

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
September 12, 2017**

AGENDA

9:30	Done	Presentations
10:30	Approved	Public Hearing on the County and Schools' FY 2017 Carryover Review to Amend the Appropriation Level in the FY 2018 Revised Budget Plan
10:40	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing to Reallocate Proffered Funds from Patriot Park to Patriot Park North (Springfield District)
2	Approved	Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant
3	Approved	Authorization to Release the "Fairfax County, Virginia, Analysis of Impediments to Fair Housing Choice 2016-2020" for Public Comment
4	Approved	Authorization for the Certification of Consistency with the Consolidated Plan as Required by the U.S. Department of Housing and Urban Development In Order to Apply for Continuum of Care Program Funding
5	Approved	Extension of Review Period for 2232 Applications (Providence, Mount Vernon and Hunter Mill Districts)
6	Approved	Streets into the Secondary System (Braddock, Mount Vernon, Providence, Springfield, and Sully Districts)
7	Approved	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Chain Bridge Road Walkway S – Horse Shoe Drive to Niblick Drive (Providence District)
8	Approved	Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Seminary Road (Mason District)
9	Approved	Approval of Traffic Calming Measures and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Dranesville, Lee and Mount Vernon Districts)

**FAIRFAX COUNTY
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September 12, 2017**

ACTION ITEMS

- | | | |
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| 1 | Deferred to
9/26/17 | Approval of License Agreement with the Gum Springs Historical Society for the Use of Space within Gum Springs Community Center (Mount Vernon District) |
| 2 | Approved | Presentation of the Delinquent Tax List for Tax Year 2016 (FY 2017) |
| 3 | Approved | Approval of a Parking Reduction for JLB Trinity Centre (Sully District) |
| 4 | Approved | Approval of Project Agreements Between the Department of Rail and Public Transportation (DRPT) and Fairfax County to Provide Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds for Operation of Five Connector Stores |
| 5 | Approved | Approval of a Grant Agreement Between the Virginia Department of Environmental Quality and Fairfax County for the Colvin Run Phase I at Lake Fairfax Park Stream Restoration Project (Hunter Mill District) |
| 6 | Approved | Approval of a Grant Agreement Between the Virginia Department of Environmental Quality and Fairfax County for the Flatlick Branch Phase II Stream Restoration Project (Sully District) |
| 7 | Approved | Endorsement of Comments on Proposed Modifications to the Commonwealth of Virginia's Smart Scale Transportation Funding Prioritization Process |
| 8 | Approved | Adoption of a Resolution Establishing Procedures for Use of the Construction Management and Design Build Methods of Construction Contracting |
| 9 | Approved | Approval of Fairfax Connector September 2017 Service Changes |

**INFORMATION
ITEMS**

- | | | |
|-------|---------------------------------|--|
| 1 | Noted | Contract Award – Interior Design Architecture/Engineering Services |
| 2 | Noted with
Amendment | County Holiday Schedule – Calendar Year 2018 |
| 10:50 | Done | Matters Presented by Board Members |
| 11:40 | Done | Closed Session |

**FAIRFAX COUNTY
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PUBLIC HEARINGS

3:30	Approved	Public Hearing on PCA 86-L-056-04 (Spa Forest, Inc) (Mason District)
3:30	Approved	Public Hearing on CDPA 82-P-069-09 (Five Oaks Properties, LLC) (Springfield District)
3:30	Public Hearing deferred to 9/26/17 at 3:30 p.m.	Public Hearing on AR 2009-SP-002 (Raymond S. Crawford III & Teresa A. Crawford) (Springfield District)
3:30	Approved	Public Hearing on SEA 2002-MA-003-02 (Trustees of Sleepy Hollow United Methodist Church/Eymy Telleria D/B/A Wecare Daycare, LLC) (Mason District)
3:30	Public Hearing deferred to 10/24/17 at 4:30 p.m.	Public Hearing on SEA 99-P-046-02 (Flint Hill School) (Providence District)
4:00	Approved	Public Hearing on SEA 2014-PR-032 (VA Electric & Power Co., D/B/A Dominion Energy Virginia) (Providence District)
4:00	Approved	Public Hearing to Consider an Editorial Amendment to the West Springfield Residential Permit Parking District, District 7 (Springfield District)
4:00	Cancelled	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Sunrise Valley Drive Walkway – River Birch Road to Legacy Circle (Dranesville District)
4:00	Approved	Public Hearing to Expand the London Towne Community Parking District (Sully District)
4:00	Approved	Public Hearing to Consider Parking Restrictions on Commercial Drive (Mason District)
4:30	Approved	Public Hearing to Consider Parking Restrictions on Government Center Parkway (Braddock District)
4:30	Approved	Public Hearing on SE 2017-DR-003 (SunTrust Bank) (Dranesville District)
4:30	Approved	Public Hearing on RZ 2016-HM-005 (1831 Michael Faraday LLC) (Hunter Mill District)
4:30	Approved	Public Hearing on PCA 91-V-003 (Sumner Crossing Homeowners Association, Inc.) (Mount Vernon District)
4:30	Public Hearing deferred to 9/26/17 at 4:00 p.m.	Public Hearing on SE 2017-LE-006 (DVA Telegraph - 7710, LLC) (Lee District)



Fairfax County, Virginia

BOARD OF SUPERVISORS

AGENDA

Tuesday
Sept. 12, 2017

9:30 a.m.

- A. Presentation of plaques of appreciation by the Office of Emergency Management to its community and business partners.

PRESENTATIONS

- PROCLAMATION – To designate October 2017 as Fairfax Pets on Wheels Month in Fairfax County. Requested by Supervisor Gross.
- CERTIFICATE – To recognize GrandInvolve for receiving the 2017 Governor's Community Organization Award. Requested by Supervisor Herrity.
- PROCLAMATION – To designate September 2017 as Hispanic Heritage Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate September 2017 as Kinship Care Month in Fairfax County. Requested by Supervisor Hudgins.
- PROCLAMATION – To designate September 17-23, 2017, as Constitution Week in Fairfax County. Requested by Supervisor Cook.
- PROCLAMATION – To designate September 2017 as Sickle Cell Awareness Month in Fairfax County. Requested by Supervisor Hudgins.
- PROCLAMATION – To designate September 2017 as Emergency Preparedness Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

Board Agenda Item
September 12, 2017

10:30 a.m.

Public Hearing on the County and Schools' FY 2017 Carryover Review to Amend the Appropriation Level in the FY 2018 Revised Budget Plan

ISSUE:

Public Hearing and Board action on the County and Schools' *FY 2017 Carryover Review*.

RECOMMENDATION:

The County Executive recommends that, after holding a public hearing, the Board approve staff recommendations including the County and Schools' *FY 2017 Carryover Review*.

TIMING:

The public hearing has been advertised for 10:30 a.m. on September 12, 2017. State law allows the Board to act on proposed amendments to the budget on the same day as the public hearing.

BACKGROUND:

On July 25, 2017, the Board of Supervisors authorized staff to advertise a public hearing scheduled to be held on September 12, 2017, regarding the County and Schools' Carryover Review. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action. Board approval of an amendment to increase the FY 2018 appropriation level can occur immediately following the public hearing.

ENCLOSED DOCUMENTS:

These attachments are available online via the following link:

<http://www.fairfaxcounty.gov/dmb/carryover/fy2017/carryover.htm>

Attachment A: Advertisement for public hearing

Attachment B: July 25, 2017 Memorandum to the Board of Supervisors from Edward L. Long Jr., County Executive, with attachments, transmitting the County's *FY 2017 Carryover Review* with appropriate resolutions

Attachment C: Fairfax County School Board's FY 2017 Final Budget Review and Appropriation Resolutions

Board Agenda Item
September 12, 2017

STAFF:

Edward L. Long Jr., County Executive

Joseph M. Mondoro, Chief Financial Officer

Christina Jackson, Deputy Director, Department of Management and Budget

Board Agenda Item
September 12, 2017

10:40 a.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Reallocate Proffered Funds from Patriot Park to Patriot Park North (Springfield District)

ISSUE:

Patriot Park, located at 12111 Braddock Road in the Springfield District, has received a number of proffered contributions for park development over the years (ATTACHMENT 1). Due to the uncertainty of VDOT and FCDOT transportation projects that will impact the park, the Fairfax County Park Authority requests the authorization of a public hearing under Va. Code § 15.2-2303.2(C) in order to reallocate proffered contributions made to Patriot Park for alternative improvements at nearby Patriot Park North, located at the corner of Braddock and Willow Springs Roads.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize a public hearing to reallocate proffered contributions to Patriot Park North.

TIMING:

A public hearing is to be held on December 5, 2017, at 4:00 p.m. in order to allow adequate time for legal notification and to allow the reallocated funds to be accessible for use in calendar year 2018.

BACKGROUND:

A total amount of \$1,346,459.52 in proffered contributions from eight separate rezoning cases is available to be transferred (ATTACHMENT 1). Virginia Code § 15.2-2303.2(C) allows a locality to use any cash payments proffered for capital improvements for alternative improvements of the same category within the locality in the vicinity of the improvements for which the cash payments were originally made. Before using the cash payments for the alternate improvements, thirty days' written notice of the proposed alternative improvements must be given to the entities that made the cash payment and the Board must conduct a public hearing on the proposal.

Following the public hearing, the Board can use the cash payments for alternative improvements if it finds: (a) the improvements for which the cash payments were proffered cannot occur in a timely manner or the functional purpose for which the cash payments were made no longer exists; (b) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; and (c) the alternative improvements are in the public interest.

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FISCAL IMPACT:

Should the Board of Supervisors not approve the authorization request, the funds proffered to Patriot Park will remain unavailable to be used for other improvements at nearby Patriot Park North and will remain unutilized until VDOT and FCDOT transportation improvements, including road alignments that will impact Patriot Park, are finalized.

ENCLOSED DOCUMENTS:

Attachment 1- Spreadsheet including zoning case numbers and proffered contributions

STAFF:

Robert A. Stalzer, Deputy County Executive
Kirk W. Kincannon, Director, Fairfax County Park Authority
Fred Selden, Director, Department of Planning and Zoning

ASSIGNED COUNSEL:

M. Christopher Sigler, Assistant County Attorney

ATTACHMENT 1

RZ CASE NUMBER	SUBDIVISION	PROFFER AMOUNT REC'D TO DATE	AMOUNT SPENT TO DATE	AMOUNT AVAILABLE TO TRANSFER
PCA 86-W-001-10	EAST MARKET AT FAIR LAKES	\$262,631.00	\$178,694.00	\$83,937.00
PCA 86-W-001-10	EAST MARKET @ FAIR LAKES PH 4	\$75,600.00	\$71,109.68	\$4,490.32
PCA 84-P-101-03	CAMDEN MONUMENT	\$200,891.20	\$0.00	\$200,891.20
RZ 2004-SP-001	CARDINAL ESTATES	\$3,275.00	\$0.00	\$3,275.00
PCA 84-P-007-03	CENTERPOINTE 3	\$115,020.00	\$0.00	\$115,020.00
FDPA 82-P-069-05-2 (RZ 82-P-069)	RCV/FAIR LAKES LANDBAY 6E	\$6,500.00	\$0.00	\$6,500.00
RZ 2005-SP-019	RIDGEWOOD RESIDENTIAL PHASE 1	\$193,304.00	\$0.00	\$193,304.00
RZ 2005-SP-019	RIDGEWOOD RESIDENTIAL	\$126,442.00	\$0.00	\$126,442.00
RZ 2001-SP-041	FAIR CHASE SEC 3	\$540,000.00	\$0.00	\$540,000.00
PCA 82-P-069-14	FAIR LAKES LANDBAY V- B RESIDENTIAL	\$72,600.00	\$0.00	\$72,600.00
		\$1,596,263.20	\$249,803.68	\$1,346,459.52

**Total Available Funds to be
Transferred**

\$1,346,459.52

ADMINISTRATIVE – 2

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

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant in the amount of \$126,799. Grant funding will be used to purchase 46 Forward Infrared Scout TK Compact Thermal Night Vision Monocular Devices for patrol operations and one FARO Focus 3D Laser Scanner X130 Mapping System to digitally record evidence at crime scenes. The grant period for this award is October 1, 2017 to September 30, 2020. No Local Cash Match is required. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Police Department to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant in the amount of \$126,799. Funding will be used to purchase 46 Forward Infrared Scout TK Compact Thermal Night Vision Monocular Devices for patrol operations and one FARO Focus 3D Laser Scanner Mapping System to digitally record evidence at crime scenes. No new positions will be created with this grant and no Local Cash Match is required.

TIMING:

Board action is requested on September 12, 2017. Due to an application deadline of September 5, 2017, 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:

The U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant provides awards of federal funding to support a range of local

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program areas, including law enforcement equipment, technology improvements, and crime prevention programs. This grant will support officer safety improvements and operational equipment upgrades. Funding in the amount of \$126,799 will support the purchase of 46 Forward Infrared Scout TK Compact Thermal Night Vision Monocular Devices to enhance the FCPD's patrol officers' ability to locate critical missing adults, children and suspects, and to locate physical evidence during the nighttime and in inclement weather. Additionally, funding will support the purchase of one FARO Focus 3D Laser Scanner Mapping System for the Crime Scene Section to digitally record evidence at crime scenes.

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

FISCAL IMPACT:

Grant funding in the amount of \$126,799 is being requested to purchase 46 Forward Infrared LS-X Compact Thermal Night Vision Monocular Devices for patrol operations and one FARO Focus 3D Scanner Mapping System to digitally record evidence at crimes scenes. No Local Cash Match is required. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created by this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Application

STAFF:

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

Department of Criminal Justice Services – Justice Assistance Grant Narrative
 Byrne Memorial Justice Assistance Grant Program: Local Solicitation 2017

Program Narrative

I) FARO S350 Laser Scanner Mapping System \$100,000.00

A.) Statement of the Problem

The Fairfax County Police Department (FCPD) is in the Washington, DC metropolitan area also known as the National Capitol Region. The Department is comprised of 1417 sworn police officers and 321 civilian staff and is the largest law enforcement agency in the Commonwealth of Virginia. The Department serves a culturally diverse residential and business population with a residential population of more than 1.2 million persons. The crime rate and calls for service have risen over the past decade. The Crime Scene Section of the FCPD handles all requests for support from several investigative entities of the Major Crimes Bureau, to include Homicide, Robbery, Sex Crimes, Narcotics and Auto Theft Units. This section also assists the Internal Affairs Bureau when requested. The Fairfax County Crime Scene Section consists of nine sworn full-time detectives, two supervisors and 2 civilian photographers.

Overall crime for IBR Reportable Offenses in Fairfax County have increased 2.03% from CY2015 to CY2016. It is worth noting that drug offenses rose by more than 1,000 in 2016 compared to 2015. Regarding homicides, there were six more murders last year compared with 2015.

As the population of the County has increased over the past decade, calls for service have also increased. Below are some statistics indicating the rise in calls for the Crime Scene Section.

2004

9 Crime Scene Detectives / Daily Cases **153** / Call outs for all the detectives combined **130**.

2005

8 Crime Scene Detectives / Daily Cases **192** / Call outs for all the detectives combined **132**.

2006

9 Crime Scene Detectives / Daily Cases **317** / Call outs for all the detectives combined **131**.

2016

9 Crime Scene Detectives / Total Cases - **504** / Call outs for all the detectives combined **302**.

As the County has grown and the call volume increased, the manpower of the Crime Scene Section has remained the same over the past decade, creating a heavier workload for each of the nine detectives. Additionally, technology in the forensic science field has come a long way in the same time frame. Our detectives now utilize the latest forensic science techniques that have evolved over the years. We have recently acquired a portable coherent laser and a

Department of Criminal Justice Services – Justice Assistance Grant Narrative

Byrne Memorial Justice Assistance Grant Program: Local Solicitation 2017

portable Full Spectrum Imaging system that we utilize in the field. The utilization of this technology has greatly increased our chances of locating and recovering valuable evidence at crime scenes that would have not been possible in the past. With this technology comes one major drawback, added time needed to process scenes. With advancements in technology we are now spending, on average, between 1-3 days to process major scenes. Processing a crime scene such as taking pictures, measurements, notes, etc. can be a laborious and pain-staking process. The time it takes to process crime scenes creates a significant “backup” within the Crime Scene Section and within other entities of the Department. The Patrol Division provides scene security and often utilizes several officers for this task. Most of the time, patrol officers are brought in on overtime to cover these events so as not to disrupt the minimum staffing levels needed on the street. Additionally, detectives from the Crime Scene Section are called to “cover” or “stand by” for any calls that come in while working these major cases. More time spent on the scene results in incurring overtime costs and less time being available to handle the other calls that come in. The added scene time contributes to employee fatigue, decrease in efficiency and the possibility of workplace injury. Anything that can make the job faster, while at the same time improving accuracy, attention to detail, and preserving the scene for later review or presentation to a jury, is a welcome addition to any police department.

At a typical crime scene, investigators must decide which parts of the scene are relevant to their case, what to photograph, and what to measure, and what to collect based on their experience, scene conditions, and their technical ability. This typically involves using traditional tools such as tape measures, measuring wheels, and still and video cameras. Investigators capture the locations of walls, doors, furniture, and many kinds of objects related to the crime. Laser scanners can measure and photograph virtually everything at a scene in a fraction of the time required by traditional methods. The data collected by laser scanning solutions such as the FARO S350 are much more accurate and provide a comprehensive virtual model of the crime scene compared to the data collected by traditional methods.

B.) Program Design and Implementation

The main goal of purchasing the FARO S350 Laser Scanner (3D laser) will be to improve accuracy of recording details while reducing the time needed to document a crime scene. This will save precious man hours, and reduce backlogs, added overtime costs and fatigue of crime scene personnel.

One of the greatest benefits of the 3D laser is it reduces the amount of time it takes for investigators to fully clear a crime scene while still capturing an abundance of data. What would take two detectives several hours with baseline measurements and photography can now be done by one detective in minutes. The 3D laser can capture data much more precisely than can an investigator working by hand. There is no doubt that crime scene detectives would see a drop-in time needed to process a forensic scene.

Department of Criminal Justice Services – Justice Assistance Grant Narrative

Byrne Memorial Justice Assistance Grant Program: Local Solicitation 2017

For investigators and departments, this means less field hours or, potentially, more crime scenes being processed. It also means fewer people need to be sent to process each scene, which has the potential to greatly increase the efficiency of crime scene processing department-wide and helps keep agencies on budget.

The evidence collected at the scene using the 3D laser is preserved digitally, meaning investigators can use the stored crime scene data to continue their investigations. For investigators operating without the aid of laser scanners, any measurements not taken at the scene can be lost forever. By using the digitally preserved crime scene, investigators can go back virtually and get the measurements they need. 3D laser provides solid scientific data and measurement that is more reliable because it does not have the same level of manual work (and thus possible human error) that traditional methods do.

Laser scanners offer the most current way of collecting, storing, and presenting crime scene data that improves upon the abilities currently used by most departments across the country. From more accurate measurements to more effective trial testimony, 3D lasers are becoming an indispensable part of the investigation toolkit. Different from the high-resolution cameras, laser scanners produce several measurement points, called a point cloud, that create the 3D reconstruction of a crime scene. This point cloud data, when interpreted by the software, produces very accurate reconstructions of the crime scene with precise measurement data.

Laser scanners scan and measure everything at a crime scene, not just what investigators think is important at the time. Crime scene technicians set up the scanner and activate the unit which captures everything so that if a witness comes forward a month later and a critical measurement is needed, one has the necessary data.

The beauty of the 3D lasers is that it does nearly everything the traditional, generic tools do as well as the outdated Total Stations to combined by using one device. It measures and captures critical evidence, creates videos, and using post-processing software, and allows one to place your scans into the computer and reconstruct the environment in a 3D perspective, simulation or even high-end animation.

The speed of capturing the data, ability to capture large scan areas, resolution of details, accuracy and sheer reduction in workflow and manpower provide its return on the investment. With the advancements in software, they will allow crime scenes to be recreated in such a manner that it will virtually put the viewer at the scene. Additionally, advances in processing and application-based software will allow police and investigators a means to do very specific analysis that would traditionally be painstakingly difficult.

C.) Capabilities/Competencies

With the addition of the grant funded FARO 3d Laser Scanner Mapping System, the FCPD Crime Scene Section will be able to process forensic scenes in a more accurate, efficient and speedy manner, freeing up manpower to handle other cases that backup during these high priority events. Because of the reduced time needed to process scenes, overtime costs will

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come down as well as reduce fatigue on our personnel, thus creating a high degree of efficiency documenting major crime scenes.

The FCPD has shown over many years its ability to manage federal and state grants in a competent and professional manner. There have been numerous audits and reviews over the years without any major issues occurring. The grant section of the FCPD is made up of veteran grant experienced employees whose sole responsibility is to manage all departmental grants. This allows for a 100% of their time being focused on timely reporting, oversight of funding, awareness of rules and regulations and the ability to communicate with grant SAA because of their familiarity with each other.

Lieutenant Richard Buisch is the supervisor of the Crime Scene Section and has been a supervisor both as a sergeant and a 2nd Lieutenant for more than three years in the section. He has experience with writing and assisting with the management of grant funded items. Currently, the FCPD has 22 active Federal, State and local grants with an award amount of approximately \$12 million dollars. FCPD has shown the ability to responsibly manage very large grants as well as small awards with honesty, integrity and financial awareness and correctness. We have a policy of only applying for grant funding if the money is relevant and necessary because of the need to improve our law enforcement functions and the inability to purchase the items because of budget cuts and other funding restrictions.

D) Impact/Outcomes and Evaluation/Plan for collecting data for Performance Measures.

After acceptance of the grant award, assigned departmental staff will utilize accepted procedures to establish a grant funded appropriation in the county financial system. Staff will establish appropriate purchase orders/contracts for acquisition of the 3D laser. Approved items will be acquired, and appropriate use of the equipment will be implemented immediately. The addition of the 3D laser will reduce our processing times significantly and we will track how much time was saved through quarterly reviews. This will allow supervisors to deploy less assets devoted to one case and free up police personnel to handle other cases that would normally require additional time and personnel to handle.

An evaluation as to the impact of the newly acquired equipment will be conducted on a quarterly basis by the grant manager. This will help us determine if our time and number of police personnel at scenes is reduced. The Crime Scene Section currently requires all detectives to submit to the section supervisors, productivity statistics on a weekly basis. These statistics track a broad spectrum of activities by crime scene detectives to include hours spent processing crime scenes and total cases handled by each detective. We will closely monitor the statistics prior to the implementation of the newly acquired 3D laser and compare these statistics to ones created with the use of the 3D laser.

II) Forward Looking Infrared Scout TK Compact Thermal Night Vision Monoculars
\$26,799

A) Statement of the Problem

The Fairfax County Police Department (FCPD) requests grant funding in the amount of \$26,799 to purchase 46 (\$582.58 each) Forward Infrared Devices Scout TK Compact Thermal Night Vision Monocular Devices (Scout TK) for patrol operations. Grant funding will be used to purchase the devices for Fairfax County police officers to utilize during nighttime and inclement weather searches of critical missing adults, children, searches for wanted subjects, criminal surveillance, stakeouts, article searches, and to increase officer safety. These devices can detect even the slightest temperature change between the environment and an object allowing for an increased ability to locate the intended target even during daytime hours if the weather conditions are conducive to the capabilities of the Scout TK. Scout TK systems can also detect “warm” objects in all types of terrain. For example, if a warm body is lying in a wooded area, the device would be able to “see” the person whereas a human eye may not be able to locate the person.

The FCPD has eight district stations across the County. Each station has six patrol squads of 11-17 officers, a Criminal Investigations Section and a Neighborhood Patrol Unit. Each district would be assigned Scout TK units for operations. Currently, there are only three, night vision units at each station and these units are big and cumbersome. With an average district station staffing of 125 officers, three units does not cover the need. The Scout TK has applications in patrol and investigations to include conducting criminal surveillance, assisting in searches for critical missing subjects, locating objects, and offering increased officer safety as one can search an area and monitor criminal behavior from a safer distance. As an example, patrol officers and detectives are tasked with responding to crimes in progress and they often have to search for subjects who flee from crime scenes and attempt to avoid apprehension. The Scout TK would allow officers, especially at night, to locate subjects who are attempting to hide in the dark but cannot conceal their body heat. Arguably, the most important use of the devices would be locating critical missing persons in darkness or inclement weather as time is of the essence to find them unharmed. In these cases, the subject’s survivability decreases as time passes so the ability to search throughout a 24-hour cycle is imperative. During nighttime and inclement weather searches, officers have limited visibility compared to daytime searches and the Scout TK will provide a greater range of visibility as well as providing zoom capabilities during operations.

In conclusion, the Scout TK hand-held system has a variety of useful functions for patrol officers and detectives in their daily work assignments. The Scout TK is a durable device that is designed and well suited for nighttime patrol missions which are currently unavailable to officers. The devices are portable, convenient, and exponentially more effective than the

Department of Criminal Justice Services – Justice Assistance Grant Narrative

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current procedure of officers searching with flashlights. The devices are 12 ounces and seven inches in length, making them easy to carry and to operate. The ability to “see” in the dark will greatly benefit the public and increase officer safety.

B) Project Design

These devices will be used by the department’s patrol officers for numerous operations including surveillance, crime detection, searches for suspects and searches for critical missing persons where heat sources are being sought. The devices will allow officers to “see” heat sources at nighttime when searching for missing persons, suicidal citizens, wanted subjects, physical evidence, and allow for other nighttime operational capabilities that have previously been difficult to perform because of the lack of FLIR technology. The devices will also provide additional officer safety as it provides a much larger standoff distance when looking for a dangerous subject. In cases where surveillance is needed, it allows for surveillance with very limited risk of detection. Each district station will be assigned approximately six Scout TK devices to utilize on the street. They will be utilized to:

- Improve Officer Safety – Searching for wanted subjects and surveillance of crimes in progress can be dangerous. The Scout TK allows for a standoff distance and has several zoom features.
- Surveillance – Surveillance during investigations is important for not only solving crime but detecting crimes in progress. The Scout TK is a valuable tool for conducting nighttime investigations at the patrol level.
- Missing Persons - Those who are considered critically missing and endangered include lost hikers, children of varying ages, injured persons, persons with dementia, abducted individuals, aircraft crashes, all-terrain vehicle accidents, autistic persons, suicidal subjects, persons suffering from Alzheimer’s, and those inflicted with other medical and mental illnesses. These critically missing persons are often unable to find their way to safety due to their limited or altered mental state or by their diminished physical condition. Some are injured and unable to move to safety. Some will keep walking until they become trapped, often far from trails. Searches conducted at nighttime makes it hard to find a person who is trapped or has fallen and is partially concealed behind vegetation. The Scout TK devices will allow the searchers to see parts of the missing person that are partially covered by vegetation and would otherwise not be seen by the naked eye. Additionally, the atmospheric temperature may cause heat or cold injuries. Weather conditions increase the chances of injury and possible fatal circumstances. These devices will allow for 24-hour search operations and the ability to save the life of an endangered missing person.
- Article Searches – During criminal investigations, many suspects will throw away potential evidence to avoid detection. This can include handguns, knives, clothing, carrying cases or other objects. The Scout TK can detect objects that have a degree of warmth to them and allow for them being “seen” by the devices when it would otherwise not be visible.

C) Capabilities/Competencies

With the addition of the grant funded Scout TK devices, they will be used during nighttime and inclement weather searches of critical missing adults, children, searches for wanted subjects, criminal surveillance, stakeouts, article searches, and to increase officer safety. These devices can detect even the slightest temperature change between the environment and an object allowing for an increased ability to locate the intended target even during daytime hours if the weather conditions are conducive to the capabilities of the Scout TK.

The FCPD has shown over many years its ability to manage federal and state grants in a competent and professional manner. There have been numerous audits and reviews over the years without any major issues occurring. The grant section of the FCPD is made up of veteran grant experienced employees whose sole responsibility is to manage all departmental grants. This allows for a 100% of their time being focused on timely reporting, oversight of funding, awareness of rules and regulations and the ability to communicate with grant SAA because of their familiarity with each other. Captain Jeff Powell is the Commander of the Resource Management Bureau. He is a veteran commander and has years of experience working with Law Enforcement grants. He will be responsible for assigning and tracking the Scout TK devices for the department. Currently the FCPD has 20 active Federal, State and local grants with an award amount of approximately \$10 million dollars. FCPD has shown the ability to responsibly manage very large grants as well as small awards with honesty, integrity and financial awareness and correctness. We have a policy of only applying for grant funding if the money is relevant and necessary because of the need to improve our law enforcement functions and the inability to purchase the items because of budget cuts and other funding restrictions.

The FCPD patrol officers will be trained by academy staff and the vendor on the use of the FLIR equipment. Accountability for the equipment will be kept at the district station level and will include supervisory oversight since these devices will be shared amongst the squads. Each station will document the number of times the devices were utilized and the number of successful sightings related to the use of the devices. Devices will be distributed and reassigned as needed if one station or another has more mobilizations.

D) Impact/Outcomes and Evaluation/Plan for collecting data for Performance Measures

When the grant funding is awarded, the Financial Resources Division will facilitate appropriation of grant funding and procurement of the Scout TK devices, following local and federal procurement regulations. The Scout TK devices will be issued only to Fairfax County police officers assigned to the Patrol Bureau who have met training and qualification requirements. Documentation will be maintained regarding training and where the devices are deployed.

ADMINISTRATIVE - 3

Authorization to Release the “Fairfax County, Virginia, Analysis of Impediments to Fair Housing Choice 2016-2020” for Public Comment

ISSUE:

As a recipient of federal housing funds, including Community Development Block Grant (CDBG), Home Investment Partnership Grant (HOME), and Emergency Shelter Grant (ESG) funds, Fairfax County is required to prepare an Analysis of Impediments to Fair Housing (AI) every five years. The intent of the AI is to help localities identify barriers to fair housing in both the public and private sectors and develop strategies for overcoming those barriers. As part of that process, it is necessary for recipient jurisdictions to communicate the findings and proposed actions to the community and provide an opportunity for public comment.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) act to authorize public dissemination of the proposed “Fairfax County, Virginia, Analysis of Impediments to Fair Housing Choice 2016-2020” (“AI”) for public comment for a period of 30 days.

TIMING:

Action should be taken at the September 12, 2017, Board meeting to allow the County to disseminate the AI on September 13, 2017 for a thirty day period. This effort would include the following: post the AI on the County website; send the AI to all local libraries; publish ads in local and minority media outlets; provide links to relevant county agencies and commissions, boards and partnership organizations; and make available to industry stakeholders and other organizations in the community (public, private and non-profit) to circulate the AI for comment through their networks. Staff intends to bring the AI before the Board at the October 24, 2017, Board meeting and to summarize and convey any public comments received during the comment period before that Board meeting.

BACKGROUND:

Each fiscal year, the County receives federal housing funds under the Consolidated Plan from the U.S. Department of Housing and Urban Development (HUD); in federal FY17/County FY 2018, this amount was approximately \$6.95 million. As a recipient of such funding, Fairfax County is required to complete an analysis to identify impediments to fair housing choice and to develop strategies to address the impediments. HUD guidance directs that the AI provide a comprehensive review of the County's laws, regulations, administrative policies, procedures, and practices, together with an assessment of how these affect the location, availability, and accessibility of housing.

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FISCAL IMPACT:

To remain eligible for federal funds from HUD under the Consolidated Plan, Fairfax County must both complete an analysis of impediments to fair housing and take appropriate action to attempt to address the findings of such analysis. In the event additional funding is needed, agencies will submit requests as part of the normal budget process, which includes Board review and approval.

ENCLOSED DOCUMENTS:

"Fairfax County, Virginia, Analysis of Impediments to Fair Housing Choice 2016-2020"

Available online at:

<http://www.fairfaxcounty.gov/ohrep/hrd/publications/ai-2016-2020.pdf>

STAFF:

David J. Molchany, Deputy County Executive

Patricia D. Harrison, Deputy County Executive

Kenneth L. Saunders, Director, Office of Human Rights and Equity Programs (OHREP)

Thomas E. Fleetwood, Director, Department of Housing and Community Development (DHCD)

ADMINISTRATIVE – 4

Authorization for the Certification of Consistency with the Consolidated Plan as Required by the U.S. Department of Housing and Urban Development In Order to Apply for Continuum of Care Program Funding

ISSUE:

Board authorization is requested for the Certification of Consistency with the Consolidated Plan as required by U.S. Department of Housing and Urban Development (HUD) in order to apply for Continuum of Care (CoC) Program funding. The Office to Prevent and End Homelessness (OPEH) coordinates one Continuum of Care Program application on behalf of various County agencies as well as Fairfax County non-profit organizations. HUD requires that the projects included in the Continuum of Care Program application be certified as consistent with the County's Consolidated Plan. Combating homelessness for both families and individuals is a high priority in the County's Five-Year Consolidated Plan for FY 2016-2020. The plan was approved by the Board on April 28, 2015. Therefore, the projects in the Continuum of Care Program application are consistent with this priority.

Total grant funding of \$8,918,503 will be requested and will support 26 homeless assistance projects. While one Continuum of Care Program application is submitted on behalf of both County agencies and Fairfax County non-profit organizations, funding is awarded directly to the County agency or non-profit organization administering the project. The County is applying for a total of 4 projects and non-profit organizations are applying for a total of 22 projects. Anticipated grant funding awarded directly to the County is included in the Federal-State Grant Fund as part of the FY 2018 Adopted Budget Plan. Therefore, staff will process these awards administratively in accordance with Board policy. However, if the actual County grant awards received are significantly different from what is included in the FY 2018 Adopted Budget Plan, another item will be submitted to the Board requesting appropriation of grant funds.

RECOMMENDATION:

The County Executive recommends that the Board certify that all projects included in the HUD Continuum of Care Program application are consistent with the Consolidated Plan. Upon Board approval, the County Executive will sign the "Certification of Consistency with the Consolidated Plan" form which is required by HUD when submitting the Continuum of Care Program application.

TIMING:

Board approval is requested on September 12, 2017.

BACKGROUND:

The Fairfax-Falls Church community has been very successful for more than two decades in applying for and receiving HUD Continuum of Care funds. These funds have contributed to the development of a core continuum of services to enable homeless families and individuals to move toward stable housing. The housing opportunities provided under the Continuum of Care grant funds play a critical role in achieving the metrics called for in the Fairfax County Housing Blueprint, and meeting the goals of the 10-Year Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community.

There are 22 existing projects that are eligible for renewal in the 2017 Continuum of Care application. All of these projects were included in the 2016 Continuum of Care award. In addition to the existing projects, non-profit organizations are applying for 3 new housing projects. The County is also applying for a CoC planning grant. This is consistent with funding awarded in the past and, if awarded, staff will process this award administratively as per Board policy. This brings the total Continuum of Care applications to 26.

In summary, if awarded, Continuum of Care Program funding will provide the following:

- One year of continued funding of permanent supportive housing for 376 formerly homeless individuals with disabilities.
- One year of continued funding of permanent supportive housing for 27 families with a disabled head of household with minor children.
- One year of continued funding of rapid rehousing for both families and individuals, 11 households where the head of household is between the ages of 18-24 and an additional 30 households, all coming from emergency shelters, places not meant for human habitation or fleeing domestic violence.
- One year of funding for 3 new projects providing permanent supportive housing to 15 chronic homeless individuals and rapid rehousing for 22 individuals.
- One year of funding to support continued planning efforts and HUD compliance for our homeless service delivery system.

Attachment 1 summarizes the Continuum of Care Program applications, with projects

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sponsored by County agencies listed first followed by those sponsored by non-profit organizations.

FISCAL IMPACT:

Total Continuum of Care Program funding of \$8,918,503 will be requested and supports a total of 26 homeless assistance projects. Funding is awarded directly to the County agency or non-profit organization administering the project. Anticipated grant funding awarded directly to the County is included in the Federal-State Grant Fund as part of the FY 2018 Adopted Budget Plan. Therefore, staff will process these awards administratively in accordance with Board policy. However, if the actual County grant awards received are significantly different from what is included in the FY 2018 Adopted Budget Plan, another item will be submitted to the Board requesting appropriation of grant funds. The CoC match requirement of 25 percent is met utilizing in-kind resources and/or the non-profit organization provides the cash match for individual projects. No County Local Cash Match is included in Fund 50000, Federal-State Grant Fund.

POSITIONS:

There are no grant positions associated with the CoC program.

ENCLOSED DOCUMENTS:

Attachment 1 – HUD 2017 Continuum of Care Applications

Attachment 2 – Certification of Consistency with the Consolidated Plan

STAFF:

Patricia Harrison, Deputy County Executive

Dean H. Klein, Director, Office to Prevent and End Homelessness
(OPEH)

Julie Maltzman, CoC Lead Manager, OPEH

Tom Fleetwood, Director, Department of Housing and Community Development

HUD 2017 CONTINUUM OF CARE GRANT APPLICATIONS

Project Description		HUD Funding
Grants Sponsored by County Agencies		
1. DHCD/Pathway Homes, Shelter Plus Care #1 – <i>Renewal 04/18-03/19</i> – 29 leased units providing permanent supportive housing for 34 formerly homeless individuals with severe mental illness.		\$531,097
2. DHCD/Pathway Homes, Shelter Plus Care #9 – <i>Renewal 08/18-07/19</i> – 22 leased units providing permanent supportive housing for 25 formerly homeless individuals with severe mental illness		\$382,826
3. DHCD/Pathway Homes, Shelter Plus Care #10 – <i>Renewal 06/18-05/19</i> – 50 leased units providing permanent supportive housing for 59 formerly homeless individuals with severe mental illness.		\$863,287
4. Office to Prevent and End Homelessness, Planning Grant – <i>09/18-08/19</i> – One year of funding to support continued planning efforts and HUD compliance for our homeless service delivery system.		\$130,000
Grants Sponsored by Non-Profit Agencies		
5. Christian Relief Services of Virginia, 1994 CRS/Pathway Homes/PRS SHP – <i>Renewal 07/18-06/19</i> – 7 owned units providing permanent supportive housing for 17 formerly homeless individuals with severe mental illness.		\$229,041
6. Christian Relief Services of Virginia, 1995 CRS/Pathway Homes/PRS SHP – <i>Renewal 02/18-01/19</i> – 4 owned units providing permanent supportive housing for 14 formerly homeless individuals with severe mental illness.		\$307,405
7. Christian Relief Services Charities, 1991 CRS/Pathway Homes SHP – <i>Renewal 01/19-12/19</i> – 7 owned units providing permanent supportive housing for 16 formerly homeless individuals with severe mental illness.		\$146,344
8. Pathway Homes, 1991 SHP – <i>Renewal 01/19-12/19</i> – 6 owned units providing permanent supportive housing for 18 formerly homeless individuals with severe mental illness.		\$171,513
9. Pathway Homes, 2007 SHP – <i>Renewal 12/18-11/19</i> – 7 leased units providing permanent supportive housing for 7 formerly chronically homeless individuals with severe mental illness.		\$174,429
10. Pathway Homes, 2009 SHP – <i>Renewal 11/18-10/19</i> – 7 leased units providing permanent supportive housing for 7 formerly chronically homeless individuals with severe mental illness.		\$174,114
11. Pathway Homes, 2011 SHP – <i>Renewal 09/18-08/19</i> – 10 leased units and 1 leased group home providing permanent supportive housing for 25 formerly homeless or chronically homeless individuals with severe mental illness.		\$355,749
12. Pathway Homes, 2014 SHP – <i>Renewal 08/18-07/19</i> – 50 leased units providing permanent supportive housing for 55 chronically homeless individuals with severe mental illness.		\$1,280,862
13. Pathway Homes, 2015 SHP – <i>Renewal 11/18-10/19</i> – 22 leased units providing permanent supportive housing for 22 formerly chronically homeless individuals with severe mental illness.		\$544,804

Project Description	HUD Funding
14. PRS, Inc., PRS Intensive Supportive Housing – Renewal 09/18-08/19 – 1 owned group home providing permanent supportive housing for 6 formerly homeless individuals with severe mental illness.	\$171,591
15. FACETS, TRIUMPH PSH – Renewal 02/18-01/19 – 9 leased units providing permanent supportive housing for 9 formerly chronically homeless individuals.	\$173,953
16. FACETS, TRIUMPH III PSH – Renewal 09/18-08/19 – 22 leased units providing permanent supportive housing for 28 formerly chronically homeless individuals. (TRIUMPH II and TRIUMPH III were consolidated into TRIUMPH III.)	\$557,999
17. FACETS, Linda’s Gateway PSH – Renewal 10/18-09/19 – 2 leased group homes providing permanent supportive housing for 12 formerly chronically homeless individuals and 2 leased units providing permanent supportive housing to 2 chronically homeless families.	\$427,351
18. New Hope Housing, PSH Group Homes – Renewal 08/18-07/19 – 2 group homes (one leased and one owned) providing permanent supportive housing for 16 formerly chronically homeless individuals. (Max’s Place and Gartlan House were consolidated into PSH Group Homes.)	\$356,672
19. New Hope Housing, Milestones – Renewal 07/18-06/19 – 4 owned units providing permanent supportive housing for 5 formerly homeless families with a disabled head of household.	\$63,577
20. New Hope Housing, Just Home Fairfax – Renewal 11/18-10/19 – 3 leased units providing permanent supportive housing for 6 formerly chronically homeless individuals.	\$88,310
21. Second Story (formerly Alternative House), Transitioning Age Youth Rapid Rehousing – Renewal 12/18-11/19 – Rapid Rehousing (rental assistance and supportive services) for 11 households for those between the ages of 18 and 24, with and without accompanying children.	\$280,780
22. Shelter House, Rapid Rehousing Project – Renewal 10/18-09/19 – Rapid Rehousing (rental assistance and supportive services) for 30 households, both families and individuals.	\$441,002
23. Shelter House, RISE – Renewal 08/18-07/19 – 20 leased units providing permanent supportive housing for 20 formerly homeless families with a disabled head of household.	\$518,327
24. FACETS, Rapid Rehousing Project – New 10/18-9/19 – Rapid Rehousing (rental assistance and supportive services) for 22 individuals.	\$248,731
25. Pathway Homes, 2017 SHP – New 10/18-9/19 – 10 leased units providing permanent supportive housing for 11 formerly chronically homeless individuals with severe mental illness.	\$248,731
26. Pathway Homes, 1991 SHP – New 10/18-9/19 – expansion of 4 additional owned units providing permanent supportive housing for 4 formerly chronic homeless individuals with severe mental illness.	\$50,008
Total	\$8,918,503

**Certification of Consistency
with the Consolidated Plan**U.S. Department of Housing
and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.
(Type or clearly print the following information:)

Applicant Name: Fairfax County CoCProject Name: List AttachedLocation of the Project: Fairfax County, VAName of the Federal
Program to which the
applicant is applying: HUD CoC ProgramName of
Certifying Jurisdiction: Fairfax County, VirginiaCertifying Official
of the Jurisdiction
Name: Edward L. Long Jr.Title: County Executive

Signature: _____

Date: _____

**Attachment to Form HUD-2991
Certification of Consistency with the Consolidated Plan
2017 Fairfax County Continuum of Care (CoC)
Grant Process Applicant and Project Names**

FEDERAL PROGRAM: Continuum of Care Program

Applicant and Project Name:

1. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes SPC Grant #1
2. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes SPC Grant #9
3. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes SPC Grant #10
4. Fairfax County Office to Prevent and End Homelessness; Planning Grant
5. Christian Relief Services of Virginia Inc.; 1994 CRS/Pathway Homes/PRS SHP
6. Christian Relief Services of Virginia Inc.; 1995 CRS/Pathway Homes/PRS SHP
7. Christian Relief Services Charities, Inc.; 1991 CRS/Pathway Homes SHP
8. Pathway Homes, Inc.; 1991 Pathway Homes SHP
9. Pathway Homes, Inc.; 2007 Pathway Homes SHP
10. Pathway Homes, Inc.; 2009 Pathway Homes SHP
11. Pathway Homes, Inc.; 2011 Pathway Homes SHP
12. Pathway Homes, Inc.; 2014 Pathway Homes SHP
13. Pathway Homes, Inc.; 2015 Pathway Homes SHP
14. PRS, Inc.; PRS Intensive Supportive Housing
15. FACETS, Inc.; TRIUMPH
16. FACETS, Inc.; TRIUMPH III
17. FACETS, Inc.; Linda's Gateway
18. New Hope Housing, Inc.; PSH Group Homes
19. New Hope Housing, Inc.; Milestones
20. New Hope Housing, Inc.; Just Home Fairfax
21. The Alternative House, Inc.; TAY Rapid Rehousing
22. Shelter House Inc.; Rapid Rehousing Project
23. Shelter House Inc.; RISE
24. Pathway Homes, Inc.; 1991 Pathway Homes SHP Expansion
25. Pathway Homes, Inc.; 2017 Pathway Homes SHP
26. FACETS, Inc.; Rapid Rehousing Program

Name of Certifying Jurisdiction: Fairfax County, Virginia

Certifying Official Name and Title: Edward L. Long, Jr., County Executive

Signature: _____ **Date:** _____

ADMINISTRATIVE – 5

Extension of Review Period for 2232 Applications (Providence, Mount Vernon and Hunter Mill Districts)

ISSUE:

Extension of review period for 2232 applications to ensure compliance with review requirements of *Section 15.2-2232 of the Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following applications: 2232-P16-41, 2232-V17-27, and FS-H17-18.

TIMING:

Board action is required on September 12, 2017, to extend the review period of the applications noted above before their expiration date.

BACKGROUND:

Subsection B of *Section 15.2-2232 of the Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F of *Section 15.2-2232 of the Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission." The need for the full time of an extension may not be necessary, and is not intended to set a date for final action.

The review period for the following applications should be extended:

2232-P16-41	Fairfax County Park Authority Ruckstuhl Park 7545 Idylwood Road Falls Church, VA Providence District Accepted July 20, 2017 Extend to March 18, 2018
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2232-V17-27 T-Mobile
7764 Armistead Road
Lorton, VA
Mount Vernon District
Accepted June 15, 2017
Extend to November 12, 2017

FS-H17-18 T-Mobile
12018 Sunrise Valley Drive
Reston, VA
Hunter Mill District
Accepted June 23, 2017
Extend to November 20, 2017

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning, DPZ
Douglas W. Hansen, Senior Planner, Facilities Planning Branch, Planning Division, DPZ

ADMINISTRATIVE – 6

Streets into the Secondary System (Braddock, Mount Vernon, Providence, Springfield, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Lorton Station South Section 1	Mount Vernon	Gunston Hill Lane Groom Cottage Drive
McDonald Estates	Springfield	Dachshund Drive
Penns Crossing	Braddock	Banting Drive
The Estates at Meadowbrook Run	Providence	Pilgrim Green Way
Timber Ridge at Discovery Square (North South Collector Road)	Sully	North South Collector Road (Air and Space Museum Parkway)

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., Director, Land Development Services

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS

FAIRFAX, VA

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

SUBDIVISION PLAT NAME: Lorton Station South Section 1

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

ENGINEERING Imad Salous, P.E.

FOR OFFICIAL

BY:

DATE

INSPECTION APPROVAL: 0511

STREET NAME

TO

NOTES:

TOTALS:

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. PLAN NUMBER: 8038-SD-002 SUBDIVISION PLAT NAME: McDonald Estates COUNTY MAGISTERIAL DISTRICT: Springfield District	
ENGINEERING MANAGER: A. Salous, BY: <u>u</u>		FOR OFFICIAL DATE INSPECTION APPROVAL: <u>7/19/2017</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Dachshund Drive	CL of Rommel Drive (Route 10506) - 835' SE of CL Ox Road (Route 123)	541' NE to End of Cul-de-Sac	0.10
NOTES:			TOTALS: 0.10
Dachshund Drive: Concrete sidewalk on North side to be maintained by VDOT.			

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**

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

ENGINEERING MANAGER: Imad A. Salous, P.E.

BY: Nadia Alphonse

**VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE
OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA**

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 25711-SD-001

SUBDIVISION PLAT NAME: Penns Crossing

COUNTY MAGISTERIAL DISTRICT: Braddock

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 05/18/2017

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Banting Drive	Existing Banting Drive (Route 7175) - 43' E CL Banting Court (Route 10004)	517' E to End of Turnaround	0.10

NOTES:

TOTALS: 0.10

Banting Drive: Concrete Sidewalk on Both Sides to be maintained by Fairfax County

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. PLAN NUMBER: 8672-SD-003 SUBDIVISION PLAT NAME: The Estates at Meadowbrook Run COUNTY MAGISTERIAL DISTRICT: Providence	
ENGINEERING MANAGER: Imad A. Salous, P.E. BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>06/19/2017</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Pilgrim Green Way	CL Valley Road (Route 1019) - 623' W CL Highland Place (Route 2518)	630' N to End of Cul-de-Sac	0.12
TOTALS:			0.12
NOTES: Pilgrim Green Way: Concrete Sidewalk on East Side to be maintained by VDOT			

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. PLAN NUMBER: 5810-SP-015 SUBDIVISION PLAT NAME: Timber Ridge at Discovery Square (North South Collector Road) COUNTY MAGISTERIAL DISTRICT: Sully	
ENGINEERING MANAGER: Imad A. Salous, P.E. BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>05/18/2017</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
North South Collector Road (Air and Space Museum Parkway)	CL Wall Road (Route 645) - 885' NW CL Centreville Road (Route 657)	2,407' N to CL EDS Drive	0.46
TOTALS:			0.46

NOTES:
 Air and Space Museum Parkway: Concrete Sidewalk on Both Sides to be maintained by VDOT.

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ADMINISTRATIVE – 7

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Chain Bridge Road Walkway S – Horse Shoe Drive to Niblick Drive (Providence District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-088-014, Chain Bridge Road Walkway S (South) – Horse Shoe Dr. to Niblick Dr., Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for October 24, 2017, at 5:00 p.m.

TIMING:

Board action is requested on September 12, 2017, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of the construction of approximately 3,600 linear feet of 5-foot sidewalk along northbound Chain Bridge Road between Niblick Drive and Horseshoe Drive (north intersection). Construction will also include pedestrian signals and six curb ramps.

Land rights for these improvements are required on 26 properties, twelve (12) of which have been acquired by the Land Acquisition Division. One (1) of the outstanding properties is owned by a foreign government. Since foreign governments enjoy the right of Sovereign Immunity, this parcel will not be included in the request for eminent domain authorization, however, the foreign government has stated they are willing to convey the necessary land rights. The construction of this project requires the acquisition of Deeds of Dedication, Storm Drainage Easements, and Grading Agreement and Temporary Construction Easements.

Negotiations are in progress with the affected property owners; however, because

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resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project 2G40-088-014, Chain Bridge Road Walkway S – Horse Shoe Dr. to Niblick Dr., Fund 40010, County and Regional Transportation Projects. This project is included in the Adopted FY 2018 – FY 2022 Capital Improvement Program (with future Fiscal Years to FY 2027). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney, Office of the County Attorney



CHAIN BRIDGE ROAD WALKWAY S-HORSE SHOE DR. TO NIBLICK DR.

