

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 24, 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 | Streets into the Secondary System – Enclave of Burke (Springfield District) |
| 2 | Approved | Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Richfield Road (Springfield District) |
| 3 | Approved | Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Meadow Hall Drive (Hunter Mill District) |
| 4 | Approved | Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program – Holly Leaf Drive and Clover Leaf Drive (Dranesville District) |
| 5 | Approved | Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Richfield Road (Springfield District) |
| 6 | Approved | Authorization to Advertise a Public Hearing to Consider Expanding the McLean Residential Permit Parking District, District 21 (Dranesville District) |
| 7 | Approved | Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Landscaping and Screening |
| 8 | Approved | Authorization to Advertise a Public Hearing to Enter into an Agreement with Northern Virginia Soil and Water Conservation District for Local Stormwater Management Assistance Fund Administration |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 24, 2023**

**ADMINISTRATIVE
ITEMS
(continued)**

- 9 **Approved** Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Innovation Station North Neighborhood Access Shared Use Path (Dranesville District)
- 10 **Approved** Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the Metropolitan Washington Council of Governments, Enhanced Mobility of Seniors and Individuals with Disabilities Program, in Support of the Purchase of Wheelchair Lift-Equipped Vehicles

ACTION ITEMS

- 1 **Approved** Approval of the Economic Incentive Program Application of Mars, Incorporated (Dranesville District)
- 2 **Approved** Approval of the Economic Incentive Program Application of Eastgate Annandale (Mason District)
- 3 **Approved** Approval of the Economic Incentive Program Application of Astoria McLean (Dranesville District)
- 4 **Approved** Approval of Amendments to the Project Administration Agreement with the Virginia Department of Transportation for the Continued Implementation of Fairfax County Parkway Improvements (Springfield and Braddock Districts)
- 5 **Approved** Approval of a Resolution Supporting Additional Projects Being Submitted to the Northern Virginia Transportation Authority for FY 2024 to FY 2029 Regional Funding Consideration (Dranesville, Franconia, Mason, Mount Vernon, Providence, and Sully Districts)
- 6 **Approved** Approval of and Authorization to Execute the Deed of Lease for Tysons Community Center with the Fairfax County Redevelopment and Housing Authority (Hunter Mill District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 24, 2023**

**ACTION ITEMS
(continued)**

- | | | |
|---|-----------------|---|
| 7 | Approved | Authorization for the Fairfax County Redevelopment and Housing Authority to: i) Issue Multifamily Housing Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$20,000,000 for Little River Glen I; and ii) Issue Multifamily Housing Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$20,000,000 for Little River Glen IV, as Part of the Financing Plan for the Planned Renovations and New Development at Little River Glen, in Fairfax, Virginia (Braddock District) |
|---|-----------------|---|

**CONSIDERATION
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Amendments to the Fairfax County History Commission Bylaws |
|---|-----------------|--|

CLOSED SESSION

Done Closed Session

**PUBLIC
HEARINGS**

- | | | |
|------|--|---|
| 3:30 | Approved | Public Hearing on RZ 2023-MA-00001 (Eastgate JV, LLC) (Mason District) |
| 3:30 | Approved | Public Hearing on RZ 2022-DR-00008 (Mars Incorporated) (Dranesville District) |
| 3:30 | Approved | Public Hearing on RZ 2022-DR-00028 (JAG Partners LLC) (Dranesville District) |
| 3:30 | Deferred to 11/21/23
at 3:30 p.m. | Public Hearing on RZ 2023-SU-00008 (K Hovnanian Homes At the Gallery Park At Westfields, LLC) (Sully District) |
| 4:00 | Approved with
Amendment | Public Hearing for the Creation of Holmes Run Area Sanitary District for Refuse/Recycling Collection Services (Mason District) |
| 4:00 | Approved | Public Hearing for the Enlargement of Stone Haven Area Sanitary District for Refuse/Recycling Collection Services (Braddock District) |
| 4:00 | Approved | Public Hearing for the Enlargement of Springfield Park Area 1 Sanitary District for Refuse/Recycling and Vacuum Leaf Collection Services (Franconia District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 24, 2023**

**PUBLIC
HEARINGS
(continued)**

4:00	Approved	Public Hearing for the Enlargement of Dunn Loring Area 1 Sanitary District for Refuse/Recycling Collection Services (Providence District)
4:00	Approved	Public Hearing for the Creations of Elmwood Estates Area 1, Reddfield Area 1, Swinks Mill Area 1 and Enlargements of Chesterbrook Estates Area 2, Lewinsville Heights Area 1, McLean Manor Area 3, River Oaks Area 1 and River Oaks Area 2 Sanitary Districts for Refuse/Recycling Collection Services (Dranesville District)
4:00	Approved	Public Hearing on RZ 2022-HM-00025 (SEM Fairfax Land Associates, LLC) (Hunter Mill District)
4:30	Approved	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Chain Bridge Road Walkway – Courthouse Road to Sutton Road (Providence District)
4:30	Approved	Public Hearing to Convey Board-Owned Property at 13500 Dulles Greene Drive to the Fairfax County Redevelopment and Housing Authority (Dranesville District)
4:30	Deferred to 01/23/2024	Public Hearing on Proposed Plan Amendment 2015-IV-RH1, Topgolf Site, Located Northwest of the Intersection of South Van Dorn Street and Kingstowne Village Parkway (Franconia District)
4:30	Approved	Public Hearing on PCA/CDPA 81-D-024 (RZPA 2022-PR-00119) (McLean Corporate Ridge Property, LLC) (Providence District)
4:30	Approved	Public Hearing on SE 2023-DR-00001 (FR Chesterbrook JV, LLC) (Dranesville District)
4:30	Deferred to 01/23/2024 at 4:00 p.m.	Public Hearing on RZ 2022-SU-00019 (PDCREF 2 Chantilly LLC) (Sully District) (Concurrent with SE 2022-SU-00038)
4:30	Held	Public Comment



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
October 24, 2023

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize the 50th anniversary of the Fairfax County Tree Commission. Requested by Chairman McKay.
- RESOLUTION — To recognize the 25th anniversary of the Providence Players of Fairfax County. Requested by Supervisors Gross and Palchik.
- PROCLAMATION — To designate November 11-18, 2023, as Hunger and Homelessness Awareness Week. Requested by Chairman McKay and Supervisors Foust, Alcorn and Palchik.
- PROCLAMATION — To designate November 13-19, 2023, as Transgender Awareness Week. Requested by Chairman McKay and Supervisor Foust.
- PROCLAMATION — To designate October 2023 as Domestic Violence Awareness Month. Requested by Chairman McKay and Supervisors Walkinshaw and Palchik.

STAFF:

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

Board Agenda Item
October 24, 2023

9:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard October 24, 2023

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

FINAL COPY – AMENDED

**APPOINTMENTS TO BE HEARD OCTOBER 24, 2023
 (ENCOMPASSING VACANCIES PROJECTED THROUGH **OCTOBER 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

**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 Amrita Banerjee; appointed 9/16-9/20 by Herrity) Term exp. 9/24 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sardar A. Zaman (Appointed 10/21 by Smith) Term exp. 6/23	Sully District Representative	Dominic M. Taddeo	Smith	Sully

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 District Business Representative		Foust	Dranesville

**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 Richard Bolger; appointed 1/21 by McKay) Term exp. 10/23 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large

ARCHITECTURAL REVIEW BOARD (3-year terms)

NOTE: Members shall be appointed by the Board as follows: At least two (2) members shall be certified architects; one member shall be a landscape architect authorized to practice in Virginia; one member shall be a lawyer with membership in the Virginia Bar; one Archaeologist; one Historian; one ex-officio member from the History Commission; four(4) members shall be drawn from the ranks of related professional groups such as archaeologists, historians, lawyers, and real estate brokers.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michele C. Aubry; appointed 9/17-9/20 by Storck) Term exp. 9/23 <i>Resigned</i>	Archaeologist Representative	Rachael E. Mangum (Storck)	By Any Supervisor	At-Large
Christopher Daniel (Appointed 9/20 by McKay) Term exp. 9/23	Architectural Historian Representative	Christopher Daniel (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Susan Notkins; appointed 9/21 by McKay) Term exp. 9/24 <i>Resigned</i>	Related Professional Group #3 Representative	Gabriela Hammack (McKay)	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>
VACANT (Formerly held by Gregory Beckwith; appointed 7/13-6/21 by Foust) Term exp. 3/23 <i>Resigned</i>	Dranesville District Principal Representative	Ian Harper	Foust	Dranesville

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ATHLETIC COUNCIL (2-year terms)
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Brian Luwis (Appointed 7/19-6/21 by Foust) Term exp. 3/23	Dranesville District Alternate Representative		Foust	Dranesville
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
Annmarie Swope (Appointed 9/20-10/21 by McKay) Term exp. 10/23	Member-At-Large Alternate Representative		McKay	At-Large Chairman's
Kelly Ego-Osuala (Appointed 11/22 by Palchik) Term exp. 9/23	Providence District Principal Representative	Kelly Ego-Osuala	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	Charles Davis	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>
Ken Balbuena (Appointed 7/20-8/22 by McKay) Term exp. 6/23	At-Large Chairman's Representative		McKay	At-Large Chairman's
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) Term exp. 6/21 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Abby Block (Appointed 7/21-6/22 by Gross) Term exp. 6/23	Mason District Representative		Gross	Mason

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 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 Robert Mansker; appointed 9/06-10/22 by Gross) Term exp. 12/24 <i>Resigned</i>	At-Large #3 Representative		By Any Supervisor	At-Large
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

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>
VACANT (Formerly held by Kelsey J. Myers; appointed 6/20-3/22 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #5 Representative		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 (Youth) Representative		By Any Supervisor	At-Large

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS
(2-year terms- limited to 3 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Greg Dercach (Appointed 1/22 by Gross) Term exp. 9/23	At-Large #3 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
Barbara Ryan (Appointed 5/22 by McKay) Term exp. 9/23	At-Large #2 Representative	Barbara Ryan (McKay)	McKay	At-Large Chairman's
Alexis Dickerson (Appointed 9/20 by Lusk) Term exp. 9/23	Franconia District Representative		Lusk	Franconia
Mary T. Smith (Appointed 3/22 by Gross) Term exp. 9/23	Mason District Representative	Mary T. Smith (Gross)	Gross	Mason
Sue Kovach Shuman (Appointed 11/17-10/19 by Smyth) Term exp. 9/23	Providence District Representative		Palchik	Providence

CHILD CARE ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Janet M. Reimer; appointed 2/20-2/22 by McKay) Term exp. 2/24 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Evelyn Evans (Appointed 1/23 by Lusk) Term exp. 9/23	Franconia District Representative	Evelyn Evans	Lusk	Franconia
Mercedes O. Dash (Appointed 1/20-12/22 by Palchik) Term exp. 9/23	Providence District Representative	Mercedes O. Dash	Palchik	Providence

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
VACANT (Formerly held by Lanita R. Thweatt; appointed 3/22-10/22 by Storck) Term exp. 10/25 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
Phylcia L. Woods (Appointed 1/20-11/20 by Palchik) Term exp. 10/23	Providence District Representative		Palchik	Providence
Jordan S. Tautges (Appointed 5/22 by Herrity) Term exp. 9/23	Springfield District Representative	Jordan Samantha Tautges	Herrity	Springfield

COMMUNITY ACTION ADVISORY BOARD (CAAB) (3-year terms)

<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

CONSUMER PROTECTION COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Dirck A. Hargraves (Appointed 10/08-2/21 by McKay) Term exp. 7/23	Fairfax County Resident #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Triston O'Savio; appointed 8/22 by Foust) Term exp. 7/24 <i>Resigned</i>	Fairfax County Resident #6 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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

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 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
VACANT (Formerly held by Diane Monnig; appointed 5/21-12/22 by Palchik) Term exp. 11/25 <i>Resigned</i>	Providence District Representative		Palchik	Providence

CONFIRMATION NEEDED:

- Ms. Diane Monnig as the City of Fairfax Representative

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

CONFIRMATION NEEDED:

- Ms. Lauren Elcesser as the Medical Community #2 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 Donald Hakenson; appointed 12/21 by Lusk) Term exp. 6/27 <i>Resigned</i>	Franconia District Representative	Latriece Prince-Wheeler	Lusk	Franconia

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD
(3-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 Robert H. Maurer; appointed 6/20 by Palchik) Term exp. 6/23 <i>Resigned</i>	Providence District Representative		Palchik	Providence

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT
SYSTEM BOARD OF TRUSTEES (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anthony H. Griffin (Appointed 9/20 by Gross) Term exp. 6/23	At-Large #2 Representative	Anthony H. Griffin (Gross)	By Any Supervisor	At-Large
VACANT (Formerly held by Robert Carlson; appointed 10/20-7/24 by McKay) Term exp. 8/17 <i>Resigned</i>	At-Large #3 Representative		By Any Supervisor	At-Large

**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>
VACANT (Formerly held by Ann Whipple; appointed 2/20-6/22 by McKay) Term exp. 6/25 <i>Resigned</i>	At-Large #1 Representative		By Anny Supervisor	At-Large
Jennifer Adeli (Appointed 6/17-7/20 by Foust) Term exp. 6/23	Dranesville District Representative	Ann Whipple <i>(Nomination announced on September 26, 2023)</i>	Foust	Dranesville

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

HEALTH CARE ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ellyn Crawford; appointed 6/23 by Alcorn) Term exp. 6/27 <i>Resigned</i>	Hunter Mill District Representative	Shuhd Sirelkhahatim	Alcorn	Hunter Mill

HUMAN RIGHTS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gloria J. Crawford (Appointed 9/20 by Alcorn) Term exp. 9/23	At-Large #2 Representative	Gloria J. Crawford (Alcorn)	By Any Supervisor	At-Large
VACANT (Formerly held by Emanuel Solon; appointed 9/95-7/01 by Connolly; 9/04-9/19 by Smyth) Term exp. 9/22 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large
Eduardo Conde (Appointed 1/20-9/20 by Gross) Term exp. 9/23	At-Large #8 Representative	Eduardo Conde (Gross)	By Any Supervisor	At-Large
Shahid S. Malik (Appointed 10/20 by McKay) Term exp. 9/23	At-Large #11 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Freda Shipman; appointed 6/15-9/17 by Hudgins; 9/20 by Alcorn) Term exp. 9/23 <i>Resigned</i>	At-Large #12 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Steven Bloom; appointed 11/11-7/19 by Foust) Term exp. 7/23 <i>Resigned</i>	Dranesville District #1 Representative	Jane Edmondson	Foust	Dranesville
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
Michele Menapace (Appointed 7/15-7/19 by McKay) Term exp. 7/23	Franconia District #1 Representative	Michele Menapace	Lusk	Franconia
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
Jerrold L. Foltz (Appointed 7/17-7/21 by Smith) Term exp. 7/25 <i>Resigned</i>	Sully District #1 Representative		Smith	Sully

INDUSTRIAL DEVELOPMENT AUTHORITY (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Leigh Anne Arnold (Appointed 1/04-1/19 by Hudgins) Term exp. 10/23	At-Large #2 Representative	Leigh Anne Arnold (Alcorn)	By Any Supervisor	At-Large
Joseph A. Heastie (Appointed 10/11- 10/19 by Smyth) Term exp. 10/23	At-Large #6 Representative		By Any Supervisor	At-Large

**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

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Patricia Harrison (Appointed 1/20 by McKay) Term exp. 10/23	Fairfax County #1 Representative	Patricia Harrison (McKay)	By Any Supervisor	At-Large

PLANNING COMMISSION (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andres Jimenez; appointed 1/20 by McKay) Term exp. 12/23 <i>Resigned</i>	At-Large #3 Representative	Phillip A. Niedzielski-Eichner (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Phillip A. Niedzielski-Eichner; appointed 12/16 by Smyth; 12/20 by Palchik) Term exp. 12/24 <i>Resigned</i>	Providence District Representative	Jeremy Hancock	Palchik	Providence

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

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 Gigi Thompson Jarvis; appointed 12/20 by Foust) Term exp. 12/23 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

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
VACANT (Formerly held by Karen Geier-Smith; appointed 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 Kocsis; appointed 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 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 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	Perez Otonde (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRANSPORTATION ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jeremy Hancock; appointed 7/20-6/22 by Palchik) Term exp. 6/24 <i>Resigned</i>	Providence District Representative	Sonya Breehey	Palchik	Providence

TREE COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Cindy Speas Appointed 5/21 by McKay) Term exp. 10/23	At-Large Chairman's Representative	Cindy Speas	McKay	At-Large Chairman's
Elaine D. Kolish (Appointed 6/22 by Storck) Term exp. 10/23	Mount Vernon District Representative	Elaine D. Kolish	Storck	Mount Vernon

TRESPASS TOWING ADVISORY BOARD (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Fred Scheler (Appointed 1/21 by McKay) Term exp. 9/23	Towing #1 Representative	Brad Fleming (McKay)	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>
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

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

NEW BOARD

CONTINUUM OF CARE BOARD (CoC) (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Dranesville District Representative		Foust	Dranesville
NEW POSITION	Mason District Representative		Gross	Mason
NEW POSITION	City of Falls Church Representative		Confirmed by the Board	Confirmation
NEW POSITION	City of Fairfax Representative		Confirmed by the Board	Confirmation
NEW POSITION	Shelter House (CoC) and Emergency Solutions Grant (ESG) Representative		Confirmed by the Board	Confirmation

Board Agenda Item
October 24, 2023

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
October 24, 2023

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
October 24, 2023

ADMINISTRATIVE – 1

Streets into the Secondary System – Enclave of Burke (Springfield 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>
Enclave of Burke	Springfield	Sheads Court

TIMING:

Board approval is requested on October 24, 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 I – Street Acceptance Form for Board of Supervisors Resolution – June 2005

STAFF:

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

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 2108-SD-001</p> <p>SUBDIVISION PLAT NAME: Enclave of Burke</p> <p>COUNTY MAGISTERIAL DISTRICT: Springfield</p>
<p>ENGINEERING MANAGER: Robert H. Burton BY: <u>Robert H. Burton</u> <small>Digitally signed by Robert H. Burton Date: 2023.08.28 14:32:34 -04'00'</small></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>08/15/2023</u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Sheads Court	CL Spring Lake Drive, Route 7101 - 551' N CL Old Keene Mill Road, Route 644	643' W to End of Cul-de-Sac	0.12

NOTES:	TOTALS:
5' Concrete Sidewalk on Both Sides to be maintained by VDOT	0.12

ADMINISTRATIVE - 2

Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Richfield Road (Springfield District)

ISSUE:

Board endorsement of a “Watch for Children” sign as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- One “Watch for Children” sign on Richfield Road (Springfield District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” sign as soon as possible.

TIMING:

Board action is requested on October 24, 2023, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for the installation of one or more “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign(s) will be effectively located and will not conflict with any other traffic control devices.

On September 6, 2023, FCDOT received verification from the Springfield District Supervisor’s Office confirming community support for one “Watch for Children” sign on Richfield Road.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

Board Agenda Item
October 24, 2023

FISCAL IMPACT:

Funding in the amount of \$300 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

ENCLOSED DOCUMENTS:

None.

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

ADMINISTRATIVE - 3

Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Meadow Hall Drive (Hunter Mill District)

ISSUE:

Board endorsement of a “Watch for Children” sign as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- One “Watch for Children” sign on Meadow Hall Drive (Hunter Mill District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” sign as soon as possible.

TIMING:

Board action is requested on October 24, 2023, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for the installation of one or more “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign(s) will be effectively located and will not conflict with any other traffic control devices.

On August 22, 2023, FCDOT received verification from the Hunter Mill District Supervisor’s Office confirming community support for one “Watch for Children” sign on Meadow Hall Drive.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

Board Agenda Item
October 24, 2023

FISCAL IMPACT:

Funding in the amount of \$300 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

ENCLOSED DOCUMENTS:

None.

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Board Agenda Item
October 24, 2023

ADMINISTRATIVE - 4

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program – Holly Leaf Drive and Clover Leaf Drive (Dranesville District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- Two “Watch for Children” signs on Holly Leaf Drive (Dranesville District)
- One “Watch for Children” sign on Clover Leaf Drive (Dranesville District)

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

TIMING:

Board action is requested on October 24, 2023, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for the installation of one or more “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign(s) will be effectively located and will not conflict with any other traffic control devices.

On August 4, 2023, FCDOT received verification from the Dranesville District Supervisor’s Office confirming community support for Two “Watch for Children” signs on Holly Leaf Drive and One “Watch for Children” sign on Clover Leaf Drive.

Board Agenda Item
October 24, 2023

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

FISCAL IMPACT:

Funding in the amount of \$900 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

ENCLOSED DOCUMENTS:

None.

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Board Agenda Item
October 24, 2023

ADMINISTRATIVE - 5

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Richfield Road (Springfield District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Richfield Road from Rolling Road to its terminus (Springfield District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on October 24, 2023, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Richfield Road (Springfield District) meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding” signs. On September 6, 2023, FCDOT received verification from the Springfield District Supervisor’s office confirming community support.

Board Agenda Item
October 24, 2023

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

FISCAL IMPACT:

For the "\$200 Additional Fine for Speeding" signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Richfield Road
Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Richfield Road

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

Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
RICHFIELD ROAD
SPRINGFIELD 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, October 24, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Richfield Road from Rolling Road to its terminus. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Richfield Road.

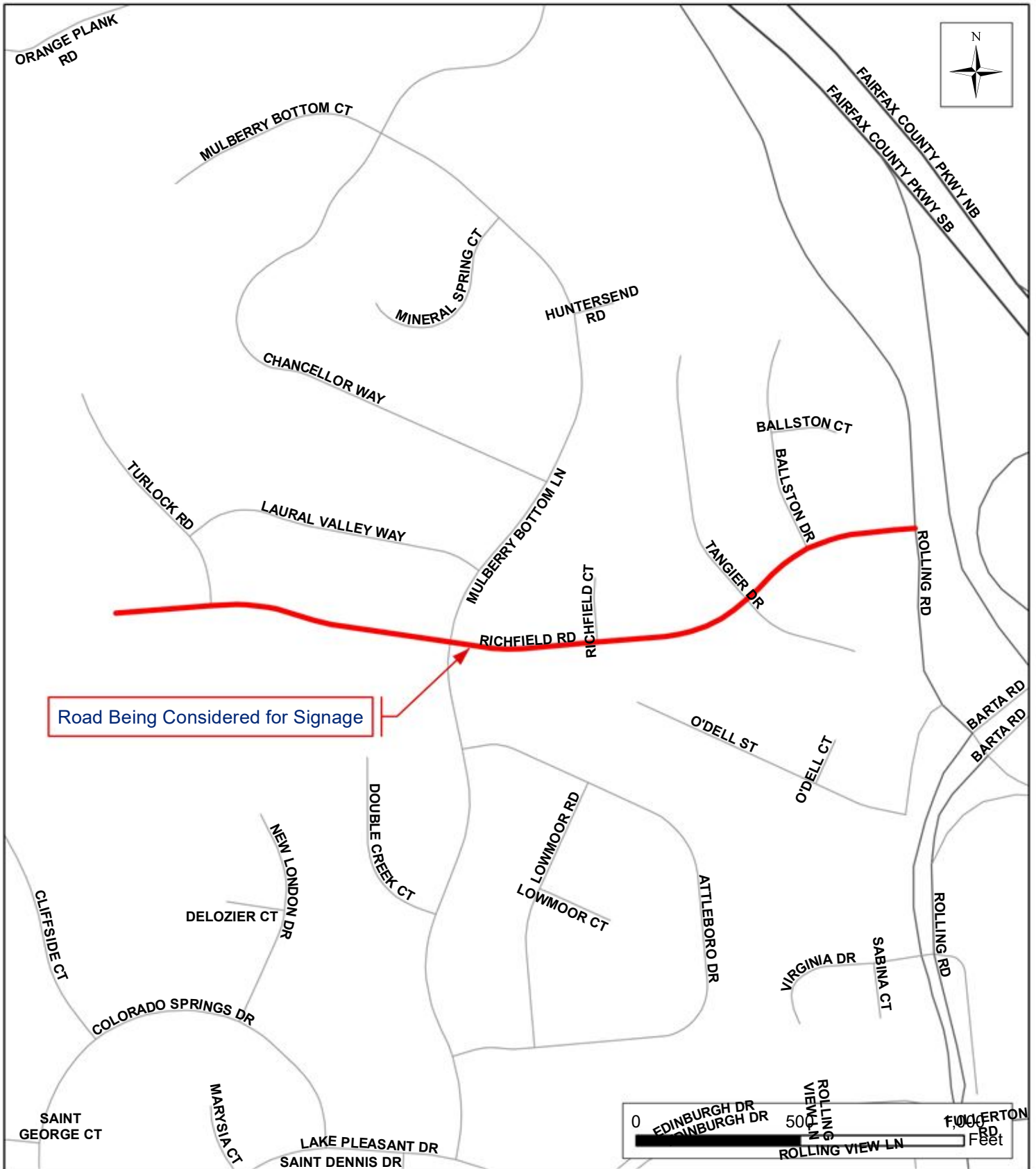
NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Richfield Road from Rolling Road to its terminus.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 24th day of October, 2023.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map:89-4, 98-2

September 2023

**Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Proposed \$200 Additional Fine for Speeding
 Richfield Road
 Springfield District**



Board Agenda Item
October 24, 2023

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Expanding the McLean Residential Permit Parking District, District 21 (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to *Appendix G of The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the McLean Residential Permit Parking District (RPPD), District 21, to include Rosemont Court from Rosemont Drive to cul-de-sac, inclusive.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 21, 2023, at 3:30 p.m. to expand the McLean RPPD, District 21.

TIMING:

The Board should take action on October 24, 2023, to provide sufficient time for advertisement of the proposed public hearing scheduled for November 21, 2023, at 3:30 p.m.

BACKGROUND:

Section 82-5A-4(a) of The Code of the County of Fairfax, Virginia, authorizes the Board to establish and expand RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that at least 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Board Agenda Item
October 24, 2023

Staff has verified that the petitioning blocks are within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of McLean High School and thus qualify for inclusion in the RPPD. Staff has also verified that all other requirements to expand the RPPD discussed above have been met.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as it is part of an established program to restrict parking in residential areas.

FISCAL IMPACT:

Funding in the amount of approximately \$425 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Lisa Witt, Chief, Administrative Services, FCDOT
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Henri Stein McCartney, Sr. Transportation Planner, FCDOT
Amir Farshchi, Transportation Planner II, FCDOT

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following street in Appendix G-21, Section (b), (2), McLean Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Rosemont Court (Route 1729):

From Rosemont Drive to cul-de-sac, inclusive.



Board Agenda Item
October 24, 2023

ADMINISTRATIVE - 7

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Landscaping and Screening

ISSUE:

The proposed Zoning Ordinance amendment comprehensively updates Section 5108 which includes requirements for parking lot landscaping and transitional screening and barriers. Specifically, the amendment includes changes that address general landscaping standards, interior and peripheral parking lot landscaping, transitional screening and barrier requirements, waivers and modifications, and maintenance. The proposed amendment would increase requirements for tree canopy within parking lots and along roadways, as well as update and simplify the transitional screening and barrier requirements. Additionally, modifications would encourage use of shade structures on parking structures and reduce headlight glare. Among other benefits, these changes would provide additional tree cover, reduce urban heat island effects, and support creating a healthy, attractive, and livable community.

RECOMMENDATION:

The County Executive recommends the authorization of the proposed amendment for public hearings by adopting the Resolution set forth in Attachment 1.

TIMING:

Board action is requested on October 24, 2023, to provide sufficient time to advertise the proposed Planning Commission public hearing on December 6, 2023, at 7:30 p.m., and the proposed Board of Supervisors public hearing on January 23, 2024, at 4:00 p.m.

BACKGROUND:

The proposed amendment was carried over from the 2023 Zoning Ordinance Work Program (ZOWP) and is currently identified on the FY 2024/2025 ZOWP (Topic #6) as a First-Tier item. The ZOWP directed staff to work with an interagency work group to research and conduct outreach on a review of the landscaping and screening provisions of the Zoning Ordinance. Staff established an interagency work group in September 2022 to perform a comprehensive review of the existing Zoning Ordinance regulations. The work group comprised of staff from the Zoning Administration Division, Zoning Evaluation Division, and Urban Centers and Community Revitalization Sections

of the Department of Planning and Development; Site Code Research and Development Branch and the Forest Conservation Branch of the Department of Land Development Services; Urban Forest Management Division and Stormwater Planning Division within the Department of Public Works and Environmental Services; and Office of Environmental and Energy Coordination. The work group discussed how these regulations are administered and implemented, challenges that have been encountered, and possible changes that could be addressed by the amendment. In addition to staff, a consultant team from Clarion Associates and LSG Landscape Architecture has been engaged to provide feedback and guidance on Fairfax County's current regulations and best practices in the industry; perform jurisdictional research; and serve as a subject matter expert.

The proposed amendment has been presented to the Board's Land Use Policy Committee, the Planning Commission's Land Use Process Review Committee, general community meetings, local land use committees, the zMOD land use attorneys work group, the Parking Reimagined Zoning Ordinance Amendment work group, the Tree Commission, the Environmental Quality Advisory Council, and other groups. A complete list of outreach can be found on the webpage dedicated to this amendment enclosed in Attachment 3.

A description of the major proposed changes is provided below.

Existing Vegetation

The conservation of existing vegetation has many environmental benefits such as carbon sequestration and management of vital atmospheric, water, soil, and ecological resources. Existing vegetation may be used to meet the landscaping and screening requirements. To facilitate and encourage the use of existing vegetation and the use of native trees, staff proposes to reduce the minimum required percentage of evergreen trees to 50 percent if at least 25 percent of the transitional screening area is existing vegetation and/or new native trees. Additionally, staff is proposing that for both transitional screening and parking lot landscaping, preference should be given to native and environmentally tolerant landscaping.

Parking Lot Landscaping

The following changes are proposed for parking lot landscaping requirements.

- Requires smaller parking lots to provide tree cover by reducing the applicability requirement from 20 spaces to ten or more parking spaces.
- Increases tree cover by increasing the percentage of interior parking lot landscaping from 5 to ten percent.
- Better distributes tree cover by establishing a spatial requirement of an average of one planting area for every ten contiguous parking spaces.

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- Effectively adds shade requirements to parking structures and clarify implementation by requiring interior parking lot landscaping for surface lots only. Address parking structures separately through the proposed requirement of shade structures that provide shade to ten percent of the total exposed area of the parking structure. Shade structures could include canopies, canopies with vegetative roofs, or solar collection systems. Additionally, shade may be provided through shade trees or a combination of trees and shade structures, located on the exposed portion of the parking structure.
- Increases the tree cover at the periphery of a parking lot, including along the right-of-way, by modifying the peripheral parking lot landscaping ratio, when the property abuts street right-of-way, to one tree for every 30 linear feet.
- Reduces vehicle headlight glare by adding a shrub requirement for peripheral parking lot landscaping.

Transitional Screening

Transitional screening and barriers are provided between dissimilar uses to reduce the impact of the more intensive use. Currently, transitional screening and barriers are required along a street frontage when a less intensive use is located across the street. Staff proposes to remove the requirement to provide transitional screening and barriers for uses that are located across a street. Additionally, the current provisions require transitional screening between uses within a mixed-use development, except in the PTC District. Considering the site-specific design that is required as part of the approval process, staff proposes that transitional screening and barriers in all Planned Districts apply only at the periphery of the development, and not be required between individual uses within the development. Lastly, staff proposes to simplify the table structure by using the use classifications, and select uses, established in the Use Tables rather than the existing groupings that were carried over from the previous Zoning Ordinance.

Barriers

The Zoning Ordinance details eight barrier requirements including walls, hedges, and fences. The following changes are proposed.

- Evergreen hedge (Barrier Type C): Replace the current spacing requirement with language requiring the creation of a uniform hedge at maturity.
- Chain Link Fence (Barrier Types D and G): Remove barrier options as chain link fencing does not provide a visual screening.
- Variety of trees (Barrier Type H): Remove as it is no longer being utilized due to the conversion of the table.

Street Frontage Landscaping

As transitional screening is no longer proposed to be required for dissimilar land uses when located across a street, staff proposes street frontage landscaping be provided in a ten-foot-wide planting strip parallel to all street lines of a public or private street. Street frontage landscaping will require at least one tree per 30 feet of linear frontage, which is consistent with the existing width and the proposed planting requirement for peripheral parking lot landscaping when abutting a right-of-way.

Additional Changes

In addition to the beforementioned topic areas, staff also recommends the following changes to the landscaping and screening regulations.

- Restructuring – Restructure Section 5108 to reflect the life cycle of establishing landscaping and add a new subsection on street frontage landscaping.
- Purpose Statement – Update and broaden the purpose statement to support placemaking, encourage mixed-use developments, as well as promote the enhancement of ecological and social or recreational spaces.
- Parking Lot Lighting – The location of parking lot lighting can hinder the placement of interior parking lot landscaping. An uneven distribution of parking lot landscaping can result based on placement of the light poles. Locating light poles away from trees ensures that the parking lot lighting is not obstructed, which contributes to the safety and security of the parking lot after dark. Therefore, staff proposes to require light poles to be located at least 15 feet from a tree planting.
- Utility Easements – To the extent feasible, require new utility easements to be located outside of required landscaping, except to cross perpendicularly. These easements can be placed in other locations on the property such as within the parking lot without impacting trees.
- Waivers and Modifications – The waivers and modifications are being consolidated into one subsection regardless of topic area. They are also simplified into broader options while providing guidance to the approving body on when such a waiver or modification is appropriate. Lastly, the proposed changes differentiate between what waivers or modifications can be approved by the Board, Board of Zoning Appeals, and the Director of the Department of Land Development Services.
- Maintenance – Landscaping that is not in healthy growing condition due to improper pruning, lack of proper soil depth, and impingement on root growth can result in maintenance issues. Staff proposes to add clarifying language that address these maintenance issues.

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A Staff Report will be published a minimum of three weeks prior to the Planning Commission Public Hearing that provides additional detail and analysis of the proposed amendment.

EQUITY IMPACT:

The One Fairfax policy includes seventeen areas of focus; this Zoning Ordinance Amendment relates to Area of Focus 11, which encourages a quality built and natural environment that supports a high quality of life for all people. Throughout the amendment review staff has applied an equity lens to identify areas in which equity could be addressed through the landscaping and screening provisions. These provisions apply countywide, and landscaping helps create a healthy, attractive, and livable community for all areas. Regarding transitional screening and barriers, as part of the outreach on this topic, staff posed the question concerning whether the landscaping and screening provisions serve to separate incompatible land uses (as originally intended) or do they create barriers between communities, particularly between residential uses such as single-family homes and townhouses. County specific data does not show instances where our landscaping and screening provisions have contributed to inequities.

In addition, the One Fairfax policy encourages expansive community engagement to ensure that all people are heard and considered. Staff has presented at 27 public meetings to obtain public input on the existing landscaping and screening provisions.

REGULATORY IMPACT:

The proposed amendment revises existing and adds new regulations for landscaping and screening. The amendment also addresses the authority granted to the Board, Board of Zoning Appeals (BZA), and Director of the Department of Land Development Services (Director) to approve waivers and modifications to the landscaping and screening requirements. These revisions provide the Director with objective standards when approving a waiver or modification in conjunction with a site plan. Meanwhile, subjective standards are provided to the Board and BZA in conjunction with a rezoning, special exception, or special permit. If a waiver or modification is requested through the site plan process that is outside of the Director's authority, the request would be sent to the Board for approval similar to the existing process for parking reductions.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 – Resolution

Attachment 2 – Draft Text

Attachment 3 – [Landscaping and Screening – Proposed Zoning Ordinance Amendment
| Planning Development](#)

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ASSIGNED COUNSEL:

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RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on October 24, 2023, at which a quorum was present and voting, and the following resolution was adopted:

WHEREAS, while updates to the landscaping and screening regulations in the Zoning Ordinance have occurred over the years to address Tree Conservation and other specific needs, a comprehensive review of the regulations has not occurred since the adoption of the ordinance in 1978; and

WHEREAS the need to comprehensively update the landscaping and screening regulations was identified as an important component of the County's overall effort to update and modernize the Zoning Ordinance and was added to the Zoning Ordinance Work Program in 2022; and

WHEREAS, protecting and conserving natural resources that provide ecological and health benefits, such as native species and environmentally tolerant species, supports the Strategic Plan, the Resilient Fairfax Climate Adaption and Resilience Plan, and the Community-wide Energy and Climate Action Plan by reducing environmental impacts related to climate change, Urban Heat Island effect, and urban flooding; and

WHEREAS landscaping helps create a healthy, attractive, and livable community for all areas of the County which supports the One Fairfax Policy; and

WHEREAS, increasing interior parking lot landscaping, requiring shade structures for parking structures, and creating a spatial distribution requirement for interior parking lot landscaping would increase the shade provided to parked vehicles which provides environmental benefits such as carbon sequestration and reduces the environmental impacts of Urban Heat Island effect; and

Whereas the new requirement to provide street frontage trees will increase shade along walkways and can improve a create more enticing areas for people to visit and can lead to placemaking; and

WHEREAS, requiring shrub plantings within peripheral parking lot landscaping can reduce vehicle headlight glare for neighboring properties as well as vehicles traveling in the right-of-way; and

WHEREAS simplifying and updating the transitional screening and barrier requirements is essential to ensure appropriate screening is provided; and

WHEREAS the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to the Fairfax County Zoning Ordinance relating to landscaping and screening.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

#1 INSTRUCTION: Repeal and Replace Section 5108 with the following text. Advertised options are included (*in parentheses, italics, and bold*). When an option is presented as a range, the Board may approve any number within the advertised range.

Article 5 – Development Standards

5108. Landscaping and Screening

The purpose of this section is to provide for effective and functional landscaping and screening to create an attractive and harmonious community by minimizing the impact of dissimilar, adjoining uses. Placemaking opportunities are enhanced by encouraging connected, walkable, and open communities through enhanced shade and pathways for pedestrian use. Natural resource conservation is promoted, including soil, air, and water quality while enhancing ecological and social or recreational spaces. Provisions in this section lessen the impact of wind, heat, noise, dust, and other debris, and motor vehicle headlight glare or other artificial light intrusion.

Appropriate landscaping provides shade, which can reduce health-related impacts from extreme heat, and contributes toward compliance with the Federal Clean Air Act by reducing levels of carbon dioxide and helping to alleviate atmospheric heat island production and other negative effects on the air quality and ozone levels produced by accelerated fuel evaporation from vehicles parked on non-shaded pavement. Provisions also promote adequate planting areas for healthy development of trees.

1. Applicability and Administration

- A. The Director is responsible for the administration of this section.
- B. The provisions of this section apply to all development subject to the provisions of subsection 8100.7.

2. General Landscaping Standards

A. Conformance with Public Facilities Manual

The planting, including the height and caliper requirements, and maintenance of all trees and shrubs must be in accordance with the Public Facilities Manual.

B. Vegetation

- (1) Suitable existing vegetation, as determined by the Director, will be used to meet the requirements of this Section and the Public Facilities Manual.
- (2) Preference should be given to native species and environmentally tolerant species identified in the Public Facilities Manual.

C. Commercial Revitalization Districts and PTC District

In a Commercial Revitalization District and in the PTC District, parking lot landscaping and transitional screening and barriers must be provided in accordance with the provisions of subsection 3102 and 2105.6 respectively.

D. Utility Easements

New utility easements must be located outside of landscaping areas required under this Section, except to cross perpendicularly, to the greatest extent feasible, as determined by the Director. If satisfying this requirement is determined by the Director to not be feasible, the required landscaping must be provided as close to the required location as possible. If the required number of trees per subsection 5108.3, subsection 5108.4, and subsection 5108.5 cannot be accommodated on the remaining available site area, a modification must be approved by the Board or BZA in accordance with subsection 5108.6.A(4).

E. Landscaping Plan and Planting Requirements

- (1) A landscaping plan must be submitted as required by proffered or development conditions, an approved development plan, and subsection 8100.7. A landscaping plan may also be required for a minor site plan, as determined by the Director.
- (2) Landscaping plans must be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials in accordance with the Public Facilities Manual and the requirements of this Section.
- (3) Landscaping required by this Section must be shown on the landscape plan and must be completed according to specifications before approval of any Residential or Nonresidential Use Permit in accordance with subsection 8100.9.B.

3. Street Frontage Landscaping

A. Street Frontage Landscaping Requirements

- (1) Street frontage landscaping must be provided parallel to all street lines of a public or private street.
- (2) Street frontage landscaping must consist of a ten-foot-wide landscaping strip (*eight to ten feet*), exclusive of a sidewalk or trail, containing at least one tree per 30 linear feet of frontage, but trees are not required to be planted on 30-foot centers.
- (3) Where street frontage landscaping required by this subsection conflicts with street planting regulations of the Virginia Department of Transportation, the regulations of the latter govern.

B. Exceptions

- (1) Street frontage landscaping is not required for lots developed with a single-family dwelling unless shown on an approved development plan or PRC Plan.
- (2) Street frontage landscaping is not required parallel to internal drive aisles within a development, or along a railroad, interstate highway, the Dulles International Airport Access Highway, or the combined Dulles International Airport Access Highway and Dulles Toll Road.
- (3) Where peripheral parking lot landscaping is required by this Section, street frontage landscaping is not required.

4. Parking Lot Landscaping

A. Interior Parking Lot Landscaping

- (1) Amount Required

- (a) Any lot or parcel containing ten or more surface parking spaces (**up to 20 parking spaces**), including surface parking lots expanded to provide ten or more spaces, (**up to 20 parking spaces**) must include interior landscaping covering a minimum of ten percent (**five to 20 percent**) of the total area of the surface parking lot. Interior parking lot landscaping must be calculated in accordance with the Public Facilities Manual.
- (b) Up to five percent (**up to 10 percent**) of the required interior parking lot landscaping may be satisfied through the use of a solar collection system.
- (c) For calculation purposes, interior parking lot landscaping does not include any planting or landscaping within six feet of a building, any planting or landscaping required as peripheral parking lot landscaping, and any transitional screening required by subsection 5108.5.B.

(2) Planting Requirements

- (a) The primary landscaping materials used in parking lots must be trees that provide shade at maturity. Shrubs and other planting material may be used to complement the tree landscaping but may not be the sole contribution to the landscaping.
 - (b) An average of one planting area, as defined in the Public Facilities Manual, is required for every ten contiguous parking spaces (**eight to 20 parking spaces**).
 - (c) The location of landscaping materials used in parking lots must not impede the accessibility of ADA compliant parking spaces.
- (3) There must be a minimum distance of 15 feet (**15 to 20 feet**) between a light pole and a tree required by this Section unless modified by the Director in accordance with subsection 5108.6.B(5).
 - (4) The interior dimensions of any planting area must be large enough to protect all landscaping materials in conformance with the Public Facilities Manual.
 - (5) Interior parking lot landscaping is not required for storage yards.

B. Shade Structures

- (1) Any parking structure with an exposed surface containing ten or more parking spaces (**up to 20 parking spaces**) must include shade structures covering a minimum of ten percent (**five to 20 percent**) of the total area of the exposed portion of the parking structure. Alternatively, the required percentage of shade may be provided through shade trees or a combination of trees and shade structures, located on the exposed portion of the parking structure, as required for interior parking lot landscaping in subsection 5108.4.A.
- (2) Shade structures include canopies, solar collection system, or similar structures. Structures must be permanent and not made of temporary materials such as fabric. If a solar collection system is used to meet the shade structure requirement, the solar collection system can satisfy five percent of the percentage required in subsection 5108.4.B(1).
- (3) The shade structures required by this Section may exceed the maximum height requirement by up to 16 feet.

C. Peripheral Parking Lot Landscaping

Any lot containing ten or more surface parking spaces (**up to 20 parking spaces**), including parking lots expanded to provide ten or more spaces (**up to 20 parking spaces**), where transitional screening is not required by subsection 5108.5.B must provide peripheral parking lot landscaping as follows.

- (1) Property Does Not Abut Street Right-of-Way**

- (a) A continuous landscaping strip must be provided between the parking lot and the abutting property lines, except where driveways, pedestrian access, or other openings may necessitate other treatment.
 - (b) At least 13 shrubs, planted at a height of 30 inches, for each 50 linear feet must be planted in the landscaping strip to grow to a height of at least four feet at maturity. The selection and placement of the shrubs must be designed to create adequate screening of vehicle headlights at maturity.
 - (c) The minimum width of any planting area must provide at least four feet between the center of a tree and a restrictive barrier, such as a curb or pavement, unless modified in accordance with subsection 5108.6.A.
 - (d) At least one tree for each 50 linear feet must be planted in the landscaping strip; however, trees are not required to be planted on 50-foot centers.
- (2) Property Abuts Street Right-of-Way**
- (a) A continuous landscaping strip ten feet in width must be located between the parking lot and the property line, except where driveways, pedestrian access, or other openings may necessitate other treatment, and may not include a sidewalk, or trail.
 - (b) At least one tree for each 30 linear feet must be planted in the landscaping strip; however, trees are not required to be planted on 30-foot centers.
 - (c) At least eight shrubs, planted at a height of 30 inches, for each 30 linear feet must be planted in the landscaping strip to grow to a height of at least four feet at maturity. The selection and placement of the shrubs should be designed to create adequate screening of vehicle headlights at maturity.
 - (d) Where peripheral landscaping required by this subsection conflicts with street planting regulations of the Virginia Department of Transportation, the regulations of the latter govern.

5. Transitional Screening and Barriers

A. Applicability

- (1) Transitional screening and barriers must be provided on the lot of the use indicated in the left column of Table 5108.2 where it is adjacent to land used or zoned for uses indicated across the top of Table 5108.2. The uses are grouped by use classification, consistent with Article 4.
- (2) The more stringent requirements of the Table 5108.2 apply if the lot will contain more than one use or classification of uses in Table 5108.2; however, the lesser requirement will apply on a side where only the use with the lesser requirement is located.
- (3) In a P district, screening and barrier requirements apply to the boundaries of the development and do not apply to individual lots or uses interior to the development, unless shown on the approved PRC plan or development plan.
- (4) In addition to the standards established in Article 4 for a particular use, all uses allowed by special exception or special permit are required to provide transitional screening and barriers as determined by the Board or BZA, in accordance with Table 5108.2.
- (5) Transitional screening and barriers are not required between different dwelling unit types within an affordable dwelling unit development.
- (6) The following uses are not included in Table 5108.2 and are subject to the standards below:
 - (a) Agricultural operation does not require transitional screening or barriers.
 - (b) Wireless facility is subject to the requirements of subsection 4102.4.Y.

- (c) The following uses may be required to provide transitional screening and barriers as determined by the Board or BZA: agritourism, campground; cemetery; farm winery, limited brewery, or limited distillery; group household; marina (commercial or private noncommercial); office in a residential district; and riding or boarding stable.
- (d) A public use is subject to the requirements of the most similar use as determined by the Director in consultation with the Zoning Administrator. For a public use, the transitional screening and barrier which is to be provided in conjunction with the use, may be of such dimensions and location as approved by the Board.

B. Transitional Screening Requirements

(1) Types of Transitional Screening

There are three different transitional screening requirements as identified in Table 5108.2 that must be provided in accordance with Chapter 12 of the Public Facilities Manual and as follows:

(a) Transitional Screening 1

Transitional Screening 1 consists of a strip of open space a minimum of 25 feet wide and planted with all of the following:

1. A mixture of large and medium evergreen trees and large deciduous trees that achieve a minimum ten-year tree canopy of 75 percent or greater;
2. A mixture of trees consisting of at least 70 percent evergreen trees, and consisting of no more than 35 percent of any single species of evergreen or deciduous tree; and
3. A mixture of predominately medium evergreen shrubs at a rate of three shrubs for every ten linear feet for the length of the transition yard area. The shrubs must generally be located away from the barrier and staggered along the outer boundary of the transition yard.

(b) Transitional Screening 2

Transitional Screening 2 consists of a strip of open space a minimum of 35 feet wide and planted as required in subsections 5108.5.B(1)(a)1, 2, and 3 above.

(c) Transitional Screening 3

Transitional Screening 3 consists of a strip of open space a minimum of 50 feet wide planted as required in subsections 5108.5(B)(1)(a)1, 2, and 3 above.

- (2) An alternative mixture of evergreen and deciduous trees, as required by subsection 5108.5(B)(1)(a)2, is permitted if it results in no less than 50 percent **(30 to 70 percent)** evergreen trees, and at least 25 percent **(15 to 35 percent)** of the transitional screening area contains existing vegetation and/or new native trees.
- (3) A perpendicular sidewalk, trail, or shared use path up to ten feet in width may be allowed within transitional screening.
- (4) The transitional screening yard width and planting requirements may be reduced as much as two-thirds where a six-foot brick or architectural block wall is provided instead of the barrier required.

C. Barrier Requirements

(1) Barrier Location

- (a) Barriers may be located at the property boundary or between the transitional screening and use requiring the screening.

- (b) The faced or finished side of the barrier must be facing the adjacent use with any bracing, supports, or posts located on the side of the barrier facing the use requiring the barrier.

(2) Types of Barriers

- (a) Table 5108.1 identifies different barrier requirements, which must be provided in accordance with Table 5108.2. The applicant may choose the type of barrier if more than one type is allowed under Table 5108.2.
- (b) In unusual circumstances related to topography, or to alleviate specific problems with nuisance issues such as glare and noise, the Director may allow the use of an earth berm or more specialized barrier material in lieu of, or in combination with, any of the barrier types set forth below.

TABLE 5108.1: Barrier Requirements by Type			
Barrier Type	Height	Materials	Other Standards
A	42-48 inches	Wall of brick or architectural block	N/A
B	42-48 inches	Solid wood or otherwise architecturally solid fence	N/A
C	42-48 inches	Evergreen hedge	Planting size minimum 36 inches and planted to create a uniform hedge at maturity.
D	6 feet	Wall of brick or architectural block	N/A
E	6 feet	Solid wood or otherwise architecturally solid fence	N/A

TABLE 5108.2: Transitional Screening and Barrier Type Requirements
 Numbers in individual cells represent transitional screening type required (1, 2, or 3)
 Letters in individual cells represent barrier type required (A through E)

Use Classification	Adjacent Use								
	Single-Family Dwelling, Attached and Detached	All Other Residential Uses	Solar Power Facility	Utility Facility, Heavy	All Other Public, Institutional, and Community Uses	Vehicle Repair and Maintenance, Heavy	All Other Commercial Uses	Craft Beverage Production Establishment	All Other Industrial Uses
Residential Uses									
Single-Family Dwelling, Attached and Detached	None	None	None	None	None	None	None	None	None
All Other Residential Uses	Type 1 Barrier D or E	None	None	None	None	None	None	None	None
Public, Institutional, and Community Uses									
Solar Power Facility	Type 3 Barrier D or E	Type 2 Barrier D or E	None	None	Barrier D or E	None	Barrier D or E	Barrier D or E	None
Utility Facility, Heavy	Type 3 Barrier D or E	Type 3 Barrier D or E	None	None	Type 1 Barrier A, B or C	None	Barrier D or E	Barrier D or E	None
All Other Public, Institutional, and Community Uses	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	None	None	None	None	None
Commercial Uses									
Vehicle Repair and Maintenance, Heavy	Type 3 Barrier D or E	Type 3 Barrier D or E	Barrier D or E	Barrier D or E	Type 1 Barrier D or E	None	Type 1 Barrier D or E	Barrier D or E	Barrier A, B or C
All Other Commercial Uses	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	Barrier D or E	None	None	None	None
Industrial Uses									
Craft Beverage Production Establishment	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	Type 1 Barrier A, B or C	None	None	None	None
All Other Industrial Uses	Type 3 Barrier D or E	Type 3 Barrier D or E	Barrier D or E	Barrier D or E	Type 1 Barrier D or E	Type 1 Barrier D or E	Type 1 Barrier A, B or C	Type 1 Barrier D or E	None

6. Waivers and Modifications

- A.** The Board, in conjunction with the approval of proffered conditions, a PRC plan, a special exception; or through a General Waiver associated with a site plan, or the BZA in conjunction with the approval of a special permit, may modify or waive the requirements of this Section as follows:
- (1)** The transitional screening and barrier requirements may be waived or modified if the topography of the lot providing the transitional screening and the adjacent lot being protected is such that transitional screening or a barrier would not be effective.
 - (2)** Parking lot landscaping planting requirements for interim uses of a specified duration, or where deemed appropriate, may be modified when the modification or waiver does not create a harmful effect on the existing and planned development of adjacent properties.
 - (3)** Parking lot landscaping may be modified to allow the planting of less than one planting area for every ten contiguous parking spaces when the resulting configuration results in the appropriate amount of shade for vehicles parked in the parking lot.
 - (4)** When there is a conflict between the required landscaping of subsection 5108.3, subsection 5108.4, and subsection 5108.5 and the location of a new utility easement, the required landscaping may be modified if the required landscaping cannot be accommodated on the remaining available site area as a result of the building placement and lot configuration.
- B.** The Board in conjunction with the approval of proffered conditions, PRC plan, special exception, the BZA in conjunction with the approval of a special permit, or the Director in conjunction with a site plan, may waive or modify the requirements of this Section as follows:
- (1)** The transitional screening, barriers, and street frontage landscaping may be modified if they are specifically designed to minimize adverse impacts such as noise, glare, vehicular traffic, unsightly views, and incompatible land uses through a combination of architectural and landscaping techniques such as building placement, lot configuration, and additional landscaping provided beyond the landscaping required by this subsection.
 - (2)** The transitional screening, barriers, and street frontage landscaping may be modified if they are specifically designed in accordance with the approved urban design guidelines.
 - (3)** The street frontage landscaping, transitional screening, or barrier requirements may be waived or modified if:
 - (a)** The topography of the lot providing the trees and the adjacent lot is such that the required trees would not provide screening; or
 - (b)** The topography or other conditions of the lot, where the trees would be located, would cause the trees to not be viable.
 - (4)** A reduction in the percent of interior parking lot landscaping required in accordance with subsection 5108.4.A(1) is not permitted. However, the interior parking lot landscaping requirement in subsection 5108.4.A(2)(b) may be modified if the shape or size of the lot or parcel would preclude the arrangement of planting areas for every ten contiguous spaces.
 - (5)** A reduction in the distance required between light poles and a required tree may be waived or modified if the topography or other conditions of the lot would not cause a reduction in lighting of the parking lot or impact the growth of the tree.

