

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 23, 2023**

AGENDA

9:30	Done	Presentations
9:30	Done	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:00	Done	Matters Presented by Board Members
10:00	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Extension of Review Period for 2232 Application for Brookfield Elementary School (Sully District)
2	Approved	Extension of Review Period for 2232 Application for Tysons Wastewater Pumping Station (Providence District)
3	Approved	Extension of Review Period for 2232 Application for Lees Corner Elementary School (Sully District)
4	Approved	Streets into the Secondary System (Providence District)
5	Approved	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Red Fox Drive (Braddock District)
6	Approved	Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Grant Funding from the Department of Behavioral Health and Developmental Services for Forensic Discharge Planning
7	Approved	Supplemental Appropriation Resolution AS 23218 for the Health Department to Accept Grant Funding from the U.S. Department of Labor for the Community Project Funding Request Included in the Consolidated Appropriations Act, 2022

ACTION ITEMS

1	Approved	Approval of Supplemental Appropriation Resolution AS 23237 to Accept Grant Funding and Authorization to Execute a Project Administration Agreement with the Virginia Department of Transportation for Implementation of the Revenue Sharing Funded Lincoln Street Project (Providence and Dranesville Districts)
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 23, 2023**

**CONSIDERATION
ITEMS**

1	Approved	Amendments to the Architectural Review Board Bylaws
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CLOSED SESSION

	Done	Closed Session
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**PUBLIC
HEARINGS**

3:30	Approved	Public Hearing on SEA 2010-PR-010 (Hilton Domestic Operating Company, Inc.) (Providence District)
3:30	Approved	Public Hearing on SE 2022-DR-00034 (Montessori School of McLean) (Dranesville District)
3:30	Deferred to June 27, 2023 at 4:00 pm	Public Hearing on RZ 2022-LE-00012 (Beazer Homes LLC) (Franconia District)
3:30	Approved	Public Hearing on RZ 2016-SP-033 (Merit Investment, LLC) (Springfield District)
4:00	Approved	Public Hearing on PCA 80-S-008-02 (RZPA 2022-SU-00095) (Virginia Medical Transport, LLC) (Sully District)
4:00	Approved	Public Hearing on SEA 95-M-029-02 (McDonald's Corporation) (Mason District)
4:00	Approved	Public Hearing on RZ 2022-SU-00014 (Stephanie Gorski Nourse) (Sully District)
4:00	Held	Public Comment



Fairfax County, Virginia

BOARD OF SUPERVISORS

AGENDA

Tuesday
May 23, 2023

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize the student winners of the Shark Tank Technology Challenge. Requested by Supervisor Herrity.
- RESOLUTION — To recognize the Lake Braddock High School Gymnastics Team for winning the Virginia High School League Class 6 State Championship. Requested by Supervisors Herrity and Walkinshaw.
- RESOLUTION — To recognize the Thomas Jefferson High School for Science and Technology and McLean High School Scholastic Bowl teams for their first and second place finishes at the Virginia High School League 2023 Scholastic Bowl. Requested by Chairman McKay and Supervisors Gross and Foust.
- RESOLUTION — To recognize the McLean High School journalism students for their Gold Crown Award win for The Highlander, the school's news magazine and website. Requested by Supervisors Foust and Palchik.
- PROCLAMATION — To designate the month of May 2023 as Older Americans and Adult Abuse Prevention Month. Requested by Supervisor Herrity.
- RESOLUTION — To recognize Tom Biesiadny, retiring director of the Fairfax County Department of Transportation, for his achievements. Requested by Chairman McKay

STAFF:

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

Board Agenda Item
May 23, 2023

9:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard May 23, 2023

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

FINAL COPY

**APPOINTMENTS TO BE HEARD MAY 23, 2023
(ENCOMPASSING VACANCIES PROJECTED THROUGH MAY 31, 2023)
(Unless otherwise noted, members are eligible for reappointment)**

**A. HEATH ONTHANK MEMORIAL AWARD
SELECTION COMMITTEE (1-year term)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Clifford L. Fields; 2/09-1/20 by Bulova) Term exp. 1/21 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (Appointed 1/10-7/21 by Foust) Term exp. 1/22	Dranesville District Representative	Kerrie Wilson	Foust	Dranesville

ADVISORY PLANS EXAMINER BOARD (4-year terms)

CONFIRMATIONS NEEDED:

- Mr. Gilbert Osei-Kwadwo as the Citizen Member Representative
- Mr. Paul B. Johnson as the Professional Engineer/Surveyor #2 Representative

ADVISORY SOCIAL SERVICES BOARD
(4-year terms – limited to 2 full terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by David Jonas; appointed 10/19 by Bulova; 9/20 by McKay) Term exp. 9/24 <i>Resigned</i>	At-Large Chairman's Representative	Noah Abraham	McKay	At-Large Chairman's

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13-6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Nancy Socher; appointed 5/22 by Alcorn) Term exp. 6/24 <i>Resigned</i>	Hunter Mill District Representative	Sarah Selvaraj- Dsousa	Alcorn	Hunter Mill
New Position	Mason District Representative		Gross	Mason

CONFIRMATION NEEDED:

- Mr. Ryan Sherriff as the Financial Institution Representative
- Ms. Evelyn Spain as the Planning Commission Representative

AIRPORTS ADVISORY COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert K. Ackerman; appointed 1/08-1/20 by Foust) Term exp. 1/23 <i>Resigned</i>	Dranesville Business Representative		Foust	Dranesville
VACANT (Formerly held by Kristi Stolzenberg; appointed 6/21 by Gross) Term exp. 1/23 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Grant J. Nelson Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10- 9/19 by Bulova) Term exp. 6/22	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96- 5/01 by Hanley; 6/04- 10/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jayant Reddy; appointed 1/16-7/18 by Bulova) Term exp. 8/21 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Richard Bolger; appointed 1/21 by McKay) Term exp. 10/23 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gregory Beckwith (Appointed 7/13-6/21 by Foust) Term exp. 3/23	Dranesville District Principal Representative		Foust	Dranesville

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ATHLETIC COUNCIL (2-year terms)

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Lisa MicKey (Appointed 11/14-3/19 by McKay; 5/21 by Lusk) Term exp. 4/23	Franconia District Principal Representative	Lisa MicKey	Lusk	Franconia
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Gross	Mason
VACANT (Formerly held by Kelly Ego-Osuala; appointed 1/21 by Palchik) Term exp. 9/24 <i>Resigned</i>	Providence District Alternate Representative		Palchik	Providence
VACANT (Formerly held by Mark E. Abbott: appointed 4/03-3/05 by Frey; 5/17-3/21 by Smith) Term exp. 3/23 <i>Resigned</i>	Sully District Alternate Representative		Smith	Sully

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Raymond Smith; appointed 7/20-6/22 by Walkinshaw) Term exp. 6/23 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19 by Foust) Term exp. 6/20 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)

NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large

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BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
David R. Conover (Appointed 1/16-6/19 by Foust) Term exp. 2/23	Design Professional #2 Representative	David Conover (Foust)	By Any Supervisor	At-Large
VACANT (Formerly held by Wayne Bryan; Appointed 3/21 by McKay) Term exp. 2/25 <i>Resigned</i>	Design Professional #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Daren Shumate; appointed 2/16-7/20 by Gross) Term exp. 2/24 <i>Resigned</i>	Design Professional #5 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE
ASSESSMENTS (BOE) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Dolores Quintela; appointed 2/20-11/21 by McKay) Term exp. 12/23 <i>Resigned</i>	Professional #1 Representative		By Any Supervisor	At-Large
Noelle M. Holmes (Appointed 12/10- 12/18 by Smyth; 12/20 by Palchik) Term exp. 12/22	Professional #4 Representative	Scott Murdock (Palchik)	By Any Supervisor	At-Large

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Angela V. Davis (Appointed 11/21 by Alcorn) Term exp. 4/23	Fairfax County #2 Representative	Angela V. Davis (Alcorn)	By Any Supervisor	At-Large
Gerald Padmore (Appointed 4/13-3/19 by Hudgins; 3/21 by Alcorn) Term exp. 4/23	Fairfax County #4 Representative	Gerald Padmore (Alcorn)	By Any Supervisor	At-Large
Maryam Ovissi (Appointed 1/17-3/19 by Hudgins; 3/21 by Alcorn) Term exp. 4/23	Fairfax County #7 Representative	Maryam Ovissi (Alcorn)	By Any Supervisor	At-Large
VACANT (Formerly held by Nahom Sewenet; appointed 10/22 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #9 Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anne Kanter; appointed 12/03 by Hanley; 9/07 by Connolly; 9/11-10/18 by Bulova) Term exp. 9/23 <i>Resigned</i>	At-Large #1 Representative		McKay	At-Large Chairman's

CIVIL SERVICE COMMISSION (2-year terms)

NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deborah A. Woolen (Appointed 7/19 by McKay; 12/20 by Lusk) Term exp. 12/22	At-Large #2 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
New Position	Lesbian-Gay- Bisexual-Queer- Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large Chairman's

COMMISSION ON AGING (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Catherine S. Cole (Appointed 9/16-5/19 by Bulova; 5/21 by McKay) Term exp. 5/23	At-Large Chairman's Representative	Catherine S. Cole	McKay	At-Large Chairman's
Michael Perel (Appointed 7/16-5/19 by Cook; 5/21 by Walkinshaw) Term exp. 5/23	Braddock District Representative	Michael Perel	Walkinshaw	Braddock
Kay Larmer (Appointed 1/12-5/21 by Foust) Term exp. 5/23	Dranesville District Representative	Kay Larmer	Foust	Dranesville
Joseph A. Heastie (Appointed 2/05-5/19 by L. Smyth; 5/21 by Palchik) Term exp. 5/23	Providence District Representative	Joseph A. Heastie	Palchik	Providence
James R. Kirkpatrick (Appointed 12/22 by Herrity) Term exp. 5/213	Springfield District Representative	James R. Kirkpatrick	Herrity	Springfield

COMMUNITY ACTION ADVISORY BOARD (CAAB) (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jim Edwards-Hewitt (Appointed 10/05-2/20 by Gross) Term exp. 2/23	Mason District Representative		Gross	Mason

CONFIRMATION NEEDED:

- Ms. Sandra Barksdale as the Elected - Central Target Area #1 Representative

CONSUMER PROTECTION COMMISSION (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Theodore Fee; appointed 7/97-9/16 by Bulova; 7/21 by McKay) Term exp. 7/24 <i>Resigned</i>	Fairfax County Resident #10 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jay Monroe; appointed 5/21 by Alcorn) Term exp. 2/24 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Derrick Robinson; appointed 7/21-9/22 by Storck) Term exp. 8/25 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Jennifer Chronis; appointed 12/16-7/18 by Herrity) Term exp. 8/21 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT
ADVISORY BOARD, PHASE I (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Roderick Mitchell (Appointed 10/20 by McKay) Term exp. 7/22	At-Large #3 Citizen Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard J. Guba; appointed 6/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 5/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

CONFIRMATIONS NEEDED:

- Mr. Michael S. Kitchen as the National Association for Industrial and Office Parks Representative
- Mr. Mark Liberati as the Northern Virginia Association of Surveyors Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael Zatz; appointed 11/18 by Bulova; 1/22 by McKay) Term exp. 1/25 <i>Resigned</i>	At-Large #2 Representative	Eric Goplerud (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Juana Elisa Meara: Appointed 5/22 by Palchik) Term exp. 1/25 <i>Resigned</i>	Providence District Representative		Palchik	Providence

FAIRFAX AREA DISABILITY SERVICES BOARD**(3-year terms - limited to 2 full terms)**

NOTE: Members may be reappointed after being off the Board for three years. State Code requires that the membership in the local disabilities board include at least 30 percent representation by individuals who have physical, visual, or hearing disabilities or their family members. For this 15-member board, the minimum number for this representation would be five members.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deborah K. Hammer (Appointed 3/16-1/20 by Storck) Term exp. 11/22 <i>Not eligible for reappointment</i>	Mount Vernon District Representative		Storck	Mount Vernon

**FAIRFAX COMMUNITY LONG TERM CARE
COORDINATING COUNCIL (2-year terms)**

CONFIRMATION NEEDED:

- Ms. Thu-Thuy Nguyen as the Long Term Care Providers #20 Representative

FAIRFAX COUNTY 250TH COMMISSION (6-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anne Barnes; appointed 11/21 by Storck) Term exp. 6/27 <i>Resigned</i>	Mount Vernon District Representative	Nancy Rosenbaum	Storck	Mount Vernon

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

NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Andrew Scalise (Appointed 7/20 by McKay) Term exp. 6/23	At-Large #2 Representative	Andrew Scalise (McKay) <i>(Will be reappointed on June 27, 2023)</i>	By Any Supervisor	At-Large
VACANT (Formerly held by Diana Rodriguez; appointed 6/21 by McKay) Term exp. 6/23 <i>Resigned</i>	At-Large #3 Representative	Evan Jones (McKay) <i>(Will be reappointed on June 27, 2023)</i>	By Any Supervisor	At-Large
Jennifer Adeli (Appointed 6/17-7/20 by Foust) Term exp. 6/23	Dranesville District Representative		Foust	Dranesville
Robert Bartolotta (Appointed 7/20 by Palchik) Term exp. 6/23	Providence District Representative	Robert Bartolotta <i>(Will be reappointed on June 27, 2023)</i>	Palchik	Providence
Srilekha Reddy Palle (Appointed 2/20-7/20 by Herrity) Term exp. 6/23	Springfield District Representative	Srilekha Reddy Palle <i>(Will be reappointed on June 27, 2023)</i>	Herrity	Springfield

HEALTH SYSTEMS AGENCY BOARD (3-year terms -limited to 2 full terms)

NOTE: Members may be reappointed after 1 year break

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Zlotnick; appointed 6/20 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Provider #4 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3-year terms)

NOTE: The Commission shall include at least one member who is a resident from each District.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Julianne Mueller; appointed 1/23 by Gross) Term exp. 12/25 <i>Mason District Resigned</i>	Citizen #7 Representative		By Any Supervisor	At-Large

CONFIRMATION NEEDED:

- Mr. David Meyer as the City of Fairfax Representative

HUMAN RIGHTS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Emanuel Solon (Appointed 9/95-7/01 by Connolly; 9/04- 9/19 by Smyth) Term exp. 9/22	At-Large #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Abigail Shannon; appointed 10/20 by McKay) Term exp. 9/23 <i>Resigned</i>	At-Large #9 Representative	Adnan Bokhari (McKay)	By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Fatima Mirza; appointed 12/16- 9/20 by Foust) Term exp. 7/24 <i>Resigned</i>	Dranesville District #2 Representative		Foust	Dranesville
VACANT (Formerly held by Lanita R. Thweatt; appointed 6/19-7/20 by Storck) Term exp. 7/24 <i>Resigned</i>	Mount Vernon District #1 Representative		Storck	Mount Vernon
VACANT (Formerly held by Tianja Grant; appointed 1/20-7/21 by Palchik) Term exp. 7/25 <i>Resigned</i>	Providence District #2 Representative		Palchik	Providence

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Chris M. Jones (Appointed 3/21 by McKay) Term exp. 1/23	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Deborah Woolen; appointed 9/20-3/22 by Lusk) Term exp. 1/24 <i>Resigned</i>	Franconia District Representative	Kevin Carson	Lusk	Franconia

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Brendan D. Harold (Appointed 5/05- 11/14 by Hyland; 12/18 by Storck) Term exp. 12/22	Citizen At-Large #2 Representative		By Any Supervisor	At-Large

REDEVELOPMENT AND HOUSING AUTHORITY (4 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Roderick Maribojoc; appointed 11/20 by McKay) Term exp. 4/24 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large
Broderick C. Dunn (Appointed 6/20 by Walkinshaw) Term exp. 4/23	Braddock District Representative	LaToya Isaac	Walkinshaw	Braddock