Tax Map: 39-1

Project 2G40-088-014

Providence District

Scale: Not to Scale

Affected Properties:



Proposed Improvements: 

ATTACHMENT B

LISTING OF AFFECTED PROPERTIES
Project 2G40-088-014
Chain Bridge Road Walkway S – Horse Shoe Dr. to Niblick Dr.
(Providence District)

PROPERTY OWNER(S)

- | | |
|--|-----------------|
| 1. Freedom Home Buyers, LLC | 039-1-01-0001 |
| Address:
8740 Wolftrap Road, Vienna | |
| 2. Farhad Talebnejad | 039-1-01-0001-A |
| Address:
2181 Chain Bridge Road, Vienna | |
| 3. 2095 Chain Bridge Road, LLC | 039-1-03-0004 |
| Address:
2095 Chain Bridge Road, Vienna | |
| 4. Maureen Akram Rastegari | 039-1-03-0020 |
| Address:
2155 Chain Bridge Road, Vienna | |
| 5. GJS Properties, LLC | 039-1-03-0021 |
| Address:
2151 Chain Bridge Road | |
| 6. 2113 Chain Bridge Road, LLC | 039-1-03-0029 |
| Address:
2113 Chain Bridge Road, Vienna | |

7. 2113 Chain Bridge Road, LLC 039-1-03-0030
Address:
2107 Chain Bridge Road, Vienna
8. Kevin J. McGreevy and Sylvia F. McGreevy 039-1-04-0010-C
Address:
2161 Chain Bridge Road, Vienna
9. Kevin J. McGreevy and Sylvia F. McGreevy 039-1-04-0011
Address:
2161 Chain Bridge Road, Vienna
10. Westwood Forest Two HOA, Inc. 039-1-19-02-0000-A
Address:
No street address / Westwood Forest, Parcel A, Section 2
11. Lal Sadasivan Sreemathy and Sandhya Sukumaran 039-1-19-02-0016-A
Address:
2009 Westwood Forest Drive, Vienna
12. Ashgrove Plantation HOA, Inc. 039-1-32-0000-A
Address:
No street address / Ashgrove Plantation, Parcel A, Section 3
13. Ashgrove Plantation HOA, Inc. 039-1-32-0000-E
Address:
No street address / Ashgrove Plantation, Parcel E, Section 1

ADMINISTRATIVE – 8

Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Seminary Road (Mason District)

ISSUE:

Authorization to advertise a public hearing on a proposal to vacate and abandon a portion of Seminary Road.

RECOMMENDATION:

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

TIMING:

The Board should take action on September 12, 2017, to provide sufficient time to advertise the public hearing for October 24, 2017, at 4:00 p.m.

BACKGROUND:

The applicant, the Fairfax County Department of Public Works and Environmental Services, is requesting that a portion of Seminary Road be vacated under §15.2-2270 and abandoned under §33.2-909 of the Code of Virginia. The subject right-of-way is located on the south side of Seminary Road immediately east of the interchange ramp from eastbound Columbia Pike to Seminary Road and consists of a 15 foot strip across the frontage of parcel 61-2-((20))-7, the future location of the relocated Bailey's Crossroads Community Shelter. This right-of-way is part of the Virginia Department of Transportation (VDOT) State Secondary System (Route 716).

The applicant has made the request for vacation and abandonment as part of the County's project to relocate the Bailey's Crossroads Community Shelter. The project is subject to a Special Exception application, SE 2017-MA-005, and the vacation and abandonment area is intended to become part of the site. On July 11, 2017, the Board of Supervisors approved SE-2017-MA-005 for the Bailey's Crossroads Community Shelter relocation.

As the subject right-of-way was dedicated by plat, the effect of the vacation and abandonment will be to return the right-of-way to the originating parcel, 61-2-((20))-7. Seminary Road does not use the area of vacation and abandonment and operation of the roadway will be unaffected.

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Traffic Circulation and Access

The abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access. The area is excess to the needs of the current Seminary Road, the route is not on the Comprehensive Plan for expansion (an alternate route will be used to connect Seminary Road to Columbia Pike), and the existing roadway will continue to be in use at least until the new alignment is created.

Easements

One public easement for sanitary sewer has been identified. Since the applicant is a County agency, they have elected to process this easement later. Dominion Virginia Power and Verizon have identified service lines within the candidate right-of-way that require easements. The applicant has provided easements in a form acceptable to these parties. No other easement needs were identified.

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter
Attachment II: Notice of Intent
Attachment III: Order of Abandonment
Attachment IV: Ordinance of Vacation
Attachment V: Abandonment Plat
Attachment VI: Metes and Bounds Description
Attachment VII: Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Chief, Site Analysis and Transportation Planning Division, FCDOT
Donald Stephens, FCDOT



December 15, 2016

Fairfax County
Department of Transportation
4050 Legato Road, 4th Floor
Fairfax, VA 22033-2867

Re: Right-of-way Vacation and/or Abandonment – Seminary Road (Route 716)

To Whom It May Concern:

On behalf of Fairfax County Department of Public Works and Environmental Services, Urban. Limited is requesting the vacation and/or abandonment of a portion of public street right-of-way adjacent to the property located at 5914 Seminary Road (Tax Map Number 0612 20 0007). This property was recently purchased by Fairfax County to provide a site for the Bailey's Crossroads Community Shelter and Supportive Housing project. The area of right-of-way vacation being requested is delineated on the attached plat and metes and bounds description.

Per a deed and plat recorded on January 12, 1950 at DB 735, PG 318 in the Fairfax County land records, an additional 15' strip of right-of-way for Seminary Road was dedicated across the frontage of the property. Since that time the intersection of Columbia Pike, Leesburg Pike and Seminary Road has been reconfigured. The current Seminary Road alignment has shifted to the east away from the property. In addition, there is a current Comprehensive Plan Amendment (Plan Amendment No. 2016-I-B1) for this area of Bailey's Crossroads. The comprehensive plan amendment realigns Seminary Road to the west of this property. Due to this, there are no plans to improve Seminary Road above its current width. The remaining right-of-way is sufficient for the existing Seminary Road.

Due to the changes in the road network in the area, this additional right-of-way is no longer needed to provide the necessary right-of-way for Seminary Road or to provide for future expansion of Seminary Road. A small portion is being left to provide right-of-way for the existing sidewalk adjacent to the ramp from Columbia Pike to Seminary Road. The vacation of this area of right-of-way will allow the shelter project to provide a larger facility to serve the community.

Based on the above, we feel that the vacation of this portion of right-of-way is justified.

Sincerely,
URBAN, LTD.



Brian D. Martin, P.E.
Associate

NOTICE OF INTENT TO
ADOPT AN ORDINANCE TO VACATE AND ABANDON
A PART OF A PLAT ON WHICH IS SHOWN

Seminary Road – Route 716

MASON DISTRICT
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on October 24, 2017, at 4:00 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA, 22035, pursuant to Virginia Code Ann. §15.2-2204, to consider vacating and abandoning a 1,849 square foot portion of Seminary Road from Tax Map 061-2 20 0015A to the Ramp from Eastbound Columbia Pike, a distance of 122.69', which is part of the plat of Lot 7, First Addition to Sec. One, Dowden Center recorded in Deed Book 735, at Page 318. The right of way is located on Tax Map 061-2 20 007 and is described and shown on the metes and bounds schedule and plat prepared by Urban, Ltd., dated December 12, 2016, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

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

MASON DISTRICT.

§ 15.2-2270(2), § 33.2-909

ORDER OF ABANDONMENT

Seminary Road – Route 716

MASON DISTRICT
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 24th day of October, 2017, it was duly moved and seconded that:

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

WHEREFORE, BE IT ORDERED:

That a 1,849 square foot portion of Seminary Road from Tax Map 061-2 20 0015A to the Ramp from Eastbound Columbia Pike, a distance of 122.69', located on Tax Map 061-2 20 0007, and described on the plat and metes and bounds schedule prepared by Urban, Ltd., dated December 12, 2016, which is attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

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

A Copy Teste:

Catherine Chianese
Clerk to the Board

§33.2-909

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

Seminary Road – Route 716

Mason District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax County, Virginia, on October 24, 2017, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

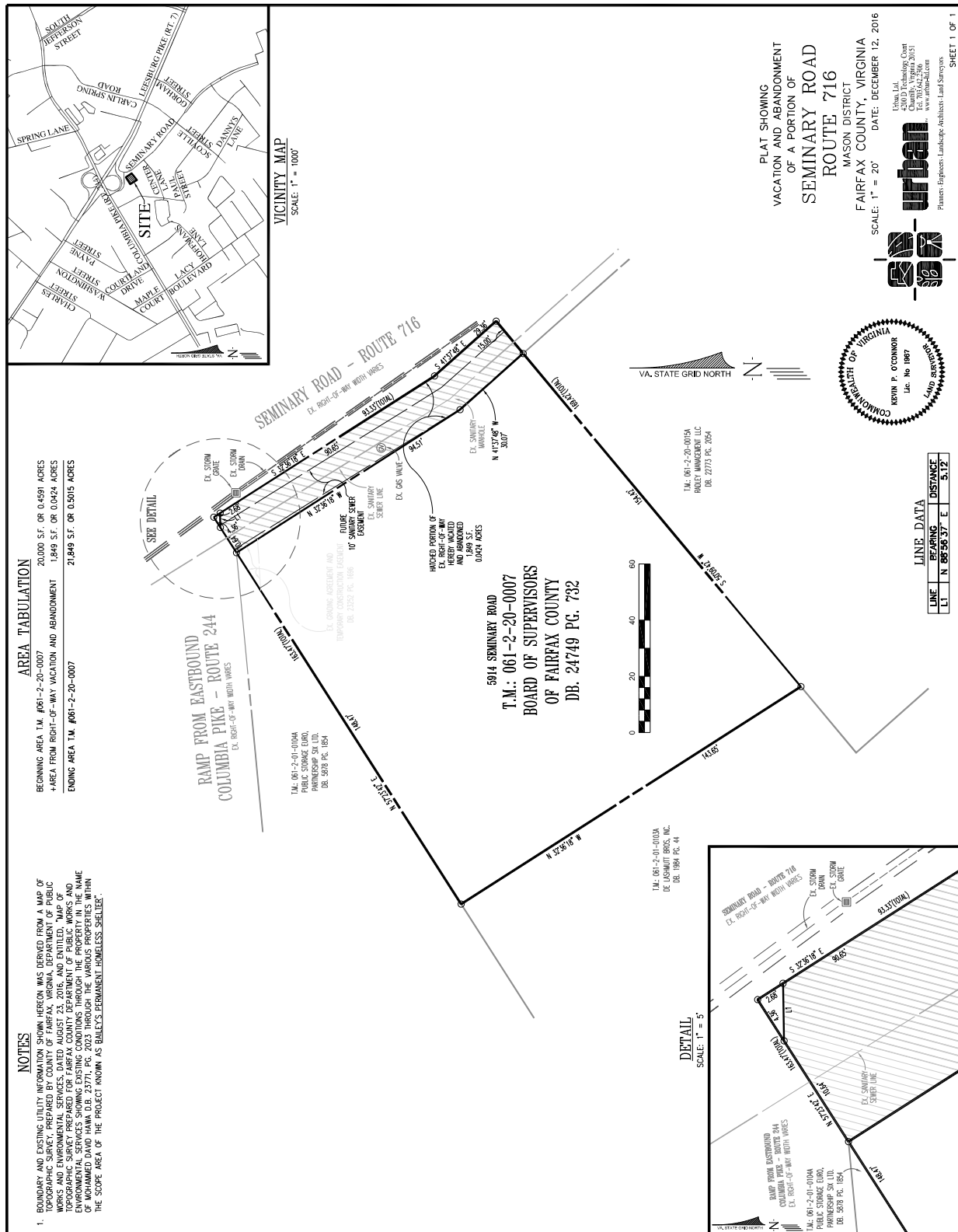
BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Part of the Plat of Lot 7, First Addition to Sec. One, Dowden Center, recorded in Deed Book 735 at Page 318, which is a 1,849 square foot portion of Seminary Road, from Tax Map 061-2 20 0015A to the Ramp from Eastbound Columbia Pike, a distance of 122.69', located on Tax Map 061-2 20 0007, and described and shown on the metes and bounds schedule and plat prepared by Urban, Ltd., dated December 12, 2016, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2270(2).

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

A Copy Teste:

Catherine Chianese
Clerk to the Board of Supervisors

§15.2-2270(2)





PLANNERS
ENGINEERS
LANDSCAPE
ARCHITECTS
LAND
SURVEYORS

**Description of a Portion Of
Seminary Road, Route 716
An Existing Variable Width Right-of-Way
To Be Vacated and Abandoned
Fairfax County, Virginia**

Commencing at a point lying on the northwesterly corner of the land of Board of Supervisors of Fairfax County, as recorded in Deed Book 24749 at Page 732 among the land records of Fairfax County, Virginia; Said point also being on the southerly right-of-way line of Seminary Road, Route 716, an existing variable width-right-of-way; Thence departing the land of said Board of Supervisors of Fairfax County and running through said Seminary Road;

North 57°23'42" East a distance of 10.64 feet to a point;

North 88°56'37" East a distance of 5.12 feet to a point;

South 32°36'18" East a distance of 90.65 feet to a point;

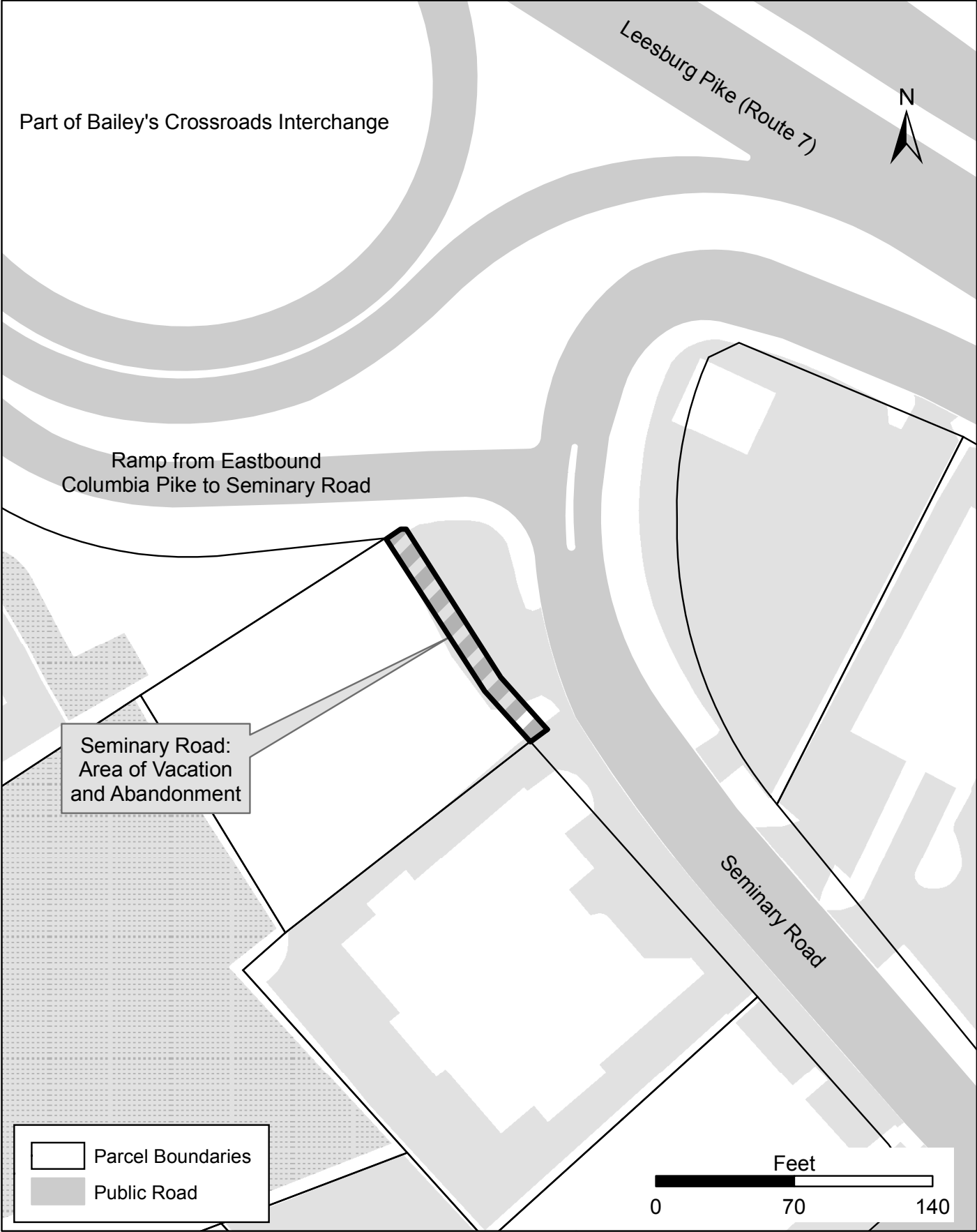
South 41°37'48" East a distance of 29.36 feet to a point;

South 50°09'42" West a distance of 15.00 feet to a point on the northeasterly corner of the land of said Board of Supervisors of Fairfax County; Thence departing said Seminary Road and running with the land of said Board of Supervisors of Fairfax County;

North 41°37'48" West a distance of 30.07 feet to a point;

North 32°36'18" West a distance of 94.51 feet to the Point of Beginning and containing an area of 1,849 square feet or 0.0424 acres, more or less.

Vicinity Map - Tax Map 61-2



ADMINISTRATIVE - 9

Approval of Traffic Calming Measures and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Dranesville, Lee and Mount Vernon Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plans for Griffith Road (Attachment I) and Jarrett Valley Drive (Attachment II):

- Three speed humps on Griffith Road (Dranesville District)
- One speed table, one multi-way stop and one raised median island on Jarrett Valley Drive (Dranesville District)

The County Executive further recommends approval for "Watch for Children" signs on the following roads:

- Villa Park Road (Lee District)
- Lafayette Drive (Mount Vernon District)
- Shenandoah Road (Mount Vernon District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measures and "Watch for Children" signs as soon as possible.

TIMING:

Board action is requested on September 12, 2017.

BACKGROUND:

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

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the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria. Staff worked with the local Supervisor's office and communities to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On July 6, 2017, (Griffith Road and Jarrett Valley Drive, Dranesville District) FCDOT received verification from the local Supervisor's office confirming community support for the above referenced traffic calming plans.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On March 23, 2017, (Villa Park Road, Lee District) and on July 19, 2017 (Lafayette Drive and Shenandoah Road, Mount Vernon District) FCDOT received written verification from the respective local Supervisor's office confirming community support for the referenced "Watch for Children" signs.

FISCAL IMPACT:

Funding in the amount of \$49,000 for the traffic calming measures associated with the Griffith Road and Jarrett Valley Drive projects is available in Fund 2G25-076-000, General Fund, under Job Number 40TTCP. Funding in the amount of \$1,000 for the "Watch for Children" signs associated with the Villa Park Road (Lee District), Lafayette Drive (Mount Vernon District) and Shenandoah Road (Mount Vernon District) projects is available in Fund 2G25-076-000, General Fund, under Job Number 40TTCP.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Griffith Road

Attachment II: Traffic Calming Plan for Jarrett Valley Drive

STAFF:

Robert A. Stalzer, Deputy County Executive

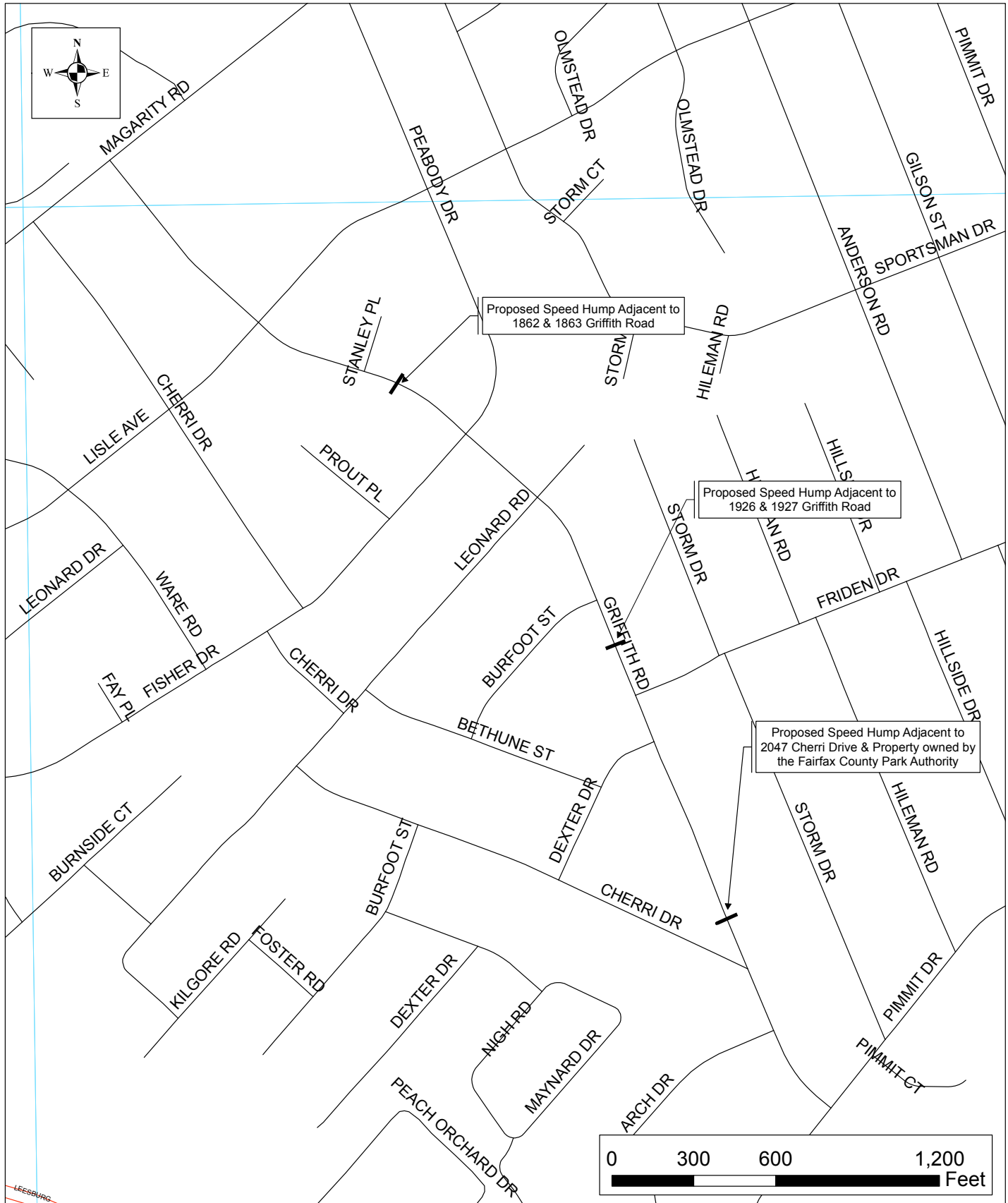
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

Behnaz Razavi, Transportation Planner, Traffic Engineering Section, FCDOT



August 2017

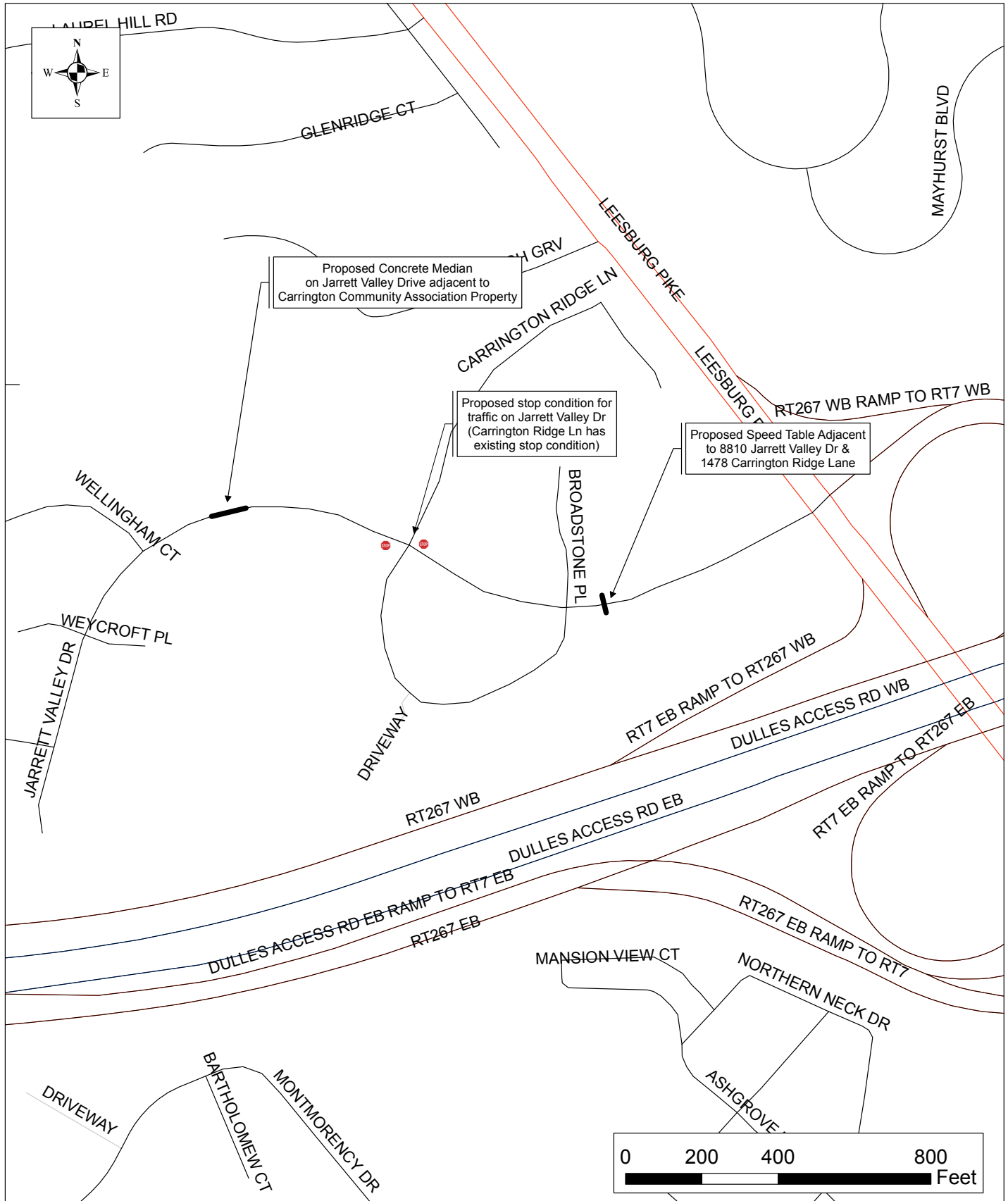


A Fairfax Co. Va., publication

Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
GRIFFITH ROAD
Dranesville District



Tax Map: 28-2, 29-1



August 2017

Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
JARRETT VALLEY DRIVE
Dranesville District



A Fairfax Co. Va., publication



Tax Map: 28-2, 29-1

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ACTION - 1

Approval of License Agreement with the Gum Springs Historical Society for the Use of Space within Gum Springs Community Center (Mount Vernon District)

ISSUE:

Board approval to license space at the Gum Springs Community Center at 8100 Fordson Road to the Gums Springs Historical Society to permit the storage and display of museum artifacts.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize staff to execute a license substantially in the form of Attachment 2, and to direct staff to continue to allow the space to be used as a museum until otherwise directed by the Board.

TIMING:

Board action is requested on September 12, 2017, to allow the Board to formalize its relationship with the Gums Springs Historical Society and the operation of a museum at the Gum Springs Community Center.

BACKGROUND:

Gum Springs Historical Society, Inc. (GSHS) is a Northern Virginia-based, tax exempt public charity pursuant to Section 501(c)(3) of the Internal Revenue Code whose mission is to promote the historical and cultural heritage of Gum Springs, the oldest African American community in Fairfax County. GSHS currently occupies Suites 136 A-F at the Gum Springs Community Center (Community Center) at 8100 Fordson Road, also identified by Tax Map Parcel No. 1012 01 0047. GSHS uses approximately 1,747 square feet of space (Premises) for the interpretation and storage of pictures and artifacts that are representative of the history of Gum Springs.

The term of the license agreement will be continuous, subject to the right of GSHS to terminate the agreement with 30 days' written notice and the separate right of the County to terminate the agreement 30 days after the Board's approval of the termination. The County will allow the GSHS to use the Premises without charge. Because GSHS is a charitable institution that provides a service to Fairfax County residents, including the educational enrichment of students and the greater community, the Board is authorized to permit the GSHS to use the licensed space without payment of consideration pursuant to Va. Code Ann. § 15.2-953.

Normal operating hours of the museum are Tuesdays and Thursdays from 10 a.m. to 2 p.m., and on Saturdays from 1 p.m. to 3 p.m. GSHS will provide entrance to the museum at all other times by appointment between 10 a.m. and 5 p.m., Monday

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through Saturday. GSHS will not have access to the Premises outside of the normal operating hours of the Community Center, and will coordinate its activities with Community Center staff to ensure that its programs and visitors do not interfere with other ongoing public functions at the building.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map for Community Center
Attachment 2 – Draft License Agreement between the Board and GSHS

STAFF:
David J. Molchany, Deputy County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department
Christopher A. Leonard, Director, Neighborhood and Community Services

ASSIGNED COUNSEL:
Daniel Robinson, Assistant County Attorney



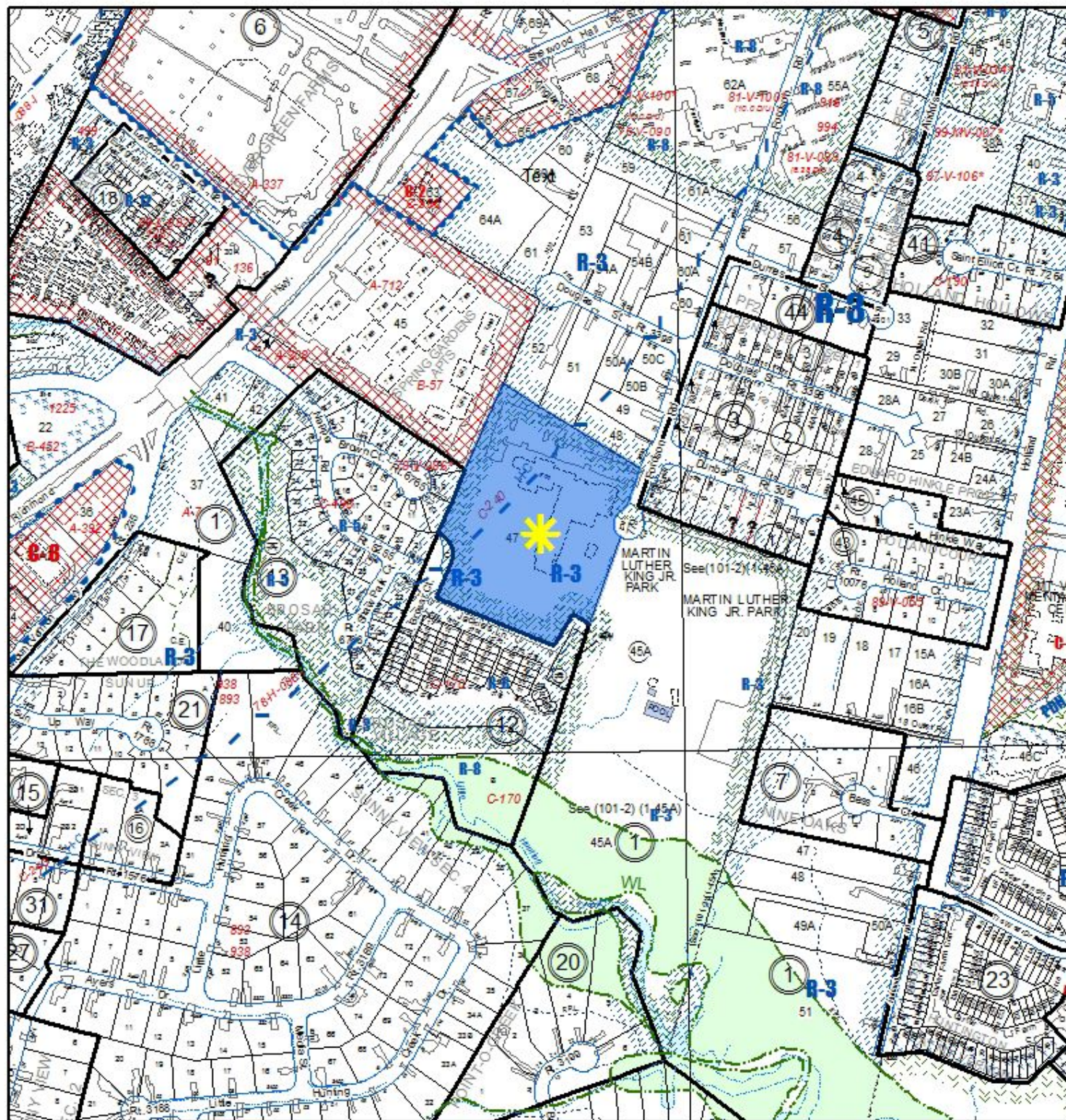
Gum Springs Community Center

8100 Fordson Road
Tax Map No.1012 01 0047
Mount Vernon District

ATTACHMENT 1



0 155 310 620 Feet



Revised

<p style="text-align: center;">COUNTY OF FAIRFAX LICENSE AGREEMENT</p>

THIS LICENSE AGREEMENT ("Agreement") is between the **Board of Supervisors for Fairfax County, Virginia**, (the "County") and the **Gum Springs Historical Society, Inc. ("GSHS")**, whose address is 8100 Fordson Road, Alexandria, Virginia 22306.

WHEREAS, the County and GSHS desire to enter into an agreement for certain County-owned premises for the GSHS to promote and to provide long-term support for the customary programs of the Gum Springs Museum and the history of Gum Springs, the oldest African American community in Fairfax County, Virginia through lectures, historical exhibits, research and educational programs for all interested persons (the "permitted use"); and

WHEREAS, GSHS will operate the Gum Springs Museum in accord with the terms of this Agreement, including the provisions of Exhibit A, which is attached hereto and incorporated herein; and

WHEREAS, the County's designated Neighborhood and Community Services Representative shall, except where otherwise stipulated, serve as the representative of the County;

NOW, THEREFORE, the parties mutually agree to the following:

1. **LOCATION OF PREMISES/PROPERTY**

- a. The premises which are the subject of this Agreement, hereafter referred to as the "premises," are Rooms 136 A, 136 B, 136 C, 136 D, 136 E, and 136 F located in the Gum Springs Community Center ("GSCC"), 8100 Fordson Road, Alexandria, Virginia 22306. The premises have been occupied and used by GSHS since 1996 and shall continue to be used by the GSHS solely for the permitted use and for no other purpose.
- b. It is agreed that by occupying the premises, GSHS acknowledges that it has had full opportunity to examine the building and accepts the premises "as is". This Agreement does not grant any right to make changes or additions to the premises. This Agreement does not grant any right to light or air over or about the premises.
- c. GSHS agrees to confine its use of the premises to the areas specifically described in this Agreement and any common areas necessary for entering or leaving the building, which is limited to hallways, stairways, doorways, elevators, and restrooms. GSHS agrees not to use, occupy, or obstruct any room or any area of the building not specifically authorized for use by GSHS.

2. **TERM and RENT:** GSHS has been occupying the premises since 1996. The term of this Agreement shall run indefinitely, unless the Agreement is terminated in accordance with Section 4, Section 10 or Section 18 of the Agreement. GSHS will not be charged monetary rent for its use of the Premises during the term of this Agreement. During the term of the Agreement, the County shall not permit any third party to use the premises for any activity which interferes with the operation of the Gum Springs Museum. The County and its contractors may enter upon the premises, or any portion thereof, for the purpose of inspection of the same, or performing any repairs herein allowed to be performed by the County.

3. **USE:** GSHS warrants that the premises will be used lawfully for the permitted use and agrees to abide by all the laws and regulations of all lawful authorities and for no other purpose. GSHS agrees that its use of the premises will not interfere with the use of the space by the County or any other party authorized by the County. GSHS shall only have access to the premises during regularly scheduled business hours of the Gum Springs Community Center ("GSCC"). County will inform GSHS of any planned building closures and/or scheduling conflicts, not related to inclement weather, in a timely manner. If for some reason GSCC faces an emergency closure not related to inclement weather, County will notify GSHS's single point of contact, who shall be designated in writing by GSHS.
4. **DEFAULT**
 - a. If GSHS breaches or violates any of the terms, conditions or covenants contained in this Agreement, and such breach or violation continues for thirty (30) days after written notice from the County, then GSHS shall be considered to have caused an event of default ("Event of Default"). If GSHS breaches or violates any of the terms, conditions or covenants contained in this Agreement more than three (3) times in a twelve (12) month period, and the County provides written notice of each such breach or violation, then GSHS shall be considered to have caused an Event of Default. Upon the occurrence of an Event of Default, this Agreement shall, at the sole option of the County, terminate upon 20 days written notice to the GSHS. GSHS shall cease its operations on the premises by close of business on such date of termination and vacate the property by close of business on such date of termination. Further, the County is authorized, with or without process of law, to repossess the premises, and, should GSHS fail to vacate the premises as provided herein, the County is authorized to enter onto the premises, and to expel and remove GSHS, together with all property of every kind belonging to it.
 - b. If GSHS abandons the premises or ceases to operate or use the premises for the intended use, GSHS shall vacate the premises within 30 days after the premises is abandoned or GSHS ceases to operate or use the premises and the Agreement will be terminated.
5. **PARKING** GSHS and Gum Springs Museum visitors shall have shared use, with other visitors and staff of the GSCC, of the parking lot of the Gum Springs Community Center at the sole risk of GSHS.
6. **MODIFICATION AND REPAIRS**
 - a. GSHS agrees to accept the premises "as is".
 - b. All improvements or modifications to the premises, including but not limited to structural, interior and exterior modifications or additions shall be subject to prior written approval by the County. GSHS will submit plans and specifications for approval.
 - c. If GSHS is approved to make modifications, the modifications shall be and remain the sole property of the County at the termination of the Agreement.
 - d. GSHS shall not place any of its organizational lettering, signs or objects on doors, windows or outside walls of premises without the permission of the County, which permission shall not be unreasonably withheld but which shall be subject to risk management approval in its absolute discretion. The Gum Springs Museum banner that is currently hanging in the GSCC is approved unless risk management advises otherwise.

- e. GSHS shall not, without the prior approval of the County, paint, paper, decorate, or drive nails into, deface or injure the walls, ceiling, woodwork, or floors of premises, install any electrically or mechanically operated equipment (including air conditioners) in the premises. At the termination of this Agreement, or any extension or renewal thereof, all such improvements shall be and remain the property of the county. GSHS agrees that the County may, at its sole and absolute discretion, require such improvements to be removed and premises restored to original condition, with such removal and restoration to be at GSHS's expense.
- f. GSHS shall be responsible for repairs or maintenance necessitated by the negligence of the GSHS, its agents, guests or invitees; and all damage to the premises caused by the GSHS or its agents, guests or invitees shall be repaired promptly by or at the expense of the GSHS.
- g. Any renovation or improvements made or obtained by GSHS are made at GSHS's sole risk and expense, and the County shall not be held responsible for any claims for injury or loss of property due to renovation or improvements made by or for GSHS.
- h. Any movable partition, trade fixtures, floor covering, or equipment installed in the premises at GSHS's expense shall remain the property of the GSHS and may be removed by the GSHS.

7. **SERVICES PROVIDED BY THE COUNTY**

- a. County agrees to provide the following utilities to the premises for normal business operations; provided, however, the County shall not be liable for failure to furnish any of these utilities.
 - 1) Electrical service for normal business operations. GSHS shall not connect any additional fixtures, appliances or equipment to the premises electrical system or make any alteration to the system, without the County's written approval.
 - 2) Heat. Provided daily to maintain comfortable occupancy of the premises under normal business conditions.
- b. County agrees to provide full maintenance to the premises during the term of this Agreement to include heat, plumbing, electrical, sewer and water systems, snow and ice removal in accordance with the County snow policy, sanding or salting of the driveway, walks and parking areas, grass cutting, and repair to the doors, windows and roof, not caused by the negligence of the GSHS.
- c. County agrees to provide support copying/printing for the GSHS museum programing as deemed appropriate by the County.
- d. County agrees to include the premises in the scheduled program of custodial services for the GSCC. This subsection (d) does not obviate GSHS's requirements under paragraph 8 of the GSHS Roles and Responsibilities attached as Exhibit A.
- e. County agrees to be responsible for maintaining any equipment owned by the County and which the County, at its sole discretion, may provide for use in the premises.
- f. County will include advertising regarding GSHS's activities at the GSCC in GSCC publications and will provide printing for the annual GSHS magazine. The scope and extent of the services provided in this subsection (f), including whether any these services are provided during a fiscal year, are subject to the sole discretion of the

Director of NCS or his designee after a review of the annual appropriations dedicated to the Gum Springs Community Center.

8. **LIABILITY AND INSURANCE**

- a. **Liability for damage to Personal Property and Person.** All personal property owned, stored or used by GSHS (including its employees, business invitees, customers, clients, etc.), agents, family members, guests or trespassers, in and on the premises, shall be and remain at the sole risk of the GSHS, and the County shall not be liable to them for any damage to, or loss or theft of such personal property arising from any act of any other persons nor from the leaking of the roof, or bursting, leaking, overflowing of water, sewer or steam pipes, or from heating or plumbing fixtures, or from electrical wires or fixtures, or from air-conditioning failure. The County shall not be liable for any personal injury to the GSHS (including employees, business invitees, customers, clients, etc.), agents, family members, guests or trespassers arising from the use, occupancy and condition of the premises.
- b. **Liability Insurance.** GSHS will maintain commercial general liability insurance with limits of not less than \$1,000,000 per occurrence. If GSHS fails to maintain the required insurance, the County may, but does not have to, maintain the insurance at GSHS's expense. The policy shall expressly provide that it is not subject to invalidation of the County's interest by reason of any act or omission on the part of GSHS. The limits of the insurance will not limit the liability of GSHS.
- c. **GSHS's Insurance Policies.** The County does not provide any type of insurance which would protect the GSHS's personal property from loss by fire, theft, or any other type of casualty loss. It is GSHS's responsibility to obtain such insurance. The GSHS, at its sole expense, shall secure its own insurance to protect GSHS and its property against all perils of whatever nature for One Hundred (100%) percent replacement of the stored property. Insurance on the GSHS's property is a material condition of this Agreement. GSHS shall make no claim whatsoever against the County in the event of any loss.
- d. **Indemnification.** GSHS agrees to indemnify and hold harmless the Board of Supervisors of Fairfax County, Fairfax County, its officers, agents and all employees and volunteers from any and all claims for property damage, death, bodily injuries and personal injuries, including cost of investigation, all expenses of litigation, including reasonable attorney fees and the cost of appeals, arising out of any claims or suits because of GSHS, including its agents, employees, volunteers, business invitees, customers, guests or trespassers arising from the use, occupancy and condition of the premises.

9. **RESPONSIBILITIES OF GSHS:** GSHS agrees:

- a. Not to injure or deface or suffer to be injured or defaced the premises or any part of the property and to promptly replace or repair any damages to the premises, other than damage to structural portions.
- b. To keep the premises in good order and condition at all times and to notify the County of any defects in or damage to the structure, equipment, or fixtures of the premises.
- c. Not to strip, overload, damage or deface the premises.
- d. Not to keep gasoline or other flammable material or any explosive material in or near the premises. GSHS will not allow any equipment or practice that might void insurance coverage on the premises.

- e. To take appropriate measures to conserve and efficiently use energy and other resources such as heat, water and utilities.
 - f. Not to allow on the premises any illegal, unlawful or improper activity which would be noisy, boisterous or in any manner constitute a nuisance to adjacent properties.
 - g. To supervise and conduct its activities in such a manner as to insure no disruption to the enjoyment and possession of other occupants of the building.
 - h. To comply with all rules, regulations, and conditions of this Agreement, which include the GSHS Roles and Responsibilities set forth on the attached Exhibit A and the County's policies applicable to the GSCC, copies of which are available upon request. Any violation of the rules, regulations and conditions, including the GSHS Roles and Responsibilities and the County's policies applicable to the GSCC, shall be a violation of this Agreement.
 - i. Not to obstruct or use the sidewalks, passages, and stairways and any other parts of the building which are not occupied by GSHS for any other purpose than entering and exiting the building.
 - j. GSHS shall be responsible for all repairs or maintenance or other damages caused by GSHS's use or occupancy of the premises.
 - k. GSHS shall not incur any long distance telephone charges. Any such charges incurred will be the financial responsibility of the GSHS, and GSHS will be billed accordingly.
 - l. GSHS shall be responsible for making a reasonable effort to secure the premises and the equipment held within the property cited in 1.a. of this Agreement. GSHS will be responsible for all equipment stored in the cited property.
10. **DAMAGE BY FIRE OR CASUALTY:** If the premises or any essential part of the premises is destroyed or damaged by fire or other casualty, so as to render it unfit for the use for which authorized by this Agreement, and the County, at its option, determines that use of the premises as required under the Agreement shall cease, the county shall be entitled to terminate this Agreement upon 15 days written notice. The county shall have the right, at its option, to repair such destruction or damage and GSHS shall, when the premises is rendered fit for purposes for which authorized for use by GSHS, continue to use the premises as provided in this Agreement .
 11. **WAIVER:** The county shall not be liable for, and GSHS releases the county and its agents, employees, volunteers, contractors, and waives all claims for, damage to person or property sustained by the GSHS or any occupant of the premises resulting from the premises or any equipment or appurtenance becoming out of repair, or resulting from an accident at the building, or resulting directly or indirectly from any act or neglect of any GSHS occupant of the building.
 12. **NOTICE OF DEFECTS:** GSHS shall give the County prompt written notice of accidents or defects on or about the premises or damages to the premises.
 13. **INTEREST IN PROPERTY:** Nothing in this Agreement shall be interpreted to create anything other than that provided by the terms of the Agreement and shall specifically not create any right, title or interest in property nor shall it create an easement.
 14. **COMPLIANCE WITH LAWS:** GSHS agrees to abide by the laws of the Commonwealth and the County in the performance of its services.

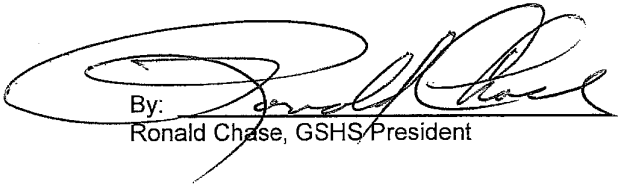
15. **SURRENDER OF POSSESSION:** GSHS agrees to remove all its goods, equipment and effects from the premises, in the event this Agreement expires or is terminated, and shall leave the premises in a clean condition reasonably acceptable to the county.
16. **ASSIGNMENT:** GSHS shall not transfer or assign this Agreement, nor sublet any part of the premises without the written consent of the County.
17. **RULES AND REGULATIONS:** GSHS and its agents and employees shall abide by and observe such reasonable rules and regulations as may be promulgated from time to time by the Fairfax County Board of Supervisors for the operation and maintenance of the building.
18. **TERMINATION OF AGREEMENT:** The Agreement is revocable at will by the County with the approval of the County Board of Supervisors, and upon such approval the Agreement will be terminated by the County 30 days after written notice of such termination is provided to GSHS. The County may also terminate the Agreement in compliance with Sections 4 and 10 of this Agreement. GSHS may terminate this Agreement by providing the County with 30 days written notice of such termination. GSHS will be required to vacate the premises by close of business of Agreement termination date. Expiration or termination of this Agreement by either party shall not relieve or release GSHS from any liability or obligation which may have been incurred or assumed by GSHS prior to such expiration or termination.
19. **COUNTY'S FINANCIAL OBLIGATION:** All of the County's financial obligations under this Agreement are subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations.
20. **NO PARTNERSHIP:** Nothing contained in this Agreement shall be deemed to create a partnership or joint venture of or between the County and the GSHS.
21. **COMMON AREAS:** The County reserves the right to alter the common areas, as deemed necessary, in the sole discretion of the Fairfax County Board of Supervisors, so long as such alteration does not interfere with the GSHS's reasonable use of the space for the purposes authorized by this Agreement. This includes but is not limited to the parking area, grounds, common hallways, walkways, etc. and such right shall not be infringed by GSHS.
22. **SEVERABILITY:** If any clause or provision of this Agreement is illegal, invalid or unenforceable under present or future laws in effect during the term of this Agreement, it is the intention of the parties that the remainder of this Agreement shall not be affected thereby.
23. **NOTICES:** All notices required or desired to be given hereunder by either party to the other shall be given by certified or registered mail. Notices to the respective parties shall be addressed as follows:

If to the GSHS: Gum Springs Historical Society, Inc.
8100 Fordson Road
Alexandria, VA 22306

If to the County: Fairfax County Government Center
Facilities Management Division
Attention: Leasing Agent
12000 Government Center Parkway
Suite 424
Fairfax, Virginia 22035

24. **ENTIRE AGREEMENT:** This Agreement contains the entire agreement between the County and GSHS. Oral statements, representations, and prior agreements not contained or referenced in this Agreement, shall have no force or effect. This Agreement may be modified only in writing executed by both parties.

GUM SPRINGS HISTORICAL SOCIETY

By: 
Ronald Chase, GSHS President

**BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA**

By: _____
David J. Molchany, Deputy County Executive

08-07-2017
DATE

DATE



County of Fairfax, Virginia

EXHIBIT A

GSHS Roles and Responsibilities

1. GSHS will operate the museum at the GSCC on Tuesdays and Thursdays from 10am – 2pm, and on Saturdays from 1pm – 3pm. GSHS will provide entrance to the museum all other times by appointment during the year at the designated museum location between 10am and 5pm, Monday through Saturday. GSHS will notify GSCC staff when appointments are scheduled outside of the publicized times listed on Tuesdays, Thursdays, and Saturdays. This program will be closed on Fairfax County holidays and times when the GSCC is closed for operation.
2. GSHS will not admit visitors into the museum through the external museum door before 10am or after 5pm. The external museum door must remain locked before 10am and after 5pm regardless of whether the GSCC is otherwise open for operation.
3. GSHS will provide to the County's designated Neighborhood and Community Services Representative ("NCS Representative") by January of each year, a proposed written schedule outlining requested dates and times of room use for special events and programs in the GSCC for that year. The NCS Representative will submit in writing to GSHS approval of the dates and times set aside for the GSHS use within 10 days after the county receives the request. The County agrees to accommodate, schedule permitting, alteration of GSHS's scheduled room usage based on changes to the GSHS's event schedule, provided advance notification is given (at least 30 days in advance, if possible) to the NCS Representative of requested changes.
4. GSHS will abide by the policies and procedures governing use of the GSCC, a written copy of which will be provided to the GSHS by the NCS Representative.
5. GSHS will not make any permanent, significant additions or changes to any NCS property without first obtaining written permission from the county.
6. All property purchased or given to the GSHS will remain the property and responsibility of the GSHS unless otherwise agreed to by the two parties.
7. GSHS will be responsible for returning NCS property to its original condition and location after each use, except for normal wear and tear. GSHS will be responsible for the repair or replacement of any items damaged or removed by the GSHS or its agents, employees or contractors. The GSHS is not responsible for damage caused by any other users of GSCC.

