

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 7, 2023**

AGENDA

- | | | |
|-------|--------------------------|---|
| 9:30 | Done | Presentations |
| 9:30 | Adopted Report #2 | Report on General Assembly Activities |
| 10:00 | Done | Matters Presented by Board Members |
| 10:00 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Blake Lane (Route 655) (Providence District) |
| 2 | Approved | Streets into the Secondary System (Hunter Mill District) |
| 3 | Approved | Supplemental Appropriation Resolution AS 23165 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the Virginia Department of Behavioral Health and Developmental Services for Marcus Alert Implementation |
| 4 | Approved | Supplemental Appropriation Resolution AS 23166 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the Virginia Department of Behavioral Health and Developmental Services for the STEP-VA Services for Case Management, Care Coordination and Psychiatric Rehabilitation |
| 5 | Approved | Authorization to Schedule and Advertise a Public Hearing on the Proposed One-Year Action Plan for FY 2024 |

ACTION ITEMS

- | | | |
|---|-----------------|--|
| 1 | Approved | Authorization to Execute a Rectangular Rapid Flashing Beacon Maintenance Agreement with the Virginia Department of Transportation and Approval of Funding Allocation |
| 2 | Approved | Adoption of a Value Engineering Policy Update for Fairfax County Capital Construction Projects |
| 3 | Approved | Adoption of a Resolution Terminating a Declaration of Local Emergency and Consenting to All Actions Taken by the Director of Emergency Management and County Staff |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 7, 2023**

**INFORMATION
ITEMS**

- | | | |
|---|--------------|--|
| 1 | Noted | Endorsement of Design Guidance for the Tysons Community Circuit (Hunter Mill and Providence Districts) |
| 2 | Noted | Endorsement of Street Tree Canopy Credit and Planting Alternatives for Constrained Sites |

CLOSED SESSION

Done [Closed Session](#)

**PUBLIC
HEARINGS**

- | | | |
|------|-----------------|--|
| 1:30 | Approved | Public Hearing on RZ 2021-PR-00030 (Fairfax County School Board, A Body Corporate) (Providence District) |
|------|-----------------|--|



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
February 7, 2023

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize the staff, students, teachers and community members involved in the county’s Historical Marker Project. Requested by Chairman McKay and Supervisors Palchik, Smith **and Lusk**.
- RESOLUTIONS — To recognize the West Springfield Girls and W.T. Woodson Boys Championship Cross Country teams. Requested by Chairman McKay and Supervisors Walkinshaw, Gross, Palchik, Herrity and Lusk.
- RESOLUTION — To recognize Reston native Nate Mook for his accomplishments as CEO of World Central Kitchen. Requested by Supervisor Alcorn.
- RESOLUTION — To recognize former Fairfax City Mayor David Meyer for his accomplishments and contributions to the community. Requested by Chairman McKay.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs

Board Agenda Item
February 7, 2023

9:30 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

Documents available online at <https://www.fairfaxcounty.gov/boardofsupervisors/>, under "2023 Board Legislative Reports," by February 6, 2023.

PRESENTED BY:

Supervisor James R. Walkinshaw, Chairman, Board of Supervisors' Legislative Committee
Bryan J. Hill, County Executive

Board Agenda Item
February 7, 2023

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
February 7, 2023

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
February 7, 2023

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Blake Lane (Route 655) (Providence District)

ISSUE:

Authorization of a public hearing on a proposal to vacate and abandon a portion of Blake Lane (Route 655).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject right-of-way.

TIMING:

The Board should take action on February 7, 2023, to provide sufficient time to advertise the public hearing for March 21, 2023, at 4:30 p.m.

BACKGROUND:

The applicants, Edwin Giovanni Vizcardo Lazo and Dahlia Sara Lichter, are requesting that a portion of Blake Lane (Route 655) be vacated under §15.2-2272 of the Virginia Code and abandoned under §33.2-909 of the Virginia Code. As a result of the Fairfax County roadway construction project 0655-029-B86-C501, Blake Lane was realigned along with Jermantown Road to create the existing condition. The subject portion of Blake Lane is a remnant of the previous alignment.

The subject portion of Blake Lane is located directly west of the intersection of Palmer Street and Blake Lane, and is paved and part of the State System of Highways. The properties that abut the existing right-of-way to be vacated are currently occupied (Tax Map parcels 0472-07-0024A, 0472-21-000X, and 0472-19-00E1) and the vacated land would revert to them after the vacation. The total area to be vacated is approximately 5,912 square feet.

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access.

Board Agenda Item
February 7, 2023

Vacation

The project manager has certified that all vacation requirements for the project have been met.

The proposal to vacate and abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Development, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment I: Application Letter of Justification
- Attachment II: Notice of Intent to Vacate and Abandon
- Attachment III: Ordinance of Vacation
- Attachment IV: Abandonment Order
- Attachment V: Vacation/Abandonment Plat
- Attachment VI: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Jeff Hermann, Division Chief, FCDOT
Greg Fuller, Section Chief, FCDOT
Jeffrey Edmondson, FCDOT

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney

Oakton, January 21 2022

To Whom It May Correspond,

My name is Edwin Giovanni VIZCARDO LAZO. My wife, Dahlia Sara LICHTER, and I have been paying taxes in the State of Virginia since 2004. We have four young daughters living with us. After years of renting in Fairfax county, we decided to purchase the property located at 2976 Palmer St, Oakton, VA, 22124 in June 2019. It is located at the corner of Palmer St and Blake Ln. We would like to request the vacation and abandonment of a portion of Blake Ln. Because of our family's safety and security, we would like to annex that abandoned right of way to our main lot.

That said portion is a leftover of 40 years of changes/redirections on the surrounding county roads. The original house sits with its front porch facing this right of way. There are only 35 feet between our front door and this said portion. When we moved into the house, this right of way was full of vegetation with all sorts of vines and weeds. The few standing trees were being suffocated and killed by the uncontrolled growth of climbing plants. Some of the trees have inevitably died and others grew bentwards because of the weeds' weight and height, which went onto neighboring trees producing the same effects.

The aggressive growth of all sorts of vegetation created a bushy area that would reach past my gate in front of my porch. We noticed people coming in and out of this area particularly at night because that right of way's darkness offered a refuge for them. After calling the police and communicated our concerns to the authorities, we quickly realized that they had other priorities and coming to sit at a dead-end road was not really at the top of their list. We then decided to cut on the vegetation and make it the front view for our house more secured and safer. We found a variety of litter that included items from needles to glass pipes and condoms.

We undertook the effort of cleaning everything ourselves. We installed cameras and motion-detection lights around it. It took us months to beautify that forgotten corner. Gladly, we constantly received compliments by walkers and bikers who otherwise were not able to use the sidewalk because of the overgrown vegetation. We also acquired the lot X (according to county records) that used to belong to a company that went bankrupt in the early 2000s. We alerted the county about this after decades into oblivion. They put the land into auction. We bid for it in a complicated process but finally acquired lot X. This is when we realized we could request the abandonment of the road between our two lots (lot X and lot 24A) so that we that we can put a final period to our years of efforts. We have invested a significant amount of money into this. Might add as well a sciatica problem that started after a hard day of pulling weed roots as thick as young tree trunks.

Our intent for this process is not to build anything beyond our main structure. It is to have the formal possession of a land we have worked on very hard. Our top priority is to offer a safer and more secured corner for our family and our neighborhood. If our request is granted, we will be planting more trees and bushes. As there are several easements in that corner, we could not do anything else than that. We are aware of our responsibilities regarding giving access to the proper personnel of such utilities each time they need to.

We remain at your disposal for anything further you may need,

Edwin Giovanni VIZCARDO LAZO
Dahlia Sara LICHTER

NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING AND AN ORDER ABANDONING
A PART OF A PLAT ON WHICH IS SHOWN

Blake Lane Route 655

Providence District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on March 21, 2023, at 4:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. § 15.2-2204, § 15.2-2272(2) and § 33.2-909, vacating and abandoning a part of the plat of Blake Lane, recorded in Deed Book R-6, at Page 656, on which is shown Blake Lane – Route 655 (shown as “County Road from Oakton”). The road is located adjacent to Tax Maps 47-2-7-24A, 47-2-21-X, and 47-2-19-E1, and is shown on the plat prepared by Archive Surveying, LLC, dated February 2, 2022, and sealed July 7, 2022, which is on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

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

PROVIDENCE DISTRICT.

ADOPTION OF AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

Blake Lane Route 655

Providence District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax County, Virginia, on March 21, 2023, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Part of the Plat of Blake Lane, recorded in Deed Book R-6 at Page 656, on which is shown Blake Lane, consisting of 5,912 square feet; located on Tax Map 47-2, and shown on the plat prepared by Archive Surveying, LLC, dated February 2, 2022, and sealed July 7, 2022, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2272(2).

This vacation is subject to any right, privilege, permit, license, easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either currently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the vacated roadway, without any permission of the landowner.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ORDER OF ABANDONMENT

Blake Lane Route 655

PROVIDENCE DISTRICT
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 21st day of March, 2023, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code §33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

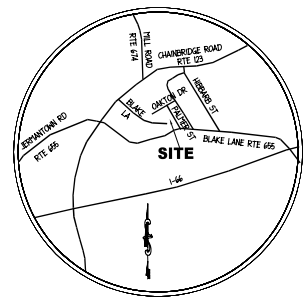
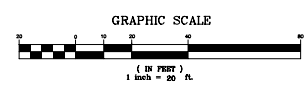
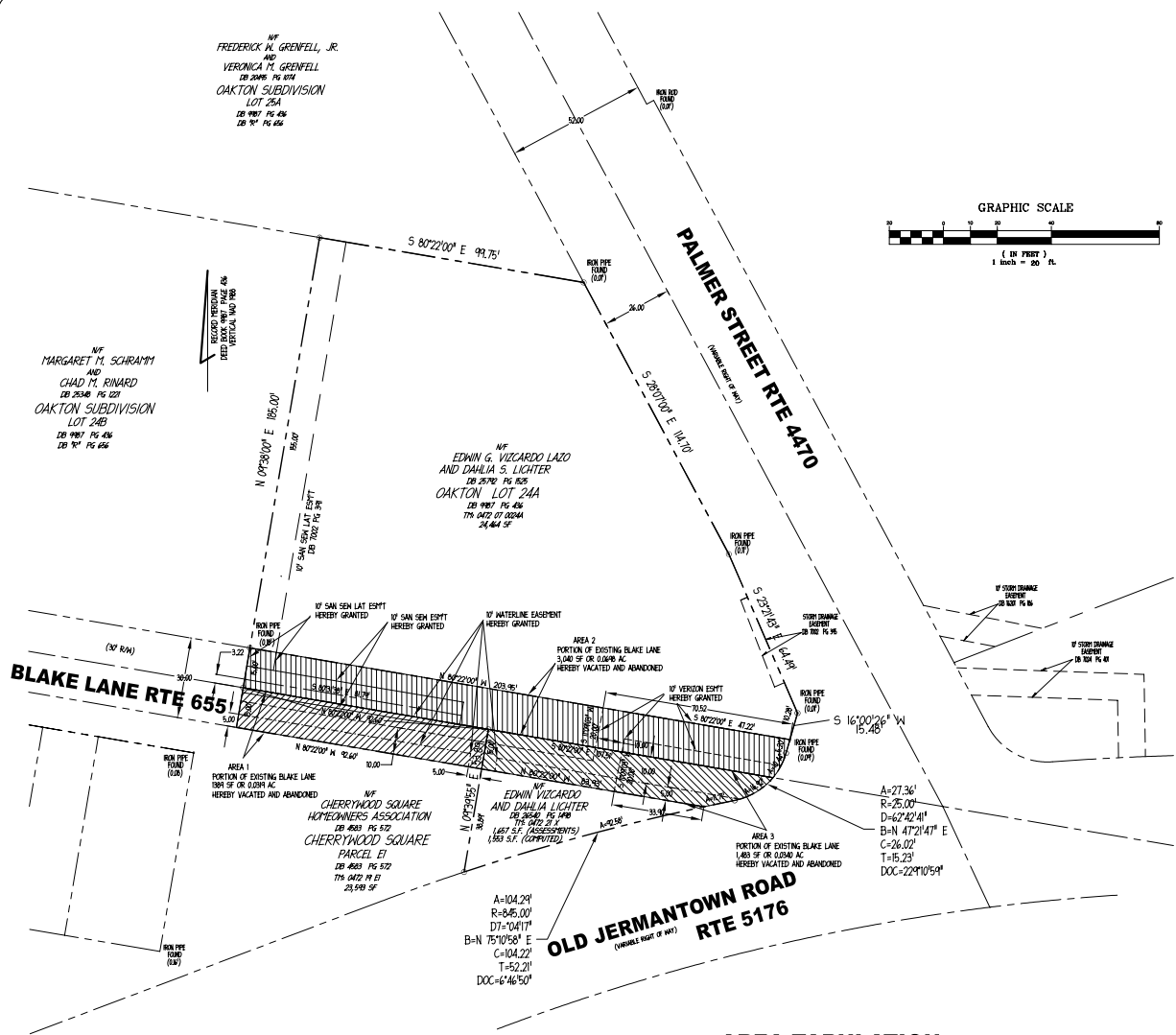
WHEREFORE, BE IT ORDERED:

