FAVOR OF THAT SHOWN ON THE DPA/PRC PLAN.

Commissioners Hart and Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF a waiver – of WAIVER 7067-WPFM-004-1 TO PERMIT UNDERGROUND WATER DETENTION FACILITIES WITHIN A RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH SECTION 6-0303.8 OF THE PUBLIC FACILITIES MANUAL, SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 11 OF THE STAFF REPORT.

Commissioners Hart and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Hart and Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion –

Commissioner Hedetniemi: Aye.

Chairman Murphy: - say –

Commissioner Hedetniemi: Sorry.

Chairman Murphy: Let's not get carried away. It's only a motion.

Commissioner de la Fe: You're in a hurry.

Chairman Murphy: Say aye.

Commissioners: Aye.

Chairman Murphy: You sure now? As opposed? Motion carries.

Commissioner de la Fe: Thank you very much, Mr. Chairman. I would like to thank everyone, particularly Ms. Tsai, for working so hard on this application for so long. And I know that she

herself is a neighbor of this application site so – but I’m sure that did not, in any way, interfere with her judgment. Thank you.

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

JLC

Board Agenda Item  
July 29, 2014

3:30 p.m.

Public Hearing on SE 2014-MA-003 (Kenneth H. Fisher) to Operate a Congregate Living Facility, Located on Approximately 13,830 Square Feet of Land Zoned R-2 and HC (Mason District)

This property is located at 3918 Larchwood Road, Falls Church, 22041. Tax Map 61-3 ((13)) 224.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 24, 2014, the Planning Commission voted 10-0-2 (Commissioners Flanagan and Sargeant abstained from the vote) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-MA-003, subject to the proposed Development Conditions dated July 22, 2014;
- Approval of a waiver of the transitional screening barrier requirements along the northern, western, and eastern property boundaries in favor of the existing wooden fence shown on the SE Plat; and
- Approval of a waiver of the trail requirement along Columbia Pike in favor of the existing sidewalk along the service drive.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4455100.PDF>

STAFF:

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

Planning Commission Meeting  
July 24, 2014  
Verbatim Excerpt

SE 2014-MA-003 – KENNETH H. FISHER

Decision Only During Commission Matters  
(Public Hearing held on July 10, 2014)

Commissioner Hall: All right, before we go on verbatim – oh, I don't know how to do this. Okay, I want to –

Chairman Murphy: Ms. Strobel, would you come forward and identify yourself for the record? Because I think Ms. Hall wants to ask you to reaffirm something.

Commissioner Hall: Actually, what I would like her to do – if you recall the public hearing, the community – this part doesn't have to go on the public – it doesn't matter – that she would meet with the citizens. The application had come before Mason District and had received its support. I had an "Aha!" moment. When you have communities that don't have homeowners associations, I – you know, and I've done this a really long time – I'm recommending to the applicants that they say notices – not registered – to those people who are going get those letters later to say, "This case will be heard at Mason District and contact me if you have questions." You know – why I didn't think of that before – I just assumed, probably, it happened. But it was really clear in this case they don't have a homeowners association and they don't want one. So in cases like this, I would send notices. Now Ms. Strobel can tell you about the meeting.

Lynne Strobel, Applicants Agent, Walsh, Colucci, Lubeley & Walsh, PC: Thank you. Mr. Chairman, members of the Planning Commission, my name is Lynne Strobel. I represent the applicant. As Commissioner Hall stated, when we were last before you, there was a request to set up a community meeting, which was held on July the 16<sup>th</sup>, which was last Wednesday. And just a bit of information about how contact was made for that meeting – I did contact everyone who had given me their information who was here. In addition, on July 15<sup>th</sup> – the day before – the executive director of Bethany House went and knocked on doors of immediate neighbors to make sure they knew about the meeting and had an opportunity to be there. And, in fact, three people showed up at that meeting that were not at the public hearing so I do think that that was effective in making sure that the word was out regarding this application. During that discussion at the meeting – and I think, as evident in front of the Planning Commission – there needs to be a better way to communicate, as between residents and Bethany House. And as a result, I have generated six proposed development conditions, which I have provided to staff – which I think you have a copy of. I would just like to go through those quickly with a couple of remarks. The first is that the applicant will designate a community liaison and point of contact. And I appreciate – and that individual's name and address and – I'm sorry – name and telephone number and email address will be provided. If there is no civic association, I really thought this might generate a desire for a civic association – apparently not. But I put in here a designated – you know, neighborhood resident because there just needs to be a point of contact on their side



too. So we would provide that information – contact information to the designated representative, as well as the Mason District Supervisor’s Office, and make sure that that’s updated if that contact person changed – changes. In addition, a locked box – as we talked about, I think, perhaps a little bit at the hearing – will be provided in proximity to the front door. It will not identify what goes on here, but it will have comments, suggestions – it will be identified so that people know that they can put a suggestion or concern in that box and they will be contacted. So we’ll make sure that that’s accessible and clearly marked for its intended purpose. In addition, the community liaison and whoever the neighborhood designates – we will coordinate a maximum of four meetings a year – so quarterly – whereby we can get together to talk about topics of mutual interest. If, as often happens, there’s no desire to meet – if there – you know, if there’s nothing to discuss, it can be fewer than four meetings or none at all, if that’s the desire of the community. We will have a telephone number that is posted near the front door that may be called to submit complaints, suggestions, or concerns. Part of the routine maintenance of the house – and this is already being done, but we’re putting it in writing – will be the pickup of trash and litter. And we’re also placing some limitations on the hours of construction in deference to the fact that this is in a neighborhood. So with that, I think that we have – at least in my perspective – we have done our best to try to address those concerns that we heard and I’ll be happy to answer any questions.

Commissioner Hall: Anybody have any questions?

Chairman Murphy: Okay, anyone have any questions? Ms. Hedetniemi – Mr. Flanagan.

Commissioner Hedetniemi: One of the questions that I asked was with regard to the staff members who are on-site. And one of the concerns that was raised was that at times, there was no staff member there.

Ms. Strobel: Correct.

Commissioner Hedetniemi: And I asked could you coordinate so that – among those three or four or however many there are so that there is always a staff member on-site at all times?

Ms. Strobel: Bethany House did investigate that and the cost of doing that was excessive and they have a lot of the case work that has to be done in their offices – you know, sometimes people – you know, individuals from Bethany House do come to the house. But it was not deemed feasible to do that, although I will say that – you know, these are residents. They have their keys to get in. This is their home and they treat it as such. And there absolutely is someone there – you know, overnight. There is someone who resides there. Now they may come in and out like all of us do to do errands, but is someone who does live at that house. And if you would like further explanation, I would be happy to invite the executive director forward to more thoroughly address that. But we did look at that and it’s not economically feasible to do that.

Commissioner Hedetniemi: I don’t understand why it isn’t possible.

Ms. Strobel: Okay, why don't I ask – why don't I ask Ms. Hassinger to come down and we can more thoroughly address that question.

Chairman Murphy: Let me make it clear. We're not going to go on verbatim until we start with the motion because this is just information.

Commissioner de la Fe: But he's putting it in for the record.

Chairman Murphy: Are you?

Commissioner Flanagan: She hasn't made a motion yet.

Chairman Murphy: I know. That's what I say I want on verbatim.

Commissioner Hart: I don't think Jake's started yet. I think we're okay.

Chairman Murphy: Okay. Come on down please and identify yourself for the record.

Catherine Hassinger, Executive Director, Bethany House of Northern Virginia, Inc.: My name is Cathy Hassinger. I'm the executive director. One of our conditions upon –

Chairman Murphy: All right, wait a minute. Hold on. We're going to put this on the record. Go ahead. Go ahead.

Ms. Hassinger: One of the conditions for the development of the home is that we would not be conducting business on the property and that we would ensure that the business of the organization remained not in a residential use – that we would do it in our offices. When we looked at the opportunity to have somebody in the house at all times without doing business, it became a little bit problematic when we might have a vacant house or we might have a client who was in the house for a morning before she stepped out for an afternoon appointment. And having somebody at the house who was, essentially, sitting in the house not able to do business made it not as efficient as we would like with some – with our donor dollars. So we certainly – it's just not practical for us. I mean we certainly respect that sometimes there's a need for our neighbors to want us to be there, but again – these are the victims of crime. They're not the perpetrators of crime. They're not creating a mess in the shelters or in the neighborhoods. If we do have a need to get to the shelters, our offices are very close by and we can be there within minutes and we often are there within minutes. Staff do come in and out of the house during the day just to deliver groceries or some other errands for clients, but we did not find that it was going to be feasible for us to have somebody there at all times if they were not able to conduct business.

Commissioner Hedetniemi: Okay, thank you.

Ms. Hassinger: Thank you.

Chairman Murphy: Yes, Ms. Hall. Wait a minute.

Commissioner Hall: I just want to follow up on that point. The women who are living here – and I've asked additional questions – they are working during the day. They are going to a job. I inquired if daycare was provided at the house. It is not provided at the house. So the mothers and the children leave for other off-site daycare. So essentially, you would have somebody sitting in the house watching an empty house because they can't conduct business there. But there is someone there at night. And again, the other office is quite close and the number is posted.

Ms. Hassinger: Thank you.

Chairman Murphy: Yes, Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. Follow on to both the previous Commissioners – you don't provide daycare and there's nobody at the house. Are all the school children kept at school until the parents in SAC programs or whatever after-school programs – there were some correspondence to the Commission about children that are coming home and are not being supervised. So are children coming home to an empty house is the question.

Ms. Hassinger: That is not our regulation for our clients. Does it ever happen? Yes, that is addressed immediately with the clients. I will say when that does happen, we have actually reported our clients to Child Protective Services when that does occur because we take that very seriously when the children are not under the supervision of an adult, whether that's at school or at home. We do not permit that. I would say that's a rare exception because our clients are made very aware of that.

Commissioner Hurley: And at what age do you allow children to be alone? I mean the County Child Protective Services may allow several 14/15-year-olds to be alone – the neighborhood might not like that. We don't allow them to be unaccompanied at all.

Ms. Hassinger: We don't allow them to be unaccompanied at all.

Commissioner Hurley: Until age 18 or whatever?

Ms. Hassinger: They would have to be independent. So even an 18-year-old who is still in high school would have to be accompanied by a parent – so they would have to be 18 and viewed as a separate household.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes. Excuse me, Mr. Lawrence and then Mr. Flanagan. You'll get there. We'll get there.

Commissioner Lawrence: Concerning the question of having somebody there – you can't do that. I understand that. As a not-for-profit, things are pretty thin in the salary department. You do have a point of contact, as I understand it. Could it be – could you arrange to have somebody be the duty person each day for the facility, such that if a call did come in, they would be on call? You mentioned that the headquarters are very close so somebody could be there in a few minutes. Yes, it would interrupt what they were doing at the office, but not for the day. And that would still give the comfort of having somebody within minutes that you could get to. Would that work?

Ms. Hassinger: Absolutely. And we are often interrupted in the middle of our business and have to leave for whatever that occasion may be so we are accustomed to doing that already. The point of contact will be assigned to a single person in the office and that person would have the responsibility for answering that phone and responding to the calls that come through.

Commissioner Lawrence: So Ms. Strobel, I don't think that would be very much trouble at all to work into the development conditions.

Ms. Strobel: I think that it is in the condition. I can make it more clear, but it does say that name, telephone number, and email address – so they can contact this individual. One of three ways will be provided.

Commissioner Lawrence: And that gets at from the neighbor's point of view, but the on-call designation, I think, is what gets it from Commissioner Hedetniemi's point of view, for instance. It means there's somebody who is responsible to get on their horse and go over there if something comes up.

Ms. Strobel: We can work on some language.

Commissioner Lawrence: Thank you very much. Thank you Mr. Chairman.

Chairman Murphy: Mr. Flanagan and then Mr. Litzenberger.

Commissioner Flanagan: Thank you, Mr. Chairman. First of all, I'd like to compliment you for coming up with a response to the community. We Commissioners sit here and the only – I don't know the conditions there. I haven't visited it myself, but I have to depend upon the public hearing and the problems that those who testified – you know, advanced for a resolution. And I'm glad that you have come forward with responses to them. But I've also received emails from the community responding to what – of your conditions – your new conditions. And they seem to still be saying that those are fine, but they would prefer to have a period here of seeing whether the applicant can live up to those – you know, conditions for a period of time before they are rewarded with an addition. It's difficult for me to – I believe in resolving these problems before we do reward an application – you know, so that they can forget about the conditions. And the next thing we know that all those opportunities that you have now set up – it'll be a goal of the residents of the community to be on watch for every problem that occurs. And they will rush

over there to take advantage of that lock box or the telephone number or the email and that sort of thing. So by not resolving the problems ahead of time, we're actually – you know, triggering further problems. So it bothers me to support this application with that kind of prospect. It has – do you – have you taken your – your proposals back to the community? And they – have they voted in favor of the application now on the basis of those?

Commissioner Hall: Mr. Chairman?

Chairman Murphy: Yes. I'm just thinking of the landfill –

Commissioner Hall: Ms. Strobel hold –

Chairman Murphy: -we didn't reach a consensus or agreement on the landfill and that's still going back and forth.

Commissioner Hall: Okay.

Chairman Murphy: Ms. Hall.

Commissioner Hall: Yes. Time out, sports fans. Ms. Strobel complied with all the requirements of Mason District. And granted, because there wasn't a homeowners association, they were not contacted. She did meet with the community and it was not all one-sided. There were people in the community who supported it. The majority of the citizens didn't even know the building was there and it's been there for almost 20 years. It has been functioning for 20 years. What has made this – and I would point out there were no violations on this property, okay? I would point out that now the community knows about this property and what happened because one citizen elected to put out placards that were probably 2 feet – I don't know – by 18 inches with Bethany House in a red circle with a cross through it. And –

Ms. Strobel: With the property address.

Commissioner Hall: -and with the property address and the date it's going to the Board, which I think was inappropriate because it was misleading. Bethany House is not the subject of this application. Bethany House has been there, has been working in the community, and most people didn't care and never knew there was an issue. That being said, once we became aware of it, she did meet. We discussed all of these conditions with the community. Some people found it acceptable. Some people were just not going to be happy, okay? Some people viewed these women as almost prisoners. They're not. They're in a bad way and they're getting help. There are lots of homes like this for lots of different social reasons and I think it's what makes us great, as opposed to what distracts us. The properties sell, the houses get additions – life goes on. What Bethany House is asking for is nothing more than what any other homeowner – it will not be as large as the house that is directly across the street. So I think we want to – I did hear that complaint – let's see how you do it. But that's not how land use is done in Fairfax County. When there is an applicant and he has violations, he has to come through this process. We lay down

conditions for them to correct the problem. We don't say go away for a year and see if you have worked this out. We can't do business like that. So anyway, I thought I'd share those with you.

Chairman Murphy: Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. Ms. Strobel, several of the residents close by expressed concerns over parking. Was any of that discussed? Or have any changes been made concerning parking right by the residents?

Ms. Strobel: It was discussed and I think it wasn't – you know, it's as we discussed at the meeting – it's hard to identify whose car is whose if there's a car parked on the street. It's not illegal to park on the street, but I will stand by what we've said before and that's what Bethany House's policy – is that people with cars are not assigned to this location because they do appreciate and acknowledge the parking situation. I would also say that we are meeting Fairfax County Zoning Ordinance requirements for parking. So I really don't think that – I don't think that that's an issue.

Commissioner Litzenberger: Okay, thank you.

Chairman Murphy: Any other comments? All right, thank you very much.

Ms. Strobel: Thank you.

Chairman Murphy: Okay. Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. This has been an interesting case to say the least. And now I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MA-003, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JULY 22<sup>ND</sup>, 2014.

Commissioner Hart: Second.

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

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, as I stated during the public hearing – and I'll repeat it now for the record – I am extremely concerned by what our ordinances require – that we have this kind of discussion in public for this kind of a facility where victims, by the very nature of why they have suffered, are – in effect – have to go somewhere where people really don't know – you know, where their perpetrators of crimes against don't easily reach them. The law was changed years ago so that this kind of process didn't have to occur for up to eight residents and it

was a by-right decision. Maybe it's time to look at – if not by size – by the nature of the crime being committed against the victims as to what the public process should be for – I mean for – you know, for these kinds of facilities. I am sorry that we have had to go through this. It is now and forever will be on the internet where this location is.

Chairman Murphy: I couldn't agree more. What we're doing is we're punishing the innocent.

Commissioner de la Fe: Yes.

Chairman Murphy: And that's a disgrace.

Commissioner Hall: And I would agree.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. The ordinance contemplates this type of use in a residential district. If we can't place a use like this on a lot like this on Columbia Pike next to a bus stop and across the street from a police station, where are we going to put a use like this? Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MA-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Flanagan: Abstain.

Chairman Murphy: Motion carries.

Commissioner Sargeant: Mr. Chairman? I abstain, not present.

Chairman Murphy: Mr. Flanagan abstains. And Mr. Sargeant abstains, not present for the public hearing.

Commissioner Hall: I move that the Planning –

Chairman Murphy: Although Mr. Flanagan was present for the public hearing.

Commissioner Flanagan: Yes.

Chairman Murphy: Okay.