Department of Neighborhood and Community Services

12011 Government Center Parkway, Tenth Floor

Fairfax, VA 22035

703-324-4600, TTY 711, Fax 703-222-9792

www.fairfaxcounty.gov/ncs



8. GSHS will be responsible for maintaining in clean and safe condition all areas of the museum, the office area, and museum storage areas.
9. GSHS will make available to NCS limited complimentary tickets/admission for GSHS sponsored special event or program at the GSCC. These tickets may be distributed, at NCS's discretion, to persons served by the GSCC or other county programs or to individuals identified in the community who might not otherwise be able to attend for financial reasons.
10. GSHS will include, without charge, publicity/advertising regarding GSCC programs and activities in GSHS publications.
11. GSHS will designate a member who will serve as the single point of contact for NCS on GSCC use and scheduling issues.
12. GSHS will track and report to NCS total monthly visitation data from the museum.
13. GSHS will have a staff person present for all times during museum operating hours.
14. GSHS will develop and maintain a manual of procedures and checklists for museum operations in order for museum employees and volunteers to safely staff the museum.

ACTION – 2

Presentation of the Delinquent Tax List for Tax Year 2016 (FY 2017)

ISSUE:

Presentation to the Board of the annual list of delinquent real estate, personal property, and business, professional, occupational license (BPOL) taxes; presentation of the annual list of small uncollectable accounts. Review of delinquent collection program.

RECOMMENDATION:

The County Executive recommends that (1) staff continue to pursue the collection of delinquent taxes found in Attachment A, and continue collection of non-tax delinquencies; and, (2) the Board removes certain small uncollectable overdue accounts listed in Attachments D and E pursuant to Virginia Code § 58.1-3921.

TIMING:

Routine.

BACKGROUND:

In accordance with State Code, the Department of Tax Administration (DTA) has prepared a list of delinquent taxpayers for tax year 2016 (FY 2017) for Board consideration (Attachment A). DTA and its agents will continue to pursue the collection of all taxes and other charges due that are within the statute of limitations in accordance with Virginia Code §§ 58.1-3933 and 58.1-3940.

Presented below is a summary of delinquent taxes still outstanding for Tax Year 2016, as of June 30, 2017:

	<u>Tax year 2016 (FY 2017)</u>	
	<u>Accounts</u>	<u>Local Tax Amount</u>
Real Estate	2,350	\$ 7,887,999
Personal Property – Vehicles	35,850	\$ 5,243,665
Business Personal Property	2,070	\$ 1,513,827
Public Service Corp. Properties	0	\$ 0
BPOL	<u>2,015</u>	<u>\$ 1,644,602</u>
Total	42,285	\$ 16,290,093

The list being presented to the Board is a "snapshot" of outstanding delinquent taxes as of June 30, 2017. This includes delinquent taxpayers who may already be on a payment plan, and delinquencies of taxpayers in bankruptcy.

For perspective, the total amount of all unpaid current year taxes, or \$16.29 million, represents less than 1% of the levy for Tax Year 2016 (FY 2017). This is consistent with prior years. Of the \$5,243,665 in delinquent vehicle taxes, \$1,276,870 is from business owned and used vehicles and \$3,966,795 is from personal property taxes on personally owned and used vehicles.

With outstanding support from the Sheriff's Office, the Police Department, and the Office of the County Attorney, DTA and its collection agents utilized a broad array of collection tools throughout FY 2017 to pursue delinquent accounts. Among other things, these tools include the use of computer-generated letters; telephone calls; statutory summons authority; payment plans; bank and wage liens; set-offs against income tax refunds; booting and towing of vehicles; and, the seizure of equipment.

In accordance with Virginia law, DTA also has an agreement with the Virginia Department of Motor Vehicles (DMV) whereby vehicle registrations are withheld from citizens who have delinquent personal property taxes. A total of 48,320 accounts with DMV holds were successfully collected in FY 2017.

As noted, DTA engages in major outsourcing for delinquent collections. Pursuant to Virginia Code § 58.1-3958 and by prior Board action, the private collection agents are compensated by a 20% fee added to the total delinquency, enabling the County to reduce program expenditures. DTA still provides substantial account research, reconciliation, adjudication, and oversight in support of the collection efforts. Outsourcing the bulk of collections continues to be a very productive and successful partnership.

The collection agent for personal property, BPOL, and parking tickets is a Fairfax County company, Nationwide Credit Corporation (NCC). NCC collected \$12.6 million in delinquent personal property taxes and vehicle registration fees and \$2.0 million in delinquent BPOL revenue in FY 2017.

These results were achieved through a robust collection program that included more than one million telephone calls using automated outbound dialing technology. In addition, NCC sent more than 107,000 dunning letters, issued approximately 21,000 bank and wage liens, processed just over 1,600 boot and tow orders in concert with the Sheriff's Office, and pursued judgments in General District Court. DTA staff provides the review and direct authorization of all NCC seizure activities.

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In addition to delinquent taxes, parking ticket collections are also outsourced. Citation Management, a division of Duncan Solutions, handles front end ticket processing and current collections for DTA. NCC pursues the collection of delinquent parking tickets. FY 2017 ticket collections totaled approximately \$2.4 million.

The private law firm of Taxing Authority and Consulting Services (TACS), based in Richmond, Virginia, handles delinquent real estate accounts. With coordination and oversight from DTA, TACS collected approximately \$9.2 million in delinquent real estate taxes for Fairfax County in FY 2017. Of this amount, \$410,828 came as a result of litigation being initiated and/or from the sale of properties at auction. TACS also collected \$228,980 in zoning violations fees.

Although most of the County Attorney collections have likewise been outsourced to TACS, the County Attorney's Office still directly handles bankruptcy collection cases. A total of 166 new bankruptcy collection cases were opened in FY 2017, and \$1,214,095 was collected from all bankruptcy matters.

Thanks to these combined efforts, the County collected more than \$30 million in net delinquent taxes in FY 2017 for all prior tax years. Strong collection efforts are also reflected in the current year tax collection rates:

	<u>FY 2017</u>
Real Estate	99.78 %
Personal Property (local share)	98.30 %
BPOL	98.59 %

FY 2017 was the fourth full year of the non-tax delinquent collection program in DTA. In addition to collections, DTA continues to work with agencies to improve billing operations, clarify the potential collection actions to be taken, and standardize the use of Set-Off Debt opportunities and referrals to NCC. The individual agencies, and in some cases DTA, pursue initial collection efforts. After the statutory period of 180 days, delinquent accounts are referred to NCC. Working together, we collected approximately \$1.6 million in FY 2017.

Finally, Virginia Code §§ 58.1-3921 and 58.1-3924 state that upon submission to the Board of a list of small tax amounts for which no bills were sent (Attachment B) and a list of small uncollected balances of previously billed taxes (Attachment C), credit shall be given for these uncollected taxes. The lists presented in Attachments B and C average \$1.76 per account:

	<u>Accounts</u>	<u>Dollars</u>
Real Estate	6,589	\$ 1,097
Personal Property	<u>21,056</u>	<u>\$ 47,625</u>
TOTAL	27,645	\$ 48,722

FISCAL IMPACT:

None. Collection agents collect their fee directly from the delinquent taxpayers, not to exceed 20% of the amount collected plus administrative costs as specified by law.

ENCLOSED DOCUMENTS:

Attachment A - Delinquent Taxpayers for Tax Year 2016 (FY 2017)

Attachment B - Tax Year 2016 accounts valued less than \$5 that were not billed

Attachment C - Tax Year 2016 "balance due" accounts of less than five dollars

(Attachments A, B, and C listed above are computer printouts which will be made available in the Board Conference Room on September 12, 2017, from 9:00 A.M. - 4:30 P.M.)

STAFF:

Joseph M. Mondoro, Chief Financial Officer

Jaydeep "Jay" Doshi, Director, Department of Tax Administration

E. Scott Sizemore, Director, Revenue Collection Division, DTA

Kimberly Seburnia, Assistant Director, Revenue Collection Division, DTA

ASSIGNED COUNSEL:

Corinne Lockett, Senior Assistant County Attorney, Office of the County Attorney

ACTION - 3

Approval of a Parking Reduction for JLB Trinity Centre (Sully District)

ISSUE:

Board of Supervisors approval of up to 44 fewer spaces of the required parking for JLB Trinity Centre, Tax Map #054-4-15-0012A ("Property"), Sully District.

RECOMMENDATION:

The County Executive recommends Board approval of a parking reduction for the Property pursuant to Par. 5B of Sect. 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia (Code)* due to express bus service from the site to the Vienna/Fairfax-GMU Metro Station, subject to the following conditions:

1. A minimum of 1.47 parking spaces per unit shall be maintained on-site at all times to serve up to 355 multi-family residential dwelling units.
2. Any additional uses not listed in Condition #1 or additional units exceeding 355 units shall provide parking at rates required by the Fairfax County Zoning Ordinance.
3. A minimum of one parking space shall be maintained on the site at all times to serve each residential dwelling unit. Parking spaces for resident use only shall be identified and secured by either controlled access or via signage. The site plan shall clearly identify how parking spaces for residents will be secured for residential use only. In addition, spaces may be reserved to meet accessibility requirements and/or for electric-vehicle charging stations.
4. At least 15 percent of the total parking spaces provided shall be clearly designated or accounted for as parking for guests of the residents, on-site staff, car-share vendors and/or residential vanpools.
5. The conditions of approval of this parking reduction shall be incorporated into any site plan or site plan revision submitted to the Director of Land Development Services (Director) for approval.
6. The current owners, their successors or assigns of the parcels identified as Tax Map #054-4-15-0012A shall submit a parking space utilization study for review and approval by the Director at any time in the future that the Zoning

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September 12, 2017

Administrator or the Director so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Director may require alternative measures to satisfy the property's on-site parking needs, which may include but not be limited to requiring all uses to comply with the full parking space requirements of the Zoning Ordinance.

7. All parking utilization studies prepared in response to such a request shall be based on applicable requirements of the Code and the Zoning Ordinance in effect at the time of its submission.
8. All parking provided shall comply with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA) and the Virginia Uniform Statewide Building Code.
9. These conditions of approval shall be binding on the current owners, successors, assigns and/or other applicants and shall be recorded in the Fairfax County Land Records in a form acceptable to the County Attorney. If these conditions have not been recorded and an extension has not been approved by the Director, approval of this parking reduction request shall expire without notice six months from its approval date.

TIMING:

Board action is requested on September 12, 2017.

BACKGROUND:

The Property is a 7.08 acres portion of the approximately 101 acres Trinity Centre development, located north of Lee Highway (Route 29) and south of Interstate 66 (Attachment A – Figure 1: Site Location). Applicant JLB Realty LLC proposes to build 355 multi-family residential dwelling units on Parcel 12A, which totals approximately 500,000 gross square feet, and a six-story parking structure for the site. Of the 355 units, there will be 312 market-rate units, 18 affordable dwelling units and 25 workforce dwelling units. Proposed on-site amenities will include a lakeside park, two internal courtyards, a pool and a fitness center. Around the Property, there is a full spectrum of retail and commercial establishments, such as a post office, grocery store, pharmacy and fitness center, all of which are within 500 to 2,000 feet of the site (Attachment A – Figure 4: Walking Distances to Surrounding Uses).

The property was rezoned to the Planned Development Commercial zoning district on July 20, 1987, and subsequently the Board granted approval of rezoning application

RZ/FDP 2015-SU-002, which rezoned Parcel 12A to the Planned Residential Mixed-Use zoning district, subject to the proffers dated October 15, 2015. There are no proffers or development conditions that would prohibit approval of this parking reduction.

The applicant requests a parking reduction of up to 7.7 percent of the total Code required parking for the proposed development, which equates to a parking reduction of up to 44 fewer spaces. JLB Realty LLC proposes a minimum of 524 parking spaces at full buildout, i.e. maximum proposed density. If fewer units are constructed, parking will be provided at the minimum rate of 1.47 spaces per unit. A comparison of the Code required parking and proposed parking at full buildout is summarized in the table below.

Comparison Table of the Code Required and Proposed Parking

Land Use	Size	Rate Required by Code	Minimum Number of Spaces Required by Code	Proposed Reduction	Proposed Minimum Number of Spaces	Proposed Minimum Rate
Residential	Up to 355 Dwelling Units (DU)	1.6 spaces per DU	568 (If 355 DU are constructed)	Up to 7.7% (Up to 44 fewer spaces)	524 (If 355 DU are constructed)	1.47 spaces per DU

The parking reduction request cites Par. 5B (Express bus service) of Sect. 11-102 of the Zoning Ordinance as the primary justification for this reduction. Two Fairfax Connector express routes (Routes 631 and 641) and a Fairfax Connector off-peak route (Route 630), serve the Property (Attachment A – Figure 5: Bus Stops and Bus Routes). Three bus stops are adjacent to the property and provide direct service to the Vienna/Fairfax-GMU Metrorail station via Interstate 66 (Attachment A – Figure 6: Bus Routes to Vienna Station). The comprehensive network of existing sidewalks and trails connecting the site to a variety of local destinations within 500-2,000 feet of the Property would encourage walking and bike use, thereby further justifying the proposed parking reduction.

The parking analysis indicates the proposed parking rate would adequately accommodate the Property's parking demand and there would be no adverse impact to either the site or adjacent areas. This recommendation reflects a coordinated review by the Fairfax County Department of Transportation (FCDOT), Department of Planning and Zoning, Office of the County Attorney and Land Development Services (LDS).

Board Agenda Item
September 12, 2017

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment A – Parking reduction request (7265-PKS-001-1) from Wells and Associates dated October 21, 2016 and revised through July 11, 2017 (pp. 1-23).

STAFF:
Robert A. Stalzer, Deputy County Executive
Thomas P. Biesiadny, Director, FCDOT
William D. Hicks, Director, LDS

WELLS + ASSOCIATES

MEMORANDUM



To: Jan Leavitt
Fairfax County Department of Public Works & Environmental Services

From: William F. Johnson, P.E.
August W. Steinhilber, EIT
Robin L. Antonucci

Re: RZ 2015-SU-002; JLB Trinity Centre

Subject: Parking Reduction Request

Date: October 21, 2016
Revised January 4, 2017
Revised July 11, 2017

1420 Spring Hill Road
Suite 610
Tysons, Virginia 22102
703-917-6620
703-917-0739 FAX
www.njwells.com

INTRODUCTION

This memorandum presents the results of a revised parking reduction request conducted in support of an approved multifamily development located in the Bull Run Planning District, Centreville Suburban Center of Fairfax County, Virginia. The January 2017 revision was based on email comments received from the County's Department of Public Works and Environmental Services (DPWES) on November 16, 2016, as well as discussions held at a meeting on December 16, 2016 and subsequent email received on December 19, 2016. This July 2017 revision addresses additional meetings, discussions, and correspondence with County staff as well as the Sully District Supervisor's office held in May and June 2017.

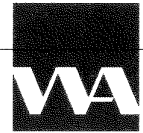
The subject property (the "Property") is identified as 2016 County Tax Map 54-4 ((15)) 12A and consists of approximately 7.08 acres. The Property is part of the greater approximate 70-acre Trinity Centre development located north of Lee Highway (Route 29) and south of Interstate 66, as shown on Figure 1.

Trinity Centre was rezoned by the Fairfax County Board of Supervisors to the PDC (Planned Development Commercial) zoning district on July 20, 1987 after a lengthy review and public hearing process. The proffers accepted by the Board in conjunction with this approval included commitments for a number of transportation improvements, both on and off-site, as well as limitations on the amount and type of permitted land uses. At the time and according to the proffers

Transportation Consultants
INNOVATION + SOLUTIONS

72 65-PHS-001-1





WELLS + ASSOCIATES

MEMORANDUM

accepted by the Board of Supervisors, development of Trinity Centre was limited to 100,000 gross square feet (GSF) of retail uses, 1,800,000 GSF of office uses, 336 residential multifamily dwelling units, and a 300-room hotel).

On October 20, 2015, the Fairfax County Board of Supervisors (BOS) approved the above referenced rezoning application (RZ 2015-SU-002) subject to proffers dated October 15, 2015, which rezoned Parcel 12A (formerly FDPA Buildings 10A and 10B, as shown on Figure 2) to the PRM (Planned Residential Mixed) District. A reduction of the conceptual/final development plan (CDP/FDP) approved in conjunction with RZ 2015-SU-002 is provided as Figure 3. The Applicant (JLB Realty LLC) proposes to develop the Property in conformance with the recently approved CDP/FDP with 355 multifamily dwelling units.

Trinity Centre is served by the Fairfax Connector, which provides frequent weekday and weekend bus service to the Vienna/Fairfax-GMU Metrorail Station thereby facilitating local and regional transit connectivity. Due to the presence of these mass transit alternatives and as provided for in the County's Zoning Ordinance (Article 11-Section 11-102.5; Proximity to Mass Transit), JLB Realty LLC is seeking a reduction in the minimum number of parking spaces required for the new residential uses.

Although a formal parking reduction was not pursued during the course of the rezoning application, the proffers accepted by the Board did reserve the right for the Applicant to seek a reduction of the requirements, subject to the provisions of the Zoning Ordinance. Proffer 23 (see Attachment 1) states the following:

"Parking and Future Parking Reductions. Parking for the Proposed Development shall be provided in accordance with the parking requirements of Article 11 of the Zoning Ordinance, as determined by DPWES. The Applicant reserves the right to pursue a parking reduction for the Proposed Development, as may be permitted by Article 11 of the Zoning Ordinance and approved by the Board of Supervisors."

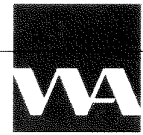
The following sections of this memorandum details the requested reduction and provides support for the same, as well as reflects those emails and/or discussions held with County staff on December 16th and 19th of 2016 as well as discussions with the Sully District Supervisor's office in May and June of 2017. Sources of data for this assessment include, but are not limited to, the files and library of Wells+Associates, Fairfax County, and JLB Realty LLC.



JLB Trinity Centre Parking Reduction
Fairfax County, Virginia



JLB Trinity Centre Parking Reduction
Fairfax County, Virginia



WELLS + ASSOCIATES

MEMORANDUM

PROJECT DESCRIPTION

As stated above, JLB Realty LLC secured approval to develop up to 355 multifamily dwelling units on Parcel 12A of Trinity Centre in lieu of two office buildings (identified previously as 10A and 10B on the Trinity Centre FDPA) totaling approximately 500,000 gross square feet (GSF). Of the 355 units, 312 will be market rate units, with 18 affordable dwelling units (ADUs) and 25 workforce dwelling units (WDUs).

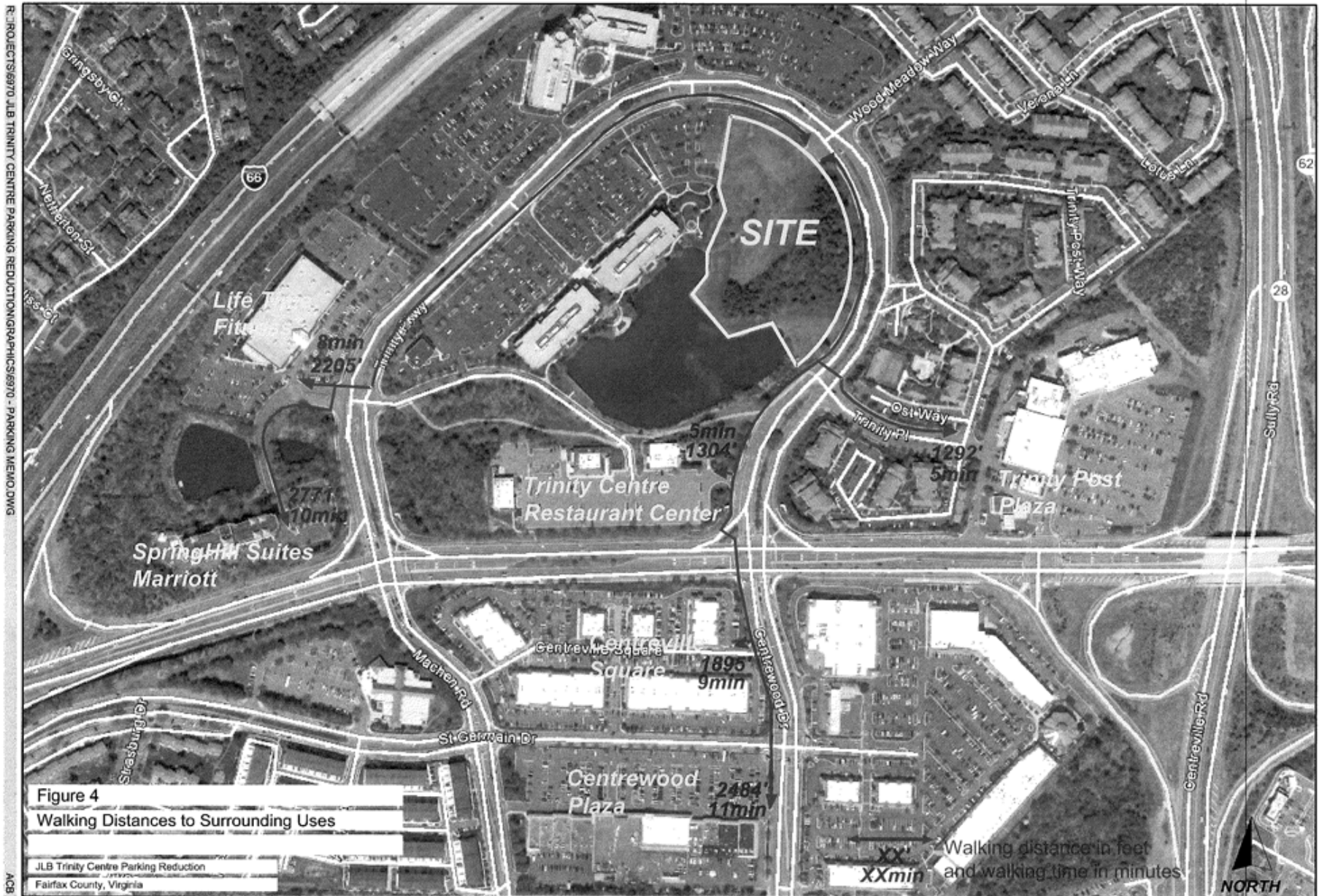
As reflected on the approved 2015 CDP/FDP (Figure 3), the Applicant envisioned providing code required parking within a six-story parking structure. Access to the garage was oriented to/from a full movement driveway opposite Wood Meadow Way and a right-in/right-out driveway, both on Trinity Parkway. Two internal courtyards were proposed for the use of residents, as well as a lakeside park (open to the public at-large) and an off-leash area for the use of residents' dogs. A pool is also proposed in the southwest corner of the buildings for use by the residents and fitness and business centers are also incorporated into the development.

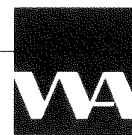
In addition to the on-site amenities provided by JLB Realty, there are a number of compatible uses developed within the greater Trinity Centre development, such as a number of established office uses, a dental office, a post office, Life Time Fitness, a hotel (SpringHill Suites) and several restaurants. All of these uses are within approximately a 500 to 2,000 foot walk (see Figure 4). Other uses are located in proximity (within ½ mile) to the new residential uses across Lee Highway at the Centreville Square and Centreville Plaza shopping centers.

Immediately adjacent to the Property are two large office buildings (referred to as Buildings 8 and 9 on the Trinity Centre FDPA). These buildings total approximately 190,000 GSF (or 95,000 GSF each). Parking for these buildings is provided in three large parking fields. The surface lot located immediately to the west of the Property serving Building 9 consists of a total of 129 parking spaces. Though currently reserved during business hours to a primary tenant of Building 9, these spaces are available for use by visitors to the Property on an informal basis with the tacit approval of the building owner.

FAIRFAX COUNTY PARKING REQUIREMENTS

Article 11 of the Fairfax County Zoning Ordinance (ZO) establishes parking requirements for various land uses by providing parking rates per unit of land use (i.e., per residential dwelling unit, per 1,000 GFA of retail uses, etc.). According to the ZO, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same





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zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. A copy of the relevant Ordinance text is provided herein as Attachment 2.

Article 11, Section 11-103 of the Ordinance outlines the parking requirements for "Multiple Family Dwelling" uses as follows:

"One and six-tenths (1.6) spaces per unit"

Therefore, according to the Zoning Ordinance, 568 parking spaces (= 1.6 spaces per unit * 355 units) would be required to accommodate the parking demand associated with the approved multifamily residential development.

REQUESTED REDUCTION

The Applicant proposes to provide 524 parking spaces (or 44 fewer spaces than required by the ZO) to serve the approved new residential units. Therefore, the Applicant is requesting a 7.7 percent reduction from the Ordinance required parking. This reduction is equivalent to a proposed parking ratio of approximately 1.47 spaces per unit.

PROXIMITY TO TRANSIT (ARTICLE 11, SECTION 11-102.5)

The Zoning Ordinance includes certain specific provisions whereby an applicant/owner can request a reduction in the minimum number of parking spaces required for a particular land use. As stated above, the applicant is requesting a parking reduction based on the provisions stated in Article 11, Section 11-102.5, Paragraphs B and C, as well as references in Article 11, Section 11-101. The Ordinance permits the Board of Supervisors to reduce the number of off-street parking spaces required when a development is within reasonable walking distance of the following:

- B. "an existing transportation facility consisting of a street car, bus rapid transit, or express bus service or wherein such facility is programmed for completion within the same time frame as the completion of the subject development and will provide high frequency service, or



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- C. a bus stop when service to this stop consists of more than three routes and at least one route serves a mass transit station or transportation facility and provides high frequency service.”

A copy of the relevant Ordinance text is provided in Attachment 2. It should be noted that subsequent to the BOS approval of the subject rezoning application, Article 11 of the ZO was amended to specify, among other things, the types of transit facilities that qualify for the parking reduction provision stated above. The Applicant had sought approval of the requested parking reduction initially based on the previous provision cited with regard to transit proximity. Although the application does not meet the criteria exactly as listed in Paragraph C above, given its designation as a PRM district the requirements of Article 11 only have “general applicability” as stated in Section 101 of the Ordinance and therefore should be reviewed accordingly. Furthermore, and as described in the following sections, the site is served by express bus service as defined in Paragraph B above.

TRANSIT SERVICES. The Property is located within ½ mile of multiple bus stops serving, specifically, two Fairfax Connector routes. The location of these stops is shown on Figure 5. These routes include the following:

- Route 641 – “Centre Ridge-Centreville South”
- Route 630 – “Stringfellow Road – Centreville”

As shown on Figure 5, Route 641 has a bus stop directly adjacent to the Property along Trinity Parkway. Route 630 has stops located along Centrewood Drive, the nearest to the subject Property located within ½ mile. The Fairfax Connector route maps and timetables are provided in Attachment 3. Table 1 summarizes the operational characteristics of these two routes.

Table 1
Bus Route Operational Information

Route	Days Served	Walking Distance to Nearest Stop	Walk Time to Nearest Stop	Peak Service Headway	Ride Time to Vienna Metrorail Station
641	Weekday Rush Only	0 feet (Directly Adjacent)	0 minutes (Directly Adjacent)	20-25 minutes	25-30 minutes
630	Weekday Midday, Weekend	1,530 feet (0.3 miles)	12 minutes	60 minutes	45 minutes



Figure 5
Bus Stops and Bus Routes

JLB Trinity Centre Parking Reduction
Fairfax County, Virginia

○ Bus Stop Location
Fairfax Connector
Route 641
Route 630





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Express Service. Express bus service is a type of fixed route that picks up passengers at a suburban location and takes them to a single urban location and/or mass transit facility. This service usually operates for longer-distance trips on a Monday through Friday peak commuter time schedule. These routes have limited stops and utilize highways. Route 641 provides this type of express weekday rush (AM and PM peak period) service while Route 630 offers weekday midday and weekend service. Route 641 offers peak period headways (i.e., frequencies) of between 20 and 25 minutes, which accommodate multiple work schedules during the commute periods. Both routes provide service to the Vienna/Fairfax-GMU Metrorail Station (Orange Line). Figure 6 depicts the bus routes between the Property and the Vienna/Fairfax-GMU Station.

As shown on Figure 6, Route 641 provides direct service to the station via Interstate-66. Route 630 follows a more local path to the station, including stops in the commercial/population areas of Centreville, Fair Lakes, and Fair Oaks. The travel times to the Vienna/Fairfax-GMU Station from the bus stops is summarized in Table 1. As shown, the ride time to/from the Vienna/Fairfax-GMU Station during the peak commute periods would be 25 to 30 minutes utilizing Route 641. As demonstrated, the site is well served by bus transit and regional mass transit through Fairfax Connector and Metrorail service. These services lessen the reliance on individual auto ownership, thus reducing the parking demand associated with the new uses.

According to the Fairfax County *Transit Development Plan*, dated March 2016, Route 641 had an estimated annual ridership of 75,336. Additionally, that report stated that Route 641 and other routes operating along the I-66 corridor "have seen a gradual ridership increase since the conversion from Metrobus to Connector Operation in 2009. Anticipating continued population growth in the Fair Oaks, Centreville, and Chantilly areas, based on MWCOG forecasts, over the six year planning horizon of this TDP suggests further gradual ridership growth...Early next decade the frequency on these routes will likely need to increase to three trips per hour to provide the needed capacity to accommodate the future ridership." The report recommends that implementation of increased/enhanced service for Route 641, among others, should begin in Fiscal Year 2018. As recommended, headways between buses would decrease to 20 minutes or less. Based on this information, bus service proximate to the site is anticipated to improve/increase in the foreseeable future, assuring the continued availability of bus transit facilities for residents of the subject site.

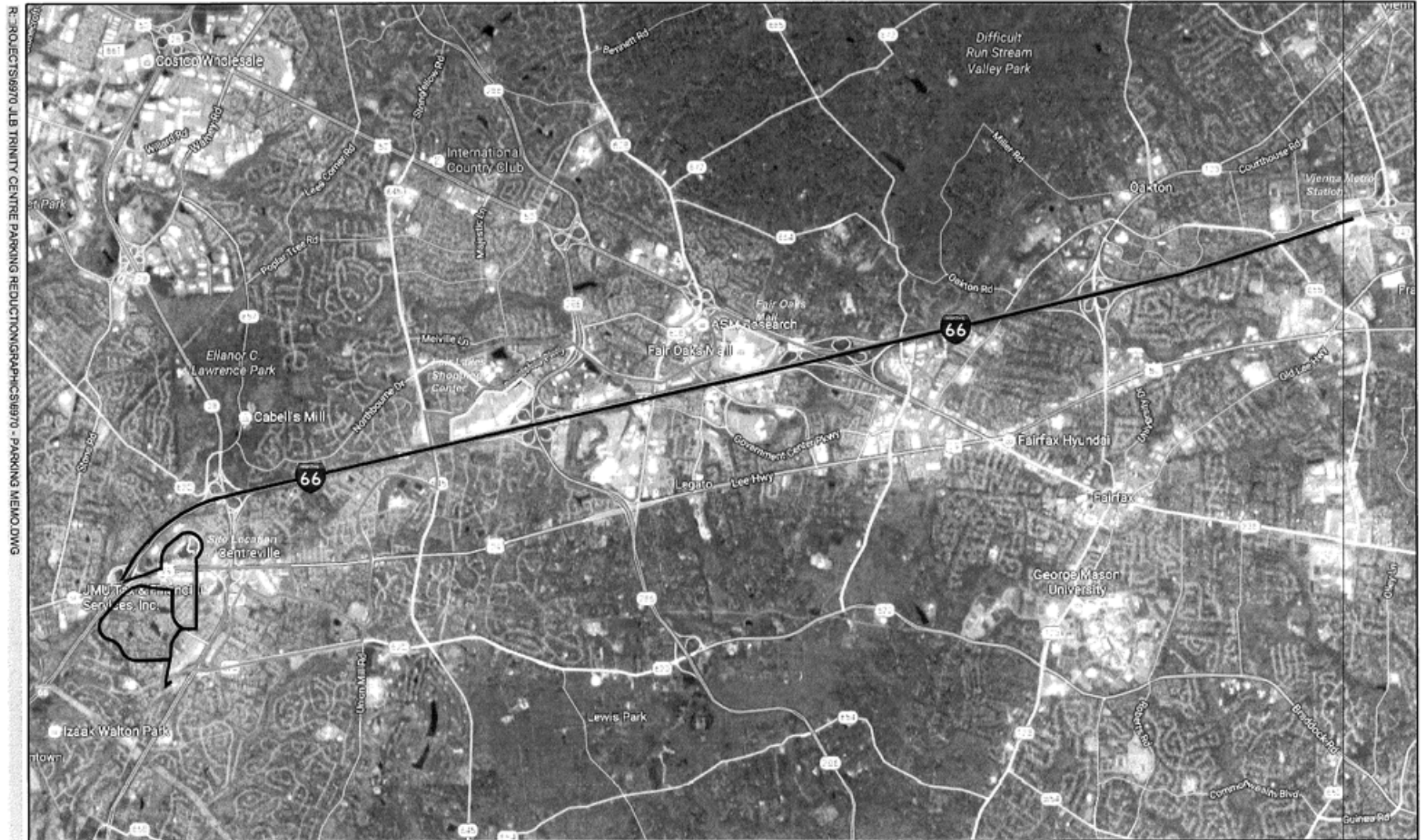


Figure 6
Bus Routes to Vienna Station

JLB Trinity Centre Parking Reduction
Fairfax County, Virginia



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PEDESTRIAN/BICYCLE FACILITIES

Access to the bus services described above, as well as to a number of local businesses adjacent to and proximate to the Property is provided by a comprehensive network of sidewalks and trails. As illustrated on Figure 7, the Property is well served by the surrounding pedestrian facilities, which provide safe and efficient connectivity to those destinations within and outside of Trinity Centre.

It should be noted that on September 8, 2016, there was a report of a pedestrian injury at the intersection of Route 29 and Centrevood Drive/Trinity Parkway. Based on the information received from VDOT, the accident occurred at 6:00 AM. The driver was approaching the intersection from the west on Route 29 in the right through lane on a green ball. A pedestrian ran across Lee Highway from the north to the south side and into the path of the eastbound driver; the driver could not avoid striking her. According to VDOT, due to ongoing pavement operations, there were no marked crosswalks and few pavement markings visible at the time of the accident; neither of which was deemed to be contributing to the accident. It was also noted that the pedestrian was crossing against a red light; the pedestrian facilities were operational at this location at the time but the pedestrian did not use them. This was the only pedestrian-related accident occurring at this intersection in the period between January 10, 2011 and September 8, 2016.

The walk times from the Property to the nearest bus stop associated with each of the two bus routes is summarized in Table 1. Based on field measured walk times, the average walk between the Property and the nearest stop associated with Route 630 (located opposite Lee Highway) is 12 minutes and comprises a length of approximately 0.3 miles (or 1,530 feet \pm). This distance is well within $\frac{1}{2}$ mile (or 2,640 feet), which is typically considered a reasonable walking distance for commute purposes.

In addition to the pedestrian network, the Applicant is providing bicycle facilities within the parking garage and throughout the project limits in accordance with the County's bicycle policy.



Figure 7
Pedestrian Facilities

JLB Trinity Centre Parking Reduction
Fairfax County, Virginia

○ Bus Stop

— Concrete Sidewalk
— Asphalt Trail
- - - Marked Crosswalk



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CENSUS DATA

Data associated with journey to work travel patterns and auto ownership for the area proximate to the Property were examined based on the American Community Survey (ACS) and U.S. Census Bureau. According to recent ACS data approximately 34.2% of workers 16 years of age and over and renting homes in the census tracts in the vicinity of the approved new residential uses utilized alternative modes of transportation to travel to work; specifically, 6.0% use public transportation (excluding taxicab). This data confirms the higher utilization of alternative modes of travel in proximity to reliable and frequent transit service. The census data is provided as Attachment 4.

TRANSPORTATION DEMAND MANAGEMENT

In conjunction with the approved residential use, a comprehensive TDM program was proffered by JLB Realty in general accordance with the County's TDM Policy. As provided for in Proffer 26, the TDM program, once established, is intended to achieve a 20% trip reduction goal (see Attachment 1). Among those strategies included in the proffer, the Applicant will implement parking management in order to most effectively make efficient use of the available parking supply.

It should be noted however, that the requested parking reduction *is not* predicated on the TDM program provision stipulated in the Ordinance. However, the TDM program will support the encouragement of non-auto modes of travel by residents of the site, promote the usage of available transit options, and further reduce auto ownership thus reducing the demand for parking spaces.

REGIONAL EXPERIENCE

Overview. In April 2015, the City of Alexandria Department of Planning and Zoning together with Transportation and Environmental Services published *Parking Standards for Multi-family Residential Development Projects Guiding Document* (the "Guide"). According to the Guide, the City's parking rates had not been updated since the 1960s. Since then, the use of alternate transportation modes had increased and single occupant vehicle use, as well as auto ownership decreased with increasing urbanization. Over a two year period, the City collected data and conducted extensive research with regard to parking for multifamily residential uses and found significantly more parking was provided than was needed.



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The data revealed a direct relationship between lower parking utilization and the following factors:

- Proximity to transit;
- Walkability of the neighborhood and proximity to neighborhood services;
- Income restricted affordable housing units; and
- Percentage of studio units in the development.

As a result of the City's efforts, new parking ratios were established for market rate and affordable multifamily dwelling units with allowances for lower ratios when specific conditions are met.

Parking Ratios and Allowable Credits. Table 2 below summarizes the parking ratios for the market rate housing projects. Table 3 reflects the allowable credits or deductions that can be applied to those ratios.

Table 2
Market Rate Parking Ratios

Project Location	Parking Ratio
Within 0.5 miles of Metro Station Walkshed	0.8 spaces per bedroom
Outside 0.5 miles of Metro Station walkshed	1.0 spaces per bedroom

Source: *Parking Standards for Multi-family Residential Development Projects Guiding Document*, City of Alexandria, April 2015

Table 3
Market Rate Allowable Credits

Allowable Credits on Parking Ratios	
Outside 0.5 miles Metro Station walkshed but within 0.5 miles BRT stop walkshed	10%
Walkability Index score is between 90 and 100	10%
Walkability Index score is between 80 and 89	5%
Four or more bus routes stop within 0.25 miles of development entrance	5%
Project has 20% or more of studio units	5%

Source: *Parking Standards for Multi-family Residential Development Projects Guiding Document*, City of Alexandria, April 2015



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In addition to market rate units, the Guide also provides separate and distinct ratios according to household incomes. The City data supports the correlation between lower parking demand and income-restricted housing. Table 4 summarizes the income-restricted parking ratios; Table 5 summarizes the allowable credits applicable to the income-restricted (or affordable dwelling units).

Table 4
Income-Restricted Parking Ratios

Household Income Being Served	Parking Ratio
At or below 60% AMI	0.75 spaces per unit
At or below 50% AMI	0.65 spaces per unit
At or below 30% AMI	0.50 spaces per unit

Source: *Parking Standards for Multi-family Residential Development Projects Guiding Document*, City of Alexandria, April 2015

Table 5
Income-Restricted Affordable Housing Credits

Allowable Credits on Parking Ratios	
Outside 0.5 miles Metro Station walkshed but within 0.5 miles BRT stop walkshed	10%
Walkability Index score is between 90 and 100	10%
Walkability Index score is between 80 and 89	5%
Four or more bus routes stop within 0.25 miles of development entrance	5%
Project has 20% or more of studio units	5%

Source: *Parking Standards for Multi-family Residential Development Projects Guiding Document*, City of Alexandria, April 2015

To calculate the required parking the following equation is used:

$$\text{Final Parking Ratio} = (\text{Parking Ratio}) - (\text{Parking Ratio} * (\text{Credit 1} + \text{Credit 2} + \text{Credit 3}))$$

Guide Methodology Applied to Trinity Center. As stated above, JLB proposes to develop Parcel 12A with 312 market rate units, 18 affordable dwelling units and 25 workforce dwelling units. According to the Applicant, the mix of bedroom types associated with the market rate and workforce dwelling units is proposed as follows:



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<u>Market Rate/Work Force Units:</u>	29	Studio Units
	179	One-Bedroom Units
	118	Two-Bedroom Units
	<u>11</u>	Three-Bedroom Units
	337	Total Market/Work Force Units

Affordable Dwelling Units: 18 Units

For purposes of the base parking calculation and in accordance with the Guide, studio units were assumed as one-bedroom units (one space per unit) and three-bedroom units were assumed a base demand of two spaces per unit. Based on the above and the ratios presented in Tables 2 and 4, the total number of spaces required, exclusive of any allowable credits, would be 480 spaces, which is less than the proposed parking supply of 524 spaces. Therefore, according to the guidance from Alexandria, the mix of unit types in the proposed residential development itself justifies the requested parking reduction.

Research has shown that residents that live within an acceptable walking distance of transit will use it, own fewer cars and create less demand for parking. Current national research has shown that an acceptable walking distance for a commuter's home to transit is approximately 0.5 miles for rail and 0.25 miles for bus service. This walking distance must be measured along sidewalks and/or paths, not as the "crow flies".

In Alexandria, walkability is determined based primarily on a development's location relative to a variety of services or uses. Uses must be located within 0.25 to 0.50 miles of the building's main entrance(s). The Guide provides a list of applicability associated with the various uses. Attachment 5 provides a copy of Appendix 2 from the Guide.

In the interest of conservatism, Wells + Associates did not directly account for any credits associated with walkability in accordance with the Guide. However, Wells + Associates conducted a detailed field review of the services and uses located within 0.25 to 0.50 miles walking distance from the proposed new residential development. Figure 4 identifies those uses and the walking distance from the two major building entrances to those uses/services. As shown, the development is well served by existing community retail, services, and support facilities within a reasonable walking distance, which as stated above will lessen reliance on auto ownership and thus supports the requested parking reduction.



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NATIONAL EXPERIENCE

Over the past decade, research has shown that overbuilding of residential parking leads to increased automobile ownership, vehicle miles traveled and congestion. Parking availability can affect mode choice and decrease the use of transit alternatives. In addition it has been found that zoning regulations requiring parking supplies that exceed demand can increase housing costs and inhibit the development of mixed-use, mixed-income, pedestrian friendly neighborhoods. As a result, there have been a number of national efforts to quantify the “right” amount of parking required for residential housing. The City of Alexandria Guide described above is an example of one such effort. In 2015 the District of Columbia Office of Planning and the District Department of Transportation also undertook such an effort.

According to many, although a great deal of study has been completed with regard to multifamily residential parking demand in transit-oriented developments (TODs) little research has been completed in conjunction with suburban locations. Historically speaking, parking for multifamily uses in suburban locations has been provided in generous amounts. Parking for suburban locations are often bundled with the unit (parking is free with the unit) and there is little if any parking management and no sharing with other uses. As a result, many counties and cities across the country are looking at amending their zoning ordinance to provide the parking to not only meet expected demands but to evaluate how the “right” amount of parking can further community visions.

For example a TRB study (*Parking Demand and Zoning Requirements for Suburban Multifamily Housing*) presented in January 2011, recommends first establishing a rate based on average local demand. This rate would then be adjusted to reflect transit proximity, market segment, and unit size. A parking management scheme would also be required. Step 2 would be to unbundle the parking from the base rent. This unbundling would also likely require the adoption of on-street parking pricing or time limitations to prevent spillover parking in adjacent neighborhoods or streets. Step 3 would reduce or eliminate parking in TODs. The TRB study concluded that local ordinances and policies should be established to make it possible for households to reduce vehicle ownership, by providing walkable destinations, better transit, bicycle facilities, and the implementation of various transportation demand strategies.

In a study conducted in the Seattle, Washington area, entitled *Evaluating the Impact of Transit Service on Parking Demand and Requirements*, dated 2011, parking demand for multifamily developments was evaluated in both urban and suburban areas. The suburban sites selected for evaluation were located in Redmond, Washington. The article states that “Redmond is a growing suburban area about 15 mi east of Seattle



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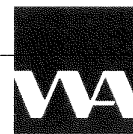
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with a lower population density and less transit service, focused mainly on peak hour commute service.” Furthermore, Redmond is serviced primarily by the King County Metro Transit bus service with connections to key area employment centers including downtown Seattle. These factors are analogous to the conditions found in the Centreville area of Fairfax County. According to the study, the weighted average parking demand in the suburban locations (Redmond, WA) was 1.08 vehicles per dwelling unit with a maximum observed demand of 1.12 vehicles per unit. The study concludes that “For decades the belief of residential parking practice was that a generous supply of off-street parking would help to reduce traffic congestion and limit spillover of parking into surrounding neighborhoods. However, the requirements that many cities place on developers to build an excess parking supply encourages automobile use, increases development costs, decreases housing affordability, consumes more land and natural resources, increases air and water pollution, and prohibits smart growth. As planners better understand the relationships between parking, transportation choices, land use, and environmental impacts, it is important to evaluate how parking policies can be modified to achieve the optimal balance of off-street parking. A hypothesis of this study is that greater levels of transit service will yield a lower parking demand for multifamily residential developments in urban centers. The combination of mixed-use development, shorter distances to many destinations, higher jobs-to-housing balance, and more frequent and diverse transit services may provide people with viable alternatives to owning or driving a car.”

CONCLUSIONS

Based on the documentation provided herein, the following can be concluded:

1. Under a strict application of the Fairfax County Zoning Ordinance, a total of 568 parking spaces would be required to accommodate the approved new residential development.
2. The applicant is proposing a parking supply of 524 spaces to accommodate the site. Therefore, a **parking reduction of 7.7%** (or 44 fewer spaces) is requested. This supply reflects an effective parking ratio of approximately 1.47 spaces per unit.
3. The Property is located within one-half (1/2) mile of two bus routes in the vicinity. Both bus routes provide service to the Vienna/Fairfax-GMU Metrorail Station; one of the routes meeting the characteristics of an “express” route. Therefore, the site’s proximity to transit will reduce the parking demand of the approved residential use.



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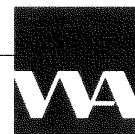
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4. The Property is well served by a comprehensive network of pedestrian sidewalks and trails, which provide safe and convenient access to the bus routes, as well as local destinations in the vicinity such as retail and service uses. Bicycle facilities will be provided within the garage and throughout the project limits.
5. According to the census data, approximately 34.2 percent of workers 16 years of age and older in rental units within the vicinity of the approved new development used alternative transportation modes other than single occupant vehicles to travel to work.
6. The applicant proffered to implement a TDM program, which commits to a trip reduction goal of 20%. The TDM program will actively promote the use of available transit options, which will reduce the reliance on auto ownership.
7. The new residential product is located within approximately ¼ to ½ mile of a number of community serving uses including multiple grocery stores, fitness centers, a post office, pharmacy, fitness center and significant office uses. All of these services encourage walk and bike use.
8. The parking reduction request will not have an adverse impact to the site or surrounding areas.
9. The Property is located immediately adjacent to a 129 parking space surface lot which serves Building 9 of Trinity Centre. The owner of Building 9 has given tacit approval of the use of those spaces outside of normal business hours only on an as needed basis.
10. The requested reduction results in a parking ratio that is consistent with national experience and is slightly greater than more urbanized locations in the region. The requested reduction is also consistent with the County's TDM policies.

RECOMMENDATIONS

Based on the conclusions above, approval of the parking reduction should be conditioned on the following:

1. A minimum of 524 parking spaces shall be maintained on-site at all times to serve the 355 multifamily residential dwelling units proposed by the Applicant. This equates to a parking ratio of approximately 1.47 spaces per unit. In the event the Applicant builds less than the 355 units, then the 524



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minimum required number of spaces may be reduced proportionately in accordance with the above ratio.

2. A minimum of one (1) parking space shall be maintained on the site at all times to serve each residential dwelling unit. The parking spaces for resident use only shall be identified and secured by either controlled access or via signage. The site plan shall clearly identify how the parking spaces for residents will be secured for resident use only.
3. At least 0.15 parking spaces per multifamily unit shall be clearly designated or accounted for as parking for guests of the residential uses, future residents, on-site staff, and/or car-share vendors. No other parking ancillary to the residential uses may be reserved with the exception of those needed to meet accessibility requirements and/or for electric-vehicle charging stations as proffered.
4. The conditions of approval of this parking reduction shall be incorporated into any site plan or site plan revision submitted to the Director of the Department of Public Works and Environmental Services (Director) for approval.
5. The current owners, their successors or assigns of the parcels identified as Tax Map 54-4 ((15)) 12A shall submit a parking space utilization study for review and approval by the Director at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Director may require alternative measures to satisfy the property's on-site parking needs, which may include (but not be limited to) requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
6. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
7. All parking provided shall comply with all other applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual including the provisions referencing the Virginia Uniform Statewide Building Code.



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8. The conditions of approval shall be binding on the successors of the current owners and/or other applicants and shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
9. Unless an extension has been approved by the Director, the approval of this parking reduction request shall expire without notice 6 months from its approval date if Condition #XX has not been satisfied.

Attachments: a/s

ACTION – 4

Approval of Project Agreements Between the Department of Rail and Public Transportation (DRPT) and Fairfax County to Provide Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds for Operation of Five Connector Stores

ISSUE:

Board approval of project agreements between DRPT and the County to provide CMAQ program funds, and matching funds, for the operation of five Connector Stores.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached Project Agreements with DRPT (Attachments 1 and 2) and authorize the Director of the Department of Transportation to execute the finalized Agreements substantially in the form of Attachments 1 and 2 on behalf of Fairfax County.

TIMING:

Board action is requested on September 12, 2017, so DRPT can reimburse the County for its expenses associated with this project.

BACKGROUND:

With passage of the Clean Air Act Amendments of 1990, Congress implemented strategies to attain the National Ambient Air Quality Standards (NAAQS). The 1990 amendments required reductions in the amount of allowable vehicle tailpipe emissions, initiated more stringent control measures in areas that still failed to meet the NAAQS, known as nonattainment areas, and provided for a stronger, more rigorous link between transportation and air quality planning. Further establishing this link, Congress passed the Intermodal Surface Transportation Efficiency Act-the ISTEA of 1991. This legislation recognized the role that transportation plays in reducing harmful emissions. Part of this approach was the newly authorized CMAQ Program. The CMAQ program was implemented to support surface transportation projects and other related efforts that contribute to air quality improvements and provide congestion relief.

Jointly administered by the FHWA and the Federal Transit Administration (FTA), the CMAQ Program has been reauthorized under every successive Transportation Bill up to and including the Fixing America's Surface Transportation (FAST) Act in 2015. The program provides a flexible funding source for transportation projects that help improve air quality and reduce congestion. State and local governments can use the funding to support efforts to meet NAAQS under the Clean Air Act in both nonattainment and maintenance areas for carbon monoxide, ozone, and particulate matter.

Board Agenda Item
September 12, 2017

As of January 2015, the Washington D.C. metropolitan area was designated by the Environmental Protection Agency (EPA) as “Marginal” nonattainment for the 2008 ozone standard. The region has made significant progress in reducing emissions of ozone precursors such as, volatile organic compounds (VOC) and nitrogen oxides (NOx) from both transportation and non-transportation sectors over the years. As a result, the region met the 2008 ozone standard of 75 parts per billion (ppb) based on the data for the period 2012 through 2014. The region is currently working on developing a request for EPA to redesignate the area to attainment for the 2008 ozone standard along with a required demonstration to maintain compliance in the future (maintenance plan).

However, EPA published a revised and tougher health based ozone standard of 70 ppb in October 2015. The draft data for the period 2014 through 2016 shows the region’s design value for ozone at 72 ppb. This indicates that even though the region has made significant progress in reducing emissions, it needs to continue its efforts to meet the 2015 ozone standard.

The Connector Stores grant is used to fund the operating costs of five Fairfax Connector Stores. The stores provide information to potential riders of the Fairfax Connector bus system and various other transit systems in Northern Virginia. They distribute schedules and help plan trips using public transportation with the end result of reducing congestion on the roads and vehicle emissions. This grant has been awarded to the County for several years.