7. Maintenance

- A.** The owner or their agent is responsible for the maintenance, repair, and replacement of all landscaping materials and barriers as may be required by this Section.

- B.** All plant material must be tended and maintained in a healthy growing condition including proper pruning, proper soil depth, and preventing impingement on root growth, replaced when necessary due to poor health or unsafe conditions, and kept free of refuse and debris.
- C.** Fences and walls must be maintained in good repair. Openings within the barriers may be required by the Director for accessibility to an area for necessary maintenance.
- D.** When tree conservation is required on individual lots in residential districts, the homeowner, subsequent to Residential Use Permit issuance, is not precluded from adding, removing, or relocating such landscaping.
- E.** All landscaping must be installed and maintained in substantial conformance with any proffered conditions or with any approved development plan, PRC plan, special exception, special permit, or variance as determined by the Zoning Administrator. Any removal or replacement of required landscaping requires approval by the Director after coordination with the Zoning Administrator.
- F.** The removal or replacement of any landscaping depicted on an approved site plan that is not subject to any of the approvals listed in subsection 5108.7.E above requires Director approval.
- G.** Any landscaping required by subsections 5108.7.E and 5108.7.F above that is removed or replaced without the written permission of the Director must be replaced at the owner's expense with new landscaping of the appropriate species and equal to or as large in total canopy area at the time of planting as the required landscaping that was removed as determined by the Director.

8. Tree Conservation

Tree conservation requirements are set forth in Chapter 122 of the County Code and the Public Facilities Manual.

The following proposed changes are a result of the repeal and replacement of Section 5108 Landscaping and Screening. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of October 24, 2023. Additions are shown as underlined while deletions are shown as ~~strikethrough~~.

INSTRUCTION #2: Update references in subsection 3102.3(E); reduce the number of parking spaces required to trigger parking lot landscaping from 20 parking spaces to ten; clarify and update the caliper requirements for deciduous trees; and add a descriptor of the type of fencing.

Article 3 - Overlay and Commercial Revitalization Districts

3102. Commercial Revitalization Districts

3. Standards Applicable to All Commercial Revitalization Districts

E. Additional Standards

(4) Landscaping and Screening

The landscaping and screening requirements of Section 5108 apply, except as set forth below. When the following provisions require a determination of feasibility of meeting the requirements on a lot, the Director may make the determination through the approval of a site plan, or the Board may make the determination by special exception in accordance with subsection 8100.3.

(a) The interior parking lot landscaping requirements of subsection 5108.~~54~~.A apply as follows:

1. When a proposed expansion or enlargement of an existing development results in a parking lot containing ~~20~~ ten or more parking spaces, the interior parking lot landscaping requirements apply to the parking lot unless waived or modified in accordance with subsection 5108.6 ~~the Director determines that it is not feasible to meet the requirement or that compliance with the requirement will adversely impact the required off-street parking.~~
2. The interior parking lot landscaping requirements apply for redevelopments and new developments.

(b) The peripheral parking lot landscaping requirements of subsection 5108.5.~~B(1)~~.C apply as follows:

1. The peripheral parking lot landscaping requirements of subsection 5108.5.~~B(1)~~.C(1) concerning when a property line abuts land that is not the right-of-way of a street do not apply to expansions or enlargements of existing developments.
2. The requirements of subsection 5108.5.~~B(1)~~.C(1) apply to redevelopments or new developments. However, where there are landscaping or design provisions in the Urban Design Guidelines Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width or different plant materials than those required by subsection 5108.5.~~B(1)~~.C, then the standards in the ~~Comprehensive Plan~~ Urban Design Guidelines apply.

3. The peripheral parking lot landscaping requirements of subsection 5108.5-B(2)4.C(2) concerning when the property line abuts the right-of-way of a street do not apply for expansions or enlargements of existing developments, redevelopments, and new developments. However, the following are required:
- a. A ten-foot-wide landscaping strip, which may not include any sidewalk, trail, or parallel utility easement, must be located on the lot where it abuts a street right-of-way line.
 - b. If there are no existing or proposed overhead utility lines, there must be at least one large deciduous tree planted in the landscaping strip for each 30 feet of length, but the trees are not required to be installed at a spacing of one tree every 30 feet on center. If there are overhead utility lines, at least one small to medium deciduous tree must be planted in the landscaping strip for every 25 feet of length, but the trees are not required to be installed at a spacing of one tree every 25 feet on center. Trees planted in a landscaping strip beneath overhead utility lines must be of a shape and character to avoid interfering with the utility lines.
 - c. All deciduous trees must be ~~two and one-half to~~ at least three inches in caliper, or in accordance with the Urban Design Guidelines, at the time of planting.
 - d. If there are landscaping or design provisions in the Urban Design Guidelines Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width or different plant materials than set forth above, then the provisions of the Urban Design Guidelines Comprehensive Plan apply.
 - e. The above requirements may be modified or waived for expansions or enlargements of existing developments when it is determined that it is not feasible to meet these requirements on the lot.
- (c) The transitional screening and barrier requirements of subsection 5108.65.B apply as follows:
1. For new development and redevelopment, or for expansions or enlargements of existing developments, the transitional screening and barrier requirements apply. If there are landscaping or design provisions in the Urban Design Guidelines Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width, a different number of plantings, or different plant materials than required by subsection 5108.65, then the provisions of the Urban Design Guidelines Comprehensive Plan apply.
 2. When the peripheral planting requirements of subsection (b)3 above, are required and provided in accordance with that subsection, they are deemed to meet the transitional screening requirement for that portion of the lot.
 3. In addition to the above and to the provisions of subsection 5108.65.C, transitional screening may be modified or waived when a barrier is provided. The barrier must consist of a decorative brick or block wall, ~~a decorative tubular steel or aluminum fence,~~ or an alternative treatment that is compatible with treatments prevalent in the district or provisions of the Urban Design Guidelines Comprehensive Plan. Any alternative treatments must be approved by the Director.
 4. For all of the above, the requirements may be modified or waived by the Board by special exception in accordance with subsection 8100.3.

As a result of Section 5108 being repealed and replaced a new paragraph will be added to Appendix 1, subsection 2.B to address previous approvals and applications in process. New language is provided in the underline format.

APPENDIX 1 – PROVISIONS RELATING TO PREVIOUS APPROVALS

Below are the general provisions for this Ordinance, followed by the provisions for specific Zoning Ordinance amendments relating to applicability and previous approvals. They are not part of the adopted Zoning Ordinance, but are provided here as a convenience. Additional information for any amendment may be obtained by contacting the Zoning Administration Division, Department of Planning and Development.

2. Specific Provisions Regarding Previous Approvals

B. Amendments Adopted After May 10, 2023

(3) Repeal and Replacement of Subsection 5108 Landscaping and Screening (ZO 112.2-2023-x)

(a) For all applications for rezonings and related development plans, special exceptions, special permits, variances, PRC plans, subdivision plats, site plans, parking reductions, parking tabulations, redesignation plans and building permits, submitted and accepted for review before [effective date of the amendment], the applicant/owner are entitled to review under the provisions of the Zoning Ordinance as amended through (date prior to adoption of ZO 112.2-2023-x), if:

1. Approval is granted within twelve months of [effective date of the amendment], or, if corrections to a properly submitted and accepted plan are deemed necessary by the reviewing authority, revised plans are resubmitted within six months of its disapproval;
2. The approval remains valid; and
3. The uses, features, and structures are constructed in accordance with approved plans and permits.

Required subsequent plan and permit submissions may be accepted and approvals may be granted, consistent with those approvals. Revisions to such approvals may be approved if they do not aggravate conflicts with ZO 112.2-2023-x. Applicant/owner may elect to have the above applications reviewed in their entirety with the provisions of ZO 112.2-2023-x.

(b) For all applications for rezonings and related development plans, special exceptions, special permits, variances, PRC plans, subdivision plats, site plans, and building permits approved before [effective date of the amendment], the applicant/owner may continue under their previous approval or elect to utilize the requirements of ZO 112.2-2023-x, subject to the development being in substantial conformance with an approved special permit plat, special exception plat, or development plan, unless the site is subject to proffers or conditions requiring specific parking lot landscaping, transitional screening, or barriers.

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ADMINISTRATIVE – 8

Authorization to Advertise a Public Hearing to Enter into an Agreement with Northern Virginia Soil and Water Conservation District for Local Stormwater Management Assistance Fund Administration

ISSUE:

On September 12, 2023, the Fairfax County (County) Board of Supervisors (Board) amended Appendix O to establish the Stormwater Management Fund (Fund), which allows the granting of funds to private property owners and common interest communities (CICs) to improve stormwater management facilities and flood mitigation. The Department of Public Works and Environmental Services (DPWES) has developed a program that will be implemented by Northern Virginia Soil and Water Conservation District (NVSWCD) to issue the grants and provide technical guidance to private property owners and CICs for the installation of flood mitigation and repair of privately-owned stormwater management (SWM) facilities. The County must execute an agreement with NVSWCD establishing how to implement the grant programs under the Fund.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed agreement with NVSWCD.

~~The County Executive also recommends that the Board authorize the County Executive, or his designee, to enter into an agreement with NVSWCD to disburse grants from the Fund (Attachment 1).~~

TIMING:

Board action is requested on October 24, 2023, to provide sufficient time to advertise the public hearing before the Board on December 5, 2023, at 3:30 p.m.

BACKGROUND:

On September 12, 2023, the Board authorized an amendment to Appendix O of the County Code to create the Fund and previously approved the establishment of a Private SWM Facility Assistance Program at an Environmental Committee meeting. On the October 3, 2023, Environmental Committee meeting the Board directed staff to move

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forward with the grant program for flood mitigation assistance. DPWES recommends entering into the agreement with NVSWCD to administer the programs because of its experience successfully in implementing the Virginia Conservation Assistance Program and the local Conservation Assistance Program.

EQUITY IMPACT:

Like the Private SWM Facility Assistance Program and Flood Mitigation Assistance Program, each grant program proposed under the Fund will be brought to the Board for formal approval under separate Board Items. DPWES will incorporate equity in the development and implementation of each grant program.

FISCAL IMPACT:

Like the Private SWM Facility Assistance Program and Flood Mitigation Assistance Program, each grant program proposed under the Fund and administered and disbursed through the NVSWCD agreement will be brought to the Board for formal approval under a separate Board Item.

CREATION OF POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1- Memorandum of Understanding between the Board and NVSWCD for the Local Stormwater Management Assistance Fund

STAFF:

Rachel Flynn, Deputy County Executive
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Divisions, DPWES
Chad Crawford, Director, Maintenance and Stormwater Management Division, DPWES
Craig Carinci, Director, Stormwater Planning Division, DPWES

ASSIGNED COUNSEL:

Marc Gori, Assistant County Attorney

**MEMORANDUM OF UNDERSTANDING BETWEEN
FAIRFAX COUNTY BOARD OF SUPERVISORS AND
NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT
FOR THE LOCAL STORMWATER MANAGEMENT ASSISTANCE FUND**

This Memorandum of Understanding (“MOU”), entered into as of the date of last execution below, is between the Fairfax County Department of Public Works and Environmental Services (“DPWES”) and Northern Virginia Soil and Water Conservation District (“NVSWCD”) (together known as “the Parties”).

RECITALS

WHEREAS, The Fairfax County Board of Supervisors (“the Board”) has created a Local Stormwater Management Assistance Fund (“the Fund”) under Va. Code § 15.2-2114.01;

WHEREAS, moneys allocated to the Fund by DPWES, as approved by the Board, may be used for the construction, improvement, or repair of a stormwater management facility, erosion and sediment control, or flood mitigation and protection measures that are part of a comprehensive water quality or flood mitigation and protection plan adopted by Fairfax County; and

WHEREAS, NVSWCD is a political subdivision of the Commonwealth of Virginia which provides advisory, technical, and educational assistance to County residents, County agencies, and other partners, to promote interest in the general improvement of the environment in Fairfax County; and

WHEREAS, NVSWCD is an independent, separate, legal entity apart from the County; and

WHEREAS, the Board is authorized under Virginia Code §§15.2-940 and 15.2-953 to make contributions to organizations such as NVSWCD; and

WHEREAS, it is in the mutual interest of the County and NVSWCD to use the available legal authority, expertise, and resources to promote stormwater management, erosion and sediment control, and flood mitigation within the County;

AGREEMENT

NOW THEREFORE, in consideration of the above, both the County and NVSWCD agree as follows:

1. **Incorporation of Recitals.** The Recitals above are incorporated into and made a part of this MOU as if set forth in their entirety.
2. **The County’s Obligations.** The County will:
 - a. Manage the Fund for stormwater management, erosion and sediment control, and flood mitigation in accordance with the policies for implementation of the Fund as

approved by the Board of Supervisors pursuant to Appendix O of the Code of Fairfax County.

- b. Provide funding to NVSWCD sufficient to cover the grant awards under the Fund, and any reasonable costs incurred by NVSWCD related to the services it performs to implement the Fund.
- c. Maintain records for all grant awards under the Fund.

3. **NVSWCD's Obligations.** NVSWCD will:

- a. Administer the Funds for stormwater management, erosion and sediment control, and flood mitigation in accordance with the policies for implementation of the Fund as approved by the Board of Supervisors pursuant to Appendix O of the Code of Fairfax County.
- b. Collect all documentation necessary to award grants under the Fund.
- c. Act as the technical lead and project manager for any approved grants under the Fund.
- d. Issue grant awards to approved applicants and send notification to DPWES of those awards and upon disbursement of the funds; and
- e. Maintain standard accounting and recordkeeping sufficient to provide DPWES with an annual report that includes the number of grants awarded, the total grant funds disbursed, grant program costs, and remaining balance of any amount approved by the Board for the Fund.

4. **Contributions.** The County, from time to time and in its sole discretion, may make contributions to NVSWCD in furtherance of the purposes of this MOU. The obligation of the County to make any contribution to NVSWCD under this MOU or any other payment obligations is subject to appropriations by the Board during each fiscal year to satisfy payment of such obligations. The County will provide NVSWCD with written notice of non-appropriation of funds within thirty (30) calendar days after action is completed by the Board. However, the County's failure to provide such notice will not cause this MOU to be extended into a fiscal year in which sufficient funds have not been appropriated.

5. **Notices.** Notices pursuant to this MOU must be given in writing as follows:

If to the County:

Director
Maintenance and Stormwater Management Division
Department of Public Works and Environmental Services
10635 West Drive

Fairfax, Virginia 22030

If to NVSWCD:

Chairman, Board of Directors
Northern Virginia Soil and Water Conservation District
12055 Government Center Parkway, Suite #905
Fairfax, Virginia 22035

Every such notice is deemed to have been given on the date on which it is received or refused by the Party to whom it is sent.

6. **Additional Provisions.**

- a. NVSWCD must abide by any conditions imposed by the Commonwealth of Virginia or the United States of America with respect to any contribution to NVSWCD.
- b. This MOU may not be changed or modified without the written consent of NVSWCD and the County.
- c. This MOU will remain in effect until either Party gives the other Party 90 days' notice seeking to terminate the MOU. Should any funding or permitting contemplated within this MOU terminate, the Parties shall review this MOU and make any necessary revisions to it or terminate it at their discretion. In any event, the County and NVSWCD shall review the MOU at least as often as every five years to determine whether any changes to it are desired.
- d. NVSWCD must make available all financial information or permit the review of such information upon reasonable request from the County or its auditors.
- e. Nothing in this MOU waives the sovereign immunity of the County of Fairfax.
- f. Nothing in this MOU creates any personal liability on behalf of any official, employee, agent, or representative of the County or member or employee of the NVSWCD.
- g. Nothing in this MOU creates in the public, or in any person or entity other than the Parties, any right as a third-party beneficiary hereunder, or authorizes any person or entity, not a party hereto, to maintain any action for personal injury, property damage, or breach of contract pursuant to the terms of this MOU or otherwise.

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be executed as of the date appearing by their signatures.

FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

By: _____
Bryan J. Hill,
County Executive

Date: _____

NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT

By: _____
Gerald O. Peters
Chairman, Board of Directors
Northern Virginia Soil and Water Conservation District

Date: _____

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ADMINISTRATIVE – 9

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Innovation Station North Neighborhood Access Shared Use Path (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project ST-000048-001, Innovation Station North Neighborhood Access Shared Use Path (SUP) in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 21, 2023, commencing at 4:00 p.m.

TIMING:

Board action is requested on October 24, 2023, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of constructing a ten-foot wide, approximately 1,920 linear foot long shared use path to connect the new Innovation Metrorail Station Kiss and Ride Parking Lot to residential neighborhoods at Farougi Court and Apgar Place. The project will construct two new pedestrian bridges over Horsepen Creek and also includes pedestrian scale lighting along the new path.

Land rights for these improvements are required on six properties, two of which have been acquired by the Land Acquisition Division (LAD). The construction of this project requires the acquisition of Trail Easements, Grading Agreement and Temporary Construction Easements and Access Easements.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, *Va. Code*

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Ann. Sections 15.2-1901 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

EQUITY IMPACT:

The project area is located within two Census blocks with an Average to High Vulnerability level according to the Fairfax County Vulnerability Index. More than 2 percent of the population has no vehicle. Between 2.43-5.77 percent of the renter population is severely burdened and more than 43.8 percent of the residents are in a low-income occupation.

This action aligns with multiple focus areas of the One Fairfax Policy. Construction of the proposed walkway supports focus area 2, safely connecting more housing units, most notably those in mixed-use areas, to multiple modes of transport. Improved walkability ensures that focus area 8's goal is furthered by improving the quality of life for everyone in the neighborhood by providing a safe, well-maintained travel route between neighborhoods. The overall goal of the project aligns with focus area 11's guidance to protect existing stable neighborhoods and green spaces, and thereby allow residents to access transportation modes which promotes employment opportunities, housing, amenities and services for all. Finally, the project promotes focus area 14's goal of providing a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health.

The LAD project locations are chosen by other departments, resulting in the division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner. The Division provides transparency of practice and attempts to offer reasonable language and disability accommodation from the start of the acquisition process.

As a result of both the project location and design, as well as the process to obtain land rights, the overall impact of this action provides a positive equity impact.

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FISCAL IMPACT:

Funding is available in Project ST-000048, Innovation Station North Neighborhood Access Shared Use Path, in Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2024 – FY 2028 Adopted Capital Improvement Program (with future Fiscal Years to FY 2033). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

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

STAFF:

Rachel Flynn, Deputy County Executive
Christina Jackson, Chief Financial Officer
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Philip Hagen, Director, Department of Management & Budget
Gregg Steverson, Acting Director, Fairfax County Department of Transportation
Carey Needham, Deputy Director, Capital Facilities, DPWES

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney



**INNOVATION STATION NORTH
NEIGHBORHOOD ACCESS**

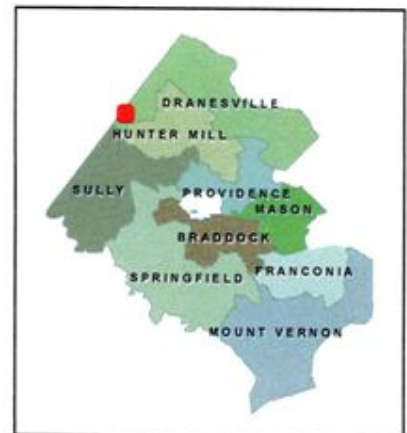
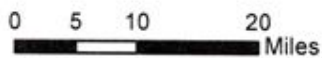
PROJECT #: ST-00048-001

Tax Map: 015-2 & 016-1

Dranesville District

Affected Properties: 

Proposed Improvements: 



LISTING OF AFFECTED PROPERTIES
Project ST-000048-001
Innovation Station North Neighborhood Access Shared Use Path (SUP)
(Dranesville District)

PROPERTY OWNERS

1. Reflection Homes Assn, 0161-08-H

Address:
3130 Fairview Park Drive Suite 200
C/O L & N
Property Management CO.
Falls Church, Virginia, 22042
2. Reflection Homes Assn, 0161-13-K

Address:
3130 Fairview Park Drive Suite 200
C/O L & N
Property Management CO.
Falls Church, Virginia, 22042
3. Reflection Homes Assn, 0161-13-L

Address:
3130 Fairview Park Drive Suite 200
C/O L & N
Property Management CO.
Falls Church, Virginia, 22042
4. Origami RE Growth GP LLC 0152-01-0017-A

Address
2205 Rock Hill Road
Herndon, VA 20170

ADMINISTRATIVE - 10

Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the Metropolitan Washington Council of Governments, Enhanced Mobility of Seniors and Individuals with Disabilities Program, in Support of the Purchase of Wheelchair Lift-Equipped Vehicles

ISSUE:

Board of Supervisors authorization is requested for the Department of Neighborhood and Community Services (NCS) to apply for and accept grant funding, if received, from the Metropolitan Washington Council of Governments (MWCOG) Enhanced Mobility of Seniors and Individuals with Disabilities Program in the amount of \$531,409, including \$106,282 in Local Cash Match.

Funding will support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. This two-year grant's objective is to enhance transportation options by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services. The required 20 percent Local Cash Match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary. There are no new grant positions associated with this award. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting the acceptance of grant funds. Otherwise, staff will work with MWCOG to process the award since the grantor requires the buses be purchased by them and transferred to the County. 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 Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the Metropolitan Washington Council of Governments. Funding in the amount of \$531,409, including \$106,282 in Local Cash Match, will support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. The required 20 percent Local Cash Match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary. There are no new grant positions associated with the

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award. 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.

TIMING:

Board action is requested on October 24, 2023. Due to the application deadline of September 30, 2023, the application was submitted pending Board approval. The Board has previously approved similar applications; however, since the buses will be purchased by MWCOG and transferred to the County, this grant is not included on the Anticipated Grant Table in the Adopted budget. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The County has the opportunity to apply for Section 5310 Enhanced Mobility Program (MAP-21) funds, through the Metropolitan Washington Council of Governments, to purchase five wheelchair lift-equipped vehicles to replace existing high-mileage County vehicles. These vehicles will be used to provide an estimated 146,087 annual rides for senior citizens and individuals with disabilities. Since 1994, the County has purchased 50 replacement vehicles through this grant program.

The current Human Services Transportation authorized bus fleet totals 69 buses. The expected operating life for these vehicles is 10 years and 110,000 miles. Factoring in the life cycle and high mileage into the replacement planning efforts, Human Services Transportation anticipates the need to replace seven to eight buses each year. The factors utilized to determine the need to replace buses include age, mileage, and historical maintenance records.

Funding for the replacement of the FASTRAN buses is contained in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. NCS, through the General Fund, contributes to Fund 60010 on an annual basis to maintain the ability to purchase replacement buses as needed. The Enhanced Mobility Program (MAP-21) grant from the Metropolitan Washington Council of Governments provides NCS with the opportunity to purchase five buses at a significantly reduced net cost to the County. The award of this grant will allow the replacement fund to save \$425,127. Previous year grant awards have resulted in similar savings to the County and have allowed NCS to keep its annual contributions to the replacement fund at a manageable level.

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FISCAL IMPACT:

Grant funding in the amount of \$531,409, including \$106,282 in Local Cash Match, is being requested from the MWCOG Enhanced Mobility of Seniors and Individuals with Disabilities Program to support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. The required 20 percent Local Cash Match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve. No new County funding will be necessary. Expenses related to this award will not be accounted for in the County's financial system as MWCOG will use the funding to purchase the buses on the County's behalf. Ownership of the buses will then be transferred to the County within an estimated six months from the date of delivery, at which time the County will record the buses as donated assets. This grant does allow the recovery of indirect costs; however, because this funding opportunity is highly competitive, the Department of Neighborhood and Community Services has elected to omit inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF NEW POSITIONS:

No new grant positions are associated with this award.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Application

STAFF:

Christopher A. Leonard, Deputy County Executive
Lloyd Tucker, Director, Department of Neighborhood and Community Services (NCS)
Pallas Washington, Deputy Director, NCS
Aimee Garcia, Division Director, NCS
Glenn Padeway, Human Services Transportation Manager, NCS

Enhanced Mobility of Seniors and Individuals with Disabilities Program SUMMARY OF GRANT PROPOSAL

Grant Title:	<u>Enhanced Mobility of Seniors and Individuals with Disabilities Program</u>
Funding Agency:	Metropolitan Washington Council of Governments
Applicant:	Department of Neighborhood and Community Services (NCS)
Partners:	Department of Family Services, Area Agency on Aging, the Fairfax County Commission on Aging, Disability Services Board, Fairfax Area Mobility and Transportation Committee, and the Department of Transportation
Purpose of Grant:	This grant opportunity, created under the MAP-21 Federal Surface Transportation Act, offers limited funding to certain qualifying organizations to enhance mobility for seniors and persons with disabilities by providing matching grants for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services. Grant funding will assist in the replacement of aging vehicles in the FASTRAN bus fleet.
Funding Amount:	Funding in the amount of \$531,409, including \$106,282 in Local Cash Match. The required Local Cash Match will be met through funding from Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve.
Proposed Use of Funds:	Funding will be used to replace five (5) FASTRAN vehicles which have achieved their useful life. This is part of the yearly vehicle replacement plan to maintain a safe, efficient fleet of vehicles to provide transportation to the participants of the Fairfax County Health and Human Services programs. Obtaining and using grant funds will allow the vehicle replacement fund to maintain reserve funds for future use should federal funding opportunities cease to be available.
Target Population:	Seniors, individuals with disabilities, and Critical Medical Care clients who are registered participants of a Fairfax County Health and Human Services Agency program.
Performance Measures:	The success of this project will be based on standard paratransit performance measures such as on-time performance, cost per trip, passengers per hour, average miles per trip, and valid complaints.
Grant Period:	NCS anticipates that the award will be issued in January 2025 with a total grant period of two years.

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ACTION - 1

Approval of the Economic Incentive Program Application of Mars, Incorporated
(Dranesville District)

ISSUE:

Board consideration of an application for the Economic Incentive Program (EIP) for an assemblage and redevelopment of property located in the McLean Revitalization District and within the McLean EIP Area. Approval would result in the development being designated as a “Qualifying Property” under the Economic Incentive Program Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve the application by Mars, Incorporated for inclusion in the EIP.

TIMING:

Board action is requested on October 24, 2023, which will provide sufficient assurances that the applicant is entitled to program benefits as it continues to proceed to obtain approvals and permits needed for the completion of this project.

BACKGROUND:

On September 15, 2020, the Board adopted an amendment to the County Code that added a new Article 29 - Incentives to Encourage Economic Growth. The ordinance established an EIP for specified areas of Fairfax County. Specifically, the EIP applies to all five of the County’s Commercial Revitalization Districts (CRDs), which are Annandale, Baileys Crossroads/Seven Corners, McLean, Richmond Highway, and Springfield; and the County’s Commercial Revitalization Area (CRA) of Lincolnia, as well as logical extensions of the Richmond Highway and the Springfield CRDs. The EIP provides regulatory and financial incentives to private sector developers who assemble and develop properties in accordance with the adopted ordinance and consistent with the vision of the Comprehensive Plan.

In order to qualify for the program, an applicant must demonstrate that their development project meets the eligibility criteria of the program. To be eligible, an applicant needs to have newly assembled a minimum of two parcels not previously approved for the same rezoning or site plan that collectively comprise an area at least two acres in size; are located within the territorial limits of an EIP area; are zoned to

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permit commercial, industrial or multifamily residential development; are in conformance with all laws and policies related to the provision and preservation of affordable housing; and, are in conformance with the use and consolidation recommendations in the Comprehensive Plan.

The application property is located within the McLean EIP Area. It contains three parcels owned by two different property owners. The three parcels are located at 6869 and 6867 Elm Street and 6860 Old Dominion Drive, McLean, Virginia. The site includes tax map parcels 30-2 ((6)) 1, 30-2 ((10)) (7) 2 and 30-2 ((10)) (8) 1 and totals 3.80 acres. The property is included in zoning application RZ-2022-DR-00008. The eligibility process requires the applicant to submit a formal application with all owners as parties to the application. The EIP application meets that requirement.

The subject property is located within the Center Zone of the McLean Community Business Center (CBC), Land Unit C-2 (Sub-unit 8) and planned for office uses with ground floor retail. The site is generally bounded by Elm Street to the east, Moyer Street to the north, and Old Dominion Drive to the west. The site is surrounded by small low-to-mid-rise office buildings. Directly across Elm Street is the Signet Park, a pocket park that was recently constructed as part of the Signet condominium building.

The applicant proposes to renovate and expand the existing 52,970 square foot Mars, Inc. headquarters building located on the 6869 Elm Street parcel and demolish the existing 16,430 SF office building on the 6867 Elm Street parcel. The total GFA of the headquarters building will be increased to approximately 125,439 square feet. The height of the building will increase from 50 feet to a maximum of 63 feet, with no more than three stories above entry grade and an underground garage. Pursuant to the adopted EIP Ordinance, office is an eligible use under the program.

In conclusion, the development is located within the territorial limits of an EIP Area, constitutes a new zoning not previously approved by the County, and complies with the assemblage, size, and ownership criteria of the EIP. The staff concludes that the development is generally consistent with the Comprehensive Plan regarding uses and consolidation requirements.

Staff reviewed the applicant's application dated September 9, 2023, for conformance with the eligibility criteria and issued a letter to each owner on September 22, 2023, (see Attachment 4) stating that the development as proposed appears to conform with the statutory requirements of the program and is therefore eligible for submission to the Board for consideration of approval.

EQUITY IMPACT:
None.

Board Agenda Item
October 24, 2023

FISCAL IMPACT:

Qualifying developments receive economic benefits including a reduction in site plan review fees of 10 percent and a partial tax exemption on the real estate tax, calculated as the difference between the pre-redevelopment (base) assessed value and the post-development assessed value in accordance with Virginia Code. As the County will continue to receive real estate tax revenues on the base (pre-redevelopment) assessed value of the site, the partial tax exemptions of the real estate tax will not reduce the General Fund.

The Department of Tax Administration has determined that the 2023 base assessed value of the application property is \$15,559,560, generating real estate taxes of \$170,377 per year, with a base tax rate of \$1.095 per \$100 of assessed value. The applicant has estimated the post-development assessed value of the property to be \$150 million. The partial tax abatement would be calculated on the \$134,440,440 increment or difference between pre- and post-development values of the portion of the development. Thus, with a base tax rate of \$1.095 per \$100 of assessed value, the total tax abatement would be \$1,472,123 per year for a maximum tax abatement of \$14,721,230 over the maximum 10-year life of the program. It is noted that the eligibility period for the McLean EIP area commences on July 1, 2024, and since a building must be substantially complete before the owner can receive the partial tax abatement, it is possible that the owner may not achieve the abatement for the full ten-year period.

ENCLOSED DOCUMENTS:

Attachment 1 – The EIP Eligibility Application Form
Attachment 2 – Project Locator Map
Attachment 3 – Zoning Application Affidavit
Attachment 4 – Staff Determination Letters

STAFF:

Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Elizabeth A. Hagg, Director, Community Revitalization Section, DPD
Jay Doshi, Director, Department of Tax Administration
David Pellegrino, Assistant Director, Real Estate Division, DTA
William D.Hicks, Director, Department of Land Development Services

ASSIGNED COUNSEL:

Cherie Halyard Mack, Assistant County Attorney

Eligibility Application of Partial Tax Exemption for Economic Development (Effective September 15, 2020)

Fairfax County, Virginia
 Dept. of Planning and Development
 Community Revitalization Section
 12055 Government Center Parkway
 Suite 1048
 Fairfax, Virginia 22035



Telephone: 703-324-9300
 TTY: 711
 FAX: 703-653-1799

Visit our Web Site: www.fcrevite.org

Prior to filing this application, contact the Community Revitalization Section (CRS) of the Department of Planning and Development (DPD) staff to review the ordinance eligibility requirements to determine if the proposed development may qualify. Improvements made prior to the Department of Tax Administration's (DTA) base value appraisal inspection are not eligible for the partial tax abatement. Refer to the application procedures for additional information. Only properties located within an Economic Incentive Program (EIP) area are eligible. Refer to the ordinance at www.fcrevite.org/economic-incentive-program or contact CRS for assistance in verifying whether the project property is located in a designated EIP area. This application must be complete and include a paper or electronic copy of the plan for development as well as any additional schedules, plans, specifications that support the request, and an estimated fair market value of the proposed development once completed.

Property Information

Tax Map Reference #s):	Lot Size:	Current Zoning:	Proposed Zoning:	Estimated Project Future Fair Market Value
030206001	2.06	Split C-2/C-3	C-3	\$150,000,000
030210070002	0.62	C-3	C-3	
03021008001	1.12	C-6	C-3	

Note: For additional Tax Map Numbers attach a separate sheet. Include all T parcels.

Owner Information

Tax Map Reference: <u>030206001</u>
Owners' Name: <u>Mars, Incorporated</u>
Contact Person/Title: <u>Elizabeth Savard, Assistant Secretary</u>
Property Address: <u>6869 Elm Street, McLean, VA 22101</u>
Mailing Address: <u>6885 Elm Street, McLean, VA 22101</u>
Work Phone Number: <u>703-821-4956</u>
E-mail: <u>elizabeth.savard@effem.com</u>

Tax Map Reference:	030210070002 & 030210080001
Owners' Name:	C-G Realty, Inc. (Designated Name for VA SCC Purposes: MCG Realty, Inc.)
Contact Person/Title:	Evan Pritchard, Attorney/Agent
Property Address:	6867 Elm Street & 6860 Old Dominion Drive, McLean, VA 22101
Mailing Address:	Cozen O'Connor, 1200 19th Street, Washington, DC 20019
Work Phone Number:	703-304-0430
E-mail:	epritchard@cozen.com

Note: See page 5 for extra forms to attach, if necessary, for additional properties or owners.

Note: Contact Person needs to be the person that DTA can call to arrange on-site inspections.

Proposed Project:

1. What type of zoning application would this project require? Check all that apply.

Rezoning/Proffered Condition Amendment:

Special Exception:

Special Permit:

Site Plan:

2. List the application number of any approved rezoning, special exception, special permit or site plans that currently governs development of each property. Separately, list the application number of any pending or concurrent zoning or site plan application.

Parcel 0302060001 was developed pursuant to RZ 82-D-041. Parcel 030210070002 was developed pursuant to RZ 79-D-062. Parcel 030210080001 is a private landscaped area owned by Mars. All three parcels are subject to the pending rezoning case, RZ 2022-DR-00008.

3. Describe the proposed property consolidation and how it meets the minimum two parcels, two owners, and two-acre requirements of the program?

The three parcels will be combined to permit the expansion of Mars' global headquarters in McLean. The parcels are owned by distinct entities and have been assembled for redevelopment. The combined site area is approximately 3.8 acres.

4. Describe the proposed project. Please include details related to proposed uses, density/intensity, existing buildings to be retained, demolished and /or repurposed, and new buildings proposed. Please include additional sheets as necessary to fully describe the application. Please attach or send electronically one (1) copy of the proposed development plan (either the rezoning application or site plan). If the project will be built in phases, provide a phasing plan including estimated time frames for the completion of each phase. Electronic copies can be sent to Revitalization@fairfaxcounty.gov.

The existing office building on Parcel 0302060001 has served Mars well over the last four decades since Mars moved its corporate headquarters to McLean in 1984. In that time, the number of Mars employees in McLean has grown from 55 to over 150. As the company continues to grow and evolve, Mars has decided to reinvest and expand its corporate home in McLean by expanding and upgrading their facility to better meet current and future needs. Mars therefore bought Parcel 030210070002 in July 2020. The existing office building will be removed and combined with Parcels 030260001 and 030210080001 to allow for expansion and upgrades to Mars' existing office building, which will be repurposed. All parcels will be rezoned to C-3 to allow for a 100,000 sf building with a height of 50 feet and an FAR of .86. Continued on attached page....

5. A single parcel may contain multiple structures, but all structures must be fully contained within its parcel lot lines before the final inspection and valuation may be performed by the DTA. Based on the proposed concept plan, will parcels need to be created to meet this requirement? Yes No
Please Explain:

As shown on Sheet C-04, we propose to consolidate all three parcels into one to facilitate redevelopment.

6. Please provide any other information that you feel is pertinent to the review of this proposal below.

Mars has made its corporate home in McLean since 1984 when it moved its corporate headquarters here. In that time, the number of local employees has grown from 55 to over 150. We look forward to many more years of growth in McLean as it continues to thrive and grow itself. We are committed to the community and hope our redevelopment will help spur other redevelopment in the McLean Community Business Center.

7. Would you have completed this development/repurposing without the partial tax exemption?

Yes No Please explain briefly how this incentive made the project possible:

While our expansion and redevelopment plans would likely proceed in any case, the partial tax exemption will free up funds that can be used to reinvest and grow our corporate presence in McLean.

We hereby request partial tax exemption from real estate taxes for qualifying property to be developed, redeveloped or repurposed as provided by Article 29 Chapter 4 of the Fairfax County Code. We certify that the statements and attachments contained in this application are true and correct to the best of our knowledge. We certify that we are the owners or have the authority of the owners to submit this application.

SIGNATURES:

Date of Application: 09/06/2023

Owner's or Agent's Signature: 

Print Name: Elizabeth Savard

Date of Application: 09/06/2023

Owner's or Agent's Signature: 

Print Name: Evan Pritchard

Date of Application: _____

Owner's or Agent's Signature: _____

Print Name: _____

Date of Application: _____

Owner's or Agent's Signature: _____

Print Name: _____

NOTE: Failure to obtain signatures of all parties owning an interest in this real estate constitutes a material misstatement of fact.

OFFICE USE ONLY

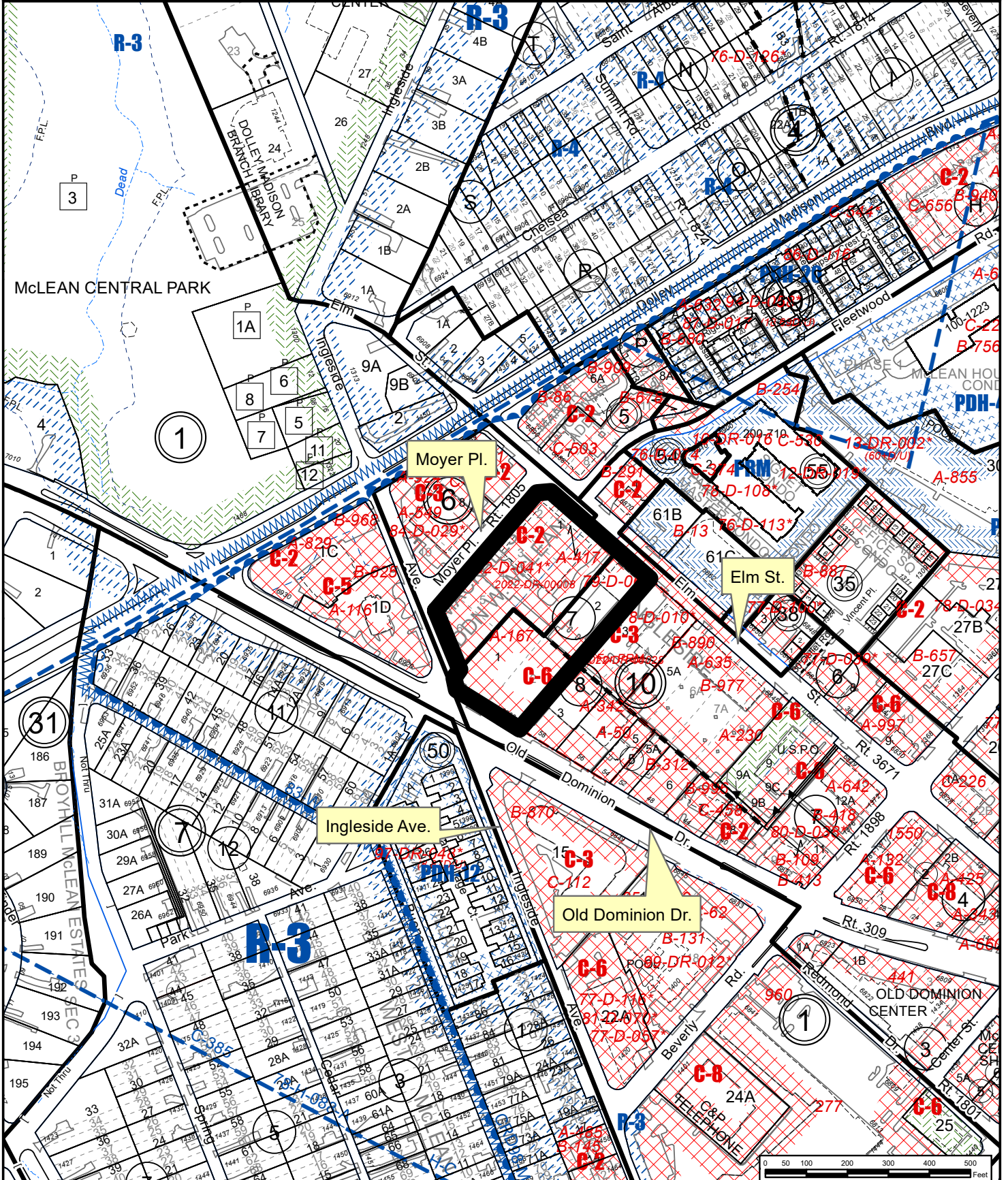
Application #: _____
Date Application Submitted: _____
Economic Incentive Area: McLean EIP
DPD Approval Date: _____

Rezoning Case #: _____
Rezoning Approval Date: _____

Site Plan Case #: _____
Site Plan Approval Date: _____
Site Plan Fee Reduction: Yes or No
Amount of Reduction: _____
Date Issued: _____

Application/Attachments to DTA: Yes or No
BOS Approval Date: _____

Rezoning Application RZ-2022-DR-00008 Mars, Incorporated






County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: September 20, 2023

TO: Daniel Creed, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Development

FROM: Jo Ellen Groves, Paralegal 
Office of the County Attorney

SUBJECT: Affidavit
Application No.: RZ-2022-DR-00008
Applicant: Mars, Incorporated
PC Hearing Date: 10/11/23
BOS Hearing Date: 10/24/23

REF.: 167739

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 9/19/23, which bears my initials and is numbered 167739a, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Julia Nimeth, Planning Technician II (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Development

REZONING AFFIDAVIT

167739a

DATE: September 19, 2023
(enter date affidavit is notarized)

I, G. Evan Pritchard, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): RZ-2022-DR-00008
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application,* and, if any of the foregoing is a TRUSTEE,** each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Includes entries for Cozen O'Connor PC, Mars, Incorporated, and C-G Realty Inc.

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Information updated

Rezoning Attachment to Par. 1(a)

DATE: September 19, 2023
 (enter date affidavit is notarized)

167739a

for Application No. (s): RZ-2022-DR-00008
 (enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
CBRE Inc. Agents: Brian M. Smith Mark C. Klein Michael [nmi] Considine	1900 N Street, NW, Suite 700 Washington, DC 20036	Consultant/Agent
VIKA Virginia, LLC Agents: John F. Amatetti Robert R. Cochran P. Christopher Champagne Franklin E. Jenkins Shawn T. Frost Stephen E. Crowell Michael R. Pinkoske, Jr. Dennis D. Dixon	8180 Greensboro Drive, #200 Tysons, VA 22102	Engineer/Agent
Shalom Baranes Associates, PC Agents: Shalom S. Baranes Robert M. Sponseller Timothy F. Daniel Claudia A. Bancalari	1010 Wisconsin Ave, NW, Suite 900 Washington, DC 20007	Architect/Agent
The Office of James Burnett, Inc. Agents: Simon R. Beer Ryan D. Ort Cody S. Klein	One Bowdoin Square, Suite 801 Boston, MA 02114	Landscape Architect/Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: September 19, 2023
(enter date affidavit is notarized)

167739 a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Cozen O'Connor PC
1200 19th Street NW, 3rd Floor
Washington, DC 20036

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

Michael J. Heller, Chief Executive Officer; Vincent R. McGuinness, Jr., President; David W. Ellman, Chief Operating Officer; Lisa C. Haas, Chief Marketing Officer

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

DATE: September 19, 2023
(enter date affidavit is notarized)

167739a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Mars, Incorporated
6885 Elm Street
McLean, VA 22101

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

John Franklin Mars Trust, Dated January 3, 1940, and Audrey Meyer Mars Trust, Dated January 3, 1940—John F. Mars Share, for the benefit of: John F. Mars, Adrienne B. Mars, Frank E. Mars, Linda A. Mars, and Michael J. Mars; Jacqueline Anne Mars Trust, Dated January 3, 1940, and Audrey Meyer Mars Trust, Dated January 3, 1940—Jacqueline B. Mars Share, for the CONT. ON NEXT PAGE

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

Poul [nmi] Weihrauch - President, Claus [nmi] Aagaard - Treasurer, Stefanie E. Straub - Secretary, Elizabeth A. Savard - Assistant Secretary

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

C-G Realty, Inc. (Designated Name for VA SCC Purposes: MCG Realty, Inc.)
930 W Evergreen Ave
Evergreen Park, IL 60642

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Mars, Incorporated

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

Peter [nmi] Kim - Treasurer, Elizabeth A. Savard - Secretary

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Information updated

Rezoning Attachment to Par. 1(b)

DATE: September 19, 2023
(enter date affidavit is notarized)

167739a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Mars, Incorporated

Continued

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
CONT. benefit of: Jacqueline A. Mars, Alexandra B. Airth, Stephen M. Badger, and Christa B. Schmidt; Marijke E. Mars Trust u/a Forrest E. Mars, Jr., Special Trust Dated December 14, 1989, for the benefit of: Marijke E. Mars, Kyra M. Doyle, Carolina M. Vargas, and Frederico M. Vargas; CONT. ON NEXT PAGE

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 19, 2023
(enter date affidavit is notarized)

167739a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Mars, Incorporated

Continued

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
CONT. Victoria B. Mars Trust u/a Forrest E. Mars, Jr., Special Trust Dated December 14, 1989, for the benefit of: Victoria B. Mars, Bernadette V. Russell, Stephanie J. Schuetz, Andrew D. Spina, and Kimberly V. Wise; Pamela Mars Wright Trust u/a Forrest E. Mars, Jr., Special Trust Dated CONT. ON NEXT PAGE

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 19, 2023
(enter date affidavit is notarized)

167139a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Mars, Incorporated

Continued

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
CONT. December 14, 1989, for the benefit of: Pamela M. Wright, Charlotte A. Rossetter, and Chance J. C. Wright; and Valerie A. Mars Trust u/a Forrest E. Mars, Jr., 2010 Special Trust F/B/O Valerie A. Mars, for the benefit of: Valerie A. Mars, Christopher M. White, and Justin M. White.

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

167739a

DATE: September 19, 2023
(enter date affidavit is notarized)

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
CBRE, Inc.
1900 N Street, NW, Suite 700
Washington, DC 20036

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
CBRE Group, Inc.

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
VIKA Virginia, LLC
8180 Greensboro Drive, #200
Tysons, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
John F. Amatetti, Charles A. Irish, Jr., Robert R. Cochran, P. Christopher Champagne

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 19, 2023
(enter date affidavit is notarized)

167739 a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
The Office of James Burnett, Inc.
One Bowdoin Square, Suite 801
Boston, MA 02114

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
James D. Burnett, Ronald G. Trageser, Jereck R. Boss, Kyle L. Fiddelke, Cody S. Klein, Dillon D. Diers, Claudia N. Thome, Meg S. Levy

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Shalom Baranes Associates, PC
1010 Wisconsin Avenue, Suite 900
Washington, DC 20007

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Shalom S. Baranes

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 19, 2023
(enter date affidavit is notarized)

167739a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
CBRE Group, Inc.
2100 McKinney Avenue, Suite 1250
Dallas, TX 75201

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
The Vanguard Group, Inc.

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
The Vanguard Group, Inc.

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: September 19, 2023
(enter date affidavit is notarized)

167739a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: September 19, 2023
(enter date affidavit is notarized)

167739a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: September 19, 2023
(enter date affidavit is notarized)

167739a

for Application No. (s): RZ-2022-DR-00008
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

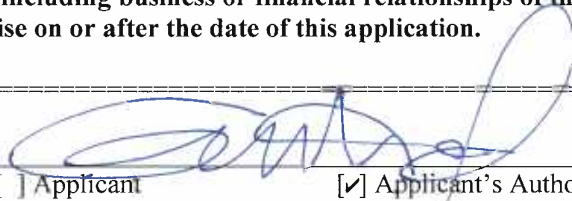
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)


[] Applicant [x] Applicant's Authorized Agent

G. Evan Pritchard
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19th day of September 2023, in the State/Comm. of District of Columbia County/City of Columbia.



CATHERINE M.K. RODRIGUEZ
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires July 14, 2026

Catherine M.K. Rodriguez
District of Columbia Notary Public
Signed and sworn to (or affirmed) before me on:
Sept 19 2023 by G. Evan Pritchard
Date Name(s) of individual(s) making statement
Catherine M.K. Rodriguez
Signature of Notarial Officer
Notary Public
Title of Office
My commission expires: 7/14/26



County of Fairfax, Virginia

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

September 22, 2023

Mr. Evan Prichard
Cozen O'Connor
1200 19th Street, NW
Washington, DC 20019

Tax Map Reference: 30-2-((10))-(7)-2 and
30-2-((10))-(8)-2

Property Address: 6867 Elm Street and
6860 Old Dominion Drive, McLean, VA
22101

Owner: C-G Realty, Inc

Tax Abatement Case #: DR-001-2023

Dear Mr. Prichard:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

The Board of Supervisors may approve your application for the program, either concurrently with a rezoning application or separately as a Board Action Item at one of their regularly scheduled meetings. Please work with my staff to determine your Board meeting date for this matter.

If you have any questions, please contact Elizabeth Hagg at (703) 324-9300 and/or elizabeth.hagg@fairfaxcounty.gov.

Sincerely,

Tracy Strunk, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration
Thomas Reed, Director of Real Estate, Department of Tax Administration
David Pellegrino, Assistant Director, Department of Tax Administration



Department of Planning and Development
Director's Office
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035-5507
Phone 703-324-9300
Fax 703-653-1799
www.fairfaxcounty.gov/planning-development



County of Fairfax, Virginia

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

September 22, 2023

Mr. Elizabeth Savard
Mars, Inc.
6885 Elm Street
McLean, VA 22101

Tax Map Reference: 30-2-((6))-1
Property Address: 6869 Elm Street,
McLean, VA 22101
Owner: Mars, Incorporated
Tax Abatement Case #: DR-001 2023

Dear Ms. Savard:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

The Board of Supervisors may approve your application for the program, either concurrently with a rezoning application or separately as a Board Action Item at one of their regularly scheduled meetings. Please work with my staff to determine your Board meeting date for this matter.

If you have any questions, please contact Elizabeth Hagg at (703) 324-9300 and/or elizabeth.hagg@fairfaxcounty.gov.

Sincerely,

Tracy Strunk, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration
Thomas Reed, Director of Real Estate, Department of Tax Administration
David Pellegrino, Assistant Director, Department of Tax Administration



Department of Planning and Development
Director's Office
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035-5507
Phone 703-324-9300
Fax 703-653-1799
www.fairfaxcounty.gov/planning-development

Board Agenda Item
October 24, 2023

ACTION - 2

Approval of the Economic Incentive Program Application of Eastgate Annandale (Mason District)

ISSUE:

Board consideration of an application for the Economic Incentive Program (EIP) for an assemblage and redevelopment of property located in the Annandale Revitalization District and within the Annandale EIP Area. Approval would result in the development being designated as a “Qualifying Property” under the Economic Incentive Program Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve the application by Eastgate Annandale for inclusion in the EIP.

TIMING:

Board action is requested on October 24, 2023, which will provide sufficient assurances that the applicant is entitled to program benefits as it continues to proceed to obtain approvals and permits needed for the completion of this project.

BACKGROUND:

On September 15, 2020, the Board adopted an amendment to the County Code that added a new Article 29 - Incentives to Encourage Economic Growth. The ordinance established an EIP for specified areas of Fairfax County. Specifically, the EIP applies to all five of the County’s Commercial Revitalization Districts (CRDs), which are Annandale, Baileys Crossroads/Seven Corners, McLean, Richmond Highway, and Springfield; and the County’s Commercial Revitalization Area (CRA) of Lincolnia, as well as logical extensions of the Richmond Highway and the Springfield CRDs. The EIP provides regulatory and financial incentives to private sector developers who assemble and develop properties in accordance with the adopted ordinance and consistent with the vision of the Comprehensive Plan.

