

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
June 7, 2016**

**AGENDA**

9:30 Presentations

10:00 Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

- 1 Streets into the Secondary System (Dranesville and Sully Districts)
- 2 Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Shape Factor in the R-C District; Increase in Residential Building Height; and Minor Lot Line Adjustments
- 3 Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3 of the Code of the County of Fairfax Re: Employees' and Uniformed Retirement Systems – Change in Social Security Offset to Service-Connected Disability Benefits
- 4 Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Virginia Department of Behavioral Health and Developmental Services for the Merrifield Crisis Response Center
- 5 Authorization for the Fairfax County Fire and Rescue Department to Apply for Grant Funding from the U.S. Department of Homeland Security for the Port Security Grant Program (PSGP)

**ACTION ITEMS**

- 1 Approval of Head Start/Early Head Start Policy Council Bylaws and Self-Assessment Report
- 2 Approval of a Letter Agreement Between Fairfax County Department of Transportation and Fairfax County Park Authority for the Design Management of the Ashgrove Trail Extension (Hunter Mill District)
- 3 Authorization for the Fairfax County Department of Transportation to Apply for and Accept Funding from the Federal Transit Administration's Pilot Program for Transit-Oriented Development Planning to Support the Embark Richmond Highway Comprehensive Plan Amendment (PA 2015-IV-MV1) (Lee and Mount Vernon Districts)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
June 7, 2016**

**ACTION ITEMS  
(Continued)**

- |       |   |
|-------|---|
| 4     | Approval of a Fall 2016 Meals Tax Referendum  |
| 5     | Adoption of the One Fairfax Resolution that Directs the Development of a Racial and Social Equity Policy and Strategic Actions to Advance Opportunities and Achieve |
| 6     | Endorsement of the Washington Metropolitan Area Transit Authority's (WMATA) SafeTrack Rebuilding Program  |
| 10:10 | Matters Presented by Board Members  |
| 11:00 | Closed Session  |

**PUBLIC  
HEARINGS**

- |      |   |
|------|---|
| 3:00 | Public Hearing on PCA 89-D-007 (Fairfax County School Board) (Dranesville District)   |
| 3:30 | Public Hearing on PRCA 77-C-076 (Akridge and RTC Partnership LLC) (Hunter Mill District)  |
| 3:30 | Public Hearing on PCA 2002-HM-043-02 / CDPA 2002-HM-043 (Arrow Brooke Centre LLC) (Dranesville District)  |
| 3:30 | Public Hearing on PCA 84-L-020-25/ CDPA 84-L-020-06 (Kingstown M&N LP and Kingstowne Towne Center LP) (Lee District)                            |
| 3:30 | Public Hearing on PCA 87-P-109 (David Peete Jr and Karen Peete) (Providence District)   |
| 3:30 | <b>To be deferred to<br/>July 12, 2016 at<br/>3:30 p.m.</b> Public Hearing on SE 2015-MV-035 (Starbucks Coffee Company) (Mount Vernon District) |
| 4:00 | Public Hearing to Make Editorial Amendments to Section 82-5-37(4) and to Consider Parking Restrictions on Vogue Road (Springfield District)     |
| 4:00 | Public Hearing to Consider Removing Parking Restrictions on Dorr Avenue (Providence District)   |
| 4:00 | Public Hearing to Consider Parking Restrictions on Park Center Road (Sully District)  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
June 7, 2016**

**PUBLIC  
HEARINGS  
(Continued)**

- |      |  |
|------|--|
| 4:30 | Public Hearing to Consider Parking Restrictions on Ladson Lane (Lee District)                            |
| 4:30 | Public Hearing on a Proposal to Prohibit Through Truck Traffic on Summerfield Road (Providence District) |
| 4:30 | Public Hearing on a Proposal to Prohibit Through Truck Traffic on Marshall Street (Providence District)  |
| 5:30 | Recognition of 2016 Lord and Lady Fairfax Honorees, Board Auditorium                                     |



# *Fairfax County, Virginia*

## ***BOARD OF SUPERVISORS***

### ***AGENDA***

**Tuesday  
June 7, 2016**

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9:30 a.m.

#### **PRESENTATIONS**

Presentation of the Colors by the U.S. Army Continental Color Guard  
and an element of the Old Guard Fife and Drum Corps

- PROCLAMATION – To designate June 14-18, 2016, as Army Week in Fairfax County. Requested by Chairman Bulova.
- RESOLUTION – To recognize Col. Michelle D. Mitchell, Commander, U.S. Army Garrison, Fort Belvoir, for her contributions to Fairfax County. Requested by Supervisors McKay and Storck.
- CERTIFICATE – To recognize the Chantilly High School journalism students for winning a 2016 First Amendment Press Freedom Award. Requested by Supervisor Smith.
- PROCLAMATION – To designate June 2016 as LGBT Pride Month in Fairfax County. Requested by Supervisor Foust.
- CERTIFICATE – To recognize John Litzenberger for his service on the Planning Commission and Hal Strickland for his service on the Park Authority Board. Requested by Supervisor Smith.



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— more —

- PROCLAMATION – To designate June 2016 as Fatherhood Awareness Month in Fairfax County. Requested by Supervisor Hudgins.
- PROCLAMATION – To designate June 19-25, 2016, as Safety Stand Down Week in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

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10:00 a.m.

Items Presented by the County Executive

Board Agenda Item  
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ADMINISTRATIVE – 1

Streets into the Secondary System (Dranesville and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

| <b><u>Subdivision</u></b> | <b><u>District</u></b> | <b><u>Street</u></b>   |
|---------------------------|------------------------|--|
| McLean Meadows Estates    | Dranesville            | Cloverlawn Court   |
|                           |                        | Old Dominion Drive (Route 309)<br>(Supplemental Right-of-Way Only) |
| Clifton Pines             | Sully                  | Clifton Pines Drive  |
|                           |                        | Sturno Drive   |
| Clifton Pines II          | Sully                  | Sturno Drive   |
|                           |                        | Old Clifton Road (Route 3545)<br>(Supplemental Right-of-Way Only)  |

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Robert A. Stalzer, Deputy County Executive

William D. Hicks, P.E., Deputy Director, Department of Public Works and Environmental Services, Land Development Services

# Attachment 1

Print Form

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

|  |  |  |  |
|--|--|--|--|
| <b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b><br><b>FAIRFAX, VA</b><br>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system. |  | <b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b><br>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.<br><b>PLAN NUMBER:</b> 7147-SD-01<br><b>SUBDIVISION PLAT NAME:</b> McLean Meadows Estates<br><b>COUNTY MAGISTERIAL DISTRICT:</b> Dranesville |  |
| <b>ENGINEERING MANAGER:</b> Imad A. Salous, P.E.<br><b>BY:</b> <u>Nalin Alphonse</u>   |  | <b>FOR OFFICIAL USE ONLY</b><br><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>03/23/2016</u>   |  |

| STREET NAME   | LOCATION  |                              | LENGTH<br>MILE      |
|---|---|------------------------------|---------------------|
|   | FROM  | TO                           |                     |
| Cloverlawn Court  | CL Old Dominion Drive (Route 309) -<br>611' S CL Dominion Crest Lane (Route 8149) | 303' NE to End of Cul-de-Sac | 0.06                |
| Old Dominion Drive (Route 309)<br>(Supplemental Right-of-Way Only)                        | 288' S CL Dominion Crest Lane (Route 8149)  | 533' S to End of Dedication  | 0.0                 |
|   |   |                              |                     |
|   |   |                              |                     |
|   |   |                              |                     |
|   |   |                              |                     |
| <b>NOTES:</b>   |   |                              | <b>TOTALS:</b> 0.06 |
| Cloverlawn Court: 4' Concrete Sidewalk on North Side to be maintained by Fairfax County.  |   |                              |                     |
| Old Dominion Drive: 6' Asphalt Trail on the East Side to be maintained by Fairfax County. |   |                              |                     |
|   |   |                              |                     |
|   |   |                              |                     |
|   |   |                              |                     |
|   |   |                              |                     |

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

|  |  |   |  |
|--|--|---|--|
| <b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b><br><b>FAIRFAX, VA</b><br>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system. |  | <b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b><br>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.<br><b>PLAN NUMBER:</b> 8699-SD-01<br><b>SUBDIVISION PLAT NAME:</b> Clifton Pines<br><b>COUNTY MAGISTERIAL DISTRICT:</b> Sully |  |
| <b>ENGINEERING MANAGER:</b> Imad A. Salous, P.E.<br><b>BY:</b> <u>Nadia Alphonse</u>   |  | <b>FOR OFFICIAL USE ONLY</b><br><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>03/09/2016</u>  |  |

| STREET NAME         | LOCATION  |                                     | LENGTH<br>MILE |
|---------------------|---|-------------------------------------|----------------|
|                     | FROM  | TO                                  |                |
| Clifton Pines Drive | CL Old Clifton Road (Route 3545)<br>- 1,140' SW CL Clifton Road (Route 645) | 203' N to CL Sturno Drive           | 0.04           |
| Sturno Drive        | CL Clifton Pines Drive<br>- 203' N CL Old Clifton Road (Route 3545)         | 303' E to the end of the Cul-de-Sac | 0.06           |
|                     |   |                                     |                |
|                     |   |                                     |                |
|                     |   |                                     |                |
|                     |   |                                     |                |
|                     |   |                                     |                |
| <b>TOTALS:</b>      |   |                                     | 0.10           |

|  |  |
|--|--|
| <b>NOTES:</b>  |  |
| Clifton Pines Drive 4' Concrete Sidewalk on East Side to be Maintained by VDOT |  |
| Sturno Drive 4' Concrete Sidewalk on South Side to be Maintained by VDOT       |  |
|  |  |
|  |  |
|  |  |
|  |  |

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

|  |  |  |  |
|--|--|--|--|
| <b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b><br><b>FAIRFAX, VA</b><br>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system. |  | <b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b><br>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.<br><b>PLAN NUMBER:</b> 8699-SD-02<br><b>SUBDIVISION PLAT NAME:</b> Clifton Pines II<br><b>COUNTY MAGISTERIAL DISTRICT:</b> Sully |  |
| <b>ENGINEERING MANAGER:</b> Imad A. Salous, P.E.<br><b>BY:</b> <u>Nadia Alphonse</u>   |  | <b>FOR OFFICIAL USE ONLY</b><br><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>03/09/2016</u>   |  |

| STREET NAME  | LOCATION  |                             | LENGTH<br>MILE |
|--|---|-----------------------------|----------------|
|  | FROM  | TO                          |                |
| Sturno Drive   | CL Clifton Pines Drive -<br>203' N CL Old Clifton Road (Route 3545) | 205' W to End of Cul-de-Sac | 0.04           |
| Old Clifton Road (Route 3545)<br>(Supplemental Right-of-Way Only)                        | 25' W CL Clifton Pines Drive  | 472' W to End of Dedication | 0.0            |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |
| <b>NOTES:</b>  |   |                             | <b>TOTALS:</b> |
| Old Clifton Road: 4' Concrete Sidewalk on North Side to be maintained by Fairfax County. |   |                             | 0.04           |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |

ADMINISTRATIVE – 2

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment Re: Shape Factor in the R-C District; Increase in Residential Building  
Height; and Minor Lot Line Adjustments

ISSUE:

The proposed amendment addresses several items that are set forth in the 2015 Zoning Ordinance Amendment Work Program, including shape factor in the R-C District and an increase in building height for single family detached dwellings in the R-C, R-E and R-1 Districts. The amendment also facilitates the minor adjustment of lot lines between corner lots and the adjacent lots when such lots do not meet the current lot area, lot width and/or shape factor requirements, but met the requirements that were in effect when the lots were created.

RECOMMENDATION:

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

TIMING:

Board action is requested on June 7, 2016, to provide sufficient time to advertise the proposed Planning Commission public hearing on July 20, 2016, at 8:15 p.m., and the proposed Board public hearing on September 20, 2016, at 4:00 p.m.

BACKGROUND:

The proposed amendment consists of three components pertaining to the addition of shape factor in the R-C District; an increase in single family dwelling building height in the R-C, R-E and R-1 Districts; and the facilitation of minor lot line adjustments for certain lots. Specifically, the amendment:

1. Allows a lot to be created in the R-C District that complies with the R-C District regulations and other applicable regulations, and such lot may be used for any use permitted in the R-C District pursuant to a Building Permit, provided that all such lots, except for lots designated as open space or lots developed under the cluster provisions requiring special exception approval from the Board of Supervisors, shall have a shape factor of less than or equal to 35, or lots with a shape factor greater than 35 but less than 50 may be permitted with special exception approval by the Board.



2. When a lot is subject to a lot width waiver special exception from the Board, exclude the pipestem portion of such lot from the shape factor requirement.
3. Allows a minor adjustment of lot lines between corner lots and contiguous lots when such lots do not meet the current minimum district size, lot area, lot width and/or shape factor requirements of the zoning district in which located, but such lots met the requirements of the Zoning Ordinance in effect at the time of recordation, provided that the reconfigured lots contain either the same lot area as existed prior to the adjustment of the lot lines or a greater area than existed prior to the adjustment of lot lines which results in a reduced number of lots. Such minor adjustment of lot line between corner lots and contiguous lots may change the road frontage or orientation of the lot, provided that there shall be no additional lots or outlots created, the number of lots that does not comply with the current minimum lot width requirement shall not be increased, and the amount of lot width noncompliance shall not be aggravated. In addition, such adjustment of lot lines shall not create or aggravate any existing noncompliance with regard to minimum lot area, shape factor or minimum yard requirements.
4. Allows the maximum building height for single family detached dwellings to be increased from 35 feet to 40 feet in the R-C, R-E and R-1 Districts, provided a minimum required yard of 50 feet is maintained from all lot lines for any dwelling with a height greater than 35 feet. However, in order to provide the Board the flexibility to consider a taller maximum building height and/or other minimum required yards, the proposed amendment is advertised to allow an increase in maximum building height from the current 35 feet up to 45 feet and provides a range of 40 to 60 feet for the minimum required yard for single family dwellings greater than 35 feet in height. The Board can select any maximum height or minimum required yard within the advertised range and still be within the scope of advertisement.

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

**REGULATORY IMPACT:**

The addition of a shape factor requirement in the R-C District, and the additional flexibility in the minor lot line adjustment provisions between corner lots and contiguous lots that do not meet the current lot size requirements but met the requirements in effect when the lots were recorded, would result in lots that are more regularly shaped and, therefore, more desirable and easier to develop and maintain. The increase in building height in the R-C, R-E, and R-1 Districts when structures are setback a certain distance from all property boundaries provides flexibility and allows for more creativity in single

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family dwelling design, while mitigating the impact of the additional height on adjacent properties.

FISCAL IMPACT:

The proposed amendment will not require any additional review by staff or cost to the public and, as such, there will be no fiscal impacts to applicants or staff.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

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

**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on June 7, 2016, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, the shape factor limitation is designed to prevent irregularly shaped lots by providing a measurement by which the compaction and degree of regularity of the shape of a lot can be evaluated, and there is currently no shape factor requirement in the R-C District;

WHEREAS, there have been numerous lots created in the R-C District with highly irregular shapes, and therefore, it may be appropriate to add a shape factor limitation in the R-C District;

WHEREAS, the Board of Supervisors can approve a special exception for a lot width waiver and such waiver can result in the creation of pipestem lots, and frequently a corresponding waiver of the shape factor limitation is required with such special exception applications;

WHEREAS, the Board approves the overall lot layout and design in conjunction with the approval of a lot width waiver special exception and this is a public hearing process, it may be appropriate to exclude the pipestem portion of a lot from the shape factor calculations when such lot is approved pursuant to a lot width waiver special exception by the Board;

WHEREAS, the maximum allowable building height for single family dwellings is 35 feet in all residential zoning districts, and the residential districts have varying minimum lot size and minimum yard requirements;

WHEREAS, the farther a building is setback from any property boundary, the less of an impact the height of a building would have on adjacent properties;

WHEREAS, the R-C, R-E and R-1 Districts are large lot residential zoning districts that allow single family detached dwellings, and these districts generally have the same minimum yard (setback) requirements;

WHEREAS, it may be appropriate to increase the maximum allowable building height for single family dwellings in the R-C, R-E and R-1 Districts, provided that a certain minimum required yard is maintained from all property lots for any dwelling with a height greater than 35 feet;

WHEREAS, minor adjustments of lot lines between lots that do not meet the current minimum district size, minimum lot area, minimum lot width and/or shape factor requirements, but met the zoning requirements in effect when the lots were recorded, may be permitted by the Director of the Department of Public Works and Environmental Services in accordance with the Fairfax County Subdivision Ordinance, provided that:

- (1) the resulting lots contain either the same land area that existed prior to the adjustment or a greater land area than existed prior to the adjustment which results in a reduced number of lots, and
- (2) no additional lots or outlots are created, and the resultant lot lines do not create any new or aggravate any existing noncompliance with regard to minimum lot area, lot width, shape factor or minimum yard requirements;

## ATTACHMENT 1

WHEREAS, when one of such lots is a corner lot, it is difficult to meet the minor lot line adjustment requirements such that the resulting lots are regularly shaped and, therefore, it may be appropriate to allow more flexibility for minor lot line adjustments involving corner lots; and

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

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

A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors



**FAIRFAX  
COUNTY**

# **STAFF REPORT**

V I R G I N I A

## **PROPOSED ZONING ORDINANCE AMENDMENT**

**Shape Factor in the R-C District; Increase in Residential Building Height;  
and Minor Lot Line Adjustments**

## **PUBLIC HEARING DATES**

**Planning Commission**

July 20, 2016 at 8:15 p.m.

**Board of Supervisors**

September 20, 2016 at 4:00 p.m.

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

June 7, 2016

LK



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

## **STAFF COMMENT**

### **BACKGROUND**

The proposed amendment addresses several items that are set forth in the 2015 Zoning Ordinance Amendment Work Program, including shape factor and building height. The addition of a shape factor limitation in the R-C District is contained on the 2015 Priority 2 list. An increase in the maximum allowable building height in the R-C, R-E and R-1 Districts when the impact of the increased height on adjacent properties is mitigated is on the 2015 Priority 1 list. In addition, the proposed amendment would add language that facilitates the minor adjustment of lot lines between corner lots and the adjacent lots when such lots do not meet the current lot area, lot width and/or shape factor requirements, but met the requirements that were in effect when the lots were created. The need for this language has recently become apparent based on several minor lot line adjustment requests that have recently been submitted.

### **PROPOSED AMENDMENT**

A description of each element of the proposed amendment is set forth as follows:

#### **Shape Factor in the R-C District**

In 2006 the Board adopted a Zoning Ordinance Amendment that added a shape factor requirement for lots located in the R-E through R-8 Districts. The requirement was adopted in response to concerns raised by the Board and staff regarding the considerable increase in the number of irregularly shaped lots being created within conventional single family subdivisions. These irregularly shaped lots exhibited characteristics such as elongated appendages, extreme width to depth ratios, and lot lines with sharply acute angles which often made it difficult, if not impossible, for homeowners to ascertain certain lot line locations. More regular lot shapes result in lots that have more easily identifiable front, side and rear yards, which facilitates the determination of a building footprint and the location of any future additions and/or accessory structures. Lots that are more regularly shaped also provide fewer difficulties with respect to yard and septic system maintenance. Lots that were the most irregular were those that were designed for the purpose of achieving minimum lot width or for septic drain fields. It was staff's view that a great majority of the irregularly shaped lots were created in order to maximize lot yield.

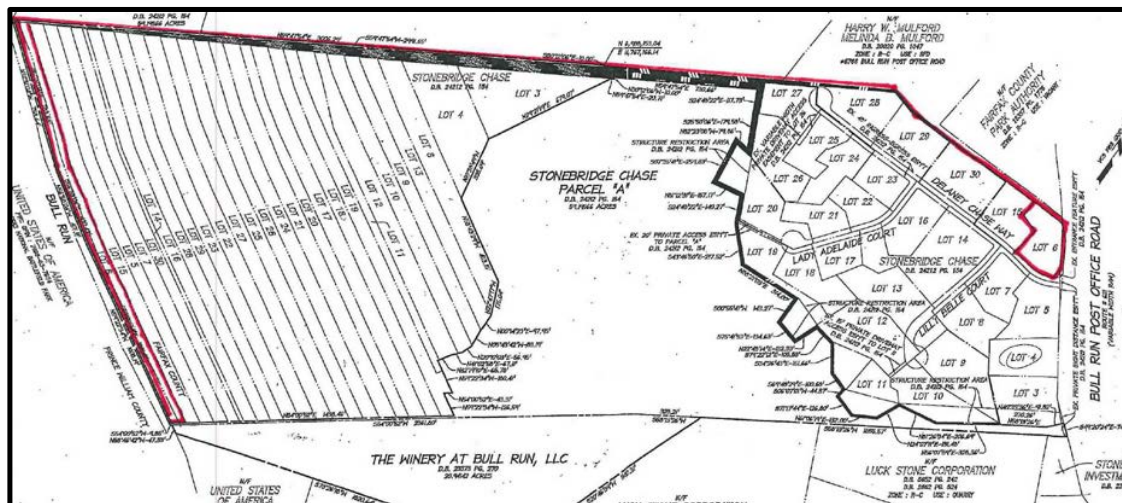
Shape factor is designed to prevent irregularly shaped lots by providing a measurement by which the compaction and degree of regularity of the shape of a lot can be evaluated. Shape factor is defined in the Zoning Ordinance as the non-dimensional ratio of the lot perimeter squared, divided by the lot area, where the perimeter and area are derived from the same unit of measurement. In order to understand the context of shape factor, the most compact geometric shape is a circle which has a shape factor of 12.5. A square has a shape factor of 16. The current Zoning Ordinance allows a maximum shape factor of 35 by right in the R-E through R-8 Districts. Lots designated as open space, depicted on an approved development plan in the PRC District, depicted on an approved final development plan in a PDH or PDC District, or located in a cluster subdivision approved with special exception approval by the Board, are not required to meet shape factor. It was believed that the overall design and configuration of such lots were approved through a public hearing process and should, therefore, not be subject to shape factor. Cluster subdivisions can also be approved by right in the R-2 District and in certain R-3 and R-4 Districts, and it was believed

appropriate for by right cluster subdivisions to be subject to the shape factor requirement. However, such cluster subdivisions may have pipestem driveways and such driveways would increase the perimeter of a lot and therefore increase the lot's shape factor. Therefore, the pipestem portion of a lot in a by right cluster subdivision is not included in the shape factor calculation.

In recognition that there may be some limited circumstances in which an increase in shape factor may be warranted, the Zoning Ordinance allows the Board to approve a special exception for an increase in the maximum allowable shape factor from 35 up to 50. Such special exception approval requires a determination that a portion of the property is required for the establishment of a wastewater and/or stormwater management facility or a stream valley trail as an outlot within a proposed subdivision, provided that there is no alternative location on the property being subdivided for the proposed facility or trail.

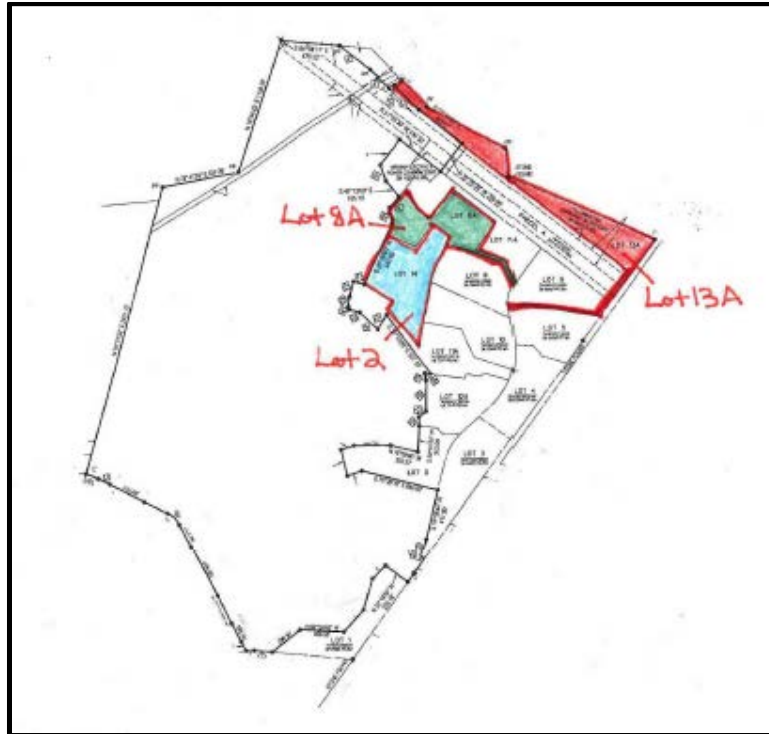
**PROPOSED AMENDMENT:** At the time of the establishment of the shape factor limitation, it was believed that shape factor should not apply to the R-C District as most lots in the R-C District require septic drain fields, the minimum lot size for a conventionally developed lot in the R-C District is 5 acres and subdivision approval is not required for such development. However, it was recognized shortly after the shape factor requirement became effective that it might be **appropriate to include a shape factor requirement in the R-C District given the irregular shape of certain lots that were being created in the R-C District.** The Board added the possible incorporation of a shape factor requirement in the R-C District to the Priority 2 list of the Zoning Ordinance Amendment Work Program in 2007 and recently moved this item to the Priority 1 list of the Zoning Ordinance Amendment Work Program. There have been a number of recent residential developments in the R-C District, specifically along Bull Run Post Office Road in the Sully District, that have resulted in lots with highly irregular shapes. Examples of two such developments are located below.

## R-C District Development #1



Development #1 is an extreme example of a development in the R-C District with lots that are approximately five acres in size with very high shape factors due to the long narrow appendages that contain more than three acres and extend for over 4500 feet from the main portion of the lots. For illustrative purposes, Lot 6 in Development #1 is highlighted in red and has a shape factor of 1,211, which is approximately 35 times greater than that allowed in other districts.

## R-C District Development #2



The lots in Development #2 are not as extreme as the lots in Development #1 as the overall lots are more compact in shape. Lots 7A, 8A, 11A and 13A in Development #2 all have shape factors greater than 35, and the remaining lots have a factor of less than 35. For illustrative purposes, Lot 2 has a shape factor of 24, Lot 8A has a shape factor of 53 and Lot 13A has a shape factor of 196.

The higher the shape factor is on a lot, the more irregular the shape of the lot and the more difficult it is to locate property boundaries and to place structures on the lot that meet the minimum yard requirements (setbacks). **Therefore, based on the two developments depicted above and other examples of irregularly shaped lots that have been created in the R-C District, it is believed appropriate to add a shape factor requirement in the R-C District.**

Lots can be created in the R-C District under the cluster provisions, which require special exception approval by the Board of Supervisors, or under the conventional provisions, which have a minimum lot size requirement of 5 acres. The creation of lots containing 5 acres or more does not



require subdivision approval under Chapter 101 of the County Code (The Subdivision Ordinance). Given that the minimum lot size requirements in the R-E through R-8 District are less than 5 acres, subdivision approval is typically required in the R-E through R-8 Districts for the creation of new lots. Since Par. 2 of Sect. 2-401 applies the shape factor requirements to lots in the R-E through R-8 Districts that are located in a subdivision created under Chapter 101, the proposed amendment adds a new Par. 3 to Sect. 2-401 to address lots that are zoned R-C District. Par. 3 would require that all lots that are created in the R-C District and are not designated as open space or developed as a cluster subdivision and requiring special exception approval would be subject to a maximum shape factor of 35 unless special exception approval was obtained which could allow the shape factor to be increased up to 50. Cluster subdivisions in the R-C District would be subject to Chapter 101 and would not be required to meet shape factor. Cluster subdivisions in the R-C District would be treated the same as cluster subdivisions in the other districts requiring special exception approval. The special exception standards for an increase in the shape factor in the R-C District would be the same standards that apply to the R-E through R-E Districts and would require a determination that a portion of the property is required for a wastewater and/or stormwater management facility or a stream valley trail as an outlot, and there is no alternative location on the property being subdivided for the proposed facility or trail.

As noted above, cluster subdivisions can be approved by right in the R-2 District and in certain R-3 and R-4 Districts, and pipestem lots can be created in conjunction with such approvals. In the by right cluster subdivisions, the pipestem portion of the lot is excluded from the shape factor calculation. The Board of Supervisors can approve a waiver of the minimum lot width requirements with the approval of a Category 6 Special Exception pursuant to Sect. 9-610 of the Zoning Ordinance. A lot width waiver can result in the creation of pipestem lots and frequently a corresponding waiver of the shape factor limitation is required in conjunction with such a request. Given that the Board approves the overall lot layout and design in conjunction with the approval of a lot width waiver special exception and this is a public hearing process, staff believes it appropriate to exclude the pipestem portion of a lot from the shape factor calculations when such lot is approved pursuant to a lot width waiver by the Board. Therefore, the proposed amendment modifies Par. 2C of Sect. 2-401 accordingly.

### **Increase in Residential Building Height**

The zoning district bulk regulations, including the maximum building height and the minimum yard requirements, are intended to reduce the bulk impact from a structure located on a property onto an adjacent property and to ensure adequate light and openness between buildings. Minimum lot size and yard requirements (setbacks) vary by zoning district and the districts with smaller minimum lot size requirements, such as in the R-4 and R-5 Districts, also have smaller minimum yard requirements than the districts with larger minimum lot area requirements, such as the R-C and R-E Districts. However, the maximum building height requirement for single family detached dwellings is 35 feet in all residential zoning districts. Building height is defined in the Zoning Ordinance as follows:

**HEIGHT, BUILDING:** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge

for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the GRADE in all other cases.

Single family detached dwellings can have many different architectural styles and corresponding roof types. Furthermore, the grade around a single family dwelling often varies due to changing topography on a lot and, therefore, the base building height measurement for single family detached dwellings is determined by the average ground level adjoining a building at all exterior walls. Since grade could either be lowered or raised as part of the construction of a single family dwelling, and an increase in grade could cause a new single family dwelling to loom over an adjacent existing structure, the Zoning Ordinance grade definition was amended in 2009 to require that the lower average ground level of either the pre-existing or finished grade elevation be used in determining the building height for a single family detached dwelling or an addition to a single family detached dwelling.

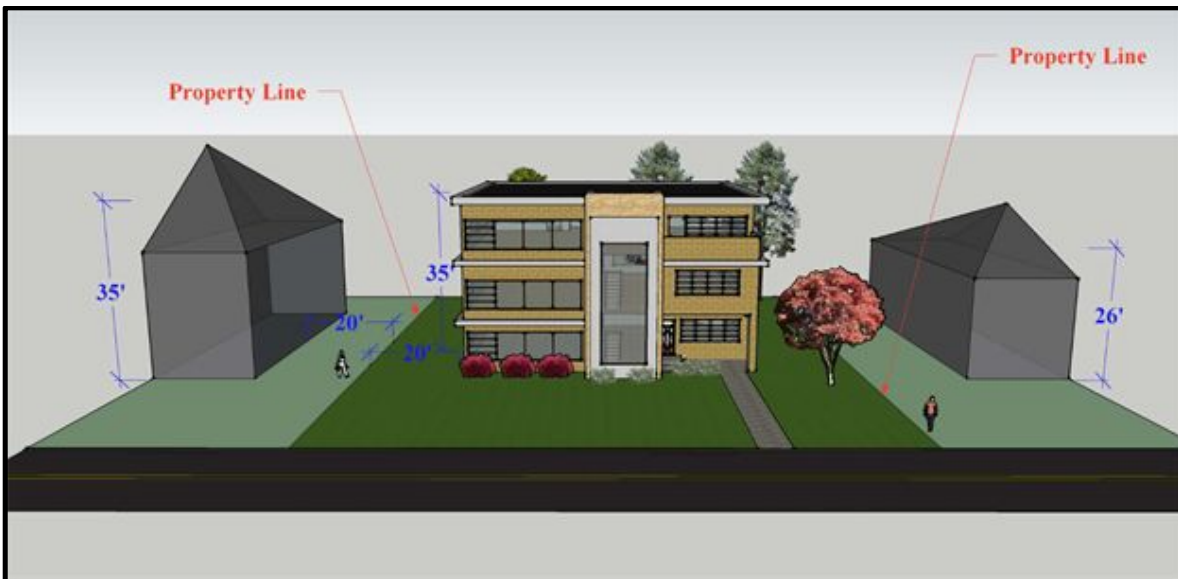
As part of the 2009 amendment, custom homebuilders also requested additional building height flexibility in certain zoning districts with larger minimum lot size requirements, as such districts have larger lot area and greater minimum yard requirements than districts with smaller minimum lot size requirements, and therefore, a dwelling with a building height greater than 35 feet would have less of an impact on adjacent properties than in districts with smaller lot size and minimum yard requirements. It can be difficult to build a single family dwelling with nontraditional architecture on steep slopes, such as along the Potomac River, that does not exceed the 35 foot maximum height limitation, particularly given that grade is now based on the lower of the pre-existing or post development average grade around a structure and there is frequently a large amount of fill or cutting required to develop such lots. The Board recognized that it may be appropriate to consider a taller maximum building height for single family dwellings in certain districts and added an item to the Priority 1 Zoning Ordinance Amendment Work Program in 2011 that would allow for the increase in building height in certain zoning districts when the impact of such height increase on adjacent properties is mitigated.

**PROPOSED AMENDMENT:** The proposed amendment would allow a single family dwelling to be up to 40 feet in height in the R-C, R-E and R-1 Districts, provided that a minimum yard of 50 feet is maintained from all lot lines for any such building greater than 35 feet in height. The R-C, R-E and R-1 Districts were selected as these districts have relatively large minimum lot size requirements for lots developed under the conventional provisions, with a minimum lot size requirement of 5 acres in the R-C District, 75,000 square feet in the R-E District, and 36,000 square feet in the R-1 District. The R-C and R-1 Districts have a minimum front yard requirement of 40 feet, and the R-E District has a minimum front yard requirement of 50 feet. The R-C, R-E and R-1 Districts have a minimum side yard requirement of 20 feet and a minimum rear yard requirement of 25 feet. In addition, cluster subdivisions with even smaller lot sizes and minimum yard requirements can be approved in the R-C, R-E and R-1 Districts with special exception approval by the Board. It is believed that an additional five feet of building height would provide adequate additional flexibility to accommodate most house designs. The impact of an increase in building height on an adjacent property can be mitigated with an increase in setback from the property lines. As such, staff is recommending that a minimum setback of 50 feet be required from all lot lines for any dwelling taller than 35 feet and up to 40 feet in height in the R-C, R-E, and R-1 Districts. The additional building height would apply to single family dwellings

constructed under both the conventional and cluster provisions. However, given that cluster subdivision lots are subject to smaller minimum lot size requirements than in the conventional districts and most cluster subdivision lots are developed near the minimum lot size requirement, it is highly unlikely that a single family dwelling in a cluster subdivision could meet the increased minimum yard requirements. Therefore, it is anticipated that this amendment will have little impact on building heights in cluster subdivisions. Staff believes that a fifty foot setback is appropriate because this results in a setback of approximately one foot for each foot of building height. Furthermore, there is precedence as the R-A and R-P Districts have minimum side and rear yard requirements of 50 feet. However, in order to provide the Board the flexibility to consider a taller maximum building height and/or other minimum setbacks, the proposed amendment is advertised to allow an increase in building height up to 45 feet and provides a range of 40 to 60 feet for the minimum required yard for single family dwellings greater than 35 feet in height. The Board can select any maximum height or setback distance within the advertised ranges and still be within the scope of advertisement.

The following three Building Height Illustrations show the impact of varying single family dwelling building heights and setbacks from the property line. In all three illustrations, the adjacent buildings are setback 20 feet from the property line with a 35 foot tall dwelling on the left (height is measured to the midpoint of the roof) and a 25 foot tall dwelling on the right. A 5'11" tall male is standing on the property line on the right side, and a 5'7" female is standing on the property line on the left side. Building Height Illustration 1 shows the minimum side yard requirement of 20 feet in the R-1, R-E and R-C Districts and a maximum building height of 35 feet (building height is measured to the top of a flat roof). This illustration shows what could occur by right under the existing regulations in the R-1, R-E and R-C Districts.

### **Building Height Illustration 1** **35' Tall Dwelling with 20' Side Yard Setback**



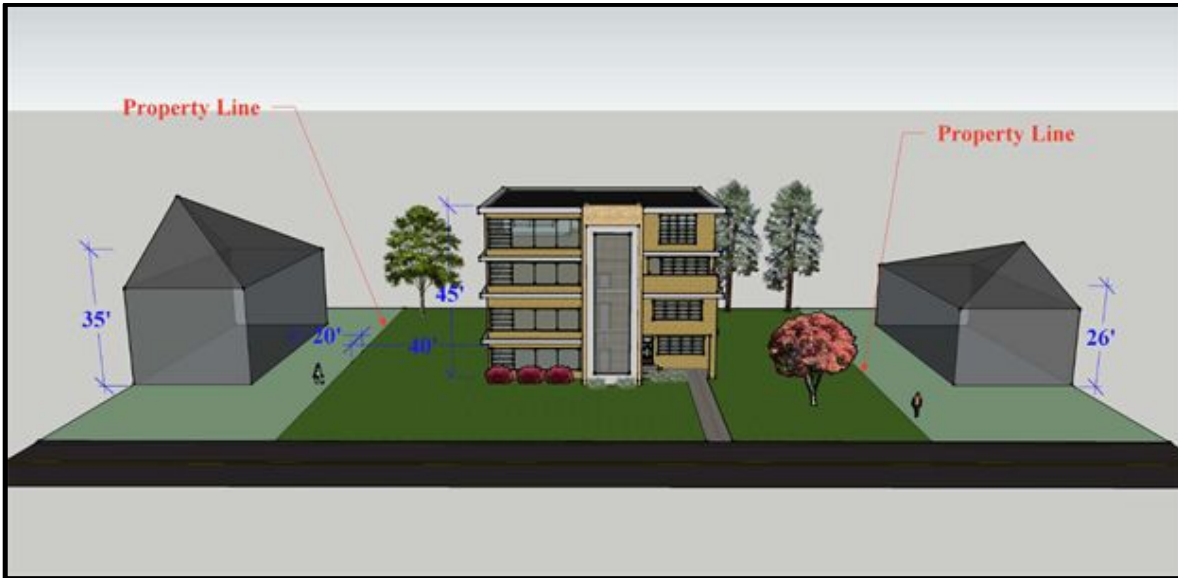
Building Height Illustration 2 shows the visual impact of the staff recommendation which includes a maximum building height of 40 feet with a minimum required setback of 50 feet from the side property lines. It is clear from Illustration 2 that the additional setback greatly minimizes the impact of the additional 5 feet in building height as seen from the property line.

### **Building Height Illustration 2** **40' Tall Dwelling with 50' Side Yard Setback**



Building Height Illustration 3 shows the combination of the advertised height and setback that would result in the greatest amount of impact on the adjacent properties, including a dwelling with a height of 45 feet that is setback 40 feet from the side property lines.

### Building Height Illustration 3 45' Tall Dwelling with 40' Side Yard Setback

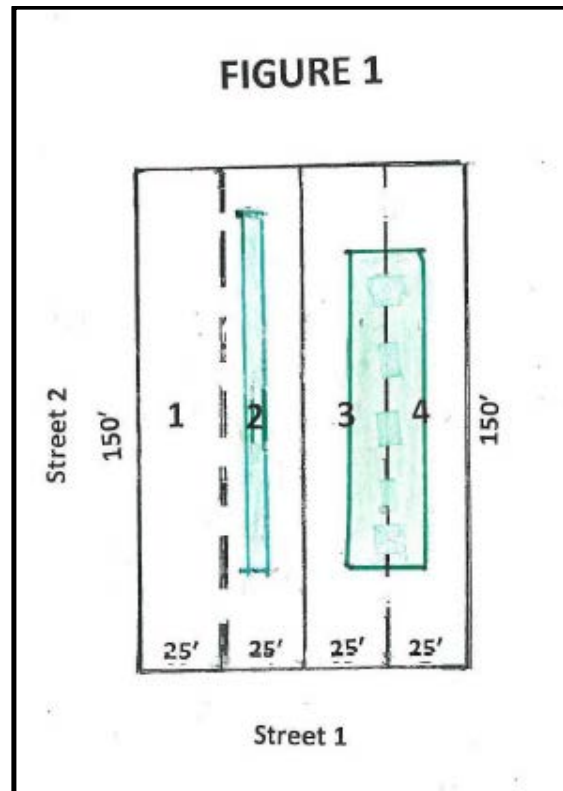


#### Minor Lot Line Adjustments

Under Sect. 2-405 of the Zoning Ordinance, if a lot met the zoning requirements in effect when the lot was recorded, but does not meet the current minimum district size, lot area, lot width or shape factor requirements, either as a single lot or in combination with other such lots, such lot pursuant to a building permit can be used for any use permitted in the zoning district even though the lot does not meet the minimum district size, lot area, lot width and/or shape factor requirements, provided that all other requirements can be met, including minimum yard requirements. Such lots cannot be subdivided except for a subdivision for a public purpose, such as dedication for road right-of-way, or for a minor adjustment of lot lines pursuant to the Subdivision Ordinance. A subdivision for a minor lot line adjustment may be permitted provided that such subdivision is only to consolidate land area of contiguous lots, or to rearrange lot lines in order to reallocate land area between contiguous lots such that the reconfigured lots contain either the same lot area as existed prior to the adjustment of lot lines or a greater area than existed prior to the adjustment of lot lines which results in a reduced number of lots. In addition, a minor lot line adjustment shall not result in any additional lots or outlots being created, an increase in the maximum density and the resultant lot lines shall not create any new or aggravate any existing noncompliance with regard to minimum lot area, lot width, shape factor or minimum yard requirements.

Many lots that are considered “buildable” under Sect. 2-405 are extremely narrow and it is difficult, if not impossible, to place a structure on such a lot that would meet the minimum side yard requirements. Figure 1 below contains a fairly typical arrangement of four 25-foot wide lots. For illustrative purposes, the lots in Figure 1 are zoned R-3 District which has a minimum lot area requirement of 10,500 square feet and a minimum lot width requirement of 80 feet for interior lots

and 105 feet for corner lots. The R-3 District also has a minimum front yard requirement of 30 feet, minimum side yard requirement of 12 feet and a minimum rear yard requirement of 25 feet. On a corner lot the rear yard can take on the dimensions of a side yard.



Under Sect. 2-405, all four lots depicted on Figure 1 are “buildable” even though the lots do not meet the current minimum lot area or lot width requirements. However, any constructed dwelling would have to meet the minimum yard requirements. Given the minimum 12 foot side yard requirement in the R-3 District, it is impossible to place a structure on only one of the 25-foot wide lots. As previously noted, Sect. 2-405 allows the consolidation of lots. If the four lots depicted in Figure 1 were consolidated into two lots, with Lots 1 and 2 combined into one lot and Lots 3 and 4 combined into a second lot, the resulting “building envelopes” are depicted in green. A building envelope is a term that is frequently used to describe the buildable area of a lot based on the minimum yard requirements. Combined Lots 1 and 2 would be limited to a structure that is 8 feet in width, and it is infeasible to build a structure within that building envelope. The scenario depicted on Figure 1 is a fairly common situation and frequently a minor lot line adjustment is pursued in order to achieve two lots that are of a configuration that is more functional and easier to place structures that meet the minimum yard requirements.

