

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
September 26, 2023**

**AGENDA**

9:30	<b>Done</b>	Presentations
9:30	<b>Done</b>	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:00	<b>Done</b>	Matters Presented by Board Members
10:30	<b>Approved</b>	Public Hearing on the County and Schools' FY 2023 Carryover Review to Amend the Appropriation Level in the FY 2024 Revised Budget Plan
10:30	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Streets into the Secondary System – West Grove (Springfield District)
2	<b>Approved</b>	Streets into the Secondary System – Bishop Crest (Mount Vernon District)
3	<b>Approved</b>	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Fairfax Farms Road (Springfield District)
4	<b>Approved</b>	Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Linway Terrace (Dranesville District)
5	<b>Approved</b>	Authorization to Advertise a 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)
6	<b>Approved</b>	Authorization to Advertise Public Hearings on a Proposed Amendment to Chapter 122 (Tree Conservation Ordinance) of The Code of the County of Fairfax, Virginia (County Code) Re: Tree Commission Charter
7	<b>Approved</b>	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Sign Regulations

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
September 26, 2023**

**ADMINISTRATIVE  
ITEMS  
(continued)**

- |    |                 |  |
|----|-----------------|--|
| 8  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Convey Board-Owned Property at 13500 Dulles Greene Drive to the Fairfax County Redevelopment and Housing Authority (Dranesville District)   |
| 9  | <b>Approved</b> | Supplemental Appropriation Resolution AS 24082 for the Department of Neighborhood and Community Services to Accept Grant Funding from the U.S. Department of Education and U.S. Department of Health and Human Services for the Community Project Funding Requests Included in the Consolidated Appropriations Act, 2023 |
| 10 | <b>Approved</b> | Supplemental Appropriation Resolution AS 24078 for the Department of Family Services to Accept Grant Funding from the Virginia Community College System to Implement a Supplemental Workforce Development Training Opportunity Grant   |

**ACTION ITEMS**

- |   |                 |  |
|---|-----------------|--|
| 1 | <b>Approved</b> | Approval of License Agreement with Hands on Harvests for Outdoor Space Use at the Eileen Garnett Civic Space (Mason District)  |
| 2 | <b>Approved</b> | Approval of Supplemental Appropriation Resolution AS 24066 to Accept Grant Funding and Authorization to Execute a Project Administration Agreement with the Virginia Department of Transportation for Implementation of Transportation Alternatives Funding for the Mason Neck Trail Project (Mount Vernon District)   |
| 3 | <b>Approved</b> | Authorization for the Department of Transportation to Apply for Funding and Approval of a Resolution Endorsing Projects Being Submitted for the Virginia Department of Transportation's FY 2025-2026 Revenue Sharing and Transportation Alternatives Set-Aside Programs (Braddock, Dranesville, Franconia, Mount Vernon, Providence, Springfield, and Sully Districts) |

**CLOSED SESSION**

<b>Held</b>	Closed Session
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**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
September 26, 2023**

**PUBLIC  
HEARINGS**

3:30	<b>Approved</b>	Public Hearing on PCA 2004-LE-012-02/CDPA 2004-LE-012 (RZPA 2022-LE-00055) (RH Senior Housing LLC, A Virginia Limited Liability Corporation) (Franconia District)
3:30	<b>Approved</b>	Public Hearing on PCA-2010-LE-005-002 (RZPA 2022-FR-00155) Concurrent with SEA 2014-LE-005 (Gramm Springfield Hyundai Property, LLC) (Franconia District)
3:30	<b>Approved</b>	Public Hearing on PCA 2004-PR-044-004/CDPA 2004-PR-044-002 (RZPA 2021-PR-00044) (Tysons Corner Holdings, LLC, Tysons Corner Property Holdings LLC) (Providence District)
3:30	<b>Approved</b>	Public Hearing on SEA 80-A-072 (Versar Property Owner, LLC) (Mason District)
3:30	<b>Approved</b>	Public Hearing on PCA 93-H-004-03/CDPA 93-H-004-02 (RZPA 2023-HM-00041) (WS-ADW Owner, LLC) (Hunter Mill District)
3:30	<b>Deferred to 10/10/2023 at 3:30p.m.</b>	Public Hearing on RZ 2022-LE-00024 (6235 Brandon Ave LLC) (Franconia District) (Associated with PA 2021-IV-FS1)
4:00	<b>Approved</b>	Public Hearing on RZ 2022-DR-00029 Concurrent with PCA-79-C-037-09 (H/F Techpointe, LLC) (Dranesville District)
4:00	<b>Approved</b>	Public Hearing on SEA 88-V-064-06 (The Board of Supervisors of Fairfax County) (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing to Consider an Amendment to Section 65-6-6 of The Code of the County of Fairfax, Virginia (County Code) Relating to Public Sanitary Sewer Availability
4:00	<b>Approved</b>	Public Hearing on the Proposed Affordable Housing Preservation Administrative Policy Guidelines
4:00	<b>Approved</b>	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Article 6 Parking and Loading and Related Changes
4:00	<b>Held</b>	Public Comment



*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Tuesday**  
**September 26, 2023**

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9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize the South Lakes High School Girls Track Champions. Requested by Supervisor Alcorn.
- RESOLUTION — To recognize the NOVA United Senior Women's Basketball Association. Requested by Chairman McKay and Supervisors Palchik and Gross.
- RESOLUTION — To recognize Christopher Fay, Executive Director Emeritus, Homestretch. Requested by Chairman McKay.
- RESOLUTION — To recognize the Friends of the Fairfax County Animal Shelter. Requested by Chairman McKay and Supervisor Herrity.

STAFF:

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

Board Agenda Item  
September 26, 2023

9:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard September 26, 2023

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

September 26, 2023

**FINAL COPY**

**APPOINTMENTS TO BE HEARD SEPTEMBER 26, 2023  
(ENCOMPASSING VACANCIES PROJECTED THROUGH **SEPTEMBER 30, 2023**)  
(Unless otherwise noted, members are eligible for reappointment)**

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

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
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 Saud Hasan Shah; appointed 5/21 by Lusk) Term exp. 9/24 <i>Resigned</i>	Franconia District Representative	<b>Latriece Prince-Wheeler</b>	Lusk	Franconia
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

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**ADVISORY SOCIAL SERVICES BOARD (4-year terms – limited to 2 full 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 Alice H. Foltz; appointed 9/16-9/20 by Smith) Term exp. 9/24 <i>Resigned</i>	Sully District Representative	<b>Jose M. Garzon</b>	Smith	Sully

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13-6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large

James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative	By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative	By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative	By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative	By Any Supervisor	At-Large

**AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by RJ Narang; appointed 7/21-6/22 by Foust) Term exp. 6/24 <i>Resigned</i>	Dranesville District Representative	<b>Signe Friedrichs</b>	Foust	Dranesville
Sardar A. Zaman (Appointed 10/21 by Smith) Term exp. 6/23	Sully District Representative		Smith	Sully

**CONFIRMATIONS NEEDED:**

- Mr. Ryan McGrath as the Advisory Social Services Board Representative
- Ms. Shari Zamarra as the Community Action Advisory Board Representative



**AIRPORTS ADVISORY COMMITTEE (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert K. Ackerman: appointed 1/08-1/20 by Foust) Term exp. 1/23 <i>Resigned</i>	Dranesville 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

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**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP) (3-year terms)**  
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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>
Michele C. Aubry (Appointed 9/17-9/20 by Storck) Term exp. 9/23	Archaeologist Representative		By Any Supervisor	At-Large
Christopher Daniel (Appointed 9/20 by McKay) Term exp. 9/23	Architectural Historian Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Karen Campblin; appointed 3/22 by Smith) Term exp. 9/24 <i>Resigned</i>	Related Professional Group #2 Representative	<b>Ali Akbar Sohangpurwala (Smith)</b>	By Any Supervisor	At-Large

**ATHLETIC COUNCIL (2-year terms)**

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

<p>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></p>	<p>Sully District                  Alternate                  Representative</p>	<p>Smith</p>	<p>Sully</p>
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**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>
<p>Ken Balbuena                  (Appointed 7/20-8/22                  by McKay)                  Term exp. 6/23</p>	<p>At-Large                  Chairman's                  Representative</p>		<p>McKay</p>	<p>At-Large                  Chairman's</p>
<p>VACANT                  (Formerly held by                  Raymond Smith;                  appointed 7/20-6/22                  by Walkinshaw)                  Term exp. 6/23  <i>Resigned</i></p>	<p>Braddock District                  Representative</p>		<p>Walkinshaw</p>	<p>Braddock</p>
<p>VACANT                  (Formerly held by                  Barbara Glakas;                  appointed 1/12-6/19)                  Term exp. 6/21</p>	<p>Dranesville District                  Representative</p>		<p>Foust</p>	<p>Dranesville</p>

*Resigned*

Saud Hasan Shah (Appointed 5/21-6/22 by Lusk) Term exp. 6/23	Franconia District Representative	<b>Kuldip Goyal</b>	Lusk	Franconia
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	Design Professional #5 Representative		By Any Supervisor	At-Large

Daren Shumate;  
 appointed 2/16-7/20  
 by Gross)  
 Term exp. 2/24  
*Resigned*

**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 Janet E. Bradshaw; appointed 6/20-3/22 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #1 Representative	<b>Lisa Hviding</b> (Alcorn)	By Any Supervisor	At-Large
VACANT (Formerly held by Kathleen T. Jones; appointed 6/20-3/22 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #6 Representative	<b>Yasmine Aquino</b> (Alcorn)	By Any Supervisor	At-Large

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

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Nahom Sewenet; appointed 10/22 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #9 Representative		By Any Supervisor	At-Large

**CONFIRMATION NEEDED:**

- Ms. Kathleen T. Jones as the Reston Association #1 Representative

**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
Debbie Kilpatrick (Appointed 2/20-9/21 by McKay) Term exp. 9/23	At-Large #4 Representative	<b>Debbie Kilpatrick</b> (McKay)	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		McKay	At-Large Chairman's
Amy Gould (Appointed 10/18- 9/19 by Cook) Term exp. 9/23	Braddock District Representative	<b>Amy Gould</b>	Walkinshaw	Braddock
Edward W. Monroe	Dranesville District	<b>Edward W.</b>	Foust	Dranesville

(Appointed 3/18-9/19 by Foust) Term exp. 9/23	Representative	<b>Monroe</b>		
Alexis Dickerson (Appointed 9/20 by Lusk) Term exp. 9/23	Franconia District Representative		Lusk	Franconia
VACANT (Formerly held by Kenneth J. Lanfear; appointed 5/18-10/19 by Hudgins) Term exp. 9/23 Resigned	Hunter Mill District Representative	<b>Kathleen Flynn</b>	Alcorn	Hunter Mill
Mary T. Smith (Appointed 3/22 by Gross) Term exp. 9/23	Mason District Representative		Gross	Mason

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**CHESAPEAKE BAY PRESERVATION ORDINANCE  
EXCEPTION REVIEW COMMITTEE (4-year terms)**  
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Elizabeth Martin (Appointed 10/16-9/19 by Storck) Term exp. 9/23	Mount Vernon District Representative	<b>Elizabeth Martin</b>	Storck	Mount Vernon
Sue Kovach Shuman (Appointed 11/17-10/19 by Smyth) Term exp. 9/23	Providence District Representative		Palchik	Providence
David W. Schnare (Appointed 11/10-9/19 by Herrity) Term exp. 9/23	Springfield District Representative	<b>David W. Schnare</b>	Herrity	Springfield
Somanthan Govender (Appointed 1/20 by Smith) Term exp. 9/23	Sully District Representative	<b>Somanthan Govender</b>	Smith	Sully



**CHILD CARE ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Evelyn Evans (Appointed 1/23 by Lusk) Term exp. 9/23	Franconia District Representative		Lusk	Franconia
Scott Stroh (Appointed 6/17-9/21 by Storck) Term exp. 9/23	Mount Vernon District Representative	<b>Scott Stroh</b>	Storck	Mount Vernon

**CIVIL SERVICE COMMISSION (2-year terms)**

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

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

**COMMISSION FOR WOMEN (3-year terms)**

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

**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

**COMMUNITY POLICY AND MANAGEMENT TEAM,  
FAIRFAX-FALLS CHURCH (2-year terms)**

**CONFIRMATIONS NEEDED:**

- Ms. Staci Jones Alexander as the Parent #1 Representative
- Mr. Joe Klemmer as the Parent #5 Representative
- Ms. Annie Henderson as the Parent #4 Representative

**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 Jay Monroe; appointed 5/21 by Alcorn) Term exp. 2/24 <i>Resigned</i>	Hunter Mill District Representative	<b>Kelvin Garcia</b>	Alcorn	Hunter Mill
VACANT (Formerly held by Derrick Robinson; appointed 7/21-9/22 by Storck) Term exp. 8/25 <i>Resigned</i>	Mount Vernon District Representative	<b>Geoffrey Cherrington</b>	Storck	Mount Vernon
VACANT (Formerly held by Jennifer Chronis; appointed 12/16-7/18 by Herrity) Term exp. 8/21 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

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

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

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

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

**ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)**

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

**CONFIRMATIONS NEEDED:**

- Mr. Paul B. Johnson as the Northern Virginia Building Industry Association Representative
- Mr. James M. Clark as the Heavy Construction Contractors Association Representative

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by 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 Erika James-Jackson; appointed 8/22 by Smith) Term exp. 11/24 <i>Resigned</i>	Sully District Representative	<b>Bryan J. Scrafford</b>	Smith	Sully

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

**CONFIRMATIONS NEEDED:**

- Ms. Melissa Heifetz as the Advocacy Organizations #1 Representative
- Ms. Catherine Cole as the Commission On Aging Representative
- Mr. Ron Wiersma as the Community/Religious Leaders #4 Representative
- Mr. Myles Nienstadt as the Community/Religious Leaders #10 Representative
- Ms. Rose Mario Risley as the Long Term Care Providers #9 Representative
- Ms. S. Orlene Grant as the Long Term Care Providers #15 Representative
- Mr. Kenneth Crum as the Long Term Care Providers #17 Representative
- Mr. Robert Sargeant as the Long Term Care Providers #19 Representative
- Mr. Aaron Rebuck as the Long Term Care Providers #24 Representative
- Ms. Nancy Fiedelman as the Long Term Care Providers #25 Representative
- Ms. Loretta Williams as the Long Term Care Providers #33 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		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		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	<b>Ann Whipple</b> <i>(Will be appointed on October 24, 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

**HISTORY COMMISSION (3-year terms)**

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Carole Herrick; appointed 6/06 by DuBois; 6/09-7/21 by Foust) Term exp. 6/24 <i>Resigned</i>	At-Large #1 Representative	<b>Carmen Powell</b> (Foust)	By Any Supervisor	At-Large



<b>HUMAN RIGHTS COMMISSION (3-year terms)</b>
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<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		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		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

<b>HUMAN SERVICES COUNCIL (4-year terms)</b>				
<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
Patrice M. Winter (Appointed 5/16- 7/19 by Cook) Term exp. 7/23	Braddock District #2 Representative	<b>Manolya Tanyu</b>	Walkinshaw	Braddock
Steven Bloom (Appointed 11/11- 7/19 by Foust) Term exp. 7/23	Dranesville District #1 Representative		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		Lusk	Franconia
VACANT (Formerly held by Adwoa Rey; appointed 2/22- 10/22 by Storck) Term exp. 7/26 <i>Resigned</i>	Mount Vernon District #2 Representative	<b>Michael Smith</b>	Storck	Mount Vernon
VACANT (Formerly held by Tianja Grant; appointed 1/20-7/21 by Palchik) Term exp. 7/25 <i>Resigned</i>	Providence District #2 Representative		Palchik	Providence
Jerrold L. Foltz (Appointed 7/17- 7/21 by Smith) Term exp. 7/25 <i>Resigned</i>	Sully District #1 Representative		Smith	Sully

**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

**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		By Any Supervisor	At-Large

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

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

**REDEVELOPMENT AND HOUSING AUTHORITY (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by C. Melissa McKenna; appointed 9/13-3/23 by Foust) Term exp. 4/27 <i>Resigned</i>	Dranesville District Representative	<b>Steven Bloom</b>	Foust	Dranesville
VACANT (Formerly held by Kenneth Feng; appointed 1/17-3/21 by Herrity) Term exp. 4/25 <i>Resigned</i>	Springfield District Representative	<b>Paul Zurawski</b>	Herrity	Springfield

**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
VACANT (Formerly held by Gwyn Whittaker; 11/20 by Alcorn) Term exp. 12/23 <i>Resigned</i>	Hunter Mill District Representative	<b>Saradhi Vajja</b>	Alcorn	Hunter Mill
VACANT (Formerly held by Daren Shumate; appointed 10/19- 12/21 by Gross) Term exp. 12/24 <i>Resigned</i>	Mason District Representative	<b>Theresa L. Fox</b>	Gross	Mason

<b>TENANT-LANDLORD COMMISSION (3-year terms)</b>
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<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		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

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

- Mr. Howard Albers as the Washington Area Bicyclist Association Representative
- Mr. James Corcoran as the Fairfax County Park Authority Representative
- Mr. Shawn Newman as the Fairfax Alliance for Better Bicycling Representative

**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

**YOUNG ADULTS ADVISORY COMMITTEE  
(2-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 Dini H. Mohamud; appointed 5/21-2/22 by Gross) Term exp. 1/24 <i>Resigned</i>	Mason District Representative	<b>Kayla Delta</b>	Gross	Mason

## 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	Braddock District Representative	<b>Douglas Dane</b>	Walkinshaw	Braddock
NEW POSITION	Dranesville District Representative		Foust	Dranesville
NEW POSITION	Franconia District Representative	<b>Connie Johnson</b>	Lusk	Franconia
NEW POSITION	Mason District Representative		Gross	Mason
NEW POSITION	Mount Vernon District Representative	<b>Kameron Wilds</b>	Storeck	Mount Vernon
NEW POSITION	Providence District Representative	<b>Pamela Michelle</b>	Palchik	Providence
NEW POSITION	Springfield District Representative	<b>Paul Zurawski</b>	Herrity	Springfield
NEW POSITION	Sully District Representative	<b>Ruth Pearson</b>	Smith	Sully
NEW POSITION	City of Falls Church Representative		Confirmed by the Board	Confirmation
NEW POSITION	City of Fairfax Representative		Confirmed by the Board	Confirmation

Continued on next page



**CONTINUUM OF CARE BOARD (CoC) (2-year terms)**  
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Shelter House (CoC) and (ESG) Representative		Confirmed by the Board	Confirmation

**CONFIRMATIONS NEEDED:**

- Dr. Michael Axler as the Fairfax County Public Schools Representative
- Ms. Maura Williams as the Cornerstones Emergency Solutions Grant (ESG) Representative
- Ms. Rena D. Alexander-Lewis as the FACETS (CoC) and ESG Representative
- Ms. Adrienne Hosein as the Northern Virginia Family Service and Community Housing Representative
- Ms. Cathy Benn as the Second Story (CoC) Representative
- Mr. Seth Pearson as the Community Services Board Representative
- Ms. Nathalie Washington as the Health Department Representative
- Ms. Aimee Garcia as the Department of Neighborhood and Community Services Representative
- Ms. Ashley McSwain as the New Hope Housing Representative
- Mr. Randy Shusman as the Pathway Homes (CoC) Representative
- Ms. Lisa Jones as the Housing and Community Development #1 Representative
- Ms. Fatima Khalid as the Housing and Community Development #2 Representative

Board Agenda Item  
September 26, 2023

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item  
September 26, 2023

10:30 a.m.

Public Hearing on the County and Schools' FY 2023 Carryover Review to Amend the Appropriation Level in the FY 2024 Revised Budget Plan

ISSUE:

Public Hearing and Board action on the County and Schools' *FY 2023 Carryover Review*.

RECOMMENDATION:

The County Executive recommends that, after holding a public hearing, the Board approve staff recommendations included in the County and Schools' *FY 2023 Carryover Review*.

TIMING:

The public hearing has been advertised for 10:30 a.m. on September 26, 2023. State law allows the Board to act on proposed amendments to the budget on the same day as the public hearing.

BACKGROUND:

On July 25, 2023, the Board of Supervisors authorized staff to advertise a public hearing scheduled to be held on September 26, 2023, regarding the County and Schools' Carryover Review. *Section 15.2-2507 of the Code of Virginia* requires that a public hearing be held prior to Board action. Board approval of an amendment to increase the FY 2024 appropriation level can occur immediately following the public hearing.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of FY 2023 Carryover Consideration Items

The *FY 2023 Carryover Review* was sent electronically on July 24, 2023, and is available at: <https://www.fairfaxcounty.gov/budget/fy-2023-carryover-budget-package>.

Board Agenda Item  
September 26, 2023

STAFF:

Bryan J. Hill, County Executive

Christina Jackson, Chief Financial Officer

Philip Hagen, Director, Department of Management and Budget

Katie Horstman, Deputy Director, Department of Management and Budget

Joe LaHait, Deputy Director, Department of Management and Budget

**SUMMARY OF FY 2023 CARRYOVER CONSIDERATION ITEMS  
as of September 12, 2023**

#	Consideration Item	Requested By	Positions	Net Cost/(Savings)
1.	Annandale Civic Space improvements	Gross	0 / 0.0	\$100,000
2.	Springfield Branding Project	Lusk	0 / 0.0	\$150,000
3.	Permanent Supportive Housing Pre-Development	Alcorn	0 / 0.0	\$500,000
4.	Lake Anne Economic Visioning Project	Alcorn	0 / 0.0	\$200,000
5.	ADA Upgrades at Old Firehouse in McLean	McKay, Foust, Alcorn, Palchik, <b>Smith</b>	0 / 0.0	\$500,000
6.	Expansion of the TOPS program	McKay, Palchik, Lusk, Alcorn	0 / 0.0	\$250,000
7.	Reallocate \$8 million to the Affordable Housing Development and Investment Fund from the General Fund Pandemic Reserve	McKay, Palchik, Foust, Lusk, Alcorn	0 / 0.0	\$0
8.	Reallocate \$1 million in Carryover funding to the Park Authority for tree removal and park maintenance from funding for Supervisory District capital projects	Herrity	0 / 0.0	\$0
9.	Survey of Individuals that are Pandhandling	McKay	0 / 0.0	\$75,000
10.	SPARC one-time funding	Palchik	0 / 0.0	\$125,000
<b>Subtotal FY 2023 Carryover Consideration Items:</b>			<b>0 / 0.0</b>	<b>\$1,900,000</b>

<b><i>Total FY 2024 Impact: 0/0.0 FTE Positions and Total Funding (not including reserves) of \$1,900,000</i></b>
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Board Agenda Item  
September 26, 2023

10:30 a.m.

Items Presented by the County Executive

Board Agenda Item  
September 26, 2023

ADMINISTRATIVE – 1

Streets into the Secondary System – West Grove (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>
West Grove	Springfield	Amber Dell Court
West Grove	Springfield	Harvest Grove Drive

TIMING:

Board approval is requested on September 26, 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

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></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><b>VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS</b></p> <p>REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 8671-SD-007</p> <p><b>SUBDIVISION PLAT NAME:</b> West Grove</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Springfield</p>		
<p><b>VDOT PERMITS MANAGER: Robert H. Burton</b></p> <p>BY: <u>Robert H. Burton</u> <small>Digitally signed by Robert H. Burton Date: 2023.08.08 10:38:13 -04'00'</small></p>	<p style="text-align: center;"><b>FOR OFFICIAL USE ONLY</b></p> <p><b>VDOT INSPECTION APPROVAL DATE:</b> <u>07/28/2023</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Harvest Grove Drive	CL Westbrook Drive, Route 1258 - 533' W CL Ethels Pond Court, Route 10550	319' N to CL Amber Dell Court	0.06
Amber Dell Court	CL Harvest Grove Drive - 319' N CL Westbrook Drive, Route 1258	384' E to End of Cul-de-Sac & 354' W to End of Cul-de-Sac Total = 738'	0.14
<b>NOTES:</b>			<b>TOTALS:</b>
Harvest Grove Drive: 5' Concrete Sidewalk on Both Sides to be maintained by VDOT			0.20
Amber Dell Court: 5' Concrete Sidewalk on Both Sides to be maintained by VDOT			



Board Agenda Item  
September 26, 2023

ADMINISTRATIVE – 2

Streets into the Secondary System – Bishop Crest (Mount Vernon 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>
Bishop Crest	Mount Vernon	Bishop Crest Court

TIMING:

Board approval is requested on September 26, 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><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></p> <p><b>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</b></p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 7030-SD-002</p> <p><b>SUBDIVISION PLAT NAME:</b> Bishop Crest</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Mount Vernon</p>
<p><b>ENGINEERING MANAGER: Robert H. Burton</b>                  BY: <u>Robert H. Burton</u> <small>Digitally signed by Robert H. Burton Date: 2023.08.02 13:33:30 -04'00'</small></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>06/28/2023</u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Bishop Crest Court	CL Fort Hunt Road, Route 629 - 288' S CL Dade Lane, Route 3000	440' W to End of Cul-de-Sac	0.08

<b>NOTES:</b>	<b>TOTALS:</b>
5' Concrete Sidewalk on Both Sides to be maintained by VDOT.	
	0.08

ADMINISTRATIVE - 3

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Fairfax Farms Road (Springfield District)

ISSUE:

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

RECOMMENDATION:

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

- Two speed tables on Fairfax Farms 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 traffic calming measure(s) as soon as possible.

TIMING:

Board action is requested on September 26, 2023, to allow the proposed measure(s) to be installed as soon as possible.

BACKGROUND:

As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community.

Board Agenda Item  
September 26, 2023

On August 21, 2023, FCDOT received verification from the Springfield District Supervisor's office confirming community support for the Fairfax Farms Road traffic calming plan.

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 \$35,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Fairfax Farms Road

Attachment II: Traffic Calming Plan for Fairfax Farms 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)  
TRAFFIC CALMING MEASURES  
FAIRFAX FARMS 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, September 26, 2023, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the residents in the vicinity of Fairfax Farms Road have requested the Springfield District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Fairfax Farms Road; and

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

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

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

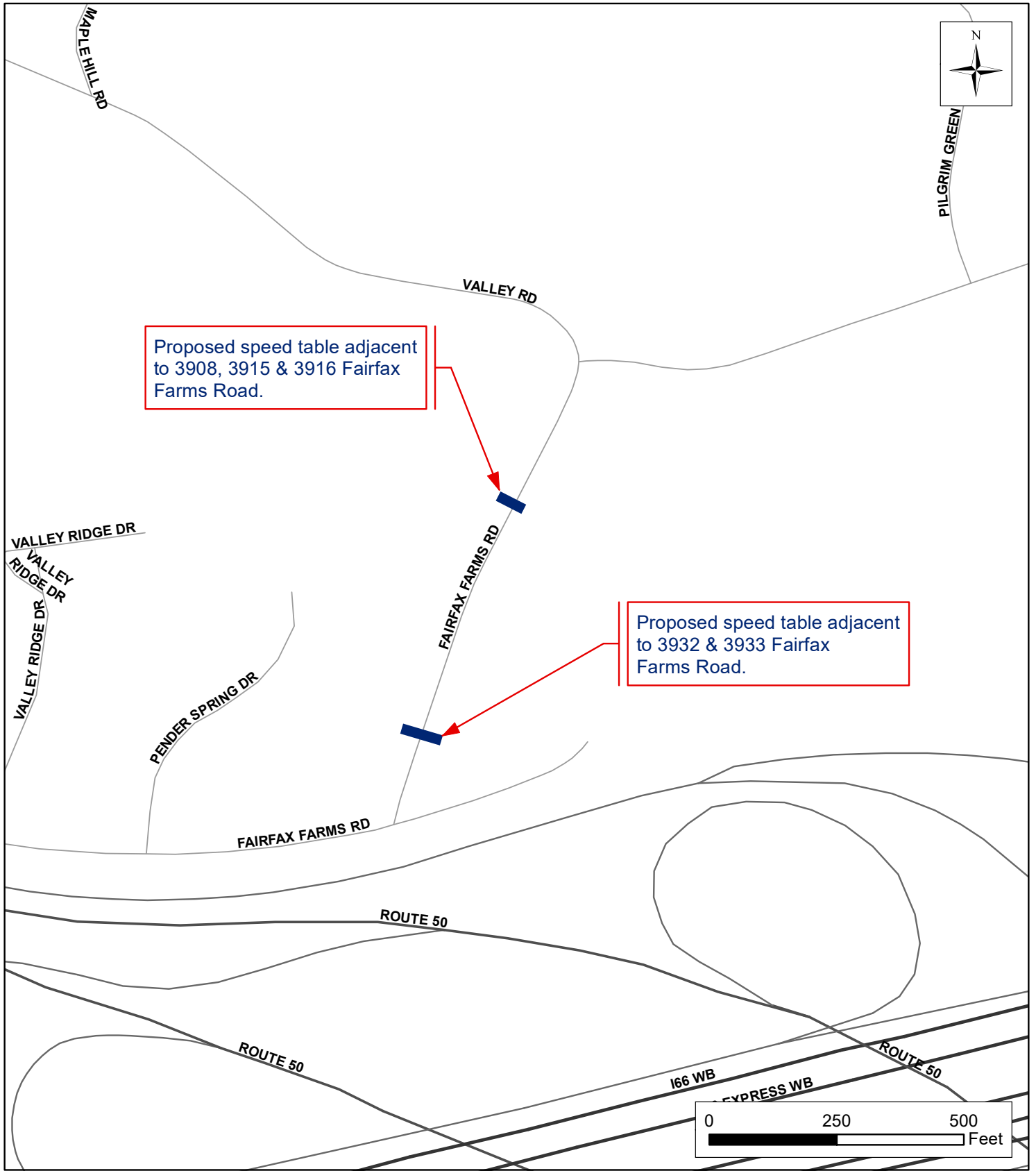
**WHEREAS**, the intended source of funding for the Traffic Calming Plan is Fairfax County.

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

**ADOPTED** this 26<sup>th</sup> day of September, 2023.

A Copy Teste:

\_\_\_\_\_  
Jill G. Cooper  
Clerk for the Board of Supervisors



Tax Map: 46-4

August 2023

Fairfax County Department of Transportation  
 Residential Traffic Administration Program  
 Traffic Calming Plan  
 Fairfax Farms Road  
 Springfield District



Board Agenda Item  
September 26, 2023

ADMINISTRATIVE - 4

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Linway Terrace (Dranesville 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:

- Linway Terrace from Kirby Road to Birch Road (Dranesville 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 September 26, 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.

Linway Terrace (Dranesville District) meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding” signs. On July 14, 2023, FCDOT received verification from the Dranesville District Supervisor’s office confirming community support.

Board Agenda Item  
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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 – Linway Terrace

Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Linway Terrace

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  
LINWAY TERRACE  
DRANESVILLE 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, September 26, 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 Linway Terrace from Kirby Road to Birch Road. Such road also being identified as a Major Collector Road; and

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

**NOW, THEREFORE BE IT RESOLVED** that "\$200 Additional Fine for Speeding" signs are endorsed for Linway Terrace from Kirby Road to Birch Road.

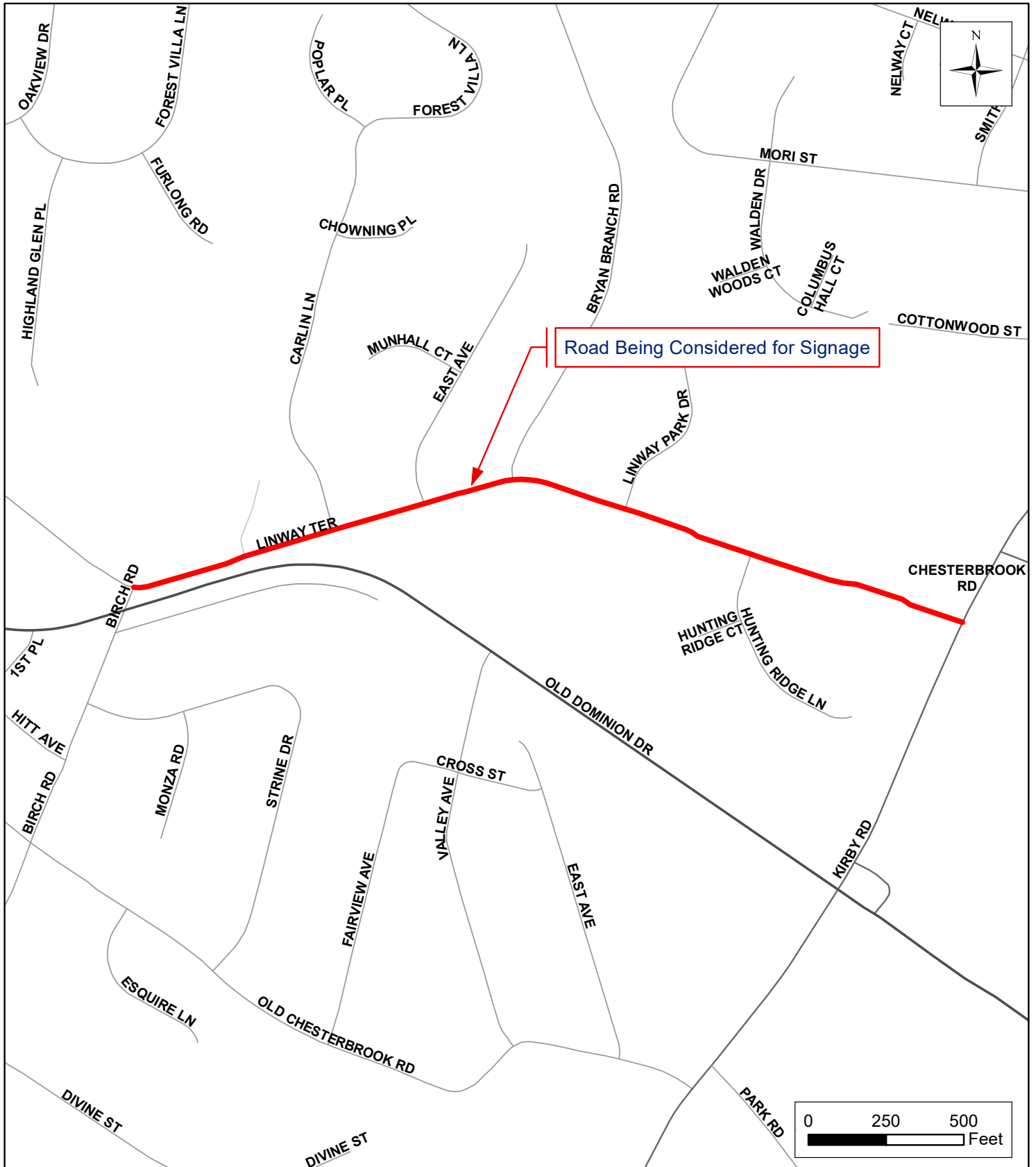
**AND FURTHER**, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

**ADOPTED** this 26th day of September, 2023.

A Copy Teste:

---

Jill G. Cooper  
Clerk for the Board of Supervisors



Tax Map: 31-3

August 2023

**Fairfax County Department of Transportation  
 Residential Traffic Administration Program  
 Proposed \$200 Additional Fine for Speeding  
 Linway Terrace  
 Dranesville District**



Board Agenda Item  
September 26, 2023

ADMINISTRATIVE – 5

Authorization to Advertise a 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:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 5G25-060-023, Pedestrian Improvements – 2014, (Chain Bridge Road Walkway) in Fund 30050, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for October 24, 2023, commencing at 4:30 p.m.

TIMING:

Board action is requested on September 26, 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 1760 LF, 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, 2 bus pads, updating 3 driveways 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 this 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 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*

*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:

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, in 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 amended on December 3, 2019. No additional funding is being requested from the Board.

Board Agenda Item  
September 26, 2023

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B - Listing of Affected Properties

STAFF:

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Gregg Steverson, Acting Director, Fairfax County Department of Transportation

Carey F. Needham, Deputy Director, Capital Facilities, DPWES

ASSIGNED COUNSEL:

Randall T. Greehan, Assistant County Attorney



### CHAIN BRIDGE ROAD WALKWAY COURTHOUSE ROAD - SUTTON ROAD

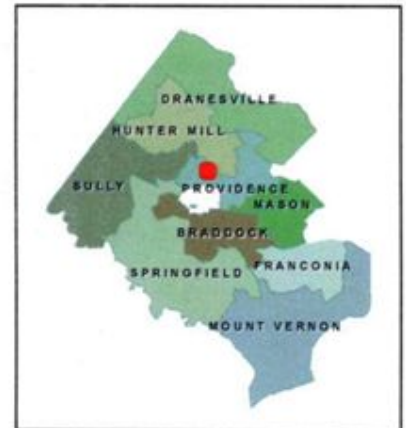
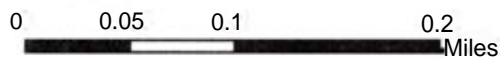
Project 5G25-060-023

Tax Map: 047-2, 048-1

Providence District

Affected Properties: 

Proposed Improvements: 



ATTACHMENT B

LISTING OF AFFECTED PROPERTIES  
Project 5G25-060-023  
Chain Bridge Walkway- Courthouse Road to Sutton Road  
(Providence District)

PROPERTY OWNER(S)

1. Dana J. Hess 048-1-02-0003A

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

Board Agenda Item  
September 26, 2023

ADMINISTRATIVE - 6

Authorization to Advertise Public Hearings on a Proposed Amendment to Chapter 122 (Tree Conservation Ordinance) of The Code of the County of Fairfax, Virginia (County Code) Re: Tree Commission Charter

ISSUE:

Board of Supervisors (Board) authorization to advertise a public hearing on a proposed amendment to Chapter 122 (Tree Conservation Ordinance) of the County Code that updates the Tree Commission charter.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendment as set forth in the Staff Report dated September 26, 2023 (Attachment 1).

The proposed amendment has been prepared by the Department of Land Development Services (LDS) in coordination with the Department of Public Works and Environmental Services (DPWES) and the Office of the County Attorney with input from the Tree Commission.

TIMING:

Board action is requested on September 26, 2023, to provide sufficient time to advertise the public hearing before the Planning Commission on October 25, 2023, and before the Board on December 5, 2023, at 3:30 p.m. If adopted by the Board, the amendment will become effective at 12:01 a.m. on December 6, 2023.

BACKGROUND:

The Tree Commission was created by action of the Board on June 18, 1973. The charter was last updated on March 23, 2021, when it was relocated from the Zoning Ordinance to the Tree Conservation Ordinance. The only significant change made with that update was to include the Tree Commission's activities related to the Tree Conservation Ordinance. The Tree Commission wishes to expand their charter to include additional activities in furtherance of their basic mission to monitor and advise the Board on ongoing tree conservation activities, promote tree conservation, and assist staff in the development of county requirements for tree preservation and planting. The proposed changes to the charter formalize the Tree Commission's participation in



activities related to the Board's Natural Landscaping Policy, the Fairfax County Tree Action Plan, and the Community of Practice, as identified in the Tree Action Plan, that maintains and manages the urban forest. These changes to the charter reflect a continuation of the Tree Commission's involvement in these areas. The Tree Commission played a central role in the development of the original Tree Action Plan in 2006. Tree Commission members also participated in the Interagency Natural Landscaping Committee and the development of the Natural Landscaping element of the Policy Plan volume of the Comprehensive Plan. The proposed changes to the charter would also allow the Tree Commission to review and comment, at its discretion, on select actions being considered by the Planning Commission and other public bodies and agencies that may impact the urban forest. The Tree Commission has done this in the past, on request, and it is not anticipated that this would be a regular occurrence.

On March 21, 2023, the Board directed staff to prepare an amendment to the Tree Conservation Ordinance to revise the Tree Commission charter consistent with a proposal by the Tree Commission. The proposal was supported by the Chair of the Environmental Quality Advisory Council. As directed by the Board, the proposed amendment to the Tree Commission charter includes all the additional elements requested by the Tree Commission and some editorial changes.

PROPOSED AMENDMENT:

The proposed amendment to the Tree Commission charter includes the following new elements:

- Advise the Board on actions it might take to protect, improve, and expand the urban forest across Fairfax County.
- Review and comment, at its discretion, on selected actions being considered by the Planning Commission, the Board of Zoning Appeals, the Fairfax County Schools and School Board, the Fairfax County Park Authority and Park Authority Board, and any other County or County-related agencies that may impact the urban forest.
- Report annually to the Board on implementation of the County's Natural Landscaping Policy by county agencies.
- Report annually to the Board on activities of public and private entities to promote tree planting and care on private property.
- Report annually on the results of the Community of Practice as identified in the Fairfax County Tree Action Plan.
- Recommend to the Board improvements to the Fairfax County Tree Action Plan.
- Represent the Board in the Community of Practice established in accordance with the Fairfax County Tree Action Plan.

Board Agenda Item  
September 26, 2023

- Provide outreach on behalf of the Board to private organizations and county citizens regarding the benefits of protecting, improving, and expanding Fairfax County's urban forest.

The proposed amendment also:

- Adds Secretary to the list of officers.
- Codifies the current practice of appointing one member from each magisterial district.
- Eliminates the requirement for citizen members to have some knowledge and experience in the field of arboriculture or related fields. This removes a barrier to broader citizen participation on the commission. There is sufficient technical expertise among the other members of the commission who represent various organizations and agencies (e.g., Virginia Department of Forestry) and staff to assure that recommendations by the commission are representative of best practices.

The proposed amendment is attached to the Staff Report.

EQUITY IMPACT:

The proposed amendment to the Tree Commission Charter positively impacts equity as follows:

- Expanding the Tree Commission's involvement in the review of county policies and programs related to tree preservation and the urban forest promotes improved environmental quality and quality of life in all our communities, particularly in areas where tree canopy is lacking.
- Eliminating the requirement for citizen members to have "knowledge and experience in the field of arboriculture or related fields" promotes a more inclusive community approach to the tree ordinances, policies, and programs in the County by allowing individuals who are interested in or passionate about trees and environmental quality, but who don't necessarily have the level of expertise previously required, to be members of the commission.
- Although it is not a change from current practice, it is noted that the codification of the requirement that each magisterial district be represented ensures that outreach, implementation, and activities occur in all areas and that areas of vulnerability, which experience higher levels of asthma and increased heat, can be improved through the ordinances, policies, and programs of the Tree Commission.

The proposed amendment addresses the following three One Fairfax Areas of Focus:

- #8. Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood.
- #11. A quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities, and services for all people.
- #12. A healthy and quality environment to live and work in that acknowledges the need to breathe clean air, to drink clean water now and for future generations.

REGULATORY IMPACT:

None.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Land Development Services Staff Report dated September 26, 2023: Proposed Amendment to Chapter 122 (Tree Conservation Ordinance) of The Code of the County of Fairfax, Virginia (County Code) Re: Tree Commission Charter (Includes Attachment A)

STAFF:

Rachel Flynn, Deputy County Executive  
William D. Hicks, P.E., Director, Land Development Services  
Christopher Harrington, P.E., Director, Department of Public Works and Environmental Services

ASSIGNED COUNSEL:

Marc Gori, Assistant County Attorney

LAND DEVELOPMENT SERVICES  
September 26, 2023

# STAFF REPORT

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- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- PROPOSED ZONING ORDINANCE AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendment to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code) Re: Tree Commission Charter

## PUBLIC HEARING DATES

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Authorization to Advertise: September 26, 2023  
Planning Commission Hearing: October 25, 2023 at 7:30 p.m.  
Board of Supervisors' Hearing: December 5, 2023 at 3:30 p.m.

Prepared By: John Friedman  
Site Code Research and Development Branch  
Land Development Services  
(703) 324-1848

## **STAFF REPORT**

### **STAFF RECOMMENDATION**

Staff recommends that the Board of Supervisors (Board) adopt the proposed amendment to Chapter 122 (Tree Conservation Ordinance) of the County Code as set forth in Attachment A.

### **DISCUSSION**

The Tree Commission was created by action of the Board on June 18, 1973. The charter was last updated on March 23, 2021, when it was relocated from the Zoning Ordinance to the Tree Conservation Ordinance. The only significant change made with that update was to include the Tree Commission's activities related to the Tree Conservation Ordinance. The Tree Commission wishes to expand their charter to include additional activities in furtherance of their basic mission to monitor and advise the Board on ongoing tree conservation activities, promote tree conservation, and assist staff in the development of county requirements for tree preservation and planting. The proposed changes to the charter formalize the Tree Commission's participation in activities related to the Board's Natural Landscaping Policy, the Fairfax County Tree Action Plan, and the Community of Practice, as identified in the Tree Action Plan, that maintains and manages the urban forest. These changes to the charter reflect a continuation of the Tree Commission's involvement in these areas. The Tree Commission played a central role in the development of the original Tree Action Plan in 2006. Tree Commission members also participated in the Interagency Natural Landscaping Committee and the development of the Natural Landscaping element of the Policy Plan volume of the Comprehensive Plan. The proposed changes to the charter would also allow the Tree Commission to review and comment, at its discretion, on select actions being considered by the Planning Commission and other public bodies and agencies that may impact the urban forest. The Tree Commission has done this in the past, on request, and it is not anticipated that this would be a regular occurrence.

On March 21, 2023, the Board directed staff to prepare an amendment to the Tree Conservation Ordinance to revise the Tree Commission charter consistent with a proposal by the Tree Commission. The proposal was supported by the Chair of the Environmental Quality Advisory Council. As directed by the Board, the proposed amendment to the Tree Commission charter includes all the additional elements requested by the Tree Commission and some editorial changes.

### **PROPOSED AMENDMENT**

The proposed amendment to the Tree Commission charter includes the following new elements:

- Advise the Board on actions it might take to protect, improve, and expand the urban forest across Fairfax County.

- Review and comment, at its discretion, on selected actions being considered by the Planning Commission, the Board of Zoning Appeals, the Fairfax County Schools and School Board, the Fairfax County Park Authority and Park Authority Board, and any other County or County-related agencies that may impact the urban forest.
- Report annually to the Board on implementation of the County's Natural Landscaping Policy by county agencies.
- Report annually to the Board on activities of public and private entities to promote tree planting and care on private property.
- Report annually on the results of the Community of Practice as identified in the Fairfax County Tree Action Plan.
- Recommend to the Board improvements to the Fairfax County Tree Action Plan.
- Represent the Board in the Community of Practice established in accordance with the Fairfax County Tree Action Plan.
- Provide outreach on behalf of the Board to private organizations and county citizens regarding the benefits of protecting, improving, and expanding Fairfax County's urban forest.

The proposed amendment also:

- Adds Secretary to the list of officers.
- Codifies the current practice of appointing one member from each magisterial district.
- Eliminates the requirement for citizen members to have some knowledge and experience in the field of arboriculture or related fields. This removes a barrier to broader citizen participation on the commission. There is sufficient technical expertise among the other members of the commission who represent various organizations and agencies (e.g., Virginia Department of Forestry) and staff to assure that recommendations by the commission are representative of best practices.

The proposed amendment is attached to this report.

## **EQUITY IMPACT**

The proposed amendment to the Tree Commission Charter positively impacts equity as follows:

- Expanding the Tree Commission's involvement in the review of county policies and programs related to tree preservation and the urban forest promotes improved environmental quality and quality of life in all our communities, particularly in areas where tree canopy is lacking.
- Eliminating the requirement for citizen members to have "knowledge and experience in the field of arboriculture or related fields" promotes a more inclusive community approach to the tree ordinances, policies, and programs in the County by allowing individuals who are interested in or passionate about

trees and environmental quality, but who don't necessarily have the level of expertise previously required, to be members of the commission.

- Although it is not a change from current practice, it is noted that the codification of the requirement that each magisterial district be represented ensures that outreach, implementation, and activities occur in all areas and that areas of vulnerability, which experience higher levels of asthma and increased heat, can be improved through the ordinances, policies, and programs of the Tree Commission.

The proposed amendment addresses the following three One Fairfax Areas:

- #8. Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood.
- #11. A quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities, and services for all people.
- #12. A healthy and quality environment to live and work in that acknowledges the need to breathe clean air, to drink clean water now and for future generations.