FISCAL IMPACT:

Funding from the Commonwealth is provided on a reimbursement basis after the purchase and/or project is completed. These funds are already included in Fund 40000 (County Transportation Systems) in Fairfax County’s FY 2017 Adopted Budget. There will be no fiscal impact to the General Fund, if this item is approved, and no local match is required. These funds, totaling \$540,000, will be retroactive from November 2, 2016, the effective date of the agreement, and are available through November 30, 2017.

ENCLOSED DOCUMENTS:

Attachment 1: Agreement for the Use of Federal Highway Administration Congestion Mitigation Air Quality Program Funds, FY 2017

Attachment 2: Project Agreement between the Virginia Department of Rail and Public Transportation and Fairfax County for the Provision of Funding for the Connector Transit Stores

Board Agenda Item
September 12, 2017

STAFF:

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

ASSIGNED COUNSEL:

Daniel Robinson, Assistant County Attorney

AGREEMENT
FOR THE USE OF
FEDERAL HIGHWAY ADMINISTRATION
CONGESTION MITIGATION AIR QUALITY PROGRAM FUNDS
FISCAL YEAR 2017
PROJECT 47017-03
CM 5A01 (809)
UPC T207
FAIRFAX COUNTY

<u>Section No.</u>	<u>Description</u>
	Introduction
1	Purpose and Source of Funds
2	Project Budget
3	Requisitions and Payments
4	Termination
5	Contracts of the Grantee
6	Restrictions, Prohibitions, Controls, and Labor Provisions
7	Liability Waiver and Insurance Requirements
8	Compliance with Title VI of the Civil Rights Act of 1964
9	Incorporation of Provisions
10	Special Provisions
Appendix A	Project Description and Budget
Appendix B	Restrictions, Prohibitions, Controls, and Labor Provisions
Appendix C	Title VI
Appendix D	Audit Guidelines

This Project Agreement (“Agreement”), effective November 2, 2016, by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding for the Fairfax Connector Transit Stores (“Project”).

WHEREAS, under provisions set forth under 23 U.S.C. § 149, the Congestion Mitigation and Air Quality Improvement (“CMAQ”) program was established to fund transportation projects or programs that are likely to contribute to attainment of national ambient air quality standards or maintain national ambient air quality standards in maintenance areas; and

WHEREAS, the Parties desire to secure and utilize these grant funds; and

WHEREAS, on November 2, 2016, the Federal Highway Administration (“FHWA”) approved funding for the Project.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Parties agree as follows:

SECTION 1. Purpose and Source of Funds

Provided the requirements of this Agreement are met, the Department agrees to make available to the Grantee the sum of \$432,000 in 23 U.S.C. § 149 CMAQ Federal funds. This amount is provided to carry out the work activities described in the approved Project scope of work in Appendix A, attached and made a part of this Agreement. The Project is contained in the approved Transportation Improvement Plans of both the urbanized area of which the Grantee is a part and the Commonwealth of Virginia (“Commonwealth”).

SECTION 2. Project Budget

The Project Budget is the latest requested by the Grantee and approved by the Department, and is in Appendix A. The Grantee shall carry out the Project and shall incur obligations against and make disbursements of the Project funds only in conformity with the latest approved budget for the Project. Indirect costs are an allowable expense if they are based on a cost allocation plan that has been approved by the Department.

Federal funds provided in this Agreement are contingent upon FHWA funding. In no event shall the Department be liable to the Grantee for any portion of the Federal share of the Project cost. The Department's responsibility for the Project cost shall be limited to the cost of coordination and processing of the Grantee's reimbursement requests to the FHWA.

SECTION 3. Requisitions and Payments

- a. Requests for Payment by the Grantee. The Grantee will make requests for payment of eligible costs as defined in 23 U.S.C. § 601. The request for payment will be for the Federal share of the total Project cost at the rate of Federal participation shown in the Project Budget. In order to receive payments, the Grantee must:
1. Submit a reimbursement request in the OLGA Grants Management System to the Department; and
 2. Identify the source or sources of the non-Federal share of financial assistance under this Project from which the payment is to be derived.

- b. Upon receipt of satisfactory documentation, the Department will use all reasonable means to electronically transfer funds for the Federal share of allowable costs to the Grantee within 30 days.

SECTION 4. Termination

For convenience. The Department may terminate this Agreement at any time without cause by providing written notice to the Grantee of such termination. Termination shall be effective on the date of the receipt of notice by the Grantee. In the event of such termination, the Grantee shall be compensated for allowable costs as defined by the State Master Agreement, through the date of receipt of the written termination notice from the Department.

SECTION 5. Contracts of the Grantee

Without prior written authorization by the Department, the Grantee shall not: (1) assign any portion of the work to be performed under this Agreement; (2) execute any contract, amendment, or change order concerning this Agreement; or (3) obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement. Further, the Grantee may not issue a Request for Proposal (“RFP”) that uses 23 U.S.C. § 149 CMAQ funds without prior review and approval of the RFP by the Department.

SECTION 6. Restrictions, Prohibitions, Controls, and Labor Provisions

The Grantee shall comply with all of the restrictions, prohibitions, controls, and labor provisions set forth in Appendix B, attached and made a part of this Agreement.

SECTION 7. Liability Waiver and Insurance Requirements

The Grantee shall not seek redress for damages or injury caused in whole or in part by the Commonwealth or the Department, and their respective officers, agents, and employees acting within the scope of their duties. The Grantee shall reimburse the Commonwealth, the Department, and their respective officers, agents, and employees for any damage or injury arising from or relating to the use by the Grantee, its officers, agents, or employees of funds provided under this Agreement.

The Grantee hereby certifies that it is covered by and will keep in force either: (a) a comprehensive liability self-insurance plan administered by Virginia's Division of Risk Management providing protection against liability and claims pursuant to § 2.2-1839 of the *Code of Virginia* (1950), as amended (the "DRM Plan"); (b) a commercial insurance policy acceptable to the Department ("Commercial Insurance"); or (c) a liability self-insurance program acceptable to the Department providing equal or better coverage than the DRM Plan ("Self-Insurance Program").

(a). The DRM Plan. If the Grantee chooses to satisfy its obligations under this Section by procuring the DRM Plan:

1. The Commonwealth and the Department, and their respective officers, agents, and employees shall be "additional covered parties" under the DRM Plan.

2. The Grantee shall provide the Department a Certificate of Liability Coverage that states, “The Commonwealth and the Department, and their respective officers, agents, and employees shall be indemnified to the extent permitted by law in terms of being added as additional covered parties pursuant to and specific to this Certificate.”

(b). Commercial Insurance. If the Grantee chooses to satisfy its obligations under this Section by procuring Commercial Insurance:

1. The Grantee shall obtain an endorsement to the Commercial Insurance naming the Commonwealth and the Department, and their respective officers, agents, and employees as additional insureds under the policy.
2. The Grantee shall provide the Department a Certificate of Insurance providing evidence of the required coverage and naming the Commonwealth and the Department, and their respective officers, agents, and employees as additional insureds.

(c). Self-Insurance Program. If the Grantee chooses to satisfy its obligations under this Section through a Self-Insurance Program:

1. The Grantee shall provide evidence of the authority for such Self-Insurance Program, evidence of the limits of the Self-Insurance Program, and evidence that the Self-Insurance Program is funded to an actuarially sound level.

2. The Grantee shall provide the Department with a certificate or letter from an authorized Grantee official confirming coverage for the duration of the Agreement.

The requirements of this Section shall not be deemed to limit any other obligations or liabilities of the Grantee.

The Grantee shall be responsible to pay the full amount of any deductibles or self-insured retentions of any coverages.

SECTION 8. Compliance with Title VI of the Civil Rights Act of 1964

The Grantee shall comply with the provisions of Title VI of the Civil Rights Act of 1964, and the provisions in Appendix C, attached and made a part of this Agreement.

SECTION 9. Incorporation of Provisions

The Grantee shall make all covenants and provisions of this Agreement a part of any contracts and subcontracts relating to the Project which utilize the funds provided in this Agreement. These covenants and provisions shall be made binding on any contractor, subcontractor, and their agents and employees. In addition, the following required provision shall be included in any advertisement for procurement for the Project:

Statement of Financial Assistance: This contract is subject to a financial assistance contract between the Commonwealth of Virginia and the United States Department of Transportation (“U.S. DOT”).

SECTION 10. Special Provisions

- a. Special Condition Pertaining to Financing CMAQ Projects.

Sufficient funds must be available from the U.S. DOT and an adequate liquidating cash appropriation must have been enacted into law before payments may be made to the Grantee under this Agreement.
- b. All funds made available by this Agreement are subject to audit by the Department or its designee, and by the FHWA or its designee. Current audit guidelines for the Department are set forth in Appendix D, attached and made a part of this Agreement.
- c. Nothing in this Agreement shall be construed as a waiver of the Grantee's or the Commonwealth's sovereign immunity.

This area intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix A: Project Description and Budget

Grantee: Fairfax County

Project: Fairfax Connector Transit Stores

**FHWA Grant Number CM 5A01 (809)
UPC T207**

Project Number: 47017-03

Project Start Date: November 2, 2016

Project Expiration Date: November 30, 2017

Fund Code		Item Amount
401	Federal Grant Amount (share of Project cost - 80%)	\$432,000
472	State expense (share of Project cost - 20%)	\$108,000
	Total Project Expense	\$540,000

In no event shall this grant exceed \$432,000.

Appendix B: Restrictions, Prohibitions, Controls, and Labor Provisions

- a. The Grantee, its agents, employees, assigns, or successors, and any persons, firms, or agency of whatever nature with whom it may contract or make agreement, in connection with this Agreement, shall not discriminate against any employee or applicant for employment because of age, race, religion, handicap, color, sex, or national origin. The Grantee shall take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to their age, race, religion, handicap, color, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- b. Disadvantaged Business Enterprises (“DBE”). It is the policy of the U.S. DOT that DBEs, as defined in 49 C.F.R. pt. 26, have the maximum opportunity to participate in the performance of contracts financed in whole or in part with the Federal funds under this Agreement. Consequently, the DBE requirements of 49 C.F.R. pt. 26 apply to this Agreement.

The recipient or its contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. DOT-assisted contract or in the administration of its DBE program or the requirements of 49 C.F.R. pt. 26. The recipient shall take all necessary and reasonable steps under 49 C.F.R. pt. 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts. The recipient will utilize the Virginia Department of Transportation’s DBE program, as required by 49 C.F.R. pt. 26 and as approved by the U.S. DOT, which is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. § 3801 *et seq.*).

Pursuant to the requirements of 49 C.F.R. pt. 26, the following clause must be inserted in each third party contract:

“The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. pt. 26 in the award and administration of U.S. DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited

to: (1) withholding monthly progress payments; (2) assessing sanctions; (3) liquidated damages; and/or (4) disqualifying the contractor from future bidding as non-responsible.”

- c. Interest of Member of, or Delegates to, Congress. No member of, or delegate to, the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.
- d. Conflict of Interest. The Grantee and its officers and employees shall comply with the provisions of the State and Local Government Conflict of Interests Act, §§ 2.2-3100 *et seq.* of the *Code of Virginia* (1950), as amended.
- e. The Grantee, its agents, employees, assigns, or successors, and any persons, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Fair Employment Contracting Act, §§ 2.2-4200 *et seq.* of the *Code of Virginia* (1950), as amended.

Appendix C: Title VI

During the performance of this Agreement, the Grantee, for itself, its assignees, and successors in interest, agrees as follows:

- a. **Compliance with Regulations:** The Grantee shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (U.S. DOT), 49 C.F.R. pt. 21, as amended (“Regulations”).
- b. **Nondiscrimination:** The Grantee, with regard to the work performed by it during the term of this Agreement, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Grantee shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations.
- c. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation, made by the Grantee for work to be performed under a subcontract, including procurements of materials, leases, or equipment, each potential subcontractor or supplier shall be notified by the Grantee of the Grantee's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
- d. **Information and Reports:** The Grantee shall provide all information and reports developed as a result of or required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the Grantee is in the exclusive possession of another who fails or refuses to furnish this information, the Grantee shall so certify to the Department or the FHWA, as appropriate, and shall set forth the efforts it has made to obtain this information.
- e. **Sanctions for Noncompliance:** In the event of the Grantee's noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such Agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 1. Withholding of payments to the Grantee under the Agreement until the Grantee complies; and/or
 2. Cancellation, termination, or suspension of the Agreement in whole or in part.
- f. **Incorporation of Provisions:** The Grantee shall include the requirements of paragraphs a through f in every subcontract (making clear that the requirements on the Grantee are in turn required of all subcontractors), including procurements

of materials and leases of equipment, unless exempt by the regulations or directives issued pursuant thereto. The Grantee shall take such action with respect to any subcontract or procurement as the Department or the FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Grantee becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Grantee must immediately notify the Department so that steps can be taken to protect the interests of the Department and the United States.

Appendix D: Audit Guidelines

- a. The Grantee shall comply with the requirements of the Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.*, and applicable U.S. DOT “Single Audit” requirements of 2 C.F.R. pt. 1201, which incorporate by reference 2 C.F.R. pt. 200. It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards.
- b. Additional guidance is as follows:
 1. Eligibility of costs is stressed for expenditures made within the grants. 2 C.F.R. pt. 200 Subpart E should be referenced and applied. Generally, some of the problems encountered are:
 - A. Unacceptable or no cost allocation plan, usually for “indirect costs.”
 - B. Arbitrary allocation of costs.
 - C. Failure to maintain time and attendance records.
 - D. Failure to keep accurate track of employee time spent on each of several grants.
 - E. Improper documentation.
 2. The report should have sufficient schedules, either main or supplementary, that identify beginning balances, revenues, expenditures by line item and individual grants, and fund balances. Department-issued grants should be separated. A schedule of ineligible costs should also be included if such costs are found.
 3. The report should present a schedule of indirect costs and be presented in a manner that indicates the method of developing the costs (including fringe benefits). Indirect costs should be analyzed for eligibility of costs included (interest, taxes, etc.).
 4. Costs should be classified to identify expenditures by the Grantee in contrast to disbursements actually passed through to subrecipients. The scope of the audit should include expenditures made by the subrecipients and be identified in the audit report. This includes consultants, subconsultants, and any other recipient of pass through funds.
 5. Generally speaking, it is left up to the auditor's professional judgment to determine materiality in selection of parameters for sample testing and recognition of errors. However, it is suggested that the size of each individual grant in the entity be considered when selecting parameters rather than total overall operation of the entity.
 6. The following groups should be sent copies of the audit reports:

- A. Two copies of the audit reports and two copies of the OIG Review of the Report are to be sent to:

Virginia Department of Rail and Public Transportation
Attention: Donald Karabaich, Audit Manager
600 East Main Street, Suite 2102
Richmond, VA 23219

- B. Grantees expending more than \$750,000 a year in Federal assistance must forward a copy of the audit to a central clearinghouse designated by OMB.

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th St.
Jefferson, IN 47132

- C. If your independent annual single audit contains U.S. DOT program findings, a copy of the entire audit report must be submitted to your FTA Regional Office. If your agency receives funds from more than one U.S. DOT agency and FTA is your point of contact for all DBE program issues, then you must submit the entire audit report if it contains any findings related to any U.S. DOT program.
- D. If your independent annual single audit report contains no U.S. DOT program findings, a copy of only the Federal Clearinghouse transmittal sheet must be submitted to your FTA Regional Office.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2017
Six Year Improvement Program Approved Project
Federal Highway Administration Grant Number CM 5A01 (809)
Grant Number 47017-03**

This Project Agreement (“Agreement”), effective November 2, 2016, by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and the Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding for the Fairfax Connector Transit Stores (“Project”).

WHEREAS, on June 17, 2015, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, on November 2, 2016, the Federal Highway Administration (“FHWA”) approved funding for the Project; and

WHEREAS, the Department provides state matching funds to Federal funds for approved projects in the Six Year Improvement Program; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of each Party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. The Work under the terms of this Agreement is as follows:
 - a. Fairfax Connector Transit Stores.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$108,000 to match Federal funds for the Project approved in the Fiscal Year 2016 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, attached and made a part of this Agreement.
3. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly of Virginia and allocation by the CTB.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH FUNDS**

The Parties agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

This space intentionally left blank

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Fairfax Connector Transit Stores

FHWA Grant Number CM 5A01 (809)

UPC T207

Project Number: 47017-03

Project Start Date: November 2, 2016

Project Expiration Date: November 30, 2017

Fund Code		Item Amount
472	Grant Amount (State share of Project cost - 20%)	\$108,000
401	Federal expense (share of Project cost - 80%)	\$432,000
	Total Project Expense	\$540,000

In no event shall this grant exceed \$108,000.

Board Agenda Item
September 12, 2017

ACTION – 5

Approval of a Grant Agreement Between the Virginia Department of Environmental Quality and Fairfax County for the Colvin Run Phase I at Lake Fairfax Park Stream Restoration Project (Hunter Mill District)

ISSUE:

Board of Supervisors' authorization is requested for the County to approve the Grant Agreement between the Virginia Department of Environmental Quality (DEQ) and Fairfax County that provides Stormwater Local Assistance Funds (SLAF) for the design and construction of the Colvin Run Phase I at Lake Fairfax Park stream restoration project (Project).

RECOMMENDATION:

The County Executive recommends that the Board approve and authorize the County Executive or his designee to sign the agreement with DEQ to provide SLAF grant funds to the County for the design and construction of the Project.

TIMING:

Board approval is requested on September 12, 2017

BACKGROUND:

The Virginia General Assembly created the SLAF to provide matching grants to local governments for planning, designing, and implementing best management practices to reduce pollution generated from stormwater runoff. In February 2017, the County submitted an application to DEQ in response to the Fiscal Year 2017 SLAF grant solicitation. In its application, the County requested funding for fourteen stream and water quality improvement projects. In May 2017, DEQ issued a project funding list that included the following three projects that were submitted by Fairfax County:

Colvin Run Phase I at Lake Fairfax Park
Pohick Creek Tributary at Greentree Village Park
Flatlick Branch Phase II

Board Agenda Item
September 12, 2017

The three funded projects are located in the Hunter Mill, Springfield, and Sully magisterial districts, respectively.

The Project was substantially complete on August 9, 2017. It restored approximately 2,140 linear feet of stream located on Fairfax County Park Authority property and within a storm drainage easement on private properties near 1410 Hunter Mill Road and found on Tax Maps 18-1 and 18-2. The County estimates that the Project will reduce phosphorus, nitrogen, and total suspended solids in our streams and the Chesapeake Bay by 486 pounds/year, 1,604 pounds/year, and 83.8 tons/year, respectively.

On February 13, 2017, a memorandum from the County Executive notified the Board that the Stormwater Planning Division was submitting SLAF applications to fund fourteen stormwater projects. Then, on June 5, 2017, the Board was notified by memorandum that DEQ had reviewed the County's applications and authorized matching grant funding for three of the proposed projects. The final phase of documentation to receive reimbursement for the Project is the attached Grant Agreement submitted to the Board through this item.

FISCAL IMPACT:

This grant reimburses funds expended by the County in an amount up to \$1,286,817, which is fifty percent of the total eligible Project costs.

County funding for this project is appropriated in Fund 40100, Stormwater Services, Project SD-000031, Stream and Water Quality Improvements, and in Fund 30090, Pro Rata Share Drainage Construction, Project SD-000008, Difficult Run Watershed. Reimbursed amounts will be received as revenue to the stormwater program providing funds for other watershed improvement projects.

ENCLOSED DOCUMENTS:

Attachment 1: Grant Agreement SLAF 17-01

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Randolph W. Bartlett, Deputy Director, DPWES

ATTACHMENT 1

**STORMWATER LOCAL ASSISTANCE FUND
GRANT AGREEMENT
SLAF Grant No.: 17-01**

THIS AGREEMENT is made as of this Twenty-first day of June 2017, by and between the Virginia Department of Environmental Quality (the “Department”), and Fairfax County, Virginia (the “Grantee”).

Pursuant to Item 360 in Chapter 860 of the 2013 Acts of Assembly (the Commonwealth’s 2013-14 Budget) (the “Act”), the General Assembly created the Stormwater Local Assistance Fund (the “Fund”). The Department is authorized pursuant to Item C-39.40 in Chapter 1 of the 2014 Acts of Assembly, Special Session I, to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads.

The Grantee has been approved by the Department to receive a Grant from the Fund subject to the terms and conditions herein to finance fifty percent (50%) of the cost of the Eligible Project, which consists of the planning, design and implementation of best management practices for stormwater control as described herein. The Grantee will use the Grant to finance that portion of the Eligible Project Costs not being paid for from other sources as set forth in the Total Project Budget in Exhibit B to this Agreement. Such other sources may include, but are not limited to, the Virginia Water Facilities Revolving Fund, Chapter 22, Title 62.1 of the Code of Virginia (1950), as amended.

This Agreement provides for payment of the Grant, design and construction of the Eligible Project, and development and implementation by the Grantee of provisions for the long-term responsibility and maintenance of the stormwater management facilities and other techniques installed under the Eligible Project. This Agreement is supplemental to the State Water Control Law, Chapter 3.1, Title 62.1 of the Code of Virginia (1950), as amended, and it does not limit in any way the other water quality restoration, protection and enhancement, or enforcement authority of the State Water Control Board (the “Board”) or the Department.

ARTICLE I
DEFINITIONS

1. The capitalized terms contained in this Agreement shall have the meanings set forth below unless the context requires otherwise:

(a) “Agreement” means this Stormwater Local Assistance Fund Grant Agreement between the Department and the Grantee, together with any amendments or supplements hereto.

(b) “Authorized Representative” means any member, official or employee of the Grantee authorized by resolution, ordinance or other official act of the governing body of the Grantee to perform the act or sign the document in question.

(c) “Capital Expenditure” means any cost of a type that is properly chargeable to a capital account (or would be so chargeable with (or but for) a proper election or the application of the

ATTACHMENT 1

definition of “placed in service” under Treasury Regulation Section 1.150-2(c)) under general federal income tax principles, determined at the time the expenditure is paid.

(d) “Eligible Project” means all grant eligible items of the particular stormwater project described in Exhibit A to this Agreement to be designed and constructed by the Grantee with, among other monies, the Grant, with such changes thereto as may be approved in writing by the Department and the Grantee.

(e) “Eligible Project Costs” means costs of the individual items comprising the Eligible Project as permitted by the Act with such changes thereto as may be approved in writing by the Department and the Grantee. All Eligible Project Costs shall be Capital Expenditures and no Eligible Project Costs shall be Working Capital Expenditures.

(f) “Extraordinary Conditions” means unforeseeable or exceptional conditions resulting from causes beyond the reasonable control of the Grantee such as, but not limited to fires, floods, strikes, acts of God, and acts of third parties that singly or in combination cause material breach of this Agreement.

(g) “Grant” means the particular grant described in Section 4.0 of this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee.

(h) “Total Eligible Project Budget” means the sum of the Eligible Project Costs as set forth in Exhibit B to this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee.

(i) “Total Project Budget” means the sum of the Eligible Project Costs (with such changes thereto as may be approved in writing by the Department and the Grantee) plus any ineligible costs that are solely the responsibility of the Grantee, as set forth in Exhibit B to this Agreement.

(j) “Project Engineer” means the Grantee’s engineer who must be a licensed professional engineer registered to do business in Virginia and designated by the Grantee as the Grantee’s engineer for the Eligible Project in a written notice to the Department.

(k) “Project Schedule” means the schedule for the Eligible Project as set forth in Exhibit C to this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee. The Project Schedule assumes timely approval of adequate plans and specifications and timely reimbursement in accordance with this Agreement by the Department.

(l) “Working Capital Expenditure” means any cost that is not a Capital Expenditure. Generally, current operating expenses are Working Capital Expenditures.

(m) “VPBA” means the Virginia Public Building Authority, a political subdivision of the Commonwealth of Virginia.

(n) “VPBA Bonds” means (i) the Virginia Public Building Authority Public Facilities Revenue Bonds, Series 2013A, which were issued by VPBA on February 21, 2013, (ii) any

ATTACHMENT 1

other bonds issued by VPBA, the proceeds of which are used in whole or in part to provide funds for the making of the Grant, and (iii) any refunding bonds related thereto.

ARTICLE II
SCOPE OF PROJECT

2. The Grantee will cause the Eligible Project to be designed, constructed and placed in operation as described in Exhibit A to this Agreement.

ARTICLE III
SCHEDULE

3. The Grantee will cause the Eligible Project to be designed, constructed and placed in operation in accordance with the Project Schedule in Exhibit C to this Agreement.

ARTICLE IV
COMPENSATION

4.0. Grant Amount. The total Grant award from the Fund under this Agreement is up to **\$1,286,817.00** and represents the Commonwealth's fifty percent (50%) share of the Total Eligible Project Budget. Any material changes made to the Eligible Project after execution of this Agreement, which alters the Total Eligible Project Budget, will be submitted to the Department for review of grant eligibility. The amount of the Grant award set forth herein may be modified from time to time by agreement of the parties to reflect changes to the Eligible Project or the Total Eligible Project Budget.

4.1. Payment of Grant. Disbursement of the Grant will be in accordance with the payment provisions set forth in Section 4.2 herein and the eligibility determinations made in the Total Project Budget (Exhibit B).

4.2. Disbursement of Grant Funds. The Department will disburse the Grant to the Grantee not more frequently than once each calendar month for approved eligible reimbursement of a minimum of one thousand (\$1,000.00) dollars, excluding the final payment, upon receipt by the Department of the following:

(a) A requisition for approval by the Department, signed by the Authorized Representative and containing all receipts, vouchers, statements, invoices or other evidence that costs in the Total Eligible Project Budget, including the applicable local share for the portion of the Eligible Project covered by such requisition, have been incurred or expended and all other information called for by, and otherwise being in the form of, Exhibit D to this Agreement.

(b) If any requisition includes an item for payment for labor or to contractors, builders or material men, a certificate, signed by the Project Engineer, stating that such work was actually performed or such materials, supplies or equipment were actually furnished or installed in or about the construction of the Eligible Project.

Upon receipt of each such requisition and accompanying certificate(s) and schedule(s), the Department shall request disbursement of the Grant to the Grantee in accordance with such requisition to the extent approved by the Department.

ATTACHMENT 1

Except as may otherwise be approved by the Department, disbursements shall be held at ninety-five percent (95%) of the total Grant amount to ensure satisfactory completion of the Eligible Project. Satisfactory completion includes the submittal to the Department the Responsibilities & Maintenance Plan required by Section 5.1 herein. Upon receipt from the Grantee of the certificate specified in Section 4.5 and a final requisition detailing all retainage to which the Grantee is then entitled, the Department, subject to the provisions of this section and Section 4.3 herein, shall request disbursement to the Grantee of the final payment from the Grant.

4.3 Application of Grant Funds. The Grantee agrees to apply the Grant solely and exclusively to the reimbursement of Eligible Project Costs. The Grantee represents and warrants that the average reasonably expected economic life of the assets to be financed with the Grant is set forth in Exhibit E attached hereto.

4.4. Agreement to Complete Project. The Grantee agrees to cause the Eligible Project to be designed and constructed, as described in Exhibit A to this Agreement, and in accordance with (i) the schedule in Exhibit C to this Agreement and (ii) plans and specifications prepared by the Project Engineer and approved by the Department.

4.5 Notice of Substantial Completion. When the Eligible Project has been completed, the Grantee shall promptly deliver to the Department a certificate signed by the Authorized Representative and by the Project Engineer stating (i) that the Eligible Project has been completed substantially in accordance with the approved plans and specifications and addenda thereto, and in substantial compliance with all material applicable laws, ordinances, rules, and regulations; (ii) the date of such completion; (iii) that all certificates of occupancy and operation necessary for start-up for the Eligible Project have been issued or obtained; and (iv) the amount, if any, to be released for payment of the final Eligible Project Costs.

4.6 Source of Grant Funds; Reliance. The Grantee represents that it understands that the Grant funds are derived from the proceeds of the VPBA Bonds, the interest on which must remain excludible from gross income for federal income tax purposes (that is, "tax- exempt") pursuant to contractual covenants made by VPBA for the benefit of the owners of the VPBA Bonds. The Grantee further represents that (a) the undersigned Authorized Representative of the Grantee has been informed of the purpose and scope of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended, as they relate to the VPBA Bonds and the Grant, and (b) the representations and warranties contained in this Agreement can be relied on by VPBA and bond counsel to VPBA in executing certain documents and rendering certain opinions in connection with the VPBA Bonds.

ARTICLE V RESPONSIBILITIES AND MAINTENANCE PLAN

5.0 Plan Submittal. No later than thirty (30) days from the date of the Notice of Substantial Completion, the Grantee shall submit to the Department a Responsibilities and Maintenance Plan for the Eligible Project.

ATTACHMENT 1

5.1 Plan Elements. The plan required by Section 5.0 shall include a description of the project type, a recommended schedule of inspection and maintenance, and the identification of a person, persons or position within an organization responsible for administering and maintaining the plan for the useful service life of the installed facilities. If the Eligible Project includes construction on private property, the plan shall document the Grantee's right to access the Eligible Project for purposes of implementing the plan required by Section 5.0.

5.2 Recordation. Long-term responsibility and maintenance requirements for stormwater management facilities located on private property shall be set forth in an instrument recorded in the local land records and shall be consistent with 9VAC25-870-112 of the Virginia Stormwater Management Program (VSMP) Permit Regulations.

ARTICLE VI **MATERIAL BREACH**

6.0. Material Breach. Any failure or omission by the Grantee to perform its obligations under this Agreement, unless excused by the Department, is a material breach.

6.1. Notice of Material Breach. If at any time the Grantee determines that it is unable to perform its obligations under this Agreement, the Grantee shall promptly provide written notification to the Department. This notification shall include a statement of the reasons it is unable to perform, any actions to be taken to secure future performance and an estimate of the time necessary to do so.

6.2. Monetary Assessments for Breach. In case of Material Breach, Grant funds will be repaid into the State Treasury and credited to the Fund. Within 90 days of receipt of written demand from the Department, the Grantee shall re-pay the Grant funds for the corresponding material breaches of this Agreement unless the Grantee asserts a defense pursuant to the requirements of Section 6.3 herein.

6.3 Extraordinary Conditions.

(a) The Grantee may assert and it shall be a defense to any action by the Department to collect Grant funds or otherwise secure performance of this Agreement that the alleged non-performance was due to Extraordinary Conditions, provided that the Grantee:

(1) takes reasonable measures to effect a cure or to minimize any non-performance with the Agreement, and

(2) provides written notification to the Department of the occurrence of Extraordinary Conditions, together with an explanation of the events or circumstances contributing to such Extraordinary Conditions, no later than 10 days after the discovery of the Extraordinary Conditions.

(b) If the Department disagrees that the events or circumstances described by the Grantee constitute Extraordinary Conditions, the Department must provide the Grantee with a written objection within sixty (60) days of Grantee's notice under paragraph 6.3(a)(2), together with an explanation of the basis for its objection.

ATTACHMENT 1

6.4 Resolution and Remedy. If no resolution is reached by the parties, the Department may immediately bring an action in the Circuit Court of the City of Richmond to recover part or all of the Grant funds. In any such action, the Grantee shall have the burden of proving that the alleged noncompliance was due to Extraordinary Conditions. The Grantee agrees to venue to any such action in the Circuit Court of the City of Richmond, either north or south of the James River in the option of the Department.

6.5 Indemnification. To the extent permitted by law and subject to legally available funds, the Grantee shall indemnify and hold the Department, the Fund, VPBA and the owners of the VPBA Bonds, and their respective members, directors, officers, employees, attorneys and agents (the "Indemnitees"), harmless against any and all liability, losses, damages, costs, expenses, penalties, taxes, causes of action, suits, claims, demands and judgments of any nature arising from or in connection with any misrepresentation, breach of warranty, noncompliance or default by or on behalf of the Grantee under this Agreement, including, without limitation, all claims or liability (including all claims of and liability to the Internal Revenue Service) resulting from, arising out of or in connection with the loss of the excludability from gross income of the interest on all or any portion of the VPBA Bonds that may be occasioned by any cause whatsoever pertaining to such misrepresentation, breach, noncompliance or default, such indemnification to include the reasonable costs and expenses of defending itself or investigating any claim of liability and other reasonable expenses and attorneys' fees incurred by any of the Indemnitees in connection therewith. This paragraph shall not constitute an express or implied waiver of any applicable immunity afforded the Grantee.

ARTICLE VII GENERAL PROVISIONS

7.0. Effect of the Agreement on Permits. This Agreement shall not be deemed to relieve the Grantee of its obligations to comply with the terms of its Virginia Pollutant Discharge Elimination System (VPDES) and/or Virginia Water Protection (VWP) permit(s) issued by the Board. This Agreement does not obviate the need to obtain, where required, any other State or Federal permit(s).

7.1. Disclaimer. Nothing in this Agreement shall be construed as authority for either party to make commitments which will bind the other party beyond the covenants contained herein.

7.2. Non-Waiver. No waiver by the Department of any one or more defaults by the Grantee in the performance of any provision of this Agreement shall operate or be construed as a waiver of any future default or defaults of whatever character.

7.3. Integration and Modification. This Agreement constitutes the entire Agreement between the Grantee and the Department. No alteration, amendment or modification of the provisions of this Agreement shall be effective unless reduced to writing, signed by both the parties and attached hereto. This Agreement may be modified by agreement of the parties for any purpose, provided that any significant modification to this Agreement must be preceded by public notice of such modification.

7.4. Collateral Agreements. Where there exists any inconsistency between this Agreement and other provisions of collateral contractual agreements which are made a part of this Agreement by reference, the provisions of this Agreement shall control.

ATTACHMENT 1

7.5. Non-Discrimination. In the performance of this Agreement, the Grantee warrants that it will not discriminate against any employee, or other person, on account of race, color, sex, religious creed, ancestry, age, national origin or other non-job related factors. The Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

7.6. Conflict of Interest. The Grantee warrants that it has fully complied with the Virginia Conflict of Interest Act as it may apply to this Agreement.

7.7. Applicable Laws. This Agreement shall be governed in all respects whether as to validity, construction, capacity, performance or otherwise, by the laws of the Commonwealth of Virginia. The Grantee further agrees to comply with all laws and regulations applicable to the Grantee's performance of its obligations pursuant to this Agreement.

7.8. Records Availability. The Grantee agrees to maintain complete and accurate books and records of the Eligible Project Costs, and further, to retain all books, records, and other documents relative to this Agreement for three (3) years after final payment. The Department, its authorized agents, and/or State auditors will have full access to and the right to examine any of said materials during said period. Additionally, the Department and/or its representatives will have the right to access work sites during normal business hours, after reasonable notice to the Grantee, for the purpose of ensuring that the provisions of this Agreement are properly carried out.

7.9. Severability. Each paragraph and provision of this Agreement is severable from the entire Agreement; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

7.10. Notices. All notices given hereunder shall be in writing and shall be sent by United States certified mail, return receipt requested, postage prepaid, and shall be deemed to have been received at the earliest of: (a) the date of actual receipt of such notice by the addressee, (b) the date of the actual delivery of the notice to the address of the addressee set forth below, or (c) five (5) days after the sender deposits it in the mail properly addressed. All notices required or permitted to be served upon either party hereunder shall be directed to:

Department: Virginia Department of Environmental Quality
Clean Water Financing and Assistance Program
P.O. Box 1105
Richmond, VA 23218
Attn: CWFAP Program Manager

Grantee: County of Fairfax, Virginia
12000 Government Center Parkway
Fairfax, Virginia 22035-0052
Attn: Mr. Craig Carinci

7.11. Successors and Assigns Bound. This Agreement shall extend to and be binding upon the parties hereto, and their respective legal representatives, successors and assigns.

Fairfax County, Virginia

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ATTACHMENT 1

- 7.12. Exhibits. All exhibits to this Agreement are incorporated herein by reference.
- 7.13. Termination. The Agreement shall terminate upon final reimbursement to the Grantee.

ARTICLE VIII
COUNTERPARTS

8. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

ARTICLE IX
CREDIT GENERATION

9. Any land area generating stream or wetland mitigation credits from the Eligible Project is not eligible for the generation of any other environmental credits. Any project designs approved by the Department under the Grant may not meet the design requirements for approval from other State or Federal water programs. The Grantee is responsible for obtaining information on design and permit requirements for the type of environmental credit they are seeking.

WITNESS the following signatures, all duly authorized.

DEPARTMENT OF ENVIRONMENTAL QUALITY

By: _____

Its: _____

Date: _____

GRANTEE'S AUTHORIZED REPRESENTATIVE

By: _____

Its: _____

Date: _____

EXHIBIT A

ELIGIBLE PROJECT DESCRIPTION

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-01

Project Description: Colvin Run Stream Restoration

Stream restoration of the main channel of the Colvin Run Branch and designated unnamed tributaries. The proposed stream restoration work shall comply with Natural Channel Design (NCD) standards. Proposed stream restoration structures include the following: modified cross vanes, combination rock sills / pedestrian crossings, riffles, boulder riffles, step pools, armored step pools, imbricated rock walls, bypass channel weir wall, reinforced bed material, wetland / floodplain habitat logs, instream woody debris, in-stream habitat log sill, and toe logs. Project also includes removing existing 48-inch diameter RCP storm culverts; removing, storing, and re-installing an existing fiberglass pedestrian bridge; demolition and removal of basket gabions; converting a portion of the existing main stream channel into a low-flow bypass channel; removing and replacing private asphalt roads; porous asphalt trail; handrail; pre and post construction CCTV inspection of sanitary sewer mains; soil amendments; clearing; excavation; fill; and landscaping.

Fairfax County, Virginia

EXHIBIT B

TOTAL PROJECT BUDGET

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-01

The following budget reflects the estimated costs associated with eligible cost categories of the project.

Project Category / Project Name	Project Cost	SLAF Eligible	Grant %	Grant Amount
Design Engineering				
Colvin Run	\$643,465.43	\$643,466.00	50.00%	\$321,733.00
Sub-Total	\$643,465.43	\$643,466.00		\$321,733.00
Construction				
Colvin Run	\$1,838,234.79	\$1,838,236.00	50.00%	\$919,118.00
Sub-Total	\$1,838,234.79	\$1,838,236.00		\$919,118.00
Other				
Contingency				
Colvin Run	\$91,932.00	\$91,932.00	50.00%	\$45,966.00
Sub-Total	\$91,932.00	\$91,932.00		\$45,966.00
TOTALS	\$2,573,632.22	\$2,573,634.00	50.00%	\$1,286,817.00

Fairfax County, Virginia

EXHIBIT C

PROJECT SCHEDULE

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-01

The Grantee has proposed the following schedule of key activities/milestones as a planning tool which may be subject to change. Unless authorized by a grant modification, it is the responsibility of the Grantee to adhere to the anticipated schedule for the Eligible Project as follows:

Project Name	Project Description / Milestone	Schedule / Timeline	Note
Colvin Run	Stream Restoration/Engineering Design	Complete	
	Under Construction	April 2017 / 10 months	

Fairfax County, Virginia

EXHIBIT D

REQUISITION FOR REIMBURSEMENT
(To be on Grantee's Letterhead)

Department of Environmental Quality
Clean Water Financing and Assistance Program
P.O. Box 1105
Richmond, VA 23218
Attn.: CWFAP Program Manager

RE: Stormwater Local Assistance Fund Grant

SLAF Grant No.: 17-01

Dear Program Manager:

This requisition, Number ____, is submitted in connection with the referenced Grant Agreement, dated as of *[insert date of grant agreement]* between the Virginia Department of Environmental Quality and _____. Unless otherwise defined in this requisition, all capitalized terms used herein shall have the meaning set forth in Article I of the Grant Agreement. The undersigned Authorized Representative of the Grantee hereby requests disbursement of grant proceeds under the Grant Agreement in the amount of \$_____, for the purposes of payment of the Eligible Project Costs as set forth on Schedule I attached hereto.

Copies of invoices relating to the items for which payment is requested are attached.

The undersigned certifies that the amounts requested by this requisition will be applied solely and exclusively to the reimbursement of the Grantee for the payment of Eligible Project Costs that are Capital Expenditures.

This requisition includes (if applicable) an accompanying Certificate of the Project Engineer as to the performance of the work.

Sincerely,

(Authorized Representative of the Grantee)

Attachments

Fairfax County, Virginia

SCHEDULE 1
STORMWATER LOCAL ASSISTANCE FUND
FORM TO ACCOMPANY REQUEST FOR REIMBURSEMENT

REQUISITION # _____

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-01 CERTIFYING SIGNATURE: _____ TITLE: _____

Cost Category	Total Project Budget	SLAF Eligible Project Budget	SLAF 50% Grant Budget	Eligible Expenditures This Period	Current Grant Payment	Previous Grant Payment	Total Grant Payments to Date	SLAF Grant Balance
Engineering								
Colvin Run	\$643,465.43	\$643,466.00	\$321,733.00					
Sub-Total	\$643,465.43	\$643,466.00	\$321,733.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction								
Colvin Run	\$1,838,234.79	\$1,838,236.00	\$919,118.00					
Sub-Total	\$1,838,234.79	\$1,838,236.00	\$919,118.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other								
Contingency								
Colvin Run	\$91,932.00	\$91,932.00	\$45,966.00					
Sub-Total	\$91,932.00	\$91,932.00	\$45,966.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$2,573,632.22	\$2,573,634.00	\$1,286,817.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Grant Amount: \$1,286,817.00

Previous Disbursements: \$0.00

This Request: \$0.00

Grant Proceeds Remaining: \$1,286,817.00

Fairfax County, Virginia

CERTIFICATE OF THE PROJECT ENGINEER
FORM TO ACCOMPANY REQUEST FOR REIMBURSEMENT

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-01

This Certificate is submitted in connection with Requisition Number _____, dated _____, 20____, submitted by the _____ (the "Grantee") to the Virginia Department of Environmental Quality. Capitalized terms used herein shall have the same meanings set forth in Article I of the Grant Agreement referred to in the Requisition.

The undersigned Project Engineer for _____ hereby certifies that insofar as the amounts covered by this Requisition include payments for labor or to contractors, builders or material men, such work was actually performed or such materials, supplies, or equipment were actually furnished to or installed in the Eligible Project.

(Project Engineer)

(Date)

Fairfax County, Virginia

EXHIBIT E

DETERMINATION OF AVERAGE REASONABLY EXPECTED ECONOMIC LIFE OF PROJECT ASSETS

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-01

The Internal Revenue Code of 1986, as amended, limits the length of average maturity for certain tax-exempt bonds, such as the VPBA Bonds, to no more than 120% of the average reasonably expected economic life of the assets being financed with the proceeds of such bonds. This life is based on Revenue Procedure 62-21 as to buildings and Revenue Procedures 83-35 and 87-56 as to equipment and any other assets. In this Exhibit, the Grantee will certify as to the average reasonably expected economic life of the assets being financed by the Grant.

Please complete the attached chart as follows:

Step 1. Set forth in Column II the corresponding total cost of each type of asset to be financed with the Grant.

Step 2. Set forth in Column III the economic life of each type of asset listed in accordance with the following:

Land. Exclude the acquisition of any land financed with a portion of the Grant funds from the economic life calculation.

Land Improvements. Land improvements (i.e., depreciable improvements made directly to or added to land) include sidewalks, roads, canals, waterways, site drainage, stormwater retention basins, drainage facilities, sewers (excluding municipal sewers), wharves and docks, bridges, fences, landscaping, shrubbery and all other general site improvements, not directly related to the building. Buildings and structural components are specifically excluded. 20 years is the economic life for most stormwater projects.

Buildings. Forty years is the economic life for most buildings.

Equipment. Please select an Asset Depreciation Range (“ADR”) midpoint or class life for each item of equipment to be financed. The tables of asset guideline classes, asset guideline periods and asset depreciation ranges included in IRS Revenue Procedures 83-35 and 87-56 may be used for reference. To use the tables, you should first determine the asset guideline class in which each item of equipment falls. General business assets fall into classes 00.11 through 00.4 to the extent that a separate class is provided for them. Other assets, to the extent that a separate class is provided, fit into one or more of classes 01.1 through 80.0. Subsidiary assets (jigs, dies, molds, patterns, etc.) are in the same class as are the other major assets in an industry activity unless the subsidiary assets are classified separately for that industry. Each item of equipment should be classified according to the activity in which it is primarily used. If the equipment is not described in any asset guideline class, its estimated economic life must be determined on a case by case basis.

Contingency. Any amounts shown on the Project Budget as “contingency” should be assigned to the shortest-lived asset. For example, contingency for a stormwater project should likely be given an economic life of 20 years.

Step 3. Set forth in Column IV the date each asset is expected to be placed in service. An asset is first placed in service when it is first placed in a condition or state of readiness and available for a

Fairfax County, Virginia

specifically assigned function. For example, the placed in service date for a stormwater project is likely the project's expected completion date.

Step 4. Determine the adjusted economic life of the asset in Column V by adding the amount of time between February 21, 2013 (the earliest date upon which the VPBA Bonds were issued) and the specified placed in service date from Column IV. For example, if a stormwater project with an economic life of 20 years will be placed in service 2 years after February 21, 2013, then the adjusted economic life for such stormwater project should be 22.

Step 5. For Column VI, multiply the Total Costs Financed with the Grant from Column II by the Adjusted Economic Life from Column V for each type of asset.

Step 6. Total all the entries in Column II and in Column VI.

Step 7. Divide the total of Column VI by the total of Column II. The quotient is the average reasonable expected economic life of the assets to be financed with the Grant.

AVERAGE REASONABLY EXPECTED ECONOMIC LIFE OF PROJECT ASSETS

Column I	Column II	Column III	Column IV	Column V	Column VI
<u>Asset</u>	<u>Total Cost Financed with Grant</u>	<u>Economic Life</u>	<u>Date Asset Placed in Service</u>	<u>Adjusted Economic Life</u>	<u>Column II x Column V</u>
Land Improvements	\$1,240,851	20	8/2017	24.5	\$30,400,850
Building					
Equipment					
Contingency	\$45,966	20	8/2017	24.5	\$1,126,167
TOTAL	<u>\$1,286,817</u>				<u>\$31,527,017</u>

Average Reasonably Expected Economic Life: Total of Column VI ÷ Total of Column II = 24.5

Board Agenda Item
September 12, 2017

ACTION – 6

Approval of a Grant Agreement Between the Virginia Department of Environmental Quality and Fairfax County for the Flatlick Branch Phase II Stream Restoration Project (Sully District)

ISSUE:

Board of Supervisors' authorization is requested for the County to approve the Grant Agreement between the Virginia Department of Environmental Quality (DEQ) and Fairfax County that provides Stormwater Local Assistance Funds (SLAF) for the design and construction of the Flatlick Branch Phase II stream restoration project (Project).

RECOMMENDATION:

The County Executive recommends that the Board approve and authorize the County Executive or his designee to sign the agreement with DEQ to provide SLAF grant funds to the County for the design and construction of the Project.

TIMING:

Board approval is requested on September 12, 2017

BACKGROUND:

The Virginia General Assembly created the SLAF to provide matching grants to local governments for planning, designing, and implementing best management practices to reduce pollution generated from stormwater runoff. In February 2017, the County submitted an application to the DEQ in response to the Fiscal Year 2017 SLAF grant solicitation. In its application, the County requested funding for fourteen stream and water quality improvement projects. In May 2017, DEQ issued a project funding list that included the following three projects submitted by Fairfax County:

Colvin Run Phase I at Lake Fairfax Park
Pohick Creek Tributary at Greentree Village Park
Flatlick Branch Phase II

Board Agenda Item
September 12, 2017

The three funded projects are located in the Hunter Mill, Springfield, and Sully magisterial districts, respectively.

The Project is under construction and scheduled for substantial completion in March 2018. The project will restore approximately 4,300 linear feet of stream, and is identified as CU9214 in the Cub Run and Bull Run Watershed Management Plan. The project is located within Floodplain and Storm Drainage easements, with the majority of work on Fairfax County Park Authority property, near 4156 Placid Lake Court and found on Tax Map 44-2. The County estimates that the Project will reduce phosphorous, nitrogen, and total suspended solids in our streams and the Chesapeake Bay by 635 pounds/year, 2,846 pounds/year, and 60.4 tons/year, respectively.

On February 13, 2017, a memorandum from the County Executive notified the Board that the Stormwater Planning Division was submitting SLAF applications to fund fourteen stormwater projects. Then, on June 5, 2017, the Board was notified by memorandum that DEQ had reviewed the County's applications and authorized matching grant funding for three of the proposed projects. The final phase of documentation to receive reimbursement for the Project is the attached Grant Agreement submitted to the Board through this item.

FISCAL IMPACT:

This grant reimburses funds expended by the County in an amount up to \$2,423,842, which is fifty percent of total eligible Project costs.

County funding for this project is appropriated in Fund 40100, Stormwater Services, Project SD-000031, Stream and Water Quality Improvements, and in Fund 30090, Pro Rata Share Drainage Construction, Project SD-000006, Cub Run Watershed. Reimbursed amounts will be received as revenue to the stormwater program providing funds for other watershed improvement projects.

ENCLOSED DOCUMENTS:

Attachment 1: Grant Agreement SLAF 17-03

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Randolph W. Bartlett, Deputy Director, DPWES

ATTACHMENT 1

**STORMWATER LOCAL ASSISTANCE FUND
GRANT AGREEMENT
SLAF Grant No.: 17-03**

THIS AGREEMENT is made as of this Twenty-first day of June 2017, by and between the Virginia Department of Environmental Quality (the “Department”), and Fairfax County, Virginia (the “Grantee”).

Pursuant to Item 360 in Chapter 860 of the 2013 Acts of Assembly (the Commonwealth’s 2013-14 Budget) (the “Act”), the General Assembly created the Stormwater Local Assistance Fund (the “Fund”). The Department is authorized pursuant to Item C-39.40 in Chapter 1 of the 2014 Acts of Assembly, Special Session I, to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads.

The Grantee has been approved by the Department to receive a Grant from the Fund subject to the terms and conditions herein to finance fifty percent (50%) of the cost of the Eligible Project, which consists of the planning, design and implementation of best management practices for stormwater control as described herein. The Grantee will use the Grant to finance that portion of the Eligible Project Costs not being paid for from other sources as set forth in the Total Project Budget in Exhibit B to this Agreement. Such other sources may include, but are not limited to, the Virginia Water Facilities Revolving Fund, Chapter 22, Title 62.1 of the Code of Virginia (1950), as amended.

This Agreement provides for payment of the Grant, design and construction of the Eligible Project, and development and implementation by the Grantee of provisions for the long-term responsibility and maintenance of the stormwater management facilities and other techniques installed under the Eligible Project. This Agreement is supplemental to the State Water Control Law, Chapter 3.1, Title 62.1 of the Code of Virginia (1950), as amended, and it does not limit in any way the other water quality restoration, protection and enhancement, or enforcement authority of the State Water Control Board (the “Board”) or the Department.

ARTICLE I
DEFINITIONS

1. The capitalized terms contained in this Agreement shall have the meanings set forth below unless the context requires otherwise:

(a) “Agreement” means this Stormwater Local Assistance Fund Grant Agreement between the Department and the Grantee, together with any amendments or supplements hereto.

(b) “Authorized Representative” means any member, official or employee of the Grantee authorized by resolution, ordinance or other official act of the governing body of the Grantee to perform the act or sign the document in question.

(c) “Capital Expenditure” means any cost of a type that is properly chargeable to a capital account (or would be so chargeable with (or but for) a proper election or the application of the

ATTACHMENT 1

definition of “placed in service” under Treasury Regulation Section 1.150-2(c)) under general federal income tax principles, determined at the time the expenditure is paid.