Commissioner Hall: Okay. I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE TRANSITIONAL SCREENING BARRIER REQUIREMENTS ALONG THE NORTHERN, WESTERN, AND EASTERN PROPERTY BOUNDARIES IN FAVOR OF THE EXISTING WOODEN FENCE SHOWN ON THE SE PLAT.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: And last but not least, I move that the Planning –

Chairman Murphy: Same abstentions. Sorry.

Commissioner Hall: Last but not least, I RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE TRAIL REQUIREMENT ALONG COLUMBIA PIKE IN FAVOR OF THE EXISTING SIDEWALK ALONG THE SERVICE DRIVE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

Commissioner Hall: Thank you, Mr. Chairman. And Ms. Strobel, thank you. It became clear that she is doing this pro-bono and I think that speaks of her and her efforts for our community. And I thank you.

//

(Each motion carried by a vote of 10-0-2. Commissioners Flanagan and Sargeant abstained.)

JLC



Board Agenda Item  
July 29, 2014

3:30 p.m.

Public Hearing on SE 2013-MV-023 (Hopkins House, a Center for Children and Their Families) to Permit a Child Care Center with a Total Enrollment of 124 Children, Located on Approximately 1.68 Acres of Land Zoned R-2, C-8 and HC (Mount Vernon District)

This property is located at 8543 Forest Place, Alexandria, 22309. Tax Map 101-3 ((9)) (1) C1, 5, and 501.

PLANNING COMMISSION RECOMMENDATION:

On June 25, 2014, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) the recommend the following action to the Board of Supervisors:

- Approval of SE 2013-MV-023, subject to Development Conditions consistent with those dated June 11, 2014;
- Approval of a modification of Part 8 of Section 11-102 of the Zoning Ordinance to that shown on the SE Plat, in lieu of the 10-foot parking setback requirement; and
- Approval of a modification of Part 2 of Section 13-203 of the Zoning Ordinance to that shown on the SE Plat, in lieu of the peripheral parking lot landscaping requirements.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4454118.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Mike Van Atta, Planner, DPZ

Planning Commission Meeting  
June 25, 2014  
Verbatim Excerpt

SE 2013-MV-023 – HOPKINS HOUSE, A CENTER FOR CHILDREN AND THEIR FAMILIES

After Close of the Public Hearing

Chairman Murphy: All right, public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. Well Mr. Hart has good reason to smile. He's a very welcome member of our community and he provides a valuable service to a great deal of the underprivileged children. And immediately surrounding a beautiful facility, which is actually – it's the second one in Fairfax County – there is also a facility in Reston that they operate as well and the City of Alexandria. So it's – I'M VERY PLEASED TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2013-MV-023, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 11, 2014.

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 approve SE 2013-MV-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

Commissioner Flanagan: I also have two – I also have two follow-up motions.

Chairman Murphy: Okay.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF PART 8 OF SECTION 11-102 OF THE ZONING ORDINANCE TO THAT SHOWN ON THE SE PLAT, IN LIEU OF THE 10-FOOT PARKING SETBACK REQUIREMENT.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much. Thank you, Mr. Hart.

Commissioner Flanagan: Well I move-

Commissioner de la Fe: He has another.

Commissioner Hall: He has one more.

Chairman Murphy: One more?

Commissioner Flanagan: One more motion, yes. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF PART 2 OF SECTION 13-203 OF THE ZONING ORDINANCE TO THAT SHOWN ON THE SE PLAT, IN LIEU OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor, say aye. Opposed? Motion carries. You sure? Okay. Thank very much. Mr. Hart, in the audience – Mr. Van Atta, thank you.

//

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

JLC

Board Agenda Item  
July 29, 2014

4:00 p.m.

Public Hearing on SE 2014-SP-011 (Starbucks Coffee Company) to Permit Fast Food Restaurant and Drive-Thru, Located on Approximately 4.29 Acres of Land Zoned C-7 and HC (Springfield District)

This property is located at 12001 Lee Jackson Memorial Highway, Fairfax, 22030. Tax Map 46-3 ((8)) 16A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 24, 2014, the Planning Commission voted 12-0 to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-SP-011, subject to the proposed Development Conditions dated July 10, 2014;
- Approval of a waiver of the Site Plan requirement, as there is less than 2500 square feet of land disturbance; and
- Reaffirmation or a modification of the transitional screening in favor of the existing vegetation on-site.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4456730.pdf>

STAFF:

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

Planning Commission Meeting  
July 24, 2014  
Verbatim Excerpt

SE 2014-SP-011 – STARBUCKS COFFEE COMPANY

After Close of the Public Hearing

Vice Chairman de la Fe: And I'll close the public hearing. This is in the Springfield District.

Commissioner Murphy: Thank you, Mr. Chairman. This is a swap in an office building on Lee Jackson Memorial Highway where we're swapping out a bank with drive-in that's gone out of business to put in a Starbucks with a drive-in that's going into business. It is in conformance with the Comprehensive Plan. The Zoning Ordinance is compatible with the area where it's going so therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2014-SP-011, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS contained – or DATED, I should say, JULY 10<sup>TH</sup>, 2014, AND CONTAINED IN THE STAFF REPORT.

Commissioner Hall and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi and Mrs. Hall.

Commissioner Hall: Yes.

Vice Chairman de la Fe: Are there any comments from the Commission? Hearing and seeing none, all those in favor, signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Next time, bring some coffee.

Commissioner Murphy: Thank you. Good job. Eloquent presentation, I appreciate it.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Mr. Chairman – Chairman Murphy –

Commissioner Murphy: Oh I'm sorry, there is a waiver.

Vice Chairman de la Fe: There – I'm sorry.

Mr. O'Donnell: There is one more.

Vice Chairman de la Fe: There is another one.

Commissioner Murphy: Yes, I forgot to turn the page. I got carried away here. I FURTHER RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE WAIVER OF THE SITE PLAN REQUIREMENT, AS THERE IS LESS THAN 250 [sic] SQUARE FEET OF SITE DISTURBANCE PROPOSED WITH THIS APPLICATION, AND WOULD RECOMMEND THAT THEY APPROVE A REAFFIRMATION OR A MODIFICATION OF THE TRANSITIONAL SCREENING IN FAVOR OF THE EXISTING VEGETATION ON-SITE.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Anything else?

Commissioner Murphy: Nope. Thank you very much, Chris.

//

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

JLC

Board Agenda Item  
July 29, 2014

4:00 p.m.

Public Hearing on PCA-C-052-8 (CESC Skyline LLC) to Amend the Proffers, Conceptual and Final Development Plans for RZ-C-052 Previously Approved for Office Development to Permit Mixed Use Development and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 1.58, Located on Approximately 5.25 Acres of Land Zoned PDC, CRD, HC and SC (Mason District)

This property is located at 5275 Leesburg Pike, Falls Church, 22041. Tax Map 62-3 ((1)) 38B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 24, 2014, the Planning Commission voted 12-0 to recommend the following actions to the Board of Supervisors:

- Approval of PCA C-052-08, subject to the execution of proffers consistent with those dated July 17, 2014;
- Approval of a modification of the eight-foot asphalt trail along Leesburg Pike;
- Approval of a modification of the streetscape standard in favor of the plantings shown on the PCA /FDPA Plan;
- Reaffirmation of the waiver of the service drive along Leesburg Pike;
- Reaffirmation of the waiver of the transitional screening and the barrier requirements in favor of the plantings shown on the PCA/FDPA Plan and as conditioned; and
- Reaffirmation of an increase in the FAR to recognize the existing 1.57 FAR.

In a related action, on Thursday, July 24, 2014, the Planning Commission voted 12-0 to approve FDPA C-052-14, subject to the proposed Development Conditions dated July 17, 2014 contained in the staff report with the following changes to Condition 2:

- To add, "in consultation with DPZ and FCDOT.", at the end of the first sentence.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4457521.pdf>

STAFF:

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

Planning Commission Meeting  
July 24, 2014  
Verbatim Excerpt

PCA C-052-08/FDPA C-052-14 – CESC SKYLINE, LLC (Mason District)

After Close of the Public Hearing

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

Commissioner Hall: Thank you – thank you, Mr. Chairman. This is a good case of when you get lemons, you make lemonade. It has been a truly large impact when the military pulled out. I'll tell you a very quick funny story. When I first started working for the navy, I thought DISA was a person up here in Virginia that I had to call. But anyways, that was before I knew about acronyms. On that note, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA C-052-08, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 17<sup>TH</sup>, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. 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 C-052-08, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA C-052-14, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 17<sup>TH</sup>, 2014, CONTAINED IN THE STAFF REPORT WITH THE FOLLOWING CHANGES TO CONDITION 2:

- TO ADD, "IN CONSULTATION WITH DPZ AND FCDOT," AT THE END OF THE FIRST SENTENCE.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to approve FDPA C-052-14, subject to the Board's approval of the PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning:  
Commissioner Murphy, before we move onto the next motion, she – the – it should be the



development conditions in the staff report dated – there is – she mentioned July 17<sup>th</sup>. I think the conditions are dated a different date.

Commissioner Hall: No. They aren't different.

Mr. O'Donnell: They are – my bad.

Chairman Murphy: Okay.

Commissioner de la Fe: They're dated to the 17<sup>th</sup>.

Commissioner Hall: And this is the reason I didn't waive the hearing. I move –

Chairman Murphy: You get one a month so that's it.

Commissioner Hall: I move that the – what?

Commissioner Hart: His writing at the top –

Commissioner Hall: It is his writing, but he forgot to – never mind. I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE EIGHT-FOOT ASPHALT TRAIL ALONG LEESBURG PIKE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE STREETScape STANDARD IN FAVOR OF THE PLANTINGS SHOWN ON THE PCA/FDPA PLAN.

Commissioner Hart: Second.

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

Commissioners: Aye.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A REAFFIRMATION OF THE WAIVER OF THE SERVICE DRIVE ALONG LEESBURG PIKE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A REAFFIRMATION OF THE WAIVER OF THE TRANSITIONAL SCREENING AND THE BARRIER REQUIREMENTS IN FAVOR OF THE PLANTINGS SHOWN ON THE PCA/FDPA PLAN AND AS CONDITIONED.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND REAFFIRMATION OF AN INCREASE IN THE FAR TO RECOGNIZE THE EXISTING 1.57 FAR.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

JLC

Board Agenda Item  
July 29, 2014

Public Hearing to be deferred.

4:00 pm

Public Hearing on Proposed Plan Amendment 2013-I-B1, Located South of Leesburg Pike, East of Charles Street and West of Washington Drive (Mason District)

ISSUE:

The approximately 2.72-acre subject area of Plan Amendment 2013-I-B1 proposes to modify the Comprehensive Plan to consider office, retail or a mix of these uses up to .25 floor area ratio with conditions. The Plan amendment also proposes to include the entire subject area within the Baileys Crossroads Community Business Center (CBC).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission's public hearing was held on July 17, 2014, and decision only was deferred until July 30, 2014. The Planning Commission recommendation will be provided under separate cover after that date.

RECOMMENDATION:

The County Executive recommendation will be provided under separate cover.

TIMING:

Planning Commission public hearing – July 17, 2014  
Board of Supervisors public hearing – July 29, 2014

BACKGROUND:

On October 29, 2013, the Board of Supervisors authorized Plan Amendment 2013-I-B1 for properties located south of Leesburg Pike, east of Charles Street and west of Washington Drive [Tax Map parcels 61-2 ((17)) (D) 1, 3, 4 and 5; 61-2 ((18)) 1, 2, 3 and 4], which are partially within the boundary of the Baileys Crossroads CBC. The authorization directed staff to consider additional commercial uses, including drive-through services, and expansion of the Baileys Crossroads CBC. On November 19, 2013, the Board authorized inclusion of an additional contiguous parcel [61-2 ((18)) 5] for consideration of the Plan amendment.

Board Agenda Item  
July 29, 2014

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Staff Report for Plan amendment 2013-I-B1, dated July 3, 2014 - previously furnished  
and is available on-line at:  
<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/planamendments.htm>

STAFF:  
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)  
Marianne Gardner, Director, Planning Division, DPZ  
Pamela G. Nee, Branch Chief, Environment and Development Review Branch  
Bernard S. Suchicital Planner II, PD, DPZ

Board Agenda Item  
July 29, 2014

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the West Potomac Residential Permit Parking District, District 36 (Mount Vernon District)

ISSUE:

Public Hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the West Potomac Residential Permit Parking District (RPPD), District 36.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the West Potomac RPPD, District 36.

TIMING:

On July 1, 2014, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on July 29, 2014, at 4:00 p.m.

BACKGROUND:

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

Board Agenda Item  
July 29, 2014

Here, staff has verified that Dawn Drive from the western boundary of 2707 Dawn Drive east to the cul-de-sac at the end of Dawn Drive is within 1,000 feet of the property boundary of West Potomac High School, and all other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,200 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

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

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

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

Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Neil Freschman, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

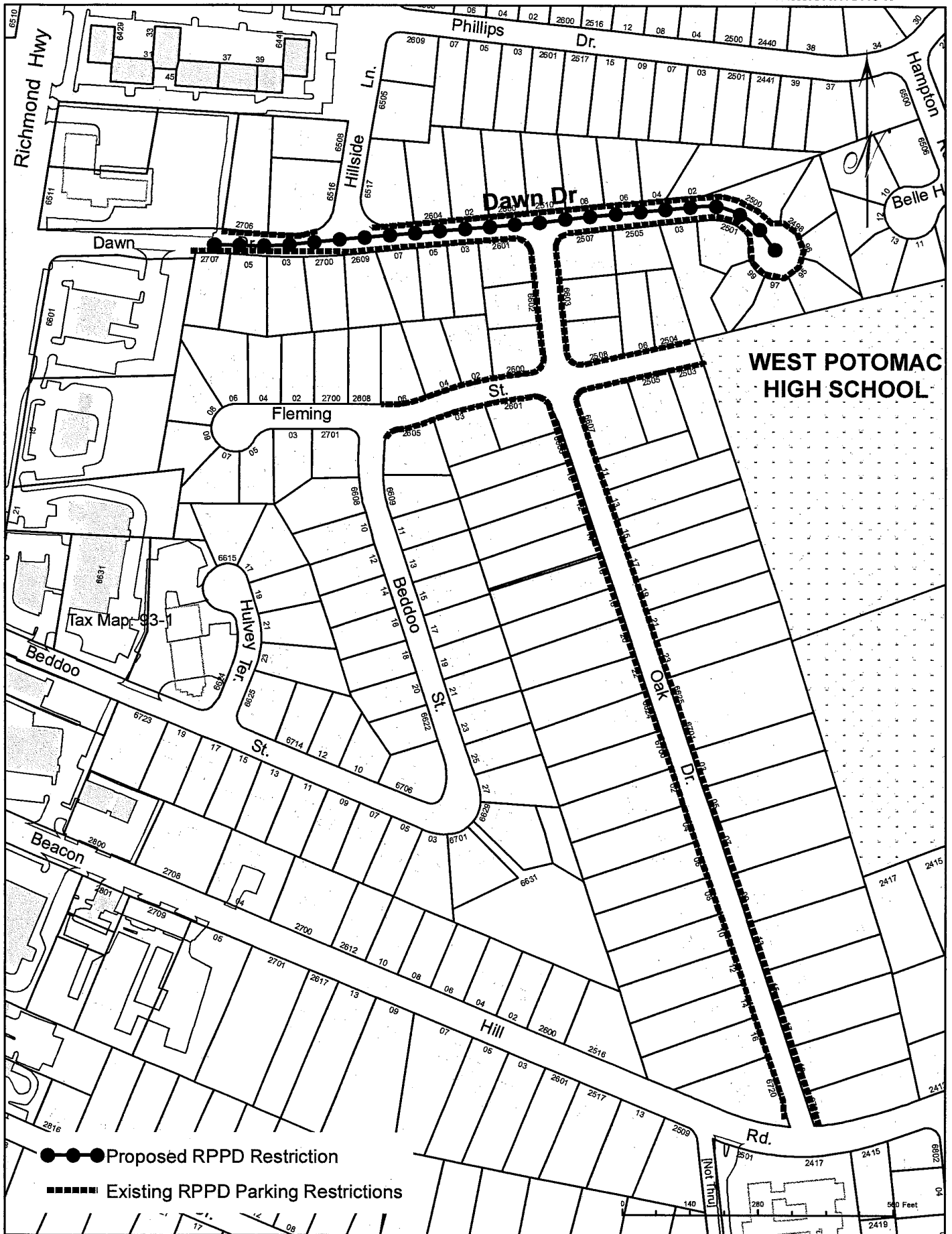
Charisse Padilla, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following street to Appendix G-36, Section (b), (2), West Potomac Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

*Dawn Drive (Route 1432):*

From the western boundary of 2707 Dawn Drive east to the cul-de-sac inclusive





Board Agenda Item  
July 29, 2014

4:00 p.m.

Public Hearing to Expand the Green Trails Community Parking District (Sully District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Green Trails Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to expand the Green Trails CPD in accordance with existing CPD restrictions.