In Figure 1 above, the four lots are oriented toward Street 1 and the minimum lot width is measured along Street 1. Figure 3 below shows a logical minor adjustment of lot lines that results in two lots that are compact and regular in shape and would allow structures to be placed on both lots that met the minimum yard requirements. While such a minor lot line adjustment would result in an

increased minimum lot width of the resulting lots from 25 to 75 feet and, therefore, decrease the lot width nonconformity; such a minor lot line adjustment as depicted in Figure 3 cannot be approved under the current Zoning Ordinance provisions as lot width noncompliances are being created for both Lots 1 and 2 along Street 2, whereas on the original lots depicted in Figure 1 there was no lot width noncompliance along Street 2. Therefore, in order to subdivide these properties and not create any new lot width noncompliances, the lots could be subdivided as depicted on Figure 2. The lot width for Lot 1 on Figure 2 has not changed along Street 1 and the lot width for Lot 2 has been increased to 75 feet along Street 1. Under this scenario, there has been no change to the dimension of Lot 1 along Street 2. Although Lot 1 is somewhat irregularly shaped, it has a shape factor of 22.4 and would not exceed the maximum allowable shape factor of 35. Although the resulting lots in Figure 2 meet the minor lot line adjustment criteria in Sect. 2-405, the resulting Lot 1 is not desirable given its configuration with an appendage along Street 2. The resulting lots in Figure 3 are more desirable and it would be easier to place structures that met the minimum yard requirements on such lots.



**PROPOSED AMENDMENT:** In order to allow a minor lot line adjustment for Sect. 2-405 corner lots as depicted in Figure 3 above, the proposed amendment adds a new Paragraph 1B(3) to Sect. 2-405 that would allow a minor adjustment of lot lines between corner lots and contiguous lots that changes the road frontage or orientation of the lots, provided that there are no additional lots or outlots created, the number of lots that do not comply with the current minimum lot width requirement is not increased, and the amount of lot width noncompliance is not aggravated. In addition, such adjustment of lot lines cannot create or aggravate any existing noncompliance with regard to minimum lot area, shape factor or minimum yard requirements. Staff believes that allowing for the lots depicted in Figure 3 to be approved as a minor lot line adjustment would result in lots that are better designed in a corner lot situation.

## **CONCLUSION**

It is believed that the addition of a shape factor requirement in the R-C District, and the additional flexibility in the minor lot line adjustment provisions between corner lots and contiguous lots that do not meet the current lot size requirements but met the requirements in effect when the lots were recorded, would result in lots that are more regularly shaped and, therefore, more desirable and easier to develop and maintain. It is also believed that an increase in the maximum allowable building height for single family dwellings in the R-C, R-E and R-1 Districts from 35 to 40 feet would be appropriate when any dwelling that is greater than 35 feet in height is setback at least 50 feet from all property boundaries, thereby negating the impact of the increased building height on adjacent properties. As such, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

Because the proposed shape factor component of the amendment will only impact new lots in the R-C District that are five acres or more in size and do not require subdivision approval under Chapter 101 of the County Code, staff recommends that lots in the R-C District that have been recorded in the Fairfax County land records on or before the effective date of the amendment be grandfathered from the shape factor requirement.



## PROPOSED AMENDMENT

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of June 7, 2016, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, as other amendments may be adopted prior to action on this amendment. In the case of such an event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.*

**Amend Article 2, General Regulations, Part 4, Qualifying Lot and Yard Regulations, as follows:**

**- Amend Sect. 2-401 to read as follows:**

**2-401      Limitations on Subdivision of a Lot and Creation of Lots in the R-C District**

1. Only a lot that exceeds the minimum provisions of this Ordinance may be subdivided to create more lots, and only then where the resultant lots shall themselves meet such minimum provisions, except for a minor adjustment of lot lines or consolidation of lots as may be permitted under Sect. 405 below.
2. In order to assure the orderly subdivision of land and avoid sharply acute angles in lots lines, elongated appendages, extreme width to depth ratios, and other configurations that would serve to circumvent the purpose and intent of this Ordinance, lots located in the R-E, R-1, R-2, R-3, R-4, R-5 or R-8 Districts and the single family portions of a PDH, PDC or PRC District may be subdivided and used for any use permitted in the zoning district in which located under this Ordinance pursuant to a Building Permit, provided that the following shape factor limitations are met:
  - A. Except for lots designated as open space, lots depicted on an approved development plan in a PRC District, lots depicted on an approved final development plan in a PDH or PDC District and lots located in a cluster subdivision approved under the provisions of Sect. 9-615, all lots shall have a shape factor less than or equal to thirty-five (35) or shall meet the provisions of Par. 2B below.
  - B. Lots with shape factors greater than thirty-five (35) but less than fifty (50) may be permitted with special exception approval by the Board pursuant to Sect. 9-626.

C. Lots located within the R-2, R-3 or R-4 Districts which are approved by the Director for cluster development, or lots which are subject to a waiver of the minimum lot width requirements approved by the Board of Supervisors in accordance with Part 6 of Article 9, shall exclude the pipestem portion of a pipestem lot from the shape factor computation. The lot perimeter shall include the width of the pipestem portion of the lot at the point where it joins the main portion of the lot.

3. A lot may be created in the R-C District that complies with the R-C District regulations and any other applicable regulations, and such lot may be used for any use permitted in the R-C District pursuant to a Building Permit, provided that the following shape factor limitations are met:

A. Except for lots designated as open space or lots developed under the cluster provisions of Sect. 9-615, all lots shall have a shape factor less than or equal to thirty-five (35) or shall meet the provisions of Par. 3B below.

B. Lots with shape factors greater than thirty-five (35) but less than fifty (50) may be permitted with special exception approval by the Board pursuant to Sect. 9-626.

- **Amend Sect. 2-405, Permitted Reduction in Lot Size Requirements for Certain Existing Lots, by revising Par. 1B to read as follows:**

1. If a lot was recorded prior to March 1, 1941, or if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied.

This provision shall not apply to any such lot which, subsequent to the effective date of this Ordinance, is rezoned at the request of the owner or his agent or is subdivided by the owner or his agent, except for:

A. A subdivision resulting from a voluntary dedication by the owner or a condemnation or acquisition of a portion thereof for public purposes by any governmental agency; or

B. A subdivision for a minor adjustment of lot lines, which may be permitted by the Director in accordance with Chapter 101 of The Code and the following:

(1) Such subdivision shall only be to consolidate land area of contiguous lots,

or to rearrange lot lines in order to reallocate land area between contiguous lots such that the reconfigured lots contain either the same lot area as existed prior to the adjustment of the lot lines or a greater area than existed prior to the adjustment of the lot lines which results in a reduced number of lots; and

(2) There shall be no additional lots or outlots created, no increase in the maximum density and the resultant lot lines shall not create any new or aggravate any existing noncompliance with regard to minimum lot area, lot width, shape factor or minimum yard requirements; or

(3) Notwithstanding the preceding paragraph, a minor adjustment of lot lines may occur between corner lots and contiguous lots that changes the road frontage or orientation of the lots, provided that there shall be no additional lots or outlots created, the number of lots that does not comply with the current minimum lot width requirement shall not be increased, and the amount of lot width noncompliance shall not be aggravated. In addition, such adjustment of lot lines shall not create or aggravate any existing noncompliance with regard to minimum lot area, shape factor or minimum yard requirements.

**Amend Article 3, Residential District Regulations, R-C, R-E and R-1 Districts, Sections 3-C07, 3-E07 and 3-107, Bulk Regulations, as follows:**

**- Amend Par. 1A of Sections 3-C07, 3-E07 and 3-107 to read as follows:**

1. Maximum building height

A. Single family dwellings: 35 feet, provided, however, the maximum building height shall be 40 feet *[advertised range is up to 45 feet]*, provided there is a minimum required yard of 50 feet *[advertised range is 40 to 60 feet]* from all lot lines for any dwelling with a building height greater than 35 feet.

**- Amend Par. 2A of Sect. 3-C07 to read as follows:**

2. Minimum yard requirements

A. Except as provided for in Par. 1A above, single family dwellings

(1) Front yard: 40 feet

(2) Side yard: 20 feet

(3) Rear yard: 25 feet

1       **- Amend Par. 2A of Sect. 3-E07 to read as follows:**

2  
3       2.     Minimum yard requirements

4  
5       A.     Single family dwellings

6  
7           (1) Conventional subdivision lot

8  
9           (a) Front yard: 50 feet

10  
11          (b) Side yard: 20 feet

12  
13          (c) Rear yard: 25 feet

14  
15          (2) Cluster subdivision lot

16  
17          (a) Front yard: 30 feet

18  
19          (b) Side yard: 15 feet, but a total minimum of 40 feet

20  
21          (c) Rear yard: 25 feet

22  
23           Notwithstanding the above, any single family dwelling with a building height  
24           greater than thirty-five (35) feet shall be subject to the provisions of Par. 1A  
25           above.

26  
27       **- Amend Par. 2A of Sect. 3-107 to read as follows:**

28  
29       2.     Minimum yard requirements

30  
31       A.     Single family dwellings

32  
33           (1) Conventional subdivision lot

34  
35           (a) Front yard: 40 feet

36  
37           (b) Side yard: 20 feet

38  
39           (c) Rear yard: 25 feet

40  
41          (2) Cluster subdivision lot

42  
43          (a) Front yard: 30 feet

44  
45          (b) Side yard: 12 feet, but a total minimum of 40 feet

(c) Rear yard: 25 feet

Notwithstanding the above, any single family dwelling with a building height greater than thirty-five (35) feet shall be subject to the provisions of Par. 1A above.

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June 7, 2016

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3 of the Code of the County of Fairfax Re: Employees' and Uniformed Retirement Systems – Change in Social Security Offset to Service-Connected Disability Benefits

ISSUE:

Authorization to advertise a public hearing to amend Articles 2 and 3 of Chapter 3 of the Code of the County of Fairfax, County Employees. These changes to the Employees' and Uniformed Retirement Systems revise service-connected disability retirement benefits by changing the reduction based on Social Security benefits from 15% to 10% of Social Security benefits.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing regarding amendments to the Employees' and Uniformed Retirement Systems for the purpose of changing the level of service-connected disability benefits. The Boards of Trustees for the Employees' and Uniformed Retirement Systems were advised of and agreed with these recommended changes.

TIMING:

Board action is requested on June 7, 2016, to provide sufficient time to advertise the proposed public hearing on July 12, 2016, at 4:00 p.m.

BACKGROUND:

As part of the approval of the *FY 2016 Third Quarter Review* and adoption of the FY 2017 budget, the Board approved funding to reduce the Social Security offset for service-connected disability retirement benefits for both the Uniformed and Employees' Retirement Systems from 15% to 10%.

The current service-connected disability benefit provisions for the Employees' and Uniformed Retirement Systems are summarized below.

For the Employees' Retirement System: The service-connected disability benefit is two-thirds (66 2/3%) of salary. This benefit is reduced by 15% of Social Security disability benefits received at any age, or, at age 62, by 15% of the age-based Social Security benefit.

Board Agenda Item  
June 7, 2016

For the Uniformed Retirement System: For those retired prior to December 9, 1996, the benefit level is two-thirds (66 2/3%) of salary. If retired after December 8, 1996, there are two possible levels of benefit. The standard benefit is 40% of salary and a severe service-connected disability benefit is 90% of salary.

All three levels of benefits are offset to some extent by Social Security benefits. There is a 15% offset of disability benefits provided by Social Security. This offset occurs regardless of age unless the Social Security benefit is based on a disability other than that for which the employee was retired. If the retiree is not eligible for Social Security disability benefits and is eligible to receive a Social Security benefit based on age, for those with a 66 2/3% or a 90% benefit, there is a 15% offset of the age-based Social Security benefit that occurs at age 62, the first date of eligibility for Social Security benefits.

Benefits in both Systems are also offset by any workers' compensation benefits that are being received.

Proposed Revisions

The proposed amendments would enhance service-connected disability retirement benefits by reducing the Social Security offsets from 15% of the Social Security benefit to 10%, effective with the July retiree payroll.

FISCAL IMPACT:

Based on the final actuarial analysis, a reduction of the offset provisions from 15% to 10% would increase the liability of the Employees' and Uniformed Retirement Systems by a total of \$1.5 million due to applying new provisions to past years of service. As required by the revised funding provisions adopted into the Fairfax County Code by the Board on July 28, 2015, this increase in liability must be fully funded with a one-time employer contribution to avoid creation of any unfunded liability. Total funding of \$1.99 million was approved by the Board as part of the *FY 2016 Third Quarter Review* to address this one-time funding requirement based on preliminary actuarial estimates. The impact on the ongoing employer contribution rates is an increase of 0.01% for the Employees' System and less than 0.01% for the Uniformed System. In accordance with Fairfax County Code, these increases to the employer contribution rates will be effective beginning in FY 2017. Based on FY 2016 budgeted payroll levels and prior actuarial estimates, the FY 2017 General Fund impact of the employer contribution rate increases is \$35,107 for the Employees' System and \$15,377 for the Uniformed System. These amounts were included in the FY 2017 Adopted Budget Plan.

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ENCLOSED DOCUMENTS:

- Attachment 1: Amendment to Chapter 3, Section 3-2-36
- Attachment 2: Amendment to Chapter 3, Section 3-3-37
- Attachment 3: Amendment to Chapter 3, Section 3-3-37.3
- Attachment 4: Letter from Fiona Liston, Consulting Actuary, Cheiron,  
to Jeffrey Weiler dated May 10, 2016

STAFF:

Joseph Mondoro, Chief Financial Officer  
Jeffrey Weiler, Executive Director, Fairfax County Retirement Systems



AN ORDINANCE TO AMEND AND REENACT SECTION 3-2-36 OF THE CODE OF THE COUNTY OF FAIRFAX

BE IT ORDAINED that:

- I. Section 3-2-36 of the Code of the County of Fairfax is hereby amended and reenacted to read as follows:

**Section 3-2-36. - Service-connected disability retirement allowance.**

- (a) Upon service-connected disability retirement under Section 3-2-35, a member shall receive an annual retirement allowance, payable monthly and during his or her lifetime and continued disability, consisting of an amount equal to sixty-six-and-two-thirds percent (66 2/3%) of his or her average final compensation. However, the allowance shall be reduced by ten percent (10%) of the amount of any primary social security benefit to which said member is entitled and by the amount of any compensation paid to the member under the Virginia Workers' Compensation Act for temporary total or partial incapacity.
- (b) When the amount of a member's primary social security benefit has once been determined for purpose of applying the ten percent (10%) reduction described above, the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under social security. However, the amount of the reduction shall be increased by an award of a cost-of-living increase to a member's compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act (Act). When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation the amount of such payments shall no longer be used to reduce the retirement allowance and, accordingly, subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.
- (c) If a member receives his or her compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act (Act) in the form of a lump sum payment, he or she shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he or she would have received equal the amount of his or her lump sum benefit under the Act; provided, neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act, nor a lump sum payment or portion thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under Section 3-2-35, shall be offset against the member's allowance under this Section; and provided further, that in the event that a member receives a lump sum settlement of benefits that he or she is or may be entitled to in the future under the Act, and said settlement does not specify how much of the lump sum represents settlement of his or her entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such lump sum which in its judgment represents compensation for such benefits. (20-81-3; 4-83-3; 1-93-3; 23-07-3; 47-08-3; 23-11-3; 66-13-3, § 1.; 2-16-3)

2. The effective date of this Ordinance amending Section 3-2-36 is July 1, 2016. The reduction of the offset for any primary Social Security benefit from 15% to 10% is to be applied to the calculation of the retirement allowance due to members who are receiving an allowance for service-connected disability under Section 3-2-35 on or after the effective date of this Ordinance. This change is prospective in application and is not retroactive. The Board of Trustees of the Systems and staff of the Retirement Administration Agency are hereby authorized and directed to make all necessary changes in the calculation of a member's allowance to implement this amendment.

AN ORDINANCE TO AMEND AND REENACT SECTION 3-3-37 OF THE CODE OF THE COUNTY OF Fairfax  
County Government

BE IT ORDAINED that:

1. Section 3-3-37 of the Code of the County of Fairfax is hereby amended and reenacted to read as follows:

Section 3-3-37. - Service-connected disability retirement allowance.

- (a) Any member who is receiving, or has been approved by the Board to receive, service-connected disability retirement, or who has applied for service-connected disability retirement, or whose employer has submitted as application for service-connected disability retirement for such employee as of December 9, 1996, under Section 3-3-36, shall receive an annual retirement allowance, payable monthly during his or her lifetime and continued disability, consisting of an amount equal to sixty-six-and-two-thirds percent ( $66 \frac{2}{3}\%$ ) of the salary the member received at the time of retirement. This allowance shall be reduced by ten percent (10%) of the amount of any primary social security benefit to which the member is entitled and by the amount of any compensation awarded under the Virginia Workers' Compensation Act to the member for temporary total or partial incapacity; provided, however, that no reduction shall be made to a member's service-connected disability retirement allowance due to the member's entitlement to social security disability benefits in whole or in part as the result of a disability other than the disability that served as the basis for the award of service-connected disability retirement.
- (b) Any member who submits an application for service-connected disability retirement, or for whom his or her employer submits such application under Section 3-3-36 on or after December 9, 1996, shall receive an annual retirement allowance, payable monthly during his or her lifetime and continued disability, consisting of an amount equal to forty percent (40%) of the salary the member received at the time of retirement. However, this allowance shall be reduced by ten percent (10%) of the amount of any primary social security disability benefit to which the member is entitled and by the amount of any compensation awarded under the Virginia Workers' Compensation Act to the member for temporary total or partial incapacity.
- (c) When the amount of a member's primary social security benefit has once been determined for purposes of applying the ten percent (10%) reduction described in Subsections (a) and (b) of this Section, the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under social security. However, the amount of the reduction shall be increased by an award of a cost-of-living increase to the member's compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act (Act). When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation, the amount of such payments shall no longer be used to reduce the retirement allowance and, accordingly, subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.
- (d) If a member receives his or her compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act (Act) in the form of a lump sum payment, he or she shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he or she would have received equal the amount of his or her lump sum benefit under the Act; provided, neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act nor a lump sum payment or portion thereof representing

compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under Section 3-3-36 shall be offset against the member's allowance under this Section; and provided further, that in the event the member receives a lump sum settlement of benefits that he or she is or may be entitled to in the future under the Act, and said settlement does not specify how much of the lump sum represents settlement of his or her entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such lump sum which in its judgment represents compensation for such benefits. (1961 Code, § 9-107; 11-74-9; 28-77-3; 20-81-3; 34-81-3; 4-83-3; 36-88-3; 29-89-3; 1-93-3; 48-96-3; 10-01-3; 23-07-3; 47-08-3; 23-11-3; 67-13-3, § 1; 3-16-3.)

2. The effective date of this Ordinance amending Section 3-3-37 is July 1, 2016. The reduction of the offset for any primary Social Security benefit from 15% to 10% is to be applied to the calculation of the retirement allowance due to member who are receiving an allowance for service-connected disability under Section 3-3-36 on or after the effective date of this Ordinance. This change is prospective in application and is not retroactive. The Board of Trustees of the Systems and the staff of the Retirement Administration Agency are hereby authorized and directed to make all necessary changes in the calculation of a member's allowance to implement this amendment.

AN ORDINANCE TO AMEND AND REENACT SECTION 3-3-37.3 OF THE CODE OF THE COUNTY OF FAIRFAX.

BE IT ORDAINED that:

- I. Section 3-3-37.3 of the Code of the County of Fairfax is hereby amended and reenacted to read as follows.

Section 3-3-37.3. - Severe service-connected disability retirement allowance.

- (a) Any member who retires pursuant to Section 3-3-37.2 shall receive an annual retirement allowance, payable monthly during his or her lifetime, consisting of an amount equal to ninety percent (90%) of the salary the member was entitled to receive at the time of his or her retirement. This allowance shall be reduced by ten percent (10%) of the amount of any primary social security benefit to which the member is entitled and by the amount of any compensation awarded under the Virginia Workers' Compensation Act to the member for temporary total or partial incapacity; provided, that no reduction shall be made to a member's service-connected disability retirement allowance due to the member's entitlement to social security disability benefits in whole or in part as the result of a disability other than the disability that served as the basis for the award of service-connected disability retirement.
  - (b) When the amount of a member's primary social security disability benefit has once been determined for purposes of applying the ten percent (10%) reduction described in Subsection (a), the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under social security. However, the amount of the reduction shall be increased by an award of a cost-of-living increase to the member's compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act (Act). When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation, the amount of such payments shall no longer be used to reduce the retirement allowance and, accordingly, subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.
  - (c) If a member receives his or her compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act (Act) in the form of a lump sum payment, he or she shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he or she would have received equal the amount of his or her lump sum benefit under the Act; provided, however, neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act nor a lump sum payment or portion thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under Section 3-3-37.2 shall be offset against the member's allowance under this Section; and provided further, that in the event the member receives a lump sum settlement of benefits that he or she is or may be entitled to in the future under the Act, and said settlement does not specify how much of the lump sum represents settlement of his or her entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such lump sum which in its judgment represents compensation for such benefits. (48-96-3; 10-01-3; 23-07-3; 47-08-3; 23-11-3; 68-13-3, § 1; 3-16-3.)
2. The effective date of this Ordinance amending Section 3-3-37.3 is July 1, 2016. The reduction of the offset for any primary Social Security benefit from 15% to 10% is to be applied to the calculation of the

retirement allowance due to members who are receiving and allowance for service-connected disability under Section 3-3-37.2 on or after the effective date of this Ordinance. This change is prospective in application and is not retroactive. The Board of Trustees of the System and the staff of the Retirement Administration Agency are hereby authorized and directed to make all necessary changes in the calculation of a member's allowance to implement this amendment.


*Classic Values, Innovative Advice*

May 10, 2016

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

**Re: *Adjustments to Service-Connected Disability Benefits***

Dear Jeff:

As requested, we have estimated the cost of reducing the 15% offset of Social Security benefits for employees who retired or will retire from the Employees' or Uniformed Retirement System on service-connected disability to a 10% offset. The cost impact is shown below for each of the Systems.

Please note that the first year cost impact includes an immediate payment of the increase in unfunded actuarial liability. After the first year the on-going cost impact would be a 0.01% increase in normal cost for the ERS contribution and a zero increase for the URS contribution.

**Employees' Retirement System**

|                                   | <b>Valuation<br/>(15% Offset)</b> | <b>Study<br/>(10% Offset)</b> | <b>Change</b> |
|-----------------------------------|-----------------------------------|-------------------------------|---------------|
| Normal Cost                       | 8.17%                             | 8.18%                         | 0.01%         |
| UAL Amortization                  | 2.67%                             | 2.67%                         | 0.00%         |
| UAL Impact for Change             | n/a                               | 0.11%                         | 0.11%         |
| Expenses                          | <u>0.20%</u>                      | <u>0.20%</u>                  | <u>0.00%</u>  |
| Total Base Rate                   | 11.04%                            | 11.16%                        | 0.12%         |
| <b>Corridor Contribution Rate</b> |                                   |                               |               |
| -- Amortize to 97%                | 22.90%                            | 23.02%                        | 0.12%         |
| -- Amortize to 98%                | 23.56%                            | 23.68%                        | 0.12%         |
| Unfunded Liability (in Millions)  | \$1,146.9                         | \$1,147.6                     | \$0.7         |

**Uniformed Retirement System**

|                                   | <b>Valuation<br/>(15% Offset)</b> | <b>Study<br/>(10% Offset)</b> | <b>Change</b> |
|-----------------------------------|-----------------------------------|-------------------------------|---------------|
| Normal Cost                       | 20.19%                            | 20.19%                        | 0.00%         |
| UAL Amortization                  | 7.20%                             | 7.20%                         | 0.00%         |
| UAL Impact for Change             | n/a                               | 0.48%                         | 0.48%         |
| Expenses                          | 0.25%                             | 0.25%                         | 0.00%         |
| Total Base Rate                   | 27.64%                            | 28.12%                        | 0.48%         |
| <b>Corridor Contribution Rate</b> |                                   |                               |               |
| -- Amortize to 97% <sup>1</sup>   | 38.80%                            | 39.28%                        | 0.48%         |
| -- Amortize to 98%                | 39.84%                            | 40.32%                        | 0.48%         |
| Unfunded Liability (in Millions)  | \$294.4                           | \$295.2                       | \$0.8         |

The valuation data does not provide the Social Security offset unless the benefit is currently being offset. For those whose offset was listed, we used the offset amount as if it were calculated as of the retirement date. This means, to restore the offset we adjusted the amount listed for COLA increases from the individuals retirement date through the valuation date. We had to make assumptions for those inactive members for whom no offset is listed. For inactive members under age 62 we estimated an offset (based on 15% of a projected PIA amount) to commence at age 62. For those older than 62 with no offset provided, we assumed no offset. Below is a breakdown of the data into the groups described above:

| <u>System</u> | <u>Currently Offset</u> | <u>Offset Estimated<br/>Under 62</u> | <u>No Offset<br/>Over 62</u> |
|---------------|-------------------------|--------------------------------------|------------------------------|
| ERS           | 113                     | 26                                   | 10                           |
| URS           | 93                      | 61                                   | 17                           |

These estimates were prepared as of July 1, 2015, using the same actuarial assumptions and methods as described in our July 1, 2015 actuarial valuation reports. The employee data used in this analysis was that provided for the 2015 valuation. The results are applicable only for the 2017 Fiscal Year.

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

<sup>1</sup> The county has a policy of not paying any less than the existing rate until such a time as the UAL has been exhausted. The FY 2017 has been held at the 38.83% rate in effect for FY 2016.



Mr. Jeffrey Weiler  
May 10, 2016  
Page 3

Please call if you have any questions or comments.

Sincerely,  
Cheiron



Fiona E. Liston, FSA, EA  
Principal Consulting Actuary

cc: Coralie A. Milligan, FSA



ADMINISTRATIVE – 4

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Virginia Department of Behavioral Health and Developmental Services for the Merrifield Crisis Response Center

ISSUE:

Board authorization for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept grant funding, if received, from the Virginia Department of Behavioral Health and Developmental Services (DBHDS) for the Merrifield Crisis Response Center. This grant funding specifically supports the County's Diversion First initiative aimed at reducing the number of people with mental illness in the County jail. If awarded, grant funding of \$631,681 over two years will support 2/2.0 FTE new merit Public Safety positions (1/1.0 FTE new merit Police Officer II position and 1/1.0 FTE new merit Deputy Sheriff II position). These positions will complement existing resources at the Merrifield Crisis Response Center by either expanding staffing coverage or addressing staffing shortfalls within the existing hours. The grant period is July 1, 2016 to June 30, 2018. It is anticipated that, following the grant period, these funds will be ongoing and included in the CSB's State Performance Contract with DBHDS. A required local match of 20 percent in FY 2017 and 30 percent in FY 2018 will be met with in-kind resources. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept funding, if received, from DBHDS for the Merrifield Crisis Response Center. State funding of \$631,681 over two years will support 2/2.0 FTE new merit Public Safety positions which will complement existing resources at the Merrifield Crisis Response Center. A required local match of 20 percent in FY 2017 and 30 percent in FY 2018 will be met with in-kind resources.

TIMING:

Board action is requested on June 7, 2016. Due to an application deadline of May 30, 2016, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

On April 19, 2016, DBHDS requested grant applications from localities with Crisis Intervention Teams (CIT) but who were not previously awarded CIT Assessment Site funds from DBHDS. The purpose of the solicitation is to allocate funds to operate and/or expand CIT Assessment Sites to serve as a therapeutic, non-criminal justice site to which law enforcement officers can bring individuals in mental health crisis, as an alternative to incarceration. CIT Assessment Sites should be designed to provide 24/7/365 accessibility for law enforcement custodial transfer, clinical assessment for possible civil commitment, referrals and linkages for acute and sub-acute mental health treatment needs, and serve as a safe therapeutic environment for de-escalation of the crisis. The degree to which programs achieve around-the-clock operational capacity is a weighted factor in grant selection. The Merrifield Crisis Response Center is a CIT Assessment Site and thus the County is eligible to apply for funding.

The Merrifield Crisis Response Center (MCRC) currently provides staffing coverage 20.5 hours each day. Staffing resources currently cannot accommodate a 24 hours a day, 7 days a week, 365 days a year model. The MCRC is currently not staffed from 8:00am to 11:30am. These hours are currently not staffed since this timeframe represents the lowest demand for services. Additionally, the staffing resources during the 20.5 hours are not adequate. Through the first quarter of MCRC operations, higher than anticipated demand has resulted in instances where MCRC officers were unable to assume custody due to assisting other individuals or patrol officers had to wait to exchange custody. Current staffing coverage also does not provide for an MCRC officers unexpected leave. For example, if an MCRC officer calls in sick, there is no coverage for that shift.

In order to move MCRC to a 24 hours a day, 7 days a week, 365 days a year model and to address the staffing shortfall within the current service hours, additional resources are needed. The Board recognized the staffing challenges facing MCRC and approved funding as part of the FY 2017 Adopted Budget Plan that will address many of the above issues; however, it is anticipated that there will still be a staffing shortfall. The funding requested from DBHDS is intended to complement the existing and new County resources. DBHDS has included a non-supplanting clause so this funding cannot be used to offset County resources already identified for this initiative. The 2/2.0 FTE merit Public Safety positions will be used to either expand staffing coverage or address staffing shortfalls within the existing hours. A final determination will be made once staff have additional data to determine how best to utilize all resources.

Board Agenda Item  
June 7, 2016

FISCAL IMPACT:

Grant funding in the amount of \$631,681 is being requested from DBHDS for the Merrifield Crisis Response Center. A required local match of 20 percent in FY 2017 and 30 percent in FY 2018 will be met with in-kind resources. While this grant does allow for the recovery of indirect costs, CSB did not request grant funding for indirect costs as the program is highly competitive. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards.

CREATION OF NEW POSITIONS:

There are 2/2.0 FTE new merit Public Safety positions associated with this award (1/1.0 FTE new merit Police Officer II position and 1/1.0 FTE new merit Deputy Sheriff II position). It is intended that these positions will continue should grant funding expire; however, it is anticipated that this funding will be ongoing and included in the CSB's State Performance Contract with DBHDS. If funding is not included in the State Performance Contract, additional funding of \$631,681 will need to be identified in order to continue these positions.

ENCLOSED DOCUMENTS:

Attachment 1: Grant Summary

STAFF:

Patricia Harrison, Deputy County Executive

Dave Rohrer, Deputy County Executive

Tisha Deeghan, Executive Director, Fairfax-Falls Church Community Services Board

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

Laura Yager, Director Integrated Systems, Fairfax-Falls Church Community Services Board

**Crisis Intervention Team Assessment Site  
Summary of Grant Proposal**

Please note: the actual grant application is not yet complete; therefore, this summary has been provided detailing the specifics of this application.

|                               |   |
|-------------------------------|---|
| <b>Grant Title:</b>           | Crisis Intervention Team (CIT) Assessment Site  |
| <b>Funding Agency:</b>        | Commonwealth of Virginia Department of Behavioral Health and Developmental Services (DBHDS)   |
| <b>Funding Amount:</b>        | Funding of \$631,681 is requested for FY 2017 – FY 2018. It is anticipated that, following the grant period, these funds will be ongoing and included in the CSB's State Performance Contract with DBHDS. A required local match of 20 percent in FY 2017 and 30 percent in FY 2018 will be met with in-kind resources.   |
| <b>Proposed Use of Funds:</b> | <p>Funds will support CIT Training operations and additional coverage at the Merrifield Crisis Response Center. Funds will be requested to address staffing shortfalls within the existing hours of operation or to expand staffing coverage to 24 hours per day, 7 days a week, 365 days a year at the Merrifield Crisis Response Center. As a therapeutic alternative to arrest, authorized law enforcement officers transfer custody of individuals experiencing an acute or sub-acute mental health crisis to qualified emergency mental health professionals for clinical assessment, civil commitment, referrals and linkage to appropriate services in a secure environment. If funded, CSB, the Fairfax County Police Department and the Office of the Sheriff will expand operations to address peak operational times and to 24 hours per day when needed that allow for transfer of custody, data collection, Crisis Intervention Training, and best practices, as well as funding, including in-kind support to fulfill local match requirements.</p> <p>Positions to be funded out of this proposal include: 1/1.0 FTE new merit Police Officer II and 1/1.0 FTE new merit Deputy Sheriff II. These positions will complement existing resources at the Merrifield Crisis Response Center by either expanding staffing coverage or addressing staffing shortfalls within the existing hours.</p> |
| <b>Performance Measures:</b>  | The project goal is to reduce incarceration of individuals experiencing a mental health crisis by providing a therapeutic alternative to custodial arrest. Authorized law enforcement officers will transfer custody of individuals experiencing an acute or sub-acute mental health crisis to qualified emergency mental health professionals for clinical assessment, civil commitment, referrals and linkage to appropriate services in a  |

secure environment with the goal of being open 24 hours a day, 7 days a week, 365 days a year.

Performance Measures

- 1- Ongoing active involvement of the Diversion First Stakeholder group for regular progress reports and the Leadership Group for any policy or barrier-resolution needs.
- 2- Continue to refine MOUs, policies and protocols with all law enforcement groups and the CSB to establish a solid program based on agreed upon partnerships and shared responsibility.
- 3- Assure tracking system developed and utilized to obtain relevant data related to CIT Assessment site use and dispositions. Data will include call types, time in service for call, on-scene activities, primary field disposition and location, record of any injuries, ECO/TDO statistics, and mental health services provided.
- 4- Further resource the Merrifield Crisis Response Center site to support people in mental health crisis as a therapeutic alternative to custodial arrest. Complete monthly process and outcome measures and report as required by funders and to support the Diversion First Data and Evaluation Team, Leadership Group, and Stakeholders Group.
- 5- Execute communication strategy for community awareness around CIT Assessment site.

**Grant Period:**

July 1, 2016 - June 30, 2018. It is anticipated that ongoing funding will be included in the CSB's State Performance Contract with DBHDS after the grant period ends.

Board Agenda Item  
June 7, 2016

ADMINISTRATIVE - 5

Authorization for the Fairfax County Fire and Rescue Department to Apply for Grant Funding from the U.S. Department of Homeland Security for the Port Security Grant Program (PSGP)

ISSUE:

Board of Supervisors' authorization is requested for the Fairfax County Fire and Rescue Department (FRD) to apply for grant funding from the Department of Homeland Security, Port Security Grant Program in the amount of \$1,300,000, including \$325,000 in Local Cash Match. Funding will be used to purchase a Chemical, Biological, Radiological, Nuclear, and Explosives/Improvised Explosive Device (CBRNE/IED) All-Hazard Rapid Response Vessel for the Marine Operations Team to augment homeland security, law enforcement, and public safety capabilities. The FRD anticipates that the awards will be issued by September 2016, and the grant period is 36 months from the date of award. There are no positions associated with this award. The 25 percent Local Cash Match requirement of \$325,000 has not been specifically identified in either FRD or the Federal-State Grant fund. If the County is awarded funding, then resources will need to be identified and staff will submit another item to accept the award. If however, no County resources are identified, the County may elect to decline the award.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the FRD to apply for grant funding from the Department of Homeland Security, Port Security Grant Program. Funding in the amount of \$1,300,000, including \$325,000 in Local Cash Match, will be used to purchase a Chemical, Biological, Radiological, Nuclear, and Explosives/Improvised Explosive Device All-Hazard Rapid Response Vessel for the Marine Operations Team to augment homeland security, law enforcement, and public safety capabilities. There are no positions associated with this grant.

TIMING:

Board action is requested on June 7, 2016. The FRD became aware of this opportunity five business days prior to the application deadline of April 25, 2016; therefore, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The Department of Homeland Security Port Security Grant Program (PSGP) plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient nation. PSGP funds are available to state, local, and private sector maritime industry partners to improve port-wide maritime security training and exercises; and to maintain or re-establish maritime security mitigation protocols that support port recovery and resiliency capabilities. PSGP investments must address the U.S. Coast Guard (USCG) and Area Maritime Security Committee identified vulnerabilities in port security and support the prevention, protection, response, and recovery attacks involving IED and other non-conventional weapons.

Since the 1980's, FRD's Special Operations Division has operated a Marine Operations Branch. Marine Operations members are trained and certified by the United States Coast Guard, Commonwealth of Virginia's Department of Fire Programs. The FRD's Fire Boat was scheduled to be replaced in FY 2015 as part of the heavy apparatus replacement fund, but FRD deferred replacement. Presently, the boat is slated for replacement in FY 2020, but only if the heavy apparatus fund is stabilized by that fiscal year to support this large expense. If awarded, this grant will allow the FRD the opportunity to fund the boat replacement with grant funds. The proposed replacement fire boat is a CBRNE/IED All-Hazard Rapid Response Vessel that meets NFPA 1925, and is equipped for response for, high flow fire suppression, advanced life support, patient transport, hazmat and environmental response scenarios, search and rescue, day/night surveillance, and various other law enforcement and homeland security functions.

FRD will use existing staffing 24/7/365 to ensure the vessel is ready for rapid deployment within the National Capital Region. Possessing extreme maneuverability, speed capability of at least 40 miles per hour and a response range of 200 miles (without refueling), this vessel will be capable of serving the ports throughout the National Capital Region (NCR), and all locations within Sector Baltimore. This vessel will also include interoperable communications equipment that will allow secure communications with the USCG and other federal, state, and local agencies. This state-of-the-art CBRNE Fire/Rescue All-Hazard Rapid Response Vessel will augment and enhance the overall capability of Sector Baltimore's maritime law enforcement and first responder vessels and equipment, improving response times and expanding coverage area. In addition to CBRNE detection equipment, the proposed vessel will be equipped with modern night vision equipment, which will be made available to law enforcement agencies to improve nighttime domain awareness.



Board Agenda Item  
June 7, 2016

FISCAL IMPACT:

Grant funding in the amount of \$1,300,000, including \$325,000 in Local Cash Match is being requested to purchase a Chemical, Biological, Radiological, Nuclear, and Explosives/Improvised Explosive Device (CBRNE/IED) All-Hazard Rapid Response Vessel for the Marine Operations Team to augment homeland security, law enforcement, and public safety capabilities. The 25 percent Local Cash Match requirement of \$325,000 has not been specifically identified in either FRD or the Federal-State Grant fund. If the County is awarded funding, then resources will need to be identified and staff will submit another item to accept the award. If however, no County resources are identified, the County may elect to decline the award. This grant does allow the recovery of indirect costs; however because this funding opportunity is highly competitive, the FRD has elected to omit the inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 - Summary of Grant Proposal

STAFF:

David M. Rohrer, Deputy County Executive  
Fire Chief Richard R. Bowers, Fire and Rescue Department  
Assistant Chief John J. Caussin, Jr., Fire and Rescue Department  
Assistant Chief Garrett L. Dyer, Fire and Rescue Department  
Assistant Chief Reginald T. Johnson, Fire and Rescue Department  
Assistant Chief Charles W. Ryan, III, Fire and Rescue Department  
Chinaka A. Barbour, Grants Coordinator, Fire and Rescue Department

## PORT SECURITY GRANT PROGRAM (PSGP) SUMMARY OF GRANT PROPOSAL

|                               |  |
|-------------------------------|--|
| <b>Grant Title:</b>           | <u>Port Security Grant Program (PSGP)</u>  |
| <b>Funding Agency:</b>        | U.S. Department of Homeland Security   |
| <b>Applicant:</b>             | Fairfax County Fire and Rescue Department (FRD)  |
| <b>Purpose of Grant:</b>      | This grant will fund the replacement of the current Fire Boat with a CBRNE/IED All-Hazard Rapid Response Vessel. The current boat was scheduled for replacement in FY 2015, but was delayed until FY 2020. Without stabilization of the heavy apparatus fund, replacement in FY 2020 will not be possible. This grant funding will cover the costs of the new vessel and ensure that the current boat is replaced in a timely manner.                    |
| <b>Funding Amount:</b>        | \$1,300,000, including \$325,000 in Local Cash Match.  |
| <b>Proposed Use of Funds:</b> | Funding will be used to purchase a CBRNE/IED All-Hazard Rapid Response Vessel that will enhance homeland security, law enforcement, and public safety capabilities. This purchase is necessary to ensure the FRD continues to meet NFPA 1925, and is equipped for response for high flow fire suppression, advanced life support, patient transport, hazmat and environmental scenarios, search and rescue, day/night surveillance, and other functions. |
| <b>Target Population:</b>     | Residents and visitors of Fairfax County and Fairfax County Fire and Rescue Department personnel, and National Capital Region (NCR). This initiative will enhance FRD's capability of responding to emergent maritime incidents in Fairfax County as well as the NCR.  |
| <b>Performance Measures:</b>  | <p>The success of this project will be based on three outcomes:</p> <ol style="list-style-type: none"> <li>1) Enhanced interoperable communications with U.S. Coast Guard and other local, state, and federal agencies.</li> <li>2) Improved response times for maritime emergent incidents.</li> <li>3) Continue to provide advanced service to Fairfax County and NCR.</li> </ol>  |
| <b>Grant Period:</b>          | The FRD anticipates that all awards will be issued by September 2016. The performance period is 36 months from the date of the award.  |

ACTION – 1

Approval of Head Start/Early Head Start Policy Council Bylaws and Self-Assessment Report

ISSUE:

Board approval of the Head Start/Early Head Start Policy Council Bylaws and Self-Assessment Report.

RECOMMENDATION:

The County Executive recommends that the Board approve the Head Start/Early Head Start Policy Council Bylaws and Self-Assessment Report.

TIMING:

Board action is requested on June 7, 2016, in order to meet federal Head Start Performance Standards.

BACKGROUND:

Existing rules and regulations require that the Board of Supervisors, as the County's governing body, review and approve the composition of the Head Start Parent Policy Council and the procedures by which members are chosen, and the Head Start program's annual Self-Assessment Report, including actions that are being taken by the program as a result of the self-assessment review. Board approval of the following attachments will satisfy these compliance requirements: 1) Policy Council Bylaws and 2) Self-Assessment Report.

**1. Policy Council Bylaws**

The Head Start Parent Policy Council provides a formal structure of shared governance through which parents can participate in policy making and other decisions about the program. The Bylaws of the Policy Council were developed based on the federal Head Start Performance Standards on program governance and outline the composition and selection criteria to ensure equal representation for all programs and that at least 51 percent of Policy Council members are parents of currently enrolled children, as required.

The Board of Supervisors most recently approved the Policy Council Bylaws on June 23, 2015. The Policy Council has recommended minor changes to the Bylaws, as highlighted in the attached. The Office of the County Attorney has reviewed the Bylaws.

**2. Self-Assessment Report**

The Fairfax County Head Start/Early Head Start program conducts an annual self-assessment of its effectiveness and progress in meeting program goals and objectives and in implementing federal regulations every year, as required by federal Head Start Performance Standards. The results are included in the attached Self-Assessment Report, which outlines strengths and areas to be addressed, as well as any actions being taken to address them.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County Head Start/Early Head Start Policy Council Bylaws  
Attachment 2 – Fairfax County Head Start/Early Head Start 2016 Self-Assessment Report

STAFF:

Patricia D. Harrison, Deputy County Executive  
Nannette M. Bowler, Director, Department of Family Services  
Anne-Marie D. Twohie, Director, Office for Children

**FAIRFAX COUNTY OFFICE FOR CHILDREN  
HEAD START/EARLY HEAD START POLICY COUNCIL  
BYLAWS**

**ARTICLE I. NAME**

The name of the organization shall be the Policy Council of the Fairfax County Head Start/Early Head Start Program.

**ARTICLE II. PURPOSE**

The purpose of the Fairfax County Head Start/Early Head Start Policy Council shall be to:

- A) Encourage maximum participation of parents and community representatives in the planning, operation and evaluation of Fairfax County Head Start/Early Head Start Programs.
- B) Serve as a link with local programs, the grantee agency – Fairfax County Board of Supervisors Office for Children (OFC), public and private agencies and the community.
- C) Approve grant applications and service area plans for the grantee agency.
- D) Initiate suggestions and ideas for program improvements.
- E) Establish a procedure for hearing complaints against the Fairfax County Head Start/Early Head Start Program.
- F) Carry out specific duties and responsibilities in compliance with Performance Standard 45 CFR 1304.50(a) Policy Council, Policy Committee, and Parent Committee Structure. (1) Grantee and delegate agencies must establish and maintain a formal structure of shared governance through which parents can participate in policy making or in other decisions about the program. as stated in the Federal Head Start Performance Standards, which will govern the overall activities of the Policy Council.

**ARTICLE III. MEMBERSHIP**

Policy Council members should be committed to being representatives for the total Fairfax County Head Start/Early Head Start Program. They should be team players, be willing to learn the duties and responsibilities of the Policy Council and represent the Council in a positive and supportive manner at all times and in all places.

- Section 1. The Fairfax County Head Start/Early Head Start Policy Council shall consist of six (6) parent representatives from each Head Start/Early Head Start program: the Grantee program, which includes the Greater Mount Vernon Community Head Start (GMVCHS), Family Child Care (FCC) Partnership and EHS Expansion programs; as well as the delegate programs Fairfax County Public Schools (FCPS) and Higher Horizons (HiHo). All program options must be represented. There must also be Head Start/Early Head Start Programs and at least two (2) community representatives, who must be residents of/or employed in Fairfax County. ~~All program options must be represented.~~

**FAIRFAX COUNTY OFFICE FOR CHILDREN**  
**HEAD START/EARLY HEAD START POLICY COUNCIL**  
**BYLAWS**

- Section 2. Parent representatives shall be elected to the Policy Council at the program level by the program's respective policy or parent committee. Community representatives shall be recruited by the Head Start Director and the Policy Council Chairperson and elected by the Policy Council.
- Section 3. Community representatives may include representation from other child care programs, neighborhood community groups (public and private), higher education institutions, program boards, and community or professional organizations which have a concern for children and families in the Head Start/Early Head Start Program and can contribute to the development of the program.
- Section 4. Voting members must resign from the Policy Council if they or an immediate family member (as defined by Virginia Code § 2.2-3101) become employed, temporarily (for sixty (60) days or more) or permanently, by the Fairfax County Head Start/Early Head Start Program. Voting members may substitute occasionally (as defined by each program) in the Fairfax County Head Start/Early Head Start Program.
- Section 5. Policy Council members shall be elected to serve a one (1) year term and may not serve more than three (3) years. Members may voluntarily terminate their membership at any time by giving written notice to the Council. The respective policy or parent committee will be responsible for recruiting and electing a new member to the Council within one month of resignation or termination of the member. In the event of termination or resignation of a community representative, the Head Start Director and the Policy Council Chairperson will recruit a replacement. Election of a new community representative shall take place within one month of resignation or termination of the member.
- Section 6. Any member who misses two (2) consecutive meetings without notifying the Office for Children Head Start Program Administrative Office, neglects responsibility, and/or abuses the privilege of office may be terminated by the Policy Council with a majority vote of the quorum. Written notification will be sent to the terminated member under signature of the Policy Council Chairperson.

**ARTICLE IV. MEETINGS**

- Section 1. Fairfax County Head Start/Early Head Start Policy Council meetings shall be held on the fourth (4<sup>th</sup>) Thursday of each month with dinner being served at 6:00 p.m. and call to order at 6:30 p.m. If the fourth (4<sup>th</sup>) Thursday is a legal holiday, the meeting may be rescheduled to the third Thursday of the month.
- Section 2. All meetings shall be conducted in compliance with the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700 – 2.2-3714 ("VFOIA"), and except for closed sessions, all meetings shall be open to the public. Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions,

**FAIRFAX COUNTY OFFICE FOR CHILDREN**  
**HEAD START/EARLY HEAD START POLICY COUNCIL**  
**BYLAWS**

when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or § 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. As required by VFOIA, the public will be given notice of the date, time, and location of the meetings at least three working days before each Policy Council meeting, except in case of an emergency. Notice, reasonable under the circumstances of emergency meetings, shall be given contemporaneously with the notice provided to members. The Head Start administrative staff and/or Chairperson will provide the information to the County's Office of Public Affairs so that it can provide the public notice. All meetings shall be held in places that are accessible to persons with disabilities, and all meetings shall be conducted in public buildings whenever practical.

Except as otherwise provided by Virginia law or by these bylaws, all meetings shall be conducted in accordance with Roberts's Rules of Order, Newly Revised, and except as specifically authorized by VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Copies of meeting agendas and other materials that are given to members shall be made available to the public at the same time, unless VFOIA allows otherwise. Anyone may photograph, film, or record meetings, so long as they do not interfere with any of the proceedings.

The Secretary shall keep meeting minutes, which shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. The minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The minutes from the previous meeting shall be sent to members at least seven (7) calendar days prior to the regular meeting.

Section 3. Special call meetings can be called by the Chairperson and the Head Start Director and scheduled when deemed necessary. Public notice will be given as required by VFOIA and members will be informed in writing and/or via telephone simultaneous with or prior to public notice.

Section 4. Policy Council members who are voted to represent the Council at conferences must meet the following criteria:

- 1) Be an active participant in good standing with ~~at~~ their Parent/Policy Committee for at least 2 consecutive meetings.
- 2) Have served on the Policy Council for a minimum of one year.

**FAIRFAX COUNTY OFFICE FOR CHILDREN**  
**HEAD START/EARLY HEAD START POLICY COUNCIL**  
**BYLAWS**

- 3) Be able to give either an oral summary or submit a written report (whether still a member or not) at the next regularly scheduled meeting.

Section 5. In the event of inclement weather Policy Council will adhere to the Fairfax County Public Schools closure schedule. The Head Start administrative staff and/or Chairperson will contact members regarding a rescheduled date and will comply with the public notice requirements above.

**ARTICLE V. OFFICERS**

Section 1. The Officers of the Policy Council shall be: Chairperson, Vice-Chairperson, Secretary, Treasurer, and Parliamentarian. These officers shall perform the duties prescribed by the Federal Head Start Performance Standards, by these Bylaws and by the current Roberts Rules of Order, adopted by the Policy Council.

Section 2. ~~Election of officers will take place at the December meeting. Members can nominate themselves or be nominated by another Policy Council member. In September, the Chairperson will appoint a Nominating Committee consisting of a representative from each delegate/grantee agency. It shall be the duty of this committee to present a slate of candidates for the offices at the October meeting. Before the election at the November meeting additional nominations from the floor shall be permitted.~~

Section 3. The officers shall serve a one (1) year election term or until their successors are elected. Their term of office shall begin at the close of the Council meeting at which they are elected.

Section 4. No member shall hold more than one (1) office at a time, and no member shall be eligible to serve more than three (3) terms.

Section 5. Should the Chair position become vacant, the Vice-Chairperson shall become the Chairperson for the remainder of the term. The Council shall elect a replacement for Vice-Chairperson at its next regular meeting to serve the balance of the term.

In the absence of the Chairperson and Vice-Chairperson, responsibilities of the Chair are assumed by the Treasurer and the Parliamentarian will maintain order. The Policy Council Secretary continues to record minutes.

Section 6. The duties of officers are as follows:

- 1) Chairperson – Presides at all Policy Council and Executive Committee meetings; may act as a spokesperson for the Council in events concerning the Head Start program.
- 2) Vice-Chairperson – Assumes the duties of the Chairperson in the absence of the Policy Council Chairperson; performs other duties as assigned by the Chairperson.



**FAIRFAX COUNTY OFFICE FOR CHILDREN**  
**HEAD START/EARLY HEAD START POLICY COUNCIL**  
**BYLAWS**

- 3) Secretary – Records minutes of the Policy Council meetings with assistance from Grantee staff; makes the appropriate corrections to meeting minutes as directed; compiles and keeps current list of all voting members and records their attendance; keeps on file all minutes of the Policy Council; reads minutes and other correspondence at meetings, calls members about absence from meetings, reminds members about meetings and training and tabulates votes.
- 4) Treasurer – Maintains the Council’s financial records, prepares Treasurer’s report and balances the checkbook; serves on the Budget Subcommittee; prepares for signature and distributes reimbursements, stipends, and payment of invoices; coordinates out-of-town travel funds for Policy Council members, who would be assisted by the grantee staff.
- 5) Parliamentarian – Keeps order during the meetings in accordance with the Policy Council Bylaws and in accordance with the current edition of Roberts’ Rules of Order.

**ARTICLE VI. EXECUTIVE COMMITTEE**

- Section 1. Officers of the Policy Council shall constitute the Executive Committee. The Executive Officers will meet one week prior to the regular Policy Council meetings on an as-needed basis. The purpose for meeting is to establish agenda items and agree upon recommendations to present to the full Policy Council of items needing approval/disapproval. Meetings of the Executive Committee are public meetings and shall comply with VFOIA, including the meeting notice requirements set forth in Article IV, Sections 2 and 3.

**ARTICLE VII. GRIEVANCES**

- Section 1. A standard grievance procedure to hear and resolve parent and community complaints about Head Start is approved annually by the Policy Council and will be used to address complaints not resolved at the center level and at the grantee agency.

**ARTICLE VIII. PARLIAMENTARY AUTHORITY**

- Section 1. The rules contained in the current edition of Roberts’ Rules of Order Newly Revised shall govern the Policy Council in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules or order the organization may adopt.

**ARTICLE IX. AMENDMENT OF BYLAWS**

**FAIRFAX COUNTY OFFICE FOR CHILDREN**  
**HEAD START/EARLY HEAD START POLICY COUNCIL**  
**BYLAWS**

- Section 1. These Bylaws shall be reviewed annually and recommendations presented to the Council for approval. The Policy Council will be given thirty (30) days to review recommendations.
- Section 2. The Bylaws may be amended at any regular meeting of the Policy Council or at a special meeting called for such purpose by majority vote of the Council members present, provided that representatives from each delegate agency are present and voting.
- Section 3. Amendments to the Bylaws will be presented to the Fairfax County Board of Supervisors for approval, and will become effective upon approval by the Board of Supervisors.

**ARTICLE X. VOTING**

- Section 1. All matters shall be decided on by vote of the members. The vote of a majority of the quorum is needed to authorize any action. Seven (7) Council members (with at least two (2) representatives from each program and one (1) community representative) constitute a quorum. All votes shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. Voting may be by aye/nay, show of hands. Approved matters must be recorded in the minutes of the meeting. The Policy Council Secretary tabulates the votes, along with a designated staff/Policy Council member.

**ARTICLE XI. TRAINING**

- Section 1. The Council and its officers shall receive annual training which includes: Head Start Performance Standards, Roberts' Rules of Order, VFOIA, roles and responsibilities of members and officers, subcommittee functions, budget and finance, personnel procedures and conference travel procedures.

**ARTICLE XII. ACTIONS**

- Section 1. A motion must be made when the Council is required to take action and/or make decisions.

**ARTICLE XIII. STIPENDS**

- Section 1. Stipends in the amount of \$15.00 will be given to voting members except for community representatives at regularly scheduled Policy Council meetings.



## PROGRAM SELF-ASSESSMENT SUMMARY 2016

Annual self-assessment of programs is a requirement of the Head Start Program Performance Standards 45 CFR 1304.51 (i)(1). The self-assessment supports the continuous improvement of program plans and service delivery, providing an opportunity for engaging parents and community stakeholders. Compliance with performance standards is monitored on an ongoing basis, however, the self-assessment is part of a more collaborative effort between programs to strengthen the quality of services.

In the months of February and March 2016, all Fairfax County Head Start/Early Head Start programs, including those operated directly by Fairfax County Office for Children—Greater Mount Vernon Community Head Start (GMVCHS) center and family child care programs—and those operated contractually by delegate agencies—Higher Horizons Day Care Center, Inc. and Fairfax County Public Schools (FCPS)—conducted their annual self-assessments. The programs engaged the services of other program staff, community members and parents.

### FISCAL MANAGEMENT

***Service area found to be in full-compliance.***

***Identified strengths:*** The program demonstrates proficient and organized fiscal management of multiple funding streams with all programs demonstrating an in-depth knowledge of financial policies and procedures. A system of quarterly on-site monitoring reviews provides a strong control for ensuring that delegate agencies are using HS/EHS grant funds in compliance with federal rules and regulations.

### GOVERNANCE

***Service area found to be in full-compliance.***

***Identified strengths:*** Governance structures are working well. Policy committees and councils are fully established with representation from all programs and options as required. Grantee Policy Council has had extensive training with good representation and participation. FCPS Policy Committee has community representatives who provide resources and answer parents' questions.

***Suggestions for improvement:*** Although attendance requirements for Policy Council are met, programs should continue to look at strategies for reaching 100% attendance across programs.

### MANAGEMENT SYSTEMS

***Service area found to be in full-compliance.***

***Identified strengths:*** All programs have systems in place to support record-keeping, reporting, ongoing monitoring, and communication. Knowledgeable staff maintain well-organized files with easily accessible information. Human Resources evaluation processes are clear.

### CHILD DEVELOPMENT AND EDUCATION

***Service area found to be in full-compliance.***

***Identified strengths:*** Ongoing monitoring demonstrates evidence of established, secure relationships between teachers/providers and children, with strong strategies in classroom management and instructional supports; staff provide a high level of quality comprehensive services, notably the relationships developed with families and on-going partnerships with providers; Program School Readiness Plans are aligned with the Head Start Child Development and Early Learning Framework, as well as with state Early Learning Guidelines. Classroom Assessment Scoring System (CLASS) results are at or above the national average.

***Suggestions for improvement:*** Engage all programs in the analysis of coaching models and how to best utilize them to strengthen quality teaching practices.

## DISABILITIES

***Service area found to be in full-compliance.***

***Identified strengths:*** The interagency agreements with the Local Educational Agency (LEA) and Part C for disabilities are comprehensive and clearly articulate the roles and responsibilities each party has in the delivery of services to children with disabilities. Disabilities managers from across the program review and update the agreements on an annual basis to ensure that services are being rendered as agreed upon.

## ELIGIBILITY, RECRUITMENT, SELECTION, ENROLLMENT, AND ATTENDANCE

***Service area found to be in full-compliance.***

***Identified strengths:*** Coordination between program Eligibility, Recruitment, Selection, Enrollment and Attendance (ERSEA) groups is strong, especially during the acceptance period and transition process among programs. Reports are consistent and informative. Policy Council was engaged in reviewing the eligibility guidelines and was involved in enhancing the monthly reports.

***Suggestions for improvement:*** While eligibility documentation is complete, additional consistency is needed in updating electronic records, specifically for eligibility recertifications.

## FAMILY ENGAGEMENT AND COMMUNITY DEVELOPMENT

***Service area found to be in full-compliance.***

***Identified strengths:*** Programs engage families in many different ways, including partnering together in support of children's school readiness. Families volunteer in the classroom, participate in field trips, attend parent meetings and Policy Committee/Council meetings. Parents interviewed from all programs shared that the program's open door policy makes it easy for parents to communicate and share concerns. In addition, positive growth in parenting skills was reported as a result of engaging with program staff.

***Suggestions for improvement:*** Ensure all initial family needs assessments are completed as early after enrollment as possible with a goal of 100% completion within 30 days. Continue to update Program Information Report (PIR) data for families throughout the program year as needed.

## HEALTH AND SAFETY

***Service area found to be in full-compliance.***

***Identified strengths:*** Strong systems are in place to identify needs of enrolled pregnant women, with good sources of information and resources offered by EHS staff to mothers both pre- and post- pregnancy. Programs have quality comprehensive nutrition programs which include culturally significant foods, family style dining, nutrition monitoring for each child and record keeping/education for children with food allergies. A major focus this year was the implementation of an extensive Lead Education Program for families, staff, and family child care providers.

***Suggestions for improvement:*** Collaborate with a dental hygienist to ensure that all children receive dental exams in a timely manner. Recruit an obstetrician for the Health Services Advisory Committee.

Board Agenda Item  
June 7, 2016

ACTION - 2

Approval of a Letter Agreement Between Fairfax County Department of Transportation and Fairfax County Park Authority for the Design Management of the Ashgrove Trail Extension (Hunter Mill District)

ISSUE:

Board approval of a Letter Agreement between Fairfax County Department of Transportation (FCDOT) and Fairfax County Park Authority (FCPA) to administer the proposed design of the Ashgrove Trail Extension.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCDOT to enter into the attached Letter Agreement (Attachment I) between the FCDOT and FCPA to manage the design of the Ashgrove Trail Extension.

TIMING:

The Board should act on this item on June 17, 2016, to allow the design contract for the proposed Ashgrove Trail Extension by FCPA to advance with oversight by FCDOT.

BACKGROUND:

The Ashgrove Trail Extension project is one of the approved projects originating from the Tysons Metrorail Station Access Management Study (TMSAMS). The goal of the TMSAMS projects is to create a more multi-modal transportation environment by building needed infrastructure to create better access to the Metrorail stations within Tysons.

As proposed, the Ashgrove Trail Extension will be located in the Tysons West area, and will connect cyclists and pedestrians from the Tysons Green community to Westwood Center Drive, and ultimately to the Spring Hill Metrorail Station in Tysons.

Since the alignment of the trail follows easements given to FCPA, and FCPA has intimate knowledge of building park trails, a partnership between FCDOT and FCPA was formed. Under the Letter Agreement, FCPA will administer the design of the Ashgrove Trail Extension in accordance with all applicable federal, state, and local laws and regulations with oversight from FCDOT.

Board Agenda Item  
June 7, 2016

FISCAL IMPACT:

The attached design agreement is for a total amount of \$418,000. As part of the FY 2015 Carryover process, the Board approved a total of \$1,500,000 in funding for the Ashgrove Trail Extension project. These funds have been budgeted in Fund 40010 (County and Regional Transportation Projects), project number 2G40-051. There is no impact to the General Fund or any other project in the TPP.

ENCLOSED DOCUMENTS:

Attachment I: Letter Agreement for Project Administration of Ashgrove Trail Extension with Supporting Documentation

STAFF:

Robert A. Stalzer, Deputy County Executive  
Corinne N. Lockett, Office of the County Attorney  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric M. Teitelman, P.E., Chief, Capital Projects and Operations Division, FCDOT  
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT  
Adam Lind, Capital Projects and Operations Division, FCDOT  
Ray Johnson, Coordination and Funding Division, FCDOT



## County of Fairfax, Virginia

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**DATE:** June 8, 2016

**TO:** Kirk Kincannon, Director  
Fairfax County Park Authority

**FROM:** Tom Biesiadny, Director  
Fairfax County Department of Transportation

**SUBJECT:** Letter Agreement for Project Administration of Ashgrove Trail Extension,  
TMSAMS-815, FOCUS #2G40-051-015

This Letter Agreement made and executed between the Fairfax County Park Authority (Park Authority) and Fairfax County (County) will set forth the funding and administration for the design phase of the "Ashgrove Trail Extension Project" (Project).

The County and Park Authority agree to work together to implement several Project specific conditions and requirements as outlined in this Letter Agreement and its attachments to ensure a timely and smooth progression for Project design completion.

The Project will be designed and engineered in accordance with all applicable federal, state, and local laws and regulations and the "Project Schedule" (Attachment 1) established by the County and Park Authority.

It is the intention of the parties that when the Project is completed, the County will maintain the trail and lighting.

Pursuant to this Letter Agreement, the parties agree:

1. The Ashgrove Trail Extension Project, as described on "Conceptual Layout" (Attachment 2), shall be located within Park Authority easements (Attachment 3), as further located on "Tax Map No. 29-3-0008" and "Tax Map No. 29-3-009" and "Tax Map No. 29-3-009A" (Attachment 4). The trail shall be connected from the existing Ashgrove Trail between Ashgrove Lane and Northern Neck Drive to the western terminus of Westwood Center Drive.
2. Park Authority shall act as the Project Manager for the Project as further described in this Letter of Agreement. However, all Project design decisions will be subject to final County approval.

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Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877-5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)



3. Park Authority shall be responsible for all invoice tracking and budgeting tasks and will work with County staff per the following:
  - A. Park Authority Project staff time costs shall be well documented and sent to the County on a monthly basis for which the Park Authority will be reimbursed by the County.
  - B. County staff will review all design consultant invoices, and make payments. Park Authority shall submit to the County invoice documents in formats that follow established County invoicing procedures.
  - C. Once Park Authority has received any Project invoices, Park Authority will have 15 days to review, approve and submit invoices to the County; after which the County will also have 15 days to review approve and make payment to the design consultant.
4. Funding for this Project is available and shall be paid through Fund 40010 (County and Regional Transportation Fund) in the total amount \$418,000.
5. All design aspects for the Project shall be prepared in accordance with all applicable laws, regulations, and design standards to include compliance with all applicable Virginia and County procurement laws and regulations.
6. Park Authority shall adhere to the agreed upon schedule (Attachment 1) and will coordinate with the County on major milestones that may require modifications to the schedule. The agreed upon schedule will be adjusted for any delays in the schedule due to Project related activities by County staff and/or required by the County.
7. The County will be accorded the opportunity to review the design contract at least 15 days prior to the letting of the design contract for the Project and will be accorded the opportunity to review the design plans and cost estimates at each stage of Project development.
8. Park Authority shall provide to the County a copy of the final site plan for the Project upon completion of final design.
9. Park Authority shall retain all records for the Project for the time periods required by Virginia's Records Retention Act and shall make available to the County any such records upon request at no cost to the County.
10. If the County determines that the Project may not be feasible as a result of the standard design process, Park Authority will coordinate with the County to meet, confer, and consider alternatives that would move the Project to the next stage, in accordance with County procedures and available funding.
11. Upon approval of final design by the County, Park Authority shall, at no cost to the Project, grant to the County all easements that may be necessary for temporary grading,



construction, and permanent trail and utility easements on Park Authority property or easements for the perpetual use, maintenance, and operation of the trail as needed by the Project. The County shall prepare the easement documents for Park Authority approval.

12. All requirements for funding by the County under this Letter Agreement are subject to annual appropriations by the Fairfax County Board of Supervisors.
13. Nothing herein shall be construed as a waiver of the County's or Park Authority's sovereign immunity and nothing herein shall create or vest any rights in any third parties.
14. This Letter Agreement shall not be construed as creating any personal liability on the part of any officer, employee, agent of the parties, nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.
15. Park Authority shall provide notices and correspondence to the County via email and/or U.S. mail to:

Tom Biesiadny ([Tom.Biesiadny@fairfaxcounty.gov](mailto:Tom.Biesiadny@fairfaxcounty.gov)), Director, FCDOT, and to Adam Lind ([Adam.Lind@fairfaxcounty.gov](mailto:Adam.Lind@fairfaxcounty.gov)), Project Manager, FCDOT, 4050 Legato Road, Suite 400, Fairfax, VA 22033-2895.

The County shall provide notices and correspondence to the Park Authority via email and/or U.S. mail to:

Kirk Kincannon ([Kirk.Kincannon@fairfaxcounty.gov](mailto:Kirk.Kincannon@fairfaxcounty.gov)), Director, FCPA and to Tom McFarland ([Thomas.McFarland@fairfaxcounty.gov](mailto:Thomas.McFarland@fairfaxcounty.gov)), Project Manager, FCPA  
12055 Government Center Parkway, Suite 927, Fairfax, Virginia, 22033, and to Liz Cronauer ([Elizabeth.Cronauer@fairfaxcounty.gov](mailto:Elizabeth.Cronauer@fairfaxcounty.gov)), Trails Manager, FCPA  
12055 Government Center Parkway, Suite 927, Fairfax, Virginia, 22033

16. Upon approval of final design of the Project by both parties, the parties may negotiate a supplement to this letter agreement for the acquisition of right of way and construction of the Project.

**Signatures below acknowledge Project concurrence.**

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Tom Biesiadny, Director  
Fairfax County Department of Transportation

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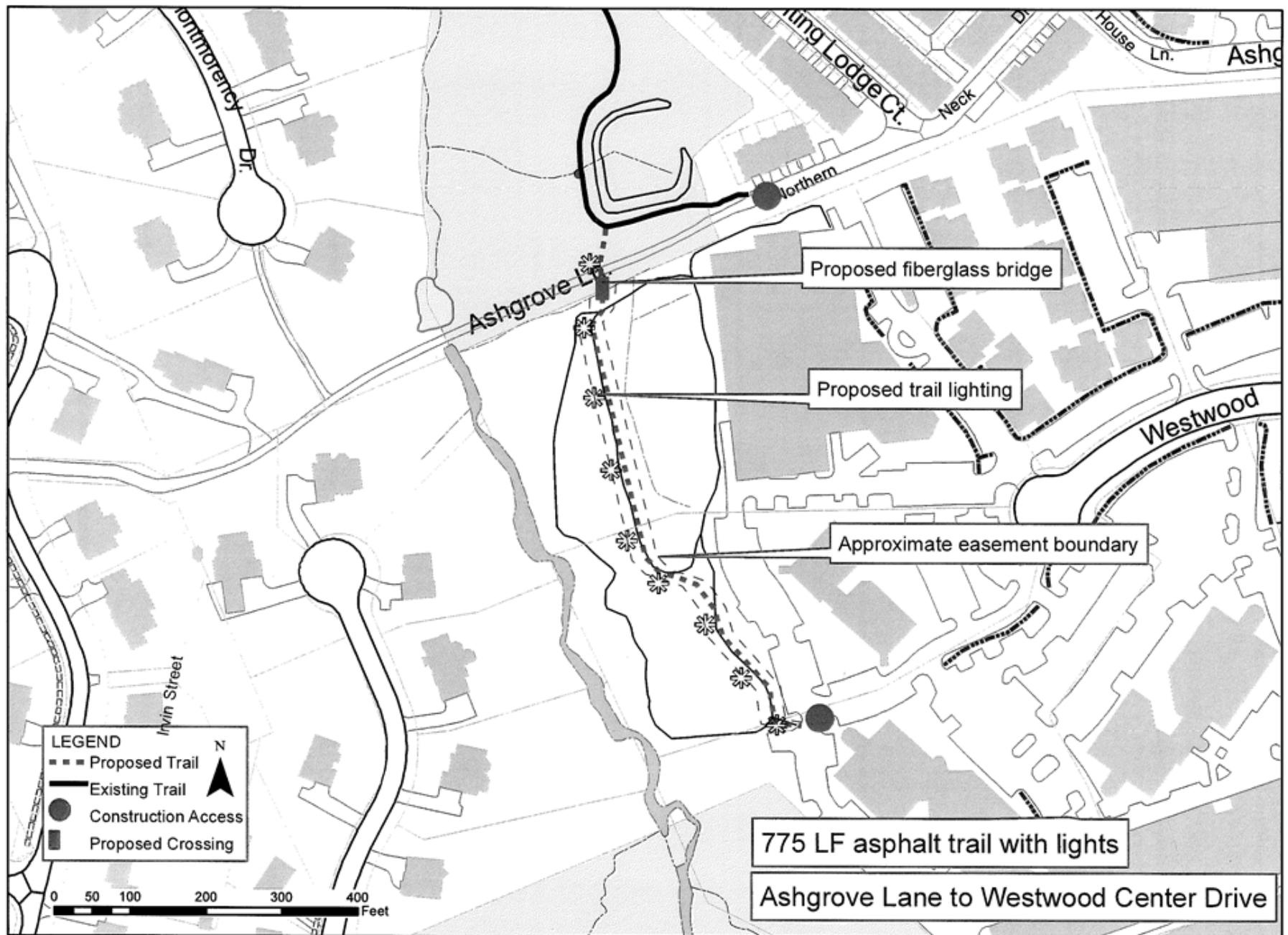
Kirk Kincannon, Director  
Fairfax County Park Authority

Attachments:

- 1-Project Schedule
- 2-Conceptual Layout
- 3-Easements and Proffer
- 4-Tax Map No. 29-03
- 5-Cost Estimate

cc: Eric Teitelman, P.E., Chief, Capital Projects & Traffic Engineering, Division, FCDOT  
W. Todd Minnix, P.E., Chief, Transportation Design Division, FCDOT  
Andrew Kolaitis, Right of Way Project Coordinator, CPTED, FCDOT  
Ellen F. M. Posner, Esq., Coordination & Funding Division (CFD), FCDOT  
Vanessa Aguayo, Transportation Planner III, CPTED, FCDOT  
Doug Miller, Environmental Project Coordinator, CPTED, FCDOT  
John Dresser, Engineer, Transportation & Design Division, FCDOT  
Ray Johnson, Transportation Planner III, CFD, FCDOT  
Janet Nguyen, Transportation Planner, CFD, FCDOT  
Elizabeth Cronauer, Trails Program Manager, FCPA  
David Bowden, Chief, Planning & Development Division, FCPA

| Ashgrove to Westwood Trail Project Schedule |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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# Proffer (#56)

shade structures, benches, tables and chairs. It shall be substantially complete prior to first RUP for Building C

- H. Park Space H is a pocket park of approximately 1,238 square feet designed for social interaction and will relate to the activities taking place in Park Space E. It will feature hardscaping, landscaping, and outdoor seating with wireless fidelity (Wi-Fi) capability as an activation element. Park Space H shall be substantially complete prior to first RUP for Building C.
  - I. Park Space I is an urban plaza of approximately 3,853 square feet designed to animate the Cornerside Boulevard frontage and provide convenient space for seating and people watching. It will include public art, hardscaping, landscaping and seating for passive use. Park Space I shall be substantially complete prior to first Non-RUP for Building B.
55. Amenities and Facilities for Residents. The Applicants shall provide on-site recreational facilities for the future residents of the Property. Pursuant to Paragraph 2 of Section 6-508 and Paragraph 2 of Section 16-404 of the Ordinance regarding developed recreational facilities, the Applicants shall expend a minimum of \$1700.00 per market-rate and workforce residential unit on such recreation facilities. Prior to final bond release for the Property, the balance of any funds not expended on-site, as determined by DPWES shall be contributed to the Fairfax County Park Authority for the provision of recreation facilities serving Tysons Corner.
56. Off-Site Park Enhancements.
- A. The Applicants shall make a good faith effort to diligently pursue, acquire and record public access easements to the benefit of the FCPA across properties identified on the Fairfax County 2013 tax maps as 29-3 ((20)) 8, 9A and 9B (the "Off-Site Parcels") through a cooperative agreement with the owners of the Off-Site Parcels. The easement area shall be a minimum of 20 feet in width to accommodate an eight foot wide asphalt trail. The form of the easement shall be reviewed and approved by the County Attorney. If the Applicants are unable to obtain one or more of the easements from the owners at a commercially reasonable rate, the Applicants shall: 1) provide documentation to FCPA of its efforts to obtain the easements including an appraisal, prepared by a MAI (Member of the Appraisal Institute) independent appraiser approved by the County, of the value of the easement(s) to be acquired and a copy of written offers and counteroffers (if any) and evidence of owners refusal or failure to respond affirmatively within 90 days to such offers and counteroffers; and 2) make a one-time contribution of \$10,000.00 for each unobtainable easement to the FCPA and thereby be released of any further obligation to obtain said easements. The easements, if available, shall be recorded prior to the issuance of a RUP or Non-RUP for the first of Buildings A, B or C to be constructed, or earlier at the Applicants' sole discretion.

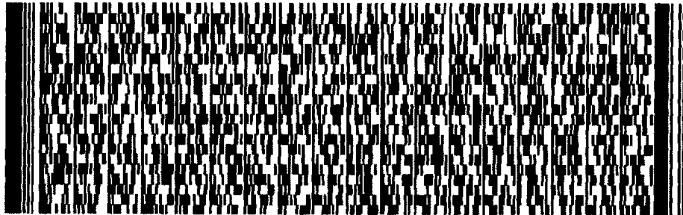
- B. The Applicants shall provide a one-time \$50,000.00 contribution to the FCPA for improvements to the Old Courthouse Spring Branch stream valley park which may include, but not be limited to, improvements to existing trails, construction of new trails, enhancements to the Ashgrove Plantation site/facilities, and park planning efforts. Said contribution shall be made prior to the issuance of a RUP or Non-RUP for the second of Buildings A, B or C to be constructed.

57. Athletic Field Contribution. The Applicants shall provide a contribution of \$2.38 for each square foot of new space constructed in Buildings A, B and C to the FCPA for the development of athletic fields on the Westgate Park or acquisition and development of athletic fields elsewhere serving the Tysons area. The contribution associated with each building shall be based on the actual GFA in each building. This contribution shall not apply to any public use facilities constructed on the Property including the public arts office for alternate public use described in Proffer 57. The contribution associated with the first of Buildings A, B, or C to be constructed on the Property shall be paid in three equal installments; the first installment due at the issuance of the first RUP or Non-RUP for the building; the second installment due upon the issuance of the 100<sup>th</sup> RUP or the issuance of a Non-RUP for more than 100,000 square feet of non-residential space; and the third and final installment due prior to the issuance of the 300<sup>th</sup> RUP or issuance of a Non-RUP for more than 200,000 square feet of non-residential space. The contribution for the second and third buildings shall be made prior to the issuance of a RUP or Non-RUP for the applicable building.

#### PUBLIC FACILITIES

58. Public Space. The Applicants shall design, permit, construct and make available for use by Fairfax County or its designee for a period of thirty (30) years, space consisting of approximately 3,500 square feet of GFA within Building A or B. Said space shall be provided, at no cost to the County other than for utilities and char services, for office space to serve a public art agency (the "Agency Space"). Parking for the Agency Space shall be made available based on prevailing market lease rates for parking spaces. Should it be determined at FDP that the Agency Space is no longer needed in this location, the space shall be provided for another public/community use. Public/community use of this space shall be limited to museums, art galleries/studios, theatres, educational facilities, cultural centers, indoor recreational activities, County or State offices or other uses mutually agreed upon by the Applicants and the County. Said space shall be made available to the County prior to the issuance of a RUP or Non-RUP for more than 50,000 square feet of other uses in Buildings A or B, as may be applicable, or as may otherwise be determined at FDP. Following conclusion of the initial 30 year lease, the Applicants shall offer the County four-5 year lease renewal options at then prevailing market rates.
59. Master Plan for the Arts. The Applicants shall contribute \$350,000.00 to Fairfax County to fund a Master Plan for the Arts, or should the Master Plan be already complete, for other arts related activities mutually agreed upon by the Applicants and the County. The contribution shall be provided prior to the issuance of the first RUP or Non-RUP for Buildings A, B or C, whichever shall occur first.

## Fairfax County Circuit Court DMZ Cover Sheet Application v2.2



|                       |   |                              |                    |
|-----------------------|---|------------------------------|--------------------|
| Consideration         | 0   | Consideration/Actual Value % | 100                |
| Actual/Assessed       | 0   | Tax Exemption                | Amount Not Taxed   |
| Code Section          |   |                              |                    |
| DEM Number            |   | Tax Map Number               | 029-3- -20- -0008- |
| Original Book         |   | Original Page                |                    |
| Title Company         | WALSH COLUCCI                                     | Title Case                   | 3205.23            |
| Property Descr.       | LOT 8, WESTWOOD CORPORATE CENTER AT TYSONS CORNER | Mutiple Lots?                | NO                 |
| Return To Party Name: | WALSH COLUCCI                                     | Address:                     | BOX 67             |
| Certified             | NO  | Copies                       | 0                  |
|                       |   | Page Range                   |                    |

**Instruments**

EASEMENT

**Grantor(s)**

8619 WESTWOOD CENTER LLC\_F\_N

**Grantee(s)**

FAIRFAX COUNTY PARK AUTHORITY \_F\_N



Prepared by/Return to: BOX 67  
H. Mark Goetzman, Esquire  
Walsh, Colucci, Lubeley, Emrich & Walsh, PC  
2200 Clarendon Blvd, Ste 1300  
Arlington, VA 22201

Tax Map #0293-20-0008

### DEED OF EASEMENT

THIS Deed of Easement ("Deed") made this 28th day of April, 2015, by and between **8619 WESTWOOD CENTER LLC**, a Virginia limited liability company, Grantor (also called "Owner"); and **FAIRFAX COUNTY PARK AUTHORITY**, a body corporate and politic, Grantee (also called "Park Authority").

### WITNESSETH

WHEREAS, the Owner is the owner of certain property by virtue of a deed recorded in Deed Book 23959 at page 1365, among the land records of Fairfax County ("Property"), as further depicted on that plat dated July 15, 2013, entitled "Plat Showing Trail Easement on Lot 8 Westwood The Corporate Center at Tysons Corner," and prepared by VIKA Virginia LLC, attached hereto and incorporated herein ("Plat"); and

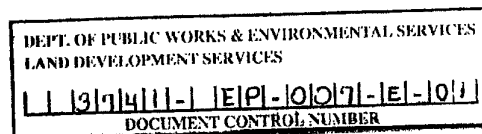
WHEREAS, the Property is not subject to the lien of any deed of trust; and

WHEREAS, it is the desire of the Owner to convey a certain easement, all in accordance with the Plat.

### TRAIL

NOW, THEREFORE, that in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby conveys to the Park Authority a non-exclusive Trail Easement for the purpose of constructing, operating and maintaining public trails through and across the Property for purposes of ingress-egress, public access and other

{A0553146.DOC / 5 Trail Esmt, Lot 8 003205 000023}



1

recreational uses, said Property and Easement being more particularly bounded and described on the plat attached hereto and incorporated herein. Said Trail Easement is subject to other currently existing easements. The easement is subject to the following terms and conditions:

1. All facilities installed in the easement and right-of-way shall be and remain the property of the Park Authority, its successors and assigns.
2. The Park Authority and its agents shall have full and free use of the said easement and right-of-way for the purposes named, and shall have all rights and privileges reasonably necessary to the enjoyment and exercise of the easement and right-of-way including the right of reasonable access to and from the right-of-way and right to use adjoining land where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual surveying, construction, reconstruction or maintenance, and further, this right shall not be construed to allow the Park Authority to erect any building or structure of a permanent nature on such adjoining land. The Park Authority at its own expense shall restore, as nearly as possible, the premises to their original condition, such restoration to include the backfilling of trenches, the replacement of shrubbery, and the reseeding or resodding of lawns or pasture areas, but not the replacement of structures, trees or other obstructions.
3. The Park Authority shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in or near the easement being conveyed, deemed by it to interfere with the proper and efficient construction, operation, maintenance or enjoyment of the trails; provided, however, that the Park Authority at its own expense shall restore, as nearly as possible, the premises to their original condition, such restoration to include the backfilling of trenches, the replacement of shrubbery, and the reseeding or resodding of lawns or pasture areas, but not the replacement of structures, trees or other obstructions.
4. Owner reserves the right to construct and maintain roadways over said easement and to make any use of the easement herein granted which may not be inconsistent with the rights herein conveyed, or interfere with the use of the easement by the Park Authority for the purpose named; provided, however, that Owner shall not erect any building or other structure, excepting a fence running parallel to and along the outer edges of the easement, on the easement, without obtaining the prior written approval of the Park Authority.

#### **COVENANTS REAL**

The Owner declares that the agreements and covenants stated in this Deed are not covenants personal to the Owner but are covenants real, running with the land. This Deed

shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. This Deed may be executed in counterparts, each of which shall be deemed an original but which together shall constitute one and the same instrument.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGES.]**

WITNESS the following signatures and seals:

**8619 WESTWOOD CENTER LLC**, a Virginia  
limited liability company

By its Manager: Judson Brown, a Nevada  
limited liability company

By: 

Name: Donald S. Berry, Sr.

Title: Manager

COMMONWEALTH OF VIRGINIA:

COUNTY OF \_\_\_\_\_: to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015, by \_\_\_\_\_ of  
8619 WESTWOOD CENTER LLC.

*Please See Attached*

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Notary Registration #: \_\_\_\_\_

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

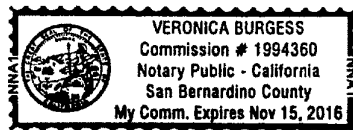
State of California )  
County of San Bernardino )  
On 04/28/2015 before me, Veronica Burgess, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Donald J. Berry, Jr.  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *[Signature]*  
Signature of Notary Public



*Place Notary Seal Above*

**- OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: Deed of Easement Document Date: \_\_\_\_\_  
Number of Pages: 6 Signer(s) Other Than Named Above: N/A

**Capacity(ies) Claimed by Signer(s)**

Capacity(ies) Claimed by Signer(s)  
Signer's Name: Donald J. Berry, Jr.

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual      ☐ Attorney in Fact

☐ Trustee                  ☐ Guardian or Conservator

☒ Other: Manager

Signer Is Representing: Judson Brown, LLC

Signer's Name: \_\_\_\_\_

☐ Corporate Officer ~~—~~ Title(s): \_\_\_\_\_

☐ Partner — ☒ Limited ☐ General

☐ Individual ☒ Attorney in Fact

☒ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

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APPROVED AS TO FORM:

Baruch K. Peltz  
Assistant County Attorney

Easements on the Property hereby consented to, on behalf of the Fairfax County Park Authority.

**FAIRFAX COUNTY PARK AUTHORITY**

By: [Signature]  
Name: Kirk W. Kincannon  
Title: Director Fairfax County Park Authority

COMMONWEALTH OF VIRGINIA:

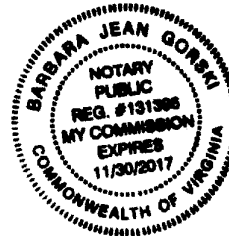
COUNTY OF Fairfax: to-wit

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of May, 2015, by Kirk W. Kincannon, Director of the FAIRFAX COUNTY PARK AUTHORITY.

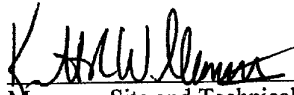
[Signature]  
Notary Public

My Commission Expires: 11/30/2017

Virginia Notary Registration #: 131396




Accepted and executed on behalf of the Board of Supervisors of Fairfax County,  
Virginia, by the authority granted by said Board.



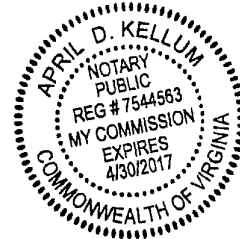
Manager, Site and Technical Services  
Land Development Services

Commonwealth of Virginia:  
County of Fairfax, to wit:

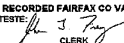
The foregoing instrument was acknowledged before me by Kenneth R. Williams,  
Manager, Site and Technical Services this 20 day of May, 2015.

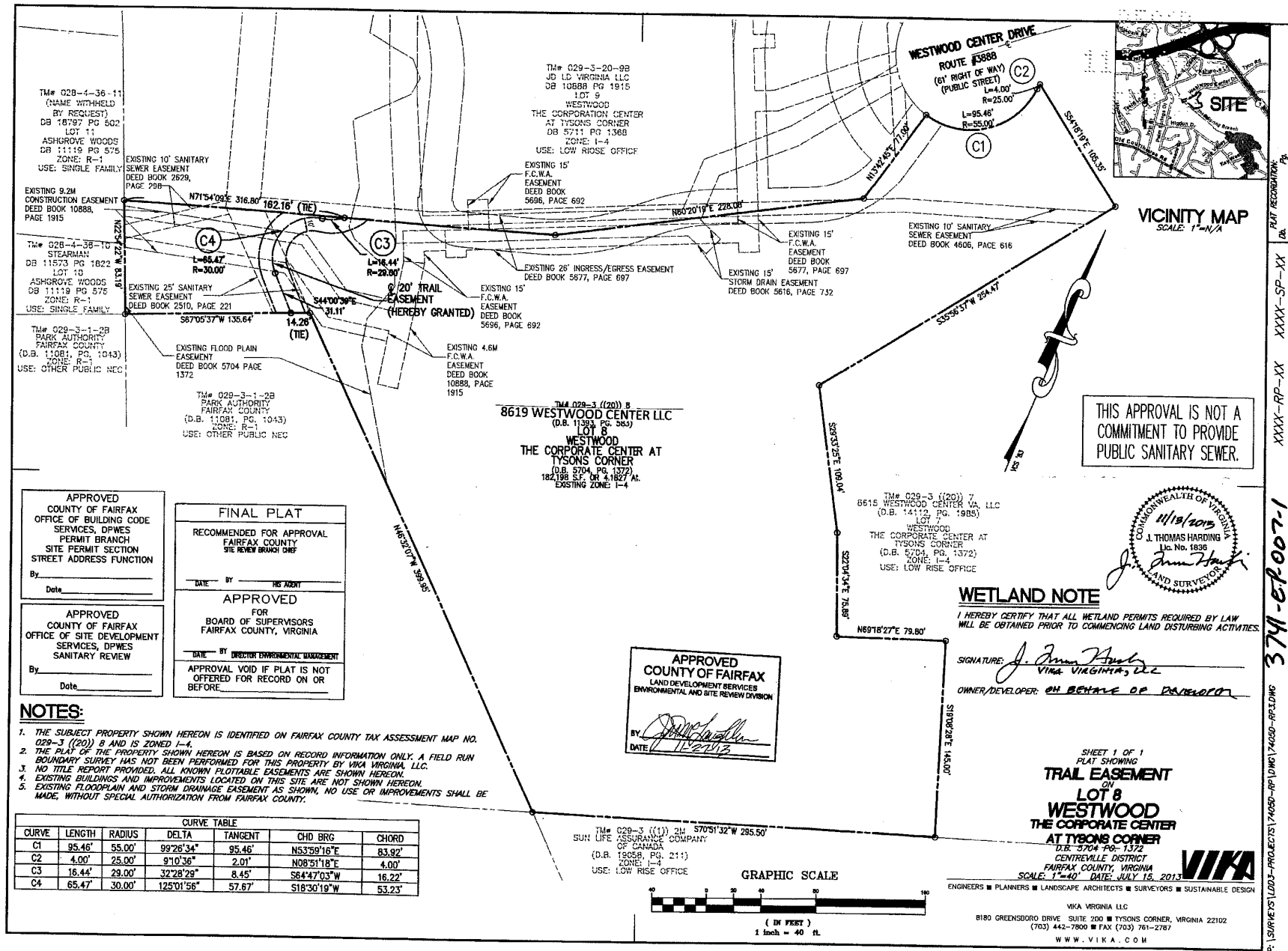
  
Notary Public

My commission expires: 4-30-17  
Commission ID #: 0007544563



Plat Attached

05/20/2015  
RECORDED FAIRFAX CO VA  
TESTE:   
CLERK





Fairfax County Circuit Court, DMZ Cover Sheet v2.1

Page 1 of 1

**Fairfax County Circuit Court  
DMZ Cover Sheet v2.1****Instruments**

EASEMENT

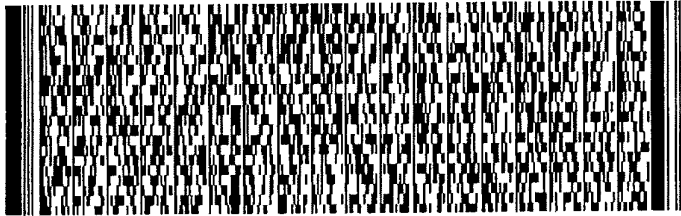
**Grantor(s)**

8618 WESTWOOD CENTER DR LLC\_F\_N, KLEVENS, SHARI L TR\_I\_T, WELLS FARGO BANK\_F\_N

**Grantee(s)**

FX CO PARK AUTHORITY\_F\_N

|                 |  |                  |                      |
|-----------------|--|------------------|----------------------|
| Consideration   |  | Consideration %  | 100                  |
| Tax Exemption   |  | Amount Not Taxed |                      |
| DEM Number      | 3741-EP-20-E-01                        | Tax Map Number   | 029-3- -20- -0009- A |
| Original Book   |  | Original Page    |                      |
| Title Company   | WALSH COLUCCI                          | Title Case       | 3205.23              |
| Property Descr. | WESTWOOD CORP CTR TYSONS CORNER LOT 9A |                  |                      |
| Certified       | NO                                     | Copies           | 0                    |
|                 |  | Page Range       |                      |



Prepared by/Return to: BOX 67  
H. Mark Goetzman, Esquire  
Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Blvd, Ste 1300  
Arlington, VA 22201

Tax Map #0293-20-0009A

(3741-EP-20-E-01)

### DEED OF EASEMENT

THIS Deed of Easement ("Deed") made this 23rd day of October, 2014, by and between **8618 WESTWOOD CENTER DRIVE, L.L.C.**, a Virginia limited liability company, Grantor (also called "Owner"); **FAIRFAX COUNTY PARK AUTHORITY**, a body corporate and politic, Grantee (also called "Park Authority"); **SHARI L. KLEVENS, TRUSTEE**, Grantor (also called "Trustee"); **WELLS FARGO BANK, N.A.**, as Trustee for the registered holders of COMM 2005-C6 Commercial Mortgage Pass-Through Certificates, Grantor (also called "Beneficiary"). The Trustee and Beneficiary are included herein for indexing purposes to acknowledge the attached consent and subordination.

### WITNESSETH

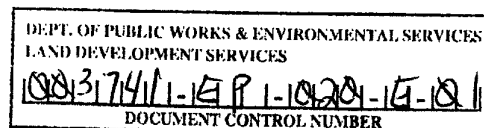
WHEREAS, the Owner is the owner of certain property by virtue of a deed recorded in Deed Book 15544 at page 860, among the land records of Fairfax County ("Property"), as further depicted on that plat dated July 15, 2013, entitled "Plat Showing Trail Easement on Lot 9A, Westwood The Corporate Center at Tysons Corner," and prepared by VIKA Virginia LLC, attached hereto and incorporated herein ("Plat"); and

WHEREAS, it is the desire of the Owner to convey certain easements, all in accordance with the Plat.

### TRAIL

NOW, THEREFORE, that in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are

{A0620835.DOC / 2 Trail Esmt Lot 9A 003205 000023}



1

hereby acknowledged, the Owner hereby conveys to the Park Authority a Trail Easement for the purpose of constructing, operating and maintaining public trails through and across the Property, said Property and Easement being more particularly bounded and described on the plat attached hereto and incorporated herein. The easement is subject to the following terms and conditions:

1. All facilities installed in the easement and right-of-way shall be and remain the property of the Park Authority, its successors and assigns.

2. The Park Authority and its agents shall have full and free use of the said easement and right-of-way for the purposes named, and shall have all rights and privileges reasonably necessary to the enjoyment and exercise of the easement and right-of-way including the right of reasonable access to and from the right-of-way and right to use adjoining land where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual surveying, construction, reconstruction or maintenance, and further, this right shall not be construed to allow the Park Authority to erect any building or structure of a permanent nature on such adjoining land.

3. The Park Authority shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in or near the easement being conveyed, deemed by it to interfere with the proper and efficient construction, operation, maintenance or enjoyment of the trails; provided, however, that the Park Authority at its own expense shall restore, as nearly as possible, the premises to their original condition, such restoration to include the backfilling of trenches, the replacement of shrubbery, and the reseeding or resodding of lawns or pasture areas, but not the replacement of structures, trees or other obstructions.

4. Owner reserves the right to construct and maintain roadways over said easement and to make any use of the easement herein granted which may not be inconsistent with the rights herein conveyed, or interfere with the use of the easement by the Park Authority for the purpose named; provided, however, that Owner shall not erect any building or other structure, excepting a fence running parallel to and along the outer edge of the easement, on the easement, without obtaining the prior written approval of the Park Authority.

#### **COVENANTS REAL**

The Owner declares that the agreements and covenants stated in this Deed are not covenants personal to the Owner but are covenants real, running with the land. This Deed shall be governed by and construed in accordance with the laws of the Commonwealth of

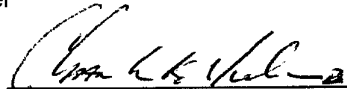
Virginia. This Deed may be executed in counterparts, each of which shall be deemed an original but which together shall constitute one and the same instrument.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGES.]**

WITNESS the following signatures and seals:

**8618 WESTWOOD CENTER DRIVE, L.L.C., a  
Virginia limited liability company**

By: Washington Property Company, L.L.C.,  
Manager

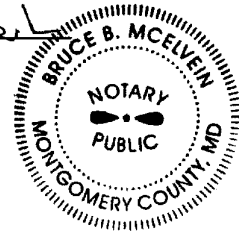
By:   
Name: Charles K. Nelson III  
Title: President

STATE OF Maryland :  
COUNTY OF Montgomery : to-wit

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of  
October, 2014, by Charles K. Nelson III President of  
Washington Property Company, L.L.C., Manager of 8618 WESTWOOD CENTER DRIVE,  
L.L.C.

  
Notary Public

My Commission Expires: April 29 2017



APPROVED AS TO FORM:

*Barbara L. Relfo*  
Assistant County Attorney

Easements on the Property hereby consented to, on behalf of the Fairfax County Park Authority.

**FAIRFAX COUNTY PARK AUTHORITY**

By: *Kirk W. Kincaid*  
Name: Kirk W. Kincaid  
Title: Director FFA Co. Park Authority

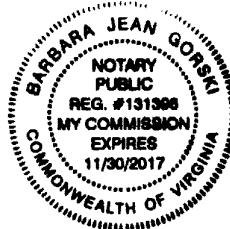
COMMONWEALTH OF VIRGINIA:

COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of December, 2014, by Kirk W. Kincaid, Director of the FAIRFAX COUNTY PARK AUTHORITY.

*Barbara L. Relfo*  
Notary Public

My Commission Expires: 11/30/2017  
Virginia Notary Registration #: 131396



**CONSENT AND SUBORDINATION**

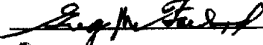
The undersigned, Wells Fargo Bank, N.A., as Trustee for the registered holders of, COMM 2005-C6, Commercial Mortgage Pass-Through Certificates, the current beneficiary ("Beneficiary") under the Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing recorded in Deed Book 17233 at page 541, as assigned in Deed Book 19657 at page 1805 (the "Deed of Trust"), dated April 28, 2005 in the original principal amount of \$14,400,000.00 encumbering the subject property, commonly known as Westwood Center Office, located in Vienna, Virginia, hereby consents to the foregoing Deed of Easement (the "Easement"), and hereby subordinates the lien of the Deed of Trust to the provisions of said Easement. Except as expressly subordinated hereby, the Deed of Trust and liens evidenced and created thereby shall remain in full force and effect.

This 23 day of October, 2014.

**BENEFICIARY:**

**WELLS FARGO BANK, N.A.**, as Trustee for the registered holders of COMM 2005-C6 Commercial Mortgage Pass-Through Certificates

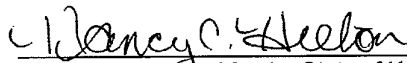
By: Midland Loan Services, a Division of PNC Bank, National Association, its Master Servicer and Attorney-in-Fact

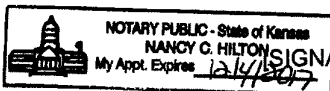
By:   
 Name: Gregory L. McFarland  
 Title: Senior Vice President  
Servicing Officer

STATE OF KANSAS            )  
                                       ) ss  
 COUNTY OF JOHNSON        )

On this 23 day of October, 2014, before me, a Notary Public in and for the State of Kansas, personally appeared Gregory L. McFarland, personally known to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged that he is a SVP and Servicing Officer of Midland Loan Services, a Division of PNC Bank, National Association, to be the free and voluntary act and deed of said company for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

  
 Notary Public in and for the State of Kansas



SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

CONSENTED TO AND AGREED BY:

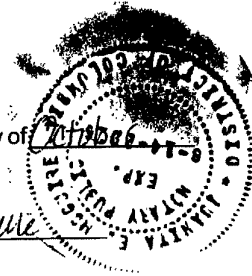
Shari Klevens  
SHARI KLEVENS, TRUSTEE  
KLEVENS

STATE OF District of Columbia :  
COUNTY OF \_\_\_\_\_ : to-wit

The foregoing instrument was acknowledged before me this 24 day of October, 2014, by SHARI KLEVENS, TRUSTEE.

JUANITA E. MCGUIRE  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires August 14, 2016

Juanita E. McGuire  
Notary Public





Executed and approved on behalf of the Board of Supervisors of Fairfax County, Virginia,  
by authority granted by the said Board.

Director, Department of Public Works &  
Environmental Services

By:

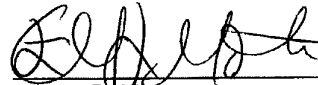


Manager,  
Site and Technical Services, LDS

COMMONWEALTH OF VIRGINIA:

COUNTY OF FAIRFAX: to-wit

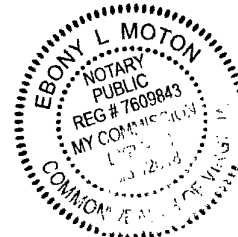
The foregoing instrument was acknowledged before me this 30 day of  
December, 2014, by Kenneth Williams, Manager, Site and  
Technical Services, Land Development Services, Department of Public Works &  
Environmental Services.



Notary Public

My Commission expires: 5/31/18

Notary Registration Number: 7609843





FAIRFAX COUNTY CIRCUIT COURT, JAMES COOPER, JR., JUDGE

Page 1 of 1

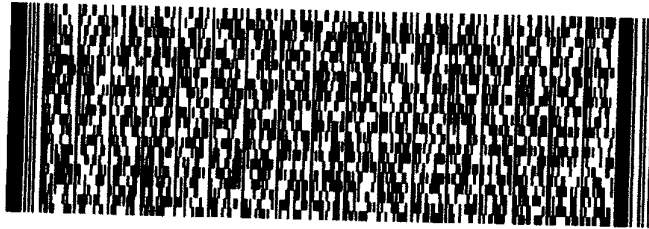
## Fairfax County Circuit Court DMZ Cover Sheet v2.1

**Instruments**  
EASEMENT

**Grantor(s)**  
JD LD VIRGINIA LLC\_F\_N

**Grantee(s)**  
FX CO PARK AUTHORITY\_F\_N

|                 |   |                  |                      |
|-----------------|---|------------------|----------------------|
| Consideration   |   | Consideration %  | 100                  |
| Tax Exemption   | NC  | Amount Not Taxed |                      |
| DEM Number      | 3741-EP-21-E-01                           | Tax Map Number   | 029-3- -20- -0009- B |
| Original Book   |   | Original Page    |                      |
| Title Company   | WALSH COLUCCI                             | Title Case       | 3205.23              |
| Property Descr. | WESTWOOD CORP CENTER FAIRFAX CORNER LOT 9 |                  |                      |
| Certified       | NO  | Copies           | 0                    |
|                 |   | Page Range       |                      |



10/14/2014 11:01 AM

0/10/2014

DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
EVALUATION SERVICES

3171411-1016191-10211-1-1-10111

DOCUMENT CONTROL NUMBER

Tax Map #0293-20-0009B

Prepared by/Return to: BOX 67  
H. Mark Goetzman, Esquire  
Walsh, Colucci, Lubeley, Emrich & Walsh, PC  
2200 Clarendon Blvd, Ste 1300  
Arlington, VA 22201

### DEED OF EASEMENT

THIS Deed of Easement ("Deed") made this 13 day of August, 2014, by and between **JD/LD VIRGINIA, LLC**, a Delaware limited liability company, Grantor (also called "Owner"); and **FAIRFAX COUNTY PARK AUTHORITY**, a body corporate and politic, Grantee (also called "Park Authority").

### WITNESSETH

**WHEREAS**, the Owner is the owner of certain property by virtue of a deed recorded in Deed Book 10888 at page 1915, among the land records of Fairfax County ("Property"), as further depicted on that plat dated July 15, 2013, entitled "Plat Showing Trail Easement on Lot 9 Westwood The Corporate Center at Tysons Corner," and prepared by VIKA Virginia LLC, attached hereto and incorporated herein ("Plat"); and

**WHEREAS**, the Property is not subject to the lien of any deed of trust; and

**WHEREAS**, it is the desire of the Owner to convey a certain easement, all in accordance with the Plat.

### TRAIL

**NOW, THEREFORE**, that in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby conveys to the Park Authority a non-exclusive Trail Easement for the purpose of constructing, operating and maintaining public trails through and across the Property for purposes of ingress-egress, public access and other recreational uses, said Property and Easement being more particularly bounded and described on the plat attached hereto and incorporated herein. Said Trail Easement is subject to other currently existing easements. The easement is subject to the following terms and conditions:

1. All facilities installed in the easement and right-of-way shall be and remain the property of the Park Authority, its successors and assigns.

2. The Park Authority and its agents shall have full and free use of the said easement and right-of-way for the purposes named, and shall have all rights and privileges reasonably necessary to the enjoyment and exercise of the easement and right-of-way including the right of reasonable access to and from the right-of-way and right to use adjoining land where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual surveying, construction, reconstruction or maintenance, and further, this right shall not be construed to allow the Park Authority to erect any building or structure of a permanent nature on such adjoining

land. The Park Authority at its own expense shall restore, as nearly as possible, the premises to their original condition, such restoration to include the backfilling of trenches, the replacement of shrubbery, and the reseeding or resodding of lawns or pasture areas, but not the replacement of structures, trees or other obstructions.

3. The Park Authority shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in or near the easement being conveyed, deemed by it to interfere with the proper and efficient construction, operation, maintenance or enjoyment of the trails; provided, however, that the Park Authority at its own expense shall restore, as nearly as possible, the premises to their original condition, such restoration to include the backfilling of trenches, the replacement of shrubbery, and the reseeding or resodding of lawns or pasture areas, but not the replacement of structures, trees or other obstructions.

4. Owner reserves the right to construct and maintain roadways over said easement and to make any use of the easement herein granted which may not be inconsistent with the rights herein conveyed, or interfere with the use of the easement by the Park Authority for the purpose named; provided, however, that Owner shall not erect any building or other structure, excepting a fence running parallel to and along the outer edges of the easement, on the easement, without obtaining the prior written approval of the Park Authority.

#### **COVENANTS REAL**

The Owner declares that the agreements and covenants stated in this Deed are not covenants personal to the Owner but are covenants real, running with the land. This Deed shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. This Deed may be executed in counterparts, each of which shall be deemed an original but which together shall constitute one and the same instrument.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGES.]**



APPROVED AS TO FORM:

*Barbara J. Gorek*  
Assistant County Attorney

Easements on the Property hereby consented to, on behalf of the Fairfax County Park Authority.

FAIRFAX COUNTY PARK AUTHORITY

By: *K. W. Kincannon*  
Name: Kirk W. Kincannon  
Title: Director Fairfax County Park Authority

COMMONWEALTH OF VIRGINIA:

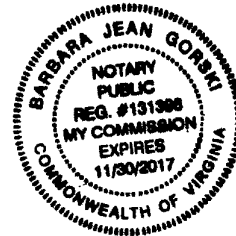
COUNTY OF Fairfax: to-wit

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of September, 2014, by KIRK W. KINCANNON, DIRECTOR of the FAIRFAX COUNTY PARK AUTHORITY.

*Barbara J. Gorek*  
Notary Public

My Commission Expires: November 30, 2014

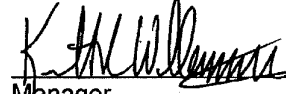
Virginia Notary Registration #: 131396



Executed and approved on behalf of the Board of Supervisors of Fairfax County, Virginia,  
by authority granted by the said Board.

Director, Department of Public Works &  
Environmental Services

By:

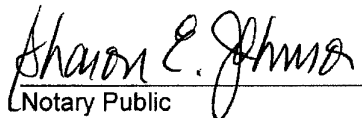


Manager,  
Site and Technical Services, LDS

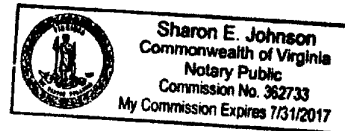
COMMONWEALTH OF VIRGINIA:

COUNTY OF FAIRFAX: to-wit

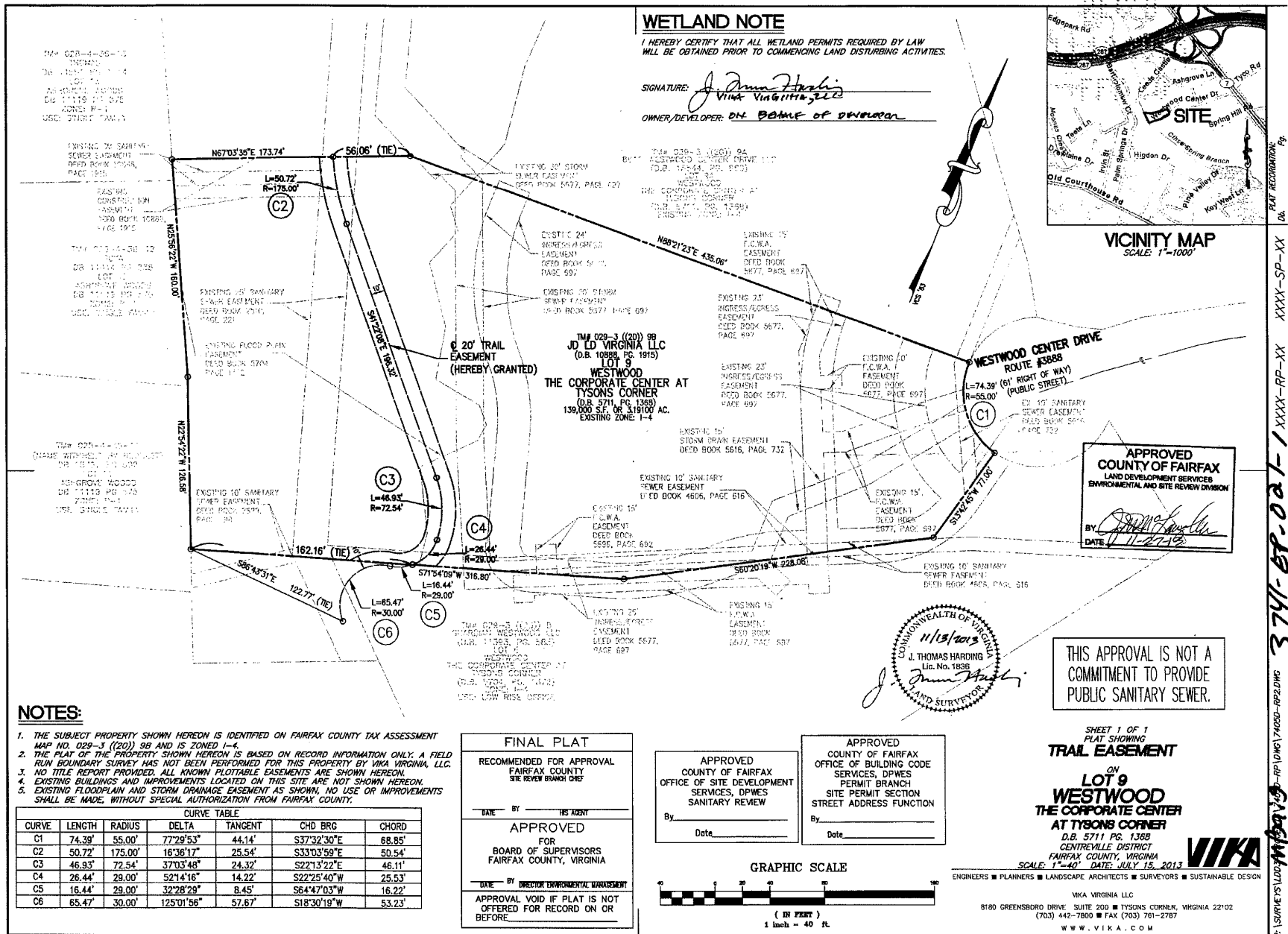
The foregoing instrument was acknowledged before me this 18 day of  
September, 2014, by KENNETH WILLIAMS, Manager, Site and  
Technical Services, Land Development Services, Department of Public Works &  
Environmental Services.

  
Notary Public

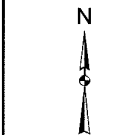
My Commission Expires: JULY 31, 2017  
Virginia Notary Registration #: 362733







A Fairfax County, Virginia Publication



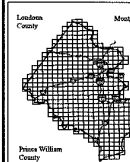
Map G6 is 50" X 71" based on USGS 1:250,000 scale  
7 1/2 minute Quad, Virginia Coordinate System  
values are of 1983 North Zone in U.S. feet based on  
NAD 83/11 Idaho Precise GPS Network adjustment

## GENERAL NOTES

MARBLE CLAY 1000000

The limits of the Marine City Deposit's extension to

The information contained on Buzzpage INCT has been classified as "Secret" or "Top Secret" and is exempt from automatic declassification under the provisions of the Freedom of Information Act (5 U.S.C. 552). This information is exempt from automatic declassification under the provisions of the Freedom of Information Act (5 U.S.C. 552) because it contains information that is exempt from automatic declassification under the provisions of the Freedom of Information Act (5 U.S.C. 552). This information is exempt from automatic declassification under the provisions of the Freedom of Information Act (5 U.S.C. 552) because it contains information that is exempt from automatic declassification under the provisions of the Freedom of Information Act (5 U.S.C. 552).



## ADMINISTRATIVE INDEX

|      |      |      |
|------|------|------|
| 28-2 | 29-1 | 29-2 |
| 28-4 | 29-3 | 29-4 |
| 38-2 | 39-1 | 39-2 |

## SHEET INDEX

### CADASTRAL MAP

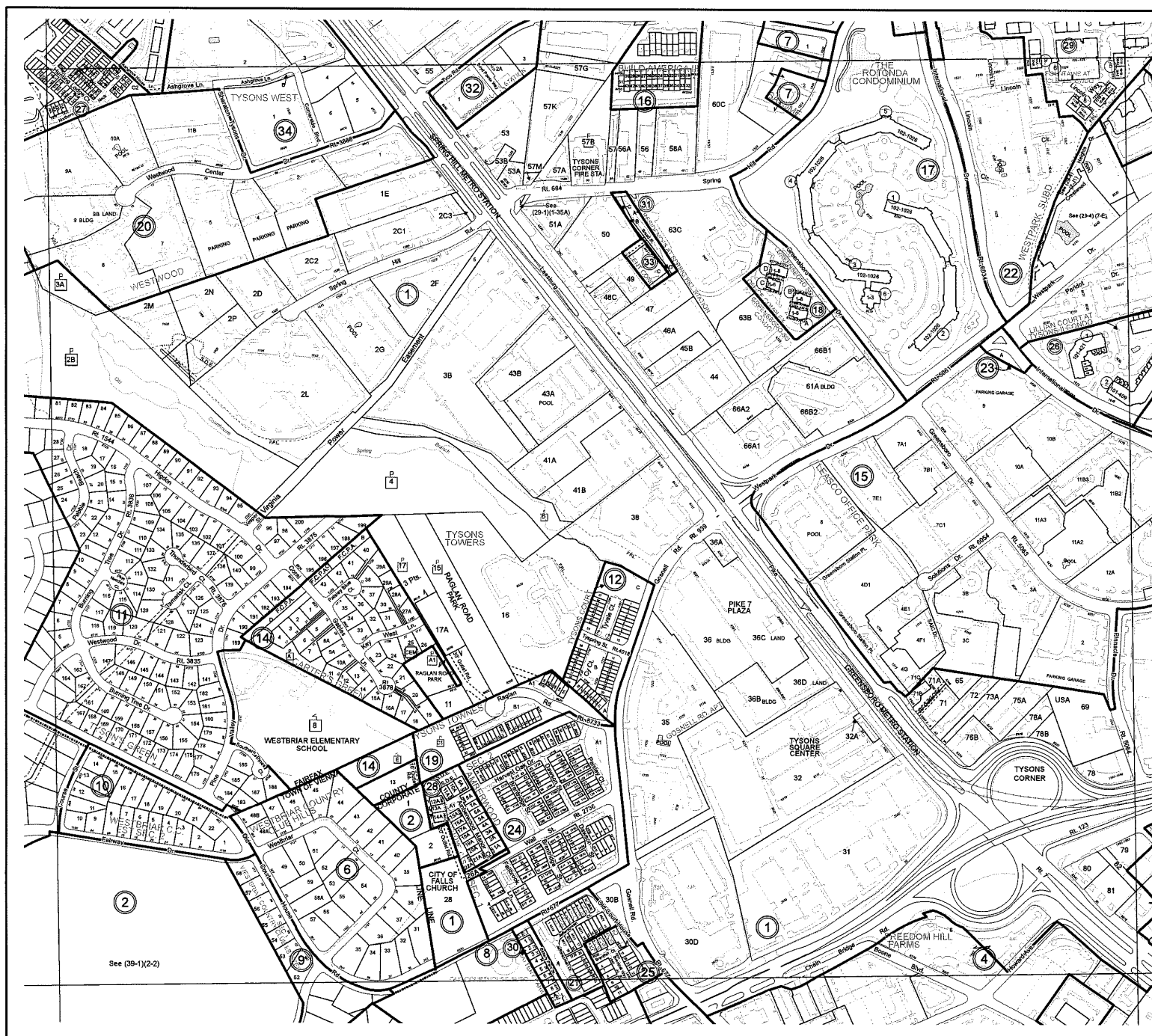
29-3

Revised to : 09 - 14 - 2015

Prepared by:  
DEPARTMENT OF INFORMATION TECHNOLOGY  
GIS and Mapping Services Branch  
1500 Government Center Parkway, Suite 117  
Fairfax, Virginia 22035-6010  
(703) 324-2722  
FAX (703) 324-3997  
E-mail: [gis@info@fairfaxcounty.gov](mailto:gis@info@fairfaxcounty.gov)

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Print Code: 20151408



## OPTION 1

**Project: Ashgrove Lane Extension Trail**

Location: Old Courthouse Spring Branch Stream Valley Park

**Task: Creation of new connection from Ashgrove Plantation Trail to newly acquired Park easements towards Westwood Center Drive. Project includes new pre-fabricated bridge, 745 feet of trail, and lighting.**

| Description   | Qty | Units | Unit Price    | Cost         |                     | Total                |
|---|-----|-------|---------------|--------------|---------------------|----------------------|
| <b>ENGINEERING DESIGN</b>   |     |       |               |              |                     |                      |
| Site analysis   | 1   | LS    | \$ 45,000.00  |              |                     |                      |
| Public Improvement Plan   | 1   | LS    | \$ 215,000.00 |              |                     |                      |
| Lighting Design   | 1   | LS    | \$ 20,000.00  |              |                     |                      |
| Environmental Permit Appl.  | 1   | LS    | \$ 35,000.00  |              |                     |                      |
| <i>Engineering Design Total</i>   |     |       |               |              |                     | <b>\$ 315,000.00</b> |
| <b>PERMIT</b>   |     |       |               |              |                     |                      |
| Pedestrian bridge permit  | 1   | LS    | \$ 2,000.00   |              |                     |                      |
| Site Plan Permitting  | 1   | LS    | \$ 20,000.00  |              |                     |                      |
| Environmental Permitting  | 1   | LS    | \$ 1,000.00   |              |                     |                      |
| VSMP Permit   | 1   | LS    | \$ 500.00     |              |                     |                      |
| <i>Permit total</i>   |     |       |               |              |                     | <b>\$ 23,500.00</b>  |
| <b>CONSTRUCTION:</b>  |     |       |               |              |                     |                      |
| <b><u>General</u></b>   |     |       |               |              |                     |                      |
| Mobilization  | 1   | LS    | \$ 14,000.00  | \$ 14,000.00 |                     |                      |
| Erosion and Sediment  | 1   | LS    | \$ 4,500.00   | \$ 12,000.00 |                     |                      |
| Surveying   | 1   | LS    | \$ 25,000.00  | \$ 25,000.00 |                     |                      |
| Utility Designation   | 745 | LF    | \$ 1.50       | \$ 1,117.50  |                     |                      |
| General totals  |     |       |               |              | <b>\$ 52,117.50</b> |                      |
| <b><u>Pedestrian Bridge</u></b>   |     |       |               |              |                     |                      |
| Bridge - 35' x 14'  | 1   | LS    | \$50,000.00   | \$ 50,000.00 |                     |                      |
| Anchors   | 12  | EA    | \$1,200.00    | \$ 14,400.00 |                     |                      |
| Inspection  | 1   | LS    | \$2,000.00    | \$ 2,000.00  |                     |                      |
| Ramp  | 3   | EA    | \$4,350.00    | \$ 13,050.00 |                     |                      |
| Installation  | 60  | MH    | \$40.00       | \$ 2,400.00  |                     |                      |
| Bridge total  |     |       |               |              | <b>\$ 81,850.00</b> |                      |
| <b><u>Asphalt Trail</u></b>   |     |       |               |              |                     |                      |
| All portions of trail considered as new construction  |     |       |               |              |                     |                      |
| New trail (10' wide) Extension from Ashgrove Plantation to new bridge                       | 110 | LF    | \$100.00      | \$ 11,000.00 |                     |                      |
| New trail 10' wide from New Bridge to back parking lot end (closest to Westwood Center Dr.) | 635 | LF    | \$100.00      | \$ 63,500.00 |                     |                      |
| Extend berm to accommodate 10' wide trail   | 500 | LF    | \$50.00       | \$ 25,000.00 |                     |                      |
| Trail total   |     |       |               |              | <b>\$ 99,500.00</b> |                      |

OPTION 1

|   |    |      |             |               |               |                 |
|---|----|------|-------------|---------------|---------------|-----------------|
| <b>Lighting</b>   |    |      |             |               |               |                 |
| (Cost estimate per TDD-1 lt/80 ft)                        | 15 | EA   | \$8,000.00  | \$ 120,000.00 |               |                 |
| Lighting total  |    |      |             |               | \$ 120,000.00 |                 |
| <b>Construction subtotal</b>                              |    |      |             |               | \$ 353,467.50 |                 |
| <b>Bond - 2.5%</b>  |    |      |             | \$ 8,836.69   |               |                 |
| <b>OH and Profit - 15%</b>                                |    |      |             | \$ 53,020.13  |               |                 |
| Contract contingency -10%                                 |    |      |             | \$ 35,346.75  |               |                 |
| WPFO Cost (25% of Design)                                 |    |      |             | \$ 78,750.00  |               |                 |
| LAD Time  | 96 | HR   | \$ 60.00    | \$ 5,760.00   |               |                 |
| Title Search  | 2  | PRCL | \$ 1,000.00 | \$ 2,000.00   |               |                 |
| <b>Construction Total</b>                                 |    |      |             |               |               | \$ 537,182.00   |
| <b>Project Subtotal</b>                                   |    |      |             |               |               | \$ 875,682.00   |
| Estimate contingency - 10%                                |    |      |             | \$ 87,568.20  |               |                 |
| Administration 30%- includes 20% for grant administration |    |      |             | \$ 262,704.60 |               |                 |
| <b>Grand Total</b>  |    |      |             |               |               | \$ 1,225,955.00 |
| <b>Grand Total Rounded</b>                                |    |      |             |               |               | \$ 1,226,000.00 |
| <b>Phased Costs</b>                                       |    |      |             |               |               |                 |
| <b>Estimated Complete Design Cost</b>                     |    |      |             |               |               | 418,000         |
| <b>Estimated Construction Cost</b>                        |    |      |             |               |               | \$ 808,000.00   |

Board Agenda Item  
June 7, 2016

ACTION - 3

Authorization for the Fairfax County Department of Transportation to Apply for and Accept Funding from the Federal Transit Administration's Pilot Program for Transit-Oriented Development Planning to Support the Embark Richmond Highway Comprehensive Plan Amendment (PA 2015-IV-MV1) (Lee and Mount Vernon Districts)

ISSUE:

Board authorization is requested for the Fairfax County Department of Transportation (FCDOT) to apply for Federal Transit Administration (FTA) funds, under the Pilot Program for Transit-Oriented Development (TOD) Planning. The total County request for funding from FTA is \$400,000. This funding will be used for the Embark Richmond Highway Comprehensive Plan Amendment which includes related Bus Rapid Transit (BRT) and TOD planning of the proposed station areas.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Director of the Department of Transportation to apply for \$400,000 in FTA Pilot Program for Transit-Oriented Development Planning grant funds.

TIMING:

Board of Supervisors' authorization is requested on June 7, 2016, to meet the June 13, 2016, submission deadline required by the FTA.

BACKGROUND:

On April 14, 2016, the United States Department of Transportation (USDOT) solicited project proposals in a Notice of Funding Opportunity for the Pilot Program for Transit-Oriented Development Planning. The program augments FTA's Fixed Guideway Capital Investment Grants (CIG) Program by "supporting comprehensive planning associated with new fixed guideway and core capacity improvement projects." The Pilot Program seeks to improve public transportation by providing funding to local communities to integrate land use and transportation planning with a transit capital investment. The Program is also intended to fund comprehensive planning that supports economic development, ridership, multimodal connectivity/accessibility, increased transit access for pedestrian and bicycle traffic, and mixed-use development near transit stations. The Pilot Program also assists with planning improved access to employment, health care, education, and housing, as well as with planning transit-oriented development to revitalize and lift up regions and neighborhoods by attracting

Board Agenda Item  
June 7, 2016

new opportunities, jobs and housing. The Program promotes public-private partnerships by requiring private sector participation. Finally, since Congress enacted the Program to leverage investments in CIG Program transit projects, FTA is requiring that proposed planning activities be associated with a capital transit project pursuing CIG Program funding, or projects that may be seeking entry into the CIG Program in the future.

FCDOT staff has reviewed the criteria for awarding the Pilot Program's funding and has determined that the Embark Richmond Highway initiative is best suited to meet those criteria. Embark Richmond Highway involves comprehensive planning for transit-oriented development and the implementation of a new fixed guideway (Bus Rapid Transit) project intended to revitalize the corridor and attract new opportunities, jobs and housing that integrates corridor land uses with a capital investment in transit within the corridor. With respect to a public-private partnership, the Southeast Fairfax Development Corporation (SFDC) has agreed to act as a private partner for the TOD planning of the station areas. As Bus Rapid Transit is further developed, FCDOT is also evaluating the best method for seeking future funding under the CIG Program (FTA New Starts Fixed Guideway).

The proposed TOD planning activities which will be detailed in the grant application, include the following:

- Developing and enhancing BRT station area concept plans along the Richmond Highway corridor.
- Reviewing and finalizing transportation improvement recommendations for the roadways, turn lanes, and intersections in both the station areas and the community business centers (CBCs).
- Developing a street grid network, as well as detailed urban design and streetscape guidelines for the Richmond Highway corridor.

FISCAL IMPACT:

The expected cost for the proposed comprehensive planning activities is estimated at \$800,000. Grant funding of \$400,000 is being requested from FTA's Pilot Program for Transit-Oriented Development Planning to support these activities. FCDOT and the Virginia Department of Rail and Public Transit (DRPT) will each contribute \$200,000, which will allow for a total of \$400,000 to match the funds requested from FTA. The proposed \$200,000 in funds from FCDOT have been identified in Fund 40010 (County and Regional Transportation Projects) construction reserve to satisfy half of the local cash match. It should be noted that while the maximum Federal funding share is 80 percent of total project cost, projects with a higher local share match that can exhibit meaningful partnerships are generally more competitive. There is no impact to the General Fund.

Board Agenda Item  
June 7, 2016

ENCLOSED DOCUMENTS:

Attachment I – Letter of Participation from Southeast Fairfax Development Corporation

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division (CFD), FCDOT

Gregg Steverson, Chief, Transportation Planning Division (TPD), FCDOT

Leonard Wolfenstein, Section Chief, TPD, FCDOT

Tom Burke, TPD, FCDOT

Ray Johnson, CFD FCDOT

Bob Pikora, TPD, FCDOT



6677 Richmond Highway  
Second Floor  
Alexandria, VA 22306  
info@SFDC.org  
703.360.5008

May 19, 2016

Robert Pikora  
Fairfax County Department of Transportation  
12055 Government Center Parkway  
Fairfax, VA 22035-5505

**Re: Federal Transit Authority grant application for Embark Richmond Highway**

Dear Mr. Pikora:

Thank you for attending yesterday's meeting of the Southeast Fairfax Development Corporation (SFDC) Board of Directors, and taking the time to provide us with information about the Federal Transit Authority (FTA) grant process, and for asking SFDC to take part.

The SFDC Board voted unanimously to participate with Fairfax County in the FTA grant application for funding to be utilized in the Embark Richmond Highway planning process. Six members of the SFDC Board sit on the Embark Advisory Group, and SFDC is very invested in the Embark process as an integral part of our mission of revitalization in the Richmond Highway Corridor.

The SFDC Board of Directors took this action under the provisions of paragraph C3 of our Memorandum of Understanding with the Fairfax County Board of Supervisors, which calls for SFDC to work closely with county departments regarding urban design plans that the departments shall undertake, including traffic and transportation studies.

We appreciate the tremendous work effort that the county staff is undertaking on the Embark process, and look forward to the continuation of our productive work relationship.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Walter C. Clarke", with a long, sweeping horizontal line extending to the right.

Walter C. Clarke  
President

CC: Supervisor Dan Storck  
Supervisor Jeff McKay  
Meghan Van Dam, Department of Planning and Zoning  
Barbara Byron, Office of Community Revitalization  
SFDC Board of Directors



Board Agenda Item  
June 7, 2016

ACTION - 4

Approval of a Fall 2016 Meals Tax Referendum

ISSUE:

The Board of Supervisors approval of a meals tax referendum to be placed on the ballot on November 8, 2016.

RECOMMENDATION:

The County Executive recommends that the Board, consistent with discussion at the Budget Committee meeting on May 10, 2016:

1. Adopt the proposed resolution (Attachment 2) directing the County Attorney to petition the Circuit Court to order a meals tax referendum on November 8, 2016; and
2. Authorize the preparation and distribution of an informational pamphlet about the meals tax that is mailed to all County households.

TIMING:

Board action is requested on June 7, 2016, in order to allow sufficient time to obtain a court order for the referendum and to provide sufficient time for staff to prepare for the referendum and provide information to the public. Attachment 1 is the proposed Fall 2016 referendum schedule.

BACKGROUND:

State law authorizes counties, cities, and towns to levy a tax on prepared food and beverages (a "meals tax"), subject to certain restrictions. Most counties, including Fairfax County, may levy a meals tax only if the voters approve the tax by referendum.

In Virginia, a referendum can be put on the ballot for consideration by the voters only if the referendum is ordered by the court. The meals tax statute provides that the Board of Supervisors may initiate the process by resolution. The attached draft Resolution asks the Circuit Court to order a referendum in conjunction with the General Election on November 8, 2016, on the question that is set forth in the Resolution. Specifically, the Resolution asks the Circuit Court to Order a referendum on the following question:

For the purpose of reducing dependence on real estate taxes, shall the Board of Supervisors of Fairfax County, Virginia, be authorized to levy a tax on prepared food and beverages, otherwise known as a meals tax, as allowed by Virginia Code § 58.1-3833, at a rate not to exceed four

Board Agenda Item  
June 7, 2016

percent (4%) of the amount charged for prepared food and beverages (which, based upon state law, is applicable only to sales outside of the town of Clifton, and towns of Herndon and Vienna that have already implemented a meals tax)? The revenues generated shall be dedicated to the following purposes:

1. 70 percent of the revenues to Fairfax County Public Schools.
2. 30 percent of the revenues to County services, capital improvements and property tax relief.

The Resolution directs the County Attorney to provide certified copies of the adopted Resolution to the Circuit Court and to petition it to order the election as requested by the Board. The law requires the Court to enter the order if the request is found to be in proper order. Upon entry of the order, the Clerk of Court is required to send a copy to the State Board of Elections. The Fairfax County Electoral Board and General Registrar will then prepare the ballots in time to make them available to voters beginning with absentee voting on September 23, 2016.

After the referendum election, the Secretary of Fairfax County's Electoral Board will certify the results of the election to the State Board of Elections and to the Circuit Court. If a majority of voters vote in favor of the question, then the referendum has passed and the Circuit Court will enter a final order to that effect.

The Board of Supervisors would then need to adopt an ordinance establishing the meals tax, subject to the same public notice and hearing requirements applicable to the adoption of any ordinance imposing taxes. It is anticipated that this action would be taken by the Board in early 2017.

Public Information Materials

To help inform the public about the referendum, the Office of Public Affairs traditionally prepares and distributes an informational pamphlet that is mailed to all County households. The Board is asked to authorize the development and distribution of a pamphlet about the meals tax referendum.

The pamphlet will define the meals tax, describe the intended uses for the meals tax revenues, and explain on what purchases the tax applies.

Virginia law does not permit local governments to use the list of registered voters to provide information to voters on referendums, although it does permit parties and candidates to use the list. Therefore, the County will use a commercial mailing firm to deliver the pamphlet to all County households in October.

As has been the practice in past years for bond referendums, the pamphlet will be translated into the most widely spoken non-English languages in the County, including Korean, Spanish, and Vietnamese. As required by Section 203 of the Voting Rights Act

Board Agenda Item  
June 7, 2016

of 1965, as amended, and the 2011 designation of the Director of the Bureau of the Census, the County will provide all election information in Spanish as well as in English.

Both the English and non-English language versions of the pamphlet will be posted on the County's website and distributed at County facilities. However, only the English language version of the pamphlet will be mailed to County households.

The Office of Public Affairs will provide information to residents and the media through multiple communications platforms, including online and print.

Finally, state law authorizes localities to prepare a "plain English" explanation of referendum questions that, unlike the other informational materials described above, may be distributed in the polling places. The "plain English" explanation must include the ballot question and a neutral explanation of not more than 500 words prepared by the locality's attorney. Staff will prepare a plain English statement for the Board's consideration and approval after the Court has ordered the referendum.

FISCAL IMPACT:

If approved, the meals tax would be implemented effective July 1, 2017 as part of the FY 2018 budget. The County Executive would include funding in the FY 2018 Advertised Budget Plan consistent with the use of the funds as outlined in the ballot question. The total estimated revenue available from the meals tax is \$99 million.

The Office of Public Affairs will pay for printing, translating, and mailing the informational pamphlet. An adjustment of \$105,000 will be required as part of the *FY 2016 Carryover Review* to fund this work.

ENCLOSED DOCUMENTS:

Attachment 1 – Schedule

Attachment 2 – Board of Supervisors Resolution Requesting an Order for a Meals Tax Referendum

Attachment 3 – Virginia Code §§ 58.1-3833 (meals tax statute), 35.1-1 (definition of "restaurant"), and 24.2-684 (how referendum elections called and held, and the results ascertained and certified)

Attachment 4 – Ballot Question

STAFF:

Edward L. Long, Jr., County Executive

Joseph M. Mondoro, Chief Financial Officer

Kevin C. Greenlief, Director, Department of Tax Administration

Tony Castrilli, Director, Office of Public Affairs

Erin C. Ward, Senior Assistant County Attorney, Office of the County Attorney

**2016 MEALS TAX REFERENDUM SCHEDULE**

| <b>Date</b>            | <b>Event</b>  |
|------------------------|---|
| May 3, 2016            | Board of Supervisors Budget Committee meeting.  |
| May 10, 2016           | Board of Supervisors Budget Committee meeting.  |
| June 7, 2016           | Board adopts a Resolution that sets forth the ballot question, directs the County Attorney to file a Petition with the Circuit Court, and asks the Circuit Court to order a referendum on November 8, 2016, on the question as set forth in the Resolution. |
| NLT June 14, 2016      | County Attorney files Petition and Resolution with the Circuit Court.   |
| June/July 2016         | Circuit Court enters order that referendum be held on November 8, 2016.   |
| September 20, 2016     | Board approval of a "plain English" statement that includes the ballot question and a neutral explanation of not more than 500 words.   |
| September 23, 2016     | Absentee voting begins.   |
| September/October 2016 | The Clerk of the Circuit Court publishes notice of the election in a newspaper of general circulation in the County once a week for three consecutive weeks prior to the election.  |
| November 8, 2016       | Election Day.   |
| Mid-November 2016      | Electoral Board certifies election results to the State Board of Elections, the Clerk of the Board of Supervisors, and the Clerk of the Circuit Court.  |
| November/December 2016 | County Attorney moves for entry of a final order; Circuit Court enters final order.   |
| January 2017           | Board authorizes advertisement of a public hearing on a meals tax ordinance; advertisement is published twice.  |
| February 2017          | Board holds public hearing and adopts ordinance establishing the amount and terms of the meals tax.   |
| July 1, 2017           | Meals tax takes effect.   |

**Resolution to Request the Fairfax County Circuit Court to Order a Referendum on the Question of Whether the Board of Supervisors of Fairfax County, Virginia, Shall Be Authorized to Levy a County Food and Beverage Tax**

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 June \_\_, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the local tax structure in Virginia has become outdated, lacking the diversification necessary to fund local core services and needs, thereby requiring the consideration of additional local options to broaden the revenue base and reduce dependency on real property taxes; and

**WHEREAS**, almost 90% of Fairfax County non-property tax revenues are capped, limited, or controlled by the state, preventing the Board of Supervisors from structuring the local tax base to reflect the local economy and the needs of the County's residents; and

**WHEREAS**, the Board of Supervisors' Legislative Program has long included support for state legislation that would give the Board of Supervisors additional authority to raise revenue, in order to broaden and modernize the County's revenue base and appropriately reflect changes to the economy in the 21<sup>st</sup> century; and

**WHEREAS**, the General Assembly, over numerous sessions, has repeatedly rejected legislation that would provide localities with additional revenue options; and

**WHEREAS**, Virginia Code § 58.1-3833 authorizes any county to levy a tax on prepared food and beverages, otherwise known as a meals tax, if the tax is approved in a referendum within the county; and

**WHEREAS**, a meals tax would further diversify the County's revenue base by increasing the current revenue sources to include non-County residents such as tourists, commuters, and travelers who dine out in the County; and

**WHEREAS**, the Board of Supervisors has decided that the question should be put directly to the voters of the County in a referendum, so that the voters may decide whether the Board should be authorized to levy such a tax; and

**WHEREAS**, Virginia Code §§ 58.1-3833 and 24.2-684 provide the Fairfax County Circuit Court with the authority to issue an order for the conduct of a referendum on the question of whether the Board of Supervisors should be authorized to levy a meals tax; now, therefore,

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

**Section 1.** That, pursuant to Va. Code Ann. § 58.1-3833(A), the Circuit Court of Fairfax County, Virginia, is hereby requested to order a referendum on November 8, 2016, on the following question:

For the purpose of reducing dependence on real estate taxes, shall the Board of Supervisors of Fairfax County, Virginia, be authorized to levy a tax on prepared food and beverages, otherwise known as a meals tax, as allowed by Virginia Code § 58.1-3833, at a rate not to exceed four percent (4%) of the amount charged for prepared food and beverages (which, based upon state law, is applicable only to sales outside of the town of Clifton, and towns of Herndon and Vienna that have already implemented a meals tax)? The revenues generated shall be dedicated to the following purposes:

1. 70 percent of the revenues to Fairfax County Public Schools.
2. 30 percent of the revenues to County services, capital improvements and property tax relief.

**Section 2.** That the County Attorney is hereby directed to provide the Fairfax County Circuit Court with certified copies of this Resolution and to petition the Fairfax County Circuit Court for an order to conduct such a referendum as a special election in conjunction with the general election on November 8, 2016.

**Section 3.** That the members, officers, legal counsel, agents, and employees of the Board and the County are hereby authorized and directed to do all acts and things required of them under Virginia law to ensure that the referendum will be held as a special election in conjunction with the general election on November 8, 2016.

Given under my hand on this \_\_\_\_\_ day of June 2016.

---

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

Code of Virginia  
 Title 58.1. Taxation  
 Chapter 38. Miscellaneous Taxes

## § 58.1-3833. County food and beverage tax

A. Any county is hereby authorized to levy a tax on food and beverages sold, for human consumption, by a restaurant, as such term is defined in subdivision 9 of § 35.1-1, not to exceed four percent of the amount charged for such food and beverages. Such tax shall not be levied on food and beverages sold through vending machines or by (i) boardinghouses that do not accommodate transients; (ii) cafeterias operated by industrial plants for employees only; (iii) restaurants to their employees as part of their compensation when no charge is made to the employee; (iv) volunteer fire departments and volunteer emergency medical services agencies; nonprofit churches or other religious bodies; or educational, charitable, fraternal, or benevolent organizations the first three times per calendar year and, beginning with the fourth time, on the first \$100,000 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes; (v) churches that serve meals for their members as a regular part of their religious observances; (vi) public or private elementary or secondary schools, colleges, and universities to their students or employees; (vii) hospitals, medical clinics, convalescent homes, nursing homes, or other extended care facilities to patients or residents thereof; (viii) day care centers; (ix) homes for the aged, infirm, handicapped, battered women, narcotic addicts, or alcoholics; or (x) age-restricted apartment complexes or residences with restaurants, not open to the public, where meals are served and fees are charged for such food and beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a) when used or consumed and paid for by the Commonwealth, any political subdivision of the Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or at central locations; or (c) provided by private establishments that contract with the appropriate agency of the Commonwealth to offer food, food products, or beverages for immediate consumption at concession prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall be subject to the tax, for that portion of the grocery store or convenience store selling such items.

This tax shall be levied only if the tax is approved in a referendum within the county which shall be held in accordance with § 24.2-684 and initiated either by a resolution of the board of supervisors or on the filing of a petition signed by a number of registered voters of the county equal in number to 10 percent of the number of voters registered in the county, as appropriate on January 1 of the year in which the petition is filed with the court of such county. The clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the county once a week for three consecutive weeks prior to the election. If the voters affirm the levy of a local meals tax, the tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe. If such resolution of the board of supervisors or such petition states for what projects and/or purposes the revenues collected from the tax are to be used, then the question on the ballot for the referendum shall include language stating for what projects



and/or purposes the revenues collected from the tax are to be used.

The term "beverage" as set forth herein shall mean alcoholic beverages as defined in § 4.1-100 and nonalcoholic beverages served as part of a meal. The tax shall be in addition to the sales tax currently imposed by the county pursuant to the authority of Chapter 6 (§ 58.1-600 et seq.) of this title. Collection of such tax shall be in a manner prescribed by the governing body.

B. Notwithstanding the provisions of subsection A of this section, Roanoke County, Rockbridge County, Frederick County, Arlington County, and Montgomery County, are hereby authorized to levy a tax on food and beverages sold for human consumption by a restaurant, as such term is defined in § 35.1-1 and as modified in subsection A above and subject to the same exemptions, not to exceed four percent of the amount charged for such food and beverages, provided that the governing body of the respective county holds a public hearing before adopting a local food and beverage tax, and the governing body by unanimous vote adopts such tax by local ordinance. The tax shall be effective in an amount and on such terms as the governing body may by ordinance prescribe.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy a meals tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis. All food and beverage tax collections and all meals tax collections shall be deemed to be held in trust for the county, city or town imposing the applicable tax. The wrongful and fraudulent use of such collections other than remittance of the same as provided by law shall constitute embezzlement pursuant to § 18.2-111.

D. No county which has heretofore adopted an ordinance pursuant to subsection A of this section shall be required to submit an amendment to its meals tax ordinance to the voters in a referendum.

E. Notwithstanding any other provision of this section, no locality shall levy any tax under this section upon (i) that portion of the amount paid by the purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price; or (iii) alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption or food purchased for human consumption as "food" is defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, and federal regulations adopted pursuant to that act, except for the following items: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages.

1988, c. 847; 1989, c. 391; 1990, cc. 846, 862; 1992, c. 263; 1993, c. 866; 1999, c. 366; 2000, c. 626; 2001, c. 619; 2003, c. 792; 2004, c. 610; 2004, Sp. Sess. I, c. 3; 2005, c. 915; 2006, cc. 568, 602; 2009, c. 415; 2014, c. 673; 2015, cc. 502, 503.

Code of Virginia

Title 35.1. Hotels, Restaurants, Summer Camps, and Campgrounds

Chapter 1. General Provisions

## § 35.1-1. Definitions

As used in this title unless the context requires otherwise or it is otherwise provided:

1. "Board" or "State Board" means the State Board of Health.
2. "Campground" means and includes but is not limited to a travel trailer camp, recreation camp, family campground, camping resort, camping community, or any other area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements. "Campground" does not include a summer camp, migrant labor camp, or park for mobile homes as defined in this section and in §§ 32.1-203 and 36-71, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.
3. "Camping unit" means and includes a tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, and any other device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.
4. "Campsite" means and includes any plot of ground within a campground used or intended for occupation by the camping unit.
5. "Commissioner" means the State Health Commissioner.
6. "Department" means the State Department of Health.
7. "Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels.
8. "Person" means an individual, corporation, partnership, association, or any other legal entity.
9. "Restaurant" means any one of the following:
  - a. Any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include but are not limited to lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and colleges, and kitchen areas of local correctional facilities subject to standards adopted under § 53.1-68. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.
  - b. Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such

### ATTACHMENT 3

places or operations include but are not limited to operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence.

10. "Summer camp" means and includes any building, tent, or vehicle, or group of buildings, tents, or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, which is operated or used in this Commonwealth for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons under eighteen years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if twelve or more such persons at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.

Code 1950, §§ 35-1, 35-25, 35-43, 35-54; 1960, c. 186; 1964, c. 327; 1981, c. 468; 1995, c. [797](#).

Code of Virginia  
 Title 24.2. Elections  
 Chapter 6. The Election

## § 24.2-684. How referendum elections called and held, and the results ascertained and certified

Notwithstanding any other provision of any law or charter to the contrary, the provisions of this section shall govern all referenda.

No referendum shall be placed on the ballot unless specifically authorized by statute or by charter.

Whenever any question is to be submitted to the voters of any county, city, town, or other local subdivision, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot in plain English as that term is defined in § 24.2-687. The order shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for the referendum if the request is found to be in proper order. The court order shall set the date for the referendum in conformity with the requirements of § 24.2-682.

A copy of the court order calling a referendum shall be sent immediately to the State Board by the clerk of the court in which the order was issued.

The ballot shall be prepared by the appropriate electoral board and distributed to the appropriate precincts. On the day fixed for the referendum, the regular election officers shall open the polls and take the sense of the qualified voters of the county, city, town, or other local subdivision, as the case may be, on the question so submitted. The ballots for use at any such election shall be printed to state the question as follows:

"(Here state briefly the question submitted)

☐ Yes

☐ No"

The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections. The results shall be certified by the secretary of the appropriate electoral board to the State Board, to the court ordering the election, and to such other authority as may be proper to accomplish the purpose of the election.

Code 1950, § 24-141; 1966, c. 115; 1970, c. 462, § 24.1-165; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1978, cc. 258, 304; 1979, c. 37; 1980, c. 639; 1981, c. 367; 1982, cc. 498, 650; 1983, c. 461; 1991, c. 592; 1993, c. 641; 1994, c. 142; 1996, c. 297.

## MEALS TAX

For the purpose of reducing dependence on real estate taxes, shall the Board of Supervisors of Fairfax County, Virginia, be authorized to levy a tax on prepared food and beverages, otherwise known as a meals tax, as allowed by Virginia Code § 58.1-3833, at a rate not to exceed four percent (4%) of the amount charged for prepared food and beverages (which, based upon state law, is applicable only to sales outside of the town of Clifton, and towns of Herndon and Vienna that have already implemented a meals tax)? The revenues generated shall be dedicated to the following purposes:

1. 70 percent of the revenues to Fairfax County Public Schools.
2. 30 percent of the revenues to County services, capital improvements and property tax relief.

ACTION - 5

Adoption of the One Fairfax Resolution that Directs the Development of a Racial and Social Equity Policy and Strategic Actions to Advance Opportunities and Achieve Equity

ISSUE:

Over the last several years, Fairfax County has undertaken several initiatives to address disparities in a variety of areas including juvenile justice, education, employment, self-sufficiency, health, and child welfare. Most recently, the Board of Supervisors recognized the importance of equity as a driver of the county's future economic success in its 2015 adoption of the Strategic Plan to Facilitate Economic Success; and the Successful Children and Youth Policy Team (SCYPT), comprised of county and school leadership and community representatives, has identified racial and social equity as an integral component to improving educational and life outcomes for youth.

Adoption of the **One Fairfax** Resolution provides the foundation for the development of a racial and social equity policy to ensure all individuals have an opportunity to reach their highest level of personal achievement. Linking people to opportunities including workforce development, education, employment and affordable housing helps ensure lifelong learning, resilience, and economic success.

An intentional focus on racial and social equity positions Fairfax County government to proactively and collectively, with schools and communities including businesses, faith organizations, nonprofits and others, identify and improve policy and institutional strategies that will not just eliminate the gaps, but increase success for all.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the **One Fairfax** Resolution and joins with the School Board in directing the development of a racial and social equity policy and strategic actions to advance opportunities and achieve equity that includes intentional collective leadership, community engagement, equity tools and infrastructure to support and sustain systemic changes, and shared accountability.

TIMING:

Board action is requested on June 7, 2016.

**BACKGROUND:**

For more than two decades, prompted by concerns to address gaps in outcomes, Fairfax County has implemented an array of initiatives focusing on aspects of racial and social inequity, such as the Fairfax County Public Schools Minority Student Achievement Oversight Committee, “Together We’re the Answer” community coalition, an Institutional Analysis examining system contributors to the disproportionate minority contact of African American and Hispanic youth in the juvenile justice system, as well as a number of interagency staff teams including the Early Intervention Strategy Team and the Disproportionality and Disparity Prevention and Elimination Team. The foundation laid by these initiatives provided important lessons to move us forward beyond programs and services into a more comprehensive approach to address the systems and structures that drive inequities.

In February 2014, the SCYPT endorsed recommendations regarding an intentional collective leadership approach to advance racial and social equity that outlined interrelated actions including community engagement, implementation of equity tools and infrastructure and shared accountability by Fairfax County Government and Fairfax County Public Schools. Staff presented these recommendations and the foundations of **One Fairfax** to the Board of Supervisors Human Services Committee and the School Board on October 21, 2014 and December 8, 2014 respectively.

Fairfax County’s Strategic Plan to Facilitate Economic Success adopted in 2015 lays out goals and strategies to maintain and enhance our strong and vital community in order to sustain and grow our economic prosperity. One of the unique elements of this plan is the inclusion of social equity as a primary component. Specifically, Goal 5, Action Item 5.5 of the Plan calls for the exploration of policy opportunities, strategies or frameworks to address the issue of social equity within the context of economic success. Adoption of the **One Fairfax** Resolution fulfills this Action Item.

In 2015, a baseline Equitable Growth Profile (EGP) analysis completed by PolicyLink and The University of Southern California’s Program for Environmental and Regional Equity in conjunction with a multi-sector advisory group provided compelling evidence that equity is an economic imperative. Research shows that more equitable regions experience stronger, more sustained growth; regions with lower income inequality and less segregation (by race and income) have more upward mobility; companies with a diverse workforce achieve a better bottom line; and a diverse population more easily connects to global markets.

**One Fairfax** moves us beyond embracing our growing diverse population to implementing a growth model driven by equity. A racial and social equity policy provides both the direction and means to work together with schools and communities to eliminate disparities and build a vibrant and opportunity-rich society for all.

Board Agenda Item  
June 7, 2016

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment 1: One Fairfax Resolution

Attachment 2: Equitable Growth Profile of Fairfax County Summary

Attachment 3: Equitable Growth Profile of Fairfax County may be accessed online at:

<http://nationalequityatlas.org/sites/default/files/Fairfax-Profile-6June2015-final.pdf>

STAFF:

Patricia D. Harrison, Deputy County Executive

David J. Molchany, Deputy County Executive

David M. Rohrer, Deputy County Executive

Robert A. Stalzer, Deputy County Executive



**The Successful Children and Youth Policy Team recommends to  
the Fairfax County Board of Supervisors and School Board:**

**RESOLUTION**

**“One Fairfax”**

Whereas, Fairfax County takes pride as a great place to live, learn, work, and play; and,

Whereas, Fairfax County is the largest and strongest economy in the Washington Metropolitan area and one of the strongest in the nation; and,

Whereas, county and school leaders and staff are committed to providing excellent services for every resident of Fairfax; and,

Whereas, Fairfax County government has established a vision of Safe and Caring Communities, Livable Spaces, Connected People and Places, Healthy Economies, Environmental Stewardship, Culture of Engagement and Corporate Stewardship; and Fairfax County Public Schools has established goals of Student Success, a Caring Culture, a Premier Workforce, and Resource Stewardship; and,

Whereas, Fairfax County embraces its growing diverse population and recognizes it as a tremendous economic asset but recognizes that racial and social inequities still exist; and,

Whereas, achieving racial and social equity are integral to Fairfax County’s future economic success, as illustrated in the Equitable Growth Profile and highlighted as a goal in the Strategic Plan to Facilitate the Economic Success of Fairfax County; and,

Whereas, we define **Racial Equity** as the development of policies, practices and strategic investments to reverse racial disparity trends, eliminate institutional racism, and ensure that outcomes and opportunities for all people are no longer predictable by race; and

Whereas, **Social Equity** provides a broader context to both understand and address key societal issues such as poverty, English as a second language, disability, etc. and the intersection and compounding effects of race and ethnicity; and,

Whereas, it is essential to identify and address institutional and systemic barriers that exist and understand that these barriers may impede access to opportunities for achieving the visions and goals set forth by county leaders; and,

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June 7, 2016

Whereas, an extensive body of research has established that a community's access to an interconnected web of opportunities shapes the quality of life for all; and,

Whereas, to truly create opportunity, we need to understand and improve our work through a racial and social equity lens from the very core of the organization outward, focusing intentionally and deliberately towards sustainable structural changes; and,

Whereas, a growing number of local jurisdictions across the United States are adopting intentional equity strategies and see equity as an economic growth model;

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS AND THE FAIRFAX COUNTY SCHOOL BOARD that:

The time is now to move beyond embracing diversity as an asset and implement a new growth model driven by equity — just and fair inclusion into “**One Fairfax**,” a community in which everyone can participate and prosper.

“**One Fairfax**” can only be realized with an intentional racial and social equity policy at its core for all publicly delivered services. A racial and social equity policy provides both the direction and means to eliminate disparities, and work together to build a vibrant and opportunity-rich society for all.

In June, 2016, the Fairfax Board of Supervisors and School Board joins in this resolution and directs the development of a racial and social equity policy for adoption and strategic actions to advance opportunities and achieve equity that includes intentional collective leadership, community engagement, equity tools and infrastructure to support and sustain systemic changes, and shared accountability so collectively, we will realize “**One Fairfax**,” a community where everyone can participate and prosper.

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June 7, 2016

## Equitable Growth Profile of Fairfax County Summary



Communities of color are driving Fairfax County's population growth, and their ability to participate and thrive is central to the county's success. While the county demonstrates overall strength and resilience, wide gaps in income, employment, education, and opportunity by race and geography place its economic future at risk.

Equitable growth is the path to sustained economic prosperity in Fairfax County. By creating pathways to good jobs, connecting younger generations with older ones, integrating immigrants into the economy, building communities of opportunity throughout the county, and ensuring educational and career pathways for all youth, Fairfax County can put all residents on the path toward reaching their full potential, and secure a bright future for the whole county.

### Foreword

Fairfax County, Virginia, is a diverse and thriving urban county and is the most populous jurisdiction in both the state of Virginia and the Washington, DC, metropolitan area with over one million residents. Fairfax County ranks second nationally in terms of household income with a median of \$110,292. While Fairfax County's socioeconomic data tends to be extremely positive overall, not all residents are prospering.

Earlier this year, representatives from public, private, nonprofit, faith, and community sectors came together to expand our understanding of equity as a key economic driver in Fairfax County. We also had the opportunity to bring forward a local perspective in the development of this study prepared by PolicyLink and by the University of Southern California's Program for Environmental and Regional Equity (PERE). These learnings are compelling. We recognize that our community's future will be much brighter if we ensure the full inclusion of all residents in our county's economic, social, and political life.

We believe that, by using this profile, we can engage our community in conversations to better understand the growth realities we face and spark actions that ensure our continued economic growth and competitiveness. We are committed to working together as public, private, and community leaders to guide our path toward a vision of "One Fairfax" – a community in which everyone can participate and prosper.

Karen Cleveland  
Interim President/CEO  
Leadership Fairfax, Inc.

Patricia Harrison  
Deputy County Executive  
Fairfax County Government

Patricia Mathews  
President & CEO  
Northern Virginia Health Foundation

## Overview

Across the country, communities are striving to put plans, policies, and programs in place that build healthier, more prosperous regions that provide opportunities for all of their residents to participate and thrive.

Equity – full inclusion of all residents in the economic, social, and political life of the region, regardless of race/ethnicity, and nativity, age, gender, neighborhood of residence, or other characteristics – is essential for regional prosperity. As the nation undergoes a profound demographic transformation in which people of color are quickly becoming the majority, ensuring that people of all races and ethnicities can participate and reach their full potential is more than just the right thing to do – it is an absolute economic imperative.

In the past, equity and growth have often been pursued on separate paths, but it is now becoming increasingly clear that they must be pursued together. The latest research on national and regional economic growth, from economists working at institutions including the International Monetary Fund and Standard and Poor's, finds that inequality hinders economic growth and prosperity, while greater economic and racial inclusion fosters greater economic mobility and more robust and sustained growth.<sup>1</sup>

Embedding equity into local and regional development strategies is particularly important given the history of metropolitan development in the United States. America's regions are highly segregated by race and income, and these patterns of exclusion were created and maintained by public policies at the federal, state, regional, and local levels. In the decades after World War II, housing and transportation policies incentivized the growth of suburbs while redlining practices and racially restrictive covenants systematically prevented African Americans and other people of color (as well as some White immigrant populations, such as Jewish Americans) from buying homes in new developments while starving older urban neighborhoods of needed reinvestment. Many other factors – continued racial discrimination in housing and employment, exclusionary land use practices that prevent construction of affordable multifamily homes in more affluent neighborhoods, and political fragmentation – have reinforced geographic, race, and class inequities.

Today, America's regions are patchworks of concentrated advantage and disadvantage, with some neighborhoods home to good schools, bustling commercial districts, services, parks,

and other crucial ingredients for economic success, and other neighborhoods providing few of those elements. The goal of regional equity is to ensure that all neighborhoods throughout the region are communities of opportunity that provide their residents with the tools they need to thrive.

The Equitable Growth Profile of Fairfax County examines demographic trends and indicators of equitable growth, highlighting strengths and areas of vulnerability in relation to the goal of building a strong, resilient economy. It was developed by PolicyLink and the Program for Environmental and Regional Equity (PERE) to help the Fairfax County government, advocacy groups, elected officials, planners, business leaders, funders, and others working to build a stronger region.

This summary document highlights key findings from the profile along with policy and planning implications.

### Equitable Growth Indicators

This profile draws from a unique Equitable Growth Indicators Database developed by PolicyLink and PERE. This database incorporates hundreds of data points from public and private data sources such as the U.S. Census Bureau, the U.S. Bureau of Labor Statistics, and Woods & Poole Economics, Inc. The database includes data for the 150 largest metropolitan regions and all 50 states, and includes historical data going back to 1980 for many economic indicators as well as demographic projections through 2040. It enables comparative regional and state analyses as well as tracking change over time.

### Geography

This profile describes demographic and economic conditions in Fairfax County and Fairfax City, which are situated within the Washington, DC, metropolitan statistical area. In some cases, we present data separately for the county and city, as well as census tract level data. Unless otherwise noted, all data follow this regional geography, which is simply referred to as "Fairfax County."

## Profile Highlights

### The region is undergoing a major demographic shift

Fairfax County is growing and its demographics are quickly diversifying. Since 1980, its population has nearly doubled, from 600,000 to over 1 million. During the same time period, the share of residents who are people of color has more than tripled, from 14 to 45 percent. By 2044, when the nation is projected to become majority people of color, over 70 percent of the county's population will be people of color.

Communities of color – especially Latinos, Asians, and people of other and mixed racial backgrounds – accounted for all of the net population growth over the last decade, contributing 130 percent of the growth and offsetting a decline in the White population. Latinos were the fastest growing group, increasing 57 percent and gaining more than 62,000 residents, followed by Asians, with a 50 percent growth rate and a slightly higher net gain of over 64,000 residents. For both Latinos and Asians, the U.S.-born has a faster growth rate over the decade than immigrants. The county's Black population has stabilized and will remain about a tenth of the population for the foreseeable future. The majority of the county's Middle Eastern population are immigrants (60%), but the U.S.-born Middle Eastern population is growing more quickly than the immigrant population.

The county's demographic shift is taking place throughout the county and the city of Fairfax. By 2040, two-thirds of Fairfax City's residents will be people of color, compared with 72 percent in Fairfax County. Between 2010 and 2040, people of color will continue to drive growth in the county.

Youth are at the forefront of the county's changing demographics, and Fairfax's young residents are much more diverse than its seniors. Today, 52 percent of youth are people

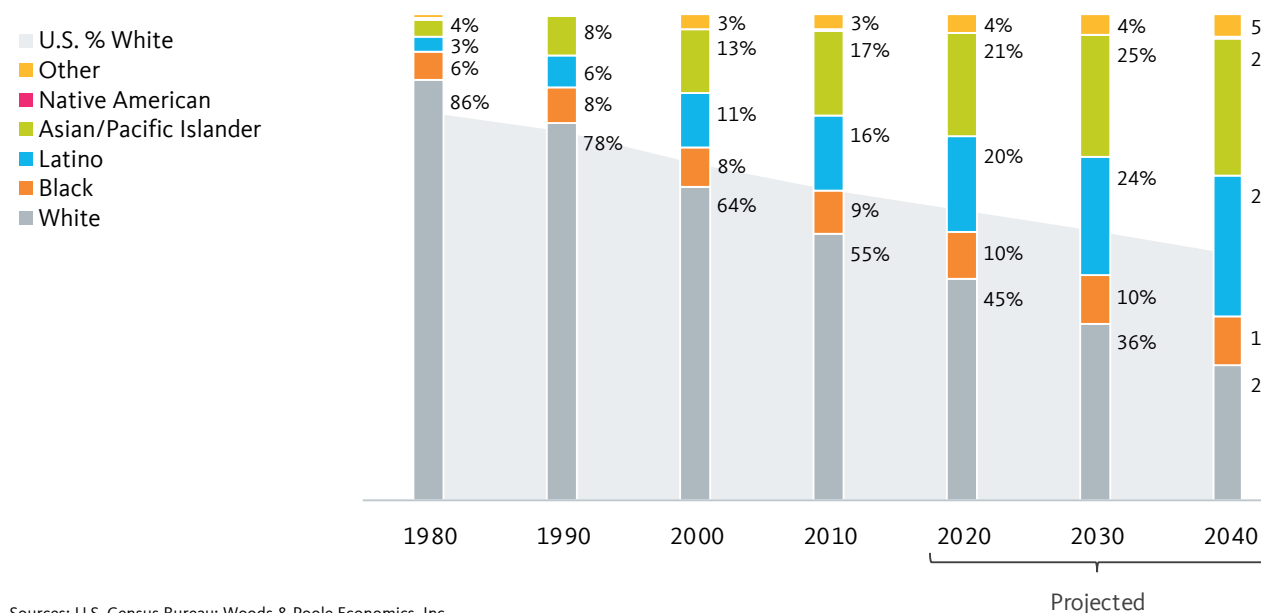
of color, compared with 27 percent of seniors. This 25 percentage point racial generation gap between young and old has risen very quickly, more than tripling since 1980. This gap presents a potential economic risk for the county because a large racial generation gap often corresponds with lower investments in the educational systems and community infrastructure needed to support the economic participation of youth.<sup>2</sup>

### Stronger and more equitable growth is the key to the county's future prosperity

While Fairfax County's economy has been strong in the past and remains so to this day, it has struggled somewhat to recover from the Great Recession: while its GDP and job growth remain higher than national averages, its GDP is growing at less than half its pre-recession rate. Additionally, while growth in jobs and earnings has outpaced averages for the nation and the Washington, DC, metro as a whole since 1990, much of it has been concentrated in high-wage jobs: jobs and earnings for high-wage workers have increased by more than the combined rates for medium and low-wage workers. While this should be celebrated as a sign of strength, it has also contributed to heightened economic inequality and a shrinking middle class, which can pose a threat to maintaining a prosperous and sustainable economy moving forward.

The share of people of color is projected to increase through 2040

#### Racial/Ethnic Composition, 1980-2040



Sources: U.S. Census Bureau; Woods & Poole Economics, Inc.

In addition to these trends of uneven growth, racial gaps – especially for Blacks and Latinos – in education, employment, and income have persisted and in some cases widened over time. As the county grows more diverse, these inequities become an even more serious threat to economic strength and competitiveness. Below are several key challenges the county will need to address to ensure a strong economy and a better shot at returning to the high growth seen prior to the recession.

### ***Educational barriers for marginalized communities remain***

A strong education is central to labor market competitiveness in today's knowledge and technology-driven economy, but a growing segment of Fairfax's workforce lacks access to the education needed for the jobs of the future. According to the Georgetown Center for Education and the Workforce, 45 percent of all jobs in Virginia will require an associate's degree or higher by 2020. Today only 25 percent of Latino immigrants in Fairfax County have that level of education. Even without achievement gaps, Latino immigrants have limited access to good jobs: while every other group with a bachelor's degree or higher has over half of its workforce in high-opportunity jobs, only 37 percent of Latino immigrants with the same level of education work in these positions. Similarly, college-educated Latino immigrants work in low-opportunity jobs at a rate nearly four times higher than the county average.

### ***The middle and lower classes are being squeezed***

A strong middle class is the foundation for a strong economy, but Fairfax County's middle class is being squeezed while inequality is on the rise. Since 1979, the share of middle-class

households in the county has shrunk significantly, from 40 percent to 33 percent. This decrease has been absorbed by lower-class households, whose share of all households grew from 30 percent to 40 percent during the same period. Encouragingly, the racial composition of middle-class households has shifted to become more reflective of the racial composition of the county's households. People of color make up 34 percent of middle-class households compared to 37 percent of all households. This provides evidence of some economic inclusion of Black and emerging Latino and Asian/Pacific Islander populations.

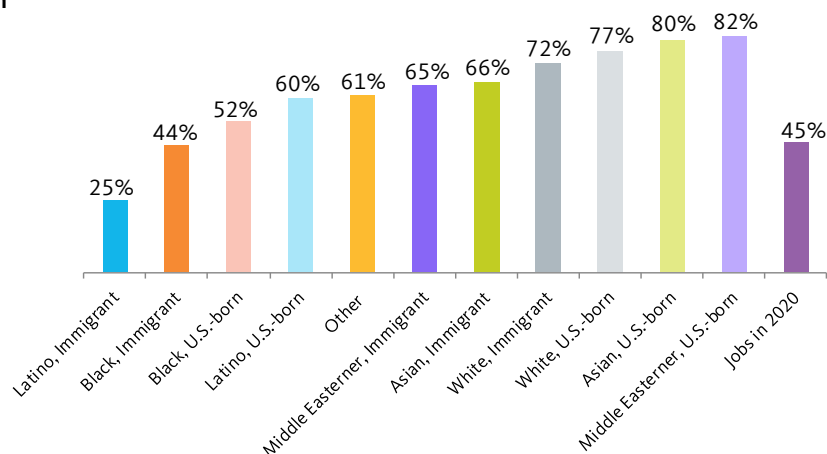
While earnings for low-wage jobs have increased 18 percent over the past two decades, that is slightly more than half the rate of the increase for middle-class jobs and – alarmingly - less than one-third the increase for high-wage jobs during the same time period. At the far end of the spectrum, wages for the bottom 10<sup>th</sup> and 20<sup>th</sup> percentiles have actually decreased since 1979. This has a disproportionate impact on people of color who are more likely to work in low-wage jobs.

### ***Racial economic gaps***

Across a host of indicators, including employment, wages, poverty, working poor rates, and access to “high-opportunity” occupations, people of color fare worse in the Fairfax labor market than their White counterparts. These racial economic gaps remain even after controlling for education, which reveals the persistence of racial barriers to economic opportunity – including overt discrimination as well as more subtle forms of exclusion that are embedded into institutions and systems.

Raising educational attainment among the county's communities of color is critical to building a prepared workforce

**Share of Working-Age Population with an Associate's Degree or Higher by Race/Ethnicity and Nativity, 2012, and Projected Share of Jobs that Require an Associate's Degree or Higher, 2020**



Sources: Georgetown Center for Education and the Workforce; IPUMS. Universe for education levels of workers includes all persons ages 25 through 64.

Note: Data for 2012 by race/ethnicity and nativity represent a 2008 through 2012 average at the county level; data on jobs in 2020 represents a state-level projection for Virginia.

While overall unemployment in Fairfax County is lower than the national average, Latinos, Blacks, and especially people with other and mixed racial backgrounds have much higher rates of unemployment than Whites. Black workers face higher unemployment rates than their White and Latino counterparts at almost every education level, and both Black and – especially – Latino residents earn lower wages than Whites at every education level. Wage disparities persist even among highly educated workers, with college-educated (BA degree only) Blacks and Latinos earning \$9/hour and \$16/hour less than their White counterparts, respectively. Middle Eastern groups, too, lag behind Whites earning \$9/hour less.

Poverty and a growing number of people who are working poor (defined here as working full-time for an income below 150 percent of the poverty level) are both on the rise in the county and are most severe for communities of color. Over one in ten Latinos and Blacks now live below the poverty level, compared to less than one in 30 Whites. Working poverty is particularly a problem for Latinos and Middle Easterners. In addition, U.S.-born Latino and Black children are five and six times more likely, respectively, to live in poverty compared to White children. Finally, a disproportionate share of Black and Latino households (49 and 56 percent) are rent burdened compared to Asian and White households (42 and 39 percent), which further limits geographic and economic mobility.

### ***Disconnected youth***

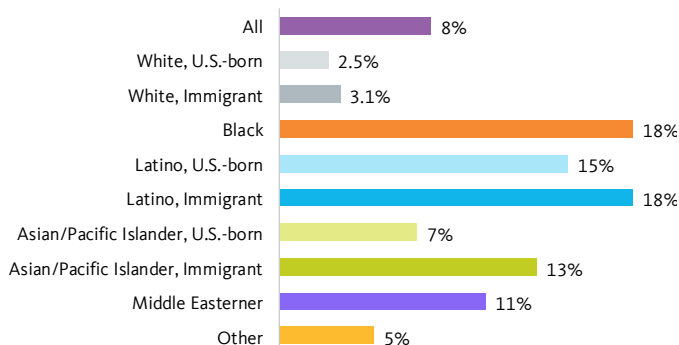
The county's future quite literally depends on the ability of its youth to power its economy in the years to come. Although the fact that more of the county's youth are getting high school degrees than in the past is a positive sign, the number of "disconnected youth" who are neither in school nor working is also on the rise. In the county, nearly 9,200 youth are currently disconnected, nearly half of whom are Black and Latino. On the positive side, dropout rates have improved significantly over the past decade for Blacks and U.S.-born Latinos, although more than a quarter of Latino immigrant youth still drop out of high school or lack a diploma, compared to only 1 percent of Whites.

### ***An uneven geography of opportunity and prosperity***

While Fairfax County as a whole is quite prosperous, the wealth of opportunities that the county has to offer are not distributed evenly across the county. In particular, the southeastern portion of the county has the lowest child opportunity and health opportunity when compared to other areas in the county. Similarly, communities in the southeastern portion of the county have higher poverty rates and higher shares of rent-burdened households (households spending 30 percent or more of income on rent). Not coincidentally, communities of color are concentrated in the same areas that are faring worse.

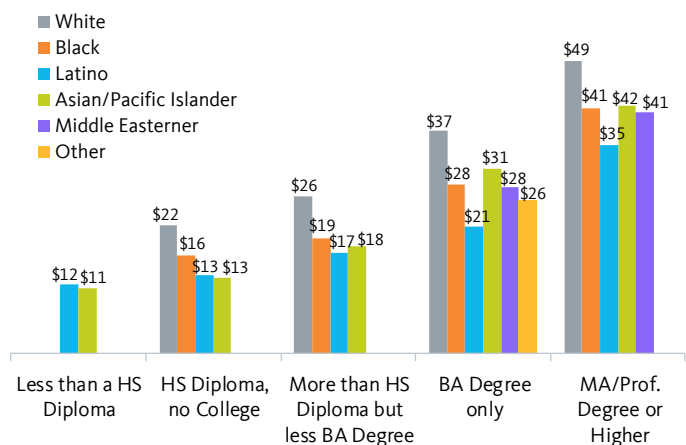
The county's Blacks and Latinos earn disproportionately low wages and are more likely to have children living in poverty

**Child Poverty Rate by Race/Ethnicity and Nativity, 2012**



Source: IPUMS. Universe includes the population under age 18 not in group quarters.  
Note: Data represent a 2008 through 2012 average.

**Median Hourly Wage by Educational Attainment and Race/Ethnicity, 2012**



Source: IPUMS. Universe includes civilian non-institutional full-time wage and salary workers ages 25 through 64. Note: Data represent a 2008 through 2012 average.



## Racial economic inclusion would strengthen the economy

Fairfax County's rising inequality and racial gaps are not only bad for communities of color – they hinder the whole county's economic growth and prosperity. According to our analysis, if there were no racial disparities in income, GDP would have been \$26.2 billion higher in 2012. Unless racial gaps are closed, the costs of inequity will grow as Fairfax County becomes more diverse.

## Implications

Fairfax's growing, diverse population is a major economic asset that will help the county compete in the global economy, if the county's leaders invest in ensuring all of its residents can connect to good jobs and contribute their talent and creativity to building a strong next economy. Our data analysis suggests focusing on the following goals to spur more equitable growth in the county. Below we describe each goal and share strategies that the county's leaders might pursue to advance these goals.

County leaders have already thought through many of these same issues, documented in the County Board of Supervisors Strategic Plan to Facilitate Economic Success, for example. Yet the goals we suggest are much more intentional in defining that successful growth means equitable growth and that the county's people of color – often marginalized from the economic processes – are key drivers to the economic future.

## Create pathways to good jobs for workers facing barriers to employment

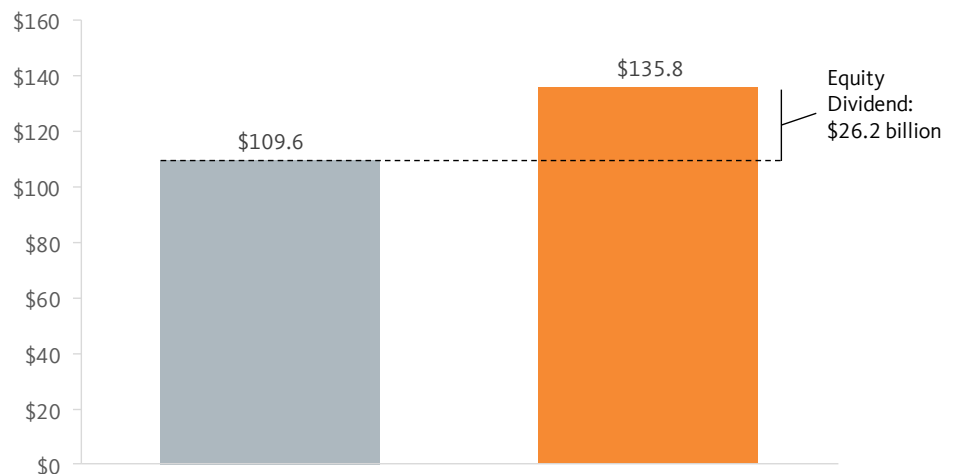
The county's higher levels of unemployment and lower levels of educational attainment for many members of its communities of color call for a strong focus on creating on-ramps to good, family-supporting careers for these populations. There are several promising approaches to building these pathways:

- Implement sectoral workforce strategies that connect workers with low education levels to high-quality training programs that lead to gainful employment in growing sectors of the economy. Such approaches are a win-win for employers who need access to skilled workers as well as workers seeking employment.
- Ensure public investments in roads, transit, sewers, and other community infrastructure are made in ways that create job opportunities for the underemployed and unemployed. This can be done by targeting investments in neighborhoods where unemployment and poverty are high and by implementing local and targeted hiring and training strategies.
- Remove barriers and implement strategies to help minority-owned businesses expand. This can create employment pathways for people who are jobless because these firms tend to hire more employees of color and people living in the community.

Fairfax County's GDP would have been \$26.2 billion higher in 2012 if there were no racial disparities in income

### Actual GDP and Estimated GDP without Racial Gaps in Income, 2012

- GDP in 2012 (billions)
- GDP if racial gaps in income were eliminated (billions)



Sources: U.S. Bureau of Economic Analysis; IPUMS; U.S. Bureau of Labor Statistics.



- Leverage the economic power of large anchor institutions, like hospitals and universities, for community economic development. These anchors can develop intentional strategies to hire jobseekers facing barriers to employment, create on-the-job training opportunities, and purchase more goods and services from local- and minority-owned businesses who provide local jobs.

***Fairfax County's effort to create career pathways for long-term growth.***

The Northern Virginia Workforce Investment Board (NVWIB) is a team of private and public sector partners who share a common goal to promote Northern Virginia economic prosperity and long-term growth. The board receives and administers annual federal Workforce Investment Act (WIA) dollars that help fund comprehensive employment and training services to area employers, job seekers, and youth. The NVWIB oversees six SkillSource One Stop Employment Centers and they offer a broad array of employment assessment, workforce counseling, job training, and support services for jobseekers. Total adult job seekers' visits to the SkillSource Centers are projected to exceed 65,000 in FY 2015. Learn more at [www.myskillsource.org](http://www.myskillsource.org).

***Bridge the racial generation gap***

Bridging the racial generation gap between youth of color and a predominantly White senior population is critical to ensure a strong workforce in the county. This is reflected by the Fairfax County Board of Supervisors when it initiated its Fairfax 50+ Community Plan that addresses the dramatic aging of the baby boomer population and the long-term socioeconomic planning needed to facilitate a well-cared-for and opportunity-rich region for all.

One arena where seniors and young workers of color and their families have shared interests is elder care. Ensuring living wages, benefits, and adequate training and standards for care workers is a win-win path to strengthen the quality of elder care. When care jobs are good jobs that can support a family, turnover is lower and care is not disrupted. Worker organizing, innovative business models, and policy changes are all strategies to improve the quality of elder care and care work. Another way to build bridges is to plan for multigenerational communities, which allow the elderly to age in place while providing safe and healthy environments for families to raise children. Investments in multigenerational community facilities and public spaces (for example, schools that include facilities for seniors) can encourage social interaction between residents of all ages.

***Caring Across Generations Campaign advocates for the rights of seniors and their care workers.***

The Caring Across Generations campaign is a national movement to bring together families, workers, and others to transform the care industry and ensure seniors and care workers can live with dignity. In Illinois, Missouri, Ohio, and elsewhere, the campaign builds broad coalitions to make care work visible, highlighting its value to the overall economy and the support it provides families. Caring Across Generations' policy reforms include increasing access to in-home care for Medicaid recipients and ensuring care jobs pay a living wage and provide benefits, training opportunities, and a pathway to citizenship. Learn more at [www.caringacross.org](http://www.caringacross.org).

***Integrate immigrants into the county's economy***

Immigrants are contributing to growth in the county, yet they face barriers to fully participating in economic and civic life. Many regions are implementing successful strategies to ensure immigrants have access to the services, education and training, entrepreneurship, and job opportunities they need to thrive. The high growth rate among immigrant populations reinforces the necessity of strong local programs focused on integration and training into the local and national economy.

***Tennessee welcomes immigrants to build a stronger economy.***

Responding to a rapidly growing immigrant population (the third-fastest growing in the nation), the Welcoming Tennessee Initiative was launched in 2005 to counter anti-immigrant backlash and strengthen the local economy. Using dinner conversations between long-time residents and immigrants, billboards, and other community strategies, the initiative successfully defeated English-only referendums and legislation. Since then, the project has inspired a national Welcoming America initiative, with affiliates in 21 states. Learn more at [www.welcomingamerica.org](http://www.welcomingamerica.org).

***Build communities of opportunity throughout the county***

All neighborhoods located throughout the county should provide their residents with the ingredients they need to thrive and also open up opportunities for low-income people and people of color to live in neighborhoods that are already rich with opportunity (and from which they've historically been excluded).

Coordinating transportation, housing, and economic development investments over the long term will foster more

equitable development patterns and healthier neighborhoods across the county. Addressing lingering racially discriminatory housing and lending practices and enforcing fair housing laws are also critical to expand opportunity for all.

***Reinforcing the link between equity and health in California.***

In 2010, The California Endowment launched a 10-year \$1 billion Healthy Neighborhoods Initiative to advance statewide policy, change the narrative, and transform 14 of California's communities most devastated by health inequities into places where all people have an opportunity to thrive. Research on the social determinants of health has found that 70 percent of health outcomes are determined by the social, political, and economic environments that shape the choices we make. The Building Healthy Communities place-based investment prioritizes working with residents and the public sector on policy changes. Learn more at [www.calendow.org/building-healthy-communities/](http://www.calendow.org/building-healthy-communities/).

***Ensure education and career pathways for all youth***

Ensuring that all youth in the county, including Blacks, Native Americans, Latinos, and immigrants, can access a good education that leads to a career is critical to develop the human capital to power the county's economy in the future. The high share of immigrant youth without high school degrees signals the need for intentional strategies to ensure young people have the supports they need to successfully complete high school and enter college or another training program that leads to a job. Replacing overly harsh "zero tolerance" school discipline policies with strategies focused on positive behavior support and restorative justice can work to lower suspension and expulsion rates and reduce the number of disconnected youth. Increasing the availability of apprenticeships, career academies, and other education and training supports that provide work experience and connections can also keep more youth on the track to graduation, college, and careers.

Strengthening the K-12 public school system by ensuring sufficient and equitable funding for schools attended by lower-income students is also essential to build a vital workforce. Bilingual education and other language access strategies can help youth who are English-language learners excel in school. And it is not enough to only address in-school time; high-quality afterschool and youth development activities that provide learning opportunities outside of the school day are also critical ingredients for academic success. And Fairfax County is already on the right path by looking forward to ensure coordination and

delivery of workforce training programs for students by partnering with the Northern Virginia Community College and Fairfax County Public Schools. This strategy entails talking with key employers along with assessing workforce development programs to determine if they are properly aligned to meet the projected employment needs in the county. This can feed into ensuring these investments in educational success follow children throughout their lifespan, from cradle to college to career. The research shows that balanced investments spread throughout the lives of vulnerable children reap the greatest rewards.

***Foster diverse civic participation and leadership***

Given the county's rapid demographic shifts that are being driven by the increasing diversity of the youth population, it is important for county leaders in every sector to proactively take steps to ensure opportunities for communities of color to participate in decision making and leadership. Strategies to build diverse leadership include the following:

- Create a durable countywide equity network or collaborative of leaders across race, age, issue areas, and geography to advance equitable growth strategies and policies.
- Facilitate active engagement by all racial and ethnic communities in local planning processes by implementing best practices for multicultural engagement (e.g., translation services, provision of child care during meetings, etc.).
- Support leadership development programs (such as the Boards and Commissions Leadership Institute), including youth-focused programs, to help neighborhood, organizational, and civic leaders build their leadership and capacity to serve in government and on decision-making bodies.

***Boards and Commissions Leadership Institute trains next generation of leaders.***

Since 2010, Urban Habitat's Boards and Commissions Leadership Institute has been training leaders from underrepresented San Francisco Bay Area communities to serve on decision-making bodies. The Institute empowers residents to become leaders on the issues that have the most direct impact on their neighborhoods: transportation, housing, jobs, and more. Graduates have won 35 seats on priority boards and commissions, including planning commissions, housing authorities, and rent boards. The program is being replicated in the Twin Cities, Sacramento, and elsewhere. Learn more at [www.urbanhabitat.org/leadership/bcli](http://www.urbanhabitat.org/leadership/bcli).

## Conclusion

Community leaders in the public, private, and nonprofit sectors are already taking steps to connect its more vulnerable communities to educational and economic opportunities, and these efforts must continue. To secure a prosperous future, Fairfax needs to implement a growth model that is driven by equity – just and fair inclusion into a society in which everyone can participate and prosper. Concerted investments and policies for, and developed from within, communities of color will also be essential to ensure the county's fastest-growing populations are ready to lead it into the next economy.

<sup>1</sup> Andrew G. Berg and Jonathan D. Ostry, *Inequality and Unsustainable Growth: Two Sides of the Same Coin?*, Staff Discussion Note (Washington, DC: International Monetary Fund, 2011) <http://www.imf.org/external/pubs/ft/sdn/2011/sdn1108.pdf>; Jonathan D. Ostry, Andrew Berg, and Charalambos G. Tsangarides, *Redistribution, Inequality, and Growth*, Staff Discussion Note (Washington, DC: International Monetary Fund, 2014) <http://www.imf.org/external/pubs/ft/sdn/2014/sdn1402.pdf>; Joe Maguire, *How Increasing Inequality is Dampening U.S. Economic Growth, and Possible Ways to Change the Tide* (New York, NY: Standard & Poor's Financial Services LLC, 2014) [https://www.globalcreditportal.com/ratingsdirect/renderArticle.do?articleId=1351366&SctArtId=255732&from=CM&ns\\_l\\_code=LIME&sourceObjectId=8741033&sourceRevId=1&fee\\_ind=N&exp\\_date=20240804-19:41:13](https://www.globalcreditportal.com/ratingsdirect/renderArticle.do?articleId=1351366&SctArtId=255732&from=CM&ns_l_code=LIME&sourceObjectId=8741033&sourceRevId=1&fee_ind=N&exp_date=20240804-19:41:13); Manuel Pastor, *Cohesion and Competitiveness: Business Leadership for Regional Growth and Social Equity*, OECD Territorial Reviews, Competitive Cities in the Global Economy, Organisation For Economic Co-Operation And Development (OECD), 2006; Manuel Pastor and Chris Benner, "Been Down So Long: Weak-Market Cities and Regional Equity," in *Retooling for Growth: Building a 21<sup>st</sup> Century Economy in America's Older Industrial Areas* (New York, NY: American Assembly and Columbia University, 2008); Randall Eberts, George Erickcek, and Jack Kleinhenz, *Dashboard Indicators for the Northeast Ohio Economy*, prepared for the Fund for Our Economic Future (Cleveland, OH: Federal Reserve Bank of Cleveland, 2006), <https://www.clevelandfed.org/-/media/Files/Working%20Papers/wp2006/wp0605-dashboard-indicators-for-the-northeast-ohio-economy-prepared-for-the-fund-for-our-economic-future.pdf?la=en>.

<sup>2</sup> David N. Figlio and Deborah Fletcher, *Suburbanization, Demographic Change and the Consequences for School Finance*, working paper (Cambridge, MA: National Bureau of Economic Research, 2010), <http://www.nber.org/papers/w16137.pdf>.

Cover photos courtesy of Fairfax County, Virginia.

Equitable Growth Profiles are products of a partnership between PolicyLink and PERE, the Program for Environmental and Regional Equity at the University of Southern California.

The views expressed in this document are those of PolicyLink and PERE, and do not necessarily represent those of Fairfax County, Virginia.

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Board Agenda Item  
June 7, 2016

ACTION - 6

Endorsement of the Washington Metropolitan Area Transit Authority's (WMATA)  
SafeTrack Rebuilding Program

ISSUE:

Board endorsement of the Washington Metropolitan Area Transit Authority's (WMATA) Metrorail rebuilding program, called SafeTrack, and the associated Metrobus and Fairfax Connector service mitigations.

RECOMMENDATION:

The County Executive recommends the Board endorse WMATA's SafeTrack rebuilding program and accompanying Metrobus and Fairfax Connector mitigation efforts.

TIMING:

Action should be taken on this item on June 7, 2016, due to the SafeTrack Program start date of June 4, 2016.

BACKGROUND:

SafeTrack is an accelerated track work plan to address safety recommendations and rehabilitate the Metrorail system to improve safety and reliability. SafeTrack accelerates three years' worth of work into approximately one year. The plan significantly expands maintenance time on weeknights, weekends and midday hours and includes 15 "Safety Surges," or short term track outages for major projects in key parts of the system.

Metrorail is currently open 135 out of 168 hours per week, leaving insufficient time for maintenance and other necessary track work. By closing the system at midnight on weekends and expanding weekday maintenance opportunities, SafeTrack addresses FTA and NTSB safety recommendations and deferred maintenance backlogs, while restoring track infrastructure to good health. In addition, the 15 Safety Surges will utilize short term track outages through around-the-clock single tracking or line-segment shutdowns to facilitate rebuilding and other work.

Metrorail riders will experience reduced capacity and longer travel times. Riders are encouraged to consider using alternate travel options, while safety surge work is scheduled on their line. Trains and platforms are expected to be crowded during peak periods and customers may experience delays. During line segment shutdowns, shuttle bus service will replace trains between closed stations.

Board Agenda Item  
June 7, 2016

To mitigate the effects of SafeTrack and to assist commuters impacted by rebuilding efforts, Fairfax County Department of Transportation and WMATA staff continue to work closely to ensure the public is aware of how their commute may be affected and alternative travel options available. This includes efforts to increase carpool, vanpool, flexible schedule and telework options, Fairfax Connector and Metrobus supplemental bus service, and coordinated public communications.

Both WMATA and Fairfax County have established SafeTrack websites ([fairfaxcounty.gov/fcdot/safetrack](http://fairfaxcounty.gov/fcdot/safetrack) and [wmata.com/safetrack](http://wmata.com/safetrack)) to disseminate information and assist the public with identifying alternative commuting options. Also, information is being published on a wide variety of platforms, including traditional media, social media, and the Fairfax Connector Telephone Information Center.

FISCAL IMPACT:

Unknown at this time. WMATA continues to refine and estimate costs associated with SafeTrack, including mitigation efforts by Metrobus and Fairfax Connector.

ENCLOSED DOCUMENTS:

Attachment I – Fairfax County SafeTrack Mitigation and Overview  
Attachment II – WMATA SafeTrack Program

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT  
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT  
Nick Perfili, Chief, Fairfax Connector Section, FCDOT



# **Metrorail SafeTrack Overview & Mitigation**

***Board Transportation  
Committee  
May 24, 2016***





# SafeTrack: Overview

- Metro released the final plan on May 19, 2016 which includes USDOT directives
- Effort to address safety recommendations, rehabilitate the rail system, and increase work productivity
  - Achieves safety and state of good repair
  - Advances FTA and NTSB work
  - Includes multiple work elements (rail renewal, tunnel lighting, signage, ventilation, insulators, rail fasteners, debris removal, interlocking maintenance, etc.)



# SafeTrack: Overview

- 3 years of work accelerated into approx. 1 year
- Includes expansion of track-work hours on weeknights, weekends, and during rush hours
- All Fairfax County Metrorail service and stations affected at various stages







# SafeTrack: Access Plan



- Effective Friday, June 3, 2016:
  - Weeknights: 8 PM work begins (instead of 10 PM)
  - Weekends: System closes at midnight (instead of 3 AM)
  - Moratorium on early openings and late closings for special events
  - “Safety Surges” begin (long duration outages on selected line segments)



# SafeTrack: Safety Surges

- Accommodates work that cannot occur on limited windows during nights or weekends
- Impacts rush hour service
- Metro shuttle buses will serve closed stations; transit service maintained at all times, although with reduced capacity and service levels
- 15 surges system-wide



# SafeTrack: Safety Surges

- 10 of 15 surges affect Fairfax County rail service and stations:

- Blue Line and Yellow Line Stations



*Franconia-Springfield    Van Dorn Street*  
*Huntington*

- Orange and Silver Line Stations



*Dunn Loring*  
*Greensboro*  
*McLean*  
*Spring Hill*

*Tysons Corner*  
*Vienna*  
*West Falls Church*  
*Wiehle-Reston East*



## Surge Schedule

|    |   |         |          |                            |  |
|----|---|---------|----------|----------------------------|--|
| 1  | June 4 - 16   | 13 days | OR SV    | Continuous Single Tracking | Ballston to East Falls Church                |
| 2  | June 18 - July 3  | 16 days | OR SV BL | Line Segment Shutdown      | Eastern Market to Minnesota Ave/Benning Road |
| 3  | July 5 - 11<br><small>STARTS 8PM JULY 5</small>                                     | 7 days  | YL BL    | Line Segment Shutdown      | Reagan National Airport to Braddock Road     |
| 4  | July 12 - 18  | 7 days  | YL BL    | Line Segment Shutdown      | Reagan National Airport to Pentagon City     |
| 5  | July 20 - 31  | 12 days | OR SV    | Continuous Single Tracking | Ballston to East Falls Church                |
| 6  | August 1 - 7  | 7 days  | RD       | Continuous Single Tracking | Takoma to Silver Spring                      |
| 7  | August 9 - 18   | 10 days | RD       | Continuous Single Tracking | Shady Grove to Twinbrook                     |
| 8  | August 20 - September 5   | 17 days | BL YL    | Continuous Single Tracking | Franconia-Springfield to Van Dorn Street     |
| 9  | September 9 - October 20  | 42 days | OR       | Continuous Single Tracking | Vienna to West Falls Church                  |
| 10 | October 10 - November 1   | 23 days | RD       | Line Segment Shutdown      | Fort Totten to NoMa-Gallaudet                |
| 11 | November 3 - 11<br><small>STARTS 10PM NOV. 2</small>                                | 9 days  | OR SV    | Continuous Single Tracking | East Falls Church to West Falls Church       |
| 12 | November 12 - December 6  | 25 days | GR YL    | Continuous Single Tracking | Greenbelt to College Park                    |
| 13 | December 7 - 24<br><small>EXCEPT AM DEC. 17</small>                                 | 18 days | BL       | Line Segment Shutdown      | Rosslyn to Pentagon                          |
| 14 | January 2 - 13 &<br>January 23 - February 3 *<br><small>STARTS 10PM JAN. 22</small> | 24 days | YL BL    | Continuous Single Tracking | Braddock Road to Huntington/Van Dorn Street  |
| 15 | March 6 - 19  | 14 days | OR SV    | Continuous Single Tracking | East Falls Church to West Falls Church       |

\* Note: No track work during Inauguration Week (Jan 15-21)

NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.



# Mitigation Overview

- Promote alternative transit service
- Promote park-and-ride facilities where capacity and connecting transit service exist
- Promote Commuter Connections, flexible work schedule, and telework options
  - Employer telework/flex schedule options will be key to relieve peak-of-the-peak crowding
- Public communications/outreach planning and coordination
- Provide options so transit riders do not shift to single occupant vehicles



# Mitigation Overview



- Commuter Connections
  - *commuterconnections.org*; facilitated by Metropolitan Washington Council of Governments
  - Provides information to allow commuters to:
    - Locate regional telework/co-work centers (locations that generally provide a work setting with IT and other business amenities)
    - Find carpools and vanpool services
    - Facilitate park-and-ride searchers
    - Guaranteed Ride Home program sign-up
  - Regional database to leverage commuter options and programs (12,000 employers/40,000 commuters)



# Mitigation Overview

- Public Outreach Strategies

- Fairfax County information landing page:  
*[fairfaxcounty.gov/fcdot/safetrack](http://fairfaxcounty.gov/fcdot/safetrack)*
- Collaboration with local and regional PIOs, COG, and WMATA communications
- Close coordination with TDM staff engaging in employer outreach efforts
- Coordination with Fairfax Connector Telephone Information Center
- Information dissemination through all platforms







# Mitigation Overview

- Shuttle and supplemental bus service plans will be direct and easy to understand for riders
- Manage expectations:
  - Capacity of one bus: approx. 55 riders (with standees)
  - Capacity of one Metro railcar: approx. 175 riders (with standees)
  - Capacity of one 6-car Metrorail train = capacity of 20 buses (approximate)





# Mitigation Overview

- Shuttle/supplemental bus service plans:
  - Will be responsive to ridership, as resources and bus availability permits
  - Fairfax Connector's shuttle/supplemental service will complement Metro's shuttle bus service
  - \$4 express fare for all services (393, 394, 599, shuttle routes)





# Mitigation Strategies



## Promote Existing Service Options:

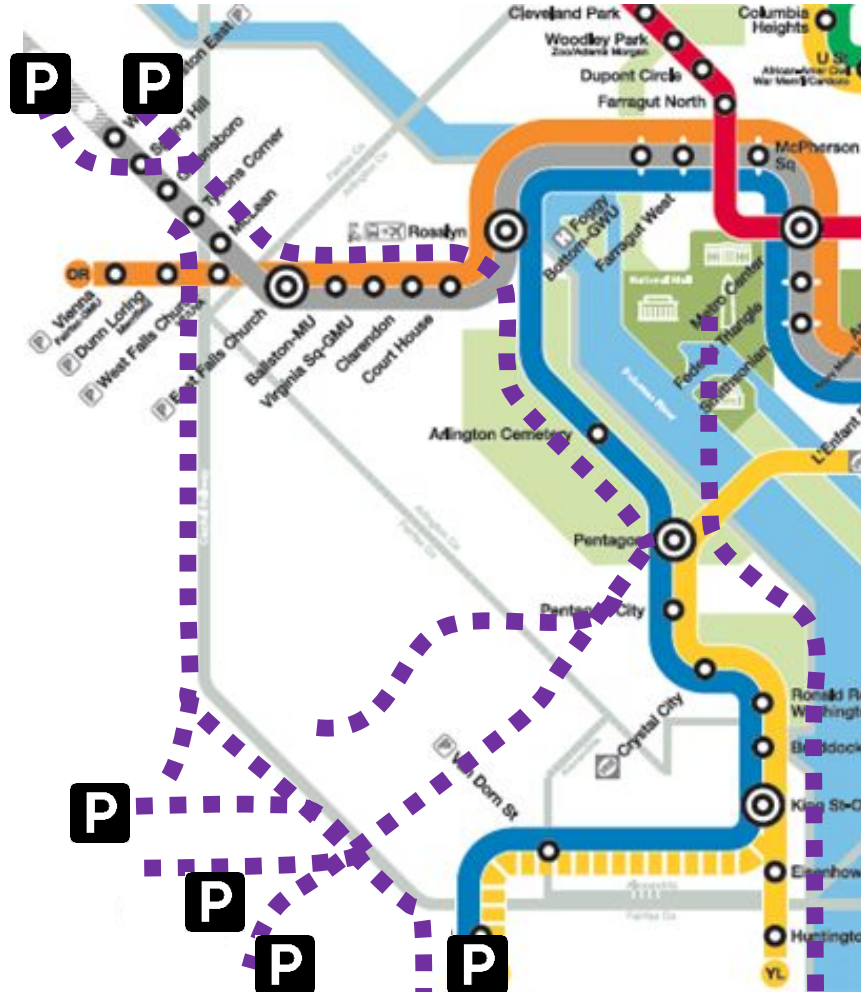
### Local bus routes

- Connector 310: Huntington-Rolling Valley via Franconia Road
- Connector 321, 322: Springfield-Van Dorn St Circulator
- Connector 401, 402: Springfield-Tysons
- Metrobus 1A, 2A, 38B: Ballston-OR/SV Parallel Service
- Metrobus 10A: Huntington-Pentagon
- Metrobus 16A: Annandale-Pentagon
- Metrobus 25B, 28A: BL/YL-OR/SV Ballston/Tysons Cross-County

These local routes operate daily, early morning through late evening



# Mitigation Strategies



## Promote Existing Service Options:

- Express/limited-stop bus routes:
  - Connector 393, 394: Saratoga-Pentagon
  - Connector 395: Gambrill-Pentagon
  - Connector 494: Lorton-Springfield-Tysons
  - Connector 495: Burke Centre VRE-Tysons
  - Connector 599: Reston-Pentagon
  - Metrobus 5A: DC-Dulles
  - Metrobus 11Y: Mt. Vernon-Farragut Square
  - Metrobus 16L: Annandale-Pentagon
  - Metrobus 17-Line: Burke-Pentagon
  - Metrobus 18-Line: Springfield-Pentagon





# Mitigation Strategies



## Promote Existing Service Options:

- || VRE commuter rail:
  - || - Fredericksburg Line: Spotsylvania-Union Station via Crystal City and L'Enfant Plaza
  - || - Manassas Line: Broad Run-Union Station via Crystal City and L'Enfant Plaza
  - Park-and-ride capacity at the Burke Centre (Manassas Line) and Franconia-Springfield VRE stations





# Mitigation Strategies

- **Orange Line and Silver Line (Dulles/I-66 Corridor) Safety Surges (Multiple SafeTrack Phases):**
  - Express shuttle service between Vienna and Pentagon (Connector)
  - Supplemental Dulles Corridor/I-66 express service between Reston and Pentagon (Connector 599); Herndon and Rosslyn (Metrobus 5A)
  - Supplemental OR / SV parallel local service (Metrobus 2A, 3Y, 38B)
  - Shuttle service between Vienna and West Falls Church (Metrobus; *Vienna-West Falls Church surge only*)
- Promote park-and-ride lots and Metro/VRE stations with available parking capacity
- Promote other bus and VRE alternatives



## Park & Ride Facilities With Available Capacity:

### Burke Centre VRE

- 600+ spaces available

### Franconia-Springfield Metro

- 1,000+ spaces available

### Herndon-Monroe Park & Ride

- 900+ spaces available

### Rolling Valley Park & Ride

- 200+ spaces available

### Saratoga Park & Ride

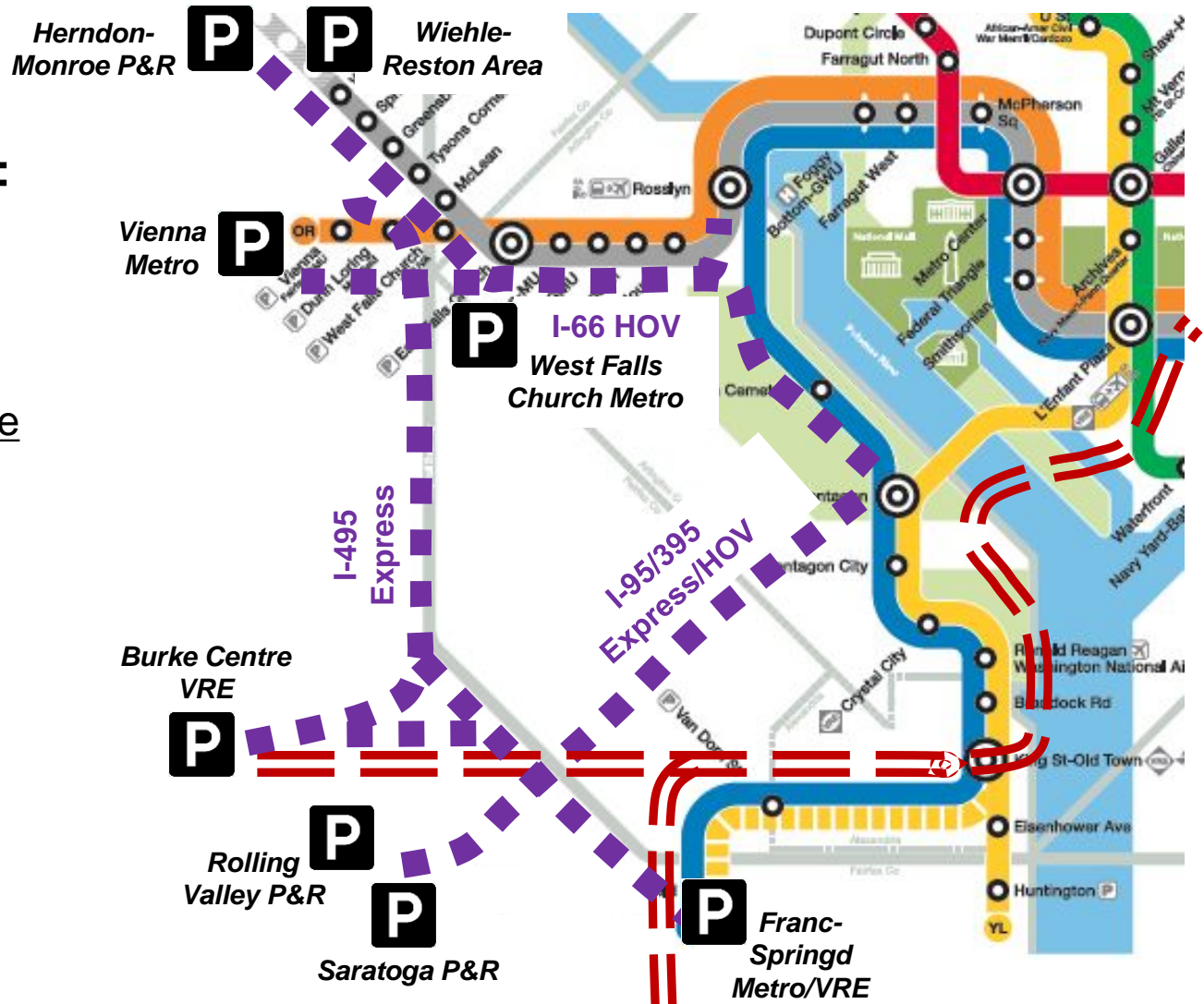
- 400+ spaces available

### Vienna Metro

- 400+ spaces available

### West Falls Church Metro

- 1,000+ spaces available





# Mitigation Strategies

- **Blue Line and Yellow Line Safety Surges (Multiple SafeTrack Phases):**
  - Express shuttle service between Franconia-Springfield and Pentagon (Connector and Metrobus)
  - Supplemental I-95/395 express service between Saratoga Park & Ride and Pentagon (Connector 393, 394)
  - Supplemental George Washington Pkwy express service (Metrobus 11Y)
  - Supplemental BL / YL parallel local service (Metrobus 10A)
- Promote park-and-ride lots and Metro/VRE stations with available parking capacity
- Promote other bus and VRE alternatives





## Park & Ride Facilities With Available Capacity:

### Burke Centre VRE

- 600+ spaces available

### Franconia-Springfield Metro

- 1,000+ spaces available

### Huntington Metro

- 500+ spaces available

### Rolling Valley Park & Ride

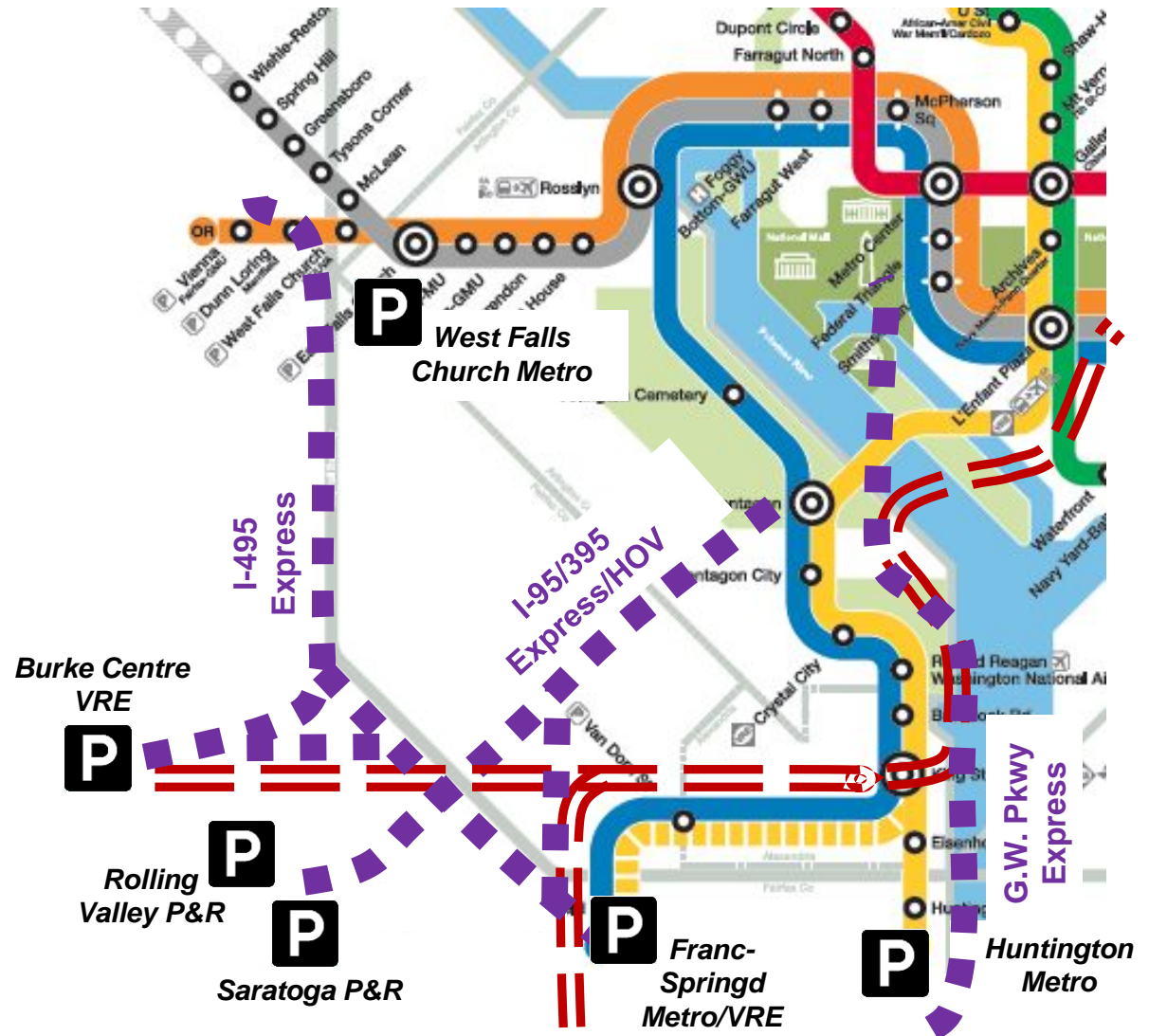
- 200+ spaces available

### Saratoga Park & Ride

- 400+ spaces available

### West Falls Church Metro

- 1,000+ spaces available







# Mitigation Strategies



## Existing and Requested Night Bus Service:

### Local bus routes:

- Connector 310, 321, 322, 401, 402
- Metrobus 1A, 2A, 10A, 16A, 28A, 38B

### Express bus routes:

- Metrobus 5A

### Requested service:

- Metrobus: Pentagon-Springfield and DC-Pentagon Shuttle
- Further Metro coordination required; not final



# Next Steps

- Continued shuttle/supplemental bus service planning and coordination
  - Fairfax Connector and Metrobus planning staff
  - Other regional partner coordination
  - Operations training
  - Public outreach





# Comments / Questions?



# SafeTrack Plan

**FINAL/PUBLIC**

May 19, 2016

# SafeTrack Overview



SafeTrack is a massive, comprehensive, holistic effort to address safety recommendations and rehabilitate Metrorail system on accelerated basis by expanding **ALL** available maintenance windows

- 3 years worth of work accelerated into approx. 1 year
- Includes expansion of track-work hours on weeknights, weekends, midday hours and during certain rush hours — both above ground and in tunnels
- Achieves safety and state of good repair of basic track structure and advances critical NTSB/FTA work
- Includes line segment shutdowns of less than one month
- Uses contractors to augment existing workforce

# SafeTrack: New Right-of-Way Access Plan



SafeTrack reallocates access to tracks for passenger trains and safety work:

- **WEEKNIGHT:** Expand maintenance time by allowing crews to start at 8PM on weeknights (adds 2 hours of productive time nightly)
- **MIDDAYS:** Conduct certain types of maintenance between AM and PM rush hours 10AM-3PM Mon-Fri
- **WEEKENDS:** Expand weekend maintenance by closing system at **midnight** on Friday and Saturday nights (adds 6 hours/week).
  - **Midnight closings will start Friday, June 3.**  
(Last 3 a.m. closing Saturday, May 28.)
- **MORATORIUM ON EXTENDED HOURS:** Avoid deferring/rescheduling maintenance by placing a one-year moratorium on new requests for early openings or late closings. Will reevaluate once system is in state of good repair.
- **SAFETY SURGES:** Maximize efficiency of work that requires long-duration outages through continuous single tracking or line-segment shutdowns where buses replace trains.

# SafeTrack Surges



- Used when work requires continuous long-duration track outage
- Primarily above ground where longer-duration outages most needed (e.g. tie replacement)
- **Using surges makes more resources available to advance underground work on nights/weekends**
- Type of work that cannot be achieved via weekends or “early outs” alone
- Impacts rush hour service — many riders will be impacted; encouraged to use alternate travel options if possible
- Shuttle buses will serve closed stations; transit service maintained at all times, although service levels will be reduced significantly
- Will require regional coordination, resources, communication and shared pain

# Mitigation



- Most Safety Surges will have 40 buses dedicated to providing alternate service
- Additional 8-car trains on lines where capacity reduced
- Encourage riders to use alternate travel modes, travel outside rush-hour periods
- Additional customer support staff at selected stations
- Requesting jurisdictional input/support for Safety Surges (e.g. traffic control, parking restrictions, bus support, HOV restrictions, etc.)
- Robust public outreach effort — visit [wmata.com/safetrack](http://wmata.com/safetrack) for information
- Requesting OPM/business community support (e.g. telework)
- Strategically positioned extra trains & personnel to respond quickly to issues



# Surge Schedule



|    |  |         |          |                            |  |
|----|--|---------|----------|----------------------------|--|
| 1  | June 4 - 16  | 13 days | OR SV    | Continuous Single Tracking | Ballston to East Falls Church                |
| 2  | June 18 - July 3   | 16 days | OR SV BL | Line Segment Shutdown      | Eastern Market to Minnesota Ave/Benning Road |
| 3  | July 5 - 11<br>STARTS 8PM JULY 5                                     | 7 days  | YL BL    | Line Segment Shutdown      | Reagan National Airport to Braddock Road     |
| 4  | July 12 - 18   | 7 days  | YL BL    | Line Segment Shutdown      | Reagan National Airport to Pentagon City     |
| 5  | July 20 - 31   | 12 days | OR SV    | Continuous Single Tracking | Ballston to East Falls Church                |
| 6  | August 1 - 7   | 7 days  | RD       | Continuous Single Tracking | Takoma to Silver Spring                      |
| 7  | August 9 - 18  | 10 days | RD       | Continuous Single Tracking | Shady Grove to Twinbrook                     |
| 8  | August 20 - September 5  | 17 days | BL YL    | Continuous Single Tracking | Franconia-Springfield to Van Dorn Street     |
| 9  | September 9 - October 20   | 42 days | OR       | Continuous Single Tracking | Vienna to West Falls Church                  |
| 10 | October 10 - November 1  | 23 days | RD       | Line Segment Shutdown      | Fort Totten to NoMa-Gallaudet                |
| 11 | November 3 - 11<br>STARTS 10PM NOV. 2                                | 9 days  | OR SV    | Continuous Single Tracking | East Falls Church to West Falls Church       |
| 12 | November 12 - December 6   | 25 days | GR YL    | Continuous Single Tracking | Greenbelt to College Park                    |
| 13 | December 7 - 24<br>EXCEPT AM DEC. 17                                 | 18 days | BL       | Line Segment Shutdown      | Rosslyn to Pentagon                          |
| 14 | January 2 - 13 &<br>January 23 - February 3 *<br>STARTS 10PM JAN. 22 | 24 days | YL BL    | Continuous Single Tracking | Braddock Road to Huntington/Van Dorn Street  |
| 15 | March 6 - 19   | 14 days | OR SV    | Continuous Single Tracking | East Falls Church to West Falls Church       |

\* Note: No track work during Inauguration Week (Jan 15-21)

NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

6

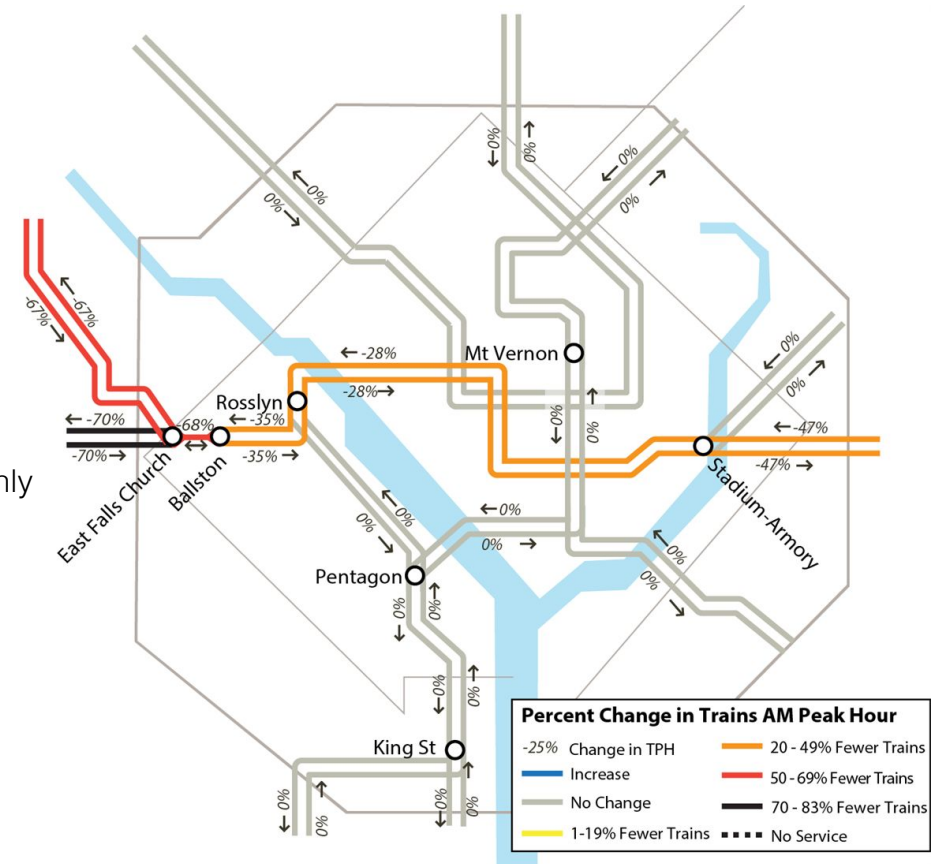
**1 June 4 - 16 (13 days)**



## Continuous single tracking between East Falls Church & Ballston

### REDUCED SERVICE AT MOST OR SV STATIONS (SEVERELY REDUCED WEST OF BALLSTON)

- Major impact to **73,000** weekday trips
- Orange Line runs **every 18 minutes** to/from stations Vienna - Ballston
- Additional Orange Line trains run between Ballston - New Carrollton only
- Silver Line trains run **every 18 minutes** at all times
- Orange and Silver line customers encouraged to consider alternate travel options & avoid traveling during rush hour if possible; expect rush hour trains to be very crowded
- Orange/Silver customers in Virginia may consider using Ballston for more frequent service
- Additional Metrobus trips on selected regular-route services



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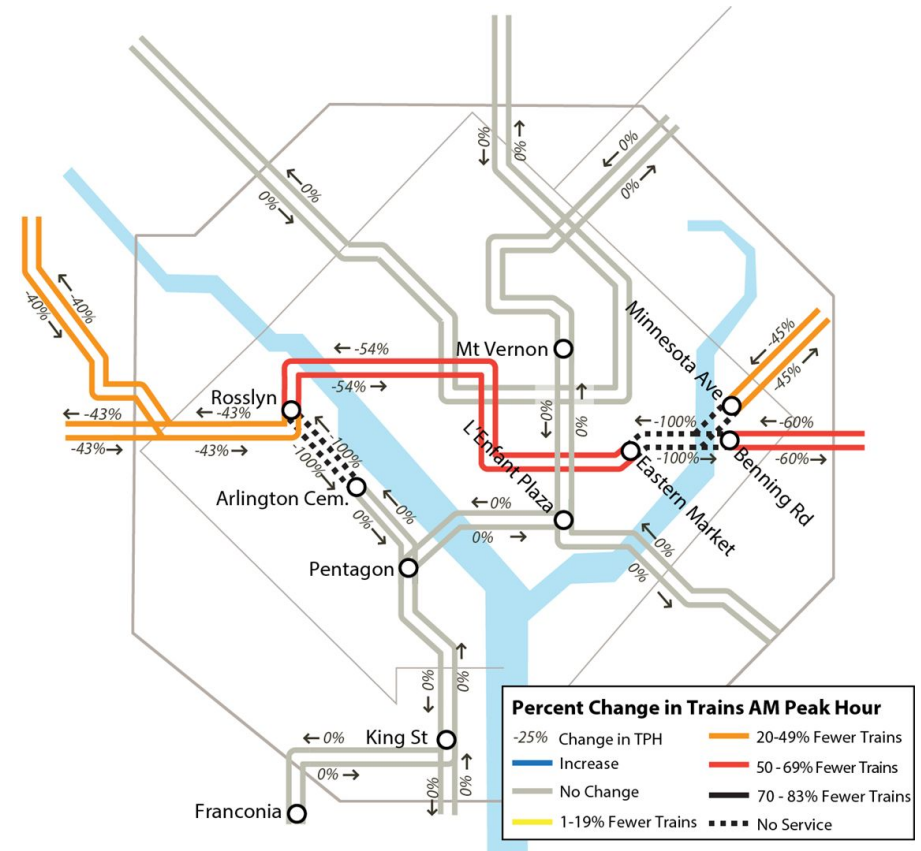
## 2 June 18 - July 3 (16 days)



### Line segment shutdown between Eastern Market & Minnesota Ave/Benning Road

#### REDUCED SERVICE AT ALL OR SV BL STATIONS

- Major impact to **61,000** weekday trips
- Blue, Orange and Silver line customers encouraged to consider alternate travel options & avoid traveling during rush hour if possible; expect rush hour trains to be very crowded
- **Two stations closed: Stadium-Armory & Potomac Ave**
- Free shuttle buses run between Eastern Market and Minnesota Ave/ Benning Road with stops at Stadium-Armory and Potomac Ave
- Orange Line runs **every 10 minutes** outside shutdown zone
- Silver Line runs **every 10 minutes** outside shutdown zone
- Blue Line runs **every 12 minutes** between Franconia & Arlington Cemetery only; Yellow Rush+ runs all day, use Yellow Line for service between VA & DC
- No rail or bus service between Arlington Cemetery and Rosslyn; travel via L'Enfant Plaza instead



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

3

**July 5 - 11 (7 days)**

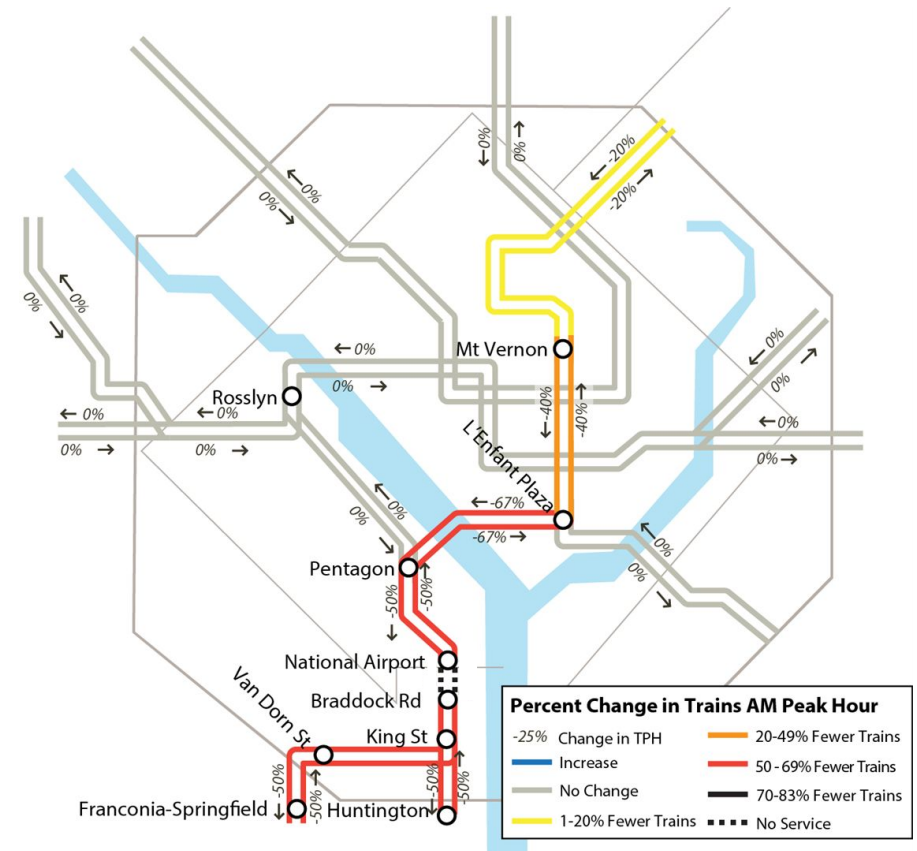
STARTS 8PM JULY 5



## Line segment shutdown between National Airport & Braddock Road

### REDUCED SERVICE AT ALL TIMES AT MANY STATIONS, PRIMARILY IN VIRGINIA

- Major impact to **50,000** weekday trips
- 50% reduction in rail service south of Pentagon
- Blue Line trains run **every 12 minutes**
- Yellow Line trains run **every 12 minutes**
- Blue/Yellow customers encouraged to consider alternate travel options & avoid traveling during rush hour if possible; expect significant crowding on Blue & Yellow line trains
- Free shuttle buses operate via Metroway between Braddock Road, Crystal City and Pentagon City
- Service between DC and Reagan National Airport available via train



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

9

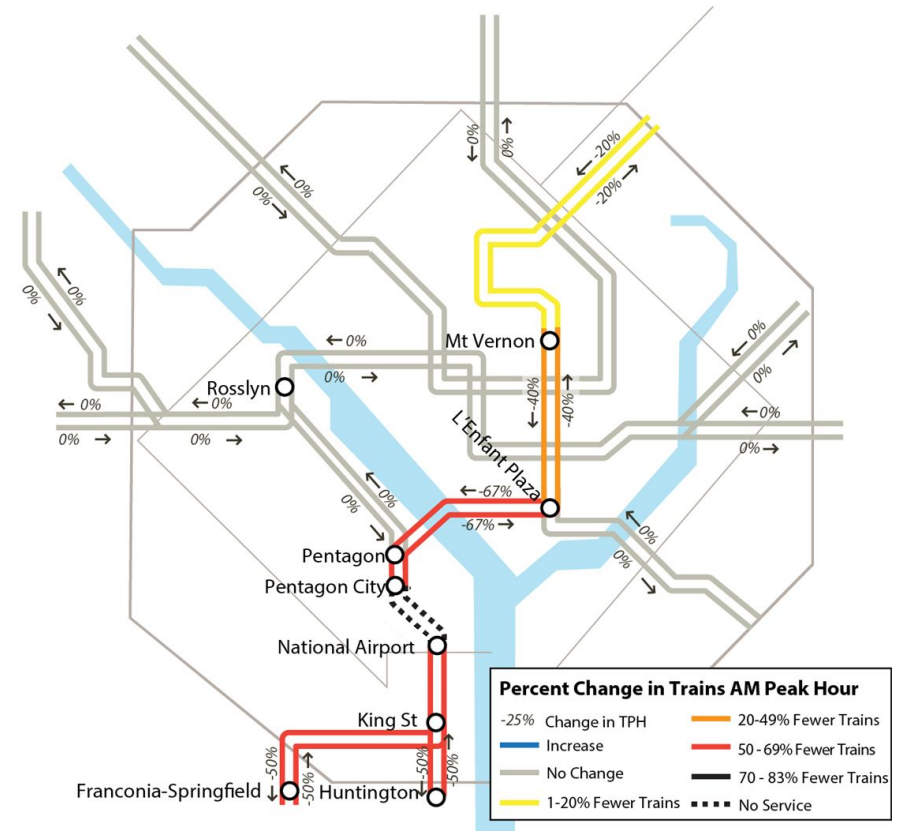
**4 July 12 - 18 (7 days)**



## Line segment shutdown between National Airport & Pentagon City

**REDUCED SERVICE AT ALL TIMES AT MANY STATIONS, PRIMARILY   IN VIRGINIA**

- Major impact to **86,000** weekday trips
- 50% reduction in rail service south of Pentagon
- Blue/Yellow customers encouraged to consider alternate travel options & avoid traveling during rush hour if possible; expect significant crowding on Blue & Yellow line trains
- Shuttle buses operate via Metroway between Braddock Road, Crystal City and Pentagon City
- Reagan National Airport served via shuttle bus to/from Pentagon City & Braddock Road
- Blue Line runs **every 12 minutes**
- Yellow Line runs **every 12 minutes**
- No Rush+ Yellow trains operating



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

10

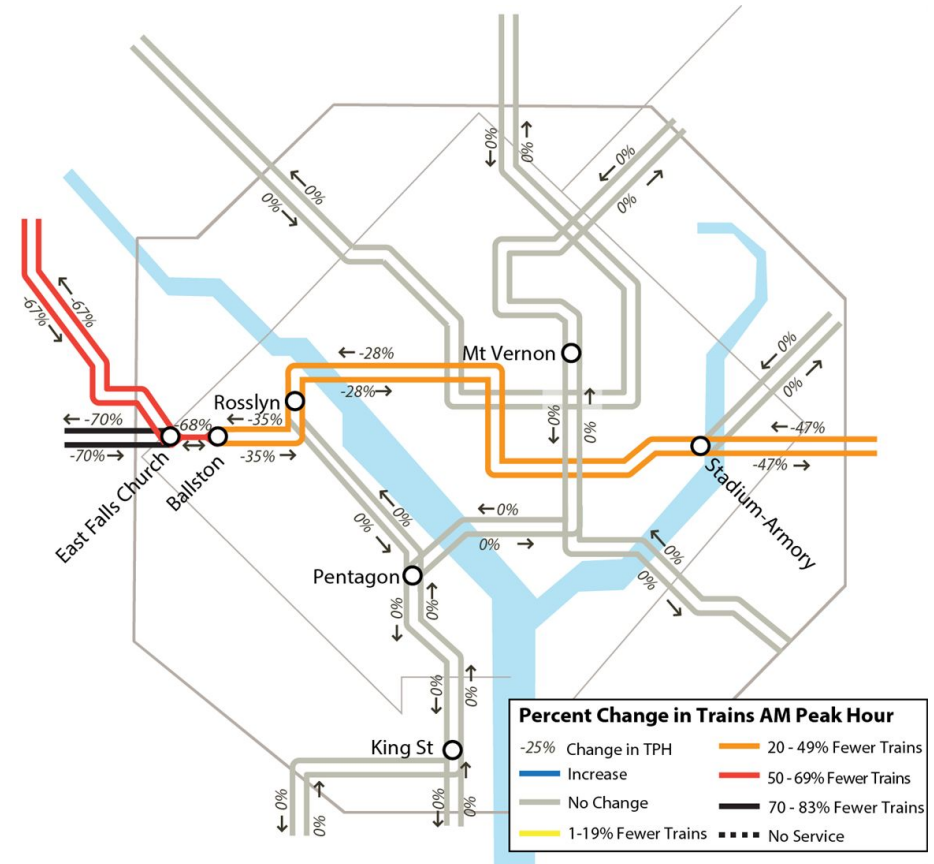
## 5 July 20 - 31 (12 days)



### Continuous single tracking between East Falls Church & Ballston

#### REDUCED SERVICE AT ALL OR SV STATIONS

- Major impact to **73,000** weekday trips
- Orange Line **every 18 minutes** at stations from Vienna - Ballston
- Additional Orange Line trains run between Ballston - New Carrollton
- Silver Line trains run **every 18 minutes**
- Expect significant crowding on Orange/Silver line trains
- Orange/Silver customers should consider alternate travel options & avoid traveling during rush-hour periods if possible
- Orange/Silver customers in Virginia may consider using Ballston for more frequent service



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.



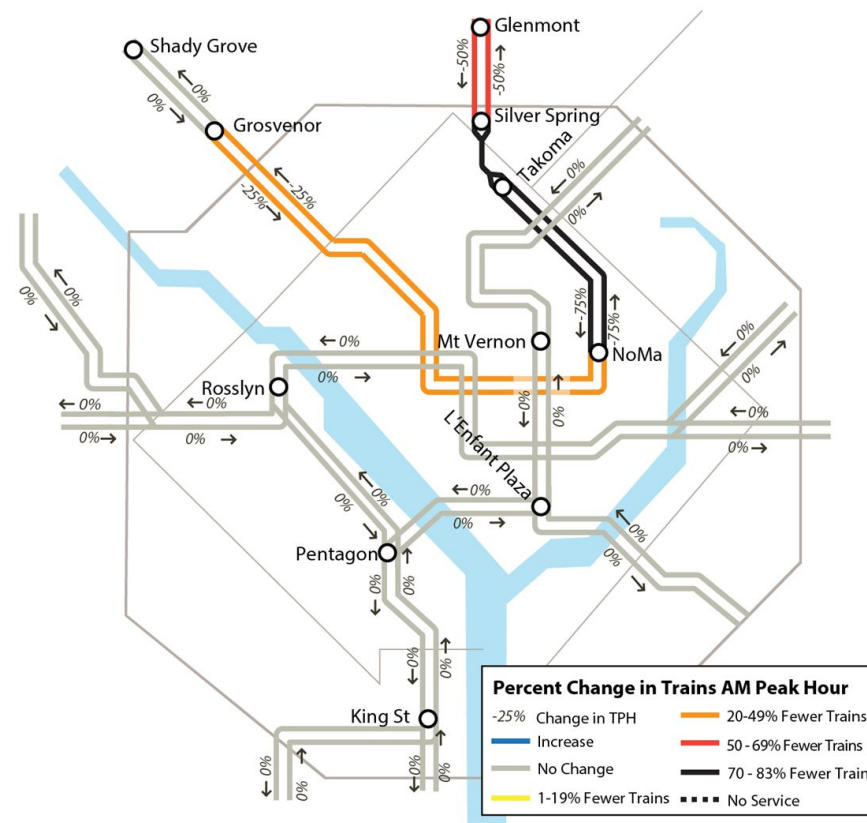
## 6 August 1 - 7 (7 days)



### Continuous single tracking between Takoma & Silver Spring

#### REDUCED SERVICE AT MOST STATIONS

- Major impact to **94,000** weekday trips
- All Red Line customers should consider alternate travel options & avoid traveling during rush-hour periods if possible
- Red Line trains between Shady Grove to NoMa **every 6 minutes**
- Red Line trains between Glenmont to Grosvenor **every 12 minutes**
- Additional bus trips on regular route services: S9, 79, 80, 60/62
- Customers traveling between Fort Totten and Downtown DC should use Green Line instead



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

12

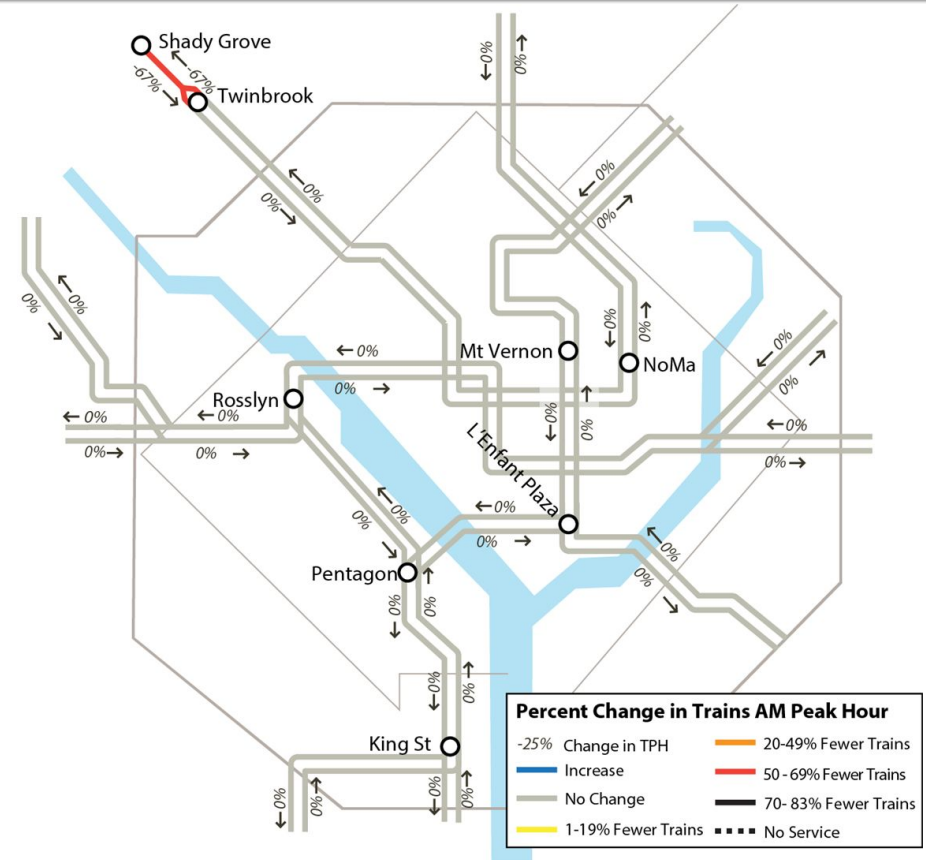
## 7 August 9 - 18 (10 days)



### Continuous single tracking between Shady Grove & Twinbrook

#### REDUCED SERVICE AT SHADY GROVE & ROCKVILLE STATIONS ONLY

- Major impact to **32,200** weekday trips
- Trains serve Shady Grove & Rockville **every 18 minutes** (regularly every 6 minutes during rush hour)
- All other Red Line stations will have near-normal service
- Customers encouraged to avoid Shady Grove and Rockville if possible; use Twinbrook, White Flint or Grosvenor instead
- Buses on standby in the event of a service disruption in the single track zone



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.



8

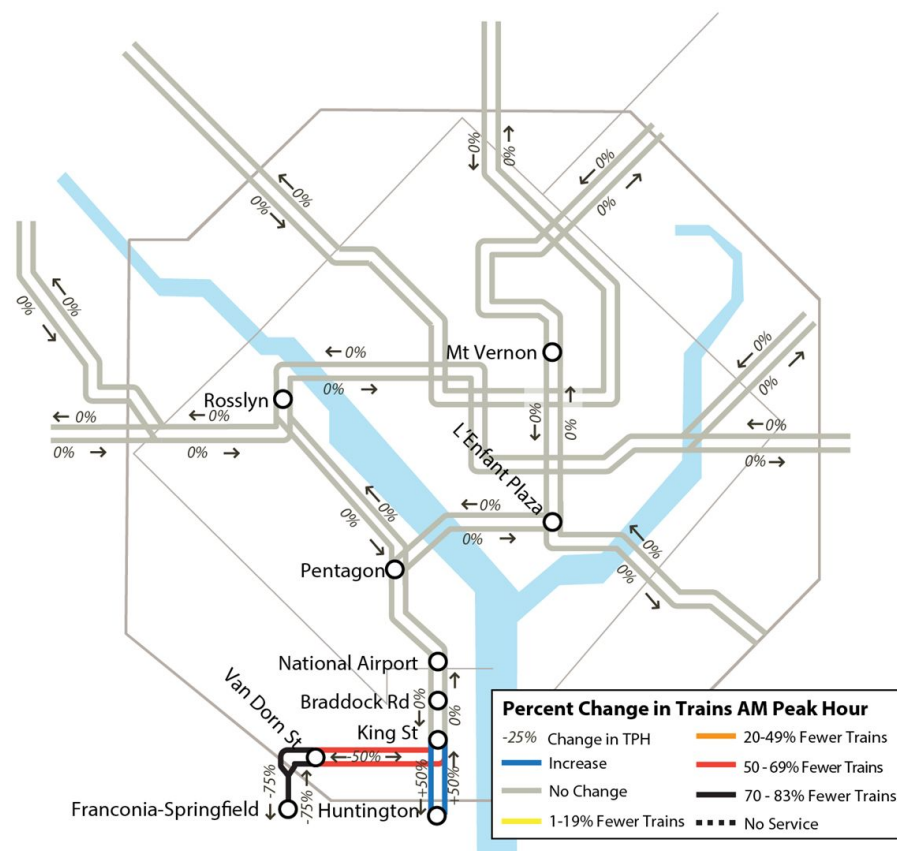
August 20 - September 5 (17 days)



## Continuous single tracking between Franconia-Springfield & Van Dorn St

### REDUCED SERVICE AT FRANCONIA-SPRINGFIELD & VAN DORN ST ONLY

- Major impact to **18,000** weekday trips
- Blue Line trains from Franconia **every 24 minutes**
- Blue Line trains from Van Dorn Street **every 12 minutes**
- All other Blue Line stations will have near-normal service
- No Rush+ Yellow Line
- Some trains will run to/from Huntington instead
- Riders who use Franconia-Springfield or Van Dorn St stations should consider alternates, especially during rush hour; expect significant crowding on trains from Franconia
- Express bus shuttles will be available during rush hour between Franconia-Springfield and Pentagon via 395HOV



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

14

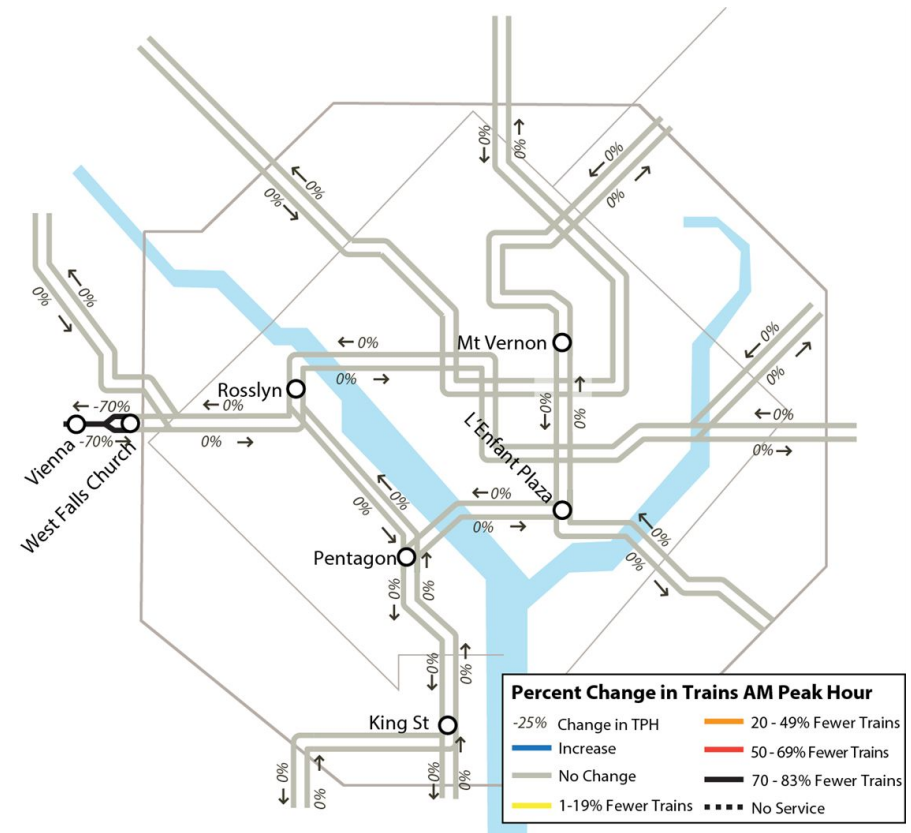
## 9 September 9 - October 20 (42 days)



### Continuous single tracking between Vienna & West Falls Church

#### REDUCED SERVICE AT VIENNA & DUNN LORING STATIONS ONLY

- Major impact to **30,000** weekday trips
- At Vienna & Dunn Loring, Orange Line trains **every 18 minutes** (regularly every 6 minutes during rush hour)
- Normal service levels at other Orange Line stations
- Expect trains to/from Vienna to be extremely crowded
- Customers who normally use Vienna or Dunn Loring should consider alternate boarding locations or use other travel options



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

15

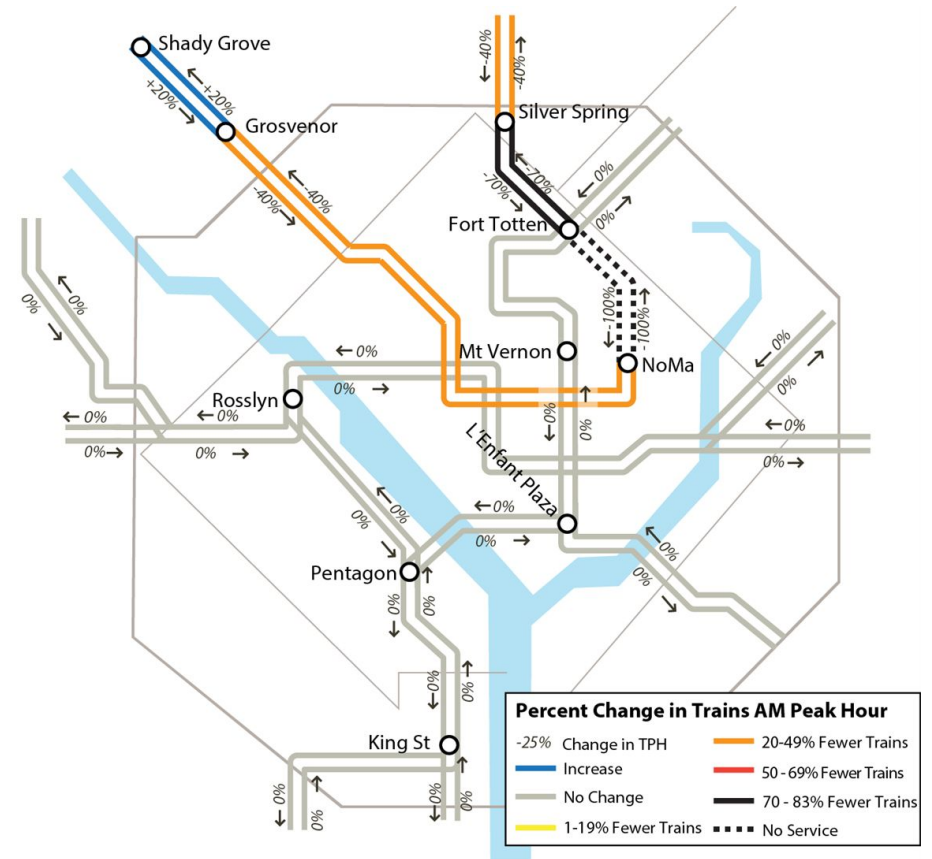
**10** October 10 - November 1 (23 days)



## Line segment shutdown between NoMa & Fort Totten

### REDUCED SERVICE AT MOST **RD** STATIONS

- Major impact to **108,000** weekday trips
- Red Line trains will run in two segments:
  - Shady Grove - NoMa **every 5 minutes**
  - Glenmont - Fort Totten **every 10 minutes**
- **Two stations closed: Brookland-CUA & Rhode Island Ave**
- Less frequent Red Line service; expect crowding on all trains
- Green Line provides alternate path for thru travel between Fort Totten and Gallery Place
- Red Line customers should consider alternate travel options & avoid traveling during rush-hour periods if possible; expect trains to be extremely crowded



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

16

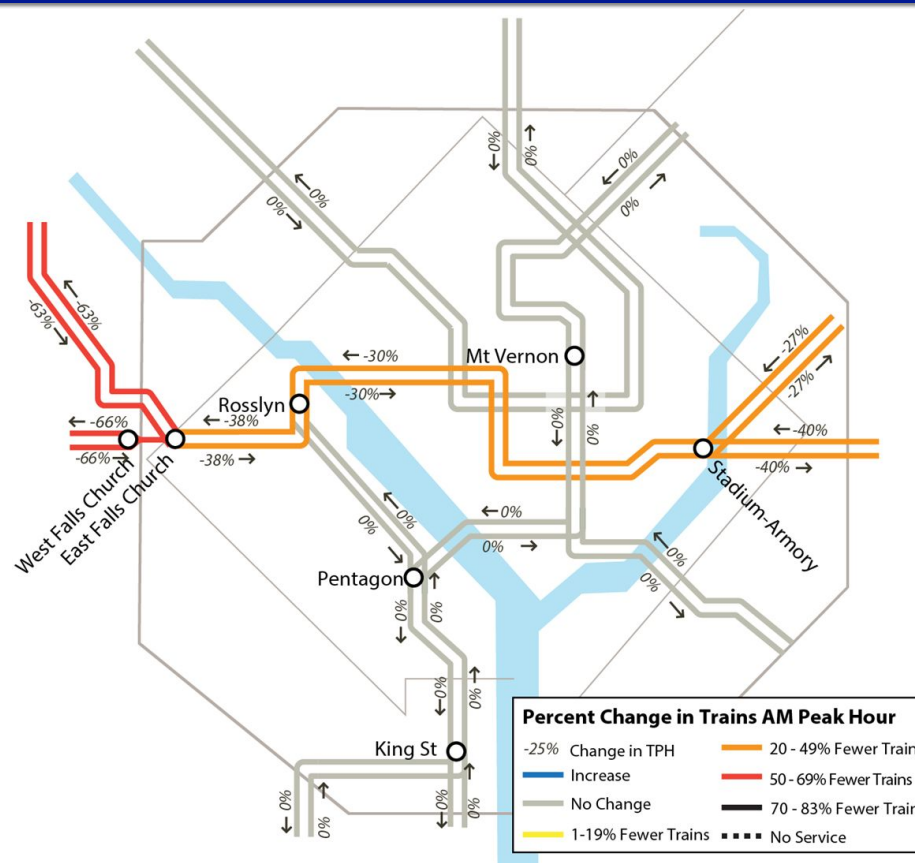
**11 November 3 - 11** (9 days)  
STARTS 10PM NOVEMBER 2



## Continuous single tracking between West Falls Church & East Falls Church

### REDUCED SERVICE AT ALL OR SV STATIONS

- Major impact to **65,000** weekday trips
- Orange Line trains run **every 16 minutes** between Vienna & New Carrollton
- Additional Orange Line trains run East Falls Church - New Carrollton
- Silver Line trains run **every 16 minutes**
- Expect crowding on Orange/Silver line trains
- Orange/Silver customers should consider alternate travel options & travel outside of rush-hour periods if possible



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

17

**12** November 12 - December 6 (25 days)

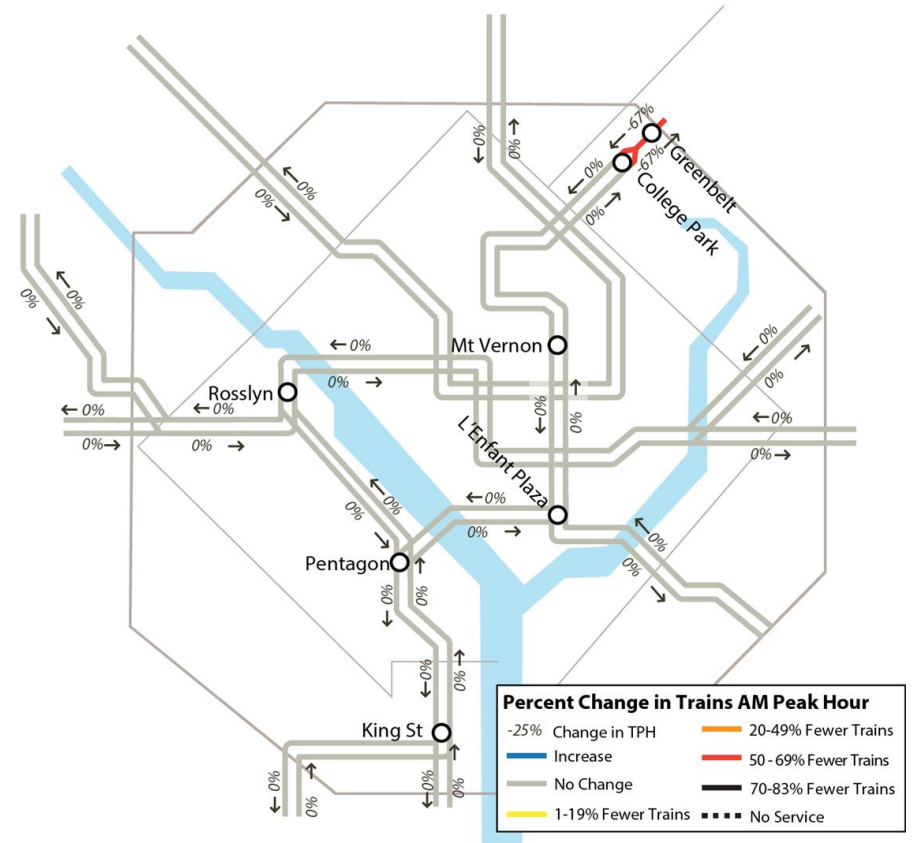


## Continuous single tracking between Greenbelt & College Park

NOTE: On weekends, single tracking will be extended between Prince George's Plaza and Greenbelt

### REDUCED SERVICE AT GREENBELT STATION ONLY

- Major impact to **12,400** weekday trips
- Green Line trains to/from Greenbelt will run **every 12 minutes** during rush hours (regularly every 6 minutes)
- No Rush+ Yellow Line service to/from Greenbelt
- Near-normal service levels at all other stations
- Greenbelt customers encouraged to use New Carrollton or College Park as alternates during this time
- Buses on standby in the event of a service disruption in the single track zone



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

18

**13 December 7 - 24** (18 days)  
EXCEPT MORNING OF SATURDAY, DECEMBER 17

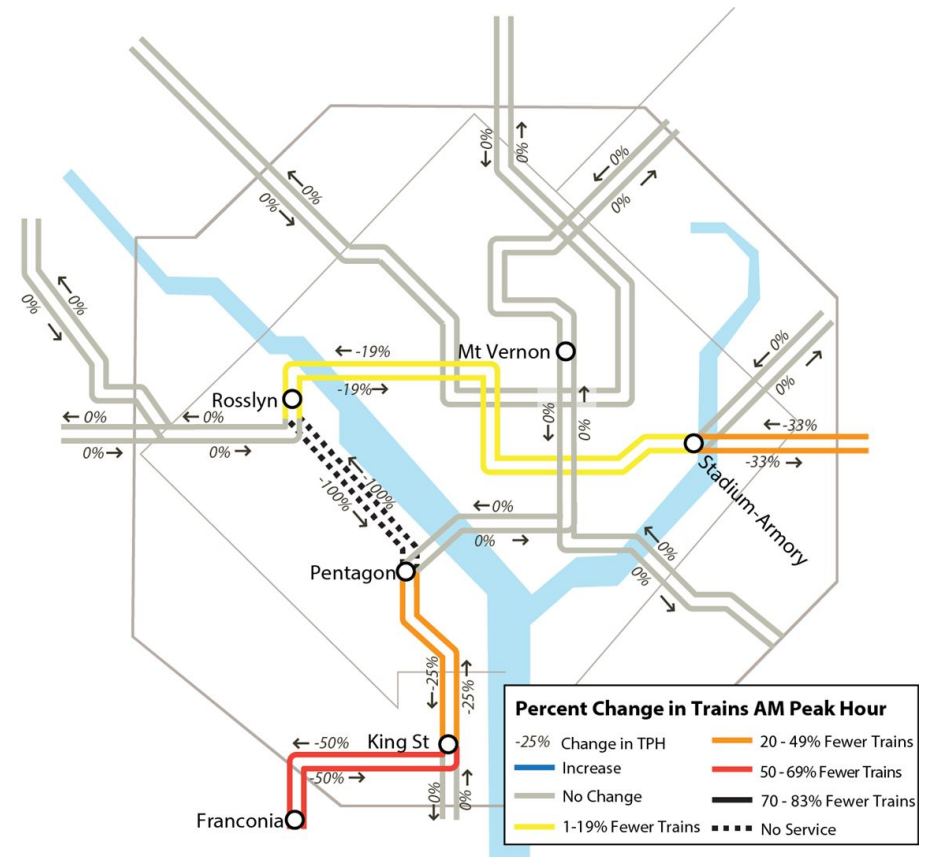


## Line segment shutdown between Pentagon & Rosslyn

### REDUCED SERVICE AT ALL STATIONS

**NOTE: Blue Line service will run on Saturday, Dec. 17 for Wreaths Across America at Arlington National Cemetery**

- Major impact to **12,000** weekday trips
- No Blue Line service running
- Yellow Line Rush+ will run all day between Franconia-Springfield & Mt Vernon Square
- **One station closed: Arlington Cemetery**
- Free shuttle buses will operate:
  - between Pentagon & Rosslyn
  - between Arlington Cemetery & Pentagon
- Expect crowding on all Yellow Line trains between DC & Virginia
- Blue Line customers should consider alternate travel options during this time



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

19



# 14 January 2 - 13 & January 23 - February 3 (24 days)

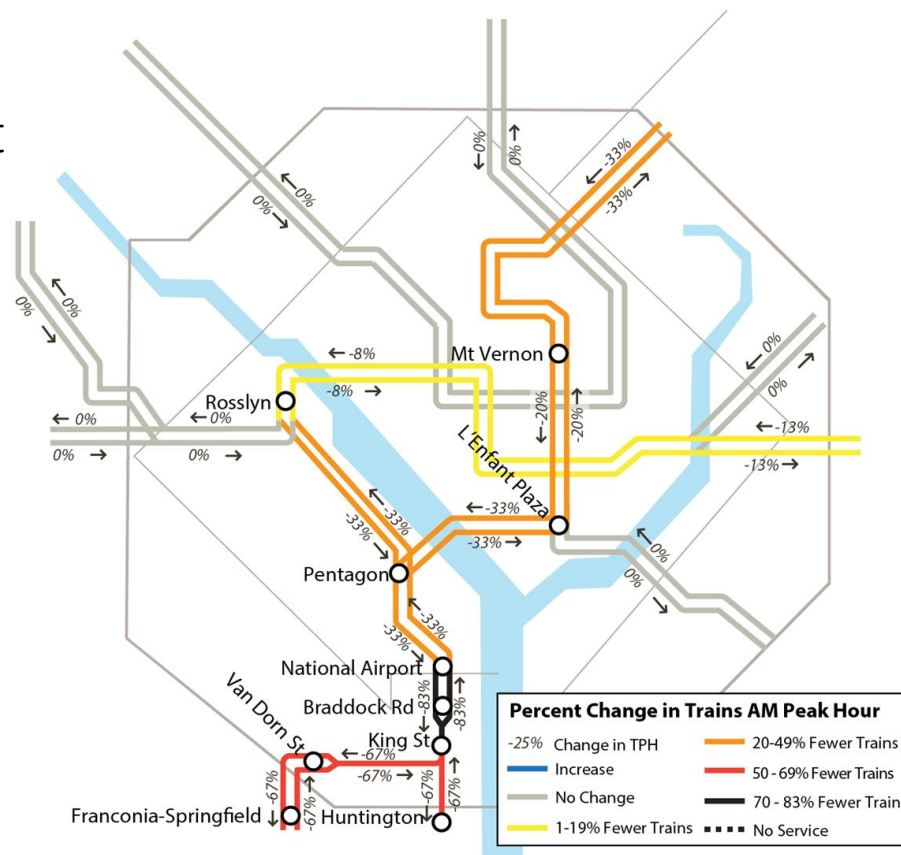
STARTS 10PM JANUARY 22



## Continuous single tracking between Braddock Rd & Huntington/Van Dorn Street

### REDUCED SERVICE AT ALL YL BL STATIONS NORMAL SERVICE JAN. 14-22 FOR INAUGURATION

- Major impact to **50,000** weekday trips
- Blue Line runs **every 18 minutes** between Franconia & Largo
- Shuttle train runs Huntington - King Street only
- Yellow Line **every 6 minutes** between Reagan National Airport & Mt Vernon Square only
- Major reduction in service at all Blue/Yellow stations south of Reagan National Airport; except severe crowding on trains
- All Blue/Yellow customers should consider alternate travel options & travel outside of rush-hour periods if possible; expect significant crowding on all Blue/Yellow trains



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

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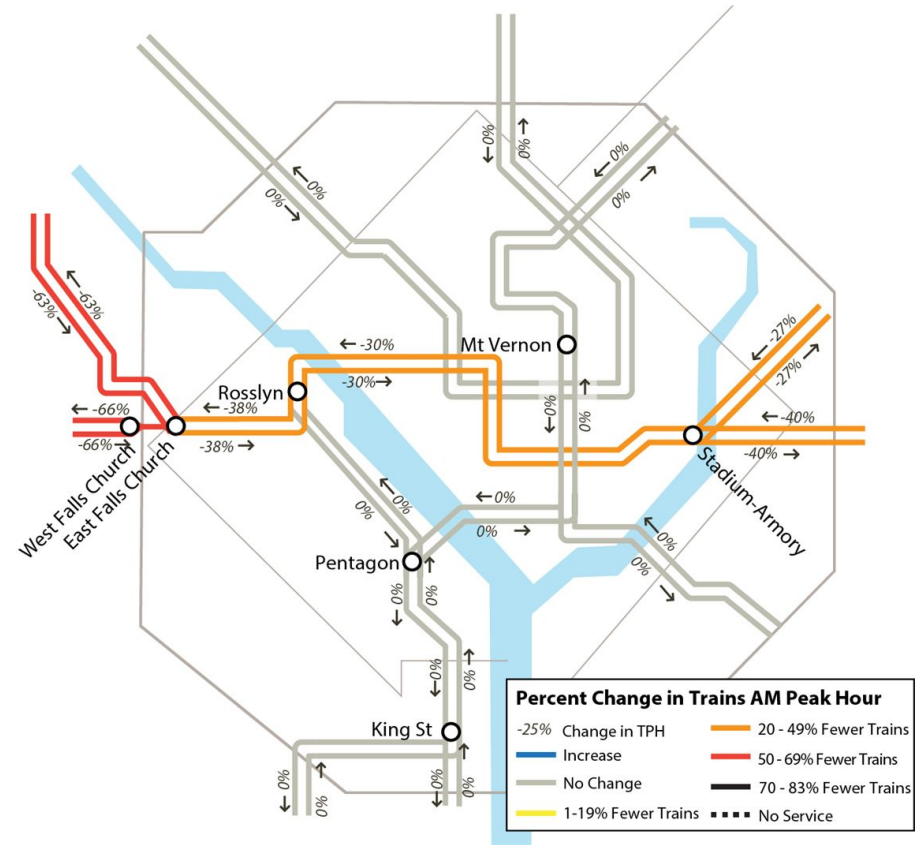
**15** March 6 - 19 (14 days)



## Continuous single tracking between West Falls Church & East Falls Church

### REDUCED SERVICE AT ALL OR SV STATIONS

- Major impact to **65,000** weekday trips
- Orange Line trains **every 16 minutes** Vienna-New Carrollton
- Additional Orange Line trains East Falls Church-New Carrollton
- Silver Line **every 16 minutes**
- Expect significant crowding on Orange/Silver line trains
- Orange/Silver customers should consider alternate travel options & avoid traveling during rush-hour periods if possible
- Orange/Silver customers in Virginia may consider using East Falls Church or Ballston for more frequent service



NOTE: INFORMATION SUBJECT TO CHANGE. VISIT [WMATA.COM/SAFETRACK](http://WMATA.COM/SAFETRACK) FOR UPDATES.

21



Board Agenda Item  
June 7, 2016

10:10 a.m.

Matters Presented by Board Members

11:00 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
  - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
  - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
- 
- 1. *Adrianne Hall v. Fairfax County, Virginia*, Case No. 1:16cv6 (GB/TCB) (E.D. Va.)
  - 2. *In Re: Decision of September 17, 2014, of the Board of Zoning Appeals of Fairfax County, Virginia, Jonathan Clark, and Carolyn Clark v. Fairfax County Board of Supervisors, Leslie B. Johnson, Zoning Administrator, and Jeffrey L. Blackford, Director, DCC*, CL-2014-0013587 (Fx. Co. Cir. Ct.) (Mason District)
  - 3. *Jonathan Clark and Carolyn Clark v. Commonwealth of Virginia State Building Code Technical Review Board and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia*, Case No. CL-2015-0014214 (Fx. Co. Cir. Ct.) (Mason District)
  - 4. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Richard C. Arnold*, Case No. CL-2014-0015452 (Fx. Co. Cir. Ct.) (Braddock District)
  - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
  - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2008-0010681 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  - 7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard Chiu*, Case No. CL-2013-0007284 (Fx. Co. Cir. Ct.) (Mason District)
  - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Randal S. Cordes*, Case No. CL-2013-0000441 (Fx. Co. Cir. Ct.) (Dranesville District)

9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus Livia Castillo Ullauri and Neri K. Solis*, Case No. CL-2008-0011678 (Fx. Co. Cir. Ct.) (Providence District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer L. Audibert and Joseph G. Henry*, Case No. CL-2016-0006163 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Raul Rojas, Luis Sanchez, and Marcelino G. Loayza*, Case No. CL-2016-0006521 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan Carlos Aranibar Chinchilla and Rossemary Jeanneth Arnez Villarroel*, Case No. CL-2016-0006961 (Fx. Co. Cir. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Renee C. Beerman, Patrick M. Beerman, and BK Tech Contractor, LLC*, Case No. GV16-003603 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Delfin Farfan and Maria I. Farfan*, Case No. GV16-005155 (Fx. Co. Gen. Dist. Ct.) (Providence District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Marcelo J. Via*, Case No. GV16-004669 (Fx. Co. Gen. Dist.) (Providence District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ara Kim*, Case No. GV16-007976 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jolanta U. Coleman, Trustee of the Jolanta U. Coleman Trust Agreement*, Case No. GV16-014952 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Philip J. Smith*, Case No. GV16-004923 (Fx. Co. Gen. Dist. Ct.) (Providence District)
19. *State Farm Mutual Automobile Insurance Company as subrogee of Elizabeth Scott v. Alberto Hernan Reyes Perez and Gary Moore, Jr.*, Case No. GV16-007894 (Fx. Co. Gen. Dist. Ct.)

20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John M. Mitchell and Sandra Dawn Mitchell*, Case Nos. GV16-007972, GV16-007973, GV16-007974, and GV16-007975 (Fx. Co. Gen. Dis. Ct.) (Sully District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James E. Lucas and Mary A. Lucas*, Case Nos. GV16-007970 and GV16-007971 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sherman E. Phillip*, Case No. GV16-008690 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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Board Agenda Item  
June 7, 2016

3:00 p.m.

Public Hearing on PCA 89-D-007 (Fairfax County School Board) to Amend the Proffers for RZ 89-D-007 Previously Approved for a Public School to Permit an Increase in GFA to Permit Site Modifications and Building Additions with an Overall Floor Area Ratio of 0.24, Located on Approximately 40.67 Acres of Land Zoned R-3 (Dranesville District)

This property is located on the North side of Bennett Street and East side of Dranesville Road. Tax Map 10-2 ((1)) 6A.

On May 17, 2016, the Board of Supervisors deferred this public hearing to June 7, 2016 at 3:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 13, 2016, the Planning Commission voted 11-0 (Commissioner Keys-Gamarra was not present for the votes) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 89-D-007, subject to the execution of proffers consistent with those dated April 7, 2016;
- Approval of a modification of the transitional screening requirements along all property boundaries in favor of that shown on the Generalized Development Plan (GDP); and
- Approval of a modification of the barrier requirements along the northern, eastern, and western boundaries in favor of the fencing shown on the GDP and a waiver of the barrier requirement along the southern boundary.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

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

Board Agenda Item  
June 7, 2016

3:30 p.m.

Public Hearing on PRCA 77-C-076 (Akridge and RTC Partnership LLC) to Amend the PRC Plan Associated with RZ 77-C-076 to Permit Modifications to a Mixed-Use Office Building, Located on Approximately 2.36 Acres of Land Zoned PRC (Hunter Mill District)

This property is located on the West side of Reston Parkway and North side of Bowman Towne Drive. Tax Map 17-1 ((1)) 2C.

PLANNING COMMISSION RECOMMENDATION:

On May 18, 2016, the Planning Commission voted 11-0 (Commissioner Flanagan was absent from the meeting) to recommend to the Board of Supervisors approval of PRCA 77-C-076, subject to the Development Conditions consistent with those dated May 4, 2016.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

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

Board Agenda Item  
June 7, 2016

3:30 p.m.

Public Hearing on PCA 2002-HM-043-02 / CDPA 2002-HM-043 (Arrow Brooke Centre LLC) to Amend the Proffers and Conceptual Development Plan for a Portion of RZ 2002-HM-043 Previously Approved for Mixed-Use Development to Permit Modifications to Proffers and Site Design, with an Overall Floor Area Ratio (FAR) of 1.58 Excluding Bonus Density Associated with ADU/WDU, Located on Approximately 33.92 Acres of Land Zoned PDC Comprehensive Plan Recommended Mixed-Use (Dranesville District)

This property is located on the West side of Centreville Road South of Dulles Toll Road and North of Sunrise Valley Drive. Tax Maps 16-3 ((1)) 39 A1, 39 A2, and 39 B3.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 25, 2016, the Planning Commission voted 11-0 (Commissioner Flanagan was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2002-HM-043-02, subject to the execution of proffers consistent with those dated May 23, 2016;
- Approval of CDPA 2002-HM-043;
- Approval of a modification of Section 2-414 of the Zoning Ordinance (ZO) requiring a minimum 200-foot setback from the Dulles Airport Access and Toll Roads (DAAR) for residential buildings to a minimum of 75 feet, as shown on the CDPA;
- Approval of a modification of the Use Limitations on Corner Lots in Section 2-505 of the ZO to permit structures, plantings and other objects within the corner lot triangle as shown on the CDPA and FDPA and as proffered;
- Approval of a modification of Section 2-506 of the ZO to allow a parapet wall, cornice or similar projection to exceed the established height limit by more than three (3) feet as shown on the CDPA;
- Approval of a modification of Section 6-206 of the ZO to allow the maximum residential gross floor area (secondary use) permitted in the PDC District of 50 percent of principal uses to increase to 65 percent of the development in accordance with the uses shown on the CDPA and the Proffers;

Board Agenda Item  
June 7, 2016

- Approval of a modification of Paragraph 2 of Section 6-207 of the ZO requiring a minimum of 200 square foot privacy yard for each single-family attached dwelling in favor of the rooftop terraces and open space areas shown on the CDPA and FDPA;
- Approval of a modification of Section 6-208 of the ZO to allow the maximum permitted floor area in the PDC District to increase from 1.5 FAR to approximately 1.58 FAR (excluding floor area for ADU/WDUs) for the application area shown on the CDPA;
- Approval of a modification of the requirement that no loading space be located within 40 feet of the nearest intersection of the edges of the travel way or the curbs of any two streets to that shown on the CDPA;
- Approval of a modification Section 11-102 Paragraph 10 of the ZO to permit driveway parking in front of garage parking (i.e, tandem parking) for multifamily 2-over-2 stacked units as shown on the CDPA and FDPA;
- Approval of a modification of the loading requirement in favor of the loading spaces depicted on the CDPA and FDPA;
- Approval of a modification of the private street limitations in Section 11-302 of the ZO;
- Approval of a modification of Section 13-202 of the ZO to allow a trellis or vegetated arbor to satisfy the interior parking lot landscaping requirements for above-ground parking structures as shown on the CDPA;
- Approval of a modification of the transitional screening and barrier requirements between uses within the Property and to uses adjacent to the north in favor of the streetscape and landscaping shown on the CDPA and FDPA;
- Approval of a modification of PFM Standards 12-0510 4E(5) and 12-0601.1B to permit a reduction of the minimum planting width requirement from eight feet to four feet as shown on the CDPA and FDPA and described in the proffers; and
- Approval of a modification of PFM Standards 12-0511 to permit a the overall 10 year tree canopy for the property to be calculated based on the gross floor area of the original rezoning application consisting of 53.84 acres.



Board Agenda Item  
June 7, 2016

In a related action the Planning Commission voted 11-0 (Commissioner Flanagan was absent from the meeting) to approve FDPA 2002-HM-043-03, subject to the Development Conditions dated May 4, 2016, and to the Board's approval of the concurrent PCA application.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Billy O'Donnell, Planner, DPZ

Board Agenda Item  
June 7, 2016

3:30 p.m.

Public Hearing on PCA 84-L-020-25/ CDPA 84-L-020-06 (Kingstown M&N LP and Kingstowne Towne Center LP) to Amend the Proffers and Conceptual Development Plan for RZ 84-L-020 Previously Approved for Mixed-Use Development to Permit Residential Mixed-Use and Associated Modifications to Proffers and Site Design at a Density of 18.5 Dwelling Units Per Acre, Located on Approximately 5.46 Acres of Land Zoned PDC NR Comprehensive Plan Recommended Mixed-Use (Lee District)

This property is located South and East of Kingstowne Village Parkway North of Kingstowne Boulevard and West of South Van Dorn Street. Tax Map 91-2 ((1)) 36B and 36G (part).

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 20, 2016, the Planning Commission voted 11-0 (Commissioner Flanagan was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 84-L-020-25, subject to the execution of proffers consistent with those dated April 19, 2016;
- Approval of CDPA 84-L-020-06, subject to the approval of PCA 87-L-020-25;
- Approval of a modification to permit more than 50 percent of the gross floor area devoted to dwellings as a secondary use;
- Reaffirmation of a modification of the transitional screening requirements along the northern property boundary line to that shown on the CDPA/FDPA; and
- Reaffirmation of a waiver of the barrier requirements along the northern property line.

In a related action, the Planning Commission voted 11-0 (Commissioner Flanagan was absent from the meeting) to approve FDPA 84-L-020-02-14, subject to the concurrent approval PCA 87-L-020-25.

Board Agenda Item  
June 7, 2016

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

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

Board Agenda Item  
June 7, 2016

3:30 p.m.

Public Hearing on PCA 87-P-109 (David Peete Jr and Karen Peete) to Amend the Proffers for RZ 87-P-109 Previously Approved for Residential Development to Permit Modifications to Proffers and Site Design, Located on Approximately 30,146 Square Feet of Land Zoned R-2 and 12,746 Square Feet of Land Zoned R-4 Comprehensive Plan Recommended Residential (Providence District)

This property located on the North side of Oakton Station Court approximately 250 feet from its intersection with Palmer Street. Tax Maps 47-2 ((6)) 3(part) and 4(part) and 47-2 ((39)) 4A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 20, 2016, the Planning Commission voted 11-0 (Commissioner Flanagan was absent from the meeting) to recommend to the Board of Supervisors approval of PCA-87-P-109, subject to the execution of proffers consistent with those dated April 20, 2016.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

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

**To be deferred to  
July 12, 2016 at 3:30 p.m.**

Board Agenda Item  
June 7, 2016

3:30 p.m.

Public Hearing on SE 2015-MV-035 (Starbucks Coffee Company) to Permit Fast Food Restaurant with Drive-Thru in a Highway Corridor Overlay District, Located on Approximately 36,590 Square Feet of Land Zoned C-6, CRD, and HC (Mount Vernon District)

This property is located at 7511 Richmond Highway, Alexandria 22306. Tax Map 93-3 ((2)) (1) 8A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on June 30, 2016. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

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

Board Agenda Item  
June 7, 2016

4:00 p.m.

Public Hearing to Make Editorial Amendments to Section 82-5-37(4) and to Consider Parking Restrictions on Vogue Road (Springfield District)

ISSUE:

Public hearing to consider a proposed editorial amendment clarifying *the Code of the County of Fairfax* (Fairfax County Code) Section 82-5-37(4) and a proposed amendment to Appendix R of the Fairfax County Code to establish parking restrictions on Vogue Road in the Springfield District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an editorial amendment clarifying Fairfax County Code Section 82-5-37(4) (Attachment I) and a proposed amendment to Appendix R, of the Fairfax County Code, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on the east side of Vogue Road along commercially zoned areas, seven days per week (Attachment II).

TIMING:

The public hearing was authorized on May 17, 2016, for June 7, 2016, at 4:00 p.m.

BACKGROUND:

A resident contacted the Springfield District office seeking assistance to restrict commercial vehicles, recreational vehicles and all trailers from parking on the Fairfax Station Square side of Vogue Road. This portion of roadway is located directly across the street from residentially zoned parcels. Staff at the Springfield District office subsequently contacted the property manager of the commercial center, and his written statement indicates that he is not opposed to the restriction.

In 2010, the Board of Supervisors approved the Springfield Large Area Community Parking District (CPD). As a result, recreational vehicles and all trailers are prohibited from parking in areas zoned residential throughout the district. In keeping with the residential character that exists on the remaining portion of Vogue Road, staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the commercially zoned area on the east side of Vogue Road, seven days per week.

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Fairfax County Code Section 82-5-37(4) currently authorizes the Board of Supervisors to designate restricted parking “[i]n the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community.”

This amendment will clarify the requirements of Section 82-5-37(4) and replace the language "which is zoned for a use other than residential" with ", a restriction on the nonresidential side of the street." This amendment also will clarify that a parking restriction may be placed on the nonresidential side of a street that serves as a boundary between a residentially zoned area and a nonresidentially zoned area.

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Section 82-5-37(4)  
Attachment II: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)  
Attachment III: Area Map of Proposed Parking Restriction

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Neil Freschman, Chief, Traffic Engineering Section, FCDOT  
Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

SECTION 82-5-37(4)

Amend *The Code of the County of Fairfax, Virginia*, with the following alterations to Section 82-5-37(4):

- (4) In the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street ~~which is zoned for a use other than residential~~, a restriction on the nonresidential side of the street would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community; or



PROPOSED CODE AMENDMENT

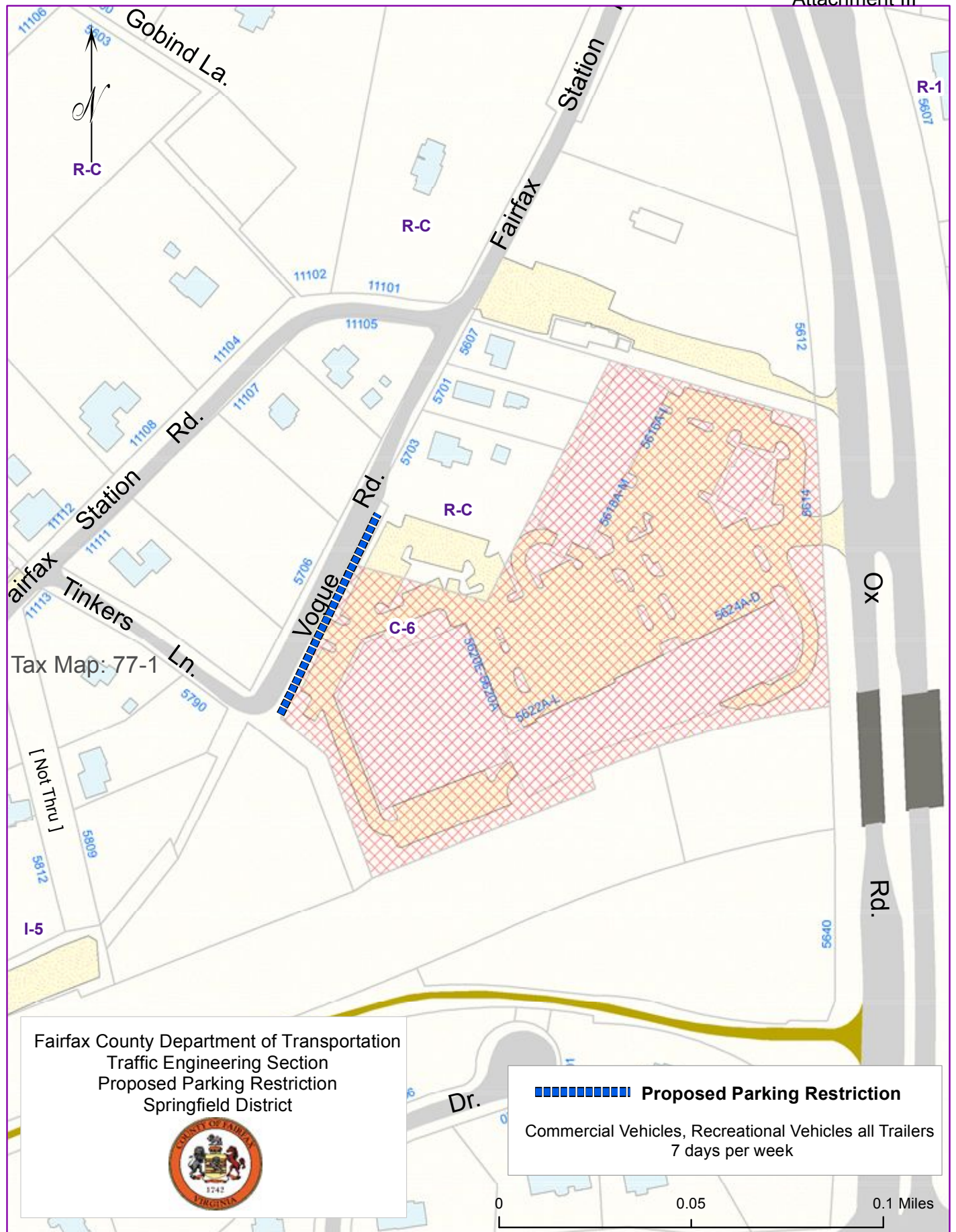
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Vogue Road (Route 762).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on the east side of Vogue Road along commercially zoned areas, seven days per week.



Board Agenda Item  
June 7, 2016

4:00 p.m.

Public Hearing to Consider Removing Parking Restrictions on Dorr Avenue (Providence District)

ISSUE:

Proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to remove parking restrictions on Dorr Avenue in the Providence District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R of the Fairfax County Code to remove parking restrictions that designated no parking, except government vehicles, on a portion of Dorr Avenue.

TIMING:

The public hearing was authorized on May 17, 2016, for June 7, 2016, at 4:00 p.m.

BACKGROUND:

In 2011, a request was forwarded from the Fairfax County Police Department on behalf of U.S. Immigration and Customs Enforcement, to restrict parking on a portion of the north end of Dorr Avenue.

On July 31, 2012, the Board, pursuant to Fairfax County Code Section 82-5-37 (Designation of Restricted Parking), amended Appendix R. The Dorr Avenue parking restriction was included in Appendix R at that time.

During a sign inventory last year, staff found that the previously restricted area had been redeveloped resulting in a shifting of a portion of the roadway. The Virginia Department of Transportation has designated the section that remained, no parking, seven days per week.

FISCAL IMPACT:

There is no cost for sign removal.

Board Agenda Item  
June 7, 2016

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Previous Parking Restriction

STAFF:

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

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

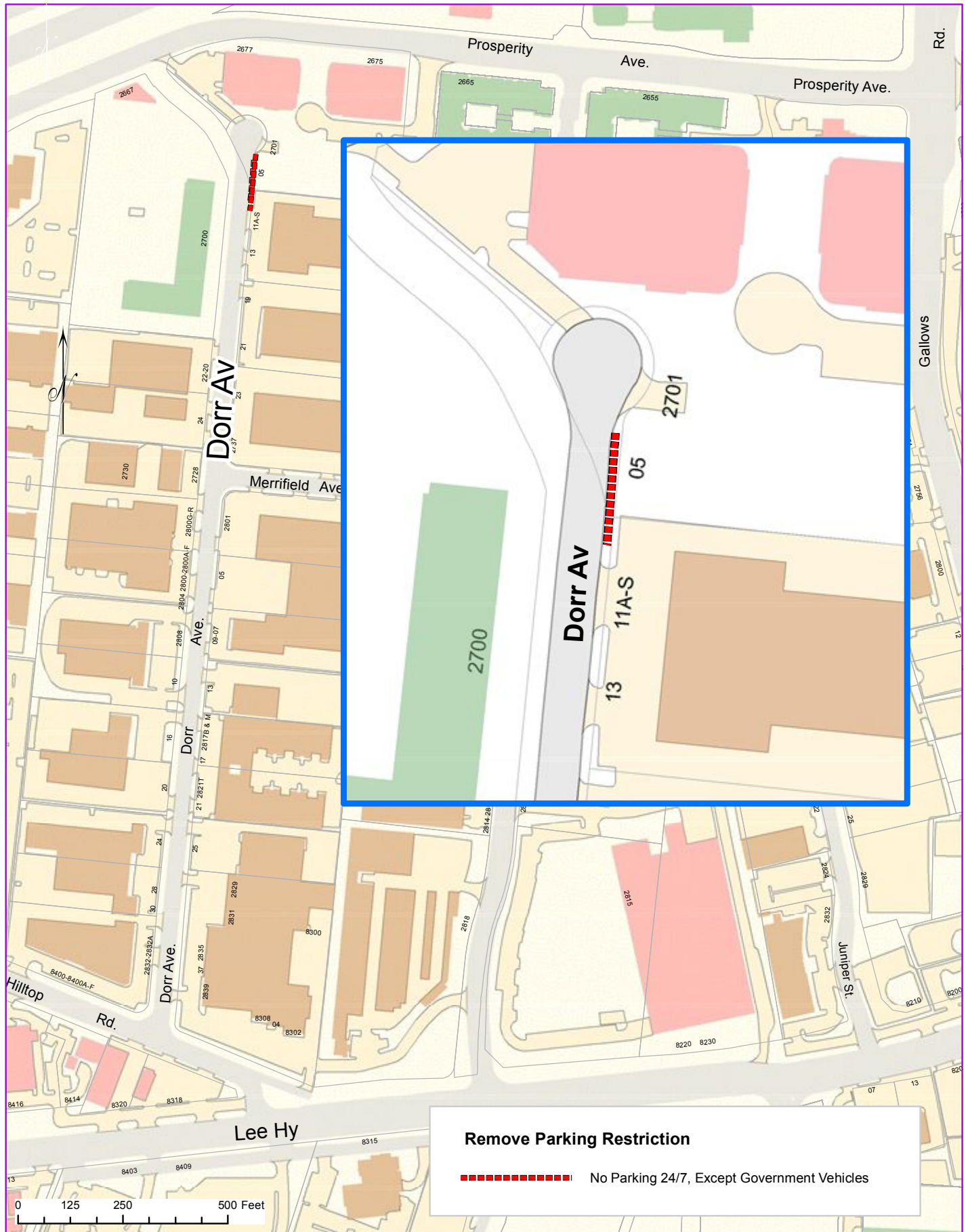
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by removing the following from Appendix R, in accordance with Section 82-5-37:

~~*Dorr Avenue (Route 4605) beginning 40 feet south of the southern boundary of 2705  
Dorr Avenue for a distance of 120 feet.*~~

~~No parking except government vehicles along Dorrr Avenue beginning 40 feet south  
of the southern boundary of 2705 Dorrr Avenue and continuing north for a distance  
of approximately 120 feet, seven days per week.~~



October 18, 2011

Board Agenda Item  
June 7, 2016

4:00 p.m.

Public Hearing to Consider Parking Restrictions on Park Center Road (Sully District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Park Center Road in the Sully District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R, of the Fairfax County Code, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on Park Center Road from 6:00 p.m. to 9:00 a.m., seven days per week.

TIMING:

The public hearing was authorized on May 17, 2016, for June 7, 2016, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

Several property management companies contacted the Sully District office and this office seeking assistance to restrict long term parking of large out of the area vehicles on Park Center Road. Staff subsequently contacted tenants along the street and additional property management companies, and the consensus was to restrict parking. Staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of Park Center Road from 6:00 p.m. to 9:00 a.m., seven days per week.

Staff has reviewed this area on several occasions over a period of time in excess of 30 days and verified that long term parking of large commercial vehicles, recreational vehicles, and trailers is occurring.



Board Agenda Item  
June 7, 2016

FISCAL IMPACT:

The cost of sign installation is estimated at \$800 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

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

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT



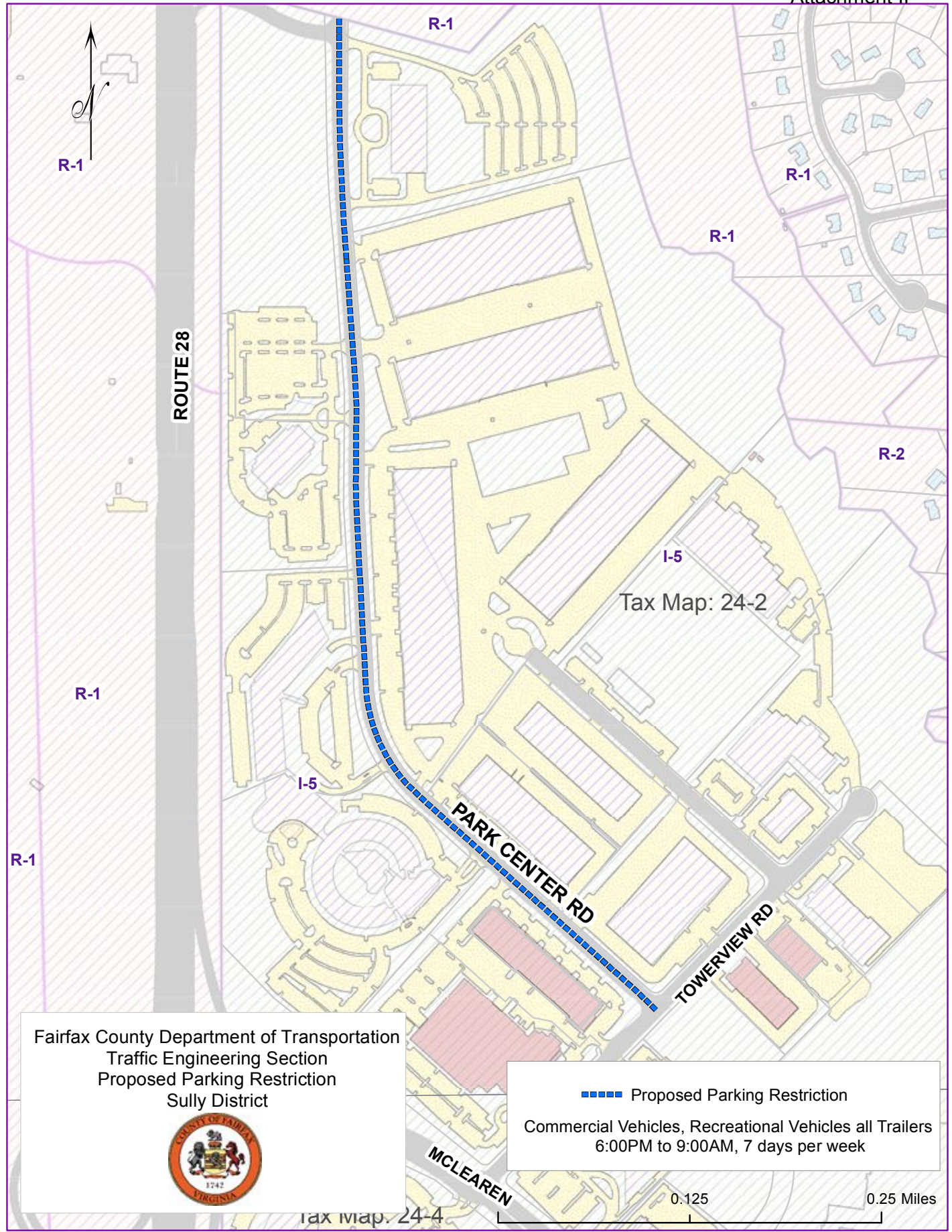
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Park Center Road (Route 3865).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on Park Center Road from Towerview Road to the cul-de-sac inclusive from 6:00 p.m. to 9:00 a.m., seven days per week.



Fairfax County Department of Transportation  
Traffic Engineering Section  
Proposed Parking Restriction  
Sully District



Proposed Parking Restriction  
Commercial Vehicles, Recreational Vehicles all Trailers  
6:00PM to 9:00AM, 7 days per week

0.125

0.25 Miles

Board Agenda Item  
June 7, 2016

4:30 p.m.

Public Hearing to Consider Parking Restrictions on Ladson Lane (Lee District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Ladson Lane in the Lee District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R, of the Fairfax County Code, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on Ladson Lane, seven days per week.

TIMING:

The public hearing was authorized on May 17, 2016, for June 7, 2016, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(4) authorizes the Board of Supervisors to designate restricted parking in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community.

The president of the Avery Park community contacted the Lee District office seeking assistance to restrict commercial vehicles, recreational vehicles and all trailers from parking on the east side of Ladson Lane directly across from their residential community. Following this inquiry, the Audubon residential community, as well as the Costco Wholesale business, were contacted and neither were opposed to the requested restriction.

In 2009, the Board of Supervisors approved the Lee Large Area Community Parking District (CPD). As a result, recreational vehicles and all trailers are prohibited from

Board Agenda Item  
June 7, 2016

parking in areas zoned residential throughout the district. In keeping with the residential character that is present on the residential portion of Ladson Lane, staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the east side of Ladson Lane along the commercially zoned area that is directly across from residentially zoned areas, seven days per week.

FISCAL IMPACT:

The cost of sign installation is estimated at \$200 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Neil Freschman, Chief, Traffic Engineering Section, FCDOT  
Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Ladson Lane (Route 921).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on the east side of Ladson Lane along commercially zoned areas that are directly across from residentially zoned areas, seven days per week.





Board Agenda Item  
June 7, 2016

4:30 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Summerfield Road  
(Providence District)

ISSUE:

Public hearing for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Summerfield Road between Lee Highway and Arlington Boulevard.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution endorsing this road to be included in the RTAP for a through truck traffic restriction.

TIMING:

On May 17, 2016, the Board authorized advertisement of a public hearing scheduled for June 7, 2016, 4:30 p.m.

BACKGROUND:

On February 8, 2016, Supervisor Smyth requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Summerfield Road, due to continuing safety concerns of residents regarding through trucks utilizing this road as a shortcut between Lee Highway and Arlington Boulevard. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Lee Highway and Graham Road to Arlington Boulevard (Attachment II).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on these roads (Attachment I) has been prepared for adoption and transmittal to VDOT which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:

None.

Board Agenda Item  
June 7, 2016

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Summerfield Road

Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT



**RESOLUTION**

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
THROUGH TRUCK TRAFFIC RESTRICTION  
SUMMERFIELD ROAD  
PROVIDENCE DISTRICT**

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 Tuesday, June 7, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the residents who live along Summerfield Road have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

**WHEREAS**, a reasonable alternate route has been identified for Summerfield Road starting at Summerfield Road and Arlington Boulevard to the intersection of the Graham Road and Arlington Boulevard, and from the intersection of the Graham Road and Arlington Boulevard to the intersection of the Lee Highway and Graham Road and then on to the intersection of Summerfield Road and Lee Highway; and

**WHEREAS**, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction be enforced by the Fairfax County Police Department; and

**WHEREAS**, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Summerfield Road, between Arlington Boulevard and Lee Highway, as part of the County's Residential Traffic Administration Program (RTAP).

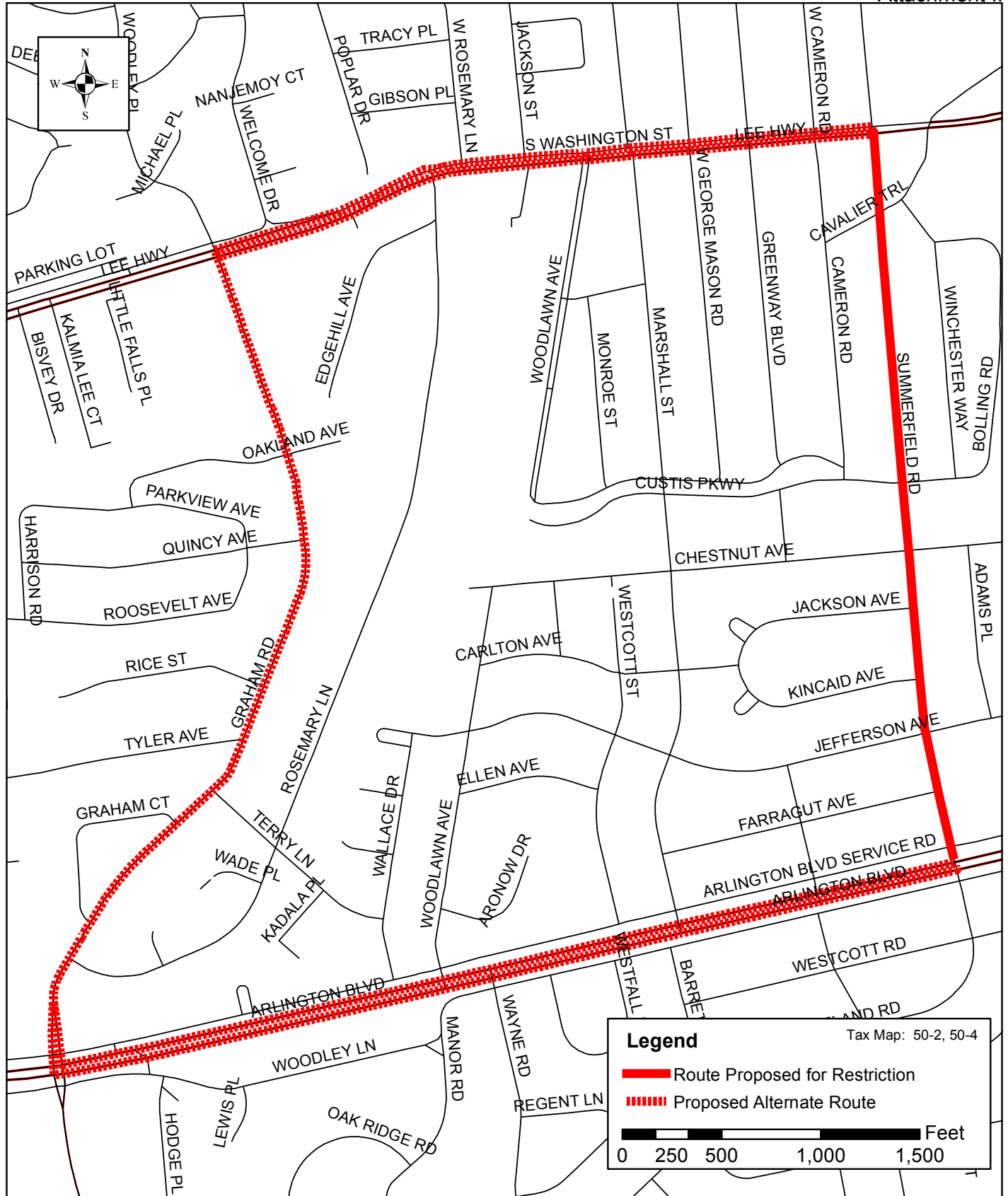
**FURTHER BE IT RESOLVED**, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

**ADOPTED** this 7th day of June, 2016.

A Copy Teste:

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Catherine A. Chianese, Clerk to  
the Board of Supervisors



**Fairfax County Department of Transportation**  
**RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)**  
**PROPOSED THROUGH TRUCK RESTRICTION**  
**SUMMERFIELD ROAD**  
**Providence District**



Board Agenda Item  
June 7, 2016

4:30 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Marshall Street  
(Providence District)

ISSUE:

Public hearing for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Marshall Street between Lee Highway and Arlington Boulevard.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution endorsing this road to be included in the RTAP for a through truck traffic restriction.

TIMING:

On May 17, 2016, the Board authorized advertisement of a public hearing scheduled for June 7, 2016, 4:30 p.m.

BACKGROUND:

On February 8, 2015, Supervisor Smyth requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Marshall Street, due to continuing safety concerns of residents regarding through trucks utilizing this road as a shortcut between Lee Highway and Arlington Boulevard.

The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Lee Highway and Graham Road to Arlington Boulevard (Attachment II).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on these roads (Attachment I) has been prepared for adoption and transmittal to VDOT which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:

None.

Board Agenda Item  
June 7, 2016

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Marshall Street  
Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

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

**RESOLUTION**

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
THROUGH TRUCK TRAFFIC RESTRICTION  
MARSHALL STREET  
PROVIDENCE DISTRICT**

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 Tuesday, June 7, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the residents who live along Marshall Street have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

**WHEREAS**, a reasonable alternate route has been identified for Marshall Street starting at Marshall Street and Arlington Boulevard to the intersection of the Graham Road and Arlington Boulevard, and from the intersection of the Graham Road and Arlington Boulevard to the intersection of the Lee Highway and Graham Road and then on to the intersection of Marshall Street and Lee Highway; and

**WHEREAS**, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction be enforced by the Fairfax County Police Department; and

**WHEREAS**, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Marshall Street, between Arlington Boulevard and Lee Highway, as part of the County's Residential Traffic Administration Program (RTAP).

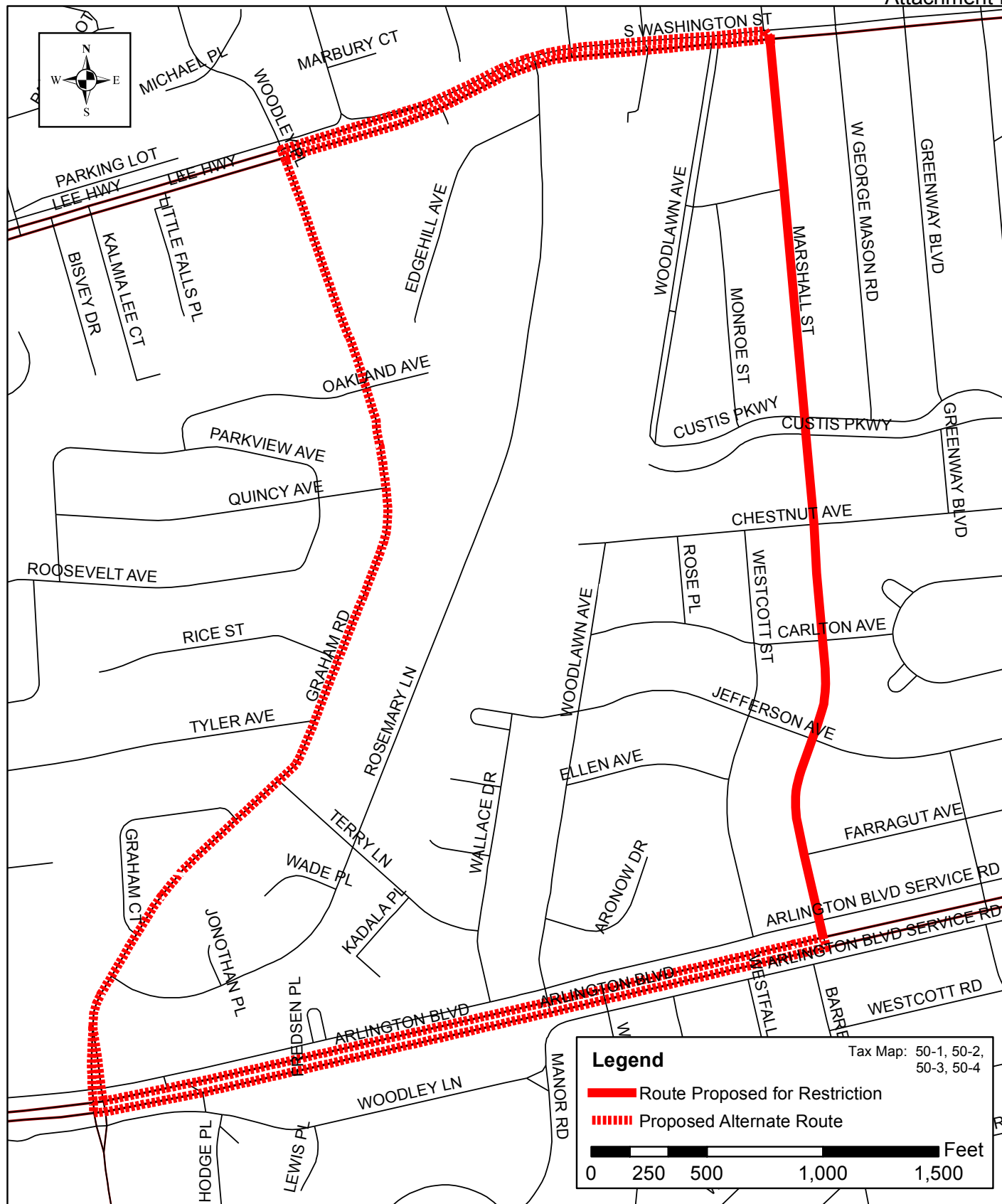
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Catherine A. Chianese , Clerk to  
the Board of Supervisors



**Fairfax County Department of Transportation**  
**RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)**  
**PROPOSED THROUGH TRUCK RESTRICTION**  
**MARSHALL STREET**  
**Providence District**