SMALL BUSINESS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ken Biberaj; appointed 1/22 by McKay) Term exp. 12/25 <i>Resigned</i>	At-Large #1 Representative	Theofilos Stamatis (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Gigi Thompson Jarvis; appointed 12/20 by Foust) Term exp. 12/23 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Gwyn Whittaker; 11/20 by Alcorn) Term exp. 12/23 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill

Continued on next page

SMALL BUSINESS COMMISSION (3-year terms)

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Daren Shumate; appointed 10/19- 12/21 by Gross) Term exp. 12/24 <i>Resigned</i>	Mason District Representative		Gross	Mason

TENANT-LANDLORD COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kenneth Reid; appointed 10/25 by Herrity) Term exp. 1/23 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Shahana Begum Islam; appointed 6/20 by Palchik) Term exp. 1/23 <i>Resigned</i>	Condo Owner Representative		By Any Supervisor	At-Large

Continued on next page

TENANT-LANDLORD COMMISSION (3-year terms)

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Karen Geier-Smith; appointed 6/06-12/12 by Bulova; 2/16-2/22 by McKay) Term exp. 12/24 <i>Resigned</i>	Landlord Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Christopher Lee Kocsis; appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Paula Park; appointed 2/14-1/20 by Foust) Term exp. 1/23 <i>Resigned</i>	Landlord Member #3 Representative		By Any Supervisor	At-Large
Perez Otonde (Appointed 5/21 by McKay) Term exp. 1/23	Tenant Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE (2-year terms)
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CONFIRMATION NEEDED:

- Ms. Maria Lashinger as the Northern Virginia Builders Industry Association Representative

TRANSPORTATION ADVISORY COMMISSION (2-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Linda Sperling; appointed 12/17-8/18 by Bulova; 6/20-8/22 by McKay) Term exp. 6/24 <i>Resigned</i>	At-Large Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Peter Sitnik; appointed 9/19-6/22 by Storck) Term exp. 6/24 <i>Resigned</i>	Mount Vernon District Representative	Peter Weyland	Storck	Mount Vernon
VACANT (Formerly held by David Skiles; appointed 6/20-6/22 by Smith) Term exp. 6/24 <i>Resigned</i>	Sully District Representative	Karen Campblin	Smith	Sully

TREE COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert D. Vickers (Appointed 4/07 by DuBois; 11/09-10/18 by Foust) Term exp. 10/21	Dranesville District Representative	Barbara Ryan	Foust	Dranesville
VACANT (Formerly held by Laura Beaty; appointed 5/19 by Smyth; 11/20 by Palchik) Term exp. 10/23 <i>Resigned</i>	Providence District Representative		Palchik	Providence

TRESPASS TOWING ADVISORY BOARD (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Theodore Fee; appointed 6/06-9/07 by Connolly; 9/10- 0/19 by Bulova) Term exp. 9/22 <i>Resigned</i>	Citizen Representative		By Any Supervisor	At-Large

**TYSONS TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Linda Colbert (Appointed 2/21 by McKay) Term exp. 2/23	Adjacent Community Member #1 Representative	Linda Colbert (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Brad Swanson; appointed 2/21-2/21 by Alcorn) Term exp. 2/23 <i>Resigned</i>	Hunter Mill District #1 Representative	Jennifer L. Barry	Alcorn	Hunter Mill

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Teresa Valenzuela; appointed 7/16-11/17 by Bulova) Term exp. 10/21 <i>Resigned</i>	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (4-year terms)

CONFIRMATIONS NEEDED:

- Mr. Shahram Mohsenin as the Fairfax County #1 Representative
- Mr. Shwan Fatah as the Fairfax County Alternate #1 Representative

Board Agenda Item
May 23, 2023

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
May 23, 2023

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
May 23, 2023

ADMINISTRATIVE - 1

Extension of Review Period for 2232 Application for Brookfield Elementary School (Sully District)

ISSUE:

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

PROJECT DESCRIPTION:

Fairfax County Public Schools - Department of Facilities and Transportation Services is requesting a 2232 approval for the planned renovation and addition to the existing Brookfield Elementary School. This project is funded through the 2021 FCPS Bond Referendum and is included in the 2023-2027 Capital Improvement Program. The extension period request is to allow the applicant sufficient time to address any issues which may be raised during the 2232 review.

The review period for the following application should be extended:

2232-2023-SU-00010	Brookfield Elementary School Tax Map No. 4-4 ((2)) 3C; 4-4 ((2)) 5A 4200 Lees Corner Rd, Chantilly, VA 20151 Sully District Accepted April 5, 2023 Extend to March 7, 2024
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RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2023-SU-00010.

TIMING:

Board action is requested on May 23, 2023, to extend the review period for the application to March 7, 2024, prior to expiration of the initial 60-day period on June 4, 2023.

Board Agenda Item
May 23, 2023

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". The full length of an extension period may not be necessary, and any extension is not intended to set a date for final action.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

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

Salem Bush, Branch Chief, Facilities and Plan Development Branch, Planning Division, (DPD)

Mohamed Ali, Planner II, Facilities and Plan Development Branch, Planning Division, (DPD)

ADMINISTRATIVE - 2

Extension of Review Period for 2232 Application for Tysons Wastewater Pumping Station (Providence District)

ISSUE:

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

PROJECT DESCRIPTION:

The Department of Public Works and Environmental Services (DPWES) is requesting 2232 approval to construct a proposed Tysons Wastewater Pump Station. The proposed pump station will replace an existing smaller pump station and include a pump station building and a standby generator building. The extension period request is to allow the applicant sufficient time to complete the 2232 review.

The review period for the following application should be extended:

2232-2023-PR-00012	Department of Public Works and Environmental Services Tax Map No. 29-1 ((1)) 11 8608 Leesburg Pike, Vienna, VA 22182 Providence District Accepted April 5, 2023 Extend to March 7, 2024
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RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2023-PR-00012.

TIMING:

Board action is requested on May 23, 2023, to extend the review period for the application to March 7, 2024, prior to expiration of the initial 60-day period on June 4, 2023.

Board Agenda Item
May 23, 2023

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". The full length of an extension period may not be necessary, and any extension is not intended to set a date for final action.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

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

Salem Bush, Branch Chief, Facilities and Plan Development Branch, Planning Division, (DPD)

Mohamed Ali, Planner II, Facilities and Plan Development Branch, Planning Division, (DPD)

ADMINISTRATIVE - 3

Extension of Review Period for 2232 Application for Lees Corner Elementary School
(Sully District)

ISSUE:

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

PROJECT DESCRIPTION:

Fairfax County Public Schools - Department of Facilities and Transportation Services is requesting a 2232 approval for the planned renovation and addition to the existing Lees Corner Elementary School. This project is funded through the 2021 FCPS Bond Referendum and is included in the 2023-2027 Capital Improvement Program. The extension period request is to allow the applicant sufficient time to address any issues which may be raised during the 2232 review.

The review period for the following application should be extended:

2232-2023-SU-00009	Lees Corner Elementary School Tax Map No. 4-4 ((2)) 3C 13500 Hollingers Ave, Fairfax, VA 22033 Sully District Accepted April 5, 2023 Extend to March 7, 2024
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RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2023-SU-00009.

TIMING:

Board action is requested on May 23, 2023, to extend the review period for the application to March 7, 2024, prior to expiration of the initial 60-day period on June 4, 2023.

Board Agenda Item
May 23, 2023

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". The full length of an extension period may not be necessary, and any extension is not intended to set a date for final action.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

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

Salem Bush, Branch Chief, Facilities and Plan Development Branch, Planning Division, (DPD)

Mohamed Ali, Planner II, Facilities and Plan Development Branch, Planning Division, (DPD)

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ADMINISTRATIVE – 4

Streets into the Secondary System (Providence District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Williams Meadow	Providence	Parkland Meadow Lane

TIMING:

Board approval is requested on May 23, 2023.

BACKGROUND:

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

FISCAL IMPACT:

None.


ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

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

Street Acceptance Form For Board Of Supervisors Resolution

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 LAND USE - FAIRFAX PERMITS REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. PLAN NUMBER: 15713-SD-001 SUBDIVISION PLAT NAME: Williams Meadow COUNTY MAGISTERIAL DISTRICT: Providence	
VDOT PERMITS MANAGER: Robert H. Burton BY: 		FOR OFFICIAL USE ONLY VDOT INSPECTION APPROVAL DATE: <u>02/24/2023</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Parkland Meadow Lane	CL Sutton Road, Route 701 - 433' N CL Oleander Avenue, Route 5620	571' E to End of Cul-de-Sac	0.11
NOTES:			TOTALS:
5' Concrete Sidewalk on Both Sides to be maintained by VDOT.			0.11

ADMINISTRATIVE - 5

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Red Fox Drive (Braddock District)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) endorsing a traffic calming plan for Red Fox Drive (Attachment II) consisting of the following:

- Three speed humps on Red Fox Drive (Braddock 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 measure as soon as possible.

TIMING:

Board action is requested on May 23, 2023, to allow the proposed measure to be installed as soon as possible.

BACKGROUND:

As part of 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, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure 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 the residents within the ballot area in the adjacent community.

On April 11, 2023, FCDOT received verification from the Braddock District Supervisor's office confirming community support for the Red Fox Drive traffic calming plan.

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FISCAL IMPACT:

Funding in the amount of \$45,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Red Fox Drive

Attachment II: Traffic Calming Plan for Red Fox Drive

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting 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

RESOLUTION

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
RED FOX DRIVE
BRADDOCK DISTRICT**

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, May 23, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Red Fox Drive have requested the Braddock District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Red Fox Drive; and

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Red Fox Drive indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

WHEREAS, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

WHEREAS, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

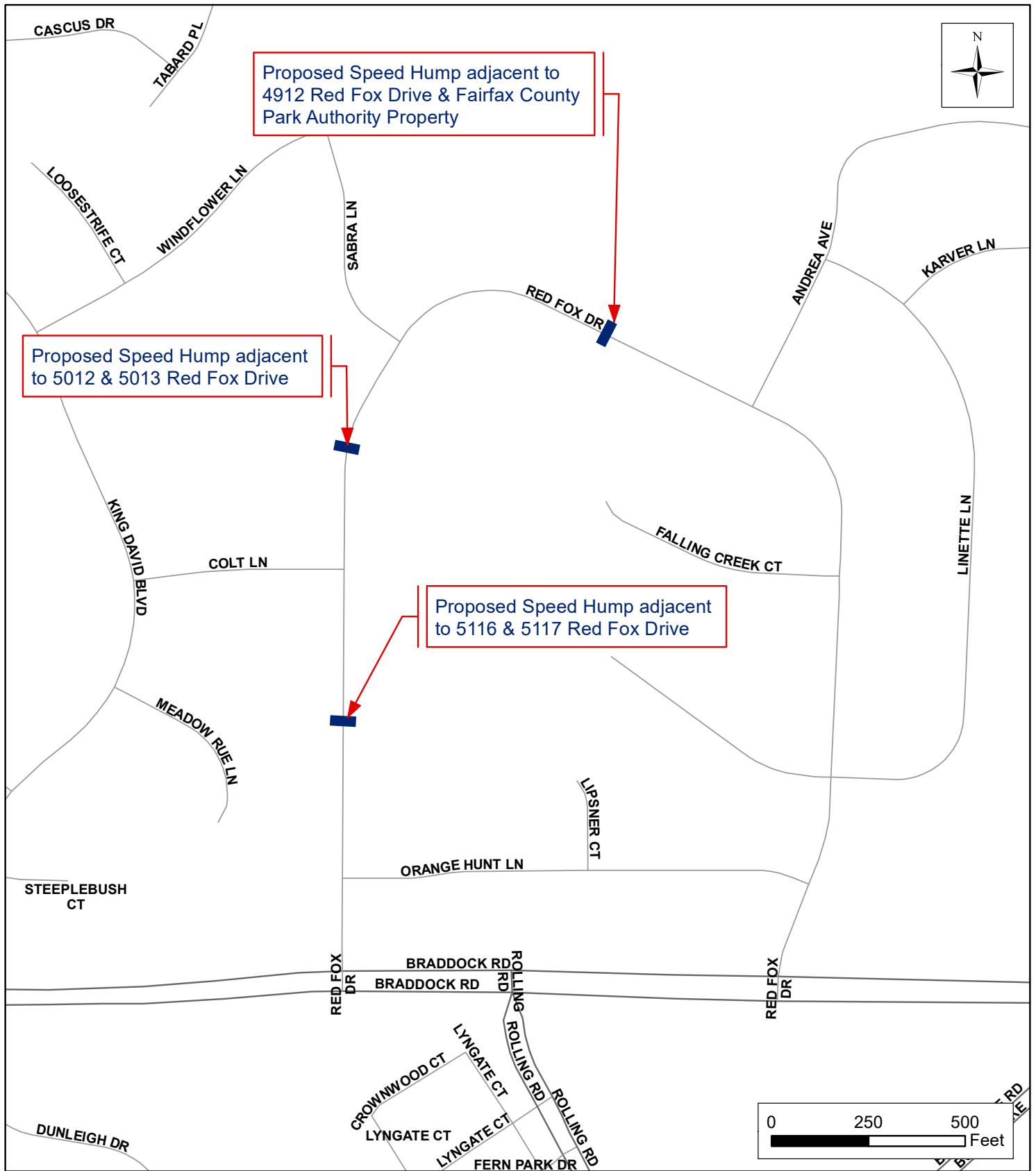
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Red Fox Drive as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 23rd day of May, 2023.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 69-4

**Fairfax County Department of Transportation
Residential Traffic Administration Program
Traffic Calming Plan
Red Fox Drive
Braddock District**

April 2023



ADMINISTRATIVE – 6

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Grant Funding from the Department of Behavioral Health and Developmental Services for Forensic Discharge Planning

ISSUE:

Board of Supervisors authorization is requested for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept grant funding, if received, from the Department of Behavioral Health and Developmental Services (DBHDS) for Forensic Discharge Planning. Funding of \$132,627 will support 1/1.0 FTE new grant position to enhance forensic discharge planning services for individuals with serious mental illness at the Fairfax Adult Detention Center (ADC). This grant aligns with the County's Diversion First initiative, which aims to reduce the number of people with mental illness in the County jail. The grant period is July 1, 2023, to June 30, 2024, and it is anticipated that these funds will be ongoing. 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. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept funding, if received, from the DBHDS for Forensic Discharge Planning. Funding in the amount of \$132,627 will be used to enhance forensic discharge planning services for individuals with serious mental illness at the Fairfax Adult Detention Center. This funding will support 1/1.0 FTE new grant position. No Local Cash Match is required. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

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TIMING:

Board action is requested on May 23, 2023. Due to a grant application deadline of May 12, 2023, 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. The Board was also notified via email on May 5, 2023 of the CSB's intent to apply for this grant prior to the application due date. The Fairfax-Falls Church Community Services Board reviewed the application on April 19, 2023.

BACKGROUND:

The Department of Behavioral Health and Developmental Services is seeking proposals for the Grant for Forensic Discharge Planning FY 2024 from CSBs for funding to provide forensic discharge planning services to individuals with SMI in Virginia jails. Specifically, proposals are sought for programs to be implemented at jails with the highest percentage of inmates with serious mental illness. At the Fairfax ADC, 20 to 30 percent of the population is considered to have a Serious Mental Illness. DBHDS-funded programs are expected to adhere to DBHDS protocols for discharge planning at local jails.

Funding of \$132,627 for FY 2024 will be used to create one Behavioral Health Specialist II position at the CSB to begin forensic discharge planning services for individuals with SMI. This CSB Behavioral Health Specialist II will serve as a designated position in the mental health units and other units as needed at the Fairfax Adult Detention Center, initiating discharge planning for individuals upon their entry into jail. The clinician will also ensure continuity of care by following individuals in the community for a minimum of 30 days and up to 90 days after their release, connecting them with appropriate services and supports. This grant funding supports the County's Diversion First initiative aimed at reducing the number of people with mental illness in the County jail.