TIMING:

On July 1, 2014, the Board authorized a Public Hearing to consider the proposed amendment to Appendix M of the *Fairfax County Code* to take place on July 29, 2014, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds, except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily

Board Agenda Item  
July 29, 2014

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD; and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the Green Trails CPD expansion is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$150 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed CPD Expansion

STAFF:

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

Eric Teitelman, Division Chief, Capital Projects and Operations Division, FCDOT

Neil Freschman, Section Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX M

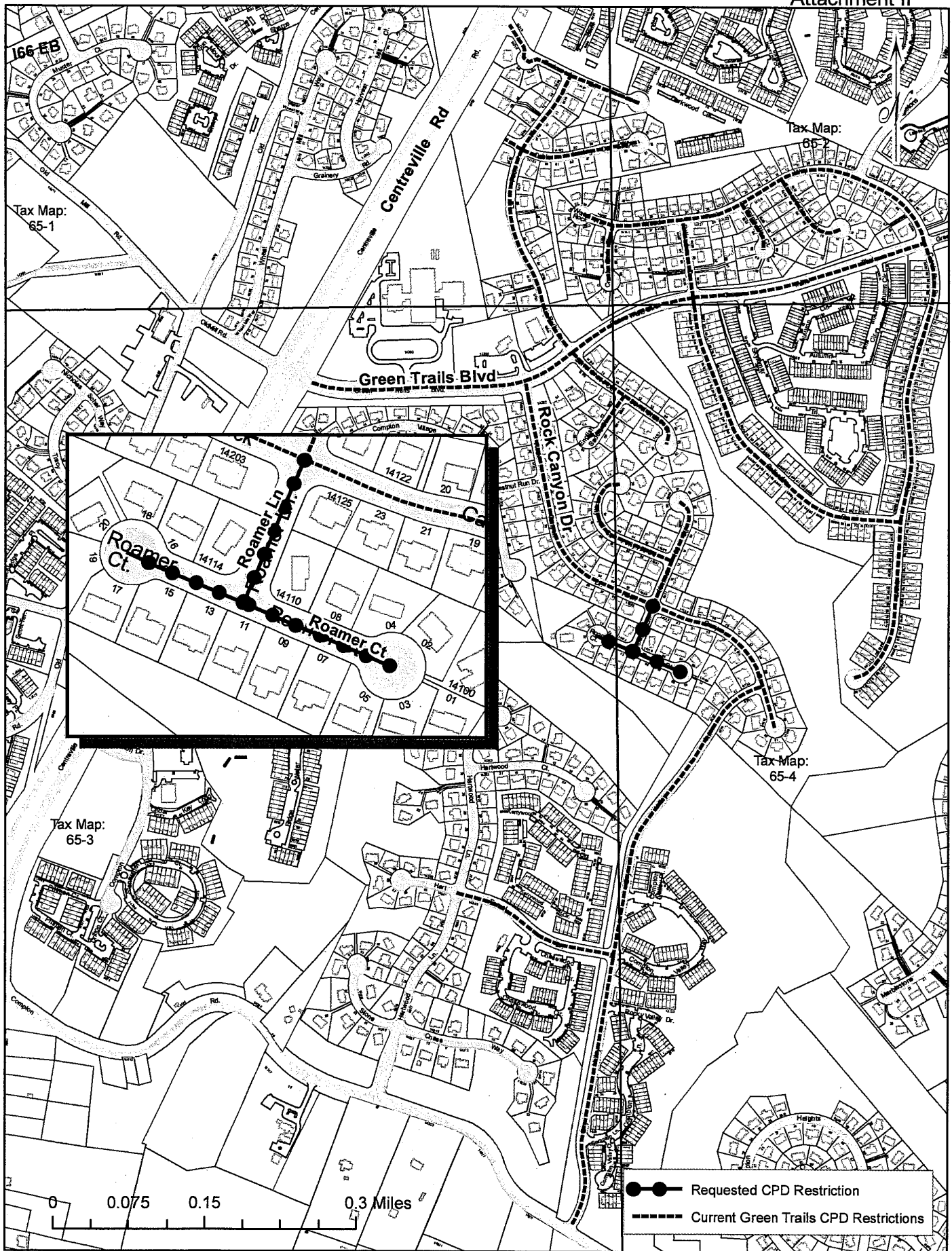
Amend *The Code of the County of Fairfax, Virginia*, by adding the following street to Appendix M-5, Section (a)(2), Green Trails Community Parking District, in accordance with Article 5B of Chapter 82:

*Roamer Lane (Route 8614)*

From Rock Canyon Drive to Roamer Court.

*Roamer Court (Route 8634)*

From Roamer Lane east and west to the cul-de-sacs, inclusive.



4:00 p.m.

Public Hearing on a Proposed Amendment to Chapter 61 (Building Provisions), of The Code of the County of Fairfax, Virginia Re: Civil Penalty for Unlicensed Contractors

ISSUE:

Public Hearing to consider a proposed amendment to Chapter 61 of the Code of the County of Fairfax, Virginia. The proposed amendment establishes a civil penalty for persons or businesses that falsely represent to customers or prospective customers that they are licensed contractors.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendment to Chapter 61 (Building Provisions) of The Code of the County of Fairfax, Virginia as set forth in the Staff Report dated June 17, 2014.

The proposed amendment has been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of the County Attorney.

TIMING:

Board action is requested on July 29, 2014. On June 17, 2014, the Board authorized the advertising of the public hearing. The proposed amendment will become effective at 12:01 a.m. on July 30, 2014.

BACKGROUND:

During its 2012 session, the Virginia General Assembly passed HB 1277, giving localities the authority to establish a civil penalty of up to \$2,500 for individuals or businesses that falsely represent that they have a valid contractor's license. Therefore, an individual or a business would be in violation of the law at the time the false representation is made, even if the prospective customer never enters into a contract. This differs from current County Code provisions that only allow prosecution of unlicensed contractors when a written or verbal contract is in place. Under the current County Code, such a violation is a Class 1 misdemeanor, punishable by up to 12 months in jail and/or a fine of up to \$2,500. The addition of a civil penalty pursuant to HB 1277 in the County Code for false representations by unlicensed contractors that they are licensed will provide an additional enforcement tool for the County - potentially allowing it to prevent this type of fraud before contracts are signed and money changes

hands. The proposed amendment is in response to the Board's July 30, 2013, directive to staff to explore ways in which the new authority provided by HB 1277 could be incorporated in the County Code to help curb the activity of unlicensed contractors. Staff was later directed to develop the proposed amendment at the Board Development Process Subcommittee meeting on February 18, 2014.

PROPOSED AMENDMENTS:

The proposed amendment to Chapter 61 (Building Provisions) incorporates the maximum allowed \$2,500 civil penalty for any individual or business that falsely represents to a customer or prospective customer that such person or business has a valid contractor's license as shown in Attachment A of the Staff Report.

REGULATORY IMPACT:

The proposed amendment provides an additional tool in enforcing contractor licensing requirements by establishing the maximum allowable civil penalty of \$2,500 for unlicensed contractors purporting to be licensed contractors. Summonses for civil penalties are issued by the Office of the County Attorney.

FISCAL IMPACT:

Staff anticipates that current personnel in the Land Disturbance and Post Occupancy Branch, Land Development Services, DPWES will be able to take on the initial case load. Staff will monitor and review the case load periodically to determine if additional staff resources are needed.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report Dated June 17, 2014  
Attachment 2 – Ordinance

STAFF:

Robert A. Stalzer, Deputy County Executive  
James Patteson, Director, DPWES  
Audrey Clark, Acting Deputy Director, DPWES

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

# STAFF REPORT

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- ☒ PROPOSED COUNTY CODE AMENDMENT
- ☐ PROPOSED PFM AMENDMENT
- ☐ APPEAL OF DECISION
- ☐ WAIVER REQUEST

Proposed Amendment to Chapter 61 (Building Provisions), of *The Code of the County of Fairfax, Virginia* Re: Civil Penalty for Unlicensed Contractors

Authorization to Advertise

June 17, 2014

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Planning Commission Hearing

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Board of Supervisors Hearing

July 29, 2014 at 4:00 p.m.

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Prepared by:

Code Development and  
Compliance Division  
MS (703) 324-1780  
June 17, 2014

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## STAFF REPORT

A. Issues:

Adoption of a proposed amendment to Chapter 61 (Building Provisions) of *The Code of the County of Fairfax, Virginia*. The proposed amendment establishes a civil penalty for persons or businesses that falsely represent to customers or prospective customers that they are licensed contractors.

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendment to Chapter 61 (Building Provisions) of The Code of the County of Fairfax, Virginia.

C. Timing:

Board of Supervisors Authorization to Advertise – June 17, 2014

Board of Supervisors Public Hearing – July 29, 2014

Effective Date – July 30, 2014, at 12:01 a.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendment has been prepared by the DPWES and coordinated with the Office of the County Attorney.

F. Background:

During its 2012 session, the Virginia General Assembly amended Virginia Code § 54.1-1117 (HB 1277 in the 2012 Session), giving localities the authority to establish a civil penalty of up to \$2,500 for individuals or businesses that falsely represent that they have a valid contractor's license. Therefore, an individual or a business would be in violation of the law at the time the false representation is made, even if the prospective customer never enters into a contract. This differs from current County Code provisions that allow prosecution of unlicensed contractors only when a written or verbal contract is in place. Under the current County Code, such a violation is a Class 1 misdemeanor, punishable by up to 12 months in jail and/or a fine of up to \$2,500. The addition of a civil penalty representation by unlicensed contractors that they are licensed will provide an additional enforcement tool for the County—potentially allowing the County to prevent this type of fraud before contracts are even signed. The proposed amendment is in response to the Board's July 30, 2013, directive to staff to explore



ways in which the new authority provided by amended Virginia Code § 54.1-1117 (HB 1277 in the 2012 Session) could be incorporated in the County Code to help curb the activity of unlicensed contractors. Staff was later directed to develop the proposed amendment at the Board Development Process Subcommittee meeting on February 18, 2014.

G. Proposed Amendment:

The proposed amendment to Chapter 61 (Building Provisions) incorporates the maximum allowed \$2,500 civil penalty for any individual or business that falsely represents to a customer or prospective customer that such person or business has a valid contractor's license.

H. Regulatory Impact:

The proposed amendment provides an additional tool in enforcing contractor licensing requirements by establishing the maximum allowable civil penalty of \$2,500 for unlicensed contractors purporting to be licensed contractors.

I. Fiscal Impact:

Staff anticipates that current personnel in the Land Disturbance and Post Occupancy Branch, Land Development Services, DPWES will be able to take on the initial case load. Staff will monitor and review the case load periodically to determine if additional staff resources are needed.

J. Attached Document:

Attachment A – An Ordinance Relating to Civil Penalties for Unlicensed Contractors

**AN ORDINANCE RELATING TO  
CIVIL PENALTIES FOR UNLICENSED CONTRACTORS**

As Adopted on \_\_\_\_\_, 2014

**AN ORDINANCE** relating to civil penalties for unlicensed contractors, pursuant to the provisions of Va. Code § 54.1-1117(C) (2013).

**Be it ordained by the Board of Supervisors of Fairfax County that there shall be added to the Fairfax County Code the following:**

1. Section 61-7-2. Civil Penalties for Unlicensed Contractor's False Representation

(a) There is hereby established a civil penalty of \$2,500 that may be assessed when a person or business falsely represents to a customer or prospective customer for a home improvement, as defined below, that such person or business has a valid contractor's license issued pursuant to the provisions of Va. Code Ann. § 54.1-1106. To the extent allowed by law, the remedies provided for in this Section are cumulative and not exclusive and shall be in addition to any other remedies.

(b) Any person who is issued a Summons for a scheduled violation may make an appearance in person or in writing by mail as directed in the Summons prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

(c) If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided for by law.

(d) For the purpose of this section the business of home improvement shall mean the contracting for and/or providing labor and material or labor only for repairs, improvements, and additions to residential buildings or structures accessory thereto where any payment of money or other thing of value is required.

2. The County Executive and/or his designee(s), in consultation with the County Attorney and/or his designee(s), is hereby authorized and delegated all necessary authority to effect this ordinance and assess this civil penalty on behalf of the Fairfax County Board of Supervisors.

3. This ordinance shall take effect upon adoption.

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GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

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Board Agenda Item  
July 29, 2014

4:30 p.m.

Public Hearing on the Approval of Financing for the Purchase of a New Ambulance by the Bailey's Crossroads Volunteer Fire Department, Inc. (Mason District)

ISSUE:

Public hearing to approve the financing of an amount of up to \$220,000 for the purchase of a 2015 Horton Ambulance by the Bailey's Crossroads Volunteer Fire Department, Inc. ("BXVFD"). In order to utilize favorable tax-exempt financing for this purchase, the United States Internal Revenue Code requires a governmental unit, such as the County, to approve of this purchase and financing arrangement.

RECOMMENDATION:

The County Executive recommends that the Board approve the resolution.

TIMING:

On July 1, 2014, the Board authorized advertisement of a public hearing to consider this matter on July 29, 2014.

BACKGROUND:

BXVFD seeks to purchase a new 2015 Horton Ambulance and to finance that purchase using tax-exempt bonds with a private bank. Such a purchase will reduce costs for BXVFD. In order for those bonds to be exempt from federal income taxes, such bonds must be approved by a governmental unit, and the volunteer fire department must be "a qualified volunteer fire department," which means it is organized to provide firefighting or emergency rescue services. BXVFD meets the statutory requirements to be a qualified department. Approval of this financing by the Board will not make the County responsible for repayment of this financing.

FISCAL IMPACT:

None to Fairfax County

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Board Resolution

STAFF:

David M. Rohrer, Deputy County Executive  
Fire Chief Richard Bowers, Fire and Rescue Department  
Jeffrey F. Katz, Volunteer Liaison, Fire and Rescue Department

ATTACHMENT 1

RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,  
APPROVING THE FINANCING OF THE PURCHASE OF CERTAIN RESCUE  
APPARATUS BY THE BAILEY'S CROSSROADS VOLUNTEER FIRE DEPARTMENT,  
INC.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on Tuesday, July 29, 2014, at which a quorum was present and voting, the following resolution was adopted in public session, after giving notice by publication and after conducting a public hearing to approve the proposed financing of up to \$220,000 for the purchase of an ambulance by the Bailey's Crossroads Volunteer Fire Department, Inc.

WHEREAS, the Bailey's Crossroads Volunteer Fire Department, Inc. ("BXVFD"), is located at 3601 Firehouse Lane in Fairfax County, Virginia; and

WHEREAS, BXVFD is organized and operates to provide firefighting and emergency medical services pursuant to written agreements to the Bailey's Crossroads service area of Fairfax County, Virginia; and

WHEREAS, BXVFD has decided to purchase and place into service a new 2015 Horton Ambulance and to finance an amount of up to \$220,000 for that purchase; and

WHEREAS, BXVFD seeks to finance the purchase of that Ambulance with a bank using private activity bonds that are accorded tax-exempt status under federal law; and

WHEREAS, on June 18, 2014, BXVFD conducted a public hearing on the purchase and financing of that Ambulance; and

WHEREAS, Section 147(f) of the United States Internal Revenue Code require that such bonds be given public approval by a governmental unit, and BXVFD has requested the Board of Supervisors to approve this transaction; and

WHEREAS, approval by a governmental unit of the financing of this purchase using tax-exempt bonds will not make Fairfax County, Virginia, responsible for the repayment of such bonds; now therefore, be it

RESOLVED, that the Fairfax County Board of Supervisors, the governing body of a political subdivision of Virginia, hereby approves the proposed purchase and financing of the

previously described Ambulance using tax-exempt bonds in an amount of up to \$220,000; and  
now be it

FURTHER RESOLVED, that the Clerk to the Board shall provide a certified copy of this  
resolution to BXVFD.

GIVEN under my hand this 29th day of July 2014.

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

Board Agenda Item  
July 29, 2014

4:30 p.m.

Public Hearing on the Approval of Financing for the Purchase of a New Ambulance by the Greater Springfield Volunteer Fire Department, Inc. (Lee District)

ISSUE:

Public hearing to approve the financing of an amount of up to \$251,496 for the purchase of a 2015 Horton Model 623-T Ambulance on an International 4300 chassis by the Greater Springfield Volunteer Fire Department, Inc. ("GSVFD"). In order to utilize favorable tax-exempt financing for this purchase, the United States Internal Revenue Code requires a governmental unit, such as the County, to approve of this purchase and financing arrangement.

RECOMMENDATION:

The County Executive recommends that the Board approve the resolution.

TIMING:

On July 1, 2014, the Board authorized advertisement of a public hearing to consider this matter on July 29, 2014.

BACKGROUND:

GSVFD seeks to purchase a new 2015 Horton Model 623-T Ambulance and to finance that purchase using tax-exempt bonds with a private bank. Such a purchase will reduce costs for GSVFD. In order for those bonds to be exempt from federal income taxes, such bonds must be approved by a governmental unit, and the volunteer fire department must be "a qualified volunteer fire department," which means it is organized to provide firefighting or emergency rescue services. GSVFD meets the statutory requirements to be a qualified department. Approval of this financing by the Board will not make the County responsible for repayment of this financing.