(d) “Eligible Project” means all grant eligible items of the particular stormwater project described in Exhibit A to this Agreement to be designed and constructed by the Grantee with, among other monies, the Grant, with such changes thereto as may be approved in writing by the Department and the Grantee.

(e) “Eligible Project Costs” means costs of the individual items comprising the Eligible Project as permitted by the Act with such changes thereto as may be approved in writing by the Department and the Grantee. All Eligible Project Costs shall be Capital Expenditures and no Eligible Project Costs shall be Working Capital Expenditures.

(f) “Extraordinary Conditions” means unforeseeable or exceptional conditions resulting from causes beyond the reasonable control of the Grantee such as, but not limited to fires, floods, strikes, acts of God, and acts of third parties that singly or in combination cause material breach of this Agreement.

(g) “Grant” means the particular grant described in Section 4.0 of this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee.

(h) “Total Eligible Project Budget” means the sum of the Eligible Project Costs as set forth in Exhibit B to this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee.

(i) “Total Project Budget” means the sum of the Eligible Project Costs (with such changes thereto as may be approved in writing by the Department and the Grantee) plus any ineligible costs that are solely the responsibility of the Grantee, as set forth in Exhibit B to this Agreement.

(j) “Project Engineer” means the Grantee’s engineer who must be a licensed professional engineer registered to do business in Virginia and designated by the Grantee as the Grantee’s engineer for the Eligible Project in a written notice to the Department.

(k) “Project Schedule” means the schedule for the Eligible Project as set forth in Exhibit C to this Agreement, with such changes thereto as may be approved in writing by the Department and the Grantee. The Project Schedule assumes timely approval of adequate plans and specifications and timely reimbursement in accordance with this Agreement by the Department.

(l) “Working Capital Expenditure” means any cost that is not a Capital Expenditure. Generally, current operating expenses are Working Capital Expenditures.

(m) “VPBA” means the Virginia Public Building Authority, a political subdivision of the Commonwealth of Virginia.

(n) “VPBA Bonds” means (i) the Virginia Public Building Authority Public Facilities Revenue Bonds, Series 2013A, which were issued by VPBA on February 21, 2013, (ii) any

ATTACHMENT 1

other bonds issued by VPBA, the proceeds of which are used in whole or in part to provide funds for the making of the Grant, and (iii) any refunding bonds related thereto.

ARTICLE II
SCOPE OF PROJECT

2. The Grantee will cause the Eligible Project to be designed, constructed and placed in operation as described in Exhibit A to this Agreement.

ARTICLE III
SCHEDULE

3. The Grantee will cause the Eligible Project to be designed, constructed and placed in operation in accordance with the Project Schedule in Exhibit C to this Agreement.

ARTICLE IV
COMPENSATION

4.0. Grant Amount. The total Grant award from the Fund under this Agreement is up to **\$2,423,842.00** and represents the Commonwealth's fifty percent (50%) share of the Total Eligible Project Budget. Any material changes made to the Eligible Project after execution of this Agreement, which alters the Total Eligible Project Budget, will be submitted to the Department for review of grant eligibility. The amount of the Grant award set forth herein may be modified from time to time by agreement of the parties to reflect changes to the Eligible Project or the Total Eligible Project Budget.

4.1. Payment of Grant. Disbursement of the Grant will be in accordance with the payment provisions set forth in Section 4.2 herein and the eligibility determinations made in the Total Project Budget (Exhibit B).

4.2. Disbursement of Grant Funds. The Department will disburse the Grant to the Grantee not more frequently than once each calendar month for approved eligible reimbursement of a minimum of one thousand (\$1,000.00) dollars, excluding the final payment, upon receipt by the Department of the following:

(a) A requisition for approval by the Department, signed by the Authorized Representative and containing all receipts, vouchers, statements, invoices or other evidence that costs in the Total Eligible Project Budget, including the applicable local share for the portion of the Eligible Project covered by such requisition, have been incurred or expended and all other information called for by, and otherwise being in the form of, Exhibit D to this Agreement.

(b) If any requisition includes an item for payment for labor or to contractors, builders or material men, a certificate, signed by the Project Engineer, stating that such work was actually performed or such materials, supplies or equipment were actually furnished or installed in or about the construction of the Eligible Project.

Upon receipt of each such requisition and accompanying certificate(s) and schedule(s), the Department shall request disbursement of the Grant to the Grantee in accordance with such requisition to the extent approved by the Department.

ATTACHMENT 1

Except as may otherwise be approved by the Department, disbursements shall be held at ninety-five percent (95%) of the total Grant amount to ensure satisfactory completion of the Eligible Project. Satisfactory completion includes the submittal to the Department the Responsibilities & Maintenance Plan required by Section 5.1 herein. Upon receipt from the Grantee of the certificate specified in Section 4.5 and a final requisition detailing all retainage to which the Grantee is then entitled, the Department, subject to the provisions of this section and Section 4.3 herein, shall request disbursement to the Grantee of the final payment from the Grant.

4.3 Application of Grant Funds. The Grantee agrees to apply the Grant solely and exclusively to the reimbursement of Eligible Project Costs. The Grantee represents and warrants that the average reasonably expected economic life of the assets to be financed with the Grant is set forth in Exhibit E attached hereto.

4.4. Agreement to Complete Project. The Grantee agrees to cause the Eligible Project to be designed and constructed, as described in Exhibit A to this Agreement, and in accordance with (i) the schedule in Exhibit C to this Agreement and (ii) plans and specifications prepared by the Project Engineer and approved by the Department.

4.5 Notice of Substantial Completion. When the Eligible Project has been completed, the Grantee shall promptly deliver to the Department a certificate signed by the Authorized Representative and by the Project Engineer stating (i) that the Eligible Project has been completed substantially in accordance with the approved plans and specifications and addenda thereto, and in substantial compliance with all material applicable laws, ordinances, rules, and regulations; (ii) the date of such completion; (iii) that all certificates of occupancy and operation necessary for start-up for the Eligible Project have been issued or obtained; and (iv) the amount, if any, to be released for payment of the final Eligible Project Costs.

4.6 Source of Grant Funds; Reliance. The Grantee represents that it understands that the Grant funds are derived from the proceeds of the VPBA Bonds, the interest on which must remain excludible from gross income for federal income tax purposes (that is, "tax- exempt") pursuant to contractual covenants made by VPBA for the benefit of the owners of the VPBA Bonds. The Grantee further represents that (a) the undersigned Authorized Representative of the Grantee has been informed of the purpose and scope of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended, as they relate to the VPBA Bonds and the Grant, and (b) the representations and warranties contained in this Agreement can be relied on by VPBA and bond counsel to VPBA in executing certain documents and rendering certain opinions in connection with the VPBA Bonds.

ARTICLE V RESPONSIBILITIES AND MAINTENANCE PLAN

5.0 Plan Submittal. No later than thirty (30) days from the date of the Notice of Substantial Completion, the Grantee shall submit to the Department a Responsibilities and Maintenance Plan for the Eligible Project.

ATTACHMENT 1

5.1 Plan Elements. The plan required by Section 5.0 shall include a description of the project type, a recommended schedule of inspection and maintenance, and the identification of a person, persons or position within an organization responsible for administering and maintaining the plan for the useful service life of the installed facilities. If the Eligible Project includes construction on private property, the plan shall document the Grantee's right to access the Eligible Project for purposes of implementing the plan required by Section 5.0.

5.2 Recordation. Long-term responsibility and maintenance requirements for stormwater management facilities located on private property shall be set forth in an instrument recorded in the local land records and shall be consistent with 9VAC25-870-112 of the Virginia Stormwater Management Program (VSMP) Permit Regulations.

ARTICLE VI **MATERIAL BREACH**

6.0. Material Breach. Any failure or omission by the Grantee to perform its obligations under this Agreement, unless excused by the Department, is a material breach.

6.1. Notice of Material Breach. If at any time the Grantee determines that it is unable to perform its obligations under this Agreement, the Grantee shall promptly provide written notification to the Department. This notification shall include a statement of the reasons it is unable to perform, any actions to be taken to secure future performance and an estimate of the time necessary to do so.

6.2. Monetary Assessments for Breach. In case of Material Breach, Grant funds will be repaid into the State Treasury and credited to the Fund. Within 90 days of receipt of written demand from the Department, the Grantee shall re-pay the Grant funds for the corresponding material breaches of this Agreement unless the Grantee asserts a defense pursuant to the requirements of Section 6.3 herein.

6.3 Extraordinary Conditions.

(a) The Grantee may assert and it shall be a defense to any action by the Department to collect Grant funds or otherwise secure performance of this Agreement that the alleged non-performance was due to Extraordinary Conditions, provided that the Grantee:

(1) takes reasonable measures to effect a cure or to minimize any non-performance with the Agreement, and

(2) provides written notification to the Department of the occurrence of Extraordinary Conditions, together with an explanation of the events or circumstances contributing to such Extraordinary Conditions, no later than 10 days after the discovery of the Extraordinary Conditions.

(b) If the Department disagrees that the events or circumstances described by the Grantee constitute Extraordinary Conditions, the Department must provide the Grantee with a written objection within sixty (60) days of Grantee's notice under paragraph 6.3(a)(2), together with an explanation of the basis for its objection.

ATTACHMENT 1

6.4 Resolution and Remedy. If no resolution is reached by the parties, the Department may immediately bring an action in the Circuit Court of the City of Richmond to recover part or all of the Grant funds. In any such action, the Grantee shall have the burden of proving that the alleged noncompliance was due to Extraordinary Conditions. The Grantee agrees to venue to any such action in the Circuit Court of the City of Richmond, either north or south of the James River in the option of the Department.

6.5 Indemnification. To the extent permitted by law and subject to legally available funds, the Grantee shall indemnify and hold the Department, the Fund, VPBA and the owners of the VPBA Bonds, and their respective members, directors, officers, employees, attorneys and agents (the "Indemnitees"), harmless against any and all liability, losses, damages, costs, expenses, penalties, taxes, causes of action, suits, claims, demands and judgments of any nature arising from or in connection with any misrepresentation, breach of warranty, noncompliance or default by or on behalf of the Grantee under this Agreement, including, without limitation, all claims or liability (including all claims of and liability to the Internal Revenue Service) resulting from, arising out of or in connection with the loss of the excludability from gross income of the interest on all or any portion of the VPBA Bonds that may be occasioned by any cause whatsoever pertaining to such misrepresentation, breach, noncompliance or default, such indemnification to include the reasonable costs and expenses of defending itself or investigating any claim of liability and other reasonable expenses and attorneys' fees incurred by any of the Indemnitees in connection therewith. This paragraph shall not constitute an express or implied waiver of any applicable immunity afforded the Grantee.

ARTICLE VII GENERAL PROVISIONS

7.0. Effect of the Agreement on Permits. This Agreement shall not be deemed to relieve the Grantee of its obligations to comply with the terms of its Virginia Pollutant Discharge Elimination System (VPDES) and/or Virginia Water Protection (VWP) permit(s) issued by the Board. This Agreement does not obviate the need to obtain, where required, any other State or Federal permit(s).

7.1. Disclaimer. Nothing in this Agreement shall be construed as authority for either party to make commitments which will bind the other party beyond the covenants contained herein.

7.2. Non-Waiver. No waiver by the Department of any one or more defaults by the Grantee in the performance of any provision of this Agreement shall operate or be construed as a waiver of any future default or defaults of whatever character.

7.3. Integration and Modification. This Agreement constitutes the entire Agreement between the Grantee and the Department. No alteration, amendment or modification of the provisions of this Agreement shall be effective unless reduced to writing, signed by both the parties and attached hereto. This Agreement may be modified by agreement of the parties for any purpose, provided that any significant modification to this Agreement must be preceded by public notice of such modification.

7.4. Collateral Agreements. Where there exists any inconsistency between this Agreement and other provisions of collateral contractual agreements which are made a part of this Agreement by reference, the provisions of this Agreement shall control.

ATTACHMENT 1

7.5. Non-Discrimination. In the performance of this Agreement, the Grantee warrants that it will not discriminate against any employee, or other person, on account of race, color, sex, religious creed, ancestry, age, national origin or other non-job related factors. The Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

7.6. Conflict of Interest. The Grantee warrants that it has fully complied with the Virginia Conflict of Interest Act as it may apply to this Agreement.

7.7. Applicable Laws. This Agreement shall be governed in all respects whether as to validity, construction, capacity, performance or otherwise, by the laws of the Commonwealth of Virginia. The Grantee further agrees to comply with all laws and regulations applicable to the Grantee's performance of its obligations pursuant to this Agreement.

7.8. Records Availability. The Grantee agrees to maintain complete and accurate books and records of the Eligible Project Costs, and further, to retain all books, records, and other documents relative to this Agreement for three (3) years after final payment. The Department, its authorized agents, and/or State auditors will have full access to and the right to examine any of said materials during said period. Additionally, the Department and/or its representatives will have the right to access work sites during normal business hours, after reasonable notice to the Grantee, for the purpose of ensuring that the provisions of this Agreement are properly carried out.

7.9. Severability. Each paragraph and provision of this Agreement is severable from the entire Agreement; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

7.10. Notices. All notices given hereunder shall be in writing and shall be sent by United States certified mail, return receipt requested, postage prepaid, and shall be deemed to have been received at the earliest of: (a) the date of actual receipt of such notice by the addressee, (b) the date of the actual delivery of the notice to the address of the addressee set forth below, or (c) five (5) days after the sender deposits it in the mail properly addressed. All notices required or permitted to be served upon either party hereunder shall be directed to:

Department: Virginia Department of Environmental Quality
Clean Water Financing and Assistance Program
P.O. Box 1105
Richmond, VA 23218
Attn: CWFAP Program Manager

Grantee: County of Fairfax, Virginia
12000 Government Center Parkway
Fairfax, Virginia 22035-0052
Attn: Mr. Craig Carinci

7.11. Successors and Assigns Bound. This Agreement shall extend to and be binding upon the parties hereto, and their respective legal representatives, successors and assigns.

Fairfax County, Virginia

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ATTACHMENT 1

- 7.12. Exhibits. All exhibits to this Agreement are incorporated herein by reference.
- 7.13. Termination. The Agreement shall terminate upon final reimbursement to the Grantee.

ARTICLE VIII
COUNTERPARTS

8. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

ARTICLE IX
CREDIT GENERATION

9. Any land area generating stream or wetland mitigation credits from the Eligible Project is not eligible for the generation of any other environmental credits. Any project designs approved by the Department under the Grant may not meet the design requirements for approval from other State or Federal water programs. The Grantee is responsible for obtaining information on design and permit requirements for the type of environmental credit they are seeking.

WITNESS the following signatures, all duly authorized.

DEPARTMENT OF ENVIRONMENTAL QUALITY

By: _____

Its: _____

Date: _____

GRANTEE'S AUTHORIZED REPRESENTATIVE

By: _____

Its: _____

Date: _____

EXHIBIT A

ELIGIBLE PROJECT DESCRIPTION

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-03

Project Description: Flatlick Branch Phase 2 Stream Restoration

Restoration of approximately 4,301 linear feet of stream channel through natural stream design for the purpose of restoring/enhancing/stabilizing the degraded stream channel bed and bank to provide aquatic benefits, grade control, energy dissipation, improve water quality and aesthetics and prevent further erosion. The use of Natural Channel Design techniques will be used to develop a stable channel using techniques such as creation of pool-riffle complexes, installation of in-stream structures (cross vanes, J-hooks, in-stream rock sills, log sills, cross vane woody debris, boulder clusters) and the planting of native vegetation along the banks and riparian areas.

Fairfax County, Virginia

EXHIBIT B

TOTAL PROJECT BUDGET

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-03

The following budget reflects the estimated costs associated with eligible cost categories of the project.

Project Category / Project Name	Project Cost	SLAF Eligible	Grant %	Grant Amount
Design Engineering				
Flatlick Branch Phase 2	\$1,129,116.50	\$1,129,116.00	50.00%	\$564,558.00
Sub-Total	\$1,129,116.50	\$1,129,116.00		\$564,558.00
Construction				
Flatlick Branch Phase 2	\$3,541,494.45	\$3,541,494.00	50.00%	\$1,770,747.00
Sub-Total	\$3,541,494.45	\$3,541,494.00		\$1,770,747.00
Other				
Contingency				
Flatlick Branch Phase 2	\$177,074.00	\$177,074.00	50.00%	\$88,537.00
Sub-Total	\$177,074.00	\$177,074.00		\$88,537.00
TOTALS	\$4,847,684.95	\$4,847,684.00	50.00%	\$2,423,842.00

Fairfax County, Virginia

EXHIBIT C

PROJECT SCHEDULE

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-03

The Grantee has proposed the following schedule of key activities/milestones as a planning tool which may be subject to change. Unless authorized by a grant modification, it is the responsibility of the Grantee to adhere to the anticipated schedule for the Eligible Project as follows:

Project Name	Project Description / Milestone	Schedule / Timeline	Note
Flatlick Branch Phase 2	Stream Restoration/Engineering Design	Complete	
	Under Construction	May 2017 / 16 months	

Fairfax County, Virginia

EXHIBIT D

REQUISITION FOR REIMBURSEMENT
(To be on Grantee's Letterhead)

Department of Environmental Quality
Clean Water Financing and Assistance Program
P.O. Box 1105
Richmond, VA 23218
Attn.: CWFAP Program Manager

RE: Stormwater Local Assistance Fund Grant

SLAF Grant No.: 17-03

Dear Program Manager:

This requisition, Number ____, is submitted in connection with the referenced Grant Agreement, dated as of *[insert date of grant agreement]* between the Virginia Department of Environmental Quality and _____. Unless otherwise defined in this requisition, all capitalized terms used herein shall have the meaning set forth in Article I of the Grant Agreement. The undersigned Authorized Representative of the Grantee hereby requests disbursement of grant proceeds under the Grant Agreement in the amount of \$_____, for the purposes of payment of the Eligible Project Costs as set forth on Schedule I attached hereto.

Copies of invoices relating to the items for which payment is requested are attached.

The undersigned certifies that the amounts requested by this requisition will be applied solely and exclusively to the reimbursement of the Grantee for the payment of Eligible Project Costs that are Capital Expenditures.

This requisition includes (if applicable) an accompanying Certificate of the Project Engineer as to the performance of the work.

Sincerely,

(Authorized Representative of the Grantee)

Attachments

Fairfax County, Virginia

SCHEDULE 1
STORMWATER LOCAL ASSISTANCE FUND
FORM TO ACCOMPANY REQUEST FOR REIMBURSEMENT

REQUISITION # _____

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-03 CERTIFYING SIGNATURE: _____ TITLE: _____

Cost Category	Total Project Budget	SLAF Eligible Project Budget	SLAF 50% Grant Budget	Eligible Expenditures This Period	Current Grant Payment	Previous Grant Payment	Total Grant Payments to Date	SLAF Grant Balance
Engineering								
Flatlick Branch Phase 2	\$1,129,116.50	\$1,129,116.00	\$564,558.00					
Sub-Total	\$1,129,116.50	\$1,129,116.00	\$564,558.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction								
Flatlick Branch Phase 2	\$3,541,494.45	\$3,541,494.00	\$1,770,747.00					
Sub-Total	\$3,541,494.45	\$3,541,494.00	\$1,770,747.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other								
Contingency								
Flatlick Branch Phase 2	\$177,074.00	\$177,074.00	\$88,537.00					
Sub-Total	\$177,074.00	\$177,074.00	\$88,537.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$4,847,684.95	\$4,847,684.00	\$2,423,842.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Grant Amount: \$2,423,842.00

Previous Disbursements: \$0.00

This Request: \$0.00

Grant Proceeds Remaining: \$2,423,842.00

Fairfax County, Virginia

CERTIFICATE OF THE PROJECT ENGINEER
FORM TO ACCOMPANY REQUEST FOR REIMBURSEMENT

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-03

This Certificate is submitted in connection with Requisition Number _____, dated _____, 20____, submitted by the _____ (the "Grantee") to the Virginia Department of Environmental Quality. Capitalized terms used herein shall have the same meanings set forth in Article I of the Grant Agreement referred to in the Requisition.

The undersigned Project Engineer for _____ hereby certifies that insofar as the amounts covered by this Requisition include payments for labor or to contractors, builders or material men, such work was actually performed or such materials, supplies, or equipment were actually furnished to or installed in the Eligible Project.

(Project Engineer)

(Date)

Fairfax County, Virginia

EXHIBIT E

DETERMINATION OF AVERAGE REASONABLY EXPECTED ECONOMIC LIFE OF PROJECT ASSETS

Grantee: Fairfax County, Virginia

SLAF Grant No.: 17-03

The Internal Revenue Code of 1986, as amended, limits the length of average maturity for certain tax-exempt bonds, such as the VPBA Bonds, to no more than 120% of the average reasonably expected economic life of the assets being financed with the proceeds of such bonds. This life is based on Revenue Procedure 62-21 as to buildings and Revenue Procedures 83-35 and 87-56 as to equipment and any other assets. In this Exhibit, the Grantee will certify as to the average reasonably expected economic life of the assets being financed by the Grant.

Please complete the attached chart as follows:

Step 1. Set forth in Column II the corresponding total cost of each type of asset to be financed with the Grant.

Step 2. Set forth in Column III the economic life of each type of asset listed in accordance with the following:

Land. Exclude the acquisition of any land financed with a portion of the Grant funds from the economic life calculation.

Land Improvements. Land improvements (i.e., depreciable improvements made directly to or added to land) include sidewalks, roads, canals, waterways, site drainage, stormwater retention basins, drainage facilities, sewers (excluding municipal sewers), wharves and docks, bridges, fences, landscaping, shrubbery and all other general site improvements, not directly related to the building. Buildings and structural components are specifically excluded. 20 years is the economic life for most stormwater projects.

Buildings. Forty years is the economic life for most buildings.

Equipment. Please select an Asset Depreciation Range (“ADR”) midpoint or class life for each item of equipment to be financed. The tables of asset guideline classes, asset guideline periods and asset depreciation ranges included in IRS Revenue Procedures 83-35 and 87-56 may be used for reference. To use the tables, you should first determine the asset guideline class in which each item of equipment falls. General business assets fall into classes 00.11 through 00.4 to the extent that a separate class is provided for them. Other assets, to the extent that a separate class is provided, fit into one or more of classes 01.1 through 80.0. Subsidiary assets (jigs, dies, molds, patterns, etc.) are in the same class as are the other major assets in an industry activity unless the subsidiary assets are classified separately for that industry. Each item of equipment should be classified according to the activity in which it is primarily used. If the equipment is not described in any asset guideline class, its estimated economic life must be determined on a case by case basis.

Contingency. Any amounts shown on the Project Budget as “contingency” should be assigned to the shortest-lived asset. For example, contingency for a stormwater project should likely be given an economic life of 20 years.

Step 3. Set forth in Column IV the date each asset is expected to be placed in service. An asset is first placed in service when it is first placed in a condition or state of readiness and available for a

Fairfax County, Virginia

specifically assigned function. For example, the placed in service date for a stormwater project is likely the project's expected completion date.

Step 4. Determine the adjusted economic life of the asset in Column V by adding the amount of time between February 21, 2013 (the earliest date upon which the VPBA Bonds were issued) and the specified placed in service date from Column IV. For example, if a stormwater project with an economic life of 20 years will be placed in service 2 years after February 21, 2013, then the adjusted economic life for such stormwater project should be 22.

Step 5. For Column VI, multiply the Total Costs Financed with the Grant from Column II by the Adjusted Economic Life from Column V for each type of asset.

Step 6. Total all the entries in Column II and in Column VI.

Step 7. Divide the total of Column VI by the total of Column II. The quotient is the average reasonable expected economic life of the assets to be financed with the Grant.

AVERAGE REASONABLY EXPECTED ECONOMIC LIFE OF PROJECT ASSETS

Column I	Column II	Column III	Column IV	Column V	Column VI
<u>Asset</u>	<u>Total Cost Financed with Grant</u>	<u>Economic Life</u>	<u>Date Asset Placed in Service</u>	<u>Adjusted Economic Life</u>	<u>Column II x Column V</u>
Land Improvements	\$2,335,305	20	4/2018	25.1	\$58,616,155
Building					
Equipment					
Contingency	88,537	20	4/2018	25.1	\$2,222,279
TOTAL	<u>\$2,423,842</u>				<u>\$60,838,434</u>

Average Reasonably Expected Economic Life: Total of Column VI ÷ Total of Column II = 25.1

ACTION - 7

Endorsement of Comments on Proposed Modifications to the Commonwealth of Virginia's Smart Scale Transportation Funding Prioritization Process

ISSUE:

Board of Supervisors' endorsement of comments on proposed modifications to the Commonwealth of Virginia's Smart Scale Transportation Funding Prioritization Process.

RECOMMENDATION:

The County Executive recommends that the Board endorse a letter to the CTB regarding proposed modifications to the Smart Scale Transportation Funding Prioritization Process (Attachment 1).

The letter includes comments on the proposed modifications to the Smart Scale Process pertaining to the project size, application limits; project readiness; other funding; evaluation measures; process schedule; application submission eligibility; project screening process; relationship of project elements; and project eligibility. Specifically, the letter:

- Recommends evaluating the bias in project size using different parameters;
- Expresses opposition to limiting the number of applications that can be submitted;
- Notes concerns with the level of documentation required for specific projects types;
- Expresses concern with the policy related to other committed funding sources;
- Expresses concern with including the length of a project in the congestion measure;
- Expresses concern on the economic development measure, related to economically distressed areas, and raises questions related to how zoned properties will be scored;
- Opposes removing the 45 and 60 minute caps for auto and transit job access, respectively, to the accessibility measure;
- Supports efforts to provide additional time for project pre-screening, submission, and evaluation;
- Supports clarifying eligibility language for repairing and replacing existing facilities; and
- Requests more information on various proposals.

Each of these recommendations is described in more detail below.

TIMING:

The Board of Supervisors should act on this item on September 12, 2017, so that the County can provide comments to the CTB. The CTB's Public Meeting will include a town hall session, during which comments will be accepted informally. Comments will also be accepted in writing. The CTB is tentatively scheduled to adopt the revised Smart Scale Policy and Policy/Technical Guides at its meeting in October. Staff recommends that the County's comments be submitted formally in writing.

BACKGROUND:

During the 2014 Session, the General Assembly passed HB 2 which provides for the development of a prioritization process for projects funded by the CTB. The HB 2 process, renamed Smart Scale, must be used for the development of the Six-Year Improvement Program (SYIP). To date, two rounds of funding allocations have been determined using this process.

The Smart Scale process determines a score for a proposed project in the areas of congestion mitigation, land use coordination, accessibility, environmental quality, economic development, and safety which is then used to compare one project to another. The CTB can weigh these factors differently in each of the Commonwealth's transportation districts. Smart Scale requires congestion mitigation to be weighted highest in Northern Virginia. The Weighting Framework for Northern Virginia, as well as the Hampton Roads and Fredericksburg areas is:

- Congestion Mitigation (45%)
- Land Use Coordination (20%)
- Accessibility (15%)
- Environmental Quality (10%)
- Economic Development (5%)
- Safety (5%)

The CTB and Secretary of Transportation's office have been working on an effort to modify the Smart Scale process, following the completion of the first two rounds of Smart Scale. On June 21, 2017, and July 18, 2017, the CTB received presentations from Deputy Secretary of Transportation Nick Donohue on proposed modifications to the process, and discussed the proposals. A draft Updated Smart Scale Policy and Technical Guide, based on these presentations and discussions, was released on August 21, 2017.

A summary of the initial recommended modifications to the Policy Guide and proposed comments are below:

Project Size

- The Commonwealth compared projects from the first two rounds of Smart Scale with the FY 2006-2011 Six-Year Improvement Program (SYIP). The FY2006 SYIP was chosen, since it was the last robust SYIP before the reduction in transportation funds. The state compared the percentage of projects and the amount of funding awarded to projects based on project cost: less than \$5 million; between \$5 million and \$20 million; and above \$20 million. Based on the Commonwealth's analysis, the Smart Scale process did not significantly change the percentage of projects in each category or the amount funded.
- *Proposed Comment*
This evaluation seems to infer that project-size is in line with funding allocations made prior to Smart Scale. However, \$20 million is not necessarily the definition of a "large" project, particularly in urban areas. In many parts of the Commonwealth, a \$20 million project could be considered to be a medium size project. It could be beneficial to see how this analysis may change, if the breakdown in project-size were different, such as for projects greater than \$50 million. The Board of Supervisors has previously voiced concern that the Smart Scale process seems to benefit smaller projects.

Application Limits

- Currently, there are no limits on the number of projects a jurisdiction or agency can submit. The proposal recommends limiting localities with a population greater than 200,000 and regional entities with a population greater than 500,000 to eight applications per Smart Scale cycle. Localities and agencies with populations less than that the thresholds noted would be limited to four applications per cycle.
- *Proposed Comment*
To date, Fairfax County has not submitted more applications than the proposed limits allow. However, the Board does not support a limit on the number of applications. This is especially true, since there are few other options to apply for state funding, and the Smart Scale process is the process developed by the Commonwealth to secure funding. Further, more populated areas may have a higher number of projects, due to their large size and the significant congestion they currently face. If a governing body believes it is in the best interest of its jurisdiction to submit more than eight applications, it should be allowed to do so.

Project Readiness

- The current proposal recommends formalizing and strengthening the policy on required level of project planning, by requiring specific supporting documentation

needed for projects. It also recommends that localities provide a resolution supporting the project as part of the application process.

- *Proposed Comment*

The Board supports efforts to ensure that projects are feasible and that initial planning efforts have been completed prior to the application for Smart Scale funding. However, these requirements seem excessive. Requiring / Interchange Justification Reports (IJR) with preferred alternatives, approved signal warrant justifications, and locally preferred alternatives to be identified prior to submitting the application for funding is a heavy burden. Some of these are federally reviewed documents that have limited time spans prior to their expiration. They are also expensive to undertake. It is unlikely a jurisdiction would spend the time and money to develop an IJR without knowing that the project would be funded, especially as the funding will likely not be available for five or six years. There is also an expectation when submitting these documents to the Federal Highway Administration that the project already has a significant amount of funding on hand. Rather than a completed IJR, it may be appropriate to outline the plan for conducting the review and what alternatives are anticipated to be evaluated. Further, depending on the size of project, Smart Scale funding may be needed to complete the IJR or other analyses.

The Board has no concerns with requiring a resolution of support for applications. The County has submitted a resolution with our previous Smart Scale applications.

Funding Policy

- The current proposal recommends clarifying in the policy that Smart Scale funding is not intended to replace other committed funding sources such as local funding, proffers, and/or other committed state or federal funding sources. Commonwealth staff has said this would not include mega projects that cost more than \$1 billion.

- *Proposed Comment*

While this policy may not affect projects costing greater than \$1 billion, there are other large projects that may not rise to that level. The Board is concerned that this will impact the ability to leverage different types of funds (local and regional). The funding sources created by the General Assembly and collected in Northern Virginia have allowed our region to address some of our significant congestion and mobility needs in the future. This proposal could negatively impact our ability to address our transportation needs. Further, some of the requirements being proposed related to project readiness include requirements that a funding plan be in place for the project.

If that is the case, it does not seem practical to then prohibit a locality from applying for funding to complete the project, because they have a project funding plan to meet the readiness requirement. For example, sometimes local funding is placed on a project to meet Federal project readiness requirements; however, it may always be the jurisdiction's intent to apply for Smart Scale funding to actually build the project. This is done to ensure that projects continue to advance as scheduled.

Congestion

- The current proposal recommends modifying the measure to account for an increase in person miles traveled allowed by the project within the capacity of the facility. The draft guide also notes that the Smart Scale team is currently evaluating options to revise the congestion mitigation measure.

- *Proposed Comment*

The Board appreciates the desire to correctly account for congestion mitigation. However, the length of a project does not always correlate to its effectiveness in mitigating congestion. Targeted and strategic improvements can be just as effective at improving traffic operations as longer projects. The technical guide notes that proposed changes to this measure are still being evaluated; therefore, the Board believes more information is necessary to understand this proposal.

Further, the current and proposed process uses 2025 traffic projections to determine the congestion mitigation score. This seems intuitive for projects that can be termed "interim" improvements. However, larger projects, such as a major widening projects or interchanges, have a much longer benefit time frame and are designed to meet traffic demands 20 years beyond their completion date. The Board suggests including a factor that could also utilize later year traffic projections or include "life-cycle" benefits to address projects that have shorter life-cycle benefits (5 years) compared to longer life-cycles benefits (20 years) for congestion mitigation.

Economic Development – Site Development

- The current proposal recommends several changes to the Economic Development Measures, including:
 - Requiring zoned properties to receive primary access from the project to receive points.
 - Removing the 0.5 points for consistency with local and regional plans, but providing 0.5 points if the project is specifically referenced in local comprehensive plan or regional economic development strategy.

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September 12, 2017

- Providing up to 0.5 points for a project within economically distressed areas.
 - Reducing the maximum buffer of sites related to the project to three miles from five miles.
 - Distinguishing the level of readiness for site plans with conceptual plans receiving less points than detailed plans and submitted plans receiving less points than approved plans.
 - Considering the establishment of maximum square footage based on project type and based on current level of development - cannot exceed x% of total current square footage in jurisdiction(s).
- *Proposed Comment*
Regarding economically distressed areas, the Board has concerns about providing points based on economically distress, based on zip codes. Projects in an economically distressed part of a locality/zip code should also be eligible for such credit, whether or not the area around it, as a whole, is distressed, as such projects are often part of community revitalization efforts that are designed to spur economic development. Further, if economically distressed areas are to be considered for extra credit, factors such as the number of students receiving free or reduced lunch (a strong indicator of community needs) should also be considered as part of that calculation.

In regards to primary access to zoned properties, the definition of “primary” is missing, and will likely be problematic. Further, it may be difficult to note the primary access point in some instances where there are multiple access points, as this may depend on the functionality of a site or the volume associated with an access point.

The Board opposes reducing the buffer between the development site and the project from five to three miles.

The Board also believes more information is necessary to understand and comment on the proposal related to the percentage of total current square footage in jurisdiction(s).

Access to Jobs

- The current proposal recommends eliminating the 45 and 60 minute caps for auto and transit job access, respectively.
- *Proposed Comment*
The Board supports retaining the current caps. Northern Virginia has made significant efforts to focus growth in activity centers. Removing the cap

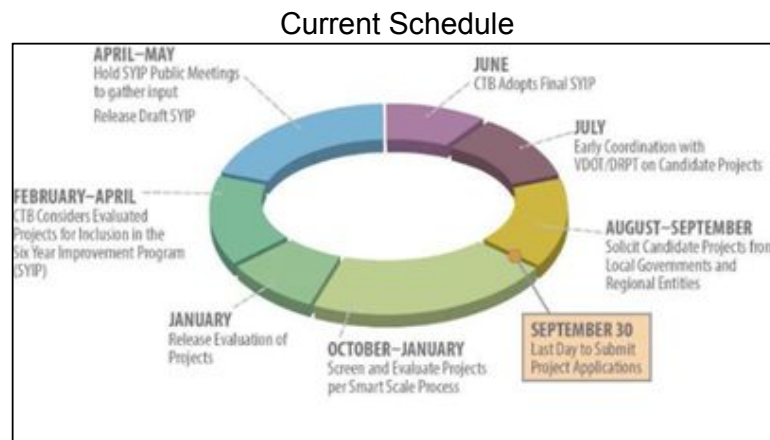
would encourage projects that support longer commutes which will strain already congested infrastructure. As this factor is only utilized in areas with higher populations, investing in projects that facilitate shorter commutes will further the goal of moving more people in the most cost effective manner.

Land Use

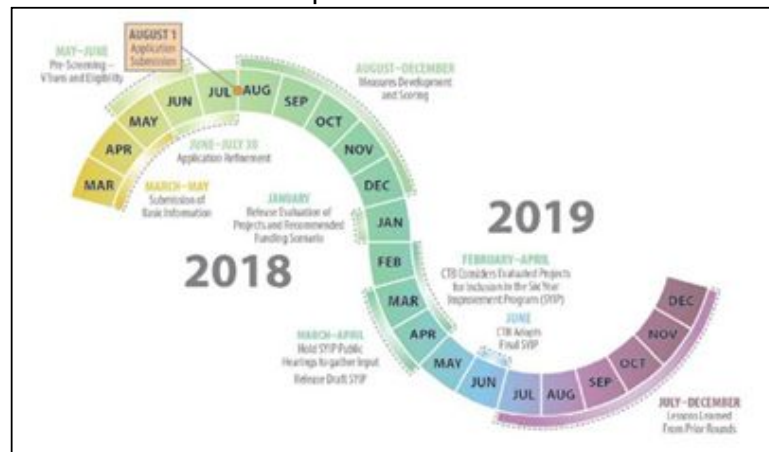
- The current proposal notes that Commonwealth staff has developed new methodology which examines accessibility to key non-work destinations, such as grocery stores, healthcare, education, etc. The proposal also includes specific definitions of mixed-use development.
 - *Proposed Comment*
The Board believes more information is necessary to understand and comment on this proposal. At this time, the Board supports retaining the current methodology.

Schedule

- The current proposal recommends updating the schedule for Smart Scale to provide sufficient time for application intake and project evaluation. Graphics noting the current timeline and proposed timeline are below:



Proposed Schedule



- *Proposed Comment*

The Board supports efforts to provide additional time for project pre-screening, submission, and evaluation. The Board suggests that Pre-screening and Eligibility be completed prior to Application Refinement, rather than having the processes overlap. This will allow applicants sufficient time to prepare full applications for eligible projects. If the two processes overlap, applicants may be in a situation where they have to prepare applications without knowing whether they have been screened out or they will need to wait until that decision has been made, thus having less time to finalize applications.

Relationship of Major Project Elements

- The current proposal recommends clarifying that projects where a project components or feature is not contiguous or proximate, or of the same improvement type (e.g., signal improvements, transit stations, etc.) are not eligible for consideration.
 - *Proposed Comment*
The Board believes that some flexibility on this may be needed, as components that may not appear to be contiguous or proximate may actually be related.

Project Eligibility

- The current proposal clarifies eligibility language to state that if a significant portion of the project costs are related to the repair or replacement of existing traffic control devices, structures, bridges, or other assets, the project be excluded from consideration in scoring and rating for Smart Scale.

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- *Proposed Comment*
The Board supports this proposal.

The CTB scheduled public meetings across the Commonwealth to provide information on the Smart Scale process and various transportation initiatives. The public meeting in Northern Virginia will be held on September 18, 2017, at 4:00 p.m., at the Virginia Department of Transportation (VDOT) Northern Virginia District Office, Fairfax, Virginia. An open house will be followed by a town hall session, where the public can engage in discussion and ask questions about the various initiatives. Comments will be accepted informally at the meeting and may also be submitted via letter, email, or online. The CTB is tentatively scheduled to adopt the revised Smart Scale Policy, as well as its Policy and Technical Guides at its meeting in October. If the schedule in the current proposal for Smart Scale modifications is adopted, the submission of basic information on possible applications for the next round of funding will occur in March-May 2018, and final applications will be due August 1, 2018.

FISCAL IMPACT:

There is no fiscal impact to the County as a result of these comments. However, the modifications to the Smart Scale policy will directly impact how the CTB will allocate transportation funding throughout the Commonwealth, thereby affecting how much state transportation funding is allocated to projects in Fairfax County.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Letter to the Commonwealth Transportation Board (CTB) regarding proposed modifications to the Smart Scale Transportation Funding Prioritization Process

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Minnix, Chief, Transportation Design Division, FCDOT
Gregg Steverson, Chief, Site Analysis and Transportation Planning Division, FCDOT
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Noelle Dominguez, Coordination and Funding Division, FCDOT
Ray Johnson, Coordination and Funding Division, FCDOT



SHARON BULOVA
CHAIRMAN

COMMONWEALTH OF VIRGINIA
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BOARD OF SUPERVISORS

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DRAFT

September 13, 2017

The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation
Patrick Henry Building
1111 East Broad Street, Third Floor
Richmond, Virginia 23218

RE: Comments on Proposed Modifications to the Smart Scale Transportation Funding Prioritization Process

Dear Secretary Layne:

On behalf of the Fairfax County Board of Supervisors, I am transmitting comments on proposed modifications to the Smart Scale Transportation Funding Prioritization Process. We appreciate the opportunity to provide input. The Board has the following comments on the proposed modifications:

- Project Size
 - This evaluation seems to infer that project-size is in line with funding allocations made prior to Smart Scale. However, \$20 million is not necessarily the definition of a “large” project, particularly in urban areas. In many parts of the Commonwealth, a \$20 million project could be considered to be a medium size project. It could be beneficial to see how this analysis may change, if the breakdown in project-size were different, such as for projects greater than \$50 million. The Board of Supervisors has previously voiced concern that the Smart Scale process seems to benefit smaller projects.
- Application Limits
 - To date, Fairfax County has not submitted more applications than the proposed limits allow. However, the Board does not support a limit on the number of applications. This is especially true, since there are few other options to apply for state funding, and the Smart Scale process is the process developed by the Commonwealth to secure funding. Further, more populated areas may have a higher number of projects, due to their large size and the significant congestion they currently face. If a governing body believes it is in the best interest of its jurisdiction to submit more than eight applications, it should be allowed to do so.
- Project Readiness
 - The Board supports efforts to ensure that projects are feasible and that initial planning efforts have been completed prior to the application for Smart Scale funding. However, these requirements seem excessive. Requiring / Interchange Justification Reports (IJR) with preferred alternatives, approved signal warrant justifications, and locally preferred alternatives to be identified prior to submitting the application for funding is a heavy burden. Some of these are federally reviewed documents that have limited time spans prior to their expiration. They are also

expensive to undertake. It is unlikely a jurisdiction would spend the time and money to develop an IJR without knowing that the project would be funded, especially as the funding will likely not be available for five or six years. There is also an expectation when submitting these documents to the Federal Highway Administration that the project already has a significant amount of funding on hand. Rather than a completed IJR, it may be appropriate to outline the plan for conducting the review and what alternatives are anticipated to be evaluated. Further, depending on the size of project, Smart Scale funding may be needed to complete the IJR or other analyses.

- The Board has no concerns with requiring a resolution of support for applications. The County has submitted a resolution with our previous Smart Scale applications
- Funding Policy
 - While this policy may not affect projects costing greater than \$1 billion, there are other large projects that may not rise to that level. The Board is concerned that this will impact the ability to leverage different types of funds (local and regional). The funding sources created by the General Assembly and collected in Northern Virginia have allowed our region to address some of our significant congestion and mobility needs in the future. This proposal could negatively impact our ability to address our transportation needs. Further, some of the requirements being proposed related to project readiness include requirements that a funding plan be in place for the project. If that is the case, it does not seem practical to then prohibit a locality from applying for funding to complete the project, because they have a project funding plan to meet the readiness requirement. For example, sometimes local funding is placed on a project to meet Federal project readiness requirements; however, it may always be the jurisdiction's intent to apply for Smart Scale funding to actually build the project. This is done to ensure that projects continue to advance as scheduled.
- Congestion
 - The Board appreciates the desire to correctly account for congestion mitigation. However, the length of a project does not always correlate to its effectiveness in mitigating congestion. Targeted and strategic improvements can be just as effective at improving traffic operations as longer projects. The technical guide notes that proposed changes to this measure are still being evaluated; therefore, the Board believes more information is necessary to understand this proposal.
 - Further, the current and proposed process uses 2025 traffic projections to determine the congestion mitigation score. This seems intuitive for projects that can be termed "interim" improvements. However, larger projects, such as a major widening projects or interchanges, have a much longer benefit time frame and are designed to meet traffic demands 20 years beyond their completion date. The Board suggests including a factor that could also utilize later year traffic projections or include "life-cycle" benefits to address projects that have shorter life-cycle benefits (5 years) compared to longer life-cycles benefits (20 years) for congestion mitigation.
- Economic Development – Site Development
 - The Proposal recommends several changes to the Economic Development Measures. Regarding economically distressed areas, the Board has concerns about providing points based on economically distress, based on zip codes. Projects in an economically distressed part of a

locality/zip code should also be eligible for such credit, whether or not the area around it, as a whole, is distressed, as such projects are often part of community revitalization efforts that are designed to spur economic development. Further, if economically distressed areas are to be considered for extra credit, factors such as the number of students receiving free or reduced lunch (a strong indicator of community needs) should also be considered as part of that calculation.

- In regards to primary access to zoned properties, the definition of “primary” is missing, and will likely be problematic. Further, it may be difficult to note the primary access point in some instances where there are multiple access points, as this may depend on the functionality of a site or the volume associated with an access point.
- The Board opposes reducing the buffer between the development site and the project from five to three miles.
- The Board also believes more information is necessary to understand and comment on the proposal related to the percentage of total current square footage in jurisdiction(s).
- Access to Jobs
 - The Board supports retaining the current caps. Northern Virginia has made significant efforts to focus growth in activity centers. Removing the cap would encourage projects that support longer commutes which will strain already congested infrastructure. As this factor is only utilized in areas with higher populations, investing in projects that facilitate shorter commutes will further the goal of moving more people in the most cost effective manner.
- Land Use
 - The Proposal notes that Commonwealth staff has developed new methodology which examines accessibility to key non-work destinations such as grocery, healthcare, education, etc. The Board believes more information is necessary to understand and comment on this proposal. At this time, the Board supports retaining the current methodology.
- Schedule
 - The Board supports efforts to provide additional time for project pre-screening, submission, and evaluation. The Board suggests that Pre-screening and Eligibility be completed prior to Application Refinement, rather than having the processes overlap. This will allow applicants sufficient time to prepare full applications for eligible projects. If the two processes overlap, applicants may be in a situation where they have to prepare applications without knowing whether they have been screened out or they will need to wait until that decision has been made, thus having less time to finalize applications.
- Relationship of Major Project Elements
 - The Board believes that some flexibility on this may be needed, as components that may not appear to be contiguous or proximate may actually be related.
- Project Eligibility
 - The Board supports the proposal to clarify eligibility language related to the repair or replacement of existing facilities.

The Honorable Aubrey L. Layne, Jr.
September 13, 2017
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Thank you, again, for your consideration. If you have any questions or need additional information, please contact Noelle Dominguez of the Department of Transportation at Noelle.Dominguez@faifaxcounty.gov or 703-877-5665.

Sincerely,

Sharon Bulova
Chairman

Cc: Members, Fairfax County Board of Supervisors
Mr. Gary Garczynski, At-Large Urban Member, Commonwealth Transportation Board (CTB)
Ms. Mary H. Hynes, Northern Virginia District Member, CTB
Mr. E. Scott Kasprowicz, At-Large Urban Member, CTB
Edward L. Long Jr., County Executive, Fairfax County
Robert A. Stalzer, Deputy County Executive
Catherine A. Chianese, Assistant County Executive
Tom Biesiadny, Director, Department of Transportation
Claudia Arko, Legislative Director
Noelle Dominguez, Legislative Liaison, Department of Transportation

ACTION - 8

Adoption of a Resolution Establishing Procedures for Use of the Construction Management and Design Build Methods of Construction Contracting

ISSUE:

Board of Supervisors' adoption of a resolution reflecting amendments to the *Virginia Code* related to the procedures for use of construction management and design-build construction procurement methods.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the resolution and updated procedures related to the construction management and design build methods of construction procurement.

TIMING:

Routine.

BACKGROUND:

The Virginia Public Procurement Act authorizes localities to enter into contracts for construction on a construction management or design-build basis. These procurement methods give the County additional flexibility in selecting a contractor and allow the County to negotiate its contract with the contractor. The construction management and design-build methods, however, are exceptions to the Virginia Public Procurement Act's (VPPA) stated preference for the competitive sealed bid process for procurement of construction services. As such, these methods may only be used in accordance with Virginia Code Ann. § 2.2-4382 (2017), as reflected in Article 3, Section 5 of the Fairfax County Purchasing Resolution.

The VPPA and the Fairfax County Purchasing Resolution require that prior to issuing a Request for Proposal for any construction management or design-build construction project the Board of Supervisors adopt by resolution written procedures governing the selection, evaluation and award of such construction projects. See Va. Code Ann. § 2.2-4382; Fairfax County Purchasing Resolution at Article 3, Section 5. These written procedures must comply with certain Code requirements and "be consistent with the procedures adopted by the Secretary of Administration for utilizing construction management or design build contracts." Va. Code Ann. § 2.2-4382(A).

The proposed Construction Management Procurement Manual (Attachment II) and

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Design Build Construction Manual (Attachment III) follow the state procedures, but, where permitted, have been adapted to meet the requirements of the County's capital construction departments. The County Purchasing Agent will update or develop administrative policies as appropriate to implement these procedures.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Resolution

Attachment II – Construction Management Procurement Manual

Attachment III— Design-Build Procurement Manual

STAFF:

Joseph M. Mondoro, Chief Financial Officer

Cathy A. Muse, Director, Department of Procurement and Material Management

Thomas E. Fleetwood, Director, Department of Housing and Community Development

Kirk W. Kincannon, Director, Fairfax County Park Authority

James W. Patteson, Director, Department of Public Works and Environmental Services

Thomas P. Biesiadny, Director, Department of Transportation

ASSIGNED COUNSEL:

Patricia Moody McCay, Assistant County Attorney

Resolution Establishing Procedures for Use of the Construction Management and Design-Build Methods of Construction Contracting

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 12, 2017, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Virginia Public Procurement Act requires that a public body using the construction management or design-build method of construction contracting comply with Virginia Code Ann. § 2.2-4382 (2017); and

WHEREAS, the Board of Supervisors adopted the requirements of Virginia Code Ann. § 2.2-4382, on June 20, 2017, as reflected in Article 3, Section 5, of the Fairfax County Purchasing Resolution (effective July 1, 2017); and

WHEREAS, Virginia Code Ann. § 2.2-4382 and the Fairfax County Purchasing Resolution require that prior to issuing a Request for Proposal for any design-build or construction management contract for a specific construction project, the public body shall have adopted by resolution written procedures, which include the specifications set out in the Code and the Fairfax County Purchasing Resolution, governing the selection, evaluation and award of design-build and construction management; and

WHEREAS, Virginia Code Ann. § 2.2-4382 further requires that design-build construction projects include a two-step competitive negotiation process consistent with the standards established by the Division of Engineering and Buildings of the Department of General Services for state agencies and that construction management projects include selection procedures and required construction management contract terms consistent with the procedures as adopted by the Secretary of Administration; and

WHEREAS, the Construction Management Procurement Manual (Attachment 2) and Design Build Construction Manual (Attachment 3) establish procedures consistent with Virginia Code Ann. § 2.2-4382 and the Fairfax County Purchasing Resolution for use of the construction management and design-build method of construction contracting.

NOW, THEREFORE, BE IT RESOLVED, that the Fairfax County Board of Supervisors adopts the Construction Management Procurement Manual and the Design Build Construction Manual.

Given under my hand on this _____ day of ____ 2017.

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



**FAIRFAX COUNTY, VIRGINIA
CONSTRUCTION MANAGEMENT
PROCUREMENT MANUAL
SEPTEMBER 2017**

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CONSTRUCTION MANAGEMENT (CM) PROCEDURES AS ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS

In accordance with Article 3, Section 5.B of the Fairfax County Purchasing Resolution, the following procedures for the procurement of Construction Management (CM) contracts shall be followed by all departments, agencies, and authorities of the County of Fairfax. These procedures shall be effective September 12, 2017.