#### **REGULATORY IMPACT**

None

#### **FISCAL IMPACT**

None

#### **ATTACHED DOCUMENTS**

Attachment A – Amendment to Chapter 122 (Tree Conservation Ordinance)

**Proposed Amendment to  
Chapter 122 (Tree Conservation Ordinance) of  
The Code of the County of Fairfax, Virginia**

1 **Amend Chapter 122, by revising Article 9 (Tree Commission), to read as follows:**  
2

3 **Article 9. Tree Commission.**  
4

5 **(a) Purpose.**  
6

7 The purpose of the Tree Commission is to: ~~provide advice to the Board of Supervisors,~~  
8 ~~based on an annual reevaluation of the administration and implementation of the~~  
9 ~~provisions set forth in this Ordinance and the landscaping and screening requirements~~  
10 ~~contained in the Zoning Ordinance; to provide leadership in developing an understanding~~  
11 ~~of the objectives and methods of tree conservation; and to assist the Urban Forest~~  
12 ~~Management Division of the Department of Public Works and Environmental Services~~  
13 ~~and Land Development Services in the development and maintenance of technical~~  
14 ~~specifications and guidelines.~~  
15

- 16 1. Advise the Board of Supervisors on actions it might take to protect, improve, and  
17 expand the urban forest across Fairfax County.  
18
- 19 2. Review and comment, at its discretion, on selected actions being considered by  
20 the Planning Commission, the Board of Zoning appeals, the Fairfax County  
21 Schools and School Board, the Fairfax County Park Authority and Park Authority  
22 Board, and any other County or County-related agencies that may impact the  
23 urban forest.  
24
- 25 3. Report annually to the Board of Supervisors on the administration and  
26 implementation of ordinances, policies, and programs regarding:  
27
  - 28 A. Tree preservation and planting requirements of the Fairfax County Code and  
29 the Public Facilities Manual.  
30
  - 31 B. County agencies' design, installation, and maintenance of natural landscapes  
32 pursuant to the Board of Supervisors' Natural Landscaping Policy.  
33
  - 34 C. Activities of public and private entities to promote tree planting and care on  
35 private property.  
36
  - 37 D. Results from the Community of Practice as identified in the Fairfax County  
38 Tree Action Plan.  
39
- 40 4. Recommend to the Board of Supervisors improvements to the Fairfax County  
41 Tree Action Plan as appropriate.  
42



- 1 5. Represent the Board of Supervisors in the Community of Practice established in  
 2 accordance with the Fairfax County Tree Action Plan.  
 3
- 4 6. Provide outreach on behalf of the Board of Supervisors to private organizations  
 5 and county citizens regarding the benefits of protecting, improving, and  
 6 expanding Fairfax County's urban forest.  
 7

8 **(b) Authority and Establishment.**  
 9

- 10 1. The Tree Commission was established ~~in conformance with an action adopted by~~  
 11 ~~the Board of Supervisors on June 18, 1973, and amended on July 30, 1973, which~~  
 12 ~~action became~~ effective on August 1, 1973.  
 13
- 14 2. The official title of this commission is the 'Fairfax County Tree Commission'.  
 15

16 **(c) Membership.**  
 17

- 18 1. The Board of Supervisors appoints the Tree Commission members. The Tree  
 19 Commission may have no more than fifteen (15) members of the following  
 20 composition: ten (10) citizens of the County ~~chosen for their knowledge and~~  
 21 ~~experience in the field of arboriculture or related fields~~ nominated to represent  
 22 each magisterial district and one at-large seat; and one representative from each of  
 23 the following: Fairfax County Environmental Quality Advisory Council, Northern  
 24 Virginia Soil and Water Conservation District, Fairfax County Park Authority,  
 25 Fairfax County Office of Virginia Cooperative Extension, and Virginia  
 26 Department of Forestry. Magisterial district representatives will be nominated by  
 27 their District Supervisor and must live in the district they represent. The at-large  
 28 seat will be nominated by the Chair of the Board of Supervisors and must be a  
 29 Fairfax County resident.  
 30
- 31 2. Citizen members of the Commission are appointed to serve for a three (3) year  
 32 term or until their successor has been appointed. An appointed successor to a  
 33 vacancy serves only the unexpired portion of the term. Members may be  
 34 reappointed to successive terms.  
 35
- 36 3. If a member is absent for three (3) consecutive meetings without sufficient cause,  
 37 a letter will be sent to the Chairman of the Board of Supervisors asking for  
 38 replacement of that member.  
 39
- 40 4. The removal or resignation or withdrawal of any or all members of the Tree  
 41 Commission does not result in the dissolution of the Tree Commission.  
 42

43 **(d) Officers.**  
 44

- 45 1. The Tree Commission must have a Chairperson, ~~and Vice-Chairperson,~~ Secretary,  
 46 and such other officers that the Tree Commission elects from time to time.  
 47

- 1       2. Officers of the Tree Commission are to be elected once each year or when an  
2       officer withdraws from his post. An annual election meeting will be held as soon  
3       as appropriate after regular annual appointments are made.  
4
- 5       3. The duties of the officers will be in general those defined in Robert's Rules of  
6       Order, modified as required to fit the purpose of the Tree Commission as  
7       documented in its Bylaws.  
8

9       **(e) Meetings.**

- 10
- 11       1. Meetings of the Tree Commission are scheduled by the Chairperson, as needed, or  
12       upon the request of three (3) or more members. Meetings are held at a time and  
13       place to be designated by the Chairperson.  
14
- 15       2. Robert's Rules of Order govern proceedings of the Tree Commission modified as  
16       required to fit the purpose of the Tree Commission as documented in its Bylaws.  
17

18       **(f) Records.**

19

20       The Tree Commission must keep records of all its proceedings, and the records must be  
21       made available for public inspection upon request.  
22

23       **(g) Powers and Duties.**

- 24
- 25       1. The Tree Commission has the power to do any lawful acts or things reasonably  
26       necessary to carry out its purposes.  
27
- 28       2. The Tree Commission develops and disseminates ~~technical~~ information for  
29       professional groups, developers, and citizens, and strives to inform the general  
30       public of the provisions of ~~this Ordinance and the landscaping and screening~~  
31       ~~requirements contained in the Zoning Ordinance~~ applicable ordinances, Board  
32       policies, and chapters of the Public Facilities Manual.  
33
- 34       3. The Tree Commission assists the ~~Urban Forest Management Division~~ appropriate  
35       county agencies in the development and maintenance of ~~the landscaping and~~  
36       ~~screening requirements contained in the Zoning Ordinance, and the policies,~~  
37       ~~standards and guidelines in the Vegetation Preservation and Planting section of~~  
38       ~~the Public Facilities Manual and other related documents, which will provide~~  
39       ~~guidance for persons involved in planting, preserving, protecting or replacing~~  
40       ~~trees~~ the ordinances, the policies listed in purpose section of this Article, and  
41       related documents which provide guidance for persons involved in planting,  
42       preserving, protecting, or replacing trees and other components of healthy forests  
43       and natural vegetation.  
44
- 45       4. The Tree Commission presents an annual report to the County Executive and  
46       Board of Supervisors that includes:  
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- A. A description of activities conducted.
  - B. A report of ongoing and anticipated activities.
  - C. An evaluation of the experience of the administration and implementation of the provisions set forth in ~~this Ordinance and the landscaping and screening requirements contained in the Zoning Ordinance~~ applicable ordinances, Board policies, and chapters of the Public Facilities Manual including: an appraisal of the strength and comprehensiveness of the provisions; recommendations to improve implementation; and judgment as to how it is being interpreted by the public and by those affected by the requirements of these provisions.
5. The Tree Commission will be provided working facilities by the County Executive. Where required, the Tree Commission will be provided with assistance from other County agencies.
  6. The Tree Commission may divide itself into ad hoc committees as the Chairperson may direct or the Tree Commission may resolve, and those ad hoc committees may acquire additional assistance from any sources as required to perform assignments so long as they are consistent with ~~the provisions of this Ordinance and the landscaping and screening requirements contained in the Zoning Ordinance~~ applicable ordinances, Board policies, and chapters of the Public Facilities Manual.
  7. The Tree Commission may enact bylaws as may be required to aid in its efficient operation.

ADMINISTRATIVE - 7

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment Re: Sign Regulations

ISSUE:

The proposed Zoning Ordinance amendment includes changes to the sign regulations contained in Article 7 and related subsections, including: revised limitations on electronic display sign brightness; consolidation of the current Comprehensive Sign Plan (CSP), special exception (SE), and special permit (SP) applications related to sign modifications into one SE application for all sign modifications; and other changes to a variety of sign regulations, including but not limited to illuminated window signs, subdivision signs, and signs in multifamily developments.

RECOMMENDATION:

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

TIMING:

Board action is requested on September 26, 2023, to provide sufficient time to advertise the proposed Planning Commission public hearing on October 25, at 7:30 p.m., and the proposed Board of Supervisors public hearing on November 21, 2023, at 3:30 p.m.

BACKGROUND:

The Board originally adopted a Signs Part I Zoning Ordinance Amendment in 2019, and this Part II effort was included on the FY 2022/2023 Zoning Ordinance Work Program. The changes to the sign regulations that are proposed with this amendment are driven partly by staff based on experience in implementing the existing sign regulations, as well as by industry representatives who have identified changes to reflect best practices. The topics for consideration are summarized below.

Electronic Display Signs:

Currently, the Zoning Ordinance includes a maximum nit limitation of 40 – 100 nits at sunset for all electronic display signs. However, industry representatives have indicated that the brightness levels of modern screens have increased based on high-definition technology, and a higher nit level is more appropriate to accommodate emerging technology. Staff conducted field visits and confirmed that a majority of existing electronic display signs exceed the 100-nit limitation with no apparent negative impacts.

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For electronic display signs in Planned, Commercial, and Industrial zoning districts, staff has proposed to increase the maximum nit level to 500 nits. An advertised range of 100 to 1,000 nits has been included for Board consideration. In addition, this level may be increased in Planned, Commercial, and Industrial Districts with SE approval. Staff recommends maintaining the current 100-nit limitation in conventional residential zoning districts (which excludes residential areas of Planned districts). The proposed changes recognize concerns about brightness of electronic display signs in residential districts while allowing for a limited increase in brightness for these types of signs in nonresidential zoning districts.

Special Exception for Sign Modifications:

Under the current Zoning Ordinance, there are three avenues for an applicant to request additional signage beyond that allowed by right: (1) a CSP (allowed only for P districts with Planning Commission approval); (2) an SE (allowed only for C and I districts with Board approval and limited to an increase in sign area, sign height, or modification of sign location if a standard of unusual circumstances or conditions can be met); and (3) an SP (allowed only for C districts for limited shopping centers). Staff recommends consolidating the current application types into one SE request for sign modifications that would include revised review criteria and standards, and would go to the Planning Commission for recommendation and to the Board for approval. Because each Planned District and its associated design standards are approved by the Board, in staff's opinion it is appropriate for the Board to also review and approve a modification in signage for the development. The revised SE application process would continue to allow all properties in P districts to request sign modifications while also providing additional flexibility for signs in Commercial and Industrial districts. Overall, these changes would result in an expansion of eligibility to properties that are not currently able to request an increase in signage. However, to minimize sign clutter and overuse of these provisions, unless there is an "unusual circumstance or condition," individual smaller buildings and developments in the C and I districts would not be eligible for an increase in signage. This is because smaller developments with fewer tenants and a reduced building frontage have limited opportunities to create a coordinated approach to signage. To protect stable residential areas, an SE for sign modifications is not recommended for conventional residential districts.

Additional Changes:

In addition to the two major topic areas identified above, staff also recommends the following changes to sign regulations:

- Signs in reserved parking spaces – removal of the current one-square-foot limitation applied to signs located in or immediately adjacent to reserved parking spaces, such as electric vehicle charging spaces or mobile pickup parking spaces.

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- Window signs – allowance of one illuminated window sign per establishment up to four square feet in size (with an advertised range from two to four square feet for consideration).
- Signs in a subdivision – requirement that subdivision signs be located within an easement or common area located at the vehicular entrance.
- Signs in Multifamily Developments – allow up to 50 square feet of building-mounted signs in a multifamily development (currently limited to a freestanding sign up to 30 square feet in size at each major entrance).
- Building-mounted signs in C and I districts – an option for the Board to consider revised standards allowing 1.5 feet of sign area for each linear foot of building frontage, regardless of the number of outside entrances. This would result in an increase in overall building-mounted signage allowed.
- Ordering signs at a drive-through – allow any number of signs located at a drive-through (unless limited by the Board as part of a special exception approval for the associated use), limited to a maximum size of 20 square feet.
- Appeal timeframe for minor signs – reduce the appeal timeframe from 30 days to ten days from issuance of a violation for a minor sign.
- Other edits, including reorganization of text and edits for plain language.

A copy of the proposed draft text is included as Attachment 2. A staff report providing additional details and analysis will be published a minimum of three weeks prior to the Planning Commission public hearing.

EQUITY IMPACT:

None.

REGULATORY IMPACT:

The proposed amendment revises the existing sign regulations applicable to electronic display signs, applications for sign modifications, and other standards throughout Article 7 of the Zoning Ordinance. Overall, most of the regulatory changes involve additional flexibility for signs. The change requiring an SE for all sign modification requests rather than a CSP adds an additional public hearing requirement with the Board of Supervisors rather than only the Planning Commission, which will extend the time needed for the review and approval process.

FISCAL IMPACT:

Revised standards for building-mounted signs will remove the current administrative comprehensive sign plan (ACSP) application type. This application currently has a \$95 application fee, and on average, staff reviews less than ten ACSPs per year. Based on the limited number and small fee associated with the application type, the potential revenue impacts will be negligible.

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ENCLOSED DOCUMENTS:

Attachment 1 – Resolution

Attachment 2 – Proposed Text

STAFF:

Rachel Flynn, Deputy County Executive

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

Leslie B. Johnson, Zoning Administrator, DPD

William Mayland, Assistant Zoning Administrator, DPD

Casey Judge, Deputy Zoning Administrator, DPD

ASSIGNED COUNSEL:

Cherie Halyard Mack, Assistant County Attorney

## RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on September 26, 2023, at which meeting a quorum was present, the following resolution was adopted:

WHEREAS, the Board adopted a Part I Zoning Ordinance amendment to the sign regulations in 2019 focused on content-neutrality and identified the need for a Part II amendment to the Zoning Ordinance to focus on a broader review of sign regulations; and

WHEREAS, staff and industry representatives have identified necessary changes to sign regulations to reflect best practices; and

WHEREAS, high-definition technology and modern screens require revisiting the appropriate brightness levels for electronic display signs; and

WHEREAS, the current comprehensive sign plan, special exception, and special permit applications for sign modifications are proposed to be consolidated into one special exception application type with revised review criteria and standards. This consolidated and expanded sign modification process will aid in economic development and placemaking, especially for conventional commercial and industrial districts; and

WHEREAS, codified review standards and submission criteria for the sign modification process will help streamline and ensure consistency in the development review process; and

WHEREAS, additional sign regulations – such as those related to signs in or immediately adjacent to reserved parking spaces, window signs, signs associated with a subdivision, signs for multifamily developments, building-mounted signs, ordering signs for uses with a drive-through, and the appeal timeframe for minor signs – should also be revised based on staff experience in applying the existing regulations; and

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

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:

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Jill G. Cooper  
Clerk for the Board of Supervisors



**#1 INSTRUCTION:** Revise Article 7 with the following text shown below in ~~strike-through~~ and underline. 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. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of May 10, 2023.

# ARTICLE 7 - SIGNS

## 7100. General Provisions

### 2. Applicability

...

- B. These regulations do not regulate or restrict signs by content. However, some signs, such as off-premise signs and warning signs, have a targeted function that makes their regulation impossible without referring to the function. In these limited instances, the governmental interest is compelling enough to warrant their description and regulation, and whenever a sign is described in a manner that refers to function, this Article is intended to be neutral with respect to the content of the speech ~~appearing on it~~.

...

### 3. Administrative Provisions

#### A. ~~Sign Permit Required~~ General Standards

- (1) Except where otherwise noted in this Article, no sign may be constructed, erected, altered, refaced, relocated, or expanded without a sign permit.
- (2) The application for a sign permit ~~must be filed with the Zoning Administrator on a County form~~, must include all pertinent information required by the Zoning Administrator to ensure compliance with this Ordinance, and must be accompanied by the filing fee set forth in Section 8102.
- (3) All signs must comply with this Article, the structural requirements ~~specified~~ in the USBC, Chapter 61 of the County Code, and all other applicable standards in this Ordinance.
- (4) A sign permit expires 12 months after the date of issuance ~~if the sign is not erected and all necessary final inspection(s) are not approved within 12 months from the date of issuance~~.
- (5) A sign permit is not required to change the message on an allowed sign specifically designed for replaceable copy, including changeable copy signs and electronic display signs in accordance with subsection 7101.1.A.
- (6) The following are not considered signs:
  - (a) Flags, subject to subsection 4102.7.A(16).
  - (b) Temporary, seasonal decorations.
  - (c) Scoreboards associated with any school, college, or university, or a property owned by the Fairfax County Park Authority.

#### B. Sign Permit Not Required

- ~~(1)~~ The following are not deemed to be a sign do not require a sign permit and are not counted toward maximum allowed sign area:

- ~~(a)~~ The changing of the message on an allowed sign that is specifically designed for the use of replaceable copy, to include changeable copy signs and electronic display signs in accordance with subsection 7101.1.A below;
- ~~(b)~~ Painting, cleaning, and other routine maintenance and repair of a sign or sign structure;
- ~~(c)~~ Flags, subject to subsection 4102.7.A(16);
- (1)** ~~(d)~~ The display of address numbers as required by the County Code, and building entrance numbers or letters. The address and building identification may not exceeding a total of ~~two~~ four square feet in area. When displayed on a residential building, any numbering must be mounted flush against the building; ~~and~~
- ~~(e)~~ Temporary, seasonal decorations.
- ~~(1)~~ The following are deemed to be a sign but are not counted toward maximum allowed sign area:
- (2)** ~~(a)~~ Signs not exceeding a total of four square feet in area warning the public against hunting, fishing, swimming, trespassing, dangerous animals, the location of utilities, or other similar risks, or a warning of prohibited activity such as no parking or loading in a specified area.
- (3)** ~~(b)~~ Signs located on the outer surfaces of a temporary portable storage container.
- (4)** ~~(c)~~ Vehicle signs, when the vehicle is operable and is parked at its associated place of business within a designated parking space.
- (5)** ~~(d)~~ Lettering or numbers permanently attached to or painted on the façade of a building of any school, college, or university; such displays are limited to no more than ten percent of the area of the façade on which they are placed and cannot be illuminated.
- (6)** ~~(e)~~ Signs, erected by a public agency or appropriate organization in partnership with the Board, located within or in proximity to the Commercial Revitalization District boundaries or ~~activity centers~~ mixed use areas as ~~shown on~~ identified in the Comprehensive Plan. Such signs are subject to approval by the Board and all applicable outdoor advertising provisions of the Code of Virginia.
- (7)** Signs located in or immediately adjacent to a reserved parking space.

**C. Sign Condition, Safety, and Abandonment**

- (1)** All signs and their components must be maintained in good repair and in safe condition. Painting, cleaning, and other routine maintenance and repair of a sign or sign structure does not require a sign permit.
- (2)** The Building Official or designated agent may require or cause the immediate removal or repair, without written notice, of any sign determined to be unsafe or that otherwise poses an immediate threat to the safety of the public. If action by the County is necessary to render a sign safe, the cost of removal or repair will be at the expense of the property owner or lessee as provided in Chapter 61 of the County Code.
- (3)** Except as provided in subsections 7100.4 and 7100.6 below, if a property becomes vacant and is unoccupied for a continuous period of two years, any sign on that property is deemed abandoned and must be removed. If the owner fails to remove the sign, the Zoning Administrator may give the owner 15 days written notice to remove it, after which the Zoning Administrator may initiate action to gain compliance.

**4. Minor Signs**

Unless otherwise stated, The the following minor signs are allowed without a sign permit and but may not be illuminated, and, unless otherwise stated, do not require a sign permit:

## ATTACHMENT 2 – PROPOSED TEXT

- A.** Signs posted by or under the direction of any public or court officer in the performance of official duties, or by trustees under deeds of trust, deeds of assignment, or other similar instruments. These signs must be removed no later than ten days after the last day of the period for which they are displayed.
- B.** Signs that are displayed on a lot or property that is actively marketed for sale, rent, or lease, as follows:
- (1)** A single building-mounted or freestanding sign is allowed, except that two signs are permitted on a corner lot when each sign faces a different street frontage. Such sign(s) must be removed within seven days of the settlement, rental, or lease of the property.
  - (2)** The maximum size and height of the sign is limited based on the existing or planned development type as follows:
    - (a)** Single-family dwelling: Sign(s) located on a property developed with, or planned for development of, a single-family detached or attached dwelling unit. Such signs may not exceed six square feet in area or a height of six feet.
    - ~~**(3)**~~ **(b)** Multifamily dwelling: Sign(s) located on a property developed with, or planned for development of, a multiple-family dwelling unit. Such signs may not exceed 12 square feet in area or a height of eight feet.
    - ~~**(4)**~~ **(c)** Nonresidential use or a residential property with 20 or more acres: Sign(s) located on a property developed with, or planned for development of, any nonresidential use, or on a residential property containing a minimum of 20 acres. Such signs may not exceed 32 square feet in area or a height of eight feet.
- ~~**C.**~~ Signs during active construction or alterations to residential, commercial, and industrial buildings are permitted, as follows:
- C. (1)** For a new nonresidential development, or for a new residential development containing a minimum of three dwelling units on contiguous lots, during active construction, one sign is allowed, not to exceed 60 square feet in area and a height of ten feet. For such new developments located on multiple road frontages, one additional sign per street frontage is allowed, limited to 32 square feet in area and a height of eight feet. No sign may be located closer than five feet to any lot line. All signs must be removed within 14 days following completion of the construction of the development, as determined by the Zoning Administrator, and no sign may be displayed for more than two years from the date of the issuance of the first building permit for the development. If construction has not been completed within this timeframe and building permits are active for the development, a sign permit is required to allow the continued display of any sign.
- D. (1)** For an individual single-family dwelling unit undergoing construction, improvement, or renovation, one sign, not to exceed four square feet in area or a height of four feet is allowed. No sign can be displayed before commencement of the improvement or renovation work, and the sign must be removed within seven days after the improvement or renovation is completed ~~with all necessary inspections approved~~, or within six months from start of display, whichever is less.
- (1)** For the purpose of this subsection, commencement of the improvement or renovation work includes the following:
    - (a)** Clearing, grading, or excavation work to prepare the site for construction;
    - (b)** Active demolition of structures or features internal to the dwelling as part of a renovation project;
    - (c)** Delivery and staging of materials or equipment on-site, including both interior and exterior staging; or
    - (d)** Any other similar activity involving active engagement in improvements on the property.

- ~~E. D.~~ Yard signs on any lot developed with a residential use cannot exceed 12 square feet in total area, with no single sign exceeding four square feet in area or a height of four feet.
- ~~F. D.~~ For nonresidential uses, minor signs are permitted as follows:
  - (1) For nonresidential uses located on a lot with frontage on a major thoroughfare, building-mounted and freestanding minor signs are allowed, not to exceed 32 square feet in total sign area per lot. If freestanding, no more than two such signs are allowed per lot with a maximum height of four feet.
  - (2) For all other nonresidential uses, building-mounted and freestanding minor signs are allowed, not to exceed 24 square feet in total area per lot. If freestanding, no more than two such signs are allowed per lot with a maximum height of four feet.
- ~~G. D.~~ Window signs for any nonresidential use are allowed, subject to the following standards:
  - (1) ~~if~~ The total area of all signs does may not cover more than 30 percent of the total area of the window in which the signs are located. To calculate the 30 percent area, a window with multiple panes or panels is considered to be one window, and the overall area includes the multiple panes.
  - (2) Illuminated or electronic window signs are allowed as follows:
    - (a) One illuminated or electronic window sign is allowed per establishment, up to four square feet in area [advised range – two to four square feet]. This sign is included in the 30 percent area limitation calculated in (1), above;
    - (b) Signs must be static and may not include any moving images or content; and
    - (c) Signs may be illuminated only during hours of operation of the establishment.
- ~~H. E.~~ For nonresidential uses, a single A-frame sign not to exceed 16 square feet in area per side and four feet in height is allowed. Such sign must be located within 25 feet of a building or designated site entrance that provides access to the use and may not impede pedestrian or vehicular traffic.

**5. Prohibited Signs**

The following signs are prohibited in all zoning districts and areas of the County.

**A. General Prohibitions**

- (1) Any sign not expressly permitted in this Article.
- (2) Any sign that violates any provision of any ~~county~~ County, state, or federal law or regulation.
- (3) Any sign that violates any provision of Chapter 61 of the County Code and the USBC.

**B. Prohibitions Based on Materials or Design**

- (1) Any sign that does not meet the performance standards for outdoor lighting set forth in Section 5109.
- (2) A moving or windblown sign, not including changeable copy or electronic display sign, the hands of a clock, or a ~~weather vane~~ weathervane.
- (3) Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, or that is not in accordance with subsection 7101.1.

**C. Prohibitions Based on Location**

- (1) Any off-premise commercial sign when displayed 12:01 PM Monday through 11:59 AM Friday. At all other times, an off-premise commercial sign is only allowed for display when it conforms to the provisions of subsection 7100.4.E.
- (2) Roof signs, except for signs located on a penthouse or screening wall, as provided for in subsection 7101.3.B below.

- (3) Any sign that obstructs a window, door, fire escape, stairway, ladder, opening, or access intended for light, air, ingress to, or egress from, a building.
- (4) Any sign located on a corner lot that is in violation of the sight distance requirements of subsection 5100.2.D(4)(c).
- (5) Any sign that is found to be in violation of the USBC with respect to minimum clearance.
- (6) Any sign that, due to its location, size, shape, or color, may obstruct, impair, interfere with the view of, or be confused with, any traffic control sign, signal, or device erected by a public authority or where it may interfere with, mislead, or confuse traffic. Such signs are subject to immediate removal and disposal by an authorized County official as a nuisance.

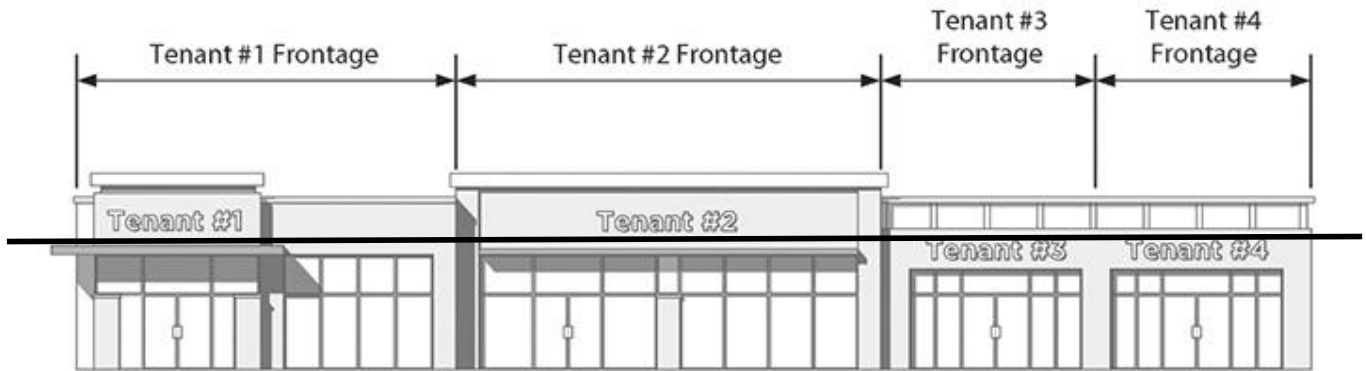
## 7. Sign Measurement

### A. Calculation of Sign Area

#### ~~(1) When Based on Building Frontage~~

- ~~(a) Building frontage is the linear width of the wall taken at a height no greater than ten feet above grade.~~
- ~~(b) On buildings with a single tenant or with multiple tenants that access the building through a common outside entrance, building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.~~
- ~~(c) On buildings with more than a single tenant where each tenant has its own outside entrance, building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator.~~
- ~~(d) On buildings that include both a common outside entrance and tenants with individual outside entrances, the building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.~~
- ~~(e) For the purpose of these provisions, buildings that are located on the same property, have separate posted addresses, and do not include any internal connections are considered separate buildings. Each building is allotted its own sign area based on the linear feet of building frontage associated with its main public entrance.~~

Figure 7100.1: Multi-Tenant Sign Frontages



**(2) (1) Building-Mounted Sign Area**

(a) (e) Building-mounted sign area is that area within a single continuous rectilinear perimeter of not more than eight straight lines intersecting at right angles, that encloses the outer limits of all words, representations, symbols, and pictorial elements, together with all material, color, and lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

Figure 7100.2: Measuring Building-Mounted Sign Area



- (b) (f) The area of building-mounted signs composed of individual letters or symbols is calculated by using one of the following methods:
1. If the space between the proposed individual letters or symbols is less in dimension than the width of the largest letter or symbol, sign area is calculated in accordance with subsection 7100.7.A(2)(a) above.
  2. If the space between the proposed individual letters or symbols is greater than the width of the largest letter or symbol, sign area is calculated as the total combined area of rectangular enclosures surrounding each individual letter or symbol.

**(2) Freestanding Sign Area**

**(a) Generally**

The supports, uprights, or structure on which any freestanding sign is supported are not included in calculating sign area unless they form an integral background of the display, as determined by the Zoning Administrator; however, when a sign is placed on a fence, wall, or other similar structure that is designed to serve a separate purpose other than to support the sign, the area of such structure is not included in the sign area. In such cases, the sign area is calculated in accordance with subsection 7100.7.A(2)(a) above.

**(b) Multi-Faced Signs**

The area of a freestanding sign designed with more than one sign face is calculated as follows:

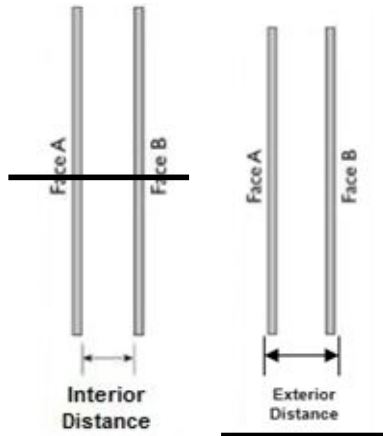
1. If the sign faces are separated by an interior angle of 45 degrees or more, all sign faces are calculated in the sign area.
2. If the sign faces are separated by an interior angle that is less than 45 degrees, sign area is calculated based on the area of the largest single face.

Figure 7100.3: Measuring Multi-faced Sign Angle



3. If the sign faces are parallel to one another, the following applies:
  - a. The area of the largest single face is used when the interior exterior distance between the faces is ~~18~~ 24 inches or less.
  - b. The area of the largest single face ~~and plus~~ the area of ~~the a single side or interval~~ between the sign faces ~~is used~~ when the interior exterior distance between the faces is greater than ~~18~~ 24 inches.

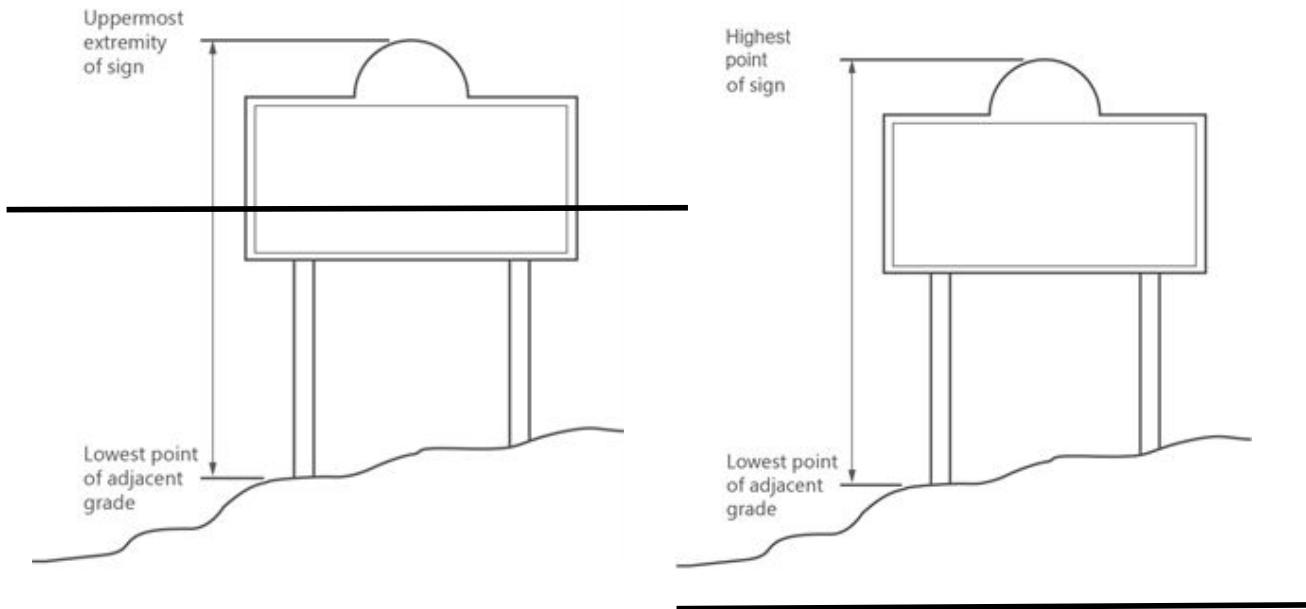
Figure 7100.4: Measuring Parallel Sign Face Area



**B. Calculation of Sign Height for Freestanding Signs**

The height of a freestanding sign is calculated as the maximum vertical distance from the ~~uppermost extremity~~ highest point of a the freestanding sign and its support, to the lowest point of the adjacent grade.

Figure 7100.5: Measuring Height of Freestanding Signs





## 7101. Sign Regulations by Use and District

### 1. Standards Applicable to Signs in All Districts

#### A. Changeable Copy and Electronic Display Signs

Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:

- (1) Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display may not exceed more than 50 percent of the maximum allowable area of that freestanding sign.

Examples:

1. If the maximum allowed sign area = 80 square feet, then the maximum allowed electronic display area = 40 square feet. If the actual sign on the property is  $\leq$  40 square feet, the entire sign area could be electronic display.
2. If the maximum allowed sign area = 40 square feet, then the maximum allowed electronic display area = 20 square feet. If the actual sign on the property is  $\leq$  20 square feet, the entire sign area could be electronic display.

- (2) The message or copy of an electronic display sign may not move or change more frequently than once every eight seconds. The change of message or copy must be instantaneous without rolling, fading, or otherwise giving the illusion of movement, nor flash or vary in brightness.
- (3) The background of the sign face of an electronic display sign may not be white, off-white, gray or yellow in color.
- (4) Electronic display signs must include a photocell to control brightness and automatically dim at sunset to the following nighttime levels: of 40-100 nits.
  - (a) Residential Districts (excluding residential areas of Planned Districts): 100 nits; and
  - (b) Planned, Commercial, and Industrial Districts: 500 nits ***[advertised range from 100 to 1,000 nits]***. The Board may approve an increase in nits in accordance with subsection 7102.1.E.
- (5) The sign specifications, including programmed nit levels, must be submitted with electronic display sign permit applications.

#### B. Sign Illumination

Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Section 5109.

#### C. Associated Service Uses

Each associated service use permitted in accordance with Article 4 of this Ordinance is allowed a single building-mounted sign not to exceed 15 square feet in area, which is calculated as part of the total allowable building-mounted sign area for the building.

### 2. Signs in Residential Districts

#### A. Signs Allowed in Residential Districts

The following signs are allowed with approval of a sign permit in an R residential district:

## ATTACHMENT 2 – PROPOSED TEXT

- (1) In a single-family residential subdivision or for a stacked townhouse ~~or multifamily development~~, a freestanding sign is allowed at each major vehicular entrance, not to exceed 30 square feet in area or eight feet in height. More than one sign may be placed at each major vehicular entrance, but the total of all signs at a single vehicular entrance cannot exceed 30 square feet in area. These signs must be located within an easement recorded for signage purposes or on common area located at the vehicular entrance.
- (2) A multifamily development is limited to one of the following:
  - (a) One freestanding sign per building, not to exceed 30 square feet in area or eight feet in height;
  - (b) A freestanding sign at each major vehicular entrance, not to exceed 30 square feet in area or eight feet in height. More than one sign may be placed at each major vehicular entrance, but the total of all signs at a single vehicular entrance cannot exceed 30 square feet in area; or
  - (c) 50 square feet of building-mounted signage [advertised range: 25 – 50 square feet].
- (3) A rental office for a stacked townhouse or multifamily development is allowed one building-mounted or freestanding sign not to exceed four square feet in area; a freestanding sign is limited to and a height of four feet.
- (4) A mixed-used building that includes ground-floor nonresidential uses may have building-mounted signage that is permitted for the nonresidential use as provided in subsection 7101.3; however, only one freestanding sign not to exceed 30 square feet in area or eight feet in height is allowed for the building.
- ~~(3)~~ (5) Agricultural uses on a lot at least 20 acres in size Agricultural operations are allowed a total of 60 square feet of sign area. No single sign can exceed 30 square feet in area, and freestanding signs are limited to ~~or~~ a height of eight feet.
- (4) (6) Hospitals, as follows:
  - (a) A single building-mounted sign for each building entrance, not to exceed 50 square feet in area.
  - (b) A single freestanding sign at each vehicular entrance, not to exceed 80 square feet in area or 12 feet in height.
  - (c) In conjunction with approval of a special exception, the Board may approve additional signs for the use in accordance with subsection 4102.4.R(8).
- ~~(5)~~ (7) All other nonresidential uses, including public uses, congregate living facilities, religious group living, and residence halls, are allowed building-mounted and freestanding signs in accordance with the following:
  - (d) Building-mounted signs may not exceed 50 square feet in total area per lot.
  - (e) A single freestanding sign may not exceed 40 square feet in area or eight feet in height.
- ~~(6)~~ (8) The Board, in approving a rezoning, PRC plan, or special exception, or the BZA, in approving a special permit, may further limit the size, location, height, type, and duration of any sign for the land uses in subsections (3), (4), and (5) ~~in furtherance of subsection 8100.3.D(2) or subsection 8100.4.D(2), as applicable.~~

### B. Performance Standards for Signs in Residential Districts

#### (1) Building-Mounted Signs

Building-mounted signs must be installed flush against the wall and may not extend above or beyond the perimeter of the wall or roof of the building to which they are attached.

#### (2) Freestanding Signs

Freestanding signs may not be located closer than five feet to any property line. When located on a corner lot, a freestanding sign is subject to the sight distance requirements of subsection 5100.2.D(4)(c).

### 3. Signs in Commercial and Industrial Districts

#### A. Signs Allowed in Commercial and Industrial Districts

The following signs are allowed with approval of a sign permit within a commercial district, including the commercial area of a P district or nonresidential uses located in a mixed-use building or development; or within an industrial district:

##### OPTION 1 (includes (1)(a) through (c)):

##### (1) Building-Mounted Signs

- (a) For buildings with a single tenant or with multiple tenants that access the building by one or more common outside entrances:
  - 1. ~~Signs~~ signs are limited to one and one-half square feet of sign area per linear foot of building frontage for each of the first 100 linear feet of building frontage, plus one square foot of sign area for each additional linear foot of building frontage.
  - 2. No single sign may exceed 200 square feet in area.
- (b) For buildings with more than a single tenant where each tenant has its own outside entrance:
  - 1. ~~Signs~~ signs are limited to one and one-half square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided for in subsection 7102.1 below.
  - 2. The maximum sign area for any single tenant may not exceed 200 square feet.
- ~~(c)~~ A single tenant with building frontage that results in an allowable sign area greater than 200 square feet and that occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall. The combined sign area on any such wall must not exceed one and one-half times the length of the wall.
- ~~(d)~~ (c) In addition to sign area allowed in accordance with subsections (a), ~~and (b)~~, and ~~(c)~~ above, hospitals are allowed a single building-mounted sign for each building entrance. No such sign may exceed 50 square feet in area.

##### OPTION 2 (includes (1)(a) and (b)):

##### (1) Building-Mounted Signs

- (a) Signs are limited to one and one-half square feet of sign area for each linear foot of building frontage. No single sign may exceed 200 square feet in area.
- ~~(a)~~ For buildings with a single tenant or with multiple tenants that access the building by one or more common outside entrances signs are limited to one and one-half square feet of sign area per linear foot of building frontage for each of the first 100 linear feet of building frontage, plus one square foot of sign area for each additional linear foot of building frontage. No single sign may exceed 200 square feet in area.
- ~~(b)~~ For buildings with more than a single tenant where each tenant has its own outside entrance signs are limited to one and one-half square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided for in subsection 7102.1 below. The maximum sign area for any single tenant may not exceed 200 square feet.

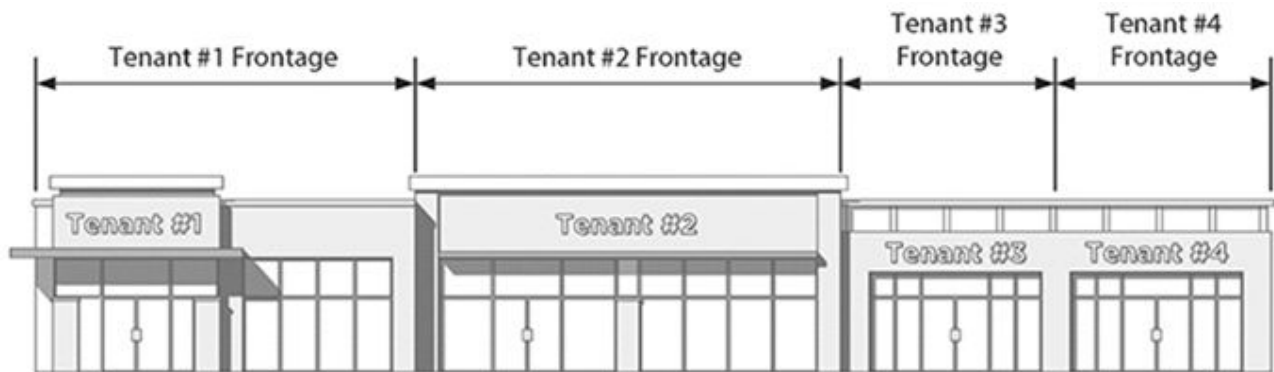
~~(c)~~ A single tenant with building frontage that results in an allowable sign area greater than 200 square feet and that occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall. The combined sign area on any such wall must not exceed one and one-half times the length of the wall.

~~(d)~~ (b) In addition to sign area allowed in accordance with subsections (a), and (b), ~~and (c)~~ above, hospitals are allowed a single building-mounted sign for each building entrance. No such sign may exceed 50 square feet in area.

**(c) Building Frontage**

1. Building frontage is the linear width of the wall taken at a height no greater than ten feet above grade.
2. On buildings with a single tenant or with multiple tenants that access the building through a common outside entrance, building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.
3. On buildings with more than a single tenant where each tenant has its own outside entrance, building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator.
4. On buildings that include both a common outside entrance and tenants with individual outside entrances, the building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.
5. For the purpose of these provisions, buildings that are located on the same property are considered separate buildings if they have separate posted addresses and do not include any internal connections. Each building is allotted its own sign area based on the linear feet of building frontage associated with its main public entrance.

**Figure 7100.1: Multi-Tenant Sign Frontages**



**(2) Freestanding Signs**

Freestanding signs are allowed as follows, unless limited by subsection 7101.3.A(3) below:

## ATTACHMENT 2 – PROPOSED TEXT

~~(c)~~ In a commercial district, a use may have one freestanding sign up to 80 square feet in area and 20 feet in height. The use must be located on a lot that has frontage on a primary highway or on a major thoroughfare and not located on the same lot as a shopping center.

(a) ~~(b)~~ In an commercial or industrial district, a single freestanding sign not to exceed 80 square feet in area ~~and~~ or 20 feet in height may be erected for each building that has frontage on a major thoroughfare. If one tenant occupies a group of separate buildings with frontage on a major thoroughfare, then that tenant is allowed only one freestanding sign.

~~(d)~~ A hospital is allowed one freestanding sign at each entrance, provided no such sign exceeds 80 square feet in area or 12 feet in height.

(b) ~~(e)~~ Shopping centers are allowed one freestanding sign, not to exceed 80 square feet in area or 20 feet in height. If a shopping center has frontage on two or more major thoroughfares, then such the shopping center may have a maximum of two freestanding signs; however, these two signs may not be located on the same major thoroughfare.

(c) ~~(d)~~ For office and industrial complexes:

1. One freestanding sign is allowed at each major entrance to an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis, not to exceed 40 square feet in area or a height of 20 feet in height.
2. One freestanding sign is allowed for each detached building that houses a principal use within an office or industrial complex, not to exceed 30 square feet or a height of eight feet in height.

(d) A hospital is allowed one freestanding sign at each entrance, but no such sign may exceed 80 square feet in area or 12 feet in height.

### **(3) Within a Sign Control Overlay District**

The following regulations apply to uses located on commercially and industrially zoned land located within a Sign Control Overlay District; where applicable, these regulations supersede subsection 7101.3.A(2) above:

(a) A single tenant or building on a lot may have one freestanding sign if the lot has frontage on a ~~primary highway or~~ major thoroughfare and the single tenant or building is not located on the same lot as a shopping center. Such The sign may not exceed 40 square feet in area or a height of 20 feet in height.

(b) A shopping center is allowed one freestanding sign not to exceed 40 square feet in area or a height of 20 feet in height.

### **(4) Signs Related to Vehicle Fueling Stations**

The following are permitted in addition to the signs allowed in this subsection 7101.3.A:

(a) Vehicle fueling stations are permitted one additional square foot of sign area to be displayed on each fuel pump.

(b) Each fuel pump is permitted to have a digital display area of up to one square foot.

~~(b)~~(c) Motor vehicle fuel price signs required by Article 4 of Chapter 10 of the Code of Virginia County Code.

### **(5) Signs Related to a Restaurant with Drive-Through**

(a) There is no limit on the number of freestanding signs associated with the ordering station of a restaurant with drive-through, drive-through financial institution, other drive-through, or drive-through pharmacy unless specifically limited by the Board as part of a special exception approval.

(b) Each sign is limited to a maximum size of 20 square feet [advertised range: 10 – 30 square feet].

**B. Performance Standards for Signs in Commercial and Industrial Districts**

**(1) Building-Mounted Signs**

**(a)** Building-mounted signs may be located anywhere on the surface of a wall, but no part of the sign may extend above or beyond the perimeter of a wall. When the sign is erected at a right angle to the wall, it must not extend into the minimum ~~required yard setback~~, and must not be located closer than two feet to any street line.

**(b)** A building-mounted sign may be located on the wall of a penthouse or rooftop screening wall, as follows:

- 1.** The sign must be mounted flat against the wall, and no part of the sign can extend above or beyond the perimeter of the wall.
- 2.** The sign cannot be located more than 12 feet above the building roof supporting the penthouse or screening wall.

**(2) Freestanding Signs**

Freestanding signs may not project beyond any property line or be located within five feet of the curb of a service drive, travel lane, or adjoining street. When located on a corner lot, a freestanding sign is subject to the sight distance requirements of subsection 5100.2.D(4)(c) of this Ordinance.

## 7102. Administration of Sign Approvals Special Exception for Sign Modifications

These sign approval standards are in addition to the General Provisions in Section 7100.

### 1. Administrative Comprehensive Sign Plan

As an alternative to calculating building frontage in accordance with subsection 7100.7.A(1)(b), the Zoning Administrator may authorize a different allotment of sign area to the various tenants of a building or buildings by approval of an administrative comprehensive sign plan, as follows:

- A.** A request for an administrative comprehensive sign plan must include written authorization from the owner of the building(s), or an authorized agent, accompanying graphics showing the proposed size, height, and location of all signs, and the required filing fee as established in Section 8102.
- B.** Unless allowed under C below, the total area for all signs may not exceed the maximum allowable sign area for the building as determined in accordance with subsection 7100.7.A(1)(b). The maximum sign area for any single tenant may not exceed 200 square feet.
- C.** A single tenant with building frontage that results in an allowable sign area greater than 200 square feet where such tenant occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall. The combined sign area on any such wall must not exceed one and one-half times the length of the wall.

### 2. Special Exceptions

- 1.** The Board may approve a special exception for a modification of sign regulations for:
  - A.** Any property in a P District; or
  - B.** A property in a C or I district that is developed or approved for development with the following:
    - (1)** An individual building, group of buildings, office or industrial complex, or a shopping center with a minimum gross floor area of 30,000 square feet ***[advertised range: 25,000 – 50,000 square feet]***; or
    - (2)** Any development where the applicant demonstrates that there are unusual circumstances or conditions in terms of location, topography, size, or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.

#### Modifications that may be approved with a special exception:

- C.** Modifications are limited to the following:
  - (1)** Any limitation set forth in subsection 7101.2 for residential areas of P districts.
  - (2)** Any limitation set forth in subsection 7101.3.
  - (3)** For electronic display sign(s), modifications as set forth in subsection 7102.1.E below.

## ATTACHMENT 2 – PROPOSED TEXT

- (4) An increase in minor sign limitations set forth in subsection 7100.4, limited to the following minor sign types:
  - (a) Signs displayed on a property that is actively marketed for sale, rent, or lease.
  - (b) Minor building-mounted and freestanding signs associated with a nonresidential use.
  - (c) Window signs exceeding 30 percent of the total area of the window.
  - (d) A-frame signs.
- (5) A roof sign that would otherwise be prohibited by subsection 7100.5.C(2).

### **Standards for approval of a special exception:**

- D. All proposed signage must meet the following standards:
  - (1) The size of the signs, including sign area and height, must be compatible with the massing and height of the development. If building-mounted, the signs must be compatible with the scale of the buildings the signs are mounted upon.
  - (2) The proposed signage may not have an adverse impact on the adjacent existing or planned development.
  - (3) Sign materials must be aesthetically compatible with the architecture of the development.
  - (4) Signs cannot add to street clutter, interfere with pedestrian, bicycle, or vehicular traffic, or detract from the urban design elements of the development.
  - (5) All signs should be consistent with any applicable Urban Design Guidelines endorsed by the Board.
- E. Electronic display signs are subject to the following additional standards:
  - (1) Electronic display signs must be sized and located to avoid adverse impacts on traffic safety and enhance overall placemaking of the development.
  - (2) Electronic display signs may be building-mounted or freestanding ***[advertised option for C and I districts to limit to freestanding signs]***.
  - (3) In addition, in C and I districts:
    - (a) Only one electronic display sign is allowed per lot.
    - (b) Freestanding electronic display signs are limited to the height and size limitations of subsection 7101.3.A(2) ***[advertised option – allow increase in height and size limitations as part of the SE]***.
  - (4) The maximum nit levels of 7101.1.A(4) may not be exceeded unless specifically approved by the Board.
- F. Temporary building-mounted signs, including those that are not permanently attached such as a banner, may be allowed for up to 24 months from the start of display. The Board may further limit the maximum size of these signs. A request for additional time beyond 24 months requires an amendment to the special exception.
- G. The Board may impose a condition stating that the approval supersedes any by-right signage that would otherwise be allowed by Section 7101. In this case, any additional signage that is not part of the approval will require an amendment to the application.



- ~~D.~~ In conjunction with the approval of a special exception for a hospital, the Board may approve additional signs for the use in accordance with subsection 4102.4.R(8).
- ~~E.~~ In commercial and industrial districts, the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, a modification or waiver of the sign regulations in accordance with the following:
  - ~~(1)~~ Such waiver may be for an increase in sign area, increase in sign height, or different location of a sign, not otherwise provided by subsection 7102.3. Such waiver may not allow the erection of a freestanding sign or off-site sign not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by Article 7.
  - ~~(2)~~ The Board may approve such waiver only when the applicant demonstrates that there are unusual circumstances or conditions in terms of location, topography, size, or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
  - ~~(3)~~ The Board determines that such waiver will be in harmony with the policies of the Comprehensive Plan.
  - ~~(4)~~ The Board may approve a waiver of the sign provisions only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it determines that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 7.

## 2. Special Permits

- ~~A.~~ The BZA may grant a special permit to increase the height of a freestanding sign in a neighborhood or community shopping center when it determines that the application of this Article would cause a hardship due to issues of topography. However, such freestanding sign may not extend to a height greater than 26 feet above the elevation of the center line of the nearest street.
- ~~B.~~ The BZA may grant a special permit to allow additional sign area or height, or a different arrangement of sign area distribution for a regional shopping center, when it determines that the application of this Article would cause a hardship due to issues of topography or location of the regional shopping center. However, the total combined sign area for the regional shopping center may not exceed 125 percent of the sign area otherwise allowed by this Article.
- ~~C.~~ In cases where an individual or grouping of enterprises within a shopping center are located so that the building frontage is not visible from a street, the BZA may grant a special permit to allow building-mounted sign(s) for such enterprises to be erected at the entrances, arcades, or interior malls. However, the total combined sign area for the shopping center may not exceed 125 percent of the sign area otherwise allowed by this Article.

## 3. Uses in Planned Districts

The provisions of this Article apply to signs within Planned (P) districts. However, in keeping with the intent to allow flexibility in the design of planned developments, the following apply to signs in P-districts:

**ATTACHMENT 2 – PROPOSED TEXT**

- ~~A.~~ Signs may be permitted in a P district in accordance with a comprehensive sign plan subject to approval by the Planning Commission following a public hearing conducted in accordance with subsection 8100.1.C. The comprehensive sign plan will show the location, size, height, and extent of all proposed signs within the specified area of the P district.
- ~~B.~~ An application for a comprehensive sign plan may be submitted by any property owner, owner of an easement, lessee, contract purchaser, or their agent. The application must be accompanied by a statement establishing the names of the record owners of the properties upon which such signs are proposed to be located, and a fee as established in Section 8102.
- ~~C.~~ Any comprehensive sign plan must be in accordance with the standards for all planned developments as established in Section 2105. All proposed signs must be consistent with the scale and design of the development and so located and sized to ensure convenience to users of the development, while not adding to street clutter or otherwise detracting from architectural and urban design elements of the development.

**#2 INSTRUCTION:** Delete “comprehensive sign plan” from subsections 8100.1.A(4) and (5) as shown below.

**(4) Withdrawing an Unaccepted Application**

Withdrawal of an unaccepted application for a rezoning, special exception, special permit, or variance, ~~or comprehensive sign plan~~ will be in accordance with the following:

**(5) Withdrawing an Accepted Application**

Withdrawal of an accepted application for a rezoning, special exception, special permit, or variance, ~~or comprehensive sign plan~~ will be in accordance with the following:

**#3 INSTRUCTION:** Revise Table 8100.1 to update the special exception name and subsection reference.

Table 8100.1: Summary of Special Exceptions	
Special Exception Type	Section/ Subsection
Waiver of Certain Sign Regulations <u>Sign Modification</u>	<del>7102.2</del> <u>7102.1</u>

**#4 INSTRUCTION:** Revise Table 8100.2 to delete the increase in sign area or height special permit.

Table 8100.2: Summary of Special Permits	
Special Permit Type	Section/ Subsection
Increase in Sign Area or Height	<del>7102.3</del>

**#5 INSTRUCTION:** In subsection 8100.10, add a minor sign violation to the list of appeals which must be filed within ten days from the notice of violation and reorder/renumber.

**(2) Time Limit on Filing**

- (a)** Except as set forth below, all appeals must be filed within 30 days from the date of the decision appealed by filing an appeal application with the Zoning Administrator and the BZA.

## ATTACHMENT 2 – PROPOSED TEXT

- (b) Appeals from notices of violation involving the following violations must be filed within ten days from the date of the notice by filing an appeal application with the Zoning Administrator and the BZA:
1. Occupancy of a dwelling unit in violation of subsection 4102.3.A.
  2. Parking a commercial vehicle in an R district or a residential area of a P district in violation of subsections 4102.1.B(2) and 4102.1.E(4).
  3. Parking of vehicles on an unsurfaced area in the front yard of a single-family detached dwelling in the R-1, R-2, R-3, or R-4 Districts in violation of subsection 6100.2.A(3).
  4. Parking of inoperative vehicles, as provided in Chapter 110 of the County Code, in violation of subsection 4102.7.A(13).
  5. Installation, alteration, refacing, or relocation of a sign on private property in violation of subsection 7100.3.A(1).
  6. Installation of any minor sign in violation of subsection 7100.4.
  - ~~7. 5. Installation of prohibited signs on private property in violation of subsection 7100.5.B and subsections 7100.5.C(1) and 7100.5.C(5).~~
  - ~~6. Installation, alteration, refacing, or relocation of a sign on private property in violation of subsection 7100.3.A(1).~~
  - ~~8. 7. Other short-term, recurring violations similar to those listed above.~~

**#6 INSTRUCTION:** Add new subsection 8101.3.D(6) and renumber subsequent subsections.

### **(6) Sign Modification**

- (a) Site photographs or visual simulations showing the location and scale of proposed signs, which should account for factors such as topography that impact visibility.
- (b) Building elevations and renderings of the proposed signs, including a graphic scale, demonstrating placement and overall design compatibility.
- (c) Site plan/development plan showing sign locations.
- (d) Sign matrix showing the following:
  1. The size, height (measured from the lowest grade to the highest point), and extent of all proposed signs.
  2. Designs and materials of any signs over which the applicant has design control, including project identity and wayfinding signs.
  3. Comparison of the amount of signage allowable by-right compared to the proposed signage requested.
  4. Identification of any existing signs that will remain.
  5. Lighting specifications of any illuminated signs.
- (e) If electronic display signs are included, viewshed analyses must be provided from all abutting properties. Information on the size of the display area and the daytime and nighttime nit levels must also be provided.
- (f) A written statement describing the overall approach for the sign modification and how the proposed plan complies with the general standards and any applicable design guidelines.

## ATTACHMENT 2 – PROPOSED TEXT

**#7 INSTRUCTION:** In Table 8102.1, relocate sign permit fee to “general” fees, rename and relocate special exception and amendment fees, and delete all other sign-related fees.

TABLE 8102.1: FEE SCHEDULE		
APPLICATION TYPE	FEE [1]	
<b>MISCELLANEOUS PERMITS AND APPROVALS</b>		
<b>General</b>		
Interpretation of Approved Zoning Application or Minor Variation to Proffered Conditions	\$520	
Modification to the Affordable Dwelling Unit Program	\$2,755	
Nonresidential Use Permit (NonRUP)	\$70	
Zoning Compliance Letter	Dwelling, Single-Family, Per Lot	\$115
	All Other Uses, Per Lot	\$320
General Public Facilities	2232 Review with Public Hearing	\$1,500
	2232 Review without Public Hearing	\$750
<u>Sign Permits</u>	<u>\$95</u>	
<b>Signs</b>		
<del>Sign Permits and Administrative Comprehensive Sign Plans</del>	<del>\$95</del>	
<del>Comprehensive Sign Plans in Planned Districts</del>	<del>\$8,260</del>	
<del>Amendments to Comprehensive Sign Plan in Planned Districts</del>	<del>\$4,130</del>	
<del>Waiver of Certain Sign Regulations Special Exception</del>	<del>\$8,260</del>	
<b>SPECIAL EXCEPTIONS [2]</b>		
Standard fees for special exception approvals are listed below.		
General Fee Unless Otherwise Listed	\$16,375	
<b>Accessory Uses and Other Special Exceptions</b>		
Home Day Care Facility	\$435	
Modification of Shape Factor	\$8,180	
Modification of Grade for Single-Family Detached Dwellings	\$910	
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses	\$910
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0
<u>Sign Modifications</u>	<u>\$8,260</u>	
<u>Amendment to Approved Sign Modifications</u>	<u>\$4,130</u>	
Waiver of Minimum Lot Size Requirements	\$8,180	
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of May 10, 2023, in a Floodplain	\$8,180	

**#8 INSTRUCTION:** In Section 9102, revise definitions of “moving or windblown sign” and “roof sign” as follows.

**Moving or Windblown Sign**

Any sign of which all or any part is in motion by natural or artificial means (including fluttering, rotating, undulating, swinging, oscillating) or by movement of the atmosphere. This includes signs such as feather flags and inflatable objects. For purposes of Article 7, a flag is not a moving or windblown sign.

**Roof Sign**

Any sign or portion of a sign affixed to a building that extends above the ~~lowest~~ highest point of the roof level of the building, including signs painted onto a roof structure, or that is located on a chimney or other similar rooftop. For purposes of Article 7, a roof sign does not include a sign attached to the penthouse of a building.

**#9 INSTRUCTION:** Delete “comprehensive sign plan” from Appendix 1 as shown below.

# APPENDIX 1 - PROVISIONS RELATING TO PREVIOUS APPROVALS

## 1. General Provisions Regarding Previous Approvals

Except as specified in the Ordinance, the specific uses, features, and structures on each of the following are entitled to continue under the previous approval(s) if the applicable due diligence standard is met. For the purpose of this statement, to “aggravate conflicts” means to create any new or additional noncompliance with the amended Ordinance such as expanding a use, feature, or structure that is not allowed by the new Ordinance, as determined by the Zoning Administrator.

- A.** Proffered rezonings and related development plans, special exceptions, special permits, variances, ~~comprehensive sign plans~~, PRC plans, and parking reductions approved before May 10, 2023, and any plans and permits, including but not limited to site plans, subdivision plats, construction plans, building permits, and Residential and Nonresidential Use Permits submitted in accordance with such approvals. The provisions of this Ordinance govern to the extent they are not in conflict with or superseded by the approval. Amendments to such approvals may be approved if they do not aggravate conflicts with this Ordinance.
- B.** Site plans, minor site plans, subdivision plans and plats, public improvement plans, grading plans, construction plans, building permits and other related subsequent plans, approvals and written determinations, approved before May 10, 2023. The provisions of this Ordinance govern to the extent they do not preclude the approved uses, features, and structures. Revisions to such approvals may be approved if they do not aggravate conflicts with the new Ordinance.
- C.** Applications for rezonings and related development plans, special exceptions, special permits, variances, ~~comprehensive sign plans~~, PRC plans, parking reductions, subdivision plats, site plans, parking tabulations and redesignations, building permits, public improvement plans, and grading plans submitted and accepted for review before May 10, 2023, provided: (a) approval is granted within 12 months of May 10, 2023, or, if corrections to a properly submitted and accepted plan are deemed necessary by the reviewing

## ATTACHMENT 2 – PROPOSED TEXT

authority, revised plans are resubmitted within six months of its disapproval; (b) the approval remains valid; and (c) 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 the new Ordinance.

**#10 INSTRUCTION:** Add 2.B(1) to Appendix 1 as shown below.

**B.** Amendments Adopted After May 10, 2023

**(1) Sign Regulations (ZO 112.2-2023-x)**

A comprehensive sign plan accepted for review by September 26, 2023, and approved before March 1, 2024, and any subsequent sign permit application based on the approval are entitled to continue under that approval. A comprehensive sign plan (including amendments to a previously approved comprehensive sign plan) that is accepted for review after September 26, 2023, or is not approved by March 1, 2024, is subject to the special exception provisions of Section 7102.

Board Agenda Item  
September 26, 2023

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Convey Board-Owned Property at 13500 Dulles Greene Drive to the Fairfax County Redevelopment and Housing Authority (Dranesville District)

ISSUE:

Authorization of the Board of Supervisors (Board) to advertise a public hearing regarding the conveyance of Board-owned property at 13500 Dulles Greene Drive to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the proposed conveyance of Board-owned property to the FCRHA.

TIMING:

Board action is requested on September 26, 2023, to provide sufficient time to advertise the proposed public hearing on October 24, 2023, at 4:30 p.m.

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 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

Board Agenda Item  
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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.

Because *Virginia Code Ann. § 15.2-1800* generally requires a locality to hold a public hearing before it may dispose of real property, staff recommends that the Board authorize staff to advertise a public hearing to convey the Property to the FCRHA.

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 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 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

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 Coddling, Assistant County Attorney  
Ryan Wolf, Assistant County Attorney



ADMINISTRATIVE – 9

Supplemental Appropriation Resolution AS 24082 for the Department of Neighborhood and Community Services to Accept Grant Funding from the U.S. Department of Education and U.S. Department of Health and Human Services for the Community Project Funding Requests Included in the Consolidated Appropriations Act, 2023

ISSUE:

Board of Supervisors approval of Supplemental Appropriation Resolution AS 24082 for the Department of Neighborhood and Community Services (NCS) to accept grant funding totaling \$2,500,000 from the U.S. Department of Education (ED) and U.S. Department of Health and Human Services (HHS), Administration for Community Living (ACL) for funding received for the community project funding requests included in the Consolidated Appropriations Act, 2023. These awards were part of the County's community project funding requests coordinated through Government Relations and submitted to the County's Congressional offices. No Local Cash Match is required. NCS received funding for the following projects:

1. Expansion of the Early Childhood Development and Learning Program - \$1,500,000

The funding from ED will expand the Early Childhood Development and Learning Program by providing access to early childhood education services for approximately 72 additional children, ages birth to 5 years, in early childhood programs located in community-based settings (the actual number of children served is dependent upon the care level – infant, toddler or preschool). The period of performance is October 1, 2023, through September 30, 2024. This is an ongoing initiative that will require additional General Fund baseline resources in FY 2025 once grant funding expires.

2. Bridging the Digital Divide for Older Adults and People with Disabilities - \$1,000,000

This program funded by HHS, ACL will help bridge the digital divide in Fairfax County for older adults and people with disabilities by addressing gaps in accessibility, affordability, and technical ability and increasing engagement and connection through the enrichment of resources available at senior centers, adult day health care centers, community centers, teen centers, and Head Start and Neighborhood Initiative Programs located strategically throughout the County, many in underserved communities. The funding will cover the technology and

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equipment costs. The period of performance is August 1, 2023, through July 31, 2024. This is a one-time initiative; therefore, the County is under no obligation to continue funding once grant funding expires.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 24082 from the U.S. Department of Education and U.S. Department of Health and Human Services, Administration for Community Living in the amount of \$2,500,000 supporting two NCS projects that were funded through the Consolidated Appropriations Act, 2023. No Local Cash Match is required.

TIMING:

Board approval is requested on September 26, 2023.

BACKGROUND:

As the Board may recall, the 117<sup>th</sup> Congress reinstated the practice of authorizing direct funding of specific projects, previously known as “earmarks” and now referred to as “community project funding requests” (CPFRs), after nearly a decade-long ban on the practice. The County developed a list of 17 CPFRs for submission to the County’s Congressional offices as part of the 118<sup>th</sup> Congress. The selected projects had to meet the following criteria:

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

The Board was notified on December 22, 2022, through the “Update on FY 2023 Congressionally Directed Spending” email from Claudia Arko, Legislative Director, that the Consolidated Appropriations Act, 2023 was passed in December 2022 and included funding for nine of the 17 County CPFR projects submitted for Congressional consideration. In addition, a project submitted by the Northern Virginia Transportation Commission that directly impacts Fairfax County but is not part of this Supplemental Appropriation Resolution was approved.

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Each CPFR is being administered by the appropriate federal agency, and each project requested by the County will be separately accounted for in Fund 50000, Federal-State Grant Fund. Attachment 1 lists the nine projects, the County department responsible for administering the award, and the status of project funding. There is no set timeframe for when each federal agency will release the funding; however, as funding is released, a Board item will be submitted to formally appropriate the funding.

ED and ACL, respectively, have released the funding for the following NCS projects.

1. Expansion of the Early Childhood Development and Learning Program - \$1,500,000

This funding will expand the Early Childhood Development and Learning Program by providing access to early childhood education services for approximately 72 additional children, ages birth to 5 years, in early childhood programs located in community-based settings (the number of actual children served is dependent upon the care level – infant, toddler or preschool).

The average cost to serve a child in a community-based early childhood program in Fairfax County is \$18,200. The cost per slot covers programmatic and operating expenses, including personnel, curriculum, supplies, meals, and facility costs. The exact number of slots will depend on the ages of the children enrolled as child care is generally more expensive for infants and toddlers than for preschoolers. In addition, the funding will be used to pay for two existing staff positions to conduct eligibility, process enrollment, and provide case management for participating families. Access to affordable, quality early childhood programs is a key strategy for supporting parents who are struggling to engage in the economy and take part in the workforce. This program helps address current labor shortages across most employment sectors. In addition, the program prepares young children for school and future workforce success, which provides long-term positive outcomes in Virginia.

2. Bridging the Digital Divide for Older Adults and People with Disabilities - \$1,000,000

This program will help bridge the digital divide in Fairfax County for older adults and people with disabilities by addressing gaps in accessibility, affordability, and technical ability. Digital inequities not only limit access to essential public health care services but can also lead to social isolation, which has been linked to negative health outcomes, reduced quality of life, and premature death. This program will help older adults and people with disabilities be engaged in inclusive settings at the County's community, teen, and senior centers. It will address gaps in accessibility by providing equitable access to an increased range of

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technological devices and technology training to underserved communities. This program will also help address gaps in internet access by providing free Wi-Fi in the parking lots of community, teen, and senior centers, as well as at all Neighborhood Initiative Program partner sites and Head Start stand-alone sites. Additionally, this program will help address household affordability by creating a technology lending program for residents to borrow equipment and technology devices.

NCS will leverage technology upgrades to provide virtual and hybrid community engagement opportunities for older adults and persons with disabilities and other marginalized groups to participate in planning and decision-making processes to achieve equitable outcomes. This will ensure robust, inclusive, and barrier-free engagement opportunities. Moreover, NCS will install specialized sensory room equipment for its four adult day health centers, which will help older adults and people with disabilities be able to desensitize, find calmness, and be receptive to adaptive programming and services.

FISCAL IMPACT:

Funding in the amount of \$2,500,000 from the U.S. Department of Education and U.S. Department of Health and Human Services, Administration for Community Living has been received for two community funding projects to NCS, which was included in the Consolidated Appropriations Act, 2023. No Local Cash Match is required. Indirect cost is not allowed by ED. Indirect cost recovery is allowed by HHS, ACL but NCS is not requesting the recovery of indirect costs in order to maximize funds available to accomplish the objectives of the project. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2024.

CREATION OF NEW POSITIONS:

There are no new grant positions associated with these awards.

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County Funded FY 2023 CPFPR Projects

Attachment 2: FY 2023 Community Project Funding – Grant Award Notification  
S215K230266

Attachment 3: FY 2023 Community Project Funding – Notice of Award 90CFPA0032-  
01-00

Attachment 4: Supplemental Appropriation Resolution AS 24082

Board Agenda Item  
September 26, 2023

STAFF:

Christopher A. Leonard, Deputy County Executive

Lloyd Tucker, Director, Department of Neighborhood and Community Services (NCS)

Keisha Dotson, Deputy Director, NCS

Pallas Washington, Deputy Director, NCS

Flor Philips, Division Director, NCS

Norma Lopez, Division Director, NCS

## Fairfax County Funded FY 2023 CPFR Projects

<b>Project Title</b>	<b>Funded Amount</b>	<b>Department Administering the Award</b>	<b>Status of Project Funding</b>
1. Behavioral Health Care Provider Incentive Program	\$2.0 million	Fairfax-Falls Church Community Services Board (CSB)	CSB staff is working with the federal agency to release funding.
2. Bridging the Digital Divide for Older Adults and People with Disabilities	\$1.0 million	Department of Neighborhood and Community Services (NCS)	Funding has been released by the federal agency administering the award and budget appropriation is being requested as part of this Board item.
3. Investing in our Youth: Career Readiness and Job Training	\$2.1 million	NCS	NCS staff is working with the federal agency to release funding.
4. Franconia (formerly Lee) District Community Center Facility Renovations	\$1.93 million	NCS	NCS staff is working with the federal agency to release funding.
5. Expansion of the Fairfax County Early Childhood Development and Learning Program	\$1.5 million	NCS	Funding has been released by the federal agency administering the award and budget appropriation is being requested as part of this Board item.
6. Housing Program Participant Information Digitization/Imaging	\$200,000	Department of Housing and Community Development (HCD)	Accept Board Item on June 27, 2023
7. Renovations/Improvements to the Little River Glen Senior Center	\$1.5 million	HCD	Accept Board Item on June 27, 2023
8. I-66 Trail (Vienna Segment)	\$1.0 million	Department of Transportation (DOT)	DOT staff is working with the federal agency to release funding.
9. Sunrise Valley Cycle Track (Innovation to Herndon)	\$4.0 million	DOT	DOT staff is working with the federal agency to release funding.





**US Department of Education  
Washington, D.C. 20202**

**GRANT AWARD NOTIFICATION**

<b>1</b> RECIPIENT NAME  Fairfax County, Virginia 12000 Government Center Parkway Fairfax, VA 22035	<b>2</b> AWARD INFORMATION  PR/AWARD NUMBER      S215K230266 ACTION NUMBER         1 ACTION TYPE            New AWARD TYPE             Discretionary								
<b>3</b> PROJECT STAFF  RECIPIENT PROJECT DIRECTOR Flor Philips                      (703) 324-8029 <a href="mailto:flor.philips@fairfaxcounty.gov">flor.philips@fairfaxcounty.gov</a> EDUCATION PROGRAM CONTACT Tammy L Barnhill-                (202) 260-7803 Proctor <a href="mailto:tammy.proctor@ed.gov">tammy.proctor@ed.gov</a> EDUCATION PAYMENT HOTLINE G5 PAYEE HELPDESK      888-336-8930 <a href="mailto:obssed@servicenowservices.com">obssed@servicenowservices.com</a>	<b>4</b> PROJECT TITLE  84.215K Expansion of the Early Childhood Development and Learning Program								
<b>5</b> KEY PERSONNEL  <table border="0"> <thead> <tr> <th align="left"><u>NAME</u></th> <th align="left"><u>TITLE</u></th> <th align="left"><u>LEVEL OF EFFORT</u></th> </tr> </thead> <tbody> <tr> <td>Flor Philips</td> <td>Project Director</td> <td>10 %</td> </tr> </tbody> </table>		<u>NAME</u>	<u>TITLE</u>	<u>LEVEL OF EFFORT</u>	Flor Philips	Project Director	10 %		
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<b>8</b> ADMINISTRATIVE INFORMATION  <table border="0"> <tbody> <tr> <td>UEI</td> <td>W2ZUFMBDM378</td> </tr> <tr> <td>REGULATIONS</td> <td>EDGAR AS APPLICABLE</td> </tr> <tr> <td></td> <td>2 CFR AS APPLICABLE</td> </tr> <tr> <td>ATTACHMENTS</td> <td>2 , 3 , 6 , 8 , 9 , 11 , 12 , 13 , 14 , B OESE , GE1 , GE2 , GE3 , GE4 , GE5</td> </tr> </tbody> </table>		UEI	W2ZUFMBDM378	REGULATIONS	EDGAR AS APPLICABLE		2 CFR AS APPLICABLE	ATTACHMENTS	2 , 3 , 6 , 8 , 9 , 11 , 12 , 13 , 14 , B OESE , GE1 , GE2 , GE3 , GE4 , GE5
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<b>9</b> LEGISLATIVE AND FISCAL DATA  <table border="0"> <tbody> <tr> <td>AUTHORITY:</td> <td>PL TEXT - H.R.2471 - 117TH CONGRESS (2021-2022) CONSOLIDATED APPROPRIATIONS ACT, 2022 CONSOLIDATED APPROPRIATIONS ACT, 2022</td> </tr> <tr> <td>PROGRAM TITLE:</td> <td>INNOVATIVE APPROACHES TO LITERACY; FULL-SERVICE COMMUNITY SCHOOLS; AND PROMISE NEIGHBORHOOD</td> </tr> <tr> <td>CFDA/SUBPROGRAM NO:</td> <td>84.215K</td> </tr> </tbody> </table>		AUTHORITY:	PL TEXT - H.R.2471 - 117TH CONGRESS (2021-2022) CONSOLIDATED APPROPRIATIONS ACT, 2022 CONSOLIDATED APPROPRIATIONS ACT, 2022	PROGRAM TITLE:	INNOVATIVE APPROACHES TO LITERACY; FULL-SERVICE COMMUNITY SCHOOLS; AND PROMISE NEIGHBORHOOD	CFDA/SUBPROGRAM NO:	84.215K		
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**US Department of Education  
Washington, D.C. 20202**

S215K230266

**GRANT AWARD NOTIFICATION**

FUND CODE	FUNDING YEAR	AWARD YEAR	ORG. CODE	CATEGORY	LIMITATION	ACTIVITY	CFDA	OBJECT CLASS	AMOUNT
0204A	2023	2023	ES000000	B	U80	EAR	215	4101C	\$1,500,000.00
<b>10</b>	<p>PR/AWARD NUMBER: S215K230266</p> <p>RECIPIENT NAME: Fairfax County, Virginia</p> <p>GRANTEE NAME: COUNTY OF FAIRFAX, VIRGINIA 12000 GOVERNMENT CENTER PKWY, STE 214 FAIRFAX, VA 22035 - 0002</p> <p>PROGRAM INDIRECT COST TYPE: Restricted</p> <p>PROJECT INDIRECT COST RATE:</p> <p>TERMS AND CONDITIONS</p> <p>(1) The Office of Management and Budget requires all Federal agencies to assign a Federal Award Identifying Number (FAIN) to each of their financial assistance awards. The PR/AWARD NUMBER identified in Block 2 is your FAIN. If subawards are permitted under this grant, and you choose to make subawards, you must document the assigned PR/AWARD NUMBER (FAIN) identified in Block 2 of this Grant Award Notification on each subaward made under this grant. The term subaward means:</p> <ol style="list-style-type: none"> <li>1. A legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient. (See 2 CFR 200.331(a))</li> <li>2. The term does not include your procurement of property and services needed to carry out the project or program (The payments received for goods or services provided as a contractor are not Federal awards, see 2 CFR 200.501(f) of the OMB Uniform Guidance: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards").</li> <li>3. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract. (See 2 CFR 200.1)</li> </ol> <p>(2) Build America Buy America Sourcing Requirements Grant Condition Required Domestic Sourcing Under the Build America Buy America Act (BABAA):</p> <p>Requirement: As a condition of this award, a grantee using grant funds for infrastructure projects or activities (e.g., construction, remodeling, and broadband infrastructure) must comply with the following requirements:</p> <p>(1) All iron and steel used in the infrastructure project or activity are produced in the United States. Accordingly, all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.</p> <p>(2) All manufactured products used in the infrastructure project or activity are produced in the United States. Accordingly, the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.</p> <p>(3) All construction materials are manufactured in the United States. Accordingly, all manufacturing processes for the construction material occurred in the United States.</p> <p>Scope: The Buy America domestic sourcing requirement only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. The requirement does not apply to</p> <p>(1) tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project.</p>								



**US Department of Education  
Washington, D.C. 20202**

**GRANT AWARD NOTIFICATION**

(2) equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers: Grantees may request waivers to the Buy America domestic sourcing requirements by submitting a Build America, Buy America Act Waiver Request Form. Pass-through entities may not approve waivers of the BABAA domestic sourcing requirements.

Records: As required under 2 CFR 200.334, a grantee must maintain financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to their infrastructure project for a period of three years from the date of submission of the final expenditure report, including all records related to the domestic sourcing of materials used in the infrastructure project(s) supported by this grant or the applicability of any agency-level waivers of the BABAA domestic sourcing requirements the grantee chooses to implement.

Contact: If you have questions about this grant condition, please contact your Education Program contact listed in box 3 of this grant award notification. For more information, see the Department of Education's Build America Buy America Waiver website at: <https://www2.ed.gov/policy/fund/guid/buy-america/index.html>.

- (3) Unless this grant solely funds research, you must comply with new regulations regarding awards to faith-based organizations (FBOs) that provide beneficiary services under this grant or under a contract you award to provide beneficiary services under this grant. These new regulations clarify the rights of FBOs and impose certain duties on FBOs regarding the referral of beneficiaries they serve. See 34 CFR 75.52, 75.712-75.714, appendix A to part 75, and 2 CFR 3474.15. The Department has established a web page that provides guidance on the new regulations, including FAQs and other implementation tools, which is available at <http://www2.ed.gov/policy/fund/reg/fbci-reg.html>. If you have any questions about these regulations, please contact the Education Program Contact identified in Block 3 of this GAN.
- (4) To the extent that a grantee has detailed an equipment expense in its budget consistent with 2 CFR 200.439, so long as the expense is both reasonable and necessary, the Department considers the approval of the grant application as also providing the prior approval of this capital expenditure required for general purpose equipment under 2 CFR 200.439.

Grantees are expected to follow all applicable Uniform Guidance requirements when using grant funds for the purchase of equipment, including 2 CFR 200.313, 200.436 and 200.439. When Congressionally Funded Community Project funds are used for capital equipment, the grantee must consult with the Department on disposition instructions in the event that the equipment is no longer needed for Federal programs. See, e.g., 2 CFR 200.310-200.313. For example, the U.S. Department of Education may be entitled to an amount calculated by multiplying the current market value or proceeds from sale by the U.S. Department of Education's percentage in the cost of the original purchase (2 C.F.R. 200.313(e)).

- (5) Reimbursement of indirect costs is subject to the availability of funds and statutory and regulatory restrictions. The negotiated indirect cost rate agreement authorizes a non-Federal entity to draw down indirect costs from the grant awards. The following conditions apply to the below entities.

A. All entities (other than institutions of higher education (IHE))

The GAN for this grant award shows the indirect cost rate that applies on the date of the initial grant for this project. However, after the initial grant date, when a new indirect cost rate agreement is negotiated, the newly approved indirect cost rate supersedes the indirect cost rate shown on the GAN for the initial grant. This new indirect cost rate should be applied according to the period specified in the indirect cost rate agreement, unless expressly limited under EDGAR or program regulations. Any grant award with an approved budget can amend the budget to account for a change in the indirect cost rate. However, for a discretionary grant award any material changes to the budget which may impact the scope or objectives of the grant must be discussed with the program officer at the Department. See 34 CFR 75.560 (d)(3) (ii) (part 75 of EDGAR).

B. Institutions of higher education (IHE)



**US Department of Education  
Washington, D.C. 20202**

S215K230266

**GRANT AWARD NOTIFICATION**

Under 2 CFR part 200, Appendix III, Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs), the Department must apply the negotiated indirect cost rate in effect on the date of the initial grant award to every budget period of the project, including all continuation grants made for this project. See 2 CFR Part 200, Appendix III, paragraph C.7. Therefore, the GAN for each continuation grant will show the original indirect cost rate and it applies to the entire period of performance of this project. If the indirect cost rate agreement that is applicable to this grant does not extend to the end of the grant s project period, the indirect cost rate set at the start of the project period must still be applied to the end of project period regardless of the fact that the rate has otherwise expired.

Validity unknownValidity unknown  
Digitally signed by LAVANNA WEEMS  
Date: Thu Aug 17 06:32:02 EDT 2023

\_\_\_\_\_  
**AUTHORIZING OFFICIAL**

\_\_\_\_\_  
**DATE**



Department of Health and Human Services  
Administration For Community Living

Notice of Award

Award# 90CFPA0032-01-00  
FAIN# 90CFPA0032  
Federal Award Date: 07/20/2023

<p><b>Recipient Information</b></p> <p><b>1. Recipient Name</b> COUNTY OF FAIRFAX, VIRGINIA 12000 Government Center Pkwy Neighborhood and Community Services Fairfax, VA 22035-0002 703-324-8087</p> <p><b>2. Congressional District of Recipient</b> 11</p> <p><b>3. Payment System Identifier (ID)</b> 1540787833A2</p> <p><b>4. Employer Identification Number (EIN)</b> 540787833</p> <p><b>5. Data Universal Numbering System (DUNS)</b> 074837626</p> <p><b>6. Recipient's Unique Entity Identifier (UEI)</b> W2ZUFMBDM378</p> <p><b>7. Project Director or Principal Investigator</b> Jill Clark Senior HHS Policy and Program Analyst jill.clark@fairfaxcounty.gov 703-324-9430</p> <p><b>8. Authorized Official</b> Lloyd Tucker Director lloyd.tuckeer@fairfaxcounty.gov 703-324-5362</p> <p><b>Federal Agency Information</b> AOA-Community Funding Projects - Administration on Aging</p> <p><b>9. Awarding Agency Contact Information</b> Ms. Carla Kirksey Grants Management Specialist carla.kirksey@acl.hhs.gov 202 795-7303</p> <p><b>10. Program Official Contact Information</b> Mr. William Schutz Program Officer william.schutz@acl.hhs.gov 202-795-7435</p>	<p style="text-align: center;"><b>Federal Award Information</b></p> <p><b>11. Award Number</b> 90CFPA0032-01-00</p> <p><b>12. Unique Federal Award Identification Number (FAIN)</b> 90CFPA0032</p> <p><b>13. Statutory Authority</b> 42 USC 3001 et seq.</p> <p><b>14. Federal Award Project Title</b> Fairfax County, Virginia Bridging the Digital Divide for Older Adults and People with Disabilities Project</p> <p><b>15. Assistance Listing Number</b> 93.493</p> <p><b>16. Assistance Listing Program Title</b> Consolidated Appropriations Act</p> <p><b>17. Award Action Type</b> New</p> <p><b>18. Is the Award R&amp;D?</b> No</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center;"><b>Summary Federal Award Financial Information</b></p> <p><b>19. Budget Period Start Date</b> 08/01/2023 - <b>End Date</b> 07/31/2024</p> <p><b>20. Total Amount of Federal Funds Obligated by this Action</b> <span style="float: right;">\$1,000,000.00</span></p> <p style="padding-left: 20px;">20a. Direct Cost Amount <span style="float: right;">\$1,000,000.00</span></p> <p style="padding-left: 20px;">20b. Indirect Cost Amount <span style="float: right;">\$0.00</span></p> <p><b>21. Authorized Carryover</b> <span style="float: right;">\$0.00</span></p> <p><b>22. Offset</b> <span style="float: right;">\$0.00</span></p> <p><b>23. Total Amount of Federal Funds Obligated this budget period</b> <span style="float: right;">\$0.00</span></p> <p><b>24. Total Approved Cost Sharing or Matching, where applicable</b> <span style="float: right;">\$0.00</span></p> <p><b>25. Total Federal and Non-Federal Approved this Budget Period</b> <span style="float: right;">\$1,000,000.00</span></p> <p><b>26. Period of Performance Start Date</b> 08/01/2023 - <b>End Date</b> 07/31/2024</p> <p><b>27. Total Amount of the Federal Award including Approved Cost Sharing or Matching this Period of Performance</b> <span style="float: right;">\$1,000,000.00</span></p> </div> <p><b>28. Authorized Treatment of Program Income</b> ADDITIONAL COSTS</p> <p><b>29. Grants Management Officer - Signature</b> Alyssa Malcomson Grants Management Officer</p>
<p><b>30. Remarks</b></p> <p>This action is issued as a grant for the period identified at item 19 and the federal amount at item 20. This award is subject to the grantee and collaborative requirements and responsibilities outlined in the agency funding opportunity AOA-CFPA-23-026 as announced. Those responsibilities are hereby incorporated by reference as standard terms and conditions of this award.</p>	



<p><b>Recipient Information</b></p> <p><b>Recipient Name</b> COUNTY OF FAIRFAX, VIRGINIA 12000 Government Center Pkwy Neighborhood and Community Services Fairfax, VA 22035-0002 703-324-8087</p> <p><b>Congressional District of Recipient</b> 11</p> <p><b>Payment Account Number and Type</b> 1540787833A2</p> <p><b>Employer Identification Number (EIN) Data</b> 540787833</p> <p><b>Universal Numbering System (DUNS)</b> 074837626</p> <p><b>Recipient's Unique Entity Identifier (UEI)</b> W2ZUFMBDM378</p>
<p><b>31. Assistance Type</b> Project Grant</p> <p><b>32. Type of Award</b> Demonstration</p>

<b>33. Approved Budget</b> (Excludes Direct Assistance)	
I. Financial Assistance from the Federal Awarding Agency Only	
II. Total project costs including grant funds and all other financial participation	
a. Salaries and Wages	\$0.00
b. Fringe Benefits	\$0.00
c. Total Personnel Costs	\$0.00
d. Equipment	\$100,000.00
e. Supplies	\$900,000.00
f. Travel	\$0.00
g. Construction	\$0.00
h. Other	\$0.00
i. Contractual	\$0.00
<b>j. TOTAL DIRECT COSTS</b>	<b>\$1,000,000.00</b>
<b>k. INDIRECT COSTS</b>	<b>\$0.00</b>
<b>l. TOTAL APPROVED BUDGET</b>	<b>\$1,000,000.00</b>
<b>m. Federal Share</b>	<b>\$1,000,000.00</b>
<b>n. Non-Federal Share</b>	<b>\$0.00</b>

<b>34. Accounting Classification Codes</b>							
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	OBJECT CLASS	CFDA NO.	AMT ACTION FINANCIAL ASSISTANCE	APPROPRIATION	
3-2994314	90CFPA003201	AOA-ACL	41.45	93.493	\$1,000,000.00	75-23-0142	



35. Terms And Conditions

**STAFF CONTACTS**

1. If you need additional information, please consult the ACL website at <https://acl.gov/grants/managing-grant>. In addition, your assigned Grants Management Specialist and ACL Project Officer are always available to answer questions. For inquiries related to the negotiation of this award or interpreting the fiscal or administrative requirements, policies, or provisions your contact is Grants Management Specialist, **Carla Kirksey at [Carla.Kirksey@acl.hhs.gov](mailto:Carla.Kirksey@acl.hhs.gov) or (202) 795-7303**. If you have questions related to program requirements, contact the Program Officer listed in section 10b of the Notice of Award.

**REPORTING REQUIREMENTS**

1. Financial Reporting - Grantees are required to submit financial reports in the Payment Management System (PMS). Cash accounts and expenditures for each reporting period must be reconciled. All reporting is cumulative.
  - a. Annual Reporting – This report is due 90 days after each 12 month period. For example, awards issued on 9/1, the reporting period ends on 8/31 the following year and is due on 11/30. For each subsequent report, the due date is 90 days after the budget period end date.
  - b. Final Reporting - This report is due 120 days after the project period end date.
2. Program Progress Reporting - Program Progress Reports are due semi-annually (within 30 days following each six month period), effective with the start date of the award. This report must be submitted as a “note” using an authorized GrantSolutions account.

**STANDARD TERMS**

**1. STANDARD ADMINISTRATIVE TERMS**

**General Grants Management**

1. Payments – Funds for this award are available through the Payment Management System (PMS). Please go to <https://pms.psc.gov/> for access, payment, reporting and training information.
2. Award Acceptance - Initial withdrawal of funds by the recipient, constitutes acceptance of the terms and conditions of this award. Any future support is subject to the availability of funds and programmatic priorities. If an initial payment is not requested within 30 business days of the project start date, contact your Federal Project Officer or Grants Management Specialist to provide a reason(s) for the inactivity.
3. Matching Requirements – Recipients must provide the match listed in section 33n of this Notice of Award (NoA) in accordance with the program requirements and any matching requirements stated within the application submitted for this award.
4. Grants Management Module - ACL discretionary recipients are required to use the Grants Management Module (GMM) for their end to end grants management services (tracking and receiving various award actions, submitting financial[LSP(1)] and progress reports, general correspondence, requests etc.). The



## Department of Health and Human Services

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recipient authorizing official identified in item 8., and recipient project director identified in item 7., must ensure they are registered with GMM and have the appropriate role assigned to them by their organization. Please follow the GMM recipient account registration information located at the following URL: <https://www.grantsolutions.gov/support/registration.html>. If you are unable to register or have questions associated with registration, contact your Grants Management Specialist (GMS).

5. Closeout Requirements – A final Federal Financial Report (SF-425), a Property Inventory and Disposition Statement, and a final Project Report are due within 120 days after the expiration of the project period of the Notice of Award. Submit the SF-425 in PMS, and the remaining reports as a “note” using an authorized Grants Management Module account.

6. Overlapping Projects - Recipients with overlapping projects must be specifically cautious that approved costs on any budget, including match or cost share, is not also included on any other federally financed program in either the current or a prior period.

7. Grants Policy - This award is subject to the requirements of the HHS Grants Policy Statement (HHS GPS) that are applicable to you based on your recipient type and the purpose of this award. This includes requirements in Parts I and II of the HHS GPS (available as a pdf at this link <https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf>).

### Public Policy

8. General - Although consistent with the HHS GPS, any applicable statutory or regulatory requirements, including 45 CFR Part 75, directly apply to this award apart from any coverage in the HHS GPS. The general provisions from “**Consolidated Appropriations Act, 2020** (Public Law 116-260), signed into law on December 27, 2020, apply to this award and can be found on the ACL Website: <https://acl.gov/grants/managing-grant>

9. Trafficking - This award is subject to the requirements of Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104(g)). For the full text of the award term, go to <https://acl.gov/grants/managing-grant>

10. Salary Limitation - General Provisions under the Department of Health and Human Services Appropriations Act of 2023 (Public Law 117-328 Consolidated Appropriations Act, 2023, Division H, Title II, Section 202) includes a salary rate limitation. The law limits the salary amount that may be awarded and charged to ACL grants and cooperative agreements. Award funds may not be used to pay the salary of an individual at a rate in excess of Executive Level II. The Executive Level II salary of the Federal Executive Pay scale is \$212,100. This amount reflects an individual’s base salary exclusive of fringe and any income that an individual may be permitted to earn outside of the duties to the applicant organization. This salary limitation also applies to subawards/subcontracts under an ACL grant or cooperative agreement. Note that these or other salary limitations will apply in FY 2023 as required by law.

11. Whistleblower Protections – As a recipient of this award you must comply with the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112-239, 41 U.S.C. § 4712) “Enhancement of contractor protection from reprisal for disclosure of certain information,” and 48 CFR part 3 subpart 3.9, “Whistleblower Protections for Contractor Employees.” For more information see: <https://oig.hhs.gov/fraud/whistleblower/>

12. Obergefell v. Hodges, 576 U.S. 644 (2015) – Pursuant to the Supreme Court’s 2015 decision in Obergefell v. Hodges, which held that States may not deny same-sex couples the right to marry, all





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recipients are expected to recognize same-sex marriage, including one of the 50 states, the District of Columbia, a U.S. territory, or in a foreign country given that marriage is also recognized by a U.S. jurisdiction. Accordingly, recipients must review and revise, as needed, any policies and procedures which interpret or apply Federal statutory or regulatory references to such terms as “marriage,” “spouse,” “family,” “household member” or similar references to familial relationships to reflect inclusion of same-sex spouse and marriages. Any similar familial terminology references in HHS statutes, regulations, or policy transmittals will be interpreted to include same-sex spouses and marriages legally entered into.

13. **Stevens Amendment** - In accordance with the Stevens Amendment, all HHS grant and cooperative agreement recipients are required to acknowledge federal funding when publicly communicating projects or programs funded through HHS federal financial assistance. You must use the following language when issuing statements, press releases, requests for proposals, bid solicitations, and other ACL supported publications and forums describing projects or programs funded in whole or in part with ACL funding.

### **HHS Grant or Cooperative Agreement is NOT funded with other non-governmental sources:**

"This [project/publication/program/website, etc.] [is/was] supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$XX with 100 percent funding by ACL/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

### **The HHS Grant or Cooperative Agreement IS partially funded with other nongovernmental sources:**

"This [project/publication/program/website, etc.] [is/was] supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$XX with XX percentage funded by ACL/HHS and \$XX amount and XX percentage funded by non-government source(s). The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

14. **Antidiscrimination** - This project must be administered in compliance with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age and, in some circumstances, religion, conscience, and sex (including gender identity, sexual orientation, and pregnancy). This includes taking reasonable steps to provide meaningful access to persons with limited English proficiency and providing programs that are accessible to and usable by persons with disabilities. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. See <https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html> and <https://www.hhs.gov/civil-rights/for-individuals/nondiscrimination/index.html>.

- Reasonable steps must be taken to ensure that the project provides meaningful access to persons with limited English proficiency. For guidance on meeting your legal obligation to take reasonable steps to ensure meaningful access to your programs or activities by limited English proficient individuals, see <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html> and <https://www.lep.gov>.
- For information on your specific legal obligations for serving qualified individuals with disabilities, including providing program access, reasonable modifications, and taking appropriate steps to provide effective communication, see <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>.



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- HHS funded health and education programs must be administered in an environment free of sexual harassment, *see* <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html>.
- For guidance on administering your project in compliance with applicable federal religious nondiscrimination laws and applicable federal conscience protection and associated anti-discrimination laws, *see* <https://www.hhs.gov/conscience/conscience-protections/index.html> and <https://www.hhs.gov/conscience/religious-freedom/index.html>.

15. Telecommunications - Effective August 13, 2020, in accordance with 2 CFR 200.216, "Prohibition on certain telecommunications and video surveillance services or equipment."

(a) As described in CFR 200.216, recipients and subrecipients are prohibited to obligate or spend grant funds (to include direct and indirect expenditures as well as cost share and program) to:

(1) Procure or obtain,

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into contract (or extend or renew contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Pub. L. 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

i. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

ii. Telecommunications or video surveillance services provided by such entities or using such equipment.

iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise, connected to the government of a covered foreign country.

16. Security and Privacy: Should the collection of information require the use of an information technology system, the grant recipient and subrecipient(s) will be expected to adhere to the NIST Cybersecurity Framework to help ensure the security of any system used or developed by the grant recipient or subrecipient(s). In particular, if the data to be collected includes Personally Identifiable Information (PII) or Protected PII, the grant recipient and subrecipient(s) must apply the appropriate security controls required to protect the privacy and security of the collected PII and/or Protected PII. (*See 2 CFR 200.1 Definitions*)

### Reporting Requirements

17. Federal Awardee Performance and Integrity Information System (FAPIIS) - If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time, must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System



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(FAPIS)) about civil, criminal, or administrative proceedings. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available. (See 45 CFR Appendix XII to part 75 – Award Term and Conditions for Recipient Integrity and Performance Matters)

18. FFATA and FSRS Reporting -The Federal Financial Accountability and Transparency Act (FFATA) requires data entry at the FFATA Subaward Reporting System located at <http://www.FSRS.gov> for all sub-awards and sub-contracts issued for \$30,000 or more as well as executive total compensation for both recipient and subaward organizations. The Award term is located at 2 CFR part 170, Appendix A: [https://www.ecfr.gov/cgi-bin/text-idx?SID=4edce6c3622672ed3a317ebce66ff4cc&mc=true&node=ap2.1.170\\_1330.a&rgn=div9](https://www.ecfr.gov/cgi-bin/text-idx?SID=4edce6c3622672ed3a317ebce66ff4cc&mc=true&node=ap2.1.170_1330.a&rgn=div9)

20. Financial Reporting - Grantees are required to submit an annual financial report (SF 425), which is due 30 days following the reporting period.

1. Annual Reporting – This report is cumulative. The first report reflects the initial 12 month period. The report is due 30 days after the conclusion of each 12 month period. For example, awards issued on 9/1, the report period ends on 8/31 the following year and is due on 9/30. For each subsequent report, the end date and due date should be extended by one year. You must reconcile your cash accounts with your expenditures for the reporting period and submit a cumulative report each year. A final report (cumulative of the entire grant period) is due 120 days after the expiration date of the project period. The FFR report must be submitted in the Payment Management System (PMS).

21. Program Progress Reporting - Program Progress Reports are due semi-annually (within 30 days following each six month period), effective with the start date of the award. This report must be submitted as a “note” using an authorized GrantSolutions account.

22. Data Collection - Grantees must collect data on their Falls Prevention programs and participants using Office of Management and Budget (OMB) approved data collection instruments (available here: <https://ncoa.org/article/data-collection-tools-for-falls-prevention-programs>) and enter this data into the ACL National Falls Prevention Database online data system within 30 days of program completion.

### Staff Contacts

23. If you need additional information, please consult the ACL website at <https://acl.gov/grants/managing-grant>. In addition, your assigned Grants Management Specialist and ACL Project Officer are always available to answer questions. For inquiries related to the negotiation of this award or interpreting the fiscal or administrative requirements, policies, or provisions your contact is Grants Management Specialist. If you have questions related to program requirements, contact the Program Officer listed in section 10 of the Notice of Award.

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 24082**

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 September 26, 2023, at which a quorum was present and voting, the following resolution was adopted:

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2024, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7979, Department of Neighborhood and Community Services	
Grant:	1790056-2023, Bridging the Digital Divide 2023 Grant	\$1,000,000
Grant:	1790057-2023, Early Childhood Development and Learning Program Expansion 2023 Grant	\$1,500,000

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$2,500,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: U.S. Department of Health and Human Services, \$1,000,000  
U.S. Department of Education, \$1,500,000

A Copy - Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

ADMINISTRATIVE –10

Supplemental Appropriation Resolution AS 24078 for the Department of Family Services to Accept Grant Funding from the Virginia Community College System to Implement a Supplemental Workforce Development Training Opportunity Grant

ISSUE:

Board of Supervisors approval of Supplemental Appropriation Resolution AS 24078 for the Department of Family Services (DFS) to accept grant funding totaling \$150,000 from the Virginia Community College System (VCCS). The funding is part of the Governor's Set Aside Funds under WIOA Title I Adult, Youth, and Dislocated Work Programs. Funding received will be used to offer a work-based learning career pathway initiative to serve Northern Virginia jobseekers over the 15-month grant period by providing public workforce services, including job preparation and work-based learning opportunities as well as training and the acquisition of industry-recognized certifications and credentials, to assist them in successfully integrating into the local economy. Grant funding is available through September 30, 2024. No Local Cash Match is required. When grant funding expires, the County is under no obligation to continue funding.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 24078 from the Virginia Community College System in the amount of \$150,000 to support a work-based learning career pathway initiative. No Local Cash Match is required and no positions are associated with this award.

TIMING:

Board approval is requested on September 26, 2023.

BACKGROUND:

Fairfax County is part of the Virginia Career Works - Northern (VCWN) region and has been designated as Chief Local Elected Official for the area serving the Counties of Fairfax, Loudoun, and Prince William and the Cities of Fairfax, Falls Church, Manassas, and Manassas Park. The County is the designated Workforce Innovation and Opportunity Act (WIOA) Grant Recipient, with DFS being the County agency assuming the role of actual grant recipient. SkillSource Group Inc. (SSG), a local non-profit organization, is the fiscal agent and federal subaward recipient for WIOA. VCCS

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September 26, 2023

administers the WIOA program at the state level and supports innovation in the delivery of workforce development services. SSG submitted the grant proposal on April 23, 2023, in accordance with the Supplemental Workforce Development Training Opportunity Request for Proposals issued by VCCS.

The Local Workforce Development Area #11 is represented by SSG as the non-profit fiscal agent of VCWN. VCWN is the largest local workforce board by population in the Commonwealth of Virginia, representing over 2.1 million residents and tens of thousands of businesses in the Counties of Fairfax, Loudoun, and Prince William and the Cities of Fairfax, Falls Church, Manassas, and Manassas Park. This region is densely populated with low unemployment and a high median household income, as well as high educational levels. The Northern Virginia and state unemployment rates are low, with Northern Virginia at 2.5 percent and the Commonwealth of Virginia at 2.9 percent (Virginia Employment Commission, February 2023).

This initiative will assist Northern Virginia jobseekers to overcome obstacles in obtaining professional and/or skilled employment in high-demand occupations. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations along a viable career pathway in high-growth, high-demand Northern Virginia industries, such as Professional and Scientific Services, including Information Technology (IT), Healthcare, and Trades and Construction. These industry sectors align with those identified in the VCWN 2021 – 2024 Local Plan and Virginia’s 2021-2022 High Demand Occupations List, and include the following:

- Computers/Math/Engineering/Architecture,
- Construction/Installation/Maintenance/Repair and Production, and
- Transportation/Material Moving.

FISCAL IMPACT:

Funding in the amount of \$150,000 from the Virginia Community College System will support Northern Virginia jobseekers in providing opportunities to secure jobs within high demand occupations. No Local Cash Match is required. This grant does not allow the recovery of indirect costs. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2024.

CREATION OF NEW POSITIONS:

There are no new grant positions associated with this award.

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ENCLOSED DOCUMENTS:

Attachment 1: Virginia Community College System Notice of Obligation

Attachment 2: Virginia Career Works Northern Submitted Proposal

Attachment 3: Supplemental Appropriation Resolution AS 24078

STAFF:

Christopher A. Leonard, Deputy County Executive

Michael A. Becketts, Director, Department of Family Services (DFS)

Alycia Blackwell, Deputy Director, DFS

Lisa Tatum, Public Assistance and Employment Services Director, DFS

**VIRGINIA COMMUNITY COLLEGE SYSTEM**  
**Arboretum III - 300 Arboretum Place, Third Floor, Suite 200**  
**Richmond, Virginia 23236**

**WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**

ISSUED BY: U. S. DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION

PASS-THROUGH ENTITY: VIRGINIA COMMUNITY COLLEGE SYSTEM

ISSUED DATE: June 30, 2023

Grant Numbers: AA-36350-21-55-A-51; AA-38561-22-55-A-51; 23A55AY000030

**NOTICE OF OBLIGATION**

**Supplemental Workforce Development Training Opportunity Grant**

Period of Performance: June 26, 2023 - September 30, 2024

**Subrecipient:** Fairfax County  
**DUNS #:** 074837626  
**Unique Entity ID:** W2ZUFMBDM378

**NOO No.:** OG 22-11-01  
**Effective Date:** June 30, 2023  
**Program Code:** 2100

**CFDA** 17.258; 17.259; 17.278

**Fund Type** Governor's Set Aside Funds under WIOA Title I Adult, Youth and Dislocated Worker Programs

**Amount:** \$150,000

This Notice of Obligation awards U.S. Department of Labor Workforce Innovation and Opportunity Act (WIOA) funds to undertake activities in the approved Supplemental Workforce Development Training Opportunity Grant proposal submitted by April 21, 2023. The intent of these funds is to increase the number of participants in workforce development training activities statewide, with a specific focus in work-based learning activities, including but not limited to on-the-job training, registered apprenticeships, internships, and customized training. The training activities must lead to job placement in demand occupations as listed in Attachment A and as applicable to the local workforce development area where training will be conducted. The line item budget submitted by the local area is attached. Monthly requests for reimbursements must be submitted by the 25th day following the month that was completed. Note: This is not a Research and Development (R&D) Grant.

This award is made under the WIOA Title I 2022 Grant Award Agreement between The Virginia Community College System and the grant subrecipient. The subrecipient must adhere to PY 22 WIOA Terms and Conditions, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 Code of Federal Regulations (CFR) Part 200, and U.S. Department of Labor exceptions codified at 2 CFR Part 2900.

*Randall Stamper*

Approved by

**Randall Stamper**

**Associate Vice Chancellor**

Career Education and Workforce Development

(804) 819-4691

*June 30, 2023*

Date

**cc: Virginia Career Works - Northern**  
**SkillSource Group, Inc.**  
**County of Fairfax, Department of Procurement and Material Management**



**Signature Page**

*The Undersigned Offers And Agrees To Furnish The Goods/Services In Accordance With The Attached Signed Proposal Or As Mutually Agreed Upon By Subsequent Negotiation.*

*The undersigned shall abide by and shall ensure that all activities conducted comply with the applicable federal, state, and local laws, regulations and directives located in Section 5 Certification and Assurances of the RFP. These Assurances and Certifications must be incorporated into any contracts developed to implement activities under the award.*

**Local Workforce Development Area:**

LWDA Name: Virginia Career Works Northern LWDA #: 11

LWDA Board Chair Name: William 'Ed' Trumbull *W. Trumbull* April 17, 2023  
(Signature and date)

LWDA Executive Director Name: David A. Hunn  
*[Signature]* 4-17-2023  
(Signature and date)

**Local Workforce Development Area Grant Recipient:**

Locality Name: Fairfax County Government EIN: 540787833

Address: 12000 Government Center Parkway, Fairfax, VA. 22035 SAM: W2ZUFMBDM378

Authorized Signatory Name: Jeffrey C. McKay, Title: Chairman, Board of Supervisors  
*[Signature]* 4/19/2023  
(Signature and date) Email: \_\_\_\_\_

**Other Community Grant Recipient:**

Organization Name: \_\_\_\_\_ EIN: \_\_\_\_\_

Address: \_\_\_\_\_ SAM: \_\_\_\_\_

Authorized Signatory Name: \_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_  
(Signature and date) Email: \_\_\_\_\_

**Person to contact concerning this proposal:**

Name: David Hunn

Email: david.hunn@vcwnorthern.com

Phone Number: 703-827-3782

**A. Identification of Need and Problem Statement**

The *SkillSource* Group, Inc. (*SkillSource*), the non-profit entity of Virginia Career Works – Northern (Local Area #11), proposes to offer a work-based learning career pathway initiative to serve Northern Virginia jobseekers over the 15- month grant period by providing public workforce services, including job preparation, work-based learning opportunities, as well as training and the acquisition of industry-recognized certifications and credentials, to assist them in successfully integrating into the local economy. The Northern Virginia Work-Based Learning (NVWBL) initiative will assist eligible jobseekers to gain actual work site skills and by introducing them to viable career pathways in high-demand industries leading to sustainable employment, through work-based learning and occupational skills training. This education and training, embedded with existing WIOA case management, job preparation support, and supportive service assistance, will prepare local jobseekers to become thriving, contributing, and satisfied members of the local community.

The service area is Local Workforce Development Area #11, represented by *SkillSource* as the non-profit fiscal agent of Virginia Career Works - Northern (VCWN). VCWN is the largest local workforce board by population in the Commonwealth of Virginia, representing over 2.1 million residents and tens of thousands of businesses in Fairfax, Loudoun, and Prince William counties and the cities of Fairfax, Falls Church, Manassas, and Manassas. This region is densely-populated with low unemployment and a high median household income, as well as high educational levels. The Northern Virginia and State unemployment rates are low, with Northern Virginia at 2.5% and the Commonwealth of Virginia at 2.9% (Virginia Employment Commission, February 2023). Program Design for Training Program Service Delivery

This initiative will assist Northern Virginia jobseekers to overcome obstacles in obtaining

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professional and/or skilled employment in high-demand occupations. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations along a viable career pathway in high-growth, high-demand Northern Virginia industries, such as Professional and Scientific Services, including Information Technology (IT), Healthcare, and Trades and Construction. These industry sectors align with those identified in the [VCWN 2021 – 2024 Local Plan](#) and [Virginia’s 2021-2022 High Demand Occupations List](#) and the occupations list enclosed with this Request for Proposals, including Computers/Math/Engineering/Architecture, Construction/Installation/Maintenance/Repair and Production and Transportation/Material Moving.

The specific occupations that this Project is anticipated to align with WIOA jobseekers include 151211 Computer Systems Analysts, 151212 Information Security Analysts, 151231 Computer Network Support Specialists, 151232 Computer User Support Specialists, 151242 Database Administrators, 151253 Software Quality Assurance Analysts and Testers, 151299 Computer Occupations, All Other (BS/BA) and 151299 Computer Occupations, All Other (HS). Our Project also intends to focus on a variety of trades positions in addition to 533032 Heavy and Tractor-Trailer Truck Drivers.

This work-based learning initiative aligns with the GO Virginia – Region 7 prioritized industry sectors within the Professional and Scientific Services, including IT. Since 2020, *SkillSource* has been contracted by the Northern Virginia Regional Commission to provide the Executive, Administrative, and Programmatic Support for the GO Virginia – Region 7 Council.

As participants will be enrolled in the Northern Virginia Workforce Innovation and Opportunity Act (WIOA) programs, *SkillSource* will track outcomes for Project participants through the Virginia Workforce Connection database. Staff from the Fairfax County Department

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of Family Services (DFS), the Area #11 WIOA Program Operator, will maintain participant case files, with information related to eligibility, training, and employment.

*SkillSource* (Virginia Career Works Northern Region #11) is one of 14 local Workforce Boards in the Commonwealth of Virginia, serving over 2.1 million residents and tens of thousands of businesses in Fairfax, Loudoun and Prince William counties and the cities of Falls Church, Fairfax, Manassas and Manassas Park. *SkillSource* delivers employment and training services through its Workforce Innovation and Opportunity Act (WIOA) Programs to all jobseekers at its five (5) Virginia Career Works Northern Employment Centers and affiliates across the region and

greatly supplements WIOA funds with related Federal, State and local funding resources. The map to the left illustrates the locations of the current Virginia Career Works Northern Centers.



Through the delivery of WIOA program services at the five (5) Virginia Career Works - Northern Centers, *SkillSource* will leverage WIOA benefits and services to jobseekers with a partnership with the Northern Virginia Chamber of Commerce Foundation. This Foundation has created and administers the Northern Virginia

Apprenticeship Network, comprised of over ninety (90) Northern Virginia employers who have great interest in utilizing work-based learning strategies to acquire new employees. The *SkillSource* Group and the NOVA Chamber Foundation will combine these industry and employer connections and align work-based learning opportunities with current and new WIOA Adult, Dislocated Worker, Youth caseloads, along with our Title III and Title IV Partner organizations.

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*SkillSource* will also introduce our Northern Virginia Senior Community Service Employment Program (WIOA Title V) participants to the work-based learning opportunities.

The Virginia Career Works Northern Region WIOA One Stop Operator, the Fairfax County Department of Family Services will refer eligible jobseekers who have expressed interest in the occupations and industries identified through the Northern Virginia Apprenticeship Network. These jobseekers will primarily be enrolled in the WIOA Adult, Dislocated Worker, or Youth programs – through March 2023, the Northern Virginia WIOA One Stop Operator has enrolled 355 WIOA Adults, 65 WIOA Dislocated Workers, and 136 WIOA Youth participants. The Northern Virginia Senior Community Service Employment Program (SCSEP), also administered by the Department of Family Services, currently has 113 SCSEP-enrolled jobseekers who may also wish to participate in this initiative. Finally, the Project anticipates referrals of jobseekers from our Partner Organizations, including the Virginia Department of Aging and Rehabilitative Services (DARS) and the Virginia Employment Commission.

For FY 2023, through March 2023, the Northern Virginia WIOA One Stop Operator has obligated \$630,744 in WIOA Adult and Dislocated Worker training funding for 182 jobseekers. Of this amount of training funds, over \$325,000 has been obligated for transportation and logistics credentials, nearly \$119,000 for information technology skills and credentials and nearly \$127,000 for healthcare training. With over one-half million dollars in WIOA training funding utilized for eligible jobseekers in FY 2023 alone, the Northern Virginia Work-Based Learning initiative will have a significant supply of skilled and trained human capital to present to Northern Virginia employers for potential work-based learning assignments.

Through the *SkillSource* proposed partnership with the Northern Virginia Chamber of Commerce Foundation, the Vice President for Workforce and Member Engagement at the

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Chamber, Ms. Jennifer Williamson will serve as the Managing Director for the NVWBL initiative.

Jobseekers enrolled in WIOA or a Partner Program will be referred to the Managing Director, who will assist in placing participants into short-term subsidized work experiences for clients to begin generating income and building relevant work experiences that will support their future job search, and experience a significantly greater increases in earnings after the subsidized opportunity ends. The Managing Director will coordinate closely with the participant’s WIOA case manager, with a plan that outlines what educational training is needed and the type of work experience that aligns with their chosen career path. Participants will be assessed for any potential barriers to employment, and the WIOA Case Manager and the Managing Director will jointly identify and support services necessary to address those barriers. The project may also develop customized, integrated service delivery plans that leverage the assets of multiple provider organizations to address other support needs, such as housing assistance, childcare, and housing.

This Project will leverage WIOA Formula funding to provide training vouchers in the form of Individualized Training Accounts (ITAs). Currently, there are over 65 Eligible Training providers who are accessible to WIOA-eligible clients, including Northern Virginia Community College and George Mason University offering skills training in the targeted high-growth occupations in Information Technology, Healthcare, and Trades and Technical careers.

Project participants will also have access to training through LinkedIn Learning at no-cost to them, that could supplement any occupational training they are attending, as well as valuable soft skills training support. In 2021, the Commonwealth of Virginia entered into an agreement with LinkedIn Learning to issue LinkedIn Learning Licenses to jobseekers in local workforce areas. The Virginia Career Works Northern Region rapidly initiated implementation of the license distribution, and has continued to emphasize the value of micro-credentialing through short-term

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online courses, which allowed jobseeker trainees to assess out new skills programs, gain new skills and certifications and to add LinkedIn Badges showing both training and skills competency. From March 2021 – March 2023, the Virginia Career Works Northern region issued 942 LinkedIn Learning licenses. VCWN and *SkillSource* have continued the LinkedIn Learning License initiative with WIOA funding.

*SkillSource* and the Northern Virginia WIOA One Stop Operator will offer subsidized employment opportunities to Project participants through subsidized work-based learning experiences as needed. In alignment with the VCWN Work Experience policy, *SkillSource* will pay an hourly stipend at a wage of \$14/hour for up to 20 hours/week for up to ten (10) weeks to provide relevant work experience for the participant and eventual placement into employment, whether they remain with their work site or, due to having the appropriate certifications and work experience, are able to find other permanent employment. The Project will require each work site to sign a Work Experience Agreement that articulates the learning or training that is to take place, the length of the work experience, and the skills and competencies that must be mastered by the completion of the work experience. *SkillSource* and the WIOA One Stop Operator will conduct regular monitoring, whether in-person or virtually, during the time of active training of a participant at the worksite. On-the-Job Training wage subsidies may also be utilized, as appropriate.

The goal is for the employer to hire the individual after the work experience is completed, or to at least to help the jobseeker to gain sufficient experience that will ultimately help them in obtaining long-term employment. For participants to become self-sufficient and reduce, if not eliminate, their dependence on public assistance programs, the emphasis will be placed on putting them into longer-term employment opportunities. *SkillSource* and the NOVA Chamber

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Foundation Managing Director will identify potential employers and work experience opportunities for the clients. As services will be integrated at the Virginia Career Works Centers, this Project will leverage the support and knowledge of the *SkillSource* Employer Solutions Team who have extensive relationships with area employers and would be able to assist the Job Developer in placing clients into direct employment and work experience opportunities through these established networks. *SkillSource* oversees the Employer Solutions Team for the Northern Virginia region, which is comprised of multiple state and local partners.

Below is a projected timeline for NVWBL activities and deliverables.

Activity	Schedule
Notification of grant award; notification of partners; initial budget set up; initial partner meeting.	June 2023
Outreach and Recruitment; development of program outreach materials; program outreach materials distributed to partners; collaborate with partners for data collection; social media outreach	June 2023 and ongoing
WIOA Participant assessment	July 2023 and ongoing
Initiate Employer Outreach and Recruitment	July 2023 and ongoing
Provision of participant training and employment services; intensive case management	July 2023 and ongoing
Employment coaching, soft skills training, supportive services, and follow-up assistance for participants	July 2023 and ongoing
Initiate Monthly Report to VCCS and State Officials	August 2023 and ongoing
Collection of participant outcome data and review of data; course corrections, if necessary	September 2023 and ongoing monthly
Data collection	August 2023 and ongoing
Programmatic and Fiscal Reporting	August 2023 and ongoing monthly
Ongoing recruitment of new employer partners	September 2023 and ongoing
Successful completion of training, WEX, OJT or other intervention	October 2023 and ongoing
Intensive placement services and placement in jobs	November 2023 and ongoing

After the grant period, *SkillSource* will support ongoing program activities through a combination of WIOA formula funds and maintenance of the organizational and staffing relationships. As these individuals will be enrolled in WIOA and all activities are allowable under WIOA, *SkillSource* will seek to continue to use WIOA funds after the end of the grant for continued training and staffing costs. *SkillSource* is currently coordinating program development for a large-scale ARPA-funded work-based learning initiative that will benefit from any lessons



learned in this project, should it be approved and funded.

**B. Performance Goals/Outcomes**

Through the services outlined, *SkillSource* proposes the following program outcomes over the 15-month grant period from June 26, 2023 to September 30, 2024. *SkillSource* intends to leverage WIOA Formula funds for a portion of the Work Based Learning opportunities created, as these jobseekers are dual-enrolled within Northern Virginia WIOA or other Partner programs.

	<b>Proposed Grant Outcomes</b>	<b>WIOA Formula-Funded Outcomes</b>
<b>Number of Businesses Served</b>	<b>50</b>	<b>25</b>
<b>Number of Participants Served</b>	<b>31</b>	<b>19</b>
<b>Number of Work-Based Learning Assignments Created</b>	<b>31</b>	<b>19</b>
Grant-funded WBL	<b>31</b>	---
WIOA Formula-funded WBL	---	<b>19</b>
<b>Number of Job Placements</b>	<b>28</b>	<b>17</b>
<b>Employment Rate at Exit</b>	<b>90%</b>	<b>90%</b>
<b>Earnings – Hourly Wage Rate</b>	<b>\$19/hour</b>	<b>\$19/hour</b>
<b>Credential Attainment – Learning Gained</b>	<b>90%</b>	<b>90%</b>
<b>Employment Rate 2<sup>nd</sup> Quarter After Exit</b>	<b>87.5%</b>	<b>87.5%</b>

**C. Budget Narrative**

The *SkillSource* Group, Inc.’s budget request of \$150,000 will be utilized as follows:

- **Contractual Services** - *SkillSource* will sub-contract with the Northern Virginia Chamber of Commerce Foundation, to utilize the time and services of Ms. Jennifer Williamson, the Chamber’s Vice President for Workforce and Member Engagement. Ms. Williamson is estimated to work on this Project at 25% time, approximately 10 hours per week for 60 weeks and she will bill the Project at \$90 per hour (fully loaded). Total costs for this sub-contract for the duration of the fifteen (15) month grant period is \$ 54,000 (\$90/hour x 600 hours = \$54,000).
- **Participant Training** - *SkillSource* will manage and pay the work experience training stipends of up to thirty-one (31) WIOA participants who are placed within work experience

positions. Participants will be paid \$14 per hour, for up to 20 hours per week, for up to twelve (12) weeks per assignment. Total costs for this Participant Training line-item for the duration for the fifteen (15) month grant period is \$104,160 (31 participants x \$14/hour x 240 hours = \$104,160), of which \$88,656 will be paid by this Project and \$15,504 will be paid by matching funds. In addition, matching funds will be used to pay for additional assignments above the proposed grant outcome of 31. *SkillSource* estimates that 19 more participants could be assigned to work-based learning, at the cost of \$63,840 (19 participants x \$14/hour x 240 hours = \$63,840). Therefore, total matching funds for Participant Training are \$79,344 (\$15,504 + \$63,840 = \$79,344)

- *SkillSource* Group will use the De Minimis Indirect Cost (10%) rate for eligible expenditures. Total Indirect Costs for the duration of the grant period is \$5,577.
- The required Project Match funds will be derived from the WIOA Title 1 Formula Allocation for PY 2022 and PY 2023 to the Virginia Career Works Northern Region. Of the Total Match Funding of \$176,981, a portion of WIOA One Stop Operator staffing costs of \$87,780, and a portion of the *SkillSource* President and CEO's and Senior Vice President of Operation's salaries and fringe benefits (\$8,774), and a portion of Payroll & HR services (\$1,083) will be applied to this Project. In addition, WIOA One Stop Operator costs of \$79,344 for jobseeker skills training will be applied to this Project.

**D. Demonstrated Ability to Implement Proposed Project of Similar Size and Scope**

In 2003, *SkillSource* was created as the non-profit entity of Virginia Career Works – Northern (VCWN) with a mandate for fiscal oversight and resource development in support of the programs and services of the VCWN. *SkillSource*'s mission is to catalyze a world class, globally competitive business environment in Northern Virginia to offer world-class preparation to every Northern Virginia resident at its five (5) Virginia Career Works - Northern Centers.

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*SkillSource* has administered a number of Federal, State, local and private foundation grants and contracts since 2003, all with varying levels of complexity and difficulty. David Hunn, President and CEO of *SkillSource*, will provide fiscal oversight of this Project. The Managing Director will coordinate with the *SkillSource* Group Senior Vice President for Operations and Contracts, Ms. Seema Jain, who will supervise all program components and collect and report outcomes. Examples of recent grant and contract awards include:

- 2023 Virginia Department of Social Services TANF Employment Services Grant (BEN 22-099) - \$203,998 (renewable for multiple years)
- 2023 Virginia Department of Social Services TANF Employment Services Grant Renewal (BEN-19-024-18)- \$165,036 (awarded for multiple years)
- 2023 Virginia Department of Social Services TANF Employment Services Pay for Performance Grant Renewal (BEN-21-021-07) - \$136,729 (awarded for multiple years)
- 2022 Virginia Department of Aging and Rehabilitative Services SEAL Contract - \$41,340
- 2022 Virginia Community College System Workforce Innovation Grant - \$168,201
- 2021 U.S. Department of Labor CAREER National Emergency Grant (through the Hampton Roads Workforce Council) - \$108,000
- 2019 Virginia Community College System Economic Equity Initiative - \$194,133

As the grant applicant and the fiscal agent for the VCWN, *SkillSource* has a strong reputation for both fiscal integrity and accountability. Each funding source is assigned discrete codes in automated QuickBooks accounting software to facilitate proper monitoring and reporting of revenue and expenditures by contract, including the preparation of timely and accurate financial reports comparing actual with expected results. The *SkillSource* Vice President of Operations and Vice President of Finance have created a Grant Report Schedule for financial and program reports to ensure they are completed on time. Mid-year analyses are done for each program to ensure that all financial and program goals are being met within the grant period. All *SkillSource*'s A-133 audits for the past five (5) years have been clean with no findings.



April 12, 2023

Mr. David A. Hunn  
President and CEO  
The **SkillSource** Group, Inc.  
8300 Boone Boulevard, Suite 450  
Vienna, VA 22182

Dear Mr. Hunn:

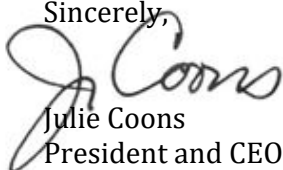
The Northern Virginia Chamber of Commerce is committed to partner and to support the **SkillSource** Group, Inc.'s and the Virginia Career Works Northern Region's proposal to deliver case management, employment services and work-based learning opportunities to Northern Virginia jobseekers through Governor Youngkin's Workforce Innovation and Opportunity Act workforce grant initiative. We know that this project will benefit many adults seeking work in our region.

The Northern Virginia Chamber of Commerce is the region's largest Chamber of Commerce representing over 500,000 employees. Our Chamber is deeply committed to creating innovative solutions to our region's workforce challenges.

This initiative will assist Northern Virginia jobseekers to overcome obstacles to obtaining professional employment in high-demand occupations throughout our region. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations within a viable career pathway in high-growth, high-demand Northern Virginia industries. We want the this important effort to support job-seeking adults with new skills, additional work experiences and an opportunity to move into full-time employment.

Thank you for the opportunity to participate and best wishes for the approval of this timely and necessary workforce proposal.

Sincerely,



Julie Coons  
President and CEO



# County of Fairfax, Virginia

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

April 13, 2023

Mr. David A. Hunn  
President and CEO  
The *SkillSource* Group, Inc.  
8300 Boone Boulevard, Suite 450  
Vienna, VA 22182

Dear Mr. Hunn:

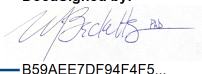
Fairfax County Department of Family Services (DFS) is committed to partner and to support the *SkillSource* Group, Inc.'s and the Virginia Career Works Northern Region's proposal to deliver case management, employment services and work-based learning opportunities to Northern Virginia jobseekers through Governor Youngkin's Workforce Innovation and Opportunity Act (WIOA) workforce grant initiative. We know that this project will benefit many adults seeking work in our region.

DFS has served as the One-Stop Operator of the three (3) *SkillSource* Employment Centers since 2003. DFS has an outstanding track record of meeting and exceeding mandated WIOA performance measures. Our program provides all assessments, intake, enrollment, orientation, training and employment services, case management, counseling, and referrals to training and supportive resources.

This initiative will assist Northern Virginia jobseekers to overcome obstacles to obtaining professional and/or skilled employment in high-demand occupations throughout our region. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations within a viable career pathway in high-growth, high-demand Northern Virginia industries. We want DFS to be part of this important effort to support job-seeking adults with new skills, additional work experience, and an opportunity to move into full-time employment.

Thank you for the opportunity to participate and best wishes for the approval of this timely and necessary workforce proposal.

Sincerely,

DocuSigned by:  
  
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Michael A. Becketts  
Director, Fairfax County Department of Family Services

---

**Department of Family Services**  
12011 Government Center Parkway  
Fairfax, VA 22035  
Tel: 703-324-7800; TTY: 703-222-9452  
[www.fairfaxcounty.gov](http://www.fairfaxcounty.gov)





**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES**

KATHRYN A. HAYFIELD  
Commissioner

8004 Franklin Farms Drive  
Henrico, VA 23229

Office (804) 662-7000  
Toll free (800) 552-5019  
Videophone (804) 325-1316  
Fax (804) 662-7644

April 14, 2023

Mr. David A. Hunn  
President and CEO  
The SkillSource Group, Inc.  
8300 Boone Boulevard, Suite 450  
Vienna, VA 22182

Dear Mr. Hunn:

The Virginia Department for Aging and Rehabilitative Services Northern District (DARS) is pleased to partner and support the SkillSource Group, Inc.'s and the Virginia Career Works Northern Region's proposal to deliver case management, employment services and work-based learning opportunities to Northern Virginia jobseekers through Governor Youngkin's Workforce Innovation and Opportunity Act workforce grant initiative. We know that this project will benefit many adults seeking work in our region.

DARS offers vocational rehabilitation programs and services to assist people with disabilities to prepare for, secure, retain or regain employment. Currently, the 4 DARS Northern District offices affiliated with Virginia Career Works Northern Region serve 3230 clients and support a wide network of employers interested in hiring qualified candidates for employment while diversifying their workforce. Our team is dedicated to ensuring that individuals with disabilities have opportunities to compete for, achieve, and enjoy high quality employment. We collaborate with individuals with disabilities and community partners such as SkillsSource Group Inc./Virginia Career Works Northern Region to empower individuals to maximize their employment and pursue economic self-sufficiency and independence.

The proposed initiative will assist Northern Virginia jobseekers to overcome obstacles to obtaining professional and/or skilled employment in high-demand occupations throughout our region. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations within a viable career pathway in high-growth, high-demand Northern Virginia industries. DARS is eager to collaborate on this important effort to support job-seeking adults with new skills, additional work experiences and an opportunity to move into full-time employment. Best wishes for the approval of this timely and necessary workforce proposal.

Sincerely,

*Kathryn A. Hayfield*  
Kathryn A. Hayfield

[dars@dars.virginia.gov](mailto:dars@dars.virginia.gov) · [www.dars.virginia.gov](http://www.dars.virginia.gov)



Amazon Web Services, Inc. ■ 410 Terry Avenue N. ■ Seattle, WA 98109

April 17, 2023

Mr. David A. Hunn  
President and CEO  
8300 Boone Boulevard, Suite 450  
Vienna, VA 22182

Re: Letter of Support for The SkillSource Group, Inc.

To Whom It May Concern:

Amazon Web Services, Inc. (AWS) is very pleased to support The SkillSource Group, Inc. in its efforts to respond to 0 with its proposal titled "Supplemental Workforce Development Training Opportunity Grant" leveraging the AWS Cloud.

AWS offers commercially available, web-scale computing services that help organizations avoid much of the heavy-lifting typically associated with launching and growing successful applications. These services are based on AWS's own back-end technology infrastructure and incorporate over a decade and a half of experience building one of the world's most reliable, scalable, and cost-efficient web infrastructures. The use of AWS provides customers with access to expertise in large-scale distributed computing and operations and can enable applications to be robust and scalable.

AWS values and appreciates the opportunity to support The SkillSource Group, Inc. . If you have any questions, or require additional information, please contact Nneka Thompson, [thomnnek@amazon.com](mailto:thomnnek@amazon.com).

Sincerely,

DocuSigned by:  
  
523B99F008A74C2...

Amazon Web Services, Inc.





Accenture LLP  
800 N. Glebe Road Suite 700  
Arlington, VA 22203  
accenture.com

Mr. David A. Hunn  
President and CEO  
The **SkillSource** Group, Inc.  
8300 Boone Boulevard, Suite 450  
Vienna, VA 22182

April 21, 2023

Dear Mr. Hunn:

Accenture is committed to partner and to support the **SkillSource** Group, Inc.'s and the Virginia Career Works Northern Region's proposal to deliver case management, employment services and work-based learning opportunities to Northern Virginia jobseekers through Governor Youngkin's Workforce Innovation and Opportunity Act workforce grant initiative. We know that this project will benefit many adults seeking work in our region.

Accenture is a leading global professional services company that helps the world's leading businesses, governments and other organizations build their digital core, optimize their operations, accelerate revenue growth and enhance citizen services. Accenture is a talent and innovation led company with 738,000 people serving clients in more than 120 countries. Locally, Accenture Federal Services (AFS), a wholly owned subsidiary of Accenture LLP, is a U.S. company headquartered in Arlington, Virginia. AFS serve every Cabinet-level department and 30 of the largest federal organizations.

This initiative will assist Northern Virginia jobseekers to overcome obstacles to obtaining professional and/or skilled employment in high-demand occupations throughout our region. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations within a viable career pathway in high-growth, high-demand Northern Virginia industries. We want Accenture to be part of this important effort to support job-seeking adults with new skills, additional work experiences and an opportunity to move into full-time employment.

Thank you for the opportunity to participate and best wishes for the approval of this timely and necessary workforce proposal.

Sincerely,

A handwritten signature in blue ink that reads "Marty Rodgers".

Marty Rodgers  
Senior Managing Director  
South Market Unit  
Accenture



4/17/2023

Mr. David A. Hunn  
President and CEO  
The SkillSource Group, Inc.  
8300 Boone Boulevard, Suite 450  
Vienna, VA 22182

Dear Mr. Hunn:

Aon is committed to partner and to support the SkillSource Group, Inc.'s and the Virginia Career Works Northern Region's proposal to deliver case management, employment services and work-based learning opportunities to Northern Virginia jobseekers through Governor Youngkin's Workforce Innovation and Opportunity Act workforce grant initiative. We know that this project will benefit many adults seeking work in our region.

Aon exists to shape decisions for the better – to protect and enrich the lives of people around the world. Our colleagues provide our clients in over 120 countries and sovereignties with advice and solutions that give them the clarity and confidence to make better decisions to protect and grow their business.

This initiative will assist Northern Virginia jobseekers to overcome obstacles to obtaining professional and/or skilled employment in high-demand occupations throughout our region. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations within a viable career pathway in high-growth, high-demand Northern Virginia industries. We want the Northern Virginia Chamber of Commerce to be part of this important effort to support job-seeking adults with new skills, additional work experiences and an opportunity to move into full-time employment.

Thank you for the opportunity to participate and best wishes for the approval of this timely and necessary workforce proposal.

Sincerely,



Daniel Serota  
Vice President of Government and Public Affairs

April 17, 2023

Mr. David A. Hunn  
President and CEO  
The *SkillSource* Group, Inc.  
8300 Boone Boulevard, Suite 450  
Vienna, VA 22182

Dear Mr. Hunn:

Peraton is committed to partner and to support the *SkillSource* Group, Inc.'s and the Virginia Career Works Northern Region's proposal to deliver case management, employment services and work-based learning opportunities to Northern Virginia jobseekers through Governor Youngkin's Workforce Innovation and Opportunity Act workforce grant initiative. We know that this project will benefit many adults seeking work in our region.

Peraton drives missions of consequence and serves as a valued partner to essential government agencies across the intelligence, space, cyber, and other markets. We appreciate the importance of building a strong pipeline of skilled individuals in the Northern Virginia region.

This initiative will assist Northern Virginia jobseekers to overcome obstacles to obtaining professional and/or skilled employment in high-demand occupations throughout our region. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations within a viable career pathway in high-growth, high-demand Northern Virginia industries. We want Peraton to be part of this important effort to support job-seeking adults with new skills, additional work experiences and an opportunity to move into full-time employment.

Thank you for the opportunity to participate and best wishes for the approval of this timely and necessary workforce proposal.

Sincerely,



Laila Salguero  
Chief Diversity, Equity & Inclusion Officer



April 18, 2023

Mr. David A. Hunn  
President and CEO  
The *SkillSource* Group, Inc.  
8300 Boone Boulevard, Suite 450  
Vienna, VA 22182

Dear Mr. Hunn:

NT Concepts is committed to partner and to support the *SkillSource* Group, Inc.'s and the Virginia Career Works Northern Region's proposal to deliver case management, employment services, and work-based learning opportunities to Northern Virginia jobseekers through Governor Youngkin's Workforce Innovation and Opportunity Act workforce grant initiative. We know that this project will benefit many adults seeking work in our region.

NT Concepts, headquartered in Vienna, Virginia, is a data-driven technology innovator. We work on the most sensitive and mission-critical programs in National Security, and we provide our government clients highly differentiated solutions in business operations, advanced analytics and AI/ML, geospatial intelligence, digital platforms and services, and security.

We understand that this initiative will help Northern Virginia jobseekers in overcoming obstacles to obtaining professional and/or skilled employment in high-demand occupations throughout our region. Through work-based learning opportunities and targeted job search assistance, participants will be employed in occupations within a viable career pathway in high-growth, high-demand Northern Virginia industries. We want NT Concepts to be part of this important effort to support job-seeking adults with new skills, additional work experiences, and an opportunity to move into full-time employment.

Thank you for the opportunity to participate and best wishes for the approval of this timely and necessary workforce proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher N. Gros", written in a cursive style.

Christopher N. Gros  
Vice President, Talent  
NT Concepts

The *SkillSource* Group, Inc. and Virginia Career Works Northern Region  
Northern Virginia Work-Based Learning Initiative  
April 21, 2023

**Budget Template**

Line	Budget Item	WIOA Title I Funds Requested	Matching Funds (cash or in-kind)	Identify source of matching funds (cash or in-kind and identify source)	Description of Line Item
1	Participant Stipends	\$88,656.00	\$79,344.00	WIOA Title 1 Formula Funds	Approximately 31 participants directly funded by this initiative will be appointed to work-based learning slots . They will be paid a stipend of \$14 per hour, 20 hours per week, for 12 weeks. Total participant stipends cost for 31 participants is \$104,160 (\$14 x 20 x 12 x 31 = \$104,160), of which \$88,092 will be paid from Northern Virginia Work-Based Learning Initiative, and \$15,504 by Matching Funds using WIOA Title 1 Formula Funding Work Experience training funds. Additional work-based learning participants will also be paid using WIOA Title 1 Formula Funding Work Experience training funds. SkillSource expects that about 19 more participants will be assigned to work-based learning training, at additional cost of \$63,840 (\$14 x 20 x 12 x 19 = \$63,840). Therefore, total matching funds are estimated to be at \$79,344 (\$15,504 + \$63,840 = \$79,344)
2	Subcontract with Northern Virginia Chamber of Commerce Foundation	\$54,000.00	\$96,554.00	WIOA Title 1 Formula Funds	The Project's Managing Director will be paid \$90 per hour, 10 hours per week, for 60 weeks. Matching funds include 5% of WIOA Title 1 Formula Funding One Stop Operator Case Managers' time for referral of WIOA customers to this program and 2% of the <i>SkillSource</i> Group's President & CEO's and Vice President of Operations's wages and fringe benefits, which are paid from WIOA Title 1 Formula funding.
3	HR & Payroll Services	\$1,767.00	\$1,083.00	WIOA Title 1 Formula Funds	payroll processing every pay period, \$19 per participant per month, for 3 months.
4					
5					
6					
7					
8					
9					
	Subtotal =	\$144,423.00	\$176,981.00		
10	Indirect Cost(IDC)	\$5,577.00			IDC = 10% of the Modified Total Direct Cost (defined at 2 CFR 200.1)
	<b>Total =</b>	<b>\$150,000.00</b>	<b>\$176,981.00</b>		
	<b>Total Cost of Proposed Project=</b>		<b>\$326,981.00</b>		
	Percent of grant funds		118%		All proposals must provide a match of at least 50%. The match may be either in cash or in-kind. Matches may be provided with federal, state, or other funds.

**Northern Virginia Work-Based Learning Initiative**

Budget Item	Variables				WIOA Title I Funds Requested	Match	Total Amount (incl. Match)
	Hourly Rate	Hours/Week	# Weeks				
Consultant	\$90	10	60		54,000	96,554	150,554
	Rate Per Participant per Month	# Participants	# Months				
PR & HR services	\$19	31	3		1,767	1,083	2,850
	Hourly rate	Hours/Week	# Weeks	# participants			
Participant stipends	\$14	20	12	31	88,656	79,344	168,000
	MTDC	De minimis rate					
Indirect Costs	55,767	10%			5,577	-	5,577
<b>Total</b>					<b>\$150,000</b>	<b>\$176,981</b>	<b>326,981</b>

**In-Kind Match**

Match Category	Total Costs	Percentage	Total	Source of Funds
SkillSource's President & CEO's compensation	250,069.00	2%	5,001	WIOA
SkillSource's Vice President of Operations's Compensation	188,616.00	2%	3,772	WIOA
One-Stop Operator's WIOA Case Managers Salaries and Fringe	1,755,593	5%	87,780	WIOA
PR & HR services	1,083.00		1,083.00	WIOA
Participant Stipends	585,000.00	14%	79,344	WIOA
<b>TOTAL MATCH</b>			<b>176,981</b>	

Match percentage 118%

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 24078**

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 September 26, 2023, at which a quorum was present and voting, the following resolution was adopted:

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2024, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G6767, Department of Family Services	\$150,000
Grant:	1670112-2022, Work-based Learning Initiative Grant	

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$150,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Community College System, \$150,000

A Copy - Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

Board Agenda Item  
September 26, 2023

ACTION - 1

Approval of License Agreement with Hands on Harvests for Outdoor Space Use at the Eileen Garnett Civic Space (Mason District)

ISSUE:

Board approval to license a portion of the grounds of the Eileen Garnett Civic Space at 7200 Columbia Pike to Hands on Harvests (HOH), a non-profit organization, to permit the operation of a community-supported demonstration garden.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize staff to execute a license substantially in the form of Attachment 1.

TIMING:

Board action is requested on September 26, 2023, to allow the Board to formalize a license agreement with HOH to allow it to operate a community-supported demonstration garden at the Eileen Garnett Civic Space upon its anticipated opening in late October 2023.

BACKGROUND:

Hands on Harvests (HOH) is a Northern Virginia-based, tax-exempt public charity pursuant to *Section 501(c)(3) of the Internal Revenue Code* whose mission is boosting access to fresh produce and reducing food waste in Northern Virginia. HOH would occupy and operate the educational demonstration garden within the new Eileen Garnett Civic Space located at 7200 Columbia Pike, Tax Map Parcel 71-1 ((4)) 109A1. The garden will be comprised of up to four (4) planting beds totaling approximately 3,600 square feet of space.

The initial term of the license agreement is ten (10) years, unless terminated as otherwise provided under the license agreement. The County will allow HOH to use the licensed premises without charge. The County will also allow non-exclusive use of a yard hydrant for watering, paths for access, dumpsters for solid waste disposal, and a shed to store garden equipment and materials. The County will supply potable water for garden use and provide solid waste disposal. As HOH is a charitable organization that provides a service to Fairfax County residents, including increasing food access and providing the educational enrichment of the greater community, the Board is authorized

to permit HOH to use the licensed space without payment of consideration pursuant to *Va. Code Ann. § 15.2-953*.

Operational hours for the garden will vary due to the nature of the activity, but access to the garden shall generally be allowed from dawn to dusk seven days of the week. The license agreement outlines additional parameters and reasonable restrictions related to educational field trips, member-only gatherings and larger publicly advertised events, given the urban location and shared-use of the property.

EQUITY IMPACT:

The proposed license aligns with and supports multiple goals of Fairfax County's One Fairfax policy:

1. To develop "Neighborhoods that support all communities and individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood."
2. To promote "A vibrant food system where healthy, accessible, and affordable food is valued as a basic human necessity."
3. To pursue "A parks and recreation system that is equitable and inclusive by providing quality facilities, programs, and services to all communities; balancing the distribution of parks, programs and facilities; and providing accessible and affordable facilities and programs."

The establishment of the Eileen Garnett Civic Space in central Annandale provides a park in a neighborhood of the County that lacks such community facilities due to the legacy pattern of land use development. The park's physical design reflects the Annandale community's expressed priorities from an extensive community visioning process conducted in 2018, and the garden is one of the most important elements of that design which will positively contribute to the future park's inclusivity, vibrancy, and sense of place. The proposed license with HOH will support the overarching vision for the Eileen Garnett Civic Space and provides long-term sustainable management of the garden. HOH will conduct educational programming for gardening volunteers and the wider community and demonstrate how the use of native plants and natural landscaping can also benefit and strengthen production gardening.

One of HOH's top priorities as the selected garden operator is to make the garden a community space that also reflects and celebrates Annandale's diversity of food heritages. To that end, HOH plans to recruit volunteers from the greater community that



Board Agenda Item  
September 26, 2023

will reflect the diversity of Annandale and play an integral role in determining the annual goals of the garden and help with volunteer recruitment, program ideas, multi-language engagement and publicity, as well as taking care of the garden on scheduled workdays. HOH volunteers will have the opportunity to take home produce grown in the garden and donate harvests to a local food pantry. This aspect of HOH's mission aligns closely with promoting a vibrant food system and addressing food access.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1– Draft License Agreement between the County and Hands on Harvests

STAFF:

Ellicia L. Seard-McCormick, Deputy County Executive  
Christopher A. Leonard, Deputy County Executive  
José A. Comayagua, Director, Facilities Management Department (FMD)  
Michael Lambert, Assistant Director, FMD  
Rebecca Moudry, Director, Department of Economic Initiatives (DEI)  
Scott Sizer, Division Manager, Catalytic Development, DEI  
Laura Baker, Catalytic Redevelopment Manager, DEI

ASSIGNED COUNSEL:

Daniel Robinson, Senior Assistant County Attorney

**COUNTY OF FAIRFAX  
LICENSE AGREEMENT**

THIS LICENSE AGREEMENT dated \_\_\_\_\_, 2023 (“**License**”), is between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body corporate and politic located at 12000 Government Center Parkway, Fairfax, Virginia 22035 and hereafter referred to as the “**County**”, and **HANDS ON HARVESTS**, a 501(c)(3) nonprofit organization located at PO Box 6547, Falls Church, VA 22040, and hereafter referred to as the “**Licensee**”.

WHEREAS, the County owns a parcel of land identified by Tax Map No. 71-1 ((4)) 109A1, formerly the site of Annandale Elementary School (the “**Property**”), which is improved with a two-story brick building consisting of approximately 33,200 gross square feet with an address of 7200 Columbia Pike, Annandale, Virginia 22003 (the “**Main Building**”) and a one-story brick building consisting of approximately 6,225 gross square feet with an address of 4175 Daniels Avenue, Annandale, Virginia 22003;

WHEREAS, the Annandale Christian Community for Action (“**ACCA**”) uses the Main Building as a Child Development Center during the hours of Monday to Friday, 6:30 a.m. to 7:00 p.m. (“**ACCA Operating Hours**”).

WHEREAS, the Fairfax County Park Authority (“**Park Authority**”) is working with the County on repurposing an approximate three-quarters-of-one-acre portion of the Property to create a versatile civic park space for the community, a conceptual plan of which is attached hereto and incorporated herein as **Exhibit A** (the “**Park**”);

WHEREAS, the Park will include a civic plaza, a great lawn, a parking lot expansion area suitable for pop-up programming, and a demonstration garden;

WHEREAS, after construction, the Park Authority shall maintain the master community programming schedule for the Park;

WHEREAS, the County would like to allow Licensee to maintain the community garden, to support the development of an educational demonstration garden within the Park and to provide educational instruction, including classes, to the public on gardening practices and techniques, subject to further terms and restrictions in this license;

WHEREAS, the Park Authority will be installing a ten-foot by seven-foot by eight-and-a-half-foot wooden shed (the “**Shed**”) and a lockable yard hydrant (the “**Hydrant**”) for the nonexclusive use of Licensee and the County;

WHEREAS, Licensee is a Fairfax County-based nonprofit organization whose twin missions are to help people grow fresh produce and to reduce food waste by making it easy to donate surplus harvest;

WHEREAS, the County desires to license to the Licensee certain land, for the Permitted Use, subject to the terms and conditions of this License, without being charged monetary rent or other fees.

NOW, THEREFORE, the parties agree to the following:

1. **LOCATION OF PREMISES:** The County hereby grants to the Licensee the non-exclusive use of the Premises (as defined below) as well as non-exclusive access to and from the Premises across other parts of the Property.
  - a. The Premises shall consist of up to four (4) planting beds containing approximately 3,600 square feet, in the locations delineated on **Exhibit B**, which is attached hereto and incorporated herein.
  - b. The Licensee shall be entitled to select and grow non-invasive species plants as well as plants for consumption in the Premises. Any consumable plants with invasive qualities (e.g., mint) will be grown in containers and will not be planted in the ground. No other licensee shall be granted use of the Premises.
  - c. Licensee shall have the non-exclusive right (along with the County) to use the Hydrant and store equipment and materials in the Shed in connection with its Permitted Use. Licensee shall have dedicated space within the Shed to store Premises equipment and materials. The County and Licensee shall each have 50 percent of the total area of the shed for their respective use.
2. **TERM:** Subject to the right to terminate set forth in Paragraphs 15 and 16, the term of this License Agreement shall run for ten (10) years beginning on July 1, 2023, and ending at midnight on June 30, 2033 (the “**Term**”), unless terminated as otherwise provided under the License Agreement.
3. **USE:**
  - a. Licensee represents that, to the best of its knowledge, Licensee does not require any building, zoning or other related permits for its Permitted Use, as defined below, or to distribute any produce from the Premises, and if any such permits are required for such activities, Licensee must obtain such permits at its own expense.
  - b. Subject to Section 1(b) above, the Premises shall be used by the Licensee solely for the communal cultivation of produce for distribution to HOH members for personal consumption, for donation to local charities and area food pantries, and for the instruction of the public in environmentally-sensitive gardening practices, but not for cultivation for commercial or for-profit use (“Permitted Use”);
  - c. The Premises must be operated in a manner consistent with a community garden. At no time will the Licensee subdivide and operate the garden as a series of individual garden plots.
  - d. Licensee may not distribute produce directly to the public at the Premises or the Property.
  - e. Programming activities related to the Premises.
    - 1) **Small gatherings:** Licensee may host invitation-only events within the Premises for up to twenty (20) people without the need to obtain a park use permit from the Park Authority. The events must:

- a) Focus on hands-on gardening instruction or maintenance activities in the Premises.
  - b) Take place during the period from dawn to dusk on any day of the week.
  - c) The one exception to the limit on individuals attending small gatherings is school field trips. With prior courtesy notification to the ACCA CDC and the County (Facilities Management Department), the Licensee may host up to thirty (32) people inclusive of students, chaperones, educators, and Licensee volunteers, per field trip, provided that all students, chaperones, and educators are transported to and from the site by bus and the bus is parked off site. The Licensee may only host one (1) field trip per week except for the months of September, October, May, and June, during which Licensee may host up to two (2) field trips per week. However, in no event may the Licensee host more than thirty-five (35) field trips total at the Premises per calendar year.
- 2) Large gatherings: Licensee may host publicly-advertised events for up to 45 people in the Premises, provided:
- a) The events will not occur during ACCA Operating Hours.
  - b) The events will be conducted only after Licensee informs the Park Authority in writing at least 10 business days in advance of the event to ensure there are no pre-existing major conflicts related to Park scheduling, and if Park Authority states there is such a pre-existing major conflict, the event may not be held.
  - c) If the Licensee plans to host a publicly-advertised event that is reasonably anticipated to attract more than 45 people, then the Licensee must reserve the plaza area adjacent to the Premises for additional space capacity. Licensee must contact the Park Authority to reserve the plaza, obtain a park use permit and comply with the terms of any park use permit.
- f. Any commercial activity within the Premises or the for-profit sale of the produce grown in the Premises is strictly prohibited.
  - g. Licensee, its staff and its volunteers will have unrestricted access to the Premises. The Premises does not need to be staffed on a continuous basis for Premises to be considered as used by Licensee, its staff or volunteers.
  - h. The County shall have absolute control over matters of safety and security on the Property.
  - i. Licensee may not store items in the Shed or on the Premises that the County decides in its absolute discretion are inappropriate, including, but not limited to: weapons; health hazards such as chemicals (other than fertilizer); hazardous, explosive or flammable materials; or perishable items such as produce. Typical gardening equipment and tools are allowable.
4. **DEFAULT:** If Licensee breaches any of the terms in this License, it shall be notified in writing and given up to 30 days to correct the breach. If the breach is not corrected within 30 days, the County may notify the Licensee in writing that an event of default (“**Event of Default**”) has occurred and that the License is terminated. If the Licensee ceases to operate or use the Premises for 90 days,

Licensee will be deemed to have abandoned the Premises and such abandonment will be an Event of Default.

5. **SERVICES PROVIDED BY THE COUNTY:** The County will:
  - a. Provide potable water to the garden via a lockable yard hydrant and bear the cost of water delivery for use of the Premises. The County shall not otherwise be required to provide any other utilities to the Premises.
  - b. Maintain in good condition the four-inch stone dust path, two fixed benches, Shed, Hydrant and trees in the Premises.
  - c. Inform the Licensee of any incidents involving disturbance of the Premises.
  - d. Provide and/or pay for scheduled solid waste disposal services for the two dumpsters on the Property.
  - e. Maintain responsibility for snow and ice removal in the parking lot and sidewalks on the Property in accordance with its own snow maintenance schedule. The walkways within the Park will not be shoveled or de-iced as per typical park maintenance practice.
  - f. Instruct its staff to lock the Shed and/or Hydrant after their use.
  - g. Provide notification to Licensee at least seven (7) calendar days in advance of the application of any herbicide or pesticide to maintain the lawn, trees or landscaping of the Park. The County shall consult with the Licensee about appropriate solutions to vermin control in the event the Premises experiences activity that requires intervention for health and safety reasons.
  - h. Instruct its contractors treating the Park to not apply any herbicides or pesticides to the vegetation within the Premises. If the trees within the Premises are at the risk of death or decline without the application of the herbicides and/or pesticide application, the County shall coordinate with Licensee on the treatment options.
6. **LIABILITY AND INSURANCE:** **Exhibit C** is attached hereto and incorporated herein.
7. **RESPONSIBILITIES OF LICENSEE:** Licensee agrees to:
  - a. Ensure that its members, agents, guests and invitees will not intentionally or negligently damage the Park, Premises, the Shed, or the Hydrant. In the event of a breach of this term, Licensee must reimburse the County for the reasonable costs of repairing such damage.
  - b. Maintain the Premises in good and tidy condition.
    - 1) If Licensee creates paths within the gardening beds, Licensee will be responsible for maintenance of these paths. The paths should be constructed out of permeable material such as turf to ensure the accessibility of the garden.

- 2) Licensee must consult with the County before installing amenities or planting species that might, using Licensee's reasonable judgment, result in a substantial impact to the visual aesthetics and/or safety of the garden or Park (e.g., be taller or denser than the existing elements in the Premises).
  - 3) Act as the custodian of any management plans for the Premises such as a conservation plan.
- c. Licensee will not permit individuals or outside groups to use the gardening beds unless Licensee first obtains express written permission for such entry and usage in the Premises from the County.
  - d. Obtain written consent from the County before installing any new features in the Premises, such as compost piles/containers/bins, teepees, tunnels, signage, benches, picnic tables, lighting and/or fencing.
    - 1) Licensee must secure any permits required for the installation of these features in the Premises.
    - 2) Any permanently affixed features shall become the property of the County upon installation.
    - 3) Any non-fixtures such as picnic tables may be removed by the Licensee at the expiration of the License.
  - e. Report to the County the discovery of any damage to the stone dust path, benches, Hydrant, trees, and Shed, inclusive of any graffiti on the Shed.
  - f. Place all garden-generated trash, yard waste, clippings, etc., in bags and dispose of the bags in the dumpster located near Columbia Pike, or if that receptacle is full, the dumpster stationed closer to Daniels Avenue. Bags should never be left outside of the dumpsters if they are full.
  - g. Instruct its staff and volunteers to lock the Shed and/or Hydrant after use.
  - h. Require its volunteers to register under the County's Volunteer Management System to cover their garden maintenance activities on the Premises.
  - i. Not allow on the Premises any illegal, unlawful, improper, noisy or boisterous activity which creates a nuisance.
  - j. Comply with all rules, regulations, and conditions of the License. Any violation of the rules, regulations and conditions shall be a violation of this License.
8. **INTENTIONALLY OMITTED.**
9. **WAIVER:** The County shall not be liable for and the Licensee releases the County and its agents, employees, volunteers and contractors, and waives all claims for damage to person or property sustained by the Licensee or any occupant of the Premises resulting from an accident at the

Premises, or resulting directly or indirectly from any act or neglect of any Licensee or occupant of the Premises.

10. **NOTICE OF DEFECTS:** Licensee shall give the County, and the County shall give the Licensee, prompt written notice of accidents, defects or damage within the Premises.
11. **INTEREST IN PROPERTY:** Nothing in this Agreement shall be interpreted to create anything other than a license and shall not create any right, title or interest in property other than the Premises, nor create an easement.
12. **COMPLIANCE WITH LAWS:** Licensee agrees to abide by the laws of the Commonwealth and the County in the performance of its services and its use of the Premises.
13. **ASSIGNMENT:** Licensee may not transfer or assign this License, nor sublet any part of the Premises, without the written consent of the County, which consent may be withheld in the County's absolute discretion.
14. **RULES AND REGULATIONS:** Licensee shall be notified in writing of and abide by and observe such rules and regulations as may be promulgated from time to time by the County for the operation and maintenance of the Premises.
15. **TERMINATION OF LICENSE:** The License may be terminated at any time during the term of this License by either party providing the other party with ninety (90) days' prior written notice or by an Event of Default. Licensee will be required to vacate the Premises by close of business of the license termination date. Vacation of the Premises will include the obligation to remove any materials or equipment from the Shed and the Premises. The expiration or termination of this License by either party shall not relieve or release Licensee from any liability or obligation which may have been incurred or assumed by Licensee prior to such expiration or termination.
16. **COUNTY'S FINANCIAL OBLIGATION:** All of the County's financial obligations under this Agreement are subject to annual appropriations by the Fairfax County Board of Supervisors. In the event funds are not appropriated, the County shall furnish Licensee with prompt written notice of non-appropriation and the Agreement shall terminate on the last day of the fiscal year for which appropriations were received.
17. **NO PARTNERSHIP:** Nothing contained in this License shall be deemed to create a partnership or joint venture of or between the County and the Licensee.
18. **COMMON AREAS:** The County reserves the right to alter common areas of the Property, so long as such alteration does not interfere with the Licensee's reasonable use of the Premises. This includes but is not limited to the parking area, grounds, walkways, etc.
19. **ENTIRE AGREEMENT:** This License is the entire agreement between the County and the Licensee regarding the Premises. This License may be modified only in writing executed by both parties.

**SIGNED BY:**

**HANDS ON HARVESTS**

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Ellicia L. Seard-McCormick,  
Deputy County Executive of Administration

\_\_\_\_\_  
DATE

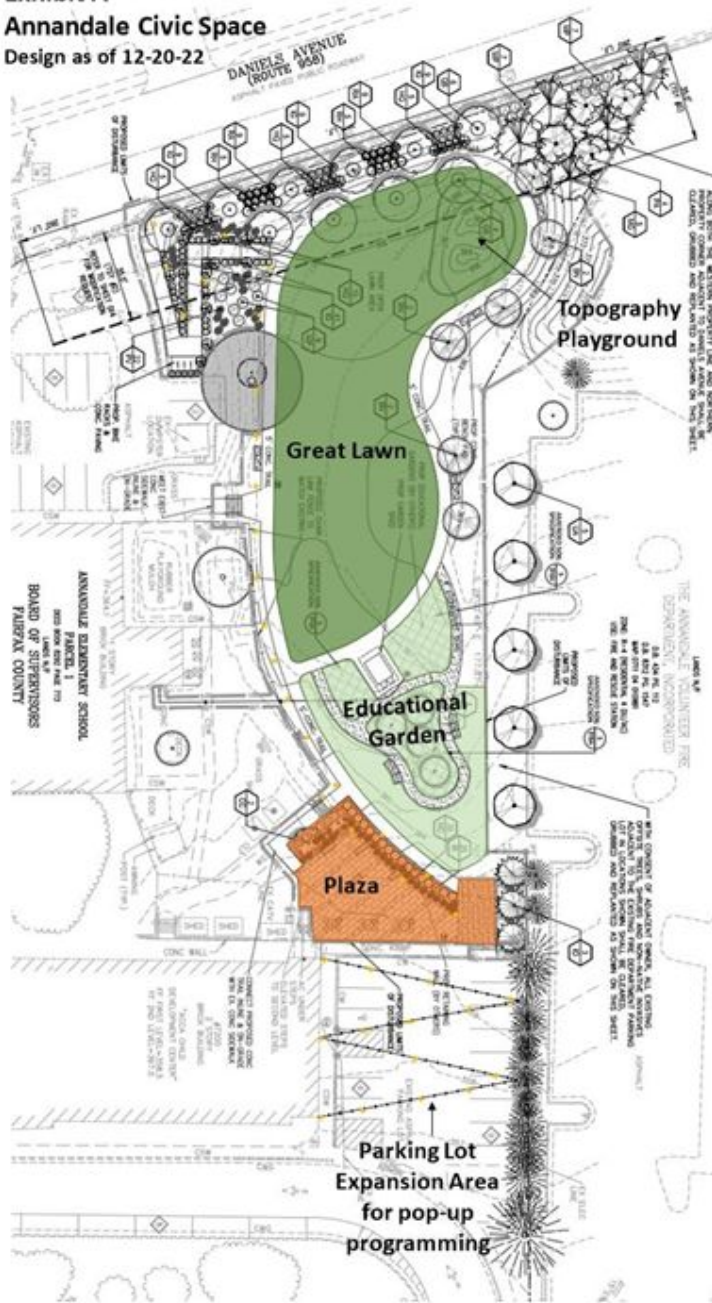
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# EXHIBIT A

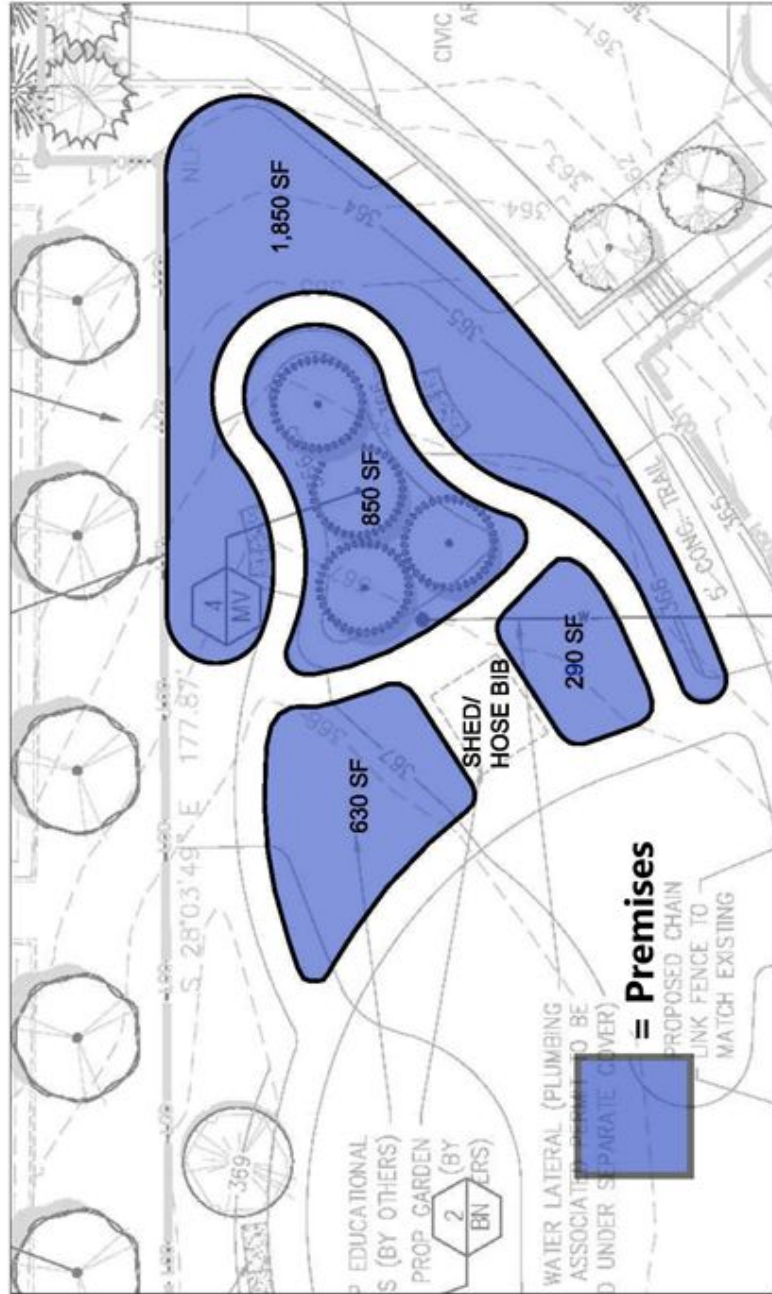
## Conceptual Plan

Exhibit A  
Annandale Civic Space  
Design as of 12-20-22



# EXHIBIT B

## Premises



ANNANDALE PARK/CIVIC SPACE GARDEN AREA  
SCALE 1" = 10'

# EXHIBIT C

## Insurance and Indemnification

### 1. LIABILITY AND INSURANCE PROVISIONS

- 1.1. **LIABILITY FOR DAMAGE TO PERSONAL PROPERTY AND PERSON:** All personal property of the Licensee (including its employees, business invitees, licensees, customers, clients, etc.), agents, family members, guests or trespassers, in and on said Premises and Property, shall be and remain at the sole risk of the Licensee, and County shall not be liable to them for any damage to, or loss of such personal property arising from any act of any other persons nor from the leaking of the roof, or from the bursting, leaking or overflowing of water, sewer or steam pipes, or from heating or plumbing fixtures, or from electrical wires or fixtures, or from air-conditioning failure. The County shall not be liable for any personal injury to the Licensee (including its employees, business invitees, licensees, customers, clients and volunteers), arising from the use, occupancy and condition of the Premises or the Property.
- 1.2. **HAZARDOUS CONDITION:** Licensee will not do anything or permit anything to be done or any hazardous condition to exist ("**Increased Risk**") which shall invalidate or cause the cancellation of the insurance policies carried by Licensee. If Licensee does or permits any Increased Risk which causes an increase in the cost of insurance policies then Licensee shall promptly pay (or, if County (being under no obligation to do so) initially pays such amounts, reimburse County) for additional premiums attributable to any act, omission or operation of Licensee causing the increase in the premiums. Payment of additional premiums will not excuse Licensee from terminating or removing the Increased Risk unless County agrees in writing. Absent agreement, Licensee shall promptly terminate or remove the Increased Risk.
- 1.3. **INSURANCE REQUIREMENTS:** The Licensee shall during the Term provide the following:
  - a. In lieu of carrying **Statutory Workers' Compensation and Employer's Liability insurance** in limits of not less than **\$1,000,000**, Licensee certifies under penalty of perjury that: (1) Licensee is exempt from their State of Virginia's statutory requirements to provide Workers' Compensation coverage; (2) Licensee has the qualifications or coverage(s) required by the Labor Code; and (3) Licensee waives its rights under the Labor Code.
  - b. **Commercial General Liability insurance** in the amount of **\$1,000,000 per occurrence/ \$2,000,000 aggregate**, to protect the Licensee, its sublicensees, and the interest of the County, its officers and employees against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation.
  - c. In lieu of carrying **Automobile Liability insurance** for owned, non-owned, and hired vehicles in the amount of **\$1,000,000 per occurrence/aggregate**, Licensee certifies that: (1) Licensee does not own any vehicles and (2) Licensee's volunteers use their

own personal vehicles.

- d. Liability insurance may be arranged by policies for the full limits required, or by a combination of underlying liability policies for lesser limits with the remaining limits provided by an Excess or Umbrella Liability policy.
- e. Any deductibles and/or self-insured retentions greater than \$50,000 must be disclosed to and approved by the County's Risk Manager prior to the commencement of services. Use of large deductibles and/or self-insured retentions will require proof of financial ability as determined by the County.
- f. The Licensee agrees to provide insurance issued by companies admitted within the Commonwealth of Virginia, with the Best's Key Rating of at least A:VII.
- g. Compliance by the Licensee with the foregoing requirements as to carrying insurance shall not relieve the Licensee and all sublicensees of the obligations under the liability provisions of this License.
- h. If the Licensee fails to maintain the required insurance the County may, but does not have to, maintain the insurance at Licensee's expense plus an additional 15% administrative charge payable to the County. The policy shall expressly provide that it is not subject to invalidation of the County's interest by reason of any act or omission on the part of Licensee.
- i. All insurance required by Section 6 of the License and this Exhibit C shall be written by insurers, in such forms, and shall contain such terms, as County may reasonably require.

#### **1.4. PROOF OF INSURANCE COVERAGE**

- a. The Licensee will provide an original, signed Certificate of Insurance citing the contract number and such endorsements as prescribed herein.
- b. The Licensee will secure and maintain all insurance certificates of its sublicensees, which shall be made available to the County on demand.
- c. The Licensee will provide on demand certified copies of all insurance policies related to the License within ten business days of demand by the County. These certified copies will be sent to the County from the Licensee 's insurance agent or representative.
- d. No change, cancellation, or non-renewal shall be made in any insurance coverage without a 60-day written notice to the County. The Licensee shall furnish a new certificate prior to any change or cancellation date. The failure of the Licensee to deliver a new and valid certificate will result in suspension of all payments until the new certificate is furnished.

- e. The County, its officers, employees and volunteers, shall be named as an "additional insured" on the General Liability policy and it shall be stated on the Insurance Certificate with the provision that this coverage "is primary to all other coverage the County may possess."
  
- 1.5. **INDEMNIFICATION:** The Licensee hereby agrees to indemnify and hold harmless the Board of Supervisors, Fairfax County, Virginia, its officers, employees, volunteers and agents, from any and all claims for bodily injuries and personal injuries, death or property damage, including cost or investigation, all expenses of litigation, including reasonable attorney fees and the cost of appeals arising out of any errors, omissions, claims or suits including reasonable attorney fees, and the cost of appeals arising out of any claims or suits, because of the Licensee, including sublicensees, their agents, servants, employees, volunteers, business invitees, customers, guests or trespassers arising from the use, occupancy and condition of the Premises or the Property. Indemnification pursuant to this section shall not be made in any case where the act or failure to act giving rise to the claim for indemnification is determined by a court to have constituted the sole negligence and willful misconduct of the County.
  
- 1.6. **WAIVER OF SUBROGATION:** Notwithstanding any provisions herein to the contrary, Licensee waives all rights to recover against the County for any loss or damage arising from any cause covered by any insurance required to be carried by Licensee pursuant to Section 6 of the License or this Exhibit C, or any other insurance actually carried by Licensee. Licensee will request its insurers to issue appropriate waiver of subrogation rights endorsements to all policies of insurance carried in connection with the Premises or the Property.

Board Agenda Item  
September 26,2023

ACTION - 2

Approval of Supplemental Appropriation Resolution AS 24066 to Accept Grant Funding and Authorization to Execute a Project Administration Agreement with the Virginia Department of Transportation for Implementation of Transportation Alternatives Funding for the Mason Neck Trail Project (Mount Vernon District)

ISSUE:

Board of Supervisors' approval of Supplemental Appropriation Resolution AS 24066 (Attachment 1) for the Fairfax County Department of Transportation (FCDOT) to accept Transportation Alternatives funding from the Virginia Department of Transportation (VDOT) for the Mason Neck Trail project in the amount of \$1,000,000. This funding will be used for the design and construction of the northern segment of the Mason Neck Trail project. A 20 percent Local Cash Match (LCM) of \$200,000 is required, and has been identified in Fund 40010, County and Regional Transportation Projects, in the County Six-Year Plan Bicycle and Pedestrian Program project (2G40-088-000). Board authorization is also requested via resolution (Attachment 2) for the Director of FCDOT to execute a Project Administration Agreement (PAA) with VDOT, substantially in the form of Attachment 3, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 24066 to accept funding from VDOT in the amount of \$1,000,000 for the northern segment of the Mason Neck Trail project. A 20 percent LCM of \$200,000 will be met from Fund 40010, County and Regional Transportation Projects, from the County Six-Year Plan Bicycle and Pedestrian Program project (2G40-088-000). Funding will be used to design and construct the project. No new positions are associated with this grant funding agreement. The County Executive also recommends the Board approve a resolution (Attachment 2) authorizing the Director of FCDOT to execute a PAA with VDOT, substantially in the form of Attachment 3, for the funding and implementation of the project.

TIMING:

The Board should act on this item on September 26, 2023, so that FCDOT can continue implementation of the project.

Board Agenda Item  
September 26, 2023

BACKGROUND:

On July 27, 2021, the Board endorsed applications for Transportation Alternatives projects, including one for the northern segment of the Mason Neck Trail project. The Commonwealth Transportation Board subsequently awarded \$1,000,000 (\$800,000 plus the \$200,000 LCM) for the project.

The Mason Neck Trail is envisioned to span a six-mile length of the Mason Neck Peninsula from Richmond Highway (US Route 1) to Mason Neck State Park and the Potomac River along the Gunston Road corridor. The middle three miles of the project have been completed, connecting the Pohick Bay Regional Park, the U.S. Department of Interior Bureau of Land Management's Meadowood Farm Recreation Area, George Mason's Gunston Hall Historic Site (1776 Virginia Declaration of Rights), and the Mason Neck State Park. The remaining northern and southern segments will complete the six-mile-long trail. The proposed Transportation Alternative funded project is the mile-long northern segment on the western end of the trail (shown as Segment 1 on the map in Attachment 4), which will connect the existing trail at Julia Taft Way (approximately 1,500 feet east of Richmond Highway) to the previously completed segments of the trail at the Pohick Bay Regional Park golf course driveway.

The project is a newly funded Transportation Alternative project. Design began in March 2022, but a PAA with VDOT is required to appropriate the additional funding needed to complete project design. The County must allocate part of the \$800,000 funding for VDOT review and for VDOT completion of National Environmental Policy Act (NEPA) documentation. The amounts for VDOT review and NEPA completion are \$266,821 and \$7,379 respectively. The remaining \$525,800 will be reimbursable to the County.

At the time DOT applied for funding, the total estimate for this project was \$11,869,826. Staff will continue to explore opportunities to leverage non-county resources for this project. No additional General Fund dollars will be required for this project.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as the Mason Neck Trail project and related actions were previously approved by the Board and the project is included in the Board's adopted Transportation Priorities Plan (TPP ID#206).

FISCAL IMPACT:

Transportation Alternatives funding in the amount of \$1,000,000 has been received from VDOT to continue design and construction of the Mason Neck Trail project. The VDOT Transportation Alternatives program requires that the locality provide a 20 percent LCM

Board Agenda Item  
September 26,2023

of \$200,000 to satisfy the local share requirement. The LCM funds are available in Fund 40010, County and Regional Transportation Projects, in the County Six-Year Plan Bicycle and Pedestrian Program project (2G40-088-000). Appropriation to Fund 50000, Federal-State Grant Fund, totals \$525,800, as VDOT expenses are not accounted for in the County's financial system. This grant does not allow for the recovery of indirect costs. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2024.

It should be noted that the Total Project Estimate is currently \$11,869,826 and the County is responsible for the balance of the project expenses beyond the support provided by this Transportation Alternatives agreement. These expenses will be funded from the County Six-Year Plan Bicycle and Pedestrian Program project (2G40-088-000) in Fund 40010, County and Regional Transportation Projects. No new General Fund resources are required.

CREATION OF NEW POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 24066

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

Attachment 3: Standard Project Administration Agreement for Mason Neck Trail (UPC 122888)

Attachment 4: Map of Mason Neck Trail Project

STAFF:

Rachel Flynn, Deputy County Executive

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

Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT

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

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

Smitha Chellappa, Senior Transportation Planner, FS, FCDOT

Christina Cain, Transportation Planner, FS, FCDOT

ASSIGNED COUNSEL:

Marc E. Gori, Assistant County Attorney



## RESOLUTION

### SUPPLEMENTAL APPROPRIATION RESOLUTION AS 24066

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 September 26, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

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

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund

Agency: G4040, Department of Transportation \$525,800

Grant: 1400165-2023, Mason Neck Trail Project

Reduce Appropriation to:

Agency: G8787, Unclassified Administrative Expenses \$525,800

Fund: 500-C50000, Federal-State Grant Fund

Source of Funds: Virginia Department of Transportation, \$525,800

**ADOPTED** this 26<sup>th</sup> day of September, 2023.

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

## RESOLUTION

AGREEMENT EXECUTION RESOLUTION  
A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF  
FAIRFAX, VIRGINIA  
FOR THE EXECUTION OF AN AGREEMENT FOR THE  
MASON NECK TRAIL (NORTHERN SEGMENT) PROJECT

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 September 26, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, in accordance with Virginia Department of Transportation project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of the Fairfax County Department of Transportation to execute a Project Administration Agreement with the Virginia Department of Transportation, for the implementation of the Mason Neck Trail (Northern Segment) Transportation Alternatives funded project by the County of Fairfax.

**FURTHER BE IT RESOLVED**, that the County of Fairfax hereby agrees to provide its share of the local contribution, in accordance with the Project Administration Agreement (“PAA”, Attachment 3) and associated financial documents (Appendix A, B and C), executed pursuant to this resolution.

**ADOPTED** this 26<sup>th</sup> day of September, 2023.

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

**STANDARD PROJECT ADMINISTRATION AGREEMENT**  
**Federal-aid Projects**

Project Number	UPC	Local Government
EN22-029-633	122888	COUNTY OF FAIRFAX

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

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

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project; and

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

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

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

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

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

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

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

- g. Acknowledges that for federally-funded projects and pursuant to 2 CFR § 200.339, Remedies for Noncompliance, failure to comply with federal laws and regulations, or the terms and conditions of federal awards, may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
  - h. Reimburse the DEPARTMENT for all Project expenses incurred by the DEPARTMENT if, due to action or inaction of the LOCALITY, federally-funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement is required by the provisions of § 33.2-214 or § 33.2-331 of the Code of Virginia (1950), as amended, or other applicable provisions of federal, state, or local law or regulations.
  - i. On projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
  - j. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the Project may result in forfeiture of federal or state-aid reimbursements.
  - k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the Project.
  - l. Provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT. Where the Project results in physical construction, the LOCALITY will continue to operate and maintain the Project in accordance with the final constructed design as approved by the DEPARTMENT. The LOCALITY agrees that any modification of the approved design features, without the approval of the DEPARTMENT, may, at the discretion of the DEPARTMENT, result in restitution either physically or monetarily as determined by the DEPARTMENT.
3. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals, within a reasonable time, which are the responsibility of the DEPARTMENT, required by federal and state laws and regulations, or as otherwise agreed to, in writing, between the parties, and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.

- b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 2.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
  - c. Where applicable, submit invoices to the LOCALITY for the LOCALITY's share of eligible Project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraphs 2. a. and 3.a.
  - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
  - e. Upon LOCALITY'S request, make available to the LOCALITY guidelines to assist the Parties in carrying out responsibilities under this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to § 33.2-1011 of the Code of Virginia (1950), as amended.
  5. Nothing in this Agreement shall obligate the Parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. State and federal Project funding is limited to those identified in the Appendix A of this Agreement and is allocable only upon LOCALITY's compliance with all requirements of this Agreement. In the event the cost of all or part of the Project is anticipated to exceed the allocation shown on Appendix A, the Parties agree to cooperate in seeking additional funding for the Project or to terminate the Project before Project costs exceed the allocated amount. Any requested increase in federal or state funding is subject to DEPARTMENT policy and procedures applicable to the funding source and is not guaranteed.
  6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
  7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and capacity and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either Party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
  8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments,

pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9. This Agreement may be terminated by either Party upon 30 days advance written notice to the other Party. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 2.f, 2.h., and 3.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.
10. Prior to any action pursuant to paragraphs 2.b, 2.g. or 2.h. of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the LOCALITY's breach of this Agreement. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement or at law or in equity.
11. THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the Parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any Party.
12. THIS AGREEMENT, when properly executed, shall be binding upon both Parties, their successors, and assigns.
13. THIS AGREEMENT may be modified only in writing by mutual agreement of the Parties.

IN WITNESS WHEREOF, each Party hereto has caused this Agreement to be executed by their duly authorized representatives, acknowledging and agreeing that any digital signature affixed hereto shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature.

**COUNTY OF FAIRFAX, VIRGINIA:**

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Signature	Date
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Acting Director, FCDOT

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Title

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:**

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Signature	Date
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Chief of Policy, Commonwealth of Virginia, Department of Transportation

**Attachments**

- Appendix A
- Appendix B
- Appendix C



### Appendix A - Locally Administered

Version: Original

Prepared Date: 8/3/2023

**Project Details**

UPC:  State Project #:  CFDA #:  Locality UEI #:

Locality:  Address:

<p><b>Work Description:</b> MASON NECK TRAIL. The proposed project is the mile-long segment #1 on the western end of the trail which will connect the existing trail at Julia Taft Way, approximately 1,500 feet east of Richmond Highway, to the previously-completed segments of the trail at the Pohick Bay Regional Park golf course driveway.</p>	<p><b>Project Location (Zip +4)</b></p> <p style="text-align: center; border: 1px solid black; padding: 5px;">22079-2112</p>
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**Project Points of Contact**

**Locality Project Manager**

Name: Galappa Madhusudhan  
 Phone: 703-877-5742  
 Email: galappa.madhusudhan@fairfaxcounty.gov

**VDOT Project Coordinator**

Name: Saif Qargha  
 Phone: (703) 259-3223  
 Email: Saif.Qargha@vdot.virginia.gov

**Project Estimates**

	Preliminary Engineering	Right of Way and Utilities	Construction	Total
Estimated Locality Project Expenses	\$2,123,557	\$2,634,100	\$6,837,969	\$11,595,626
Estimated VDOT Project Oversight	\$145,121	\$33,500	\$88,200	\$266,821
Estimated VDOT Project Services (Appendix C)	\$7,379	\$0	\$0	\$7,379
<b>Estimated Total Project Costs</b>	<b>\$2,276,057</b>	<b>\$2,667,600</b>	<b>\$6,926,169</b>	<b>\$11,869,826</b>

**Project Financing**

Allocated Funds Type	Allocated Funds Amount	Local % Participation	Local Share Total	Max Reimbursement to Locality	Total Estimated Reimbursement to Locality
Transportation Alternatives	\$1,000,000	20%	\$200,000	\$800,000	-
Local Funds	\$10,869,826	100%	\$10,869,826	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
-	\$0		\$0	\$0	
<b>Funding Totals</b>	<b>\$11,869,826</b>		<b>\$11,069,826</b>	<b>\$800,000</b>	

*Note - The funds order is not indicative of the actual spend order of funds on the project.*  
 This Appendix A supersedes all previous versions signed by VDOT and the LOCALITY for the Project.

\_\_\_\_\_  
 Authorized Locality Official Date

Acting Director, FCDOT  
 Title of Locality Official

\_\_\_\_\_  
 Authorized VDOT Official Date

Locality Agreements Manager  
 Title of VDOT Official

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

## Federal-Aid Agreement

### Appendix B – Special Funding Program Conditions and Requirements

Project Number	UPC	Local Government
EN22-029-633	122888	COUNTY OF FAIRFAX

#### ***SMART SCALE***

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

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

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

#### ***Transportation Alternatives Program***

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

Without limiting the foregoing, CTB policy for allocations from the Transportation Alternatives Programs requires that the Project must be advertised or otherwise under construction within four years of the initial Project allocation or otherwise be subject to deallocation, unless prior Department approval has been provided.

The DEPARTMENT shall conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act, unless otherwise agreed to in

writing and attached to this Agreement. The LOCALITY is responsible for implementing any environmental commitments resulting from the environmental studies. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental studies and submissions will be provided to the LOCALITY and deducted from the Project funds.

***Regional Surface Transportation Program (RSTP)***

Allocated Regional Surface Transportation Program funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.

***Congestion Mitigation Air Quality (CMAQ)***

Allocated Congestion Mitigation and Air Quality Program funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.

***Revenue Sharing***

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

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

***State of Good Repair (SGR) Bridge***

Project estimate, schedule, and commitment to funding are subject to the requirements established in the CTB's State of Good Repair Program Prioritization Process Methodology, the Code of Virginia, and VDOT's Instructional and Informational Memoranda.

Projects receiving funding under this program must initiate the Preliminary Engineering or the Construction Phase within 24 months of award of funding or become subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY 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 State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the CTB's State of Good Repair Program Prioritization Process Methodology, 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

annual State of Good Repair prioritization cycle for the same bridge structure to account for a cost increase on a previously selected Project.

***State of Good Repair (SGR) Paving***

Project estimate, schedule, and commitment to funding are subject to the requirements established in the CTB's State of Good Repair Program Prioritization Process Methodology, the Code of Virginia, and VDOT's Instructional and Informational Memoranda.

Projects receiving funding under this program must be advertised within twelve months of award funding or be subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY 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 State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the CTB's State of Good Repair Program Prioritization Process Methodology, 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 annual State of Good Repair prioritization cycle for the same roadway segment to account for a cost increase on a previously selected Project.

***Economic Access***

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

***Airport Access***

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

***Recreational Access***

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

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**Authorized Locality Official Signature and Date**

**Appendix C -- Department Project Specific Services**

Project Number	UPC	Local Government
EN22-029-633	122888	COUNTY OF FAIRFAX

<b>Service Description</b>	<b>Detailed Scope</b>	<b>Estimate (\$)</b>
Environmental Services	NEPA document processing	\$7,379
<b>Total Estimated Cost of Services</b>		<b>\$7,379</b>

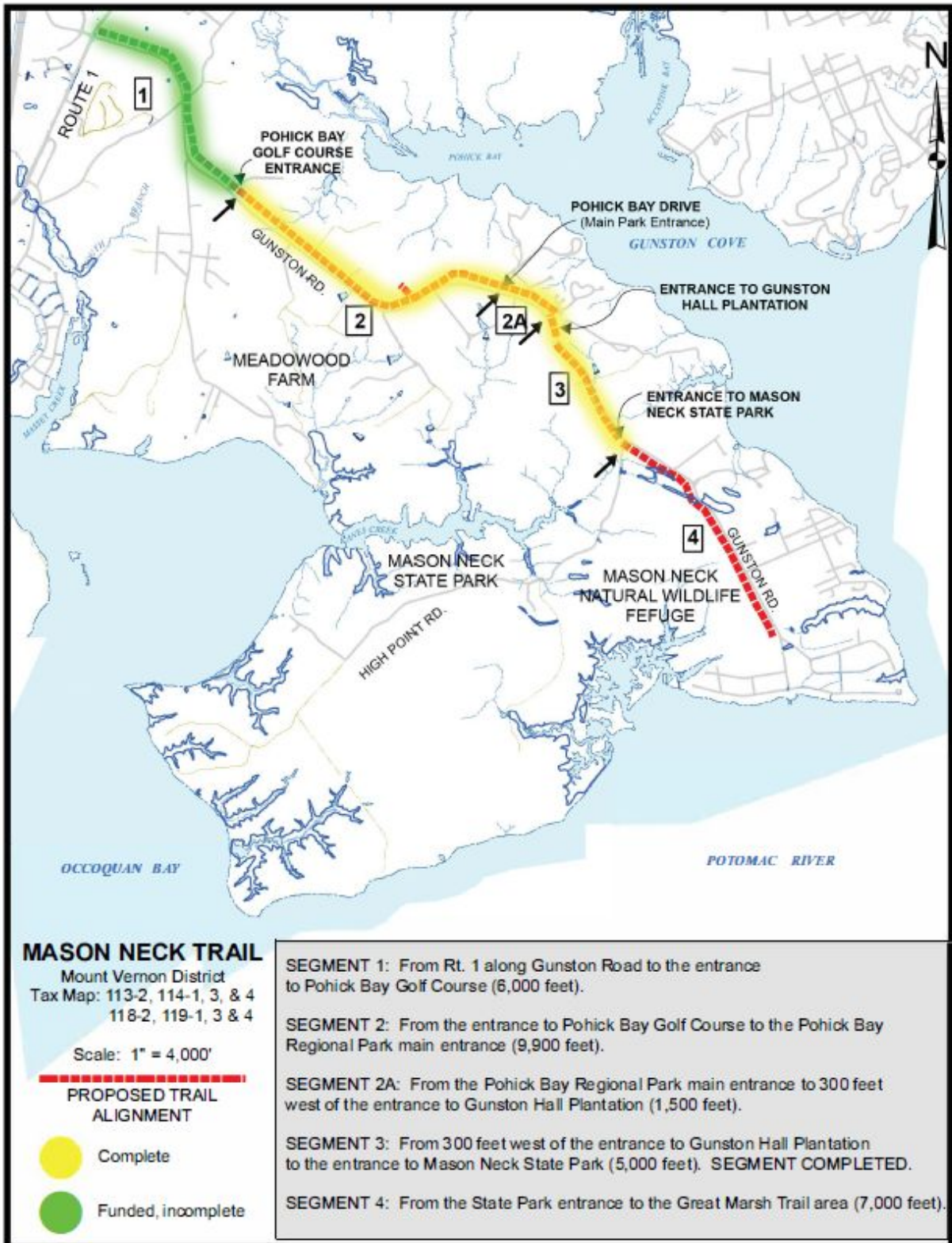
\_\_\_\_\_  
**Authorized Locality Official Signature and Date**

\_\_\_\_\_  
**Authorized VDOT Official Signature and Date**

**Acting Director, FCDOT**  
 \_\_\_\_\_  
**Title of Locality Official**

**Locality Agreements Manager**  
 \_\_\_\_\_  
**Title of VDOT Official**

# Mason Neck Trail Project Map



ACTION - 3

Authorization for the Department of Transportation to Apply for Funding and Approval of a Resolution Endorsing Projects Being Submitted for the Virginia Department of Transportation’s FY 2025-2026 Revenue Sharing and Transportation Alternatives Set-Aside Programs (Braddock, Dranesville, Franconia, Mount Vernon, Providence, Springfield, and Sully Districts)

**ISSUE:**

Board of Supervisors authorization is requested for the Fairfax County Department of Transportation (FCDOT) to apply for funding from the Virginia Department of Transportation’s (VDOT’s) FY 2025-2026 Revenue Sharing and Transportation Alternatives Set-Aside Programs. Staff recommends that \$40.5 million, including \$17.5 million in Local Cash Match (LCM) be requested for the following projects:

Revenue Sharing			
Project Name	Information*	Request	LCM
Lincoln Street (New Road Connection)	TPP# 314	\$13,692,000	\$6,846,000
Shirley Gate Road Extension	TPP# 18	\$10,000,000	\$5,000,000
Davis Drive Extension (formally named Rock Hill Road Bridge Project)	TPP# 12	\$7,600,000	\$3,800,000
Transportation Alternatives Set-Aside			
Project Name	Information*	Grant Request	LCM
Mason Neck Trail (Pohick Bay Park Entrance to Route 1)	TPP# 206	\$1,700,000	\$340,000
Compton Road Walkway	TPP# 111.2	\$2,500,000	\$500,000
Shreewood Elementary School Safe Routes to School	SRTS	\$1,140,000	\$228,000
Bush Hill Elementary School Safe Routes to School	SRTS	\$1,860,000	\$372,000
Lake Braddock Secondary School Safe Route to School	SRTS	\$2,041,786	\$408,357
<b>TOTALS</b>	---	<b>\$40,533,786</b>	<b>\$17,494,357</b>

\*TPP# = Transportation Priorities Plan number, SRTS = Safe Routes to School project

Each project requires a project endorsement resolution (Attachments 1 and 2) from the local governing body. If the County is awarded funding, staff will submit another Board Item at a later date to accept the awards and execute the Project Administration Agreements (PAAs) with VDOT.

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RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize FCDOT to apply for funding in the amount of \$40.5 million, including \$17.5 million in LCM, and to adopt the project endorsement resolutions, substantially in the forms of Attachments 1 and 2. The total required LCM is available from transportation funding sources and does not require new General Fund resources.

TIMING:

Board of Supervisors' approval is requested on September 26, 2023, to meet the submission deadline of October 2, 2023.

BACKGROUND:

Revenue Sharing:

The Revenue Sharing program is administered by VDOT, in cooperation with the participating localities, under the authority of *Section 33.2-357 of the Code of Virginia* and the Commonwealth Transportation Board's (CTB) Revenue Sharing Program Policy. An annual allocation of funds for this program is designated by the CTB.

The Revenue Sharing program provides additional funding for use by a county, city, or town to construct, reconstruct, improve, or maintain the highway systems within such county, city, or town; and for eligible rural additions in certain counties of the Commonwealth. These funds must be equally matched by the locality. CTB policy caps annual allocations to localities at \$5.0 million per year and includes a total project limit of no more than \$10.0 million in Revenue Sharing awards.

State law prioritizes project types for the Revenue Sharing program, stating that priority will be given: first, to projects that have previously received Revenue Sharing funds; second, to projects that (i) meet a transportation need identified in the Statewide Transportation Plan or (ii) accelerate a project in a locality's capital plan; and third, to projects that address pavement resurfacing and bridge rehabilitation projects where the maintenance needs analysis determines that the infrastructure does not meet VDOT's maintenance performance targets.

Although the Revenue Sharing Program cycle is FY 2025–2026, allocations will be for FY 2027 – FY 2028 funding. Staff recommends the following project funding, in priority order (see Attachment 3 for project details):



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Revenue Sharing			
Project Name / Project Number	Total Project Estimate	Grant Request	LCM
Lincoln Street (New Road Connection) / TPP# 314	\$48,000,000	\$13,692,000	\$6,846,000
Shirley Gate Road Extension / TPP# 18	\$31,000,000	\$10,000,000	\$5,000,000
Davis Drive Extension (formally named Rock Hill Road Bridge Project) / TPP# 12	\$271,000,000	\$7,600,000	\$3,800,000
<b>TOTALS</b>	<b>\$350,000,000</b>	<b>\$31,292,000</b>	<b>\$15,646,000</b>

Transportation Alternatives:

The Transportation Alternatives (TA) Set-Aside replaced the Transportation Alternatives Program (TAP). The categories of eligible projects are:

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation;
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers to access daily needs;
- Conversion and use of abandoned railroad corridors for trails;
- Construction of turn-outs, overlooks, and viewing areas to promote the scenic and historic character of local roads;
- Inventory, control, or removal of outdoor advertising;
- Historic preservation and rehabilitation of historic transportation facilities;
- Vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control;
- Archaeological activities relating to impacts from implementation of a transportation project eligible under this title;
- Environmental mitigation activity, including prevention and abatement activities to address storm water management, control, and water pollution related to highway runoff; and
- Wildlife mortality mitigation activities to decrease the negative impacts of roads on the natural environments.

The Safe Routes to Schools (SRTS) Program also falls under the TA program. SRTS focuses on making walking and bicycling to school a safe and routine activity once again, from building safer street crossings to establishing programs that encourage children and their parents to walk and bicycle safely to school.

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All submissions under these programs require a 20 percent LCM commitment. Jurisdictions are responsible for any cost overruns, future maintenance, and operating costs of any projects that are funded.

On August 16, 2023, staff conducted an online public meeting on the program and proposed projects per VDOT guidelines. Approximately 15 people participated in the meeting and were given the opportunity to ask questions and provide feedback.

The applications will be reviewed by both VDOT staff (with recommendations forwarded to the CTB) and the Metropolitan Washington Council of Governments' (MWCOCG's) Transportation Planning Board (TPB). Both the CTB and TPB will make announcements on funding decisions in Summer 2024.

County staff recommends submitting five applications for FY 2025-2026 funding consideration (see Attachment 3 for project details):

Transportation Alternatives Set-Aside			
Project Name / Project Number	Total Project Estimate	Grant Request	LCM
Mason Neck Trail (Pohick Bay Park Entrance to Route 1) / TPP# 206	\$14,000,000	\$1,700,000	\$340,000
Compton Road Walkway / TPP# 111.2	\$9,500,000	\$2,500,000	\$500,000
Shrewewood Elementary School Safe Routes to School / SRTS	\$3,000,000	\$1,140,000	\$228,000
Bush Hill Elementary School Safe Routes to School / SRTS	\$4,000,000	\$1,860,000	\$372,000
Lake Braddock Secondary School Safe Route to School / SRTS	\$2,600,000	\$2,041,786	\$408,357
<b>TOTALS</b>	<b>\$33,100,000</b>	<b>\$9,241,786</b>	<b>\$1,848,357</b>

Staff intends to pursue future funding opportunities, such as future grants or other resources, as necessary, to reduce the total County commitment.

**EQUITY IMPACT:**

An Equity Impact Assessment (EIA) is not required for most of the projects included in this item, as the projects were previously approved by the Board and are included in the Board's adopted Transportation Priorities Plan. Lake Braddock Secondary School SRTS; however, is not included in the TPP. An EIA was conducted on the Lake Braddock Secondary School SRTS project to determine what positive and negative impacts the project will have on the population, especially those who may be disproportionately impacted by the project. Staff conducted a geospatial analysis by

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examining the vulnerability index on a census block group level to ensure that geographic areas and populations would not be excluded from the use of the proposed Lake Braddock facilities based on various factors, such as household medium income, age, disability, and health.

Looking at the project total of \$2.6 million for the Lake Braddock Secondary SRTS project, the analysis shows that approximately 16 percent (or \$400,000) of the total allocations fall within the high vulnerability index, or 200 percent below the federal income poverty level. This project will allow families with a vehicle to save money on fuel costs, as well as allow residents without a household vehicle to be able to safely walk to Lake Braddock Secondary School. Additionally, the EIA shows that 31 percent of residents are over the age of 65 and 23 percent are considered disabled. The proposed project will increase mobility access for non-motorized modes of transportation for residents of all ages in the area by constructing missing sidewalk connections, 3 new crosswalks, and 6 Americans with Disabilities Act (ADA) accessible ramps. Finally, the EIA found that 55 percent of the community is at risk for adverse health effects such as asthma, diabetes, and mental health disease from factors such as pollution and lack of physical activity. Encouraging children and families to walk to school improves their overall health and reduces their risk for serious diseases. There are no foreseen burdens to this project other than standard construction impacts related to project implementation.

The Lake Braddock Secondary SRTS project will improve the community by providing better connections to schools, libraries, shopping centers, and residential neighborhoods. It will also help reduce the number of vehicles on the road, therefore reducing congestion and greenhouse gas emissions.

Understanding these vulnerability levels is critical to identifying and addressing potential risks and challenges associated with this project, enabling successful implementation whereby the needs of those affected by this project are met, and mitigating (as much as possible) any negative impacts related to this project.

FISCAL IMPACT:

Grant funding of \$40.5 million, including \$17.5 million in Local Cash Match, is being sought from the Revenue Sharing and the Transportation Alternatives Set-Aside Programs.

The total Revenue Sharing request is \$31.3 million, including \$15.6 million in Local Cash Match for the three projects. If awarded, the \$15.6 million Local Cash Match will be satisfied using a variety of revenue sources. For Lincoln Street, support will be provided from proffers in the Tysons Grid-of-Streets Contributions project (2G40-057-

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000) in Fund 30040, Contributed Roadways, and, if needed, NVTA 30 Percent Construction Reserve (2G40-107-000) in Fund 40010, County and Regional Transportation Projects. The Shirley Gate Road, Braddock Road, Fairfax County Parkway, and Popes Head Road projects (2G40-079-000) in Fund 40010, County and Regional Transportation Projects, will provide the match for the Shirley Gate Road Extension. Regional funds awarded by NVTA as part of the FY 2018-FY 2023 Six Year Program will satisfy the required match for the Davis Drive Extension (note: funding from NVTA will be appropriated as part of the upcoming *FY 2024 Third Quarter Review*).

The total Transportation Alternatives Set-Aside request is \$9.2 million, including just under \$1.9 million in Local Cash Match. If awarded, the required Local Cash Match for these five projects will be addressed by resources from the Shrevewood Elementary School SRTS project (2G40-186-000) and NVTA 30 Percent Construction Reserve (2G40-107-000) in Fund 40010, County and Regional Transportation Projects; and the Bicycle and Pedestrian Access – DOT project (2G40-197-000) in Fund 30050, Transportation Improvements.

No additional General Fund resources are required for either of these applications. The Revenue Sharing and Transportation Alternatives Set-Aside programs do not allow for the recovery of indirect costs. If the County is awarded funding, staff will submit another board item to accept the awards and execute the Standard Project Administration Agreements (PAAs) with VDOT.

CREATION OF POSITIONS:

No positions will be created through this action.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution Endorsing Transportation Projects for FY2025- FY2026 Revenue Sharing Program

Attachment 2 – Resolution Endorsing Transportation Projects for FY2025 - FY2026 Transportation Alternatives Set-Aside Program

Attachment 3 –Detailed List of Recommended FY 2025-2026 Revenue Sharing and Transportation Alternatives Set-Aside Project Submissions

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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, Section Chief, Capital Projects and Traffic Engineering Division,

FCDOT Lauren Delmare, Capital Projects and Traffic Engineering Division, FCDOT

Ray Johnson, Chief, Funding Section, FCDOT

Smitha Chellappa, Senior Transportation Planner, Funding Section, FCDOT

Christina Cain, Transportation Planner, Funding Section, FCDOT

Malcolm Watson, Transportation Planner, Coordination Section, FCDOT

## RESOLUTION

### PROJECT ENDORSEMENT 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 26, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Fairfax County desires to submit applications for allocation of funds of \$31,292,000, including \$15,646,000 in Local Cash Match (LCM), through the Virginia Department of Transportation (VDOT) Fiscal Year 2025-2026, Revenue Sharing Program.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves submissions to VDOT's Fiscal Year 2025-2026 Revenue Sharing Program for the following projects, with requested amounts not to exceed:

- Lincoln Street (New Road Connection)
  - \$13,692,000 grant request, including \$6,846,000 in LCM
- Shirley Gate Road Extension
  - \$10,000,000 grant request, including \$5,000,000 in LCM
- Davis Drive Extension
  - \$7,600,000 grant request, including \$3,800,000 in LCM

**ADOPTED** this 26<sup>th</sup> day of September 2023.

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

## RESOLUTION

### PROJECT ENDORSEMENT 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 26, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Fairfax County desires to submit applications for allocation of funds of \$9,241,786, including \$1,848,357 in Local Cash Match (LCM), through the Virginia Department of Transportation (VDOT) Fiscal Year 2025-2026, Transportation Alternatives Set-Aside Program.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves submissions to VDOT's Fiscal Year 2025-2026 Transportation Alternatives Set-Aside Program for the following projects, with requested amounts not to exceed:

- Mason Neck Trail (Pohick Bay Park Entrance to Route 1)
  - \$1,700,000 grant request, \$340,000 in LCM
- Compton Road Walkway
  - \$ 2,500,000 grant request, \$500,000 in LCM
- Shreewood Elementary School Safe Route to School (SRTS)
  - \$1,140,000 grant request, 228,000 in LCM
- Bush Hill Elementary School Safe Route to School (SRTS)
  - \$1,860,000 grant request, \$372,000 in LCM
- Lake Braddock Secondary School Safe Route to School (SRTS)
  - \$2,041,786 grant request, \$408,357 in LCM

**ADOPTED** this 26<sup>th</sup> day of September 2023.

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

**List of Recommended FY 2025-2026 Revenue Sharing Project Submissions**

<b>PROJECT</b>	<b>PROJECT DESCRIPTION</b>	<b>CURRENT COST ESTIMATE</b>	<b>RS REQUEST</b>	<b>LCM</b>
Lincoln Street (New Construction)	This project will provide an additional connection between Old Meadow Road and Magarity Road in Tysons.	\$48,000,000	\$13,692,000	\$6,846,000
Shirley Gate Road Extension	This project will construct approximately 1-mile of 2-lane road to extend Shirley Gate Road from the existing intersection of Shirley Gate Road and Braddock Road to the Fairfax County Parkway.	\$31,000,000	\$10,000,000	\$5,000,000
Davis Drive Extension	The project will construct a new connection between Sunrise Valley Drive in Fairfax County and Innovation Avenue in Loudoun County over the Dulles Toll Road.	\$271,000,000	\$7,600,000	\$3,800,000

**List of Recommended FY 2025-2026 Transportation Alternatives Set-Aside Project Submissions**

<b>PROJECT</b>	<b>PROJECT DESCRIPTION</b>	<b>CURRENT COST ESTIMATE</b>	<b>TA REQUEST</b>	<b>LCM</b>
Mason Neck Trail (Pohick Bay Park Entrance to Route 1)	This project will construct missing walkway links along Gunston Road from Richmond Highway (Route 1) to the existing Mason Neck Trail.	\$14,000,000	\$1,700,000	\$340,000
Compton Road Walkway	This project will construct approximately 550 feet of a Shared Use Path (SUP) on the east side of Compton Road. The SUP will connect to the existing Cub Run Stream Valley Trail with a SUP crossing to the entrance to the Bull Run Regional Events Center. The existing bridge over Cub Run will be widened to accommodate the SUP.	\$9,500,000	\$2,500,000	\$500,000
Shrevewood Elementary School Safe Route to School (SRTS)	This project will add two new crosswalks across Shreve Road, one at Fairwood Lane and one at the eastern driveway of Shrevewood Elementary School. A third crosswalk across Virginia Lane at Virginia Avenue will also be added. The three crosswalks will provide neighborhood access.	\$3,000,000	\$1,140,000	\$228,000



	to school amenities and the W&OD Trail. These improvements will improve safety and access for students choosing to walk or bicycle to school.			
Bush Hill Elementary School Safe Route to School (SRTS)	This project will complete approximately 850 feet of sidewalk between Ninian Avenue and Larno Avenue. Completing this missing sidewalk link will improve safety and accessibility for children walking and bicycling to school.	\$4,000,000	\$1,860,000	\$372,000
Lake Braddock Secondary School Safe Route to School (SRTS)	This project will construct a pedestrian signal at the intersection of Burke Lake Road and the entrance of Lake Braddock Secondary School. Crosswalks will be constructed on each side of the intersection. Approximately 250 feet of sidewalk on the southern side of Burke Lake Road connecting the two proposed crosswalks will be reconstructed. Additionally, 6 ramps are proposed to be reconstructed to Americans with Disabilities Act (ADA) standards.	\$2,600,000	\$2,041,786	\$408,357

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. *Reston Civic Core, LLC v. Board of Supervisors of Fairfax County, Tom Fleetwood, and Fairfax County Redevelopment and Housing Authority*, CL-2022-0015638 (Fx. Co. Cir. Ct.)
  - 2. *Kathleen Stanley McCaffery v. Fairfax County, Virginia*, Case No. 1:23-cv-96 (E.D. Va.)
  - 3. *Jacob Austin Schneider v. Fairfax County Department of Public Works and Environmental Services*, Case No. 1:22-cv-0871 (E.D.Va.); Appeal No. 23-1303 (4<sup>th</sup> Cir.)
  - 4. *Cisco Systems, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-0007328 (Fx. Co. Cir. Ct.)
  - 5. *Keolattana Tootoo Saphilom v. Fairfax County Police and Virginia State Police*, Case No. 3:23-cv-00023 (W.D. Va.)
  - 6. *Jordan Bowling v Fairfax County*; Case No. CL-2023-0010411 (Fairfax Co. Cir. Ct.) and *Brian Shelton v. Fairfax County*; Case No. CL-2023-0010410 (Fairfax Co. Cir. Ct.)
  - 7. *Bryan King, by GEICO General Insurance Company, subrogee v. Jared Michael Warner*, Case No. GV23-004415 (Fx. Co. Gen. Dist. Ct.)
  - 8. *Board of Supervisors of Fairfax County, Virginia v. Ajey Bargoti*, Case No. CL-2022-0004703 (Fx. Co. Cir. Ct.) (Sully District)

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9. *Board of Supervisors of Fairfax County, Virginia v. Srinivas Dasari and Padmaja Phani Dasari*, Case No. CL-2022-0004702 (Fx. Co. Cir. Ct.) (Sully District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cuong Tan Nguyen*, Case No. CL-2022-0000434 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Jacques Gansler and Leah Gansler*, Case No. CL-2023-0011858 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. U-Haul Real Estate Company*, Case No. CL-2022-0002114 (Fx. Co. Cir. Ct.) (Mason District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Milton J. Aguilar Serrano and Lily M. Carrasco de Aguilar*, Case No. CL-2023-0012075 (Fx. Co. Cir. Ct.) (Mason District)

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3:30 p.m.

Public Hearing on PCA 2004-LE-012-02/CDPA 2004-LE-012 (RZPA 2022-LE-00055) (RH Senior Housing LLC, A Virginia Limited Liability Corporation) to Amend the Proffers, Conceptual Development Plan for RZ 2004-LE-012, Previously Approved for a Mixed Use Development, to Permit an Independent Living Facility and Associated Modifications to Proffers and Site Design at an Intensity of 2.03 Floor Area Ratio, Located on Approximately 27,516 Square Feet of Land (Franconia District)

This property is located in the N.W. quadrant of the intersection of Richmond Hwy. and Groveton St. Tax Map 93-1 ((1)) 98A.

PLANNING COMMISSION RECOMMENDATION:

On September 14, 2023, the Planning Commission voted 9-0 (Commissioner Bennett recused herself from the vote. Commissioners Jimenez and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2004-LE-012-02, subject to the execution of proffered conditions consistent with those dated August 22, 2023; and
- Approval of CDPA 2004-LE-012, subject to the execution of proffered conditions consistent with those dated August 22, 2023.

In addition, the Planning Commission voted 9-0 (Commissioner Bennett recused herself from the vote. Commissioners Jimenez and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors the following amendment to the main motion:

- With the provision that the following amendment be added to Proffer Number 12: “Further, the applicant must substantially conform to the stormwater design guidelines, as outlined on pages 16-17 of the Fairfax County Comprehensive Plan 2017 Edition, Area 4 Richmond Highway Corridor, as amended through 2021-2023.”

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)

Curtis Rowlette, Planner, DPD

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3:30 p.m.

Public Hearing on PCA-2010-LE-005-002 (RZPA-2022-FR-00155 ) (Gramm Springfield Hyundai Property, LLC) to Amend the Proffers for RZ 2010-LE-005 Previously Approved for Vehicle Sales, Rental, and Service Establishment to Permit a Second Vehicle Sales, Rental, and Service Establishment and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.14, Located on Approximately 7.65 Acres of Land (Franconia District) (Concurrent with SEA 2014-LE-005)

and

Public Hearing on SEA 2014-LE-005 (Gramm Springfield Hyundai Property, LLC) to Amend SE 2014-LE-005 Previously Approved for a Vehicle Sales, Rental, and Service Establishment to Permit a Second Vehicle Sales, Rental, and Service Establishment and Associated Modifications to Site Design and Development Conditions, Located on Approximately 7.65 Acres of Land (Franconia District) (Concurrent with PCA 2010-LE-005-002 (RZPA 2022-FR-00155))

This property is located on the E. side of Loisdale Rd. (Rt. 789) approx. 2,400 ft. S. of its intersection with Lois Dr. (Rt. 3014). Tax Map 90-4 ((1)) 6A4 (pt.).

This property is located on the E. side of Loisdale Rd. (Rt. 789) approx. 2,400 ft. S. of its intersection with Lois Dr. Tax Map 90-4 ((1)) 6A4 (pt.).

**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 2010-LE-005-002, subject to the execution of proffered conditions consistent with those dated August 17, 2023; and
- Approval of SEA 2014-LE-005, subject to the development conditions dated September 7, 2023.

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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

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September 26, 2023

3:30 p.m.

Public Hearing on PCA 2004-PR-044-004/CDPA 2004-PR-044-002 (RZPA 2021-PR-00044) (Tysons Corner Holdings LLC, Tysons Corner Property Holdings LLC) to Amend the Proffers and Conceptual Development Plan Associated with RZ 2004-PR-044, Previously Approved for a Retail Mixed Use Development to Permit Modifications to Proffers and Site Design at a Max Floor Area Ratio of 1.76, Located on Approximately 77.64 Acres of Land (Providence District)

This property is located E. of International Dr., S. of Chain Bridge Rd., N. of Leesburg Pike, and W. of the Capital Beltway. Tax Map 29-4 ((1)) 35A, 35C, 35D, 35E and 35F; 39-2 ((1)) 2, 4 and 5.

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 2004-PR-044-004 and its associated Conceptual Development Plan Amendment, CDPA 2004-PR-044-002, subject to the execution of the proffered conditions consistent with those dated August 23, 2023; and
- Reaffirmation of the waiver of subsection 5100.2 D (4) of the Zoning Ordinance to allow the structures and vegetation on a corner lot as shown on the CDPA/FDPA;
- Reaffirmation of the modification of subsection 5100.2 D (8) (A) of the Zoning Ordinance to allow a commercial building within 75 feet of right of way (ROW) of an interstate highway;
- Reaffirmation of the modification of subsection 5108.5.A of the Zoning Ordinance to modify the interior parking lot landscaping to that shown on the CDPA/FDPA;
- Reaffirmation of the modification of subsection 5108.5.B (3) of the Zoning Ordinance on the peripheral parking lot landscaping requirement for the parking structures adjacent to Chain Bridge Road;
- Reaffirmation of the waiver of subsection 5108.7.A of the Zoning Ordinance for the transitional screening and barrier requirements internal to the project;



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- Reaffirmation of the modification of subsection 5108.7.A of the Zoning Ordinance to modify the transitional screening requirement along the eastern property boundary;
- Reaffirmation of the modification of subsection. 6101.1 B of the Zoning Ordinance to permit the reduction of loading spaces as shown on the CDPA/FDPA;
- Reaffirmation of the modification of subsection 6103.2 of the Zoning Ordinance to permit a loading space to be within 40 feet of an intersection;
- Reaffirmation of the waiver of subsection 8100.7 E (3) (A) of the Zoning Ordinance requiring a service drive on all properties;
- Reaffirmation of the waiver of PFM Sect. 6-0303.8 to allow use of underground stormwater management facilities with residential development;
- Reaffirmation of the modification of PFM Sect. 8-0201.3 and subsection 8100.7. E of the Zoning Ordinance to permit sidewalks and pedestrian trails as shown on the CDPA/FDPA in lieu of all required trails;
- Reaffirmation of the modification of PFM Sect. 12-0310 to permit the planting area to be no less than 6 feet and to permit trees within the ROW to be counted towards the 10- year tree canopy requirement;
- Approval of the modification of subsection 2105.4 (C) 1.C and 4102.5 (PP) 7 of the Zoning Ordinance to allow outdoor vehicle storage and outdoor display of vehicles associated with the existing vehicle sales, rental and ancillary service establishments as shown on the CDPA/FDPA and as proffered;
- Approval of the 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 to that shown on the CDPA/FDPA;
- Approval of the modification of subsection 5100.2 D (4) (C) of the Zoning Ordinance to allow buildings to be constructed to the streetscape building zone on corner lots on public streets and lots with private street easements that may create a corner lot configuration as shown on the CDPA/FDPA; and
- Approval of the waiver of subsection 5107.3.A.3 of the Zoning Ordinance to allow private streets in excess of 600 feet in length.

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In a related action, the Planning Commission voted 10-0 (Commissioners Jimenez and Ulfelder were absent from the meeting) to approve FDPA 2004-PR-044-003.

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  
September 26, 2023

3:30 p.m.

Public Hearing on SEA 80-A-072 (Versar Property Owner, LLC) to Amend SE 80-A-072 Previously Approved for a Floodplain to Permit Modifications to Site Design and Development Conditions, Located on Approximately 15.62 Acres of Land (Mason District)

This property is located at 6850 Versar Ctr., Springfield, 22151. Tax Map 80-2 ((1)) 22A and 22B.

PLANNING COMMISSION RECOMMENDATION:

On July 12, 2023, the motion to recommend to the Board of Supervisors approval of SEA 80-A-072, subject to the proposed development conditions dated July 6, 2023, failed by a vote of 6-6 (Commissioners Jimenez, Ulfelder, Bennett, Lagana, Carter, and Cortina voted in opposition).

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 SEA 80-A-072, subject to the development conditions dated September 14, 2023, as amended by the following:
  - Amend Development Condition #5 to state that “Should the site be developed with a heavy vehicle repair and maintenance use and/or a specialized equipment and heavy vehicle sale, rental or service establishment, all vehicle repair must occur within a structure.”;
  - Add new conditions stating that “all water quality treatment must be done on-site. No off-site nutrient credits may be purchased.”;
  - The applicant must submit a Water Quality Impact Assessment (WQIA) for review and approval concurrent with the site plan approval; and
  - The applicant must submit a Special Exception application if they wish to build a data center on the subject property.

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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  
September 26, 2023

3:30 p.m.

Public Hearing on PCA 93-H-004-03/CDPA 93-H-004-02 (RZPA 2023-HM-00041) (WS-ADW Owner, LLC) to Amend the Proffers, Conceptual Development Plan for RZ 93-H-004, Previously Approved for Three Office Buildings, to Permit an Option for 82 Residential Units, and Associated Modifications to Proffers and Site Design at a 0.48 Floor Area Ratio, Located on Approximately 28.29 Acres of Land (Hunter Mill District)

This property is located on the N. side of Sunset Hills Rd., S. and W. sides of American Dream Way. Tax Map 17-4 ((1)) 35D and 36B.

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 93-H-004-03, subject to the execution of proffered conditions consistent with those dated August 11, 2023;
- Approval of CDPA 93-H-004-02;
- Approval of a waiver of subsection 2105.4.B(2) to allow for a privacy yard less than 200 square feet;
- Approval of a modification of subsection 2105.4(C)1(a)1 to permit the gross floor area of residential uses to exceed 50 percent of the gross floor area of principal uses (office);
- Approval of a modification of subsection 5100.2.C(5) to allow a parapet wall, cornice or similar projection to exceed the height limit established by more than three (3) feet but not more than twelve (12) feet for office uses and not more than 3.5 feet for residential uses;
- Approval of a modification of subsection 5107.3.A(2) to allow private streets less than twenty-four (24) feet in width.
- Approval of a waiver of subsection 5107.3.A(3) to allow private streets in excess of six hundred (600) feet in length;

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- Approval of a waiver of subsection 5108.5.A(1)(a) for interior parking lot landscaping of above grade parking structures, interim surface parking lots during construction, and parallel parking on private streets, as demonstrated on the CDPA/FDPA;
- Approval of a waiver of subsection 5108.5.B(1) and 5108.5.B(2) for peripheral landscaping of above grade parking structures, interim surface parking lots during construction, and parallel parking on private streets, as demonstrated on the CDPA/FDPA;
- Approval of a modification of subsection 5108.6(A)(1) for transitional screening and barriers in favor of that demonstrated on the CDPA/FDPA;
- Approval of a modification of subsection 6100.4 to permit tandem parking spaces to count towards minimum parking requirements for the stacked townhome units;
- Approval of a waiver of subsection 6101.3 to omit loading space requirements for the stacked townhome units;
- Approval of a waiver of subsection 8100.7.E(2) requiring construction of the stream valley trail, and on-street bike lanes and a trail along Sunset Hills Road in favor of the onsite trail network and right-of-way dedication along Sunset Hills Roads, as demonstrated on the CDPA/FDPA;
- Approval of a waiver of subsection 8100.7.E(3) requiring additional inter-parcel access to adjoining parcels; and
- Approval of a modification of subsection 8100.7.E(4) to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDPA/FDPA and proffers.

In a related action, the Planning Commission voted 10-0 (Commissioners Jimenez and Ulfelder were absent from the meeting) to approve FDPA 93-H-004-02-02 subject to the development conditions dated August 31, 2023.

In a related action, the Planning Commission voted 10-0 (Commissioners Jimenez and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors the following motion:

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- That the Board of Supervisors request that the Department of Planning and Development staff and the County Attorney provide guidance and identify potential methods of requiring Reston area residential developments to become members of the Reston Association.

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)

Karen Yee, Planner, DPD

Board Agenda Item  
September 26, 2023

3:30 p.m.

Public Hearing on RZ 2022-LE-00024 (6235 Brandon Ave LLC) to Rezone From C-6, SC, HC, and CRD Districts to PDC, SC, HC, and CRD Districts to Permit a Hotel and Self-Storage Facility with an Overall Density of 1.35 FAR, and Approval of the Conceptual and Final Development Plan, Located on Approximately 4.34 Acres of Land (Franconia District) (Associated with PA 2021-IV-FS1)

This property is located on the E. side of Brandon Ave., N. side of Commerce St., and W. side of Augusta Dr. Tax Map 80-4 ((1)) 5C1 and 5C2.

This public hearing was deferred by the Board on September 12, 2023, at 3:30 p.m., to September 26, 2023, at 3:30p.m., and has an intent to defer to October 10, 2023, at 3:30p.m.

**PLANNING COMMISSION RECOMMENDATION:**

On July 19, 2023, the Planning Commission voted 10-0 (Commissioners Jimenez and Clarke were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2022-LE-00024 and the associated Conceptual Development Plan, subject to the execution of proffered conditions dated July 18, 2023;
- That the site stormwater management remain consistent with the run-off reduction and water quality performance shown on Sheet C-9;
- Approval of Parking Reduction Request pursuant to subsection 3102.3.E.2.B of the Zoning Ordinance based on the advancement of revitalization goals for the Commercial Revitalization District, as set forth in the Comprehensive Plan, including economic vitality, appearance, and function;
- Modification of subsection 2105.4.C.1.A.2 of the Zoning Ordinance to allow the gross floor area of the other secondary uses to exceed 25 percent of the development in accordance with the uses as shown on the CDP/FDP and as proffered;
- Modification of subsection 5100.2.D.8.A.2 of the Zoning Ordinance to permit a commercial building to be constructed closer than 75 feet from the right of way of an interstate highway; and



**Intent to Defer to  
10/10/2023 at 3:30 p.m.**

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- Modification of Section 6101.3 of the Zoning Ordinance to reduce the number of loading spaces for the self-storage facility from five to three spaces and the number of loading spaces for the hotel use from two to one space.

In a related action, the Planning Commission voted 10-0 (Commissioners Jimenez and Clarke were absent from the meeting) to approve FDP 2022-LE-00024, subject to the Board of Supervisors' approval of RZ 2022-LE-00024.

**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)

Zach Fountain, Planner, DPD

Board Agenda Item  
September 26, 2023

4:00 p.m.

Public Hearing on RZ 2022-DR-00029 (H/F Techpointe, LLC) to Rezone From I-4 to PRM to Permit a Multifamily Residential Development with an Overall Floor Area Ratio of 1.7 (Inclusive of Bonus Density) and Approval of the Conceptual Development Plan, Located on Approximately 5.00 Acres of Land (Dranesville District) (Concurrent with PCA 79-C-037-09)

and

Public Hearing on PCA-79-C-037-09 (H/F Techpointe, LLC) to Amend the Proffers for RZ 79-C-037 Previously Approved for Industrial Uses to Permit a Multifamily Residential Development With an FAR of 1.7 (Inclusive of Bonus Density) With Associated Modifications to Proffers and Site Design, Located on Approximately 5.00 Acres of Land (Dranesville District) (Concurrent with RZ 2022-DR-00029)

This property is located E. of River Birch Rd. and S. of Dulles Technology Dr. Tax Map 16-3 ((1)) 32C.

This property is located E. of River Birch Rd. and S. of Dulles Technology Dr. Tax Map 16-3 ((1)) 32C.

**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 RZ 2022-DR-00029 and the associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated August 29, 2023;
- Approval of PCA 79-C-037-09;
- Approval of a Parking Reduction #PKS-2023-00021, pursuant to section 6100.4.C to allow for a reduction in the number of parking spaces based on proximity to Metro, to reduce parking ratio from 1.6 to 1.1 spaces per dwelling unit as shown on the CDP/FDP and subject to the conditions in Appendix 2 of the staff report;

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- Reaffirmation of a modification of subsection 6101.3 to allow for a reduction in the number of loading spaces from five to one as shown on the CDP/FDP;
- Reaffirmation of a waiver of subsection 5107.3.A.2 to allow a private street less than 24 feet in width to permit the 20-foot-wide private street as shown on the CDP/FDP; and
- Reaffirmation of a waiver of subsection 8100.7.E.3 requiring additional inter-parcel access to adjoining parcels in favor of that shown on the CDP/FDP.

In a related action, the Planning Commission voted 10-0 (Commissioners Jimenez and Ulfelder were absent from the meeting) to approve FDP 2022-DR-00029.

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)

Emma Estes, Planner, DPD

Board Agenda Item  
September 26, 2023

4:00 p.m.

Public Hearing on SEA 88-V-064-06 (The Board of Supervisors of Fairfax County) to Amend SE 88-V-064 Previously Approved for an Alternate Use of a Public Facility to Permit an Alternative Use of a Historic Building and Associated Modifications to Site Design and Development Conditions, Located on Approximately 22.60 Acres of Land (Mount Vernon District)

This property is located at 8333 Richmond Highway, Alexandria, 22309. Tax Map 101-4 ((1)) 5A; 101-4 ((1)) 57; 101-4 ((8)) (E) 1; 101-4 ((7)) 1 and 39.

PLANNING COMMISSION RECOMMENDATION:

~~The Planning Commission's hearing on this application is scheduled for September 20, 2023. The Planning Commission's recommendation will be forwarded upon decision.~~

**On September 20, 2023, the Planning Commission voted 10-0 (Commissioners Bennett and Carter were absent from the meeting) to recommend to the Board of Supervisors the following actions:**

- **Approval of SEA 88-V-064-06, subject to the proposed development conditions dated September 6, 2023;**
- **Reaffirmation of the waiver of a service drive on Richmond Highway;**
- **Approval of a waiver of the peripheral parking lot landscaping along Richmond Highway;**
- **Approval of a modification of the transitional screening requirement and a waiver of the barrier requirement along Mohawk Lane to that shown on the SEA Plat;**
- **Approval of a modification of the transitional screening requirement between the subject site and Parcel 101-4 ((7)) 11 to that shown on the SEA Plat; and**
- **Approval of a waiver of the minor paved trail requirement along Reddick Avenue.**

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September 26, 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)

Cathy Lewis, Branch Chief, DPD

Board Agenda Item  
September 26, 2023

4:00 p.m.

Public Hearing to Consider an Amendment to Section 65-6-6 of The Code of the County of Fairfax, Virginia (County Code) Relating to Public Sanitary Sewer Availability

ISSUE:

Public hearing to consider an amendment to *Fairfax County (County) Code Section 65-6-6*, relating to public sanitary sewer availability for conformance with the County's Statement of Policy Regarding Sewage Disposal (Sewer Policy).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the proposed ordinance amendment as set forth in Attachment I.

TIMING:

Board action is requested on September 26, 2023. The Board authorized advertisement of a public hearing in front of the Board on September 12, 2023. If adopted, the proposed amendment will become effective at 12:01 a.m. on September 27, 2023.

BACKGROUND:

Public sewer availability is governed by the County Code and the Sewer Policy. Under *Section 65-6-6 of the County Code*, the County's sewer system is deemed available if a residential structure is within 300 feet of the County sewer and connection can be lawfully made. Public sewer is also available to all other types of structures that are within 500 feet of the County sewer. *Section 65-6-6* is intended to apply to properties within the Approved Sewer Service Area (ASSA) boundary. The Sewer Policy sets forth the policies used by the Department of Public Works and Environmental Services for providing public sewer service to areas of the County. Relevant to this amendment, the Sewer Policy limits public sewer service to lots within the boundary of the ASSA and lots located within 400 feet of the ASSA to receive sewer service, but only if they meet the requirements listed in Section A-2 of the Sewer Policy.

PROPOSED AMENDMENT:

The proposed amendment to *Section 65-6-6 of the County Code* adds a reference to the Sewer Policy to clarify that availability of the public sewer service under *Section 65-6-6 of the County Code* is subject to the Board-adopted Policy.

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A copy of the amendment is attached as Attachment I. A copy of the Sewer Policy is attached as Attachment II.

REGULATORY IMPACT:

The proposed change is editorial in nature. It amends the sewer availability provisions of Section 65-6-6 of the County Code by adding a reference to the Board's adopted policies that must be considered by designers and developers when considering whether public sewer is available on a site.

EQUITY IMPACT:

None. This amendment clarifies existing law and policy.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Chapter 65-6-6 of the County Code  
Attachment II: Statement of Policy Regarding Sewage Disposal (Sewer Policy)

STAFF:

Rachel Flynn, Deputy County Executive  
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)  
William D. Hicks, Director, Land Development Services  
Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Management Divisions, DPWES  
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

ASSIGNED COUNSEL:

Marc Gori, Assistant County Attorney

**Proposed Amendment to Chapter 65 (Plumbing and Gas Provisions)  
of the  
Code of the County of Fairfax, Virginia**

**Amend Chapter 65 (Plumbing and Gas Provisions), Article 6 (Sewer and Water Systems),  
Section 65-6-6 (Public sanitary sewer and water availability) to read as follows:**

(a) *Single-Family Attached or Detached Dwelling Units:* [Subject to the Statement of Policy Regarding Sewage Disposal adopted by the Board of Supervisors, as amended, Aa](#) public water supply system and/or a public sewer system shall be deemed available to single-family attached or detached dwelling units if such structures are within three hundred (300) feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection may be made lawfully thereto.

(b) *All Other Structures:* [Subject to the Statement of Policy Regarding Sewage Disposal adopted by the Board of Supervisors, as amended, Aa](#) public water supply system and/or a public sewer system shall be deemed available to all structures other than single-family attached or detached dwelling units if such structures are within five hundred (500) feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection may be made lawfully thereto.

(c) Any extension of public sewer or water required hereby shall be made at the expense of the owner of the structures to be served. (15-95-65; 18-98-65.)



DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES  
FAIRFAX COUNTY, VIRGINIA

STATEMENT OF POLICY REGARDING SEWAGE DISPOSAL

Adopted by the Board of Supervisors June 16, 1980

Revised February 2, 1981

Revised April 30, 2001

Revised June 17, 2002

Revised September 12, 2005

Revised February 2, 2016

Revised December 6, 2022

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## SECTION A – GENERAL

A-1 The Fairfax County Integrated Sewage System (ISS) is operated and maintained by the Department of Public Works and Environmental Services (DPWES), to provide public sewer service to areas designated by the Fairfax County Board of Supervisors (Board) as the Approved Sewer Service Area (ASSA) in accordance with the adopted [Fairfax County Comprehensive Plan](#).

A-2 The ASSA boundary includes the immediately adjacent area which can be served by the smallest allowable gravity lines installed in accord with normal engineering practices that will result in the safest and most cost-effective operation. No extension of a gravity sewer line across the ASSA boundary may exceed a distance of 400 feet beyond the boundary nor have a manhole depth of more than 12 feet, unless approved by the Board. This is referred to as the “400-foot rule.” However, the 400-foot rule does not apply to those areas excluded from the ASSA by the Board.

A lot is eligible to be served by the public sewer system if (1) it is entirely or partially located within 400 feet of the ASSA or has a lot line touching the 400-foot boundary line and (2) is capable of being served by a gravity sewer lateral. For structures served by a gravity sewer lateral, an ejector pump may be used to pump sewage from one basement level in the structure to the gravity-flow lateral line, provided that the other floor(s) of the structure are served by the gravity-flow lateral line and the ejector pump is used to pump the sewage to such gravity-flow lateral line.

Under specified circumstances described below, an exception may be made to allow the use of a sewage pump when gravity lines cannot be used, if a lot meets all other 400-foot rule requirements. In such extensions of sewer lines across the drainage divide of the ASSA, owners may be allowed to pump the sewage generated by an existing structure, even in those areas where the Board has determined that the 400-foot rule does not apply, if all of the requirements set forth in either Paragraph 1 (subparagraphs 1(a) through 1(l) below) or Paragraph 2 (subparagraphs 2(a) through 2q) below are satisfied:

### PARAGRAPH 1 REQUIREMENTS:

- 1(a) the applicable lot must already have an existing residential structure served by an onsite sewage disposal system;
- 1(b) the residence on the applicable lot must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;
- 1(c) the onsite sewage disposal system serving that residence must have been approved by the Fairfax County Health Department (FCHD) in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or Fairfax County;
- 1(d) the FCHD must have concluded that the onsite sewage disposal system on the applicable lot is failing, constitutes a health hazard, and cannot reasonably be repaired or replaced;
- 1(e) the FCHD, in consultation with DPWES, must have determined that, other than a

connection to the public sewer with the use of a sewage pump, there is no reasonable alternative method of sewage disposal available to the residence with the failing onsite sewage disposal system;

- 1(f) the applicable lot cannot be located more than 400 feet from the boundary of the existing ASSA;
- 1(g) the lateral of the applicable residence cannot extend more than 300 feet from the connection to the public sewer;
- 1(h) the lateral and the sewage pump must be owned, maintained by, and remain the sole responsibility of the owner of the lot proposed to be served by such lateral and pump;
- 1(i) the applicable sewage pump must be located on the applicable lot;
- 1(j) the costs of extending a County sewer line to the applicable lot, including the cost of installing the sewage pump, laterals, and any other appurtenant devices, are the sole responsibility of the property owner;
- 1(k) the extension of a County sewer line, any laterals, and all appurtenant devices necessary to provide sewer service to the residence must be built and/or installed by the property owner in accordance with all of the applicable requirements of DPWES, the Fairfax County Department of Land Development Services (LDS), and the FCHD; and
- 1(l) the extension of a County sewer line must be dedicated to and accepted by the County for ownership and maintenance.

**PARAGRAPH 2 REQUIREMENTS** (as it relates to public road projects):

- 2(a) the applicable lot must have been developed with an existing residential structure served by an onsite sewage disposal system;
- 2(b) the residence on the applicable lot must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;
- 2(c) the onsite sewage disposal system serving that residence must have been approved by FCHD in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or the County;
- 2(d) the Virginia Department of Transportation (VDOT) and/or the Board must have concluded that a portion of the applicable lot is needed for the construction of a public road project and must be acquired by eminent domain or other means for use in that public road project;
- 2(e) the acquisition by eminent domain or other means by VDOT and/or the Board of a portion of the applicable lot and the construction of the public road project will

result in the incapacitation of the onsite sewage disposal system serving the residence on that lot;

- 2(f) the FCHD must have determined that the residence on the applicable lot at the time a portion of the lot is acquired by VDOT and/or the Board could no longer be served by the existing onsite sewage disposal system and that the incapacitation of the existing onsite sewage disposal system could not reasonably be repaired or replaced on the remaining portion of the applicable lot;
- 2(g) the provision of sanitary sewer to the impacted lot cannot and will not be used for the purpose of constructing any additional residences on that lot;
- 2(h) the FCHD, in consultation with DPWES, must have determined that, other than a connection to the public sewer with the use of a sewage pump, there is no reasonable alternative method of sewage disposal available to the residence with the incapacitated onsite sewage disposal system by the public road project;
- 2(i) the applicable lot to be served by the proposed sewer line cannot be located more than 400 feet from the boundary of the ASSA;
- 2(j) the lateral to be used by the applicable lot cannot extend more than 300 feet from the connection to the public sewer;
- 2(k) the lateral and sewage pump to be used by the applicable residence must be owned, maintained by, and remain the sole responsibility of the owner of the lot proposed to be served by such lateral and pump;
- 2(l) the applicable sewage pump must be located on the applicable lot;
- 2(m) the cost of extending the County sewer line to the applicable lot, including the cost of installing the sewage pump, laterals, and any other appurtenant devices, are the sole responsibility of the property owner, unless the County is solely responsible for designing, funding, and constructing the public road project that caused the incapacitation of the onsite sewage disposal system on such lot;
- 2(n) the extension of the County sewer line, any laterals and all appurtenant devices necessary to provide sewer service to the applicable residence must be built and/or installed by or on behalf of the property owner in accordance with all of the applicable requirements of DPWES, LDS, and FCHD;
- 2(o) the extension of a County sewer line must be dedicated to and accepted by the County for ownership and maintenance;
- 2(p) if a VDOT public road project, then a lot that satisfies all of the foregoing Paragraph 2 requirements will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that lot when VDOT certifies in writing to DPWES that the Commonwealth Transportation Board has taken formal action to award a construction contract for the work that is anticipated to incapacitate that system; and

2(q) if a County road project, then a parcel that satisfies all of the foregoing applicable Paragraph 2 requirements (2(a) through 2(p)) will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that parcel if the DPWES certifies in writing to the Board that there is full funding for the public road project that will incapacitate that system.

A-3 Developers desiring sewerage service must apply to LDS and agree to perform all construction in accordance with plans and specifications approved by LDS and in accordance with all current standards of design and construction.

A-4 When required by DPWES, developers must provide enlarged sewage facilities to serve the area to be developed or redeveloped and upstream and downstream areas from the proposed development in accordance with general plans promulgated from time to time. Before construction of such enlarged sewage facilities, the developer may enter into an agreement with the County that provides partial reimbursement of the developer's costs, as set forth in Section D-2.

A-5 Betterments:

A-5.1 Developers are solely responsible for the cost of relocating existing sewage facilities to accommodate their development. If the relocated sewage facilities must also be enlarged to accommodate future sewage flows, the developers are eligible to enter into an agreement with the County for partial reimbursement, as set forth in Section D-2.

A-5.2 If developers must provide new sewage facilities to serve their development and these facilities will not convey sewage flows from existing customers but are sized beyond the developers' needs in order to accommodate future flows, then the developers are eligible to enter into an agreement with the County for partial reimbursement, as set forth in Section D-2.

A-6 All sewage facilities constructed by developers must be at their sole cost, be a minimum of 8 inches inside diameter, and be constructed in public rights-of-way or upon private land with recorded perpetual easements that provide free, unobstructed, uninterrupted rights-of-way with provisions for ingress and egress for inspection, operation, maintenance, enlargement, replacement, alteration, and extension of the sewage facility.

## SECTION –B - POLICY REGARDING DEVELOPED COMMUNITIES

B-1 Existing developed communities that are not served by public sewage facilities may receive funding for these facilities by one or more of the following methods:

B-1.1 Sewer Revenue Bonds issued by the County based upon engineering and financial feasibility reports.

B-1.2 Fund Advancement by the community and/or individuals upon execution of agreement and deposit of sufficient funds to construct the facilities.

B-1.3 Extension and Improvement (E&I) Funds. After all requirements of the County's ISS have been met (i.e., operation and maintenance, debt service and required reserve),

funds may be budgeted for construction of extensions provided (a) the project is justifiable for the health and welfare of the area; (b) the finances of the ISS are such as to warrant the necessary expenditures; (c) at least one-half of the potential users of the facilities agree to connect to the ISS immediately upon completion of the facility, and to pay in cash in advance, the applicable availability charges.

B-1.4 County General Fund Contributions. If the purpose of the project is to abate a public health hazard, the General Fund of the County may, to the extent that the financial condition of the General Fund permits, contribute to the capital cost of such project in amounts up to a fraction thereof, the numerator of which being the number of potential users contributing to the public health hazard and the denominator of which being the total potential users of the project.

B-2 All properties within an E&I project area will be evaluated by FCHD's Division of Environmental Health and assigned into one of the following classes which are used in establishing the priority rating of a project.

Class-I - Properties in this class are presently served by onsite sewage disposal systems that are malfunctioning and creating an immediate hazard to the community.

Class -II - Properties in this class are served by onsite sewage disposal systems that have a history of problems, occasionally malfunction, are installed in poor soil conditions, or are otherwise not expected to function satisfactorily for any length of time. Sand filter systems are also included in this class since they do discharge effluent into streams and must be abandoned when public sewer is made available. Properties in this class are a potential hazard to the community.

Class III - Properties in this class are served by pit privies and pose no serious hazard to the community if maintained properly. However, these properties cannot be improved to accommodate disposal of water-carried human waste without the availability of public sewer.

B-3 All E&I projects will be installed in order of their priority rating. The Division of Environmental Health assigns preliminary priorities based on potential health hazards. These priorities are then reviewed jointly with DPWES, and adjustments are made taking into consideration the economic feasibility of the preliminary list.

## SECTION -C - POLICY REGARDING REVENUES AND CHARGES

C-1 The ISS is organized and must operate on a basis designed to raise sufficient revenue to pay all costs and provide all appropriate reserves.

C-2 Sources of revenue of the County's ISS are (1) Availability Charges; (2) Connection Charges; (3) Lateral Spur Charges; (4) Service Charges; (5) Base Charges; and (6) Account Charges.

C-2.1 Availability Charge is a one-time charge collected from all users prior to connection to the system to cover in part the user's proportional share of the cost of facilities beyond the sewer lines with 8-inch inside diameter. Such facilities include sewer lines with greater than 8-inch inside diameter, pumping stations, force mains and treatment facilities.

C-2.1.1 The fundamental principle in determining the Availability Charge is: The needed total annual revenue requirements of the ISS collected from users and non-users (or by users and owners of properties) for whose use, need and benefit the sewage facilities are provided, in an amount that approximates the proportional cost of providing the use and the benefit of the sewerage facilities.

C-2.1.2 Availability Charge revenues may be used for construction of new capital facilities to the extent such facilities will benefit new subscribers to the system (new customers). Availability Charge revenues will not be used for improvements to the extent such improvements will only benefit existing customers of the system. Availability Charge revenues may be used to meet the cost of remedying significant operational emergencies, and provision will be made for the timing of reimbursement of the capital for any such emergency disbursements.

C-2.1.3 Separate accountability for Availability Charge revenues and capital expenditures will be maintained.

C-2.2 Connection Charge (Front Footage Charge) is a one-time charge collected from all users prior to connection to the system in those cases where service can be obtained from facilities entirely paid for by the County. It is levied as a partial repayment of the County's costs to construct sewage facilities. This charge does not apply to facilities paid for jointly by the County and persons, firms, or corporations other than the applicant.

C-2.3 Lateral Spur Charge is a one-time charge collected from all users who connect to the lateral spur. This charge must be paid prior to connection to the system and is levied as a partial repayment of the cost of a lateral spur, pursuant to VDOT requirements that all sanitary sewer facilities to be located within the right-of-way of public highways be installed at one time, and under a single permit.

C-2.4 Service Charges are continuing charges based upon water consumption at a cost per 1,000 gallons as established by the rate ordinance.

C-2.5 Base Charges are fixed charges on quarterly sewer bills to defray a portion of the cost of operating and maintaining the sewer system.

C-2.6 Account Charges are to defray the cost incurred by reason of special services rendered (repair of developer constructed facilities, temporary treatment, etc.) and agreements or regulatory requirements for which costs are not covered by other charges.

C-3 Review of all the above charges consistent with the principles set forth herein will occur periodically or may coincide with the County's budget cycle at which time these charges will be set by the Board of Supervisors.

C-4 Individual owners of properties located adjacent to or within reach of service by sewer lines paid for entirely by the County will be required to pay the applicable Availability, Connection, and Lateral Spur charges upon application for service.

SECTION –D - POLICY REGARDING REIMBURSEMENT AND FUNDS ADVANCED TO COUNTY

D-1 Sewage facilities will be constructed only after sufficient funds are advanced by others to finance construction of those facilities, or after the reserves of the ISS are adequate to finance said construction, or after the issue and sale of bonds.

D-1.1 Investments by developers in local sewage facilities to serve their respective development areas will not be refunded by, or become an obligation of, the County, as such investments are considered as accrued benefits to the improved property and will be recovered through the increase in value of the property.

D-2 Developers providing enlarged sewage facilities, as required by paragraphs A-4 and A-5, which are greater than required to serve the lots being developed or redeveloped, may be reimbursed for the cost differential as set forth in the reimbursement agreement according to the following policy:

D-2.1 The land disturbance permit for the development was issued after December 6, 2022.

D-2.2 The amount to be reimbursed for enlarged sewage facilities to convey existing, proposed, and future flows is determined by multiplying the costs of constructing the enlarged facilities by the quotient obtained by dividing the sum of the existing and future flows by total flow. Future flow will be estimated based on the County's Comprehensive Plan. Phasing of a large development does not reduce the developer's responsibility for the ultimate need of the larger development.

D-2.3 The amount to be reimbursed for Betterments is equal to the difference between the cost of the material only of the sewage facilities that would have satisfied the development's needs and the cost of the material only of the larger sewage facilities required by the County to serve future flows.

D-2.4 Developers are required to solicit at least three bids from licensed and bonded contractors for the construction of the sewage facilities eligible for reimbursement. The County will reimburse the developers based on the price of the lowest bid. However, the County has the authority to negotiate a reasonable reimbursement amount other than the bid amount.

D-2.5 Developers are required to submit a separate Public Improvement (PI) Plan for sewage facility improvements that include the enlarged sewage facilities to clearly separate the costs associated with these sewage facilities from the rest of the development. If no separate PI plan was submitted for projects designed prior to the effective date of this



policy, reimbursement will occur only after accurate and detailed documentation establishing the costs associated with only the enlarged sewer lines is submitted to and deemed sufficient by the County for purposes of determining the reimbursement amount. Plan type requirement may be waived at the discretion of DPWES Director.

D-2.6 Sewer lines with an internal diameter exceeding 8 inches will be considered enlarged sewers if they convey existing and future flows and flows from the proposed development.

D-2.7 Reimbursement payments will be made as provided in the reimbursement agreement. The reimbursement agreement must be executed between the developer and the County at the time of the submission of the engineering construction plans for the enlarged sewage facilities for review and approval by the County before the start of the construction. The agreement may need to be updated, if the time between the execution of the agreement and start of the construction exceeds one year, or for other justifiable reasons.

D-3 Extensions of sewer lines to the development boundary of subdivisions to facilitate service to adjoining properties will generally be constructed concurrent with the construction of facilities within the subdivision. Upon request, costs incurred by the developers for these extensions will be reimbursed from available E&I funds, which will be replenished by the Availability Charge paid by each adjoining property upon connection to the system.

D-4 Subject to execution of an application with the County, a property owner who privately funds extension of public sewage facility will be reimbursed under the following circumstances and according to the following policy:

- (a) The public sewage facility extension is available to and serves two or more single-family detached residential properties in a subdivision by direct connection and the applicant owns no more than two of such residential properties, one of which must be occupied by the applicant; and
- (b) Upon the County's receipt of a Surcharge, as described in D-4.c below, which shall be collected at the time any person files an application to connect to or contributes sewage to the privately funded sewage facility extension, such Surcharge shall be paid in January as partial reimbursement to the property owner funding the extension; and
- (c) The Surcharge amount equals the quotient obtained by dividing the cost of the sewage facility extension by the total number of single-family residential properties eligible to be served by the sewage facility extension or the County's current maximum Connection Charge for a single-family residential property, whichever is less. The cost of the sewage facility extension for purposes of determining the Surcharge is limited to installation costs (including, but not limited to, engineering, easement, permit, and construction costs) of that section of the sewage facility that is used jointly by the connecting single-family residential properties.
- (d) The applicant will forfeit any right to reimbursement under this policy in the event the applicant ceases to own at least one of the residential dwellings for which the extension of the sewage facility was constructed in the five-year period following the completion of the sewage facility extension. The applicant will also forfeit the right to

reimbursement if the applicant fails to maintain a valid mailing address with the County in accordance with the terms and conditions of the reimbursement application.

- (e) This policy applies only to lawful sewage facility extensions and connections that fully comply with all the provisions of the Board's adopted Statement of Policy Regarding Sewage Disposal.

#### SECTION E – LIMITATION OF STATEMENT OF POLICY

This statement of policy is published for the information of developers and the public as a guide to understanding the policy of DPWES in its administration of the Integrated Sewage System of Fairfax County. As such, no statement herein contained should be construed as binding upon the County.

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September 26, 2023

4:00 p.m.

Public Hearing on the Proposed Affordable Housing Preservation Administrative Policy Guidelines

ISSUE:

The proposed Affordable Housing Preservation Administrative Policy Guidelines (Administrative Guidelines) set forth guidelines and procedures for properties seeking to utilize the Multifamily Affordable Housing Preservation Policy, Appendix 2 of the Housing Element of the Policy Plan within the Fairfax County Comprehensive Plan, (the Preservation Policy) to preserve market and committed affordable multifamily rental units during a rezoning application or comprehensive plan amendment, and the administration of any preserved affordable units under the Preservation Policy. The Administrative Guidelines provide details on the implementation of the Preservation Policy, such as preservation goals (including the preservation of existing housing affordability), the applicability of the Preservation Policy to redeveloping properties, the affordability commitments of the units, the review process, and provisions for the relocation of existing tenants.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt Affordable Housing Preservation Administrative Policy Guidelines.

TIMING:

Board action is requested on September 26, 2023, to begin implementation of the Policy on development proposal currently under review. The Board authorized advertisement for this public hearing on September 12, 2023.

BACKGROUND:

The proposed Administrative Guidelines set forth guidance and procedures for properties utilizing the Multifamily Affordable Housing Preservation Policy (Appendix 2 of the Housing Element of the Policy Plan within the Fairfax County Comprehensive Plan, as adopted March 21, 2023). The Preservation Policy establishes a goal of one-for-one replacement of existing affordable units that are proposed to redevelop. Under the Preservation Policy, property owners may seek additional density above Plan guidance without a Comprehensive Plan amendment when committing to preserve units during redevelopment. The Preservation Policy was developed in accordance with the

report entitled “Affordable Housing Preservation Task Force Recommendations to the Fairfax County Board of Supervisors,” dated April 6, 2021.

The proposed Administrative Guidelines provides information on the implementation of the Preservation Policy that are not within the Comprehensive Plan. The Administrative Guidelines outline the following topics:

- **Applicability of the Preservation Policy:** The applicability of the policy will determine the number of market or committed multifamily rental housing units existing on the property and the goal for preservation during redevelopment. Property owners are encouraged to request a determination of applicability prior to the submission of rezoning application or pre-application request, or the authorization of a comprehensive plan amendment.
- **Review of Preservation Proposals:** Property owners should present a Preservation Proposal to the County that includes information about the number and type of units proposed to be preserved and affordability levels relative to the existing affordability on the property, as well as an assessment of the additional density that would be needed to preserve the units. Supporting documents may be requested as needed. Staff from the Department of Housing and Community Development (HCD) and the Department of Planning and Development (DPD) will review preservation proposals and provide feedback to the property owner on the proposal prior to and as part of a comprehensive plan amendment or rezoning application.
- **Replacement unit goals:** Preservation proposals should include plans to preserve units with comparable affordability levels and bedroom mixes to what exists on the site and should factor in the needs of the existing tenants.
- **Administration of units that are preserved:** Preserved Affordable Units (PAUs), when not subject to an administration process required by another local, state or federal program, should utilize the Fairfax County Board of Supervisors’ Countywide and Tysons Urban Center Workforce Dwelling Unit Administrative Policy Guidelines (WDU Guidelines).
- **Off-site unit preservation:** The Administrative Guidelines outline factors to consider when proposing to preserve units offsite, when necessary.
- **Relocation Assistance Plans for existing tenants:** Proposals utilizing the Preservation Policy must provide a Relocation Assistance Plan for review and approval. Relocation Assistance Plans should be crafted utilizing the Fairfax County Relocation Guidelines.

EQUITY IMPACT:

Approval of the proposed Administrative Guidelines would further the County's equity initiatives as detailed in its One Fairfax policy (2017), Communitywide Housing Strategic Plan (2018), Countywide Strategic Plan (2021), and other policies and plans. The Administrative Guidelines support 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...". The proposed guidelines set forth parameters and a process for commitments to housing affordability during redevelopment of properties currently with lower income households that are vulnerable to market rent increases or expiring affordability commitments.

Community and other stakeholder engagement was critical in the formation of the proposed Administrative Guidelines. A draft of the guidelines was published to the County's website from June 1-30, 2023, with a public comment form. Staff hosted two virtual engagement sessions that were attended by members of the public, industry, property owners and advocates; links to both of these sessions were posted to the County's website and a video of one of the sessions has been available on the website. Letters were mailed to owners of properties that have market and committed affordable units with information about the published draft and to notify the owners of the ability to provide input and the engagement sessions. Staff also conducted targeted outreach with members of industry to gather feedback on the guidelines. This outreach included Northern Virginia Building Industry Association (NVBIA), NAIOP/the Commercial Real Estate Development Association, the Affordable Housing Advisory Council (AHAC), as well as various affordable housing providers and land use attorneys. The Administrative Guidelines were presented to the Board of Supervisors Housing Committed meeting on August 1, 2023.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

The Administrative Guidelines, as well as background on the Preservation Policy are available online at: <https://www.fairfaxcounty.gov/housing/affordable-housing-preservation>

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STAFF:

Christopher Leonard, Deputy County Executive

Rachel Flynn, Deputy County Executive

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)

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

Anna Shapiro, Deputy Director, Real Estate, Finance, and Development, HCD

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

Meghan Van Dam, Director, Affordable Housing Development Division (AHD), HCD

Brianne Fuller, Associate Director, Preservation, AHD, HCD

Kelly Atkinson, Assistant Planning Division Director, Development Review Branch Chief, PD, DPD

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4:00 PM

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Article 6 Parking and Loading and Related Changes

ISSUE:

The Board of Supervisors identified the need to comprehensively update and modernize parking regulations in the 2020 Zoning Ordinance Work Program. To provide the parking amendment its own dedicated analysis and public engagement, the Board excluded this project from the 2021 Zoning Ordinance Modernization (zMOD). The proposed amendment will update and modernize Article 6 (Parking and Loading Regulations) and modify various other sections as they relate to parking. The proposed changes allow for reduction of unnecessary parking, supporting both the strategic plan and One Fairfax Policy by reducing direct and indirect environmental impacts, such as heat island effects, excess water runoff, and lost opportunity costs for green alternatives; and by promoting efficient use of valuable land area and supporting placemaking, allowing for an environment where members of the community want to gather and where businesses can grow. In addition, streamlining parking requirements and County review of parking proposals will improve government efficiency and benefit the County's diverse mix of businesses. Given the scope and scale of these regulatory changes, the proposed amendment would repeal and replace Article 6 in its entirety and amend various other sections of the Zoning Ordinance as they relate to parking.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on July 26, 2023, and deferred consideration to an additional public hearing on September 13, 2023

On September 13, 2023, the Planning Commission voted 10-0 (Commissioners Jimenez and Lagana were absent from the meeting) to recommend to the Board of Supervisors adoption of the proposed Zoning Ordinance Amendment for Parking Reimagined and adoption of the staff-recommended options and the proposed amendments to Appendix 1 relating to previous approvals, as set forth in the Staff Report Addendum dated August 16, 2023, along with the amendment to subsection 6100.6.C set forth in the staff memorandum to the Planning Commission dated August 30, 2023, and that the amendment become effective at 12:01 a.m., January 1, 2024, to allow staff time to update the County website, develop training materials, and provide training to staff and other stakeholders.

The main motion was amended by the following motions to recommend to the Board of Supervisors:

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- Approval of the option for the multifamily dwelling unit requirements to be 1.45 spaces per dwelling unit in Table 6100.2 located on page 13 of the Staff Report Addendum.

8-2 (Commissioners Cortina and Shumate voted in opposition. Commissioners Jimenez and Lagana were absent from the meeting)

- Approval of the option for the Religious Assembly use and Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center requirement to be 1 space per 4 seats in Table 6100.2 located on page 14 of the Staff Report Addendum.

10-0 (Commissioners Jimenez and Lagana were absent from the meeting)

- Approval of the option for the multifamily dwelling unit requirement to be 0.6 spaces per bedroom for transit station areas in Table 6100.7 located on page 22 of the Staff Report Addendum.

8-2 (Commissioners Cortina and Shumate voted in opposition. Commissioners Jimenez and Lagana were absent from the meeting)

- Approval of the option for the multifamily dwelling unit requirement to be 0.4 spaces per bedroom for transit-oriented development areas in Table 6100.8 located on page 22 of the Staff Report Addendum.

8-2 (Commissioners Cortina and Shumate voted in opposition. Commissioners Jimenez and Lagana were absent from the meeting)

- Approval of the option for multifamily dwelling units in the PTC district in Table 6100.9 located on page 23 of the Staff Report Addendum to have a minimum parking requirement of 0.3 spaces per bedroom when located less than 1/8 mile to a Metro station and 0.35 spaces between 1/8 and 1/4 mile to a Metro station and 0.4 spaces per bedroom when between 1/4 mile to 1/2 mile to a Metro station.

8-2 (Commissioners Cortina and Shumate voted in opposition. Commissioners Jimenez and Lagana were absent from the meeting)

- Clarify language associated with multifamily maximum rates in the PTC District in Table 6100.9 located on page 23 of the Staff Report Addendum dated August 16, 2023, to state the following: The maximum rates for less than 1/8 mile and 1/8 to 1/4 mile to the metro station are 1.3 spaces for 1-bedroom units, 1.6 spaces for 2-bedroom units, and 1.9 spaces for 3 or more-bedroom units. The maximum



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rates for 1/4 to 1/2 mile to the metro station and non-Transit-Oriented Development Districts are 1.4 spaces for 1-bedroom units, 1.7 spaces for 2-bedroom units, and 2 spaces for 3 or more-bedroom units and, note that maximum is based on spaces per bedroom.

10-0 (Commissioners Jimenez and Lagana were absent from the meeting)

- Add “or approved” after pending to read: (a) There is a pending or approved rezoning, special exception, or proffered condition amendment application for the site; to subsection 6100.6.A(4)(a) located on page 26 of the Staff Report Addendum.

6-3-1 (Commissioners Cortina, Bennett, and Shumate voted in opposition. Commissioner Murphy abstained from the vote. Commissioners Jimenez and Lagana were absent from the meeting)

- Amend the adjustment for the transit related adjustment in subsection 6100.6.C(2) located in the Planning Commission memorandum dated August 30, 2023, to permit a 15 percent adjustment instead of a 30 percent adjustment.

8-2 (Commissioners Spain and Shumate voted in opposition. Commissioners Jimenez and Lagana were absent from the meeting)

- Amend subsection 6101.2.M(1) and 6101.2.M(2)(a) located on page 31 of the Staff Report Addendum, for clarity to read as follows:
  - Adequate receiving facilities are not subject to the size restrictions for loading spaces in subsection 6101.2, if it can be demonstrated to the Director that a smaller loading space is sufficient for loading activities without encroaching into, or interfering with traffic circulation, drive aisles or other parking spaces; and
  - Reserved parking space sufficient for loading activities.

10-0 (Commissioners Jimenez and Lagana were absent from the meeting)

- Approval of the option for standard rounding for parking requirements in subsection 6100.3.B located on page 12 and the option for standard rounding for bicycle parking in subsection 6102.1.B located on page 33 of the Staff Report Addendum dated August 16, 2023;

10-0 (Commissioners Jimenez and Lagana were absent from the meeting)

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- Amend the table reference in subsection 6100.1.D(2)(d) located on page 8 of the Staff Report Addendum dated August 16, 2023, from Table 4100.2 to Table 4101.1 and 4101.2; and

10-0 (Commissioners Jimenez and Lagana were absent from the meeting)

- Amend the Appendix located on page 42 of the Staff Report Addendum and remove the words “its being in” located in paragraph B(1)(c) since it is redundant.

10-0 (Commissioners Jimenez and Lagana were absent from the meeting)

A motion to amend the main motion to recommend to the Board of Supervisors that transit related adjustment in subsection 6100.6.A(4) located on page 26 of the Staff Report Addendum to add the following: (c) It has not been demonstrated to the satisfaction of the Director that: (1) Fewer spaces than those required by this Article will adequately serve the use; and (2) The reduction will not adversely affect the area within a quarter mile radius of the applicant site failed 4-5-1 (Commissioners Cortina, Bennett, Sargeant and Shumate voted in opposition. Commissioner Murphy abstained from the vote. Commissioners Jimenez and Lagana were absent from the meeting).

The Planning Commission also voted 10-0 (Commissioners Jimenez and Lagana were absent from the meeting) to recommend to the Board of Supervisors the following follow-on motions:

- That the Board of Supervisors direct the Director of Land Development Services to establish before January 1, 2024, a readily accessible “Monitoring Parking Implementation” link to a webpage that, among other purposes, permits the public to sign up for a list serve and be notified when a request is made for a parking reduction that is not a part of a land use entitlement application and associated public hearing.
- That the Board of Supervisors direct Land Development Services and the Department of Planning and Development to monitor the effect of adopted changes to the parking requirements to include collection of relevant data to assess their effect. The relevant data could include trends in provided parking, the number of requests and approvals of parking adjustments, operational effects of the Ordinance changes on parking-related processes, our experience with the Transportation Demand Management program, and other relevant measures of effectiveness. Data collection should be designed to help evaluate whether further modifications to the Ordinance are warranted. While data will begin to accumulate from the effective date, a report to the Board will be provided no sooner than January 1, 2027, and no later than December 31, 2029, to allow time to gauge significant, long-term effects of the adopted changes.

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- That the Board of Supervisors direct Department of Transportation staff to continue its work to identify walkability needs/gaps for all mixed-use centers, and potential arrangements for financing the public share of pedestrian infrastructure improvements; and to facilitate cooperative funding agreements with the private sector; and to return to the Board with its recommendations. Public and private reinvestment in mixed-use centers is critical to responsibly managing future growth and expanding housing and economic opportunities for all in the County.
- That, rather than incorporating formulas into the parking rate structure and adding further complexity, the Board of Supervisors direct Land Development Services and Department of Planning and Development staff to continue their efforts through the Resilient Fairfax Implementation Planning Process to examine County codes that directly address imperviousness, open space, trees, and green space requirements. Reductions in parking requirements should provide additional opportunities to encourage more climate-ready development.
- Advise the Board of Supervisors that the Planning Commission is supportive of staff efforts currently underway on the Landscaping and Screening amendment of the Zoning Ordinance to increase the percentage of required tree canopy in parking lots and street tree requirements.
- That the Board of Supervisors direct the Director of Land Development Services to review the accessible parking design standards in the Public Facilities Manual and the *Code of Virginia* to determine if additional signage is necessary to discourage vehicles from blocking accessible spaces and routes and to direct delivery vehicles to the correct delivery location.
- That the Board of Supervisors add to its State legislative agenda authorizing the County to establish guidelines or requirements for electric vehicle chargers with new development.

The Planning Commission also voted 9-1 (Commissioner Cortina voted in opposition. Commissioners Jimenez and Lagana were absent from the meeting) to recommend to the Board of Supervisors the following additional follow-on motion:

- That the Board of Supervisors consider waiving County fees for older townhome communities that may seek a minor variation for parking relief.

**RECOMMENDATION:**

The County Executive recommends adoption of the Zoning Ordinance Amendment regarding Parking and Loading with the staff recommended options and the amendment to Appendix 1 of the Zoning Ordinance relating to previous approvals as provided in the

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August 16, 2023, Staff Report Addendum, as amended by the Planning Commission on September 13, 2023, except for the amendment to the rate for multifamily dwelling units, religious assembly, and religious assembly with private school, specialized instruction center, or child care center, and the modification in subsection 6100.6.A(4)(a) related to approval of parking adjustments by the Director of Land Development Services. Further, the County Executive recommends a delayed effective date of 12:01 a.m. on January 1, 2024.

TIMING:

The Board authorized the public hearings on June 27, 2023; the Planning Commission public hearing was held on July 26, 2023, and deferred consideration to include a second public hearing scheduled for September 13, 2023, at 7:30 p.m. The Board public hearing is scheduled for September 26, 2023, at 4:00 p.m., if the Planning Commission has reported its recommendations.

BACKGROUND:

While updates to the parking regulations in the Zoning Ordinance to address specific uses and issues have occurred over time, a comprehensive review of the regulations has not occurred since 1988. Since then, the County has invested resources in the construction of multimodal infrastructure to promote both public transportation (e.g., Metrorail, the Fairfax Connector) and enhanced pedestrian and bicycle infrastructure. Further, the County has aligned planning for higher-intensity and -density land development to these infrastructure enhancements. Requiring less parking in transit areas supports the strategic plan and the One Fairfax Policy by promoting dense, transit-oriented, mixed-use development. In support of the One Fairfax Policy, the proposed modification of parking requirements for residential uses supports the development of diverse housing opportunities for residents by eliminating the cost of excess parking.

Because the proposed amendment significantly revises and reorganizes the parking regulations, the amendment is proposed as a repeal and replacement of existing Article 6, in addition to various changes to other sections. Key changes proposed are laid out below, with additional discussion and details provided in the staff report and addendum.

- Allows changes to or expansion of a use without requiring additional parking unless the proposed change or expansion would significantly increase the parking requirement (defined as the higher of an increase by more than 10 percent of the available parking on the site or an increase of more than 10 spaces).

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- Defines when a parking tabulation must be submitted and expands the categories of uses where tabulations, and thus additional parking, are not required with changes in use for existing buildings.
- Requires dedicated pedestrian routes through surface parking lots for new development or redevelopment of existing lots that require more than 50 parking spaces. The pedestrian route must connect the primary building entrance to an abutting pedestrian facility. This will provide safer walking access for patrons parking onsite as well as for pedestrians and bicyclists accessing the site from abutting sidewalks.
- Requires accessible spaces to be determined on the base rates and not adjustments allowed as part of the tiered framework.
- Standardizes many rates so similar uses have the same parking requirement. Many of these are based on building square footage, which is known at all stages of the building and permitting process.
- Converts most employee-based rates to square footage-based rates and eliminates other variables such as company vehicles and occupancy load which create difficulties in assessing required parking. In situations where using the building square footage alone would result in a parking supply out of proportion to need, an employee rate is available as an option.
- Requires visitor or shared spaces for single family attached and stacked townhouses.
- Lowers multifamily rates to 1.3 spaces per unit. This proposal is informed by national parking demand survey data such as Parking Generation published by the Institute of Transportation Engineers (ITE) as well as jurisdictional peer reviews.
- Proposes to simplify and lower the parking requirement for shopping centers and office buildings.
- Creates a tiered framework for parking based on Comprehensive Plan designations to automatically reduce parking for denser, mixed-use areas with lower parking demand (suburban centers, revitalization areas, and transit areas).
- Proposes new options for parking reductions, now known as adjustments, including housing affordability, public benefit, and public parking. Retains options for unique justifications, shared parking, and transit-related reductions. Modestly redefines administrative authority to approve shared parking and transit-related reductions under specified criteria.
- Simplifies loading requirements and requires adequate receiving facilities when loading is not required.
- Establishes the first bicycle parking requirements in the Zoning Ordinance.
- Modifies residential rates as discussed in the staff report.

EQUITY IMPACT:

The Parking Reimagined study aligns primarily with One Fairfax area of focus #11 as it promotes a quality-built environment that accommodates anticipated growth and promotes housing and services for all people. In older, suburban communities, surface parking areas are often the front face of commercial and multifamily residential properties. Outdated minimum parking requirements can limit the ability to improve buildings and sites that would provide reinvestment opportunities to benefit the community. Lowering parking requirements creates opportunities for more walkable, transit-accessible communities benefiting those who do not drive. Streamlining administrative requirements, such as the need for parking tabulations when there is a change in use and lowering parking minimums, helps small and disadvantaged businesses reduce both the administrative and physical costs of providing unnecessary parking. Lowering parking requirements so that businesses do not have to provide unnecessary parking will reduce development costs and increase the feasibility of affordable housing. Simplifying requirements, creating predictability, and reducing required parking supply will be a cost savings to citizens and businesses.

Parking Reimagined created an engagement plan with an equity focus at the initiation of the project. The project team created a dedicated website with access to meeting notices, recordings of past meetings, project papers, and opportunities to submit questions and comments. The project team met with the Board on four separate occasions and the Planning Commission on five separate occasions, to update them on the status of the project. The Parking Reimagined team engaged the community in eight town halls between October 2021 and February 2022 and nine community open houses between June 2022 and February 2023. Including the town halls and open houses, the Project Reimagined team conducted more than 100 project-related meetings with Board committees, community and industry groups, County agencies, Board members, and regional and national local government representatives.

REGULATORY IMPACT:

Overall, the proposed amendment either maintains or reduces the minimum parking requirements for the majority of land uses within the Zoning Ordinance and streamlines the regulatory process for obtaining parking adjustments. There are some exceptions.

Single-family attached and stacked townhouses would have the same base parking rate but allocate some of the spaces to visitor or shared parking. This will result in the same or more parking spaces than are currently required. As an example, the current single-family attached rate is 2.7 spaces per unit. The development of 100 single-family attached units would require 270 parking spaces. All these spaces could be provided within garage and driveway spaces. In this proposal, the requirement would still be a total of 270 parking spaces but 0.2 space per unit or 20 spaces would be required to be provided as visitor or shared spaces. These spaces would need to be located on

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common property and not on an individual lot. If the applicant chose to continue to provide garage and driveway spaces as before, the total parking provided would exceed the required minimum.

Religious assembly, independent living, and some other uses would have increased requirements, but these new requirements would apply to existing uses only if those existing uses were expanded.

In revitalization areas, parking is proposed to be 80 percent of the base rate consistent with the current Ordinance for CRDs and the Lake Anne Commercial Revitalization Area, but in the proposal this rate would be permitted without the need for Board approval, and would also apply to residential uses, facilitating redevelopment and eliminating an additional regulatory hurdle.

As noted, it is proposed that the Director be given limited additional authority to approve certain parking adjustments based on specific criteria, which will reduce the time to process these requests while still providing the necessary technical analysis. Staff is also proposing structural and process changes to provide opportunities intended to increase the speed, efficiency, and predictability of determining and establishing parking requirements for individual properties.

FISCAL IMPACT:

Currently there are fees associated with parking tabulations for change in use (\$980), parking redesignation plans (\$980), administrative parking reductions for religious assembly (\$980), and parking reductions based on shared parking (a range of \$2,812-\$16,351 depending on number of parking spaces on the site). At this time, no fees are proposed to be changed with this amendment, however it is anticipated that the need for these applications will be reduced. Reductions in fee revenue can be offset by anticipated faster times to market with simplified, flexible, and reduced parking supply requirements which will likely provide more opportunities to add property tax revenue with redevelopment and tenant refits.

ENCLOSED DOCUMENT:

Attachment 1 – Proposed Zoning Ordinance Text

Attachment 2 – [Planning Commission Memorandum August 30, 2023](#)

Attachment 3 – [Staff Report Addendum](#)

Attachment 4 – [Staff Report](#)

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STAFF:

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**Attachment 1 - August 16, 2023 – Staff Report Addendum**

Article 6 includes changes from the text released with the July 12, 2023, Staff Report. Additions are shown as underlined while deletions are shown as ~~strike through~~.

**#1 INSTRUCTION: Repeal and Replace Article 6 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. In subsection 6100.4, the proposed rate is considered the high end of the option, unless otherwise noted, and the Board may

## 6100. Off-Street Parking

### 1. Applicability

#### A. Generally

- (1) Any structure built, and any use established, must provide accessory off-street parking in accordance with this Article.
- (2) For redevelopment that retains some use or structure and eliminates some on-site parking during the redevelopment process, a temporary adjustment or relocation of the minimum required off-street parking spaces may be approved either by the Board, in conjunction with a rezoning or special exception, or by the Director, in conjunction with a site plan. As conditions to any such an approval, the applicant must demonstrate that adequate measures will be taken to ensure the continuation of safe and adequate parking on the property, and the Board or the Director will impose time limitations.
- (3) Parking of commercial vehicles in R districts is regulated by subsections 4102.1.B(2) and 4102.1.E(4).
- (4) The provisions of this Article do not apply to vehicle storage or display parking areas associated with a vehicle sales, rental and service establishment.
- (5) The Director may adjust the minimum off-street parking requirements for an existing parking lot to allow for installation of electric vehicle parking infrastructure as an accessory use.
- (6) The Director may adjust the minimum off-street parking requirements by up to 20 percent (**10 up to 30 percent**) for a parking lot existing as of (effective date of ZOA 112.2-2023-xx) to provide interior or peripheral parking lot landscaping in accordance with subsection 5108.5.

#### B. Change in Use or Expansion of an Existing Structure or Use

- (1) A change in use or an expansion of an existing structure or use is subject to the following:
  - (a) No additional parking is required for a change in use or expansion of an existing structure or use resulting in the same or a lesser parking requirement than the previous use.
  - (b) No additional parking is required for a change in use or expansion of a structure or use unless the change or expansion results in the higher of more than a 10 percent (**10 up to 30 percent**) increase or an increased requirement of more than 10 spaces (**5 up to 15 spaces**) in the on-site parking supply.
  - (c) When a site contains two or more uses, the increases referenced in subsection 6100.1(B)(1)(b) are measured cumulatively for all uses on the site, not each individual use.
  - (d) If the change in use or expansion of use or structure results in the higher of more than a 10 percent increase in the parking supply (**10 up to 30 percent**) or more than 10 spaces (**5 up to 15 spaces**), additional parking is required for the increase above 10 percent (**10 up to 30 percent**) or 10 spaces (**5 up to 15 spaces**).
  - (e) Compliance with the minimum off-street parking requirements is not required to the extent the expansion is to provide an accessibility improvement.

**C. Commercial Parking in a Residential District**

Where a structure or use is permitted only in a C or I district, off-street parking for the structure or use may not be in an R district, except with approval of a special exception by the Board, and in accordance with the following:

- (1) No fee is charged for parking purposes in the R District.
- (2) Unless otherwise modified by the Board, no vehicle parking is allowed closer to any lot line that abuts an R district, or a residential area of a P district, than a distance equal to the dimension of the corresponding minimum setback of the adjacent R district or P district.

**D. Parking Tabulation**

- (1) A vehicle parking tabulation and a bicycle parking tabulation in conformance with Section 6102 approved by the Director and demonstrating compliance with the minimum required off-street parking for all uses on a lot is required in any of the following situations:
  - (a) A site plan or minor site plan is submitted in accordance with subsection 8101.4.
  - (b) A change in use resulting in an increased parking requirement, in accordance with subsection 6100.1.B, from that shown on the approved site plan or minor site plan.
- (2) Parking tabulations are not required for the following:
  - (a) Change in use that results in no greater parking requirement than the previous use.
  - (b) Change in use within a shopping center in accordance with subsection 6100.4.B.
  - (c) Change in use within an office building in accordance with subsection 6100.4.C.
  - (d) Change in use identified within the industrial use classification in Table 4100.2, to another use identified in the industrial use classification, commercial use classification, college or university, or a specialized instruction center.
  - (e) Change in use that substantially conforms with the mix of uses on an approved development plan or PRC plan.
  - (f) Changes in site layout or expansion of a structure exclusively to provide an accessibility improvement.
  - (g) Changes in site layout exclusively to provide electric vehicle parking spaces or its infrastructure.
- (3) When a parking tabulation is not required, no additional parking for the site is required.

**E. Use of Off-Street Parking Lots**

- (1) A parking lot that is not fully used during the weekday may be used for a public commuter park-and-ride lot when established and operated in accordance with a public commuter park-and-ride lot agreement approved by the Board. Submission of a redesignation plan in accordance with subsection 6100.2 is not required.
- (2) Any off-street parking lot must be used for parking vehicles in operating condition by patrons, occupants, or employees of the associated use. No vehicle repair work is permitted, except for emergency service.

## 2. Off-Street Parking Standards, Layout, and Design

### A. General Location

- (1) All required off-street parking spaces must be located on the same lot as the structure or use to which they are accessory, except as allowed by subsection 6100.6.
- (2) Unless otherwise authorized in this Ordinance, a parking structure is subject to the minimum setback requirements of the applicable zoning district; however, any parking structure located completely underground may be in a required setback, but not closer than one foot to any lot line.
- (3) Unless otherwise authorized in this Ordinance or modified by the Board, the BZA, or the Director in accordance with subsection 5108.5, off-street parking spaces that are open to the sky may be in any required setback but may not be located closer than ten feet to any front lot line. For any parking space on the same lot with a single-family detached, single-family attached, or stacked townhouse dwelling, the space is exempt from the ten-foot minimum distance requirement, but must not encroach into any sidewalk or trail.

### B. Parking in Residential Districts

- (1) In the R-1, R-2, R-3, and R-4 Districts, for any single-family detached dwelling on a lot no larger than 36,000 square feet, all parking for vehicles or trailers in a front yard must be on a surfaced area and limited to the maximum coverage percentage listed in Table 6100.1, except, that on a pipestem lot, the surfaced area within the pipestem driveway is not included in the maximum coverage percentage.

Table 6100.1: Residential Front Yard Coverage	
Zoning District	Maximum Front Yard Coverage
R-1	25 Percent
R-2	
R-3	30 Percent
R-4	

- (a) The limitations in Table 6100.1 may be exceeded for a surfaced area that:
  1. Contains no more than two side-by-side parking spaces and is no more than 25 feet long and 18 feet wide;
  2. Consists of two parking spaces and a vehicular turn around area, if:
    - a. The lot has its access from a major throughfare,
    - b. The surfaced area is not more than 25 feet long and 18 feet wide, and
    - c. The turnaround area does not exceed 150 square feet; or
  3. Is approved by the Zoning Administrator for an accessibility improvement.
- (b) Permitted parking surface materials include asphalt, poured or precast concrete, brick, stone, gravel, any other impervious surface, and grasscrete or other similar pervious surface.
- (c) Temporary parking on an unsurfaced area is permitted in a front yard for a period not to exceed 48 hours for loading, unloading, cleaning, or repair of vehicles or trailers.

### C. Off-Street Parking Design and Layout

#### (1) Generally

- (a) Unless otherwise authorized in this Ordinance, a parking lot or driveway used for required off-street parking spaces may not be encroached upon or reduced in any manner.
- (b) Each parking lot must be provided with safe and convenient access to a street. Ingress and egress must be through a driveway opening whose dimension, location and construction are approved by the Director in accordance with the Public Facilities Manual. If any off-street parking space within a parking lot is located contiguous to a street, the street side must be curbed.

#### (2) Accessible Parking

- (a) All accessible off-street parking spaces and related access aisles and accessible routes must comply with the USBC and the Public Facilities Manual.
- (b) Each accessible off-street parking space must be designated as reserved for persons with disabilities by an above grade sign in conformance with the design and content specifications of the Public Facilities Manual.

#### (3) Pedestrian Routes

To encourage parking lot design that enhances pedestrian safety and access, pedestrian routes must be provided in accordance with this subsection. Such routes allow a person to use a direct pedestrian pathway instead of a vehicle travel aisle to reach the principal building. This requirement does not apply to parking lots with 50 (**20 up to 100**) or fewer spaces or to parking structures. The pedestrian route:

- (a) Must be at least five feet wide.
- (b) Must be designed to serve at least 25 percent (**10 up to 50 percent**) of the provided off-street parking spaces.
- (c) Must connect the entrance of the principal building to the on-site pedestrian route. Where an off-site pedestrian route abuts the parking lot and is within right-of-way, the on-site route must connect to it.
- (d) Must be clearly marked with hatched pavement markings or contrasting pavement material when crossing a travel aisle.
- (e) May serve the parking spaces located directly across the travel aisle, if the pedestrian route is adjacent to the principal structure. In this instance, pavement markings for a crossing of the travel aisle are not required.
- (f) Must be shown on a site plan for new construction or for expansion of an existing parking lot by more than 30 spaces (**10 up to 50 spaces**).

The Director may adjust the minimum off-street parking requirements by the minimum number of spaces necessary up to 20 percent (**10 up to 50 percent**) in existing parking lots to facilitate the construction of pedestrian routes.

#### (4) Surface and Dimensional Standards

- (a) All off-street parking lots and driveways, except those required for single-family detached dwellings, and agricultural and related uses, must be constructed and maintained with a dustless surface in accordance with the Public Facilities Manual. The Director may approve a modification or waiver of the dustless surface requirement in accordance with the Public Facilities Manual.
- (b) All off-street parking lots must comply with the geometric design standards in the Public Facilities Manual.

- (c) Except when provided for and on the same lot with a single-family detached, attached, or stacked townhouse dwelling, each parking space must be clearly delineated in accordance with the design standards in the Public Facilities Manual.

**(5) Redesignation Plan**

- (a) Any change in the size, configuration, or number of existing parking spaces requires approval of a redesignation plan by the Director subject to the following:
  1. The applicant must submit a redesignation plan certified by an engineer or land surveyor authorized by the State.
  2. The redesignation plan must depict each off-street parking space, driveway aisle, loading space, and walkway, indicating the type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces provided and the number required by this Article.
  3. Except for changes permitted by subsection 6100.2.C(5)(b), a redesignation plan will not be approved if it reduces the number of parking spaces below the minimum number required by this Article.
- (b) A redesignation plan for any of the following modifications does not need to be certified by an engineer or land surveyor. These redesignation plans may reduce the number of parking spaces below the minimum requirements of this Article.
  1. Adding accessibility improvements in accordance with subsection 6100.2.C.(2).
  2. Adding electric vehicle charging infrastructure.
  3. Converting auto parking spaces to add bicycle parking.
  4. Adding solar canopies.

**D. Tandem Parking**

- (1) Tandem parking is allowed for the following:
  - (a) A single-family detached dwelling.
  - (b) A single-family attached dwelling.
  - (c) A stacked townhouse dwelling.
  - (d) Multifamily residential units where two parking spaces are assigned to the same unit.
  - (e) On-site parking spaces for company vehicles owned or leased by the operator of a use.
  - (f) Valet parking, except that if located off-site, it must be subject to an agreement with the off-site property owner, subject to the Director’s approval, regarding administration and termination of valet parking by the operator or user.
- (2) Except for the uses in subsection 6100.2.D.(1)(a), (b), and (c), the development plan or site plan must depict the number and location of tandem spaces.
- (3) Except for the uses in subsection 6100.2.D.(1)(a), (b) and (c), a site plan and/or a parking management plan is required.
- (4) The Director may approve tandem parking not conforming with the above requirements if the spaces are determined to be sufficiently usable and accessible.

### 3. Calculation of Off-Street Parking

- A. Except as may be permitted by other provisions of this Ordinance, where a use or building contains a combination of uses, parking must be provided based on the sum of the required spaces for each use.
- B. When the calculated number of spaces results in a number containing a fraction, the required number of spaces will be rounded down to the lowest whole number. When there is a combination of uses on a site, parking for each individual use is calculated and the required number of spaces for each use is then rounded down to the lowest whole number prior to adding the sum of all uses to determine the required parking. ***(Option for Board to consider standard rounding: When the calculated number of spaces results in a number containing a fraction, the required number of spaces is rounded down when the fractional unit is less than 0.5 and is rounded up when the fractional unit is greater than 0.5.)***
- C. When the parking requirement is based on the number of employees, that number is based on the number of employees on a major shift.
- D. For the purpose of determining the minimum parking requirement for multifamily dwelling units when based on bedrooms, a studio or efficiency unit is considered a one-bedroom unit.
- E. Where the minimum required parking is not identified for a particular use, and there is no similar general type of use listed, the Director, in consultation with the Zoning Administrator, will determine the number of spaces required based on the minimum requirement for the most similar type of use.
- F. For the purpose of determining the minimum parking requirement, the gross floor area includes the following:
  - (1) Permanent outdoor display and sales area.
  - (2) The areas within a cellar not used exclusively for storage or for mechanical equipment.
- G. For the purpose of determining the minimum parking requirement, accessory outdoor dining and temporary seasonal display and sales areas are not included in gross floor area and are not required to provide parking.
- H. Electric vehicle charging spaces that are accessory to a use are included in the calculation of the required number of parking spaces.
- I. Accessible parking spaces are included in the calculation of the required number of parking spaces. The number of accessible spaces provided is based on the number of provided spaces or the minimum number of spaces required for the use or building prior to any adjustments permitted in subsections 6100.5 or 6100.6, whichever is greater.
- J. Unless otherwise authorized by this Ordinance, company vehicles, construction vehicles, and vehicles owned or operated by a nonresidential use, are not permitted to be parked or stored on a public street adjacent to the use.

## 4. Minimum Required Off-Street Vehicle Parking Spaces, and Stacking Spaces

### A. Table of Required Off-Street Parking Spaces

Except as may be allowed by subsection 6100.5 and 6100.6, all uses must provide the minimum amount of off-street parking spaces indicated in Tables 6100.2 and 6100.3 below.

Table 6100.2: Minimum Required Off-Street Vehicle Parking Spaces	
Use	Minimum Parking Requirement
<b>AGRICULTURAL AND RELATED USES</b>	
<b>Agricultural and Related Uses</b>	
Agricultural Operation	No minimum requirement
Agritourism	<p style="text-align: center;"><b>When by right:</b> No minimum requirement</p> <p style="text-align: center;"><b>When by administrative permit:</b> Subject to the Zoning Administrator's determination that a parking plan demonstrates adequate parking is provided on-site.</p> <p style="text-align: center;"><b>When by SE:</b> Based on a review of each proposal to include such factors as the number of spaces required to accommodate employees and visitor parking.</p>
Farm Winery, Limited Brewery, or Limited Distillery	<p style="text-align: center;"><b>When by right:</b> No minimum requirement</p> <p style="text-align: center;"><b>When by SE:</b> Based on a review of each proposal to include such factors as the number of spaces required to accommodate employees and visitor parking.</p>
Stable, Riding or Boarding	Based on a review by the Board or BZA of each proposal to include such factors as the number of spaces to accommodate employee and visitor parking and the availability of areas on-site that can be used for auxiliary parking in times of peak demand.
<b>RESIDENTIAL USES</b>	
<b>Household Living</b>	
Dwelling, Multifamily	1.3 spaces per unit <b>(1.3 up to 1.6 spaces per unit)</b>
Dwelling, Single-Family Attached	2.7 spaces per unit of which 0.2 space per unit is located on common property and available for visitor or shared use <b>(Options for Board's consideration: 2.7 spaces per unit or 2.7 spaces per unit of which up to 0.7 spaces per unit is located on common property and available for visitor or shared use)</b>
Dwelling, Single-Family Detached and Accessory Living Unit	2 spaces per unit for lots with frontage on a public street and 3 spaces per unit for lots with frontage on a private street Accessory living unit (administrative permit): 1 additional space
Dwelling, Stacked Townhouse	2.3 spaces of which 0.3 space per unit is located on common property and available for visitor or shared use <b>(Options for Board's consideration: 2 spaces per unit or up to 2.7 spaces per unit of which up to 0.7 spaces per unit is located on common property available for visitor or shared use)</b>
Group Residential Facility	Applicable rate for the dwelling unit type
Live-Work Development	Applicable residential rate
Manufactured Home	1.5 spaces <b>(2 spaces)</b> per unit
<b>Group Living</b>	
Congregate Living Facility	1 space <b>(No minimum up to 3 spaces)</b> per 3 residents
Group Household	See subsection 4102.3.F

**Table 6100.2: Minimum Required Off-Street Vehicle Parking Spaces**

Use	Minimum Parking Requirement
Religious Group Living	1 space <b>(No minimum up to 3 spaces)</b> per 3 residents
Residence Hall	1 space <b>(No minimum up to 3 spaces)</b> per 3 residents
<b>PUBLIC, INSTITUTIONAL, AND COMMUNITY USES</b>	
<b>Community, Cultural, and Educational Facilities</b>	
Adult Day Support Center	2 spaces <b>(No minimum up to 3 spaces)</b> per 1,000 square feet of gross floor area
Alternate Use of Public Facility	See most similar use
Child Care Center	2 spaces <b>(No minimum up to 3 spaces)</b> per 1,000 square feet of gross floor area
Club, Service Organization, or Community Center	6 spaces <b>(No minimum up to 8 spaces)</b> per 1,000 square feet of gross floor area
College or University	Applicable office rate for classroom and office facilities; all other facilities associated with the use are subject to the requirements for the most similar use
Community Swim, Tennis, and Recreation Club	Community Pool: 1 space for every 7 persons lawfully permitted in the pool at one time. The Director may proportionally reduce the number of spaces based on the number of members who live within one half mile <b>(1,000 feet up to one half mile)</b> walking distance of the pool. <b>(Option: No minimum requirement)</b> Tennis Club: 2 spaces per court Recreation Club: 6 spaces <b>(No minimum up to 8 spaces)</b> per 1,000 square feet of gross floor area
Convention or Conference Center	5 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Cultural Facility or Museum	3 spaces per 1,000 square feet of gross floor area
Public Use	Library: 4 spaces <b>(No minimum up to 7 spaces)</b> per 1,000 square feet of gross floor area Park: See Quasi-Public Park, Playground, or Athletic Field School: See School, Private All Other Public Uses: Determined by the Director based on the number of spaces required to accommodate employees, public use vehicles anticipated to be on-site at any one time, visitor parking, and the availability of areas on-site that can be used for auxiliary parking in times of peak demand. The number of spaces required for government office use may not be less than that required for office.
Religious Assembly	1 space per 3 seats <b>(1 space per 4 seats)</b> in the principal place of worship when located in R district or 1 space per 4 seats in the principal place of worship when located in a P, C or I district
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	1 space per 3 seats <b>(1 space per 4 seats)</b> in the principal place of worship when located in R district or 1 space per 4 seats in the principal place of worship when located in a P, C or I district



**Table 6100.2: Minimum Required Off-Street Vehicle Parking Spaces**

Use	Minimum Parking Requirement
School, Private	Elementary and Intermediate School: 1 space per faculty member and other full-time employee plus 4 spaces for visitors High School: 1 space per employee, plus 5 spaces per 100 students based on total maximum enrollment ( <b>Option: 1 space per faculty member and other full-time employee and 0.3 spaces per student</b> )
Specialized Instruction Center	2 spaces per each 3 employees ( <b>Option: 2-4 spaces per 1,000 square feet of gross floor area</b> )
<b>Funeral and Mortuary Services</b>	
Cemetery	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less, except funeral homes located on the site are parked at the funeral home requirement.
Crematory	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Funeral Home	1 space per 4 seats in the main chapel or parlor
<b>Health Care</b>	
Adult Day Care Center	2 spaces ( <b>No minimum up to 3 spaces</b> ) per 1,000 square feet of gross floor area
Continuing Care Facility	0.75 space per separate unit or bed approved on the development plan
Independent Living Facility	0.75 space ( <b>No minimum up to 1.3 spaces</b> ) per unit
Medical Care Facility	Hospital: 2.9 spaces per bed licensed by the State Institution providing intensive special medical or mental care: 1 space per 2 patients Assisted Living or Nursing Facility: 1 space per 3 residents
<b>Transportation</b>	
Airport	Determined by the Board based on an analysis of expected parking demand
Helipad	No minimum requirement
Transit Facility	No minimum requirement
<b>Utilities</b>	
Solar Power Facility	No minimum requirement
Utility Facility, Heavy	No minimum requirement
Utility Facility, Light	No minimum requirement
Wireless Facility	No minimum requirement
<b>COMMERCIAL USES</b>	
<b>Animal-Related Services</b>	
Animal Shelter	2 spaces per 1,000 square feet of gross floor area Gross floor area does not include any outdoor exercise or dog run area that is enclosed by a roof or fencing material.

**Table 6100.2: Minimum Required Off-Street Vehicle Parking Spaces**

Use	Minimum Parking Requirement
Kennel	2 spaces per 1,000 square feet of gross floor area Gross floor area does not include any outdoor exercise or dog run area that is enclosed by a roof or fencing material.
Pet Grooming Establishment	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Veterinary Hospital	2 spaces per 1,000 square feet of gross floor area
<b>Food and Lodging</b>	
Bed and Breakfast	Applicable single family dwelling rate plus 1 space per guest room
Catering	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Hotel or Motel	1 space <b>(No minimum up to 1.5 spaces)</b> per rental unit or guest room
Restaurant	8 spaces <b>(No minimum up to 10 spaces)</b> per 1,000 square feet of gross floor area
Restaurant, Carryout	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Restaurant with Drive-Through	6 spaces <b>(No minimum up to 12 spaces)</b> per 1,000 square feet of gross floor area
Retreat Center	1 space <b>(0.75 up to 1.5 spaces)</b> per rental unit or guest room
<b>Office and Financial Institutions</b>	
Alternative Lending Institution	4 spaces per 1,000 square feet of gross floor area
Drive-Through Financial Institution	4 spaces per 1,000 square feet of gross floor area
Financial Institution	4 spaces per 1,000 square feet of gross floor area
Office	50,000 square feet of gross floor area or less: 3 spaces <b>(No minimum up to 3.6 spaces)</b> per 1,000 square feet Greater than 50,000 square feet of gross floor area: 2 spaces <b>(No minimum up to 3 spaces)</b> per 1,000 square feet
Office in a Residential District	3 spaces <b>(No minimum up to 3.6 spaces)</b> per 1,000 square feet
<b>Personal and Business Services</b>	
Business Service	4 spaces per 1,000 square feet of gross floor area
Household Repair and Rental Service	4 spaces per 1,000 square feet of gross floor area
Massage Therapy Establishment	4 spaces per 1,000 square feet of gross floor area
Personal Service	4 spaces per 1,000 square feet of gross floor area
<b>Recreation and Entertainment</b>	
Banquet or Reception Hall	8 spaces <b>(No minimum up to 10 spaces)</b> per 1,000 square feet of gross floor area
Campground	No minimum requirement

**Table 6100.2: Minimum Required Off-Street Vehicle Parking Spaces**

Use	Minimum Parking Requirement
Commercial Recreation, Indoor	Generally: 1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less Bowling Alley: 2 spaces per alley <b>(Option: No minimum up to 4 spaces per 1,000 square feet of gross floor area)</b> Commercial Swimming Pool: 1 space per 4 persons lawfully permitted in the pool at one time Theater: 1 space per 3 seats <b>(No minimum up to 1 space per 5 seats)</b>
Commercial Recreation, Outdoor	Generally: 1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less Commercial Swimming Pool: 1 space per 4 persons lawfully permitted in the pool at one time
Entertainment, Adult	1 space per 3 seats <b>(No minimum up to 5 seats)</b>
Entertainment, Public	8 spaces <b>(No minimum up to 10 spaces)</b> per 1,000 square feet of gross floor area
Golf Course or Country Club	As determined by Board based on anticipated membership and employees
Health and Exercise Facility, Large	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Health and Exercise Facility, Small	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Marina, Commercial	No minimum requirement
Marina, Private Noncommercial	No minimum requirement
Quasi-Public Park, Playground, or Athletic Field	No minimum requirement. <b>(Option: No minimum requirement for Neighborhood Parks and Urban Parks. Remainder of parks, Determined by the Director)</b>
Smoking Lounge	4 spaces <b>(No minimum up to 6 spaces)</b> per 1,000 square feet of gross floor area
Stadium or Arena	1 space per 3 seats <b>(No minimum up to 5 seats)</b>
Zoo or Aquarium	As determined by the Board or BZA
<b>Retail Sales</b>	
Convenience Store	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Drive-Through, Other	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Drive-Through Pharmacy	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Drug Paraphernalia Establishment	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Garden Center	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area plus 2 spaces per 1,000 square feet of greenhouse sales area and outdoor sales/display area
Pawnshop	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor

**Table 6100.2: Minimum Required Off-Street Vehicle Parking Spaces**

Use	Minimum Parking Requirement
	area
Retail Sales, General	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
Retail Sales, Large	4 spaces <b>(No minimum up to 5 spaces)</b> per 1,000 square feet of gross floor area
<b>Vehicle-Related Uses</b>	
Car Wash	As determined by the Board
Commercial Off-Street Parking	No minimum requirement
New Vehicle Storage	No minimum requirement
Truck Rental Establishment	2 spaces per 1,000 square feet of enclosed sales and rental floor area
Vehicle Fueling Station	2 spaces <b>(No minimum up to 5 spaces)</b> per service bay, plus 4 spaces per 1,000 square feet of gross floor area devoted to retail sales
Vehicle Repair and Maintenance, Heavy	2 spaces per service bay
Vehicle Repair and Maintenance, Light	2 spaces per service bay
Vehicle Sales, Rental, and Service	2 spaces per 1,000 square feet of enclosed sales and rental floor area
Vehicle Transportation Service	1 space per 1 employee
<b>INDUSTRIAL USES</b>	
<b>Freight Movement, Warehousing, and Wholesale Distribution</b>	
Data Center	2 spaces <b>(No minimum up to 3 spaces)</b> per 1,000 square feet of gross floor area of office space associated with the use
Freight Distribution Hub	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Goods Distribution Hub	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Self-Storage	3 spaces <b>(No minimum up to 3 spaces)</b> per 1,000 square feet of gross floor area of office space associated with the use
Warehouse	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Wholesale Facility	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
<b>Industrial Services and Extraction of Materials</b>	
Building Materials Storage and Sales	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Contractor's Office and Shop	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Extraction Activity	As determined by the BZA
Petroleum Products Storage Facility	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Specialized Equipment and Heavy Vehicle Sale, Rental, or Service	1 space per 1,000 square feet of enclosed sales and rental floor area

**Table 6100.2: Minimum Required Off-Street Vehicle Parking Spaces**

Use	Minimum Parking Requirement
Storage Yard	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Vehicle Storage or Impoundment Yard	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
<b>Production of Goods</b>	
Craft Beverage Production Establishment	8 spaces ( <b>No minimum up to 10 spaces</b> ) per 1,000 square feet of gross floor area, excluding area devoted to the production and processing of craft beverages
Production or Processing	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Production or Processing, Heavy	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Small-Scale Production Establishment	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
<b>Waste and Recycling Facilities</b>	
Junkyard	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Mixed Waste Reclamation Facility	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Recycling Center	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less
Solid Waste Disposal Facility	1 space per employee or 1 space per 1,000 square feet of gross floor area, whichever is less

## B. Shopping Centers

### (1) Parking Requirement Calculation

The off-street parking requirement in Table 6100.3, applies to all uses in a shopping center, including craft beverage production establishment and small-scale production establishment, except that the following uses must comply with the standards in Table 6100.2:

- (a) Freestanding Office use that exceeds 5,000 square feet of gross floor area.
- (b) Hotel or Motel.

**TABLE 6100.3: Shopping Center Minimum Required Off-Street Vehicle Parking Spaces**

Shopping Center Size [1]	Minimum Parking Requirement
≤100,000 square feet gross floor area	4 spaces ( <b>No minimum up to 4 spaces</b> ) per 1,000 square feet of gross floor area
>100,000 but ≤800,000 square feet gross floor area	3 spaces ( <b>No minimum up to 4 spaces</b> ) per 1,000 square feet of gross floor area
>800,000 square feet gross floor area	2.5 spaces per 1,000 square feet of gross floor area

**Note:** [1] The size of the shopping center is based on the definition of gross floor area in Article 9 and includes any gross floor area devoted to Office and Hotel or Motel use.

**C. Office Buildings**

- (1) The off-street parking requirement for an office building is the applicable office rate based on building size and applies to all uses identified below.
  - (a) All uses in the commercial classification.
  - (b) College or University.
  - (c) Specialized Instruction Centers.
  - (d) Craft Beverage Production Establishment.
  - (e) Small-Scale Production Establishment.
- (2) For the purpose of parking, an office building is defined as a single building, or coordinated development of two or more buildings sharing a common parking lot and whose gross floor area is, at least 50 percent **(25 up to 50 percent)** occupied by office use.

**D. Stacking Spaces**

- (1) Stacking spaces must be provided in accordance with the minimum stacking requirement established in Table 6100.4.
- (2) Stacking spaces must be designed to avoid impeding pedestrian or vehicular circulation on the site and along any abutting street.
- (3) All required stacking spaces must be at least 18 feet long.
- (4) The geometric design of the stacking aisle, including but not limited to the radius and width of the travel aisle, is subject to the approval of the Director.

TABLE 6100.4: Stacking Space Requirement	
Use	Minimum Stacking Space Requirement
Car Wash	10 stacking spaces <b>(8 up to 10 stacking spaces)</b> per bay or stall for an automated establishment
Drive-Through Financial Institution	4 stacking spaces <b>(4 up to 5 stacking spaces)</b> for each drive-through lane, including drive-through ATM
Drive-Through, Other	4 stacking spaces <b>(4 up to 5 stacking spaces)</b> for each drive-through window
Drive-Through Pharmacy	4 stacking spaces <b>(4 up to 5 stacking spaces)</b> for each drive-through window
Restaurant with a Drive-Through	11 total stacking spaces <b>(8 up to 11 total stacking spaces)</b> for the drive-through window

## 5. Tiered Framework and PTC District – Off-Street Parking Requirement

For developments located in one of the following areas or zoned to the PTC District, parking requirements are established in accordance with subsections 6100.5.A through F below. For developments located in more than one designated tier, including the PTC District, the lowest minimum and maximum parking requirement will apply.

### A. Suburban Centers

For properties located within the area designated in the Comprehensive Plan as Dulles Suburban Center, Merrifield Suburban Center or Fairfax Center Area the following minimum parking spaces are required:

**TABLE 6100.5: Suburban Center Parking Requirements**

Use	Minimum Parking Requirement
Dwelling, Multifamily	90 percent <b>(80 up to 100 percent)</b> of the parking rate established in Table 6100.2 <b>(1.3 up to 1.6 spaces per unit or up to 1.0 space per bedroom)</b>
Dwelling Multifamily – ADU Development	
All other Residential Uses	In accordance with Table 6100.2
All other Nonresidential Uses	90 percent <b>(80 up to 100 percent)</b> of the parking rate established in Table 6100.2 or 6100.3

### B. Revitalization Areas

For properties located within an area designated as a Commercial Revitalization District, as defined in Section 3012, or an area identified in the Comprehensive Plan as a Community Business Center (CBC), Commercial Revitalization Area (CRA), Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor, the following minimum parking spaces are required:

**TABLE 6100.6: Revitalization Area Parking Requirements**

Use	Minimum Parking Requirement
Dwelling, Single-Family Detached	2 spaces per unit <b>(2 spaces per unit for lots with frontage on a public street and 3 spaces per unit for lots with frontage on a private street)</b>
Dwelling, Single-Family Attached	1.8 spaces per unit of which 0.3 space per unit is located on common property and available for visitor or shared use. <b>(1 up to 2.7 spaces per dwelling unit of which up to 0.3 space per unit is located on common property and available for visitor or shared use)</b>
Dwelling, Single Family Attached – ADU Development	
Dwelling, Stacked Townhouse	1.8 spaces per unit of which 0.3 space per is unit located on common property and available for visitor or shared use. <b>(1 up to 2.3 spaces per dwelling unit of which up to 0.3 space per unit is located on common property and available for visitor or shared use)</b>
Dwelling, Stacked Townhouse - ADU Development	
Dwelling, Multifamily	80 percent <b>(70 up to 90 percent)</b> of the per unit parking rate established in Table 6100.2 <b>(0.6 space (0.4 to 0.8 spaces) per bedroom)</b>
Dwelling, Multifamily - ADU Development	
All other Residential Uses	In accordance with Table 6100.2
All other Nonresidential Uses	80 percent <b>(70 up to 80 percent)</b> of the parking rate established in Table 6100.2 or 6100.3

### C. Transit Station Areas

For properties located within an area identified in the Comprehensive Plan as a Transit Station Area (TSA) or the Tysons Urban Center, the following minimum parking spaces are required.

**TABLE 6100.7: Transit Station Area Parking Requirements**

Use	Minimum Parking Requirement
Dwelling, Single-Family Detached	2 spaces per unit <i>(2 spaces per unit for lots with frontage on a public street and 3 spaces per unit for lots with frontage on a private street)</i>
Dwelling, Single-Family Attached	1.3 spaces per unit of which 0.3 space per unit is located on common property and available for visitor or shared use. <i>(1 up to 2.7 spaces per unit of which up to 0.3 space per unit is located on common property and available for visitor or shared use)</i>
Dwelling, Single Family Attached – ADU Development	
Dwelling, Stacked Townhouse	1.3 spaces per unit of which 0.3 space per unit is located on common property and available for visitor or shared use. <i>(1 up to 2.3 spaces per unit of which up to 0.3 space per unit is located on common property and available for visitor or shared use)</i>
Dwelling, Stacked Townhouse- ADU Development	
Dwelling, Multifamily	0.4 space <i>(0.4 up to 0.8 space)</i> per bedroom <i>(or 60 up to 80 percent of the per unit parking rate established in Table 6100.2)</i>
Dwelling, Multifamily - ADU Development	
All other Residential Uses	In accordance with Table 6100.2
All other Nonresidential Uses	70 percent <i>(60 up to 80 percent)</i> of the parking rate established in Table 6100.2 or 6100.3

### D. Transit Oriented Development (TOD)

For properties located within an area identified in the Comprehensive Plan as a Transit Oriented Development or Transit Development District, the following minimum parking spaces are required.

**TABLE 6100.8: Transit Oriented Development Parking Requirements**

Use	Minimum Parking Requirement
Dwelling, Single-Family Detached	2 spaces per unit <i>(2 spaces per unit for lots with frontage on a public street and 3 spaces per unit for lots with frontage on a private street)</i>
Dwelling, Single-Family Attached	1.3 spaces per unit of which 0.3 space per unit is located on common property and available for visitor or shared use. <i>(1 up to 2.7 spaces per unit of which up to 0.3 space per unit is located on common property and available for visitor or shared use)</i>
Dwelling, Single Family Attached – ADU Development	
Dwelling, Stacked Townhouse	1.3 spaces per unit of which 0.3 space per unit is located on common property and available for visitor or shared use. <i>(1 up to 2.3 spaces per unit of which up to 0.3 space per unit is located on common property and available for visitor or shared use)</i>
Dwelling, Stacked Townhouse- ADU Development	
Dwelling, Multifamily	0.3 space <i>(0.3 up to 0.7 space)</i> per bedroom <i>(or 50 up to 70 percent of the per unit parking rate established in Table 6100.2)</i>
Dwelling, Multifamily – ADU Development	
All other Residential Uses	In accordance with Table 6100.2
All other Nonresidential Uses	60 percent <i>(50 up to 70 percent)</i> of the parking rate established in Table 6100.2 or 6100.3



**E. PTC District – Off-Street Parking**

- (1) The number of off-street parking spaces provided for a development in the PTC District must be established with a parking plan that is accompanied by an application for rezoning to the PTC District.
- (a) At a minimum, the parking plan must identify all the following:
1. The appropriate parking requirements as set forth in Table 6100.9 below.
  2. The number and general location of all off-street parking spaces.
  3. The general location of all ingress and egress points to all parking structures utilized by the property.
  4. Justification of shared parking arrangements, if applicable.
- (b) Where parking is to be provided in phases in accordance with a phased development proposal, the parking plan must provide the information set forth above in subsection 6100.6.E(1)(a) for each proposed phase. If the total development parking will be constructed in early phases of the project, shared parking spaces for the remaining phases must be identified when it is demonstrated that such additional parking in the early phase(s) is necessary due to construction requirements or in furtherance of the objectives of the Comprehensive Plan. When parking is provided in this manner, the development must provide shared parking for the later phases of the project to the satisfaction of the Board. Additionally, when an existing use is proposed to be retained as an interim use, the parking accessory to any such interim uses must conform to the rates set forth above. In all cases, parking at the build out phase of the development must conform to the total number of spaces approved for the entire development.

**Table 6100.9: PTC Minimum and Maximum Required Off-Street Vehicle Parking Spaces**

Use	Per unit, bedroom, or 1,000 square feet of gross floor area	Less than 1/8 mile to Metro Station Entrance* (TOD District)		1/8 to ¼ mile to Metro Station Entrance* (TOD District)		More than ¼ to ½ mile to Metro Station Entrance* (TOD District)		Non-TOD Districts	
		Min	Max	Min.	Max	Min	Max	Min	Max
Single-Family Attached	Space(s) per unit	1 <i>(1 up to 1.75)</i>	2.2	1 <i>(1 up to 1.75)</i>	2.2	1 <i>(1 up to 2)</i>	2.5	1.3	2.7
Stacked Townhouse		1 <i>(1 up to 1.5)</i>	1.9	1 <i>(1 up to 1.5)</i>	1.9	1 <i>(1 up to 1.7)</i>	2.1	1.3	2.3
Multifamily	Per bedroom	0.2 <i>(0 up to 0.4)</i>	1.3 space for first bedroom and 0.3 space per additional bedroom	0.2 <i>(0 up to 0.4)</i>	1.0 1.3 space for first bedroom and 0.3 space per additional bedroom	0.3 <i>(0 up to 0.4)</i>	1.4 space for first bedroom and 0.3 space per additional bedroom	0.4	1.4 space for first bedroom and 0.3 space per additional bedroom
Hotel/Motel	Per rental unit	none	1.0	none	1.0	none	1.05	0.7	1.10

**Table 6100.9: PTC Minimum and Maximum Required Off-Street Vehicle Parking Spaces**

Use	Per unit, bedroom, or 1,000 square feet of gross floor area	Less than 1/8 mile to Metro Station Entrance* (TOD District)		1/8 to ¼ mile to Metro Station Entrance* (TOD District)		More than ¼ to ½ mile to Metro Station Entrance* (TOD District)		Non-TOD Districts	
		Min	Max	Min.	Max	Min	Max	Min	Max
Office	Spaces per 1,000 square feet of gross floor area	none	1.6	none	2.0	none	2.2	1.4	2.4

\* As set forth in the Comprehensive Plan

- (c) A parking plan must be in accordance with the following:
1. For uses not specifically listed in Table 6100.9 above, the minimum parking space requirements in Tables 6100.2 and 6100.3 apply as follows:
    - a. In the Tysons Transit Oriented Development (TOD) Districts, no on-site parking is required, and the rates in Tables 6100.2 and 6100.3 are the maximum number of parking spaces permitted.
    - b. In the Tysons Non-TOD Districts, the minimum number of parking spaces required is based on 70 (**60 up to 80**) percent of the specified rates established and the maximum number of parking spaces permitted is based on 110 percent of such specified parking rates.
  - (2) Required parking and loading spaces must be provided in an above- or below-grade parking structures to the maximum extent practicable.
  - (3) After the parking plan is approved, no additional parking is required for a change in use, if the mix of uses is in substantial conformance with the approved final development plan.
  - (4) Parking approved by the Board in accordance with a parking plan may be provided on a different lot from the use in accordance with subsection 6100.6.B.
  - (5) A property not zoned to the PTC District may opt into the PTC District parking requirements in 6100.5.E. under the following criteria:
    - (a) The property is located in an area identified in the Comprehensive Plan as the Tysons Urban Center.
    - (b) The property is located in an area identified in the Comprehensive Plan as a Transit Oriented District or a Transit Development District wherein the TOD District rates in Table 6100.9 will apply.
    - (c) A parking plan must be submitted meeting the requirements of subsection 6100.5.E(1)(a), and;
      1. If part of a rezoning, development plan, PRC plan or special exception plat, or proffer or condition amendment if this specifies the number of spaces to be provided on a site, then the request requires Board approval,
      2. If part of site plan or parking redesignation plan, then the request requires approval by the Director.

**F. PTC District Special Exception for Increase in Parking**

- (1)** The Board may approve a special exception to allow an increase in parking in the PTC District above the parking maximums in Table 6100.9 when the applicant has demonstrated to the Board's satisfaction that:
  - (a)** The proposed uses cannot be adequately served by the combination of allowed parking, transit access, shared parking arrangements and similar means.
  - (b)** The increase in the number of parking spaces will not hinder or preclude the achievement of the Transportation Demand Management (TDM) goals for the property or the Tysons Urban Center, as set forth in the Comprehensive Plan.
  - (c)** The additional parking is needed for one of the following reasons:
    - 1.** The design of a parking structure necessitates the construction of additional parking. To qualify under this provision, the additional parking spaces must be available for public use for at least 12 hours a day, five days a week.
    - 2.** The applicant is proposing a use with unique parking needs to justify an increase in the parking rate.
    - 3.** The need for an increase in parking is the result of a change in previously approved shared parking, valet, or shuttle arrangements. To qualify under this provision, the additional parking spaces must be available for public use for at least 12 hours a day, five days a week.
    - 4.** The applicant proposes a single phase development that will precede the operation of mass transit opportunities, such as metro, circulator bus or other features that are planned to serve the Tysons Urban Center.
- (2)** All off-street parking spaces approved under this special exception may be administered by an entity established to manage the additional parking. Tools for managing the additional parking may include parking fees, controlled access, and any other operational management methods necessary to ensure satisfaction of the TDM goals for the property and the Tysons Urban Center. Additionally, the Board may impose conditions on the special exception including a requirement that the need for the additional parking be reevaluated within a specified period, based on changes in development patterns, uses, or other factors in and around the application property.

## 6. Adjustments to Minimum Required Off-Street Parking

### A. Generally

- (1) Adjustments to the minimum parking requirements may be approved by the Board, including those not approved by the Director. The Board may approve an adjustment in conjunction with the approval of a rezoning or special exception in accordance with subsections 6100.6.B through G. Adjustments as used in this subsection indicate a reduced parking requirement. The applicant must demonstrate to the Board's satisfaction that:
  - (a) Fewer spaces than those required by this Article will adequately serve the use; and
  - (b) The reduction will not adversely affect the site or the adjacent area.
- (2) ~~Unless otherwise stated, the~~ The Director may approve adjustments to the minimum parking requirements in accordance with subsection 6100.6.B and ~~up to 30 percent~~ ~~(Option to consider 30 up to 50)~~ percent less than the minimum requirement in accordance with subsection 6100.6.C. **(Option: The Director may approve adjustments to the minimum parking requirements in accordance with subsection 6100.6.B and subsection 6100.6.C(1).)**
- ~~(3) With the exception of subsection 6100.6.B, any parking adjustment greater than 30~~ ~~(Option to consider 30 up to 50)~~ percent or otherwise not approved by the Director may be approved by the Board.
- (3) If it is determined by the Director or Board that a parking adjustment has resulted in inadequate site parking and has created adverse off-site impacts to public health and safety, a parking utilization study must be submitted at the request of Director or Board. The parking utilization study must be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of the study's submission. Following review of that study, or if a study is not submitted within 90 days after its request, the Director or Board may require alternative measures to satisfy the on-site parking needs of the property. Such measures may include, but are not limited to, compliance with the parking requirements for the site.
- (4) A parking adjustment may not be approved by the Director if:
  - (a) There is a pending rezoning, special exception, or proffered condition amendment application for the site; or
  - (b) The number of parking spaces is specified by a proffered condition, special exception condition, or special permit condition, unless the approval allows such adjustments.
- (5) Any approved parking adjustment may be vacated by the Director or Board upon request when it is no longer required.

### B. Shared Parking Options

- (1) Adjustments in the minimum required parking for two or more uses may be approved when a shared parking calculation and, if applicable, a parking agreement between the shared uses, is submitted. Any such agreement is subject to approval by the Director or Board to ensure continued availability of the spaces. The shared parking calculation must be based on the following methodology in accordance with Table 6100.10 below:
  - (a) Determine the minimum parking requirements for each individual use based on Table 6100.2 and, if applicable, subsection 6100.5.
  - (b) Multiply each amount by the corresponding percentage for each of the time periods in the table.
  - (c) Sum the total requirement for each use for each time period.

- (d) The time period with the highest value will be the minimum parking requirement for all uses sharing the space. If a use is not in the table, it must undergo a separate analysis as defined in subsection 6100.6.B.(2) below.

**TABLE 6100.10: Shared Parking Options**

Time Period	Weekday Daytime	Weekday Evening	Weekend Daytime	Weekend Evening
<b>Residential (Multifamily, Live-Work and Independent Living Facility)</b>	60%	100%	90%	100%
<b>Public, Institutional, and Community Uses</b>	100%	25%	25%	5%
<b>Religious Assembly and Religious Assembly with Private School, Specialized Instruction Center, or Child Care</b>	100%	100%	100%	100%
<b>Office</b>	100%	5%	5%	5%
<b>Hotel</b>	80%	100%	80%	100%
<b>Restaurant, Craft Beverage Production Establishment and Entertainment, Public</b>	50%	80%	80%	100%
<b>Other Commercial Uses and Shopping Centers</b>	60%	90%	100%	70%
<b>Industrial Uses</b>	100%	5%	5%	5%

- (2) For a shared parking adjustment that does not meet the criteria in subsection 6100.6.B.(1) above, or for an adjustment exceeding the limits permitted under that subsection, the number of required parking spaces may be adjusted when the applicant has demonstrated that fewer spaces than those required will adequately serve two or more uses. A shared parking calculation and, if applicable, a parking agreement, must be submitted and be approved by the Director to ensure continued availability of the spaces.
- (3) The use of parking spaces on an adjacent site to meet minimum parking requirements may be approved when all the following criteria apply, as demonstrated by the applicant.
- (a) The supplied off-site parking is more than the parking required for the off-site use, or the sum of the hourly parking demand of the uses on the adjacent can allow sharing.
  - (b) The required spaces for the use are subject to an agreement or arrangements that will ensure the continuing availability of the spaces.
  - (c) Either:
    1. The required spaces are located within 1,000 feet walking distance of a building entrance; or
    2. A valet or shuttle service serving the use is established with an agreement or arrangement ensuring the operation of the service.

**C. Transit-Related Parking Adjustments**

- (1) For uses not subject to subsection 6100.5, a 10 percent adjustment of the minimum parking requirements in Tables 6100.2 or 6100.3 may be approved when the use is located within 1,000 feet walking distance of a transit facility stop.
  - (a) A transit facility stop for purposes of this subsection consisting includes a streetcar, bus rapid transit, express bus service, or bus stop that serves a rail station or transit facility that will be constructed or implemented within 10 years after approval of the adjustment.
  - (b) This adjustment is not applicable to the areas identified in subsection 6100.5 as Transit Oriented Development or PTC.
- (2) A transit-related adjustment greater than ~~the 10 percent adjustment permitted under subsection 6100.6.C(1) above~~, or greater than ~~the percentage adjustment allowed in~~ permitted under subsection 6100.5, may be approved if the requirements of subsection 6100.6.C(1) ~~above~~ are met. and the For an administrative approval the applicant must demonstrate that the adjustment does not exceed 30 percent (30 up to 50 percent) of the required parking in subsection 6100.5 is proportional and includes at least two of the following supporting elements:
  - (a) A proffered transportation demand management (TDM) program that meets Fairfax County Department of Transportation criteria.
  - (b) Bicycle parking provided in accordance with Section 6102.
  - (c) A walk or bike score of greater than 70 in accordance with the most recent Walk Score® methodology.

**OPTION 1**

- (2) *A transit-related adjustment greater than permitted under subsection 6100.6.C(1), or greater than permitted under subsection 6100.5, may be approved if the requirements of subsection 6100.6.C(1) are met. The applicant must demonstrate the adjustment does not exceed 30 percent (30 up to 50 percent) of the required parking in Tables 6100.2 or 6100.3 and includes at least two of the following supporting elements:*
  - (a) *A proffered transportation demand management (TDM) program that meets Fairfax County Department of Transportation criteria.*
  - (b) *Bicycle parking provided in accordance with Section 6102.*
  - (c) *A walk or bike score of greater than 70 in accordance with the most recent Walk Score® methodology.)*

**OPTION 2**

- (2) *A transit-related adjustment greater than the 10 percent adjustment permitted under subsection 6100.6.C(1) or greater than permitted under subsection 6100.5, may be approved if the requirements of subsection 6100.6.C(1) are met. The applicant must demonstrate that the adjustment does not exceed 15 percent (10 up to 20) of the required parking in subsection 6100.5 and includes at least two of the following supporting elements:*
  - (a) *A proffered transportation demand management (TDM) program that meets Fairfax County Department of Transportation criteria.*
  - (b) *Bicycle parking provided in accordance with Section 6102.*
  - (c) *A walk or bike score of greater than 70 in accordance with the most recent Walk Score® methodology.*

#### D. Affordable Housing

A parking adjustment may be approved upon demonstration by an applicant that all dwelling units within a building will serve individuals with incomes at or below 70 percent of the Area Median Income for the Washington Metropolitan Statistical Area, based on income averaging.

#### E. Publicly Accessible Parking Areas

A parking adjustment may be approved when it is demonstrated that on-site parking can be reduced with the following off-site parking options:

- (1) Metered on-street parking is available within 1,000 feet walking distance of the site; or
- (2) The County has either constructed or funded the construction an off-street public parking area within one-half mile walking distance of the site and such funding will ensure completion of the public parking area within ten years of the approval of the adjustment; or
- (3) Commercial public off-street parking is located within 1,000 feet walking distance of the site.

#### F. Public Benefit

A parking adjustment may be approved if the required number of off-street parking spaces conflicts with meeting the public benefits identified below, after an evaluation of a proposal that provides adequate information to support the benefit of an adjustment.

- (1) The adjustment will provide for preservation or avoiding adverse impact of a historic structure or site identified on the Fairfax County Inventory of Historic Sites.
- (2) The adjustment will provide for preservation or avoiding damage to significant trees, as determined by the Urban Forester.
- (3) The adjustment will facilitate an increase in open space more than 10 percent **(10 up to 30 percent)** above the minimum requirement.
- (4) The adjustment will mitigate stormwater run-off above the minimum Public Facilities Manual requirement.

#### G. Other Parking Adjustments

For any adjustment that is not eligible for consideration under other provisions of this Article, the Board may reduce the total number of required parking spaces when the applicant has demonstrated that, due to the unique characteristics of the site or use(s) on the site, the spaces proposed to be eliminated are unnecessary.

## 6101. Off-Street Loading

### 1. Applicability

#### A. Applicability

All structures and uses must provide off-street loading spaces in accordance with this section.

#### B. Change in Use or Expansion of an Existing Structure or Use

For a change in use or for the expansion of an existing structure or use off-street loading spaces must be provided only for the change in use or the expanded portion of the use or structure.

### 2. General Provisions

- A. All required off-street loading spaces must be located on the same lot as the use served. However, the Director may waive this requirement when the off-street loading spaces are provided cooperatively for two or more uses, subject to arrangements approved by the Director that ensures the continued availability of such spaces for all uses.
- B. Required off-street loading spaces and their appurtenant aisles and driveways may not be encroached upon or adjusted in any manner, except with approval by the Director in the following circumstances:
  - (1) Adjustments due to a reduction in size or change in use that lowers the requirement.
  - (2) Adjustments for an existing structure or use to provide an accessibility improvement.
  - (3) Adjustments to allow for colocation with refuse and recycling facilities.
- C. Loading spaces may not be located in a required front setback.
- D. Required off-street loading spaces may not be used to satisfy the off-street parking requirements.
- E. Loading spaces must not interfere with the free circulation of vehicles in any off-street parking lot.
- F. No motor vehicle repair work, except emergency service, is permitted within any required off-street loading space.
- G. All off-street loading spaces must be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side must be curbed, and ingress and egress may be provided only through driveway openings whose dimension, location, and construction is in accordance with the provisions of the Public Facilities Manual.
- H. All off-street loading areas, including aisles and driveways, are required to be constructed and maintained with a dustless surface in accordance with construction standards in the Public Facilities Manual; however, the Director may approve a modification or waiver of the dustless surface requirement in accordance with the Public Facilities Manual.
- I. All off-street loading spaces must be a minimum of 15 feet wide, 25 feet long and 15 feet high, except that where one such loading space has been provided, any additional loading space abutting along the long dimension of the first loading space need not be wider than 12 feet.
- J. Where a structure contains a combination of uses, loading spaces must be provided based on the sum of the required spaces for each use.
- K. Where the minimum required loading spaces are not identified for a particular use, and there is no similar use listed, the Director, in consultation with the Zoning Administrator, will determine the minimum requirement for the most similar general type of use.
- L. Calculation of required loading spaces is as follows:
  - (1) If the structure is under 10,000 **(5,000-25,000)** square feet no loading is required, and adequate receiving facilities are required in accordance with subsection 6101.2.M.



- (2) If the structure is over 10,000 **(5,000-25,000)** square feet the entire square footage of the structure is used to determine the loading requirement. When the calculated number of spaces results in a number containing a fraction, the required number of spaces is rounded down when the fractional unit is less than 0.5 and is rounded up when the fractional unit is greater than 0.5.

**M.** An adequate receiving facility, ~~as determined by the Director,~~ is required for all structures under 10,000 **(5,000 up to 25,000)** square feet of gross floor area that the Director determines are likely to receive or make deliveries from vehicles of a size or at a frequency that may interfere with vehicle parking or circulation on the parcel.

- (1) Adequate receiving facilities are not subject to the size restrictions for loading spaces in subsection 6101.2 ~~above~~
- (2) Adequate receiving facilities, as determined by the Director, and may include, but are not limited to, the following:
- (a) Reserved parking space for loading activities.
  - (b) Pull off area along the curb that does not restrict vehicular movement.
  - (c) Area within the structure for loading activities.
  - (d) Undeveloped areas of the parcel not designated for parking or landscaping and not necessary for vehicle, pedestrian, or bicycle circulation.
- (3) An adequate receiving facility must be located near an entrance to the building.
- (4) An adequate receiving facility may not block or restrict access to an accessible space.

### 3. Minimum Required Off-Street Loading Spaces

**A.** Minimum off-street loading spaces accessory to the listed use classifications as defined in Table 6101.1 must be provided in accordance with the following table; however, there is no loading space required for a structure with less than 10,000 **(5,000 up to 25,000)** square feet of gross floor area:

**Table 6101.1: Minimum Required Off-Street Loading Spaces**

Use	Minimum Loading Requirement
<b>AGRICULTURAL AND RELATED USES</b>	
Agricultural and Related Uses	No minimum requirement
<b>RESIDENTIAL USES</b>	
Dwelling, Multifamily; Dwelling	1 space per each 100,000 square feet of gross floor area, except that: <ul style="list-style-type: none"> <li>• No more than 2 loading spaces are required for a structure.</li> </ul>
Multifamily-ADU Development	
Congregate Living Facility	
Residence Hall	
<b>PUBLIC, INSTITUTIONAL, AND COMMUNITY USES</b>	
Public, Institutional, and Community Uses	1 space per each 100,000 square feet of gross floor area, except that: <ul style="list-style-type: none"> <li>• No more than 3 loading spaces are required for a structure when located in a Commercial Revitalization District as defined in Section 3102, or in an area identified by the Comprehensive Plan as a Commercial Revitalization Area, Commercial Business Center, Suburban Neighborhood in the Richmond Highway Corridor, Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center; and</li> <li>• No more than 5 loading spaces are required for a structure in any other area.</li> </ul>

**Table 6101.1: Minimum Required Off-Street Loading Spaces**

Use	Minimum Loading Requirement
<b>COMMERCIAL USES</b>	
Office, Hotel, and Commercial Indoor Recreation	<p>1 space per each 100,000 square feet of gross floor area, except that:</p> <ul style="list-style-type: none"> <li>• No more than 3 loading spaces are required for a structure when located in a Commercial Revitalization District as defined Section 3102, or in an area identified by the Comprehensive Plan as a Commercial Revitalization Area, Commercial Business Center, Suburban Neighborhood in the Richmond Highway Corridor, Transit Station Area, Transit Oriented District, Transit Development Area, or Tysons Urban Center; and</li> <li>• No more than 5 loading spaces are required for a structure in any other area.</li> </ul>
All Other Commercial Uses, Including Shopping Centers	<p>1 space per 50,000 square feet of gross floor area, except that:</p> <ul style="list-style-type: none"> <li>• No more than 3 loading spaces are required for a structure when located in a Commercial Revitalization District as defined in Section 3102, or in an area identified by the Comprehensive Plan as a Commercial Revitalization Area, Commercial Business Center, Suburban Neighborhood in the Richmond Highway Corridor, Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center; and</li> <li>• No more than 5 loading spaces are required for a structure in any other area.</li> </ul>
<b>INDUSTRIAL USES</b>	
Industrial Uses	<p>1 space per each 50,000 square feet of gross floor area except that:</p> <ul style="list-style-type: none"> <li>• No more than 5 off-street loading spaces are required for a structure.</li> </ul>

- B.** The Board may adjust the number of loading spaces required by this section when the applicant has demonstrated to the Board’s satisfaction that:
- (1) Fewer spaces than those required will adequately serve the use; and
  - (2) The adjustment will not adversely affect the site or adjacent areas; or
  - (3) Off-street loading spaces are provided cooperatively for two or more uses, subject to arrangements that will assure the continued availability of the spaces; or
  - (4) Adequate receiving facilities are provided in accordance with subsection 6101.2.L.
- C.** The Director, as part of a site plan, may adjust the number of loading spaces required by this section when the applicant has demonstrated to the Director’s satisfaction that:
- (1) Off-street loading spaces are provided cooperatively for two or more uses, subject to arrangements that will assure the continued availability of the spaces; or
  - (2) Adequate receiving facilities are provided in accordance with subsection 6101.2.L.

## 6102. Bicycle Parking Requirements

Bicycle parking is an essential element in a multimodal transportation system. Knowing secure parking is available encourages bicycling as a convenient, healthy, affordable, and environmentally friendly mode of transportation. Bicycle parking must be provided for all land uses, unless otherwise exempted by this section.

### 1. General Provisions

- A. The required minimum number of bicycle parking spaces is based on the minimum number of vehicle spaces required for the use or building prior to any adjustments permitted in subsection 6100.5 or 6100.6.
- B. When the calculated number of spaces results in a number containing a fraction, the number is rounded up to the nearest whole number. Where a site or building contains a combination of uses, the bicycle parking requirement is based on the sum of spaces required for the individual uses. ***(Option for Board to consider standard rounding: When the calculated number of spaces results in a number containing a fraction, the required number of spaces is rounded down when the fractional unit is less than 0.5 and is rounded up when the fractional unit is 0.5 or more.)***
- C. Unless otherwise specified in this section, each use is required to provide at least two bicycle parking spaces.
- D. Bicycle spaces may consist of bicycle racks, bicycle storage facilities, or a combination of both and they must conform with the Public Facilities Manual and the Fairfax County Department of Transportation Bicycle Guidelines.
  - (1) A bicycle rack or storage facility must:
    - (a) Allow each bicycle to be securely held upright with its frame supported in at least two places and allow the frame and one wheel to be locked by a durable high-security lock.
    - (b) Be securely anchored and mounted on a dustless surface.
  - (2) Each bicycle rack or storage facility location must:
    - (a) Be at least ten feet from any fire hydrant or fire hose connection and three feet from any other obstruction, including another bicycle rack.
    - (b) Be in a publicly accessible location and not interfere with pedestrian movement.
  - (3) At least 50 percent ***(25 up to 75 percent)*** of the required bicycle parking spaces must meet the following:
    - (a) When located in an outdoor rack, the bicycle spaces must be within 50 feet ***(50 up to 100 feet)*** of the main entrance to the building.
    - (b) When located in a storage facility, bicycle spaces must be within 100 feet ***(100 up to 300 feet)*** of the main entrance to the building, or inside the building at ground level. Each space must be available and accessible for all building tenants and visitors during the hours of operations of the use. For residential structures each space must be accessible 24 hours a day, 7 days a week.
    - (c) The Director, in consultation with the Fairfax County Department of Transportation, may modify the location of the outdoor racks or storage facility requirements when it is demonstrated compliance is not feasible due to site constraints.
- E. When bicycle parking spaces are required by Table 6102.1, bicycle parking must be installed when any of the following occurs:
  - (1) New construction of a principal building.
  - (2) Expansion of an existing principal building resulting in a requirement of more than five additional ***(1 up to 10)*** bicycle spaces.
  - (3) Change of use or expansion of a use resulting in a requirement of more than five additional ***(1 up to 10)*** bicycle spaces.
- F. The Board may adjust the number or location of bicycle spaces required by this section when the applicant has demonstrated to the Board's satisfaction that fewer spaces than those required will adequately serve the use.

## 2. Minimum Required Bicycle Parking Spaces

Minimum off-street bicycle parking spaces must be provided in accordance with Table 6102.1.

**Table 6102.1: Minimum Required Bicycle Parking Spaces**

Use	Minimum Requirement
<b>AGRICULTURAL AND RELATED USES</b>	
Agricultural and Related Uses	2 spaces <b>(2 up to 12 spaces)</b>
<b>RESIDENTIAL USES</b>	
Dwelling, Multifamily	<ul style="list-style-type: none"> <li>• 10 percent <b>(3 up to 10 percent)</b> of the required vehicle parking spaces; or</li> <li>• 15 percent <b>(5 up to 15 percent)</b> of the required vehicle parking spaces if located within an area designated as a Commercial Revitalization District, as defined in Section 3102, or an area identified in the Comprehensive Plan as a Community Business Center, Commercial Revitalization Area, Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor; or</li> <li>• 20 percent <b>(10 up to 20 percent)</b> of the required vehicle parking spaces if located within an area designated in the Comprehensive Plan as a Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center</li> </ul>
Dwelling, Multifamily-ADU Development	
Residence Hall	
All other Residential Uses	No minimum requirement
<b>PUBLIC, INSTITUTIONAL, AND COMMUNITY USES</b>	
Club, Service Organization, or Community Center	<ul style="list-style-type: none"> <li>• 5 percent <b>(3 up to 10 percent)</b> of the required vehicle parking spaces; or</li> <li>• 10 percent <b>(5 up to 15 percent)</b> of the required vehicle parking spaces if located within an area designated as a Commercial Revitalization District, as defined in Section 3102, or an area identified in the Comprehensive Plan as a Community Business Center, Commercial Revitalization Area, Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor; or</li> <li>• 15 percent <b>(10 up to 20 percent)</b> of the required vehicle parking spaces if located within an area designated in the Comprehensive Plan as a Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center</li> </ul>
College or University	
Community Swim, Tennis, and Recreation Club	
Congregate Living Facility	
Cultural Facility or Museum	
Independent Living Facility	
Medical Care Facility	
Public Use	
Religious Assembly	
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	
Specialized Instruction Center	
School, Private	

**Table 6102.1: Minimum Required Bicycle Parking Spaces**

Use	Minimum Requirement
All other Public, Institutional, and Community Uses	<ul style="list-style-type: none"> <li>• 2 spaces (<b>2 up to 4 spaces</b>); or</li> <li>• 4 spaces (<b>2 up to 8 spaces</b>) if located within an area designated as a Commercial Revitalization District, as defined in Section 3102, or an area identified in the Comprehensive Plan as a Community Business Center, Commercial Revitalization Area, Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor; or</li> <li>• 8 spaces (<b>6 up to 12 spaces</b>) if located within an area designated in the Comprehensive Plan as a Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center</li> </ul>
<b>COMMERCIAL USES</b>	
Commercial Recreation, Indoors	<ul style="list-style-type: none"> <li>• 10 percent (<b>3 up to 10 percent</b>) of the required vehicle parking spaces; or</li> <li>• 15 percent (<b>5 up to 15 percent</b>) of the required vehicle parking spaces if located within an area designated as a Commercial Revitalization District, as defined in Section 3102, or an area identified in the Comprehensive Plan as a Community Business Center, Commercial Revitalization Area, Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor; or</li> <li>• 20 percent (<b>10 up to 20 percent</b>) of the required vehicle parking spaces if located within an area designated in the Comprehensive Plan as a Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center</li> </ul>
Commercial Recreation, Outdoors	
Hotel or Motel	
Office	
Restaurant	
Restaurant, Carryout	
Retreat Center	
Retail Sales, General	
Retail Sales, Large	
Shopping Center	
Stadium	
Quasi-Public Park, Playground, or Athletic Field	<ul style="list-style-type: none"> <li>• 1 space per 20 provided vehicle parking spaces; or</li> <li>• 1 space per 10 provided vehicle parking spaces or a minimum of 6 bike spaces if located within an area designated as a Commercial Revitalization District, as defined in Section 3102, or an area identified in the Comprehensive Plan as a Community Business Center, Commercial Revitalization Area, Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor; a Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center</li> </ul>
All Other Commercial Uses	<ul style="list-style-type: none"> <li>• 2 spaces (<b>2 up to 4 spaces</b>); or</li> <li>• 4 spaces (<b>2 up to 8 spaces</b>) if located within an area designated as a Commercial Revitalization District, as defined in Section 3102, or an area identified in the Comprehensive Plan as a Community Business Center, Commercial Revitalization Area, Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor; or</li> </ul>

**Table 6102.1: Minimum Required Bicycle Parking Spaces**

Use	Minimum Requirement
All Other Commercial Uses	<ul style="list-style-type: none"> <li>8 spaces <b>(6 up to 12 spaces)</b> if located within an area designated in the Comprehensive Plan as a Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center</li> </ul>
<b>INDUSTRIAL USES</b>	
Industrial Uses	<ul style="list-style-type: none"> <li>2 spaces <b>(2 up to 4 spaces)</b>; or</li> <li>4 spaces <b>(2 up to 8 spaces)</b> if located within an area designated as a Commercial Revitalization District, as defined in Section 3102, or an area identified in the Comprehensive Plan as a Community Business Center, Commercial Revitalization Area, Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor; or</li> <li>8 spaces <b>(6 up to 12 spaces)</b> if located within an area designated in the Comprehensive Plan as a Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center</li> </ul>

The following proposed changes are required to align with the repeal and replacement of Article 6, Parking and Loading. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of May 10, 2023. Additions are shown as underlined while deletions are shown as ~~strike through~~.

**#2 INSTRUCTION: Delete “off-street parking, loading” in subsection 2105.1.D(1)**

- (1) Other than those regulations specifically listed for a particular planned district, the open space, ~~off-street parking, loading~~, sign, and all other similar regulations in this Ordinance will generally apply to all planned developments.

**#3 INSTRUCTION: Update the references in subsection 2105.6.C(2)(b) and 2105.6.C(5)(c)**

- (b) Additional off-street parking and loading requirements in the PTC District are included in Section 6100 ~~6102~~.
- (c) All off-street parking, loading, and stacking spaces for existing uses must be included as a part of the parking plan in Section 6100 ~~6102~~. Existing surface parking may be retained, provided this parking is redesigned, to the extent feasible, if it achieves the following:
1. Minimizes pedestrian conflicts by limiting the number of curb cuts;
  2. Provides clearly identified pedestrian access through the parking lot; and
  3. Provides appropriate interior and perimeter landscaping and screening to minimize the potential adverse impacts on adjacent property.

**#4 INSTRUCTION: Replace parking “lots” with parking “areas” in subsection 3101.6.B(1)(c), subsection 4102.8.F(2), (4), (6), (7), subsection 8101.2.C(1)(c)4, section 9102 and 9103. Replace “surfacing” material with “surface” material in subsection 4102.8.F(2).**

**Subsection 3101.6.B(1)(c) Administration of Historic Overlay District Regulations**

- (c) The location of buildings, structures, streets, parking ~~lots~~ areas, and planting and landscape features;

**Subsection 4102.8.F(2), (4), (6) and (7) Interim Off-Street Parking in Metro Station Area standards when permitted by special exception**

- (2) Accessible off-street parking spaces and related access aisles and accessible routes must be provided in accordance with Article 6. All other provisions of Article 6 do not apply; instead, the parking lot must comply with the following standards:
- (a) The Director may approve a temporary ~~surfacing~~ surface material in accordance with the following requirements:
1. Pavement must be placed from the edge of existing pavement for a minimum distance of 25 feet into the interior of the site at each entrance and exit to prevent the parking ~~lot area~~ surfacing surface materials from entering the abutting street.
  2. Temporary paved sidewalks must be provided within and adjacent to the parking ~~lot area~~ at all locations where significant pedestrian traffic is anticipated.
  3. Safe and convenient pedestrian access must be provided from the parking ~~lot area~~ to the station entrance.
  4. The ~~surfacing~~ surface material must be maintained in good condition at all times.

- (4) In approving the special exception, the Board may impose conditions and restrictions it deems necessary to assure that the off-street parking lot area will be compatible with and not adversely impact the adjacent area or adversely impact the site itself in a manner that would hinder future development in accordance with the existing zoning and Comprehensive Plan. Conditions may include, but are not limited to the following:
- (6) In residential districts, the following requirements apply in addition to subsections (1) through (5) above:
  - (a) The minimum lot size is five acres.
  - (b) More than 50 percent of the proposed parking lot area must be located within a 1,500-foot radius of a Metro Station platform entrance.
  - (c) The number of off-street parking spaces allowed within the vicinity of any one Metro Station may not exceed the number of Metro Station parking spaces temporarily displaced during construction on the Metro Station site.
  - (d) At a minimum, Transitional Screening 3 is required at the outer boundaries of the lot where the lot abuts or is across the street from a Residential district. Adequate landscaping and screening must be provided to assure compatibility of the parking lot area with adjacent property and the surrounding vicinity. The Board may require the preservation of existing natural screening and plant materials.
  - (e) The Board must impose a time limitation on the special exception to ensure that the use will not be operational before the displacement or after the re-establishment of the Metro Station parking spaces; however, the special exception may be renewed in accordance with the provisions of subsection 8101.3.
- (7) In commercial and industrial districts, and on land in residential districts that is designated for commercial or industrial development, the following requirements apply in addition to subsections (1) through (5) above:
  - (a) More than 50 percent of the proposed parking lot area must be located within a 2,000-foot radius of a Metro Station platform entrance.
  - (b) The number of temporary off-street parking spaces allowed within the vicinity of any one Metro Station must not exceed the difference between the ultimate number of Metro Station parking spaces planned for the station and the number existing at the time the application is filed; however, in the case of an in-line station serving temporarily as a terminus, the Board may allow an appropriate portion of the future Metro Terminal Station's parking allocation to be temporarily located in the vicinity of the in-line station, if the applicant demonstrates that there is presently a need for the additional parking spaces.
  - (c) The provisions of Section 5108 do not apply. Adequate landscaping and screening must be provided to assure compatibility of the parking lot area with adjacent property and the surrounding vicinity. The Board may require the preservation of any natural screening and plant materials.

**Subsection 4102.GG(7) Garden Center standards when permitted by special exception**

- (7) All off-street parking lots areas, including aisles and driveways must be constructed and maintained with a dustless surface in accordance with the provisions of the Public Facilities Manual, unless a modification or waiver of the dustless surface requirement is approved by the Director.

**Subsection 8101.2.C(1)(c)4 Zoning Map Amendments**

- 4. The on-site vehicular and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking lots areas, parking structures and loading areas, walkways, bicycle paths, and all trails required by the Comprehensive Plan. Connections with off-site streets and trails that are existing or are required by the Comprehensive Plan, including the grid of streets and streetscape;
  - a. The vehicular and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking lots areas, parking structures and loading areas, walkways, bicycle and bridle paths, and all trails required by the Comprehensive Plan;



- b. The vehicular and pedestrian circulation system, including the location and width of all existing, platted, and proposed streets and easements, including names and route numbers, the approximate width and typical cross sections, including acceleration, deceleration, and turn lanes, service drives, entrances to parking lots areas, and parking structures, the location and width of walkways, bicycle and bridle paths, and all trails required by the Comprehensive Plan;

**Section 9102 General Terms**

**Street Line**

The dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking lot bay, travel lane or private street (See Figure 9102.3).

**Section 9103 Uses**

**Transit Facility**

A station and its associated pedestrian connections, bus bays, parking lots areas, service yards, and inspection yards associated with rail or non-rail transit systems, including but not limited to WMATA Metrorail and Virginia Railway Express (VRE) facilities. A transit facility does not include a facility containing only administrative offices operated by a transit facility authority or entity.

**#5 INSTRUCTION: Revise subsection 3102.3.E(2)(a), (b), (c) and (d) as follows.**

**Subsection 3102.3.E(2) Commercial Revitalization Districts Standards Applicable to All Commercial Revitalization**

**(2) Parking**

The off-street parking and loading, and private street requirements of subsection 5107 and Article 6 apply, except as follows:

- ~~(a) In the Richmond Highway CRD, the minimum off-street parking requirements for all nonresidential uses may be reduced by 20 percent.~~
- ~~(b) In all other CRDS, the minimum off-street parking requirements for nonresidential uses may be reduced by up to 20 percent by the Board, subject to conditions it deems appropriate. The applicant must demonstrate to the Board that the reduction furthers the goals of the CRD as set forth in the Comprehensive Plan, including economic vitality, appearance and function. A request for this reduction in minimum off-street parking requirements may also be considered in conjunction with a rezoning or special exception application. The parking reduction established in Section 8102 is not applicable.~~
- ~~(c) For a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and nonresidential uses may be reduced by the Board in accordance with Article 6. The applicant must demonstrate to the Board that the reduction furthers the recommendations of the Comprehensive Plan for the area and that the reduction will not adversely affect the site or the adjacent area.~~
- ~~(d) The provisions of subsection 6100.1 are applicable, except that where there are practical difficulties or if the public safety or public convenience would be better served by parking spaces that are not located on the same lot or a lot contiguous to the use to which it is accessory. The Director, acting on a specific request for a nonresidential use, may authorize an alternative location subject to appropriate and the following:
 
  - ~~1. The required spaces are permanently available because of agreements or arrangements approved by the Director; and~~
  - ~~2. The Director is satisfied that the required spaces are generally located within 500 feet walking distance of a building entrance to the use served by the spaces, or that there are off-site with valet or~~~~

shuttle service access subject to agreements or arrangements that will ensure the operation of those services without any adverse impacts on the site of the parking spaces or the adjacent area.

- ~~(e)~~ With special exception approval in accordance with subsection ~~8100.3~~, the Board may approve an alternative location that conforms with the provisions in subsection (d) above.
- ~~(f)~~ ~~that the The,~~ in a CRD District, the front setback requirement standard in subsection 6100.2.A(3) which requires ~~does not apply to~~ off-street parking spaces that are located on the ground and open to the sky to be located no closer than ten feet to any front lot line ~~does not apply in CRD Districts.~~

**#6 INSTRUCTION: Delete “and stacking” in subsections 4102.5.G(5), 4102.H(4), 4102.5.CC(6), 4102.5.NN(12), 4102.6.B(8)**

**Subsection 4102.5.G(5) Restaurant standards when permitted by special exception**

- (5) Parking ~~and stacking~~ spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

**Subsection 4102.5.H(4) Restaurant, Carryout Standards when permitted by special exception**

- (4) Parking ~~and stacking~~ spaces must be provided and located to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

**Subsection 4102.5.CC(6) Convenience Store standards when permitted by special exception**

- (6) Parking ~~and stacking~~ spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

**Subsection 4102.5.NN(12) Vehicle Fueling Station standards when permitted by special exception**

- (12) Parking ~~and stacking~~ spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

**Subsection 4102.6.B(8) Goods Distribution Hub standards when permitted by special exception**

- (8) The use must comply with subsection (1)(a) above. The site must be designed to facilitate safe and efficient on-site circulation, and parking, ~~and stacking~~ of vehicles.

**#7 INSTRUCTION: Delete subsection 4102.6.K(4)(b) and renumber accordingly.**

**4102.6.K(4) Craft Beverage Production Establishment Standards when permitted by special exception**

- (4) In the I-3, I-4, I-5, and I-6 Districts, craft beverage production establishments are permitted by right in accordance with the following:
  - (a) A tasting room, consisting of up to 30 percent of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served must be as an accompaniment to those products produced on-site and is limited to pre-packaged food items or food items that require limited preparation or reheating; and
  - ~~(b) Parking for the portion of the establishment devoted to production activities must be provided in accordance with the parking requirements for a manufacturing establishment in accordance with subsection 6100.3.E. Parking for a tasting room must be provided in accordance with the requirements for a craft beverage production establishment in accordance with subsection 6100.3.E; and~~
  - (b) ~~(c)~~ Retail sales may be permitted as an accessory use, as long as the associated retail sales area is limited to 10 percent of the gross floor area of the establishment.

**#8 INSTRUCTION:** Replace parking “facilities” with parking “lots” in subsection 5100.2.Q.1(h)

**Subsection 5100.2.Q.1(h) Major Underground Utility Easements**

- (h) Off-street surface parking lots ~~facilities~~ in accordance with the provisions of the Public Facilities Manual if the facilities will not adversely impact the structural integrity of transmission pipelines.

**#9 INSTRUCTION:** Update the subsection reference in subsection 5108.7.I.

**Subsection 5108.7.I Waivers and Modifications to Transitional Screening and Barriers**

- I. The adjoining land is in a residential district and is used for off-street parking as permitted by the provisions of subsection ~~6100.2.B~~ 6100.1.C.

**#10 INSTRUCTION:** Add new paragraph 7 to subsection 8100.5.A(2)(a), Minor Variations Approved by the Board without a Public Hearing, as follows:

7. To add parking or loading spaces if the request:
- A. Does not exceed ten percent (Board option to consider 10 to up to 30 percent) of the area occupied by the approved parking lot; ~~and~~
  - B. Does not reduce the open space below the minimum required for the zoning district; ~~and~~
  - C. Does not have a materially adverse impact on the effectiveness of approved transitional screening, buffering, landscaping, open space, or stormwater management facilities; and
  - D. ~~Any parking added under this provision is subject to~~ Satisfies the parking lot landscaping requirements of subsection 5108.5.

**#11 INSTRUCTION:** Amend subsection 9102 to add the following definitions in their alphabetical order

**Loading Space**

An off-street area, space, or dock used for the loading or unloading of cargo, products or materials.

**Parking, Bicycle**

Parking which meets the provisions of Section 6102 and consists of either an outdoor stationary fixture, such as a bicycle rack, which can support a bicycle upright with two points of contact and to which a bicycle can be securely attached (typically using a bicycle lock) to prevent theft; or an indoor or covered facility that is equipped with a bicycle cage, bicycle locker, bicycle racks or similar facility which can support a bicycle and is designed to prevent theft.

**Parking Tabulation**

A type of site plan submission that shows the required number of spaces for all land uses on a lot in accordance with the Minimum Parking Requirements set forth in Article 6

**Parking, Tandem**

The arrangement of parking spaces where one space is positioned directly in front of another space and one vehicle must be moved to access the other.

**Parking, Valet**

A service that provides parking of vehicles, including off-site locations, by an attendant, who may be a third party.

**Stacking Space**

A space specifically designated as a waiting area for vehicles patronizing a drive-through facility.

**#12 INSTRUCTION: Amend Appendix 1 to add the following**

**B. Amendments Adopted After May 10, 2023**

**(1) Repeal and Replacement of Article 6 Parking and Loading (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: (a) 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; (b) the approval remains valid; and (c) 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, parking reductions, parking tabulations, redesignation 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 a specific number of parking or loading spaces.
- (c)** To minimize the degree of current noncompliance additional off-street parking may be added to an existing development that, though it met the parking requirement in effect at the time of development, does not comply with the current requirements, subject to its being in being in substantial conformance with an approved special permit plat, special exception plat, or development plan.
- (d)** All parking spaces approved as compact parking spaces prior to the adoption of this ordinance are compliant as available and provided parking.

Board Agenda Item  
September 26, 2023

4:00 p.m.

Public Comment on Issues of Concern