That Blake Lane, consisting of 5,912 square feet; located on Tax Map 47-2, and shown on the plat prepared by Archive Surveying, LLC, dated February 2, 2022, and sealed July 7, 2022, which is attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either currently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



NOTES:

1. THE ADJACENT PROPERTIES SHOWN HEREON ARE IDENTIFIED ON FAIRFAX COUNTY TAX ASSESSMENT MAP NO. 047-2-07-0024A, 047-2-R-E1 AND 047-2-21-X.
2. BOUNDARY INFORMATION SHOWN HEREON IS A COMPILATION OF A FIELD RUN BOUNDARY SURVEY FOR PARCEL X PERFORMED BY REMY G. DUCOTE AND FROM INFORMATION OF RECORDED DEEDS AND/OR PLATS.
3. IFF DENOTES IRON PIPE FOUND (IRON PIPES ARE NOT USED FOR DETERMINING BUILDING LOCATION MAY BE APPROXIMATELY SHOWN).
4. THIS PLAN IS MADE SUBJECT TO ALL EASEMENTS, COVENANTS, CONDITIONS, RIGHT-OF-WAY RESERVATIONS, AND RESTRICTIONS OF RECORD LEGALLY AFFECTING THE TITLE TO THE PROPERTY DEPICTED HEREON.
5. SUBSURFACE UTILITIES AND FACILITIES NOT SHOWN MAY EXIST.
6. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE SURVEY AND THEREFORE DOES NOT NECESSARILY INCLUDE ALL ENCUMBRANCES ON THE PROPERTY.
7. ACCORDING TO FIRM MAP FOR FAIRFAX COUNTY, COMMUNITY NO. 5106K0046E, THESE PROPERTIES LIES IN ZONE 'X', AREAS OF MINIMUM FLOOD HAZARD.

SURVEYOR'S CERTIFICATE

I, SUSAN RENEE BENSON, A LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY REVIEWED THE PROPERTY DELINEATED BY THIS PLAT. THE BOUNDARY INFORMATION SHOWN HEREON, IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND IS BASED ON AN SUBDIVISION PLAT RECORDED IN THE FAIRFAX COUNTY LAND RECORDS AT DB 4583, PAGE 572 AND TITLED "SECTION 2-A OAKTON VILLAGE" DATED FEB. 23, 1977 AND RESUBDIVISION PLAT RECORDED IN THE FAIRFAX COUNTY LAND RECORDS AT DB 9987 PG 436 AND TITLED "RESUB OF LOTS 24 AND 25 OAKTON SUBDIVISION" DATED 9/26/1995 AND A FIELD RUN BOUNDARY SURVEY OF PARCEL X. I FURTHER CERTIFY THAT THE LAND EMBRACED BY THIS PLAT OF RIGHT-OF-WAY VACATION LIES ENTIRELY WITHIN THE BOUNDS OF THE ORIGINAL TRACT, THAT THIS PLAT REPRESENTS AN ACCURATE SURVEY OF THE SAME AND THAT THE PROPERTY SHOWN HEREON IS REFERENCED TO NORTH AS RECORDED IN DB. 9987 PG 436.

GIVEN UNDER MY HAND THIS _____TH DAY OF _____^{MO} 2022.

Susan Benson
SUSAN RENEE BENSON, LSB #1499-B

AREA TABULATION

EXISTING BLAKE LANE (PORTIONS VACATED/ABANDONED)	
AREA 1	899 SF OR 0.0206 AC
AREA 2	3040 SF OR 0.0696 AC
AREA 3	1483 SF OR 0.0340 AC
TOTAL AREA VACATED=5422 SF OR 0.1252 AC	

ARCHIVE SURVEYING, LLC
 CIVIL ENGINEERING PLANNING SURVEYING
 3 GEDDY WAY, STAFFORD, VA 22654
 PH: (504) 668-7911 CELL: (504) 846-7105
 BENSON@ARCHIVE.SURVEYING

PLAT SHOWING VACATION AND ABANDONMENT OF A PORTION OF BLAKE LANE
 R-6 PG 656, DB 7002 PG 301 AND DB 9987 PG 436
 2016 PALMER STREET
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

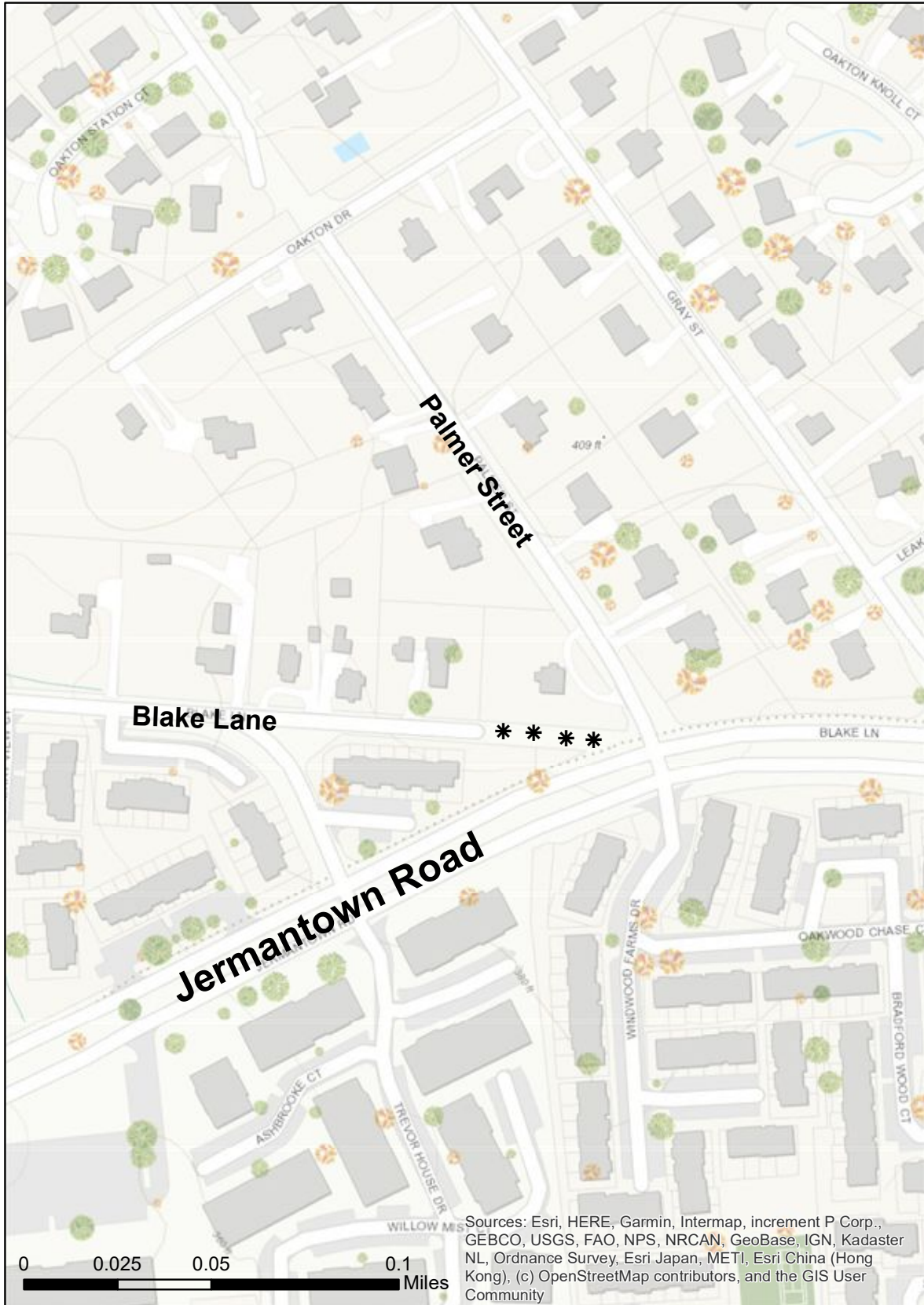
REVISIONS	DATE



DATE 2-2-2022
 SCALE 1"=20'
 SHEET NUMBER

1

Vacation and Abandonment of a Portion of Blake Lane Providence District



Tax Map 47-2

✱ Denotes Area to be Vacated and Abandoned

Board Agenda Item
February 7, 2023

ADMINISTRATIVE - 2

Streets into the Secondary System (Hunter Mill District)

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>
Woodland Park East	Hunter Mill	Woodland View Drive

TIMING:

Board approval is requested on February 7, 2023.

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:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>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.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 5518-SP-043</p> <p>SUBDIVISION PLAT NAME: Woodland Park East</p> <p>COUNTY MAGISTERIAL DISTRICT: Hunter Mill</p>		
<p>ENGINEERING MANAGER: Robert H. Burton</p> <p>BY: <u><i>Nadia Alphonse</i></u></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u><i>12/19/2022</i></u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Woodland View Drive	CL Monroe Street, Route 666 - 1,482' NE CL Sunrise Valley Drive, Route 5320	2,122' W to End of Cul-de-Sac	0.40
<p>NOTES: Sidewalks are Privately Maintained</p>			<p>TOTALS: 0.40</p>

Board Agenda Item
February 7, 2023

ADMINISTRATIVE - 3

Supplemental Appropriation Resolution AS 23165 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the Virginia Department of Behavioral Health and Developmental Services for Marcus Alert Implementation

ISSUE:

Board of Supervisors authorization is requested for the Fairfax-Falls Church Community Services Board (CSB) to accept grant funding totaling \$600,000 from the Department of Behavioral Health and Developmental Services (DBHDS) for activities related to Marcus Alert, Virginia's comprehensive behavioral health crisis response system that is currently under development across the Commonwealth. Funding has been provided to improve behavioral health response capability in the community and to enhance coordinated responses between public safety and behavioral health partners. Funding will support 4/4.0 FTE new grant positions to complete these activities. The grant period is July 1, 2022, to June 30, 2023. No Local Cash Match is required. DBHDS awarded this funding to the Fairfax-Falls Church CSB through an Exhibit D of the Community Services Performance Contract. The Community Services Performance Contract was approved by the Board on August 2, 2022; however, this Board item is needed in order to appropriate funding in the Federal-State Grant Fund. The Exhibit D has been fully executed (Attachment 1). When grant funding expires, the County is under no obligation to continue funding the program; however, DBHDS has indicated that ongoing funding will be added to the State Performance Contract beginning in FY 2024.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 23165 to accept grant funding from the DBHDS in the amount of \$600,000 to support activities related to Marcus Alert to include improved behavioral health response capability in the community and enhanced coordinated responses between public safety and behavioral health partners. Funding supports 4/4.0 FTE new grant positions. No Local Cash Match is required.

TIMING:

Board approval is requested on February 7, 2023.

BACKGROUND:

In 2020 the Marcus-David Peters Act became law in the Commonwealth of Virginia, following the 2020 Special Session of the General Assembly and required 9-1-1, public safety agencies, law enforcement and behavioral health agencies to work together to improve responses to individuals in behavioral health crisis in the community. The vision for this system is outlined in the State Plan for the Implementation of the Marcus-David Peters Act. DBHDS is the state agency overseeing Marcus Alert requirements and implementation statewide. Fairfax County is in the second round of statewide Marcus Alert implementation with implementation slated for Summer 2023.

Implementation will include diversion of behavioral health calls made to 9-1-1 to a Regional Crisis Call Center whenever feasible and improved coordination between public safety and behavioral health agencies in responding to behavioral health concerns in the community. Marcus Alert requirements will not be implemented statewide until 2028.

DBHDS has provided ongoing funding to create 4/4.0 FTE new grant positions to improve behavioral health response capability in the community and to enhance coordinated responses between public safety and behavioral health partners. The new grant positions are as follows:

- 3/3.0 FTE new Behavioral Health Specialist II grant positions to staff an overnight CSB Mobile Crisis Team to provide onsite crisis intervention to individuals in a behavioral health crisis and support public safety first-responders on the scene. The team will include certified pre-screeners who are able to conduct Temporary Detention Order (TDO) evaluations onsite and will assist in diverting individuals from potential arrest or hospitalization and connect them to community treatment programs. Funding will also support staffing to coordinate interagency efforts to divert behavioral health calls for service from 9-1-1 to a Regional Crisis Call Center and Regional Mobile Crisis Teams as required by state code for Marcus Alert.
- 1.0 FTE new Management Analyst III grant position to oversee cross-system improvements to crisis response, lead system communications and training, manage interagency agreements and operational procedures between County partners, represent the County on regional and statewide workgroups, and meet data and reporting requirements. Lastly, funding will support regional coordination activities as behavioral health crisis response resources are funded by the state on a regional basis and are shared among the Northern Virginia CSBs (Fairfax-Falls Church, Arlington, Alexandria, Prince William, and Loudoun).