1. **LEGISLATIVE AUTHORITY:** Under authority of § 2.2-4382 of the *Code of Virginia* and the Fairfax County Purchasing Resolution, the County may enter into a contract with a Construction Manager in accordance with these procedures.
2. **AUTHORITY:** The County is authorized to use competitive negotiations to procure CM contracts when it determines in advance that competitive sealed bidding is not practicable or fiscally advantageous pursuant to Article 3, Section 5 of the Fairfax County Purchasing Resolution. This determination shall be included in the Request for Qualifications and maintained in the procurement file. The written determination shall include the basis of the determination which shall include one or more of the following:
 - a. Construction cost
 - b. Project complexity
 - c. Building use
 - d. Project timeline
 - e. Project phasing
 - f. Necessity of value engineering and/or constructability analysis concurrent with design
 - g. Cost/design control needs

Prior to making a determination to use construction management, a licensed architect or engineer shall be employed or under contract to (i) advise in use of construction management; and (ii) assist in the preparation of the Request for Proposal and evaluation of such proposals. Authorization to contract with a Construction Manager may be granted by the Purchasing Agent or those organizations cited in the Fairfax County Purchasing Resolution, Article 1, Section 3. The term Authorized Purchasing Agent shall apply to all such entities in this procedure.

3. **CRITERIA FOR USE OF CM:** CM contracts may be utilized on projects where the project cost is expected to be more than \$10 million. CM may be utilized on projects where the project cost is expected to be less than \$10 million, provided that (i) the project is a complex project and (ii) the project procurement method is approved by the Board of Supervisors. The written approval of the Board of Supervisors shall be maintained in the procurement file.

4. **PROCEDURE FOR APPROVAL TO USE CM:** Prior to issuing an RFQ or RFP for a CM contract, the Authorized Purchasing Agent must provide written approval for use of this delivery method. The request from the using agency to the Authorized Purchasing Agent shall justify and substantiate that the CM contract meets the criteria found in section 2. The contract must be entered into no later than the Schematic Design Phase unless prohibited by funding authorization restrictions.
5. **CM SELECTION PROCEDURES:** On projects approved for CM, the procurement shall be conducted as a two-step Request for Qualifications/Request for Proposals process. The following procedures shall be used in selecting a CM and awarding a contract:
 - a. The Authorized Purchasing Agent shall appoint a Selection Advisory Committee (SAC) which shall consist of at least three or more principal staff personnel, including a at least one licensed design professional engineer or architect, if possible.
 - b. The basis of the award of the contract shall be in accordance with Article 2, Section 2, B.5 (Non-Professional Services) of the Fairfax County Purchasing Resolution. The criteria for the award shall be approved in advance by the Authorized Purchasing Agent. Cost is a critical component of the selection process. Guidance on methods for evaluation is identified in Procurement Technical Bulletin 12-1002, as approved by the County Purchasing Agent.
 - c. Selection of Qualified Offerors (**STEP I**): On projects approved for CM, the County shall conduct a prequalification process as follows to determine which offerors are qualified to receive a Request for Proposals (RFP).
 1. The County shall prepare a Request for Qualifications (RFQ) setting forth the criteria upon which the qualifications of prospective contractors will be evaluated and containing the County's facility requirements, building and site criteria, project criteria, site and survey data (if available), and other relevant information. All offerors shall have a licensed Class "A" contractor registered in the Commonwealth of Virginia as part of the project team. The County's justification for the use of DB shall be included in the RFQ.
 2. Advance notice shall be given of the deadline for the submission of prequalification applications. The deadline for submission shall be sufficiently in advance of the date set for the submission of offers for such construction so as to allow the procedures set forth in this subsection to be accomplished.
 3. The criteria for evaluation must be included in the RFQ, including any unique capabilities and qualifications. The RFQ shall be posted on the Commonwealth's e-

procurement portal, eVA, at least 30 days prior to the date set for receipt of qualification proposals.

4. Prospective offerors may be prequalified for participation in the RFQ. The prequalification application form shall request of prospective contractors only such information as is appropriate for an objective evaluation of all prospective contractors pursuant to such criteria. The form shall allow the prospective contractor seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the contractor pursuant to this subsection shall be considered a trade secret or proprietary information pursuant to Article 2, Section 4, Paragraph D of the Fairfax County Purchasing Resolution.
 5. The SAC shall evaluate each Statement of Qualifications (SOQ) and any other relevant information and shall determine which offerors are fully qualified and suitable for the project, based upon the RFQ criteria. Prior construction management or Fairfax County experience is not a prerequisite for award.
 6. The SOQ evaluation shall result in a short list of two to five offerors to receive the RFP. An offeror may be denied prequalification only as specified under the Fairfax County Purchasing Resolution, Article 3, Section 6, but the short list shall also be those deemed best qualified.
 7. At least 30 days prior to the date established for the submission of proposals, the County shall in writing advise each offeror that sought prequalification whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis for such reasons.
- d. Selection of a Construction Manager (**STEP II**):
1. The County shall send a Request for Proposal (RFP) to the offerors on the short list and request submission of proposals. The RFP shall be posted for a minimum of 30 days and include the criteria for award. Offerors shall be required to submit separate sealed technical and cost proposals. The solicitation shall include the following minimum information for preconstruction services:
 - a. Scope of services
 - b. List of evaluation factors (including weighing factors)
 - c. List of required deliverables
 - d. Indication of whether interviews will be conducted before establishing the final rank

- e. General contract terms and conditions
- 2. Proposals as described in the RFP shall be submitted to the SAC.
- 3. The SAC will evaluate and rank the technical proposals based on the criteria contained in the RFP. Prior CM experience shall not be a prerequisite for award. The SAC may inform each CM offeror of any adjustments necessary to make its technical proposal fully comply with the requirements of the RFP. In addition, the County may require that offerors make design adjustments necessary to incorporate project improvements and/or additional detailed information identified by the SAC during development of the design.
- 4. The SAC shall select two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the criteria included in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. After negotiations have been conducted with each offeror so selected, the County shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so stated in the RFP, awards may be made to more than one offeror.
- 5. Price is a critical basis for award of the contract. Prior construction management experience or previous experience shall not be required as a prerequisite for award of a contract. However, in the selection of a contractor, the County may consider the experience of each contractor on comparable projects.
- 6. The County shall offer the opportunity for an interview to all short-listed firms if the County intends to interview any contractor during the procurement process.
- 7. Should the County determine, in writing and at its sole discretion, that only one offeror is fully qualified or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.
- 8. The SAC shall make its recommendation for the selection of a construction manager to the Authorized Purchasing Agent based on its evaluations of the technical and cost proposals and all modifications. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.
- 9. All proposed contracts for CM construction services shall be approved by the Authorized Purchasing Agent. Full and detailed explanation of the selection criteria and fee determination shall be presented with the contract by the using agency.

10. The County will publicly announce the contract award on the eVA electronic procurement website or other appropriate website. All offerors will be directly notified of the contract award.
6. **REQUIRED CONSTRUCTION MANAGEMENT CONTRACT TERMS:** Any Guaranteed Maximum Price construction management contract entered into by the County will contain provisions requiring that:
- a. Not more than 10% of the construction work, as measured by cost of the work, will be performed by the CM with its own forces and;
 - b. The remaining 90% of the construction work, as measured by the cost of the work, will be performed by subcontractors of the CM which the CM must procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. Documentation shall be placed in the file detailing the reasons any work exceeding \$100,000 is not procured by publicly advertised competitive sealed bidding. The Authorized Purchasing Agent may modify these contractual requirements in whole or in part for projects where it would be fiscally advantageous to the public to increase the amount of construction work performed by the Construction Manager.
7. **GUARANTEED MAXIMUM PRICE:** The Guaranteed Maximum Price shall be established no later than completion of working drawings. If the County and the CM offeror cannot agree on a GMP, the County may competitively bid the project with the other prequalified CM offerors or enter into competitive negotiations with the other prequalified CM offerors in accordance with the requirements of the Fairfax County Purchasing Resolution. Interim GMP's for early release packages are permitted.
8. **DISCLOSURE OF INFORMATION:** As provided in the Fairfax County Purchasing Resolution, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act. Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful offerors.



FAIRFAX COUNTY, VIRGINIA
DESIGN-BUILD PROCUREMENT MANUAL
SEPTEMBER 2017

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**DESIGN-BUILD (DB) PROCEDURES
AS ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

In accordance with Article 3, Section 5.B of the Fairfax County Purchasing Resolution, the following procedures for the procurement of Design-Build (DB) contracts shall be followed by all departments, agencies, and authorities of the County of Fairfax. These procedures shall be effective September 12, 2017.

1. **LEGISLATIVE AUTHORITY:** Under authority of § 2.2-4382 of the *Code of Virginia* and the Fairfax County Purchasing Resolution, the County may contract to secure DB projects on a fixed price basis in accordance with these procedures.
2. **AUTHORITY:** The County may enter into a contract for design-build construction services in accordance with these procedures. Pursuant to Article 3, Section 5 of the Fairfax County Purchasing Resolution, the County is authorized to use competitive negotiations to procure design-build services when it determines in advance, and sets forth in writing, that competitive sealed bidding is not practical or fiscally advantageous. The determination shall be included in the Request for Qualifications and be maintained in the procurement file. The written determination shall include the basis of the determination which shall include one or more of the following:
 - a. Construction Cost
 - b. Project Complexity
 - c. Building Use
 - d. Project Timeline
 - e. Need for Single Point of Contact

Prior to making a determination to use design-build for a specific construction project, a licensed architect or engineer shall be employed or under contract (i) advise in use of design build; and (ii) assist in the preparation of the Request for Proposal and evaluation of such proposals. Authorization to use of the design-build alternative delivery method may be granted by the County Purchasing Agent or organizations cited in the Fairfax County Purchasing Resolution, Article 1, Section 3. The term Authorized Purchasing Agent shall apply to all such entities in this procedure.

3. **BENEFIT OF USE OF DB:** DB contracts are intended to minimize the project risk for an owner and to reduce the delivery schedule by overlapping the design, land acquisition, and construction phases of a project.
4. **DB SELECTION PROCEDURES:** On projects approved for DB, the procurement shall be a two-step RFQ/RFP process. The following procedures shall be used in selecting a Design-Builder and awarding a contract:

- a. The Authorized Purchasing Agent shall appoint a Selection Advisory Committee (SAC) which shall consist of at least three or more principal staff personnel, including at least one licensed design professional, if possible.
- b. The basis of the award of the contract shall be in accordance with Article 2, Section 2, B.5 (Non-Professional Services) of the Fairfax County Purchasing Resolution. The criteria for the award shall be approved in advance by the Authorized Purchasing Agent.
- c. Selection of Qualified Offerors **(STEP I)**: On approved DB projects, the County shall conduct a prequalification process to determine the offerors qualified to receive a Request for Proposal (RFP).
 - 1. The County shall prepare a Request for Qualifications (RFQ) setting forth the scope of the project, the County's facility requirements, criteria upon which the qualifications of prospective contractors will be evaluated, site criteria, and survey data (if available), and other relevant information. All offerors shall have a licensed Class "A" contractor registered in the Commonwealth of Virginia and an Architect or Engineer registered in the Commonwealth of Virginia as part of the Project Team.
 - 2. The criteria for evaluation shall be included in the RFQ, including any unique capabilities and qualifications.
 - 3. Advance notice shall be given of the deadline for the submission of prequalification applications. The RFQ shall be posted in accordance with the current standards of the Fairfax County Purchasing Resolution for a minimum of 30 days.
 - 4. Prospective offerors may be prequalified for participation in the RFQ. The prequalification application form shall include any unique capabilities or qualifications that will be required of the contractor. The form shall allow the prospective contractor seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the contractor pursuant to this subsection shall be considered a trade secret or proprietary information pursuant to Article 2, Section 4, Paragraph D of the Fairfax County Purchasing Resolution.
 - 5. The Selection Advisory Committee shall evaluate each SOQ and any other relevant information and shall determine which offerors are fully qualified and suitable for the project, based upon the RFQ criteria. Prior DB or Fairfax County experience shall not be a prerequisite for award.

6. The SOQ evaluation shall result in a short list of two to five offerors to receive the RFP. An offeror may be denied prequalification only as specified under the Fairfax County Purchasing Resolution, Article 3, Section 6, but the short list shall consist of those deemed best qualified.
 7. At least thirty days prior to the date established for submission of proposals, the County shall advise in writing each offeror that sought prequalification whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.
- d. Selection of Design-Build Contractor **(STEP II)**:
1. The County shall send a Request for Proposal (RFP) to the offerors on the short list and request submission of proposals. The RFP shall define submittal requirements that must be included in the proposal and criteria for award. Cost shall be a critical component of the selection process. Offerors shall be required to submit separate sealed technical and cost proposals.
 2. Technical proposals as described in the RFP shall be submitted to the SAC. Separately sealed cost proposals shall be secured and kept sealed until evaluation of the technical proposals and the design adjustments are completed.
 3. The SAC will evaluate the technical proposals based on the criteria contained in the RFP. It shall inform each DB offeror of any adjustments necessary to make its technical proposal fully comply with the requirements of the RFP. In addition, the County may require that offerors make design adjustments necessary to incorporate project improvements and/or additional detailed information identified by the SAC during development of the design.
 4. Cost proposals shall be considered after evaluation of the technical proposals and the design adjustments are completed. The SAC shall negotiate with two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal.
 5. Based on the adjustments requested by the SAC, the offeror shall provide a revised technical proposal and cost proposal, as necessary. An offeror may submit cost modifications to the original sealed cost proposal which are not based upon revisions to the technical proposals.

6. Negotiations shall then be conducted with each of the offerors so selected. After negotiations have been conducted with each offeror so selected, the County shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so stated in the RFP, awards may be made to more than one offeror.
 7. The County shall offer the opportunity for an interview to all short-listed firms if the County intends to interview any contractor during the procurement process.
 8. Based on the adjustments made to the technical proposals, offerors may be asked to amend the cost proposal. In addition, an offeror may be asked to submit cost modifications to its original sealed cost proposal which are not based upon revisions to the technical proposals.
 9. Should the County determine, in writing and at its sole discretion, that only one offeror is fully qualified or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.
 10. The SAC shall make its recommendation for the selection of a design builder to the Authorized Purchasing Agent based on its evaluations of the technical and cost proposals and all modifications. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.
 11. All proposed contracts for DB construction services shall be approved by the Authorized Purchasing Agent. Full and detailed explanation of the selection criteria and fee determination shall be presented with the contract by the using agency.
 12. The County will publicly announce the contract award on the eVA electronic procurement website or other appropriate website. The County shall notify all offerors who submitted proposals, which offeror was selected for the project.
 13. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
5. **DISCLOSURE OF INFORMATION:** As provided in the Fairfax County Purchasing Resolution, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act. Upon request,

documentation of the process used for the final selection shall be made available to the unsuccessful offerors.

ACTION - 9

Approval of Fairfax Connector September 2017 Service Changes

ISSUE:

Board of Supervisors' approval of Fairfax Connector's September 2017 service changes that address needed service reliability improvements system-wide, expand service on Fairfax Connector Routes 321 / 322, and balance resources with ridership.

RECOMMENDATION:

The County Executive recommends that the Board approve the September 2017 service change proposal as outlined below.

TIMING:

Board approval is requested on September 12, 2017, to allow for implementation on September 30, 2017.

BACKGROUND:

The September 2017 service change proposal includes schedule adjustments to improve on-time performance and connections with Metrorail, Virginia Railway Express (VRE), and other bus service. Proposed service changes preserve connections with and between neighborhoods, job and activity centers, Metrorail stations, and other destinations. The routes included in the proposal are: 171, 231, 232, 321, 322, 333, 334, 335, 395, 462, 463, and 551.

Proposal highlights

- Schedule adjustments on Routes 171, 231, 232, 334, 335, and 551 to improve on-time performance;
- Reroute Route 171 onto Whernside Street between Pohick and Telegraph Roads to take advantage of new traffic signal at Whernside Street and Telegraph Road;
- Expand service span and improve headways on Routes 321 and 322;
- Replace Route 333 with new Routes 340 and 341 to reduce pattern complexity for riders;
- Bypass North Backlick Road Park-and-Ride on some inbound trips and outbound trips of Route 395 to better accommodate passenger loads; and

- Adjust routing of Route 462 and 463 to maintain service to Hilltop Road in Dunn Loring and Tysons Towers Apartments in Tysons in response to elimination of Metrobus 2T.

To inform the public of the service changes and receive feedback from passengers, staff posted detailed information on the Fairfax Connector website and social media accounts, installed flyers on all buses, hosted two public meetings to directly engage the public, and reviewed and responded to comments and questions. Public comment was reviewed and rider requests were incorporated into the proposal, where feasible. A summary of the public feedback is included as Attachment II.

Proposal Details

Schedule Adjustments

- Minor schedule adjustments on Routes 171, 231, 232, 334, 335, and 551 to improve on-time performance and improve connections with Metrorail, Virginia Railway Express, and other bus service.

Route 171 – Richmond Highway

- Reroute onto Whernside Street between Pohick and Telegraph Roads to take advantage of new traffic signal at Whernside Street and Telegraph Road

Route 321 and 322 – Greater Springfield Circulator

- Expand service to operate late evenings and improve headways.
- Feature 20 to 30-minute headways on Monday through Friday, 30 to 60-minute headways on Saturday, and 60-minute headways on Sunday.
- All trips after 8:00 P.M. on weekdays and 6:00 P.M. on weekends (including the proposed late evening trips) would bypass Industrial Road and Commercial Drive areas, where there is little demand for service at these times.
- Eliminate Bland Street route diversion. Extend service along Industrial Drive to new Amazon facility.

Route 333 - Patriot Ridge – Saratoga

- Replace Route 333 with two new routes, Route 340 (Patriot Ridge – Saratoga) and Route 341 (Boston Boulevard – Saratoga), to reduce pattern complexity for riders.
- Time interval between buses will be approximately 25 to 30 minutes on weekdays. Morning and evening rush-hour VRE connections will be maintained at the Franconia–Springfield Metrorail Station.

Route 335 – Fort Belvoir “The Eagle”

- Revise schedule by adding a morning trip departing at 6:00 A.M. from Franconia–Springfield Metrorail Station, in response to rider input

Route 395 - Springfield – Pentagon

- Revise schedule to better address travel demand by having 1 late morning trip originate at the Backlick North Park-and-Ride
- Of the 13 morning trips that originate at Gambrill Road Park and Ride, 5 would bypass Backlick North Park and Ride, with the remaining 8 trips serving both park and ride locations.
- Of the 14 outbound afternoon trips, 11 would serve Gambrill Road Park and Ride, with the remaining 3 afternoon trips terminating at Backlick North Park-and-Ride and not serving Gambrill Road Park-and-Ride

Route 462 - Dunn Loring – Navy Federal – Tysons

- Reroute onto Prosperity Avenue and Hilltop Road to address elimination of Metrobus 2T, while maintaining service to Vienna Park Apartments

Route 463 - Maple Avenue – Vienna

- Reroute onto Gosnell Road and Leesburg Pike to address elimination of Metrobus 2T, providing service to Tysons Towers Apartments

The service changes proposed for implementation in September 2017 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients. Out of the 12 routes that are proposed to change, three routes, 321/322, and 333 (replaced by 340/341) met the Major Service Change threshold, and they were analyzed to determine whether the change will create a disparate impact and/or disproportionate burden. None of the identified routes will create a disproportionate burden on low-income households, but the analysis found that two routes (321/322) will create a disparate impact on minorities. However, the proposed changes will improve 321/322 by extending the span of service and increasing bus frequencies, which did not meet any of the criteria for adverse effects. Therefore, the changes will be positive for riders, and there is no need to mitigate the disparate impact. Overall, the proposed service changes in September 2017 will result in an improvement in service for Fairfax Connector riders, including the affected communities along the routes.

FISCAL IMPACT:

This proposal expands service by approximately 12,147 annual revenue hours. Based on nine months of operation, approximately \$911,025 is required in FY 2018 to incorporate the service changes. The annualized FY 2019 cost for the service changes

Board Agenda Item
September 12, 2017

will be approximately \$1,214,700. Funding to support the service expansion is contained within Fund 40000 – County Transit Systems. There will be no added impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment I – News Release / Public Outreach Information

Attachment II – Route Change Maps

Attachment III – Public Comment Summary

Attachment IV – Service Equity (Title VI) Analysis

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Dwayne Pelfrey, Division Chief, Transit Services Division, FCDOT

Michael Felschow, Planning Section Chief, Transit Services Division, FCDOT

Stuart Boggs, Senior Transportation Planner, Transit Services Division, FCDOT

Hejun Kang, Transportation Planner, Transit Services Division, FCDOT

Ray Johnson, Senior Transportation Planner, Coordination and Funding Division, FCDOT



Service Changes Proposed for September 2017

Routes with proposed service changes:

- | | |
|---|---|
| <p>171 Reroute between Pohick and Telegraph Roads to take advantage of new traffic signal at Wherside Street and Telegraph Road.</p> | <p>335 Add morning trip departing at 6:00 AM from Franconia – Springfield Metrorail and VRE Station</p> |
| <p>231
232 Schedule adjustments to improve transfers with routes 321, 322, and 373.</p> | <p>395 To address demand, some morning trips will not serve the Backlick North Park & Ride and some afternoon trips not serve Gambrill Road Park & Ride.</p> |
| <p>321
322 Provide more frequent trips and extend service hours. Extend route along Industrial Drive to serve the Amazon facility. Eliminate Bland Street stop.</p> | <p>462 Reroute onto Prosperity Avenue and Hilltop Road to address elimination of Metrobus 2T.</p> |
| <p>333 Establish new Routes 340 and 341 to replace Route 333.</p> | <p>463 Reroute on Gosnell Road and Leesburg Pike to address elimination of Metrobus 2T</p> |
| <p>334 Minor schedule adjustments to align service with new Routes 340 and 341</p> | <p>551 Minor schedule adjustments to address morning and afternoon crowding issues.</p> |

Fairfax Connector will host two outreach events to review the proposed changes and to solicit feedback from the public.

Tuesday, August 8, 2017, 6 p.m. – 8 p.m.

Edison High School, Cafeteria
5801 Franconia Rd, Alexandria, VA 22310
Transit access: Fairfax Connector 109, 231, 232, 310, 321, 322

Thursday, August 10, 2017, 6 p.m. – 8 p.m.

Sterwood Elementary School, Cafeteria
2620 Gallows Rd, Vienna, VA 22180
Transit access: Fairfax Connector 401, 402, 462; Metrorail Orange Line

For additional information: fairfaxconnector.com 703-339-7200 TTY 703-339-1608

Fairfax County Department of Transportation (FCDOT) ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA). To request this information in an alternate format, contact FCDOT at 703-877-5900, TTY 711.

County of
Fairfax, Virginia





Propuesta de cambios al servicio de septiembre del 2017

Rutas con propuestas de cambios en el servicio:

- | | | | |
|--------------------|---|------------|--|
| 171 | Desviar entre Pohick Road y Telegraph Road para tomar ventaja de la nueva señal de tráfico en en Whernside Street y Telegraph Road. | 335 | Añadir un viaje por la mañana saliendo a las 6:00 AM desde Franconia - Springfield Metrorail y VRE Station. |
| 231
232 | Ajustes de horario para mejorar conexión con las rutas 321, 322 y 373. | 395 | Para dirigirse a la demanda, algunos viajes por la mañana no servirán el Backlick North Park & Ride y algunos viajes por la tarde no servirán Gambrill Road Park & Ride. |
| 321
322 | Facilitar viajes más frecuentes y ampliar el horario de servicio. Extender la ruta a lo largo de Industrial Drive para servir la facilidad de Amazon. Eliminar la parada de Bland Street. | 462 | Desviar en Prosperity Avenue y Hilltop Road para dirigirse al eliminación de Metrobus 2T. |
| 333 | Establecer nuevas rutas 340 y 341 para reemplazar la ruta 333. | 463 | Desviar en Gosnell Road y Leesburg Pike para dirigirse al eliminación de Metrobus 2T |
| 334 | Ajustes menores del horario para alinear el servicio con nuevas rutas 340 y 341 | 551 | Ajustes menores del horario para aliviar los problemas amontonamiento por las mañanas y por las tardes. |

Fairfax Connector tendrá dos reuniones públicas para explicar las propuestas de cambios y tomar comentarios del público.

Martes, 8 de agosto del 2017, 6 p.m. – 8 p.m.

Edison High School, Cafeteria
5801 Franconia Rd, Alexandria, VA 22310
El acceso de tránsito: Fairfax Connector 109, 231, 232, 310, 321, 322

Jueves, 10 de agosto del 2017, 6 p.m. – 8 p.m.

Sterwood Elementary School, Cafeteria
2620 Gallows Rd, Vienna, VA 22180
El acceso de tránsito: Fairfax Connector 401, 402, 462; Metrorail Orange Line

Para mas información:  fairfaxconnector.com  703-339-7200  TTY 703-339-1608

El Departamento de Transporte del Condado de Fairfax (FCDOT), por sus siglas en inglés, garantiza que no se discriminará en ninguno de sus programas ni actividades, en conformidad con el Título VI de la Ley de Derechos Civiles de 1964 y con la Ley para Estadounidenses con Discapacidades (ADA, por sus siglas en inglés). Para solicitar esta información en formato alternativo, llame a FCDOT al 703-677-6600, TTY 711.

Condado de Fairfax, Virginia





[homepage](#) > [fairfax connector](#) > [news and information](#):

Fairfax Connector Seeks Feedback on Proposed Service Changes

July 26, 2017

Fairfax Connector proposes service adjustments for implementation in September 2017 to improve the customer experience through increased on-time performance, improved service reliability and reduced crowding. In order to serve the greatest number of riders as effectively as possible, improvements target high-ridership corridors and partially address the elimination of Metrobus 2T.

Proposal Highlights (all proposed changes by route listed below):

- Reroute **Route 171** between Pohick and Telegraph Roads to take advantage of new traffic signal at Whernside Street and Telegraph Road;
- Adjust arrival times on Fairfax Connector **Routes 231 and 232** to improve transfer opportunities with Routes 321, 322 and 373;
- Increase span of service and frequency on **Routes 321 and 322**;
- Eliminate Bland Street diversion on **Routes 321 and 322**;
- Extend **Routes 321 and 322** on Industrial Drive to serve the Amazon facility;
- Restructure Route 333 service as **Routes 340 and 341**, maintaining service to Patriot Ridge and extending service to Boston Boulevard;
- Implement minor schedule revisions to **Route 334** to interline with new Routes 340 and 341;
- Add a **Route 335** morning trip departing at 6:00 a.m. from Franconia – Springfield Metrorail Station;
- Address travel demands for **Route 395** by eliminating some morning trips from Backlick North Park & Ride, as well as some afternoon trips to Gambrill Road Park & Ride;
- Reroute **Route 462** onto Prosperity Avenue and Hilltop Road to address elimination of Metrobus 2T;
- Reroute **Route 463** on Gosnell Road and Leesburg Pike to address elimination of Metrobus 2T; and
- Revise **Route 551** schedule to address afternoon crowding issues related to ridership to/from South Lakes High School.

We Want to Hear From You! Opportunities for Public Comment

Fairfax Connector will host two outreach events to explain the proposed changes and take comments from the public:

Tuesday, August 8, 2017; 6 - 8 p.m. (7 p.m. presentation)

- Edison High School Cafeteria
- 5801 Franconia Road, Alexandria
- Transit access: Fairfax Connector 109, 231, 232, 321, 322, 310

Thursday, August 10, 2017; 6 - 8 p.m. (7 p.m. presentation)

- Stenwood Elementary School Cafeteria
- 2620 Gallows Road, Vienna
- Transit access: Fairfax Connector 401, 402

Feedback will be recorded at the meeting and attendees can submit written comment forms. Interested riders who cannot attend either meeting may view the [public presentation](#) and submit comments [online](#) or call 703-339-7200, TTY 711.

****Public comments and feedback will be accepted until 5 p.m. on Thursday, August 24, 2017.****

Proposed Changes by Route**Route 171 – Richmond Highway**

- Reroute onto Whernside Street between Pohick and Telegraph Roads to take advantage of new traffic signal at Whernside and Telegraph.

Route 321/322 – Greater Springfield Circulator

- Eliminate Bland Street route diversion.
- Expand the span of service to operate late evenings and improve headways.
- Feature 20 to 30 minute headways Monday through Friday, 30 to 60 minute headways Saturday, and 60 minute headways Sunday.
- Weekend service improvements: all trips after 8:00 p.m. on weekdays and 6:00 p.m. on weekends, including the proposed new late evening trips, would bypass the Industrial Road and Commercial Drive area, where there is no demand for service at these times.
- Extend service along Industrial Drive to the new Amazon facility.

Route 333 – Patriot Ridge – Saratoga

- Restructure existing route to reduce pattern complexity for riders.
- Route 333 will be replaced by two new routes Route 340 (Patriot Ridge – Saratoga) and Route 341 (Boston Boulevard – Saratoga) that will service the current route pattern.
- Time interval between buses will be approximately 25 to 30 minutes on weekdays and approximately 30 minutes on Saturdays.
- Maintain AM and PM rush hour VRE connections at Franconia-Springfield; serve Patriot Ridge and Boston Boulevard.

Route 334 – Newington Circulator

- Minor schedule adjustments to align service with new Routes 340 and 341.

Route 335 – Fort Belvoir "The Eagle"

- Add a morning trip departing at 6:00 a.m. from Franconia-Springfield Metrorail Station, in response to rider input.

Route 395 – Springfield – Pentagon

- To better handle current travel demand, some morning trips will not serve Backlick North Park & Ride and some afternoon trips will terminate at Backlick Park & Ride and not serve Gambrill Road Park & Ride.

Route 462 – Dunn Loring – Navy Federal – Tysons

- Reroute onto Prosperity Avenue and Hilltop Road to address elimination of Metrobus 2T. Maintains service to Vienna Park Apartments.

Route 463 – Maple Avenue – Vienna

- Reroute onto Gosnell Road to address elimination of Metrobus 2T, providing access to Tysons Tower Apartments.

Route 551 – South Lakes Drive

- Shorten headways on some afternoon trips to 30 minutes to address crowding associated with South Lakes High School ridership

For More Information on Fairfax Connector Service

- Visit www.fairfaxconnector.com
- Call 703-339-7200, TTY 703-339-1608 (Monday - Friday, 5 a.m. to 10 p.m.; Saturday - Sunday, 7 a.m. to 9 p.m.)
- Visit a [Connector Store](#)
- Follow us on [Twitter](#) & [Facebook](#)

###

Contact Fairfax County: [Phone, Email or Twitter](#) | **Main Address:** 12000 Government Center Parkway, Fairfax, VA 22035

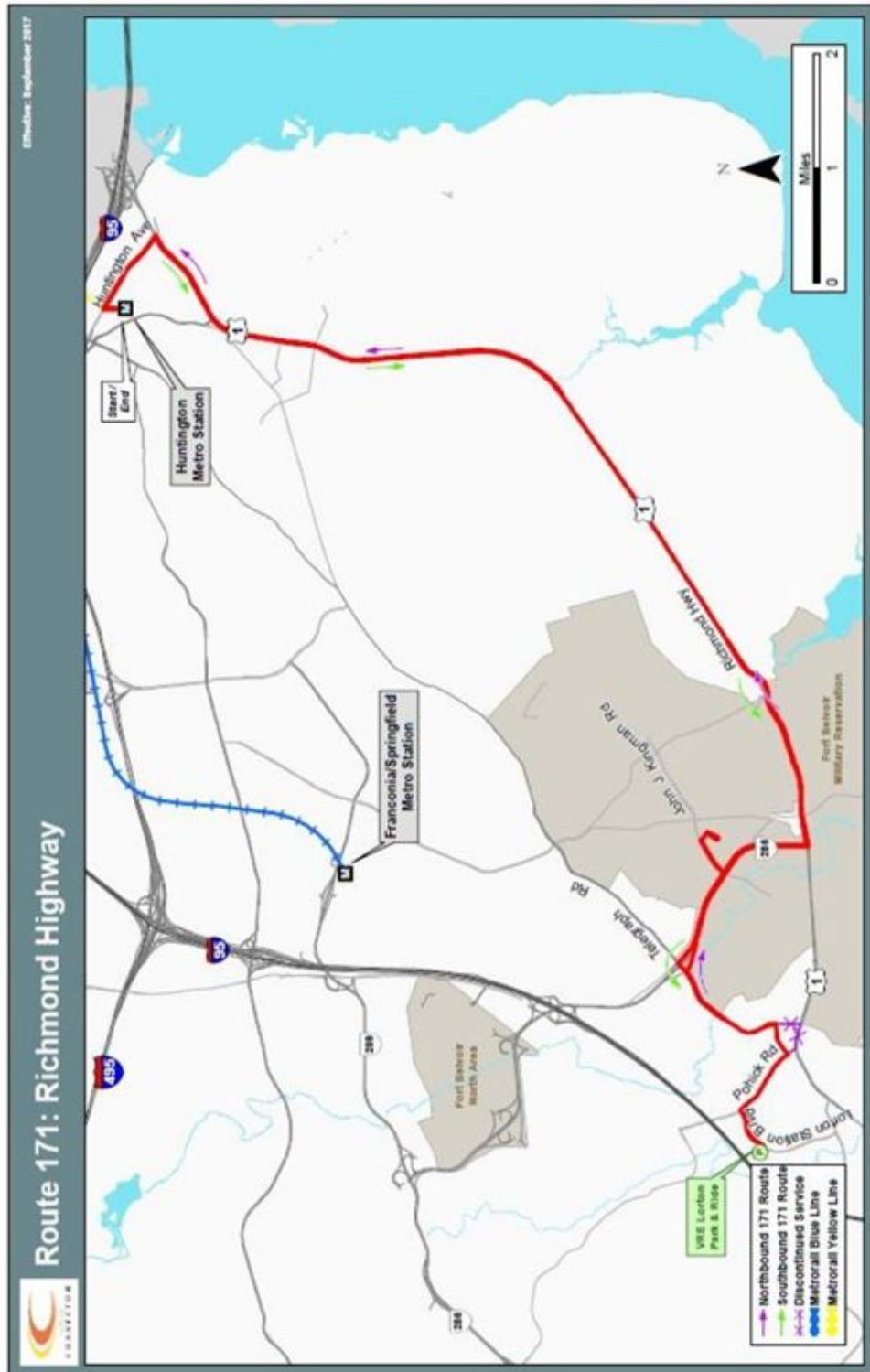
Technical Questions: [Web Administrator](#)

[ADA Accessibility](#) | [Website Accessibility](#)

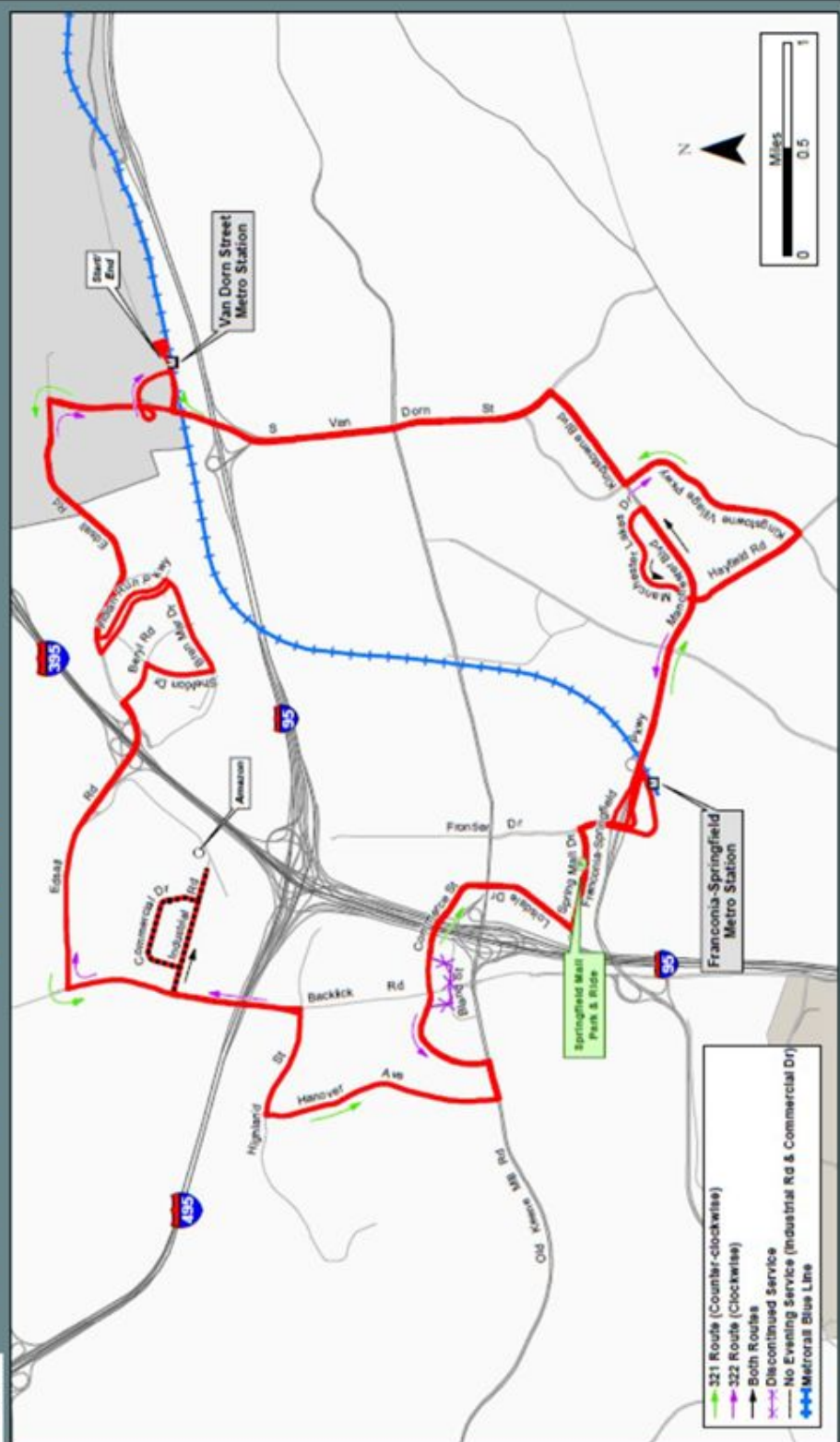
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Route Change Maps

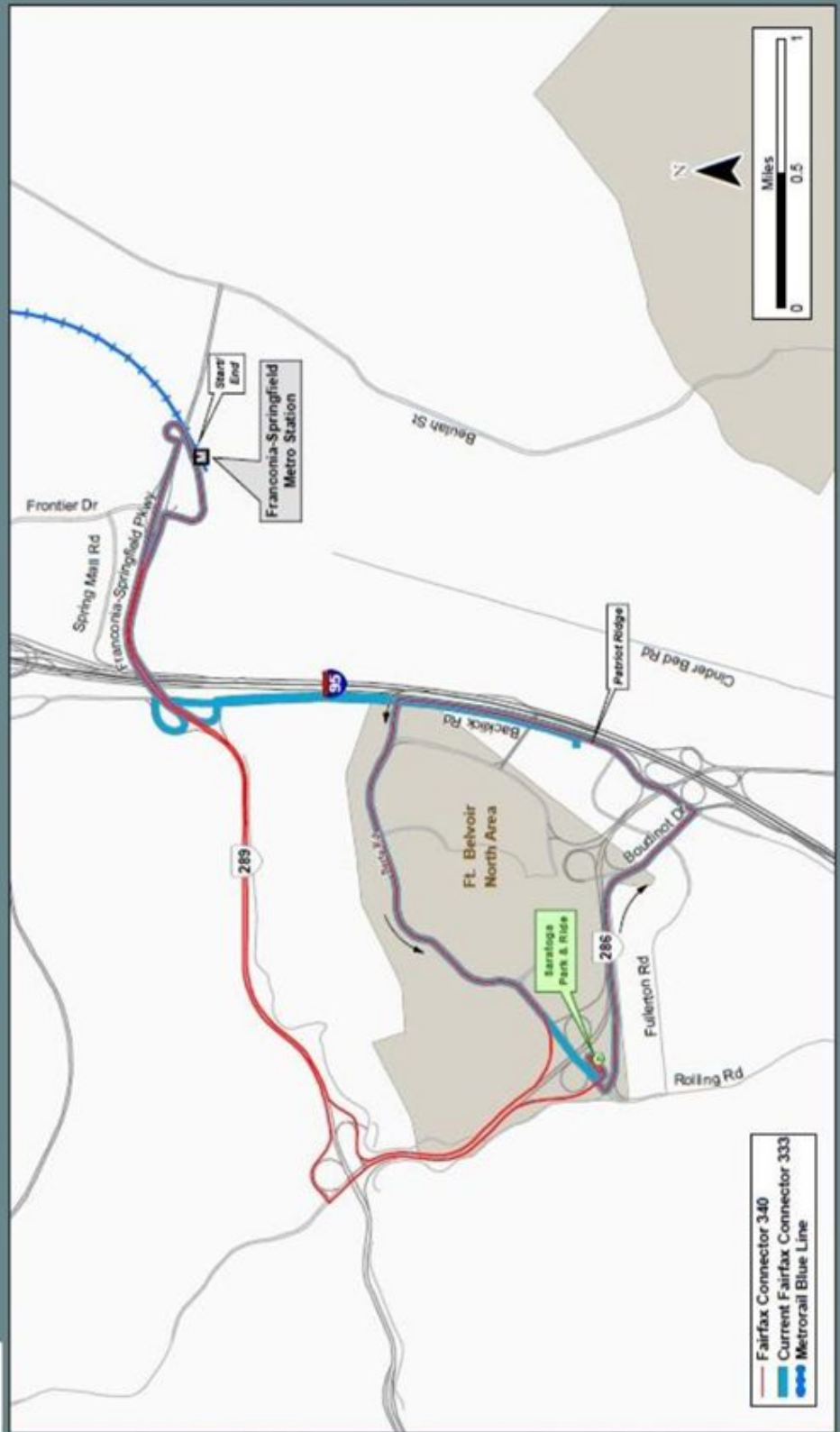


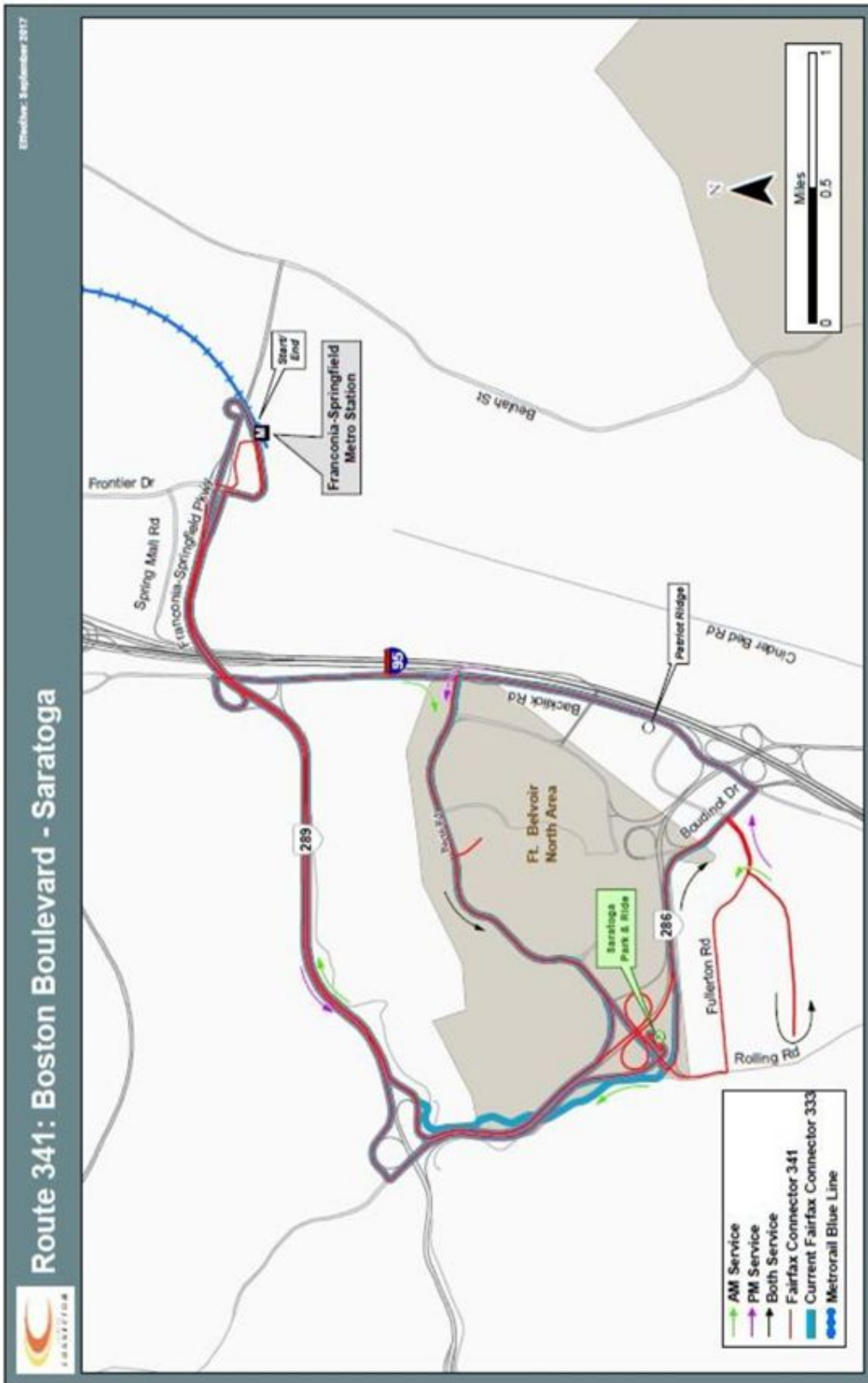
Route 321/322: Greater Springfield Circulator