FISCAL IMPACT:

None to Fairfax County

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Board Resolution

STAFF:

David M. Rohrer, Deputy County Executive  
Fire Chief Richard Bowers, Fire and Rescue Department  
Jeffrey F. Katz, Volunteer Liaison, Fire and Rescue Department

## ATTACHMENT 1

### RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, APPROVING THE FINANCING OF THE PURCHASE OF CERTAIN RESCUE APPARATUS BY THE GREATER SPRINGFIELD VOLUNTEER FIRE DEPARTMENT, INC.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on Tuesday, July 29, 2014, at which a quorum was present and voting, the following resolution was adopted in public session, after giving notice by publication and after conducting a public hearing to approve the proposed financing of up to \$251,496 for the purchase of an ambulance by the Greater Springfield Volunteer Fire Department, Inc.

WHEREAS, the Greater Springfield Volunteer Fire Department, Inc. (“GSVFD”), is located at 7011 Backlick Road in Fairfax County, Virginia; and

WHEREAS, GSVFD is organized and operates to provide firefighting and emergency medical services pursuant to written agreements to the Greater Springfield service area of Fairfax County, Virginia; and

WHEREAS, GSVFD has decided to purchase and place into service a new 2015 Horton Ambulance and to finance an amount of up to \$251,496 for that purchase; and

WHEREAS, GSVFD seeks to finance the purchase of that Ambulance with a bank using private activity bonds that are accorded tax-exempt status under federal law; and

WHEREAS, on July 2, 2014, GSVFD conducted a public hearing on the purchase and financing of that Ambulance; and

WHEREAS, Section 147(f) of the United States Internal Revenue Code require that such bonds be given public approval by a governmental unit, and GSVFD has requested the Board of Supervisors to approve this transaction; and

WHEREAS, approval by a governmental unit of the financing of this purchase using tax-exempt bonds will not make Fairfax County, Virginia, responsible for the repayment of such bonds; now therefore, be it

RESOLVED, that the Fairfax County Board of Supervisors, the governing body of a political subdivision of Virginia, hereby approves the proposed purchase and financing of the



previously described Ambulance using tax-exempt bonds in an amount of up to \$251,496; and  
now be it

FURTHER RESOLVED, that the Clerk to the Board shall provide a certified copy of this  
resolution to GSVFD.

GIVEN under my hand this 29th day of July 2014.

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

Board Agenda Item  
July 29, 2014

4:30 p.m.

Public Hearing on PCA C-696-10 (Dulles Rockhill Partners Limited Partnership) to Amend the Proffers for RZ C-696 Previously Approved for Mixed Use to Delete Approximately 22,272 Square Feet and Include in Concurrent RZ 2009-HM-017 Application, Located on Approximately 4.27 Acres of Land Zoned PRM (Dranesville District)

This property is located in the North West quadrant of the intersection of Sayward Boulevard and Dulles Station Boulevard. Tax Map 15-4 ((5)) 5A. (Concurrent with RZ 2009-HM-017 and FDP 2009-HM-017)

and

Public Hearing on RZ 2009-HM-017 (Nugget Joint Venture L.C.) to Rezone from PDC and PRM to PRM to Permit Mixed Use Transit Oriented Development with an Overall Floor Area Ratio of 3.01 Including Bonus Density Associated with ADU/WDU, Approval of Final Development Plans and a Waiver #6848-WPFM-005-1 to Permit the Location of Underground Storm Water Management, Located on Approximately 14.68 Acres of Land (Dranesville District)

This property is located on the South side of Dulles Airport Access Road and West side of Dulles Station Boulevard. Tax Map 15-2 ((1)) 13pt. and 15-4 ((5)) 5Apt. and 5B. (Concurrent with PCA C-696-10)

These public hearings were deferred at the June 16, 2014, Board of Supervisors' meeting until July 29, 2014, at 4:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 15, 2014, the Planning Commission voted 7-0 (Commissioners Flanagan, Hedetniemi, Hurley, Lawrence, and Litzenberger were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA C-696-10, subject to the Board's approval of the concurrent rezoning application RZ 2009-HM-017;
- Approval of RZ 2009-HM-017, subject to the execution of proffers consistent with those dated May 13, 2014;
- Modification of the loading requirement in favor of the loading spaces depicted on the CDP/FDP;

Board Agenda Item  
July 29, 2014

- Direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP and as proffered;
- Modification of the Use Limitations on Corner Lots in Section 2-505 of the Zoning Ordinance to permit the proposed building, landscaping and sign locations within the Zoning Ordinance sight triangles formed by the streets along the corner lot as shown on the CDP/FDP and as proffered;
- Waiver of the Board of Supervisor's policy to permit the location of the underground stormwater management facilities in a residential area (PFM Section 6-0303.8), subject to Waiver #6848-WPFM 005-1 Conditions, dated April 10, 2014;
- Modification of the peripheral lot landscaping and screening requirements in favor of that shown on the CDP/FDP as proffered and conditioned;
- Modification of the private street limitations of Section 11-302 of the Fairfax County Zoning Ordinance; and
- Modification of PFM Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet as shown on the CDP/FDP and described in the proffers;

In related actions, on Thursday May 15, 2014, the Planning Commission voted 7-0 (Commissioners Flanagan, Hedetniemi, Hurley, Lawrence, and Litzenberger were absent from the meeting) to approve CDP 2009-HM-017, subject to the development conditions dated April 30, 2014 and to approve FDP 2009-HM-017, subject to the Board's approval of the concurrent rezoning application RZ 2009-HM-017.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4449127.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
William O'Donnell, Planner, DPZ

RZ/FDP 2009-HM-017 – NUGGET JOINT VENTURE, LC  
CDP 2009-HM-017 – NUGGET JOINT VENTURE, LC  
PCA C-696-10 – DULLES ROCKHILL PARTNERS LP

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. de la Fe [*sic*].

Commissioner de la Fe: No.

Chairman Murphy: Oh, Mr. Ulfelder. Oh, I thought this was this was –

Commissioner de la Fe: No. This was – yes, this was – it will be mine again, in a few years.

Chairman Murphy: I never could keep them straight.

Commissioner Ulfelder: – in about six years.

Commissioner de la Fe: – in about six years, yes, and we'll trade again.

Commissioner Ulfelder: But yes, it's moved around a bit. Thank you, Mr. Chairman. I guess this site has been waiting a while and, hopefully, the wait will soon be over. There's a couple of – couple of steps that have to proceed here and I would make a motion. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2009-HM-017, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 13, 2014. I also move – shall I go ahead with the other –

Chairman Murphy: No, let's do the rezoning.

Commissioner Ulfelder: Let's do the rezoning first, yes.

Chairman Murphy: Is there a second?

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2009-HM-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF CDP 2009-HM-017, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 30, 2014.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve the CDP, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA C-696-10, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve the PCA C-696-10, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2009-HM-017, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to approve FDP 2009-HM-017, subject to the Board's approval the rezoning and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: And there was a list of the waivers and modifications dated May 15<sup>th</sup>, 2014, that was handed out this evening, and I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE LIST OF MODIFICATIONS AND WAIVERS DATED

MAY 15, 2014, THAT WERE PROVIDED TO YOU AND THAT THIS LIST BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to approve – recommend to the Board of Supervisors that they approve all them there modifications, say aye.

Commissioners: Aye.

Chairman Murphy: Motion carries.

//

(Each motion carried by a vote of 7-0. Commissioners Flanagan, Hedetniemi, Hurley, Lawrence, and Litzenberger were absent from the meeting.)

JN

Board Agenda Item  
July 29, 2014

4:30 p.m.

Public Hearing Regarding the Amended and Restated Real Estate Exchange Agreement Between the Board of Supervisors and Rocks Engineering Company and Nugget Joint Venture, L.C. (Collectively, "RECO") (Dranesville District)

ISSUE:

Public hearing in accordance with Va. Code Ann. § 15.2-1800 (2012) regarding the supplemental and updated provisions to the Real Estate Exchange Agreement (the "Original Agreement") dated July 30, 2013, between the County and RECO for the purpose of a joint rezoning property exchange and a joint infrastructure development with RECO rezoning action (RZ 2009-HM-017) of the property for the Phase 2 Dulles Corridor Metrorail Project – Innovation Center Station Garage.

RECOMMENDATION:

The County Executive recommends the Board approve the Amended and Restated Real Estate Exchange Agreement ("Amended Agreement") revising the Original Agreement to incorporate additional provisions and documents necessary to effectuate the exchange of real property and joint infrastructure development that will be necessary for the Innovation Center Station Garage project and authorize the County Executive to sign the Amended Agreement.

TIMING:

On July 1, 2014, the Board authorized advertisement of a public hearing to be held on July 29, 2014, commencing at 4:30 p.m.

BACKGROUND:

Phase 2 of the Dulles Corridor Metrorail Project includes a new station near Route 28 and the Dulles Airport Access/Toll Road (the "Toll Road") intersection, Innovation Center Station. In connection with the construction of the new rail station, a parking garage containing approximately 2,100 spaces, a kiss and ride area, bus bays, and

ancillary transit features (collectively, the “Garage”) for the Metrorail Station is to be constructed to the south of the Toll Road. The Innovation Center Station Metrorail Garage is planned to be owned, operated, and maintained by the County. The County recognizes that this Garage is an important component of the proposed private development immediately adjacent to the Garage site. County staff believes that the real estate exchange with RECO to support the desired joint development will result in a more efficient and rectilinear garage that is well suited and integrated into the proposed Transit Oriented Development (TOD) community, as opposed to the location proposed by the Metropolitan Washington Airports Authority (MWAA), directly adjacent to the Toll Road.

The Original Agreement approved by the Board on July 30, 2013, provided a path to achieve the joint integrated development plan through an exchange/acquisition of property between the County and RECO and a rezoning to Planned Residential Mixed-Use District (PRM) to allow the joint development to site the Garage in a better location, integrated with the TOD community. The Planning Commission unanimously recommended approval of the joint rezoning on May 15, 2014. The joint PRM rezoning is also scheduled for public hearing before the Board of Supervisors on July 29, 2014.

This Amended Agreement is being brought back to the Board for its approval and contains more detailed terms to carry out the provisions of the Original Agreement. It will result in an enhanced utilization of the Garage spaces to better accommodate parking needs and bike facilities in the Garage and common infrastructure and will benefit the public at a substantially reduced cost from the original MWAA plan.

As part of the Original Agreement, the parties agreed to negotiate the following documents for approval by the Board, concurrent with Board action on the joint rezoning application:

- Joint Infrastructure Development Agreement for construction of necessary infrastructure benefiting both the County property and the RECO property.
- Reciprocal Easement Agreement for shared maintenance between the parties.
- Proffer Allocation Agreement for the equitable sharing of proffer-related costs between the parties.

Other major terms of the Amended Agreement are as follows:

1. County ownership of the 5.54 acre County Garage site.



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2. County payment of an approximately \$7 million share of the total proffer and common infrastructure costs of approximately \$17.6 million.
3. Garage facilitates integration in a joint TOD at the site, providing for 1.65 million square feet of mixed use, private development by RECO.
4. Integrated grid of streets conforming to Comprehensive Plan guidance.
5. A pad site for design and construction of the County Garage by the County.
6. Construction manager services to be performed by an affiliate of RECO to design and construct the common infrastructure, with an option for the County to take over the construction responsibilities, if deemed advisable, based on the common infrastructure budget and schedule considerations.
7. Critical milestone dates for RECO to assure the County's ability to meet the Silver Line Phase 2 opening date, with substantial liquidated damages included.
8. Revised total project estimate for the Garage of \$57 million, \$4 million less than the July 30, 2013, Garage estimate of \$61 million.

The proposed Amended Agreement does not include construction of the County Garage, which will be managed by the County Department of Public Works and Environmental Services following completion of the Garage pad site with all common infrastructure improvements.

The Original Agreement stipulated an approval of the terms set forth in the Amended Agreement concurrent with the approval of the rezoning of the property by May 20, 2014, unless mutually extended to a later date. The parties mutually agreed to extend the date to July 29, 2014.

FISCAL IMPACT:

The County share for the pre-construction planning, engineering, design, and project management costs under this Amended Agreement is \$975,000. Funds are currently available in Project TF-000021, Innovation Center Parking Garage. The additional funds required to pay the remainder of the County's share of the \$7 million needed for the common infrastructure costs, which is included in the \$57 million total project estimate, will be allocated within the County and Regional Transportation Projects Fund (Fund 40010). These funds will be reimbursed by Economic Development Authority Parking Revenue Bonds. These bonds will pledge the annual parking fees generated at the County-owned parking garages at Herndon and Innovation Center. In addition, the County will pledge the annual parking surcharge revenues generated from County parking garages currently in the WMATA system. This is a similar financing structure that was used to construct previous County parking garages that included Huntington,

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Vienna I, and Vienna II. The parking revenue bonds are currently anticipated to be sold in winter 2016.

ENCLOSED DOCUMENTS:

Attachment 1: Amended and Restated Real Estate Exchange Agreement - available online at:

<http://www.fairfaxcounty.gov/news/2014/innovation-station-garage-real-estate-agreement.htm>;

Hard copies of the Amended and Restated Real Estate Exchange Agreement without exhibits provided to Board members

STAFF:

Robert A. Stalzer, Deputy County Executive

Alan Weiss, County Attorney's Office

Fred Selden, Director, Department of Planning and Zoning

Tom Biesiadny, Director, Fairfax County Department of Transportation

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

Joe LaHait, Debt Coordinator, Department of Management and Budget

Board Agenda Item  
July 29, 2014

5:00 p.m.

Public Hearing on Amendment to The Code of the County of Fairfax, Virginia—Chapter 4 (Taxation and Finance), Article 22 (Court and Sheriff's Fees), to Add a New Section 4-22-6 in Order to Impose an Electronic Summons System Fee

ISSUE:

Public hearing to consider amendment to The Code of the County of Fairfax, Chapter 4, Article 22, to add a new section 4-22-6 to assess a \$5.00 fee as part of the costs in each criminal or traffic case to be used to defray the costs associated with the implementation and maintenance of an electronic summons system.

RECOMMENDATIONS:

The County Executive recommends that the Board of Supervisors approve the proposed amendment to The Code of the County of Fairfax, Chapter 4, Article 22, to add a new section 4-22-6.

TIMING:

On July 1, 2014, the Board of Supervisors authorized a public hearing to take place on July 29, 2014, to consider amendment to The Code of the County of Fairfax, Chapter 4, Article 22, to add a new section 4-22-6. If adopted, this ordinance would become effective on August 1, 2014.

BACKGROUND:

Chapter 325 of the 2014 Session of the Virginia Acts of Assembly adds a new provision to state law, Virginia Code § 17.1-279.1, which permits a locality's governing body to adopt an ordinance that will assess up to an additional \$5.00 as part of the costs in each criminal or traffic case in the locality's district or circuit courts. The funds shall be held for disbursement to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system (eSummons or eCitation system). The Board of Supervisors endorsed the legislation while it was pending.

The Fairfax County Police Department (FCPD), along with law enforcement partners across the National Capital Region, promotes traffic safety and enforces violations of traffic code on a daily basis. FCPD issues 150,000 annual traffic citations. When motorists are stopped by police it adds an element of danger as both the motorists and officers are exposed to passing traffic.

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With a new eSummons system, both the time that it will take an officer to issue a traffic citation as well as the passing traffic risk would be significantly reduced. This would lessen the chances of a road shoulder accident during the course of the officer's traffic stop, and also provide the motorist with a faster and more efficient transaction. Nationwide statistics indicate that an average of one law enforcement officer is killed per month in a road shoulder collision, so the time our officers and motorists are stopped on the side of the road must be reduced.

An eSummons system will also significantly improve efficiency and accuracy in the process of issuing citations. With an operational eSummons system, the need to transfer voluminous paper between multiple County departments will be greatly reduced. Citation data would be automatically scanned and electronically entered at the point of activity, and personnel will no longer have to subsequently re-enter data from hand-written tickets. Once the citation is completed, the transaction data is sent electronically to the courts case management systems.

The court systems will automatically receive a digital copy of the eSummons in 24 hours or less. This will allow violators to prepay their fines promptly and aid the courts in managing their dockets and tracking their caseloads. The utilization of the eSummons system will also reduce data entry errors by enforcing business rules via technology. Improvements in the accuracy and completeness of the ticket information will greatly reduce the need for manual ticket information follow-ups between the courts and police.

Funding from the proposed ordinance will also support the purchase of new peripheral equipment such as handheld devices, portable printers, driver's license scanners, and barcode readers. Vehicle operators would still receive a paper copy of the summons printed locally by the officer.

FCPD and the Department of Information Technology (DIT) had previously identified the need for an eSummons project. This initiative is documented in the Advertised FY 2015 IT Plan (Project 2G70-067). In recent months the Police Department has identified a contemporary and integrated eSummons solution with a proven vendor that has multiple installations in many other localities. The current project approach is:

- Complete a Pilot eSummons system implementation in FY 2015
- 6-12 months after Pilot Go Live, report on the Pilot with recommendations about an FCPD department-wide eSummons implementation
- Negotiate FCPD department-wide eSummons implementation
- Implement eSummons across the FCPD.