Board Agenda Item
February 7, 2023

Marcus Alert state requirements are aligned with existing efforts in Fairfax County including the Diversion First initiative and the County's Co-Responder Program (an existing partnership between Fairfax County Police Department and the Fairfax-Falls Church CSB that pairs a Crisis Intervention Team trained police officer with trained clinical staff to respond to behavioral health related 9-1-1 calls in the community).

FISCAL IMPACT:

Funding in the amount of \$600,000 from the Virginia Department of Behavioral Health and Developmental Services will support activities related to Marcus Alert including improved behavioral health response capability in the community and enhanced coordinated responses between public safety and behavioral health partners. No Local Cash Match is required. This grant does not allow for the recovery of indirect costs. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2023.

CREATION OF NEW POSITIONS:

There are 4/4.0 FTE new grant positions associated with this funding. The County is under no obligation to continue funding these positions when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1: DBHDS Exhibit D: Fairfax-Falls Church Community Services Board
Contract No. D1279.762

Attachment 2: Supplemental Appropriation Resolution AS 23165

STAFF:

Christopher A. Leonard, Deputy County Executive

Daryl Washington, Executive Director, Fairfax-Falls Church Community Services Board

**Exhibit D: Fairfax-Falls Church Community Services Board
Performance Measures for the Marcus Alert Program
Contract No. D1279.762**

This Agreement is between the Department of Behavioral Health and Developmental Services (“DBHDS” or “Department”) and the Fairfax-Falls Church Community Services Board (“CSB” or “Subrecipient”), collectively hereinafter referred to as “the Parties”. The Parties have entered into this Agreement to govern certain activities and responsibilities required for operating or contracting the Marcus Alert Program (the “Program” or “Service”). This Agreement is attached to and made part of the performance contract by reference.

Purpose

This Exhibit D and its funds are for the purpose of supporting, planning and implementing the Marcus Alert System.

Term: This Agreement shall govern the performance of the Parties for the period of 7/1/2022 through 6/30/2023 (“Period of Performance”).

- A. Scope of Services:** The planning and implementation of the Marcus Alert System complies with the Code of Virginia §9.1-193 and § 37.2-311.1.
- B. The CSB Responsibilities:** In order to implement the Marcus Alert Program, the CSB agrees to comply with the following requirements.
1. The CSB shall solicit stakeholder input on the development of a Local Marcus Alert Plan. Input may be sought through existing stakeholder groups with diverse representation as outlined in the Stakeholder List in the Marcus Alert Local Plan Guide (Version: April 2022) published by DBHDS.
 2. The CSB shall work in close collaboration with the Regional Marcus Alert Coordinator for TA of the planning.
 3. The CSB shall contribute to the cost of the Marcus Alert Regional Coordinator as determined by the region.
 4. The CSB shall facilitate and coordinate collaboration between public safety answering points, law enforcement, and the regional Crisis Call Center and Mobile Crisis Hub. The CSB shall participate on regional development planning groups.
 5. The initial Marcus Alert implementation area should have representation on any regional development planning groups.
 6. The CSB shall implement the initial plan to launch July 1, 2023.
 7. The CSB shall collaborate on data collection needs for quality improvement, participate in data collection problem-solving and support overall quality improvement in the CSB catchment area after implementation.
- C. The Department Responsibilities:** In order to implement the Marcus Alert Program, the Department agrees to comply with the following requirements.
1. The Department shall share in a timely manner any information received regarding true costs of the project to support ongoing appropriate estimate of cost by key decision makers.
 2. The Department shall review the Local Plan submitted by the CSB by April 1, 2023, if not sooner.
 3. The Department shall hold monthly technical assistance meetings and make any additional technical guidance available to the CSB. Additional technical guidance shall include any guidance and requirements for a local Marcus Alert Program that are not included in the *Marcus Alert Local Plan Guide (Version: April 2022)* published by DBHDS.
 4. The Department shall use feedback from the CSB to inform the overall statewide implementation plan to inform amendments to the State Plan for the Implementation of the Marcus-David Peters Act (Version: July 2021).
- D. Payment Terms:** The Department shall provide the CSB \$600,000. These funds will be delivered in a single lump sum on the warrant payment schedule following full execution of this Agreement. The Department may, at its reasonable discretion, modify payment dates or amounts, or terminate this Agreement and will notify the CSB of any such changes in writing at least 30 days before the change.
- E. Limitations on Reimbursements:** CSB shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance.

**Exhibit D: Fairfax-Falls Church Community Services Board
Performance Measures for the Marcus Alert Program
Contract No. D1279.762**

F. Use of Funds: The CBS may not use the funds provided under this Agreement for any purpose other than as described herein and allowable to carry out the purposes and activities of the Program or Service. In addition, for federal funds, Exhibit F of the Performance Contract contains requirements and regulations for all federal funding that passes through the Department. The CSB agrees that if it does not fully implement this Program as approved or as subsequently modified by agreement of the Parties, the Department shall be able to recover part or all of the disbursed funds.

G. Performance Outcome Measures:

All planning performance will be measured utilizing the eight (8) required local plan components listed as below (Total of 8 are required as outlined in the Marcus Alert Local Plan Guide (Version: April 2022) published by DBHDS and DCJS). These components must be submitted in accordance with the Marcus Alert Local Plan Guide (Version: April 2022) to DBHDS by February 1, 2023.

The required eight (8) sections are:

1. Local Agency Inventory
2. Stakeholder Member List
3. Marcus Alert Responses
4. Protocol 1
5. Protocol 2 (not required for those choosing to be exempt)
6. Protocol 3 (not required for those choosing to be exempt)
7. Budget
8. Contact Information

H. Reporting Requirements:

1. The CSB must submit a preliminary budget plan of the funding by November 30, 2022. The planning budget shall be completed on the same template as provided in the Marcus Alert Local Plan Guide (Version: April 2022) published by DBHDS and include anticipated costs related to planning and preparations for implementation. The CSB must submit a final expense sheet by June 30, 2023.
2. Submit a written plan for achieving 24 hours a day, 7 days a week community coverage plan which is to be implemented by June 30, 2023. This plan should include regional and local assets as well as document any barriers to achieving this coverage such as staffing or funding shortages.
3. For localities that utilize co-response or community care teams, they shall submit a summary of the team's composition, hours of operation, governance structure of team, and a dictionary of the data that the team collects.
4. The CSB shall provide data reports as required in CCS 3 and finance reports on the funds provided by the Department as required in CARS pursuant to the Reporting and Data Quality Requirements of the Community Services Performance Contract.

I. Monitoring, Review, and Audit: The Department may monitor and review use of the funds, performance of the Program, and compliance with this Agreement, which may include onsite visits to assess the CSB's governance, management and operations, and review relevant financial and other records and materials. In addition, the Department may conduct audits, including onsite audits, at any time during the term of this Agreement.

J. Entire Agreement: This Agreement and any additional or supplementary document(s) incorporated herein by specific reference contain all the terms and conditions agreed upon by the Parties hereto, and no other contracts, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the Parties hereto.

K. Counterparts and Electronic Signatures: Except as may be prohibited by applicable law or regulation, this Agreement and any amendment may be signed in counterparts, by facsimile, PDF, or other electronic means, each of which will be deemed an original and all of which when taken together will constitute one agreement. Facsimile and electronic signatures will be binding for all purposes.

**Exhibit D: Fairfax-Falls Church Community Services Board
Performance Measures for the Marcus Alert Program
Contract No. D1279.762**

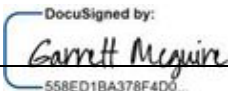
L. Conflicts: In the event of any conflict between this Agreement (or any portion thereof) and any other agreement now existing or hereafter entered into, the terms of this Agreement shall prevail.

Signatures: In witness thereof, the Department and the CSB have caused this Agreement to be executed by the following duly authorized Parties.

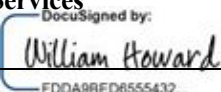
**Virginia Department of Behavioral Health
and Developmental Services**

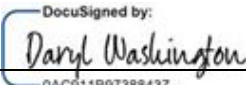
By:  _____
Name: Cort Kirkley
Title: Deputy Commissioner
Date: 11/29/2022 | 11:46 EST

**Fairfax-Falls Church Community Services
Board**

By:  _____
Name: Garrett Mcguire
Title: Chairperson
Date: 11/29/2022 | 10:04 EST

Crisis Services

By:  _____
Name: William Howard, LCSW
Title: Acting Assistant Commissioner of
Crisis Services
Date: 11/29/2022 | 10:35 EST

By:  _____
Name: Daryl Washington
Title: Executive Director
Date: 11/29/2022 | 10:01 EST

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 23165

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on February 7, 2023, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2023, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7620, Fairfax-Falls Church Community Services Board	
Grant:	1760095-2023, Marcus Alert Program	\$600,000

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$600,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: VA Dept. of Behavioral Health and Developmental Svcs., \$600,000

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
February 7, 2023

ADMINISTRATIVE - 4

Supplemental Appropriation Resolution AS 23166 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the Virginia Department of Behavioral Health and Developmental Services for the STEP-VA Services for Case Management, Care Coordination and Psychiatric Rehabilitation

ISSUE:

Board of Supervisors authorization is requested for the Fairfax-Falls Church Community Services Board (CSB) to accept grant funding totaling \$418,413 from the Department of Behavioral Health and Developmental Services (DBHDS) for activities and responsibilities required for implementing System Transformation Excellence and Performance (STEP-VA) services for Case Management, Care Coordination and Psychiatric Rehabilitation. This is ongoing funding to expand STEP-VA services. STEP-VA is intended to reform the public mental health system by improving access, quality, consistency, and accountability in public mental health services across the Commonwealth. Funding will support 5/4.0 FTE new grant positions to provide direct treatment services. The grant period is August 5, 2022, to June 30, 2023. No Local Cash Match is required. The Community Services Performance Contract was approved by the Board on August 2, 2022; however, this Board item is needed in order to appropriate funding in the Federal-State Grant Fund. The Exhibit D has been fully executed (Attachment 1). When grant funding expires, the County is under no obligation to continue funding the program; however, DBHDS has indicated that ongoing funding will be added to the State Performance Contract beginning in FY 2024. It should be noted that the state is utilizing ARPA State and Local Fiscal Recovery Funds in year 1 but has included state general funds in year 2 and beyond.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 23166 to accept funding from the DBHDS in the amount of \$418,413 to implement STEP-VA services for Care Management, Care Coordination and Psychiatric Rehabilitation. Funding supports 5/4.0 FTE new grant positions. No Local Cash Match is required.

TIMING:

Board approval is requested on February 7, 2023.

BACKGROUND:

The purpose of STEP-VA is to reform the public mental health system by improving access, quality, consistency, and accountability in public mental health services across the Commonwealth. STEP-VA is a Virginia code-mandated long-term initiative that requires all 40 CSBs and Behavioral Health Authorities (BHAs) implement nine essential services, referred to as steps, and requires consistent quality measures and oversight. Over time, after full implementation of STEP-VA, DBHDS anticipates fewer admissions to state and private hospitals, decreased emergency room visits, and reduced involvement of individuals with behavioral health disorders in the criminal justice system. Ongoing funding of \$418,413 has been provided by DBHDS to support 5/4.0 FTE new grant positions in Case Management, Care Coordination and Psychiatric Rehabilitation which are three of the essential services included in STEP-VA. The CSB will provide direct treatment services as follows:

- Case Management: The purpose is to ensure behavioral health and physical health needs are routinely assessed to link appropriate services in a coordinated, effective, and in an efficient manner to support the needs of the individual and family and promote wellness and integration into all aspects of life. Funding will support 1/0.5 FTE new grant position to expand case management services.
- Care Coordination: The purpose is to deliberately organize individual care activities and share information among all of the participants concerned with an individual's care to achieve safer and more effective care. Funding will support 3/2.75 FTE new grant positions (1/0.75 FTE Behavioral Health Specialist I grant position and 2/2.0 FTE Peer Support Specialist grant positions). These positions will strengthen services by improving care during level of care transitions and at times when individuals are in crisis.

The CSB plans on becoming involved with the Emergency Department Care Coordination (EDCC) data sharing with Emergency Departments. These positions will provide targeted coordination to individuals served by the CSB that have visited the emergency room. These positions will also provide targeted coordination to individuals who have an intersection with the emergency and crisis services. Lastly, the positions will help during critical transition times to help coordinate care, such as when someone served by the CSB is transitioning from incarceration back into the community or transitioning back to the community after a hospitalization.

- Psychiatric Rehabilitation Services: The purpose is to support individuals with Serious Mental Illness (SMI), Substance Use Disorder (SUD), and Serious Emotional Disturbance (SED) in developing or regaining independent living skills. Psychiatric Rehabilitation is designed to help individuals with SMI, SUD,

Board Agenda Item
February 7, 2023

and SED increase their functioning so that they can be successful and satisfied in the environments of their choice with the least amount of ongoing professional intervention as possible. Funding will support 1/0.75 FTE new Behavioral Health Specialist I grant position which will strengthen services by providing life skills training and housing supports to individuals being served in the CSB DBHDS permanent supportive housing collaboration.

FISCAL IMPACT:

Funding in the amount of \$418,413 from the Virginia Department of Behavioral Health and Developmental Services has been awarded to implement STEP-VA services for Care Management, Care Coordination and Psychiatric Rehabilitation. No Local Cash Match is required. This grant does not allow for the recovery of indirect costs. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2023.

CREATION OF NEW POSITIONS:

There are 5/4.0 FTE new grant positions associated with this funding. The County is under no obligation to continue funding these positions when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1: DBHDS Exhibit D Award Summary
Attachment 2: Supplemental Appropriation Resolution AS 23166

STAFF:

Christopher A. Leonard, Deputy County Executive
Daryl Washington, Executive Director, Fairfax-Falls Church Community Services Board

Performance Measures for the STEP-VA Services for Case Management, Care Coordination and Psychiatric Rehabilitation
Contract No. D0839.762

This Agreement is between the Department of Behavioral Health and Developmental Services (“DBHDS” or “Department”) and the **Fairfax-Falls Church Community Services Board** (“CSB” or “Subrecipient”), collectively hereinafter referred to as “the Parties”. The parties have entered into this Agreement to govern certain activities and responsibilities required for operating or contracting the **STEP-VA Services for Case Management, Care Coordination and Psychiatric Rehabilitation** (the “Program” or “Service”). This Agreement is attached to and made part of the performance contract by reference.

Purpose

The purpose of Virginia's Behavioral Health System Transformation Excellence and Performance (STEP-VA) is to reform the public mental health system by improving access, quality, consistency, and accountability in public mental health services across the Commonwealth. STEP-VA is a Virginia code-mandated long-term initiative that requires that all 40 Community Services Boards (CSBs) and Behavioral Health Authorities (BHAs) to implement nine essential services, referred to as steps, and requires consistent quality measures and oversight. Over time outcomes, after full implementation of STEP-VA, DBHDS anticipates fewer admissions to state and private hospitals, decreased emergency room visits, and reduced involvement of individuals with behavioral health disorders in the criminal justice system.

Case Management is one of the required services for STEP-VA. The purpose of Case Management is to ensure behavioral health and physical health needs are routinely assessed to link appropriate services in a coordinated, effective, and in an efficient manner to support the needs of the individual and family and promote wellness and integration into all aspects of life.

Care Coordination is another required service for STEP-VA, with the purpose to deliberately organize individual care activities and share information among all of the participants concerned with an individual’s care to achieve safer and more effective care. This means the individual’s needs and preferences are known ahead of time and communicated at the right time to the right people, and this information is used to provide safe, appropriate, and effective care to the individual.

Psychiatric Rehabilitation is also a required service for STEP-VA, with a purpose to support individuals with SMI, SUD, and SED in developing or regaining independent living skills. Psychiatric Rehabilitation is designed to help individuals with SMI, SUD, and SED increase their functioning so that they can be successful and satisfied in the environments of their choice with the least amount of ongoing professional intervention possible. Psychiatric Rehabilitation focuses on skill and resource development related to independent living and increasing the participant’s ability to manage their challenges to more fully participate in community opportunities related to functional, social, educational and vocational goals.

Term: This Agreement shall govern the performance of the Parties for the period of **August 5, 2022** through **June 30, 2023** (“Period of Performance”).

- A. Scope of Services:** The CSB/BHA shall ensure that the services for Care Management, Care Coordination and Psychiatric Rehabilitation steps of STEP-VA be available in the community through the CSB/BHA by providing direct treatment services and/or goods as outlined in the approved proposal. Additionally, the CSB/BHA shall provide capacity and infrastructure to support capacity building, coalition building, training, workforce development efforts, and support for implementation and sustainability related to services for the aforementioned steps.
- B. The CSB Responsibilities:** In order to implement the STEP-VA Services for Care Management, Care Coordination and Psychiatric Rehabilitation, the CSB/BHA agrees to comply with the following requirements:

Case Management

1. The CSB/BHA shall develop written plans/proposals to articulate the vision, goals, and activities of the Services, and provide them to the Department upon request.

Exhibit D: Fairfax-Falls Church Community Services Board

Performance Measures for the STEP-VA Services for Case Management, Care Coordination and Psychiatric Rehabilitation

Contract No. D0839.762

2. The CSB/BHA will offer evidence based and best practices as part of their programming and implementation of the Case Management service to the adults, children and families in the community.
3. The CSB/BHA will design and implement the Case Management step in accordance with requirements in the Department's Licensing Regulations (12VAC30-50-420).
4. The CSB shall maximize billing and collection of funds from other sources including Medicaid, Medicare and other fees in accordance with the current performance contract to increase the funds available for Case Management.

Care Coordination

1. The CSB/BHA shall develop written plans/proposals to articulate the vision, goals, and activities of the Services, and provide them to the Department upon request.
2. The CSB/BHA will offer evidence based and best practices as part of their programming and implementation of the Care Coordination service to the adults, children and families in the community.
3. The CSB/BHA shall establish partnerships with providers within the community.
4. The CSB/BHA shall participate in the distribution of the Adult Mental Health Statistics Improvement Program (MHSIP) and Child and Adolescent (YSS-F) Consumer Satisfaction Surveys to ensure quality compliance for individuals receiving Care Coordination services.

Psychiatric Rehabilitation Services

1. The CSB/BHA shall develop written plans/proposals to articulate the vision, goals, and activities of the Services, and provide them to the Department upon request.
2. The CSB/BHA will offer evidence based and best practices as part of their programming and implementation of the Psychiatric Rehabilitation Service to the adults, children and families in the community.
3. The CSB/BHA shall implement, enhance and/or provide access to Psychiatric Rehabilitation Services to the individuals in the community.

C. The Department Responsibilities: In order to implement the Regional STEP-VA Services for Care Management, Care Coordination and Psychiatric Rehabilitation, the Department agrees to comply with the following requirements:

1. The Department will conduct in-person or virtual visits/check-ins at least 2 times a year, and as necessary based on needs, with the CSB/BHA program leadership to ensure compliance with the scope and requirements of the services; and to review outcomes, which include challenges and successes of the programs.
2. The Department shall ensure the CSB/BHA uses the funds in a manner associated with the intended requirements, and the Department shall monitor accordingly.
3. The Department shall provide technical assistance as requested and when the Department determines a need.
4. The Department shall provide technical assistance as needed to CSB/BHA.

D. Payment Terms: The Department shall provide the CSB/BHA the following funding for the services. 1/8th of the funds will be disbursed at the next warrant payment, and for the remainder of the funds, the CSBs will submit invoices on a monthly basis for reimbursement.

The Department may, at its reasonable discretion, modify payment dates or amounts, or terminate this Agreement and will notify the CSB of any such changes in writing.

Exhibit D: Fairfax-Falls Church Community Services Board
Performance Measures for the STEP-VA Services for Case Management, Care Coordination and Psychiatric Rehabilitation
Contract No. D0839.762

Amount	Fund Name	STEP-VA STEPS
\$79,462.00	FY 2023 State and Local Fiscal Recovery Funds (SLFRF)	Case Management Services
\$284,201.00	FY 2023 State and Local Fiscal Recovery Funds (SLFRF)	Care Coordination Services
\$54,750.00	FY 2023 State and Local Fiscal Recovery Funds (SLFRF)	Psychiatric Rehabilitation Services
Grand Total \$418,413.00		

E. Limitations on Reimbursements: CSB shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance.

F. Grant Information and Closeout Disclosure:

GRANT NAME: State and Local Fiscal Recovery Fund (SLFRF)
GRANT NAME: State and Local Fiscal Recovery Fund (SLFRF) FEDERAL AWARD IDENTIFICATION NUMBER (FAIN): NA FEDERAL AWARD DATE: NA FEDERAL AWARDDING AGENCY: U.S. Department of Treasury FEDERAL AWARD PASS-THROUGH ENTITY: Virginia Department of Behavioral Health and Developmental Services CFDA NUMBER: 21.027 RESEARCH AND DEVELOPMENT AWARD: ___YES OR __X_NO FEDERAL GRANT AWARD YEAR: FFY 2022 AWARD PERIOD: 3/3/2021 – 12/31/2024

Closeout: Final payment request(s) under any associated Agreement must be received by DBHDS no later than thirty (30) days after the end of the Period of Performance referenced in the Exhibit D, Exhibit G, or Notice of Award. No payment request will be accepted by DBHDS after this date without authorization from DBHDS. The Subrecipient may continue to expend retained funds until the end of the Period of Performance to pay for remaining allowable costs.

Any funds remaining unexpended at the end of the Period of Performance shall be returned to DBHDS within 30 days of the end of the Period of Performance. Unexpended funds should be returned in the form of a check made payable to the Treasurer of Virginia and sent to:

DBHDS
 PO Box 1797
 Richmond, VA 23218-1797
 C/O Eric Billings

Funds for this grant may also be returned via an electronic ACH payment to DBHDS' Truist Bank account. The account information and DBHDS' EIN is as follows:

Account Number: 201141795720002
 Routing Number: 061000104
 EIN: 546001731
 Name and Address of Bank:
 Truist Bank
 214 North Tryon Street

Exhibit D: Fairfax-Falls Church Community Services Board
Performance Measures for the STEP-VA Services for Case Management, Care Coordination and Psychiatric Rehabilitation
Contract No. D0839.762

Charlotte, NC 28202

If the ACH method is utilized, the Subrecipient shall provide email notification of their intention to provide payment electronically to:

Eric.Billings@dbhds.virginia.gov

Ramona.Howell@dbhds.virginia.gov

Dillon.Gannon@dbhds.virginia.gov

Christine.Kemp@dbhds.virginia.gov

Kim.Barton@dbhds.virginia.gov

Failure to return unexpended funds in a prompt manner may result in a denial of future federal Subrecipient awards from DBHDS.

In consideration of the execution of this agreement by DBHDS, the Subrecipient agrees, to the extent permitted by law, that acceptance of final payment from DBHDS will constitute an agreement by the Subrecipient to release and forever discharge DBHDS, its agents, employees, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. DBHDS understands that CSB is a political subdivision of the Commonwealth of Virginia and is legally prohibited from entering into hold harmless and indemnification provisions. Local governments in Virginia have sovereign immunity from tort suits and cannot waive or contract away their immunity or assume the liability of another absent specific statutory authority. Subrecipient's obligations to DBHDS under this agreement shall not terminate until all closeout requirements are completed to the satisfaction of DBHDS. Such requirements shall include, without limitation, submitting final reports to DBHDS and providing any closeout-related information requested by DBHDS by the deadlines specified by DBHDS. This provision shall survive the expiration or termination of this agreement.

- G. Use of Funds:** The CBS may not use the funds provided under this Agreement for any purpose other than as described herein and allowable to carry out the purposes and activities of the Program or Service. In addition, for federal funds, Exhibit F of the Performance Contract contains requirements and regulations for all federal funding that passes through the Department. The CSB agrees that if it does not fully implement this Program as approved or as subsequently modified by agreement of the Parties, the Department shall be able to recover part or all of the disbursed funds.
- H. Performance Outcome Measures:** DBHDS and the CSBs/BHA will collaborate in order to develop core outcome measures.
- I. Reporting Requirements:**
1. The CSBs/BHAs will comply with reporting and data quality requirements in the most recent version of the Performance Contract.
 2. The Department will work with the CSBs/BHAs to establish benchmark measures.
 4. The CSB must work with the Department to provide any additional reporting that may be required
 5. The CSB shall provide data and finance reports pursuant to the Reporting and Data Quality Requirements of the Community Services Performance Contract. If any additional reporting is needed the Department shall collaborate with CSB to obtain such reports.
- J. Monitoring, Review, and Audit:** The Department may monitor and review use of the funds, performance of the Program, and compliance with this Agreement, which may include onsite visits to assess the CSB's governance, management and operations, and review relevant financial and other records and materials. In addition, the Department may conduct audits, including onsite audits, at any time during the term of this Agreement.

Exhibit D: Fairfax-Falls Church Community Services Board

Performance Measures for the STEP-VA Services for Case Management, Care Coordination and Psychiatric Rehabilitation

Contract No. D0839.762

K. Entire Agreement: This Agreement and any additional or supplementary document(s) incorporated herein by specific reference contain all the terms and conditions agreed upon by the Parties hereto, and no other contracts, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the Parties hereto.

L. Counterparts and Electronic Signatures: Except as may be prohibited by applicable law or regulation, this Agreement and any amendment may be signed in counterparts, by facsimile, PDF, or other electronic means, each of which will be deemed an original and all of which when taken together will constitute one agreement. Facsimile and electronic signatures will be binding for all purposes.

M. Conflicts: In the event of any conflict between this Agreement (or any portion thereof) and any other agreement now existing or hereafter entered into, the terms of this Agreement shall prevail.


Signatures: In witness thereof, the Department and the CSB have caused this Agreement to be executed by the following duly authorized Parties.

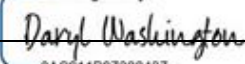
Virginia Department of Behavioral Health and Developmental Services

By:  _____
Name: Cort Kirkley
Title: Deputy Commissioner
Date: 8/12/2022 | 12:23 EDT

By:  _____
Name: Dr. Lisa Jobe-Shields
Title: Assistant Commissioner, Behavioral Health Services
Date: 8/12/2022 | 11:44 EDT

Fairfax-Falls Church Community Services Board

By:  _____
Name: Garrett Mcguire
Title: Chairperson
Date: 8/10/2022 | 08:16 EDT

By:  _____
Name: Daryl Washington
Title: Executive Director
Date: 8/9/2022 | 15:07 EDT

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 23166

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on February 7, 2023, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2023, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7620, Fairfax-Falls Church Community Services Board	
Grant:	1CV7607-2023, STEP-VA Services, Case Management, Care Coordination, Psychiatric Rehabilitation	\$418,413

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$418,413
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: VA Dept. of Behavioral Health and Developmental Svcs., \$418,413

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
February 7, 2023

ADMINISTRATIVE – 5

Authorization to Schedule and Advertise a Public Hearing on the Proposed One-Year Action Plan for FY 2024

ISSUE:

Board of Supervisors (Board) authorization is requested to schedule and advertise a public hearing on the proposed One-Year Action Plan for FY 2024 (Action Plan), as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed FY 2024 Action Plan (Attachment 1) to be held on March 21, 2023, at 4:30p.m. In accordance with U.S. Department of Housing and Urban Development (HUD) regulations and guidelines, the public will have an opportunity to comment on the Action Plan's proposed use of funds identified, and the housing and community development goals and priorities described. Residents may also comment on housing and community development needs in Fairfax County as well as provide information concerning changes in housing and community development trends since the last public hearing on the FY 2023 Action Plan held by the Board on March 22, 2022.

TIMING:

Board action is requested on February 7, 2023, to schedule and advertise the public hearing for March 21, 2023, at 4:30p.m., to comply with the HUD-mandated public participation process and to maintain the Action Plan schedule for compliance with the HUD filing deadline.

BACKGROUND:

In 1997, the Board adopted a Fairfax County Citizen Participation Plan to provide a guide for public input and participation in the consolidated plan and one-year action plan processes, as well as to comply with HUD regulations. As part of the Citizen Participation Plan, the CCFAC was charged with advising the Board on the development of the consolidated plans and one-year action plans. The Citizen Participation Plan requires that prior to submission of each consolidated plan and one-year action plan to HUD, each proposed plan be made available for public comment for at least 30 calendar days (Public Comment Period) and two public hearings be held.

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The CCFAC held the first public hearing on October 11, 2022, from which all public comments provided have been incorporated into the proposed Action Plan. Upon approval by the Board, the second public hearing will be scheduled for March 21, 2023, at a time to be determined by the Clerk to the Board (Board's public hearing).

On January 10, 2023, CCFAC authorized the release of the proposed Action Plan for a Public Comment Period. Upon approval by the Board to schedule and advertise the Board's public hearing, staff will release copies of the proposed Action Plan to the public and begin the Public Comment Period. The Public Comment Period will end at the conclusion of the Board's public hearing. The CCFAC will incorporate all public comments received at the Board's public hearing and any revisions suggested by the Board prior to forwarding the final proposed FY 2023 Action Plan for approval by the Board on May 9, 2023.

The proposed Action Plan complies with HUD regulations that require the County to file a one-year action plan for each year covered by the county's adopted five-year consolidated plan to disclose the County's intended use of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program (HOME) funds (collectively, the Federal Funds) expected to be available. The Board adopted the Five-Year Consolidated Plan for FY 2022 – FY 2026 (Consolidated Plan) on May 4, 2021, which has been approved by HUD. The proposed Action Plan identifies the amount of Federal Funds expected to be available in FY 2024, proposed uses of the available Federal Funds, Consolidated Plan goals expected to be achieved in FY 2024, and opportunities provided for citizen input.

The funding estimates used in the proposed Action Plan are based on the levels received from HUD for FY 2023. Estimates are used to allow citizen participation in the preparation of the FY 2024 Action Plan pending receipt of HUD notification of the actual funding awards. The proposed Action Plan also includes a contingency plan for how allocations of the estimated Federal Funds are to be adjusted after HUD notice of the actual awards for FY 2024 has been received.

The funding allocations and contingency plan in the proposed Action Plan were adopted by the CCFAC on January 10, 2023, based on recommendations by the CCFAC - Fairfax County Redevelopment and Housing Authority (FCRHA) Working Advisory Group (WAG). The WAG is a joint committee established to strengthen coordination between the CCFAC and the FCRHA for the development of the proposed uses of Federal Funds.

The proposed Action Plan includes a total \$8,905,292 estimated allocation of Federal Funds to the County for FY 2024, as follows:

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- \$5,918,926 in CDBG
- \$2,471,231 in HOME
- \$515,135 in ESG.

The FY 2024 Action Plan further includes a total \$718,149 in estimated funding, as follows:

- \$594,193 in CDBG carryover
- \$123,956 in appropriated program income, which includes:
 - \$77,456 in CDBG
 - \$46,000 in HOME

STAFF IMPACT:

None. No positions will be added as a result of this action.

FISCAL IMPACT:

Funds identified in the proposed FY 2024 Action Plan include CDBG (\$5,918,926), HOME (\$2,471,231), and ESG (\$515,135). A total of \$594,193 in CDBG funds is recommended to be carried forward from FY 2023 for use in FY 2024, as allocated. In addition, an as-yet-undetermined amount of previously programmed funds is expected to be carried forward as previously allocated. Total estimated program income of \$123,956, including CDBG program income of \$77,456 and HOME program income of \$46,000, also will be programmed for use in FY 2024 through this action.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed One-Year Action Plan for FY 2024

[https://www.fairfaxcounty.gov/housing/sites/housing/files/assets/documents/consolidated%20plan/020723%20bos%20item%20attachment%201%20\(draft%20one-year%20action%20plan%20for%20fy%202024\).pdf](https://www.fairfaxcounty.gov/housing/sites/housing/files/assets/documents/consolidated%20plan/020723%20bos%20item%20attachment%201%20(draft%20one-year%20action%20plan%20for%20fy%202024).pdf)

STAFF:

Christopher Leonard, Deputy County Executive
Thomas Fleetwood, Director, Housing & Community Development (HCD)
Thomas Barnett, Deputy Director, HCD, Office to Prevent and End Homelessness
Laura O. Lazo, Associate Director, Grants Management (GM), HCD
Beverly A. Moses, Senior Program Manager, GM, HCD

Board Agenda Item
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ACTION - 1

Authorization to Execute a Rectangular Rapid Flashing Beacon Maintenance Agreement with the Virginia Department of Transportation and Approval of Funding Allocation

ISSUE:

Board of Supervisors' authorization for the Director of the Department of Transportation to sign the Rectangular Rapid Flashing Beacon (RRFB) Maintenance Agreement between the Virginia Department of Transportation (VDOT) and Fairfax County so that VDOT can provide incident response and repair or replacement of knocked down, damaged, or inoperable Rectangular Rapid Flashing Beacons owned by the County, and Board of Supervisors' approval of funding allocation for costs incurred per the terms of the agreement.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Director of the Department of Transportation to sign the Rectangular Rapid Flashing Beacon Maintenance Agreement between VDOT and Fairfax County, relative to incident response and repair or replacement of knocked down, damaged, or inoperable RRFBs, as shown in Attachment 1, in substantial form, and the Board of Supervisors approve the funding allocation for costs incurred per the terms of the agreement.

TIMING:

Board action is requested on February 7, 2023, to establish this maintenance agreement and formalize incident response protocols as soon as possible.

BACKGROUND:

Currently, RRFBs only have interim approval from the Federal Highway Administration. Due to the interim status and concerns about maintenance costs and lack of uniformity of RRFB equipment, VDOT decided they would not maintain RRFBs, nor permit them, unless the County assumed maintenance responsibility. Fairfax County Department of Transportation (FCDOT) is performing routine, preventive maintenance and working to create uniformity of the RRFB equipment. FCDOT staff continues to coordinate with VDOT with a goal of turning over all maintenance responsibilities of the RRFBs to VDOT. VDOT has been assisting with incident response and repair or replacement of knocked down, damaged, or inoperable RRFBs on a case-by-case basis. The

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maintenance agreement will formalize this arrangement, establish incident protocols, and lead to faster and improved response, repair, and replacement times. FCDOT will continue to own the RRFB equipment and perform routine, preventive maintenance.

On October 5, 2021, the Board directed staff to identify funding and projects to improve pedestrian and bicycle access and safety. The Board set a goal to identify \$100 million over a six-year period and directed staff to compile a list of potential projects and develop a prioritization process. The Board also asked staff to consider maintenance needs in addition to new projects. \$400,000 is needed to cover the anticipated expenses of the RRFB agreement with VDOT for approximately five years to fund the program through fiscal year 2028.

FISCAL IMPACT:

Budget appropriation in the amount of \$25,208,830 is available in Fund 30050 – Transportation Improvements, project number ST-000051, to cover the requested allocation of \$400,000. These funds were approved by the Board as part of the FY 2022 Carryover Review. There is no additional impact to the General Fund at this time.

ENCLOSED DOCUMENTS:

Attachment 1: Rectangular Rapid Flashing Beacon Maintenance Agreement between the Virginia Department of Transportation and Fairfax County

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Deputy Director, FCDOT
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Michael J. Guarino, Chief, Capital Projects Section (CPS), FCDOT
Lauren Delmare, Active Transportation Program Manager, CPS, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

Rectangular Rapid Flashing Beacon Maintenance Agreement

This Rectangular Rapid Flashing Beacon (“RRFB”) Maintenance Agreement (“Agreement”) is entered into as of the date of last execution below, by and between the **Virginia Department of Transportation** (“VDOT”) and the **County of Fairfax**, Virginia (“County”) (each a “Party” and, collectively, the “Parties”) for the incident response and repair or replacement of County-owned RRFBs.

WITNESSETH

WHEREAS, the County wants VDOT to provide incident response and repair or replacement of knocked down, damaged, or inoperable RRFBs owned by the County and installed at the locations identified in **Exhibit A**; and

WHEREAS, the Parties agree to and understand that future RRFB installations may be added to **Exhibit A** and covered under the terms of this Agreement; and

WHEREAS, the Parties agree that VDOT is best equipped to provide incident response and repair or replacement as outlined in the Agreement to ensure the safety of the public.

NOW, therefore, VDOT and the County hereby agree as follows:

1. VDOT shall provide incident response and, upon request, repair or replacement of knocked down, damaged, or inoperable RRFBs owned by the County and installed at the locations listed in **Exhibit A**, in accordance with the procedures generally described in **Exhibit B**. **Exhibit A** and **Exhibit B** are attached to this Agreement and incorporated herein.
2. The County shall pay VDOT 100% of costs in providing services under this Agreement, including the cost of equipment and labor, for the incident response and, upon request, repair or replacement of knocked down, damaged, or inoperable RRFBs installed at the locations listed in **Exhibit A** in accordance with the procedures generally described in **Exhibit B**. VDOT will submit invoices to the County as needed after incident response, but no more frequently than once per month. The County shall remit payment to VDOT within thirty days upon receipt of each invoice. Funding by the County shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
3. The County maintains ownership of all RRFB equipment covered under, or installed pursuant to, this Agreement.
4. The County shall perform routine and preventative maintenance services for operational RRFBs at the locations provided in **Exhibit A**.
5. The County will, in a timely manner, provide VDOT with an updated **Exhibit A** to include any new RRFB installations to be serviced under this Agreement. Such updates shall be considered incorporated into **Exhibit A** upon confirmation of receipt by VDOT’s District Traffic Engineer to the County and shall not require further amendment to this Agreement.
6. The Parties may update **Exhibit B** upon mutual written consent of VDOT’s District Traffic Engineer and the County. Such updates shall not require further amendment to this Agreement.
7. The Parties expressly do not intend by execution of this Agreement to create in the public, or

any member there, any rights as a third party beneficiary, or to authorize anyone not a party hereto to maintain a suit for any damages pursuant to the terms or provisions of this Agreement.

8. Nothing in this Agreement shall be considered as a waiver of the sovereign immunity of either of the Parties.
9. Nothing in this Agreement shall be considered to create any personal liability on behalf of any official, employee, agent, or representative of either of the Parties.
10. This Agreement may be terminated by either Party upon 60 days written notice to the other Party.

The Parties have caused this Agreement to be executed, each by its duly authorized officer, as of the date set forth below.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Shane Mann, P.E.
Deputy Chief Engineer

Date

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION

Tom Biesiadny
Director, Fairfax County Department of Transportation

Date

Exhibit A

RECTANGULAR RAPID FLASHING BEACON LOCATIONS IN FAIRFAX COUNTY

Location	#Poles	Status	Activation(s)	Power Type
Pleasant Valley Rd / Martins Hundred Dr	3	Existing	Push Button	Solar
Westmoreland St / McLean High School entrance	2	Existing	Push Button	Solar
Franklin Farm Rd / Thorngate Dr	2	Existing	Push Button	Solar
Franklin Farm Rd / Old Dairy Rd	2	Existing	Push Button	Solar
Bluemont Way / Discovery Dr	3	Existing	Push Button	Solar
South Lakes Dr / Tanbark (east)	3	Existing	Push Button	Solar
Frye Rd, north of Richmond Hwy	3	Existing	Push Button	Solar
South Lakes Dr / Green Watch Way	3	Existing	Push Button	Solar
Chain Bridge Rd / Wasp Ln	2	Existing	Push Button	Solar
Prosperity Avenue / Cross County Trail / Eakin Community Park	2	Existing	Passive Detection	Hard-wired
Soapstone Dr / 7-Eleven	3	Existing	Push Button	Solar
Soapstone Dr / Ridge Heights Rd	3	Existing	Push Button	Hard-wired
Pleasant Valley Rd / Wetherburn Dr	3	Existing	Push Button	Solar
Gallows Rd / Aston St	2	Existing	Push Button	Hard-wired
Route 7 / Dulles Toll Road ramp (EB Route 7 to WB Dulles Toll Road)	2	Existing	Push Button	Solar
Flint Hill Rd / Flint Hill Elementary School	2	Existing	Push Button	Solar
Sunset Hills / Fairfax County Parkway	2	Existing	Push Button	Solar
N Beauregard Street/N Chambliss Street	2	Existing	Push Button	Solar
Reston Parkway NB to Dulles Toll Road EB On-Ramp	2	Existing	Push Button	Solar
Eskridge/Strawberry	2	Existing	Push Button	Solar
395/Edsall Ramps	6	Pending Acceptance by VDOT	Push Button	Solar
Hunter Mill Rd/Trail	2	In Progress	Passive Detection	Hard-wired
Mount Vernon Memorial Hwy/Southwood	2	In Progress	Passive Detection	Solar
Random Hills Rd/Random Hills Park	3	In Progress	Passive and Pushbutton	Hard-wired

Exhibit B

RRFB INCIDENT RESPONSE PROCEDURES

Upon receipt of a notice to VDOT's District Maintenance Operations Manager of a knocked down, damaged, or inoperable RRFB, VDOT shall:

- Clear any debris and damaged parts from the RRFB that represent a safety hazard;
- If one or more of the RRFBs flashing lights are inoperable, bag the push buttons to any remaining flashing lights while ensuring that the signage remains visible and in place;
- Perform inspection to determine the requirements to fix the RRFB and notify the County of the estimated cost to repair or replace the RRFB; and
- Upon confirmation from the County to proceed, repair or replace the RRFB and remove any bags over push buttons once the RRFB is fully operational.

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ACTION - 2

Adoption of a Value Engineering Policy Update for Fairfax County Capital Construction Projects

ISSUE:

Adoption of a Value Engineering (VE) Policy Update for Fairfax County Capital Construction Projects.

RECOMMENDATION:

The County Executive recommends that the Board approve updates to the Value Engineering (VE) Policy, current Procedural Memorandum No. 25-01, originally adopted in 1997.

TIMING:

Board action is requested on February 7, 2023, to allow staff to proceed with implementation of the updated County VE Policy based on recommended revisions to the original 1997 Policy.

BACKGROUND:

In June 1997, the Board passed a motion to adopt a Policy requiring VE, as defined by the Society of American Value Engineers (SAVE) in connection with capital projects. In accordance with that Board motion, staff developed a Value Engineering Policy for Capital Projects that was approved by the County Executive in September 1997 and is documented as County Procedural Memorandum No. 25-01. The 1997 VE Policy has remained unchanged since the original approval, and that existing Policy includes the following key points:

- Value Engineering Definition - The systematic application of recognized techniques by multi-discipline team(s) that identifies the function of a product or service; established a worth for that function; generates alternatives through the use of creative thinking; and provides needed functions, reliably, at the lowest overall cost. Three basics are essential for VE: 1) An organized project review; 2) A function oriented approach to identify the essential project functions; and 3) Creative thinking to explore alternative ways of performing the essential project functions.

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- A requirement to conduct a VE study on highway projects, neighborhood improvement projects, utility projects and other “horizontal” projects with an estimated construction cost in excess of \$2 Million.
- A requirement to conduct a VE study on building construction projects (libraries, fire stations, governmental centers, etc.) with an estimated construction cost in excess of \$5 million.
- VE studies are to be performed at the preliminary design stage (35% design complete) for both horizontal and vertical construction projects, and the requirement of mandatory VE is based on the 35% design phase construction cost estimate.
- VE studies will be conducted in-house, led by a qualified (Certified Value Specialist) VE consultant, or by using a combination of in-house staff and a qualified consultant. In-house studies will be led by a staff member with a minimum of 40 hours of formal VE training. Required VE study teams will include representation from the design team, project management agency, facility operational agency, maintenance agency, and construction management agency.
- VE study recommendations are to be reviewed by the project managers and stakeholder agencies, and all VE recommendations are to be presented to the director of the agency responsible for design for review and approval.
- The requirement of VE Studies may be waived by the division director based on specific characteristics and requirements of the project and the signed justification waiver shall be included in the project file records.

The primary changes addressed in the revised VE Policy are updates to the original 1997 threshold construction cost estimate values for required VE. The proposed revisions to the threshold construction estimate values for required VE studies are as follows:

- Transportation Projects
Large Highway, Roadway and Transit Projects - Revise the threshold value to \$15 million to be consistent with threshold value approved by the Virginia General Assembly in 2018 for Virginia Department of Transportation (VDOT) projects.
Roadway Spot and Bicycle and Pedestrian Improvement Projects - Establish a threshold value of \$10 million. These projects were not separately addressed in the original 1997 VE Policy.
- Building Projects - Revise the threshold value from \$5 million to \$10 million to account for the escalation in construction market pricing since the original 1997 VE Policy was adopted.
- Horizontal Projects - Revise the threshold value from \$2 million to \$5 million to account for the escalation in construction market pricing since the original 1997 VE Policy was adopted.

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Capital construction projects with construction cost estimates below the policy threshold at the 35% design phase, may still be candidates for a VE study as determined by the project management team and the department director. All discretionary VE studies shall be led by a certified Value Management Associate with a minimum of 32 hours training in Value Management Fundamentals-I, and shall include appropriate representation from the project design team, project management team, and appropriate stakeholder agencies.

EQUITY IMPACT:

Staff has determined that this Policy update will not result in any adverse equity impact. The Policy updates address market-driven escalation in the costs of construction projects since the original Policy adoption in 1997. VE studies will continue to be performed for all projects meeting the updated policy thresholds, except for rare cases in which the department director issues a documented determination that a formal VE study is not warranted due to the unique aspects and requirements of a project. The Policy update will generally decrease the number of projects requiring a formal VE study. Although the thresholds for formal VE studies will increase, County staff will continue to apply VE principles and lessons learned on all capital projects to assure project management due diligence and cost effectiveness in the use of County taxpayer funds on capital projects.

VE reviews are led by qualified professionals independently certified by the SAVE International which has standards of conduct that include maintaining a broad and balanced outlook, recognizing merit in the ideas of others, and being guided in all actions by truth, accuracy, fair dealing, and promoting the public good. The goal of VE reviews is to decrease project cost and increase project quality through a multi-disciplinary review during early project development stages, reducing the cost and improving the effectiveness of taxpayer funded projects. VE principles support equity because they seek to achieve the project goal in the most cost-effective manner. Although typical VE studies do not explicitly consider equity impacts, County staff will be proactive to identify and assess specific equity impacts that could arise from VE study recommendations impacting communities or residents.

Rationale:

- The equity impact assessment is warranted, but staff concludes this action will not have any negative impact on equity.
- Recalibrating the threshold value for required VE studies is based on market-driven cost escalations which is indicative of a neutral equity impact, and staff believes the basic VE Policy is equity neutral or equity positive.

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- The Policy requires all projects meeting the threshold go through VE, with very rare exceptions. Equal application of the Policy suggests no preferential or discretionary avenues for implicit or explicit bias to affect outcomes.

Positive Equity Impacts for Capital Projects:

- Capital project site locations and project scope are defined in the Capital Improvement Program (CIP) or at Conceptual Design Phase, prior to the VE Phase. CIP project teams and capital project design teams have the greatest opportunity for Equity Impact Assessment at the earliest stages of the projects.
- Although the VE Policy applies a nationally recognized process equally to all projects meeting the dollar thresholds, staff must be proactive to identify and assess any specific VE recommendations that may have an equity impact on the community or residents.
- The recommended, market-based adjustment to the VE dollar thresholds will result in fewer formal VE Studies. Schedule durations for projects no longer subject to the formal VE process will be reduced, and project resources can be redirected to focus on CIP and early design phase Equity Assessments across the capital program.

FISCAL IMPACT:

The proposed updates to the VE Policy remain consistent with the intent of the original VE Policy adopted in 1997, and revisions are intended to adjust the construction cost estimate threshold values for construction market escalation since 1997, and to be consistent with VDOT threshold values for major transportation projects. No direct fiscal impact is anticipated. The VE Return on Investment is generally much higher on larger value projects, and the update to the threshold values is expected to streamline the design phase schedules for projects below the threshold.

ENCLOSED DOCUMENTS:

Attachment 1 – Value Engineering Policy Update for Capital Construction Projects

STAFF:

Tom Biesiadny, Director, Department of Transportation
Jai Cole, Executive Director, Fairfax County Park Authority
Tom Fleetwood, Director, Fairfax County Housing and Community Development
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Carey Needham, Deputy Director, DPWES, Capital Facilities

Fairfax County, Virginia PROCEDURAL MEMORANDUM NO. 25-01	
To: Administrative Staff	Date: February 7, 2023
Initiated by: Department of Public Works and Environmental Services	Approved by County Executive:
Subject: Value Engineering Policy Update for Capital Projects	

Consistent with the June 23, 1997, Board of Supervisors' motion to adopt a policy requiring value engineering for capital projects, County staff recommends updates to the Value Engineering Policy for Capital Projects. The following procedures reflect updates to the Policy and shall be implemented by all County agencies responsible for the design of capital projects. All County capital projects shall be covered by this updated Value Engineering policy, dated December 6, 2022.

Value Engineering (VE) is defined¹ as “the systematic application of recognized techniques by multi-disciplined team(s) that identifies the functions of a product or service, establishes a worth for that function, generates alternatives through the use of creative thinking, and provides the needed functions, reliably, at the lowest overall cost”. Three basic precepts are essential for VE. These include an organized project review, a function-oriented approach to identify the essential project functions, and creative thinking to explore alternative ways of performing the essential project functions².

All County capital projects funded all, or in part, by funds approved or allocated by the Board of Supervisors will comply with this Policy. The dollar thresholds for application of this are based on the estimated construction cost at the 35% design stage, including projected market escalation costs. The Policy is applicable to the different capital project types based on the estimated construct cost thresholds, as follows:

Building Projects- \$10 Million
Including but not limited to Fire Stations, Police Stations, Libraries, Vehicle Services and Maintenance Facilities, Parking Structures, Residential and Affordable Housing, Courts and Detention Facilities, Emergency Shelters, Health Dept. Facilities, Child Care, Recreation and Community Centers, Wastewater Treatment Plant Facilities, and Wastewater Collection System Pump Stations

Transportation Projects-

Large Highway, Roadway and Transit Projects-	\$15 Million
Roadway Spot and Bicycle and Pedestrian Improvement Projects including but not limited to, adding, modifying, or extending turn lanes, traffic/pedestrian signal improvements, and realignment(s) of existing roadways	\$10 Million
Sidewalk, Bicycle/Cycle track, and/or Trail projects	

¹ As defined by the Society of American Value Engineers.
² Information provided by the May 1996 Virginia Department of Transportation Value Engineering Manual

Horizontal Projects-

Stormwater, SWM Pond and Stream Improvements	\$ 5 Million
Sanitary Sewer Collections Projects	\$ 5 Million
Gravity Sewers	
Force Main Sewers	

The revised threshold values are consistent with the Virginia Department of Transportation VE policy updated in 2018 by the Virginia General Assembly; and based upon adjustments to the prior threshold values from 1997 to account for market escalation. The Virginia Department of General Services threshold value of \$5 million was established in 1994.

Capital projects with estimated construction values less than the threshold value requiring a formal VE Study may also be candidates for VE studies as determined by the Director, Department of Public Works and Environmental Services, Department of Transportation, Department of Housing and Community Development, Fairfax County Park Authority, or other agency Director that is responsible for the project management of capital projects.

VE studies shall be performed at the preliminary design stage (design 35 percent complete) for all capital construction projects, as required based on estimated construction value. The requirement for mandatory VE shall be based on the construction cost estimate upon completion of the 35 percent complete design documents, including projected market escalation costs. The construction cost estimate shall represent a true estimated cost to construct the facility exclusive of change order or construction contingencies. Required formal VE studies are to be led by a qualified Certified Value Specialist and a VE team that may consist of professional consultant and qualified in-house staff. All discretionary VE studies for projects falling below the construction cost thresholds for required VE shall be led by a VE team leader that is a certified Value Management Associate, with a minimum of 32 hours training in Value Management Fundamentals- I. The formal VE process shall include representation from the design team, project management agency, facility operational agency, maintenance agency, and construction management agency.

Upon completion, the study recommendations for all required VE studies, shall be evaluated by the project managers and stakeholder agencies and all VE recommendations shall be presented to the Director of the agency responsible for the design (Director Department of Public Works and Environmental Services, Department of Housing and Community Development, Department of Transportation or Fairfax County Park Authority). After review by the appropriate Director, or designee, the final disposition of the VE recommendations shall be documented and made a part of the project file. Brief written explanations shall be provided for those VE recommendations not accepted. For federally funded, Locally Administered Transportation Projects (LAP's), following approval of the Director, the VE report and recommendations shall be submitted to VDOT for review, concurrence and final acceptance.

The Director, Department of Public Works and Environmental Services, Department of Housing and Community Development, Department of Transportation, or Fairfax County Park Authority may waive the requirement of the VE study based on the specific characteristics and requirements of the project. The waiver shall include justification for not performing VE, and the signed waiver shall become part of the project file. A formal VE Study should be considered, but is not required, for capital projects designed under the Design-Build or Construction Manager at Risk (CMAR) procurement approaches.

This revised policy shall become effective immediately.

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ACTION - 3

Adoption of a Resolution Terminating a Declaration of Local Emergency and Consenting to All Actions Taken by the Director of Emergency Management and County Staff

ISSUE:

The Board of Supervisors adopted a resolution consenting to the declaration of a local emergency by the Director of Emergency Management on March 17, 2020. The attached resolution terminates the Declaration of Local Emergency effective March 1, 2023, and consents to actions taken by the Director of Emergency Management and County staff.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution to:

- 1) Terminate the Declaration of Local Emergency, effective March 1, 2023; and
- 2) Approve and consent to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan.

TIMING:

Board action is requested on February 7, 2023.

BACKGROUND:

Due to the potential spread of COVID-19, a communicable disease of public health threat, the Governor of Virginia declared a state of emergency on March 12, 2020 and directed local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible.

The County Executive, in his capacity as the Director of Emergency Management, signed a Declaration of Local Emergency on March 17, 2020, with the consent of the Board as authorized under Va. Code § 44-146.21(A). The Declaration officially activated the County's Emergency Operations Plan and authorized the furnishing of aid and assistance under the Plan in order to mitigate the effects of COVID-19.

Pursuant to Va. Code § 44-146.21(A), the Board must take appropriate action to end the declared emergency when, in its judgment, all emergency actions have been taken.

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The Board is requested to terminate the Declaration of Local Emergency, effective March 1, 2023, and approve and consent to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration and the Fairfax County Emergency Operations Plan. The County will continue to support public health response operations and impacted residents in the recovery process.

FISCAL IMPACT:

The Declaration of Local Emergency by the governing body is necessary for the County to seek the recovery of funds for response actions and recovery.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution terminating the Declaration of Local Emergency and consenting to all actions taken by the Director of Emergency Management and County staff.

Attachment 2: Declaration of Local Emergency

Attachment 3: Resolution consenting to Declaration of Local Emergency

STAFF:

Bryan J. Hill, County Executive

Thomas G. Arnold, Deputy County Executive for Safety and Security

Seamus Mooney, Emergency Management Coordinator

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney

Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, February 7, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the outbreak of COVID-19 created an emergency of sufficient severity and magnitude to warrant coordinated state and local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused by the existence of this communicable disease of public health threat; and

WHEREAS, the potential for substantial injury or harm to the population due to the outbreak of COVID-19 necessitated the proclamation of the existence of a local emergency pursuant to Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended, and set forth in Chapter 3.2 of Title 44 of the Code of Virginia; and,

WHEREAS, the Board of Supervisors consented to a Declaration of Local Emergency by the Director of Emergency Management due to the COVID-19 pandemic at a special meeting on Tuesday, March 17, 2020; and

WHEREAS, all emergency actions in response to the COVID-19 pandemic have been taken and that the public health emergency triggered by the COVID-19 pandemic has diminished to the point that it no longer necessitates a local emergency; and

WHEREAS, the Board of Supervisors of Fairfax County seeks to terminate the Declaration of Local Emergency, and to approve and consent to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration and the Fairfax County Emergency Operations Plan; now therefore be it

RESOLVED that the Board of Supervisors of Fairfax County

1. Terminates the Declaration of Local Emergency for COVID-19, effective March 1, 2023; and,
2. Approves and consents to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

**DECLARATION OF LOCAL EMERGENCY
FAIRFAX COUNTY, VIRGINIA**

WHEREAS, as a result of the potential spread of COVID-19, a communicable disease of public health threat, the Governor of Virginia declared a state of emergency on March 12, 2020, and directed local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible; and,

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency beginning March 1, 2020, due to the outbreak of COVID-19; and,

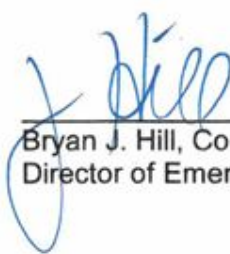
WHEREAS cases of COVID-19 have been confirmed in the Fairfax Health District, and the potential impact of the spread of COVID-19 is of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering caused by the existence of this communicable disease of public health threat; and,

WHEREAS, due to the potential spread of COVID-19, the potential for substantial injury or harm to the population necessitates the proclamation of the existence of a local emergency; and,

WHEREAS, the Fairfax County Board of Supervisors has consented to the declaration of a local emergency; it is hereby

DECLARED, that a local emergency exists throughout Fairfax County because the potential spread of COVID-19 will create the potential for an emergency that threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened pursuant to Virginia Code §§ 44-146.16 and 44-146.21, and that this declaration shall remain in effect until the Board of Supervisors takes appropriate action to end the declared emergency; and it is

FURTHER DECLARED that the Fairfax County Emergency Operations Plan is now in effect, and that the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the County of Fairfax shall be those set forth in the laws of the Commonwealth of Virginia, and the ordinances, resolutions, and approved plans of Fairfax County in order to mitigate the effects of this emergency.



Bryan J. Hill, County Executive
Director of Emergency Management

Resolution

At a special meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, March 17, 2020, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, as a result of the potential spread of COVID-19, a communicable disease of public health threat, the Governor of Virginia declared a state of emergency on March 12, 2020, and directed local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible; and,

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency beginning March 1, 2020, due to the outbreak of COVID-19; and,

WHEREAS, cases of COVID-19 have been confirmed in the Fairfax Health District, and the potential impact of the spread of COVID-19 is of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering caused by the existence of this communicable disease of public health threat; and,


WHEREAS, due to the potential spread of COVID-19, the potential for substantial injury or harm to the population necessitates the proclamation of the existence of a local emergency; and,

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended, and set forth in Chapter 3.2 of Title 44 of the Code of Virginia, authorizes the Director of Emergency Management to declare the existence of a local emergency with the consent of the governing body; now therefore be it

RESOLVED that the Board of Supervisors of Fairfax County consents to the declaration of a local emergency by the Director of Emergency Management effective March 17, 2020.

ADOPTED this 17th day of March 2020.

A Copy – Teste:



Jill G. Cooper
Clerk for the Board of Supervisors



INFORMATION - 1

Endorsement of Design Guidance for the Tysons Community Circuit (Hunter Mill and Providence Districts)

In Spring 2021, staff and the development community recognized the need to provide a greater level of design guidance for the implementation of the Tysons Community Circuit (Circuit), a planned 4.75 mile recreational trail loop in Tysons. As envisioned in the Comprehensive Plan, the multi-modal Circuit will connect parks, civic uses, and major points of interest across Tysons while providing placemaking and economic opportunities.

The attached design guidance is the product of a collaborative work group comprised of staff and members of the Tysons Partnership that based their recommendations on current urban recreational trail best practices. The guidance is intended as a working document, and subject to refinement to reflect changing development conditions along the Circuit to ensure the best outcomes for the Circuit as a recreational trail and placemaking element in Tysons. In locations where redevelopment is not anticipated, segments of the Circuit could be constructed with public funds, grants, or through public-private partnerships.

Common design elements of the Circuit as described in the design guidance include paving, intersection treatment, crosswalks, site furnishings, and wayfinding signage. Unless otherwise directed by the Board, staff will use the Tysons Community Circuit guidance in its review of development applications and will provide it to interested parties as a resource for addressing the Comprehensive Plan's vision for Tysons.

EQUITY IMPACT:

The Tysons Community Circuit (Circuit) Design Guidance addresses implementation of the Comprehensive Plan for Tysons and building out of the nearly five-mile recreational trail loop. It has the effect of creating consistency across this public-serving facility. The two most applicable One Fairfax Policies are number 13; "A parks and recreation system that is equitable and inclusive by providing quality facilities, programs, and services to all communities; balancing the distribution of parks, programs and facilities; and providing accessible and affordable facilities and programs" and, number 14; "A multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health." This action will ensure consistency across the entire

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Circuit so that it contributes as a placemaking and economic development tool for Tysons. The work group's findings indicate that businesses along similar recreational trails see increased foot traffic and retail sales, contributing to economic development. These recreational trails also contribute to tourism in a positive manner. The Circuit has the potential to advance equity by providing additional pedestrian and bike connectivity in a Metro-accessible area that connects across the entire Tysons Urban Center.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Tysons Community Circuit Design Guidance can be accessed at [Community Circuit Design DRAFT 12-6-2022 \(fairfaxcounty.gov\)](#)

STAFF:
Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Chris Caperton, Deputy Director, DPD
Suzie Battista, Section Director, Urban Centers Section, DPD

INFORMATION - 2

Endorsement of Street Tree Canopy Credit and Planting Alternatives for Constrained Sites

Street trees are vital to creating places that are walkable and environmentally sustainable, especially in Fairfax County's urban activity centers where transit use and walk trips are prevalent. 10-Year Tree Canopy Credit as defined in Chapter 12 of the Public Facilities Manual is applied to on-site trees, and therefore off-site trees located within the right-of-way are not eligible for credit even though they have a significant positive impact for the environment and the site development. In order to enhance the tree canopy and improve streetscapes in the County's more urban places, an Appendix to the [Tysons Urban Design Guidelines](#), [Guidelines for Development: Reston TSAs](#), and [Volume 1: Urban Design Guidelines](#) (UDGs) will provide the following changes for street trees planted in rights-of-ways and easements within areas governed by UDGs:

- Award ten-year tree canopy credit to street trees;
- Provide an "Alternate Minimum Standard" for street trees planted at constrained sites; and
- Recommend minimum and maximum tree sizes at the time of planting.

These changes give the Urban Forestry Management Division (UFMD) authority to have long-term oversight of street trees that are included in ten-year tree canopy calculations. Perpetual maintenance and replacement agreements by the applicant are required to due to the potential for the removal of trees in rights-of-way and easements.

Unless otherwise directed by the Board of Supervisors, staff will add the *Street Tree Canopy Credit and Alternative Planting Standard* as an Appendix to the UDGs and will use these standards in review of development applications and site plans. It will be available online as a resource to interested parties, including property owners and landscape professionals.

EQUITY IMPACT:

The *Street Tree Canopy Credit and Alternative Planting Standard* will incentivize the planting and long-term maintenance of more street trees in Tysons, the TSAs, and CRDs/CRA. In many instances, particularly in the CRDs/CRA, areas with a low percentage of tree canopy coverage strongly correlate with the County's identified Communities of Opportunity and also have a high Vulnerability Index score. Further,

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the heat island effects in these areas are among the highest in the County. In some instances, these areas have lower Area Median Incomes relative to the county average. The proposed Appendix will provide guidance to developers and designers for planting street trees and codify the amount of tree canopy credit to be awarded. The result is intended to increase the number of street trees and associated tree canopy to improve environmental, social, and economic outcomes.

The Appendix supports development that aligns with the Comprehensive Plan goals for these areas, including environmental sustainability, economic vitality, walkability—all to the benefit of the community. The goals of the One Fairfax Policy are also supported through a quality built and natural environment, healthy community, and a multi-modal transportation system that includes streetscapes which are pleasant to walk and bike along.

This initiative has the potential to advance equity by providing a mechanism for new street tree plantings in areas with a high vulnerability index and identified Communities of Opportunity, with the potential to reduce urban heat island effects.

The development of the *Street Tree Canopy Credit and Alternative Planting Standard* involved substantial community engagement over a six-month period. The development community, staff, senior county leadership, the Planning Commission's Environmental Committee, the Tree Commission, and the Environmental Quality Advisory Council were engaged during the process and modifications were made based on feedback received.

Trees planted will be monitored for success and adjustments to the planting details will be made as necessary.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Appendix: Street Tree Canopy Credit and Planting Alternatives for Constrained Sites

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STAFF:

Rachel Flynn, Deputy County Executive

Tracy Strunk, Director, Department of Planning and Development (DPD)

Bill Hicks, Director, Land Development Services (LDS)

Chris Caperton, Deputy Director, DPD

JoAnne Fiebe, Senior Revitalization Program Manager, DPD

Ellen Alster, Senior Planner, DPD

Suzie Battista, Section Director, DPD

Brian Keightley, Director, Urban Forest Management Division, Department of Public Works and Environmental Services

Appendix: Street Tree Canopy Credit and Alternative Planting Standard
12/16/2022

Note: This appendix applies to the following districts where Urban Design Guidelines are used in the development review and site plan review processes.

- *Annandale CRD*
- *Bailey's Crossroads/Seven Corners CRD*
- *Huntington TSA*
- *Lake Anne CRA*
- *Lincolnia CRA*
- *McLean CRD*
- *Merrifield CRA*
- *Reston TSAs*
- *Richmond Highway Corridor (inclusive of the CRDs and SNAs)*
- *Springfield CRD and TSA*
- *Tysons Urban Center*
- *West Falls Church TSA*

Introduction

This Appendix amends the [Tysons Urban Design Guidelines](#), [Reston TSA Urban Design Guidelines](#) and [Volume 1: Urban Design Guidelines](#) (UDGs) with the following:

- It permits new developments to receive a ten-year Tree Canopy credit for street trees installed, with appropriate agency/organization permission, within VDOT right-of-way, private streets, and utility easements. Canopy credit is awarded incrementally. Bonus credit is given to trees planted per the [Public Facilities Manual \(PFM\)](#) (PFM § 12-0310.4), while full credit is given when soil volume requirements are met.
- It recognizes that older activity centers are characterized by large areas of paving and conditions that often preclude tree planting per PFM and UDG standards. To encourage a more equitable distribution of tree canopy as supported by [OneFairfax](#) and [Resilient Fairfax](#), the *Alternative Tree Planting Standard for Constrained Sites (Alternative Planting Standard)* is provided.
- To promote a balance between long-term tree health and place-making, a street tree caliper size of 2.5 to 4 inches is required at installation.

Canopy Credit for Street Tree Planting

For street trees to receive 10-year Tree Canopy credit when planted within VDOT right-of-way, a replacement agreement must be executed with Fairfax County and a perpetual maintenance agreement must be executed with VDOT. For trees to receive credit when planted along private streets or within easements, a perpetual maintenance and replacement agreement must be executed with Fairfax County. Tree canopy credit is calculated as follows:

- a. Refer to PFM Table 12.14 for base line 10-year Tree Canopy credits.
- b. A multiplier of 1.5 times the 10-year Tree Canopy credit may be applied to the canopy area if PFM § 12-0310.4E (“Standards for Tree Location”) is met.

- c. Full (1.0) 10-year Tree Canopy credit may be applied to the canopy area if:
 - Soil volumes in PFM § 12-0310.4E(9) are met, but other provisions of PFM § 12-0310.4E are not; and,
 - A contiguous soil panel meeting the minimum soil volumes is provided.
- d. A multiplier of 0.50 times the 10-year Tree Canopy credit may be applied for Category III and IV trees when the *Alternative Planting Standard* described in the next section, is used.
- e. Smaller soil volumes can be used, but trees planted in these areas cannot be counted for 10-year Tree Canopy credit or tree replacement.
- f. Street trees planted within utility easements may receive canopy credit under any of the above scenarios. Adequate depth may be an issue for underground utilities. For overhead utilities, the right species is important to avoid excessive trimming. Applicants should coordinate with the Urban Forest Management Division Director on planting details and species selection.
- g. Trees planted within bioretention facilities may receive 10-year Tree Canopy credit if planting areas meet PFM § 12-0310.4.E standards.
- h. Other multipliers found in the PFM do not apply.

Alternative Tree Planting Standard for Constrained Sites (Alternative Planting Standard)

Where constrained site conditions make tree planting unlikely to occur, the *Alternative Planting Standard* may be considered as an option. It is intended for use in older urban activity centers where paved roadways and utilities occupy most of the right-of-way; it should not be used for the purpose of maximizing developable area on adjacent parcels.

As an alternative to the PFM standard § 12-0310.4.E and Table 12.14, tree planting space may be reduced in width and soil volume without requiring additional rooting space below pavement. All other locational provisions of PFM § 12-0310.4.E apply. The *Alternative Planting Standard* may be considered an option only when one or more of the following site conditions occurs:

- There is insufficient space between the back-of-curb and the right-of-way line to fit the required widths for both the sidewalk and the landscape panel.
- There are conflicts with existing utility easements, manholes, pull boxes, traffic cabinets, and other structures within the landscape panel.
- The right-of-way width varies and/or has an unusual or irregular shape. Street sections allow the full planting width for most of a block, while narrowing in short stretches. In this situation, full or bonus credit may be possible for most of the street trees, with the *Alternative Planting Standard* used for only a few trees.

Tree planting using the *Alternative Standard* must meet the following specifications:

- a. Soil volumes must be a minimum of 300 cubic feet per tree; minimum planting width should be five (5) feet wide; and open soil area at the surface must be a minimum of 87.5 square feet.
- b. The typical minimum tree planting dimensions are seventeen and one half (17.5) feet long by three and one half (3.5) feet deep. Alternative dimensions may be permitted so long as the distance from the center point of a tree to any barrier that restricts root growth is a minimum of two (2) feet on no more than two sides and a minimum of four (4) feet on remaining sides.
- c. Soil volume depth should be calculated at no greater than three and one half (3.5) feet deep within two (2) feet of the tree on no more than two sides and four (4) feet on remaining sides. Soil depth beyond these areas may be shallower so long as soil volumes are met.
- d. Native herbaceous perennials, ornamental grasses, and non-woody plants are acceptable within the tree planting area. Annual plant materials should not be installed within eight (8) feet of trees, to avoid root damage. Turfgrass should not be used within the tree planting areas.
- e. Signs, traffic signals, streetlights, site furnishings, and other objects should not be placed within eight (8) feet of the center-point of the tree trunk.
- f. Bioretention areas are not permitted to use the Alternative Standard.

Street Tree Size at Installation

To receive Tree Canopy credit, street tree size should be between 2.5 inches and 4 inches in caliper at time of planting.

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).
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- 1. *Kimberly LaFave, et al. v. County of Fairfax, et al.*, Case No. CL-2021-0001569 (Fx. Co. Cir. Ct.)
 - 2. *Jane Doe v. Michael O. Barbazette, Jason J. Mardocco, James Baumstark, Vincent Scianna, Edwin C. Roessler, Fairfax Police Officers ##3-10, and Fairfax County, Virginia*, Case No. 1:21-cv-1150 (E.D. Va.)
 - 3. *Lolita R. Matammu v. County of Fairfax, Virginia a/k/a/ Fairfax County Health Department*, Case No. 1:20-cv-1468 (E.D. Va.)
 - 4. *Tyson's Corner Hotel Plaza, LLC v. Fairfax County*, Case No. CL-2021-0017755 (Fx. Co. Cir. Ct.) (Providence District)
 - 5. *Amazon Data Services Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-00017488 (Fx. Co. Cir. Ct.)
 - 6. *Amazon Data Services, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-0017489 (Fx. Co. Cir. Ct.)
 - 7. *Abdolreza Rezanazhad v. Anthony Shobe, Fairfax County Sheriff's Office, and Fairfax County*, Case No. GV22-019962 (Fx. Co. Gen. Dist. Ct.)
 - 8. *Kristal Hernandez v. Claudia Castro, Badge #353567*, Case No. GV23-000060 (Fx. Co. Gen. Dist. Ct.)
 - 9. *In re: March 10, 2021, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Harmony Hills Equestrian Center, Inc., and Terry Abrams v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0004806 (Fx. Co. Cir. Ct.) (Mount Vernon District)

10. *In re: March 11, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Anders Larsen Trust, Jason Hein, and Matthew Desch v. Virginia Health Operations, LLC, d/b/a Newport Academy, Monroe RE, LLC, and Board of Supervisors of Fairfax County, Virginia; Victor T. Tsou and Janet C. Tsou v. Monroe RE, LLC, Virginia Health Operations, LLC, d/b/a Newport Academy, and Board of Supervisors of Fairfax County, Virginia, Case Nos. CL-2020-0005490 and CL-2020-0005521 (Fx. Co. Cir. Ct.) (Dranesville District)*
11. *Washington Gas Light Company v. Christine Chen Zinner; Kurt Iselt; Sarah Ellis; Lillian Whitesell; Board of Supervisors of Fairfax County Virginia; Board of Zoning Appeals of Fairfax County Virginia; Virginia Department of Transportation; CL-2022-0003061*
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Bryan L. Patrick and Dahlia McLean, Case No. GV22-018254 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Chun Kim and Hee Ja Kim, Case No. GV22-018253 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Loc Dat Vu and Thi My Nuong Nguyen, Case No. GV22-018468 (Fx. Co. Gen Dist. Ct.) (Braddock District)*
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Pushpa Patar, Case No. GV22-019068 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. AB LAND LLC, aka Artisan Builders, Case No. GV22-019066 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kamal Mohammad Islam, Taham Islam, Lucio M. Aliaga, Case No. CL-2022-0004966 (Fx. Co. Cir. Ct.) (Franconia District)*
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean J. Aidonis, Case No. CL-2020-0012471 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Qadeer Malik and Shahnaz Malik, Case No. CL-2022-00017185 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
20. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Lloyd Chaisson, Case No. CL-2023-0000503 (Fx. Co. Cir. Ct.) (Hunter Mill District)*

21. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Elaine N. Oliver Trust*, Case No. GV22-017119 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Anthony Michael Andreatos*, Case No. GV22-018255 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Frances F. Kelly*, Case No. CL-2022-0003435 (Fx. Co. Cir. Ct.) (Mason District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Kim Dao T. Nguyen and A Di Da Charitable Buddhist Association*, Case No. CL-2022-0009400 (Fx. Co. Cir. Ct.) (Mason District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Kyong S. Song*, Case No. CL-2022-016159 (Fx. Co. Cir. Ct.) (Mason District)
26. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Bren Mar Recreation Assoc., Inc.*, Case No. CL-2023-0000105 (Fx. Co. Cir. Ct.) (Mason District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Mohammed F. Talukder and Momataz Parvin*, Case No. CL-2023-0000871 (Fx. Co. Cir. Ct.) (Mason District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Jonis Alvarado Hernandez and Sandra Noemi Callejas Guillen*, Case No. GV22-008249 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose G. Chavez Caballero and Leslie Chavez*, Case No. GV23-000857 (Fx. Co. Gen. Dist. Ct.) (Mason District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julia E. Freeman and Samuel H. King*, Case No. CL-2011-0005858 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Piyush J. Goel and Kelli L. Goel*, Case No. GV22-005334 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Edward Carr*, Case No. GV22-006732 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

33. *Jay Riat, Building Official for Fairfax County, Virginia v. GC Retail L.C., Body and Soul, L.L.C.*, Case No. GV22-017389 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Jay Riat, Building Official for Fairfax County, Virginia v. Gerald Omari*, Case No. GV22-018252 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. Ethiorun LLC and Medi, LLC*, Case No. GV23-000856 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Gregg Riddiford*, Case No. CL-2013-0015905 (Fx. Co. Cir. Ct.) (Providence District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oakton Limited Partnership, LLP*, Case No. CL-2021-0017793 (Fx. Co. Cir. Ct.) (Providence District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Ahmad Farshid Ghyasi and Maryam Ghyasi*, Case No. GV22-013079 (Fx. Co. Gen. Dist. Ct.) (Sully District)

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1:30 p.m.

Public Hearing on RZ 2021-PR-00030 (Fairfax County School Board, A Body Corporate) to Rezone from R-2 to R-3 to Allow Building Additions and Site Improvements for Mosaic Elementary School and a Lot Width Waiver, at an Overall Floor Area Ratio (FAR) of 0.29, Located on Approximately 10.06 Acres of Land (Providence District)

This property is located at 9819 Five Oaks Rd., Fairfax, 22031. Tax Map 48-3 ((1)) 16.

The Board of Supervisors deferred this public hearing from the January 24, 2023, meeting until February 7, 2023, at 1:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On November 16, 2022, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following:

- Approval of RZ 2021-PR-00030, subject to the execution of proffered conditions consistent with those dated October 20, 2022; and
- Approval of a modification of the transitional screening requirements around the periphery of the property that is adjacent to existing residential uses to what is shown on the Generalized Development Plan.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Kimia Zolfagharian, Planner, DPD