In order to qualify for the program, an applicant must demonstrate that their development project meets the eligibility criteria of the program. To be eligible, an applicant needs to have newly assembled a minimum of two parcels not previously approved for the same rezoning or site plan that collectively comprise an area at least

Board Agenda Item
October 24, 2023

two acres in size; are located within the territorial limits of an EIP area; are zoned to permit commercial, industrial or multifamily residential development; are in conformance with all laws and policies related to the provision and preservation of affordable housing; and are in conformance with the use and consolidation recommendations in the Comprehensive Plan.

The application property is located within the Annandale EIP Area. It contains two parcels owned by two different property owners. The 3.23-acre site is located on tax maps 71-1 ((1)) 103A2 and 71-1 ((1)) 103A3. The property is included in zoning application RZ/FDP 2023-MA-00001. The eligibility process requires the applicant to submit a formal application with all owners as parties to the application. The EIP application meets that requirement.

The subject property is located within the Annandale Community Business Center (CBC), Sub-unit E-4 of the Comprehensive Plan. Sub-unit E-4 is generally bounded by Little River Turnpike to the south, John Marr Drive to the west, Columbia Pike to the north, and Land Unit F to the east. The site currently is characterized by a large format retail shop and inline retail space with food and beverage establishments, including the Block Food Hall. Parking spaces are provided in a large surface parking lot facing John Marr Drive.

The EIP application is accompanied by rezoning application RZ-2023-MA-00001 that is proposing to demolish the existing retail building and construct 280 multi-family residential units with up to 11,220 square feet of retail use on the ground floor. Pursuant to the adopted EIP Ordinance, multi-family residential and retail are both eligible uses under the program.

The proposed assemblage has not been previously zoned for the proposed repurposing of office buildings. Thus, staff finds that the proposed development constitutes a new zoning not previously approved by the County.

In keeping with the County's adopted Workforce Dwelling Unit (WDU) Administrative Policy Guidelines, eight percent (8%) of the total number of units on the property will be designated and administered as WDU units. Additionally, the applicant will price its WDUs such that 2% of the units serve households with an income of up to 60% Area Median Income for the Washington Standard Metropolitan Statistical Area (AMI), 2% of the units serve households with an income of up to 70% AMI, and 4% of the total units serve households with an income of up to 80% AMI, and in accordance with the corresponding rents established for WDUs by Fairfax County. Thus, the proposed development is in conformance with the Comprehensive Plan recommendations for provision of affordable housing.

Board Agenda Item
October 24, 2023

In conclusion, the development is located within the territorial limits of an EIP Area, constitutes a new zoning not previously approved by the County, and complies with the assemblage, size, and ownership criteria of the EIP. The staff concludes that the development is generally consistent with the Comprehensive Plan regarding uses and consolidation requirements.

Staff reviewed the applicant's application dated July 18, 2023, for conformance with the eligibility criteria and issued a letter to each owner on July 24, 2023, (see Attachment 4) stating that the development as proposed appears to conform with the statutory requirements of the program and is therefore eligible for submission to the Board for consideration of approval.

EQUITY IMPACT:

The Eastgate Annandale development will provide needed rental opportunities in an area of Fairfax County with a high demand for housing. The site is accessible by bus from nearby Columbia Pike. The proposed redevelopment will provide eight percent of the total dwelling units as Workforce Dwelling Units (WDU) and will provide those WDUs at income tiers in accordance with the Board's adopted policy.

The Economic Incentive Program will benefit the applicant with a partial real estate tax abatement for both the multi-family and retail portions of the development. The goal of this program is to facilitate economic development consistent with the Comprehensive Plan and is reserved for areas in the County that are striving to foster revitalization. The EIP allows for the repurposing of this property in a manner that aligns with the Comprehensive Plan goals for this site, including land use, economic vitality, streetscape improvements, enhanced stormwater facilities, and provision of new park spaces—all to the benefit of the community.

Affordable housing opportunities in the Annandale Area are traditionally in rental housing. The additional affordable rental units at the Eastgate Annandale development will help achieve the County's goal of increasing the supply of affordable housing with a minimum of 5,000 new units by 2034, to meet the needs of working families. The delivery of the Eastgate Annandale development will provide crucial housing for families earning from 60 percent to 80 percent of the Area Median Income (\$82,300 for a family of four). Further, the location of the proposed units in the Annandale CBC aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. Eastgate Annandale development project will promote opportunities for everyone to fully

Board Agenda Item
October 24, 2023

participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources.

FISCAL IMPACT:

Qualifying developments receive economic benefits including a reduction in site plan review fees of 10 percent and a partial tax exemption on the real estate tax, calculated as the difference between the pre-redevelopment (base) assessed value and the post-development assessed value in accordance with Virginia Code. As the County will continue to receive real estate tax revenues on the base (pre-redevelopment) assessed value of the site, the partial tax exemptions of the real estate tax will not reduce the General Fund.

The Department of Tax Administration has determined that the 2023 base assessed value of the application property is \$8,083,370, generating real estate taxes of \$88,512 per year, with a base tax rate of \$1.095 per \$100 of assessed value. The applicant has estimated the post-development assessed value of the property to be \$152 million. The partial tax abatement would be calculated on the \$143,916,630 increment or difference between pre- and post-development values of the portion of the development. Thus, with a base tax rate of \$1.095 per \$100 of assessed value, the total tax abatement would be \$1,575,887 per year for a maximum tax abatement of \$15,758,870 over the maximum 10-year life of the program. It is noted that the eligibility period for the Annandale EIP area commences on January 1, 2025.

ENCLOSED DOCUMENTS:

Attachment 1 – The EIP Eligibility Application Form
Attachment 2 – Project Locator Map
Attachment 3 – Zoning Application Affidavit
Attachment 4 – Staff Determination Letters

STAFF:

Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Elizabeth A. Hagg, Director, Community Revitalization Section, DPD
Jay Doshi, Director, Department of Tax Administration
David Pellegrino, Assistant Director, Real Estate Division, DTA
William D.Hicks, Director, Department of Land Development Services

ASSIGNED COUNSEL:

Cherie Halyard Mack, Assistant County Attorney

Eligibility Application of Partial Tax Exemption for Economic Development (Effective September 15, 2020)

Fairfax County, Virginia
 Dept. of Planning and Development
 Community Revitalization Section
 12055 Government Center Parkway
 Suite 1048
 Fairfax, Virginia 22035



Telephone: 703-324-9300
 TTY: 711
 FAX: 703-653-1799

Visit our Web Site: www.fcrevite.org

Prior to filing this application, contact the Community Revitalization Section (CRS) of the Department of Planning and Development (DPD) staff to review the ordinance eligibility requirements to determine if the proposed development may qualify. Improvements made prior to the Department of Tax Administration's (DTA) base value appraisal inspection are not eligible for the partial tax abatement. Refer to the application procedures for additional information. Only properties located within an Economic Incentive Program (EIP) area are eligible. Refer to the ordinance at www.fcrevite.org/economic-incentive-program or contact CRS for assistance in verifying whether the project property is located in a designated EIP area. This application must be complete and include a paper or electronic copy of the plan for development as well as any additional schedules, plans, specifications that support the request, and an estimated fair market value of the proposed development once completed.

Property Information

Tax Map Reference #s):	Lot Size:	Current Zoning:	Proposed Zoning:	Estimated Project Future Fair Market Value
71-1 ((1)) 103A2	1.43 AC	C-6	PDC	\$152M
71-1 ((1)) 103A3	1.79 AC	C-6	PDC	

Note: For additional Tax Map Numbers attach a separate sheet. Include all T parcels.

Owner Information

Tax Map Reference:	71-1 ((1)) 103A2
Owners' Name:	American Properties of Annandale LLC
Contact Person/Title:	Maury Stern, Principal, Insight Property Group (Applicant and Contract Purchaser)
Property Address:	4251 John Marr Dr Annandale VA 22003
Mailing Address:	4300 Wilson Blvd, Suite 620, Arlington VA 22203
Work Phone Number:	202-697-1667
E-mail:	mstern@insightpropertygroup.com

Tax Map Reference:	71-1 ((1)) 103A3
Owners' Name:	American Properties of MD, LLC
Contact Person/Title:	Maury Stern, Principal, Insight Property Group (Applicant and Contract Purchaser)
Property Address:	4251 John Marr Dr Annandale VA 22003
Mailing Address:	4300 Wilson Blvd, Suite 620, Arlington VA 22203
Work Phone Number:	202-697-1667
E-mail:	mstern@insightpropertygroup.com

Note: See page 5 for extra forms to attach, if necessary, for additional properties or owners.

Note: Contact Person needs to be the person that DTA can call to arrange on-site inspections.

Proposed Project:

1. What type of zoning application would this project require? Check all that apply.

Rezoning/Proffered Condition Amendment:

Special Exception:

Special Permit:

Site Plan:

2. List the application number of any approved rezoning, special exception, special permit or site plans that currently governs development of each property. Separately, list the application number of any pending or concurrent zoning or site plan application.

Pending Rezoning: RZ-2023-MA-00001 / FDP 2023-MA-00001

Existing Site Plan: #5485-SP-003

3. Describe the proposed property consolidation and how it meets the minimum two parcels, two owners, and two-acre requirements of the program?

The proposed consolidation consists of two separate parcels, two different owners, and exceeds the two-acre minimum.

4. Describe the proposed project. Please include details related to proposed uses, density/intensity, existing buildings to be retained, demolished and /or repurposed, and new buildings proposed. Please include additional sheets as necessary to fully describe the application. Please attach or send electronically one (1) copy of the proposed development plan (either the rezoning application or site plan). If the project will be built in phases, provide a phasing plan including estimated time frames for the completion of each phase. Electronic copies can be sent to Revitalization@fairfaxcounty.gov.

A portion of the existing retail center will be replaced with a new mixed use residential apartment building with up to 280 multi-family apartment units and up to 11,220 SF GFA retail use. It is generally assumed that the new residential building and related improvements will be completed within the same phase. Please see attached statement of justification and pending conceptual/final development plan for more information.

5. A single parcel may contain multiple structures, but all structures must be fully contained within its parcel lot lines before the final inspection and valuation may be performed by the DTA. Based on the proposed concept plan, will parcels need to be created to meet this requirement? Yes No
Please Explain:

6. Please provide any other information that you feel is pertinent to the review of this proposal below.

7. Would you have completed this development/repurposing without the partial tax exemption?
 Yes No Please explain briefly how this incentive made the project possible:

Given the complexity of redeveloping a portion of an existing shopping center coupled with the increase in material and labor costs over the last several years, the EIP incentive is necessary to make the returns palatable to investors and properly capitalize the project and provide the first new multifamily property in Annandale in decades.

We hereby request partial tax exemption from real estate taxes for qualifying property to be developed, redeveloped or repurposed as provided by Article 29 Chapter 4 of the Fairfax County Code. We certify that the statements and attachments contained in this application are true and correct to the best of our knowledge. We certify that we are the owners or have the authority of the owners to submit this application.

SIGNATURES:

Date of Application: 07/17/23

Owner's or Agent's Signature: 

Print Name: Maury Stern

Date of Application: 7/18/2023

Owner's or Agent's Signature: 

Print Name: S.C. Brian Kim

Date of Application: _____

Owner's or Agent's Signature: _____

Print Name: _____

Date of Application: _____

Owner's or Agent's Signature: _____

Print Name: _____

NOTE: Failure to obtain signatures of all parties owning an interest in this real estate constitutes a material misstatement of fact.

OFFICE USE ONLY

Application #: _____

Date Application Submitted: _____

Economic Incentive Area: Annandale EIP

DPD Approval Date: _____

Rezoning Case #: _____

Rezoning Approval Date: _____

Site Plan Case #: _____

Site Plan Approval Date: _____

Site Plan Fee Reduction: Yes or No

Amount of Reduction: _____

Date Issued: _____

Application/Attachments to DTA: Yes or No

BOS Approval Date: _____

Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
Property Address: _____
Mailing Address: _____
Work Phone Number: _____
E-mail: _____

Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
Property Address: _____
Mailing Address: _____
Work Phone Number: _____
E-mail: _____

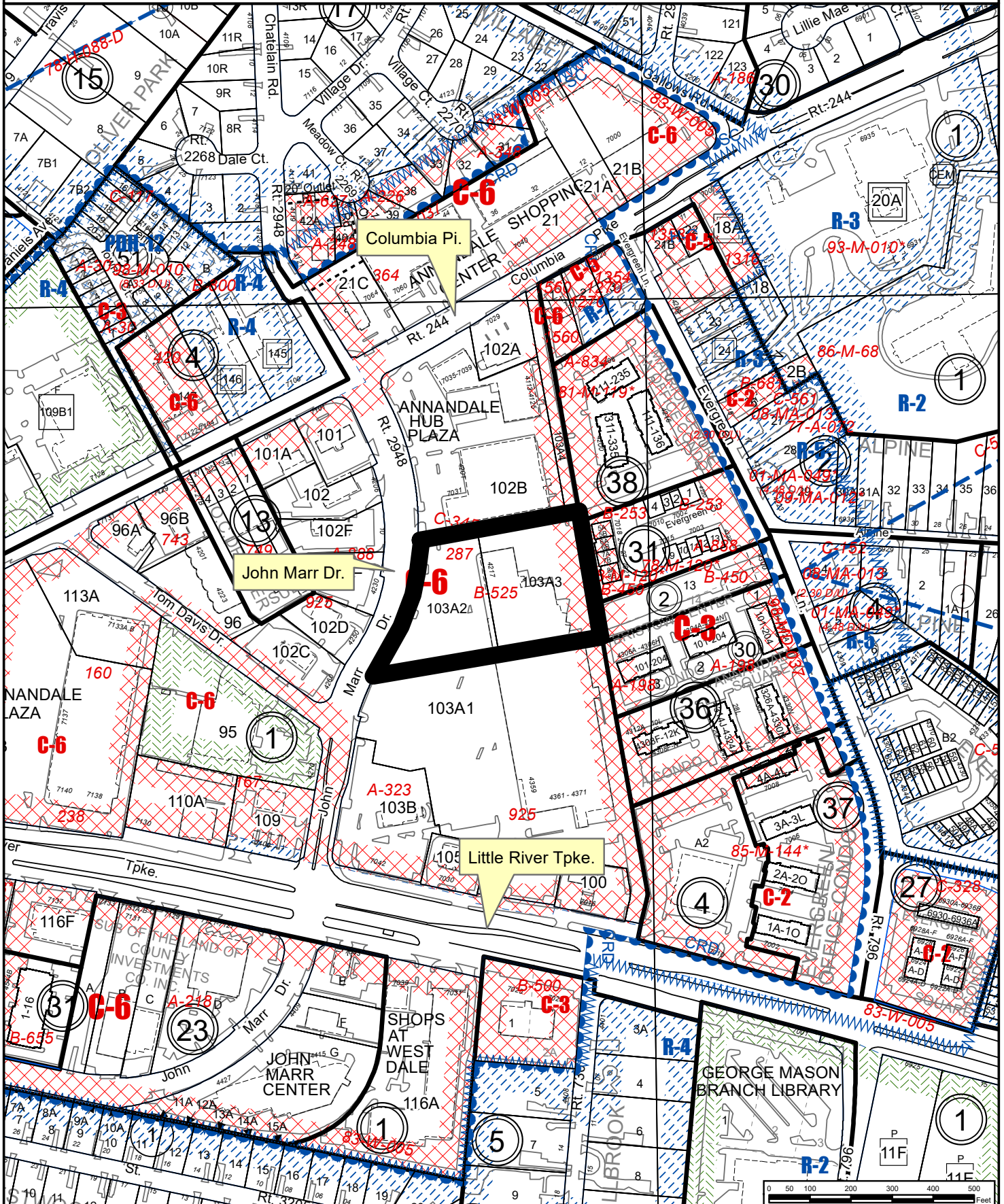
Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
Property Address: _____
Mailing Address: _____
Work Phone Number: _____
E-mail: _____

Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
Property Address: _____
Mailing Address: _____
Work Phone Number: _____
E-mail: _____

Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
Property Address: _____
Mailing Address: _____
Work Phone Number: _____
E-mail: _____

Rezoning & Final Development Plan RZ/FDP -2023-MA-00001

Eastgate JV, LLC





County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: March 31, 2023

TO: Sharon Williams, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Development

FROM: Jo Ellen Groves, Paralegal
Office of the County Attorney

SUBJECT: Affidavit
Application No.: RZ-2023-MA-00001
Applicant: Insight Property Group, LLC
PC Hearing Date: 10/11/23
BOS Hearing Date: 10/24/23

REF.: 172363

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 3/30/23, which bears my initials and is numbered 172363, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Julia Nimeth, Planning Technician II (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Development

REZONING AFFIDAVIT

172363

DATE: March 30, 2023
(enter date affidavit is notarized)

I, Michael D. Van Atta, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): RZ-2023-MA-00001
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Insight Property Group, LLC Agents: Maurice A. Stern Trenton M. Smith Edward M. Newman, Jr.	4601 N. Fairfax Drive, Suite 150 Arlington, VA 22203	Applicant
American Properties of Annandale, LLC Agent: S.C. Brian Kim	20610 Bucklodge Road Boys, MD 20841	Owner TM # 071-1-((01))-0103A2
American Properties of MD, LLC Agent: S.C. Brian Kim	20610 Bucklodge Road Boys, MD 20841	Owner TM # 071-1-((01))-0103A3

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

JG* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

172363

DATE: March 30, 2023
 (enter date affidavit is notarized)

for Application No. (s): RZ-2023-MA-00001
 (enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
VIKA Virginia, LLC Agent: John F. Amatetti P. Christopher Champagne Robert R. Cochran Peter L. Rinek Shawn T. Frost Nicholas D. Richardson Stephen E. Crowell Michael D. Benton Jessica L. Mack	8180 Greensboro Drive, #200 Tysons, VA 22102	Engineer/Agent
Gorove/Slade Associates, Inc. Agents: Maria C. Lashingier Christopher M. Tacinelli Kayla M. Ord Sonya I. Viera	4114 Legato Road, Suite 650 Fairfax, VA 22033	Traffic Engineers/Agent for Applicant
Hord Coplan Macht Agents: Keith I. Kobin Alyson J. Taylor Matthew C. Chiampi	700 E. Pratt Street, Suite 1200 Baltimore, MD 21202	Architect/Landscape Architect
McGuireWoods LLP Agents: Scott E. Adams Steven M. Mikulic Gregory A. Riegle Matthew J. Weinstein Sheri L. Akin Lori R. Greenlief Michael D. Van Atta	1750 Tysons Boulevard, Suite 1800 Tysons, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: March 30, 2023
(enter date affidavit is notarized)

172363

for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Insight Property Group, LLC
4601 N. Fairfax Drive, Suite 150
Arlington, VA 22203

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Richard W. Hausler
Trenton M. Smith
Sarah A. Davidson
Maurice A. Stern
Timothy B. White

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

DATE: March 30, 2023
(enter date affidavit is notarized)

172363

for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

American Properties of Annandale, LLC
20610 Bucklodge Road
Boyd's, MD 20841

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

American Properties of MD, LLC, sole member

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

Seung Chong Brian Kim, Managing Member

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

American Properties of MD, LLC
20610 Bucklodge Road
Boyd's, MD 20841

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Amerikor Investment Group, LLC, sole member

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

S.C. Brian Kim, Managing Member

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: March 30, 2023
(enter date affidavit is notarized)

172363

for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Amerikor Investment Group, LLC
20610 Bucklodge Road
Boys, MD 20841

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

S. C. Brian Kim	Tyler Andrew Perlstein
Bobby C. Yi	Haley Marie Perlstein Special Trust, F/B/O Millie Mikyong
Sydney Jaimi Shin	Lee, Sydney Jaimi Shin, Riley (nmi) Shin, Tyler Andrew
Riley Shin	Perlstein, Haley Marie Perlstein
Millie Mikyong Lee	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

S.C. Brian Kim, Managing Member

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Haley Marie Perlstein Special Trust
11814 Farside Road
Ellicott City, MD 21042

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Haley Marie Perlstein Special Trust, F/B/O Millie Mikyong Lee, Sydney Jaimi Shin, Riley (nmi) Shin, Tyler Andrew Perlstein, Haley Marie Perlstein

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: March 30, 2023
(enter date affidavit is notarized)

172363

for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

VIKA Virginia, LLC
8180 Greensboro Drive, Suite 200
Tysons, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

John F. Amatetti
Charles A. Irish, Jr.
Robert R. Cochran
P. Christopher Champagne

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Gorove/Slade Associates, Inc.
4114 Legato Road, Suite 650
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Christopher M. Tacinelli
Chad A. Baird
Daniel B. VanPelt
Erwin N. Andres

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: March 30, 2023
(enter date affidavit is notarized)

172363

for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Hord Coplan Macht
700 E. Pratt Street, Suite 1200
Baltimore, MD 21202

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Board of Directors:

Lee E. Coplan	Adele J. Willson	Cynthia E. Shonaiya
Monica A. Robertson	Wirt S. Winebrenner	Jennifer K. Cordes
James F. Albert	Joseph A. Schneider	Matthew D. Porta

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Lee E. Coplan, CEO	Zachary D. Shankman, Secretary	Timothy R. Barnhill, COO
James F. Albert, Treasurer	Michelle K. Harris, CFO	Adele J. Willson, Vice President

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: March 30, 2023
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for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Equity Partners of McGuireWoods LLP

- | | | |
|------------------------|-------------------------|-----------------------|
| Adams, John D. | Blydenburgh, Candace A. | Burk, Eric L. |
| Allen, Joel S. | Boardman, J. K. | Butcher, Peter C. |
| Anderson III, James M. | Booms, Thomas E. | Callahan, Timothy P. |
| Anderson, Mark E. | Brackett, Alexander J. | Carna, Anthony J. |
| Arbogast, Heather W. | Brantley, Bryan C. | Cason, Alan C. |
| Atty, Lisa A. | Breitschwerdt, E. B. | Chaffin, Rebecca S. |
| Ayanian, John V. | Brooker, Jeffrey D. | Chapman, Jeffrey J. |
| Baiardo, Alicia A. | Brooks, Edwin E. | Childs Jr., Edwin O. |
| Barger, Brian D. | Brophy, Rebecca A. | Clark, Jeffrey C. |
| Beldner, Sabrina A. | Brose, R. C. | Cockrell, Geoffrey C. |
| Bilik PA, R. E. | Browning, Jeffrey K. | Collins, Darren W. |
| Bittman, Robert J. | Bruno, Thomas W. | Cook, Jason W. |
| Blank, Jonathan T. | Buckley, Holly | Costa, John D. |

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(c)

DATE: March 30, 2023
(enter date affidavit is notarized)

172363

for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

- | | | |
|------------------------|-------------------------|---------------------------------|
| Cowley, Jason H. | Goldsamt, Seth T. | Jackson, J. B. |
| Cromwell, Richard J. | Gopalan, Rakesh | Justus, J. B. |
| Croteau, Anne E. | Goydan, William E. | Kahn, Brian A. |
| Daglio, Michael R. | Grant, Richard S. | Kannensohn, Kimberly J. |
| De Ridder, Patrick A. | Green, Joshua K. | Katsantonis, Joanne |
| deVyver, Kristopher I. | Greene, Adam J. | Keene, D. B. |
| Dingman, Michael S. | Greene, Christopher K. | Kelly, Brian J. |
| Dossa, Mehboob R. | Greenspan, David L. | Kelly, Noreen A. |
| Dressel, Todd J. | Greenstein, Louis D. | Kilpatrick, Gregory R. |
| Egan, Christina M. | Grieb, John T. | Kim, Evelyn M. |
| Ehrlich, Jeffrey P. | Griset, Jill C. | Kinghorn, Mark W. |
| Ellis, Jonathan Y. | Guilbert Jr., Shelby S. | Kobayashi, Naho |
| Ensing, Donald A. | Haas, Cheryl L. | Konia, Charles A. |
| Evans, Gregory L. | Hager, Brian L. | Kutrow, Bradley R. |
| Ewing, James W. | Hager, Kristen F. | Lamb, Douglas E. |
| Farley, Peter N. | Hantz, Benjamin F. | Lapp, David R. |
| Farrell, Thomas M. | Hardey, Kate W. | Lawson, Jodie H. |
| Finger, Jon W. | Harmon, Jonathan P. | Lias-Booker, Ava E. |
| Finkelson, David E. | Hatch, Benjamin L. | Liggins Law Group, Demetra L. * |
| Fitzgerald, Matthew A. | Hawver, Gregory P. | Link, Vishwa B. |
| Flannery, Diane P. | Hayes, Dion W. | Lucier, Casey E. |
| Foley, Douglas M. | Hedrick Jr., James T. | Maddock III, John H. |
| Franchina, David A. | Herring, Michael N. | Madriz, Meghaan C. |
| Frank, Hannah T. | Holladay PA, Sara F. | Madriz, Yasser A. |
| Fratkin, Bryan A. | Horne, Patrick T. | Manning, Amy B. |
| Freedlander, Mark E. | Hornyak, David J. | Marcuss, Elena D. |
| Frei, Ryan D. | Hosmer, Patricia F. | Martin III, Cecil E. |
| French, Taylor W. | Howard, Justin D. | Mathews III, Eugene E. |
| Fuhr, Joy C. | Hsu, Yuan-Ying | McCollough, Aaron G. |
| Gambill, Michael A. | Jaber, Makram B. | McCormick Jr., Durham C. |

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: March 30, 2023
(enter date affidavit is notarized)

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for Application No. (s): RZ-2023-MA-00001
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PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

McDonald, John G.	Rayburn III, Charles R.	Szurley, Peter S.
McFarland, Robert W.	Reddy, Deepak	Tarry Jr., Samuel L.
McGinnis, Kevin A.	Reid III, Joseph K.	Tatum, Anthony P.
McIntyre, Charles W.	Riegle, Gregory A.	Taylor Jr., William L.
McKinnon, Michele A.	Riopelle, Brian C.	Taylor, R. T.
McLean, David P.	Ritchie, Steven D.	Thanner PA, Christopher J.
McNab, S. K.	Rodriguez, Susan C.	Thomas II, Gerald V.
Mensi, Dennis W.	Rothschild, Jeffrey L.	Timmerman, Anna M.
Michalik, Christopher M.	Rowan, J. P.	Timmermans, Elizabeth Z.
Miles IV, Perry W.	Rusher, Mary Nash K.	Townshend, Gretchen E.
Milianti, Peter A.	Russo, Angelo M.	Turk, Amy M.
Moran, John S.	Rust, Dana	Vance, Robin C.
Muckenfuss, Robert A.	Ryan, Elaine S.	VanHoutan, Tyler T.
Mullins, Patrick T.	Sanderson, William I.	Viola, Richard W.
Murphy, Stephen W.	Santos, Brandon M.	Visconsi Law Corporation, John R. *
Namazie, Hamid R.	Scheurer, Philip C.	Walker IV, John T.
Natarajan, Rajsekhar	Schmalzbach, Brian D.	Walker Jr., W. K.
Neal, Jonathan G.	Sethi P.C., Akash D.	Walker, Barton C.
Neale, James F.	Shaw, Jarrod D.	Walsh, Amber M.
Neighbors, Kenneth M.	Sieg, Karen E.	Way, Lawton B.
Nesbit, Christopher S.	Snyder, Eric J.	Weber, Scott L.
Ngo, My T.	Southerling, E. A.	Westwood, Scott E.
Nutter, Michael K.	Spitz, Joel H.	Wheatley, Lucy J.
Older, Stephen E.	Stallbaumer, Clayton J.	Whelpley Jr., David B.
Oostdyk, Scott C.	Stallings, Thomas J.	White III, Harry R.
Opitz, Justin R.	Stearman, Jennifer J.	Wilburn, John D.
Padgett, John D.	Steen, Bruce M.	Wood, Allison D.
Perzek, Philip J.	Steggerda, Todd R.	Woodard, Michael B.
Peyton, Daniel L.	Stone, Jacquelyn E.	Yilma, Gerum
Phillips, Michael R.	Stubenhofer, Gerald J.	Youngbar, Alice M.
Pivnick, David J.	Swett, Brian I.	Zacharias, Penny E.
Powell, David C.	Symons, Noel H.	Zahn, Thomas E.
Pumphrey, Brian E.		Zielinski, Sarah A.

*Does not own 10% or more of McGuireWoods LLP

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

DATE: March 30, 2023
(enter date affidavit is notarized)

172363

for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: March 30, 2023
(enter date affidavit is notarized)

172363

for Application No. (s): RZ-2023-MA-00001
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[] Applicant

[Signature]
[X] Applicant's Authorized Agent

Michael D. Van Atta, Planner/Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30th day of March, 2023, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires _____



[Signature]
Notary Public



County of Fairfax, Virginia

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

July 24, 2023

Mr. Kim,
21060 Bucklodge Road
Boysds, MD 20841

Tax Map Reference: (71-1-01-103A2)
Property Address: 4251 John Marr Drive,
Annandale, VA 22003
Owner: American Properties of
Annandale, LLC
Tax Abatement Case #: MA-001 2023

Dear Mr. Kim:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

The Board of Supervisors may approve your application for the program, either concurrently with a rezoning application or separately as a Board Action Item at one of their regularly scheduled meetings. Please work with my staff to determine your Board meeting date for this matter.

If you have any questions, please contact Elizabeth Hagg at (703) 324-9300 and/or elizabeth.hagg@fairfaxcounty.gov.

Sincerely,

Tracy Strunk, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration
Thomas Reed, Director of Real Estate, Department of Tax Administration
David Pellegrino, Assistant Director, Department of Tax Administration



Department of Planning and Development
Director's Office
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035-5507
Phone 703-324-9300
Fax 703-653-1799
www.fairfaxcounty.gov/planning-development



County of Fairfax, Virginia

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

July 24, 2023

Mr. Kim,
21060 Bucklodge Road
Boys, MD 20841

Tax Map Reference: (71-1-01-103A3)
Property Address: 4251 John Marr Drive,
Annandale, VA 22003
Owner: American Properties of MD, LLC
Tax Abatement Case #: MA-001 2023

Dear Mr. Kim:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

The Board of Supervisors may approve your application for the program, either concurrently with a rezoning application or separately as a Board Action Item at one of their regularly scheduled meetings. Please work with my staff to determine your Board meeting date for this matter.

If you have any questions, please contact Elizabeth Hagg at (703) 324-9300 and/or elizabeth.hagg@fairfaxcounty.gov.

Sincerely,

Tracy Strunk, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration
Thomas Reed, Director of Real Estate, Department of Tax Administration
David Pellegrino, Assistant Director, Department of Tax Administration



Department of Planning and Development

Director's Office
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035-5507
Phone 703-324-9300
Fax 703-653-1799
www.fairfaxcounty.gov/planning-development

Board Agenda Item
October 24, 2023

ACTION - 3

Approval of the Economic Incentive Program Application of Astoria McLean (Dranesville District)

ISSUE:

Board consideration of an application for the Economic Incentive Program (EIP) for an assemblage and redevelopment of property located in the McLean Revitalization District and within the McLean EIP Area. Approval would result in the development being designated as a “Qualifying Property” under the Economic Incentive Program Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve the application by Astoria McLean for inclusion in the EIP.

TIMING:

Board action is requested on October 24, 2023, which will provide sufficient assurances that the applicant is entitled to program benefits as it continues to proceed to obtain approvals and permits needed for the completion of this project.

BACKGROUND:

On September 15, 2020, the Board adopted an amendment to the County Code that added a new Article 29 - Incentives to Encourage Economic Growth. The ordinance established an EIP for specified areas of Fairfax County. Specifically, the EIP applies to all five of the County’s Commercial Revitalization Districts (CRDs), which are Annandale, Baileys Crossroads/Seven Corners, McLean, Richmond Highway, and Springfield; and the County’s Commercial Revitalization Area (CRA) of Lincolnia, as well as logical extensions of the Richmond Highway and the Springfield CRDs. The EIP provides regulatory and financial incentives to private sector developers who assemble and develop properties in accordance with the adopted ordinance and consistent with the vision of the Comprehensive Plan.

In order to qualify for the program, an applicant must demonstrate that their development project meets the eligibility criteria of the program. To be eligible, an applicant needs to have newly assembled a minimum of two parcels not previously approved for the same rezoning or site plan that collectively comprise an area at least

Board Agenda Item
October 24, 2023

two acres in size; are located within the territorial limits of an EIP area; are zoned to permit commercial, industrial or multifamily residential development; are in conformance with all laws and policies related to the provision and preservation of affordable housing; and, are in conformance with the use and consolidation recommendations in the Comprehensive Plan.

The subject property is located in the Center Zone of the McLean CBC and consists of four parcels totaling 2.06 acres. The 6861 Elm Street parcel 30-2 ((10)) (7) 3 is located in the Land Unit C-1 (Sub-unit 6) while the three parcels at 6858, 6856, 6854 Old Dominion Drive 30-2 ((10)) (8) 3, 30-2 ((10)) (8) 4 and 30-2 ((10)) (8) 5 are in Land Unit C-2 (Sub-unit 8) of the McLean CBC. The Elm Street parcel is also within the Bonus Height Area inside the Center Zone. The site stretches from Old Dominion Drive to Elm Street, with the Mars Headquarter building immediately to the north and office and restaurant uses to the south. Directly across Elm Street is the Signet Park, a pocket park that was recently constructed as part of the Signet condominium building. The eligibility process requires the applicant to submit a formal application with all owners as parties to the application. The EIP application meets that requirement.

The applicant proposes to redevelop the existing commercial uses on the site into one residential building up to 92 feet in height, containing up to 130 dwelling units together with residential amenity space, and up to 4,801 square feet of ground floor retail uses that will front both Old Dominion Drive and Elm Street. Parking will be provided by an enclosed and below-grade parking garage, with the first-floor parking surrounded by activated uses on both street frontages. Pursuant to the adopted EIP Ordinance, multi-family residential and retail are eligible uses under the program.

In conclusion, the development is located within the territorial limits of an EIP Area, constitutes a new zoning not previously approved by the County, and complies with the assemblage, size, and ownership criteria of the EIP. The staff concludes that the development is generally consistent with the Comprehensive Plan regarding uses and consolidation requirements.

Staff reviewed the applicant's application dated January 11, 2023, for conformance with the eligibility criteria and issued a letter to each owner on January 17, 2023, (see Attachment 4) stating that the development as proposed appears to conform with the statutory requirements of the program and is therefore eligible for submission to the Board for consideration of approval.

EQUITY IMPACT:

The Astoria McLean development will provide needed rental opportunities in an area of Fairfax County with a high demand for additional rental housing. The proposed redevelopment will provide eight percent of the total dwelling units as Workforce Dwelling Units (WDU) and will provide those WDUs at income tiers in accordance with the Board's adopted policy.

The Economic Incentive Program will benefit the applicant with a partial real estate tax abatement for both the multi-family and retail portions of the development. The goal of this program is to facilitate economic development consistent with the Comprehensive Plan and is reserved for areas in the County that are striving to foster revitalization. The EIP allows for the redevelopment this property in a manner that aligns with the Comprehensive Plan goals for this site, including land use, economic vitality, streetscape improvements, enhanced stormwater facilities, and provision of new park spaces—all to the benefit of the community.

Affordable housing opportunities in the McLean Area are scarce. The additional affordable rental units at the Astoria McLean development will help achieve the County's goal of increasing the supply of affordable housing with a minimum of 5,000 new units by 2034, to meet the needs of working families. The delivery of the Astoria McLean development will provide crucial housing for families earning from 60 percent to 80 percent of the Area Median Income (\$82,300 for a family of four). Further, the location of the proposed units in the McLean CBC aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. The Astoria McLean development project will promote opportunities for everyone to fully participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources. Additionally, the Astoria McLean development's proposed streetscape for its two frontages is in keeping with the newly adopted McLean District Design Guidelines.

FISCAL IMPACT:

Qualifying developments receive economic benefits including a reduction in site plan review fees of 10 percent and a partial tax exemption on the real estate tax, calculated as the difference between the pre-redevelopment (base) assessed value and the post-development assessed value in accordance with Virginia Code. As the County will continue to receive real estate tax revenues on the base (pre-redevelopment) assessed value of the site, the partial tax exemptions of the real estate tax will not reduce the General Fund.

Board Agenda Item
October 24, 2023

The Department of Tax Administration has determined that the 2023 base assessed value of the application property is \$15,698,900, generating real estate taxes of \$171,902 per year, with a base tax rate of \$1.095 per \$100 of assessed value. The applicant has estimated the post-development assessed value of the property to be \$125 million. The partial tax abatement would be calculated on the \$109,301,100 increment or difference between pre- and post-development values of the portion of the development. Thus, with a base tax rate of \$1.095 per \$100 of assessed value, the total tax abatement would be \$1,196,847 per year for a maximum tax abatement of \$11,968,470 over the maximum 10-year life of the program. It is noted that the eligibility period for the McLean EIP area commences on July 1, 2024, and since a building must be substantially complete before the owner can receive the partial tax abatement, it is possible that the owner may not achieve the abatement for the full ten-year period.

ENCLOSED DOCUMENTS:

Attachment 1 – The EIP Eligibility Application Form
Attachment 2 – Project Locator Map
Attachment 3 – Zoning Application Affidavit
Attachment 4 – Staff Determination Letters

STAFF:

Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Elizabeth A. Hagg, Director, Community Revitalization Section, DPD
Jay Doshi, Director, Department of Tax Administration
David Pellegrino, Assistant Director, Real Estate Division, DTA
William D.Hicks, Director, Department of Land Development Services

ASSIGNED COUNSEL:

Cherie Halyard Mack, Assistant County Attorney

Eligibility Application of Partial Tax Exemption for Economic Development (Effective September 15, 2020)

Fairfax County, Virginia
 Dept. of Planning and Development
 Community Revitalization Section
 12055 Government Center Parkway
 Suite 1048
 Fairfax, Virginia 22035



Telephone: 703-324-9300
 TTY: 711
 FAX: 703-653-1799

Visit our Web Site: www.fcrevite.org

Prior to filing this application, contact the Community Revitalization Section (CRS) of the Department of Planning and Development (DPD) staff to review the ordinance eligibility requirements to determine if the proposed development may qualify. Improvements made prior to the Department of Tax Administration's (DTA) base value appraisal inspection are not eligible for the partial tax abatement. Refer to the application procedures for additional information. Only properties located within an Economic Incentive Program (EIP) area are eligible. Refer to the ordinance at www.fcrevite.org/economic-incentive-program or contact CRS for assistance in verifying whether the project property is located in a designated EIP area. This application must be complete and include a paper or electronic copy of the plan for development as well as any additional schedules, plans, specifications that support the request, and an estimated fair market value of the proposed development once completed.

Property Information

Tax Map Reference #s):	Lot Size:	Current Zoning:	Proposed Zoning:	Estimated Project Future Fair Market Value
030-2-10-08-0003	21333	C-6, HC, SC, CRD	PRM, HC, SC, CRD	\$125,000,000
030-2-10-08-0004	18285	C-6, HC, SC, CRD	PRM, HC, SC, CRD	
030-2-10-08-0005	8790	C-6, HC, SC, CRD	PRM, HC, SC, CRD	
030-2-10-07-0003	40650	C-3, HC, SC, CRD	PRM, HC, SC, CRD	

Note: For additional Tax Map Numbers attach a separate sheet. Include all T parcels.

Owner Information

Tax Map Reference: <u>030-2-10-08-0003, 030-2-10-08-0004 and 030-2-10-08-0005</u>
Owners' Name: <u>JAG Partners LLC</u>
Contact Person/Title: <u>Michelle A. Rosati, Esq., Attorney for Applicant</u>
Property Address: <u>6858, 6856 and 6854 Old Dominion Drive, McLean, Virginia 22101</u>
Mailing Address: <u>6858 Old Dominion Drive, McLean, Virginia 22101 (Owner)</u> <u>1650 Tysons Boulevard/1700, Tysons, Virginia 22102 (Attorney for Applicant)</u>
Work Phone Number: <u>(703) 720-8079</u>
E-mail: <u>michelle.rosati@hklaw.com</u>

Tax Map Reference: 030-2-10-07-0003
Owners' Name: Ramay Family Partnership
Contact Person/Title: Michelle A. Rosati, Esq., Attorney for Applicant
Property Address: 6861 Elm Street, McLean, VA 22101
Mailing Address: PO BOX 36621, Charlotte, North Carolina 28236 (Owner) 1650 Tysons Boulevard/1700, Tysons, Virginia 22102 (Attorney for Applicant)
Work Phone Number: (703) 720-8079
E-mail: michelle.rosati@hklaw.com

Note: See page 5 for extra forms to attach, if necessary, for additional properties or owners.
Note: Contact Person needs to be the person that DTA can call to arrange on-site inspections.

Proposed Project:

1. What type of zoning application would this project require? Check all that apply.

Rezoning/Proffered Condition Amendment:

Special Exception:

Special Permit:

Site Plan:

2. List the application number of any approved rezoning, special exception, special permit or site plans that currently governs development of each property. Separately, list the application number of any pending or concurrent zoning or site plan application.

The Applicants are submitting a concurrent rezoning application with this Application, as further described below. A copy of the concurrent rezoning submission has been submitted as an attachment to this Application. The project as proposed in the concurrent rezoning application would permit the complete redevelopment of the four parcels as contemplated in the new McLean CBC Plan; all existing structures on the subject properties would be demolished prior to construction of the new development.

3. Describe the proposed property consolidation and how it meets the minimum two parcels, two owners, and two-acre requirements of the program?

The property consolidation is comprised of four parcels. The 6854, 6856 and 6858 Old Dominion parcels are owned by JAG Partners LLC. The 6861 Elm Street parcel is owned by Ramay Family Partnership. JAG Partners LLC is the contract purchaser of 6861 Elm Street, and has contracted to purchase that parcel specifically in furtherance of the proposed consolidation and redevelopment. As set out above, and on the CDP/FDP submitted with the rezoning application, the total area of the assemblage is 2.06 acres.

4. Describe the proposed project. Please include details related to proposed uses, density/intensity, existing buildings to be retained, demolished and /or repurposed, and new buildings proposed. Please include additional sheets as necessary to fully describe the application. Please attach or send electronically one (1) copy of the proposed development plan (either the rezoning application or site plan). If the project will be built in phases, provide a phasing plan including estimated time frames for the completion of each phase. Electronic copies can be sent to Revitalization@fairfaxcounty.gov.

As detailed on the attached CDP/FDP, and as further described in the Statement of Justification, both filed with the concurrent rezoning request, the proposed use is a six-story multifamily residential building, with ancillary ground-floor retail and/or amenity space. The proposed rezoning seeks to implement the vision of the McLean CBC Plan, and to create a more walkable downtown McLean where residents can live, work, dine and enjoy the benefits of a vibrant neighborhood environment. All existing buildings on the four subject parcels would be demolished as a part of this redevelopment.

5. A single parcel may contain multiple structures, but all structures must be fully contained within its parcel lot lines before the final inspection and valuation may be performed by the DTA. Based on the proposed concept plan, will parcels need to be created to meet this requirement? Yes No
Please Explain:

The proposed redevelopment contemplates a single building which will occupy all four current tax map parcels. The Applicant anticipates that the parcels will be consolidated into a single tax map parcel as a part of this development. The Applicants will continue to discuss this question with DPD and CRS as the rezoning application goes through the County review process.

6. Please provide any other information that you feel is pertinent to the review of this proposal below.

The proposed development is the first major "tear-down" redevelopment proposed in McLean following the adoption of the CBC Plan in June of 2021. The project is designed to be a model of the kind of pedestrian-friendly redevelopment of McLean's downtown that is the animating spirit of the CBC Plan. As County staff and the community recognized during the CBC Plan process, consolidation supports the creation of the network of multimodal transportation infrastructure and implementation of other key design elements. In addition, the EIP incentives connected with the consolidation are critical in bridging the gap to make tear-down redevelopment in an existing downtown area economically feasible.

7. Would you have completed this development/repurposing without the partial tax exemption?
 Yes No Please explain briefly how this incentive made the project possible:

As the McLean community frequently discussed in the process of creating the McLean CBC Plan, nearly all of the redevelopment in McLean in recent years has been supported by a significant amount of undeveloped subject property. It has been openly acknowledged that a project requiring full "tear-down" redevelopment faces significant hurdles, due to the uncertainty and expense involved in the entitlements process, and the loss of revenue during demolition and construction. The partial tax exemption is absolutely critical in supporting the economic viability of the kind of redevelopment that will make the McLean CBC Plan vision a living reality and result in a revitalized downtown McLean.

We hereby request partial tax exemption from real estate taxes for qualifying property to be developed, redeveloped or repurposed as provided by Article 29 Chapter 4 of the Fairfax County Code. We certify that the statements and attachments contained in this application are true and correct to the best of our knowledge. We certify that we are the owners or have the authority of the owners to submit this application.

SIGNATURES:

Date of Application:

12/21/22

Owner's or Agent's Signature:

Print Name: JAG Partners LLC

Date of Application:

12/22/22

Owner's or Agent's Signature:

Print Name: Ramay Family Partnership

Date of Application: _____

Owner's or Agent's Signature: _____

Print Name: _____

Date of Application: _____

Owner's or Agent's Signature: _____

Print Name: _____

NOTE: Failure to obtain signatures of all parties owning an interest in this real estate constitutes a material misstatement of fact.

OFFICE USE ONLY

Application #: _____

Date Application Submitted: _____

Economic Incentive Area: Annandale EIP

DPD Approval Date: _____

Rezoning Case #: _____

Rezoning Approval Date: _____

Site Plan Case #: _____

Site Plan Approval Date: _____

Site Plan Fee Reduction: Yes or No

Amount of Reduction: _____

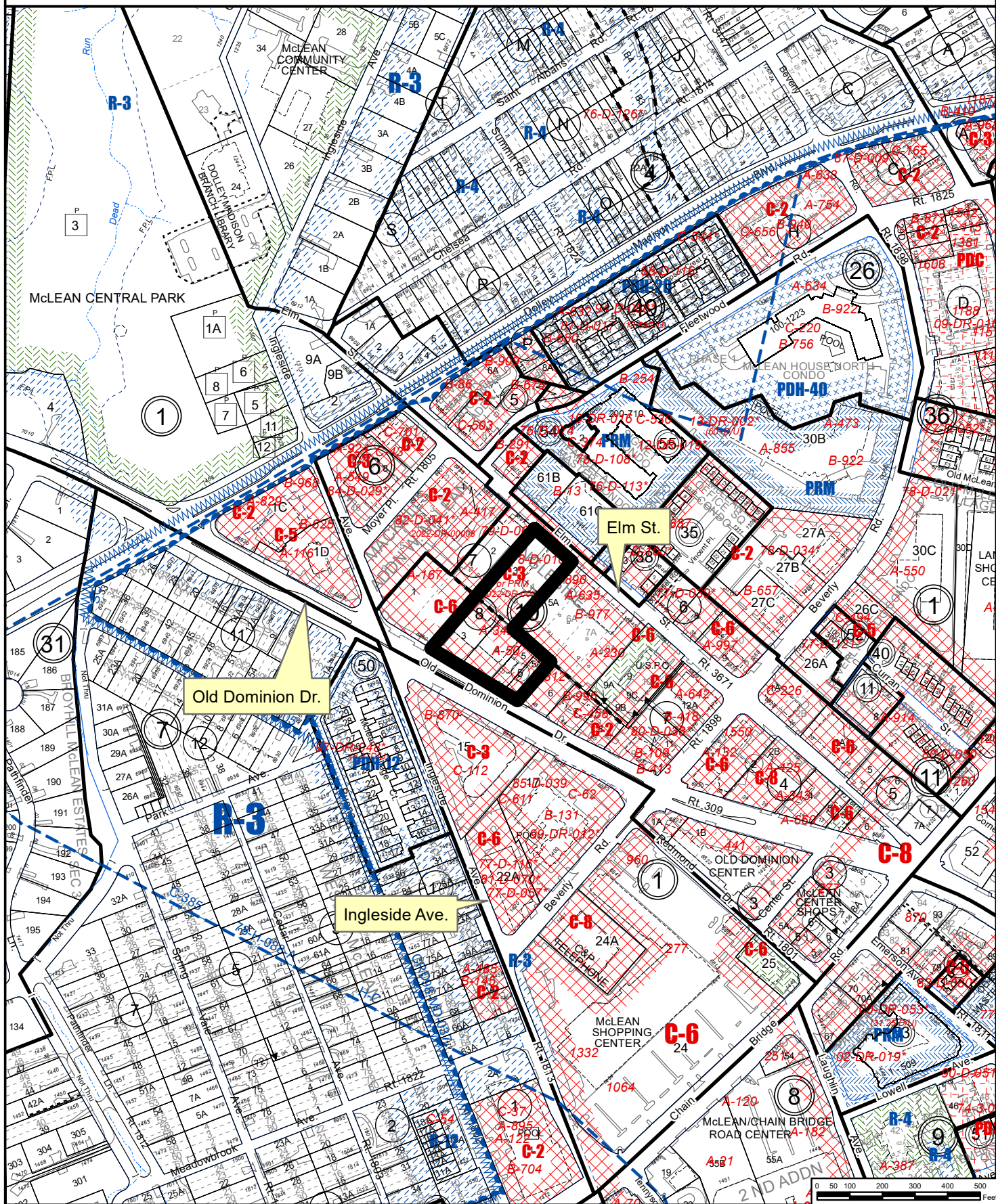
Date Issued: _____

Application/Attachments to DTA: Yes or No

BOS Approval Date: _____

Rezoning Application & Final Development Plan

RZ/FDP-2022-DR-00028 JAG Partners LLC





County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: September 15, 2023

TO: Daniel Creed, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Development

FROM: Jo Ellen Groves, Paralegal 
Office of the County Attorney

SUBJECT: Affidavit
Application No.: RZ-2022-DR-00028
Applicant: JAG Partners LLC
PC Hearing Date: 10/18/23
BOS Hearing Date: 10/24/23

REF.: 172657

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 8/30/23, which bears my initials and is numbered 172657, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Julia Nimeth, Planning Technician II (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Development

REZONING AFFIDAVIT

172657

DATE: August 30, 2023
(enter date affidavit is notarized)

I, Michelle A. Rosati, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): RZ 2022-DR-00028
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application,* and, if any of the foregoing is a TRUSTEE,** each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Contains two entries for JAG Partners LLC and Qualified Opportunity Fund LLC.

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

172657

DATE: August 30, 2023
 (enter date affidavit is notarized)

for Application No. (s): RZ 2022-DR-00028
 (enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Lessard Design, Inc. Agent: Christian J. Lessard	8521 Leesburg Pike, Suite 700 Vienna, VA 22182	Architect/Agent
Gorove Slade Associates, Inc. Agents: Maria C. Lashinger Kayla M. Ord Gee Sreekanth Gopi Lauren F. Snider Ariel L. Jarvis	4114 Legato Road, Suite 650 Fairfax, VA 22033	Transportation/Agent
Urban Engineering & Associates, Inc. t/a Urban Ltd. Agents: J. Edgar Sears, Jr. Brian A. Sears	7712 Little River Turnpike Annandale, VA 22003	Engineer/Agent
Holland & Knight LLP Agents: Michelle A. Rosati, Esq. David I. Schneider, Esq.	1650 Tysons Boulevard, Suite 1700 Tysons, VA 22102	Attorney/Agent for Applicant

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

172657

DATE: August 30, 2023
(enter date affidavit is notarized)

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Lessard Design Inc.
8521 Leesburg Pike, Suite 700
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- [x] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Christian J. Lessard

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title. e.g. President, Vice President, Secretary, Treasurer, etc.)

Christian J. Lessard, Chief Executive Officer, President
Ulises Montes de Oca, Vice President
Stephen Seelinger, Chief Financial Officer

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

172657

DATE: August 30, 2023
(enter date affidavit is notarized)

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Qualified Opportunity Fund, LLC (a Virginia LLC)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
Qualified Opportunity Fund, LLC is 100% owned by JAG Capital Partners, LLC

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer,** etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
JAG Capital Partners, LLC

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

1% Ambrish Gupta, President
1% Jyotsna Gupta, Secretary
49% Gupta Family Trust I -- Trustee and Beneficiary is Jyotsna Gupta
49% Gupta Family Trust II -- Trustee and Beneficiary is Ambrish Gupta

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer,** etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: August 30, 2023
(enter date affidavit is notarized)

172657

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Urban Engineering & Associates, Inc. t/a Urban Ltd.
7712 Little River Turnpike
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
J. Edgar Sears, Jr.
Brian A. Sears

=====
NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer,** etc.)

=====
NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Gorove Slade Associates, Inc
4114 Legato Road, Suite 650
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Chad A. Baird
Christopher M. Tacinelli
Erwin N. Andres
Daniel B. VanPelt

=====
NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer,** etc.)

Chad A. Baird (Vice President, Treasurer) Erwin N. Andres (Vice President)
Christopher M. Tacinelli (President & CEO) Daniel B. VanPelt (Vice President)
Tushar A. Avar (Vice President, Secretary) Kevin D. Sitzman (Vice President)
Erwin N. Andres (Vice President, Secretary)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: August 30, 2023
(enter date affidavit is notarized)

172657

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

JAG Partners LLC
6858 Old Dominion Drive
Suite 102
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

1% Ambrish Gupta, President
1% Jyotsna Gupta, Secretary
49% Gupta Family Trust I -- Trustee and Beneficiary is Jyotsna Gupta
49% Gupta Family Trust II -- Trustee and Beneficiary is Ambrish Gupta

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: August 30, 2023
(enter date affidavit is notarized)

172657

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

Holland & Knight LLP
1650 Tysons Boulevard
Suite 1700
Tysons, Virginia 22102

(check if applicable) [X] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Equity Partners:

- Glenn A. Adams
Nathan A. Adams, IV
Paul M. Aguggia
Roger David Aksamit
Eric L. Alexander
Martin J. Alexander
Vivian M. Arias
Shannon Armstrong
John Arnold
Hugo P. Arza
Bill Athanas
Adam J. August
Kelly F. Bagnall
Roddy Bailey

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(c)

DATE: August 30, 2023
(enter date affidavit is notarized)

172657

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Holland & Knight LLP
1650 Tysons Boulevard
Suite 1700
Tysons, Virginia 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Equity Partners:

Olesya Bakar
James L. Baker
Richard Bange
Bill Banowsky
David A. Barkus
Deborah E. Barnard
Joseph K. Barnette
Jacob K. Baron
Jason H. Baruch
Peter Baumgaertner
Neal N. Beaton
Meredeth A. Beers
Sara A. Begley
Joshua L. Belcher
B. Jeffery Bell
Mark Michael Bell
Seth R. Belzley
Ted M. Benn
David Bennett
Sara Bernard
Leonard A. Bernstein
Robert S. Bernstein
Tyson Bickley
Gregory D. Binns
David S. Black
Stacy D. Blank
Brandon Bloom
William R. Bloom
Jonathan Blum
Maximillian J. Bodoin
Noel Robert Boeke
Paul Bond
Justin R. Boose
Susan Jennifer Booth

Equity Partners:

Charles E. Borden
Joshua I. Bosin
Nancy B. Bostic
Bob Boston
Brent Bowman
Christopher W. Boyett
Robert H. Bradner
Keith Michael Brandofino
Cindy A. Brazell
Robert I. Bressman
Walker Brierre
James B. Bristol
Christopher C. Brockman
Jonetta L. Brooks
Brian R. Browder
John L. Brownlee
Robert J. Burns
Matt Burnstein
William P. Byrne
Jeffrey A. Calk
Lynn E. Calkins
Ed Callaway
Christopher L. Camarra
Robert Roe Campbell Jr.
Anthony J. Campiti
Stevens A. Carey
Keith P. Carroll
Kelly-Ann Gibbs Cartwright
Jose A. Casal
Kristen M. Cassetta
Christopher M. Cerrito
Michael L. Chapman
Chris Chauvin
Larry B. Childs

Equity Partners:

Glynn K. Christian
Kevin Christmas
Mark H. Churchill
Paul W. Cicchetti
Craig Circosta
Martin A. Clarke
David Clay
Jeffrey P. Clevon
Alan S. Cohen
Justin S. Cohen
Jerald S. Cohn
Brian J. Colandreo
Ivan A. Colao
David S. Cole
Abraham Joshua Colman
Paul E. Comeaux
Enrique A. Conde
Timothy J. Conner
Steven Connor
Louis T. M. Conti
J. Raul Cosio
Kevin E. Coventon
Renee I. Covitt
Matthew C. Cox
Marcus Marion Crider
Eric S. Crusius
Maria T. Currier
Gregory William Curry
Amy R. Curtis
Jesus E. Cuza
Brian T. Daigle
Douglas F. Darbut
Andrea Darling de Cortes
Paul Savage Davidson

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: August 30, 2023
(enter date affidavit is notarized)

172657

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Holland & Knight LLP
1650 Tysons Boulevard
Suite 1700
Tysons, Virginia 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Equity Partners:

Barry Davis
Jim Davis
Mark C. Davis
Melissa Davis Andrews
Vivian C. de las Cuevas-Diaz
John A. Decker
Christopher DeLacy
James E. DelBello
Tricia R. DeLeon
Andrew B. Derman
John Devine
Josias N. Dewey
Edward Diaz
Stephen J. Dietrich
Christopher S. Dillon
Anthony E. DiResta
Jolisa Melton Dobbs
R. David Donoghue
J. Matthew Donohue
Stephen J. Double
Robert Dougherty
Hon-Vinh Q. Duong
Phillip L. Durham
Martin G. Durkin
Richard D. Eckhard
Derek W. Edwards
Cory W. Eichhorn
Robert D. Eickenroht
Brandon H. Elledge
Michael D. Emerson
Jonathan M. Epstein
Philip Tucker Evans
Daniel P. Faust
Cheryl A. Feeley

Equity Partners:

Robert P. Felber, Jr.
William K. Fendrick
Carla F. Fenswick
Andres Fernandez
Juan Carlos Ferrer
Wifredo A. Ferrer
David J. Fischer
John A. Flaberty
Andrew P. Flint
Vincent J. Foley
M. Matthew Fontane
Morley S. Fortier, III
Thomas J. Freed
Kyrus Lamont Freeman
Leon Fresco
Michael J. Frevola
Robert J. Friedman
Kathleen M. Furey
Richard B. Furey
Bryan S. Gadol
Francisco Andres Gamez-Garza
Pedro Gassant
Jon P. Gaston
Suzanne E. Gilbert
John C. Gilson
Norman M. Glasgow Jr.
Stuart Glick
Warren E. Gluck
Rich Gold
Mark R. Goldschmidt
Joseph G. Goldstein
Enrique Gomez-Pinzon
Alex M. Gonzalez
William F. Gould

Equity Partners:

Stan Graham
Robert J. Grammig
Alaine S. Greenberg
Leigh Griffith
Matthew Grosack
Andrew M. Grumet
Joseph A. Guay
Jeffrey D. Haas
Julia M. Haines
John F. Halula
Margot Mendelson Hammond
L. Bradley Hancock
Tye C. Hancock
R. Tyler Hand
Theodore F. Hanselman
Mark E. Haranzo
Peter P. Hargitai
Richard Harris
Robert L. Harris
Shannon Britton Hartsfield
Robb S. Harvey
Lisa Hawke
Craig Haynes
Philip F. Head
Sandra L. Heller
Benjamin F.S. Herd
Alberto M. Hernandez
Jennifer L. Hernandez
Jorge L. Hernandez-Toraño
Anthony J. Herrera
Sara Christina Heskett
Edward R. Hickey
Loren Kessler Higgins
Robert S. Highsmith, Jr.

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

172657

DATE: August 30, 2023
(enter date affidavit is notarized)

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Holland & Knight LLP
1650 Tysons Boulevard
Suite 1700
Tysons, Virginia 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Equity Partners:

Adam Hill
Brent Hill
Robert S. Hill
Brian K. Hole
Alexander S. Holtan
Dan Hopper
Kevin M. Houlihan
Bradley D. Houser
David M. Hryck
Bart W. Huffman
Stephen J. Humes
George Edward Humphrey
Shelley G. Hurwitz
Joshua E. Husbands
Dayna M. Hutchins
David Iacuzio
John H. Irons
William H. Jackson, III
Janene D. Jackson
Paul J. Jaskot
Steven J. Jedlinski
Kenneth A. Jenero
Adolfo E. Jimenez
Matthew T. Joe
Michael T. Jones
Robert W. Jones
David S. Kahn
Robert J. Kaler
Mark C. Kalpin
Aron Zwi Karabel
Dimitrios J. Karakitsos
Stewart L. Kasner
Bill Katz
Gordon P. Katz

Equity Partners:

Todd Denison Keator
Kerry S. Kehoe
Roth Kehoe
Miranda K. Kelley
Christopher G. Kelly
John Kern
Paul J. Kiernan
Paul F. Kilmer
Eric W. Kimball
Bradford D. Kimbro
J. Steven Kirkham
Marc H. Klein
Ronald J. Klein
Jason Klitenic
Tammy L. Knight
Brian Howard Koch
Chris N. Kolos
Victoria Koob
Edward F. Koren
Jeffrey S. Korenblatt
Joshua C. Krumbholz
David C. Kully
Robert J. Labate
Susan G. Lafferty
Alejandro Landa Thierry
William R. Lane, Jr.
Paul G. Lannon, Jr.
Ruth L. Lansner
Philip S. Lapatin
Kristen Ann Larremore
David Lawrence
Steven D. Lear
Brian G. Leary
Nathan Leavitt

Equity Partners:

Amy S. Leder
Tiffani G. Lee
Kathryn Hazeem Lehman
Nicholas Alexander Leibham
David E. Lemke
Rebecca Leon
Sean B. Leonard
Shari A. Levitan
Nora L. Liggett
Sam J. Louis
Kenneth K. Lowenstein
Timothy Lowry
Colin H. Luke
Gerald F. Mace
Chelsea Maclean
Jessica B. Magee
Ryan M. Magee
Ieuan G. Mahony
J. Allen Maines
Xavier Mangino
Michael R. Manthei
Marisa Marinelli
David G. Marks
Summer H. Martin
John D. Martini
Daniel Mateo
D. Bruce May, Jr.
Jeremiah Marriott Mayfield
Juan J. Mayol, Jr.
Tom McAleavey
Chelsea Ashbrook McCarthy
C. Grant McCorkhill
Elle G. McCulty
Andrew W. McCune

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

172657

DATE: August 30, 2023 (enter date affidavit is notarized)

for Application No. (s): RZ 2022-DR-00028 (enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Holland & Knight LLP
1650 Tysons Boulevard
Suite 1700
Tysons, Virginia 22102

(check if applicable) [X] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

Equity Partners: Diane M. McDermott, James E. McDermott, Taite R. McDonald, Miriam J. McKendall, Mary A. McNulty, O'Kelly E. McWilliams, III, Greg Meece, Gregory R. Meeder, James T. Meggesto, Mark S. Melodia, Andrew Melsheimer, Mark A. Melton, George Mencio, Jr., Judith M. Mercier, Lee Susan Meyercord, Mark C. Michalowski, Nicholas G. Milano, Michael Miller, Michael M. Mills, Jr., Doug Minor, Derrick Mitchell, Jeffrey W. Mittleman, Megan Mocho, Victor Moldovan, John J. Monaghan, Humberto Morales Barron, Timothy Joseph Moran, Brent L. Moreland, Shane P. Morris, Anita M. Mosner, C. Anthony Mulrain, William R. Mureiko, J. Patrick Murphy, Charles R. Naftalin

Equity Partners: Christian B. Nagel, Hamid Reza Namazie, Stuart G. Nash, Andrew S. Naylor, Bryan Neal, Jesse C. Neil, Stacie Polashuk Nelson, Michael Brill Newman, Valarie M. Ney, Tracy A. Nichols, Jay Nixon, James W. Noe, Christopher R. Nolan, Sean M. O'Brien, W. Scott O'Connell, William Matthew O'Connor, John P. O'Neill, Kathryn W. Oberto, Joshua David Odintz, David L. Packer, Kevin E. Packman, Frederick D. Page, James Paine, Travis Parham, Nipun J. Patel, Mark W. Peters, Matthew J. Petersen, Joseph Pevsner, Eric M. Pfeifle, Ashley T.K. Phillips, Rich Phillips, MaryEllen S. Pickrell, Brian Platton, Tamsen Plume

Equity Partners: James Harold Power, Tim Poydenis, Gerardo Prado Hernandez, Douglas A. Praw, Danielle C. Price, Jonah L. Price, Roberto R. Pupo, Tracy Zurzolo Quinn, Norberto E. Quintana, Russ Rabinovich, Kenneth Racowski, Steven Raffaele, Turena Ramirez Ortiz, Eduardo A. Ramos, Jennifer Rangel, Stephen C. Rasch, Timothy Ray, Colbey B. Reagan, Nick Rew, Christopher J. Reynolds, Trisha M. Rich, Robert A. Ricketts, Lara M. Rios, Daniel F. Ritter, Joel E. Roberson, Josh H. Roberts, Ariel B. Robinson, David A. Robinson, Richard Bratton Roper, David M. Rosenberg, Ira N. Rosner, Louis J. Rouleau, Luis Rubio Barnetche, Abbey Mansfield Ruby

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: August 30, 2023
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for Application No. (s): RZ 2022-DR-00028
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PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Holland & Knight LLP
1650 Tysons Boulevard
Suite 1700
Tysons, Virginia 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Equity Partners:

Gabriel Ruiz Rocha
Tim Ryan
Travis A. Sabalewski
Stuart M. Saft
Alban Salaman
Keith N. Sambur
Tim Samson
Jimar A. Sanders
David J. Santeusano
Edward S. Sarnowski
Eric A. Scalzo
Tara A. Scanlon
Tonya Williams Scharf
Elizabeth A. Schartz
Michael E. Scheinberg
Janis Boyarsky Schiff
Brandon Schirg
Christina M. Schwing
Nichole D. Scott
Omari K. Sealy
Sarah Seedig
Eugene F. Segrest
Martin L. Seidel
Evan S. Seideman
Lawrence E. Sellers, Jr.
Bradley M. Seltzer
Jeffrey R. Seul
Amish Shah
Noah Shapiro
Stephen B. Shapiro
Richard G. Sharman
William M. Sharp
Lindsay A. Sheehy
Sean C. Sheely

Equity Partners:

William N. Shepherd
William B. Sherman
Charles W. Shewmake
Christine M. Shiker
Jonathan Burton Shoebotham
Eric B. Shortz
Jennifer Susan Sickler
Wajid Siddiqui
David C. Silver
Amy E. Simpson
David R. Singleton
Brent Singley
Jonathan I. Sirois
Jose E. Sirven
Aaron T. Slavens
David Scott Sloan
Mark M. Sloan
Daniel I. Small
Colby W. Smith
Colin J. Smith
Colin P. Smith
Lee Stuart Smith
Steven Sonberg
Bruce S. Sostek
David I. Spector
Joshua M. Spencer
Joseph A. Steinberg
Jeffrey Blake Stern
Jeremy M. Sternberg
Doug E. Stewart
Paul Stimers
Michael W. Stockham
Fred S. Stovall

Equity Partners:

Ilana B. Strickon
Don Stuart
Michelle White Suarez
Ben W. Subin
Nellie S. Sullivan
Sean Sullivan
Kurt Summers
Ram Sunkara
Matthew H. Sverdlow
Madeleine Tan
Nicholas William Targ
Jordan B. Taylor
Lee Philip Teichner
Tina Tellado
Jovi Tenev
Marisa C. Terrenzi
Vivian Lee Thoreen
Charles Welch Tiedemann
Robert K. Tompkins
Shawn M. Turner
Melissa S. Turra
Merrill A. Ulmer
Guillermo Uribe Lara
Matthew P. Vafidis
David J. Valeck
Bradley M. Van Buren
Joseph H. Varner, III
Woody Vaughan
Beth Evans Vessel
Debra J. Villarreal
Jesse S. Vogtle Jr.
Karen D. Walker
Scott C. Wallace

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: August 30, 2023
(enter date affidavit is notarized)

172657

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Holland & Knight LLP
1650 Tysons Boulevard
Suite 1700
Tysons, Virginia 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Equity Partners:

Equity Partners:

Robert Allan Warram
Stephen P. Warren
Joe Watson
James M. Weaver
Jennifer Weaver
Eric Wechselblatt
Mark Weibel
Loren A. Weil
Jacob H. Weinstein
Charles A. Weiss
Michael J. Werner
Hunter Hassen White
Jennifer A. White
David C. Whitestone
Michael L. Wiener
Terrence J. Wikberg
Gavin Williams
Kwamina Thomas Williford
Rebecca Wilsker
Richard R. Winter
David W. Wirt
John F. Wood
Thomas R. Woodrov
Anjuli B. Woods
Todd D. Wozniak
Richard L. Wynne, Jr.
Barbara M. Yadley
Richard M. Yanofsky
Thomas J. Yoo
Kenneth Yood
G. Michael Yopp

Bruce J. Zabaruskas
Jose Vicente Zapata
Hongjun Zhang, Ph.D.
Matthew Zimmerman

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

172657

DATE: August 30, 2023
(enter date affidavit is notarized)

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter “**NONE**” on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a “Rezoning Attachment to Par. 2” form.

REZONING AFFIDAVIT

DATE: August 30, 2023
(enter date affidavit is notarized)

172657

for Application No. (s): RZ 2022-DR-00028
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

O'Kelly E. McWilliams, III of Holland & Knight LLP owns an interest in real property (vacation rental) outside the Commonwealth of Virginia, in which Commissioner Walter C. Clarke also owns an interest.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [] Applicant [X] Applicant's Authorized Agent

Michelle A. Rosati, Esq., Applicant's Authorized Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30th day of August 2023, in the State/Comm. of Virginia, County/City of Fairfax

Shannon L. Moore
Notary Public

My commission expires: 7/31/2025





County of Fairfax, Virginia

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

January 17, 2023

Michelle A. Rosati
1650 Tysons Boulevard/1700
Tysons, Virginia 22102

Tax Map Reference: 030-2-10-07-0003
Property Address: 6861 Elm Street
McLean, VA 22101
Owner: Ramay Family Partnership
Tax Abatement Case #: DR-001 2023

Dear Ms. Rosati:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

The Board of Supervisors may approve your application for the program, either concurrently with a rezoning application or separately as a Board Action Item at one of their regularly scheduled meetings. Please work with my staff to determine your Board meeting date for this matter.

If you have any questions, please contact Elizabeth Hagg at (703) 324-9300 and/or elizabeth.hagg@fairfaxcounty.gov.

Sincerely,

Tracy Strunk, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration
Thomas Reed, Director of Real Estate, Department of Tax Administration
David Pellegrino, Assistant Director, Department of Tax Administration



Department of Planning and Development
Director's Office
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035-5507
Phone 703-324-9300
Fax 703-653-1799
www.fairfaxcounty.gov/planning-development



County of Fairfax, Virginia

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

January 17, 2023

Michelle A. Rosati
1650 Tysons Boulevard/1700
Tysons, Virginia 22102

Tax Map Reference: 030-2-10-08-0003,
030-2-10-08-0004 & 030-2-10-08-0005
Property Address: 6858, 6856, and 6854
Old Dominion Drive McLean, VA 22101
Owner: JAG Partners LLC
Tax Abatement Case #: DR-001 2023

Dear Ms. Rosati:

We have received your application for a partial real estate tax exemption under the Fairfax County Economic Incentive Program (Program) as provided by Article 29, Chapter 4 of the Fairfax County Code for the above referenced property. I have reviewed your application and find that the development as proposed is eligible for submission to the Board of Supervisors for consideration. Please note that, while the application does appear to conform with the statutory requirements of the program, final approval rests with the Board of Supervisors to determine whether the proposed development is a qualifying property under the ordinance. It is important to understand that the tax abatement is not guaranteed by virtue of the submission of this application.

The Board of Supervisors may approve your application for the program, either concurrently with a rezoning application or separately as a Board Action Item at one of their regularly scheduled meetings. Please work with my staff to determine your Board meeting date for this matter.

If you have any questions, please contact Elizabeth Hagg at (703) 324-9300 and/or elizabeth.hagg@fairfaxcounty.gov.

Sincerely,

Tracy Strunk, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration
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Board Agenda Item
October 24, 2023

ACTION - 4

Approval of Amendments to the Project Administration Agreement with the Virginia Department of Transportation for the Continued Implementation of Fairfax County Parkway Improvements (Springfield and Braddock Districts)

ISSUE:

Board of Supervisors' approval and authorization for the Director of the Fairfax County Department of Transportation (FCDOT) to execute amendments to the Project Administration Agreement (PAA) with the Virginia Department of Transportation (VDOT) for the continued administration of the Fairfax County Parkway (FCP) Improvements.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution substantially in the form of Attachment 1, authorizing the Director of FCDOT to amend a PAA with VDOT, substantially in the form of Attachment 2, for the continued implementation of the project. Once executed, this amended agreement will secure full funding for all three segments of the FCP Improvements (Project).

TIMING:

The Board should act on this item on October 24, 2023, so that VDOT can continue advancement of the project delivery schedule.

BACKGROUND:

This Project consists of three segments of improvements on FCP: Interchange at Popes Head Road with connection to future Shirley Gate Road Extension (Segment 1), Widening from just north of Route 29 to Nomes Court (Segment 2), and Widening from Nomes Court to Route 123 (Segment 3).

Segment 3 will be constructed using design-build delivery. In February 2023, this delivery method was endorsed by the Director of FCDOT as well as Supervisor Herrity and Supervisor Walkinshaw. The main impetus for choosing this delivery method was to allow for construction to proceed more quickly and more in concert with Segment 2, which will be delivered via traditional Design-Bid-Build. In addition, the estimated construction costs are less. A Request for Qualifications (RFQ) was published in July 2023. Construction for Segment 3 is expected to take place between Spring 2025 and Summer 2027.

Board Agenda Item
October 24, 2023

The Board has previously taken three separate actions on this agreement. The dates of Board approval, and resulting actions, are:

- September 22, 2015, the original agreement with VDOT was approved for the widening of FCP between just north of Route 29 and Route 123. The agreement secured \$10 million in Northern Virginia Transportation Authority (NVTA) regional revenue.
- January 24, 2017, the first amendment to the agreement increased NVTA regional funding to \$24.3 million.
- May 4, 2021, the second amendment broke out the interchange into a separate sub-agreement (financial and scoping documents), and moved \$13.4 million from the original agreement to the sub-agreement for the interchange. Additionally, \$50.6 million in Commonwealth Transportation Board (CTB) Smart Scale funds and \$22.8 million in additional NVTA regional funds were included in the sub-agreement for the interchange.

This Board action updates the current agreement to create a sub-agreement (financial and scoping documents) for Segment 3 of the Project (widening of the southern section) and specifies full funding for all phases of the Project. The original agreement, and subsequent amendments have been included in Attachment 3 for reference.

The County currently has secured agreements with NVTA to access \$87 million for FY 2015-2023 regional programs, and staff will return to the Board requesting agreement approval for NVTA's FY 2020-2025 and FY 2022-2027 programs funds totaling \$145.4 million. Consistent with previous administration of this Project, the NVTA agreements allow for County oversight of the implementation by VDOT, and provide a mechanism for funding to flow directly from NVTA to VDOT, on a reimbursement basis.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as these projects are included in the Board's adopted Transportation Priorities Plan.

FISCAL IMPACT:

The current estimate for all phases of the Project is approximately \$332 million. This action approves the PAA, which specifies full funding of the project from the following sources: \$232.4 million in NVTA regional funds, \$18 million in Regional Surface Transportation Program (RSTP) and other federal sources, nearly \$60.2 million in CTB Smart Scale and Revenue Sharing funds, and \$21.4 million in local funds. The \$21.4 million in local funds will be provided using Fund 40010, County and Regional Transportation Projects for the Route 286/Popes Head Interchange project (2G40-141-

Board Agenda Item
October 24, 2023

000). Of this \$21.4 million, the County has already transferred \$4.3 million in NVTA 30 Percent funds. Additional local contributions are not planned for FY 2024, and appropriations will be requested during future budget cycles. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution for Approval and Authorization to Amend the Project Administration Agreement with the VDOT for Fairfax County Parkway Improvements
Attachment 2: Proposed Amendments of the Project Administration Agreement
Attachment 3: Original and Revised Agreements with VDOT

STAFF:

Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Michael Guarino, Chief, Capital Projects Section, FCDOT
Smitha Chellappa, Senior Transportation Planner, Funding Section, FCDOT
Paul Doku, Transportation Planner, Coordination Section, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia, on Tuesday, October 24, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT AMENDMENT EXECUTION RESOLUTION

A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF
FAIRFAX VIRGINIA
FOR THE AMENDMENT OF AN AGREEMENT OF
Fairfax County Parkway Improvements
PROJECT

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) 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.

WHEREAS, on November 2, 2015, the County of Fairfax and VDOT entered into a project agreement (VDOT project number 0286-029-259, UPC 107937) (“Project”) for the implementation of Fairfax County Parkway improvements. The agreement included \$10 million in funding for the improvements.

WHEREAS, on February 14, 2017, the County of Fairfax and VDOT executed the first amendment to the project agreement to include additional funding in the amount of \$14.33 million, and revised scope that included more work at the intersection of Popes Head Road.

WHEREAS, on May 26, 2021, the County of Fairfax and VDOT executed the second amendment to the project agreement to include additional funding in the amount of \$73.47 million and created a new VDOT project number 0286-029-365 and UPC 111725 (“Child Project”) for the interchange project at Popes Head Road.

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 implementation of the Fairfax County Parkway improvement project, VDOT project number 0286-029-489, UPC 122982 (“Second Child Project”)

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to provide its share of the local contribution, in accordance with the financial documents (Appendices A) for the Project (UPC 107937) and two child projects (UPCs 111725, and 122982), 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, Appendices A and B for Project 122982, and the associated amended documents for Projects 107937 and 111725 under this resolution, with the Virginia Department of Transportation for the implementation of the Project to be administered by VDOT.

Adopted this 24th day of October 2023, Fairfax, Virginia

A Copy - Teste

Jill G. Cooper
Clerk for the Board of Supervisors

VDOT Administered, Locally Funded Appendix A Revision #2

Date: 6/16/2023

Project Number: 0286-029-259 UPC: 107937 CFDA# 20.205 Locality: Fairfax County

Project Location ZIP+4: 22030-5834	Locality UEI #: W2ZUFMBDM378	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, Virginia 22033-2867
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Project Narrative

Work Description: RTE 286 (FAIRFAX COUNTY PARWAY) - WIDEN FROM 4 TO 6 LANES - Widening of Route 286 from 4 to 6 lanes from Nomes Court to Route 29 to include intersection improvements and pedestrian and bicycle amenities.

From: 0.25 Miles South of Nomes Court

To: 0.67 Miles North of Lee Highway (Route 29)

Locality Project Manager Contact info: Nikolas Alexandrow (703) 877-5600 nikolas.alexandrow@fairfaxcounty.gov

Department Project Manager Contact Info: Sitaram Kodali (703) 691-6710 Sitaram.Kodali@vdot.virginia.gov

Project Estimates

Phase	Estimated Project Costs
Preliminary Engineering	\$17,874,555
Right of Way & Utilities	\$2,231,645
Construction	\$90,793,986
Total Estimated Cost	\$110,900,186

Project Cost

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$11,996,295	Local Funds (NVTA)	100%	\$11,996,295
	\$2,821,194	Local Funds	100%	\$2,821,194
	\$3,057,066	RSTP	0%	\$0
Total PE	\$17,874,555			\$14,817,489
Right of Way & Utilities	\$2,231,645	Local Funds (NVTA)	100%	\$2,231,645
Total RW	\$2,231,645			\$2,231,645
Construction	\$19,999,114	Revenue Sharing	50%	\$9,999,557
	\$70,794,872	Local Funds (NVTA)	100%	\$70,794,872
Total CN	\$90,793,986			\$80,794,429
Total Estimated Cost	\$110,900,186			\$97,843,563

Total Maximum Reimbursement / Payment by Locality to VDOT

\$97,843,563

Project Financing

Local Funds (NVTA)	Revenue Sharing State Match	Revenue Sharing Local Match	RSTP	Local Funds	Aggregate Allocations
\$85,022,812	\$9,999,557	\$9,999,557	\$3,057,066	\$2,821,194	\$110,900,186

Payment Schedule

Program and Project Specific Funding Requirements

- This is a limited funds project. The locality shall be responsible for any additional funding in excess of **\$13,056,623**.
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- VDOT has billed the LOCALITY **\$14,330,000** for this project as of **8/22/2023**.
- VDOT has received **\$13,930,000** from the LOCALITY for this project as of **8/22/2023**.
- VDOT will bill the LOCALITY a minimum of once every 90 days not to exceed \$80,692,369.
- This Project is funded with federal-aid Regional Surface Transportation Program (RSTP) funds. These funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.
- This Appendix A supersedes all previous versions signed by VDOT and the LOCALITY.

This attachment is certified and made an official attachment to this document by the parties to this agreement

Authorized Locality Official and Date

Gregg L. Steverson

Typed or printed name of person signing

Authorized VDOT Official and Date

Typed or printed name of person signing

Appendix B Revision #2

Project Number: 0286-029-259 (UPC 107937) Locality: Fairfax County

Project Scope	
Work Description:	RTE 286 (FAIRFAX COUNTY PARWAY) - WIDEN FROM 4 TO 6 LANES - Widening of Route 286 from 4 to 6 lanes from Nomes Court to Route 29 to include intersection improvements and pedestrian and bicycle amenities.
From:	0.25 Miles South of Nomes Court
To:	0.67 Miles North of Lee Highway (Route 29)
Locality Project Manager Contact Info: Nikolas Alexandrow (703) 877-5600 nikolas.alexandrow@fairfaxcounty.gov	
Department Project Manager Contact Info: Sitaram Kodali (703) 691-6710 Sitaram.Kodali@vdot.virginia.gov	

Detailed Scope of Services
<p>VDOT will administer, design and construct widening of Fairfax County Parkway from 2 lanes to 3 lanes in each direction from 0.62 miles north of Route 29 to 0.25 miles south of Nomes Court, total project length is about 4.166 miles. The project includes adding a third lane in each direction by widening Fairfax County Parkway into the existing meeting, the project also includes existing bridge widening at Route 29 and Braddock Road, improvement to intersections at Ladues End In and Nomes Court, improvements to existing shared use paths, storm water management, and new sound barriers.</p> <p>Preliminary Engineering Phase to include design, survey, traffic, geotechnical, structures, hydraulics, sound barriers and environmental documentation. Administer and complete Public Involvement requirements in accordance with VDOT policy and applicable regulations. Prepare complete plans for right of way acquisition and construction.</p> <p>Right of Way Phase to include acquiring all land rights necessary to construct the project in accordance with applicable VDOT policy and procedures. Relocate or provide for the relocation of utilities by others as required in accordance with applicable VDOT policy and procedures to facilitate project construction.</p> <p>Construction Phase to include advertisement, award and administer a construction contract through project completion, acceptance, and closeout in accordance with applicable VDOT policy and procedures.</p>

This attachment is certified and made an official attachment to this document by the parties of this agreement

Authorized Locality Official and date

Typed or printed name of person signing

Residency Administrator/PE Manager/District Construction
Engineer Recommendation and date

Typed or printed name of person signing

VDOT Administered, Locally Funded Appendix A Revision #2

Date: 8/22/2023

Project Number: 0286-029-365 UPC: 111725 CFDA# 20.205 Locality: Fairfax County

Project Location ZIP+4: 22030-5834	Locality UEI #: W2ZUFMBDM378	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, Virginia 22033-2867
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Project Narrative

Work #SMART18 - VA 286 - POPES HEAD ROAD INTERCHANGE - Provide congestion relief and improve safety by constructing an interchange at the intersection of Fairfax County Parkway, Popes Head Road and future Shirley Gate Road Extension. NEPA UNDER UPC 107937

From: 0.83 Mi. S. of Rte. 654 Popes Head Road

To: 0.95 Mi. N. of Rte. 654 Popes Head Road

Locality Project Manager Contact info: Nikolas Alexandrow (703) 877-5600 nikolas.alexandrow@fairfaxcounty.gov

Department Project Manager Contact Info: Sitaram Kodali (703) 691-6710 Sitaram.Kodali@vdot.virginia.gov

Project Estimates

Phase	Estimated Project Costs
Preliminary Engineering	\$3,700,000
Right of Way & Utilities	\$10,638,375
Construction	\$78,014,763
Total Estimated Cost	\$92,353,138

Project Cost

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$3,700,000	Local Funds (NVTA)	100%	\$3,700,000
Total PE	\$3,700,000			\$3,700,000
Right of Way & Utilities	\$1,508,806	Local Funds	100%	\$1,508,806
	\$9,129,569	Local Funds (NVTA)	100%	\$9,129,569
Total RW	\$10,638,375			\$10,638,375
Construction	\$24,992,253	Local Funds (NVTA)	100%	\$24,992,253
	\$50,165,282	Smart Scale	0%	\$0
	\$2,857,228	Demo Repurpose	0%	\$0
Total CN	\$78,014,763			\$24,992,253
Total Estimated Cost	\$92,353,138			\$39,330,628

Total Maximum Reimbursement / Payment by Locality to VDOT

\$39,330,628

Project Financing

Smart Scale	Local Funds (NVTA)	Demo Repurpose	Local Funds	Aggregate Allocations
\$50,165,282	\$37,821,822	\$2,857,228	\$1,508,806	\$92,353,138

Payment Schedule

Program and Project Specific Funding Requirements

- This is a limited funds project. The locality shall be responsible for any additional funding in excess of **\$53,022,510**.
- All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.
- VDOT has billed the LOCALITY **\$3,523,466.68** for this project as of **8/22/2023**.
- VDOT has received **\$0** from the LOCALITY for this project as of **8/22/2023**.
- VDOT will bill the LOCALITY a minimum of once every 90 days not to exceed **\$35,807,161.32**.
- Project estimate, schedule and commitment to funding are subject to the requirements established in the Commonwealth Transportation Board (CTB) Policy and Guide for Implementation of the SMART SCALE Project Prioritization Process, Code of Virginia, and VDOT's Instructional and Informational Memorandums.
- 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 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.
- This project has been selected through the Smart Scale (HB2) application and selection process and will remain in the SYIP as a funding priority unless certain conditions set forth in the CTB Policy and Guidelines for Implementation of a Project Prioritization Process arise. Pursuant to the CTB Policy and Guidelines for Implementation of a Project Prioritization Process and the SMART SCALE Reevaluation Guide, 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 Appendix A supersedes all previous versions signed by VDOT and the LOCALITY.

This attachment is certified and made an official attachment to this document by the parties to this agreement

Authorized Locality Official and Date

Gregg L. Stevenson

Typed or printed name of person signing

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: February 1, 2019

Appendix B Revision #1

Project Number: 0286-029-365 (UPC 111725) Locality: Fairfax County

Project Scope	
Work Description:	#SMART18 - VA 286 - POPES HEAD ROAD INTERCHANGE - Provide congestion relief and improve safety by constructing an interchange at the intersection of Fairfax County Parkway, Popes Head Road and future Shirley Gate Road Extension. NEPA UNDER UPC 107937
From:	0.83 Mi. S. of Rte. 654 Popes Head Road
To:	0.95 Mi. N. of Rte. 654 Popes Head Road
Locality Project Manager Contact Info: Nikolas Alexandrow (703) 877-5600 nikolas.alexandrow@fairfaxcounty.gov Department Project Manager Contact Info: Sitaram Kodali (703) 691-6710 Sitaram.Kodali@vdot.virginia.gov	

Detailed Scope of Services
<p>VDOT will administer, design and construct brand new interchange at existing Fairfax County Parkway and Popes Head Rd intersection. Project limits begin from 0.83 miles south of Popes Head Rd and end at 0.95 miles north of the Popes Head Rd. The brand-new interchange also provides access to the future development of Patriot Park and future extension of Shirley Gate Rd. The project includes realigning existing Popes Head Rd, three roundabouts, improvements to intersections at Ladues End Lane and Nomes Court, two new bridges along Popes Head Rd and Shirley Gate Rd, Shared use paths, storm water management, utility relocations, re-aligning of Ladues End Lane connecting to Popes Head Rd, private driveways realignment, Colchester Meadow Lane east realignment connecting to Popes Head Rd.</p> <p>Preliminary Engineering Phase to include design, survey, traffic, geotechnical, structures, hydraulics, and environmental documentation. Administer and complete Public Involvement requirements in accordance with VDOT policy and applicable regulations. Prepare complete plans for right of way acquisition and construction.</p> <p>Right of Way Phase to include acquiring all land rights necessary to construct the project in accordance with applicable VDOT policy and procedures. Relocate or provide for the relocation of utilities by others as required in accordance with applicable VDOT policy and procedures to facilitate project construction.</p> <p>Construction Phase to include advertisement, award and administer a construction contract through project completion, acceptance, and closeout in accordance with applicable VDOT policy and procedures.</p>

This attachment is certified and made an official attachment to this document by the parties of this agreement

Authorized Locality Official and date

Typed or printed name of person signing

Residency Administrator/PE Manager/District Construction
Engineer Recommendation and date

Typed or printed name of person signing

VDOT Administered, Locally Funded Appendix A Breakout of UPC 107937 (UPC 107937 Parent / UPC 122982 Child) **Date:** 9/18/2023
 Project Number: 0286-029-489 UPC: 122982 CFDA# 20.205 Locality: Fairfax County

Project Location ZIP+4: 22039-1425	Locality UEI #: W2ZUFMBDM378	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, Virginia 22033-2867
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Project Narrative	
Work Description:	FAIRFAX COUNTY PARKWAY WIDENING - SOUTHERN SEGMENT - Reduce congestion and improve safety by widening Route 286 (Fairfax County Parkway) from four lanes to six lanes, with intersection improvements, stormwater management facilities, and accommodations for pedestrians and bicyclists.
From:	0.11 Mi. South of Route 123 (Ox Road)
To:	0.25 Mi. South of Nomes Court
Locality Project Manager Contact info:	Nikolas Alexandrow (703) 877-5600 nikolas.alexandrow@fairfaxcounty.gov
Department Project Manager Contact Info:	Sitaram Kodali (703) 691-6710 Sitaram.Kodali@vdot.virginia.gov

Project Estimates	
Phase	Estimated Project Costs
Preliminary Engineering	\$350,000
Right of Way & Utilities	\$4,872,300
Construction	\$123,548,060
Total Estimated Cost	\$128,770,360

Project Cost				
Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$350,000	RSTP	0%	\$0
Total PE	\$350,000			\$0
Right of Way & Utilities	\$4,872,300	RSTP	0%	\$0
Total RW	\$4,872,300			\$0
Construction	\$6,921,253	RSTP	0%	\$0
	\$8,626,807	Local Funds	100%	\$8,626,807
	\$108,000,000	Local Funds (NVTA)	100%	\$108,000,000
Total CN	\$123,548,060			\$116,626,807
Total Estimated Cost	\$128,770,360			\$116,626,807

Total Maximum Reimbursement / Payment by Locality to VDOT	\$116,626,807
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Project Financing				
Local Funds (NVTA)	RSTP	Local Funds		Aggregate Allocations
\$108,000,000	\$12,143,553	\$8,626,807		\$128,770,360

Payment Schedule			
FY 2025	FY 2026	FY 2027	FY 2028
\$14,500,000	\$46,000,000	\$43,741,423	\$12,385,384

Program and Project Specific Funding Requirements
<ul style="list-style-type: none"> This is a limited funds project. The locality shall be responsible for any additional funding in excess of \$12,143,553. All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation. VDOT has billed the LOCALITY \$0 for this project as of 9/18/2023. VDOT has received \$0 from the LOCALITY for this project as of 9/18/2023. This Project is funded with federal-aid Regional Surface Transportation Program (RSTP) funds. These funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.

This attachment is certified and made an official attachment to this document by the parties to this agreement

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Typed or printed name of person signing

Appendix B Breakout of UPC 107937 (UPC 107937 Parent / UPC 122982 Child)

Project Number: 0286-029-489 (UPC 122982) Locality: Fairfax County

Project Scope	
Work Description:	FAIRFAX COUNTY PARKWAY WIDENING - SOUTHERN SEGMENT - Reduce congestion and improve safety by widening Route 286 (Fairfax County Parkway) from four lanes to six lanes, with intersection improvements, stormwater management facilities, and accommodations for pedestrians and bicyclists.
From:	0.11 Mi. South of Route 123 (Ox Road)
To:	0.25 Mi. South of Nomes Court
<small>Locality Project Manager Contact Info: Nikolas Alexandrow (703) 877-5600 nikolas.alexandrow@fairfaxcounty.gov Department Project Manager Contact Info: Sitaram Kodali (703) 691-6710 Sitaram.Kodali@vdot.virginia.gov</small>	

Detailed Scope of Services
<p>VDOT will administer the design and construction of Fairfax County Parkway to widen the roadway from two lanes to three lanes in each direction from 0.25 miles south of Nomes Court to 0.15 miles south of Route 123, for a total project length of approximately two miles. The project includes adding a third lane in the existing median in both northbound and southbound directions, improvements at the Rte. 123 interchange, improvements at the Burke Center Parkway intersection, improvements to the existing shared use path, new shared use path, existing noise barrier modification, bridge widening, utility relocation and storm water management basins.</p> <p>The Preliminary Engineering phase includes plan development through Design Public Hearing, NEPA approval, and approval of the project’s major design elements by VDOT’s Chief Engineer in accordance with VDOT policies and applicable regulations. Preliminary Engineering also includes developing plans for Design-Build procurement.</p> <p>The Design-Builder will complete final design, right-of-way acquisition, utility relocation, construction, and project acceptance in accordance with VDOT policies and applicable regulations.</p>

This attachment is certified and made an official attachment to this document by the parties of this agreement

 Authorized Locality Official and date

 Residency Administrator/PE Manager/District Construction Engineer
 Recommendation and date

 Typed or printed name of person signing

 Typed or printed name of person signing

**VDOT ADMINISTERED – LOCALLY FUNDED
PROJECT ADMINISTRATION AGREEMENT**

FAIRFAX COUNTY
PROJECT NUMBER 0286-029-259 UPC 107937

THIS AGREEMENT, made and executed in triplicate on this the 2nd day
of November, 2015, between the COMMONWEALTH OF
VIRGINIA DEPARTMENT OF TRANSPORTATION, hereinafter referred
to as the "DEPARTMENT" and the COUNTY OF FAIRFAX, hereinafter
referred to as the "COUNTY."

WITNESSETH

WHEREAS, the COUNTY has expressed its desire to have the DEPARTMENT administer
the work as described in Appendix B, and such work for each improvement shown is hereinafter
referred to as the Project; and

WHEREAS, the funds as shown in Appendix A have all been allocated by the COUNTY to
finance the project; and

WHEREAS, the COUNTY has requested that the DEPARTMENT design and construct this
project in accordance with the scope of work described in Appendix B, and the DEPARTMENT
has agreed to perform such work; and

WHEREAS, both parties have concurred in the DEPARTMENT'S administration of the
project identified in this Agreement and its associated Appendices A and B in accordance with
applicable federal, state, and local law and regulations; and

WHEREAS, the County's governing body has, by resolution, which is attached hereto,
authorized its designee to execute this Agreement; and

WHEREAS, Section 33.2-338 of the Code of Virginia authorizes both the DEPARTMENT
and the COUNTY to enter into this Agreement;

NOW THEREFORE, in consideration of the promises and mutual covenants and
agreements contained herein, the parties hereto agree as follows:

- A. The DEPARTMENT shall:
1. Complete said work as identified in Appendix B, advancing such
diligently, and all work shall be completed in accordance with the
schedule established by both parties.
 2. Perform or have performed, and remit all payments for, all
preliminary engineering, right-of-way acquisition, construction,
contract administration, and inspection services activities for the
project(s) as required.

3. Provide a summary of project expenditures to the COUNTY for charges of actual DEPARTMENT cost upon request and at the end of the project
 4. Notify the COUNTY of additional project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the COUNTY prior to performing those activities.
 5. Return any unexpended funds to the COUNTY no later than 90 days after the project(s) have been completed and final expenses have been paid in full.
 6. Make the Project available for review during its design, right of way, and/or construction phases by the COUNTY personnel upon request.
-
7. Maintain accurate documentation and records of all project costs incurred and paid for all phases of the Project and make said documentation and records available for review by the COUNTY upon request.
- B. The COUNTY shall:
1. Provide funds to the Department for Preliminary Engineering (PE), Right of Way (ROW) and/or Construction (CN) in accordance with the payment schedule outlined in Appendix A.
 2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the COUNTY and modification of this Agreement.
 3. In the event that the project involves construction or modification of a facility that is or will be in the State Highway System, upon completion of the Project, provide a final accounting of all capitalizable Project costs, irrespective of funding source, by the first day of August following the end of the fiscal year in which the Project was completed. As the Project asset is owned by the Commonwealth, in accord with Government Accounting Standards Board Statement 34, the Project will be included in the Commonwealth's Comprehensive Annual Financial Report.
- C. Funding by the COUNTY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
- D. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or

personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.

- E. 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 County 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 County 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.
- F. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
- G. Should funding be insufficient and county funds be unavailable, both parties will review all available options for moving the project forward, including but not limited to, halting work until additional funds are allocated, revising the project scope to conform to available funds, or cancelling the project.
- H. Should the project be cancelled as a result of the lack of funding by the COUNTY, the COUNTY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.
- I. This Agreement may be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in this Agreement.
- J. The Parties mutually agree that should any Northern Virginia Transportation Authority (NVTA) funding be utilized to pay for all or any portion of the Project being administered by the DEPARTMENT, the provisions/terms in Appendix C shall apply and are incorporated herein by reference as if set forth in full in this Agreement.

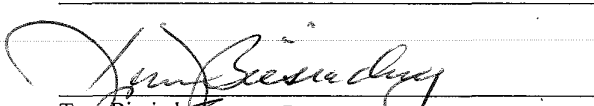
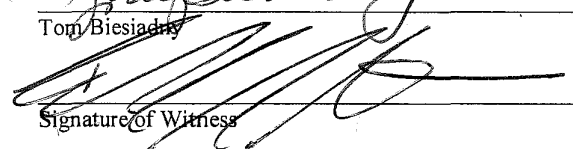
THE COUNTY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors and assigns.

THIS AGREEMENT may be modified in writing upon mutual agreement of both parties.

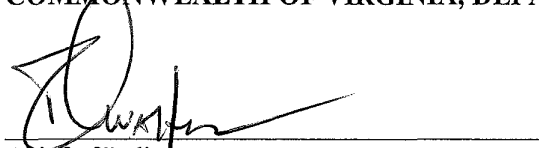
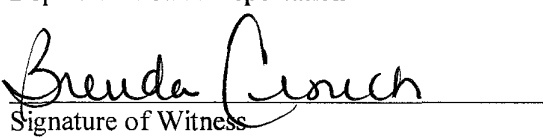
IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF FAIRFAX, VIRGINIA:

 _____ Tom Biesiadny	_____ Date 9/28/15
 _____ Signature of Witness	_____ Date 9/28/15

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 11/7/15
 _____ Signature of Witness	_____ Date 11/2/2015

VDOT Administered Locally Funded Appendix A

Date: 10/26/2015

Project Number: 0286-029-259 UPC: 107937 CFDA# 20.205 Locality: Fairfax County

Project Location ZIP+4: 22030-5834	Locality DUNS# 074873626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400, Fairfax, VA 22033-2867
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Project Narrative

Scope:	Widen Route 286 from 4 to 6 lanes and add full bike and pedestrian accommodations between Route 123 and approximately 2000 feet north of Route 29.		
From:	Ox Road (Route 123)		
To:	2000 feet north of Lee Highway (Route 29)		
Locality Project Manager Contact Info:	Karyn Moreland	703-877-5760	Email: karyn.moreland@fairfaxcounty.gov
Department Project Coordinator Contact Info:	Stephen Bates	703-259-2949	Email: Stephen.Bates@vdot.virginia.gov

Project Estimates

Phase	Estimated Project Costs
Preliminary Engineering	\$10,000,000
Right of Way & Utilities	\$10,330,000
Construction	\$62,100,656
Total Estimated Cost	\$82,430,656
Estimate for Current Billing	

Project Cost

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$10,000,000	Local Funds - NVTA	100.00%	\$10,000,000
				\$0
Total PE	\$10,000,000			\$10,000,000
Right of Way & Utilities				
Total RW				
Construction				
Total CN				
Total Estimated Cost	\$10,000,000			\$10,000,000

Total Maximum Reimbursement / Payment by Locality to VDOT

\$10,000,000

Project Financing

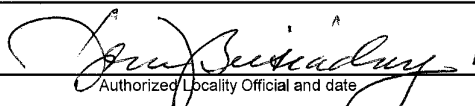
Local Funds -NVTA	Aggregate Allocations (A+B+C+D+E)
\$10,000,000	\$10,000,000

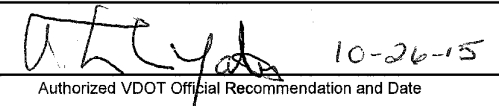
Payment Schedule

FY 2016	FY 2017
\$4,000,000	\$6,000,000

Program and Project Specific Funding Requirements

- This is a limited funds project. The locality shall be responsible for any additional funding in excess of \$10,000,000 (if applicable)
- The locality will be billed the locality share above beginning at the project scoping phase for the estimated PE costs. The billing will be adjusted to include the Construction estimate beginning at the award date. (if applicable)
- VDOT has billed zero (\$0.00) (dollar amount) the locality for this project as of 1/5/2016 (date)
- VDOT has received zero (\$0.00) (dollar amount) from the locality for this project as of 1/5/2016 (date)
- NVTA to distribute 5 quarterly payments of \$2,000,000 per quarter over 12 months with the payment due on the first day of 1/5/2016 (date) each quarter beginning on

 10/26/15
 Authorized Locality Official and date
 TOM BIESIADNY
 Typed or printed name of person signing

 10-26-15
 Authorized VDOT Official Recommendation and Date
 Terry Yates
 Typed or printed name of person signing

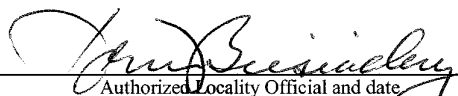
Appendix B

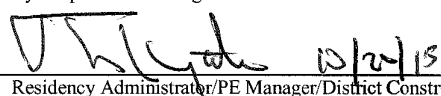
Project Number: 0286-029-259 (UPC 107937) Locality: Fairfax County

Project Scope	
Work Description:	Route 286 (Fairfax County Parkway) Widen from 4 to 6 lanes to include bicycle and pedestrian accommodations.
From:	Ox Road (Route 123)
To:	2000 feet (approximately) north of Route 29
Locality Project Manager Contact Info: Karyn Moreland; Email: Karyn.Moreland@fairfax county.gov; Phone 703 877-5760 Department Project Coordinator Contact Info: Steve Bates; Email: Stephen.Bates@VDOT.Virginia.gov; Phone: 703 259-2949	

Detailed Scope of Services
VDOT to administer the Preliminary Engineering for widening approximately 5.6 miles of Route 286 from four to six lanes, including full bicycle and pedestrian accommodations, between Route 123 and approximately 2000 feet north of Route 29.

This attachment is certified and made an official attachment to this document by the parties of this agreement


Authorized Locality Official and date
TOM BIESIADNY
Typed or printed name of person signing


Residency Administrator/PE Manager/District Construction Engineer
Recommendation and date

Typed or printed name of person signing

Appendix C

- All Northern Virginia Transportation Authority (“NVTA”) revenues shall be used solely for the transportation purposes referenced in the Memorandum of Agreement (MOA) between VDOT, VDRPT and NVTA, and in accordance with Virginia Code Section 33.2-2509-2510, and for the PROJECT as approved by NVTA.
- On a quarterly basis, the DEPARTMENT will provide a summary of PROJECT expenditures to the COUNTY for charges of actual DEPARTMENT costs consistent with Appendix A and the most recently approved NVTA cash flow estimates, containing detailed summaries of actual PROJECT costs incurred with supporting documentation as mutually agreed upon between VDOT and the COUNTY and containing certifications that all such costs were incurred in the performance of work for the PROJECT as authorized by this Agreement.
- Should the DEPARTMENT be requested and agree to provide additional funds in order to proceed or complete the funding necessary for the PROJECT, the DEPARTMENT shall certify to the COUNTY that such additional funds have been either authorized and/or appropriated by the Commonwealth Transportation Board (CTB) or the Virginia General Assembly as may be applicable or have been obtained through another independent source. Nothing in this provision shall be interpreted or construed to require VDOT to provide additional funding for the PROJECT and any agreement by VDOT to provide additional funding shall be contained in a modified Appendix or an addendum to this Agreement, executed by both VDOT and LOCALITY.
- Should the NVTA funding be discontinued or insufficient to cover the costs of the PROJECT or portions thereof to be funded with NVTA funds, the provisions of sections B(2) , G and H of this Agreement shall apply.
- The DEPARTMENT shall reimburse the COUNTY for all NVTA Project Funding that the DEPARTMENT misapplies or uses in violation of the NVTA Act, Chapter 766 of the 2013 Virginia Acts of Assembly (“Chapter 766”), or any term or condition of this Agreement, plus, to the extent permitted by law, interest at the rate earned by NVTA (the “NVTA Rate”) .
- The DEPARTMENT shall name the COUNTY, NVTA, and to the extent applicable NVTA’s Bond Trustee and/or require that all DEPARTMENT’s contractors name the COUNTY, NVTA and NVTA's Bond Trustee as additional insureds on any liability insurance policy issued for the work to be performed by or on behalf of the DEPARTMENT for the PROJECT and present to NVTA and the COUNTY satisfactory evidence thereof before any NVTA Project Funding is used by the DEPARTMENT for the PROJECT.
- The DEPARTMENT shall give notice to the COUNTY that the DEPARTMENT may use NVTA funds to pay legal counsel (as opposed to utilizing the services of its own in-house counsel or NVTA’s in-house legal counsel) in connection with the work performed under this Agreement so as to ensure that no conflict of interest may arise from any such representation.
- Under no circumstances will the COUNTY or NVTA be considered responsible or obligated to operate and/or maintain the PROJECT after its completion.

- The DEPARTMENT is solely responsible for obtaining all permits and permissions necessary to construct and/or operate the PROJECT, including but not limited to, obtaining all required VDOT and local land use permits, applications for zoning approvals, and regulatory approvals.
- The COUNTY shall provide coordination as between NVTA and the DEPARTMENT for the PROJECT, as may be necessary and/or as may be agreed to by the PARTIES.
- Funding by NVTA shall be subject to annual appropriation or other lawful appropriation by the NVTA, and Virginia General Assembly, respectively. Should the DEPARTMENT agree to provide any funding for the PROJECT or any portion thereof, said funding shall be subject to appropriation by the General Assembly and allocation by the CTB.
- In the event of disputes arising under this Agreement, the PARTIES agree to attempt to first resolve any such dispute by engaging in an informal dispute resolution process. Each party shall designate an authorized representative to conduct informal dispute resolution discussions on its behalf. Any resolutions and/or settlements of pending disputes reached via the informal dispute resolution method shall be presented to the County's Board of Supervisors and the Commissioner of Highways for ratification in order to be considered in full force and effect; and this Agreement shall be amended to reflect the substance of any such resolution. Nothing herein, however, shall limit or abrogate the right of either party to pursue whatever legal remedies that may be available to it in a court of competent jurisdiction.
- The DEPARTMENT shall maintain complete and accurate financial records relative to the PROJECT and all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the PROJECT for all time periods as may be required by the Virginia Public Records Act and by all other applicable state or federal records retention laws and provide copies of any such financial records to the COUNTY, free of charge, upon request.
- The DEPARTMENT shall provide a certification to the COUNTY and NVTA no later than 90 days after final payment to the contractors that VDOT adhered to all applicable laws and regulations and all requirements of this Agreement.

FAIRFAX COUNTY BOARD OF SUPERVISORS RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia, on Tuesday, September 22, 2015, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, Project Funding Agreements with the Northern Virginia Transportation Authority and the Virginia Department of Transportation (VDOT) for the implementation of the Route 286 Widening (Route 123 to approximately 2,000 feet north of Route 29) project to be administered by VDOT.

Adopted this 22nd day of September 2015, Fairfax, Virginia

A Copy – Teste:



Catherine A. Chianese
Clerk to the Board of Supervisors



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
4975 Alliance Drive
Fairfax, VA. 22030

A m e n d m e n t 1

Charles A. Kilpatrick, P.E.
Commissioner

February 15, 2017

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

RE: #107937

Dear Mr. Johnson:

Thank you for delivering the attached Appendices for UPC 107937 for signature. Please find enclosed a copy of the signed Appendix A and B for your records. Please let us know if we can be of further assistance.

Best regards,

A handwritten signature in cursive script, appearing to read "Carol Sinclair".

Carol Sinclair

Enclosure

VirginiaDOT.org
WE KEEP VIRGINIA MOVING

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia, on Tuesday, January 24, 2017, 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
AS AN ENDORSEMENT OF
Fairfax County Parkway Widening
(Route 123 to approximately 2,000 feet north of Route 29)
and
Fairfax County Parkway/Popes Head Road Interchange Project**

WHEREAS, in accordance with 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, if not already established, in the County of Fairfax;

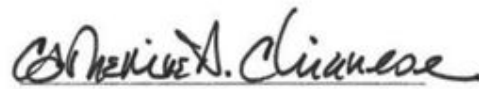
NOW, THEREFORE, BE IT RESOLVED, that the County of Fairfax requests the Commonwealth Transportation Board to establish a project, if not already established, for the implementation of Fairfax County Parkway Widening (Route 123 to approximately 2,000 feet north of Route 29) and Fairfax County Parkway/Popes Head Road Interchange 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 (Attached) and associated financial documents (Appendix A), 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 attached amendment to the Project Administration Agreement with the Virginia Department of Transportation for the implementation of the Fairfax County Parkway Widening (Route 123 to approximately 2,000 feet north of Route 29) and Fairfax County Parkway and Popes Head Road Interchange Project (Project # 0286-029-259, UPC 107937) to be administered by VDOT.

Adopted this 24th day of January 2017, Fairfax, Virginia

ATTEST:


Catherine A. Chianese
Clerk to the Board of Supervisors

Project Number: 0286-029-259

UPC: 107937

CFDA# 20.205

Locality: Fairfax County

Project Location ZIP+4: 22030-5834	Locality DUNS# 074873626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400, Fairfax, VA 22033-2867
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Project Narrative

Scope: Widen Route 286 from 4 to 6 lanes between Route 123 and approximately 2000 feet north of Route 29. Improvements will include bike and pedestrian accommodations. Scope includes a grade-separated interchange in the vicinity of Popes Head Road Intersection and a portion of the Shirley Gate Road extension.

From: Ox Road (Route 123)

To: 2000 feet north of Lee Highway (Route 29)

Locality Project Manager Contact Info: Maggie Qi 703-877-5758 Email: Hongtu.Qi@FairfaxCounty.gov

Department Project Coordinator Contact Info: Angel Tao 703-259-2377 Email: Angel.Tao@vdot.virginia.gov

Project Estimates

Phase	Estimated Project Costs
Preliminary Engineering	\$ 14,000,000.00
Right of Way & Utilities	\$ 10,330,000.00
Construction	\$ 62,100,656.00
Total Estimated Cost	\$86,430,656
Estimate for Current Billing	

Project Cost

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$10,000,000	Local Funds- NVTA	100.00%	\$10,000,000
	\$4,000,000	Local Funds	100.00%	\$4,000,000
Total PE	\$14,000,000			\$14,000,000
Right of Way & Utilities	\$10,000,000	Local Funds- NVTA	100.00%	\$10,000,000
	\$330,000	Local Funds	100.00%	\$330,000
Total RW	\$10,330,000			\$10,330,000
Construction				
Total CN				
Total Estimated Cost	\$24,330,000			\$24,330,000

Total Maximum Reimbursement / Payment by Locality to VDOT

\$24,330,000

Project Financing

Local Funds- NVTA	Local Funds				Aggregate Allocations
\$20,000,000	\$4,330,000	\$0	\$0	\$0	\$24,330,000

Payment Schedule

FY 2017	FY 2018	FY 2019	FY 2020
\$8,000,000	\$6,000,000	\$5,000,000	\$5,330,000

Program and project Specific Funding Requirements

- All local funds included on this appendix have been formally committed by the local government's board or council resolution.
- The locality will be billed the locality share above beginning at the project scoping phase for the estimated PE and RW costs. The billing will be adjusted to include the Construction estimate beginning at the award date. (if applicable)
- This Appendix A supersedes any previously listed funding schedule.
- VDOT has billed zero (\$0.00) (dollar amount) the locality for this project as of 1/1/2017
- VDOT has received zero (\$0.00) (dollar amount) from the locality for this project as of 1/1/2017
- Billing will begin 1/1/2017 for FY 2017 funding
- NVTA shall distribute semi-annual payments (amounts shown below) to VDOT for the duration of the Payment Schedule, until \$20,000,000 has been received. These will be used for the PE and RW phases of the Route 286 widening portion of the project. NVTA regional funds will not be used for any phase of the grade separated interchange widening portion of the project.
- The Locality will pay \$4,000,000 upfront to VDOT to cover the cost of the design for Popes Head Road Interchange. NVTA Regional funds are not to be used on this portion.
- The Locality will pay the remaining \$330,000 in ROW directly to VDOT on or before 10/1/2019. The breakdown is as follows:
 - FY17-\$4,000,000 in Quarter 3 (Local, non NVTA) FY19-\$2,500,000 in Quarters 1 & 3 (NVTA)
 - FY17-\$4,000,000 in Quarter 3 (NVTA) FY20-\$2,500,000 in Quarters 1 & 3 (NVTA)
 - FY18-\$3,000,000 in Quarters 1 & 3 (NVTA) FY20-\$330,000 in Quarter 1 (Local, non-NVTA)

This attachment is certified and made an official attachment to this document by the parties to this agreement

[Signature]
 Authorized Locality Official and Date

[Signature] 2-14-17
 Authorized VDOT Official and Date

TOM BIESIADNY
 Typed or printed name of person signing

Terry Yates
 Typed or printed name of person signing

Appendix B- REVISION #1



Project Number: 0286-029-259 (UPC 107937)

Locality: Fairfax County

Project Scope	
Work Description:	Widen Route 286 from 4 to 6 lanes between Route 123 and approximately 2000 feet north of Route 29, improvements will include bike and pedestrian accommodations. Scope includes a grade-separated interchange in the vicinity of Popes Head Road Intersection and a portion of the Shirley Gate Road extension.
From:	Ox Rd (Route 123)
To:	2000 Feet (approximately) north of Route 29
Locality Project Manager Contact Info: Maggie Qi ; 703-877-5758 ; Hongtu.Qi@fairfaxcounty.gov Department Project Coordinator Contact Info: Angel Tao/ 7032592377/ Angel.Tao@vdot.virginia.gov	

Detailed Scope of Services
<p>The project scope provides for preliminary engineering and right-of-way phases for the widening of Fairfax County Parkway (Route 286) from Ox Road (Route 123) to 2,000 feet north of Lee Highway (Route 29) from four lanes (divided) to six lanes (divided). This improvement will provide or improve pedestrian and bicycle amenities. Conceptual design assumes that all existing lanes will be used and that 12 feet of pavement will be added to the inside median and two feet will be added to the outside. The additional lanes will also allow the accommodation of future HOV lanes as designated on the County's Comprehensive Plan. Intersection improvements and access management will be considered in the design.</p> <p>The project scope also provides for preliminary engineering for the Fairfax County Parkway\Popes Head Road Interchange project. The section of the project also includes shared use paths, bicycle accommodations, and a portion of the Shirley Gate Road extension as a new alignment roadway from Fairfax County Parkway to the future Fairfax County Park Access Road entrance.</p> <p>VDOT is to administer all phases included in this agreement.</p>

This attachment is certified and made an official attachment to this document by the parties of this agreement

 Authorized Locality Official and date 2/13/17	 Authorized VDOT Official and date 2-14-17
<u>TOM BIESIADNY</u> Typed or printed name of person signing	<u>Terry Yats</u> Typed or printed name of person signing

VDOT Administered, Locally Funded Appendix A (Breakout project from UPC 107937)

Date: 3/26/2021

Project Number: 0286-029-365 UPC: 111725 CFDA# 20.205 Locality: Fairfax County

Project Location ZIP+4: 22030-5834 Locality DUNS #074873626 Locality Address (incl ZIP+4):
4050 Legato Road, Suite 400
Fairfax, VA 22033-2667

Project Narrative

Work Description: Provide congestion relief and improve safety by constructing an interchange at the intersection of Fairfax County Parkway, Popes Head Road and future Shirley Gate Road Extension NEPA UNDER UPC 107937

From: 0.95 miles south of Route 645 Popes Head Road
To: 0.45 miles north of Route 654 Popes Head Road

Locality Project Manager Contact info: Nick Alexandrow Nikolai Alexandrow@faii+axcounty.gov 703-877-5754
Department Project Manager Contact Info: Sitaram Kodali sitaram.kodali@vdot.virginia.gov 703-691-6710

Project Estimates

Phase	Estimated Project Costs	Estimated Start Date (month/day/year)	Estimated End Date (month/day/year)	Total Number of Months per Phase
Preliminary Engineering	\$3,700,000	3/15/2021	12/15/2021	9
Right of Way & Utilities	\$9,700,000	12/15/2021	5/14/2024	29
Construction	\$73,373,123	5/14/2024	1/26/2026	20
Total Estimated Cost	\$86,773,123	Total Months =		58

Project Cost

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$3,700,000	NVTA	100%	\$3,700,000
Total PE	\$3,700,000			\$3,700,000
Right of Way & Utilities	\$9,700,000	NVTA	100%	\$9,700,000
Total RW	\$9,700,000			\$9,700,000
Construction	\$22,814,753	NVTA	100%	\$22,814,753
	\$50,558,370	SMART SCALE	0%	\$0
Total CN	\$73,373,123			\$22,814,753
Total Estimated Cost	\$86,773,123			\$36,214,753

Total Maximum Reimbursement / Payment by Locality to VDOT: \$36,214,753

Project Financing

NVTA	SMART SCALE	Aggregate Allocations
\$36,214,753	\$50,558,370	\$86,773,123

Payment Schedule

FY 2021	FY 2022	FY 2023	FY 2024
\$500,000	\$7,900,000	\$5,000,000	\$22,814,753

Program and Project Specific Funding Requirements

- This project is a breakout project and linked with UPC 107937.
- This is a limited funds project. The locality shall be responsible for any additional funding in excess of \$50,558,370
- The locality will be billed their share of the project costs based on the payment scheduled shown in this appendix. The billing will be adjusted to include the Construction estimate beginning at the award date
- All local funds included on this appendix have been formally committed by the local governments board or council resolution subject to appropriation.
- VDOT has billed the LOCALITY \$0 for this project as of 3/26/2021.
- VDOT has received \$0 from the LOCALITY for this project as of 3/26/2021
- The LOCALITY shall make payments to VDOT as follows upon receipt of invoice
 - FY2021 (\$500,000) - One payment based on expenditures
 - FY2022 (\$7,900,000) - Quarterly payments based on expenditures
 - FY2023 (\$5,000,000) - Quarterly payments based on expenditures
 - FY2024 (\$22,814,753) - Quarterly payments based on expenditures
- Project estimate, schedule and commitment to funding are subject to the requirements established in the Commonwealth Transportation Board (CTB) Policy and Guide for Implementation of the SMART SCALE Project Prioritization Process, Code of Virginia, and VDOT's Instructional and Informational Memorandums.
- 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 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.
- This project has been selected through the Smart Scale (HB2) application and selection process and will remain in the SYIP as a funding priority unless certain conditions set forth in the CTB Policy and Guidelines for Implementation of a Project Prioritization Process arise. Pursuant to the CTB Policy and Guidelines for Implementation of a Project Prioritization Process and the SMART SCALE Reevaluation Guide, 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 attachment is certified and made an official attachment to this document by the parties to this agreement

[Signature] 5/19/21
Authorized Local Official and Date
TOM BIESIADNY
Typed or printed name of person signing

[Signature] 5/21/21
Authorized VDOT Official and Date
ANDREW G. BEACHER
Typed or printed name of person signing


Appendix B

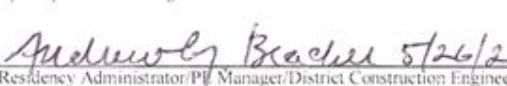
Project Number: 0286-029-365 (UPC 111725) Locality: Fairfax County

Project Scope	
Work Description:	Provide interchange at Fairfax County Parkway (VA 286) and Popes Head Road Interchange
From:	0.95 miles south of Route 654 Popes Head Road
To:	0.45 miles north of Route 654 Popes Head Road
Locality Project Manager Contact Info: Nick Alexandrow Nikolai.Alexandrow@fairfaxcounty.gov 703 877-5754 Department Project Coordinator Contact Info: Sitaram Kodali sitaram.kodali@VDOT.Virginia.gov 703-691-6710	

Detailed Scope of Services
<p>VDOT to Construct interchange at the intersection of Fairfax County Parkway, Popes Head Road and Shirley Gate Road Extension per the Fairfax County Transportation Plan. The project will:</p> <ul style="list-style-type: none"> • Include a grade-separated interchange in the vicinity of the Popes Head Road intersection and the future Shirley Gate Road extension, which anticipates the widening of the Fairfax County Parkway from Route 123 to Route 29. Design includes three roundabouts • Provide for the future connection to Shirley Gate Road to the east. It is anticipated that the Shirley Gate Road extension will be built as a separate project after the interchange project is completed; however, the portion of the roadway from Fairfax County Parkway to the future Fairfax County Park Access Road entrance would be built as part of the interchange project. • Include a portion of the Shirley Gate Road Extension as a new alignment roadway from Fairfax County Parkway to the future Fairfax County Park Access Road entrance. • Include shared use paths on Fairfax County Parkway. • Modify community driveways adjacent to the intersection to allow safer access to Popes Head Rd. • Construct two new bridges, including one for Popes Head Road, over the parkway. • Include a 10-foot shared use path for both pedestrians and bicyclist on the Parkway and Shirley Gate Road Extension. As a part of the proposed multi-modal improvement on Fairfax County Parkway, a special attention will be paid at the interchange location to provide a connection of the shared-use path between the Parkway and Shirley Gate Rd Extension. • Include sidewalk along one side of Popes Head Road • Sidewalk would be constructed on one side of the section of Shirley Gate Road to be constructed with this project. The connection to the Parkway shared-use path will be provided at a proper location. • Includes right of way needed for the interchange and ramps. • Includes Stormwater management.

This attachment is certified and made an official attachment to this document by the parties of this agreement

 5/19/21
 Authorized Locality Official and date
TOM BIESADNY
 Typed or printed name of person signing

 5/26/21
 Residency Administrator/PI Manager/District Construction Engineer
 Recommendation and date
ANDREW G. BEACHER
 Typed or printed name of person signing

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, May 4, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT AMENDMENT EXECUTION RESOLUTION

**A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF
FAIRFAX, VIRGINIA**

**FOR THE AMENDMENT OF AN AGREEMENT OF
Fairfax County Parkway at Popes Head Road Interchange
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.

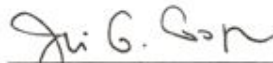
NOW, THEREFORE, BE IT RESOLVED, that the County of Fairfax requests the Commonwealth Transportation Board to establish a project(s), if not already established, for the implementation of the Fairfax County Parkway at Popes Head Road Interchange project (VDOT project #0286-029-365, UPC 111725) ("Project").

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to provide its share of the local contribution, in accordance with the new Appendix A for UPC 111725, 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 Appendix A and associated amended agreement documents, with the Virginia Department of Transportation for the implementation of the Project to be administered by VDOT.

ADOPTED this 4th day of May, 2021.

A Copy – Teste:



Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
October 24, 2023

ACTION - 5

Approval of a Resolution Supporting Additional Projects Being Submitted to the Northern Virginia Transportation Authority for FY 2024 to FY 2029 Regional Funding Consideration (Dranesville, Franconia, Mason, Mount Vernon, Providence, and Sully Districts)

ISSUE:

Board approval of a resolution (Attachment 1) supporting applications submitted to the Northern Virginia Transportation Authority (NVTA) by the City of Falls Church, City of Manassas Park/ Prince William County, the Virginia Railway Express (VRE), and the Virginia Passenger Rail Authority (VPRA). Projects submitted by the County were endorsed by the Board on July 25, 2023.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Attachment 1, in substantial form, supporting the City of Falls Church, City of Manassas Park/ Prince William County, the Virginia Railway Express, and the Virginia Passenger Rail Authority projects for NVTA's regional funding program.

TIMING:

Board of Supervisors' approval is requested on October 24, 2023, to provide NVTA a resolution of support for the projects, which is due on October 27, 2023. NVTA is expected to approve projects for its regional transportation funding in Summer 2024.

BACKGROUND:

At its meeting on March 9, 2023, NVTA approved its "Call for Regional Transportation Projects for the FY 2024–2029 Six Year Program (SYP) Update". The majority of regional funding provided for transportation projects, as allocated by NVTA, will be provided in the last two years of the program (FY 2028 and FY 2029), as the last SYP provided funding through FY 2027. Funding for these capital projects is provided by the 70 percent share of regional revenues that NVTA retains.

At its July 25, 2023, meeting, the Board of Supervisors adopted a resolution endorsing five projects (Attachment 2), which were then submitted by the County.

The County has been contacted by other jurisdictions and agencies requesting support of their projects, including:

Board Agenda Item
October 24, 2023

City of Falls Church

- City of Falls Church Signal Prioritization Project - This project includes the installation of Transit Signal Priority (TSP) technology, which will improve transit operations and encourages the use of multimodal travel options, at up to fifteen intersections in and around the City of Falls Church. Several of the intersections in the project scope are at/near the City/County border: (a) Haycock Rd & Leesburg Pike, (b) W Broad St & Birch St, and (c) Wilson Blvd & Roosevelt Blvd. Installation of transit signal priority technology will allow for greater reliability and improved travel times for transit service.

Manassas Park / Prince William County

- Route 28 Innovative Intersections Improvement – Phase II (Spruce Street and Orchard Bridge Road) - The project will improve the safety and operations of Route 28 (Centreville Road) from Manassas Drive to the Fairfax County line by constructing intersection improvements, installing medians to provide access management, providing pedestrian facilities, improving ADA accessibility, and providing drainage improvements traffic signal enhancements. The project will be designed and constructed in three phases. Funding for the first phase (Manassas Drive to Spruce Street) has been secured through the Highway Safety Improvements Program. This application will fund Phase II of the project, between Spruce Street and Orchard Bridge Road.

Virginia Railway Express

- Backlick Road Station Improvements - The existing platform at the VRE Backlick Road Station on the Manassas Line only accommodates five-car train sets for boarding and detraining. On longer trains, some passengers must move to different cars for detraining. The platform extension project will construct an approximately 300-foot platform extension to accommodate eight-car trains. The requested funding fills a shortfall in the construction budget for the project and will enable construction of the station improvements to move forward on schedule.
- Franconia-Springfield Station Improvements - The project modifies both the east and west station platforms to serve trains up to eight cars long and provide continuous and safe pedestrian access and improve pedestrian flow at the station to allow for improved operations. The project is within the limits of the VPRRA Franconia to Lorton Third Track project, which will block existing access to the east platform when constructed. This project also constructs a pedestrian ramp and tunnel entrance to maintain access to the east platform. The requested funding fills a shortfall in the construction budget for the project and will enable construction of the station improvements to move forward on schedule.

Board Agenda Item
October 24, 2023

Virginia Passenger Rail Authority

- Franconia-Springfield Bypass - this project is part of the Transforming Rail in Virginia initiative to enhance passenger rail services in the Commonwealth through the construction of railroad infrastructure projects. The bypass project will be a 1.8-mile-long dedicated passenger rail bridge which will allow passenger trains to cross over two CSX mainline freight rail tracks and avoid up to 28 conflicts a day between passenger and freight trains. It will increase operational capacity along the rail corridor in the immediate Franconia-Springfield area. The Virginia Department of Rail and Public Transportation (DRPT) previously applied for, and was awarded, NVTA funds to support the project. The VPRA, created in 2020, has been assigned as sponsor of the project, and is now submitting a second application for additional funding.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as the applications were submitted by other localities or agencies, and were not in direct control of the County.

FISCAL IMPACT:

There is no direct fiscal impact associated with this action.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution Supporting Additional Projects Being Submitted to the Northern Virginia Transportation Authority for FY 2024 to FY 2029 Regional Funding and concurring that the application from DRPT be evaluated.

Attachment 2 – Resolution approved on July 25, 2023, for projects to be submitted to the Northern Virginia Transportation Authority for FY 2024 to FY 2029 Regional Funding.

STAFF:

Rachel Flynn, Deputy County Executive

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

Noelle Dominguez, Division Chief, Coordination and Funding Division, FCDOT

RESOLUTION

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, October 24, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby also supports the efforts of the City of Falls Church, City of Manassas Park / Prince William County, and the Virginia Railway Express in submitting applications to the Northern Virginia Transportation Authority (NVTA) for FY 2024 – FY 2029 regional funding for the following projects located in or near Fairfax County:

- City of Falls Church - City of Falls Church Signal Prioritization Project
- Manassas Park / Prince William County - Route 28 Innovative Intersections Improvement – Phase II (Spruce Street and Orchard Bridge Road)
- Virginia Railway Express - Backlick Road Station Improvements
- Virginia Railway Express - Franconia-Springfield Station Improvements

BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby concurs with the submission of an application for the following project to be evaluated:

- Virginia Passenger Rail Authority - Franconia-Springfield Bypass

ADOPTED this 24th day of October 2023, Fairfax, Virginia.

A Copy - Teste

Jill G. Cooper
Clerk for the Board of Supervisors

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on July 25, 2023, at which a quorum was present and voting, the following resolution was adopted:

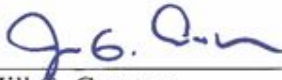
PROJECT ENDORSEMENT RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby approves the submission to the Northern Virginia Transportation Authority (NVTA) requesting regional funding for FY 2024 – FY 2029 for the following projects, in amounts not to exceed:

- Frontier Drive Extension - \$165,000,000: TransAction ID 84 (Frontier Drive Extension and Intersection Improvements)
- Davis Drive Extension and Dulles Toll Road-Rock Hill Overpass - \$245,000,000: TransAction ID 19 (Davis Drive Extension and Dulles Toll Road-Rock Hill Overpass)
- Braddock Road Multimodal Improvements Phase II - \$90,000,000: TransAction ID: 336 (Braddock Road Intersection Improvements: Guinea Road to Ravensworth Road)
- Route 7 Multimodal Improvements (I-495 – I-66) - \$210,000,000: TransAction IDs 2 (Route 7 Widening: I-495 to I-66) and 31 (Route 7 Bus Rapid Transit: Tysons to Mark Center)
- Seven Corners Ring Road (Phase 1A/Segment 1A) - \$128,000,000: TransAction ID 18 (Seven Corners Ring Road Improvements)

ADOPTED this 25th day of July, 2023.

A Copy – Teste:



Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
October 24, 2023

ACTION – 6

Approval of and Authorization to Execute the Deed of Lease for Tysons Community Center with the Fairfax County Redevelopment and Housing Authority (Hunter Mill District)

ISSUE:

Board approval of and authorization for the County Executive to execute the proposed Deed of Lease (“Lease”) for the Tysons Community Center with the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:

The County Executive recommends that the Board approve and authorize his execution of (1) the Lease substantially in the form of Attachment 1 and (2) any customary ancillary development documents, including a Reciprocal Easement Agreement, related to the Project.

TIMING:

Board action is requested on October 24, 2023. Staff recommends approval as the Tysons Community Center is part of the Dominion Square redevelopment, with the community center bond closing currently scheduled for November 2023 with the residential financial closing following in early December 2023.

BACKGROUND:

On July 15, 2021, the FCRHA entered into an Initial Development Agreement with the Arlington Partnership for Affordable Housing (APAH) for the development of property located at 1592 Spring Hill Road, Tysons, VA 22182, in the Hunter Mill District, known as the Dominion Square Project (the Project). The FCRHA and APAH entered a subsequent Development Agreement on February 24, 2022. The Project will be the largest fully committed affordable housing community in Tysons, with 516 rental units affordable between 30 percent and 70 percent of Area Median Income (AMI). As the owner of the land, the FCRHA has entered into long-term unsubordinated ground leases with entities controlled by APAH, under which such entities will design, build, own, and operate the residential portions of the Project.

Board Agenda Item
October 24, 2023

The approximately 33,000 square-foot Tysons Community Center will be located on the ground floor of the Project's south residential tower and managed by the Department of Neighborhood and Community Services (NCS). The County held three community engagement sessions in July 2022 with the public regarding programming and activities desired at the location. Located a few blocks from the Spring Hill Metro Station and multiple bus stops, the Tysons Community Center will serve as a multi-generational facility for the public in addition to residents of Dominion Square. The Lease will provide the County with long-term control and effective ownership of the Tysons Community Center. Additional ancillary development documents, including a Reciprocal Easement Agreement (REA), will be entered into between the County and the APAH entities. The REA will address the shared elements of the Project, including easements, insurance requirements, common areas, and shared maintenance.

EQUITY IMPACT:

The Tysons Community Center is anticipated to be an intergenerational center incorporating programming for seniors, families, youth, and teens within walking distance to Metro. This project provides the opportunity to serve the Tysons community with an intergenerational center that is currently not offered in the area. The County identified the need for a new community center in this part of the County to provide social, recreational, health and wellness activities for older adults and youth due to a lack of dedicated facilities in and around the growing Tysons Community. The area anticipated to be served by the proposed community center encompasses the Hunter Mill Magisterial District and borders the Dranesville and Providence Districts. Low-income residents of the Dominion Square redevelopment will have immediate access to the community center facility and its programming.

FISCAL IMPACT:

No funding approval is associated with this Item. The Board approved a separate item on October 10, 2023, authorizing the sale of Fairfax County Economic Development Authority (EDA) Facilities Revenue Bonds to fund the construction of the Tysons Community Center.

ENCLOSED DOCUMENTS:

Attachment 1: Deed of Lease

Board Agenda Item
October 24, 2023

STAFF:

Christopher Leonard, Deputy County Executive

Lloyd Tucker, Director, Department of Neighborhood and Community Services

Thomas Fleetwood, Director, Department of Housing and Community Development
(HCD)

Anna Shapiro, Deputy Director, Real Estate Finance and Development, HCD

Mark Buenavista, Division Director, Design, Development, and Construction (DD&C),
HCD

Marwan Mahmoud, Project Coordinator, DD&C, HCD

ASSIGNED COUNSEL:

Susan Timoner, Assistant County Attorney

DEED OF LEASE

between

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY
as Landlord

and

THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
as Tenant

for the

TYSONS COMMUNITY CENTER

_____, 2023

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DEED OF LEASE

This DEED OF LEASE (this "Lease") made as of the _____ day of _____, 2023 (the "Commencement Date") between the FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY, a political subdivision of the Commonwealth of Virginia ("Landlord"), in its proprietary capacity as the owner of certain land described below in Fairfax County, Virginia and not in its governmental or regulatory capacity, having an office at 3700 Pender Dr., Fairfax, VA 22030, and THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia having its principal office at 12000 Government Center Parkway, Fairfax, Virginia ("Tenant"). (Landlord and Tenant may be referred to individually as a "Party" and collectively as the "Parties.")

RECITALS

A. Landlord is the fee simple owner of certain real property identified as Unit 3 of the Tysons Dominion Square Land Condominium, located on Spring Hill Road in Fairfax County, Virginia, created pursuant to that certain Declaration of Condominium for Tysons Dominion Square Land Condominium (the "Declaration"), made by Landlord, as declarant, and recorded among the land records of Fairfax County, Virginia at [_____], and as further identified on Exhibit A attached hereto (the "Land"). The Land, together with any and all Improvements (defined below) on the Land and all appurtenant easements and development rights related to the Land, are collectively referred to herein as the "Premises."

B. Landlord desires to lease to Tenant and Tenant desires to Lease from Landlord the Premises, in accordance with the terms and conditions of this Lease.

THEREFORE, Landlord and Tenant hereby mutually covenant and agree, in consideration of the mutual covenants set forth below (including, without limitation the covenant to pay Base Rent hereunder), that this Lease is made upon the terms, covenants and conditions hereinafter set forth.

ARTICLE 1 DEFINITIONS

The terms defined in this Article 1, for all purposes of this Lease, have the following meanings:

"Additional Costs" means all sums of money besides Base Rent, *including without limitation*, payments of Impositions (if and as applicable) and all costs, expenses and charges of every kind and nature (including, without limitation, all public and private utilities and services and any easement or agreement maintained for the benefit of the Premises) relating to the Premises.

"Applicable Laws" means all applicable present and future federal, state, and local laws, rules, orders, ordinances, regulations, statutes, requirements, proffers, permits, consents, certificates, approvals, codes, and executive orders of all Governmental Authorities now existing

or hereafter created, and of any and all of their departments and bureaus affecting or relating to Tenant or the Premises.

“Base Rent” is defined in Section 3.01.

“Business Days” means any day which is not a Saturday, Sunday or a day observed as a holiday by either the Commonwealth of Virginia, Fairfax County, or the federal government.

“Construction Work” means any construction, repair, replacement, rehabilitation, or renovation work performed by or on behalf of Tenant under this Lease.

“Consumer Price Index” means the Consumer Price Index for all Urban Consumers Washington–Baltimore, DC–MD–VA–WV – All Items (1996=100), published by the United States Department of Labor, Bureau of Labor Statistics, or any successor index thereto, appropriately adjusted; provided, that if there is no successor index, a substitute index or the appropriate adjustment of such successor index, as the case may be, will be determined by Landlord, in its reasonable discretion.

“Event of Default” is defined in Section 10.01.

“Fixtures” means all fixtures incorporated in the Premises, including, without limitation, all machinery, dynamos, boilers, heating and lighting equipment, pumps, tanks, motors, air conditioning compressors, pipes, conduits, fittings, ventilating and communications apparatus, elevators, escalators, antennas, computers, and sensors.

“Governmental Authority(ies)” means any of the following: the United States of America, the Commonwealth of Virginia, the County of Fairfax, Virginia, Fairfax County Department of Housing and Community Development, Fairfax County Redevelopment and Housing Authority and any agency, department, commission, board, bureau, instrumentality, or political subdivision of any of the foregoing, now existing or hereafter created.

“Impositions” is defined in Section 3.02.

“Improvements” means Fixtures, structures, additions, enlargements, extensions, modifications, repairs, replacements, and improvements now or hereafter constructed, re-constructed, erected, placed, installed or located on the Premises.

“Land” means the land as generally depicted in the attached Exhibit A.

“Landlord” has the meaning set forth in the Preamble.

“Lease” means this Deed of Lease and all amendments, modifications, and supplements thereof.

“Notice” is defined in Section 11.01.

“Person” means an individual, corporation, partnership, joint venture, estate, trust, unincorporated association, any federal, state, County or municipal government or any bureau, department, or agency thereof.

“Premises” is defined in the Recitals.

“Project” means the Improvements and Fixtures located on the Land, including surface and structured parking and related public areas, all as more particularly described in this Lease and on the attached Exhibit B, and any and all Restorations, alterations and replacements thereof, additions thereto and substitutions therefor.

“Replacement Value” means an amount equal to the costs of replacing the Improvements on the Property with new Improvements of substantially equal quality and character.

“Restoration” is defined in Section 5.01.

“Restore” is defined in Section 5.01.

“Taxes” means federal, state, and local real estate taxes, personal property taxes, or similar “ad valorem” taxes, occupancy or rent taxes or other assessments applicable to the Premises or Tenant’s ownership interests therein.

“Tenant” has the meaning set forth in the Preamble.

“Term” means the term of this Lease as set forth in Article 2.

“Title Matters” means those matters affecting title to the Premises which are disclosed in the public records or may be disclosed by an inspection or survey of the Premises as of the date hereof, plus additional matters affecting title to the Premises that may be imposed from time to time in accordance with the provisions of this Lease, but excluding any monetary liens affecting the Premises created by Landlord.

“Unavoidable Delays” means (i) with respect to Tenant or its obligations hereunder, delays incurred by Tenant due to strikes, lockouts, work stoppages due to labor jurisdictional disputes, acts of God, inability to obtain labor or materials due to governmental restrictions, enemy action, civil commotion, fire, unavoidable casualty, unseasonably adverse weather conditions, or other similar causes beyond the control of Tenant.

ARTICLE 2

PREMISES AND TERM OF LEASE

Section 2.01. Premises. Landlord does hereby demise and lease to Tenant, and Tenant does hereby hire and take from Landlord, the Premises, as more particularly described on the attached Exhibit A, subject to the Title Matters, TOGETHER WITH:

(a) all of the appurtenances, rights, privileges, and easements in any way now or hereafter appertaining thereto;

(b) all right, title and interest of Landlord in and to the land lying in the streets, avenues, ways, and roads in front of and adjoining said Premises;

(c) all existing Improvements on the Premises as of the Commencement Date, if any; and

(d) the right of surface support of all Improvements to be constructed or erected on the Premises.

Section 2.02. Term. The term of this Lease is 99 years (the “Term”). Landlord and Tenant agree that the Lease begins on the Commencement Date and expires on the last day of the calendar month after the 99th anniversary of the Commencement Date.

Section 2.03. Use. The Premises will be used solely for the development, construction, reconstruction, rehabilitation, management, and operation of the Project, including any Restoration thereof, and for no other purpose.

Section 2.04. Ownership of the Improvements. During the Term, ownership and title to all Improvements and personal property located on the Premises (other than fee title to the land) will be vested in and held by Tenant, and Tenant is entitled to all depreciation, allowances, investment tax credits, or other such rights, tax benefits, and privileges provided by federal, state, or local law to the owners of real property. Immediately upon the expiration of the Term, all right, title, and interest in the Improvements and personal property of Tenant located on the Premises will vest in Landlord without further action of Landlord or Tenant being necessary or required.

ARTICLE 3

RENT; IMPOSITIONS; ADDITIONAL COSTS

Section 3.01. Base Rent. Beginning on the Commencement Date, Tenant will pay \$1.00 annually (the “Base Rent”) to Landlord with respect to each calendar year. The Base Rent has been prepaid by Tenant to Landlord for the entire term of the Lease.

Section 3.02. Impositions. Tenant will pay all of the following items (collectively, “Impositions”) imposed by any Governmental Authority that are applicable to the Premises or its operation at any time during the Term of the Lease: (a) Taxes, (b) water, water meter and sewer rents, rates and charges, (c) excises, (d) levies, (e) license and permit fees; (f) service charges with respect to police protection, fire protection, street and highway construction, maintenance and lighting, sanitation and water supply, if any, (g) fines, penalties and other similar or like governmental charges applicable to the foregoing and any interest or costs with respect thereto, and (h) any and all other governmental levies, fees, rents, proffers, assessments or taxes and charges, general and special, ordinary and extraordinary, foreseen and unforeseen, of any kind and nature whatsoever, and any interest or costs with respect thereto.

Section 3.03. Net Lease. All Additional Costs, expenses, and other charges relating to the Premises of every kind and nature will be paid directly by Tenant.

ARTICLE 4 **INSURANCE**

Section 4.01. Required Insurance During the Term of the Lease. Tenant is a local governmental body with AAA Bond rating, which self-insures with the following retention for the following coverage:

- (i) Commercial General Liability – \$2,000,000 self-insured retention
- (ii) Commercial Automobile Liability – \$2,000,000 self-insured retention
- (iii) Public Officials’ Liability – \$2,000,000 self-insured retention
- (iv) Commercial Property – \$500,000 self-insured retention
- (v) Workers’ Compensation coverage for statutory limits – \$3,000,000 self-insured retention

Tenant certifies both the accuracy of the foregoing information as well as the financial ability of Tenant to meet the obligation imposed by the retention levels and to assume those risks customarily covered by the ISO Standard form “Special Risk” Commercial Property, Commercial General Liability, Commercial Automobile Liability, Employer’s Liability and Workers’ Compensation pursuant to statutory requirements. Property of others in the care, custody and control of Tenant will be valued at Actual Cash Value (ACV) for the purposes of claims settlements. Tenant is proscribed by law from extending its self-insurance to outside parties and is prohibited from providing additional insured status or agreeing to holding harmless or indemnifying any parties. Nothing in this Lease may be deemed an expressed or implied waiver of the sovereign immunity of Tenant. The coverage described in this Section 4.01 will remain in force for the Term of the Lease and Tenant will advise Landlord should any material changes be made to the program.

Section 4.02. Alternative Insurance Requirements.

If at any time during the Term of this Lease, Tenant no longer uses a program of self-insurance, Tenant will maintain, or cause to be maintained, at its sole cost and expense the insurance set forth on the attached Exhibit D.

ARTICLE 5 **RESTORATION**

Section 5.01. Tenant’s Obligation to Restore.

(a) If all or any part of any of the Project is destroyed or damaged in whole or in part by fire or other casualty (including any casualty for which insurance was not obtained or obtainable) of any kind or nature, ordinary or extraordinary, foreseen or unforeseen, Tenant will repair, alter, restore, replace and rebuild (collectively, “Restore”) the same, at least to the extent of the value it would have had absent the casualty and as nearly as possible to the

condition, quality and class of the Project existing immediately prior to such occurrence, with such changes or alterations as Tenant, with the consent of Landlord, may elect to make.

(b) Tenant will commence Restoration no later than six months after the casualty, subject to Unavoidable Delays, and will continue thereafter diligently and without interruption as provided herein. Tenant will diligently prosecute such Restoration to completion, and in any event, such Restoration will be completed, subject to Unavoidable Delays, within 18 months after the commencement of the Restoration, or such longer period as may be reasonably required as agreed to by Landlord and Tenant, in each Party's reasonable judgement.

Section 5.02. No Abatement. This Lease will not terminate or be forfeited or be affected in any manner by reason of damage to, or total, substantial, or partial destruction of the Project.

Section 5.03. Casualty Where Restoration is Impossible or at End of Term. In the event of substantial damage or destruction by a casualty at any time after the 95th anniversary of the Commencement Date, Tenant, in lieu of Restoring the Project, may terminate this Lease upon 30 days' notice to Landlord.

ARTICLE 6

CONDEMNATION

Section 6.01. Taking of All of Substantially All of Premises If the whole or substantially all of the Premises is taken for any public or quasi-public purpose by any lawful power or authority by the exercise of the right of condemnation or eminent domain or by agreement among Landlord, Tenant and those authorized to exercise such right, this Lease and the Term will terminate and expire on the date of such taking.

Section 6.02. Partial Taking: Tenant's Obligation to Restore. If less than substantially all of the Premises is so taken, this Lease and the Term will continue as to the portion of the Premises remaining without diminution of any of Tenant's obligations hereunder, and Tenant will proceed diligently to Restore any remaining part of the Project not so taken so that the latter is complete, operable and in good condition and repair.

Section 6.03. Condemnation Award. In any condemnation proceedings, Landlord and Tenant each agree to cooperate in obtaining the highest award possible and agree to request that separate awards be made for Landlord's and Tenant's interests in the Premises and the Improvements.

Section 6.04. Temporary Taking. If the temporary use of the whole or any part of the Premises is taken for any public or quasi-public purpose by any lawful power or authority by the exercise of the right of condemnation or eminent domain or by agreement between Tenant and those authorized to exercise such right, Tenant will give prompt notice thereof to Landlord and the Term will not be reduced or affected in any way and Tenant will continue to pay all Additional Costs and Impositions payable by Tenant hereunder without reduction or abatement and perform all of Tenant's other obligations under this Lease, and Tenant will be entitled to receive for itself any award or payments made in connection with such temporary taking.

ARTICLE 7
REPAIRS AND MAINTENANCE

Section 7.01. Repairs. Tenant (either itself or through others) will put, keep, and maintain the Premises and all Fixtures in good and safe order and condition, and make all repairs necessary or appropriate to keep the same in good and safe order.

Section 7.02. No Obligation on Landlord. Landlord will not be required to furnish any services, utilities, or facilities whatsoever to the Premises, nor will Landlord have any duty or obligation to make any alteration, change, improvement, replacement, Restoration, or repair to, nor to demolish, the Project.

ARTICLE 8
AS-IS CONDITION

Section 8.01. As-Is Condition; No Representations. Tenant acknowledges that: (i) Tenant is fully familiar with the Land, the Premises, the Title Matters and the zoning status thereof and accepts the Premises in its existing legal and physical condition and state of repair, "AS IS, WHERE IS, WITH ALL FAULTS;" (ii) except as otherwise expressly set forth in this Lease, no representations, statements, or warranties, express or implied, have been made by or on behalf of Landlord in respect of the Land, the Premises, the status of title thereof, or the physical condition thereof; (iii) Tenant has relied on no such representations, statements or warranties; and (iv) Landlord will in no event whatsoever be liable for any latent or patent defects in the Premises.

ARTICLE 9
LANDLORD NOT LIABLE FOR INJURY OR DAMAGE, ETC.

Section 9.01. No Liability for Injury. Landlord will not be liable for any injury or damage to Tenant or to any other Person happening on, in or about the Premises and its appurtenances, nor for any injury or damage to the Premises or to any property belonging to Tenant or to any other Person which may be caused by any fire or breakage, or by the use, misuse or abuse of any of the Project (including, but not limited to, any of the common areas within the Project, Fixtures, elevators, hatches, openings, installations, stairways, hallways, or other common facilities), or the streets or sidewalk area within the Premises or which may arise from any other cause whatsoever except to the extent any of the foregoing will have resulted from the gross negligence or intentional misconduct of Landlord, its officers, agents, employees or licensees.

Section 9.02. No Liability for Utility Failure. Landlord will not be liable to Tenant or to any other Person for any failure of water supply, gas or electric current, nor for any injury or damage to any property of Tenant or of any other Person or to the Premises caused by or resulting from gasoline, oil, steam, gas, electricity, or hurricane, tornado, flood, wind or similar storms or disturbances, or water, rain, or snow which may leak or flow from the street, sewer, gas mains or subsurface area or from any part of the Premises, or leakage of gasoline or oil from pipes,

appliances, sewer or plumbing works therein, or from any other place, except to the extent any of the foregoing will have resulted from the gross negligence or intentional misconduct of Landlord, its officers, agents, employees or licensees.

Section 9.03. No Liability for Soil Conditions. In addition to the provisions of Sections 9.01 and 9.02, Landlord will not be liable to Tenant or to any other Person for any injury or damage to any property of Tenant or of any other Person or to the Premises, arising out of any sinking, shifting, movement, subsidence, failure in load-bearing capacity of, or other matter or difficulty related to, the soil, or other surface or subsurface materials, on the Premises.

ARTICLE 10

EVENTS OF DEFAULT

Section 10.01. Events of Default. It will be an “Event of Default” under the Lease if either Party fails to observe or perform one or more of the terms, conditions, covenants, or agreements applicable to such Party contained in this Lease, and such failure continues for a period of 180 days after notice thereof from the other Party specifying such failure. If such failure requires work to be performed, acts to be done, or conditions to be removed which cannot by their nature or because of Unavoidable Delays reasonably be performed, done or removed, as the case may be, within such 180-day period, no Event of Default will be deemed to exist as long as the Party receiving notice will have commenced curing the same within such 180-day period and diligently and continuously prosecutes the same to completion.

Section 10.02. Specific Performance. The Parties agree that specific performance or other injunctive relief of the terms of this Lease will be the sole remedy upon an Event of Default, without the necessity of proving the inadequacy of money damages as a remedy and without bond or other security being required. Each Party further agrees that in the event of any action by the other Party for specific performance or other injunctive relief, it will not assert that a remedy at law or other remedy would be adequate or that specific performance or other injunctive relief in respect of such Event of Default should not be available on the grounds that money damages are adequate or any other grounds.

ARTICLE 11

NOTICES

Section 11.01. Notice Addresses. Whenever it is provided in this Lease that a notice, demand, request, consent, approval, or other communication (each of which is herein referred to as “Notice”) must or may be given, such Notice must be in writing. The Notice must be given or served as follows: (a) by personal delivery (with receipt acknowledged), (b) delivered by reputable, national overnight delivery service (with its confirmatory receipt therefor), next Business Day delivery specified, (c) sent by registered or certified United States mail, postage prepaid, or (d) sent by using the most current business technology at the time of giving such notice, provided that such use is a generally accepted practice at the time, with a confirmatory copy to be delivered thereafter by duplicate notice in accordance with any of clauses (a), (b) or (c) above, in each case to the parties as follows:

If to Landlord, to:

Fairfax County Redevelopment and Housing Authority
Attention: Director, HCD
3700 Pender Drive
Fairfax, Virginia 22030-6039
e-mail: thomas.fleetwood@fairfaxcounty.gov

-and-

Fairfax County Redevelopment and Housing Authority
Attention: Deputy Director, Real Estate Development and Finance
3700 Pender Drive
Fairfax, Virginia 22030-6039
e-mail: Anna.Shapiro@fairfaxcounty.gov

With a copy to:

Office of the County Attorney
Attention: County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
e-mail: susan.timoner@fairfaxcounty.gov

If to Tenant, to:

Fairfax County
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035
Attn: Chris Leonard
e-mail: Christopher.leonard@fairfaxcounty.gov

-and-

Fairfax County
12000 Government Center Parkway, Suite 448
Fairfax, VA 22035
Attn: Lloyd Tucker
e-mail: Lloyd.tucker@fairfaxcounty.gov

With a copy to:

Office of the County Attorney
Attention: County Attorney

12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
e-mail: daniel.robinson@fairfaxcounty.gov

Either Party may change the address(es) to which any such Notice is to be delivered by furnishing ten Business Days' Notice of such change(s) to the other Party.

Section 11.02. When Notices Deemed Given. Every Notice will be deemed to have been given or served (a) if given by hand or overnight mail, upon delivery thereof, (b) if given by the most current business technology at the time of giving such notice, at the time confirmation of such transmission is received by the sender provided that a confirmatory copy to be delivered thereafter by duplicate notice in accordance with any of clauses (a), (b) or (c) in Section 11.01 above, and (c) if given by certified or registered mail, on the third business day after the posting the same, postage prepaid; in each case with failure to accept delivery to constitute delivery for such purpose.

ARTICLE 12

SUBORDINATION

Section 12.01. Lease Not Subordinate. Landlord's interest in this Lease and in the Premises will not be subject or subordinate to (a) any mortgage now or hereafter placed upon Tenant's interest in this Lease or (b) any other liens, security interests or encumbrances now or hereafter affecting Tenant's interest in this Lease. Tenant will not create or permit to be created any mechanic's, laborer's or materialman's lien upon the Premises or any part thereof, and Tenant will not suffer any other encumbrance, matter, or thing whereby the estate, right and interest of Landlord in the Premises or any part thereof might be impaired.

Section 12.02. Easements. Tenant will have the right to create customary and ordinary utility and other operationally related easements which are reasonably required in connection with any Construction Work or operation of the Premises; provided that Tenant provides each such easement to Landlord for its prior written approval, which approval will not be unreasonably withheld or delayed.

ARTICLE 13

SURRENDER AT END OF TERM

Section 13.01. Surrender at End of Term. On the last day of the Term, Tenant will well and truly surrender and deliver up to Landlord the Premises and the Project in good order, condition and repair, reasonable wear and tear and damage by casualty or condemnation excepted, free and clear of all lettings, occupancies, liens and encumbrances other than those, if any, existing at the date hereof, created by or consented to by Landlord. Tenant hereby waives any notice now or hereafter required by law with respect to vacating the Premises on any such termination date.

ARTICLE 14
DOMINION SQUARE RESIDENTIAL PROJECT

Section 14.01. Dominion Square. The Project will be located on the ground floor of one of two residential towers making up the Dominion Square Apartments. Landlord has entered into two other ground leases with third parties for the residential towers. Landlord and Tenant acknowledge that certain development documents, including a Reciprocal Easement Agreement, may be required for the operation of the entire development.

ARTICLE 15
MISCELLANEOUS

Section 15.01. Captions. The captions of this Lease are for convenience of reference only and in no way define, limit, or describe the scope or intent of this Lease or in any way affect this Lease.

Section 15.02. Table of Contents. The Table of Contents is for the purpose of convenience of reference only and is not to be deemed or construed in any way as part of this Lease or as supplemental thereto or amendatory thereof.

Section 15.03. Entire Agreement. This Lease, together with the attached Exhibits, contains all the promises, agreements, conditions, inducements and understandings between Landlord and Tenant relative to the Premises and there are no promises, agreements, conditions, understandings, inducements, warranties, or representations, oral or written, expressed or implied, between them other than as set forth in this Lease and other than as may be expressly contained in any written agreement between the parties executed simultaneously herewith.

Section 15.04. Quiet Enjoyment. Landlord covenants that so long as this Lease is full force and effect and Tenant is not in default beyond notice and grace hereunder, Tenant will and may (subject, however, to the exceptions, reservations, terms and conditions of this Lease) peaceably and quietly have, hold and enjoy the Premises for the term hereby granted without molestation or disturbance by or from Landlord or any Person claiming through Landlord and free of any encumbrance created or suffered by Landlord, except those encumbrances, liens or defects of title, created or suffered by Tenant and the Title Matters.

Section 15.05. Invalidity of Certain Provisions. If any term or provision of this Lease or the application thereof to any Person or circumstances is, to any extent, found to be invalid or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, will not be affected thereby, and each term and provision of this Lease will be valid and be enforced to the fullest extent permitted by law.

Section 15.06. Nonassignability. This Lease may not be assigned by either Party without the prior written approval of the other Party.

Section 15.07. Amendments in Writing. This Lease may not be changed, modified, or terminated orally, but only by a written instrument of change, modification or termination executed by the Party against whom enforcement of any change, modification, or termination is sought.

Section 15.08. Limitation of Personal Liability. No covenant, condition, or agreement contained in this Lease will be deemed to be a covenant, agreement, or obligation of any present or future supervisor, commissioner, officer, employee or agent of Landlord or Tenant in his or her individual capacity, nor will any supervisor, commissioner, officer, employee or agent of Landlord or Tenant incur any personal liability with respect to any other action pursuant to this Lease, provided such supervisor, commissioner, officer, employee or agent acts in good faith.

Section 15.09. Governing Law. This Lease will be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Section 15.10. No Joint Venture. Nothing in this Lease is intended nor may be deemed to create a joint venture or partnership between Landlord and Tenant, nor to make Landlord in any way responsible for the debts or losses of Tenant.

Section 15.11. Appropriations. The obligations of Tenant to make any payments under this Lease are contingent upon the appropriation for each fiscal year by the Fairfax County Board of Supervisors of funds from which such payments can be made. Tenant will not be liable for any amounts that may be payable pursuant to this Lease unless and until such funds have been so appropriated for payment and then only to the extent thereof.

Section 15.12. Bond Financing. The Landlord acknowledges that all or a portion of the Project may be financed or refinanced with the proceeds of bonds or similar obligations issued by or for the benefit of Tenant. To the extent that any provision of this Agreement conflicts with any provision of an agreement entered into by Tenant in connection with any such financing or refinancing, Landlord agrees that, at the option of Tenant, the applicable provisions of such agreement shall control over the provisions of this Lease.

Section 15.13. Tax. Landlord acknowledges that all or a portion of the Project and the Improvements may be financed or refinanced with the proceeds of bonds, the interest on which is excluded from gross income for federal income tax purposes (the "Bonds"). In furtherance thereof:

(a) Notwithstanding anything to the contrary herein, Landlord and Tenant agree that Tenant is the owner of the Project and the Improvements for federal income tax purposes. Landlord will not take the position that it is the owner of any portion of the Project or the Improvements for federal income tax purposes.

(b) Landlord covenants that it shall not take any action that will, or fail to take any action which failure will, cause the interest on the Bonds to become includable in the gross income of the owners of the Bonds for federal income tax purposes.

(c) Landlord covenants that it will not make or agree to any changes to the Declaration without the prior written consent of Tenant.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Deed of Lease as of the day and year first above written.

LANDLORD:

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY, a political subdivision of the Commonwealth of Virginia

By: _____
Name: _____
Title: _____

TENANT:

BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA

By: _____
Name: _____
Title: _____

Exhibit A

Legal Description of Premises

[Legal Description of Condominium Unit to be Added]

Exhibit B

Project Description

The Project, known as the Tysons Community Center (the “Community Center”), will be a new public facility located at Boone Boulevard and Spring Hill Road in Tysons, Virginia. Occupying approximately 33,000 square feet on two floors at the base of one of two new affordable rental residential towers known as Dominion Square, the Community Center will serve Tysons and the surrounding area, including the Dominion Square residential project. The Community Center will provide recreational, educational, and developmental opportunities for seniors, families, youth, teens, and local businesses. The site is accessed by pedestrian traffic from downtown Tysons and the nearby Spring Hill Road metro station, located one-fourth of a mile away. The main entrance of the Community Center is planned to be located at the corner of Boone Boulevard and Spring Hill Road. Outdoor space will be provided in adjacent courtyards.

The Community Center will be built to comply with all building codes, be ADA compliant, support the County’s sustainability and energy reduction policies and have a minimum LEED Gold certification from the U.S. Green Building Council (USGBC).

The Community Center will include the following areas:

- Lobby, and elevator areas
- Administrative offices
- Kitchen and Warming Pantry
- Gymnasium
- Multipurpose rooms and shared spaces
- Restrooms, storage rooms, mechanical and electric rooms
- Receiving and service area
- Makerspace area

Exhibit C

Alternate Required Insurance

- A. During the Term of the Lease, Tenant will maintain, or cause to be maintained, the following insurance:
1. At all times during the Term after completion of the Project, Tenant will maintain or cause to be maintained insurance for the Premises, and for any and all Improvements, equipment, motors and machinery owned or leased by Tenant and located, installed in or used in connection with the Premises, including all alterations, renovations, replacements, substitutions, changes and additions thereto, such insurance must insure against loss or damage by fire, vandalism, malicious mischief, sprinkler leakage (if sprinklered) and such other hazards, casualties, risks and contingencies now covered by or that may hereafter be considered as included within a standard “broad form” policy and against loss or damage by other risks and hazards covered by a standard extended coverage insurance policy (including without limitation, fire, lightning, hail, hurricane, windstorm, tidal wave, explosion, acts of terrorism, riot and civil commotion, vandalism, malicious mischief, strike, water damage, sprinkler leakage, burglary, theft, mold and microbial matter (to the extent available at commercially reasonable rates) in an amount equal to the Replacement Value, subject to commercially reasonable sub-limits. Tenant will name Landlord as an additional insured on such policy or policies.
 2. At all times during the Term, Tenant will maintain and keep in force commercial general liability insurance in standard form, protecting Tenant, and naming Landlord as an additional insured, against personal injury, including without limitation, bodily injury, death or property damage and elevator and contractual liability on an occurrence basis if available and if not, then on a claims made basis, in either case in an amount not less than \$10,000,000 per occurrence, subject to adjustment every year after the end of the first Lease Year to reflect the increase, if any, in the Consumer Price Index from the end of the first Lease Year; provided however, that all such increases will be deferred each year until the sum of the total increase in the Consumer Price Index equals at least \$1,000,000 in the aggregate, at which time Landlord will provide written notice to Tenant setting forth such calculation and requiring that the applicable amount of commercial general liability insurance hereunder be correspondingly increased by \$1,000,000; provided further, however, this \$1,000,000 threshold will again be deferred each year until the \$1,000,000 threshold is reached again in the manner set forth hereinabove. All such policies must cover the entire Premises.
 3. At all times during the Term, Tenant will maintain and keep in force flood insurance in an amount at least equal to the maximum limit of coverage available with respect to the Premises and the Project under the “Flood Disaster Protection Act of 1973,” and which otherwise complies with the national flood insurance program as set forth in said Act as well as subsequent amendments or successors thereto, provided

that such insurance will be required only if and so long as the Premises are or become included in a United States Department of Housing and Urban Development (or successor agency) designated flood prone area. If Tenant is required to maintain such flood insurance policy, then Landlord will be listed as an additional insured on such policy.

4. At all times during the Term, at its own cost and expense, Tenant will provide and keep in force or cause to be provided and kept in force a policy covering business automobile liability which must have minimum limits of \$1,000,000.00 per occurrence combined single limit for bodily injury liability and property damage liability, subject to adjustment every year after the end of the first lease year to reflect any increases that are consistent with and customary for other comparable properties of comparable age and quality in the Northern Virginia area. This will be an “any-auto” type of policy including owned, hired, non-owned and employee non-ownership coverage, if applicable. Landlord will be listed as an additional insured on such policy.
5. Landlord may, on a commercially reasonable basis, from time to time by written notice to Tenant require Tenant to maintain, or cause to be maintained, at its sole cost and expense, such other insurance covering insurable hazards that are commonly insured against in the case of premises located in Fairfax County, Virginia, that are similarly situated and have similar uses to that of the Premises, provided such other insurance is available on a commercially reasonable basis.

B. In addition to the insurance required to be carried in A above, during any time that Tenant is performing or is causing the performance of Construction Work on the Premises, Tenant will maintain (or cause to be maintained) the following insurance on the Premises:

1. a complete value “all risk” builders risk insurance on the Premises and any and all Improvements for which Construction Work is being done in an amount equal to the Replacement Value thereof. Landlord will be listed as an additional insured on such policy;
2. worker’s compensation insurance in an amount not less than as required by the laws of the Commonwealth of Virginia and applicable federal laws;
3. employer’s liability insurance in an amount not less than the amount maintained by prudent owners of properties in Falls Church, Virginia comparable to the Premises; and
4. errors and omissions insurance policies for the architects, engineers and other professionals engaged by or on behalf of Tenant in connection with the Construction Work in an amount not less than Two Million Dollars (\$2,000,000) per occurrence, subject to adjustment every year after the end of the first lease year to reflect any increases that are consistent with and customary for other comparable properties of comparable age and quality in the Northern Virginia area.

C. Tenant waives any and every claim which arises or may arise in its favor and against Landlord during the Term, for any and all loss of, or damage to, any of its property located within or upon, or constituting a part of, the Premises or any portion thereof or any claims for loss for which Landlord may be liable under this Lease, which loss or damage is covered by valid and collectible insurance policies, to the extent that such loss or damage is recoverable under such policies. This waiver will be in addition to, and not in limitation or derogation of, any other waiver or release contained in this Lease with respect to any loss or damage to the Premises or any of Tenant's (or its licensees) property located within or upon, or constituting a part of, the Premises. Inasmuch as the said waiver will preclude the assignment of any claim by way of subrogation (or otherwise) to an insurance company (or any other person), Tenant agrees immediately to give each insurance company which has issued to it policies of insurance, written notice of the terms of this waiver, and to have the insurance policies properly endorsed, if necessary, to prevent the invalidation of coverage by reason of the waiver.

Board Agenda Item
October 24, 2023

ACTION - 7

Authorization for the Fairfax County Redevelopment and Housing Authority to: i) Issue Multifamily Housing Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$20,000,000 for Little River Glen I; and ii) Issue Multifamily Housing Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$20,000,000 for Little River Glen IV, as Part of the Financing Plan for the Planned Renovations and New Development at Little River Glen, in Fairfax, Virginia (Braddock District)

ISSUE:

Board authorization for the FCRHA to issue multifamily revenue bonds or notes in support of the financing plan to rehabilitate 120 senior affordable units at Little River Glen I (LRG I) and construct 60 new senior affordable units at Little River Glen IV (LRG IV), in the Braddock District.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Authorize the FCRHA to submit an application to the Virginia Department of Housing and Community Development (VA DHCD) for the necessary private activity bond allocation;
2. Approve FCRHA's issuance of private activity tax-exempt bonds or notes in an aggregate amount not to exceed \$20,000,000 for LRG I (LRG I Bonds);
3. Approve FCRHA's issuance of private activity tax-exempt bonds or notes in an aggregate amount not to exceed \$20,000,000 for LRG IV (LRG IV Bonds and together the Bonds);

TIMING:

Board action is requested on October 24, 2023, in order to obtain VA DHCD private activity bond allocation and bid both projects out by November 2023, in time to meet the desired April 2024 Little River Glen I and IV financial closings.

BACKGROUND:

The FCRHA owns LRG I, constructed in 1990, which includes 120 units of senior affordable housing and a senior center. Adjacent is a 2.93-acre FCRHA-owned property with a vacant portion approved for the development of 60 units of new senior affordable housing.

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The planned project includes the acquisition and rehabilitation of LRG I which consists of the 120 senior affordable units; renovations to the senior community center; and the acquisition and construction of LRG IV which will consist of 60 new senior affordable units. All of the units at LRG I and LRG IV will be affordable for seniors (62 or older) with incomes at or below 60 percent of Area Median Income (AMI).

In the Spring of 2022, the FCRHA approved a combined financing plan for LRG I and LRG IV, because LRG IV alone did not meet the per unit cost limits set by Virginia Housing Development Authority (VHDA). VHDA recently amended their requirements to allow per square foot costs to be an alternative cost metric, allowing LRG I and IV to be financed separately.

HCD originally applied for 4% LIHTC in summer 2022, but no capacity remained under the state volume cap for local housing authorities. HCD then applied for VHDA bonds and permanent/construction financing. HCD staff worked in close coordination with the Fairfax County Department of Public Works and Environmental Services (DPWES) to adjust the County's procurement and construction management processes to meet the requirements of VHDA. DPWES put LRG I and IV out to bid for construction pricing, but only received one bid out of the six prequalified bidders. Among the challenges cited by the bidders for not submitting a bid was the overly complex construction and bidding documents due to VHDA and DPWES combining their requirements. The one general contractor who did submit a bid put in a significant amount of cushion in their budget to mitigate any risk that might arise from the various VHDA and DPWES requirements. The only bid was \$5 million over the maximum estimated affordable bid; therefore, the FCRHA revised its approach to structuring both projects.

The FCRHA now proposes to finance LRG I and LRG IV separately. Both deals standing separately now need less than \$20,000,000 in Bonds in order to meet the 50% test required for each of LRG I and LRG IV to be eligible for 4% Low Income Housing Tax Credits (LIHTC). Each of LRG I and LRG IV is expected to be financed with tax-exempt FCRHA Bonds. The FCRHA has already submitted LIHTC applications to VHDA and will submit our bond applications for private activity volume cap to VA DHCD in January 2024, subject to Board approval. The Department of Public Works and Environmental Services is conducting the procurement process and will be bidding out both projects to find a general contractor(s) to rehab LRG I and construct LRG IV.

The projects are being developed by each of their own limited partnerships previously created for LRG I and LRG IV (i.e., LRG Apartments Limited Partnership (LRGALP) for LRG I and LRG Four Limited Partnership (LRG4LP) for LRG IV). LRGALP is controlled by a single-purpose entity General Partner, LRG Senior LLC, with the FCRHA being its sole controlling member. LRGALP will serve as the borrower for the loans on LRG I

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and FCRHA will enter into a ground lease with LRGALP for LRG I. LRG4LP is controlled by a single-purpose entity General Partner as well, LRG Four Senior LLC, with the FCRHA being its sole controlling member. LRG4LP will serve as the borrower for the loans on LRG IV and FCRHA will enter into a ground lease with LRG4LP for LRG IV.

A more detailed summary of each project can be found in Attachment 3.

Summary of Anticipated Project Financing:

Refer to Attachment 4 – LRG I Financing Plan

Refer to Attachment 5 – LRG IV Financing Plan

Authorization of Bonds:

The overall financing plan also requires FCRHA authorization of Bonds in an amount not to exceed \$20,000,000 for each of LRG I and LRG IV (which constitutes at least 50 percent of eligible basis plus land), with the final bond amount for each to be determined before closing and upon completion of final underwriting. FCRHA will request an allocation of private activity volume cap from VA DHCD after approval from the Board.

The Bonds are expected to be issued as separate tax-exempt obligations for each of LRG I and LRG IV using either Freddie Mac’s TEL or Fannie Mae’s MTEB construction to permanent financing programs (or alternatively using a taxable conventional loan paired with short-term, tax-exempt, cash-collateralized bonds that convert to Freddie Mac or Fannie Mae permanent financing following completion of construction and stabilization). The Bonds will be nonrecourse to the FCRHA.

Timeline:

The estimated timetable for financial closing is as follows:

Activity	Target Date
Issuance of a Declaration of Intent (Inducement Resolution)	May 4, 2023
Loan Underwriting Committee Meeting	May 4, 2023
4% LIHTC Applications submitted to VHDA	September 2023
Tax Equity and Fiscal Responsibility Act (TEFRA) Advertisement #1	October 5, 2023
TEFRA Advertisement #2	October 12, 2023
TEFRA public hearing & FCRHA Approval of Financing Plan	October 19, 2023
Board of Supervisors approval of Financing Plan and Bond Issuance	October 24, 2023
Approval of 4% Low-Income Housing Tax Credits by Virginia Housing	November 2023

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Submission of private activity bond applications to VA DHCD	January 2024
Private activity bond application approved and allocation awarded by VA DHCD	February 2024
FCRHA Final Bond Resolution	March 2024
Bond Pricing and Purchase Contract Execution (if applicable)	April 2024
Official Statement (if applicable)	April 2024
Financial Closing	April 2024

STAFF IMPACT:

None.

EQUITY IMPACT:

The 120 affordable rental units at LRG I and 60 affordable rental units at LRG IV will help achieve the Board’s goal of increasing the supply of affordable housing with a minimum of 10,000 new units by 2034 to meet the needs of working families. With Fairfax County’s 2023 Area Median Income at \$152,100 (for a family of four), the delivery of LRG I and IV will provide crucial housing for seniors earning incomes at 60 percent of the Area Median Income or lower. Further, the location of the proposed units aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. The LRG I and IV projects will promote opportunities for everyone to fully participate in the region’s economic vitality, contribute to its readiness for the future, and connect to its assets and resources.

FISCAL IMPACT:

The FCRHA will receive upfront bond issuance and monitoring fees at the time of closing as well as ongoing monitoring fees for the Bonds according to the following table. All of the fees will be deposited into Fund 81000, FCRHA General Operating Fund, starting at the anticipated time of closing in April 2024.

One-time Fee (At closing)		Recurring Fee (Annual)	
Bond Application Fee	N/A	Bond Monitoring Fee commencing Year 1 after construction	0.25% of outstanding balance of Bonds

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Upfront Bond Monitoring Fee	0.25% of outstanding balance of Bonds during construction period, capitalized at closing	FCRHA Loan Monitoring Fee	\$7,500, escalating at 3% annually
Bond Issuance Fee	\$280,000 Combined		

The Seller Takeback Note in the approximate principal amount of \$13,500,000 for LRG I and Seller Takeback Note in the approximate principal amount of \$2,500,000 for LRG IV will have no actual immediate fiscal impact on the FCRHA. This does not represent the actual transfer of money, but rather obligations owed by LRGALP and LRG4LP to the FCRHA for the acquisition of a leasehold interest in land and improvements for each project. Principal and interest will be paid by LRGALP and LRG4LP to the FCRHA on an annual basis from and to the extent of surplus cash according to the terms stated in the respective resolutions for these notes (Attachments 1 and 2). These funds are intended to be deposited into Fund 810-C81000, FCRHA General Operating Fund.

Note that funding of \$12,880,000 has already been approved by the FCRHA for both projects as follows:

1. \$9,400,000 from the Housing Choice Voucher (HCV) Reserve, Fund 81510, FCRHA-Section 8/HCV Program, available to be used for the Project by the FCRHA through its status as a MTW Authority (specific FCRHA fund to be determined).
2. \$1,400,000 from Fund 30300, Affordable Housing Development and Investment Fund, Project HF-000116.
3. A \$1,500,000 EDI sponsor loan from the HUD Office of Community Planning and Development.
4. \$580,000 from Fund 81000, FCRHA General Operating Fund.

ENCLOSED DOCUMENTS:

- Attachment 1 – LRG I Bond Resolution
- Attachment 2 – LRG IV Bond Resolution
- Attachment 3 – Project Summary
- Attachment 4 – LRG I Financing Plan
- Attachment 5 – LRG IV Financing Plan
- Attachment 6 – Vicinity Map

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STAFF:

Christopher A. Leonard, Deputy County Executive

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

Anna Shapiro, Deputy Director, Real Estate, Finance and Development, HCD

Debashish Chakravarty, Associate Director, Real Estate Finance and Grants
Management, HCD

ASSIGNED COUNSEL:

Cynthia A. Bailey, Deputy County Attorney

Alan Weiss, Assistant County Attorney

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority of Tax-Exempt Bonds or Notes in an Aggregate Amount Not to Exceed \$20,000,000 to Finance the Acquisition, Rehabilitation and Equipping of 120 Units of Senior Affordable Housing at Little River Glen I, in Fairfax, Virginia (Braddock District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia on Tuesday, October 24, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt and/or taxable Multifamily Housing Revenue Bonds or Notes (Little River Glen I) in one or more series or subseries pursuant to a plan of finance in the aggregate principal amount not to exceed \$20,000,000 (the "Bonds"); and

WHEREAS, the FCRHA was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Act, the FCRHA is authorized to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation area, or a rehabilitation area; and

WHEREAS, the proceeds of the Bonds will be used to provide financing for the acquisition, rehabilitation and equipping of 120 senior residential units comprising Little River Glen I in Fairfax, Virginia (the Project); and

WHEREAS, the FCRHA held a public hearing on October 19, 2023, for which public notice was duly given on October 5, 2023 and republished on October 12, 2023; and

WHEREAS, the notices and the public hearing complied with the regulations applicable to tax-exempt bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), as well as Va. Code Ann. § 15.2-2606; and

WHEREAS, in order to assist in the Board's approval of the issuance of the Bonds on a tax-exempt basis as required under Section 147(f) of the Code, the Board received from the FCRHA a summary of statements made at the public hearing and an extract of minutes of the FCRHA meeting relative to its proposed issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED that the Board:

1. For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt

and/or taxable bonds for the Project in a principal amount not to exceed \$20,000,000. The Board in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to the Trust Indenture pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

Adopted the 24th day of October, 2023, by the Fairfax County Board of Supervisors.

A Copy Teste:

[SEAL]

Jill G. Cooper
Clerk for the Board of Supervisors

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority of Tax-Exempt Bonds or Notes in an Aggregate Amount Not to Exceed \$20,000,000 to Finance the Acquisition, Construction and Equipping of 60 New Units of Senior Affordable Housing at Little River Glen IV, in Fairfax, Virginia (Braddock District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia on Tuesday, October 24, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt and/or taxable Multifamily Housing Revenue Bonds (Little River Glen IV) in one or more series or subseries pursuant to a plan of finance in the aggregate principal amount not to exceed \$20,000,000 (the "Bonds"); and

WHEREAS, the FCRHA was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Act, the FCRHA is authorized to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation area, or a rehabilitation area; and

WHEREAS, the proceeds of the Bonds will be used to provide financing for the acquisition, construction and equipping of 60 new senior residential units comprising Little River Glen IV in Fairfax, Virginia (the Project); and

WHEREAS, the FCRHA held a public hearing on October 19, 2023, for which public notice was duly given on October 5, 2023 and republished on October 12, 2023; and

WHEREAS, the notices and the public hearing complied with the regulations applicable to tax-exempt bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), as well as Va. Code Ann. § 15.2-2606; and

WHEREAS, in order to assist in the Board's approval of the issuance of the Bonds on a tax-exempt basis as required under Section 147(f) of the Code, the Board received from the FCRHA a summary of statements made at the public hearing and an extract of minutes of the FCRHA meeting relative to its proposed issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED that the Board:

1. For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt and/or taxable bonds for the Project in a principal amount not to exceed \$20,000,000. The Board in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to

the Trust Indenture pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

Adopted the 24th day of October, 2023, by the Fairfax County Board of Supervisors.

A Copy Teste:

[SEAL]

Jill G. Cooper
Clerk for the Board of Supervisors

PROJECT SUMMARY

Little River Glen

GENERAL:

The development will include the following:

- Little River Glen I (LRG I):
 - Rehabilitation by the FCRHA of 120 units across four buildings (30 units each) for seniors aged 62 and up with incomes not more than 60 percent of AMI and renovation of the Senior Center.
- Little River Glen IV (LRG IV):
 - Construction by the FCRHA of two 30-unit apartment buildings for seniors aged 62 and up with incomes not more than 60 percent of AMI.
- Ground Lease:
 - Both LRG I and LRG IV will be conveyed by the Fairfax County Redevelopment and Housing Authority (FCRHA) through two separate, 99-year ground leases to LRG Apartments Limited Partnership and LRG Four Limited Partnership, respectively. The FCRHA will still be the single controlling member of both limited partnerships and both entities will be responsible for applying for tax credits, overseeing construction and managing the day-to-day operations of the properties.
- Parking Spaces:
 - Both LRG I and LRG IV will share parking spaces with Olley Glen and the surrounding senior community. In addition, 17 new parking spaces will be constructed for LRG IV and the parking was planned in accordance with a parking study conducted for the site.

PROJECT BENEFITS:

- Preserves 120 units and adds 60 units of affordable senior housing in the highly cost-burdened Braddock District of Fairfax County.
- Provides senior units at 60 percent of Area Median Income (AMI) or below for low-income residents.
- Upgrades accessible site features (such as accessible routes and accessible parking) and improves site signage and site lighting.
- Corrects drainage issues identified in the Site Assessment Report.
- Provide 80 Project Based Vouchers for LRG I.
- Renovates Senior Center at LRG I.

UNIVERSAL DESIGN AND ACCESSIBILITY:

- All units at LRG IV will meet Universal Design Specifications.
- Six Americans with Disabilities Act (ADA) compliant units are currently at LRG I and eight ADA units will be built at LRG IV.

SUPPORT SERVICES:

- HCD staff will work with Department of Neighborhood and Community Services staff (NCS) to best meet the needs of older adults with disabilities. FCRHA owns LRG I and it is now under third party management by Edgewood, and LRG IV will be placed under management by Edgewood as well once completed.

APARTMENT AMENITIES:

- The renovation of the units at LRG I will include new cabinetry, kitchen appliances, toilets and bathtubs, light fixtures, and new HVAC systems. The new units at LRG IV are designed with an open plan layout and will include the latest appliances and interior amenities.

COMMON AREA AMENITIES:

- Both LRG I and LRG IV will share an upgraded Senior Center that will feature a multi-purpose room, residential-grade full kitchen, and gym. Activities for residents are also regularly provided at the Senior Center by NCS.
- In addition to the existing walking path, park and seating area at LRG I, the construction of LRG IV will add covered walkways, a pond, open recreation area, and paved trails.

PROPOSED RENTS AND AFFORDABILITY RESTRICTIONS:

The Project contains two rent rate structures: Low-Income Housing Tax Credits (LIHTC) rents set by Virginia Housing and Project-Based Voucher (PBV) rents established by the FCRHA, using a HUD regulatory structure. The regulatory structure dictates the gross rent that a landlord can receive when using a project-based voucher. When the voucher is applied to each unit, the tenant’s portion of the rent will not exceed the maximum LIHTC (non-PBV) rents. All units at LRG I are limited to a maximum LIHTC rent affordable to households at or below 60% AMI. However, the rents reflected in this matrix represent the current in-place rents, which in general the FCRHA maintains below the maximum allowable level in order to provide affordability to residents at lower income levels. However, the 80 PBVs would allow the FCRHA to charge FY 2023 Fair Market Rents. Tenants of the units containing PBVs would only pay a maximum of 30% of their income towards rent, with the balance being paid by the PBV subsidies. Please see below for further details:

Little River Glen I:

Model A Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom (PBVs)	38	\$1,776	N/A	\$1,776
One Bedroom	10	\$857	N/A	\$857

Total/Average	48			
Model B Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom (PBVs)	7	\$1,776	N/A	\$1,776
One Bedroom	1	\$889	N/A	\$889
Total/Average	8			
Model C Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom (PBVs)	29	\$1,776	N/A	\$1,776
One Bedroom	19	\$1,022	N/A	\$1,022
Total/Average	48			
Model D Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom (PBVs)	6	\$1,776	N/A	\$1,776
One Bedroom	10	\$1,233	N/A	\$1,233
Total/Average	16			
TOTAL UNITS:	120			

Little River Glen IV

60% AMI Units	# of Units	Gross* Rent	Utility Allowance	Net Rent
One Bedroom	60	\$1,495	N/A	\$1,495
Total/Average	60	\$1,495		\$1,495
TOTAL UNITS	60			

*These are LIHTC rents for 60% AMI households.

LRG I Financing Plan – Sources and Uses:

The Fairfax County Redevelopment and Housing Authority (FCRHA) is proposing to finance the LRG I development using a four percent Low-Income Housing Tax Credit (LIHTC) structure with an ownership entity, LRG Apartments Limited Partnership, and will be financed using first mortgage financing, funds from the FCRHA, tax-exempt bond financing, a CDBG Loan, HUD EDI Sponsor Loan, Seller Takeback Note, and Deferred Developer Fee. The LRG I financing is for rehab because it is an existing property which needs renovations. The amount of each source may change up until closing as costs fluctuate. LRG I currently has very low income, fixed income seniors. Therefore, we will provide 80 of the households with Project Based Vouchers that will provide them with a subsidy to help with their rental payments. The 80 Project Based Vouchers are also an operating subsidy that allows for a substantially larger first trust loan due to increased rental revenue.

Little River Glen I Financing

Permanent Phase Sources	Sources
GSE Tax-Exempt First Mortgage Financing	\$9,725,694
Tax Credit Equity	\$15,281,836
FCRHA Operating Fund Loan	\$579,602
LRG Reserve Loan	\$500,000
HUD EDI Sponsor Loan	\$1,500,000
CDBG Loan	\$1,200,000
Deferred Developer Fee	\$1,063,164
Seller Takeback Note	\$13,510,690
Total Permanent	\$43,360,985
Summarized Uses	Uses
Acquisition Costs	\$14,875,000
Construction Costs	\$15,101,840
Hard Cost Contingency	\$2,031,387
Soft Costs	\$4,399,104
Financing/Interest	\$2,868,263
Soft Cost Contingency	\$300,000
Reserves	\$785,390
Developer Fee	\$3,000,000
Total Uses	\$43,360,985

**Alternatively a taxable construction loan along with LIHTC equity will be used to collateralize or otherwise support the issuance of up to \$20,000,000 in FCRHA bonds that may convert to a GSE permanent tax-exempt loan after construction. This*

construction loan will be paid off by the GSE permanent tax-exempt financing and additional LIHTC equity after construction completion and lease-up/stabilization.

APPRAISED VALUE:

Updated appraisals have been provided for both LRG I and LRG IV from a third-party appraiser to confirm that the Moving to Work Loan and FCRHA Loans are fully collateralized. The Fairfax County Department of Tax Administration has reviewed the appraisals and has confirmed that the approved values are reasonable and the methodology used to determine those values are within industry standards.

LRG IV Financing Plan – Sources and Uses:

The Fairfax County Redevelopment and Housing Authority (FCRHA) is proposing to finance the LRG IV development using a four percent Low-Income Housing Tax Credit (LIHTC) structure with the ownership entity, LRG Four Limited Partnership, and will be financed using first mortgage financing, funds from the FCRHA, tax-exempt bond financing, a Moving to Work (MTW) Loan, a Seller Takeback Note, FHA Insurance Escrow, and Deferred Developer Fee. The amount of each source may change up until closing due to fluctuating costs. LRG IV is a new construction project and we are using FCRHA operating reserves on this deal through the MTW loan.

Little River Glen IV Financing

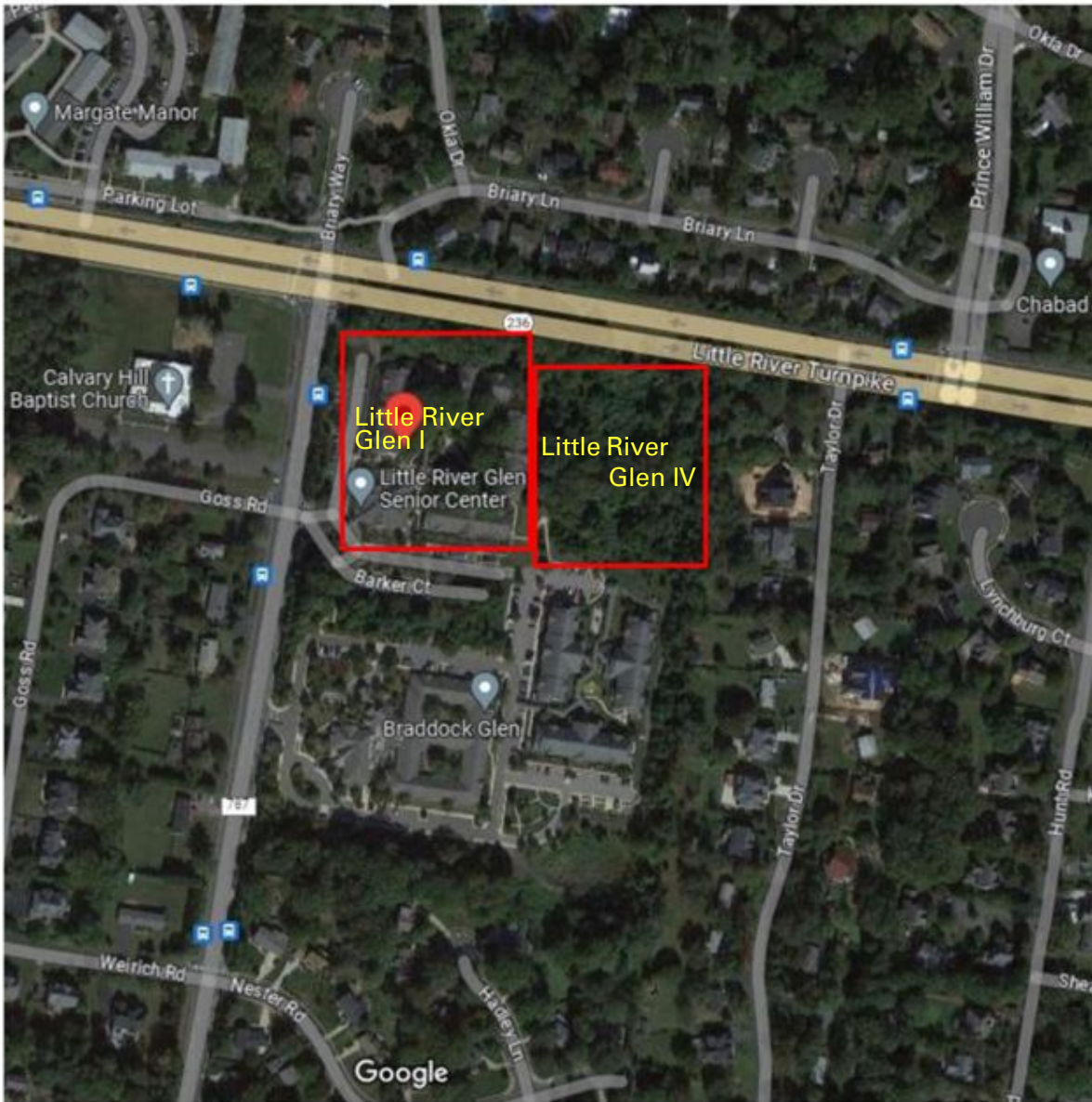
Permanent Phase Sources	Sources
GSE Tax-Exempt First Mortgage Financing	\$6,748,730
Tax Credit Equity	\$13,314,016
AHDI Loan	\$1,400,000
Deferred Developer Fee	\$990,340
Seller Takeback Note	\$2,458,002
FHA Insurance Escrow	\$243,209
MTW Program Reserve Loan	\$9,086,415
Total Permanent	\$34,240,712
Summarized Uses	Uses
Acquisition Costs	\$2,625,000
Construction Costs	\$21,967,836
Hard Cost Contingency	\$1,981,167
Soft Costs	\$2,196,334
Financing/Interest	\$2,687,415
Soft Cost Contingency	\$300,000
Reserves	\$492,620
Developer Fee	\$1,990,340
Total Uses	\$34,240,712

**Alternatively a taxable construction loan along with LIHTC equity will be used to collateralize or otherwise support the issuance of up to \$20,000,000 in FCRHA bonds that may convert to a GSE permanent tax-exempt loan after construction. This construction loan will be paid off by the GSE permanent tax-exempt financing and additional LIHTC equity after construction completion and lease-up/stabilization.*

APPRAISED VALUE:

Updated appraisals have been provided for both LRG I and LRG IV from a third-party appraiser to confirm that the Moving to Work Loan and FCRHA Loans are fully collateralized. The Fairfax County Department of Tax Administration has reviewed the appraisals and has confirmed that the approved values are reasonable and the methodology used to determine those values are within industry standards.

Little River Glen Vicinity Map



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CONSIDERATION - 1

Amendments to the Fairfax County History Commission Bylaws

ISSUE:

Approval of proposed amendments to the bylaws for the Fairfax County History Commission (FCHC).

TIMING:

Board consideration is requested on October 24, 2023.

BACKGROUND:

At its June 7, 2023, meeting, the FCHC approved the proposed bylaws as attached to this item. The FCHC revised these bylaws to better define “meetings” under VFOIA or other applicable Virginia Laws, outline allowable expenditures of funds for its Awards Program and Publication Grants, and create a standing “Awards Committee,” to review submissions for the History Commission’s Awards Programs and Publications Grants.

These changes are reflected 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 History Commission Bylaws

Attachment 2: Proposed Fairfax County History Commission Bylaws - Strikethrough

Board Agenda Item
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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

Laura Kviklys, Senior Preservation Planner, Heritage Resources and Plan Development
Branch, PD, DPD

ASSIGNED COUNSEL:

Erin Blanch, Assistant County Attorney

FAIRFAX COUNTY HISTORY COMMISSION BYLAWS

Draft of June 7, 2023

ARTICLE I: NAME

The name of this commission is the Fairfax County History Commission, hereinafter referred to as the "Commission."

These bylaws replace and supersede the Commission bylaws adopted on May 10, 2022, and are effective as of October 24, 2023.

ARTICLE II: PURPOSE

The purposes of the Commission are to advise the County Government and generally to promote public interest in all matters bearing on the history of Fairfax County. In pursuance of these purposes, the Commission shall:

- (A) Prepare for publication a survey list of sites, areas and structures having historic, archaeological, and architectural value in Fairfax County.
- (B) Advise the Board of Supervisors ("Board") and appropriate agencies of County Government in the carrying out of existing projects and the maintenance of existing County-operated sites and buildings that are important in the history of the County. The Commission may proffer its advice to County agencies without request by such agencies; and County agencies have been instructed by the Board to seek the Commission's advice when appropriate and to consider the Commission's advice whenever it is submitted.
- (C) Promote the establishment of volunteer citizen special-interest groups, including especially the creation of trusts or endowments which will preserve and restore historic sites and buildings, as well as seek to provide for historic preservation using tax incentives and other legal instruments.
- (D) Encourage activities at all education levels which will stimulate interest in the archaeological and historic background of Fairfax County.
- (E) Provide liaison with public and private historic agencies in the County and on the State and National level in accordance with adopted policies appearing in the Commission's Adopted Policies Manual.

ARTICLE III: MEMBERSHIP

Appointments. The membership of the Commission shall consist of three membership categories:

A. Regular Members

46 There shall be 21 regular members who shall have the power to vote and who shall be
47 appointed by the Board for three-year terms. The membership of the Commission shall
48 include at least one member who is a resident from each supervisor election district of
49 the Board. The membership of the Commission shall include at least one member of a
50 racial minority group. The membership of the Commission shall include at least one
51 member who is a professional historian, at least one member who is a professional
52 archaeologist, and at least one member who is a professional architect with competence
53 in historic architecture. The membership of the Commission shall include one City of
54 Fairfax nominee, subject to appointment by the Board for three-year terms. Except for
55 the City of Fairfax regular member, all regular members shall be residents of Fairfax
56 County.

57 **B. Advisory Members**

58 Nonvoting advisory members may be appointed by the Commission for a term of one
59 calendar year. They shall be experts in such field as the Commission's work requires.
60 Advisory members need not be residents of Fairfax County.

61 **C. Honorary Members**

62 The Board may appoint nonvoting, honorary members. Honorary members need not be
63 residents of Fairfax County.

64
65 Resignations and Vacancies. In the event a Regular Member cannot serve or resigns from office,
66 then the Chair, the Secretary, or the County staff coordinator shall advise the Clerk for the Board
67 of Supervisors of the vacancy in writing. Any vacancies among Regular Members shall be filled
68 by the Board for the balance of the unexpired term with due regard for the membership
69 requirements stated above.

70
71 Holdovers. In the event a Regular Member completes his or her term of office, remains qualified
72 to serve as a Regular Member, and the Board has not reappointed that member to another term or
73 appointed a successor member, then that person may continue to serve until such time as the
74 member is reappointed or a successor member is appointed.

75
76

77 **ARTICLE IV: OFFICERS**

78
79 The officers of the Commission shall be the Chair, the Vice-Chair, Secretary, and Treasurer.
80 They shall be elected from among nominees selected by the Nominating Committee and/or by
81 nominations received during a meeting of the Commission. They shall be elected annually at the
82 last meeting of the calendar year by majority vote of the Commission present at the meeting and
83 serve a term of one year, beginning the following January. No officer shall serve more than three
84 consecutive terms in the same office. The duties of the officers shall be:

85
86 **Chair:** The Chair shall preside at all meetings, and be responsible for the promotion and
87 implementation of the Commission's purposes. The Chair shall set an agenda for each
88 meeting and shall serve as an ex-officio member of all committees except the
89 Nominating Committee.

90

91 **Vice-Chair:** The Vice-Chair shall perform all the duties of the Chair in the absence of
92 the Chair and shall serve as Chair if necessary until the annual election of officers.
93 **Secretary:** The Secretary shall handle outgoing correspondence at the direction of the
94 Commission and Chair, and shall maintain the records of the Commission with the
95 exception of those records maintained by the Treasurer. The records shall include, but
96 not be limited to, rosters, correspondence, committee minutes, draft meeting minutes,
97 approved meeting minutes, and any additional materials required by the Virginia
98 Freedom of Information Act, subject to the requirements of Article V below. The
99 Secretary will also ensure that the original approved copy of all meeting minutes and all
100 records of the Commission are deposited in the official repository in the Virginia Room.
101 The Secretary shall be responsible for maintaining the Adopted Policies Manual.
102

103 **Treasurer:** The Treasurer shall oversee all monies of the Commission. The Treasurer
104 shall have custody of the financial records, and shall report on the financial status of the
105 Commission at each meeting. The Treasurer shall make the records available for an
106 annual review by the Financial Review Committee. In the event the Treasurer's office
107 becomes vacant, the Chair shall assume the responsibilities of the Treasurer until the
108 office is filled in accordance with this section.
109

110 **Replacement Officers:** If any office becomes vacant for any reason, it shall be filled by
111 an election at the next regular meeting of the Commission. The newly elected officer
112 shall complete the unexpired term of the officer succeeded. Prior to the election of any
113 replacement officer, all members shall be provided with notice of the proposed election
114 before the meeting at which the replacement is elected.
115

116

117 **ARTICLE V: MEETINGS**

118

119 VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom
120 of Information Act, Virginia Code § 2.2-3700 et seq., as amended ("VFOIA"). "Meeting" or
121 "meetings" means the meetings including work sessions, when sitting physically, or through
122 electronic communication means pursuant to VFOIA or other applicable Virginia law, as a body
123 or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less
124 than three, of the constituent membership, wherever held, with or without minutes being taken,
125 whether or not votes are cast, of any public body. The Commission may hold public hearings
126 and report its findings to the Board of Supervisors on Commission issues that affect the public
127 interest.
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129 Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under
130 the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and
131 location of each meeting. Notice of regular Commission meetings, including the date, time, and
132 place thereof, shall be announced to Commission members and the public one month prior to the
133 meeting. Notice of committee meetings shall be announced at least three working days prior to
134 the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given
135 contemporaneously with the notice provided to Commission members. Notices of all meetings

136 shall be provided to the Office of Public Affairs for posting at the Government Center and on the
137 County Web site.

138
139 Frequency. The Commission shall meet monthly or as determined by the Chair. Meetings shall
140 be held at a time agreed to by a majority of the Commission's members, and at a place arranged
141 by the staff of the supporting County department.

142
143 Voting. A quorum is necessary for a vote. A majority of the voting membership of the
144 Commission shall constitute a quorum. In making any recommendations, adopting any plan, or
145 approving any proposal, action shall be taken by a majority vote of the Commission's voting
146 members present and voting. Upon the request of any voting member, the vote of each voting
147 member on any issue shall be recorded in the minutes. All votes shall be taken during a public
148 meeting, and no vote shall be taken by secret or written ballot or by proxy.

149
150 Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be
151 conducted in accordance with Robert's Rules of Order, Newly Revised. Except as specifically
152 authorized by the VFOIA or other applicable Virginia law, no meeting shall be conducted
153 through telephonic, video, electronic, or other communication means where the members are not
154 all physically assembled to discuss or transact public business.

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156 Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless
157 exempt under the VFOIA, all materials furnished to Commission members shall be made
158 available for public inspection at the same time such documents are furnished to the Commission
159 members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise
160 reproduce any portion of a meeting required to be open, but such actions may not interfere with
161 any Commission proceedings.

162
163 Records. The Secretary shall ensure that minutes of meetings, as prepared by the Clerk to the
164 Commission, are recorded as required under the VFOIA. Minutes prepared by the Clerk shall
165 include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3)
166 a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of
167 any votes taken. Such minutes are public records and subject to inspection and copying by
168 citizens of the Commonwealth or by members of the news media. The supporting County
169 department shall provide staff support to review and confirm that the records and minutes of the
170 meetings comply with the VFOIA prior to their submission to the Virginia Room.

171
172 Attorney-Client Privilege. Records containing legal advice from counsel to the Commission, and
173 advice provided in closed session by legal counsel to the Commission, are protected by the
174 attorney-client privilege and from disclosure under the VFOIA. Any such records or advice
175 should not be disclosed by members of the Commission to any third party, or the privilege
176 against disclosure may be waived. Questions regarding the handling of records or advice subject
177 to attorney-client privilege should be directed to the Commission's legal counsel.

178
179
180 **ARTICLE VI- ATTENDANCE AND PARTICIPATION**

181

182 Any Commission member who misses three consecutive meetings, more than half of the
183 scheduled meetings within a 12-month period, or who fails to participate in the work of the
184 Commission, without good cause acceptable to a majority of the other Commission members,
185 may be subject to removal from the Commission.
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187 **ARTICLE VII: REMOVAL**

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189 Any Commission member(s) may be recommended to the Board of Supervisors for removal
190 from the Commission for cause, including but not limited to cause as set forth in Article VI, by a
191 two-thirds majority vote of the Commission's voting members present and voting. The members'
192 authority to recommend removal under these bylaws neither limits nor waives the Board's
193 authority to remove members from the Commission as provided by law.
194

195 **ARTICLE VIII: EXPENDITURES**

196

197 Funds appropriated by the Board of Supervisors to the Commission shall be used to carry out the
198 Commission's purposes and shall be expended and accounted for in accordance with both
199 County policy and Virginia law. Specific expenditures may include programs that further the
200 purpose of promoting the historical resources and advantages of Fairfax County, such as:
201

- 202 A. Awards Programs featuring monetary awards honoring research and achievements in
203 Fairfax County history and historic preservation;
204
- 205 B. Publication Grants to applicants for publishing, in print or visual form, original research-
206 based material on Fairfax County history.
207

208 **ARTICLE IX: COMMITTEES**

209

210 The Chair shall appoint all Standing Committees, except the Nominating Committee and the
211 Executive Committee. Standing Committees shall be made up of members of the History
212 Commission.
213

214 The Standing Committees shall include, but not be limited to, the following:
215

216 **A. Budget Committee**

217 At the close of the fiscal year, the Budget Committee shall prepare and present an
218 operational budget for the coming fiscal year.
219

220 **B. Nominating Committee**

221 The Nominating Committee shall present a slate of officers in preparation for the annual
222 election of officers in accordance with Article IV. The Chair shall call for three members
223 of the Commission to volunteer each year at the October meeting to serve on the
224 Nominating Committee.
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226 **C. Bylaws Committee**

227 The Bylaws Committee shall ensure that the bylaws are current and shall recommend
228 amendments when changes are appropriate, doing so in accordance with the procedures
229 in Article X.
230

231 **D. Financial Review Committee**

232 The Financial Review Committee shall meet with the Treasurer to conduct an annual
233 review of the financial records and submit a report to the Commission within two
234 months of the close of the fiscal year, which is June 30th. The Financial Review
235 Committee shall consist of four regular members of the Commission, excluding the
236 Treasurer.
237

238 **E. Executive Committee**

239 The Executive Committee shall be composed of the officers of the Commission. The
240 immediate past Chair shall be a non-voting member of the Executive Committee for a
241 period of one year immediately following the end of their term. If the immediate past
242 Chair is not a member of the Commission, then they will be a non-voting Advisory
243 Member. The Executive Committee shall recommend to the Commission organizational
244 and operating procedures, annual goals, and objectives for adoption.
245

246 **F. Awards Committee**

247 The Awards Committee shall review submissions for the History Commission's Awards
248 Programs and Publication Grants and recommend the recipients based on established
249 criteria and procedures. The Awards Committee shall consist of four regular members
250 of the Commission.
251

252 All committee meetings shall comply with the notice and other requirements of the VFOIA. To
253 the extent practicable, any such committees shall be composed of at least four members. In
254 addition to the meetings requirements noted above, committee meetings may be held at the call
255 of the Chair or at the request of two members, with notice to all members.
256

257
258 **ARTICLE X — COMPLIANCE WITH LAW AND COUNTY POLICY**

259
260 The Commission shall comply with all Virginia laws, including, but not limited to, the VFOIA,
261 and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100
262 et seq., as amended, with all County ordinances, and with all County policies concerning the
263 activities of its boards, authorities, and commissions. In case of a conflict between a provision of
264 these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or
265 law, as the case may be, shall control. In the case of a conflict between the Adopted Policies
266 Manual and these bylaws, any applicable ordinance, or law, the provisions of the applicable
267 bylaw, ordinance, or law, as the case may be, shall control.
268

269 **ARTICLE XI — AMENDMENT OF BYLAWS**

270
271 These bylaws may be proposed for amendment at any regular meeting of the Commission by a
272 two-thirds majority vote by those members present and voting, provided notice of the proposed

273 amendment has been given to members at the previous regular meeting or has been delivered by
274 mail or electronically to members at least ten days prior to the meeting. Upon approval of any
275 bylaw amendments by the Commission, the bylaws shall be submitted to the Board for their
276 approval. Any such amendments shall become effective upon approval by the Board.
277

278 **These bylaws were approved by the Board of Supervisors on _____, ____, 2023.**
279

280

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

FAIRFAX COUNTY HISTORY COMMISSION BYLAWS

Draft of June 7, 2023

ARTICLE I: NAME

The name of this commission is the Fairfax County History Commission, hereinafter referred to as the "Commission."

These bylaws replace and supersede the Commission bylaws adopted on May 10, 2022, and are effective as of October 24, 2023.

ARTICLE II: PURPOSE

The purposes of the Commission are to advise the County Government and generally to promote public interest in all matters bearing on the history of Fairfax County. In pursuance of these purposes, the Commission shall:

- (A) Prepare for publication a survey list of sites, areas and structures having historic, archaeological, and architectural value in Fairfax County.
- (B) Advise the Board of Supervisors ("Board") and appropriate agencies of County Government in the carrying out of existing projects and the maintenance of existing County-operated sites and buildings that are important in the history of the County. The Commission may proffer its advice to County agencies without request by such agencies; and County agencies have been instructed by the Board to seek the Commission's advice when appropriate and to consider the Commission's advice whenever it is submitted.
- (C) Promote the establishment of volunteer citizen special-interest groups, including especially the creation of trusts or endowments which will preserve and restore historic sites and buildings, as well as seek to provide for historic preservation using tax incentives and other legal instruments.
- (D) Encourage activities at all education levels which will stimulate interest in the archaeological and historic background of Fairfax County.
- (E) Provide liaison with public and private historic agencies in the County and on the State and National level in accordance with adopted policies appearing in the Commission's Adopted Policies Manual.

ARTICLE III: MEMBERSHIP

Appointments. The membership of the Commission shall consist of three membership categories:

A. Regular Members

46 There shall be 21 regular members who shall have the power to vote and who shall be
47 appointed by the Board for three-year terms. The membership of the Commission shall
48 include at least one member who is a resident from each supervisor election district of
49 the Board. The membership of the Commission shall include at least one member of a
50 racial minority group. The membership of the Commission shall include at least one
51 member who is a professional historian, at least one member who is a professional
52 archaeologist, and at least one member who is a professional architect with competence
53 in historic architecture. The membership of the Commission shall include one City of
54 Fairfax nominee, subject to appointment by the Board for three-year terms. Except for
55 the City of Fairfax regular member, all regular members shall be residents of Fairfax
56 County.

57 **B. Advisory Members**

58 Nonvoting advisory members may be appointed by the Commission for a term of one
59 calendar year. They shall be experts in such field as the Commission's work requires.
60 Advisory members need not be residents of Fairfax County.

61 **C. Honorary Members**

62 The Board may appoint nonvoting, honorary members. Honorary members need not be
63 residents of Fairfax County.

64
65 Resignations and Vacancies. In the event a Regular Member cannot serve or resigns from office,
66 then the Chair, the Secretary, or the County staff coordinator shall advise the Clerk for the Board
67 of Supervisors of the vacancy in writing. Any vacancies among Regular Members shall be filled
68 by the Board for the balance of the unexpired term with due regard for the membership
69 requirements stated above.

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71 Holdovers. In the event a Regular Member completes his or her term of office, remains qualified
72 to serve as a Regular Member, and the Board has not reappointed that member to another term or
73 appointed a successor member, then that person may continue to serve until such time as the
74 member is reappointed or a successor member is appointed.

75
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77 **ARTICLE IV: OFFICERS**

78
79

80 The officers of the Commission shall be the Chair, the Vice-Chair, Secretary, and Treasurer.
81 They shall be elected from among nominees selected by the Nominating Committee and/or by
82 nominations received during a meeting of the Commission. They shall be elected annually at the
83 last meeting of the calendar year by majority vote of the Commission present at the meeting and
84 serve a term of one year, beginning the following January. No officer shall serve more than three
85 consecutive terms in the same office. The duties of the officers shall be:

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88 **Chair:** The Chair shall preside at all meetings, and be responsible for the promotion and
89 implementation of the Commission's purposes. The Chair shall set an agenda for each
90 meeting and shall serve as an ex-officio member of all committees except the
Nominating Committee.

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91 **Vice-Chair:** The Vice-Chair shall perform all the duties of the Chair in the absence of
92 the Chair and shall serve as Chair if necessary until the annual election of officers.
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94 **Secretary:** The Secretary shall handle outgoing correspondence at the direction of the
95 Commission and Chair, and shall maintain the records of the Commission with the
96 exception of those records maintained by the Treasurer. The records shall include, but
97 not be limited to, rosters, correspondence, committee minutes, draft meeting minutes,
98 approved meeting minutes, and any additional materials required by the Virginia
99 Freedom of Information Act, subject to the requirements of Article V below. The
100 Secretary will also ensure that the original approved copy of all meeting minutes and all
101 records of the Commission are deposited in the official repository in the Virginia Room.
102 The Secretary shall be responsible for maintaining the Adopted Policies Manual.
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105 shall have custody of the financial records, and shall report on the financial status of the
106 Commission at each meeting. The Treasurer shall make the records available for an
107 annual review by the Financial Review Committee. In the event the Treasurer's office
108 becomes vacant, the Chair shall assume the responsibilities of the Treasurer until the
109 office is filled in accordance with this section.
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111 **Replacement Officers:** If any office becomes vacant for any reason, it shall be filled by
112 an election at the next regular meeting of the Commission. The newly elected officer
113 shall complete the unexpired term of the officer succeeded. Prior to the election of any
114 replacement officer, all members shall be provided with notice of the proposed election
115 before the meeting at which the replacement is elected.
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118 **ARTICLE V: MEETINGS**

119

120 VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom
121 of Information Act, Virginia Code § 2.2-3700 et seq., as amended ("VFOIA").
122 "Meeting" or "meetings" means the meetings including work sessions, when sitting physically,
123 or through electronic communication means pursuant to VFOIA or other applicable Virginia law,
124 as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a
125 quorum, if less than three, of the constituent membership, wherever held, with or without
126 minutes being taken, whether or not votes are cast, of any public body. The Commission may
127 hold public hearings and report its findings to the Board of Supervisors on Commission issues
128 that affect the public interest.

129 ~~Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including~~
130 ~~work sessions, when sitting physically, or through electronic communication means pursuant to~~
131 ~~the VFOIA or other applicable Virginia law, as a body or entity, or as an informal assemblage of~~
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140 place thereof, shall be announced to Commission members and the public one month prior to the
141 meeting. Notice of committee meetings shall be announced at least three working days prior to
142 the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given
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145 County Web site.

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148 be held at a time agreed to by a majority of the Commission's members, and at a place arranged
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152 Commission shall constitute a quorum. In making any recommendations, adopting any plan, or
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154 members present and voting. Upon the request of any voting member, the vote of each voting
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156 meeting, and no vote shall be taken by secret or written ballot or by proxy.

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178 meetings comply with the VFOIA prior to their submission to the Virginia Room.

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181 advice provided in closed session by legal counsel to the Commission, are protected by the
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183 should not be disclosed by members of the Commission to any third party, or the privilege
184 against disclosure may be waived. Questions regarding the handling of records or advice subject
185 to attorney-client privilege should be directed to the Commission's legal counsel.
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191 scheduled meetings within a 12-month period, or who fails to participate in the work of the
192 Commission, without good cause acceptable to a majority of the other Commission members,
193 may be subject to removal from the Commission.
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200 authority to recommend removal under these bylaws neither limits nor waives the Board's
201 authority to remove members from the Commission as provided by law.
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206 Commission's purposes and shall be expended and accounted for in accordance with both
207 County policy and Virginia law. Specific expenditures may include programs that further the
208 purpose of promoting the historical resources and advantages of Fairfax County, such as:
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214 based material on Fairfax County history.
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219 the Executive Committee. Standing Committees shall be made up of members of the
220 History Commission.
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225 At the close of the fiscal year, the Budget Committee shall prepare and present an
226 operational budget for the coming fiscal year.
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229 The Nominating Committee shall present a slate of officers in preparation for the
230 annual election of officers in accordance with Article IV. The Chair shall call for three
231 members of the Commission to volunteer each year at the October meeting to serve on
232 the Nominating Committee.
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235 The Bylaws Committee shall ensure that the bylaws are current and shall recommend
236 amendments when changes are appropriate, doing so in accordance with the procedures
237 in Article X.
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241 review of the financial records and submit a report to the Commission within two
242 months of the close of the fiscal year, which is June 30th. The Financial Review
243 Committee shall consist of four regular members of the Commission, excluding the
244 Treasurer.
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246 **E. Executive Committee**

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248 immediate past Chair shall be a non-voting member of the Executive Committee for a
249 period of one year immediately following the end of their term. If the immediate past
250 Chair is not a member of the Commission, then they will be a non-voting Advisory
251 Member. The Executive Committee shall recommend to the Commission organizational
252 and operating procedures, annual goals, and objectives for adoption.
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256 Programs and Publication Grants and recommend the recipients based on established
257 criteria and procedures. The Awards Committee shall consist of four regular members
258 of the Commission.
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262 the extent practicable, any such committees shall be composed of at least four members. In
263 addition to the meetings requirements noted above, committee meetings may be held at the call
264 of the Chair or at the request of two members, with notice to all members.
265

266
267 **ARTICLE IX X — COMPLIANCE WITH LAW AND COUNTY POLICY**
268

269 The Commission shall comply with all Virginia laws, including, but not limited to, the VFOIA,
270 and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100
271 et seq., as amended, with all County ordinances, and with all County policies concerning the
272 activities of its boards, authorities, and commissions. In case of a conflict between a provision of
273 these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or
274 law, as the case may be, shall control. In the case of a conflict between the Adopted Policies

275 Manual and these bylaws, any applicable ordinance, or law, the provisions of the applicable
276 bylaw, ordinance, or law, as the case may be, shall control.

277

278

279 **ARTICLE ~~X~~ XI — AMENDMENT OF BYLAWS**

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281 These bylaws may be proposed for amendment at any regular meeting of the Commission by a
282 two-thirds majority vote by those members present and voting, provided notice of the proposed
283 amendment has been given to members at the previous regular meeting or has been delivered by
284 mail or electronically to members at least ten days prior to the meeting. Upon approval of any
285 bylaw amendments by the Commission, the bylaws shall be submitted to the Board for their
286 approval. Any such amendments shall become effective upon approval by the Board.

287

288 **These bylaws were approved by the Board of Supervisors on _____, _____, 2023.**

289

290

291

GIVEN under my hand this ____ day of _____, 2023.

292

293

294

295

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

296

297

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. *Notice of Claim Ganesh Mada for automobile accident on April 1, 2023.*
 - 2. *Anthony Lamont Gardner, Jr. v. Kenyatta Momon, Thomas Armel, Kevin Davis, Fairfax County Police Department, and County of Fairfax, Case No. 1:23-cv-610 (E.D. Va.)*
 - 3. *Tyson's Corner Hotel Plaza LLC v. Fairfax County, Rec. No. (pending) (Court of Appeals) (Providence District)*
 - 4. *Brookfield Washington, L.L.C. v. The County of Fairfax, Virginia, The Board of Supervisors of Fairfax County, Virginia, and The Department of Land Development Services of Fairfax County, Virginia, Case No. CL-2022-0008210 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
 - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cuong Tan Nguyen, Case No. CL-2023-0013318 (Fx. Co. Cir. Ct.) (Dranesville District)*
 - 6. *Jay Riat, Building Official for Fairfax County, Virginia v. Karen Isaura Cruz, Case No. GV23-017749 (Fx. Co. Gen. Dist. Ct.) (Franconia District)*

Board Agenda Item
October 24, 2023

7. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Lloyd Chaisson*, Case No. CL-2023-0000503 (Fx. Co. Cir. Ct.) (Hunter Mill District)
8. *Jay Riat, Building Official for Fairfax County, Virginia v. David Widawsky and Shulamit Widawsky*, Case No. CL-2023-0007641 (Fx. Co. Cir. Ct.) (Mason District)
9. *Jay Riat, Building Official for Fairfax County, Virginia v. Tigist Mitiku and Mekuria Mulugeta Negia*, Case No. GV22-013652 (Fx. Co. Gen. Dist. Ct.) (Mason District)
10. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Bao Thien Nguyen and Ninh Tran Nguyen*, Case No. GV23-018670 (Fx. Co. Gen. Dist. Ct.) (Mason District)
11. *Jay Riat, Building Official for Fairfax County, Virginia v. Matthew Dunne and Lynda Dunne*, Case No. GV23-016376 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Donnica Marie Ayon and Arsenio Ayon*, Case No. GV23-017747 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
13. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Elaine N. Oliver, Trustee under the Elaine N. Oliver Trust*, Case No. GV23-018671 (Fx. Co. Gen. Dist. Ct.) (Providence District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Margaret G. Clark*, Case No. GV23-004180 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item
October 24, 2023

3:30 p.m.

Public Hearing on RZ 2023-MA-00001 (Eastgate JV, LLC) to Rezone from C-6, HC, CRD and SC to PRM, HC, CRD and SC to Permit Mixed Use Multi-Family Apartment Building with an Overall Intensity of 2.34 Floor Area Ratio Including Bonus Density Associated with Affordable Housing and Approval of the Conceptual Development Plan, Located on Approximately 3.22 Acres of Land (Mason District)

This property is located on the E. side of John Marr Dr. approx. 425 ft. S. of intersection of John Marr Dr. and Columbia Pike. Tax Map 71-1 ((1)) 103A2 and 103A3.

PLANNING COMMISSION RECOMMENDATION:

On October 11, 2023, the Planning Commission voted 11-0 to recommend to the Board of Supervisors approval of the following:

- RZ 2023-MA-00001 and its associated Conceptual Development Plan 2023-MA-00001, subject to the execution of proffered conditions consistent with those dated October 10, 2023;
- Parking Reduction pursuant to Section 6100.4.C to allow for a reduction in the number of parking spaces based on proximity to Metro to reduce the parking ratio from 1.6 to 1.34 spaces per dwelling unit as shown on the CDP/FDP and as a condition in Attachment 1 of Appendix 9 as contained in the staff report;
- Modification of subsection 5100.2.C (5) of the Zoning Ordinance to allow for a parapet wall, cornice, or similar projection to exceed the height limit established by more than three (3) feet but not more than 12 feet in order to screen mechanical equipment without counting towards building height as shown on the CDPA/FDPA;
- Modification of minimum loading space requirement set forth in subsection 6101.3 of the Zoning Ordinance to permit one loading space in lieu of the required three loading spaces;
- Waiver of subsection 5107.3.A.3 of the Zoning Ordinance to allow private streets in excess of 600 feet in length; and
- Modification of subsection 5108.7.A.3 for transitional screening and barriers to the east in favor of that shown on the CDP/FDP.

Board Agenda Item
October 24, 2023

In a related action, the Planning Commission voted 11-0 to approve FDP 2023-MA-00001, subject to the Board of Supervisor's 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)

Sharon Williams, Planner, DPD

Board Agenda Item
October 24, 2023

3:30 p.m.

Public Hearing on RZ 2022-DR-00008 (Mars Incorporated) to Rezone from C-2, C-3, C-6, HC, SC and CRD to C-3, HC, SC and CRD to Permit Office Use with an Overall Floor Area Ratio of 0.76, Located on Approximately 3.79 Acres of Land (Dranesville District)

This property is located immediately S. of the intersection of Moyer Pl. and Elm St., S. of Dolley Madison Blvd. and N. of Old Dominion Dr. Tax Map 30-2 ((6)) 1, 30-2 ((10)) (7) 2, and 30-2 ((10)) (8) 1.

PLANNING COMMISSION RECOMMENDATION:

On October 11, 2023, the Planning Commission voted 11-0 to recommend to the Board of Supervisors approval of the following:

- RZ 2022-DR-00008, subject to the execution of proffered conditions consistent with those dated October 11, 2023;
- Modification of the loading space requirement to that shown on the GDP; and
- A 20 percent reduction of the parking requirements, either current or as amended by Parking Reimagined, so long as there are no less than 205 parking spaces.

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)

Daniel Creed, Planner, DPD

Board Agenda Item
October 24, 2023

3:30 p.m.

Public Hearing on RZ 2022-DR-00028 (JAG Partners LLC) to Rezone from C-3, C-6, SC, HC and CRD to PRM, SC, HC and CRD to Permit a Mixed Use Development with an Overall Floor Area Ratio of 3.12 and Approval of the Conceptual Development Plan, Located on Approximately 2.06 Acres of Land (Dranesville District)

This property is located on the N.E. side of Old Dominion Dr. between Ingleside Ave. and Beverly Rd., S.W. side of Elm St. between Moyer Pl. and Beverly Rd., McLean, 22101. Tax Map 30-2 ((10)) (8) 3, 4 and 5 and 30-2 ((10)) (7) 3.

PLANNING COMMISSION RECOMMENDATION:

~~The Planning Commission's hearing on this application is scheduled for October 18, 2023. The Planning Commission's recommendation will be forwarded upon decision.~~

On October 18, 2023, the Planning Commission voted 8-0 (Commissioners Sargeant, Lagana, and Murphy were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- **Approval of RZ 2022-DR-00028, subject to the execution of proffered conditions consistent with those dated October 17, 2023; and**
- **Approval of a modification of the loading space requirements to that shown on the CDP/FDP.**

In a related action, the Planning Commission voted 8-0 (Commissioners Sargeant, Lagana, and Murphy were absent from the meeting) to approve FDP 2022-DR-00028.

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)

Daniel Creed, Planner, DPD

Board Agenda Item
October 24, 2023

3:30 p.m.

Public Hearing on RZ 2023-SU-00008 (K Hovnanian Homes At The Gallery Park At Westfields, LLC) to Rezone from I-4, AN and WS to PDH-16, AN and WS to Permit Residential Development with an Overall Density of 13.83 Dwelling Units Per Acre Including Bonus Density Associated with Affordable Housing and Approval of the Conceptual Development Plan, Located on Approximately 10.76 Acres of Land (Sully District)

This property is located on the S. side of Old Lee Rd., W. side of Stonecroft Blvd., and N. side of Northridge Dr. Tax Map 43-2 ((2)) 29G3pt.

PLANNING COMMISSION RECOMMENDATION:

On September 20, 2023, the Planning Commission voted 9-0-1 (Commissioners Bennett and Carter were absent from the meeting. Commissioner Sargeant abstained from the vote) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2023-SU-00008, subject to the execution of proffered conditions consistent with those dated July 13, 2023;
- Approval of a waiver of private street width from 24 feet to 20 feet in favor of that shown on the CDP/FDP; and
- Approval of a waiver of the 600-foot Maximum Length of Private Streets in favor of that shown on the CDP/FDP.

In a related action, the Planning Commission voted 9-0-1 (Commissioners Bennett and Carter were absent from the meeting. Commissioner Sargeant abstained from the vote) to approve FDP 2023-SU-00008, subject to proposed development conditions dated September 5, 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>

Board Agenda Item
October 24, 2023

STAFF:

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

William O'Donnell, Branch Chief, DPD

Board Agenda Item
October 24, 2023

4:00 p.m.

Public Hearing for the Creation of Holmes Run Area Sanitary District for Refuse/Recycling Collection Services (Mason District)

ISSUE:

Board of Supervisors to conduct a Public Hearing for the creation of Sanitary Districts for refuse/recycling collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors deny the proposed petition to change Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1B Within Mason District (Holmes Run Area)	Create	Refuse & Recycling	Deny

TIMING:

Board of Supervisors authorized to advertise on September 12, 2023, for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of Sanitary Districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed Sanitary District, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts.

The submitted petition has been reviewed, and it has been determined that the petition should be submitted to the Board of Supervisors for approval.

Board Agenda Item
October 24, 2023

Staff recommends that the creation in the Holmes Run Area Sanitary District for refuse/recycling collection be denied. If approved, the modification will become permanent on January 1, 2024.

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map
(Holmes Run Area)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eric Forbes, Deputy Director, Solid Waste Management Program, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Create Holmes Run Area Sanitary District in DTA Local District 1B within Mason District for the purpose of providing refuse/recycling collection services.

DATA SHEET
Create Holmes Run Area Sanitary District
DTA Local District 1B
Within the Mason District

Purpose: To provide County refuse/recycling collection services to Holmes Run Area.

- Petition requesting service initially received March 10, 2020; and petition process started on January 20, 2023.
- Petition Area: 74 Properties.
- 44 property owners in favor.
- 4 property owners opposed.
- 26 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be denied due to the Petition Coordinator not adjusting map, as requested by Staff, to avoid a negative environmental impact and to avoid higher collection cost due to above acceptable service time. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO CREATE HOLMES RUN AREA SANITARY DISTRICT IN
DTA LOCAL DISTRICT 1B
WITHIN MASON DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Holmes Run Area Sanitary District in DTA Local District 1B within Mason District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by creating the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Holmes Run Area Sanitary District in DTA Local District 1B within Mason District, Fairfax County, Virginia, which said creation of the sanitary district shall be described as follows:

The creation of Holmes Run Area Sanitary District in DTA Local District 1B within Mason District located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Holmes Run Area Sanitary District in DTA Local District 1B within Mason District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

**Create Sanitary District for Refuse and Recycling
Collection Services, 74 lots**



Holmes Run HOA

Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

Board Agenda Item
October 24, 2023

4:00 p.m.

Public Hearing for the Enlargement of Stone Haven Area Sanitary District for Refuse/Recycling Collection Services (Braddock District)

ISSUE:

Board of Supervisors to conduct a Public Hearing for the enlargement of Sanitary Districts for refuse/recycling collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petition to change Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Small District 3 Within Braddock District (Stone Haven Area)	Enlarge	Refuse & Recycling	Approve

TIMING:

Board of Supervisors authorized to advertise on September 12, 2023, for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of Sanitary Districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed Sanitary District, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts.

The submitted petition has been reviewed, and it has been determined that the petition should be submitted to the Board of Supervisors for approval.

Board Agenda Item
October 24, 2023

Staff recommends that the enlargement in the Stone Haven Area Sanitary District for refuse/recycling collection be approved. If approved, the modification will become permanent on January 1, 2024.

EQUITY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map
(Stone Haven Area)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eric Forbes, Deputy Director, Solid Waste Management Program, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Enlarge Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District for the purpose of providing refuse/recycling collection services.

DATA SHEET
Enlarge Stone Haven Area Sanitary District
DTA Small District 3
Within the Braddock District

Purpose: To provide County refuse/recycling collection services to Stone Haven Area.

- Petition requesting service initially received July 28, 2020; and petition process started on February 8, 2023.
- Petition Area: 102 Properties.
- 64 property owners in favor.
- 5 property owners opposed.
- 33 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO ENLARGE STONE HAVEN SANITARY DISTRICT IN
DTA SMALL DISTRICT 3
WITHIN BRADDOCK DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District located in the County of Fairfax, Virginia, and as shown on the attached map.

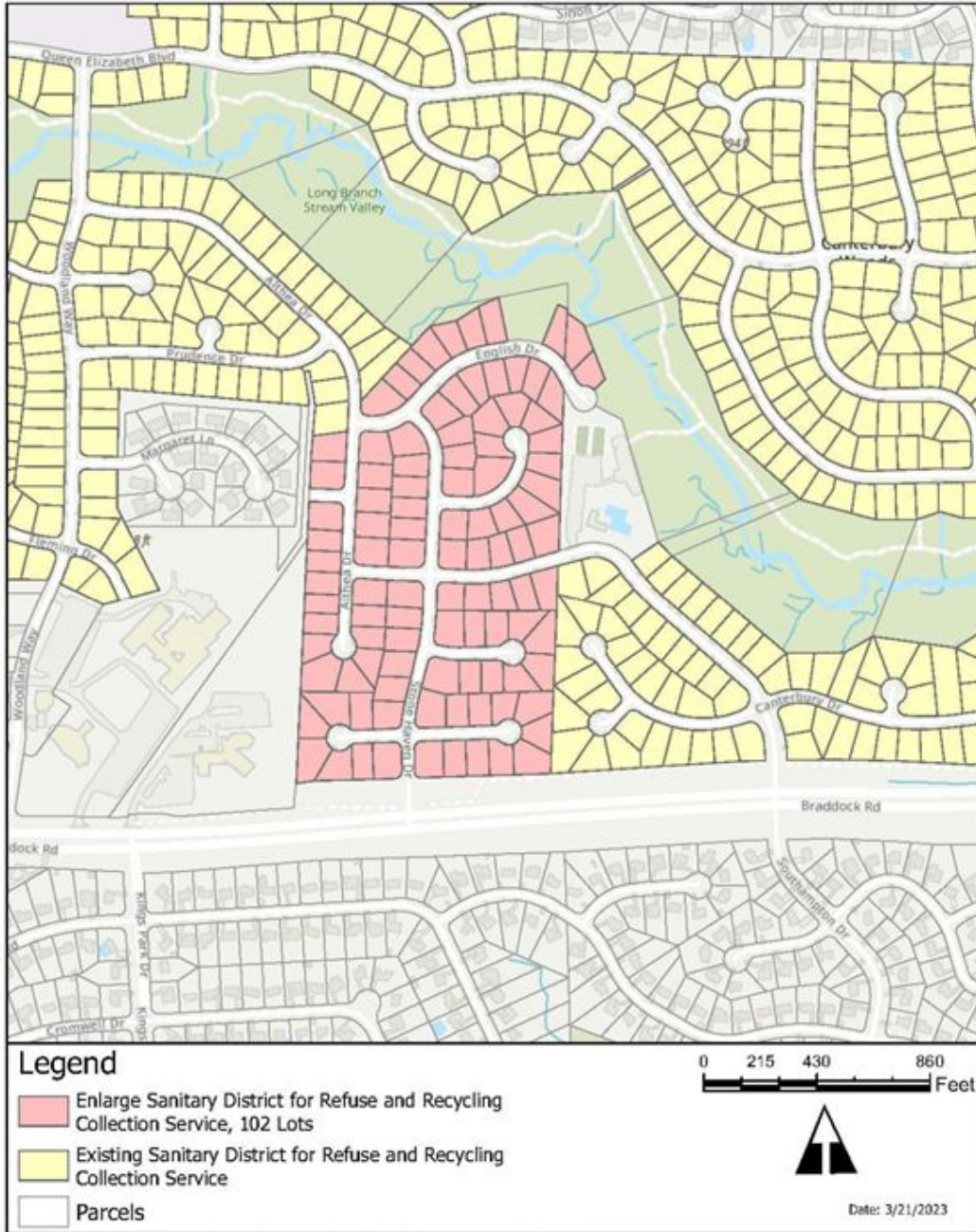
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Stone Haven Area Sanitary District in DTA Small District 3 within Braddock District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Stone Haven Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

Board Agenda Item
October 24, 2023

4:00 p.m.

Public Hearing for the Enlargement of Springfield Park Area 1 Sanitary District for Refuse/Recycling and Vacuum Leaf Collection Services (Franconia District)

ISSUE:

Board of Supervisors to conduct a Public Hearing for the enlargement of Sanitary Districts for refuse/recycling and vacuum leaf collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petition to change Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1B Within Franconia District (Springfield Park Area 1)	Enlarge	Refuse, Recycling, & Vacuum Leaf	Approve

TIMING:

Board of Supervisors authorized to advertise on September 12, 2023, for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of Sanitary Districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed Sanitary District, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts.

Board Agenda Item
October 24, 2023

The submitted petition has been reviewed, and it has been determined that the petition should be submitted to the Board of Supervisors for approval.

Staff recommends that the enlargement in the Springfield Park Area 1 Sanitary District for refuse/recycling and vacuum leaf collection be approved. If approved, the modification will become permanent on January 1, 2024.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Summary Sheet
Attachment 2: Data Sheet with Proposed Resolution and Map
(Springfield Park Area 1)

STAFF:
Rachel Flynn, Deputy County Executive
Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Eric Forbes, Deputy Director, Solid Waste Management Program, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Enlarge Springfield Park Area 1 Sanitary District in DTA Local District 1B within Franconia District for the purpose of providing refuse, recycling, and vacuum leaf collection services.

DATA SHEET
Enlarge Springfield Park Area 1 Sanitary District
DTA Local District 1B
Within the Franconia District

Purpose: To provide County refuse, recycling, and vacuum leaf collection services to Springfield Park Area 1.

- Petition requesting service initially received December 1, 2020; and petition process started on February 24, 2023.
- Petition Area: 4 Properties.
- 2 property owners in favor.
- 0 property owners opposed.
- 2 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO ENLARGE SPRINGFIELD PARK AREA 1 SANITARY DISTRICT IN
DTA LOCAL DISTRICT 1B
WITHIN FRANCONIA DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known as Springfield Park Area 1 in DTA Local District 1B within Franconia District for the purpose of providing for refuse, recycling, and vacuum leaf collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse, recycling and vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Springfield Park Area 1 in DTA Local District 1B within Franconia District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The creation of Springfield Park Area 1 in DTA Local District 1B within Franconia District located in the County of Fairfax, Virginia, and as shown on the attached map.

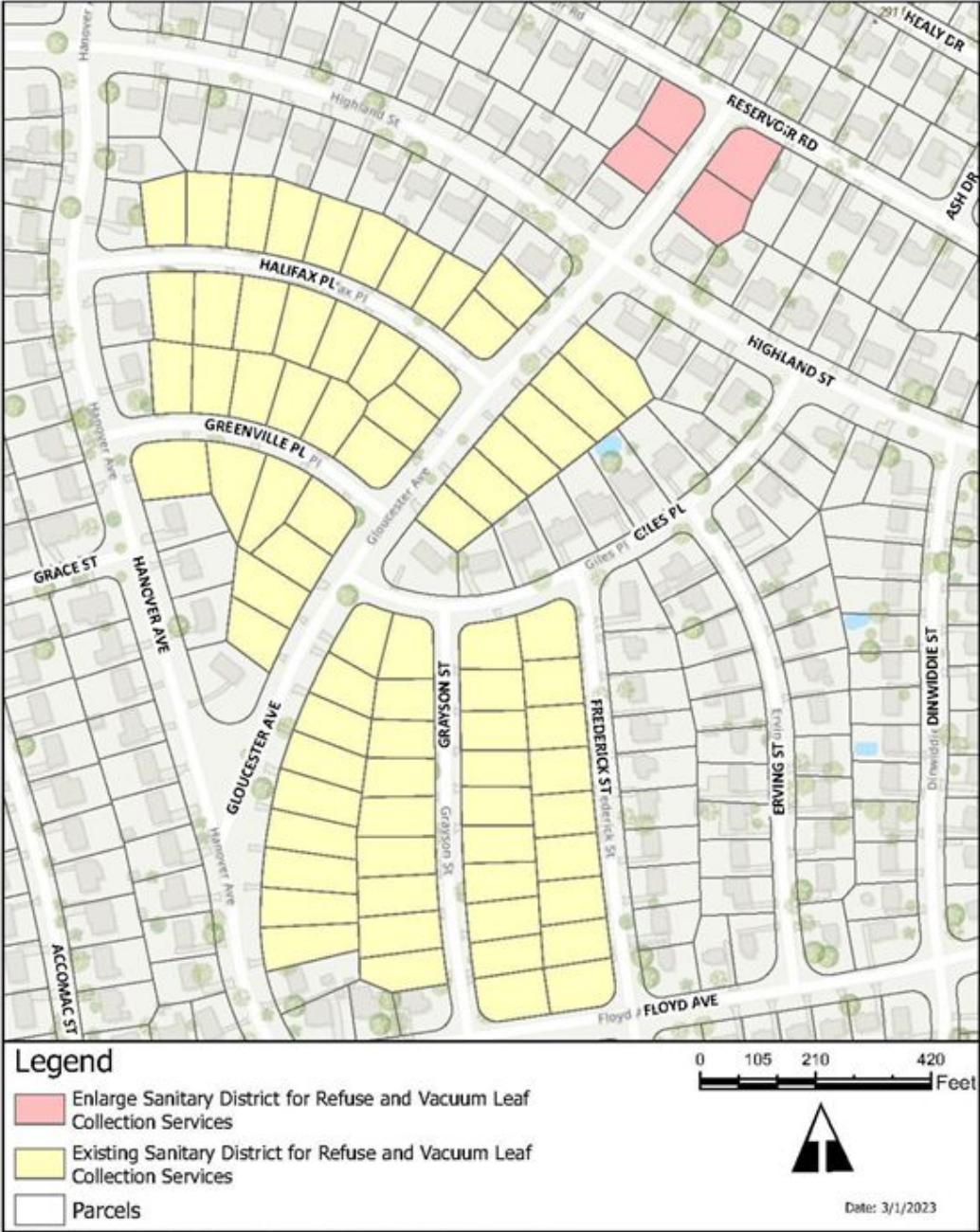
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Springfield Park Area 1 in DTA Local District 1B within Franconia District is hereby created to wit:

To provide refuse, recycling, and vacuum leaf collection services for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Springfield Park Area 1 Sanitary District Map



Board Agenda Item
October 24, 2023

4:00 p.m.

Public Hearing for the Enlargement of Dunn Loring Area 1 Sanitary District for Refuse/Recycling Collection Services (Providence District)

ISSUE:

Board of Supervisors to conduct a Public Hearing for the enlargement of Sanitary Districts for refuse/recycling collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petition to change Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Small District 11 Within Providence District (Dunn Loring Area 1)	Enlarge	Refuse & Recycling	Approve

TIMING:

Board of Supervisors authorized to advertise on September 12, 2023, for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of Sanitary Districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed Sanitary District, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts.

Board Agenda Item
October 24, 2023

The submitted petition has been reviewed, and it has been determined that the petition should be submitted to the Board of Supervisors for approval.

Staff recommends that the enlargement in the Dunn Loring Area 1 Sanitary District for refuse/recycling collection be approved. If approved, the modification will become permanent on January 1, 2024.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Summary Sheet
Attachment 2: Data Sheet with Proposed Resolution and Map
(Dunn Loring Area 1)

STAFF:
Rachel Flynn, Deputy County Executive
Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Eric Forbes, Deputy Director, Solid Waste Management Program, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Enlarge Dunn Loring Area 1 Sanitary District in DTA Small District 11 within Providence District for the purpose of providing refuse/recycling collection services.

DATA SHEET
Enlarge Dunn Loring Area 1 Sanitary District
DTA Small District 11
Within the Providence District

Purpose: To provide County refuse/recycling collection service to Dunn Loring Area 1.

- Petition requesting service initially received March 28, 2022; and petition process started on June 6, 2023.
- Petition Area: 2 Properties.
- 2 Property Owners in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO ENLARGE DUNN LORING AREA 1 SANITARY DISTRICT IN
DTA SMALL DISTRICT 11
WITHIN PROVIDENCE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known as Dunn Loring Area 1 in DTA Small District 11 within Providence District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Dunn Loring Area 1 in DTA Small District 11 within Providence District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of Dunn Loring Area 1 in DTA Small District 11 within Providence District located in the County of Fairfax, Virginia, and as shown on the attached map.

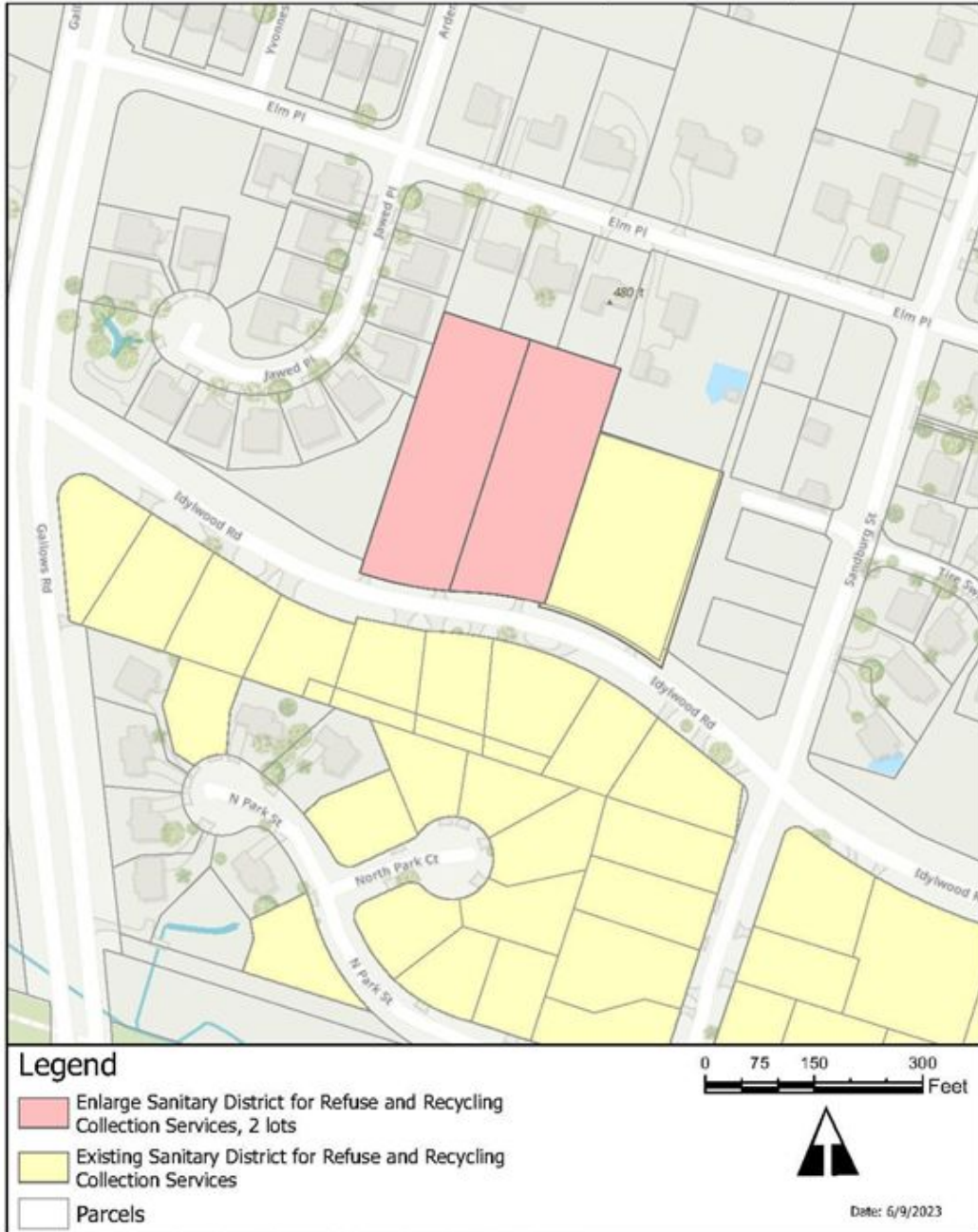
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Dunn Loring Area 1 in DTA Small District 11 within Providence District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Dunn Loring Area 1 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

Board Agenda Item
October 24, 2023

4:00 p.m.

Public Hearing for the Creations of Elmwood Estates Area 1, Reddfield Area 1, Swinks Mill Area 1 and Enlargements of Chesterbrook Estates Area 2, Lewinsville Heights Area 1, McLean Manor Area 3, River Oaks Area 1 and River Oaks Area 2 Sanitary Districts for Refuse/Recycling Collection Services (Dranesville District)

ISSUE:

Board of Supervisors to conduct a Public Hearing for the creations and enlargements of Sanitary Districts for refuse/recycling collection services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approves the proposed petitions to change Sanitary Districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisors' adopted criteria for Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Local District 1A2 Within Dranesville District (Elmwood Estates Area 1)	Create	Refuse & Recycling	Approve
DTA Local District 1B Within Dranesville District (Reddfield Area 1)	Create	Refuse & Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Swinks Mill Area 1)	Create	Refuse & Recycling	Approve
DTA Local District 1A1 Within Dranesville District (Chesterbrook Estates Area 2)	Enlarge	Refuse & Recycling	Approve
DTA Small District 4 Within Dranesville District (Lewinsville Heights Area 1)	Enlarge	Refuse & Recycling	Approve

Board Agenda Item
October 24, 2023

DTA Local District 1A1 Within Dranesville District (McLean Manor Area 3)	Enlarge	Refuse & Recycling	Approve
DTA Small District 6 Within Dranesville District (River Oaks Area 1)	Enlarge	Refuse & Recycling	Approve
DTA Small District 6 Within Dranesville District (River Oaks Area 2)	Enlarge	Refuse & Recycling	Approve

TIMING:

Board of Supervisors authorized to advertise on September 12, 2023, for a Public Hearing to be held on October 24, 2023, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of Sanitary Districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed Sanitary District, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Sanitary Districts.

The submitted petitions have been reviewed, and it has been determined that the petitions should be submitted to the Board of Supervisors for approval.

Staff recommends that the creations of Elmwood Estates Area 1, Reddfield Area 1, Swinks Mill Area 1 and enlargements of Chesterbrook Estates Area 2, Lewinsville Heights Area 1, McLean Manor Area 3, River Oaks Area 1, and River Oaks Area 2 Sanitary Districts for refuse/recycling collection services be approved. If approved, the modifications will become permanent on January 1, 2024.

EQUITY IMPACT:

None.

Board Agenda Item
October 24, 2023

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment 1: Summary Sheet
- Attachment 2: Data Sheet with Proposed Resolution and Map
(Elmwood Estates Area 1)
- Attachment 3: Data Sheet with Proposed Resolution and Map
(Reddfield Area 1)
- Attachment 4: Data Sheet with Proposed Resolution and Map
(Swinks Mill Area 1)
- Attachment 5: Data Sheet with Proposed Resolution and Map
(Chesterbrook Estates Area 2)
- Attachment 6: Data Sheet with Proposed Resolution and Map
(Lewinsville Heights Area 1)
- Attachment 7: Data Sheet with Proposed Resolution and Map
(McLean Manor Area 3)
- Attachment 8: Data Sheet with Proposed Resolution and Map
(River Oaks Area 1)
- Attachment 9: Data Sheet with Proposed Resolution and Map
(River Oaks Area 2)

STAFF:

Rachel Flynn, Deputy County Executive
Christopher S. Herrington, Director, Department of Public Works and Environmental
Services (DPWES)
Eric Forbes, Deputy Director, Solid Waste Management Program, DPWES

SUMMARY SHEET

Proposed alterations to the following sanitary districts for refuse/recycling and/or vacuum leaf collection service:

1. Create Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District for the purpose of providing refuse/recycling collection services.
2. Create Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District for the purpose of providing refuse/recycling collection services.
3. Create Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing refuse/recycling collection services.
4. Enlarge Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing refuse/recycling collection services.
5. Enlarge Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District for the purpose of providing refuse/recycling collection services.
6. Enlarge McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing refuse/recycling collection services.
7. Enlarge River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District for the purpose of providing refuse/recycling collection services.
8. Enlarge River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District for the purpose of providing refuse/recycling collection services.

DATA SHEET
Create Elmswood Estates Area 1 Sanitary District
DTA Local District 1A2
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Elmswood Estates Area 1.

- Petition requesting service initially received December 11, 2020; and petition process started on March 1, 2023.
- Petition Area: 81 Properties.
- 51 property owners in favor.
- 16 property owners opposed.
- 14 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO CREATE ELMSWOOD ESTATES AREA 1 SANITARY DISTRICT
DTA LOCAL DISTRICT 1A2
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by creating the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District t, Fairfax County, Virginia, which said creation of the sanitary district shall be described as follows:

The creation of Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

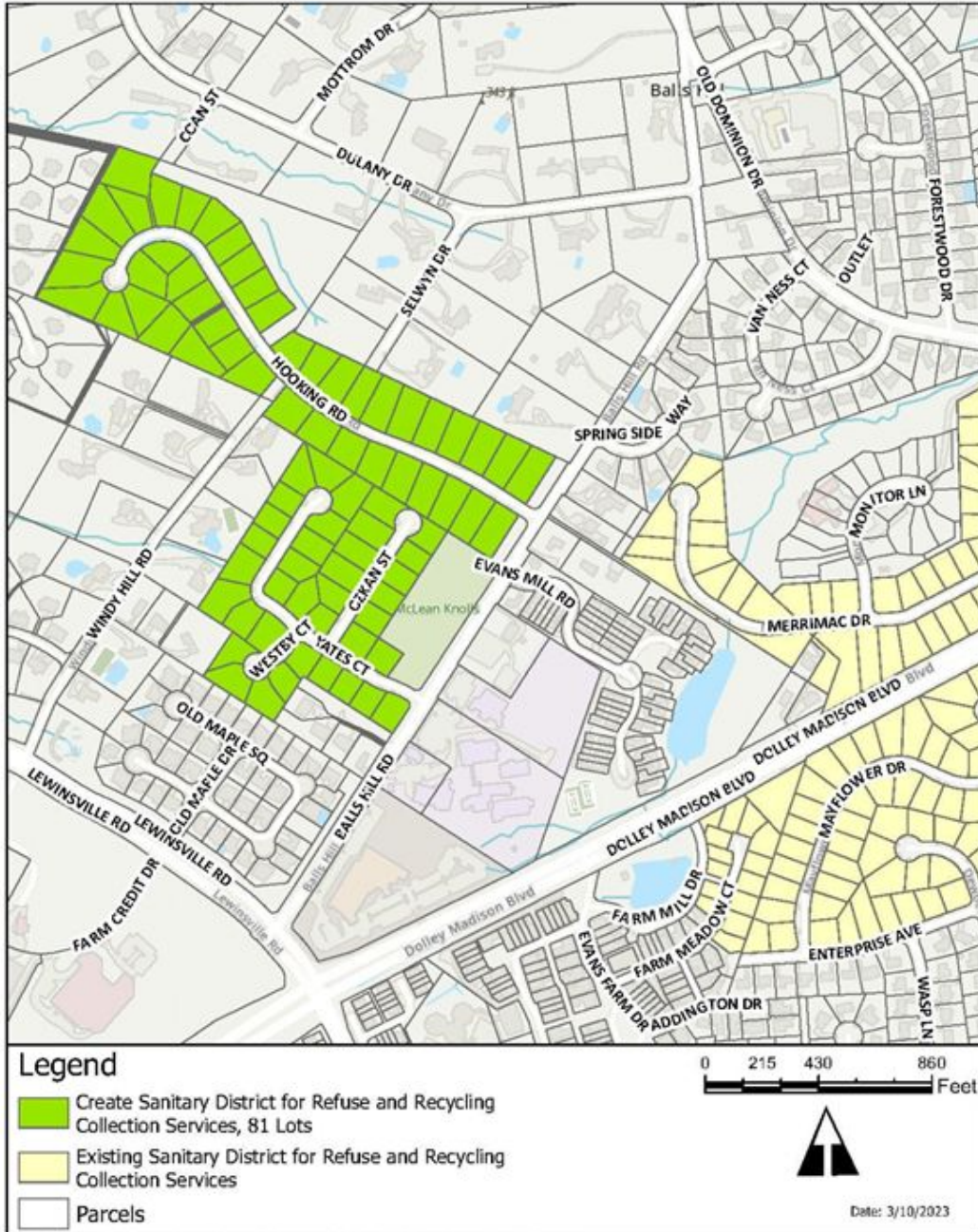
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Elmswood Estates Area 1 Sanitary District in DTA Local District 1A2 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Elmwood Estates Area 1 Sanitary District Map



DATA SHEET
Create Reddfield Area 1 Sanitary District
DTA Local District 1B
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Reddfield Area 1.

- Petition requesting service initially received January 8, 2021; and petition process started on March 23, 2023.
- Petition Area: 59 Properties.
- 42 property owners in favor.
- 9 property owners opposed.
- 8 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO CREATE REDDFIELD AREA 1 SANITARY DISTRICT
DTA LOCAL DISTRICT 1B
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by creating the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District, Fairfax County, Virginia, which said creation of the sanitary district shall be described as follows:

The creation of Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

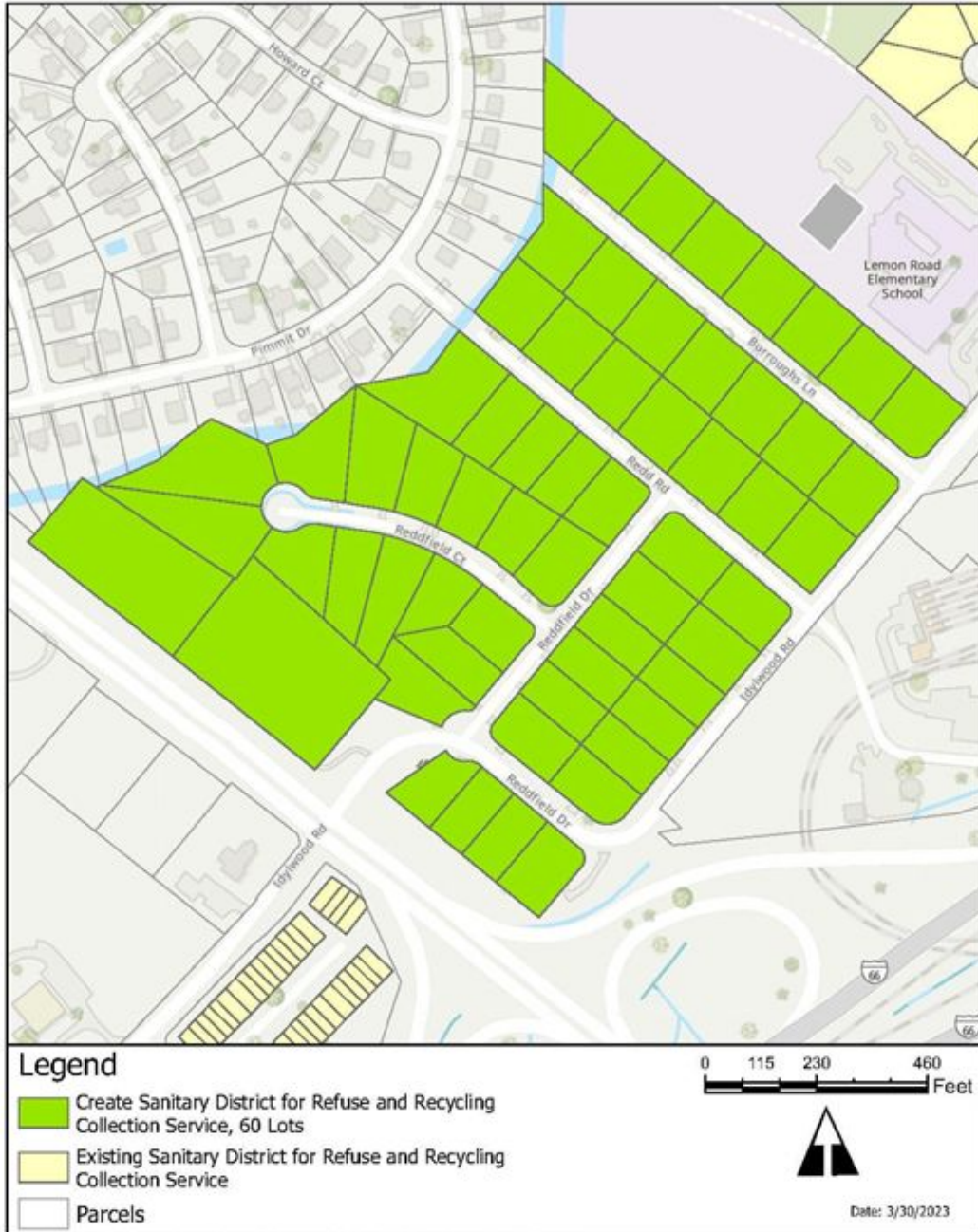
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Reddfield Area 1 Sanitary District in DTA Local District 1B within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Reddfield Area 1 Sanitary District Map



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DATA SHEET
Create Swinks Mill Area 1 Sanitary District
DTA Local District 1A1
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Swinks Mill Area 1.

- Petition requesting service initially received December 17, 2020; and petition process started on March 1, 2023.
- Petition Area: 55 Properties.
- 30 property owners in favor.
- 18 property owners opposed.
- 7 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO CREATE SWINKS MILL AREA 1 SANITARY DISTRICT
DTA LOCAL DISTRICT 1A1
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to create a district known as Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section *15.2-858*, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by creating the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a sanitary district, pursuant to Virginia Code Section *15.2-858*, as amended, to be known as Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District, Fairfax County, Virginia, which said creation of the sanitary district shall be described as follows:

The creation of Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

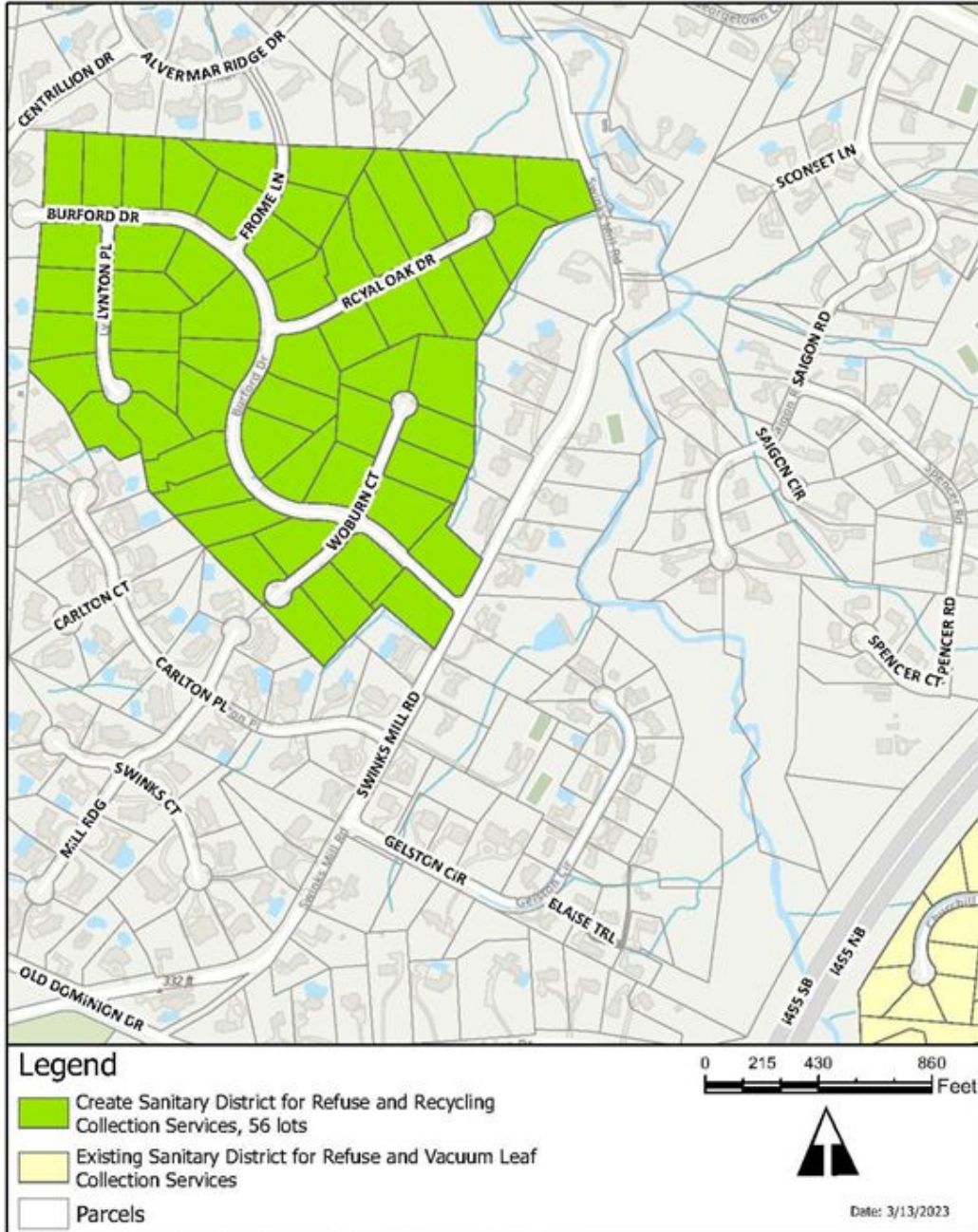
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Swinks Mill Area 1 Sanitary District in DTA Local District 1A1 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Swinks Mill Area 1 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

DATA SHEET
Enlarge Chesterbrook Estates Area 2 Sanitary District
DTA Local District 1A1
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Chesterbrook Estates Area 2.

- Petition requesting service initially received September 14, 2021; and petition process started on April 19, 2023.
- Petition Area: 19 Properties.
- 19 property owners in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO ENLARGE CHESTERBROOK ESTATES AREA 2 SANITARY DISTRICT
DTA LOCAL DISTRICT 1A1
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known as Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

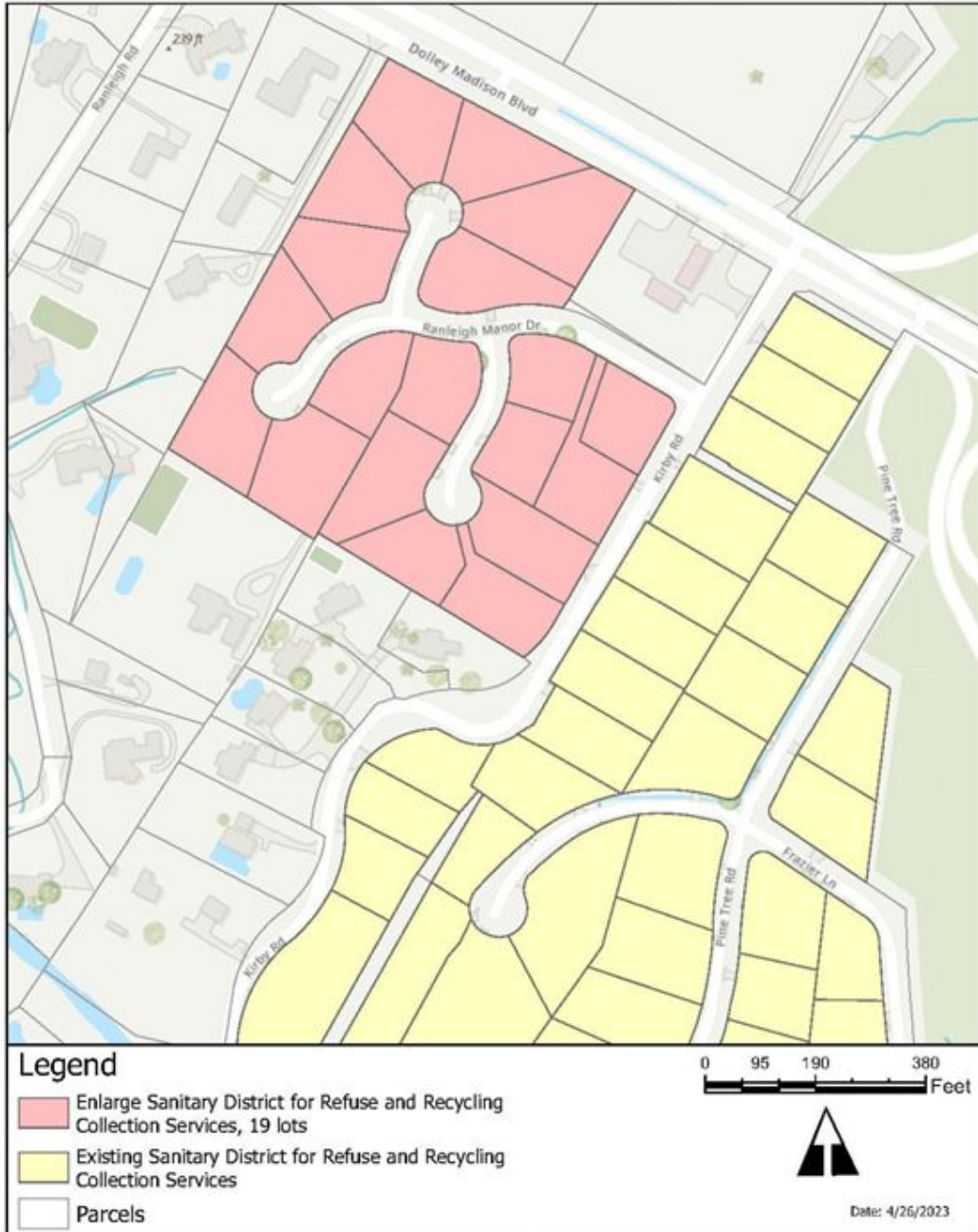
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Chesterbrook Estates Area 2 Sanitary District in DTA Local District 1A1 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Chesterbrook Estates Area 2 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

DATA SHEET
Enlarge Lewinsville Heights Area 1 Sanitary District
DTA Small District 4
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to Lewinsville Heights Area 1.

- Petition requesting service initially received March 31, 2021; and petition process started on January 23, 2023.
- Petition Area: 17 Properties.
- 11 property owners in favor.
- 3 property owners opposed.
- 3 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO ENLARGE LEWINSVILLE HEIGHTS AREA 1 SANITARY DISTRICT
DTA SMALL DISTRICT 4
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

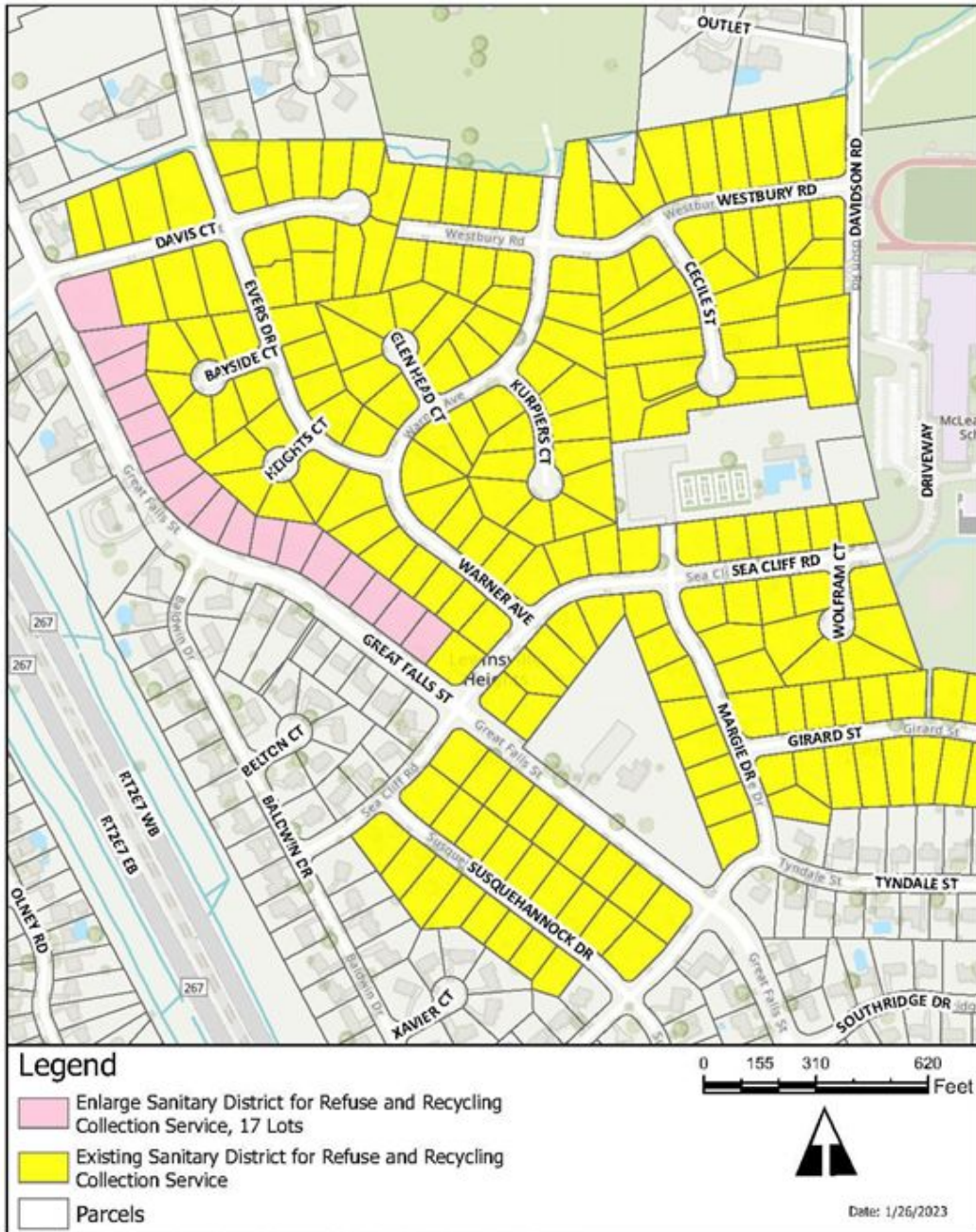
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Lewinsville Heights Area 1 Sanitary District in DTA Small District 4 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

Lewinsville Heights Area 1 Sanitary District Map



DATA SHEET
Enlarge McLean Manor Area 3 Sanitary District
DTA Local District 1A1
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to McLean Manor Area 3.

- Petition requesting service initially received July 23, 2020; and petition process started on January 26, 2023.
- Petition Area: 23 Properties.
- 12 property owners in favor.
- 2 property owners opposed.
- 9 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO ENLARGE MCLEAN MANOR AREA 3 SANITARY DISTRICT
DTA LOCAL DISTRICT 1A1
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

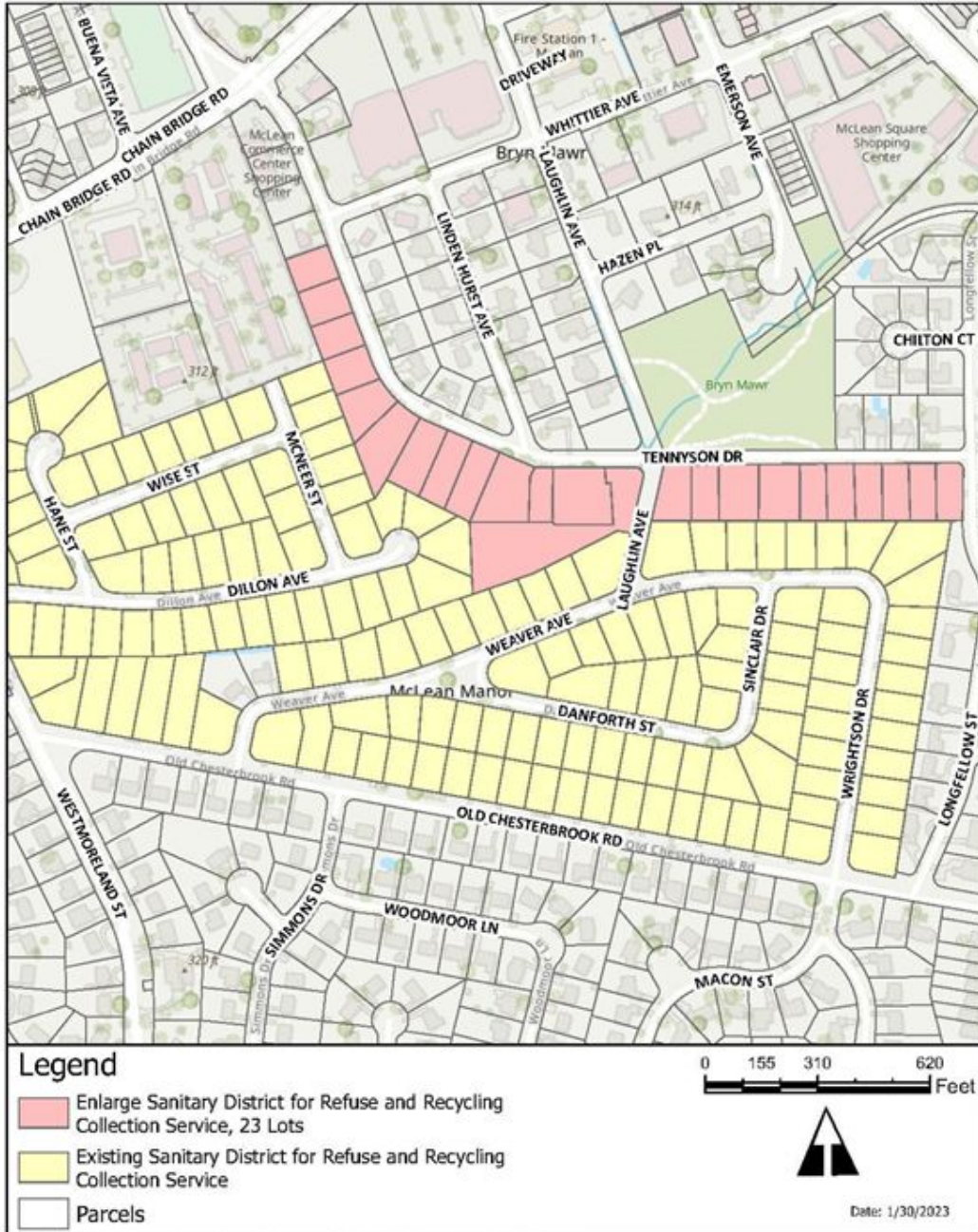
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said McLean Manor Area 3 Sanitary District in DTA Local District 1A1 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

McLean Manor Area 3 Sanitary District Map



DATA SHEET
Enlarge River Oaks Area 1 Sanitary District
DTA Small District 6
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to River Oaks Area 1.

- Petition requesting service initially received January 22, 2021; and petition process started on March 28, 2023.
- Petition Area: 1 Property.
- 1 property owner in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO ENLARGE RIVER OAKS AREA 1 SANITARY DISTRICT
DTA SMALL DISTRICT 6
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District, Fairfax County, Virginia, which said

enlargement of the sanitary district shall be described as follows:

The enlargement of River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

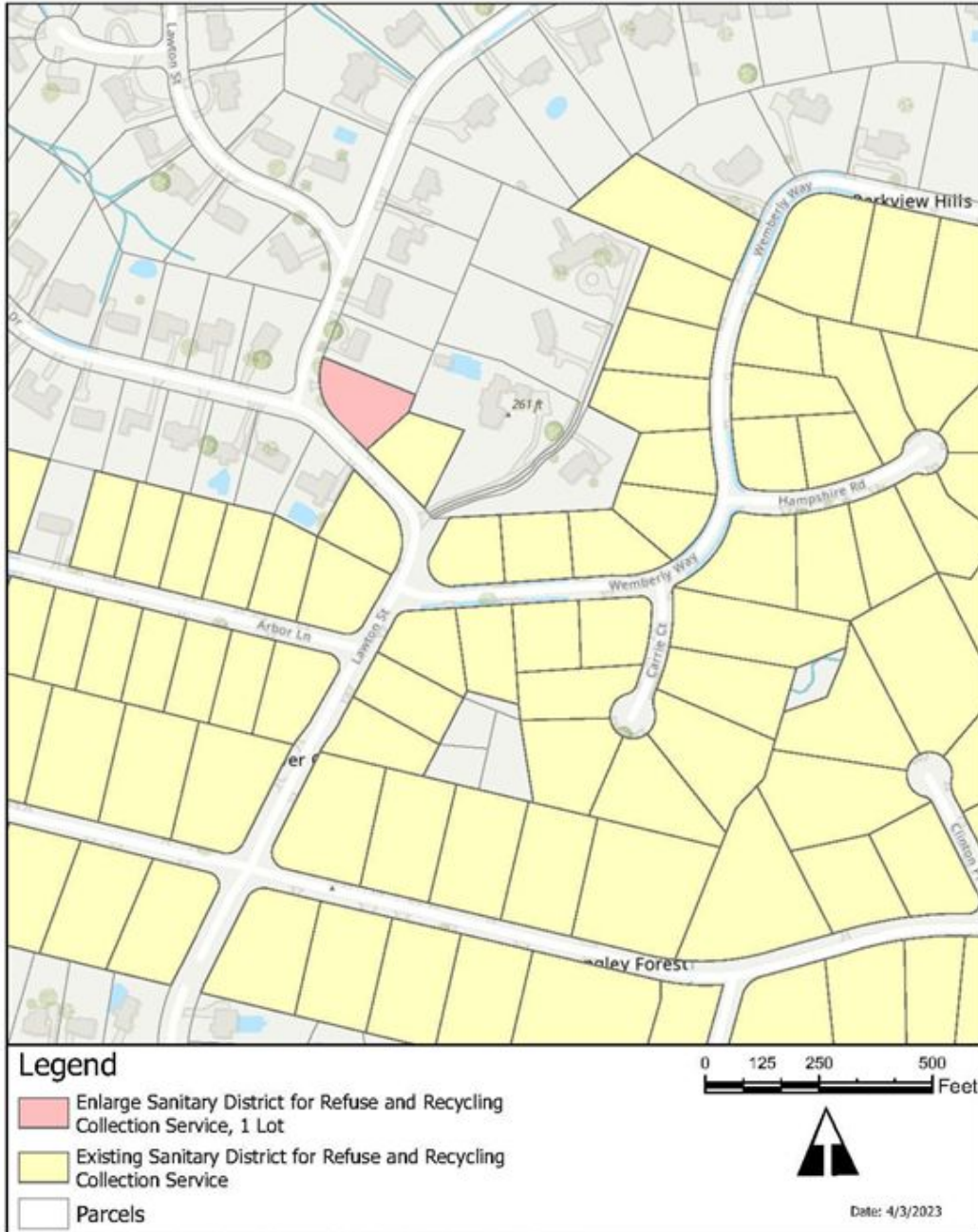
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said River Oaks Area 1 Sanitary District in DTA Small District 6 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

River Oaks Area 1 Sanitary District Map



Path: G:\pub\DPWES\SWM\ServiceRequests\RecurringTasks\PetitionMaps\PetitionMaps_Pro.aprx

DATA SHEET
Enlarge River Oaks Area 2 Sanitary District
DTA Small District 6
Within the Dranesville District

Purpose: To provide County refuse/recycling collection services to River Oaks Area 2.

- Petition requesting service initially received May 18, 2021; and petition process started on April 11, 2023.
- Petition Area: 2 Properties.
- 2 property owners in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will become effective January 1, 2024.

ADOPTION OF A RESOLUTION
TO ENLARGE RIVER OAKS AREA 2 SANITARY DISTRICT
DTA SMALL DISTRICT 6
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 24th day of October, 2023, it was proposed by said Board to adopt a resolution to enlarge a district known River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District for the purpose of providing for refuse/recycling collection to be effective January 1, 2024, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 24, 2023
COMMENCING AT 4 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by enlarging the sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District, Fairfax County, Virginia, which said enlargement of the sanitary district shall be described as follows:

The enlargement of River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District located in the County of Fairfax, Virginia, and as shown on the attached map.

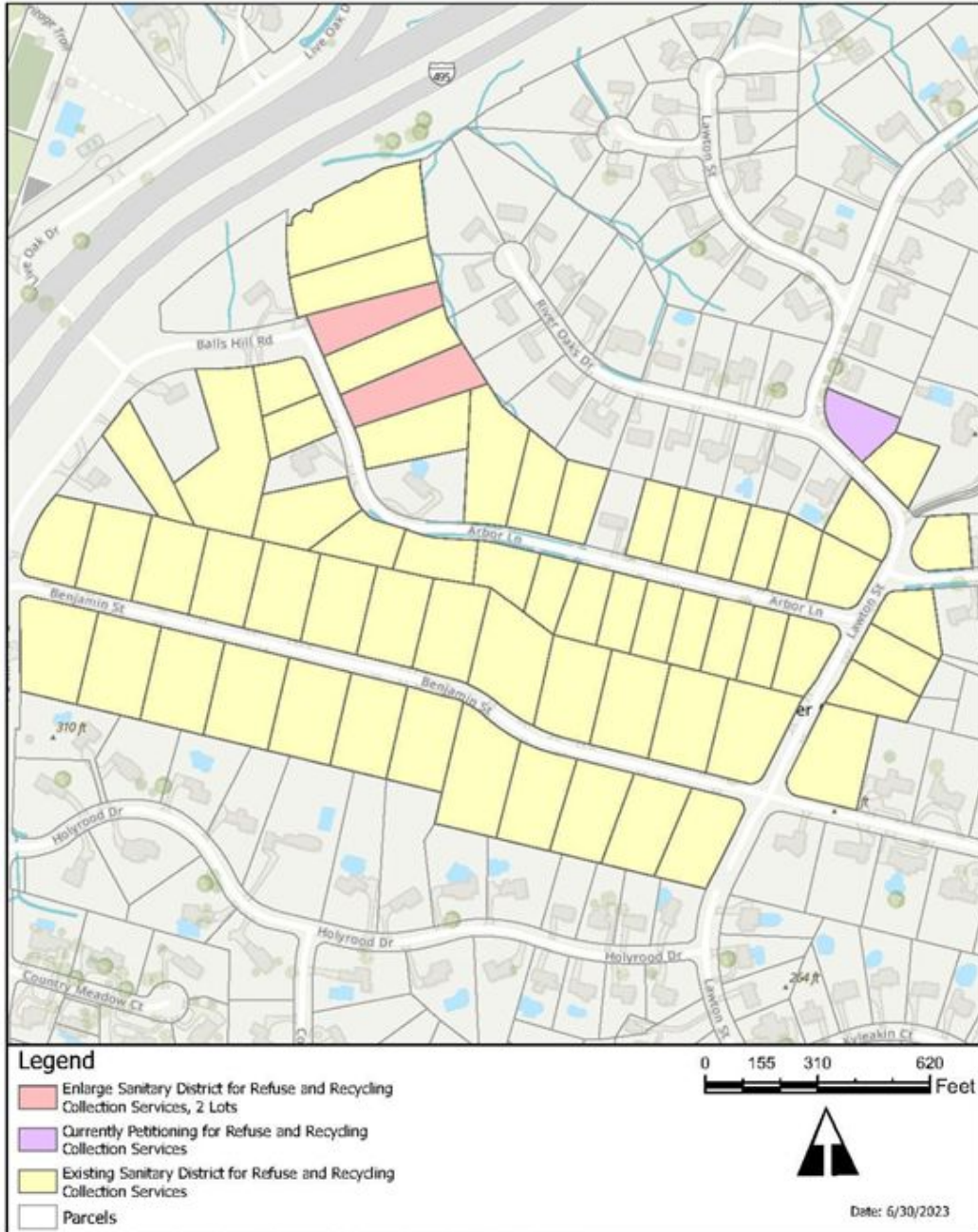
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said River Oaks Area 2 Sanitary District in DTA Small District 6 within Dranesville District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2023

Jill G. Cooper
Clerk for the Board of Supervisors

River Oaks Area 2 Sanitary District Map



Board Agenda Item
October 24, 2023

4:00 p.m.

Public Hearing on RZ 2022-HM-00025 (SEM Fairfax Land Associates, LLC) to Rezone from the R-E to PDH-1 District to Permit a Residential Development with an Overall Density of 0.90 Dwelling Units Per Acre and Approval of the Conceptual Development Plan, Located on Approximately 8.87 Acres of Land (Hunter Mill District)

This property is located on the W. side of Lake Fairfax Dr. and generally S.E. of Hunt Club Rd., immediately N. of Lake Fairfax Park and S. of Green Run Ln. Tax Map 18-1 ((1)) 2.

PLANNING COMMISSION RECOMMENDATION:

On September 27, 2023, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting) to recommend to the Board of Supervisors approval of RZ 2022-HM-00025 and the associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated September 7, 2023.

In a related action, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting) to approve FDP 2022-HM-00025.

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
October 24, 2023

4:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Chain Bridge Road Walkway – Courthouse Road to Sutton Road (Providence District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Chain Bridge Road Walkway - Courthouse Road to Sutton Road, Project 5G25-060-023, in Fund 30050, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On September 26, 2023, the Board authorized advertisement of a public hearing to be held on October 24, 2023, commencing at 4:30 p.m.

BACKGROUND:

This project consists of constructing 1,760 linear foot, 5-foot-wide concrete sidewalk along the south side of Chain Bridge Road from Courthouse Road to Sutton Road Intersection including 193 square yards of curb ramps, two bus pads, updating four driveway entrances and adding pedestrian signal heads and crosswalks.

Land rights for these improvements are required on seven properties, five of which have been acquired by the Land Acquisition Division (LAD). The construction of the project requires the acquisition of Fee Simple interests for Public Street Purposes, Grading Agreement and Temporary Construction Easements, and a Temporary Construction Access Easement.

Negotiations are in progress with several owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, *Va. Code Ann. Sections 15.2-1901 through 15.2-1905* (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item
October 24, 2023

EQUITY IMPACT:

This action aligns with multiple focus areas of the One Fairfax Policy. Construction of the proposed walkway supports focus area 2, safely connecting more housing units, most notably, those in mixed-use areas, to multiple modes of transport. Improved walkability ensures that focus area 8's goal is furthered by improving the quality of life for everyone in the neighborhood by providing a safe, well-maintained travel route between neighborhoods. The overall goal of the project aligns with focus area 11's guidance to protect existing stable neighborhoods and green spaces, and thereby allow residents to access transportation modes which promotes employment opportunities, housing, amenities, and services for all. Finally, the project promotes focus area 14's goal of providing a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health.

The LAD's project locations are chosen by other departments, resulting in the division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer, and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner.

As a result of both the project location and design, as well as the process to obtain land rights, the overall impact of this action provides a positive equity impact.

FISCAL IMPACT:

Funding is available in Project 5G25-060-000, Pedestrian Improvements – 2014, Fund 30050, Transportation Improvements. This project is included in the FY 2024 – FY 2028 Adopted Capital Improvement Program (With future Fiscal Years to FY 2033) and is included in the Board's Transportation Priorities Plan (TPP) adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

Attachment B – Resolution of Affected Parcels with Plats Showing Interests to be Acquired (Attachments 1 through 2A)

Board Agenda Item
October 24, 2023

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation

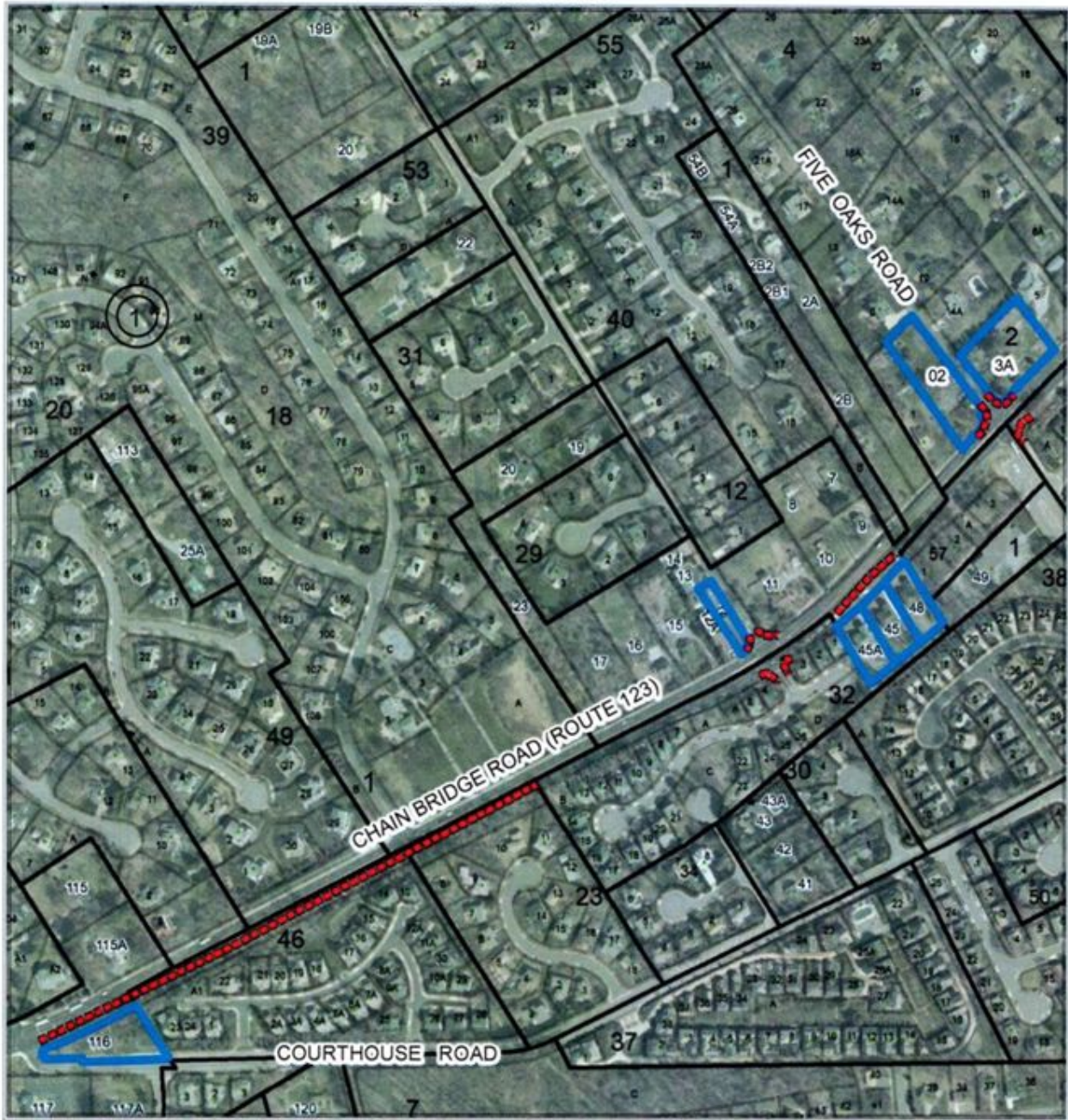
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Carey F. Needham, Deputy Director, Capital Facilities, DPWES

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney

ATTACHMENT A



**CHAIN BRIDGE ROAD WALKWAY
COURTHOUSE ROAD - SUTTON ROAD**

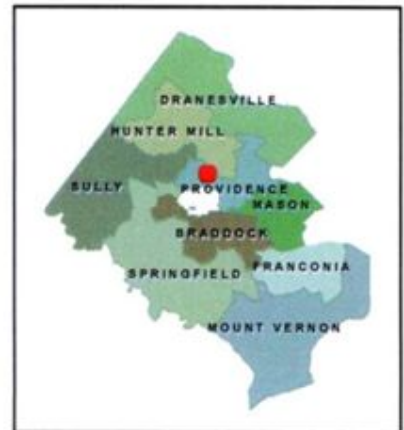
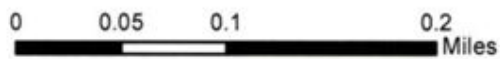
Project 5G25-060-023

Tax Map: 047-2, 048-1

Providence District

Affected Properties: 

Proposed Improvements: 



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, October 24, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 5G25-060-023, Chain Bridge Road Walkway – Courthouse Road to Sutton Road (Providence District)

had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than December 8, 2023.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 2A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of pedestrian access improvements along the south side of Chain Bridge Road from Courthouse Road to the Sutton Road/Five Oaks Road intersection including a 1,760 LF, 5-foot-wide

concrete sidewalk, 2 bus loading pads, and updating 4 driveway entrances. The project also includes crosswalks, curb ramps, and pedestrian signal heads at the intersections of Chain Bridge Road with Fox Rest Lane/Oak Valley Drive and Sutton Road/Five Oaks Road as shown and described in the plans of Project 5G25-060-023, Chain Bridge Road Walkway – (Courthouse Road to Sutton Road) on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or after November 27, 2023, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project 5G25-060-023 – Chain Bridge Road Walkway – (Courthouse Road to Sutton
Road)
(Providence District)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
--------------------------	-----------------------

1. Dana J. Hess	0481 02 0003A
-----------------	---------------

Address:
2646 CHAIN BRIDGE RD
VIENNA, VA 22181

2. Murthy Maddala and Saritha Maddala	0481 01 0045A
---------------------------------------	---------------

Address:
2731 CHAIN BRIDGE RD
Vienna, VA 22181

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

AFFECTED PROPERTY

Tax Map Number: 0481 02 0003A

Street Address: 2646 CHAIN BRIDGE RD
VIENNA, VA 22181

OWNER(S): Dana J. Hess

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

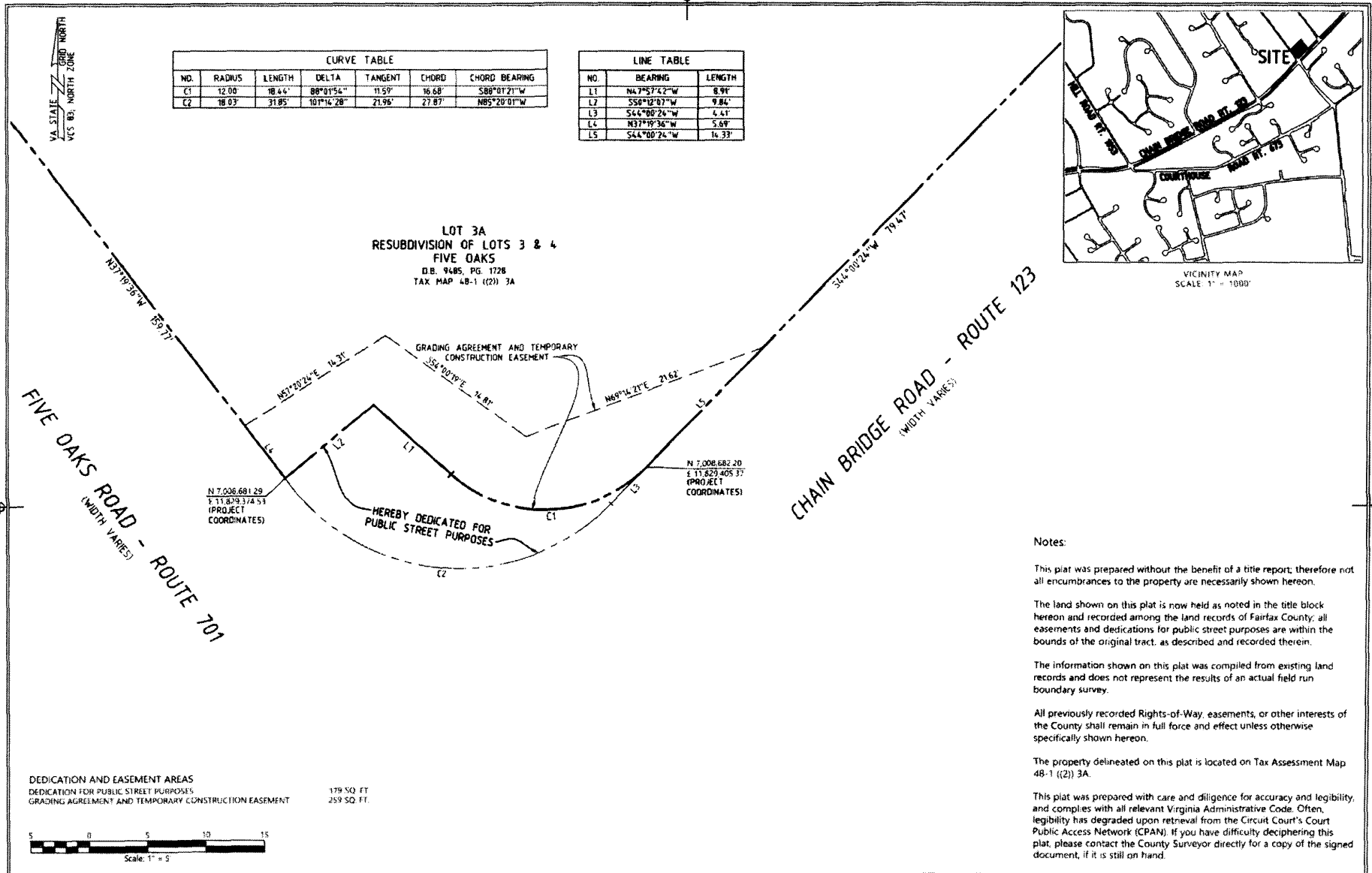
Dedication for Public Street Purposes - 179 sq. ft.

Grading Agreement and Temporary Construction Easement – 259 sq. ft.

VALUE

Estimated value of interests and damages:

TWO THOUSAND FOUR HUNDRED FIFTY (\$2,450.00)



Notes:

This plat was prepared without the benefit of a title report; therefore not all encumbrances to the property are necessarily shown hereon.

The land shown on this plat is now held as noted in the title block hereon and recorded among the land records of Fairfax County; all easements and dedications for public street purposes are within the bounds of the original tract, as described and recorded therein.

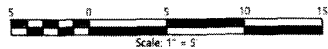
The information shown on this plat was compiled from existing land records and does not represent the results of an actual field run boundary survey.

All previously recorded Rights-of-Way, easements, or other interests of the County shall remain in full force and effect unless otherwise specifically shown hereon.

The property delineated on this plat is located on Tax Assessment Map 48-1 ((2)) 3A.

This plat was prepared with care and diligence for accuracy and legibility, and complies with all relevant Virginia Administrative Code. Often, legibility has degraded upon retrieval from the Circuit Court's Court Public Access Network (CPAN). If you have difficulty deciphering this plat, please contact the County Surveyor directly for a copy of the signed document, if it is still on hand.

DEDICATION AND EASEMENT AREAS
 DEDICATION FOR PUBLIC STREET PURPOSES 179 SQ. FT.
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 259 SQ. FT.



PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH
LOT 3A-RESUBDIVISION OF LOTS 3 & 4-FIVE OAKS
 D.B. 9485, PG. 1728
 BEING IN THE NAME OF
DANA J. HESS
 D.B. 12827, PG. 1188
 PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA



COUNTY OF FAIRFAX VIRGINIA
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
 CAPITAL FACILITIES
 LAND SURVEY BRANCH
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA



CHAIN BRIDGE ROAD WALKWAY
 PROJECT NUMBER SG25-060-023

DRAWN BY: BLN DATE: 2/1/21 SCALE: 1"=5' SHEET 1 OF 1

AFFECTED PROPERTY

Tax Map Number: 0481 01 0045A

Street Address: 2731 CHAIN BRIDGE RD
VIENNA, VA 22181

OWNER(S): Murthy Maddala and Saritha Maddala

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication for Public Street Purposes – 65 sq. ft.

Temporary Construction Access Easement – 42 sq. ft.

Grading Agreement and Temporary Construction Easement – 121 sq. ft.

VALUE

Estimated value of interests and damages:

TWO THOUSAND TWO HUNDRED TWENTY DOLLARS (\$2,220.00)

VA STATE GRID NORTH
VES 03, NORTH ZONE

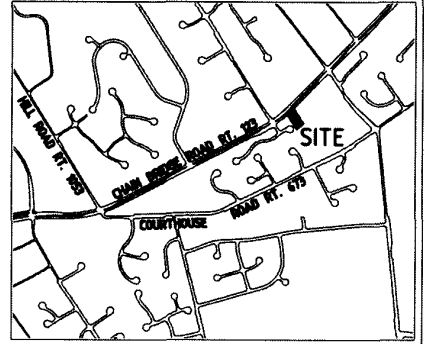
CURVE TABLE						
NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	1318.24'	46.35'	02°00'52"	23.18'	46.34'	N 44°58'26" E
C2	1318.24'	6.35'	00°16'34"	3.18'	6.35'	N 46°00'50" E
C3	1318.24'	39.99'	01°44'18"	20.00'	39.99'	N 44°50'09" E

LINE TABLE		
NO.	BEARING	LENGTH
L1	S 52°01'40" E	3.02'
L2	S 32°00'14" E	3.09'
L3	N 59°45'09" W	5.44'
L4	S 43°27'46" W	18.89'
L5	S 45°59'26" E	4.63'
L6	S 35°46'11" W	4.15'
L7	N 52°01'40" W	2.01'
L8	S 43°58'00" W	20.40'
L9	S 32°00'14" E	2.06'
L10	N 43°58'00" E	10.90'

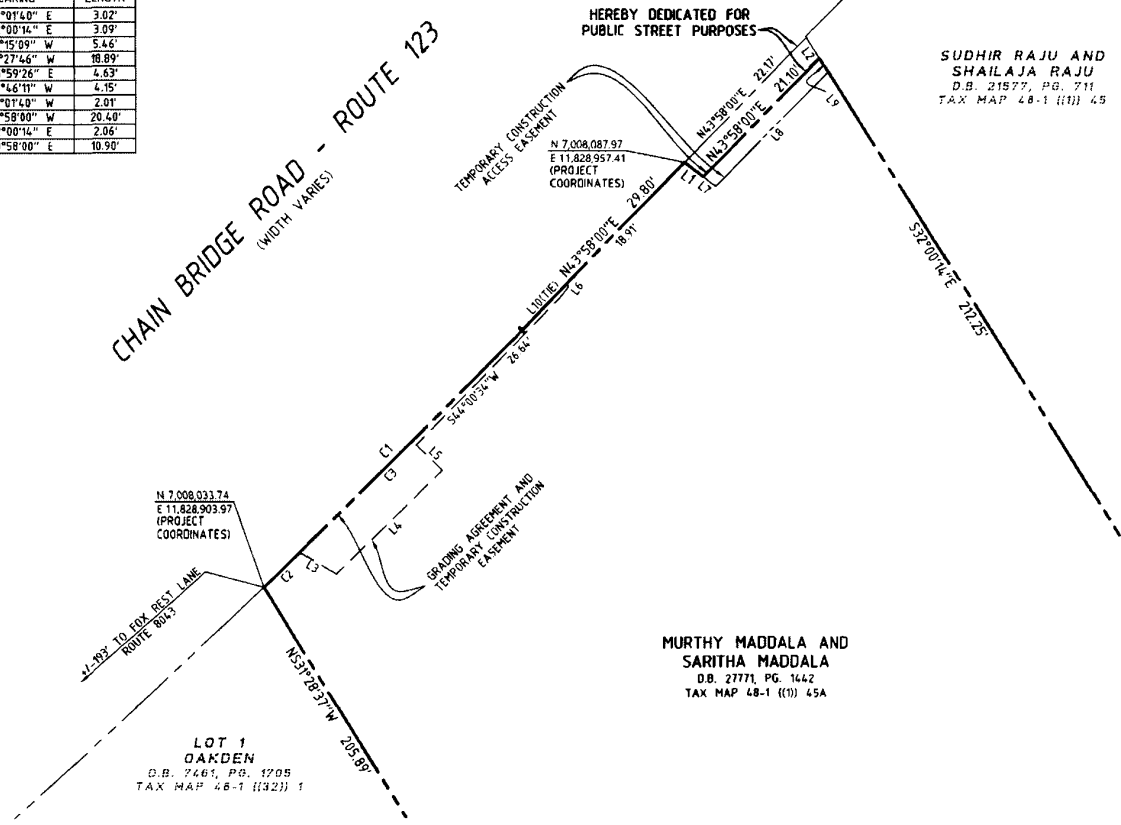
CHAIN BRIDGE ROAD - ROUTE 123
(WIDTH VARIES)

HEREBY DEDICATED FOR PUBLIC STREET PURPOSES

SUDHIR RAJU AND SHAILAJA RAJU
D.B. 21577, PG. 711
TAX MAP 48-1 (11) 45



VICINITY MAP
SCALE: 1" = 1000



N 7,008,033.74
E 11,828,957.41
(PROJECT COORDINATES)

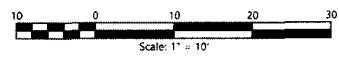
MURTHY MADDALA AND SARITHA MADDALA
D.B. 27771, PG. 1442
TAX MAP 48-1 (11) 45A

LOT 1 OAKDEN
D.B. 7461, PG. 1705
TAX MAP 48-1 (132) 1

Notes:

- This plat was prepared without the benefit of a title report; therefore not all encumbrances to the property are necessarily shown hereon.
- The land shown on this plat is now held as noted in the title block hereon and recorded among the land records of Fairfax County; all easements and dedications for public street purposes are within the bounds of the original tract, as described and recorded therein.
- The information shown on this plat was compiled from existing land records and does not represent the results of an actual field run boundary survey.
- All previously recorded Rights-of-Way, easements, or other interests of the County shall remain in full force and effect unless otherwise specifically shown hereon.
- The property delineated on this plat is located on Tax Assessment Map 48-1 (11) 45A.
- This plat was prepared with care and diligence for accuracy and legibility, and complies with all relevant Virginia Administrative Code. Often, legibility has degraded upon retrieval from the Circuit Court's Court Public Access Network (CPAN). If you have difficulty deciphering this plat, please contact the County Surveyor directly for a copy of the signed document, if it is still on hand.

DEDICATION AND EASEMENT AREAS
DEDICATION FOR PUBLIC STREET PURPOSES 65 SQ. FT.
TEMPORARY CONSTRUCTION ACCESS EASEMENT 42 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 121 SQ. FT.



PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES, TEMPORARY CONSTRUCTION ACCESS EASEMENT, AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH PROPERTY BEING IN THE NAME OF
MURTHY MADDALA AND SARITHA MADDALA
D.B. 27771, PG. 1442

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA



COUNTY OF FAIRFAX VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA



CHAIN BRIDGE ROAD WALKWAY
PROJECT NUMBER SG25-060-023

DRAWN BY: BLN DATE: 2/28/23 SCALE: 1" = 10' SHEET 1 OF 1

Board Agenda Item
October 24, 2023

4:30 p.m.

Public Hearing to Convey Board-Owned Property at 13500 Dulles Greene Drive to the Fairfax County Redevelopment and Housing Authority (Dranesville District)

ISSUE:

Public hearing regarding the conveyance of Board-owned property located at 13500 Dulles Greene Drive to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey certain Board-owned property to the FCRHA.

TIMING

On September 26, 2023, the Board authorized the advertisement of a public hearing to consider the transfer of Board-owned property located at 13500 Dulles Greene Drive to FCRHA.

BACKGROUND:

The Board is the owner of an approximately 9.6-acre property located at 13500 Dulles Greene Drive near Innovation Avenue, identified by the Tax Map Parcel No. 0161 01 0011B (the Property). The Dulles Greene apartment complex and Reflection Homes community are adjacent to the north and a portion of the Dulles Toll Road and Horsepen Creek Stream Valley surround the remainder of the Property. The north station entrance to the Innovation Center Metro Station is located within walking distance to the southwest.

The Property is generally undeveloped, with approximately two-thirds of the land situated within a Resource Protection Area. A regulation-sized cricket field which has been established at the site is scheduled by Neighborhood and Community Services and maintained by the Capital Cricket Premier League. A ten-foot-wide shared use asphalt path will be constructed along the perimeter of the Property by the Fairfax County Department of Transportation to connect the communities to the east of the Property to the Metro Station.

There is a critical need in the Dulles Corridor for the creation of housing opportunities for low- to moderate-income households. The FCRHA is evaluating measures to

Board Agenda Item
October 24, 2023

leverage this underutilized property for development of affordable multifamily rental housing by partnering with a private developer. Future land use and zoning actions will be evaluated by County staff and reviewed at public hearings by both the Planning Commission and the Board. The public will be afforded several opportunities during the review process to comment on the Project's design and its possible impacts on surrounding communities. Initial public outreach efforts are expected to begin following the completion of the developer selection process.

While the Project is being evaluated by County staff, FCRHA will allow Capital Cricket to continue to access and use the cricket field until construction of the Project begins. The County Executive will also be working with the Park Authority to find alternative field capacity for the current users of the cricket field.

The FCRHA will ensure that the Property is used for affordable housing purposes. If the FCRHA no longer pursues the Project, the FCRHA will offer to transfer ownership of the Property back to the Board. These commitments will be memorialized in a memorandum of understanding between the Board and the FCRHA, which will be separately brought to the Board and the FCRHA for approval.

Staff recommends that any public utilities located on the Property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

EQUITY IMPACT:

Leveraging this underutilized parcel will help achieve the Board's goal of increasing the supply of affordable housing with a minimum of 10,000 new units by 2034 to meet the needs of working families. With Fairfax County's Area Median Income at \$152,100 for a family of four, the delivery of new affordable housing units in the Dranesville District is crucial to meet the needs of low- and moderate-income working families. Further, the location of the proposed units north of the Dulles Access Road in the Herndon area aligns with the One Fairfax Policy, which recommends, in part: (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so; and (ii) the provision of a full spectrum of housing opportunities across the County, most notably those in mixed-use areas that are accessible to multiple modes of transport. The Dulles Greene project will promote opportunities for everyone to fully participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

Attachment 2 – Resolution

STAFF:

Ellicia L. Seard-McCormick, Deputy County Executive

Christopher A. Leonard, Deputy County Executive

Thomas E. Fleetwood, Director, Housing and Community Development (HCD)

Anna Shapiro, Deputy Director, Real Estate Finance and Development, HCD

Mark Buenavista, Division Director, Design, Development, and Construction, HCD

José A. Comayagua, Director, Facilities Management Department

Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

Ryan Wolf, Assistant County Attorney



RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, October 24, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors owns land in Dranesville District located at 13500 Dulles Greene Drive and identified as Tax Map Parcel No. 0161 01 0011B (the Property),

WHEREAS, Fairfax County Redevelopment and Housing Authority (FCRHA) has requested that the Board of Supervisors transfer the Property to the FCRHA for incorporation into an affordable housing development, and

WHEREAS, the Board finds that it would be in the best interest of the residents of Fairfax County to convey the Property to the FCRHA.

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that the County Executive is hereby authorized to execute all necessary documents to convey the Property to the FCRHA.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
October 24, 2023

4:30 p.m.

Public Hearing on Proposed Plan Amendment 2015-IV-RH1, Topgolf Site, Located Northwest of the Intersection of South Van Dorn Street and Kingstowne Village Parkway (Franconia District)

ISSUE:

Plan Amendment (PA) 2015-IV-RH1 considers an amendment to the RH4-Lehigh Community Planning Sector of the Comprehensive Plan for Tax Map Parcels 91-2 ((1)) 35A and 35B. The site is currently planned for residential use at 3-4 dwelling units per acre (du/ac) and is developed with a recreational facility (Rudy's Golf and Sports Bar, formerly Topgolf), and a former Ruby Tuesday restaurant. The amendment proposes an option for residential use at up to 10 dwelling units per acre, or 174 units.

PLANNING COMMISSION RECOMMENDATION:

On September 27, 2023, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting) to recommend adoption of the Staff recommendation as shown in the Staff Report Addendum II dated September 13, 2023.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

~~Board of Supervisors' action is requested on October 24, 2023.~~ **Intent to defer the public hearing to January 23, 2024, at 4:30 p.m.**

BACKGROUND:

On October 20, 2015, the Board of Supervisors authorized Plan Amendment 2015-IV-RH1 for Tax Map Parcels 91-2 ((1)) 35A and 35B, located northeast of the South Van Dorn Street and Kingstowne Village Parkway intersection within the RH4-Lehigh Community Planning Sector of the Rose Hill Planning District in the Franconia Supervisor District. The site is developed with a recreational facility (Rudy's Golf and Sports Bar, formerly Topgolf), and a former Ruby Tuesday restaurant building that is now vacant. The Board authorization requested that staff consider an amendment to the Comprehensive Plan for a mix of uses, including up to approximately 275 residential units (16 dwelling units per acre (du/ac)) and up to 70,000 SF of retail uses to

Board Agenda Item
October 24, 2023

accommodate an appropriate retail anchor, such as a grocery store. Since 2015, the proposal has undergone a series of changes that have significantly affected the proposed mix of uses and reduced the proposed density. The current concept is for residential use at a density of 10 dwelling units per acre or a maximum of 174 dwelling units, inclusive of affordable housing bonuses, and no non-residential uses. The plan amendment includes recommendations related to placemaking, parks and open space, bicycle and pedestrian connectivity, site arrangement, tree preservation and stormwater, and mitigation of transportation impacts to guide redevelopment. The review of the Plan amendment is concurrent with rezoning application RZ/FDP 2018-LE-009 to allow development under the proposed Plan option. Public hearings for the rezoning have not been scheduled at this time.

EQUITY IMPACT:

The Plan amendment supports One Fairfax Policy Area of Focus #2 “Housing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the county...” by providing the option for a residential proposal that would include up to 174 dwelling units, including the provision of Affordable Dwelling Units, a publicly accessible community park, and enhanced pedestrian and bicycle infrastructure. The Plan amendment was reviewed by the community in numerous community meetings since originally authorized in 2015, and feedback from these meetings has resulted in significant revisions to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

The Planning Commission Meetings Video Archive is available online at: [Planning Commission Meetings Video Archive - Fairfax County, Virginia](#)

The Staff Report Addendum II for PA 2015-IV-RH1 has been previously furnished and is available online at: https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/topgolf/addendum_ii_pa-2015-iv-rh1.pdf

STAFF:

Tracy Strunk, Director, Department of Planning and Development (DPD)
Leanna O'Donnell, Director, Planning Division (PD), DPD
Graham Owen, Branch Chief, Policy & Plan Development Branch (PPDB), PD, DPD
Aaron Klibaner, Planner II, PPDB, PD, DPD

Board Agenda Item
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4:30 p.m.

Public Hearing on PCA/CDPA 81-D-024 (RZPA 2022-PR-00119) (McLean Corporate Ridge Property, LLC) to Amend the Proffers and Conceptual Development Plans for RZ 81-D-024 Previously Approved for an Office Development with an Overall Floor Area Ratio of 0.73 to Repurpose the Existing Building with Live/Work Units, Located on Approximately 8.07 Acres of Land (Providence District)

This property is located in the terminus of Corporate Ridge, E. of I-495 and N. of Leesburg Pike. Tax Map 39-2 ((1)) 62B.

PLANNING COMMISSION RECOMMENDATION:

On September 14, 2023, the Planning Commission voted 10-0 (Commissioners Jimenez and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 81-D-024 and the associated Conceptual Development Plan Amendment, subject to the execution of proffered conditions consistent with those dated September 14, 2023;
- Reaffirmation of the modification of subsection 2105.4.C.1.A.1 of the Zoning Ordinance to permit the gross floor area (GFA) of dwellings as a secondary use in the PDC District to exceed 50 percent of the GFA of all principal uses as shown on the CDPA/FDPA;
- Reaffirmation of the modification of subsection 5100.2.D.8 of the Zoning Ordinance to permit residential uses 65 feet from the right-of-way of an interstate highway as shown on the CDPA/FDPA;
- Reaffirmation of the modification of subsection 5107.3.A.2 of the Zoning Ordinance to allow existing garage aisles less than twenty-three (23) feet in width as shown on the CDPA/FDPA;
- Reaffirmation of the modification of subsection 5108.5 of the Zoning Ordinance for interior parking lot landscaping in favor of maintaining the existing landscaping as shown on the CDPA/FDPA;
- Reaffirmation of the modification of subsection 6100.2.C(5) of the Zoning Ordinance to permit a reduction in overall parking onsite while maintaining

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existing compact parking spaces in the existing parking garage as shown on the CDPA/FDPA;

- Reaffirmation of the modification of subsection 6101.3 of the Zoning Ordinance to allow for a reduced number of loading spaces as shown on the CDPA/FDPA; and
- Reaffirmation of the waiver of subsection 8100.7.E.3 of the Zoning Ordinance requiring any additional interparcel access to adjoining parcels.

In a related action, the Planning Commission voted 10-0 (Commissioners Jimenez and Ulfelder were absent from the meeting) to approve FDPA 81-D-024-02.

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
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4:30 p.m.

Public Hearing on SE 2023-DR-00001 (FR Chesterbrook JV, LLC) to Permit a Waiver for Increase in Sign Area, Located on Approximately 18,473 Square Feet of Land (Dranesville District)

This property is located at 6246 Old Dominion Dr., McLean, 22101. Tax Map 31-3 ((1)) 112B.

PLANNING COMMISSION RECOMMENDATION:

On September 14, 2023, the Planning Commission voted 10-0 (Commissioners Jimenez and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2023-DR-00001, subject to the development conditions dated August 30, 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)

Curtis Rowlette, Planner, DPD

Board Agenda Item
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4:30 p.m.

Public Hearing on RZ 2022-SU-00019 (PDCREF 2 Chantilly LLC) to Rezone from C-8, I-3, I-5, HC, WS and AN to I-5, HC, WS and AN to Permit Data Center with a Floor Area Ratio of 0.8 or Warehouse with an FAR of 0.3, Located on Approximately 12.10 Acres of Land (Sully District) (Concurrent with SE 2022-SU-00038)

and

Public Hearing on SE 2022-SU-00038 (PDCREF 2 Chantilly LLC) to Permit an Increase in Building Height From 75 feet Up to a Maximum of 110 Feet, Located on Approximately 12.10 Acres of Land (Sully District) (Concurrent with RZ 2022-SU-00019)

This property is located on the S. side of Lee Jackson Memorial Hwy. approx. 1,200 ft. W. of its intersection with Stonecroft Blvd. Tax Map 33-2 ((1)) 6 (pt.).

This property is located on the S. side of Lee Jackson Memorial Hwy. approx. 1,200 ft. W. of its intersection with Stonecroft Blvd. Tax Map 33-2 ((1)) 6 (pt.).

PLANNING COMMISSION RECOMMENDATION:

On September 20, 2023, the Planning Commission voted 6-0-3 (Commissioners Bennett and Carter were absent from the meeting. Commissioner Sargeant recused himself from the public hearing. Commissioners Murphy, Cortina, and Ulfelder abstained from the vote) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2022-SU-00019, subject to the execution of proffered conditions consistent with those contained in the staff report memorandum dated September 20, 2023; and
- Approval of SE 2022-SU-00038, subject to the proposed development conditions contained in the staff report addendum dated September 7, 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>

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STAFF:

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

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4:30 p.m.

Public Comment on Issues of Concern