The FCPD eSummons project will also include integration and interfaces with other stakeholder groups and systems including the Courts, Department of Public Safety Communications (DPSC)/CAD 9-1-1, the Police Records Management System, and DIT. There has been some previous eSummons system funding; however, no FY 2015

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July 29, 2014

funding was requested in the IT Plan. The additional revenues from the new fee would directly support the full eSummons implementation for FCPD, and the timing fits very well with the project schedule. The full implementation of an eSummons solution will cover 36 police motorcycles and approximately 950 vehicles. The funds can also be used for system maintenance in future years. FCPD, the Courts, DPSC and DIT support this new fee structure and the funding it provides for Fairfax County to fully implement and support an eSummons system.

FISCAL IMPACT:

Assuming the Electronic Summons System Fee is in place for a full year at the \$5 fee per-ticket level, it is estimated that the fee will generate approximately \$1.1 million annually. In the first year (FY 2015), this amount will likely be lower given startup will not occur until after July 1, 2014.

As the legislation specifies that all funds generated are to be used solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system, all funds received will be posted to IT Project 2G70-067-000, Electronic Summons and Court Scheduling. Appropriation of these funds will be made as part of regularly scheduled budget reviews.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendments to *The Code of the County of Fairfax*, Section 4-22-6.

Attachment 2 – 2014 Acts of the Virginia General Assembly, Chapter 325.

STAFF:

David M. Rohrer, Deputy County Executive  
Wanda M. Gibson, Chief Technology Officer, Department of Information Technology  
Gordon S. Jarratt, Director, Enterprise Systems Division, DIT  
Colonel Edwin C. Roessler, Jr., Chief, Fairfax County Police Department (FCPD)  
Lieutenant Colonel Thomas Ryan, Deputy Chief, (FCPD)  
Erin C. Ward, Senior Assistant County Attorney  
Daniel Robinson, Assistant County Attorney

**AN ORDINANCE AMENDING  
ARTICLE 22 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING TO  
COURT FEES**

**Draft of July 7, 2014**

**AN ORDINANCE** to amend the Fairfax County Code by adding a new Section 4-22-6 relating to Court Fees.

**Be it ordained by the Board of Supervisors of Fairfax County:**

**1. That Section 4-22-6 is adopted as follows:**

## CHAPTER 4 – Taxation and Finance.

**Article 22. – Court and Sheriff's Fees.**

Section 4-22-6. – Electronic Summons System Fee; imposition; amount; administration.

In addition to any other fee or cost prescribed by law, as part of the costs assessed in each criminal or traffic case in the Circuit Court or the District Courts of the County in which the defendant is convicted of a violation of any statute or ordinance, there is hereby imposed a fee of \$5.00 as authorized by Virginia Code § 17.1-279.1. Such fee shall be assessed and collected by the clerk of each court as other fees are taxed in criminal or traffic cases, and each clerk shall remit those fees to the County Director of Finance to be held for appropriation by the Board in accordance with Virginia Code § 17.1-279.1.

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

**3. That the provisions of this ordinance shall take effect on August 1, 2014.**

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Clerk to the Board of Supervisors

# VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

## CHAPTER 325

*An Act to amend and reenact § 17.1-275.5 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 17.1-279.1, relating to additional assessment for electronic summons system.*

[H 477]

Approved March 27, 2014

**Be it enacted by the General Assembly of Virginia:**

**1. That § 17.1-275.5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 17.1-279.1 as follows:**

**§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.**

A. The clerk shall assess, in addition to the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, the following costs:

1. Any amount paid by the Commonwealth for legal representation of the defendant;
  2. Any amount paid for trial transcripts;
  3. Extradition costs;
  4. Costs of psychiatric evaluation;
  5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme Court;
  6. Any fee for a returned check or disallowed credit card charge assessed pursuant to subdivision A 28 of § 17.1-275;
  7. Any jury costs;
  8. Any assessment made pursuant to subdivision A 10 of § 17.1-275;
  9. Any fees prescribed in §§ 18.2-268.8 and 46.2-341.26:8;
  10. Any court costs related to an ignition interlock device;
  11. Any fee for testing for HIV;
  12. Any fee for processing an individual admitted to jail as prescribed in § 15.2-1613.1;
  13. Any fee for courthouse security personnel as prescribed in § 53.1-120;
  14. Any fee for a DNA sample as prescribed in § 19.2-310.2;
  15. Reimbursement to the Commonwealth of medical fees as prescribed in § 19.2-165.1;
  16. Any fee for a local criminal justice training academy as prescribed in § 9.1-106;
  17. Any fee prescribed by §§ 16.1-69.48:1.01 and 17.1-275.11; ~~and~~
  18. Any expenses charged pursuant to subsection B or F of § 19.2-187.1; *and*
  19. *Any fee for an electronic summons system as prescribed in § 17.1-279.1.*
- B. The total amount of assessments described in subsection A, including the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, shall be docketed by the clerk as a judgment against the defendant in favor of the Commonwealth in accordance with § 8.01-446.

**§ 17.1-279.1. Additional assessment for electronic summons system.**

*Any county or city, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located within its boundaries in which the defendant is charged with a violation of any statute or ordinance. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.*

Board Agenda Item  
July 29, 2014

5:00 p.m.

Decision Only on PCA 2000-MV-034 (Furnace Associates, Inc.) to Amend the Previously Approved Proffers and Generalized Development Plan for RZ 2000-MV-034 to Eliminate Mixed Waste Reclamation Facility and Instead to Permit Electric Generating Facilities and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.013, Located on Approximately 8.86 Acres of Land Zoned I-6 (Mount Vernon District)

and

Decision Only on SEA 80-L/V-061-02 (Furnace Associates, Inc.) to Amend SEA 80-L/V-061 Previously Approved for a Landfill to Permit Landfill Expansion, Electrical Generating Facilities, Private Club/Public Benefit Association, Golf Driving Range and/or Outdoor Baseball Hitting Range and Associated Modifications to Site Design and Development Conditions, Located on Approximately 249.82 Acres of Land Zoned R-1 (Mount Vernon District)

This property is located on the West side of Furnace Road, approximately 2,693 Feet South of Lorton Road and 2,693 Feet North of I-95 underpass. Tax Map 113-1 ((1)) 12 and 13. and This property is located at 10001, 10201, 10209, 10215, 10219 and 10229 Furnace Road, Lorton, 22079. Tax Map 113-1 ((1)) 5pt., 7, 8; 113-3 ((1)) 1, 2 and 4.

The Board of Supervisors' public hearing was held on May 13, 2014; and, decision only deferred to June 17, 2014, at 4:30 p.m. On June 17, 2014, decision only was deferred to July 29, 2014, at 5:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 3, 2014, the Planning Commission voted 6-4 (Commissioners Commissioner Hall and Litzenberger were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2000-MV-034, subject to proffered conditions consistent with those dated February 10, 2014, and contained in Appendix 1 of the staff report; and
- Modification of Paragraph 11 of Section 11-102 of the Zoning Ordinance for a dustless surface to that shown on the Generalized Development Plan.



Board Agenda Item  
July 29, 2014

- Approval of SEA 80-L/V-061-02, subject the development conditions dated April 3, 2014, with the following waivers and modification:
  - Waiver of Paragraph 9 of Section 9-205 of the Zoning Ordinance to permit improvements less than 20 years after the termination of landfill operations;
  - Waiver of Paragraph 11 of Section 11-102 of the Zoning Ordinance for a dustless surface;
  - Waiver of the interior parking lot landscaping requirement pursuant to Paragraph 3 of Section 13-203 of the Zoning Ordinance;
  - Waiver of the peripheral parking lot landscaping requirement pursuant to Paragraph 6 of Section 13-202 of the Zoning Ordinance;
  - Modification of the transitional screening and waiver of the barrier requirements pursuant Section 13-305 of the Zoning Ordinance, as shown on the SEA Plat;
  - Waiver of the Countywide Trails Plan recommendation for an 8-foot wide major paved trail along the east side of Furnace Road;
  - Board of Supervisors' approval to permit off-site vehicular parking for the Observation Point on Tax Map Parcels 113-1 ((1)) 12 and 13 pursuant to Section 11-102 of the Zoning Ordinance;
  - Delete Development Condition 60 in its entirety;
  - Denial of a modification of the invasive species management plan requirement, pursuant to Section 12-0404.2C of the Public Facilities Manual; and
  - Denial of a modification of the submission requirements for a tree inventory and condition analysis, pursuant to Section 12-0503.3 of the Public Facilities Manual.

The Commission recognizes that although a consensus between the applicant and all citizens may not be possible, further refinements to staff's proposed development conditions, in consultation with the applicant, county staff and the community, may further improve the application, and provide reassurances regarding potential impacts from the application.

Board Agenda Item  
July 29, 2014

Therefore, the Planning Commission recommends that specific topics for the Board's consideration should include the following:

- A) That the Board consider deletion of the requirement, Development Condition 46 and elsewhere, that the applicant install wind turbines at this location and instead require a commitment by the applicant to install other green energy technology of an appropriate and equivalent nature;
- B) That the Board consider whether the applicant's \$500,000 annual contributions between 2019 and 2038, as referenced in Development Condition 49, should be indexed to inflation or subject to cost of living increases, or some other incremental increases;
- C) That in addition to the potential meetings referenced in Development Condition 27, the Board consider a requirement that the applicant be required to designate an ombudsman or community liaison with contact information available to the supervisor's office and community to facilitate prompt dialogue regarding citizen complaints or fielding questions or concerns about the operations;
- D) That the Board consider additional clarification of the applicant's long term responsibility for the structural integrity and stability of the solar panels or other structures installed on top of the landfill, including post-closure;
- E) That the Board consider additional limitations on removal of vegetation, or supplemental vegetation as may be determined by DPWES, in the 5.2-acre private recreation area referenced in Development Condition 56 to reinforce the buffering in the direction of the Lorton Valley Community to the North; and
- F) That the Board consider whether the closure date could be sooner than 2034, referenced in Development Conditions 12 and 60 or the height of the final debris elevation be further reduced below 395 feet, referenced in Development Condition 12 or the height of the 70 foot berm, Development Condition 29, be reduced if determined to be structurally sound by all appropriate reviewing agencies; and
- G) That the Commission does not intend for the above suggestions for additional discussion to restrict or limit in any way appropriate topics to be considered by the Board for potential revisions to the development conditions.

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In related actions, the Commission voted 6-4 (Commissioners Hall and Litzenberger were absent from the meeting) to approve 2232-V13-17 and 2232-V13-18. The Commission noted that the applications, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*, as amended.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4441477.PDF>

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4448787.PDF>

STAFF:

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

Mary Ann Tsai, Planner, DPZ

Planning Commission Meeting  
April 3, 2014  
Verbatim Excerpt

PCA 2000-MV-034/SEA 80-L/V-061-02/2232-V13-18/2232-V13-17 – FURNACE ASSOCIATES, INC.

Decision Only During Commission Matters  
(Public Hearing held on February 27, 2014)

Commissioner Flanagan: Thank you, Mr. Chairman.

Chairman Murphy: Nice to see you with us this evening.

Commissioner Flanagan: Well it's nice to be here after having a few hours' sleep. But thank you, Mr. Chairman. First, I wish to thank the 56 citizens that signed up to speak and those that didn't sign up to speak, but stayed up anyway to speak and listen until 3:00 a.m. the next morning. And the reason for that is they recognize the huge long-term impact of this Special Exception Amendment that will be borne by the Lorton community. I think the 56 speakers set a record for the Planning Commission and I think we should all take note of the fact that this is a significant turnout by any community in Fairfax County. The decorum of the Lorton citizenry gave new meaning to why it's a good – it's to our good fortune to be an American. Their testimony presented new information, new viewpoints, and were supported with facts – facts that have been the basis for much post-hearing additional testimony and some changes to the application. Their testimony was a great help to we Commissioners in determining what we are sworn to do – make sure that all Special Exceptions are in harmony with the surrounding community with the Comprehensive Plan recommendations – and, third, with the Zoning Ordinance. I wish, however, that the Commission tonight was considering a compromise offered by the representatives of the Lorton community, who met with the applicant after the public hearing. Their compromise called for the certain closure of the landfill by the end of 2022 in order for the landfill to reach 412 feet; the elimination of the wind turbines' threat to wildlife; the elimination of the seven-story earth and berm wall threat to the adjacent RPA, floodplain, and Giles Run; and the alternate location of solar panes to the sites being served. In other words, instead of being a distance from the sites that will use the electrical energy, they would be moved, actually, to the sites where they would be using the electrical energy. I could have easily supported such a compromise. But that is not the application before us tonight for a decision. Instead, as you are aware, Furnace Associates has filed a Special Exception Amendment application – SEA 80-L/V-061-02 – seeking the expansion of their existing 250-acre construction demolition and debris landfill in Lorton and a continuation of its operation until the year 2034. The SE also seeks to add electrical generating facilities, a radio-controlled aircraft field – amateur, I mean a small aircraft field – hobby aircraft – a baseball hitting range, and a golf driving range to the site at the cessation of the landfill's operations. Concurrent with the SEA is a 2232-V13-18 for solar and wind electrical generating facilities on this 250-acre site. In addition, Furnace Associates have filed two applications that relate to its 9-acre property on the west site of Furnace Road. A Proffered Condition Amendment

application, PCA 2000-MV-034, proposes the deletion of a proffered mixed-waste reclamation facility that's there now. The PCA application also proposes to permit solar electrical generating facilities as the proffered use for that property. Concurrent with the PCA 2000-MV-034 is another 2232 application – it's actually number 2232-V13-17 – for the establishment of a solar electrical generating facilities. To say that these applications have been contentious would be a serious understatement. The Commission held its public hearing on these applications on February 27, 2014, and that public hearing did not conclude until 3:00 a.m. on the following day. Subsequently, over 200 members of the South County Federation attended a meeting to discuss these applications. The majority of the South County community associations have vehemently opposed this application. The issue has hit home for many community residents, as they participated in striking a bargain with this same applicant in 2007 to have the landfill close by the end of 2018, only to now be faced with an application seeking a substantial expansion of the landfill coupled with the request for an extension of the landfill's operations until 2034. I would like to first address the centerpiece of the applicant's proposal – the SEA application. The existing landfill is located on property that is comprised of approximately 250 acres with a permitted overall height of 412 feet. However, this SE application proposes to reduce the maximum height to 395 feet from 412 and to expand the currently-approved 4-acre platform on top to more than 40 acres. The 40-acre plus platform, in turn, would necessitate the continued – the construction of a 70-foot high – which is the equivalent of a 7-story building – high earth and berm or wall extending two miles around the entire perimeter of the landfill. If the berm wall, which would be seven stories high, were to fail, it would undoubtedly spill onto the nearby RPA, floodplain, and the Giles Run Stream. In addition, homeowners in the nearby Lorton Valley subdivision would be severely impacted. The standards for approval of this SEA are set forth in Zoning Ordinance Section 9-006. In my opinion, this application clearly fails to satisfy two such standards. First, Section 9-006 states that the Special Exception uses must be in harmony with the Comprehensive Plan. The Plan recommendations for this area of the County specifically call for gateway site building design. Gateway uses are supposed to create a sense of place in the community and should embody and announce the fabric of the community. This area of South County is rich with history, notable architecture, and a strong sense of community. Over the last 10 years, this body has helped to define, redevelop, and morph the South County area from heavy industrial uses into a newly developed, vibrant, and engaged community. An even larger landfill does nothing to announce South County as a place worth even visiting and is inconsistent with our vision to turn the Lorton community into a beautiful "gem" in Fairfax County. Quite simply, it is difficult to conceive of any land use that is more inconsistent with the notion of a gateway than a mountainous debris landfill. In addition, the construction of the 40-acre plus platform and the 7-story vegetated berm is inconsistent with the stated goal of protecting the ecological integrity of the streams in the County, as set forth in Objective 2 in the Environmental Section of the Policy Plan and General Standard Number 3 in the Zoning Ordinance, Section 9-006. Second, pursuant to General Standard Number 3, a Special Exception use should not adversely affect the use or development of neighboring properties and, further, shall not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof – end of quote. We hear abundant evidence – we heard abundant evidence at the public hearing which supports the conclusion that the continued use of this site as