FISCAL IMPACT:

Grant funding of \$132,627 is being requested from the Virginia Department of Behavioral Health and Developmental Services to support enhanced forensic discharge planning services for individuals with serious mental illness at the Fairfax Adult Detention Center. No Local Cash Match is required. This grant does not allow for the recovery of indirect costs. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards.

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CREATION OF NEW POSITIONS:

There is 1/1.0 FTE new grant position associated with this funding. The County is under no obligation to continue funding this position when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Proposal

STAFF:

Christopher A. Leonard, Deputy County Executive

Thomas G. Arnold, Deputy County Executive

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

Grant for Forensic Discharge Planning**Summary of Grant Proposal**

Grant Title:	Grant for Forensic Discharge Planning FY 2024
Funding Agency:	Department of Behavioral Health and Developmental Services (DBHDS)
Applicant:	Fairfax-Falls Church Community Services Board (CSB)
Funding Amount:	State funding of \$132,627 is being requested.
Proposed Use of Funds:	<p>Funding of \$132,627 will be used to establish 1/1.0 FTE new grant position at the CSB to begin forensic discharge planning services for individuals with serious mental illness (SMI) at the Fairfax Adult Detention Center (ADC). The new Behavioral Health Specialist II position will serve as a discharge planner within the Fairfax ADC's two mental health units. These gender-specific housing units are designed to safely manage individuals with SMI who may otherwise be unsuitable for general housing. CSB staff support these units and provide daily services for behavioral health and engagement in treatment. While CSB clinicians currently work to provide assessment, crisis intervention/stabilization and linkages to psychotropic medications for individuals in these units, no CSB staff are designated for ADC discharge planning. Without adequate discharge planning, these individuals are vulnerable in the community and at risk for increased psychiatric symptoms, relapse to substance abuse, homelessness, suicide, and hospitalization. A designated discharge planner can help ensure individuals have access and are linked to appropriate services such as medical, housing, peer supports, mental health and substance abuse services, and benefits. Discharge planning services begin upon an individual's entry into jail and continue until the individual is connected to appropriate services and supports after their release.</p>
Performance Measures:	<p>Provide Forensic Discharge Planning to individuals incarcerated and housed in specialized mental health units at the Fairfax ADC.</p> <p>Improve connection to post release treatment for individuals with serious mental illness and lower their risk for recidivism.</p> <p>Increase self-reported quality of life from admission to conclusion of participation.</p>
Grant Period:	July 1, 2023 - June 30, 2024. It is anticipated that funding will be ongoing and included in the CSB's State Performance Contract with DBHDS.

ADMINISTRATIVE – 7

Supplemental Appropriation Resolution AS 23218 for the Health Department to Accept Grant Funding from the U.S. Department of Labor for the Community Project Funding Request Included in the Consolidated Appropriations Act, 2022

ISSUE:

Board of Supervisors approval of Supplemental Appropriation Resolution AS 23218 for the Health Department to accept grant funding totaling \$1,000,000 from the U.S. Department of Labor for funding received for the community project funding requests included in the Consolidated Appropriations Act, 2022. This award was part of the County's community project funding requests coordinated through Government Relations and submitted to the County's Congressional offices. No Local Cash Match is required. When grant funding expires, the County is under no obligation to continue funding. The Health Department received funding for the following project:

1. Stable Families, Thriving Futures (SFTF): A Public Health Model Building Knowledge, Prevention, and Resilience Among Teens and Young Adults
SFTF is an evidence-based intervention that builds knowledge, prevention, and resilience among expectant and parenting teens and young adults ages 14 to 25 years through a continuum of wrap-around supports and programs that address the social determinants of health, including responsible parenting education, housing, employment, financial capability and health literacy, to improve participants' self-sufficiency and whole family thriving. Funding is available through March 31, 2026.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 23218 from the U.S. Department of Labor in the amount of \$1,000,000 supporting one Health Department project that was funded through the Consolidated Appropriations Act, 2022. No Local Cash Match is required.

TIMING:

Board approval is requested on May 23, 2023.

BACKGROUND:

As the Board may recall, last year the 117th Congress reinstated the practice of authorizing direct funding of specific projects, previously known as “earmarks” and now referred to as “community project funding requests” (CPFRs), after nearly a decade-long ban on the practice. The County developed a list of 20 CPFRs for submission to the County’s Congressional offices. The selected projects had to meet the following criteria:

- Projects had to be eligible for federal funding from accounts available for community funding projects;
- Projects had to be previously approved by the Board, required for the County to comply with federal or state mandates, or to carry out Board priorities; and
- Projects had to meet all federal requirements for individual funding accounts, including the amount of funding available, types of projects eligible, project readiness, and requirements for community support of projects.

The Board was notified on March 11, 2022, through the “Update on Federal Community Project Funding Requests” memorandum from Claudia Arko, Legislative Director, that the Consolidated Appropriations Act, 2022 was passed in March 2022 and included funding for 11 of the 20 County CPFR projects submitted for Congressional consideration. Each CPFR is being administered by the appropriate federal agency, and each project will be separately accounted for in Fund 50000, Federal-State Grant Fund. Attachment 1 lists the 11 projects, the County department responsible for administering the award, and the status of project funding. There is no set timeframe for when each federal agency will release the funding; however, as funding is released, a Board item will be submitted to formally appropriate the funding.

The U.S. Department of Labor has released the funding for the following Health Department project.

1. Stable Families, Thriving Futures: A Public Health Model Building Knowledge, Prevention, and Resilience Among Teens and Young Adults - \$1,000,000
Multiple demographic populations within Fairfax County not only experience higher rates of adolescent births relative to others but are also disproportionately impacted by adverse economic and social conditions, potentially limiting the availability of and access to resources for ensuring optimal health and financial well-being.

For the purposes of this grant, SFTF will focus on expectant and parenting teens and young adults 14 to 25 years, who are out of or in school, yet unemployed,

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along with other household members who face unique barriers to employment and struggle to effectively compete in the highly skilled and educated Northern Virginia labor market.

Through an extensive network of governmental and community partners, the SFTF program is designed to ensure access to available support services and promote the development of essential resiliency factors. SFTF will provide a mix of educational, case management, and support services that prioritize life skills development, job readiness, employment access and retention, responsible parenting and co-parenting, understanding trauma and building resiliency, responsible citizenship and community, health literacy, financial literacy, and capability.

FISCAL IMPACT:

Funding in the amount of \$1,000,000 from the U.S. Department of Labor has been received for a community funding project to the Health Department, which was included in the Consolidated Appropriations Act, 2022. No Local Cash Match is required. This grant does allow the recovery of indirect costs; however, Health Department has elected to omit inclusion of indirect costs to maximize funding in support of the program. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2023.

CREATION OF NEW POSITIONS:

There are no new grant positions associated with this funding.

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County Funded CPFR Projects

Attachment 2: Department of Labor, Notice of Award, Award #23A60CP000049-01-00

Attachment 3: Supplemental Appropriation Resolution AS 23218

STAFF:

Christopher A. Leonard, Deputy County Executive

Gloria Addo-Ayensu, MD, MPH, Director, Health Department

Christopher Revere, Deputy Director, Health Department

Anthony J. Mingo, Sr., Division Director, Health Department

Fairfax County Funded CPFR Projects

Project Title	Funded Amount	Department Administering the Award	Status of Project Funding
1. Homeownership: Down Payment and Closing Cost Assistance	\$1.03 million	Department of Housing and Community Development (HCD)	HCD staff is working with the federal agency to release funding.
2. Residences at Government Center II – Community Facility	\$1.5 million	HCD	HCD staff is working with the federal agency to release funding.
3. Stable Families, Thriving Futures	\$1.0 million	Health Department	Funding has been released by the federal agency administering the award and budget appropriation is being requested as part of this Board item.
4. Innovation Skills Hub: Apprenticeship Readiness Training Program	\$400,000	Department of Family Services	Accept Board Item on May 9, 2023
5. Local Inpatient Purchase of Services (LIPOS) and Discharge Assistance Planning (DAP) Data Collection and Management System	\$375,000	Fairfax-Falls Church Community Services Board (CSB)	Accept Board Item on December 6, 2022
6. Regional Projects Data Warehouse	\$800,000	CSB	Accept Board Item on December 6, 2022
7. Merrifield Crisis Response Center (MCRC) Reconstruction	\$2.0 million	CSB	Accept Board Item on December 6, 2022
8. Fair Ridge at West Ox Residential	\$1.7 million	HCD	HCD staff is working with the federal agency to release funding.
9. Pohick Road Sidewalk (I-95 to Richmond Highway)	\$1.0 million	Department of Transportation (DOT)	DOT staff is working with the federal agency to release funding.
10. Capital Bikeshare for Underserved Areas	\$1.0 million	DOT	DOT staff is working with the federal agency to release funding.
11. George Washington Memorial Parkway-Traffic and Safety Context Sensitive Solutions, Belle Haven to City of Alexandria	\$300,000	DOT	DOT staff is working with the federal agency to release funding.



Department of Labor

Attachment 2

Notice of Award

Award# 23A60CP000049-01-00

FAIN# 23A60CP000049

Federal Award Date: 03/23/2023

Recipient Information

1. Recipient Name

COUNTY OF FAIRFAX, VIRGINIA
10777 Main St STE 320
Fairfax County Health Department
Fairfax, VA 22030-6903
703-324-8087

2. Congressional District of Recipient

11

3. Payment System Identifier (ID)

1540787833A9

4. Employer Identification Number (EIN)

540787833

5. Data Universal Numbering System (DUNS)

074837626

6. Recipient's Unique Entity Identifier (UEI)

W2ZUFMBDM378

7. Project Director or Principal Investigator

Mr. Anthony Mingo Sr.
Project Director
anthony.mingo2@fairfaxcounty.gov
703-246-8797

8. Authorized Official

Sherryn Craig
Health Planner
sherryn.craig@fairfaxcounty.gov
703-246-8664

Federal Agency Information

ETA Office of Grants Management

9. Awarding Agency Contact Information

Mrs. Andrea Chism
Officer
Chism.Andrea.N@dol.gov
202-693-2655

10. Program Official Contact Information

Mr. Keith W Hubert
Workforce Development Specialist
US Department of Labor - ETA
hubert.keith@dol.gov
215-861-5212

Federal Award Information

11. Award Number

23A60CP000049-01-00

12. Unique Federal Award Identification Number (FAIN)

23A60CP000049

13. Statutory Authority

Workforce Innovation and Opportunity Act, P.L. 113-28, Section 169(c)

14. Federal Award Project Title

Stable Families, Thriving Futures (SFTF): A Public Health Model Building Knowledge, Prevention, and Resilience Among Teens and Young Adults

15. Assistance Listing Number

17.289

16. Assistance Listing Program Title

Community Project Funding/Congressionally Directed Spending

17. Award Action Type

New

18. Is the Award R&D?

No

Summary Federal Award Financial Information

19. Budget Period Start Date 04/01/2023 - **End Date** 03/31/2026

20. Total Amount of Federal Funds Obligated by this Action \$1,000,000.00

20a. Direct Cost Amount \$926,507.00

20b. Indirect Cost Amount \$73,493.00

21. Authorized Carryover \$0.00

22. Offset \$0.00

23. Total Amount of Federal Funds Obligated this budget period \$0.00

24. Total Approved Cost Sharing or Matching, where applicable \$0.00

25. Total Federal and Non-Federal Approved this Budget Period \$1,000,000.00

26. Period of Performance Start Date 04/01/2023 - **End Date** 03/31/2026

27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Period of Performance \$1,000,000.00

28. Authorized Treatment of Program Income

ADDITIONAL COSTS

29. Grants Management Officer - Signature

Ms. Aiyana Pucci
Grant Officer

30. Remarks



Department of Labor

Notice of Award

Award# 23A60CP000049-01-00

FAIN# 23A60CP000049

Federal Award Date: 03/23/2023

Recipient Information

Recipient Name

COUNTY OF FAIRFAX, VIRGINIA
10777 Main St STE 320
Fairfax County Health Department
Fairfax, VA 22030-6903
703-324-8087

Congressional District of Recipient

11

Payment Account Number and Type

1540787833A9

Employer Identification Number (EIN) Data

540787833

Universal Numbering System (DUNS)

074837626

Recipient's Unique Entity Identifier (UEI)

W2ZUFMBDM378

31. Assistance Type

Discretionary Grant

32. Type of Award

Other

33. Approved Budget

(Excludes Direct Assistance)

I. Financial Assistance from the Federal Awarding Agency Only

II. Total project costs including grant funds and all other financial participation

a. Salaries and Wages	\$520,498.00
b. Fringe Benefits	\$154,744.00
c. Total Personnel Costs	\$675,242.00
d. Equipment	\$0.00
e. Supplies	\$3,929.00
f. Travel	\$5,536.00
g. Construction	\$0.00
h. Other	\$19,800.00
i. Contractual	\$222,000.00
j. TOTAL DIRECT COSTS	\$926,507.00
k. INDIRECT COSTS	\$73,493.00
l. TOTAL APPROVED BUDGET	\$1,000,000.00
m. Federal Share	\$1,000,000.00
n. Non-Federal Share	\$0.00

34. Accounting Classification Codes

FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	CFDA NO.	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION
0501742223BD202301740026225CP000A0000AOFAM0AOFAM0	CP000049QF1	ETA	410023	17.289	\$1,000,000.00	01742223BD

AWARD ATTACHMENTS

COUNTY OF FAIRFAX, VIRGINIA

23A60CP000049-01-00

1. Terms and Conditions - Award Documents

Community Projects
Fairfax County Government, CP000049
Conditions of Award

As part of the Condition(s) of Award to receiving a Community Projects Grant, the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) has identified the following area(s) that require further clarification and/or modification.

A response to all Conditions of Award must be submitted to your FPO within 45 days of receipt of this grant award package. Please note that submittal of the required document(s) does not constitute approval by DOL/ETA. A grant modification will need to be submitted and final approval must be given by the Grant Officer (GO). Your Federal Project Officer (FPO) will review the documentation and then submit it to the GO for formal approval as a modification to the grant agreement. Once approved, the revised document(s) will comprise the official modification to this grant agreement and the special conditions will be resolved. Any questions related to the below items must be submitted to your FPO.

Condition 1 – Indirect Costs Clarification

Your organization has incorporated indirect costs into the budget, but has not submitted an acceptable NICRA.

To resolve, please either remove the indirect costs from the budget and request a budget realignment modification, submit a NICRA to confirm that the indirect costs were calculated accurately, or, if eligible, request the use of the 10 percent de minimis rate.

If your organization intends to claim indirect costs using the 10 percent de minimis rate, please confirm that your organization meets the requirements as described in 2 CFR Part 200.414(f). Clearly state that your organization does not have a current negotiated (including provisional) rate, and your organization is not one described in 2 CFR Part 200, Appendix VII of paragraph (D)(1)(b). Your organization must also clearly show how the de minimis base was calculated and which expenses are included in the base.

Applicants choosing to claim indirect costs using the de minimis rate must use Modified Total Direct Costs (see 2 CFR 200.1 below for definition) as their cost allocation base. Provide an explanation of which portion of each line item, along with the associated costs, are included in your cost allocation base. Note that there are various items not included in the calculation of Modified Total Direct Costs.

See the definitions below to assist in your organization's calculations.

- **2 CFR Part 200.1 Modified Total Direct Cost (MTDC)** means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of

performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may be excluded only when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

The definition of MTDC in 2 CFR 200.1 no longer allows any sub-contracts to be included in the calculation. Please note that participant support costs are not included in modified total direct cost. Participant support costs are defined below.