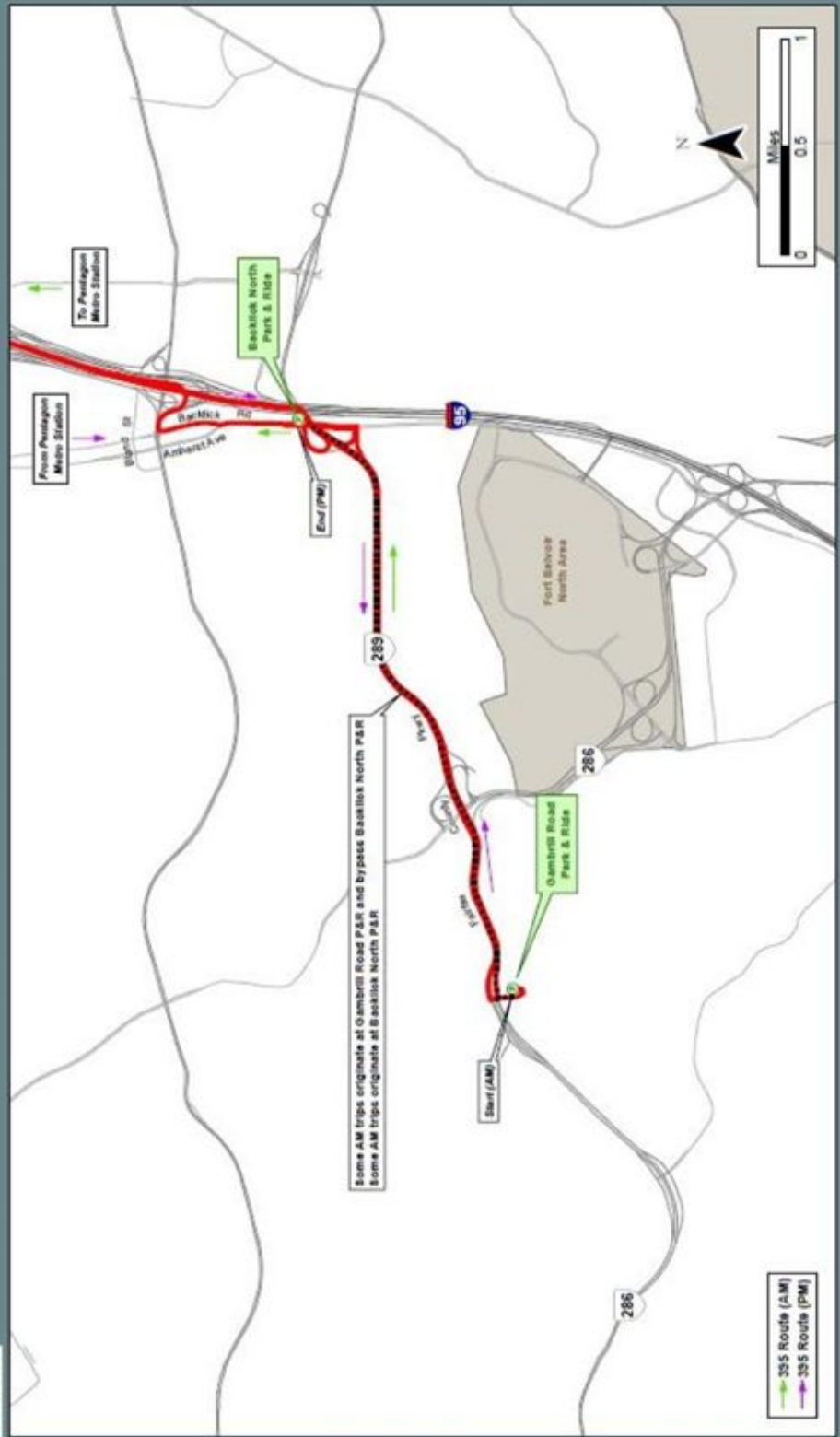
Route 340: Patriot Ridge - Saratoga



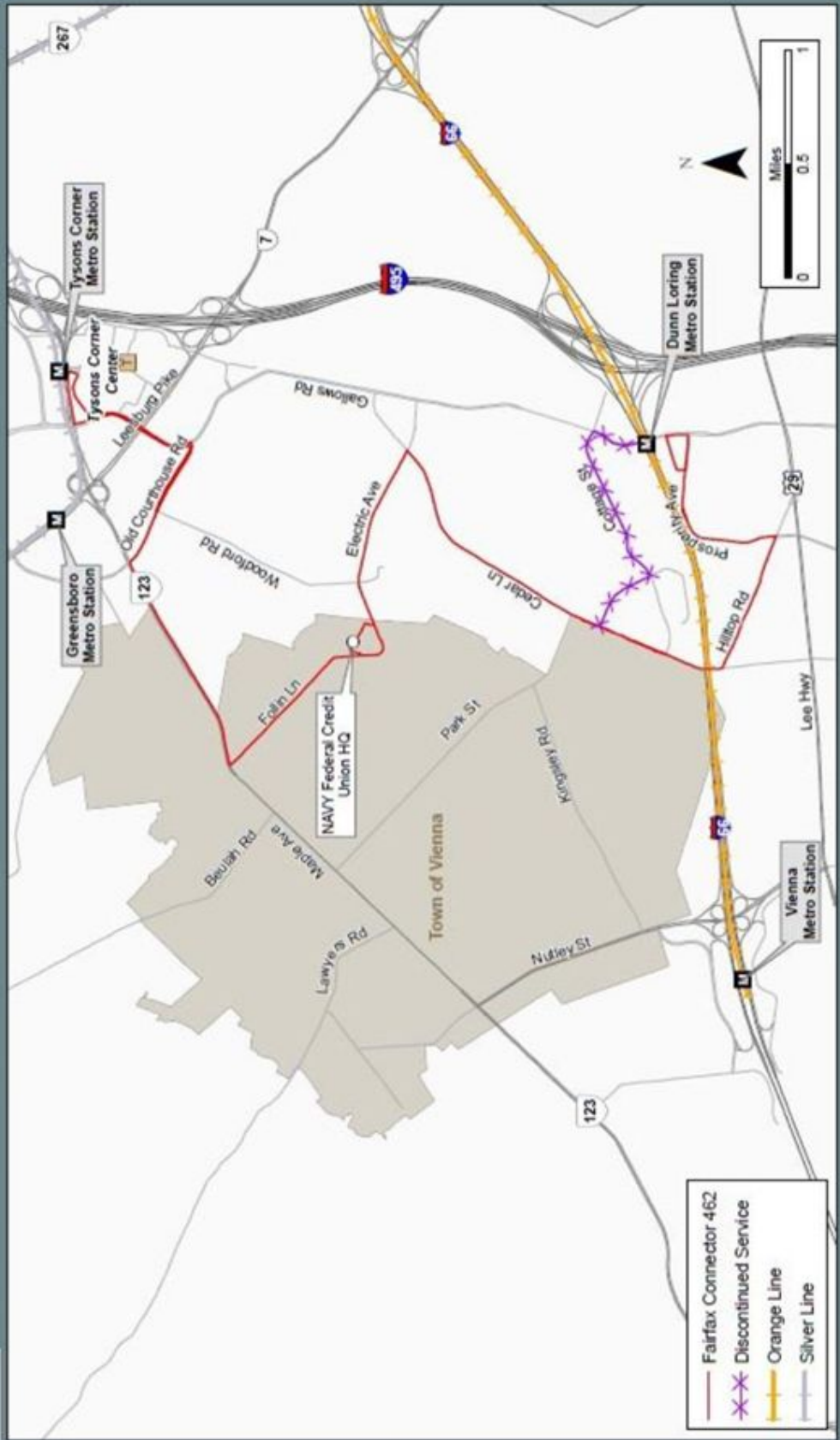




Route 395: Pentagon - Gambrill Road

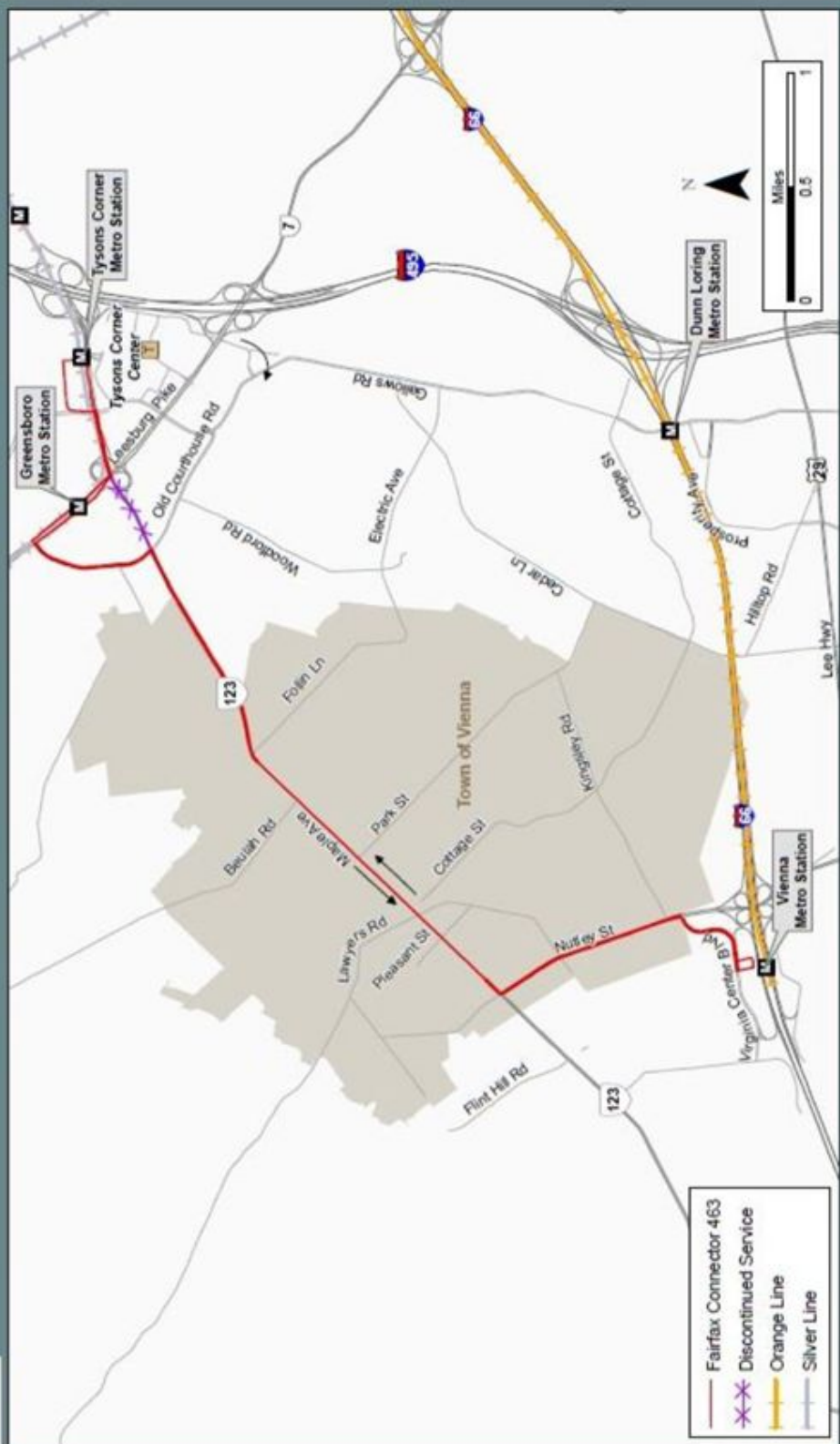


Fairfax Connector 462: Dunn Loring - Tysons





Fairfax Connector 463: Maple Avenue - Tysons



Public Comment Summary

The following is a public comment summary regarding the September 2017 service change proposal, (will include comments received through end of comment period on August 24, 2017) and staff response:

- Public meetings: 2
- Public meeting attendees: 19
- Written, email, social media and telephone comments:

Route(s)	Comment	Summary Response
231, 232, 335	<p>I am submitted this e-mail as public comments to the Fairfax Connector September 2017 Service Changes. Please accept the following:</p> <p>I am a resident of the Landsdowne Community (across the street from the LA Fitness on Beulah Street). I live on Old Carriage Way, so my service bus routes are 335, 231, and 232.</p> <p>Firstly, as a resident of the Landsdowne Community, I experience several inconveniences because the Fairfax Connector services my community on a sporadic basis. If you review the 335, 231, and 232 route pamphlets, they state a clause as it relates to "Landsdowne Centre" and "Island Creek."</p> <p>In the morning, it is a major inconvenience and quite time-consuming to ride the 231 to Van Dorn Metro Station, which takes approximately 25 minutes, when I live 5 minutes from Franconia-Springfield Metro Station. This is a result of the 335 not arriving to Landsdowne Community until 7:08. Unfortunately, the 335 start time is too late, as I need to be at work in D.C by 7:30 AM). Thus, I am highly in favor of changes to the 335 Route that will not only start at 6 AM, but will include the Landsdowne Community, as we seem to be the "wicked step-sister" of this area. With these changes, I can arrive to the Franconia Station by 6:45 AM or before. This would reduce my commute by at least 20 minutes, allowing me to arrive at work at the required designated time.</p> <p>Also, as a resident of Landsdowne, the times in which the 335 operate the "Island Creek" route are sporadic after a certain time in the PM. If I miss the 6:35 PM 335 Route home, I have to rely on the 232 Bus. With this option, I have to begin my journey on the 232 at Franconia Metro Station, ride it to Van Dorn Metro, then get dropped off at the Landsdowne Community. This is close to an hour. Again, this is quite ridiculous when I live 5 minutes from Franconia Metro Station.</p> <p>Please consider better changes for the Landsdowne Community as we have already had commute changes</p>	<p>Addition of the 6:00 AM morning trip referenced was the result of rider input. Planning staff have also adjusted the arrival times at Franconia Springfield Metrorail Station to reduce wait times for riders transferring to other Metro and Fairfax Connector services. Planning staff will be monitoring this route after implementation of the September service change and may consider further refinements based on our review of route performance data as well as rider input.</p>

	<p>with the yellow line metro line being eradicated from Franconia. The changes and comments I have stated would help to reduce my and others' commute.</p> <p>S.R.</p>	
321, 322	<p>I support increased frequency and extended hours for the 321 and 322.</p>	<p>The proposed changes to Routes 321 and 322 will increase the span of service on the routes, as well as improve service frequencies as recommended in the Transit Development Plan approved by the Fairfax County Board of Supervisors.</p>
340/341	<p>Please keep 333's replacement synced to VRE. It is the only reason I can take both VRE and Fairfax Connector. If the schedule requires me to sit at the station for up to 30 minutes, I might as well drive myself from Fredericksburg.</p> <p>M.W.Y.</p>	<p>Planning staff have built the Route 340 and 341 schedules with an eye towards maintaining or improving transfers between the bus and Virginia Railway Express (VRE) trains. The initial schedules were further refined based on comments received from riders, including comments forwarded the National Geospatial-Intelligence Agency (NGA) Transportation Manager.</p>
340, 341	<p>I am writing in regards to the proposed service changes to Route 333 (which will become 340/341) taking place in September.</p> <p>The proposed schedule, if enacted, will force people to change their work schedules as well as endure a longer commute in the evening. Many will opt to drive to and from work and endure the traffic on I-95 which is a source of much stress and consternation. This also defeats the aim of the effort to get more commuters on public transit and having fewer cars on the congested roads here in Northern Virginia.</p> <p>I have been a VRE rider for nearly seven years now and I enjoy taking the train vice driving into work. I get to read my papers in the morning and I am able to relax in the evening on the way home. My work and commute schedules suit my lifestyle. I have adjusted in the past to having to take the bus vice a shuttle and have dealt with buses getting to the train station late and watching the VRE pull out of the station because the bus and train schedule did not mesh. We finally got the schedules to work and now we are being forced to adjust yet again and with much more of an effect on VRE commuters.</p>	<p>Planning staff have built the Route 340 and 341 schedules with an eye towards maintaining or improving transfers between the bus and Virginia Railway Express (VRE) trains. The initial schedules were further refined based on comments received from riders, including comments received from NGA staff about the need to maintain/improve the schedule coordination between VRE and the new routes.</p>

	<p>Please take into consideration my and my fellow VRE commuters comments regarding this radical change to the bus route 333 (to be 340/341). I hope a compromise can be found to this issue.</p> <p>J.J.</p>	
340, 341	<p>The Fairfax Connector route 333 is 99.9% NGA employees and over half of those riding the bus are VRE riders. The proposed schedule changes are not as catastrophic for the metro riders as it is for the VRE riders because the Metro runs about every ten minutes and the train runs every 30-45 minutes at peak. After the last schedule change by VRE (governed by CSX), you graciously changed the schedule to match so that our connecting times were between 10 and 15 minutes. Your proposed changes, converting route 333 to route 340, will result in <i>adding</i> an hour a day standing outside waiting for a bus or train. I, for one, cannot waste that much time and will withdraw from mass transit. I am willing to be a good citizen, but I cannot give that much of my life for the cause. Since customer service is NOT the reason for the change, I must assume it isn't profitable to run this route. It would be preferable if you pulled out altogether rather than discourage mass transit options.</p> <p>I certainly hope you will reconsider this September change. It does not benefit your customers.</p> <p>K.S.</p>	<p>The proposed 340 and 341 schedules were developed to provide riders with an easier to navigate schedule. The original Route 333 featured multiple trip patterns that were confusing to riders. The new two route structure simplifies this and separates peak and off peak route patterns. Planning staff have also built the Route 340 and 341 schedules with an eye towards maintaining or improving transfers between the bus and Virginia Railway Express (VRE) trains. The initial schedules were further refined based on comments received from riders, including comments received from NGA staff about the need to maintain/improve the schedule coordination between VRE and the new routes.</p>
340, 341	<p>I ride the 333 bus along with many of my colleagues in the NGA. I synchronize with the WMATA blue line but many of us connect with the VRE. I hope the 341 service is able to maintain the efficient connections with the VRE.</p> <p>J.M. NGA</p>	<p>Planning staff have developed the proposed 340 and 341 schedules with an eye towards maintaining or enhancing transfers between Fairfax Connector and VRE.</p>
340, 341	<p>I'm writing as a concerned patron regarding the elimination of Fairfax 333. The removal of Fairfax 333 will add at least an hour of combined sit and wait time. My total commute is already 4 hours each day and adding an hour of waiting for a Fairfax connector will be detrimental.</p> <p>I don't understand why changes are being recommended. I've rode multiple 333 buses in both the morning/afternoon and almost every single one of them is at the very least 75% full to capacity. If the changes have to be made, please use common sense and align the Fairfax 340/341 with the arrival/departure of the VRE.</p> <p>N.</p>	<p>The proposed Route 340 and 341 will follow the morning, midday and afternoon route patterns of the current Route 333. The existing route is being split into two routes with the 340 providing midday trips and the 341 serving the AM and PM peak trip patterns.</p>

340, 341	<p>Jim, Please pass along my comments to Mr. Boggs. The bus leaving Franconia at 6:16 will not give the VRE riders enough time to board since the train arrives at Springfield at 6:11. If the train is late for some reason we will miss the bus. The next bus doesn't leave Springfield until 6:40. There is too much wait time before the next bus (6:40) leaves. The afternoon schedule is ridiculous. 3:05 is too early to leave NCE and have to wait almost 30 minutes for the VRE to arrive. The 3:56 bus will not give us enough time to catch the 3:59 train. The gap is rather large between 3:05 and 3:56. The 4:28 bus will get us to Franconia at approx. 4:40 and the VRE leaves at 4:44. That is not feasible to make the connection. (For example: Last Thursday the 333 arriving at 4:23 never showed up) I called at 4:30 and the dispatcher says oh that bus broke down you will have to wait 21 minutes until the next one.) The proposed schedule will cause riders to have to alter their work schedule or drive to work. The buses are rarely on time as it is. Ridership on the bus will decrease greatly. Thanks for all your help. We appreciate you being the voice for us.</p> <p>K.J.T.</p>	<p>Planning staff, working within the operational constraints of the service, have sought to maintain or improve connections between Fairfax Connector and VRE.</p>
340, 341	<p>Thank you for the proposed 340 and 341 schedule. I sent the proposed schedule out to our FC riders for feedback. I received one response already (see attachment). I expect to receive more responses/comments throughout the week which I will forward to you.</p> <p>Referencing the attached schedule, I have highlighted the issue areas in red. The area highlighted in blue are fine.</p> <p>NGA really needs Fairfax County to adjust the proposed 340-341 schedule where needed, otherwise there's a very good chance some or many of the current NGA commuters will opt out from using the Fairfax Connector and VRE, thus drive their POVs which is not the goal of Fairfax County nor NGA.</p> <p>NGA along with Fairfax County (Nick Robb) and the Fort Belvoir Commuter Center (Peggy Tadej) partner once a month (3rd Thursday of the month) to hold a "Table Top" Commuter Fair for our 8500+ NGA employees at our NGA Campus on the Fort Belvoir North Area in Springfield, VA. One of our main objectives is to educate the NGA employees on all the commuting options (Fairfax Connector, VRE, MetroRail, MetroBus, Vanpooling, Transit Subsidies,</p>	<p>In response to the considerable input receive, Planning staff made revisions to the initial draft schedules to address the concerns raised including improving transfer opportunities with VRE at Franconia-Springfield Station.</p>

	<p>etc.). We all have the same goal "Get Individuals To Use Mass Transit or RideShare and Leave their POVs at Home."</p> <p>Anything you can do to adjust the 340-341 schedule is greatly appreciated.</p> <p>Jim Wescoat NGA Transportation Manager</p>	
395	<p>Hello Sir,</p> <p>We completely disagree and protest against eliminating any trips from Backlick North or afternoon to Gambrill Road Park and Ride is a BIG BIG no...</p> <p>Please come and see the number of folks who depend on 395 bus on daily basis.. I discussed with several folks on the bus and all agree on it.. Generally the Buses 394/393 are going empty and if you guys are seriously considering adjustments..Make the last stop of the 393/394 buses Gambrill Road Park and Ride after they drop 2-3 folks at Saratoga Park and Ride at end of the day and connect all these buses via point on mornings at Gambrill and Backlick Park and Rides. Secondly the evening 6.20pm 395 bus from pentagon is a joke.. What considered you to run a bus 5mins apart from 6.15pm..if you really want to address the commuter woes run that bus at 6.30pm instead of keeping people waiting till 6.45pm.. As many times we get stuck on the metro trains and miss the 6.15pm bus by nearly 3-4 minutes. so 6.20 has been working out great some times for folks like me ..but once we miss it. we are .stuck till 6.45pm..so Please do consider 395 bus for 6.30pm.</p> <p>Other suggestions could be to extend the bus service across the river to start from Elfant plaza Metro station . I bet you will see more ridership.</p> <p>- Secondly work with Capital Bike and put Bike stations at Backlick Road/Saratoga/Gambrill park and ride and shopping centers in Springfield and Burke areas.So that if you plan to eliminate or cut short routes.. I can bike home to the nearest Lot and drop of the cycle. So that everyone gets a good workout regardless thanks to fairfax county connector.</p> <p>K.J.</p>	<p>Prior to March 2017, all scheduled Route 395 trips served both Gambrill Road Park and Ride and Backlick North Park and Ride. This resulted in significant crowding on some trips with many standees between Backlick North and the Pentagon. To address bus loading issues, Operations staff inserted 3 unscheduled morning and 3 unscheduled afternoon buses into the route. Operating outside of the published schedule, these buses operated as direct point to point trips between Gambrill Park & Ride and the Pentagon or Backlick North Park & Ride and the Pentagon. As part of the March 2017 service change, these 3 morning and 3 afternoon trips were added into the regular schedule. As a result, the new trips served both Gambrill and North Backlick on every trip. Riders who had gotten used to the point to point service of the unscheduled trips complained about the change. Based on the input received, Staff looked at options to address the comments received. The proposed September schedule would recreate some of the point to point trips of the former (pre-March) unscheduled trips. 13 morning trips will originate from Gambrill Road Park & Ride with 5 of these trips bypassing Backlick Road Park & Ride. 1 late morning trip will originate</p>

		at Backlick North Park and Ride and not serve Gambrill Road Park & Ride. In the afternoon, 13 of 14 total trips will serve Backlick North Park and Ride. 11 trips will serve Gambrill Road Park & Ride. This trip pattern will generally follow the structure of the unscheduled supplemental bus trips that existed prior to March 2017 and were well received by riders. The proposed service better matches the route to identified morning and afternoon travel patterns of the riders.
395	Please consider bringing back the evening Pentagon to Backlick P&R direct express bus. 395 always has people standing in the aisle during the evening return. If not, then 395 should stop at Backlick first and then go to Gambrill, we drive right by our stop and have to be on the bus an extra 20 minutes to drop off Gambrill people who chose to live farther from the Pentagon, but get a shorter ride than those of us who paid more to live closer. Also sucks that some mornings Backlick people have to stand because Gambrill people took all the seats and Gambrill people also get a shorter ride home in the evening.	The proposed schedule includes a direct point to point trip between the Pentagon and Backlick North Park and Ride. 1 late morning trip will originate at Backlick North Park & Ride to provide capacity for riders from this lot.
395	<p>This bus has a lot of riders especially in the evening that return to the Gambrill Road Park & Ride. I think you would be doing a disservice by eliminating any of the afternoon trips, those that arrive at the lot between the hours of 5:00-7:00, as it is often standing-only.</p> <p>Thanks for your consideration.</p> <p>T.O.G.</p>	Prior to March 2017, all scheduled Route 395 trips served both Gambrill Road Park and Ride and Backlick North Park and Ride. This resulted in significant crowding on some trips with many standees between Backlick North and the Pentagon. To address bus loading issues, Operations staff inserted 3 unscheduled morning and 3 unscheduled afternoon buses into the route. Operating outside of the published schedule, these buses operated as direct point to point trips between Gambrill Park & Ride and the Pentagon or Backlick North Park & Ride and the Pentagon. As part of the March 2017 service change, these 3 morning and 3 afternoon trips were added into the regular schedule. As

		<p>a result, the new trips served both Gambrill and North Backlick on every trip. Riders who had gotten used to the point to point service of the unscheduled trips complained about the change. Based on the input received, Staff looked at options to address the comments received. The proposed September schedule would recreate some of the point to point trips of the former (pre-March) unscheduled trips. 13 morning trips will originate from Gambrill Road Park & Ride with 5 of these trips bypassing Backlick Road Park & Ride. 1 late morning trip will originate at Backlick North Park and Ride and not serve Gambrill Road Park & Ride. In the afternoon, 13 of 14 total trips will serve Backlick North Park and Ride. 11 trips will serve Gambrill Road Park & Ride. This trip pattern will generally follow the structure of the unscheduled supplemental bus trips that existed prior to March 2017 and were well received by riders. The proposed service better matches the route to identified morning and afternoon travel patterns of the riders.</p>
395	<p>There need to be (Route) 395 buses at least every 10 – 15 minutes between 7 – 9 AM and 4 – 6 PM. Would be nice to have at least 3-4 Backlick Express buses in evening. 4:55 – 5:35 (PM) is to big of a gap for a regular 395 bus to Gambrill.</p>	<p>Planning staff will monitor ridership and loads on Route 395 after the September service change and will consider additional schedule revisions if necessary. As proposed, the afternoon service will include direct trips to Backlick North without the current stop at Gambrill Road that requires out of direct travel for riders going to Backlick.</p>
395	<p>I just purchased a home near the Gambrill Road Park & Ride. A key reason for selecting the location of the home was so that I could be within walking distance of the Gambrill Road Park & Ride. Please do not eliminate any of the afternoon trips to Gambrill Road.</p>	<p>Prior to March 2017, all scheduled Route 395 trips served both Gambrill Road Park and Ride and Backlick North Park and Ride. This</p>

	<p>My work schedule is varied, and I'm never entirely sure when I will be able to leave work. Additionally, I have to take the metro to the Pentagon to catch the 395; due to inconsistencies in the metro schedule, I cannot predict precisely when I will arrive at Pentagon. Therefore, I greatly benefit from having several time options available for service from Pentagon to Gambrill Road. Please do not limit afternoon service to Gambrill Road. Thank you for taking my comments into consideration.</p> <p>G.P.</p>	<p>resulted in significant crowding on some trips with many standees between Backlick North and the Pentagon. To address bus loading issues, Operations staff inserted 3 unscheduled morning and 3 unscheduled afternoon buses into the route. Operating outside of the published schedule, these buses operated as direct point to point trips between Gambrill Park & Ride and the Pentagon or Backlick North Park & Ride and the Pentagon. As part of the March 2017 service change, these 3 morning and 3 afternoon trips were added into the regular schedule. As a result, the new trips served both Gambrill and North Backlick on every trip. Riders who had gotten used to the point to point service of the unscheduled trips complained about the change. Based on the input received, Staff looked at options to address the comments received. The proposed September schedule would recreate some of the point to point trips of the former (pre-March) unscheduled trips. 13 morning trips will originate from Gambrill Road Park & Ride with 5 of these trips bypassing Backlick Road Park & Ride. 1 late morning trip will originate at Backlick North Park and Ride and not serve Gambrill Road Park & Ride. In the afternoon, 13 of 14 total trips will serve Backlick North Park and Ride. 11 trips will serve Gambrill Road Park & Ride. This trip pattern will generally follow the structure of the unscheduled supplemental bus trips that existed prior to March 2017 and were well received by riders. The proposed service better matches the route to identified</p>
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		morning and afternoon travel patterns of the riders.
462	<p>Please do not take away the 462 line (Navy) I use this daily M-F to go to work. The 2T line has already been taken away making it difficult for me to get home. I have a broken foot that has healed incorrectly making it hard to walk long distances. I hope writing this will help persuade you all to reconsider eliminating the 462 line.</p> <p>V.M.E</p>	<p>Planning staff are not proposing to eliminate Route 462, but rather to reroute the southern end of the route to address the elimination of Metrobus 2T. The proposed reroute of Route 462 will maintain service to the Vienna Park Apartments and will provide connections to Tysons and Dunn Loring. It will also provide access to the Maple Avenue corridor in the Town of Vienna through a connection to Route 463. Since this is a peak period route, it will only operate weekdays during morning and afternoon commute periods.</p>
462	<p>462 on Hilltop/Cedar - I'm all for it! I live at Cedar Lane and Cottage Street, and when the 2T existed I could take the 402 from my office in Tysons Corner down to Dunn Loring, do my grocery shopping at Harris Teeter, and catch the bus straight home. It's a pretty fair hike in hot weather, carrying groceries, from Cottage/Bowling Green Drive.</p> <p>What I would really like, though, is for the afternoon 462 service to start earlier and run more often. I work from 5 a.m. to 2 p.m., and when it's too hot to walk all the way home from Dunn Loring carrying grocery bags I have to waste an hour waiting for the first run at 4 p.m. The 2T, of course, ran all day.</p>	<p>Route 462 is a peak period service route that operates Monday through Friday with no weekend service. Increasing span of service, frequency, or days of service would require additional operating funds which at present are not available.</p>
462	<p>Please do not change the 462 bus. My wife and I both work in DC. We chose to move to our house near the corner of Cottage and Bowling Green Drive because there were 30 – 40 buses per day servicing the stop near our house taking us to and from the Metro (Dunn Loring). 18 months ago the 2T was moved to Cedar and Cottage. Last month the 2T was cancelled. We now have 7 buses that come near our house. Please do not move these to Cottage and Cedar. My wife and I will stop taking the bus completely because 1 bus every 30 minutes plus a 7 – 8 minute walk eliminates the advantage of taking the bus. We will both drive to Metro, this will be a tax of \$3.50 per day for us. <u>Please do not move the 462.</u></p> <p>R.A.</p>	<p>The proposed reroute of 462 is in response to the elimination of Metrobus 2T. A review of boarding and alighting data along the affected portion of Cottage Street and Bowling Green Drive indicated light activity along the affected segment. The proposed reroute on Hilltop Road will serve Dunn Loring Village, a neighborhood with higher residential densities than the affected portion of Cottage Street. The 462 will serve an existing stop on Cedar Lane at Cottage Street, which is 0.4 mile from Bowling Green</p>

		Drive.
463	<ul style="list-style-type: none"> • Good service along Rt. 123 between Vienna and Tysons. • Everything depends on Route 463 being available and on time and easily TRACKED so we can use cellphone scheduling of trips connections. • 462/463 services Vienna Woods and Tysons Apartments – Good. • Are you coordinating with Rt. 123 sidewalk extensions so we can get sidewalks AND bus waiting shelters! • We missed the whole cancellation of the 2T. No notices? Maybe I was in hospital in Feb/March. <p>J.K.</p>	<p>Fairfax Connector has rolled out its Bus Tracker real time bus schedule web utility that provides riders with information on bus arrivals and stop locations. Unique bus stop IDs have been added to Fairfax Connector bus stop signs that allow riders using Bus Tracker of a third party transit app to identify what routes serve a stop and when the bus will arrive. Transit Services Division (TSD) staff coordinate with other Department of Transportation divisions on capital projects in order to improve access to transit for our riders. TSD also works with its advertising shelter vendor to identify bus stop locations for ad shelters. These shelters are installed and maintained by the vendor who derives income from the sale of advertising space. The ad shelter program provides another resource to supplement public investments in bus stop improvements.</p>
Metrobus 2T, 462	<p>I am submitting these comments regarding the changes to address the elimination of the 2T Bus.</p> <p>I do appreciate that the 462 will be re-routed to Prosperity and Hilltop to address the lack of bus service without the 2T.</p> <p>I am concerned however about the lack of bus service to Vienna from the Merrifield and Cedar Lane areas. A number of people live in this area, including the apartments near the intersection of Cedar and Park. People have grown to rely on bus connections in this area and by eliminating the connection to Vienna, it leaves a number of us without viable public transportation access to necessary services such as groceries, schools and doctors. It appears that the adjustments cater more to rush hour transportation between Navy Federal Credit Union and the Metro than to the vast majority of the residents in the area. There are no mid day or weekend options to get into Vienna from this area.</p> <p>I attended many public hearings about the approval of</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve</p>

	<p>extra density near the Dunn Loring / Merrifield area. One of the promises was for increased public transportation access. The elimination of the 2T and the lack of viable replacements into Vienna leaves many of us without public transportation to needed services and businesses. This seems to be a step backwards in connecting Fairfax residents with public transportation. It leaves only cars as the option. That is not only unfortunate; it also is a contradiction to earlier promises. I have to wonder why so much money is being spent on encouraging cars to travel on I-66 instead of giving us options to not get in our cars.</p> <p>D.R.</p>	<p>access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>I live in (V)ienna and metrobus 2T is eliminated and I have a hard time going to work, going to supermarkets to buy groceries, going to doctors appointments, going to metro station. I have to walk to work 40 minutes every day and it is not easy when weather is bad. Taxi are too expensive to get a ride. I would like a bus that runs day and night and all week long so it can be easier for my neighborhood and I and everyone that rides the bus and is the only reliable transportation we depend on to do daily routines.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>Good afternoon, I am a person who has endured accidents at work and now they have taken away the 2T bus I have encountered many problems. I have to walk from 202 Battle Street SW Vienna, VA to 123, this has cause a lot of strain on my knees, as it is almost seven blocks. I cannot even make it to the supermarket because I have no method of transportation to get there. I need for them to bring back the 2T. I cannot work at night because the walk to and from the bus stop is too long of a distance. The solutions you have proposed do not help me because none of the routes pass by my area of living, now what am I supposed to do? I do not have sufficient money to pay for Uber daily. I have worked for Olive Garden and lived in my home for twelve years, I do not make enough money to pay for a taxi or change houses.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment</p>

	L.B.	Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.
Metrobus 2T	We are here (August 10 th public meeting) to represent the great amount of us who find public transportation a necessity for our children, to get to work, to go shopping, and to take our families on trips.	In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.
Metrobus 2T	<p>The motive behind my attendance (at August 10th public meeting) is that I am dependent on public transportation to get to/from work. The entire community is in need of it. I have a work schedule that synchronizes with the 2T bus route schedule.</p> <p>M.C.R.</p>	In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve

		access to neighborhoods impacted by the elimination of Metrobus 2T.
Metrobus 2T	<p>My commentary is that we need the bus to get to work, and I have the same schedule as the 2T, we really need it for work.</p> <p>M.R.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>The communities of Vienna, Tysons and Maple need a bus. Please understand the necessity of the community. We need to bus in order to get to work, we would really appreciate if it had the bus route schedule of the 2T, running all day and into the evenings.</p> <p>S.H.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>We want the 2T back.</p> <p>B.R.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two</p>

		<p>Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>I represent my community, which consist of more than 400 people. We are walking because taxis are too expensive. I lost my job because the bus stopped functioning, and it is even difficult for me to make it to the grocery store. Please, we need the bus back, we have endured difficulties without it. We need the bus all day/night. I hope you understand our necessities, and we thank you for anything you can do. We need a bus with the route/schedule of the 2T.</p> <p>M.G.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>I stopped working because there is no longer a (Metrobus) 2T running. We need a bus beginning from 6:00 AM and running all afternoon/evening.</p> <p>B.R.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple</p>

		<p>Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>I work day and night to pay \$1,600 worth of rent, and when they took away the (Metrobus) 2T I had to stop working during the evenings. My daughter pays for a taxi to get to work, as there is no bus running morning/afternoon/night. We need a bus with a similar route that runs until 11 PM, so we can run our daily errands.</p> <p>B.R.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>The motive behind my attendance (at August 10th public meeting) is the fact that I no longer have the means of public transportation. I work morning and evenings, and because of the (Metrobus) 2T I will not be able to go to work or buy groceries. I am asking for a big favor of creating a new bus route similar to the 2T that runs all day/evening. I hope I am not asking for too much, I apologize. We would like the 2T route back.</p> <p>H.S.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to</p>

		<p>the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>We need the 2T route to return. I have to walk a lot to get to my part-time job on Rt. 123. Our pockets have been hurting since the 25th of June, as we either have to pay for a taxi or walk long distances to get to the grocery store or work. We need a similar service (hours/route) to the 2T.</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.</p>
Metrobus 2T	<p>Written comment – Metrobus 2T Cancellation: Impacts and possible solutions (Observations from a public meeting at Stenwood Elementary School, 8/10/2017)</p>	<p>In response to the elimination of Metrobus 2T, staff are proposing reroutes on two Fairfax Connector routes that will partially address the elimination of 2T. Fairfax Connector Route 463 provides seven day a week service along Maple Avenue/Chain Bridge Road/Rt. 123. Route 462 provides service between Dunn Loring Metro Station and Tysons Corner Metro Station providing service to the Vienna Park Apartment Complex on Cedar Lane. While these reroutes do not totally replace the 2T, they are a first step. Going forward, staff will investigate</p>



Members of the Vienna Park / Cunningham Park community at a Fairfax County meeting with VPC's Steve O'Brien and Phil Covell, and with County Supervisor Smith's staffperson Patricia Leslie, advocating for bus service to replace Metro's discontinued 2T bus.

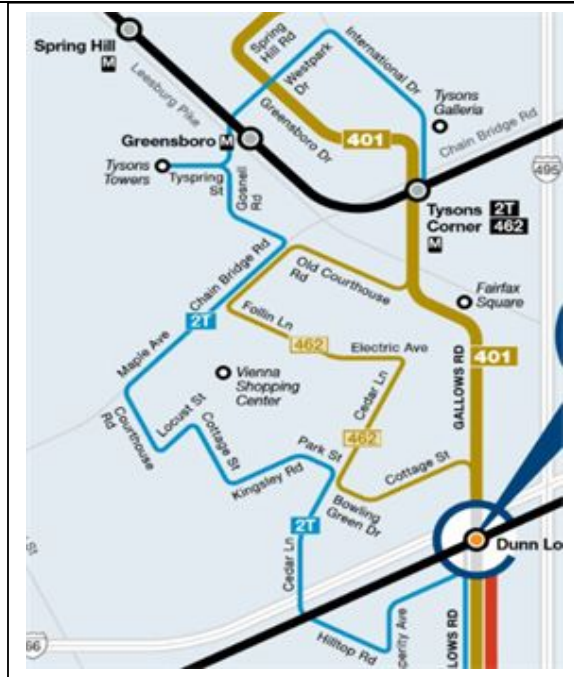
other options to improve access to neighborhoods impacted by the elimination of Metrobus 2T.

Well before the Metro discontinued the 2T bus service starting June 2017, dramatically affecting residents of the Vienna Park Apartments (VPA) and other Vienna neighborhoods, transportation has been cited as a significant need within the VPA community.

Vienna Presbyterian Church (VPC) organized transportation for interested VPA residents to a meeting held by the County of Fairfax to discuss changes to Fairfax Connector lines that have been proposed to address these impacts. VPC also provided translation services to that voices could be heard. The VPA contingent easily represented the majority of participants at the meeting.

The following notes reflect the findings and observations made during that meeting.

Metro's former 2T route is shown in blue in the image below.



A

valuable service / A significant loss:

Vienna Park Apartment residents used the 2T bus to:

- Get to work at business along Maple Ave or Gosnell Rd northwest of Tysons,
- Visit grocery stores and other businesses, and occasionally obtain food and clothing at the Committee for Helping Others (CHO).
- Attend classes, including English as a Second Language (ESOL) at VPC.

Loss of the 2T bus leads to the following problems...

...for residents of VPA and patrons along Cottage & Courthouse:

- loss of income (inability to get to work for some shifts)
- additional cost of living (requirement to use Uber, "raiteros")

...for businesses along Maple Avenue / Gosnell Avenue

- reduced employee access / potential employee pool
- reduced patronage from VPA residents

...for Southern Management

- Eventual loss of tenants. Several indicated that they have considered moving from Vienna Park Apartments because of the loss of this route.

	<p>Possible solutions</p> <p>The proposed changes to the Fairfax Connector (next pages) are insufficient to fill the gap left by the cancellation of the 2T service. The County would have to appropriate additional budgetary resources, including the acquisition of new equipment (buses), to open a new route.</p> <p>Alternatives to expanded Fairfax Connector service include:</p> <ul style="list-style-type: none"> • Ride sharing on an as-needed basis • Assistance to cooperating “<i>raiteros</i>” (Spanish-speaking drivers that serve residents in the neighborhood) • A scheduled van service, ideally coinciding with commuting schedules and ESOL classes. <p>Other creative ideas are invited to resolve creative solutions.</p> <p>P.C.</p>	
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Title VI Service Equity Analysis – Proposed September 2017 Fairfax Connector Service Changes

Summary of Analysis Results

The service changes proposed for implementation in September 2017 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. Twelve routes are involved in these changes, three of which (Route 321/322/333) met the Major Service Change threshold. None of these routes will create a disproportionate burden on low-income households, but two routes (321/322) will create a disparate impact on minorities. However, the proposed changes will improve 321/322 service by extending the span of service and increasing bus frequencies, which did not meet any of the criteria for adverse effects. Therefore, the changes will be positive for riders, and there is no need to mitigate the disparate impact. Overall, the proposed service changes in September 2017 will result in an improvement in service for Fairfax Connector riders, including the affected communities along the routes.

Relevant Fairfax County Title VI Program Elements

A service equity analysis may require the evaluation of as many as four items, depending on the nature of the route, the proposed changes to it, and the environment that it serves. The policies listed in this section are contained in the County's Title VI Program, as approved by the Board of Supervisors on July 25, 2017.

A major service change is defined as either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

A disparate impact occurs when the difference between minority riders and non-minority riders affected by a proposed service change or fare change is 10 percent or greater.

A disproportionate burden occurs when the difference between low-income riders and non-low-income riders affected by a proposed service change or fare change is 10 percent or greater.

An adverse effect occurs when the proposed service change meets any of the following criteria for minority populations and low-income populations:

- *New or Additional Service*: if other service was eliminated to release resources to implement it;
- *Headway Changes*: if headway(s) increase by at least 20 percent;
- *Alignment Changes*: if at least 15 percent of the alignment is eliminated or modified;
- *Span of Service Changes*: if the span of service decreases by at least 10 percent; or
- *Elimination of an entire route*.

"If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only* if:

- "the transit provider has a substantial legitimate justification for the proposed service change; and

- “the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider’s legitimate program goals.” (Circular C 4702.1B, page IV-16; emphasis in original.)

FCDOT measured the route population living within one quarter mile of the affected route alignments and compared the percentage of minority population within that area to the percentage of non-minorities living in the same service area to determine whether the service change will cause a disparate impact. The percentage of low-income households within one quarter mile of the route alignment is also measured and compared to the percentage of non-low-income households in the same service area to determine whether a service change will cause a disproportionate burden.

Overview

The September 2017 service change proposal includes schedule adjustments to improve on-time performance and connections with Metrorail, Virginia Railway Express (VRE), and other bus service. Proposed service changes preserve connections with and between neighborhoods, job and activity centers, Metrorail stations, and other destinations. The routes included in the proposal are: 171, 231, 232, 321, 322, 333, 334, 335, 395, 462, 463, and 551.

Proposal Highlights

- Schedule adjustments on Routes 171, 231, 232, 334, 335, and 551 to improve on-time performance;
- Reroute Route 171 onto Whernside Street between Pohick and Telegraph Roads to take advantage of new traffic signal at Whernside Street and Telegraph Road;
- Expand service span and improve headways on Routes 321 and 322;
- Replace Route 333 with new Routes 340 and 341 to reduce pattern complexity for riders;
- Bypass North Backlick Road Park-and-Ride on some inbound trips and outbound trips of Route 395 to better accommodate passenger loads; and
- Adjust routing of Route 462 and 463 to maintain service to Hilltop Road in Dunn Loring and Tysons Towers Apartments in Tyson in response to elimination of Metrobus 2T.

Each of the twelve routes included in the service change was first evaluated against the Major Service Change threshold defined in the County’s Title VI Program. Table 1 shows that changes to three routes, 321, 322, and 333 have met the Major Service Change threshold.

Table 1: Service Changes Triggering a Major Service Change

Route	Proposed Service Changes	Percent Changes in Revenue Hours			Percent Changes in Revenue Miles		
		Weekday	Sat	Sun	Weekday	Sat	Sun
321	Increase span of service and frequencies; modify alignment	53%	83%		48%	88%	
322	Increase span of service and frequencies; modify alignment	51%	84%		65%	84%	
333	Restructure service as Route 340 and 341; extend service to Boston Boulevard; modify alignment				33%		

Each of the above listed routes has been examined to determine whether or not the proposed service

change creates a disparate impact and/or disproportionate burden. If such an impact is identified, then further justification for the service change is provided.

Headway Improvement/ Alignment Modification

Route 321/322 – Greater Springfield Circulator

Route 321/322 are proposed to extend the span of service to operate on late evenings, and to increase frequency on Weekdays and Saturday. To improve on-time performance, the route will eliminate Bland Street route diversion (~0.4 mile) and extend on Industrial Drive to serve the new Amazon facility (~0.4 mile).

Disparate Impact: The minority population that lives within a quarter mile of Route 321/322 is 57 percent, and the non-minority population living in the same service area is 43 percent (Table 2). The difference between minority population and non-minority population affected by the proposed service change is 14 percent, which exceeds the threshold of disparate impact. Therefore, adverse effects related to the proposed changes will be analyzed.

Table 2: Headway Improvement Disparate Impact

Route	Total Route Population	Minority Population	Non-minority Population	% of Minority	% of Non-minority	Difference	Disparate Impact Analysis Required
321/322	36,156	20,653	15,503	57%	43%	14%	Yes

Figure 1 shows the current route alignment in relation to predominantly minority census block groups.

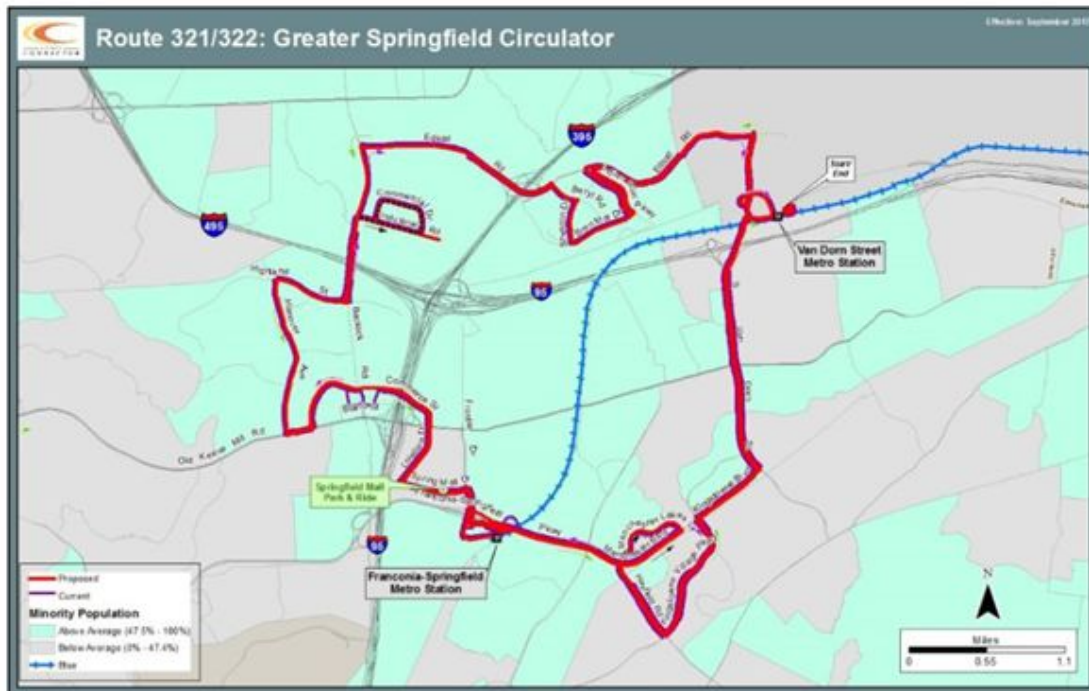


Figure 1: Route 321/322 Minority Population Map

Disproportionate Burden: The low-income households that live within a quarter mile of Route 321/322 is 18 percent. This is 63 percent less than the non-low-income households (Table 3). The difference between the low-income households and non-low-income households does not exceed the disproportionate burden threshold of 10 percent. Therefore, implementing the proposed changes will not create a disproportionate burden on low-income households.

Table 3: Headway Improvement Disproportionate Burden

Route	Total Route Households	Low-Income Households	Non-low-income Households	% of Low-income	% of Non-low-income	Difference	Disproportionate Burden Analysis Required
321/322	13,401	2,448	10,953	18%	82%	-63%	No

Figure 2 shows the current route alignment in relation to predominantly low-income census block groups.

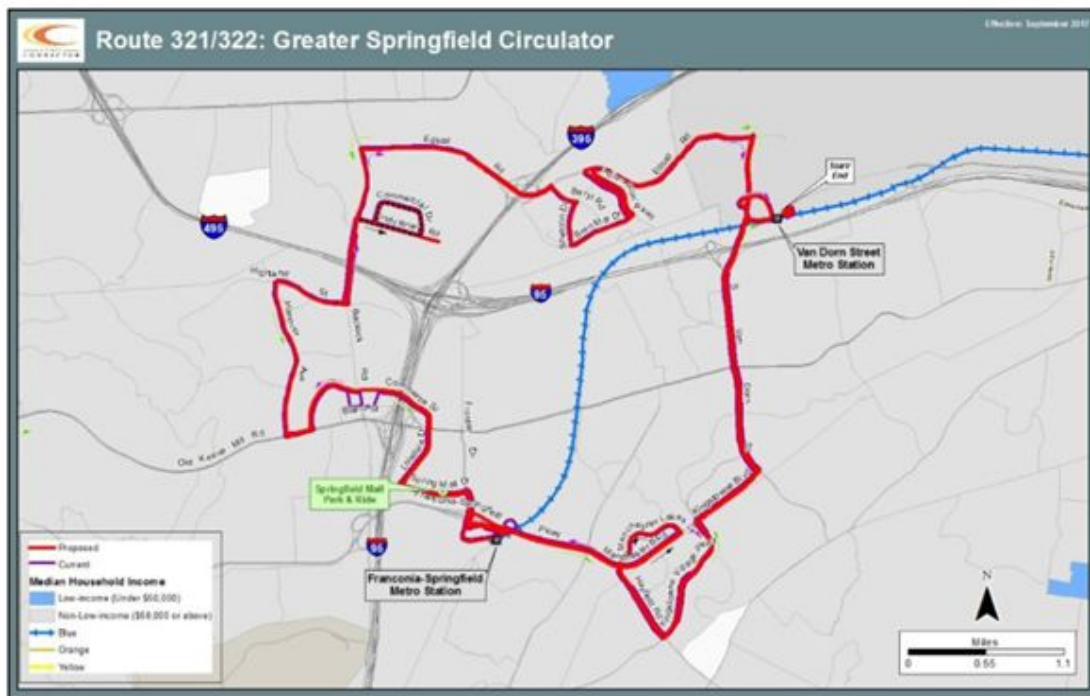


Figure 2: Route 321/322 Low-income Population Map

Adverse Effects: The proposed changes to Route 321/322 must be evaluated for adverse effects, because the difference between minority population and non-minority population affected by the proposed service change exceeds the threshold of disparate impact. Route 321/322 will be improved by expanding the span of service to operate on late evenings, and increasing bus frequencies on Weekdays and Saturdays. The eliminated diversion on Bland Street is only one block away from Commerce Street where bus stops are located. Also, the route will be extended on Industrial Drive to serve the Amazon facility. Overall, the proposed changes will increase access to jobs for predominantly minority neighborhoods and

all other populations throughout the region. The addition of service is not being provided at the expense of reduction in service on other routes. Therefore, the proposed changes do not meet any of the criteria for adverse effects, and there is no need to mitigate the disparate impact. Rather, the implementation to these changes will be positive for riders.

Route Restructuring

Route 333 – Patriot Ridge – Saratoga

Route 333 is restructured to reduce pattern complexity for riders. It will be replaced by two new routes: Route 340 (Patriot Ridge – Saratoga) and Route 341 (Boston Boulevard – Saratoga) to serve the current route pattern. Route 340/341 will continue to maintain morning and evening rush hour VRE connections at Franconia-Springfield, and will be extended to serve Boston Boulevard, while maintaining service to Patriot Ridge.

Disparate Impact: The minority population that lives within a quarter mile of this route is 47 percent, and the non-minority population living in the same service area is 53 percent (Table 4). The difference between minority population and non-minority population affected by the proposed service change is -5 percent, which does not exceed the threshold of disparate impact of 10 percent. Therefore, the proposed changes will not create a disparate impact.

Table 4: Route Restructuration Disparate Impact

Route	Total Route Population	Minority Population	Non-minority Population	% of Minority	% of Non-minority	Difference	Disparate Impact Analysis Required
333	11,490	5,446	6,044	47%	53%	-5%	No

Figure 3 shows the current route alignment in relation to predominantly minority census block groups. The extended service to the Boston Boulevard area which have higher concentrations of minority populations.

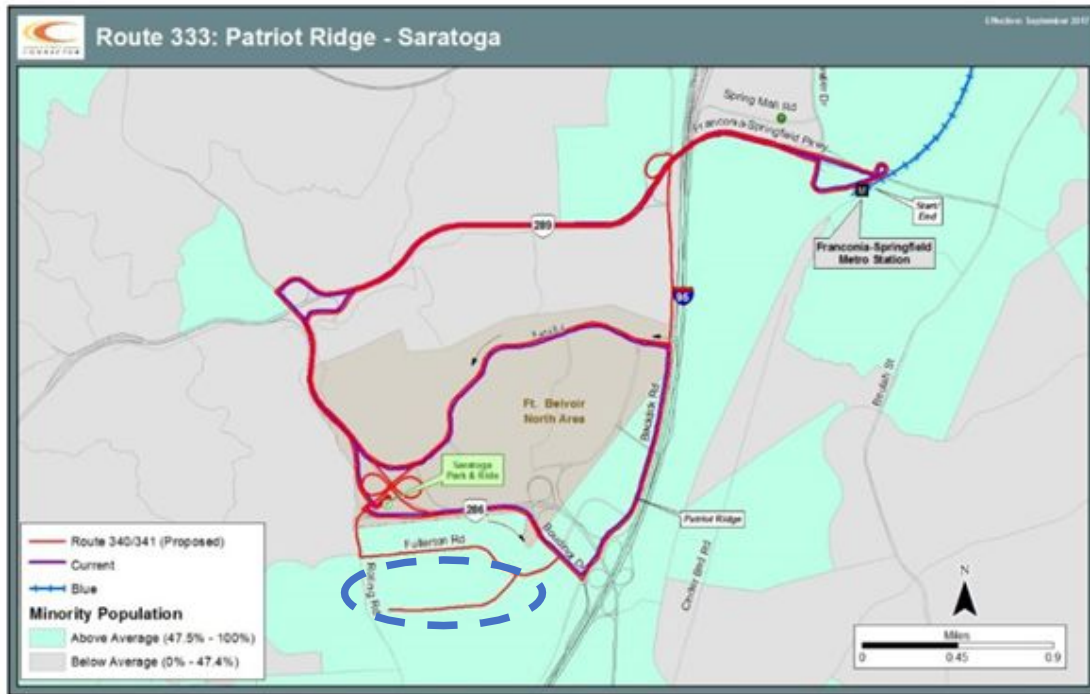


Figure 3: Route 333 (340/341) Minority Population Map

Disproportionate Burden: The low-income households that live within a quarter mile of this route is 21 percent. This is 58 percent less than the non-low-income households (Table 5). The difference between the low-income households and non-low-income households does not exceed the disproportionate burden threshold of 10 percent. Therefore, implementing the proposed changes will not create a disproportionate burden on low-income households.