a landfill through 2034 would, in fact, adversely affect the use of – the use or development of the neighboring properties, including those in Lorton Valley, Shirley Acres, Sanger Street, Laurel Hill Subdivisions, the Workhouse Cultural Arts Center, Laurel Hill parkland, the nationally recognized championship public golf course, and the future development of the adaptive re-use site – that's the old maximum security prison. Without question, this current SEA application generates a substantial number of adverse land uses, transportation, visual, and environmental impacts – which will only get worse if the proposed SEA is approved as that not – as not only adding seven – earth and wall, behind which trash will be piled upon existing landscaped mountain sides. At the present sides, there are two sides that are landscaped substantially. Further, there is no doubt in my mind that the proposed extension and expansion would hinder or discourage the continued revitalization of the South County community. I further recommend denial of the 2232 application for solar and wind electrical generating facilities on the existing landfill property. Again, these facilities are contrary to the provisions of the adopted Comprehensive Plan. Solar and wind facilities siding on top of a 395-foot tall mountain of debris, covering a 40-acre plus platform, does nothing to create a sense of place and is not a gateway use, as called for by the Comprehensive Plan. In addition, the facilities are poorly conceived. Among other things, there is no evidence that the wind conditions at this location are sufficient to generate enough electricity to support the installation cost of the wind turbines. Equally damaging to this application, the wind turbines would be a threat to the already threatened American bald eagle population that is, once again, resident in the Mason Neck area. This is not a mere apprehension of harm. Rather, staff from the US Fish and Wildlife Service have confirmed that it previously advised the applicant that this location was unsuitable for wind turbines due to the effect on the local and migrating natural wildlife. Interestingly, the proposed development conditions also allow the applicant to buy out of the green energy components of this application for a sum that may very well be less than it will cost to build the improvements. I therefore have concluded that the location, character, and extent of the proposed solar and wind electrical generating facilities on the landfill property is not substantially in accord with the adopted Comprehensive Plan. Finally, we have – we also have a Proffered Condition Amendment application and a second 2232 application for the applicant – from the applicant, which proposes to eliminate the proffered recycling center on the applicant's property on the west side of Furnace Road to allow for the construction of a solar electrical generating facility. The applicant indicated that it would move to withdraw the PCA application in the event that its current SEA application is denied. Accordingly, consistent with my findings as to the SEA application, I have concluded that we should deny the 2232 application for the west side of Furnace Road and recommend to the Board of Supervisors that it deny the Proffered Condition Amendment application to eliminate the recycling center. In summary, Mr. Chairman, there are more benefits to the County by denying than approving this application. Some in addition to those that I've noted above are: one, denial of the application will benefit Fairfax County by improving air quality when the landfill is capped, as recommended by the Planning Commission in 2006. The Sierra Club testimony states that methane gas is a potent contributor to global warming – 25 to 75 – to 72 percent more potent than carbon dioxide. And only 20 to 75 percent of the methane gas is ever captured by most landfills. So in other words, we have 80 to 25 percent freely escaping. The increase – increasing the production of greenhouse gases by

expanding the landfill and delaying the capping to 2035 is contrary to the County air policy objective, number one. And two, denial will benefit Fairfax County by hastening recycling when the last landfill in Fairfax County is closed in 2018, as now wisely recommended by the Commission in 2006. The current Board of Supervisors solid waste management plan encourages recycling. It does not encourage landfill expansion. The County, the Virginia Department of Environmental Quality, and the EPA all consider landfills as a last resort and a dying industry as more debris is recycled. And three, denial will benefit Fairfax County by protecting a major Fairfax County asset and visitor attraction, the American bald eagle – one of our national symbols in addition to the American flag. Not to protect rare wildlife is contrary to the County Environmental Policy Objective 9. And four, denial will benefit Fairfax County by reducing the number of trucks with a Lorton destiny, as wisely recommended by the Planning Commission in 2006. To allow truck traffic for an additional 17 years, as requested, is contrary to Zoning Ordinance Section 9-006. Accordingly, Mr. Chairman, let me pull up here my motions. I seem to have lost my motions here. Okay – accordingly, Mr. Chairman, for these reasons and based on all of the evidence presented in the public hearings on these applications, I MOVE THAT THE PLANNING COMMISSION FIND THE SOLAR AND WIND ELECTRICAL GENERATING FACILITIES PROPOSED UNDER 2232-V13-18 DOES NOT SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND IS NOT SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN. I ALSO MOVE THAT THE PLANNING COMMISSION DENY SEA 80-L/V-061-02.

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Is there a second? Seconded by –

Commissioner Sargeant: Mr. Chairman, I would like to make a few comments to go with my second.

Chairman Murphy: Okay, seconded by Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, thank you very much. And let me begin by first of all acknowledging the applicant's participation in recent meetings with representatives of the South County community and business leadership. That goal was to determine whether additional dialog was possible. But at the end of the process, the two sides agreed to disagree. Now even with some recent modifications, this application is still not ready for our support and here are some reasons. The applicant had included a covenant at its own offering to – in development conditions that would have provided greater certainty requiring a closure date. I'm told that this evening that that development condition will be removed for other reasons that Commissioner Hart can elaborate. We should know that this issue has been – we should know, quite simply, that this issue closure and that kind of certainty had been addressed to the satisfaction of all parties. The lack of certainty here has certainly been one of the foundations of dispute in the South County area. The applicant has now agreed to lower the final height of the landfill from 412 to

395 feet. However, the applicant says the revised SEA Plat to reflect this change will not be ready until a week after tonight's decision. As staff noted in response to one of my questions earlier today, in general staff would review a revised plan along with revised conditions or proffers. In a question to staff regarding the amended development condition, I asked staff whether they still agree with the statement on page 19 of the staff report that the applicant has only committed to providing the methane gas and geothermal infrastructures and installation of three wind turbines in phase one. According to the staff response dated today, "The applicant has only committed to provide methane gas and geothermal infrastructure and installation of three wind turbines in phase one for the SEA site. The applicant has committed to provide solar on the adjacent PCA side." This is one of those areas where we can provide better certainty and a better application. With regard to green energy, the applicant correctly notes the extension discussions and task force initiatives and leadership by the Board of Supervisors itself over time to promote alternative energy. And certainly, repurposing a landfill with green energy is not a unique or uncertain idea. We are likely to this – this concept go forward elsewhere as well as here. But in my response to whether the Board of Supervisors has approved any legislation to create a green energy triangle, staff responded today that they are not aware of any legislation to create a green energy triangle at this time. Yes, a green energy triangle can occur without legislation, but my question to gauge the Board's current involvement and commitment at this time. Is it lost on anyone here that the County's plan for green energy rests, perhaps, on a new bed of methane? At the end of the day, we should not forget that green energy and cash proffers may be the result of a landfill expansion and extension. We still have a 70-foot berm around the perimeter of the landfill and possibly until 2034 for landfilling activities. A better understanding about responsibility and liability for these structures and any public uses on this site are in the best interests of the County and its citizens. While the applicant's consultants do provide expertise and assurance regarding the stability and longevity of the berm, the County would be better served to provide its own third-party scrutiny regarding the future of the proposed structure. One engineer said to me, "Nothing lasts forever." So with this, Mr. Chairman, I second the motion to deny the SEA and 2232. Thank you.

Chairman Murphy: Further discussion of the motion? Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I agree with Commissioner Flanagan. This has been a contentious application and I would like to address, in part, why I think that happened and what we can do about it. I agree also that perhaps we can do better on this type of application. Never the less, I've reached a different conclusion than Mr. Flanagan regarding what our recommendation to the Board of Supervisors should be at this point. And earlier today, staff had circulated a series of motions – we received some motions last week – but I had circulated three motions today, the first of which would be what I think we should do on the SEA and the corresponding 2232. I'd like to address first why I think this particular application became so contentious and do so in an effort to try and extract from the land use decision some of the emotion – some of the emotional difficulties that we've had with this case. Several years ago, and I think there were four of us – Commissioner Lawrence, Commissioner de la Fe, Commissioner Murphy, and myself – voted on the previous iteration of the Special Exception,



which was praised and celebrated at the time as a win/win situation. It was going to provide this overlook park. It was going to provide certainty as to the closure of the landfill in 2018. And it also importantly contained a provision regarding the applicant's release from liability for the landfill – that it would be taken through – a dedication would be taken by the Park Authority. At the time, I think – I speak for myself, but I think my colleagues would agree – we did not know that the Park Authority might not end up taking the dedication. As it turned out, sometime after the approval, the Park Authority ultimately decided to not accept the dedication of the facility. That problem – that fiasco – has mushroomed into a lot of angst and complaints in the community, which I think contributed to the hostile reaction, at least, with the South County folks initially towards this application, the number of speakers we had, the length of the public hearing, the volume of the communications we've received, much of which communicates quite clearly anger over these disappointed expectations. That this was supposed to be a proffer, in fact it's been suggested to us by some that promises were broken or that the applicant should be held to these – to these promises or that there was a deal that the applicant somehow has broken. And from my perspective, that is absolutely not what happened. On a Special Exception, the applicant doesn't make promises. The Board of Supervisors, instead, imposes development conditions – the rules by which an application will be governed. What the Board of Supervisors is saying – we're approving this use, subject to the following terms. You will do this, this, this, and this. We found out, I think, as recently as last week if we – maybe we knew before or maybe I just didn't pick up on it – in one of the memoranda from staff, I learned I think for the first time that Development Condition 53, which was the key to the whole deal – which provided that at such time as the applicant was formally released from liability by DEQ, then some other things would happen. That would lead to the dedication of the facility as a public park. Well, we found out a few days ago – or at least I found out – that the County Attorney's office had never seen Development Condition 53 until long after the approval. And then this all blew up into something. I mentioned at the beginning that I had circulated some motions and the final motion, a follow-on motion, addresses my concern about what went wrong on this case and to make sure that this never happens again. And I hope it is something on which, no matter what our position is on the four applications in front us tonight, that going forward we can agree on this and that something positive can come out of this. And with respect to the follow-on motion, I think it is susceptible – that this situation is susceptible of repetition because we have repeatedly planned for innovative parks in Tysons. I think we will expect them, perhaps, in Reston as well and perhaps in other places – where we're putting parks in unusual places – on top parking garages, on tops of buildings. And we need to make sure that, going forward, the Park Authority's decision-making process is integrated into the land use decision – that it's not separated – that we not approve something that's dependent on the Park Authority doing something and that the whole approval is contemplating this is going to turn into a park and the Park Authority is going to take it. And secondly, that the County Attorney's office be integrated into the process so that where there are situations where we are contemplating dedication of land for a park or acceptance of land for a park or acceptance of maintenance responsibility or a transfer of liability or something like that – that before this is voting on – before its approved – the County Attorney's office has had an opportunity to vet those development conditions, make sure we're all on the same sheet of music, that the condition is going to work, and that the deal that we

contemplate is the deal that's going to happen. We'll get to that. Coming back to this particular application, I think if it hadn't been for the disappointed expectations about the failure of the previous package to work – to turn this into a park – to turn this into a situation where the applicant is being released from liability and the landfill is correspondingly closed in 2018 – it's a much easier case to resolve. I think that on a Special Exception, our function also is somewhat different. And it's different even still on a 2232. I would adopt, generally, for the purpose of the discussion – we don't want to be here until three in the morning again – the rationale in the staff report and staff's professional analysis regarding the provision in the Comprehensive Plan, the provisions in the Zoning Ordinance, and whether the applications each, I'll say, fall within the strike zone. On a 2232 in particular, we see this on telecommunications and we see it sometimes on Park Authority applications. Sometimes any number of things could fall within that strike zone. Any number of things might meet the criteria of location, character, and extent whether we agree with them or not – whether they would be our first choice – whether we would choose to do it in that way. And on these, I think staff has correctly analyzed them. With respect to the Special Exception, also, I will address briefly – Commissioner Sargeant had addressed Development Condition Number 60, which I had deleted in the motion on the – or if we get – depending on what happens. If we get to my motions, I am deleting Development Condition 60, which was – which did two things. It established a covenant at the end that would run through the Board of Supervisors and to an unnamed third party. In general, it would certainly be possible for an applicant to agree to a private covenant, a private agreement, a side-agreement of some sort. It might even be appropriate in a rezoning case where an applicant is making proffers. Where they're making proffers, they're saying, "Please rezone our property and here's what we're going to do if you do that." But on a Special Exception, our function is somewhat different. The General Assembly has set up a system whereby we evaluate whether certain non-residential uses of special impact are appropriate in certain areas. And if they are – if they meet certain other criteria – what development conditions are appropriate to mitigate the impacts running from the use? Those might address things like lighting and noise and transportation and buffering, landscaping, that sort of thing. To the extent that a development condition was designed to require a covenant to run to the benefit of a private third party, it's not mitigating any impact at all. It's not landscaping. It's not buffering. It's not dealing with noise. The reason that's in there is going back to this first problem with what went wrong with the park. The concern that's been expressed is that the Board of Supervisors cannot be trusted and there needs to be someone – some guardian at the gate besides the Board of Supervisors – some private party to control the destiny of this property down the road. That's not something we've ever done. That's not something the General Assembly has authorized. We can't impose, as a development condition, a requirement on a private party that they give up property rights to somebody else where it's not mitigating an impact. It's dealing with some political problem or some other issue. And again, if some private agreement were to be worked out between the parties, that's fine. But we're not in the business of telling those people what to do. That's – that's the problem with Development Condition 60. Otherwise, I think staff has correctly analyzed each of the uses and imposed a very rigorous set of development conditions, which impose also extraordinary financial contributions and requirements on this applicant over a course of many years. The applications also, I think, are – I would say – are not perfect. And in my discussions with several

of you, I think we were close to a consensus on some additional points. I had hoped very much, and I know that several of us did, that the committee that Commissioner Sargeant worked on – I think we appreciate the efforts by Commissioner Sargeant, Commissioner Flanagan, and the people who participated – to try and get a compromise – to try and get a consensus. And we hope to do that on most of our cases. It didn't work here for whatever reason. Nevertheless, the applicant had made voluntarily some changes to their proposal, which staff also supports – scaling it back someone, cutting six years off of their proposal – from 2040 to 2034 – reducing the height from 412 feet to 395 feet. I think there were several other points identified, sometimes simultaneously, by multiple commissioners on which we don't necessarily have a development condition. But at the same time, I think it is reasonable for us to look at these applications and say, "Yes, they fall within the strike zone." And the Board of Supervisors might have discretion to approve them. But at the same time, if the Board will work on these six items, they will be closer to a consensus. I think the application will be improved. I think with further discussions between staff and the applicant and the community – and the Board is sophisticated enough to do this – we can make this a better situation. We can road map for the Board how they get there. This is also, I think, an extraordinary application in terms of the time frame, as we've discussed briefly. The 2232 applications run out on Thursday. They are deemed approved as a matter of law if we take no action before then. The Board of Supervisors, theoretically, could extend them again. But there is no guarantee that they will. And we all know what happens in this building if there's a power outage, if there was a fire alarm, if there's a snowstorm again, and something happens – and even if the Board wanted to vote next week – if for some reason they don't, the applications are deemed approved. And we don't want to be in that situation. The Board has given us a deadline. I think we have done – we have rigorously vetted these applications. We have reviewed a great deal of material. Staff has been working day and night to try and digest all the stuff – answer all these questions. And I think in this extraordinary situation, we can identify for the Board suggestions for areas of improvement. And I've tried to do that. Rather than denying the whole thing – recognizing at the same time staff's careful analysis of this and the Board's commitment to any number of policies which are consistent with continuing to have a construction debris landfill within Fairfax County – whether that's for economic development purposes – whether it's for an industrial use continuing to contribute to the tax base – whether it's because we're going to need a place for construction debris for all the growth that's planned in Tysons and Reston and the revitalization areas. And if we don't have it here and the debris has to be shipped out of the County to somewhere in Maryland or Manassas or down the northern neck – wherever it's going, it's going to cost more and take longer – put more vehicles on the road for a longer period of time. And it frustrates, I think, our objectives for getting buildings to comply with, for example, LEED certification, which is going to require something like that. The Board will have the flexibility to determine these types of policy issues in that context. I think I would address, separately, when we get to the – if we get to the other motion – the particulars of that if there's a need for that. But where we are on the first – the SEA and the first 2232 – I think we shouldn't flat out deny it. I think what we should do is my motion, which recognizes that the applications fall within the strike zone, but identifies for the Board six points on which the Commission feels there could be improvement.

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Commissioner de la Fe: Mr. Chairman, which motion are we talking about?

Commissioner Hart: I'm arguing why we shouldn't approve Mr. Flanagan's motion to deny the first – the SEA and the first 2232.

Commissioner de la Fe: You're talking about your motion. I haven't seen – you haven't made any motion.

Chairman Murphy: He's just giving you a preview.

Commissioner de la Fe: Oh – okay.

Commissioner Hart: I'm telling you why. Stay tuned we'll get there.

Chairman Murphy: Further discussion?

Commissioner Hart: Mr. Chairman, I had one more point.

Chairman Murphy: Okay.

Commissioner Hart: I wanted to address, also, the commitment to the future of Lorton. This is an issue with County – this is an application – these are applications with countywide implications. Lorton is an important part of the County and there was a lot of testimony about the history of Lorton or the problems with Lorton. We have had, I think – we are all aware of how Lorton was defined 20 or 30 years ago and perhaps by the major uses there. We had – overwhelming everything was the prison. We had the sewage plant, the landfill, the garbage incinerator, the quarry, Cinderbed Road, whatever else. We didn't have a lot of residential development. We didn't have a lot of investment and there were probably reasons for that. With the closure of the prison, however, Lorton got a second and a third look. And we've amended the Plan with the efforts of the Commission and some of the Commissioners participating in those planning activities. We have encouraged and seen a great deal of residential development. And I think Lorton is defined now by – not so much history – not so much the prison in the past – but the growth that we've seen in Lorton. And Lorton is recognized as a growth area. We anticipate there's going to be more growth in Lorton. And the Board has recognized that, which significant investments in schools and parks and public facilities and other things that are coming down the pike. The Lorton Arts Center – perhaps we've made a greater investment than we had intended. In any event, the Board is committed to Lorton. And the fact that an industrial use that's continuing, subject to rigorous development conditions is still there, is by no means an abandonment of the Lorton community or what it means. I think we should deny the – Commissioner Flanagan's motion and then we'll see what happens.