- **2 CFR 200.1 Participant Support Cost** means direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects.

Compliance Notification

Grant Recipient Training

Per TEGL 02-33, Appendix VIII, Community Project grant recipients are required to participate in all Employment and Training Administration training activities related to grant recipient orientation, financial management and reporting, performance reporting, product dissemination, and other technical assistance training as appropriate during the grant period.

Participate in a National Evaluation

As a condition of grant award, grantees are required to participate in a national evaluation, if undertaken by DOL. See TEGL 03-22 Appendix VI Special Program Requirements for more information.

If DOL decides that a national evaluation is not necessary, at minimum, grantees will be required to attend roundtable discussion briefings on prior DOL evaluation studies focused on promising practices to deliver workforce education and training programs. The goal of these roundtable discussions is to provide Community Project grantees with researched-based evaluation studies on lessons learned from various employment and training programs to support the development, implementation, and sustainability of these grant projects.

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 23218

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 May 23, 2023, at which a quorum was present and voting, the following resolution was adopted:

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

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7171, Health Department	
Grant:	1710054-2022, Stable Families, Thriving Futures	\$1,000,000

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$1,000,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: U.S. Department of Labor, \$1,000,000

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
May 23, 2023

ACTION - 1

Approval of Supplemental Appropriation Resolution AS 23237 to Accept Grant Funding and Authorization to Execute a Project Administration Agreement with the Virginia Department of Transportation for Implementation of the Revenue Sharing Funded Lincoln Street Project (Providence and Dranesville Districts)

ISSUE:

Board of Supervisors' approval of Supplemental Appropriation Resolution AS 23237 (Attachment 1) for the Fairfax County Department of Transportation (FCDOT) to accept Revenue Sharing funding from the Virginia Department of Transportation (VDOT) for the Lincoln Street project in the amount of \$8,097,045. This funding will be used for the design and construction of Lincoln Street. An equivalent Local Cash Match (LCM) is required and has been identified in Fund 30040, Contributed Roadway Improvements. Board authorization is also requested for the Director of FCDOT to execute a Project Administration Agreement (PAA) (Attachment 2), with VDOT on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 23237 to accept funding from VDOT in the amount of \$8,097,045 for the Lincoln Street project. An equivalent Local Cash Match, totaling \$8,097,045, will be met with funds from Fund 30040, Contributed Roadway Improvements. Funding will be used to advance design and construction of the project. No new positions are associated with this grant funding agreement. The County Executive also recommends the Board authorize the Director of FCDOT to execute a PAA with VDOT, substantially in the form of Attachment 2, for the funding and implementation of the project.

TIMING:

The Board should act on this item on May 23, 2023, so that FCDOT can continue implementation of project design.

BACKGROUND:

The Lincoln Street project is a new grid street connecting Old Meadow Road and Magarity Road in Tysons. This corridor will provide an alternative access from Old Meadow Road to the McLean area, bypassing portions of Route 123. New access is also provided from this new facility to Westgate Elementary School and other residential

Board Agenda Item
May 23, 2023

and institutional properties situated in the Magarity Road/Pimmit Hills area. The Tysons Area, particularly Tysons East, is projected to experience substantial growth in the next 40 years. Fairfax County's transportation efforts have focused on developing a refined street network to accommodate growth by distributing traffic across alternative routes and enhancing the urban quality of Tysons through enhancements to multimodal facilities. Lincoln Street will be a part of this improved street network serving Tysons. The project is included in the Tysons Comprehensive Plan Amendment approved by the Board of Supervisors in June 2010.

The Lincoln Street project will consist of a two-lane road with sidewalks on both sides and a bridge over Scott's Run. Additionally, the project includes dual mini roundabouts at the intersections along Magarity Road at Violet Ridge Place, east of Lincoln Street/Magarity Road intersection, and at Peabody Drive, west of Lincoln Street/Magarity Road intersection. The mini roundabouts will minimize right-of-way impacts and provide better access management and traffic operations to the existing private driveways along Magarity Road.

A feasibility study was completed in fall 2022 that included traffic analysis, a conceptual design, preliminary stormwater management analysis, and environmental evaluations. Design is 15 percent complete, and construction is estimated to begin in early 2027. A PAA with VDOT is required to appropriate the additional funding needed to complete project design.

EQUITY IMPACT:

The project is included in the Board's approved Transportation Priority Plan (TPP), and therefore not subject to an Equity Impact Analysis.

FISCAL IMPACT:

Revenue Sharing funding in the amount of \$8,097,045 has been received from VDOT to continue design and construction of the Lincoln Street project. VDOT Revenue Sharing requires that the locality provide an equivalent amount of funding, \$8,097,045, as a match; funding to satisfy the local share requirement is available in Fund 30040, Contributed Roadway Improvements, in Project 2G40-057-000, Tysons Grid of Streets Developer Contributions. Appropriation to the Fund 50000, Federal-State Grant Fund, totals \$7,622,807 as VDOT expenses are not accounted for in the County's financial system. This grant does not allow for the recovery of indirect costs. Formal budget appropriation will be requested at a quarterly review once the Standard Project Administration Agreement has been fully executed.

Board Agenda Item
May 23, 2023

It should be noted that the Total Project Estimate is currently \$47,934,575 and the County is responsible for the balance of the project expenses beyond the support provided by this Revenue Sharing agreement. Under the Tysons Comprehensive Plan, the County is seeking proffered contributions to support the implementation of the grid of streets; therefore, FCDOT will request the remaining required local funds be appropriated to Project 2G40-034-000, Countywide Developer Contributions, at each Carryover Review as proffer contributions are received. In the event that the proffer funding is not received in time for construction to proceed, Fund 40010, County and Regional Transportation Projects will provide the source of funding. No new General Fund resources are required.

CREATION OF NEW POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 23237

Attachment 2: Resolution to Authorize Staff to Execute a Project Administration Agreement with the Virginia Department of Transportation

Attachment 3: Project Administration Agreement for Lincoln Street Expansion (UPC 118307) including Related Appendices

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT

W. Todd Minnix, Chief, Transportation Design Division, FCDOT

Ray Johnson, Chief, Funding Section (FS), FCDOT

Smitha Chellappa, Senior Transportation Planner, FS, FCDOT

Christina Cain, Transportation Planner, FS, FCDOT

ASSIGNED COUNSEL:

John A. Dorsey, Assistant County Attorney

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 23237

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on May 23, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund

Agency: G4040, Department of Transportation \$7,622,807

Grant: 1400164-2023, Lincoln Street Project

Reduce Appropriation to:

Agency: G8787, Unclassified Administrative Expenses \$7,622,807

Fund: 500-C50000, Federal-State Grant Fund

Source of Funds: Virginia Department of Transportation, \$7,622,807

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on Tuesday, May 23, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT EXECUTION RESOLUTION

A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF
FAIRFAX, VIRGINIA
FOR THE EXECUTION OF AN AGREEMENT FOR THE
Lincoln Street from Old Meadow Road to Magarity Road
PROJECT

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project(s), if not already established, in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED, that the County of Fairfax requests the Commonwealth Transportation Board to establish a project(s), if not already established, for the funding of the Lincoln Street Improvements (VDOT project #9999-029-R21, UPC 118307) (“Project”).

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to provide its share of the local contribution, in accordance with the Project Administration Agreement (“PAA”, attached) and associated financial documents (Appendix A and B), executed pursuant to this Resolution.

BE IT FURTHER RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County’s Department of Transportation to execute, on behalf of the County of Fairfax, the PAA with the Virginia Department of Transportation, for the funding of the Project.

Adopted this 23rd day of May 2023, Fairfax, Virginia

ATTEST _____
Jill G. Cooper
Clerk for the Board of Supervisors

STANDARD PROJECT ADMINISTRATION AGREEMENT
State-aid Projects

Project Number	UPC	Local Government
9999-029-R21	118307	County of Fairfax

THIS AGREEMENT, is hereby made and executed in triplicate effective the date of the last (latest) signature set forth below, by and between the COUNTY OF FAIRFAX, VIRGINIA, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT. The DEPARTMENT and the LOCALITY are collectively referred to as the “Parties.”

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown in Appendix A is hereinafter referred to as the “Project;” and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project and the funding currently allocated or proposed for the Project does not include Federal-aid Highway funds; and

WHEREAS, the LOCALITY is committed to the development and delivery of the Project in an expeditious manner; and

WHEREAS, the LOCALITY is responsible for administering the Project in accordance with DEPARTMENT guidelines, including the most current *Locally Administered Projects Manual* (“LAP Manual”), and with the program specific requirements shown in Appendix B, based on the nature of the allocated funding for the Project as shown in the Appendix A; and

WHEREAS, the LOCALITY's governing body has by resolution, demonstrated the LOCALITY'S commitment to provide local funding for the Project as contemplated by this Agreement and further, by resolution or otherwise, authorized its designee to execute this Agreement, and said authorizations are attached hereto.

WHEREAS, the Parties have concurred in the LOCALITY's administration of all phases of work for the Project in accordance with applicable federal, state and local laws and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the Parties hereto agree as follows:

1. The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section 1.
2. The LOCALITY shall:

- a. Be responsible for all activities necessary to complete the noted phase(s) of the Project as shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as expressly required by federal or state laws and regulations, or as otherwise agreed to, in writing, between the Parties. Every phase of the Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards when the facilities are locally maintained and shall further comply with all supplementary standards established by the DEPARTMENT when the facilities are maintained by the DEPARTMENT.
- b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, all applicable Commonwealth Transportation Board and DEPARTMENT policies, and those additional requirements as identified in Appendices A and B to this Agreement. Noncompliance with this requirement may result in deallocation of the funding from the Project, rescission of state funding match, termination of this Agreement, or the DEPARTMENT denial of future requests to administer projects by the LOCALITY, all of which actions are at the discretion of the DEPARTMENT or as can be taken pursuant to applicable laws, regulations or policies.
- c. Administer the Project in accordance with the DEPARTMENT's most current LAP Manual and other guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- d. Provide timely certification by a LOCALITY official of the LOCALITY'S compliance with applicable laws and regulations on the **State Certification Form for State Funded Projects** or in another manner as prescribed by the DEPARTMENT.
- e. Maintain accurate and complete records of the Project's development as required in the LAP Manual and any supplemental guidance and directives of the DEPARTMENT and retain documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT upon request. Records and documentation for the Project shall be maintained for no less than three (3) years following the DEPARTMENT'S acceptance of the final voucher on the Project.
- f. At least quarterly, but no more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of vendor and contractor invoices paid by the LOCALITY, an up-to-date Project summary and schedule, and a summary of all payment requests, payments and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the LOCALITY. Reimbursement for eligible expenditures shall not exceed funds allocated each year for the Project by the Commonwealth Transportation Board in the Six Year Improvement Program.
- g. Reimburse the DEPARTMENT for all Project expenses incurred by the DEPARTMENT if, due to action or inaction of the LOCALITY, the Project becomes

ineligible for state reimbursement, or in the event the reimbursement is required by the provisions of § 33.2-214 or § 33.2-331 of the Code of Virginia (1950) as amended, or other applicable provisions of state law or regulations.

- h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
 - i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the Project may result in forfeiture of state-aid reimbursements
 - j. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the Project.
 - k. Provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT. Where the Project results in physical construction, the LOCALITY will continue to operate and maintain the Project in accordance with the final constructed design as approved by the DEPARTMENT. The LOCALITY agrees that any modification of the approved design features, without the approval of the DEPARTMENT, may, at the discretion of the DEPARTMENT, result in restitution either physically or monetarily as determined by the DEPARTMENT.
3. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals, within a reasonable time, which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 2.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. Where applicable, submit invoices to the LOCALITY for the LOCALITY's share of eligible Project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a. and 3.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.
 - e. Upon LOCALITY'S request, make available to the LOCALITY guidelines to assist the Parties in carrying out responsibilities under this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to § 33.2-1011 of the Code of Virginia (1950), as amended.
5. Nothing in this Agreement shall obligate the Parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. State and federal Project funding is limited to those identified in the Appendix A of this Agreement and is allocable only upon LOCALITY'S compliance with all requirements of this Agreement. In the event the cost of all or part of the Project is anticipated to exceed the allocation shown on Appendix A, the Parties agree to cooperate in seeking additional funding for the Project or to terminate the Project before Project costs exceed the allocated amount. Any requested increase in federal or state funding is subject to DEPARTMENT policy and procedures applicable to the funding source and is not guaranteed.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and capacity and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either Party, in their individual or personal capacity, for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either Party upon 30 days advance written notice to the other Party. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs, 2.g., 2.h, and 3.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the

Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

10. Prior to any action pursuant to paragraphs 2.b or 2.h of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the LOCALITY'S breach of this Agreement. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement or at law or in equity.
11. THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the Parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any Party.
12. THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to the Project, this Agreement is no longer applicable. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects upon execution of which this Agreement shall be terminated.
13. THIS AGREEMENT, when properly executed, shall be binding upon both Parties, their successors, and assigns.
14. THIS AGREEMENT may be modified only in writing by mutual agreement of the Parties.

The remainder of this page is BLANK

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF FAIRFAX, VIRGINIA:

Signature

Typed or printed name of signatory

Title

Date

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Chief of Policy

Commonwealth of Virginia

Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A

Appendix B

Appendix A - Locally Administered

Version: Original

Prepared Date: 4/17/2023

Project Details

UPC: 118307	State Project #: 9999-029-R21	CFDA #: N/A	Locality UEI #: W2ZUFMBDM378
Locality: County of Fairfax		Address: 4050 Legato Road, Suite 400, Fairfax, VA 22033-2867	
Work Description: LINCOLN STREET (NEW CONNECTION). New roadway to provide additional connection between Old Meadow Road and Magarity Road in Tysons.			Project Location (Zip +4) 22102-4301

Project Points of Contact

Locality Project Manager Name: Sonia Shahnaj Phone: 703-877-5733 Email: Sonia.Shahnaj@fairfaxcounty.gov	VDOT Project Coordinator Name: Tienjung Ho Phone: 703-259-2752 Email: Tien-Jung.Ho@VDOT.Virginia.gov
---	--

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total
Estimated Locality Project Expenses	\$3,365,876	\$19,249,835	\$24,844,626	\$47,460,337
Estimated VDOT Project Oversight	\$347,700	\$14,500	\$112,038	\$474,238
Estimated VDOT Project Services (Appendix C)	\$0	\$0	\$0	\$0
Estimated Total Project Costs	\$3,713,576	\$19,264,335	\$24,956,664	\$47,934,575

Project Financing

Allocated Funds Type	Allocated Funds Amount	Local % Participation	Local Share Total	Max Reimbursement to Locality	Total Estimated Reimbursement to Locality
Revenue Sharing	\$16,194,090	50%	\$8,097,045	\$8,097,045	
Local Funds	\$31,740,485	100%	\$31,740,485	\$0	
Funding Totals	\$47,934,575		\$39,837,530	\$8,097,045	\$7,622,807

Note - The funds order is not indicative of the actual spend order of funds on the project.

This Appendix A supersedes all previous versions signed by VDOT and the LOCALITY for the Project.

_____ Authorized Locality Official	_____ Date
_____ Printed Name of Locality Official	
_____ Title of Locality Official	

_____ Authorized VDOT Official	_____ Date
Ray Burkhardt _____ Printed Name of VDOT Official	
Local Agreements Manager _____ Title of VDOT Official	

This attachment is certified and made an official attachment to this document by the Parties to this Agreement.

Updated June 2022

Locally Administered State-Aid Agreement

Appendix B – Special Funding Program Conditions and Requirements

Project Number	UPC	Local Government
9999-029-R21	118307	County of Fairfax

SMART SCALE

Administration of this Project, including but not limited to Project estimate, schedule and commitment to funding, is subject to the requirements established in the Commonwealth Transportation Board's (CTB's) most current *Policy for Implementation of the SMART SCALE Project Prioritization Process*, the applicable requirements of the Code of Virginia, and VDOT's applicable *Instructional and Informational Memoranda*.

Without limiting the foregoing, this Project has been selected through the Smart Scale (HB2) application and selection process and will remain in the Six-Year Improvement Plan as a funding priority unless certain conditions set forth in the CTB's most current *Policy for Implementation of a Project Prioritization Process* arise. Pursuant to the CTB's *Policy for Implementation of a Project Prioritization Process*, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent SMART SCALE prioritization cycle to account for a cost increase on a previously selected project.

This Project shall be initiated and at least a portion of the Project's programmed funds expended within one year of the budgeted year of allocation or funding may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the CTB, the LOCALITY or the localities within the metropolitan planning organization may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the DEPARTMENT for all state and federal funds expended on the Project.

Revenue Sharing

This Project shall be administered in accordance with VDOT's most current *Revenue Sharing Program Guidelines*.

Without limiting the foregoing, the Project shall be initiated such that at least a portion of the Revenue Sharing Funds are expended within one year of allocation. For any project that has not been initiated within one year, the CTB has the discretion to defer consideration of future allocations until the project moves forward. Further, if the Project has not been initiated within two fiscal years subsequent to the allocation of Revenue Sharing Funds, the Revenue Sharing

Funds for the Project may be subject to deallocation from the Project at the discretion of the CTB.

Economic Access

This Project shall be administered in accordance with VDOT's most current *Economic Development Access Program Guide*.

Airport Access

This Project shall be administered in accordance with VDOT's most current *Airport Access Program Guide*.

Recreational Access

This Project shall be administered in accordance with VDOT's most current *Recreational Access Program Guide*.

Authorized Locality Official Signature and Date

Printed Name of Locality Official

Board Agenda Item
May 23, 2023

CONSIDERATION - 1

Amendments to the Architectural Review Board Bylaws

ISSUE:

Approval of proposed amendments to the bylaws for the Fairfax County Architectural Review Board (ARB).

TIMING:

Board consideration is requested on May 23, 2023.

BACKGROUND:

At its March 9, 2023, meeting, the ARB approved the proposed bylaws as attached to this item. The ARB revised these bylaws to allow for the ARB to not meet during the month of August, conform the bylaws' language with VFOIA's current statutes, and reflect the current number of Historic Overlay Districts.

These changes can be seen in the strikethrough copy of the draft bylaws included in Attachment 2.

EQUITY IMPACT:

None

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Fairfax County Architectural Review Board Bylaws
Attachment 2: Proposed Fairfax County Architectural Review Board Bylaws-
strikethrough

Board Agenda Item
May 23, 2023

STAFF:

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

Leanna H. O'Donnell, Director, Planning Division (PD), DPD

Denice Dressel, Branch Chief, Heritage Resources and Plan Development Branch, PD,
DPD

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

**FAIRFAX COUNTY
ARCHITECTURAL REVIEW BOARD**

BYLAWS

Date of Original Adoption: June 2008
Date of Revisions Adoption: May 2023

The Fairfax County Architectural Review Board adopts these Bylaws for its rules and procedures for the transaction of its business for the benefit and convenience of the citizens of Fairfax County ("County").

**ARTICLE I.
NAME**

The official name of this board is the Fairfax County Architectural Review Board hereinafter referred to as "ARB."

**ARTICLE II.
ORIGIN, AUTHORITY AND PURPOSE FOR THE ARB**

2.1. Origin and Authority. The ARB was authorized by vote of the Board of Supervisors of Fairfax County ("Board of Supervisors") on November 22, 1967, to oversee and administer Fairfax County regulations concerning certain physical changes and uses within Historic Overlay Districts in Fairfax County as designated by the Board of Supervisors, and to assist the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County, pursuant to Section 15.1-503.2 of the Code of Virginia (the current citation is Va. Code § 15.2-2306 (2012)), which authorized local governments to establish such historic districts and review boards. The ARB was established as Article 8, subsection 8103.4 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"); the Zoning Ordinance itself is Chapter 112 of the 1976 Code of the County of Fairfax.

2.2. Purpose of the Architectural Review Board Pursuant to Article 8, subsection 8103.4 of the Zoning Ordinance, the purpose of the ARB is to administer the regulations of Historic Overlay Districts under Article 3, subsection 3101 of the Zoning Ordinance, and to advise and assist the Board of Supervisors in its efforts to preserve and protect historic, architectural, and archaeological resources in Fairfax County. To carry out those purposes, the ARB has the following duties and powers pursuant to Article 8, subsection 8103.4 of the Zoning Ordinance:

- 43 (a) In a Historic Overlay District, to hear and decide applications for building
44 permits and sign or small cell facility permits as provided for in Article 3,
45 subsection 3101 the Zoning Ordinance.
46
- 47 (b) To review and make recommendations on all applications for rezoning,
48 special permit, special exception and variance, and any site plan,
49 subdivision plat, and grading plan in Historic Overlay Districts.
50
- 51 (c) To propose, as deemed appropriate, the establishment of additional
52 Historic Overlay Districts and revisions to existing Historic Overlay
53 Districts.
54
- 55 (d) To assist and advise the Board of Supervisors, the Fairfax County
56 Planning Commission, and other County departments and agencies in
57 matters involving historically, architecturally, culturally, or
58 archaeologically significant sites and buildings such as appropriate land
59 usage, parking facilities, and signs.
60
- 61 (e) To advise owners of historic buildings or structures on problems of
62 preservation.
63
- 64 (f) To formulate recommendations concerning the establishment of an
65 appropriate system of markers for Historic Overlay Districts and selected
66 historic sites and buildings, including proposals for the installation and
67 care of such markers.
68
- 69 (g) To cooperate with and enlist assistance from the Fairfax County History
70 Commission, the Virginia Department of Historic Resources, the National
71 Trust for Historic Preservation, and other interested parties, both public
72 and private, in its efforts to preserve, restore, and conserve historic,
73 cultural or archaeological buildings, sites, or areas in the County.
74
- 75 (h) To make available to the Fairfax County Library, on request, copies of
76 reports, maps, drawings, and other documents bearing on the historical
77 significance and architectural history of landmarks considered by or
78 brought to the attention of the ARB, and permit copies thereof to be made
79 for permanent keeping in the library's historical collection.
80
- 81 (i) To employ secretarial assistance and pay salaries, wages, and other
82 incurred necessary expenses, pursuant to appropriations by the Board of
83 Supervisors.
84

85 2.3. Purpose of Historic Overlay Districts. At the time of adoption of these Bylaws,
86 Fairfax County has fifteen (15) Historic Overlay Districts. In addition, pursuant to a
87 Memorandum of Agreement regarding the disposal of the Lorton Correctional Complex finalized

June 28, 2001, the area identified as the National Register-eligible Historic District is subject to the jurisdiction of the ARB as if it were a Fairfax County designated historic overlay district.

As provided in Article 3, subsection 3101.1 of the Zoning Ordinance, Historic Overlay Districts are specifically delineated general areas or individual structures and premises of the County that have been officially designated by the Board of Supervisors as having historical, cultural, architectural, or archaeological significance and which are created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places, and areas.

Regulations within historic districts are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archaeological heritage of the County; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced. The historic overlay district regulations are intended to encourage uses that will lead to the continuance, conservation, and improvement of such significant areas, structures, and premises within the districts in accordance with the following purposes specified in Article 3, subsection 3101.1 of the Zoning Ordinance:

- (a) To preserve and improve the quality of life for residents of the County by protecting and preserving familiar visual elements in the district.
- (b) To promote tourism by protecting heritage resources attractive to visitors to the County and thereby supporting local business and industry.
- (c) To promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.
- (d) To educate residents of the County about the heritage resources within the district and to foster a sense of pride in this heritage.
- (e) To foster local heritage resource identification and preservation efforts and to encourage the nomination by their owners of qualified properties for listing on the National Register of Historic Places and the Virginia Landmarks Register.
- (f) To prevent, within the district, the encroachment of new buildings or structures, and additions or attachments, which are architecturally incongruous with the visual and historic character of the district.

- (g) To ensure that new development within the district is appropriate and that new structures are well designed.

ARTICLE III. MEMBERSHIP AND TERM OF OFFICE

3.1. Appointment of Members. Members of the ARB are appointed by vote of the Board of Supervisors in accordance with Article 8, subsection 8103.4(f) the Zoning Ordinance. The ARB shall be composed of eleven (11) voting Members who shall be residents of the County. Ten (10) of the Members shall be appointed by the Board of Supervisors as follows:

- A. Two (2) licensed architects, at least one of whom must meet the Secretary of the Interior's Professional Qualification Standards for Historic Architecture as published in 36 CFR Part 61.
- B. One (1) licensed landscape architect.
- C. One (1) lawyer who is an active member in good standing with the Virginia State Bar.
- D. One (1) archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology as published in 36 CFR Part 61.
- E. One (1) historian who meets the Secretary of the Interior's Professional Qualification Standards for History as published in 36 CFR Part 61 or one (1) architectural historian who meets the Secretary of the Interior's Professional Qualification Standards for Architectural History as published in 36 CFR Part 61.
- F. The other Members appointed by the Board of Supervisors shall be drawn from the ranks of related professional groups such as historians, architectural historians, architects, landscape architects, archaeologists, engineers, land-use planners, lawyers, and real estate brokers.

The eleventh Member shall be an ex officio Member from, and shall be chosen by, the Fairfax County History Commission, who shall be drawn from the ranks of related professional groups or who meets the Secretary of the Interior's Professional Qualification Standards for one of the disciplines cited in A, D, or E.

3.2. Term of Office. Members shall serve for such term or terms as established by the Board of Supervisors. Members other than the Member from the History Commission, who is chosen by the History Commission, shall be appointed to serve for a term of three (3) years or until their successor has been appointed. Terms shall be staggered with three (3) Members appointed every year except that four (4) Members shall be appointed every third year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

173
174 3.3. Vacancies. In the event a Member cannot serve or resigns from office, then the
175 Chairperson, the Recording Secretary, or the County staff Administrator to the ARB shall advise
176 the Clerk to the Board of Supervisors of the vacancy in writing. If a Member completes his or
177 her term of office, remains qualified to serve as a Member, and the Board of Supervisors has not
178 reappointed that Member to another term or appointed a successor Member, then that person
179 may continue to serve as a Member until such time as the Member is reappointed or a successor
180 Member is appointed.

181
182 **ARTICLE IV.**
183 **OFFICERS AND DUTIES**
184

185 4.1. Officers. The ARB shall elect a Chairperson, Vice-Chairperson, and Recording
186 Secretary, and may elect a Treasurer. Officers shall be elected by a majority vote of all voting
187 Members. Each term of office will be one-year, and officers may be elected to successive terms
188 except as stated in Section 4.2. A vacancy occurring during an officer's term shall be filled in
189 the same manner, but the replacement shall be elected only to serve the unexpired balance of the
190 term. Prior to the election of any replacement officer, the Fairfax County Staff Administrator to
191 the ARB will provide all Members with notice of the proposed election before the meeting at
192 which the replacement is to be elected. The officers' duties are as follows:

- 193
194 (a) Chairperson. The Chairperson shall preside at all meetings and decide all
195 points of order and procedure, subject to these Bylaws, unless directed
196 otherwise by a majority vote of the ARB Members properly in session at
197 the time. As and to the extent stated in Article VIII below, the Chairperson
198 shall appoint all committees.
199
200 (b) Vice-Chairperson. The Vice-Chairperson shall serve as acting Chairperson
201 in the absence of the Chairperson, and at such times the Vice-Chairperson
202 shall have the same powers and duties as the Chairperson.
203
204 (c) Recording Secretary. The Recording Secretary shall take minutes of the
205 ARB meetings. The Recording Secretary shall record accurately all
206 motions made and voted upon, and have the minutes distributed through
207 the Fairfax County ARB Staff Administrator to Members of the ARB no
208 later than one week prior to the next meeting. The Recording Secretary
209 need not be a Member of the ARB.
210
211 (d) Treasurer. If the ARB chooses to elect a Treasurer, the Treasurer shall
212 advise membership and County staff, as required, on the ARB budget and
213 expenditure of funds.
214

215 4.2. Term Limitations. No Member shall serve as Chairperson for more than four (4)
216 consecutive one-year terms.
217

218 4.3. Terms and Elections. Terms for officers shall begin in January of each calendar
219 year. Election of officers for the succeeding calendar year shall take place no later than the
220 regular December meeting of the ARB.
221
222
223
224

225 **ARTICLE V.**
226 **MEETINGS AND VOTING**
227

228 5.1. Meetings. The ARB shall have regular monthly meetings on the second Thursday
229 of each month, except the month of August, at 6:30 p.m. at the Fairfax County Government
230 Center or at such other time and/or place designated by the ARB, and shall have such other
231 special meetings from time to time at the times and places designated by the Chairperson of the
232 ARB. Nothing in this section shall prohibit the ARB from having a monthly August meeting or
233 any other special meeting in accordance with the provisions of these bylaws. The ARB may
234 change the time and place of regular monthly meetings as it deems appropriate. The Fairfax
235 County ARB Staff Administrator shall notify all Members of the ARB of the time and place of
236 any special meetings at least five (5) days in advance of the meeting. All meetings shall be
237 conducted in accordance with the Virginia Freedom of Information Act, Virginia Code
238 §§ 2.2-3700 *et seq.*, as amended (“VFOIA”), and except for closed sessions, all meetings shall be
239 open to the public. “Meeting” or “meetings” means the meetings including work sessions, when
240 sitting physically, or through electronic communication means pursuant to the VFOIA or other
241 applicable Virginia law , as a body or entity, or as an informal assemblage of as many as three
242 members of the constituent membership, wherever held, with or without minutes being taken,
243 whether or not votes are cast, of any public body.
244

245 The Fairfax County ARB Staff Administrator shall give at least three (3) working days’
246 prior public notice of the date, time, and location of its meetings in accordance with Virginia
247 Code § 2.2-3707. Notice, reasonable under the circumstances of special or emergency meetings,
248 shall be given by the Fairfax County ARB Staff Administrator contemporaneously with the
249 notice provided to Members of the ARB. Notice of all meetings shall be provided to the Office
250 of Public Affairs for posting at the Government Center and on the County Internet site. Also,
251 notices for all meetings shall be placed at a prominent public location by the Fairfax County
252 ARB Staff Administrator. All meetings shall be conducted in places that are accessible to
253 persons with disabilities, and all meetings shall be conducted in public buildings whenever
254 practical.
255

256 At any meeting, at least one copy of the agenda and, unless exempt under the VFOIA, all
257 materials furnished to Members of the ARB shall be made available for public inspection at the
258 same time such documents are furnished to the Members. Any person may photograph, film,
259 record, or otherwise reproduce any portion of a meeting required to be open, but no person
260 broadcasting, photographing, filming or recording any open meeting may interfere with any of
261 the proceedings.
262

Minutes of all regular and special meetings of the ARB shall be approved by majority vote of the voting Members present. The minutes shall include: (1) the date, time, and location of each meeting; (2) the Members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

5.2. Quorum. A quorum of six (6) voting Members present is required for consideration of any matter.

5.3. Voting. Any action taken shall require the affirmative vote of a majority of the voting Members present during consideration of a properly called matter. All votes of Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or proxy. All voting Members who are present at the meeting, including the Chairperson, may vote at any meeting.

5.4. Expenditures. All expenditures shall be in furtherance of the purposes of the ARB, and shall include costs of training and education of the Members as approved by the ARB. No expenditure shall inure to the private interest of any Member. No expenditure of ARB funds shall be made without prior approval of the ARB.

5.5. Conflicts of Interest. A Member shall exempt himself or herself from taking part in the hearing, consideration, or determination of any matter before the ARB in which the Member has a personal interest such that he or she is disqualified from participation under the Virginia Conflicts of Interest Act ("COIA"), including but not limited to § 2.2-3112 of the COIA addressing prohibited conduct, or that would qualify as a conflict of interest as defined in any rule, regulation, or guideline of the Virginia Department of Historic Resources or of the National Park Service.

5.6. Attendance at Meetings. Members are expected to attend all regular and special meetings of the ARB unless excused. Members may request to be excused from a meeting following submission of a valid excuse in advance to the Chairperson or Vice Chairperson, when requested by the Chairperson.

Absence from ARB meetings does not exclude Members from providing comments on action and administrative items in the meeting agenda. If a member has comments and cannot attend the meeting, the requesting Member must provide written comments to the Chairperson and ARB Administrator in advance of the meeting so their comments can be included in the record.

Members with three unexcused absences in any twelve-month period will be reminded by the Chairperson in writing of the importance of full participation in ARB meetings and activities. After four unexcused absences in a twelve-month period, the Chairperson shall notify the Clerk to the BOS and the appropriate appointing Supervisor, of the Member's repeat absences. After five unexcused absences in a twelve-month period, the Member's position shall

308 be declared vacant. The determination of an excused absence for valid reason shall be made by
309 the Chairperson, subject to review by the full ARB for an appeal of a determination by the
310 Chairperson that a Member's absence is not excused.

311
312 5.7. Conduct of Meetings.

313
314 (a) Order of Meeting: The order of business at regular meetings shall be as
315 follows:

- 316
317 1. Determination of quorum
318 2. Declaration of purpose of the ARB
319 3. Approval of agenda
320 4. Consent Agenda items requiring board action
321 5. Application or other Agenda items requiring ARB action
322 6. Workshop sessions with prospective applicants
323 7. Other items, such as:
324 • Treasurer's Report
325 • Staff Report
326 • Other
327 8. Adjourn
328

329 (b) Consideration of Applications: Applicants or other interested persons may
330 appear in person or by agent at the meeting. The order of business for
331 consideration of applications for action by the ARB shall be as follows:

- 332 1. The Chairperson, or such person as she or he shall direct, shall give
333 a preliminary statement concerning the application;
334
335 2. The applicant may present statements in support of his or her
336 application;
337
338 3. Members of the public other than the applicant either in favor or
339 opposed to granting the application may present statements
340 concerning the application;
341
342 4. Statements or arguments submitted by any official, commission, or
343 department of the County of Fairfax, any state agency, or any local
344 historical, preservation or neighborhood association shall be
345 presented as directed by the Chairperson;
346
347 5. ARB Members, including the Chairperson, may discuss the
348 application;
349
350 6. An ARB Member, other than the Chairperson, may introduce a
351 motion. The names of the ARB Members making and seconding
352 motions shall be recorded.

- 353
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7. The ARB may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision.
 8. In the event that facts other than those presented at a meeting at which an application has been considered are relied upon to support a decision, such facts shall be stated for the record.
 9. Decisions of the ARB may be accompanied by such conditions and/or recommendations as may be reasonable under the circumstances to effectuate the purposes of the Zoning Ordinance.
 10. Procedures may be modified by the ARB.

366
367
368

ARTICLE VI. RULES GOVERNING ACTIONS OF THE BOARD

369 The ARB is governed by the following:

370
371 6.1. Ordinances/Regulations. The ARB shall be governed by the Zoning Ordinance
372 Article 3, subsection 3101, specifically as applicable to Historic Overlay Districts and generally
373 by Historic District Guidelines adopted from time to time for each historic overlay district
374 pursuant to the Zoning Ordinance, by other applicable provisions of the 1976 Code of the County
375 of Fairfax, Virginia, and by the Code of Virginia.

376
377 6.2. Rules of Procedure. Procedural matters of the ARB, including the rules for
378 conducting public meetings of the ARB, which are not otherwise governed by these By-Laws,
379 ordinance, regulation, or statute, shall be carried out in accordance with *Roberts Rules of Order,*
380 *Newly Revised.* Except as specifically authorized by the VFOIA, no meeting shall be conducted
381 through telephonic, video, electronic, or other communication means where the Members are not
382 all physically assembled to discuss or transact public business.

383
384 6.3 Participation as Consulting Party. The ARB shall notify the BOS in advance of any
385 request to be identified as a consulting party, pursuant to Section 106 of the National Historic
386 Preservation Act (54 USC § 306108) (NHPA) and its implementing regulations, “Protection of
387 Historic Properties” (36 CFR Part 800). When the ARB has identified an interest in a proposed
388 Federal undertaking that has the potential to cause effects on historic properties within Fairfax
389 County, the ARB shall notify the Clerk of the BOS, the Chairman of the Board, the appropriate
390 District Supervisor, and the County Attorney of its intent to be identified as a consulting party at
391 least fifteen days prior to transmitting any such correspondence to the lead Federal agency
392 responsible for conducting the Section 106 review. The ARB’s participation as a consulting party
393 does not preclude or modify the County’s ability to participate as a consulting party.
394

395 If identified as a consulting party, the ARB through representation by its Members may
396 participate in consultation meetings and provide comments on determinations of eligibility,
397 findings of effect, and measures to resolve adverse effects. Formal comments conveyed in
398 writing by the ARB shall be shared with the Chairman of the BOS, the Clerk to the BOS and
399 appropriate District Supervisor and the County Attorney prior to conveying them to the lead
400 Federal agency. Further, the ARB through signature of the Chairperson or Vice Chairperson may
401 elect to sign an agreement document developed pursuant to the Section 106 process as a
402 concurring party.

403
404 **ARTICLE VII.**
405 **GENERAL PRINCIPLES GOVERNING DECISIONS**
406

407 Subject to the terms of Article VI, in making its decisions the ARB will consider all
408 standards, criteria, and considerations required under Article 3, subsection 3101f the Fairfax
409 Zoning Ordinance, guidelines established for specific historic overlay districts, and the following
410 factors and general principles as applicable to particular applications:

411
412 7.1. Factors Considered:
413

- 414 (a) The historical or architectural value and significance of a building or
415 structure and its relationship to or congruity with the historic value of the
416 land, place, or area in the historic area upon which it is proposed to be
417 located, constructed, reconstructed, altered, or repaired.
418
419 (b) The appropriateness of the exterior architectural features of such building
420 or structure to such land, place, or area and its relationship to or congruity
421 with the exterior architectural features of other land, places, areas,
422 buildings, or structures in the historic area and environs.
423
424 (c) The general exterior design, arrangement, textures, materials, planting,
425 and color proposed to be used in the location, construction, alteration, or
426 repair of the building, structure, or improvement, and the types of
427 windows, exterior doors, lights, landscaping, and parking viewed from a
428 public street, public way, or other public place and their relationship to or
429 congruity with the other factors to be considered by the ARB.
430

431 7.2. Principles: Keeping in mind the purposes and objectives of the Historic Overlay
432 Districts and the above-stated factors, decisions of the ARB are governed by the following
433 general principles:
434

- 435 (a) Architectural Variety: The beauty of a district depends upon contrast,
436 complexity, and variety, rather than upon uniformity.
437
438 (b) Architectural Integrity: Because buildings vary widely, what is
439 appropriate for one building may be inappropriate for another. The ARB

440 treats each building as having its own integrity and, thus, gives each
441 building individual consideration.

442
443 (c) Preservation: Preservation of historically significant features within an
444 historic overly district is a goal of the ARB, under the following
445 guidelines:

- 446
447 1. Every reasonable effort shall be made to provide a compatible use
448 for a property which requires minimal alteration of the building,
449 structure, or site and its environment, or to use a property for its
450 originally intended purpose.
- 451
452 2. The distinguishing original qualities or character of a building,
453 structure, or site and its environment shall not be destroyed. The
454 removal or alteration of any historic material or distinctive
455 architectural features should be avoided when possible.
- 456
457 3. All buildings, structures, and sites shall be recognized as products
458 of their own time. Alterations that have no historical basis and
459 which seek to create an earlier appearance shall be discouraged.
- 460
461 4. Changes which may have taken place over the course of time are
462 evidence of the history and development of a building, structure, or
463 site and its environment. These changes may have acquired
464 significance in their own right, and this significance shall be
465 recognized and respected.
- 466
467 5. Distinctive stylistic features or examples of skilled craftsmanship
468 which characterize a building, structure, or site shall be treated
469 with sensitivity.
- 470
471 6. Deteriorated architectural features shall be repaired rather than
472 replaced, wherever possible. In the event replacement is
473 necessary, the new material should match the material being
474 replaced in composition, design, color, texture, and other visual
475 qualities. Repair or replacement of missing architectural features
476 should be based on accurate duplications of features, substantiated
477 by historic, physical, or pictorial evidence rather than on
478 conjectural designs or the availability of different architectural
479 elements from other buildings or structures.
- 480
481 7. The surface cleaning of structures shall be undertaken with the
482 gentlest means possible. Sandblasting and other cleaning methods
483 that will damage the historic building materials shall not be
484 undertaken.

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8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent, to any project.
 9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (d) Improvement: The goal of the ARB is to approve design, materials, and construction techniques that improve a property, rather than diminishing its character or value.
- (e) Architectural Congruity: The ARB oversees districts rather than simply individual structures and therefore seeks to preserve, improve, and encourage harmonious visual relationships among the buildings within each district. The ARB stresses the role that design elements play in making buildings within a given area harmonize, including but not limited to consideration of the following design elements:
- Scale
 - Fenestration (window size, number, style, and arrangement)
 - Roof pitch
 - Proportions of building
 - Placement and shape of entrance
 - Detailing
 - Color
 - Materials
 - Set backs

521 **ARTICLE VIII.**

522 **COMMITTEES**

523

524 All Committees shall be appointed by the Chairperson, except the Nominating
525 Committee which shall be appointed by majority vote of the Members. The ARB may establish
526 as many committees as may be required to perform its function. All meetings of any committees
527 shall comply with the notice and other requirements of the VFOIA, as per paragraph 5.1 above.
528 To the extent practicable, any such committees shall be composed of at least four Members.
529

530 8.1. Purposes and Establishment of Committees. Committees may be established to
531 investigate any matters before the ARB, as determined by a majority vote of the ARB.
532

533 8.2. Nominating Committee. The Nominating Committee shall meet in November of
534 each year to nominate a slate of officers in preparation of the December election.
535

536 8.3. Bylaws Committee. The Bylaws Committee shall ensure that the Bylaws are
537 current and shall recommend amendments when changes are appropriate.
538
539

540 **ARTICLE IX.**

541 **ANNUAL REPORT**

542

543 The ARB shall prepare an annual written report to the Board of Supervisors that
544 describes the actions and activities conducted in the previous year and any plans and/or
545 recommendations for future action and activities. The Chairperson shall provide the report to the
546 Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors
547 and to the County Executive.
548

549 **ARTICLE X.**

550 **COMPLIANCE WITH LAW AND COUNTY POLICY**

551

552 The ARB and its Members shall comply with all Virginia laws, including, but not limited
553 to, the VFOIA and COIA, with all County ordinances, and with all County policies concerning
554 the activities of its boards, authorities, and commissions.
555

556 **ARTICLE XI.**

557 **AMENDMENTS TO BYLAWS**

558
559

560 These Bylaws may be amended at any regular meeting of the ARB by a two-thirds
561 majority vote by those Members present and voting, provided notice of the proposed amendment
562 has been given to Members at the previous regular meeting or has been mailed to Members at
563 least ten days prior to the meeting. Upon approval of any bylaws amendments by the ARB, the
564 bylaws shall be submitted to the Board of Supervisors for its approval.
565

566 **ARTICLE XII.**

567 **DISSOLUTION**

568

569 In the event of dissolution of the ARB, all remaining assets derived from County funding
570 after payment of all obligations shall be returned to Fairfax County Government. No funds shall
571 inure to the benefit of any individual Member of the ARB.
572

573 Date of ARB Approval: March 9, 2023
574 Date of Board of Supervisors Adoption: May 23, 2023

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These bylaws were approved by the Board of Supervisors on May 23, 2023.

GIVEN under my hand this _____ day of _____, 2023

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

1 **FAIRFAX COUNTY**
2 **ARCHITECTURAL REVIEW BOARD**

3
4
5 **BYLAWS**

6
7
8 Date of Original Adoption: June 2008

9 Date of Revisions Adoption: ~~December 2021~~ May 2023

10
11 The Fairfax County Architectural Review Board adopts these Bylaws for its rules and
12 procedures for the transaction of its business for the benefit and convenience of the citizens of
13 Fairfax County ("County").

14
15 **ARTICLE I.**
16 **NAME**

17
18 The official name of this board is the Fairfax County Architectural Review Board
19 hereinafter referred to as "ARB."

20
21 **ARTICLE II.**
22 **ORIGIN, AUTHORITY AND PURPOSE FOR THE ARB**

23
24 2.1. Origin and Authority. The ARB was authorized by vote of the Board of
25 Supervisors of Fairfax County ("Board of Supervisors") on November 22, 1967, to oversee and
26 administer Fairfax County regulations concerning certain physical changes and uses within
27 Historic Overlay Districts in Fairfax County as designated by the Board of Supervisors, and to
28 assist the Board of Supervisors in its efforts to preserve and protect historic places and areas in
29 the County, pursuant to Section 15.1-503.2 of the Code of Virginia (the current citation is Va.
30 Code § 15.2-2306 (2012)), which authorized local governments to establish such historic districts
31 and review boards. The ARB was established as Article 8, subsection 8103.4 of the Fairfax
32 County Zoning Ordinance (the "Zoning Ordinance"); the Zoning Ordinance itself is Chapter 112
33 of the 1976 Code of the County of Fairfax.

34
35 2.2. Purpose of the Architectural Review Board Pursuant to Article 8, subsection
36 8103.4 of the Zoning Ordinance, the purpose of the ARB is to administer the regulations of
37 Historic Overlay Districts under Article 3, subsection 3101 of the Zoning Ordinance, and to
38 advise and assist the Board of Supervisors in its efforts to preserve and protect historic,
39 architectural, and archaeological resources in Fairfax County. To carry out those purposes, the
40 ARB has the following duties and powers pursuant to Article 8, subsection 8103.4 f the Zoning
41 Ordinance:
42

- 43 (a) In a Historic Overlay District, to hear and decide applications for building
44 permits and sign or small cell facility permits as provided for in Article 3,
45 subsection 3101the Zoning Ordinance.
- 46
- 47 (b) To review and make recommendations on all applications for rezoning,
48 special permit, special exception and variance, and any site plan,
49 subdivision plat, and grading plan in Historic Overlay Districts.
- 50
- 51 (c) To propose, as deemed appropriate, the establishment of additional
52 Historic Overlay Districts and revisions to existing Historic Overlay
53 Districts.
- 54
- 55 (d) To assist and advise the Board of Supervisors, the Fairfax County
56 Planning Commission, and other County departments and agencies in
57 matters involving historically, architecturally, culturally, or
58 archaeologically significant sites and buildings such as appropriate land
59 usage, parking facilities, and signs.
- 60
- 61 (e) To advise owners of historic buildings or structures on problems of
62 preservation.
- 63
- 64 (f) To formulate recommendations concerning the establishment of an
65 appropriate system of markers for Historic Overlay Districts and selected
66 historic sites and buildings, including proposals for the installation and
67 care of such markers.
- 68
- 69 (g) To cooperate with and enlist assistance from the Fairfax County History
70 Commission, the Virginia Department of Historic Resources, the National
71 Trust for Historic Preservation, and other interested parties, both public
72 and private, in its efforts to preserve, restore, and conserve historic,
73 cultural or archaeological buildings, sites, or areas in the County.
- 74
- 75 (h) To make available to the Fairfax County Library, on request, copies of
76 reports, maps, drawings, and other documents bearing on the historical
77 significance and architectural history of landmarks considered by or
78 brought to the attention of the ARB, and permit copies thereof to be made
79 for permanent keeping in the library's historical collection.
- 80
- 81 (i) To employ secretarial assistance and pay salaries, wages, and other
82 incurred necessary expenses, pursuant to appropriations by the Board of
83 Supervisors.
- 84

85 2.3. Purpose of Historic Overlay Districts. At the time of adoption of these Bylaws,
86 Fairfax County has ~~fourteen (14)~~ fifteen (15) Historic Overlay Districts. In addition, pursuant to
87 a Memorandum of Agreement regarding the disposal of the Lorton Correctional Complex
88 finalized June 28, 2001, the area identified as the National Register-eligible Historic District is

subject to the jurisdiction of the ARB as if it were a Fairfax County designated historic overlay district.

As provided in Article 3, subsection 3101.1 of the Zoning Ordinance, Historic Overlay Districts are specifically delineated general areas or individual structures and premises of the County that have been officially designated by the Board of Supervisors as having historical, cultural, architectural, or archaeological significance and which are created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places, and areas.

Regulations within historic districts are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archaeological heritage of the County; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced. The historic overlay district regulations are intended to encourage uses that will lead to the continuance, conservation, and improvement of such significant areas, structures, and premises within the districts in accordance with the following purposes specified in Article 3, subsection 3101.1 of the Zoning Ordinance:

- (a) To preserve and improve the quality of life for residents of the County by protecting and preserving familiar visual elements in the district.
- (b) To promote tourism by protecting heritage resources attractive to visitors to the County and thereby supporting local business and industry.
- (c) To promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.
- (d) To educate residents of the County about the heritage resources within the district and to foster a sense of pride in this heritage.
- (e) To foster local heritage resource identification and preservation efforts and to encourage the nomination by their owners of qualified properties for listing on the National Register of Historic Places and the Virginia Landmarks Register.
- (f) To prevent, within the district, the encroachment of new buildings or structures, and additions or attachments, which are architecturally incongruous with the visual and historic character of the district.
- (g) To ensure that new development within the district is appropriate and that new structures are well designed.

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138 **ARTICLE III.**
139 **MEMBERSHIP AND TERM OF OFFICE**
140

141 3.1. Appointment of Members. Members of the ARB are appointed by vote of the
142 Board of Supervisors in accordance with Article 8, subsection 8103.4(f) the Zoning Ordinance.
143 The ARB shall be composed of eleven (11) voting Members who shall be residents of the
144 County. Ten (10) of the Members shall be appointed by the Board of Supervisors as follows:
145

146 A. Two (2) licensed architects, at least one of whom must meet the Secretary of the
147 Interior's Professional Qualification Standards for Historic Architecture as published
148 in 36 CFR Part 61.

149 B. One (1) licensed landscape architect.

150 C. One (1) lawyer who is an active member in good standing with the Virginia State Bar.

151 D. One (1) archaeologist who meets the Secretary of the Interior's Professional
152 Qualification Standards for Archaeology as published in 36 CFR Part 61.

153 E. One (1) historian who meets the Secretary of the Interior's Professional Qualification
154 Standards for History as published in 36 CFR Part 61 or one (1) architectural
155 historian who meets the Secretary of the Interior's Professional Qualification
156 Standards for Architectural History as published in 36 CFR Part 61.

157 F. The other Members appointed by the Board of Supervisors shall be drawn from the
158 ranks of related professional groups such as historians, architectural historians,
159 architects, landscape architects, archaeologists, engineers, land-use planners, lawyers,
160 and real estate brokers.
161

162 The eleventh Member shall be an ex officio Member from, and shall be chosen by, the
163 Fairfax County History Commission, who shall be drawn from the ranks of related professional
164 groups or who meets the Secretary of the Interior's Professional Qualification Standards for one
165 of the disciplines cited in A, D, or E.
166

167 3.2. Term of Office. Members shall serve for such term or terms as established by the
168 Board of Supervisors. Members other than the Member from the History Commission, who is
169 chosen by the History Commission, shall be appointed to serve for a term of three (3) years or
170 until their successor has been appointed. Terms shall be staggered with three (3) Members
171 appointed every year except that four (4) Members shall be appointed every third year. An
172 appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may
173 be reappointed to succeed themselves.
174

175 3.3. Vacancies. In the event a Member cannot serve or resigns from office, then the
176 Chairperson, the Recording Secretary, or the County staff Administrator to the ARB shall advise

the Clerk to the Board of Supervisors of the vacancy in writing. If a Member completes his or her term of office, remains qualified to serve as a Member, and the Board of Supervisors has not reappointed that Member to another term or appointed a successor Member, then that person may continue to serve as a Member until such time as the Member is reappointed or a successor Member is appointed.

ARTICLE IV. OFFICERS AND DUTIES

4.1. Officers. The ARB shall elect a Chairperson, Vice-Chairperson, and Recording Secretary, and may elect a Treasurer. Officers shall be elected by a majority vote of all voting Members. Each term of office will be one-year, and officers may be elected to successive terms except as stated in Section 4.2. A vacancy occurring during an officer's term shall be filled in the same manner, but the replacement shall be elected only to serve the unexpired balance of the term. Prior to the election of any replacement officer, the Fairfax County Staff Administrator to the ARB will provide all Members with notice of the proposed election before the meeting at which the replacement is to be elected. The officers' duties are as follows:

- (a) Chairperson. The Chairperson shall preside at all meetings and decide all points of order and procedure, subject to these Bylaws, unless directed otherwise by a majority vote of the ARB Members properly in session at the time. As and to the extent stated in Article VIII below, the Chairperson shall appoint all committees.
- (b) Vice-Chairperson. The Vice-Chairperson shall serve as acting Chairperson in the absence of the Chairperson, and at such times the Vice-Chairperson shall have the same powers and duties as the Chairperson.
- (c) Recording Secretary. The Recording Secretary shall take minutes of the ARB meetings. The Recording Secretary shall record accurately all motions made and voted upon, and have the minutes distributed through the Fairfax County ARB Staff Administrator to Members of the ARB no later than one week prior to the next meeting. The Recording Secretary need not be a Member of the ARB.
- (d) Treasurer. If the ARB chooses to elect a Treasurer, the Treasurer shall advise membership and County staff, as required, on the ARB budget and expenditure of funds.

4.2. Term Limitations. No Member shall serve as Chairperson for more than four (4) consecutive one-year terms.

4.3. Terms and Elections. Terms for officers shall begin in January of each calendar year. Election of officers for the succeeding calendar year shall take place no later than the regular December meeting of the ARB.

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226 **ARTICLE V.**
227 **MEETINGS AND VOTING**
228

229 5.1. Meetings. The ARB shall have regular monthly meetings on the second Thursday
230 of each month, except the month of August, at 6:30 p.m. at the Fairfax County Government
231 Center or at such other time and/or place designated by the ARB, and shall have such other
232 special meetings from time to time at the times and places designated by the Chairperson of the
233 ARB. Nothing in this section shall prohibit the ARB from having a monthly August meeting or
234 any other special meeting in accordance with the provisions of these bylaws. The ARB may
235 change the time and place of regular monthly meetings as it deems appropriate. The Fairfax
236 County ARB Staff Administrator shall notify all Members of the ARB of the time and place of
237 any special meetings at least five (5) days in advance of the meeting. All meetings shall be
238 conducted in accordance with the Virginia Freedom of Information Act, Virginia Code
239 §§ 2.2-3700 *et seq.*, ~~through 3714~~, as amended (“VFOIA”), and except for closed sessions, all
240 meetings shall be open to the public. ~~Pursuant to Virginia Code § 2.2-3701, “meeting”~~
241 ~~“Meeting”~~ or “meetings” means the meetings including work sessions, when sitting physically,
242 or through electronic communication means pursuant to the VFOIA or other applicable Virginia
243 law, telephonic or video equipment pursuant to § 2.2-3708 or § 2.2-3708.1, as a body or entity,
244 or as an informal assemblage of as many as three members of the constituent membership,
245 wherever held, with or without minutes being taken, whether or not votes are cast, of any public
246 body.

247
248 The Fairfax County ARB Staff Administrator shall give at least three (3) working days’
249 prior public notice of the date, time, and location of its meetings in accordance with Virginia
250 Code § 2.2-3707. Notice, reasonable under the circumstances of special or emergency meetings,
251 shall be given by the Fairfax County ARB Staff Administrator contemporaneously with the
252 notice provided to Members of the ARB. Notice of all meetings shall be provided to the Office
253 of Public Affairs for posting at the Government Center and on the County Internet site. Also,
254 notices for all meetings shall be placed at a prominent public location by the Fairfax County
255 ARB Staff Administrator. All meetings shall be conducted in places that are accessible to
256 persons with disabilities, and all meetings shall be conducted in public buildings whenever
257 practical.

258
259 At any meeting, at least one copy of the agenda and, unless exempt under the VFOIA, all
260 materials furnished to Members of the ARB shall be made available for public inspection at the
261 same time such documents are furnished to the Members. Any person may photograph, film,
262 record, or otherwise reproduce any portion of a meeting required to be open, but no person
263 broadcasting, photographing, filming or recording any open meeting may interfere with any of
264 the proceedings.

265
266 Minutes of all regular and special meetings of the ARB shall be approved by majority
267 vote of the voting Members present. The minutes shall include: (1) the date, time, and location of
268 each meeting; (2) the Members present and absent; (3) a summary of the discussion on matters

proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

5.2. Quorum. A quorum of six (6) voting Members present is required for consideration of any matter.

5.3. Voting. Any action taken shall require the affirmative vote of a majority of the voting Members present during consideration of a properly called matter. All votes of Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or proxy. All voting Members who are present at the meeting, including the Chairperson, may vote at any meeting.

5.4. Expenditures. All expenditures shall be in furtherance of the purposes of the ARB, and shall include costs of training and education of the Members as approved by the ARB. No expenditure shall inure to the private interest of any Member. No expenditure of ARB funds shall be made without prior approval of the ARB.

5.5. Conflicts of Interest. A Member shall exempt himself or herself from taking part in the hearing, consideration, or determination of any matter before the ARB in which the Member has a personal interest such that he or she is disqualified from participation under the Virginia Conflicts of Interest Act ("COIA"), including but not limited to § 2.2-3112 of the COIA addressing prohibited conduct, or that would qualify as a conflict of interest as defined in any rule, regulation, or guideline of the Virginia Department of Historic Resources or of the National Park Service.

5.6. Attendance at Meetings. Members are expected to attend all regular and special meetings of the ARB unless excused. Members may request to be excused from a meeting following submission of a valid excuse in advance to the Chairperson or Vice Chairperson, when requested by the Chairperson.

Absences from ARB meetings does not exclude Members from providing comments on action and administrative items in the meeting agenda. If a member has comments and cannot attend the meeting, the requesting Member must provide written comments to the Chairperson and ARB Administrator in advance of the meeting so their comments can be included in the record.

Members with three unexcused absences in any twelve-month period will be reminded by the Chairperson in writing of the importance of full participation in ARB meetings and activities. After four unexcused absences in a twelve-month period, the Chairperson shall notify the Clerk to the BOS and the appropriate appointing Supervisor, of the Member's repeat absences. After five unexcused absences in a twelve-month period, the Member's position shall be declared vacant. The determination of an excused absence for valid reason shall be made by the Chairperson, subject to review by the full ARB for an appeal of a determination by the Chairperson that a Member's absence is not excused.

315 5.7. Conduct of Meetings.

316
317 (a) Order of Meeting: The order of business at regular meetings shall be as
318 follows:

- 319
320 1. Determination of quorum
321 2. Declaration of purpose of the ARB
322 3. Approval of agenda
323 4. Consent Agenda items requiring board action
324 5. Application or other Agenda items requiring ARB action
325 6. Workshop sessions with prospective applicants
326 7. Other items, such as:
327 • Treasurer's Report
328 • Staff Report
329 • Other
330 8. Adjourn
331

332 (b) Consideration of Applications: Applicants or other interested persons may
333 appear in person or by agent at the meeting. The order of business for
334 consideration of applications for action by the ARB shall be as follows:

- 335 1. The Chairperson, or such person as she or he shall direct, shall give
336 a preliminary statement concerning the application;
337
338 2. The applicant may present statements in support of his or her
339 application;
340
341 3. Members of the public other than the applicant either in favor or
342 opposed to granting the application may present statements
343 concerning the application;
344
345 4. Statements or arguments submitted by any official, commission, or
346 department of the County of Fairfax, any state agency, or any local
347 historical, preservation or neighborhood association shall be
348 presented as directed by the Chairperson;
349
350 5. ARB Members, including the Chairperson, may discuss the
351 application;
352
353 6. An ARB Member, other than the Chairperson, may introduce a
354 motion. The names of the ARB Members making and seconding
355 motions shall be recorded.
356
357 7. The ARB may, in its discretion, view the premises and obtain
358 additional facts concerning any application before arriving at a
359 decision.

- 360 8. In the event that facts other than those presented at a meeting at
361 which an application has been considered are relied upon to
362 support a decision, such facts shall be stated for the record.
363
364 9. Decisions of the ARB may be accompanied by such conditions
365 and/or recommendations as may be reasonable under the
366 circumstances to effectuate the purposes of the Zoning Ordinance.

367 10. Procedures may be modified by the ARB.
368

369 **ARTICLE VI.**
370 **RULES GOVERNING ACTIONS OF THE BOARD**
371

372 The ARB is governed by the following:
373

374 6.1. Ordinances/Regulations. The ARB shall be governed by the Zoning Ordinance
375 Article 3, subsection 3101, specifically as applicable to Historic Overlay Districts and generally
376 by Historic District Guidelines adopted from time to time for each historic overlay district
377 pursuant to the Zoning Ordinance, by other applicable provisions of the 1976 Code of the County
378 of Fairfax, Virginia, and by the Code of Virginia.
379

380 6.2. Rules of Procedure. Procedural matters of the ARB, including the rules for
381 conducting public meetings of the ARB, which are not otherwise governed by these By-Laws,
382 ordinance, regulation, or statute, shall be carried out in accordance with *Roberts Rules of Order*,
383 *Newly Revised*. Except as specifically authorized by the VFOIA, no meeting shall be conducted
384 through telephonic, video, electronic, or other communication means where the Members are not
385 all physically assembled to discuss or transact public business.
386

387 6.3 Participation as Consulting Party. The ARB shall notify the BOS in advance of any
388 request to be identified as a consulting party, pursuant to Section 106 of the National Historic
389 Preservation Act (54 USC § 306108) (NHPA) and its implementing regulations, "Protection of
390 Historic Properties" (36 CFR Part 800). When the ARB has identified an interest in a proposed
391 Federal undertaking that has the potential to cause effects on historic properties within Fairfax
392 County, the ARB shall notify the Clerk of the BOS, the Chairman of the Board, the appropriate
393 District Supervisor, and the County Attorney of its intent to be identified as a consulting party at
394 least fifteen days prior to transmitting any such correspondence to the lead Federal agency
395 responsible for conducting the Section 106 review. The ARB's participation as a consulting party
396 does not preclude or modify the County's ability to participate as a consulting party.
397

398 If identified as a consulting party, the ARB through representation by its Members may
399 participate in consultation meetings and provide comments on determinations of eligibility,
400 findings of effect, and measures to resolve adverse effects. Formal comments conveyed in
401 writing by the ARB shall be shared with the Chairman of the BOS, the Clerk to the BOS and
402 appropriate District Supervisor and the County Attorney prior to conveying them to the lead
403 Federal agency. Further, the ARB through signature of the Chairperson or Vice Chairperson may

elect to sign an agreement document developed pursuant to the Section 106 process as a concurring party.

ARTICLE VII. GENERAL PRINCIPLES GOVERNING DECISIONS

Subject to the terms of Article VI, in making its decisions the ARB will consider all standards, criteria, and considerations required under Article 3, subsection 3101f the Fairfax Zoning Ordinance, guidelines established for specific historic overlay districts, and the following factors and general principles as applicable to particular applications:

7.1. Factors Considered:

- (a) The historical or architectural value and significance of a building or structure and its relationship to or congruity with the historic value of the land, place, or area in the historic area upon which it is proposed to be located, constructed, reconstructed, altered, or repaired.
- (b) The appropriateness of the exterior architectural features of such building or structure to such land, place, or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings, or structures in the historic area and environs.
- (c) The general exterior design, arrangement, textures, materials, planting, and color proposed to be used in the location, construction, alteration, or repair of the building, structure, or improvement, and the types of windows, exterior doors, lights, landscaping, and parking viewed from a public street, public way, or other public place and their relationship to or congruity with the other factors to be considered by the ARB.

7.2. Principles: Keeping in mind the purposes and objectives of the Historic Overlay Districts and the above-stated factors, decisions of the ARB are governed by the following general principles:

- (a) Architectural Variety: The beauty of a district depends upon contrast, complexity, and variety, rather than upon uniformity.
- (b) Architectural Integrity: Because buildings vary widely, what is appropriate for one building may be inappropriate for another. The ARB treats each building as having its own integrity and, thus, gives each building individual consideration.
- (c) Preservation: Preservation of historically significant features within an historic overlay district is a goal of the ARB, under the following guidelines:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place over the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent, to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size,

scale, color, material, and character of the property, neighborhood, or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(d) Improvement: The goal of the ARB is to approve design, materials, and construction techniques that improve a property, rather than diminishing its character or value.

(e) Architectural Congruity: The ARB oversees districts rather than simply individual structures and therefore seeks to preserve, improve, and encourage harmonious visual relationships among the buildings within each district. The ARB stresses the role that design elements play in making buildings within a given area harmonize, including but not limited to consideration of the following design elements:

Scale

Fenestration (window size, number, style, and arrangement)

Roof pitch

Proportions of building

Placement and shape of entrance

Detailing

Color

Materials

Set backs

ARTICLE VIII. COMMITTEES

All Committees shall be appointed by the Chairperson, except the Nominating Committee which shall be appointed by majority vote of the Members. The ARB may establish as many committees as may be required to perform its function. All meetings of any committees shall comply with the notice and other requirements of the VFOIA, as per paragraph 5.1 above. To the extent practicable, any such committees shall be composed of at least four Members.

8.1. Purposes and Establishment of Committees. Committees may be established to investigate any matters before the ARB, as determined by a majority vote of the ARB.

8.2. Nominating Committee. The Nominating Committee shall meet in November of each year to nominate a slate of officers in preparation of the December election.

8.3. Bylaws Committee. The Bylaws Committee shall ensure that the Bylaws are current and shall recommend amendments when changes are appropriate.

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**ARTICLE IX.
ANNUAL REPORT**

546 The ARB shall prepare an annual written report to the Board of Supervisors that
547 describes the actions and activities conducted in the previous year and any plans and/or
548 recommendations for future action and activities. The Chairperson shall provide the report to the
549 Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors
550 and to the County Executive.

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**ARTICLE X.
COMPLIANCE WITH LAW AND COUNTY POLICY**

555 The ARB and its Members shall comply with all Virginia laws, including, but not limited
556 to, the VFOIA and COIA, with all County ordinances, and with all County policies concerning
557 the activities of its boards, authorities, and commissions.

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**ARTICLE XI.
AMENDMENTS TO BYLAWS**

563 These Bylaws may be amended at any regular meeting of the ARB by a two-thirds
564 majority vote by those Members present and voting, provided notice of the proposed amendment
565 has been given to Members at the previous regular meeting or has been mailed to Members at
566 least ten days prior to the meeting. Upon approval of any bylaws amendments by the ARB, the
567 bylaws shall be submitted to the Board of Supervisors for its approval.

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**ARTICLE XII.
DISSOLUTION**

572 In the event of dissolution of the ARB, all remaining assets derived from County funding
573 after payment of all obligations shall be returned to Fairfax County Government. No funds shall
574 inure to the benefit of any individual Member of the ARB.

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576 Date of ARB Approval: ~~September 9, 2021~~ March 9, 2023
577 Date of Board of Supervisors Adoption: ~~May 10, 2022~~ May 23, 2023

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581 **These bylaws were approved by the Board of Supervisors on May 23, 2023.**

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584 GIVEN under my hand this _____ day of _____, 2023

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Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

Board Agenda Item
May 23, 2023

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, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).
 - 1. *Kareem Bashir v. Colonel Edwin C. Roessler Jr., Fairfax County Police Department, Sgt. Joshua Shoemaker, Brandon Vinson, and John Doe Police Officers 1-5*, Case No. CL-2022-0012442 (Fx. Co. Cir. Ct.)
 - 2. *Laura Elliott v. Fairfax County, Virginia*, EEOC Charge No.: 570-2019-00291; *Megan Field v. Fairfax County, Virginia*, EEOC Charge No.: 570-2019-00143; *Kathleen Stanley v. Fairfax County, Virginia*, EEOC Charge No.: 570-2018-02249; *Cheri Zosh v. Fairfax County, Virginia*, EEOC Charge No.: 570-2018-02250
 - 3. *Joseph A. Glean v. Board of Supervisors of Fairfax County, Virginia, et al.*, Case No. CL-2023-0002376 (Fx. Co. Cir. Ct.)
 - 4. *Bryan King, by GEICO General Insurance Company, subrogee v. Jared Michael Warner*, Case No. GV23-004415 (Fx. Co. Gen. Dist. Ct.)
 - 5. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, v. Walter J. Grandjean and Mary A. Grandjean*, Case No. GV23-004618 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
 - 6. *Jay Riat, Building Official for Fairfax County, Virginia v. Gerald F. Walsh*, Case No. GV22-006398 (Fx. Co. Gen. Dist. Ct.) (Franconia District)
 - 7. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, v. Gayle L. Shura, Trustee of the Gayle L. Shura Living Trust, dated April 22, 2004*, Case No. CL-2023-0002068 (Fx. Co. Cir. Ct.) (Hunter Mill District)

8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ragheb Aburish*, Case No. CL-2017-0015519 (Fx. Co. Cir. Ct.) (Mason District)
9. *Jay Riat, Building Official for Fairfax County, Virginia v. Mohammed F. Talukder and Momataz Parvin*, Case No. CL-2023-0000871 (Fx. Co. Cir. Ct.) (Mason District)
10. *Jay Riat, Building Official for Fairfax County, Virginia v. Sleepy Hollow Bath and Racquet Club, Inc.*, Case No. GV22-015106 (Fx. Co. Gen. Dist. Ct.) (Mason District)
11. *Jay Riat, Building Official for Fairfax County, Virginia v. AUR Properties L.P. and Desi Bethak Inc.*, Case No. GV22-017701 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Manfredo Jordan and Caesar Jordan, aka Caesar Jordan Ortiz*, Case No. GV22-018257 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. JCR Lorton Station Investors, LLC and Lasani Food, Inc.*, Case No. GV23-005473 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sidney Tobias Harris*, Case No. CL-2021-0008931 (Fx. Co. Cir. Ct.) (Springfield District)

Board Agenda Item
May 23, 2023

3:30 p.m.

Public Hearing on SEA 2010-PR-010 (Hilton Domestic Operating Company, Inc.) to Amend SE 2010-PR-010 Previously Approved for a Waiver of Certain Sign Regulations to Permit an Increase in Sign Area for Building Mounted Signs and Associated Modifications to Development Conditions, Located on Approximately 7.64 Acres of Land (Providence District)

This property is located at 7926 and 7930 Jones Branch Dr., McLean, 22102. Tax Map 29-4 ((7)) 5B and 5C.

PLANNING COMMISSION RECOMMENDATION:

On April 26, 2023, the Planning Commission voted 11-0 (Commissioner Lagana was absent from the meeting) to recommend to the Board of Supervisors approval of SEA 2010-PR-010, subject to the development conditions dated April 19, 2023.

ENCLOSED DOCUMENTS:

Additional information available online at:

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

Planning Commission Meetings Video Archive available online at:

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

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Sunny Yang, Planner, DPD

Board Agenda Item
May 23, 2023

3:30 p.m.

Public Hearing on SE 2022-DR-00034 (Montessori School of McLean) to Permit a Private School (of General Education) and Child Care Center and a Waiver of the Front Yard Setback for an Existing Structure, Located on Approximately 3.87 Acres of Land (Dranesville District)

This property is located at 1711 Kirby Rd., McLean, 22101. Tax Map 31-3 ((1)) 119.

PLANNING COMMISSION RECOMMENDATION:

On March 8, 2023, the Planning Commission voted 11-0 (Commissioner Jimenez was absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of SE 2022-DR-00034, subject to the development conditions consistent with those dated March 7, 2023;
- Reaffirmation of the previously approved modification of the transitional screening and waiver of the barrier requirements along all lot lines, except along the southern lot line; and
- That the front yard setback for the church be modified to that shown on the SE Plat, as found on page 9 of the staff report dated February 22, 2023.

ENCLOSED DOCUMENTS:

Additional information available online at:

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

Planning Commission Meetings Video Archive available online at:

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

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Kimia Zolfagharian, Planner, DPD

Board Agenda Item
May 23, 2023

3:30 p.m.

Public Hearing on RZ 2022-LE-00012 (Beazer Homes LLC) to Rezone from R-1 to PDH-8 to Permit Development of 26 Single-Family Attached Dwelling Units with an Overall Density of 7.8 Dwelling Units per Acre and Approval of the Conceptual Development Plan, Located on Approximately 3.34 Acres of Land (Franconia District)

This property is located on the W. side of Beulah St. and S. of the Franconia-Springfield Pkwy., S.W. of the Beulah St. and Alforth Ave. intersection. Tax Map 91-1 ((1)) 13, 14, 15, 16 and 17.

PLANNING COMMISSION RECOMMENDATION:

~~On May 10, 2023, the Planning Commission voted 11-0 (Commissioner Bennett was absent from the meeting) to defer the decision only for RZ/FDP 2022-LE-00012 to a date certain of May 17, 2023, with the record remaining open for written comments. The Planning Commission's recommendation will be forwarded upon decision.~~

On May 17, 2023, the Planning Commission voted 11-0 (Commissioner Ulfelder was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- **Approval of RZ 2022-LE-00012, subject to the execution of proffered conditions consistent with those dated May 1, 2023; and**
- **Modification of the transitional screening and waiver of the barrier requirement along the southern property line to that shown on the CDP/FDP, as further detailed in FDP conditions.**

In a related action, the Planning Commission voted 11-0 (Commissioner Ulfelder was absent from the meeting) to approve FDP 2022-LE-00012, subject to the FDP conditions dated May 16, 2023, and the Board of Supervisors' approval of RZ 2022-LE-00012.

ENCLOSED DOCUMENTS:

Additional information available online at:

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

Planning Commission Meetings Video Archive available online at:

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

Board Agenda Item
May 23, 2023

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Kimia Zolfagharian, Planner, DPD

Board Agenda Item
May 23, 2023

3:30 p.m.

Public Hearing on RZ 2016-SP-033 (Merit Investment, LLC) to Rezone from R-1 to PDH-3 to Permit Residential Development With an Overall Density of 1.34 Dwelling Units per Acre. Located on Approximately 2.24 Acres of Land (Springfield District)

This property is located on the N.E. side of Center Rd., approx. 1,800 ft. S.W. of its intersection with Rolling Rd. Tax Map 79-3 ((6)) 11.

PLANNING COMMISSION RECOMMENDATION:

On February 15, 2023, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of RZ 2016-SP-033 and its associated Conceptual Development Plan, subject to the execution of proffered conditions dated December 28, 2022.

In a related action, the Planning Commission voted 12-0 to approve FDP 2016-SP-033, subject to the Board of Supervisors' approval of the concurrent rezoning application.

ENCLOSED DOCUMENTS:

Additional information available online at:

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

Planning Commission Meetings Video Archive available online at:

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

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Tabatha Cole, Planner, DPD

Board Agenda Item
May 23, 2023

4:00 p.m.

Public Hearing on PCA 80-S-008-02 (RZPA 2022-SU-00095) (Virginia Medical Transport, LLC) to Amend the Proffers for RZ 80-S-008 Previously Approved for Industrial Development to Permit Vehicle Light and Major Service Establishment and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.46, Located on Approximately 2.33 Acres of Land (Sully District)

This property is located at 13939 Willard Rd., Chantilly, 20151. Tax Map 44-2 ((11)) 1A.

PLANNING COMMISSION RECOMMENDATION:

On February 15, 2023, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval the following actions:

- Approval of PCA 80-S-008-02, subject to the execution of proffered conditions consistent with those dated January 26, 2023, and the inclusion of additional language stating that no services will be performed outside of the facility; and
- Approval of a modification of Section 4102.5.OO.3.B of the Zoning Ordinance to allow direct access to Willard Road.

ENCLOSED DOCUMENTS:

Additional information available online at:

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

Planning Commission Meetings Video Archive available online at:

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

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Sharon Williams, Planner, DPD

Board Agenda Item
May 23, 2023

4:00 p.m.

Public Hearing on SEA 95-M-029-02 (McDonald's Corporation) to Amend SE 95-M-029 Previously Approved for Restaurant with Drive Through in a Highway Corridor Overlay District to Permit Additional Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 1.13 Acres of Land (Mason District)

This property is located at 5613 Leesburg Pike, Falls Church, 22041. Tax Map 61-2 ((21)) 5 and 9.

PLANNING COMMISSION RECOMMENDATION:

~~On March 15, 2023, the Planning Commission voted 11-0 (Commissioner Jimenez was absent from the meeting) to defer the decision only for SEA 95-M-029-02 to a date certain of March 29, 2023, with the record remaining open for written comments.~~

~~On March 29, 2023, the Planning Commission voted 11-0 (Commissioner Lagana was absent from the meeting) to defer the decision only for SEA 95-M-029-02 to a date certain of May 17, 2023, with the record remaining open for written comments. The Planning Commission's recommendation will be forwarded upon decision.~~

On May 17, 2023, the Planning Commission voted 11-0 (Commissioner Ulfelder was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- **Approval of SEA 95-M-029-02, subject to the proposed development conditions dated May 15, 2023;**
- **Waiver of the loading space requirement;**
- **Waiver of the peripheral parking lot landscaping requirements along the eastern property line adjacent to Carlin Springs Road; and**
- **Modification to the required parking in favor of what is shown on the SEA Plat.**

Board Agenda Item
May 23, 2023

ENCLOSED DOCUMENTS:

Additional information available online at:

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

Planning Commission Meetings Video Archive available online at:

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

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Tabatha Cole, Planner, DPD

Board Agenda Item
May 23, 2023

4:00 p.m.

Public Hearing on RZ 2022-SU-00014 (Stephanie Gorski Nourse) to Rezone from R-1 and WS to R-3 and WS to Permit a Single-Family Residential Development with a Total Density of 2 Dwelling Units per Acre, Located on Approximately 1.00 Acres of Land (Sully District)

This property is located at 12419 Washington Brice Rd., Fairfax, 22033. Tax Map 45-2 ((1)) 24.

PLANNING COMMISSION RECOMMENDATION:

On March 15, 2023, the Planning Commission voted 11-0 (Commissioner Jimenez was absent from the meeting) to recommend to the Board of Supervisors approval of RZ 2022-SU-00014, subject to the execution of proffered conditions consistent with those dated March 2, 2023.

ENCLOSED DOCUMENTS:

Additional information available online at:

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

Planning Commission Meetings Video Archive available online at:

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

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Damaris Martinez, Planner, DPD

Board Agenda Item
May 23, 2023

4:00 p.m.

Public Comment on Issues of Concern