Table 5: Headway Improvement Disproportionate Burden

Route	Total Route Households	Low-Income Households	Non-low-income Households	% of Low-income	% of Non-low-income	Difference	Disproportionate Burden Analysis Required
333	4,275	900	3,375	21%	79%	-58%	No

Figure 4 shows the current route alignment in relation to predominantly low-income census block groups.

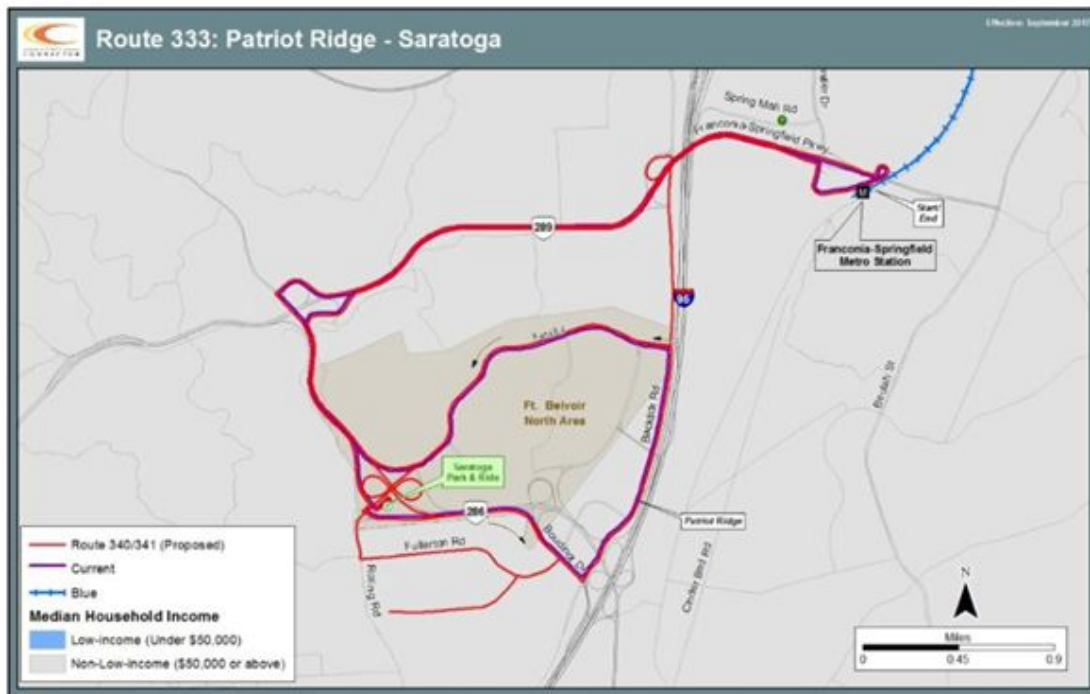


Figure 4: Route 333 (340/341) Low-income Population Map

Conclusion

The service changes proposed for implementation in September 2017 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients. Out of the 12 routes that are proposed to change, three routes, 321/322, and 333 (replaced by 340/341) met the Major Service Change threshold, and they were analyzed to determine whether the change will create a disparate impact and/or disproportionate burden. None of the identified routes will create a disproportionate burden on low-income households, but the analysis found that two routes (321/322) will create a disparate impact on minorities. However, the proposed changes will improve 321/322 by extending the span of service and increasing bus frequencies, which did not meet any of the criteria for adverse effects. Therefore, the changes will be positive for riders, and there is no need to mitigate the disparate impact. Overall, the proposed service changes in September 2017 will result in an improvement in service for Fairfax Connector riders, including the affected communities along the routes.

INFORMATION – 1

Contract Award – Interior Design Architecture/Engineering Services

The Department of Procurement and Material Management (DPMM) issued a Request for Proposal (RFP2000002162) to receive offers from qualified suppliers to provide Interior Design, Architectural, and Engineering Services on an as needed basis. The scope of work includes, but is not limited to, interior design, CAD drawings, construction administration, move management, cost estimating, studies, assessments, and various other design, engineering, and architectural services.

A request for proposal (RFP) was publicly advertised in accordance with the requirements of Fairfax County Purchasing Resolution. The County received 19 timely proposals. The Selection Advisory Committee (SAC) evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the evaluation of the proposals, the SAC negotiated with the offerors and recommends contract awards to the following firms. Multiple awards are required due to the varying project types and sizes and the design expertise required for each.

- DBI Architects, Inc.
- Leo A. Daly
- Fox Architects, LLC
- ROKK Architecture, PLLC
- Samaha Associates, P.C.
- Cox Graae & Spack Architects
- Moseley Architects
- Peck Peck & Associates, Inc.

The SAC recommends contract award to these firms based on their demonstrated ability to meet County requirements and standards for interior design, architectural, and engineering services. Each firm has the proven expertise providing architects and interior designers experienced at identifying end user needs and program requirements and translating that knowledge into responsive cost efficient design solutions. The selected firms all offer the necessary full service skills and experience to successfully complete all phases of commercial interior design including, but not limited to, schematic design, design development, construction documents, and construction administration.

The Department of Tax Administration verified that the selected firms are not required to have a Fairfax County Business, Professional, and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award contracts to the selected offerors.

Board Agenda Item
September 12, 2017

These contracts will commence on October 1, 2017 and terminate on July 31, 2022. Based on the previous five year expenditures, it is estimated that the annual value of the contracts is \$460,000 (in aggregate). The value of the individual contracts will vary based on the County's requirements and the specific expertise of the contractor. Work will be distributed among the firms in accordance with established procedures.

FISCAL IMPACT:

Services rendered through the resulting contracts are paid directly by the departments and agencies requesting the services. The Facilities Management Department verifies funding availability before projects are approved.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors (Attachment 1)

STAFF:

Joseph Mondoro, Chief Financial Officer

Cathy A. Muse, Director, Department of Procurement and Material Management

Jose A. Comayagua, Director, Facilities Management Department

List of Offerors

Name	SWAM Status
BKV	Unknown
Cox Graae & Spack Architects	Small
Crabtree Rohrbaugh & Associates	Unknown
DBI Architects	Large
Fox-Architects	Large
Gensler	Large
Helbing Lipp Architects	Small
HOK	Large
Huelat Davis Healing Design	Women Owned Small
IBI Group	Large
KSA Interiors	Women Owned Small
Leo A. Daly	Large
Michael Baker International	Large
Mosley Architects	Small
OLBN	Small
Peck, Peck & Associates	Women Owned Small
PGAL	Unknown
ROKK	Small
Samaha Associates PC	Small

INFORMATION – 2

County Holiday Schedule – Calendar Year 2018

A proposed calendar year 2018 Holiday Schedule for Fairfax County Government has been prepared. County employees are authorized 11 ½ holidays in each calendar year (12 ½ every fourth year when Inauguration Day falls on a business day, Monday through Friday.)

The proposed holiday schedule for 2018 lists the Federal Government holidays as well as those of the Fairfax County Public Schools. State employees and the Courts observe the Commonwealth of Virginia designated holidays.

Unless otherwise directed by the Board of Supervisors, the enclosed will be adopted as the holiday schedule for calendar year 2018.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Holiday Schedule – 2018

STAFF

Catherine M. Spage, Human Resources Director

Proposed Holiday Schedule – Calendar Year 2018

HOLIDAY	OBSERVED DAY - DATE	FAIRFAX COUNTY GOVERNMENT	FAIRFAX COUNTY PUBLIC SCHOOLS *	COMMONWEALTH OF VIRGINIA	FEDERAL GOVERNMENT
New Year's Day	Monday Jan 1, 2018	X	X	X	X
(Additional Time Off)	Tuesday Jan 2	regular work day	regular work day	8.0 hours additional time off	regular work day
Lee Jackson Day	Friday Jan 12	regular work day	regular work day	X	regular work day
Martin Luther King, Jr. Day	Monday Jan 15	X	X	X	X
George Washington's Day	Monday Feb 19	X	X	X	X
Memorial Day	Monday May 28	X	X	X	X
Independence Day	Wednesday July 4	X	X	X	X
Labor Day	Monday Sept 3	X	X	X	X
Columbus Day	Monday Oct 8	X	regular work day	X	X
Veterans Day	Monday Nov 12	X	regular work day	X	X
(Additional Time Off)	Wednesday Nov 21	regular work day	regular work day	4.0 hours additional time off	regular work day
Thanksgiving Day	Thursday Nov 22	X	X	X	X
Day After Thanksgiving	Friday Nov 23	X	X	X	regular work day
Christmas Eve Day	Monday Dec 24	X (half day)	X	8.0 hours additional time off	regular work day
Christmas Day	Tuesday Dec 25	X	X	X	X
(Additional Time Off)	Monday Dec 31	regular work day	regular work day	8.0 hours additional time off	regular work day
Total Holidays		11.5	10	15.5	10

*The actual dates of some holidays may change to accommodate the student calendar.

Board Agenda Item
September 12, 2017

10:50 a.m.

Matters Presented by Board Members

11:40 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Board of Supervisors v. Coxcom, LLC, d/b/a Cox Communications*, Case No. CL-2017-03786 (Fx. Co. Cir. Ct.)
 - 2. Office of the Fire Marshal, Cost Recovery Claim FMO E163520434
 - 3. *Glen M. Sylvester v. Brian C. Geschke*, Case No. CL-2017-0006382 (Fx. Co. Cir. Ct.)
 - 4. *William N. Holland v. Board of Supervisors of Fairfax County*, Case No. CL-2017-0009115 (Fx. Co. Cir. Ct.)
 - 5. *Fairfax County Redevelopment and Housing Authority v. Sheila Renee Allen*, Case No. CL-2016-0009828 (Fx. Co. Cir. Ct.) (Lee District)
 - 6. *Lakeview Loan Servicing LLC v. Laura Schlader, Fairfax County Redevelopment and Housing Authority, and Unit Owners Association of Legato Corner Condominiums*, Case No. CL-2017-0009611 (Fx. Co. Cir. Ct.) (Springfield District)
 - 7. *Segun Olobayo v. Jack Blair*, Case No. GV17-008954 (Fx. Co. Gen. Dist. Ct.)
 - 8. *Cynthia Geoghagan v. Victor Nardone*, Case No. GV17-005911 (Fx. Co. Gen. Dist. Ct.)
 - 9. *Glennon William Betts, by GEICO, subrogee v. Anthony Lovon Newman and Fairfax County*, Case No. GV17-009964 (Fx. Co. Gen. Dist. Ct.)

10. *Shirley A. Stewart v. B.A. Pitts (Fairfax Sheriff's Office), in his personal capacity; Doug Comfort (Fairfax Police), in his personal capacity; and Jason S. Manyx (U.S. Homeland Security), in his personal capacity*, Case No. 17-1862 (U.S. Ct of App. for the Fourth Cir.)
11. *Rachel Watson v. Fairfax County, Virginia*, Case No. 1:17cv694 (E.D.Va.)
12. *Dwain Foltz v. Office of the County Attorney*, Case No. 1:17cv939 (E.D. Va.)
13. *Linda Owens v. Jennifer Svites, Fire Chief Richard Bowers, and the County of Fairfax*, Case No. GV17-010441 (Fx. Co. Gen. Dist. Ct.)
14. *Mirsada Karalic-Loncarevic, by GEICO, Subrogee v. Jeffrey Dion Cox*, Case No. GV17-011867 (Fx. Co. Gen. Dist. Ct.)
15. *Robert Lee v. Captain John S. Trace*, Case No. GV17-016812 (Fx. Co. Gen. Dist. Ct.)
16. *Robert Lee v. PFC C.M. Lincoln*, Case No.: GV17-015635 (Fx. Co. Gen. Dist. Ct.)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rangsinee Junloy*, Case No. GV17-015455 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Carolyn Umstott Fisher, Trustee of the Carolyn W. Umstott Revocable Trust, and Nancy Susan Umstott, Trustee of the Carolyn W. Umstott Revocable Trust*, Case No. CL-2017-0004336 (Fx. Co. Cir. Ct.) (Dranesville District)
19. In re: March 1, 2017, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Case No. CL-2017-0004596 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *The Board of Supervisors of Fairfax County, Virginia, ex rel. Fairfax County Human Rights Commission v. Laura Nichols and Charles Nichols*, Case No. CL-2017-0011462 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eugene B. Meyer*, Case Nos. GV17-013659 and GV17-013660 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. James Scott Ballenger and Catherine E. McCall*, Case Nos. GV17-013661 and GV17-013662 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)

23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammed M. Hamzezadeh*, Case No. CL-2017-0006244 (Fx. Co. Cir. Ct.) (Hunter Mill District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Westwood Buildings, LP and N.G. Group LLC*, Case No. CL 2016-0013760 (Fx. Co. Cir. Ct.) (Hunter Mill District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Smithrose Investments, LLC*, Case No. CL-2017-0010461 (Fx. Co. Cir. Ct.) (Hunter Mill District)
26. *I.G.S. Limited Liability Company v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, CESC Commerce Executive Park L.L.C., and The Commerce Executive Park Association of Co-Owners*, Case No. CL-2017-0000197 (Fx. Co. Cir. Ct.) (Hunter Mill District)
27. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Richard P. Deeds, Jr., and Nicole Prete Deeds*, Case No. CL-2017-0008488 (Fx. Co. Cir. Ct.) (Hunter Mill District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Alees S. Coates*, Case No. CL-2017-0011608 (Fx. Co. Cir. Ct.) (Hunter Mill District)
29. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Olga Selvaggi, Individually and as heir of Phillip S. Selvaggi and the Phillip S. Selvaggi Living Trust, and Nina Selvaggi, Individually and as heir of Phillip S. Selvaggi and the Phillip S. Selvaggi Living Trust*, Case Nos. GV17-006686 and GV17-006893 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ching-Yi Lin and Mei-Ying Chen*, Case No. GV17-012885 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Trang X. Garrett*, Case No. GV17-015504 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran*, Case No. CL-2017-0011715 (Fx. Co. Cir. Ct.) (Hunter Mill District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas V. Lefler*, Case No. CL-2015-0015223 (Fx. Co. Cir. Ct.) (Lee District)

34. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sherman E. Phillip*, Case No. CL-2017-0007996 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Lord*, Case No. CL-2009-0006752 (Fx. Co. Cir. Ct.) (Lee District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria Lenz and Marniee Sjolander*, Case No. GV17-013703 (Fx. Co. Gen. Dist. Ct.) (Lee District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael J. Hayes*, Case No. GV17-013665 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Antoniel F. DeLeon and Estela C. Barrios*, Case No. CL-2017-0009016 (Fx. Co. Cir. Ct.) (Mason District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rockley L. Miller and Susan B. Miller*, Case No. CL-2017-0010524 (Fx. Co. Cir. Ct.) (Mason District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rupi Sain*, Case No. CL-2017-0006376 (Fx. Co. Cir. Ct.) (Mason District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roy Melvin Perry*, Case No. CL-2012-0011472 (Fx. Co. Cir. Ct.) (Mason District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pablo Garcia and Norka Garcia*, Case No. GV17-011996 (Fx. Co. Gen. Dist. Ct.) (Mason District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel Minchew*, Case No. CL-2017-0004962 (Fx. Co. Cir. Ct.) (Mount Vernon District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick McAlee and Barbara McAlee*, Case No. CL-2012-0010063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dino Mitchell*, Case No. CL-2007-0008571 (Fx. Co. Cir. Ct.) (Providence District)

48. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Darrell Davis Poe*, Case No. CL-2017-0011009 (Fx. Co. Cir. Ct.) (Springfield District; Town of Clifton)
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lloyd G. Strickland*, Case No. CL-2016-0008753 (Fx. Co. Cir. Ct.) (Springfield District)
50. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan and Sidney Harris*, Case No. CL-2017-0009711 (Fx. Co. Cir. Ct.) (Sully District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Loretta Deaner*, Case No. CL-2017-0009709 (Fx. Co. Cir. Ct.) (Sully District)

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Board Agenda Item
September 12, 2017

3:30 p.m.

Public Hearing on PCA 86-L-056-04 (Spa Forest, Inc) to Amend the Proffers for RZ 86-L-056 Previously Approved for an Office to Permit a Health Club and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.29, Located on Approximately 12.13 Acres of Land Zoned I-4 (Mason District)

This property is located at the terminus of General Green Way, Alexandria, 22312 approximately 1,200 feet East of its intersection with General Washington Drive. Tax Map 81-1 ((1)) 8B

PLANNING COMMISSION RECOMMENDATION:

On June 29, 2017, the Planning Commission voted 10-0-1 (Commissioner Keys-Gamarra abstained from the vote and Chairman Murphy was absent from the public hearing) to recommend to the Board of Supervisors approval of PCA 86-L-056-04, and the associated Generalized Development Plan Special Permit Plat, subject to the proffers dated May 23, 2017.

ENCLOSED DOCUMENTS:

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

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Erin Haley, Planner, DPZ

Board Agenda Item
September 12, 2017

3:30 p.m.

Public Hearing on CDPA 82-P-069-09 (Five Oaks Properties, LLC) to Amend the Ninth Conceptual Development Plan for RZ 82-P-069, Previously Approved for Planned Commercial and Residential Development to Allow a College/University and Associated Changes to Development Conditions, Located on Approximately 6.25 Acres of Land Zoned PDC and WS (Springfield District)

This property is located on the East side of Fair Lakes Court, approximately 600 feet North of Fair Lakes Parkway. Tax Map 45-4 ((1)) 25D

PLANNING COMMISSION RECOMMENDATION:

On July 27, 2017, the Planning Commission voted 8-0 (Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing) to recommend the following actions to the Board of Supervisors:

- Approval of CDPA 82-P-069-09; and
- Approval of a waiver of Paragraph 5, Section 6-206 of the Zoning Ordinance to permit the gross floor area of all other secondary uses to exceed twenty five percent of the gross floor area of all principal uses.

In a related action, on July 27, 2017, the Planning Commission voted 8-0 (Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing) to approve FDPA 82-P-069-01-17, subject to the Development Conditions dated July 12, 2017, and subject to the Board of Supervisors' approval of CDPA 82-P-069-09.

ENCLOSED DOCUMENTS:

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

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelly Atkinson, Planner, DPZ

Board Agenda Item
September 12, 2017

3:30 p.m.

Public Hearing on AR 2009-SP-002 (Raymond S. Crawford III & Teresa A. Crawford) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 21.24 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 12655 Wiltonshire Drive, Clifton, 20124. Tax Map 85-2 ((10) 1Z, 2Z, 3Z and 4Z.

PLANNING COMMISSION RECOMMENDATION:

On July 27, 2017, the Planning Commission voted 8-0 (Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing) to recommend that the Board of Supervisors approve AR 2009-SP-002, and amend Appendix F of the County Code to renew the Crawford Local Agricultural and Forestal District, for an additional eight-year term, subject to the Zoning Ordinance provisions, dated July 12, 2017.

ENCLOSED DOCUMENTS:

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

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mike Lynskey, Planner, DPZ

Board Agenda Item
September 12, 2017

3:30 p.m.

Public Hearing on SEA 2002-MA-003-02 (Trustees of Sleepy Hollow United Methodist Church/Eymy Telleria D/B/A Wecare Daycare, LLC) to Amend SE 2002-MA-003 Previously Approved for a Church with a Child Care Center and Telecommunications Facility to Revise Development Conditions to Permit a Modification of Operating Hours and Phasing and Associated Modifications to Site Design, Located on Approximately 5.04 Acres of Land Zoned R-2 (Mason District)

This property is located at 3435 Sleepy Hollow Road, Falls Church, 22044. Tax Map 60-2 ((33)) 1A and 1B

PLANNING COMMISSION RECOMMENDATION:

On July 27, 2017, the Planning Commission voted 8-0 (Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2002-MA-003-02, subject to the Development Conditions consistent with those dated July 27, 2017;
- Reaffirmation of a modification of the transitional screening requirements along all property lines, in favor of the existing vegetation as shown on the SEA Plat and as conditioned; and
- Reaffirmation of a waiver of the barrier requirements along the north eastern, north western, and south eastern property boundaries and a modification of the barrier requirement along the south western property boundary, in favor of that shown on the SEA Plat.

ENCLOSED DOCUMENTS:

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

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mike Lynskey, Planner, DPZ

**Public Hearing to be
Deferred to 10/24/17
at 4:30 p.m.**

Board Agenda Item
September 12, 2017

3:30 p.m.

Public Hearing on SEA 99-P-046-02 (Flint Hill School) to Amend SE 99-P-046
Previously Approved for a Private School of General Education to Permit the
Construction of a Middle School Resulting in an Increase in Enrollment from 700 to 800
and Associated Modifications to Site Design and Development Conditions, Located on
Approximately 34.16 Acres of Land Zoned R-1 (Providence District)

This property is located at 10900, 10824, 10816 Oakton Road and 3400, 3320, 3310, 3300, 3308 and 3408 Jermantown Road, Oakton, 22124. Tax Map 47-3 ((1)) 17A, 18, 19, 19A, 20, 20A, 20B, 21A, 22, 22A, 23, 24, 34A, 34B, 34C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 29, 2017, the Planning Commission voted 11-0 (Commissioner Murphy was absent from the meeting) to defer its public hearing to a date certain of July 27, 2017. On July 27, 2017, the public hearing was deferred for decision only to September 13, 2017. 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:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelly Posusney, Planner, DPZ

Board Agenda Item
September 12, 2017

4:00 p.m.

Public Hearing on SEA 2014-PR-032 (VA Electric & Power Co., D/B/A Dominion Energy Virginia) to Amend SE 2014-PR-032 Previously Approved for an Electric Substation and Telecommunications Facility to Modify Site and Development Conditions to Permit the Addition of Temporary Equipment at its Existing Facility and Associated Modifications to Site Design and Development Conditions, Located on Approximately 7.15 Acres of Land Zoned R-3 (Providence District)

This property is located at 7701 & 7707 Shreve Road, Falls Church, 22043. Tax Map 49-2 ((12)) 1A and 49-2 ((1)) 151

PLANNING COMMISSION RECOMMENDATION:

On July 27, 2017, the Planning Commission voted 4-0-3 (Commissioner Sargeant recused himself from the public hearing; Commissioners Migliaccio, Hart and Strandlie abstained from the vote; and Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2014-PR-032, subject to the proposed Development Conditions dated July 27, 2017,
- Approval of a waiver of the major paved trail shown on the Countywide Trails Plan in favor of the five foot wide sidewalk that is proposed along the entire Shreve Road frontage;
- Approval of a waiver of the actual striping for the proposed bike lane along Shreve Road shown on the Countywide Bicycle Master Plan; and
- Reaffirmation of all previously approved waivers and modifications, as listed below;
 - Modification of transitional screening requirements along all boundaries of the site in favor of that shown on the special exception (SE) plat;
 - Directed the Director of the Department of Public Works and Environmental Services (DPWES) to approve a modification of 10-year tree canopy requirements in favor of that shown on the SE plat; and
 - Directed the Director of DPWES to approve a waiver of the tree preservation target requirements in favor of that shown on the SE plat.

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Also on July 27, 2017, in a related action, the Planning Commission voted 7-0 (Commissioner Sargeant recused himself from the public hearing; and Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing) to recommend the following to the Board of Supervisors:

- That the minutes and verbatim transcripts of the Planning Commission's March 4, 2015, meeting, at which the Dominion application SE 2014-PR-032 and 2232-P14-4 were recommended for approval, be re-conveyed as an attachment to the Planning Commission record for its decision on SEA 2014-PR-032 and 2232A-P14-4-1.
- That the County maintain the capability, either through staffing or through consulting services, to independently assess technical proposals being made by Dominion or NOVEC, that will impact Fairfax County residents and provide a County position for SCC consideration.

Finally, in a related action, on July 27, 2017, the Planning Commission voted 4-0-3 (Commissioner Sargeant recused himself from the public hearing; Commissioners Migliaccio, Hart and Strandlie abstained from the vote; and Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing) to approve 2232A-P14-4-1.

The Commission noted that the application is substantially in accord with the provisions of the Adopted Comprehensive Plan.

ENCLOSED DOCUMENTS:

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

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelly Posusney, Planner, DPZ

Board Agenda Item
September 12, 2017

4:00 p.m.

Public Hearing to Consider an Editorial Amendment to the West Springfield Residential Permit Parking District, District 7 (Springfield District)

ISSUE:

Public Hearing to consider an editorial amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to modify the West Springfield Residential Permit Parking District (RPPD), District 7.

RECOMMENDATION:

The County Executive recommends that the Board approve an editorial amendment (Attachment I) to Appendix G, of the Fairfax County Code, to include Louis Edmund Court in its entirety in the West Springfield RPPD, District 7.

TIMING:

On July 25, 2017, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of the Fairfax County Code, to take place on September 12, 2017, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within a 2,000 foot walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential.

On June 3, 2014, the West Springfield Residential Permit Parking District was expanded to include all of Louis Edmund Court except in front of a narrow parcel of vacant land, shown on the Fairfax County Tax Map at Tax Map No. 79-3((37)) parcel A. At that time, the vacant parcel boundary was considered "a significant division of [the] street" according to Fairfax County Code Section 82-5A-2(a).

Board Agenda Item
September 12, 2017

At the request of the Springfield District office, the north side of Louis Edmund Court has been re-evaluated for inclusion in the West Springfield RPPD. Staff has determined that due to the extremely narrow footprint of the parcel, it should not have been considered a significant division of the street. Fairfax County Code § 82-5A-3 requires RPPDs to be designated "on a block-face by block-face basis." The vacant parcel is a part of the block-face that includes 6300 Louis Edmund Court, which is included in the West Springfield RPPD. Therefore, because the vacant parcel is a part of the block-face, its frontage should not have been excluded from the West Springfield RPPD.

The Board may make this editorial amendment to the West Springfield RPPD without a new petition because the original petition contained a sufficient number of signatures to establish the district. Fairfax County Code § 82-5A-4(a) requires signatures from more than 50% of the addresses on each block-face to establish a district. The vacant parcel has never been assigned an address, so the signature from the adjacent parcel, 6300 Louis Edmund Court, which is the only other address on the block-face, constitutes 100 percent of the eligible addresses for that block-face, satisfying the petition requirement to establish the district.

FISCAL IMPACT:

The cost of sign installation is estimated at \$250 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code

Attachment II: Map Depicting Proposed Limits of West Springfield RPPD (Louis Edmund Court)

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

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

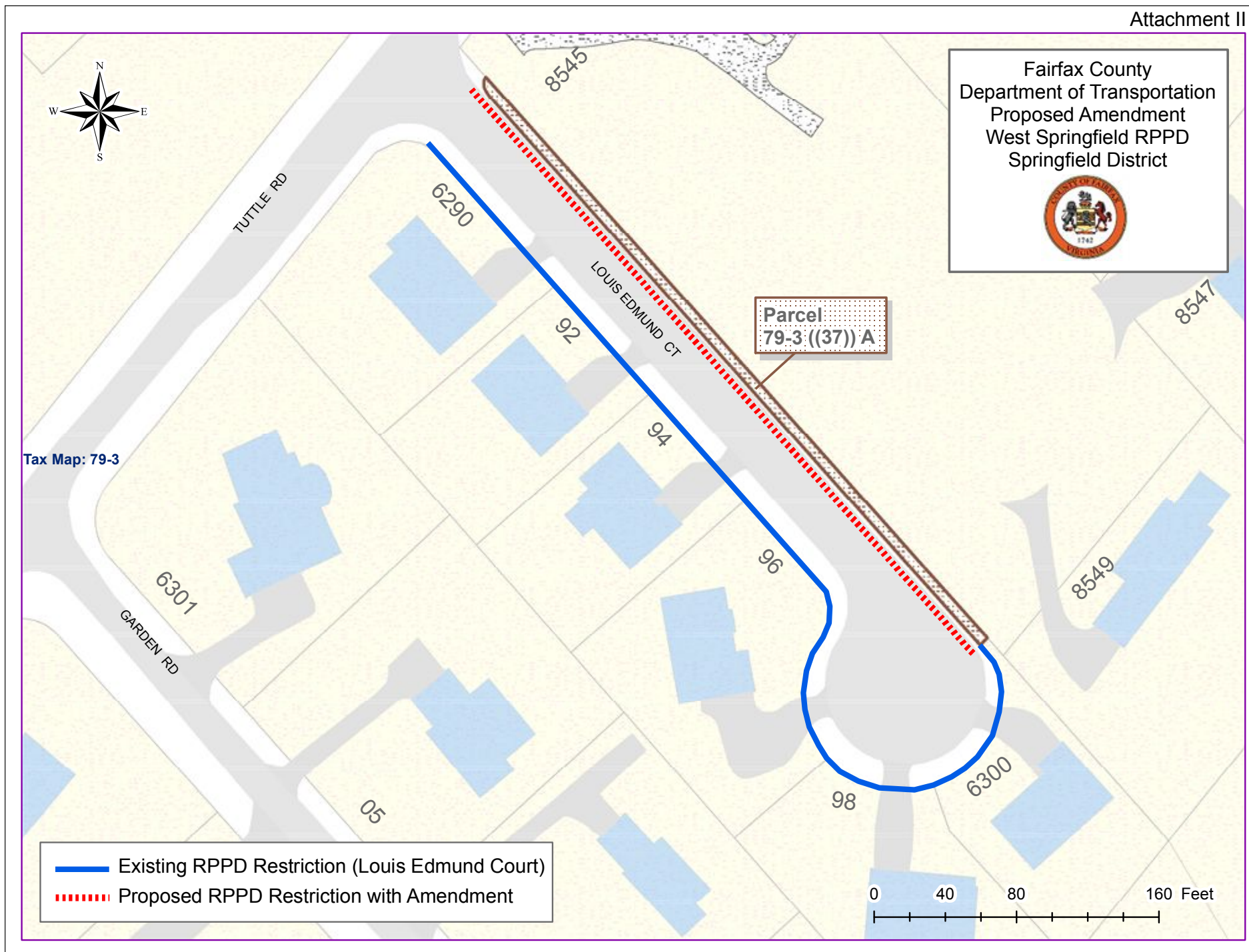
Sara G. Silverman, Assistant County Attorney

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by modifying the following street in Appendix G-7, Section (b), (2), West Springfield Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Louis Edmund Court, ~~south side~~:

From Tuttle Road to the ~~eastern boundary of 6300 Louis Edmund Court~~
cul-de-sac inclusive



Board Agenda Item
September 12, 2017

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the
Construction of Sunrise Valley Drive Walkway – River Birch Road to Legacy Circle
(Dranesville District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Sunrise Valley Dr Walkway - River Birch Rd to Legacy Circle, in Project 5G25-060-017, Pedestrian Improvements 2014, Fund 30050, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On April 4, 2017, the Board authorized advertisement of a public hearing to be held on May 16, 2017, at 4:00 p.m. The Board deferred the public hearing on May 16, 2017 until September 12, 2017, at 4:00 p.m.

BACKGROUND:

The County is planning to construct approximately 370 linear feet of five-foot wide concrete sidewalk and pedestrian ramps along the north side of Sunrise Valley Dr (Route 5320) from River Birch Rd to Legacy Circle.

Land rights for these improvements are required on one (1) property, which have not been acquired by the Land Acquisition Division (LAD). The construction of the project requires the acquisition of dedication for public street purposes, and grading agreement and temporary construction easement.

Negotiations are in progress with the affected property owner of this property; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item
September 12, 2017

FISCAL IMPACT:

Funding is currently available for the Sunrise Valley Dr Walkway - River Birch Rd to Legacy Circle, in Project 5G25-060-000, Pedestrian Improvements 2014, Fund 30050, Transportation Improvements. This project is included in the FY 2018 – FY 2022 Adopted Capital Improvement Program (with Future Fiscal Years to FY 2027). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcel with plat showing interests to be acquired (Attachments 1 through 1A).

STAFF:

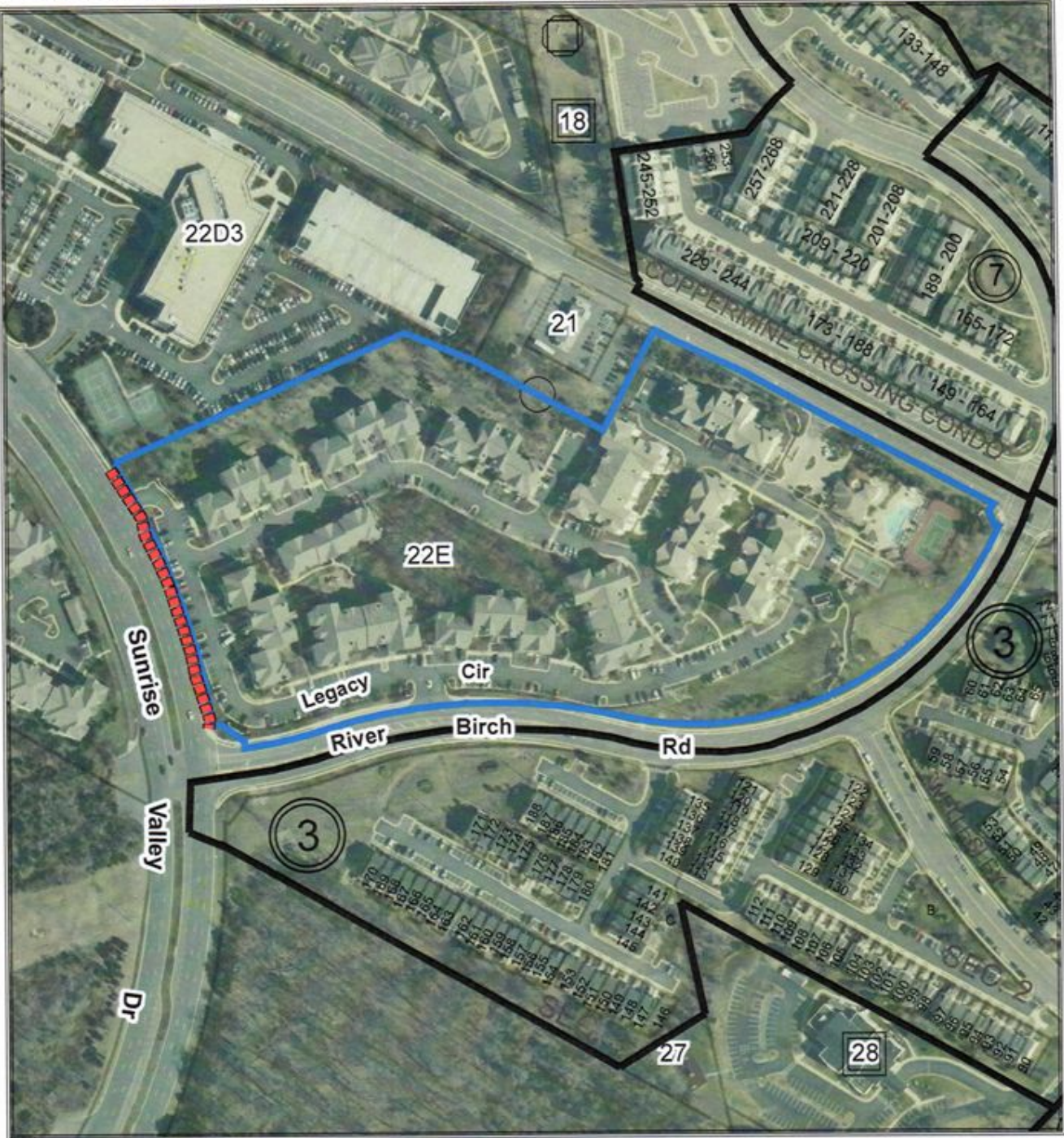
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

Tom Biesiadny, Director, Department of Transportation

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney, Office of the County Attorney



Tax Map: 15-4

Project 5G25-060-017
Dranesville District

Affected Properties:

Proposed Improvements:

Scale: Not to Scale



ATTACHMENT B

RESOLUTION

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, September 12, 2017, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 5G25-060-017, Sunrise Valley Dr. Walkway – River Birch Rd. to Legacy Circle had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than October 13, 2017.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 1A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of constructing approximately 370 linear feet of five-foot wide concrete sidewalk and pedestrian ramps along the north side of Sunrise Valley Dr. (Route 5320) from River Birch Road to Legacy Circle as shown and described in the plans of Project 5G25-060-017, Sunrise Valley Dr. Walkway – River Birch Rd. to Legacy Circle on file in the Land Acquisition

Division of the Department of Public Works and Environmental Services, 12000
Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to September 13, 2017, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project 5G25-060-017
Sunrise Valley Dr. Walkway – River Birch Rd. to Legacy Circle
(Dranesville District)

PROPERTY OWNER(S)

TAX MAP NUMBER

1. Magazine Lionsgate, LP

015-4-01-0022E

Address:
13600 Legacy Circle
Herndon, VA 20171

A Copy – Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 015-4-01-0022E

Street Address: 13600 Legacy Circle

OWNER(S): Magazine Lionsgate, LP

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication for Public Street purposes - 428 sq. ft.

Grading Agreement and Temporary Construction Easement – 2,101 sq. ft.

VALUE

Estimated value of interests and damages:

ELEVEN THOUSAND ONE HUNDRED AND SIXTY DOLLARS (\$11,160.00)

Board Agenda Item
September 12, 2017

4:00 p.m.

Public Hearing to Expand the London Towne Community Parking District (Sully District)

ISSUE:

Public Hearing to consider an amendment to Appendix M, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the London Towne Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to expand the London Towne CPD.

TIMING:

On July 25, 2017, the Board authorized advertisement of a Public Hearing to consider the proposed amendment to Appendix M, of the *Fairfax County Code* to take place on September 12, 2017, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers; and any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds, except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location, (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public

Board Agenda Item
September 12, 2017

agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the London Towne CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$250 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed London Towne CPD

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
Charisse Padilla, Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

Amend *The Code of the County of Fairfax, Virginia*, by adding and/or modifying the following streets in Appendix M-87, Section (a)(2), London Towne Community Parking District, in accordance with Article 5B of Chapter 82:

Lee Highway Service Road

From Stone Road to ~~the western property line of parcel 53-4((2))B~~ Prince Way.

Prince Way (Route 6885)

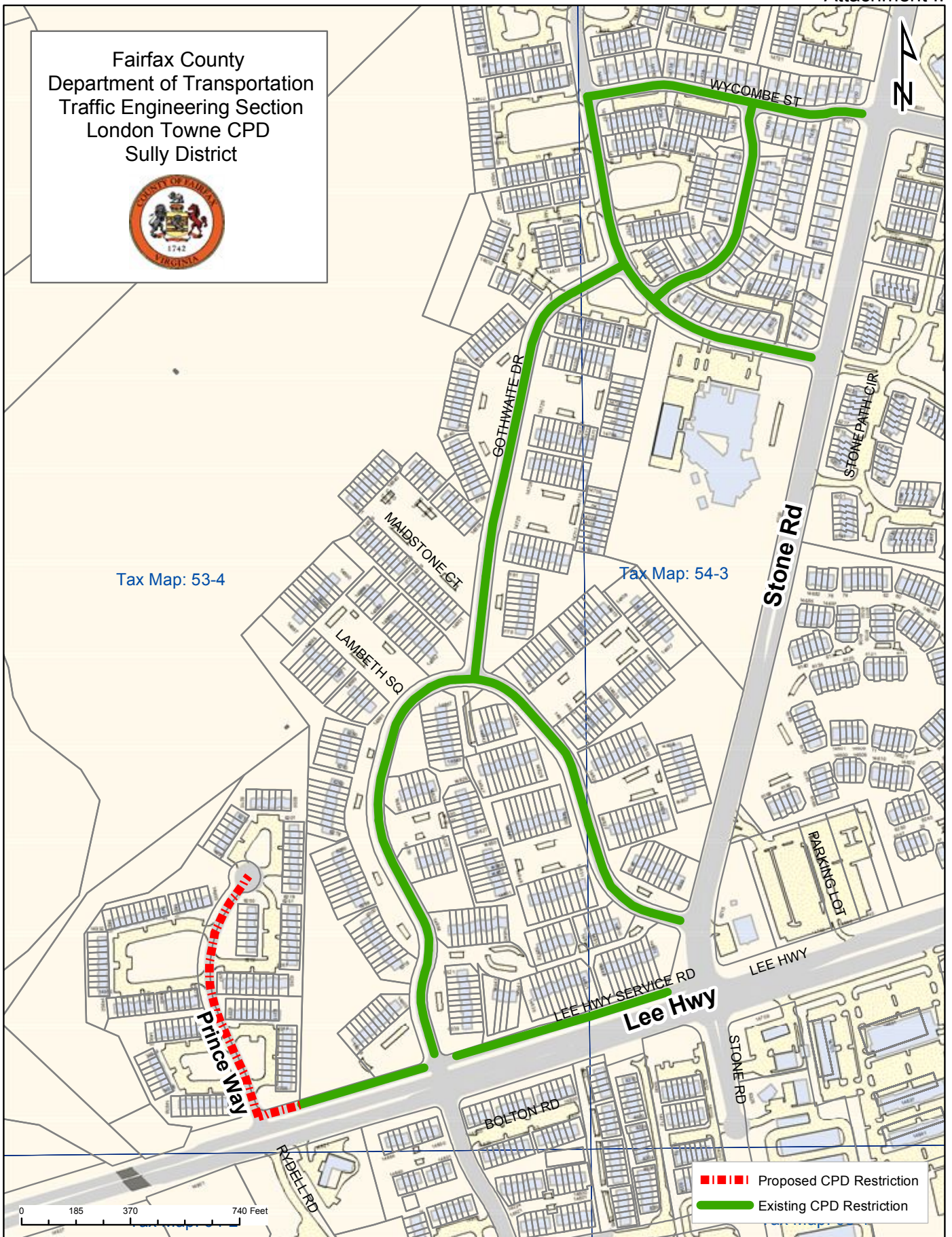
From Lee Highway to the cul-de-sac inclusive.

Fairfax County
Department of Transportation
Traffic Engineering Section
London Towne CPD
Sully District



Tax Map: 53-4

Tax Map: 54-3



Board Agenda Item
September 12, 2017

4:00 p.m.

Public Hearing to Consider Parking Restrictions on Commercial Drive (Mason 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 approve parking restrictions on Commercial Drive in the Mason District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R, of the Fairfax County Code, to prohibit only commercial vehicles, recreational vehicles and all trailers as defined in Fairfax County Code §§ 82-1-2(a)(50) (trailers); 82-5-7 (commercial vehicles) and 82-5B-1 (restricted vehicles), from parking on Commercial Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.

TIMING:

The public hearing was authorized on July 25, 2017, for September 12, 2017, at 4:00 p.m.

BACKGROUND:

Parking restrictions along Commercial Drive were initially approved by the Board in 1999 to address the long term parking of various commercial vehicles. At that time, a general parking restriction was the only way to address that parking issue. Following an amendment to the Fairfax County Code, approved by the Board in July 2012, Section 82-5-37(5) was added, authorizing 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.

Representatives of various property owners of land along Commercial Drive contacted the Mason District office requesting parking restrictions that better accommodate current business operations by only prohibiting commercial vehicles, recreational vehicles and trailers from parking on Commercial Drive from 7:00 p.m. to 7:00 a.m., seven days a week.

Board Agenda Item
September 12, 2017

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,000 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

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

F. Hayden Coddling, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

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

Commercial Drive (Route 4007).

~~No parking along Commercial Drive (Route 4007), from 7:00 p.m. to 7:00 a.m., seven days per week.~~

Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code §§ 82-1-2(a)(50) (trailers); 82-5-7 (commercial vehicles) and 82-5B-1 (restricted vehicles) shall be restricted from parking along Commercial Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Fairfax County
Department of Transportation
Traffic Engineering Section
Proposed Parking Restriction
Mason District



Tax Map: 80-2

■■■■■■■■ Commercial Drive
No Parking Commercial Vehicles, Recreational Vehicles, and all Trailers
7:00pm- 7:00am, 7 days per week

Board Agenda Item
September 12, 2017

4:30 p.m.

Public Hearing to Consider Parking Restrictions on Government Center Parkway
(Braddock 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 Government Center Parkway in the Braddock 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 the north side of Government Center Parkway, from Waples Mill Road to the Fairfax Court Shopping Center driveway, from 7:00 p.m. to 7:00 a.m., seven days per week.

TIMING:

The public hearing was authorized on July 25, 2017, for September 12, 2017, at 4:30 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.

Representatives of various property owners of land along Government Center Parkway contacted the Braddock District office requesting a parking restriction on Government Center Parkway from 7:00 p.m. to 7:00 a.m., seven days a week.

This area has been reviewed on several occasions over a period of time in excess of 30 days. Staff has verified that long term parking is occurring, thereby diminishing the capacity of on-street parking for other uses. Staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the north side of Government Center Parkway, from Waples Mill Road to the Fairfax Court Shopping Center driveway, from 7:00 p.m. to 7:00 a.m., seven days per week.

Board Agenda Item
September 12, 2017

FISCAL IMPACT:

The cost of sign installation is estimated at \$250 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

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Sara Silverman, Assistant County Attorney

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:

Government Center Parkway (Route 7436).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on the north side of Government Center Parkway, from Waples Mill Road to the Fairfax Court Shopping Center driveway, from 7:00 p.m. to 7:00 a.m., seven days per week.

Fairfax County
Department of Transportation
Traffic Engineering Section
Proposed Parking Restriction
Braddock District



WAPLES MILL RD

11250-60

11264

JAMES SWART CIR

66-82

11284

Fairfax Court Shopping Center

11199

Tax Map: 56-2

GOVERNMENT CENTER PKWY

STEVENSON ST

(4113)

10

06

17

■■■■■■■■ Government Center Parkway (Proposed Parking Restriction)
No Parking Commercial Vehicles, Recreational Vehicles, and all Trailers
7:00pm- 7:00am, 7 days per week

Board Agenda Item
September 12, 2017

4:30 p.m.

Public Hearing on SE 2017-DR-003 (SunTrust Bank) to Permit a Drive-In Financial Institution and Waiver of Minimum Lot Size, Located on Approximately 38,466 Square Feet of Land Zoned C-6 (Dranesville District)

This property is located at 778 Walker Road, Great Falls, 22066. Tax Map 13-1 ((9)) 6B

PLANNING COMMISSION RECOMMENDATION:

On July 20, 2017, the Planning Commission voted 11-0-1 (Commissioner Murphy abstained from the vote) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2017-DR-003, subject to the proposed Development Conditions dated July 19, 2017;
- Approval of a modification of the transitional screening requirement of Section 13-303 of the Zoning Ordinance along the southern property line, in favor of the proposed landscaping, as shown on the SE Plat;
- Approval of a waiver of the barrier requirement of Section 13-304 of the Zoning Ordinance along the southern property line; and
- Approval of a waiver of the loading space requirement of Section 11-203 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:

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

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelly Posusney, Planner, DPZ

4:30 p.m.

Public Hearing on RZ 2016-HM-005 (1831 Michael Faraday LLC) to Rezone from I-4 to PRM to Permit Residential Development with an Option for 10,000 Square Feet of Non-Residential Uses at an Intensity of 1.75 Floor Area Ratio and Approval of the Conceptual Plans, Located on Approximately 3.85 Acres of Land (Hunter Mill District)

This property is located on the East side of Michael Faraday Drive approximately 570 feet South of Sunset Hills Road. Tax Map 18-3 ((6)) 6

PLANNING COMMISSION RECOMMENDATION:

On July 20, 2017, the Planning Commission voted 9-0-3 (Commissioners Keys-Gamarra, Murphy, and Ulfelder abstained from the vote) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2016-HM-005 and the Conceptual Development Plan, subject to the execution of proffers, consistent with those dated June 26, 2017;
- Approval of a modification of Paragraph 1 of Section 2-414 of the Zoning Ordinance to reduce the minimum residential building setback requirement from the Dulles International Airport Access Highway and the Dulles Toll Road right-of-way from 200 feet to 130 feet;
- Approval of a waiver of Paragraph 2 of Section 6-407 of the Zoning Ordinance requiring minimum 200-square foot privacy yards on single-family attached dwelling unit lots;
- Approval of a modification of Section 11-203 of the Zoning Ordinance for loading space requirements, in favor of the proposed quantities shown the CDP/FDP;
- Approval of a waiver of Section 13-202 and Public Facilities Manual Section 12-0514 for required interior parking landscaping of the structured parking deck;
- Approval of a modification of Section 13-303 of the Zoning Ordinance for the transitional screening requirements, in favor of the proposed landscaping shown the CDP/FDP;
- Approval of a waiver of Section 13-304 of the Zoning Ordinance for the barrier requirement;

Board Agenda Item
September 12, 2017

- Approval of a deviation to the Tree Preservation Target, in favor of the proposed landscaping as shown on the CDP/FDP, per PFM Section 12-0508.;
- Approval of a modification of PFM Section 12-0510.4e(5) to allow a minimum planting width of 6 feet, in favor of the proposed planting areas and methods;
- Approval of a modification of PFM Section 7-0100 (Plate TS-5A), to reduce the minimum pavement width of the proposed townhouse street from 24 feet to 20 feet, in favor of the proposed private street; and
- Approval of parking reduction request 12650-PKS-001, pursuant to Paragraph 5A of Section 11-102 of the Zoning Ordinance, based on the proximity of a mass transit station, subject to the conditions dated March 16, 2017, and contained in Appendix 16 of the staff report.

In a related action, on July 20, 2017, the Planning Commission voted 9-0-3 (Commissioners Keys-Gamarra, Murphy, and Ulfelder abstained from the vote) to approve FDP 2016-HM-005, subject to the Development Conditions dated July 6, 2017, and subject to the Board of Supervisors' approval of the concurrent rezoning application.

ENCLOSED DOCUMENTS:

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

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Joe Gorney, Planner, DPZ

Board Agenda Item
September 12, 2017

4:30 p.m.

Public Hearing on PCA 91-V-003 (Sumner Crossing Homeowners Association, Inc.) to Amend the Proffers for RZ 91-V-003 Previously Approved for Residential Development to Permit Parking and Associated Modifications to Proffers and Site Design, Located on Approximately 3.11 Acres of Land Zoned R-8 and HD (Mount Vernon District)

This property is located on Old Pohick Way at the intersection of Telegraph Road. Tax Map 108-1 ((13)) A

PLANNING COMMISSION RECOMMENDATION:

On July 20, 2017, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of PCA 91-V-003 and the associated Generalized Development Plan, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

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

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Jay Rodenbeck, Planner, DPZ

Public Hearing to be Deferred to 9/26/17 at 4:00 p.m.
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Board Agenda Item
September 12, 2017

4:30 p.m.

Public Hearing on SE 2017-LE-006 (DVA Telegraph - 7710, LLC) to Permit a Fast Food Restaurant with a Drive Through, Located on Approximately 30,683 Square Feet of Land Zoned C-5 (Lee District)

This property is located at 7710 Telegraph Road, Alexandria, 22315. Tax Map 100-2 ((1)) 1A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on July 19, 2017, the decision was deferred to July 27, 2017; at which time it was deferred until September 14, 2017. 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:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelly Posusney, Planner, DPZ