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Get my microphone on. I would like very much to go along with Commissioner Hart's proposals. And I do, in fact, plan to go along with the one that he has processed. I do agree that this kind of thing ought not to have happened in the first place and certainly ought not to happen again. However, I cannot agree to a motion for approval of this package, as presented to us tonight. I would like to say that I think we should start with a blank slate and the idea and understanding that the industrial use will, in fact, continue for an extended period of time – many years, that's what they're asking for. Now what do we do during that extended period of time? One of the things we can do is to assure ourselves as to the long-term stability of the mound of debris that they are building so that we don't run into liability problems later – and worse yet, functional problems with our energy generation system because the thing settled in the wrong way. Secondly, we will be able to hold close to the end of this extended period of operation, at a time of closure as that approaches, a design contest where we can look at the technology not as it is today, but as it will be decades from now. And we can build not a series of stove pipes with individual sources of energy, but a combination or hybrid of such sources. There is a plant now existing in Florida that's advertising itself on television, which is such a hybrid. They use solar steam rather than voltaic. Voltaic is 20 percent efficient – 20 percent. In the labs, they're now doubling that. It hasn't yet reached industrial capability, but we're talking decades. We have the time to do this right if what we want is green energy. Now absent that, I can't support the application as it's presented – not because of any expectation, but because of the – the merits and the flaws of what's within the four corners of the application. Let me illustrate my position with just a couple of examples. I believe that an acceptable land use application must meet two tests. First, a condition of necessity in that the application satisfies all applicable laws and regulations. Second, a condition of sufficiency in that the application is in conformance with the Comprehensive Plan and that, as a total package, the application provides for a balance between the impacts its approval creates and the public benefits offsetting and mitigating those impacts. I do not believe the Furnace Associates proposal presented for our vote tonight shows that required balance. I'll illustrate that with just a couple of examples. The application proposes wind turbines. The applicant's consultant pointed out in the report they – that conditions at the site are marginal for energy generation using this technology, as it stands today. And the most information I have seen from the Fish and Wildlife Service is that it's unlikely there is no threat to wildlife from the turbines. But the applicant insists they be a part of the package. Even though they commit only to three machines and also include provisions for a study on wildlife impact, providing a way to back out of the technology, but retain overall approval for the extension of operations as decided. Public benefit from this feature of the proposal would then consist of a one-time cash payment. In its proposal, the applicant envisions adding an additional layer to the mound of construction and demolition debris now to be seen at the site. Atop this second layer, large mounting pads for turbines and solar cells are to be put in place. The mass of the installed equipment plus the dynamic loads from wind effects will be transmitted through the debris mound through the pads and their pilots. A condition that has the potential to result in damage to the pads and the equipment and its output would be any significant uneven settling of the debris mound over time. The last proposed development conditions that I have seen included one to the effect that unless a written certification of the long-term stability of the debris mound after it is closed is given, no infrastructure will be build

atop the mound. Again, the green energy concept would be lost. In attempting to judge how likely it is that the debris mound will be stable over time, it comes quickly to mind that the debris pile was not originally intended to be in and of itself a load-bearing platform. And there is, thus, no reason to think that compaction of the pile has been a routine over the years of its operation, whatever may be done to the second layer to be added. In at least two particulars then, the value to the public of this green energy proposal is open to question. But the applicant does not want to consider leaving out the wind turbines and does not want any further deferral time to get a solid picture on the long-term stability of the debris pile and its top hamper. We are asked to vote the proposal as a package up or down. As it is presented to us tonight, I will vote against it. Thank you Mr. Chairman.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you Mr. Chairman. In the cacophony of the testimony that kept us here until 3:06 in the morning, one of the things that I remember most were the few people who spoke about the dream of green energy in this County. And the fact that we had the opportunity, if we could to be a leader and create something unusual and unique and valuable, but – Mr. – Commissioner Lawrence's point is very well-taken. I think Commissioner Hart made it also. In a number of years, we don't know what the technology is going to be. I don't think wind turbines are going to last – maybe in this situation – and maybe are not appropriate. But the green energy concept is something that I think we should not lose sight of. In some fashion or other, we should try to make it work on behalf of the County if nothing else.

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: I'll try to be concise since we are on verbatim.

Chairman Murphy: We are on verbatim.

Commissioner Migliaccio: Yes.

Chairman Murphy: And I treasure every minute of it if our cacophony of our comments on the motion last as long as they have them, we will be here until 3:06 in the morning.

Commissioner Hedetniemi: You like that word.

Chairman Murphy: I love the word cacophony. Yes, go ahead. It's your turn for cacophony of the motion.

Commissioner Migliaccio: My goodness, the pressure. First, I would like to commend Mr. Flanagan and Mr. Sargeant for representing Mount Vernon in such a great manner on this

application. Normally, as Lee and Mount Vernon, we go back and forth on items. But on this one – looking at it, it's not just a Mount Vernon issue. Looking at it, this application in my opinion has regional and countywide implications. And, therefore, it's not just a Mount Vernon issue. And, therefore, I am not able to support Commissioner Flanagan's denial tonight. Hopefully, we have a – Commissioner Hart's motion coming through, depending on what happens now on this vote. I hope by supporting a denial on these applications – it will allow on a vote on a compromise that can be sent to the Board. I feel it serves no purpose leaving this here to die or leaving this – these applications here for a deferral. It does no good. I think it needs to get to the next step. We need to have a vehicle to send this to the Board to let them work on it, to tweak it, to work around the edges. We as a Planning Commission work on the land use issues only. And that's what we're – that's our mission. All those other issues that we hear from South County – and they're very valid issues – those are more the political arena and those are more appropriately addressed at the Board level. And I think by providing a vehicle that may not be perfect, but sending it up to the Board would be the best in this – for these four applications. Thank you Mr. Chairman.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion, as articulated by Mr. Flanagan to deny 2232-V13-18 and SEA 80-L/V-061-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion – we'll have a division; Mr. Ulfelder.

Commissioner Ulfelder: Nay.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: Nay.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Aye.

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Aye.

Chairman Murphy: Mr. de la Fe.

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Commissioner de la Fe: Aye.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Nay.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Yes.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Nay.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Nay.

Chairman Murphy: And the Chair votes nay and the motion is defeated 6 to 4; Mr. Flanagan.

Commissioner Hart: You want me to go? Or he wants to do his other motion?

Chairman Murphy: You want to do your other – you want continuity here?

Commissioner Flanagan: As long as he had – we're on the SEA. We might as well hear his motion.

Chairman Murphy: Okay.

Commissioner Hart: Thank you, Mr. Chairman. What I would like to do, if I may, is read the motion. If there's a second, I would speak briefly to it. I MOVE THAT THE PLANNING COMMISSION FIND THE SOLAR AND WIND ELECTRICAL GENERATING FACILITIES PROPOSED UNDER 2232-V13-18 SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND ARE SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN. I FURTHER MOVE THAT THE PLANNING COMMISSION FIND THAT SEA 80-L/V-061-02 MEETS THE APPLICABLE LEGAL CRITERIA, SUBJECT TO STAFF'S PROPOSED DEVELOPMENT CONDITIONS WITH THE DELETION OF DEVELOPMENT CONDITION 60 FOR THE REASONS ARTICULATED IN THE STAFF REPORTS AND SUBSEQUENT MEMORANDA AND, THEREFORE, RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SPECIAL EXCEPTION AMENDMENT SEA 80-L/V-061-02, SUBJECT TO STAFF'S PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 28, 2014, WITH THE



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FOLLOWING MODIFICATION: DELETE DEVELOPMENT CONDITION 60 IN ITS ENTIRETY. AND FURTHER, THAT THE COMMISSION'S RECOMMENDATION OF APPROVAL ON THE SPECIAL EXCEPTION IS COUPLED WITH THE FOLLOWING ADDITIONAL ITEMS FOR CONSIDERATION BY THE BOARD:

- THE COMMISSION RECOGNIZES THAT ALTHOUGH A CONSENSUS BETWEEN THE APPLICANT AND ALL CITIZENS MAY NOT BE POSSIBLE, FURTHER REFINEMENTS TO STAFF'S PROPOSED DEVELOPMENT CONDITIONS, IN CONSULTATION WITH THE APPLICANT, COUNTY STAFF AND THE COMMUNITY, MAY FURTHER IMPROVE THE APPLICATION, AND PROVIDE REASSURANCES REGARDING POTENTIAL IMPACTS FROM THE APPLICATION.

THE PLANNING COMMISSION RECOMMENDS THAT SPECIFIC TOPICS FOR THE BOARD'S CONSIDERATION SHOULD INCLUDE THE FOLLOWING:

- A) THAT THE BOARD CONSIDER DELETION OF THE REQUIREMENT, DEVELOPMENT CONDITION 46 AND ELSEWHERE, THAT THE APPLICANT INSTALL WIND TURBINES AT THIS LOCATION AND INSTEAD REQUIRE A COMMITMENT BY THE APPLICANT TO INSTALL OTHER GREEN ENERGY TECHNOLOGY OF AN APPROPRIATE AND EQUIVALENT NATURE;
- B) THAT THE BOARD CONSIDER WHETHER THE APPLICANT'S \$500,000 ANNUAL CONTRIBUTIONS BETWEEN 2019 AND 2038, AS REFERENCED IN DEVELOPMENT CONDITION 49, SHOULD BE INDEXED TO INFLATION OR SUBJECT TO COST OF LIVING INCREASES, OR SOME OTHER INCREMENTAL INCREASES;
- C) THAT IN ADDITION TO THE POTENTIAL MEETINGS REFERENCED IN DEVELOPMENT CONDITION 27, THE BOARD CONSIDER A REQUIREMENT THAT THE APPLICANT BE REQUIRED TO DESIGNATE AN OMBUDSMAN OR COMMUNITY LIAISON WITH CONTACT INFORMATION AVAILABLE TO THE SUPERVISOR'S OFFICE AND COMMUNITY TO FACILITATE PROMPT DIALOGUE REGARDING CITIZEN COMPLAINTS OR FIELDING QUESTIONS OR CONCERNS ABOUT THE OPERATIONS;
- D) THAT THE BOARD CONSIDER ADDITIONAL CLARIFICATION OF THE APPLICANT'S LONG TERM RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY AND STABILITY OF THE SOLAR PANELS OR OTHER STRUCTURES INSTALLED ON TOP OF THE LANDFILL, INCLUDING POST-CLOSURE;
- E) THAT THE BOARD CONSIDER ADDITIONAL LIMITATIONS ON REMOVAL OF VEGETATION, OR SUPPLEMENTAL VEGETATION AS MAY BE

DETERMINED BY DPWES, IN THE 5.2-ACRE PRIVATE RECREATION AREA REFERENCED IN DEVELOPMENT CONDITION 56 TO REINFORCE THE BUFFERING IN THE DIRECTION OF THE LORTON VALLEY COMMUNITY TO THE NORTH;

- F) THAT THE BOARD CONSIDER WHETHER THE CLOSURE DATE COULD BE SOONER THAN 2034, REFERENCED IN DEVELOPMENT CONDITIONS 12 AND 60 – and that’s a correction from the text that was sent out earlier – it’s 12 rather than 11 – OR THE HEIGHT OF THE FINAL DEBRIS ELEVATION BE reduced – FURTHER REDUCED BELOW 395 FEET, REFERENCED IN DEVELOPMENT CONDITION 12 – that’s another correction, it’s 12 rather than 11 – OR THE HEIGHT OF THE 70 FOOT BERM, DEVELOPMENT CONDITION 29, BE REDUCED IF DETERMINED TO BE STRUCTURALLY SOUND BY ALL APPROPRIATE REVIEWING AGENCIES;
- AND FURTHER, THAT THE COMMISSION DOES NOT INTEND FOR THE ABOVE SUGGESTIONS FOR ADDITIONAL DISCUSSION TO RESTRICT OR LIMIT IN ANY WAY APPROPRIATE TOPICS TO BE CONSIDERED BY THE BOARD FOR POTENTIAL REVISIONS TO THE DEVELOPMENT CONDITIONS.

I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS THAT WERE DISTRIBUTED TO YOU IN STAFF’S HANDOUT DATED MARCH 28, 2014 AND:

- DENIAL OF A MODIFICATION OF THE INVASIVE SPECIES MANAGEMENT PLAN REQUIREMENT, PURSUANT TO SECTION 12-0404.2C OF THE PUBLIC FACILITIES MANUAL; AND A
- DENIAL OF A MODIFICATION OF THE SUBMISSION REQUIREMENTS FOR A TREE INVENTORY AND CONDITION ANALYSIS, PURSUANT TO SECTION 12-0503.3 OF THE PUBLIC FACILITIES MANUAL.

Commissioner Hart: I won’t read the waivers and modifications that are in the attachment. But, Mr. Chairman, if the Chair will indulge me –

Commissioner Migliaccio: Second.

Commissioner Hart: Well I haven’t finished, please. I neglected to ask that – at the County Attorney’s suggestion – to have Mr. McDermott acknowledge the staff – or excuse me, the applicant is in agreement with the development condition package and less devout to Condition 60. If he could just acknowledge that on the record and then I’m done.

Chairman Murphy: Mr. McDermott, please come down and identify yourself for the record.

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Francis McDermott, Esquire, Hunton & Williams, LLP: Mr. Chairman, members of the Commission, my name is Frank McDermott. I'm the attorney for the applicant. And we have certainly negotiated and are agreeable to the conditions as you propose to be modified.

Commissioner Hart: Thank you. That's my motion.

Chairman Murphy: Seconded by Mr. Migliaccio –

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning: Excuse me, Commissioner?

Chairman Murphy: Is there a discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Mr. Mayland: Mr. Chairman?

Chairman Murphy: Yes, Mr. Sargeant.

Mr. Mayland: Mr. Chairman.

Chairman Murphy: Hello. Sorry, wait a minute. Hold on.

Mr. Mayland: Sorry, the motion's modifications – they're actually DATED APRIL 3<sup>rd</sup>, not March 28<sup>th</sup>. Sorry, I think that was – I think it was an older version. So it was our mistake. But April 3<sup>rd</sup> is we distributed today.

Commissioner Hart: Oh, I didn't intentionally change it, but –

Mr. Mayland: So if we can just correct that.

Commissioner Hart: If that date is incorrect – the April 3<sup>rd</sup> motion for waivers and modifications is attached to the text of my motion and if the date should be April 3<sup>rd</sup> rather than March 28<sup>th</sup> that – yes that's correct.

Chairman Murphy: Okay, Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. Commissioner Hart referenced specific, I think, staff comments related to this deletion of Development Condition 60. Staff comments? Are there specific written comments somewhere with regard to this particular deletion proposal? You referenced some staff – I believe you referenced some staff comments or something text with regard to the issue of deleting Development Condition 60.

Mr. Mayland: Condition Number 60 was a recent addition that was just distributed on March 28<sup>th</sup>.

Commissioner Sargeant: In his comments, he talked about – I think you referenced particular text or something related to deletion of Development Condition 60. Maybe it was extemporaneous.

Commissioner Hart: Is that a question for me?

Commissioner Sargeant: Yes.

Commissioner Hart: Mr. Chairman, if I could answer his question.

Chairman Murphy: Please.

Commissioner Hart: The staff reports and subsequent memoranda I'm referring to are the – the – we got staff reports at the beginning. We got an addendum. We've gotten many, many memoranda from staff. It's not – it's – it meets the applicable legal criteria, subject to this package – except for Development Condition 60 as staff has articulated. The staff reports are not about Development Condition 60. The staff reports are about the applicable criteria.

Commissioner Sargeant: That's fine. I wanted to clarify that because I wanted to make sure there was not something other, text-wise, that was not related to the deletion of this that we had not seen yet. So you saying there's nothing else relating to that text regarding the deletion? If it was, I just wanted it included in the record so we all had it to look at. But if there's nothing specific to text relating to the development – deletion of Development – that's fine.

Commissioner Hart: There's nothing that's not attorney/client privilege that we can – I mean, we can't put in memoranda from counsel so it is what it is.

Commissioner Sargeant: All right, thank you. Mr. Chairman, just real quickly – I think – I certainly appreciate the comments we've heard and the initiatives regarding this motion. I think speaking to Commissioner Hart's and even Commissioner Migliaccio's comments about this being a regional and Countywide issue – I agree very much with that. And I think that's one of the challenges we have here with the issues related to the current – the current application with regard to the specificity and the certainty of the development conditions. That won't change moving it to the Board. However, with that comment, we can only hope that that will improve.

Chairman Murphy: Is there further discussion of the motion? All those in –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I didn't speak to it. I wanted to address one point that I didn't mention previously. With respect to Commissioner Lawrence's points – and I believe I had tried to incorporate in A and D the points that he had raised – specifically with reference to the structural stability of the pile and the berm. I believe that staff's conclusion, as supported by the applicant's technical submissions, confirm that the pile as a whole is more stable with the berm than without – and that the berm will be subject to rigorous and subsequent reviews by the Geotechnical Review Board, by the Department of Public Works and Environmental Services, and the Department of Environmental Quality. We're not really capable of – I'm not capable of doing a technical analysis of that sort of thing from a structural engineering standpoint. But I am satisfied that with the regulations that we have, this is going to be reviewed by multiple agencies who know what they're doing in a very rigorous way. But I will also call that out as an issue for the Board for further clarification, which I think would help reassure the citizens on that point. I've commented on the rest of it. I think it is more responsible for us to send a recommendation to the Board, seeing it the way it is and making these suggestions.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Flanagan? I mean Mr. Lawrence.

Commissioner Lawrence: A brief reply. I thank you Commissioner Hart for including that. I was not as concerned with the berm, which was designed with a fudge-factor of two and I think is probably going to hold up, as I was with the porosity of the pile. So that when I talk about settlement, what I'm talking about is it yielding under the weight of these concrete pads after some period of time when the wind loading has been at work being transmitted through the thing. Maybe I didn't make myself clear, but that's what I had in mind. I wasn't talking about berm failure.

Commissioner Sargeant: It – Mr. Chairman, if I may respond to that – the D is directed to the structures on the top – not the berm. I mean it may look at something with the berm also, but the point of D is dealing with the structural integrity and stability of the solar panels or other structures installed on the top. And that's what the Board can look at.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I'm not going to be able to support the motion, primarily because I think just from a political point-of-view – I think it's better always to move denial. I would've supported the considerations that Commissioner Hart brings up if they in amendment to my motion to deny. I think it's a stronger recommendation from the Planning Commission to the Board of Supervisors if it's a motion to deny with the investigation with all the subjects that he listed for his motion to approve. I wouldn't have had any objection if had amended my motion to attach them as considerations that he thought were worthwhile investigating after it gets over to

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the Board of Supervisors. So I – I’m just – so I’m – as it is right now without that consideration, I’m going to have to continue to object to the motion.

Chairman Murphy: Further discussion? All those in favor of the –

Mr. Mayland: Mr. Chairman? I’m sorry.

Chairman Murphy: I’m sorry.

Mr. Mayland: We were unclear if there was a second to Mr. Hart’s motion.

Chairman Murphy: Yes, seconded by Mr. Migliaccio.

Commissioner Migliaccio: I seconded it.

Mr. Mayland: Okay, thank you very much.

Chairman Murphy: Keep up straight over there, you know? Please. All right, all those in favor of the motion to recommend to the Board of Supervisors that they approve SEA 80-L/V-061-02 and 2232-V13-18, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: No.

Chairman Murphy: Motion carries. I believe we have the same division unless anyone changed his or her mind so it’s approved 6 to 4. Mr. Flanagan. It’s your turn.

Commissioner Flanagan: And that’s again. Yes, thank you. Yes, Mr. Chairman, I also have a follow-on motion. I MOVE THAT THE PLANNING COMMISSION FIND THAT THE SOLAR ELECTRICAL GENERATING FACILITY PROPOSED UNDER 2232-V13-17 DOES NOT SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* AS AMENDED AND IS NOT SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN. AND I ALSO MOVE THAT THE PLANNING COMMISSION DENY PCA 2000-MV-034.

Commissioner Sargeant: Second.

Commissioner Flanagan: Do I have a second? Did I get a second?

Chairman Murphy: Yes, hold on just a minute. You were going on 2232-V –

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Commissioner Flanagan: This is the PCA motion.

Chairman Murphy: Okay – 2000-MV-034.

Commissioner Flanagan: Yes.

Chairman Murphy: Okay, all right. I'm sorry. Okay, and the 2232-V13-17.

Commissioner Flanagan: That's right.

Chairman Murphy: Okay, all those in favor – seconded by –

Commissioner Flanagan: Mr. –

Commissioner Migliaccio: Mr. Sargeant.

Chairman Murphy: Mr. Sargeant, okay. All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Same division? The motion failed 6 to 4. Mr. Hart, your turn.

Commissioner Hart: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION FIND THAT THE SOLAR ELECTRICAL GENERATING FACILITY PROPOSED UNDER 2232-V13-17 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PROFFERED CONDITION AMENDMENT PCA 2000-MV-034, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 10, 2014 AND CONTAINED IN APPENDIX 1 OF THE STAFF REPORT. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF PARAGRAPH 11 OF SECTION 11-102 OF THE ZONING ORDINANCE FOR A DUSTLESS SURFACE TO THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL TO PERMIT OFF-SITE VEHICULAR PARKING FOR THE OBSERVATION POINT FOR SPECIAL EXCEPTION

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AMENDMENT SEA 80-L/V-061-02, PURSUANT TO SECTION 11-102 OF THE ZONING ORDINANCE.

Commissioner Migliaccio: Second.

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

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: I'm not going to be able support the motion here because what this motion does is effectively – it takes away the one recycling piece of land that we have in Fairfax County. And I don't have any I – to my knowledge, there isn't an alternate site for recycling other than this particular site. So I think it violates the County's policy of encouraging recycling by taking away the one site that is now planned for recycling. I just – it just seems like we're going totally against our – the Policy Plan. I just – I can't believe that the Planning Commission is not going to support the Policy Plan.

Chairman Murphy: Okay, further discussion? Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I think one of the things to which Commissioner Hart is referencing is the opportunity to help further spark the recycling component of construction debris industry. And you had that opportunity there to keep not only the business of traditional construction debris going forward for a number of years, but also to help further serve as a catalyst to get the recycling of construction debris as well. Certainly, the option of solar panels in this area – it's nine acres. It sounds fun and it would be fine – except that you could move those solar panels elsewhere and still continue with your recycling and address the traffic issues that are associated with that. So you had some opportunities, which – to Commissioner Flanagan's point – will probably be lost in the future. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2000-MV-034 and 2232-V13-17, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: No.

Chairman Murphy: Motion carries – same division. Did anyone switch? Okay, motion carries. Thank you very much – 6-4.



Commissioner Hart: Mr. Chairman, one more.

Chairman Murphy: Is that it? Mr. Hart.

Commissioner Hart: Yes, I got one more.

Chairman Murphy: Okay.

Commissioner Hart: Unless Earl's got something.

Chairman Murphy: You got another one?

Commissioner Flanagan: No.

Chairman Murphy: Did you run out?

Commissioner Hart: Okay, thank you. I've got one more. Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT DEPARTMENT OF PLANNING AND ZONING STAFF – IN CONSULTATION WITH THE PLANNING COMMISSION, PARK AUTHORITY AND OFFICE OF THE COUNTY ATTORNEY, AS APPROPRIATE – TO EVALUATE AND REPORT BACK TO THE BOARD, WITH APPROPRIATE RECOMMENDATIONS ON THE FOLLOWING TOPICS, WITHIN 18 MONTHS:

- A) IN LAND USE APPLICATIONS INVOLVING THE CREATION OF A PUBLIC PARK, INCLUDING INNOVATIVE OR UNCONVENTIONAL LOCATIONS FOR PARK FACILITIES, SHOULD ADDITIONAL PROCEDURES OR PROTOCOLS BE IMPLEMENTED, SO AS TO BETTER INTEGRATE, INTO THE COUNTY'S LAND USE DECISION MAKING PROCESS, THE PARK AUTHORITY'S DECISIONS ON ACCEPTANCE OF DEDICATION, OR RESPONSIBILITY FOR MAINTENANCE OR LIABILITY, PRIOR TO ACTION BY THE PLANNING COMMISSION AND/OR BOARD OF SUPERVISORS?
- B) IN LAND USE APPLICATIONS INVOLVING THE CREATION OF A PUBLIC PARK, INCLUDING INNOVATIVE OR UNCONVENTIONAL LOCATIONS FOR PARK FACILITIES, SHOULD ADDITIONAL PROCEDURES OR PROTOCOLS BE IMPLEMENTED SO AS TO ENSURE THE OFFICE OF THE COUNTY ATTORNEY HAS AN APPROPRIATE OPPORTUNITY TO REVIEW PROPOSED LANGUAGE OF ANY DEVELOPMENT CONDITIONS OR PROFFERS, SPECIFICALLY INCLUDING PROVISIONS FOR CONVEYANCE, ACCEPTANCE, OR DEDICATION OF LAND OR ASSOCIATED RESPONSIBILITY FOR MAINTENANCE OR LIABILITY AND ANY CONDITIONS PRECEDENT, PRIOR

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TO ACTION BY THE PLANNING COMMISSION AND/OR BOARD OF  
SUPERVISORS?

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion?

Commissioner Sargeant: Mr. Chairman?

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Mr. Sargeant, then Mr. de la Fe.

Commissioner Sargeant: If I could make a friendly amendment, just to add the words RECREATION FACILITIES as well – park and recreation.

Commissioner Hart: Where is that?

Commissioner Sargeant: You don't have it. That's why I would like to suggest putting it under – perhaps the second line, "Unconventional—" – in somewhere in here, I think you need to reference park and recreation facilities. That's what we've been working on for a number of months now.

Commissioner Hart: If staff is okay with adding that – FOLLOWING PARK FACILITIES IN THE SECOND LINE OF A AND THE LINE OF B – Mr. Mayland. If staff's okay with that –

Chairman Murphy: You okay?

Mr. Mayland: No issue.

Commissioner Hart: Then I'm okay with that.

Chairman Murphy: All right. Further discussion?

Commissioner de la Fe: Yes.

Commissioner Flanagan: Yes.

Chairman Murphy: I'm sorry, Mr. de la Fe. And then Mr. Flanagan.

Commissioner de la Fe: I respect Commissioner Hart's intent with this. But frankly, what he is recommending be studied is what I as a district Planning Commissioner assume happens in any case. So I just think that we are reacting as government often does to study something that should

not happen because it happened once and it will happen again – and whether we studied it to death or not. I just think we are reacting to one particular case and we probably will create another myriad of procedures that will fail once again and then we'll study it again. So I think we're just doing what government always does and that is react to a failure by creating a commission that will create procedures. Sorry, I'm – worked for the government for 45 years and that's what happens.

Chairman Murphy: I was going to say your government's showing.

Commissioner de la Fe: I know. I mean it's absurd. This should be happening and it's up to the local Planning Commissioner to make sure that it happens. And attorney's change, Park Authority Boards change, Board of Supervisors change, and Planning Commissioners change. And frankly, that's probably what happened here. And I – I don't agree that it was the Planning – the Park Authority's fault that this failed.

Chairman Murphy: Further discussion of the motion?

Commissioner Sargeant: Mr. Chairman.

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I too think this is a – sort of a feel good sort of a proposal here. I suppose it doesn't hurt. It doesn't do any harm, but I don't think we should be raising expectations. I would much prefer the previous suggestion about the covenant with the land. I think things of that sort are a much better way of gaining the ends that we're trying to achieve here. If there had been something of this sort done at the time that we had the agreement back in 2006, I think we wouldn't be in this pickle right now in my opinion. So and – I don't think this is – I don't disagree with Mr. – Commissioner Hart on this. This was a suggestion that came up in the – the idea of a covenant – using a covenant is a subject that came up in the group that studied it after the public hearing at the request of Chairman Bulova. In fact, I was the one who put it on the table at the group meeting. And it's – it was something that you can ask for and that the applicant could – this was voluntary. This was something that he – it wasn't required of him. It's something you can always bring up. And if the applicant is willing to do so, why you're that much ahead. So I – that was the only way the covenant got in there to begin with – because the applicant proposed putting it in there. So I don't understand why we're concerned about this covenant issue.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: At the risk of going on too long on this subject, I also was a fed. And I know that sometimes we tend to try to correct by adding more corrections and by becoming more involved. I would suggest possibly that the impact of this whole activity has been – has been noted and has been sufficiently concerning to a number of people that maybe we don't need

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to have a regulation – a motion, in effect, to accomplish what Commissioner Hart has raised as something that we need to be conscious of. And we just keep it in mind and make sure that we don't over-extend ourselves beyond what could have been a good process initially.

Chairman Murphy: Further discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: Probably – this mission is fine. It – to your point, it won't solve a great deal. It will focus on one component of what was a far more complex mismatch of timing and everything else. So I think, probably, a broader review would appropriate, but this is a fine start.

Chairman Murphy: Further discussion? All those in favor of the motion, as articulated by Mr. Hart –

Commissioner Hart: If I could –

Chairman Murphy: Almost articulated by Mr. Hart.

Commissioner Hart: To Commissioner de la Fe's point, I wasn't meaning to blame to Park Authority necessarily. I don't know where this went off the rails. I just know that it did. And thought it would reasonable –

Commissioner de la Fe: You made it very clear in your statement that it was the Park Authority. You did. It's in the record.

Commissioner Hart: Everything I said – the Park Authority at the time of the approval, I thought, was on – and I thought all four of us thought that. Maybe everybody did – that the Park Authority was on board. We would never have done this if they were not going to do it after the fact this went wrong. We ought not be voting on things if their decision is subject to something else happening later. The Park Authority does an amazing job. They are the stewards of – they're perhaps the biggest landowner in the County. They're the stewards of many, many properties. And it may have been a reasonable decision in this instance –

Commissioner de la Fe: It was a different Park Authority Board.

Commissioner Hart: -to take a property that doesn't have – that it was an old landfill that maybe had liability. My problem is the process didn't work because we got left high and dry after the fact. Anyway, I don't mean to pass the blame on the Park Authority and I'm trying to make that clear.

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Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Mr. Hart, I know you were trying to end on a high note, as was everyone in here.

Commissioner Hart: I was. I thought – maybe in the middle.

Commissioner Migliaccio: Perhaps just withdrawing your motion and packing it up and let's go home.

Commissioner Hart: Let's see what happens.

Chairman Murphy: All those in favor of the motion as – I'm not going to ask if there's any more discussion, I guarantee you – all those in favor of the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Migliaccio: No.

Commissioner de la Fe: I abstain.

Chairman Murphy: Okay, the motion carries. Mr. Migliaccio votes no. Mr. de la Fe abstains.

Commissioner Flanagan: Mr. Flanagan votes no.

Chairman Murphy: And Mr. Flanagan votes no.

Chairman Murphy: Okay. Just a couple words, if I may. As Chairman of the Planning Commission, it is my honor when there are an even number of Commissioners to be the swing vote. I did that for many reasons. Mathematically, if I didn't swing the way I swung, the motion would have failed anyway and we would be stuck with a hung jury at 5 to 5 because there are only 5 – 10 Commissioners present tonight. But I didn't really do – and I thought that would send a bad motion – message to the Board because I don't think anyone here would have been willing to change the numbers. And we could have been here until 3:15 Sunday night trying to figure out how we were going to get a 6 to 5 vote. Also, I am not in favor of sending to the Board of Supervisors, no matter how awesome the task, a recommendation without a recommendation. We don't do that. But I look at it more as a challenge to both the citizens and Mr. McDermott and the applicant. This is not a free pass for the applicant. And it's not a free pass for the citizens either. I don't know what the Board is going to do, but if you want the best deal possible – if the

Board approves this – it is your time, both of you, to stop spinning your ties, work together, and come up with a meaningful compromise to present to the Board of Supervisors that they can act on with credibility and with what’s best for Lorton and this County. Because I agree, this is not an MV application or an SP or a LE. It is a countywide application. It just happens to be in the Mount Vernon District. And I can remember back when – when I first started on the Planning Commission – and citizens from this area where you live now came to Elaine McConnell and me and said we’re tired of living in an area that’s known for a dump and a prison. What can you do about it? And lo and behold, Till Hazel came and said, “Let’s do Crosspointe and I’ll throw in a school.” And that was really the first magnificent residential development Lorton had seen for years and years and years. And that kicked off, I believe, the residential development in that area of the County and what’s gone on ever since. And I know their issues with what’s going on with the dump and what’s going on with this and that and the other thing on that parcel of land. But this is a time to work together. I want to thank Mr. Flanagan. He has done job at the tiller – sailing this ship again with some – on some rocky waters along with Mr. Sargeant and those other folks that served on the committee. I want to thank the staff, the backup singers who we didn’t hear from this evening. And also, in particular, Mr. Mayland and Ms. Tsai. They have been tethered to bucking broncos for a long time and the ride ain’t over yet. Because as this goes to the Board, and I think they’re bringing some messages with them as to how not only the citizens but how the Planning Commission feels, that will be articulated when the Board of Supervisors gets together and find – find and determines what to do with this application – Mr. Flanagan.

Commissioner Flanagan: Thank you for allowing me to – to take the opportunity to thank the President of the South County Federation, the Vice President of the South County Federation, and the Chairman of the Land Use Committee who have come out this evening not to testify, but just to be sure that they fully understand the discussion that we have just now had. And so I really do thank them for being here this evening. That’s Mr. – it’s the three of those gentleman sitting back there.

Chairman Murphy: Thank you guys.

Commissioners: Yes, thank you for coming.

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(The first motion failed to pass by a vote of 4-6. Commissioners Hart, Hedetniemi, Hurley, Migliaccio, Murphy, and Ulfelder voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.)

(The second motion carried by a vote of 6-4. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.)

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(The third motion failed to pass by a vote of 4-6. Commissioners Hart, Hedetniemi, Hurley, Migliaccio, Murphy, and Ulfelder voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.)

(The fourth motion carried by a vote of 6-4. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.)

(The fifth motion carried by a vote of 7-2-1. Commissioners Flanagan and Migliaccio voted in opposition. Commissioner de la Fe abstained. Commissioners Hall and Litzenberger were absent from the meeting.)

JLC

Board Agenda Item  
July 29, 2014

5:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern