

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 5, 2019**

AGENDA

- | | |
|-------|---|
| 9:30 | Presentations |
| 10:00 | Report on General Assembly Activities |
| 10:10 | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | |
|---|---|
| 1 | Authorization to Advertise a Public Hearing for the Conveyance of a Portion of County-Owned Property to the City of Manassas Park, Virginia |
| 2 | Streets into the Secondary System (Lee and Mount Vernon Districts) |
| 3 | Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2020 |
| 4 | Authorization to Advertise a Public Hearing on a Proposal to Abandon and Discontinue Portions of Lorton Road and Furnace Road, and Petition for Acceptance of the New Alignment for Lorton Road, Furnace Road, and Workhouse Road (Mount Vernon District) |
| 5 | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District) |
| 6 | Supplemental Appropriation Resolution AS 19181 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the University of Baltimore Combating Opioid Overdose through Community-Level Intervention Subaward through George Mason University |

ACTION ITEMS

- | | |
|---|--|
| 1 | Approval of and Authorization to Execute a Standard Project Administration Agreement with the Virginia Department of Transportation for Implementation of the Wolftrap Elementary School Crosswalk Improvement Project and Approval of Supplemental Appropriation Resolution AS 19183 (Hunter Mill District) |
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 5, 2019**

**ACTION ITEMS
(Continued)**

- | | |
|-------|---|
| 2 | Endorsement of the Residential Traffic Administration Program (RTAP) Revised Traffic Calming General Operating Procedures |
| 3 | Adoption of a Resolution Approving that the Fairfax County Board of Supervisors Grant Host Jurisdiction for the Portsmouth Port and Industrial Commission, Public Approval for the Bonds and the Project for the Benefit of the Chantilly Youth Association (CYA) |
| 10:20 | Matters Presented by Board Members |
| 11:00 | Closed Session |

**PUBLIC
HEARINGS**

- | | |
|------|--|
| 3:30 | Public Hearing on RZ 2017-MV-024 (Eastwood Properties, Inc.) (Mount Vernon District) |
| 3:30 | Public Hearing on Proposed Plan Amendments 2018-IV-BK1: Huntley Meadows Park Path from Telegraph Road to Harrison Lane; and 2018-IV-TR1: Huntley Meadows Park Trail from Telegraph Road to Lockheed Boulevard (Lee District) |
| 4:00 | Public Hearing on a Proposed Zoning Ordinance Amendment Re: Article 12, Signs, and Related Provisions |
| 4:00 | Public Hearing to Consider Amendments to Chapter 82 of the Code of the County of Fairfax Related to Mobile Food Vending within Virginia Department of Transportation Rights-of-Way (Dranesville and Mount Vernon Districts) |



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
February 5, 2019

9:30 a.m.

RECOGNITIONS

- RESOLUTION — To recognize Ecumenical Community Helping Others — also known as ECHO — for its 50th anniversary. Requested by Supervisor McKay.

DESIGNATIONS

- PROCLAMATION — To designate February 2019 as Teen Dating Violence Awareness Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

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10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. On February 5, 2019, materials were distributed to the Board of Supervisors, and a printed copy made available for review in the Office of the Clerk to the Board.

PRESENTED BY:

Bryan J. Hill, County Executive
Supervisor Jeff McKay, Chairman, Board of Supervisors' Legislative Committee

Board Agenda Item
February 5, 2019

10:10 a.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing for the Conveyance of a Portion of County-Owned Property to the City of Manassas Park, Virginia

ISSUE:

Board authorization to advertise a public hearing regarding the conveyance of a portion of Board-owned property located at 8599 Centreville Road to the City of Manassas Park.

RECOMMENDATION:

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

TIMING:

Board action is requested on February 5, 2019, to provide sufficient time to advertise the proposed public hearing on March 5, 2019 at 4:00 p.m.

BACKGROUND:

The Counties of Fairfax, Loudoun, Fauquier and Prince William and the City of Alexandria own as tenants-in-common the Birmingham Green complex located at 8599 Centreville Road in the City of Manassas (Birmingham Green). This complex provides long-term care for indigent residents of the constituent municipalities, and consists of three facilities: the 180-bed Health Care Center that offers nursing and rehabilitation services, the 92-unit Willow Oaks Assisted Living facility and the 36-bed District Home Assisted Living. Although these facilities are located within the limits of the City of Manassas, the northern boundary of the campus borders the City of Manassas Park (Manassas Park) along Conner Drive.

Manassas Park and the Virginia Department of Transportation (VDOT) are partners in the Conner Drive Extension Project, VDOT Project Number U000-152-R76, which involves the re-paving of Conner Drive and the extension of the road west to connect with Route 28/Centreville Road. To bring Conner Drive into compliance with VDOT standards, Manassas Park needs the five municipal co-tenants to dedicate 15,937 square feet of the Birmingham Green property for public road purposes as well as ancillary storm drainage and utility easements. Manassas Park and VDOT have agreed to pay \$100,000 to the owners of Birmingham Green as compensation for the land rights. In turn, the five municipalities have consented to donate this consideration to Birmingham Green for application to the costs of a much-needed renovation of the

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Health Care Center.

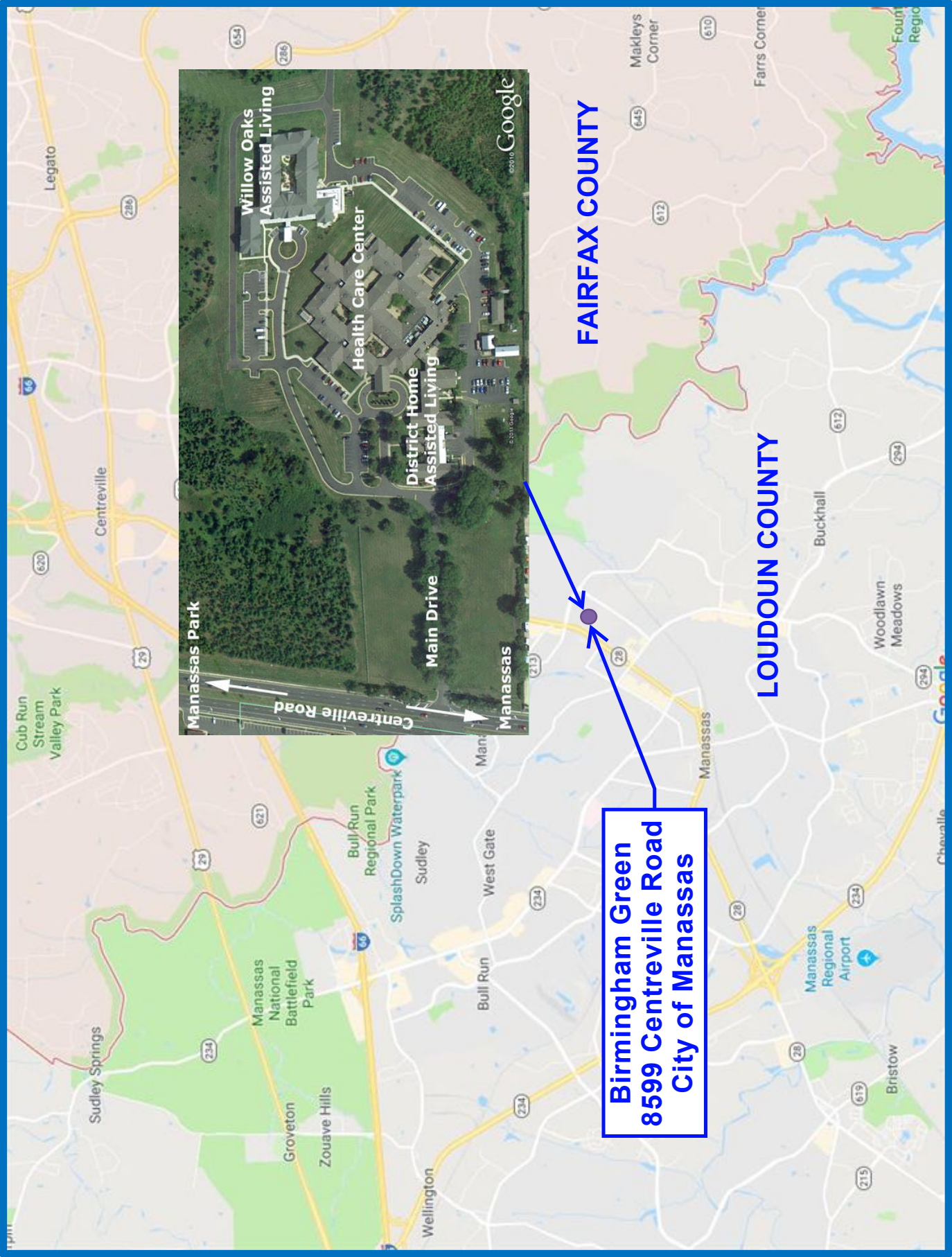
Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may dispose of any real property. The public hearing will also authorize the County Executive to sign all necessary documents to convey the property required for the Conner Drive Extension Project to Manassas Park.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map

STAFF:
Joseph M. Mondoro, Chief Financial Officer
José A. Comayagua, Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:
Pamela K. Pelto, Assistant County Attorney, Office of the County Attorney



ADMINISTRATIVE – 2

Streets into the Secondary System (Lee and Mount Vernon Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the streets listed below be added to the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Laurel Hill Landbays E & F Section 1	Mount Vernon	White Spruce Way Paper Birch Drive Birch Bay Circle Douglas Fir Drive
Laurel Hill Landbays E & F Section 2	Mount Vernon	Douglas Fir Drive Paper Birch Drive Birch Bay Circle
Northampton – Kingstowne Parcels 19, 19A & 19B	Lee	Villa Street Manorview Way Hampton Knoll Drive

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

STAFF:
Bryan J. Hill, County Executive
William D. Hicks, P.E., Director, Land Development Services

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. PLAN NUMBER: 1183-SP-04 SUBDIVISION PLAT NAME: Laurel Hill Landbays E & F Section 1 COUNTY MAGISTERIAL DISTRICT: Mount Vernon	
ENGINEERING MANAGER: Houda A. Ali, PMP BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>12/07/2018</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
White Spruce Way	CL Silverbrook Road (Route 600) - 1,260' SE CL Laurel Crest Drive (Route 1914)	676' NE to CL Paper Birch Drive	0.13
Paper Birch Drive	CL White Spruce Way - 676' NE CL Silverbrook Road (Route 600)	576' NW to CL Laurel Crest Drive (Route 1914) (0.11) & 2,435' SE to End of Section 1 Dedication Line (0.46)	0.57
Birch Bay Circle	CL Paper Birch Drive - 965' SE CL White Spruce Way	263' SW to CL Douglas Fir Drive	0.05
Douglas Fir Drive	CL Birch Bay Circle - 263' SW CL Paper Birch Drive	581' SE to CL Laurel Crest Drive	0.11
NOTES:			TOTALS:
White Spruce Way: 4' Concrete Sidewalk on South Side to be maintained by VDOT.			0.86
Paper Birch Drive: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.			
Birch Bay Circle: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.			
Douglas Fir Drive: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.			

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. PLAN NUMBER: 1183-SP-05 SUBDIVISION PLAT NAME: Laurel Hill Landbays E & F Section 2 COUNTY MAGISTERIAL DISTRICT: Mount Vernon	
ENGINEERING MANAGER: Houda A. Ali, PMP BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>12/07/2018</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Douglas Fir Drive	CL Laurel Crest Drive (Route 1914) - 903' NE CL Silverbrook Road (Route 600)	687' E to End of Cul-de-Sac	0.13
Paper Birch Drive	CL Paper Birch Drive - 891' E CL Laurel Crest Drive (Route 1914)	827' SE to End of Cul-de-Sac	0.16
Birch Bay Circle	CL Paper Birch Drive - 826' NW CL Laurel Crest Drive (Route 1914)	1,588' SE to CL Douglas Fir Drive	0.30
NOTES:			TOTALS:
Douglas Fir Drive: 4' Concrete Sidewalk on South Side to be maintained by VDOT.			0.59
Paper Birch Drive: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.			
Birch Bay Circle: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.			

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. PLAN NUMBER: 0623-SP-02 SUBDIVISION PLAT NAME: Northampton - Kingstowne Parcels 19, 19A & 19B COUNTY MAGISTERIAL DISTRICT: Lee	
ENGINEERING MANAGER: Houda A. Ali, PMP BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>12/05/2018</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Villa Street	Existing Villa Street (Route 7637) - 690' S CL Franconia Road (Route 644)	131' S to CL Manorview Way	0.03
Manorview Way	CL Villa Street - 821' S CL Franconia Road (Route 644)	335' E to CL Hampton Knoll Drive	0.06
Hampton Knoll Drive	CL Manorview Way - 335' E CL Villa Street	849' S to CL Lake Village Drive (Route 8692)	0.16
TOTALS:			0.25

NOTES:	
Villa Street: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT	
Manorview Way: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT	
Hampton Knoll Drive: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT	

ADMINISTRATIVE – 3

Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2020

ISSUE:

Board of Supervisors authorization is requested to advertise a public hearing on the proposed Consolidated Plan One-Year Action Plan for FY 2020 (Action Plan), as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed Action Plan; to be held at 4:30 p.m. on Tuesday, March 19, 2019. The public will have an opportunity to comment on the proposed use of funds as described in the proposed Action Plan in accordance with U.S. Department of Housing and Urban Development (HUD) regulations and guidelines. Citizens may also comment on housing and community service needs in Fairfax County as well as provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan One-Year Action Plan for FY 2019 held on March 20, 2018.

TIMING:

Board action is requested on February 5, 2019, to advertise and schedule the public hearing to comply with the public notification required by HUD, and to maintain the schedule for the Consolidated Plan process.

BACKGROUND:

HUD requires that a consolidated plan be submitted every five years for proposed uses of CDBG, HOME, and ESG funding and that an annual action plan be submitted for each year covered by the five-year plan. The proposed Action Plan (Attachment 1) presents the proposed uses of funding for programs to be implemented in the fifth year of the Five-Year Consolidated Plan for Fiscal Year (FY) 2016 - 2020. On September 13, 2018, HUD granted to the FCRHA a one year extension of the Consolidated Plan, extending it through FY 2021.

The proposed Action Plan includes an allocation of CDBG funding to the Consolidated Community Funding Pool (CCFP) to fund the second year of the two-year (FY 2019-

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2020) funding cycle. The CCFP awards are based on the recommendations of the Selection Advisory Committee appointed to review the proposals received through the CCFP Request for Proposal process for Fiscal Year (FY) 2019-2020. The CCFP FY 2020 funding awards were made by the Board on May 1, 2018, subject to annual appropriations.

Funding allocations under the proposed Action Plan have been reviewed by the Fairfax County Redevelopment and Housing Authority (FCRHA) and are based on the recommendations of the CCFAC-FCRHA Working Advisory Group (WAG). The WAG is a group established to strengthen coordination between the CCFAC and the FCRHA for the development of the proposed uses of federal entitlement funds. The WAG is composed of seven members: three appointed by the FCRHA Chairman, three appointed by the CCFAC Chairman, and one who serves on both the FCRHA and the CCFAC. Recommendations from the WAG were presented to the CCFAC on January 8, 2019, and presented to the FCRHA as an information item on January 31, 2019. The proposed Action Plan incorporates the final recommendations of the CCFAC.

Estimated allocations for FY 2020 are based on the actual entitlement amounts for County FY 2019 (Federal FY 2018) of \$5,574,509 for CDBG, \$2,103,044 for HOME, and \$447,834 for ESG, as will be shown in the FY 2020 Advertised Budget Plan. With the approval of this item, a balance of \$620,213 in allocated CDBG funds is recommended to be carried forward from FY 2019 for use in FY 2020 as allocated. It is estimated that there will also be \$551,693 in program income available for use in FY 2020, including \$305,621 of CDBG and \$246,072 of HOME.

The recommended CDBG, HOME, and ESG FY 2020 allocations in the proposed Action Plan are based on estimates of the formula allocations and, therefore, are subject to reductions or increases based on the actual final formula allocations by HUD for FY 2020. Use of estimates until HUD notification of the actual allocations is customary and allows Fairfax County to meet citizen participation requirements while planning prior to receipt of the notification. Staff will update the proposed Action Plan upon receipt of the HUD notification, which usually occurs before the end of March. HUD mandated contingency language regarding how to account for differences between the estimated and actual allocation amounts was recommended by the WAG, approved by the CCFAC and included in the proposed Action Plan.

The proposed Action Plan was released by the CCFAC for a 30-day public comment period prior to the Board hearing and would be the subject of the public hearing by the Board on March 19, 2019, as authorized by this item. Following the public hearing, the conclusion of the public comment period and receipt of the HUD notice of the funding allocations, the CCFAC will make any necessary revisions and forward the proposed

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Action Plan to the Board for adoption.

The Fairfax County Citizen Participation Plan and HUD regulations require advertisement of the public hearing prior to the date of the Board meeting. The notice will include sufficient information about the purpose of the public hearing to permit informed comment from citizens. Upon approval of the Board, a public hearing on the proposed Action Plan will be scheduled for Tuesday, March 19, 2019, at a time to be determined by the Clerk to the Board. An advertisement will appear in one or more newspapers of general circulation as well as in one or more minority and non-English speaking publications at least 15 days prior to the date of the public hearing.

STAFF IMPACT:

None. No positions will be added as a result of this action.

FISCAL IMPACT:

Funds identified in the proposed Action Plan include CDBG (\$5,574,509), HOME (\$2,103,044), and ESG (\$447,834). A total of \$620,213 in allocated CDBG funds is recommended to be carried forward from FY 2019 for use in FY 2020, as allocated. In addition, an as yet undetermined amount of previously programmed funds is expected to be carried forward as previously allocated. Total estimated program income of \$551,693, including CDBG program income of \$305,621 and HOME program income of \$246,072, also will be programmed for use in FY 2020 through this action.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Consolidated Plan One-Year Action Plan for FY 2020
(The Proposed Consolidated Plan One-Year Action Plan for FY 2020 is available on line at: <https://www.fairfaxcounty.gov/housing/data/consolidated-plan>)

STAFF:

Tisha Deeghan, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Hossein Malayeri, Deputy Director, Real Estate, Finance and Development, HCD
Aseem K. Nigam, Director, Real Estate Finance and Grants Management (REFGM), HCD
Laura O. Lazo, Associate Director, Grants Management (GM), HCD
Beverly A. Moses, Senior Program Manager, GM, HCD

ADMINISTRATIVE – 4

Authorization to Advertise a Public Hearing on a Proposal to Abandon and Discontinue Portions of Lorton Road and Furnace Road, and Petition for Acceptance of the New Alignment for Lorton Road, Furnace Road, and Workhouse Road (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing on a proposal to abandon and discontinue portions of Lorton Road and Furnace Road, and petition for acceptance of the new alignment for Lorton Road, Furnace Road, and Workhouse Road.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the abandonment, discontinuance, and acceptance of the subject rights-of-way and highways.

TIMING:

Board action is requested on February 5, 2019, to provide sufficient time to advertise the public hearing for March 19, 2019, at 4:30 p.m.

BACKGROUND:

The Fairfax County Department of Transportation (FCDOT) requests that portions of Lorton Road and Furnace Road be abandoned under Virginia Code § 33.2-909, in order to pursue the completion of Project Number 4YP213, the realignment of Lorton Road and Furnace Road through the former Lorton Correctional Complex property. The subject rights-of-way are located between Ox Road (Route 123), Hooes Road, and Windermere Hill Drive. These rights-of-way are part of the Virginia Department of Transportation (VDOT) State Secondary System (Routes 611 and 642).

Per VDOT requirements for the acceptance, we are also requesting the discontinuance (Attachment VII) of all other sections of Lorton Road and Furnace Road within the bounds of the project, concurrently with the acceptance (Attachment VIII) of the entire new alignment into the State Secondary System .

FCDOT is making this request for abandonment, discontinuance, and acceptance as part of the County's project to realign Lorton Road and Furnace Road. Abandonment

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of the disused right-of-way will assist in the acceptance of the new intersection into the Virginia Department of Transportation's Secondary System of State Highways.

All of the land subject to this abandonment will be owned by the Board of Supervisors or the Park Authority. Although the sections of right-of-way on the abandonment plat (Attachment IV) are prescriptive, the Board and the Park Authority own the property to which the prescriptive right-of-way will attach.

Traffic Circulation and Access

The abandonment, discontinuance, and acceptance will have no long-term impact on pedestrian, transit, or vehicle circulation and access. The new alignments of Lorton Road, Workhouse Road, and Furnace Road are in service and perform all functions of the previous alignments.

Easements

The project manager has certified that all easement requirements for the project have been met (Attachment VI).

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

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment I: Application Memo
Attachment II: Notice of Intent
Attachment III: Order of Abandonment
Attachment IV: Abandonment Plat
Attachment V: Metes and Bounds Description
Attachment VI: Utility Certification
Attachment VII: Discontinuance Resolution
Attachment VIII: Acceptance Resolution
Attachment IX: Discontinuance Plat
Attachment X: Vicinity Map

STAFF:

Bryan J. Hill, County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Chief, Site Analysis and Transportation Planning Division, FCDOT
Donald Stephens, FCDOT

ASSIGNED ATTORNEY:

Pamela K Pelto, Assistant County Attorney, Office of the County Attorney



County of Fairfax, Virginia

MEMORANDUM

DATE: March 15, 2018

TO: Jeff Herman, Chief
Site Analysis Section
Transportation Planning Division

FROM: Jeanmarie Roberson, Senior Engineer
Transportation Design Division *JR 3/15/18*

SUBJECT: Project No. 4YP213, Lorton Road Improvements;
Abandonment and Discontinuance of Workhouse Road (Route 642) and Lorton
Road (Route 611 & 642)

This memorandum is to request the initiation of the abandonment and discontinuance of portions Workhouse Road (Route 642) and Lorton Road (Route 611 & 642) associated with Project No. 4YP213, Lorton Road Improvement.

These actions are required since the subject project improvements involved a major realignment of existing of Lorton Road and Furnace Road, which resulted in certain portions of the existing right-of-way no longer being utilized for public street purposes and in comprehensive revised roadway maintenance miles. The construction of the project improvements are complete and FCDOT is currently processing the Street Acceptance package with the Virginia Department of Transportation (VDOT). The project was funded from the November 2007 Transportation Bond Referendum, developer contributions, and the commercial and industrial tax program.

It is noted that street name changes were approved by the Board of Supervisors on October 8, 2013, renaming portions of both Furnace Road and Lorton Road, as shown on the attached Board Matter. Specifically, Lorton Road from Ox Road to Lorton/Furnace Road was renamed to Workhouse Road and Furnace Road from Ox Road to Lorton Road was renamed to Lorton Road. The abandonment and discontinuance plats indicate the updated road names.

Since the existing Lorton Road and Furnace Road involve prescriptive right-of way and permanent easements, abandonment only is being requested to include a total of 153,692 square feet. In addition, the total centerline discontinuance of 15,058 linear feet (2.85 miles) of roadway is being requested.

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



Project No. 4YP213, Lorton Road Improvements;
Abandonment and Discontinuance of Workhouse Road (Route 642) and Lorton Road (Route 611& 642)
Page 2 of 2

The following are submitted in support of the request for abandonment and discontinuance application:

1. Project #5G25-053-000 is to be utilized for processing any fees associated with this request
2. Abandonment plats for TM# 106-4-((1))57, TM# 106-4-((1))58, and TM# 107-3-((1))19
3. Discontinuance plat for portions of Workhouse Road (old Lorton Road) and Lorton Road (old Furnace Road)
4. Metes & Bounds legal descriptions for areas to be abandoned; TM# 106-4-((1))57, TM# 106-4-((1))58, and TM# 107-3-((1))19
5. Notice of Intent to Abandon
6. Order Of Abandonment
7. Vicinity Map
8. Project Plan Sheets 3-22

Since VDOT Permits, as part of the Street Acceptance process, requires draft copies of the board resolutions for the proposed abandonment and discontinuance, we would appreciate your feedback as to the procedure and associated timeline to satisfy the outstanding item.

Please contact me at 703-877-5740, if you should have any questions of require additional information

cc: Todd Minnix, Chief, Transportation Design Division
Fereshteh Khorashadi, Section Chief, Transportation Design Division
Christina Dodge, Technical Support Coordinator

NOTICE OF INTENT TO ABANDON AND DISCONTINUE
LORTON ROAD (ROUTE 642) AND FURNACE ROAD (ROUTE 611)
AND PETITION FOR ACCEPTANCE OF
LORTON ROAD, WORKHOUSE ROAD, and FURNACE ROAD

MOUNT VERNON DISTRICT,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on March 19, 2019, at 4:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA, 22035, pursuant to Virginia Code Ann. § 15.2-2204 on the proposed abandonment of portions of public roads known as Lorton Road and Furnace Road, said portions being located adjacent to the new alignment of Lorton Road and Workhouse Road and comprising a total of 153,692 square feet, pursuant to Virginia Code § 33.2-909. The roads are located on Tax Maps 106-4 and 107-3, and are described and shown on the metes and bounds schedule and plat prepared by the Fairfax County Department of Public Works and Environmental Services (DPWES), dated November 28, 2018, and February 28, 2018, respectively, both of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

At the same time and place, the Board of Supervisors will also consider a resolution for discontinuance of other portions of Lorton Road and Furnace Road that are not included in the abandonment but are within the bounds of the Fairfax County Department of Transportation's construction project 4YP213, and a resolution for acceptance of the new highways in the same project, known as Lorton Road, Workhouse Road and Furnace Road, into the Secondary System of State Highways. The highway segments affected are shown on the discontinuance plat dated March 9, 2018, and prepared by the Department of Public Works and Environmental Services, which also is on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

MOUNT VERNON DISTRICT.

§33.2-909, §33.2-908, §33.2-335

ORDER OF ABANDONMENT

PORTIONS OF LORTON ROAD (ROUTE 642)
PORTIONS OF FURNACE ROAD (ROUTE 611)

MOUNT VERNON DISTRICT
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 19th day of March, 2019, it was duly moved and seconded that:

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

WHEREFORE, BE IT ORDERED:

That portions of Lorton Road and Furnace Road, comprising a total area of 153,692 square feet, located on Tax Maps 106-4 and 107-3, and described on the plats and metes and bounds schedule dated February 27, 2018, and, November 28, 2018, respectively, all prepared by Fairfax County Land Survey Branch, which are attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

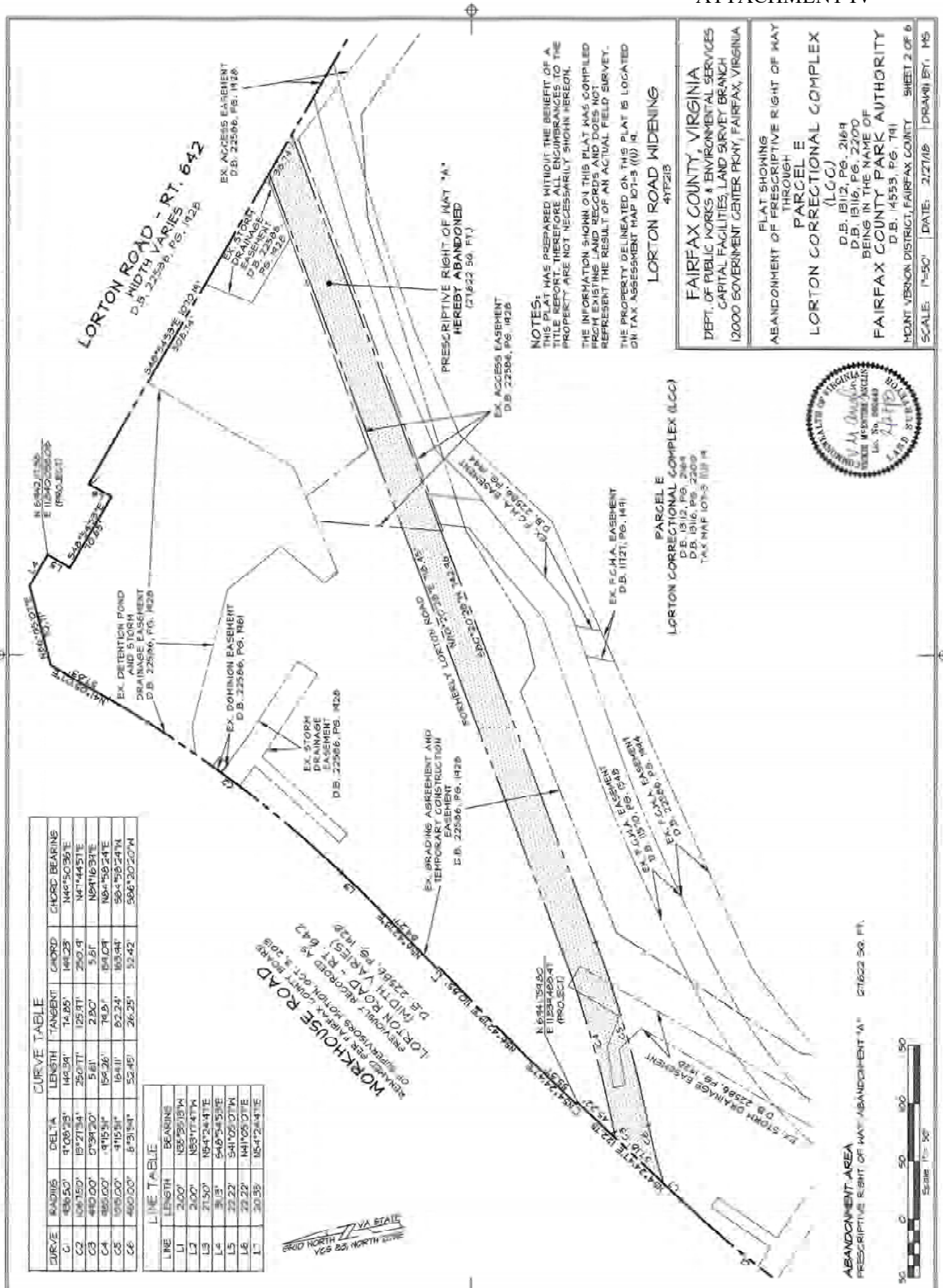
This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right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

A Copy Teste:

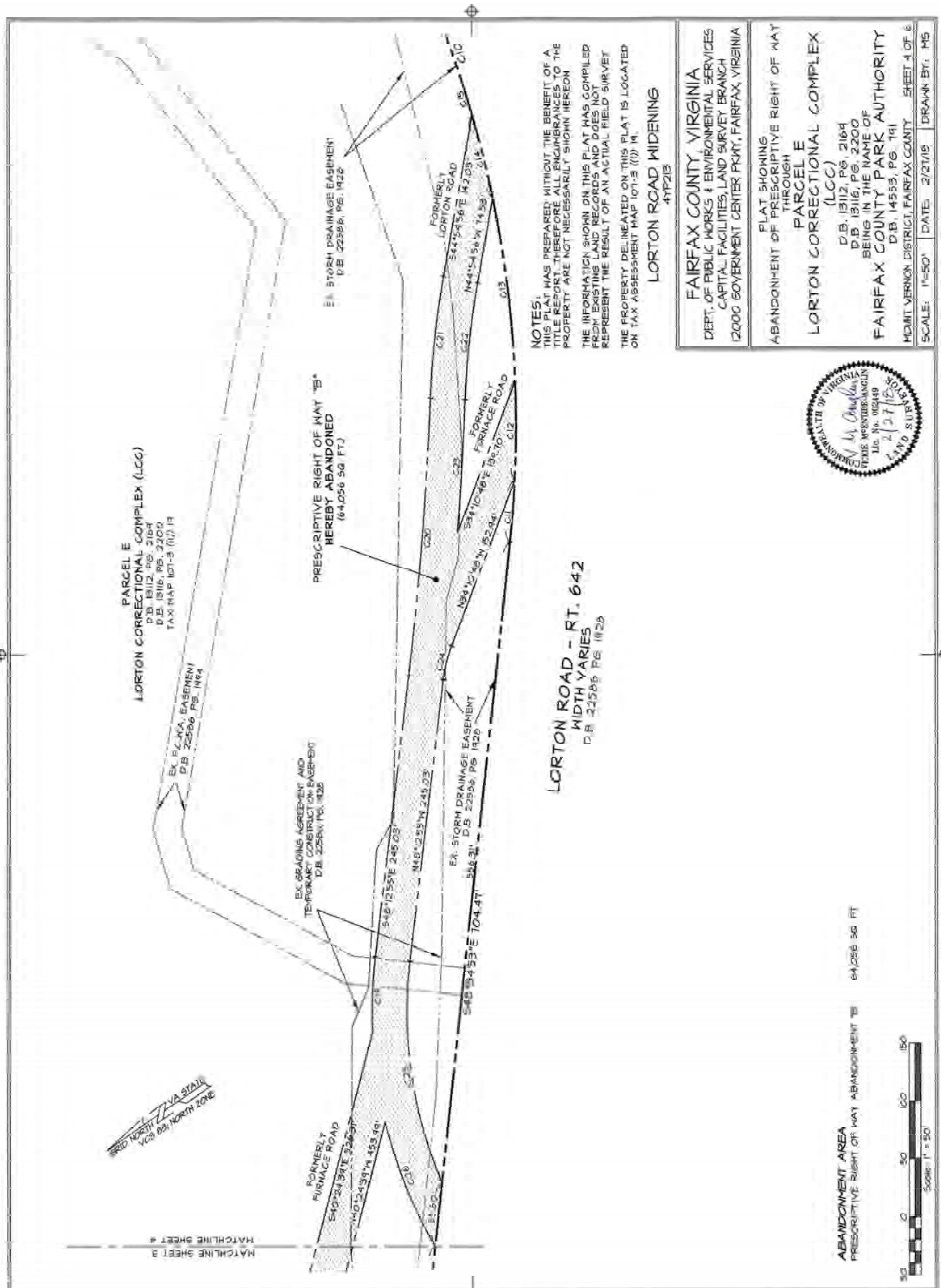
Catherine Chianese
Clerk to the Board

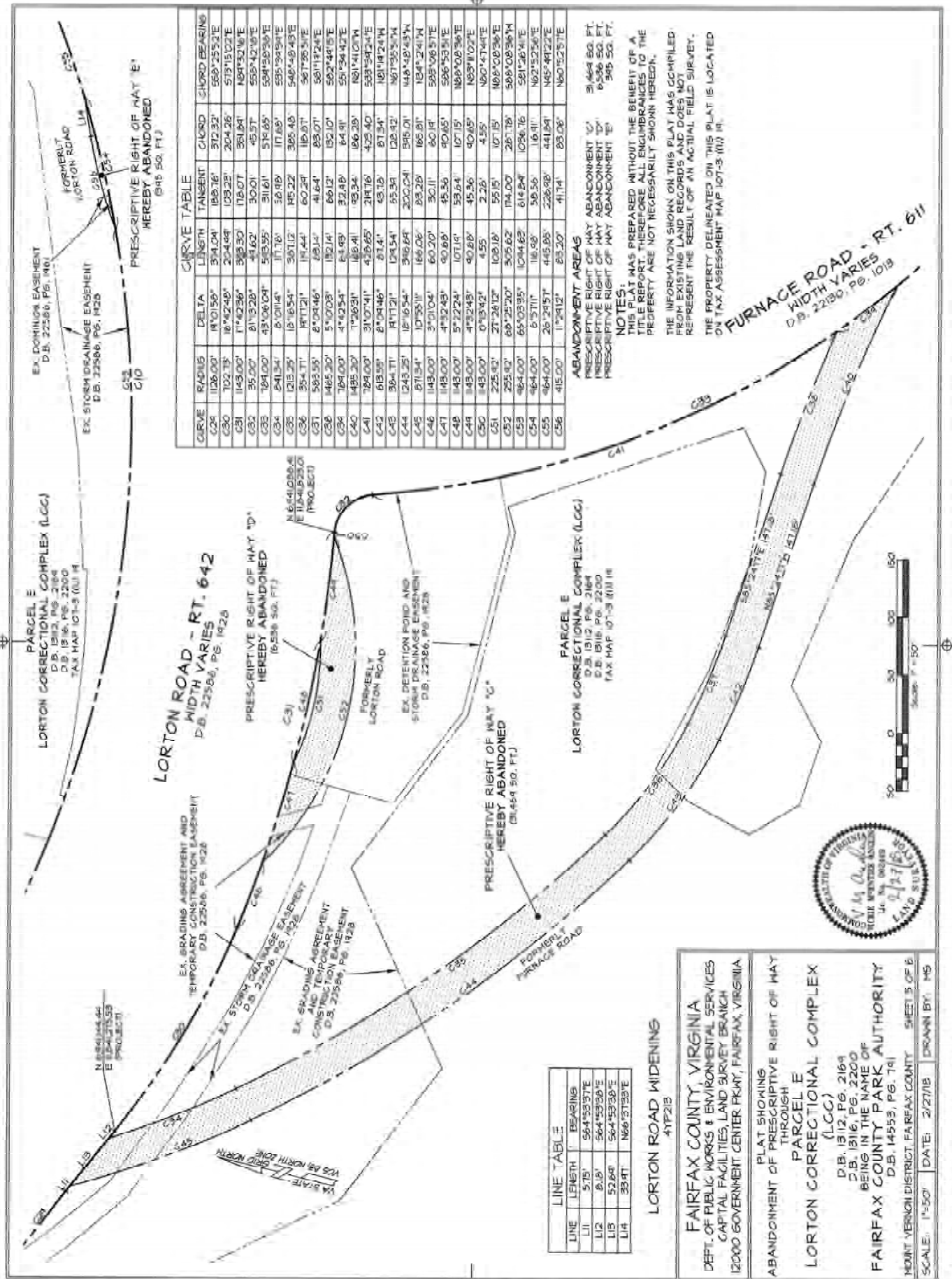
§33.2-909

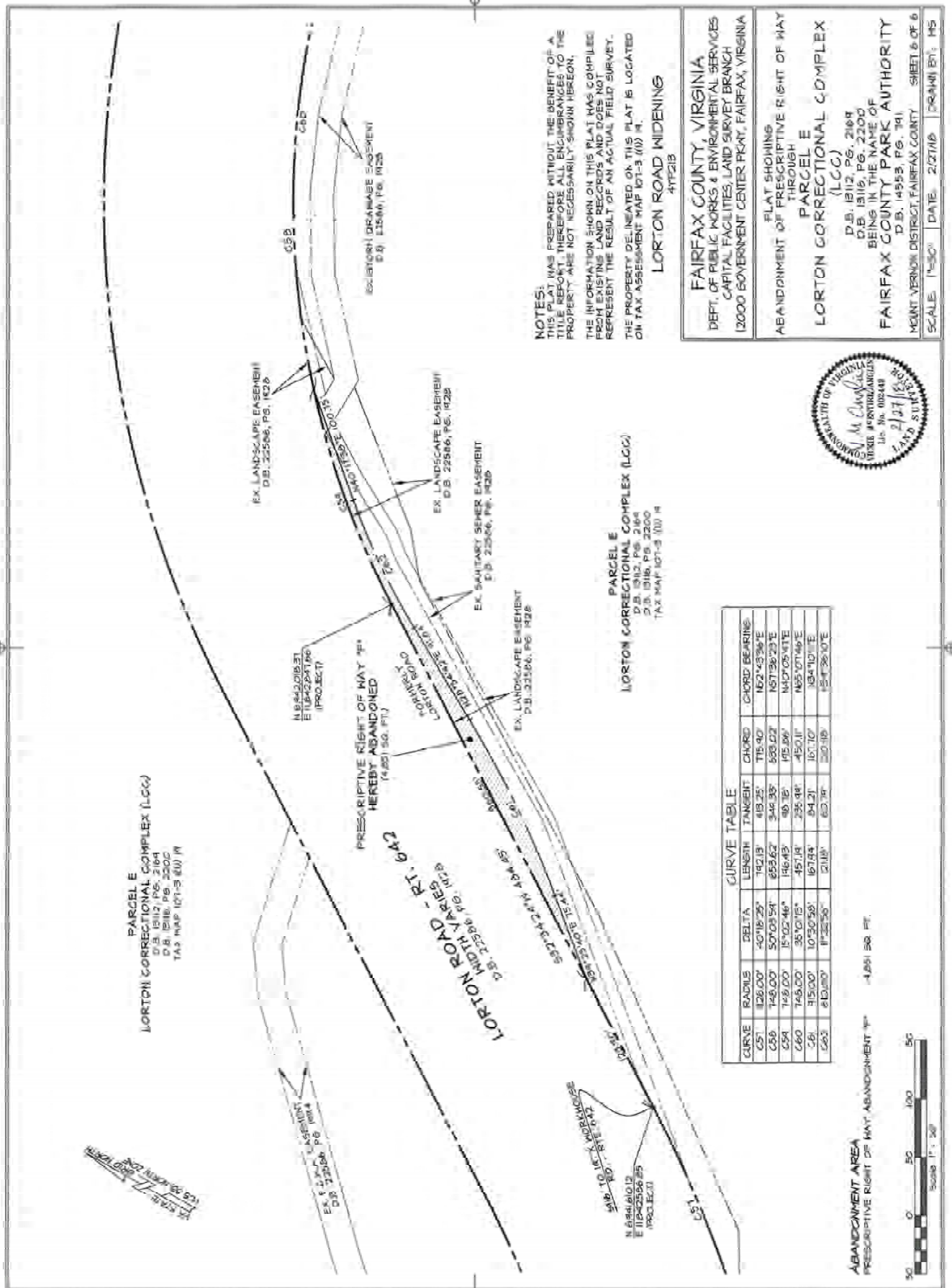


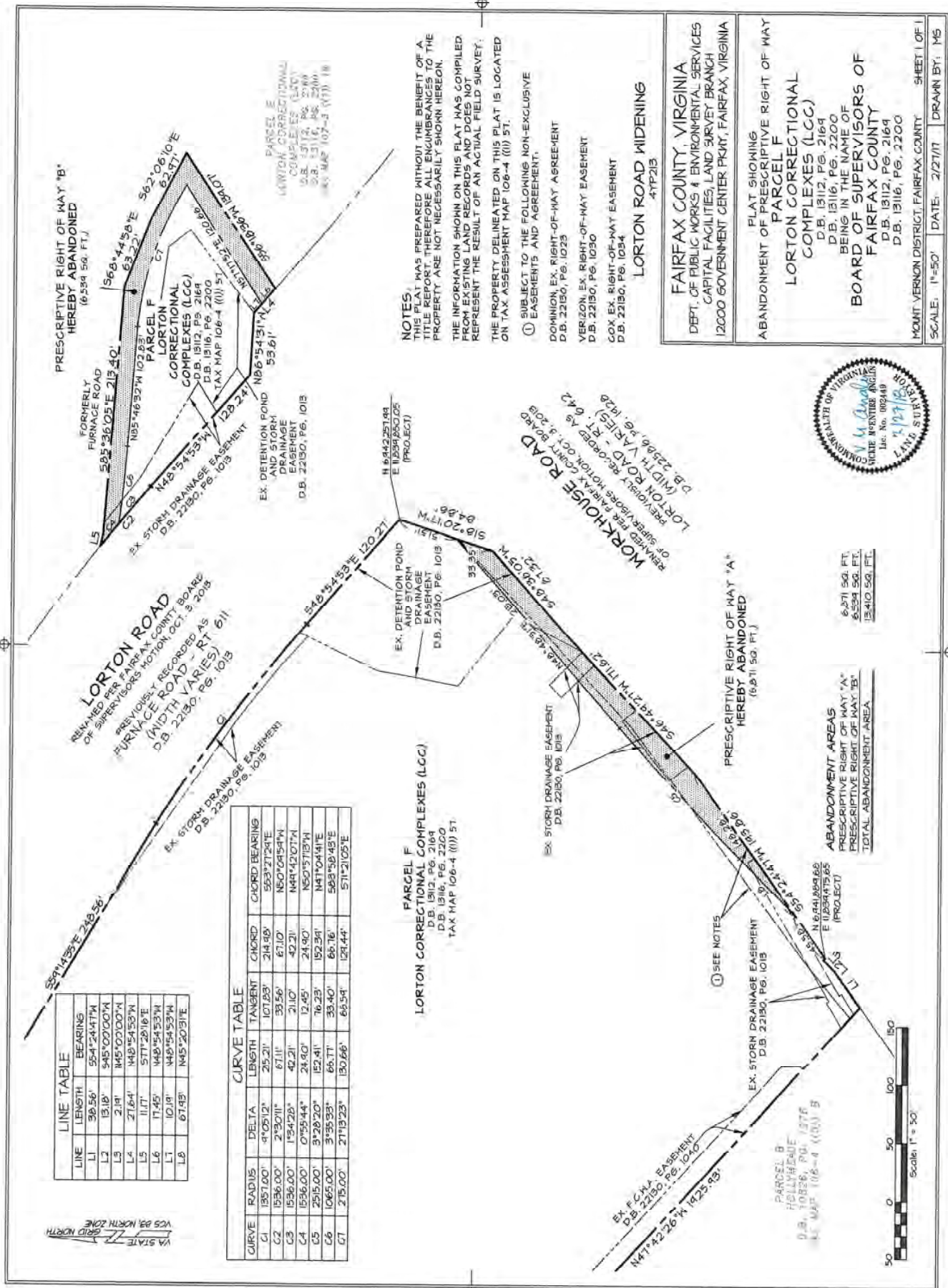
















County of Fairfax, Virginia

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

METES AND BOUNDS DESCRIPTION

of ABANDONMENT OF PRESCRIPTIVE RIGHT-OF-WAY EASEMENT,

as shown on a plat dated 2/27/2018, prepared by Fairfax County, DPWES

located at Parcel E, Lorton Correctional Complex (LCC),

D.B. 13112, PG. 2169 (corrected D.B. 13116, PG. 2200)

being in the name of

FAIRFAX COUNTY PARK AUTHORITY

as recorded at D.B. 14553, PG. 791

among the land records of Fairfax County, Virginia,

shown on Tax Map # 107-3 ((1)) 19:

Per motions by the Fairfax County Board of Supervisors dated October 3, 2013 the southwesterly portion of Lorton Road, Rte. 642 extending from the intersection of Lorton Road and Furnace Road, Rte. 611 to Ox Road, Rte. 123 is renamed into Workhouse Road. Further the northwesterly portion of Furnace Road from its intersection with Lorton Road to Ox Road, Rte. 123 is renamed into Lorton Road. In the descriptions to follow the new road names are used.

ABANDONMENT "A" (formerly Lorton Road)

Commencing at the intersection of the dedicated southerly Right-of-Way of Lorton Road, Rte. 642, D.B. 22586, PG. 1928, and the dedicated westerly Right-of-Way of Workhouse Road, Rte. 642, D.B. 22586, PG. 1928, thence the following six courses and distances:

- N 86°05'07" E, 70.71';
- S 48°54'53" E, 31.13';
- S 41°05'07" W, 22.22';
- S 48°54'53" E, 70.65';
- N 41°05'07" E, 22.22';
- S 48°54'53" E, 308.74' to the Point of Beginning.

Beginning at the dedicated southerly Right-of-Way of Lorton Road, Rte. 642, thence coincident with the Right-of-Way of Lorton Road S 48°54'53" E, 38.74';

Department of Public Works and Environmental Services
Capital Facilities, Utilities Design and Construction Division, Land Survey Branch
12000 Government Center Parkway, Suite 147
Fairfax, VA 22035
Phone: 703-324-5111, TTY: 1-800-828-1120, Fax: 703-653-9570
www.fairfaxcounty.gov/dpwes



METES AND BOUNDS DESCRIPTION**Lorton Road Abandonment, Parcel E**

Thence departing the Right-of-Way of Lorton Road through Parcel E, Lorton Correctional Complex (LCC) following three courses and distances:

- S 80°20'28" W, 742.96';
- 164.11' along the arc of a curve to the right, having a radius of 1,015.00', a delta of 9°15'51", and a chord which bears S 84°58'24" W, 163.94';
- 52.45' along the arc of a curve to the left, having a radius of 460.00', a delta of 6°31'59", and a chord which bears S 86°20'20" W, 52.42' to the dedicated westerly Right-of-Way of Workhouse Road, Rte. 642;

Thence coincident with easterly Right-of-Way of Workhouse Road, Rte. 642, N 54°24'47" E, 57.18';

Thence departing the Right-of-Way of Workhouse Road through Parcel E, Lorton Correctional Complex (LCC) following three courses and distances:

- 5.61' along the arc of a curve to the right, having a radius of 490.00', a delta of 0°39'20", and a chord which bears N 89°16'39" E, 5.61';
- 159.26' along the arc of a curve to the left, having a radius of 985.00', a delta of 9°15'51", and a chord which bears N 84°58'24" E, 159.09';
- N 80°20'28" E, 718.45' to the Point of Beginning encompassing 27,622 SQ. FT. or 0.634 acres.

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.

ABANDONMENT "B" (formerly Furnace Road and Lorton Road)

Beginning at the line common with Parcel F and Parcel E, Lorton Correctional Complex at the intersection of Lorton Road, Rte. 611 and Workhouse Road, Rte. 642 in the dedicated northerly Right-of-Way of Lorton Road, Rte. 611, D.B. 22586, PG. 1928, said line being the centerline of a prescriptive Right-of-Way Easement. Thence departing the dedicated Right-of-Way of Lorton Road, coincident with said common line the following five courses and distances:

- N 56°18'36" E, 139.07' to the centerline of the prescriptive Right-of-Way Easement of the former Furnace Road;
- N 62°06'10" W, 62.97';
- N 68°44'58" W, 63.22';
- N 85°36'05" W, 213.40';
- N 77°28'16" W, 11.17' to the dedicated northerly Right-of-Way of Lorton Road;

Thence coincident with the Right-of-Way of Lorton Road 36.83' along the arc of a curve to the left, having a radius of 1,536.00', a delta of 1°22'26", and a chord which bears N 52°06'17" W, 36.83';

METES AND BOUNDS DESCRIPTION**Lorton Road Abandonment, Parcel E**

Thence departing the Right-of-Way of Lorton Road through Parcel E, Lorton Correctional Complex (LCC) following ten courses and distances:

- 118.08' along the arc of a curve to the left, having a radius of 1,035.00', a delta of 6°32'12", and a chord which bears S 82°30'24" E, 118.01';
- S 85°46'26" E, 103.26';
- 217.35' along the arc of a curve to the right, having a radius of 305.00', a delta of 40°49'46", and a chord which bears S 64°32'54" E, 212.78';
- 260.87' along the arc of a curve to the right, having a radius of 4,015.00', a delta of 3°43'22", and a chord which bears S 42°16'20" E, 260.83';
- S 40°24'39" E, 526.31';
- 64.86' along the arc of a non-tangent curve to the right, having a radius of 405.00', a delta of 9°10'32", and a chord which bears S 52°48'11" E, 64.79';
- S 48°12'55" E, 245.03';
- 240.27' along the arc of a curve to the left, having a radius of 2,985.00', a delta of 4°36'43", and a chord which bears S 50°31'17" E, 240.21';
- 105.63' along the arc of a non-tangent curve to the right, having a radius of 765.00', a delta of 7°54'42", and a chord which bears S 48°52'17" E, 105.55';
- S 44°54'56" E, 142.03' to the dedicated northerly Right-of-Way of Lorton Road;

Thence coincident with the Right-of-Way of Lorton Road 73.88' along the arc of a curve to the right, having a radius of 964.00', a delta of 4°23'28", and a chord which bears N 68°52'45" W, 73.86';

Thence departing the Right-of-Way of Lorton Road through Parcel E, Lorton Correctional Complex (LCC) following four courses and distances:

- N 44°54'56" W, 74.53';
- 101.49' along the arc of a non-tangent curve to the left, having a radius of 735.00', a delta of 7°54'42", and a chord which bears N 48°52'17" W, 101.41';
- 114.60' along the arc of a curve to the right, having a radius of 3,015.00', a delta of 2°10'40", and a chord which bears N 51°44'18" W, 114.59';
- S 34°10'48" E, 139.70' to the dedicated northerly Right-of-Way of Lorton Road;

Thence coincident with the Right-of-Way of Lorton Road 85.77' along the arc of a curve to the right, having a radius of 964.00', a delta of 5°05'51", and a chord which bears N 54°39'41" W, 85.74';

Thence departing the Right-of-Way of Lorton Road through Parcel E, Lorton Correctional Complex (LCC) following four courses and distances:

- N 34°10'48" W, 152.94';
- 30.30' along the arc of a curve to the left, having a radius of 123.71', a delta of 14°02'07", and a chord which bears N 41°11'52" W, 30.23';
- N 48°12'55" W, 245.03';

METES AND BOUNDS DESCRIPTION
Lorton Road Abandonment, Parcel E

- 195.33' along the arc of a curve to the left, having a radius of 375.00', a delta of 29°50'40", and a chord which bears N 63°08'15" W, 193.13' to the dedicated northerly Right-of-Way of Lorton Road;

Thence coincident with the Right-of-Way of Lorton Road N 48°54'53" W, 55.60';

Thence departing the Right-of-Way of Lorton Road through Parcel E, Lorton Correctional Complex (LCC) following five courses and distances:

- 116.35' along the arc of a curve to the right, having a radius of 405.00', a delta of 16°27'37", and a chord which bears S 76°42'58" E, 115.95';
- N 40°24'39" W, 453.99';
- 258.92' along the arc of a curve to the left, having a radius of 3,985.00', a delta of 3°43'22", and a chord which bears N 42°16'20" W, 258.88';
- 33.01' along the arc of a curve to the left, having a radius of 275.00', a delta of 6°52'36", and a chord which bears N 47°34'19" W, 32.99';
- S 57°17'52" W, 123.86' to the dedicated northerly Right-of-Way of Lorton Road;

Thence coincident with the Right-of-Way of Lorton Road S 48°54'53" E, 13.79' to the Point of Beginning encompassing 64,056 SQ. FT. or 1.471 acres.

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.

ABANDONMENT "C" (formerly Furnace Road)

Beginning on the dedicated southerly Right-of-Way of Lorton Road, Rte. 642, D.B. 22586, PG. 1928, lying 566' northwesterly from the intersection of the dedicated southerly Right-of-Way of Lorton Road and the dedicated westerly Right-of-Way of Furnace Road, Rte. 611, D.B. 22130, PG. 1013, thence the following six courses and distances:

- 117.78' along the arc of a curve to the left, having a radius of 841.34', a delta of 8°01'14", and a chord which bears S35°39'39"E 117.68';
- 387.12' along the arc of a curve to the left, having a radius of 1,213.25', a delta of 18°16'54", and a chord which bears S48°48'43"E 385.48';
- 119.44' along the arc of a curve to the left, having a radius of 354.77', a delta of 19°17'21", and a chord which bears S67°35'51"E 118.87';
- 83.14' along the arc of a curve to the left, having a radius of 583.55', a delta of 8°09'46", and a chord which bears S81°19'24"E 83.07';
- S 85°24'17"E, 147.18';
- 132.14' along the arc of a curve to the right, having a radius of 1,465.20', a delta of 5°10'03", and a chord which bears S82°49'15"E 132.10' to the dedicated westerly Right-of-Way of Furnace Road, Rte. 611;

METES AND BOUNDS DESCRIPTION
Lorton Road Abandonment, Parcel E

Thence coincident with the dedicated westerly Right-of-Way of Furnace Road, Rte. 611, 64.93' along the arc of a curve to the left, having a radius of 789.00', a delta of $4^{\circ}42'54''$, and a chord which bears $S51^{\circ}34'42''E$ 64.91';

Thence departing the dedicated westerly Right-of-Way of Furnace Road, Rte. 611 and running the following six courses:

- 186.41' along the arc of a curve to the left, having a radius of 1,435.20', a delta of $7^{\circ}26'31''$, and a chord which bears $N81^{\circ}41'01''W$ 186.28';
- $N85^{\circ}24'17''W$ 147.18';
- 87.41' along the arc of a curve to the right, having a radius of 613.55', a delta of $8^{\circ}09'46''$, and a chord which bears $N81^{\circ}19'24''W$ 87.34';
- 129.54' along the arc of a curve to the right, having a radius of 384.77', a delta of $19^{\circ}17'21''$, and a chord which bears $N67^{\circ}35'51''W$ 128.92';
- 396.69' along the arc of a curve to the right, having a radius of 1,243.25', a delta of $18^{\circ}16'54''$, and a chord which bears $N48^{\circ}48'43''W$ 395.01';

166.06' along the arc of a curve to the right, having a radius of 871.34', a delta of $10^{\circ}55'11''$, and a chord which bears $N34^{\circ}12'41''W$ 165.81' to the dedicated southerly Right-of-Way line of Lorton Road, Rte. 642;

Then coincident with the dedicated southerly Right-of-Way of Lorton Road, Rte. 642, $S64^{\circ}53'38''E$ 52.69', to the Point of Beginning encompassing 31,469 SQ. FT. or 0.722 acres.;

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.

ABANDONMENT "D" (formerly Lorton Road)

Beginning on the dedicated southerly Right-of-Way of Lorton Road, Rte. 642, D.B. 22586, PG. 1928, lying 4.55' westerly from the intersection of the dedicated southerly Right-of-Way of Lorton Road, Rte. 642 and the dedicated westerly Right-of-Way of Furnace Road, Rte. 611, D.B. 22130, PG. 1013;

Thence 305.62' along the arc of a curve to the right, having a radius of 255.92', a delta of $68^{\circ}25'20''$, and a chord which bears $S88^{\circ}08'36''W$ 287.78' to the dedicated southerly Right-of-Way line of Lorton Road, Rte. 642;

Thence coincident with the dedicated southerly Right-of-Way line of Lorton Road, Rte. 642, 90.68' along the arc of a curve to the left, having a radius of 1,143.00', a delta of $4^{\circ}32'43''$, and a chord which bears $S86^{\circ}53'51''E$ 90.65';

Thence departing the dedicated southerly Right-of-Way of Lorton Road, Rte. 642 and running 108.18' along the arc of a curve to the left, having a radius of 225.92', a delta of $27^{\circ}26'12''$,

METES AND BOUNDS DESCRIPTION
Lorton Road Abandonment, Parcel E

and a chord which bears N88°08'36"E 107.15' to the dedicated southerly Right-of-Way line of Lorton Road, Rte. 642;

Thence coincident with the dedicated southerly Right-of-Way of Lorton Road, Rte. 642, 90.68' along the arc of a curve to the left, having a radius of 1,143.00', a delta of 4°32'43", and a chord which bears N83°11'02"E 90.65', to the Point of Beginning encompassing 6,536 SQ. FT. or 0.150 acres.;

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.

ABANDONMENT "E" (formerly Lorton Road)

Beginning on the dedicated northerly Right-of-Way of Lorton Road, Rte. 642, D.B. 22586, PG. 1928, lying 198' easterly from the intersection of the dedicated northerly Right-of-Way of Lorton Road, Rte. 642 and the dedicated Right-of-Way of Furnace Road, Rte. 611, D.B. 22130, PG. 1013;

Thence 83.20' along the arc of a curve to the right, having a radius of 415.00', a delta of 11°29'12", and a chord which bears N60°52'57"E 83.06', and N66°37'33"E 33.97', to the dedicated northerly Right-of-Way line of Lorton Road, Rte. 642;

Thence coincident with the dedicated northerly Right-of-Way line of Lorton Road, Rte. 642, 116.98' along the arc of a curve to the right, having a radius of 964.00', a delta of 6°57'11", and a chord which bears N62°32'56"E 116.91', to the Point of Beginning encompassing 395 SQ. FT. or 0.009 acres.

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.

ABANDONMENT "F" (formerly Lorton Road)

Beginning on the dedicated southerly Right-of-Way of Lorton Road, Rte. 642, D.B. 22586, PG. 1928, lying 916' northeasterly from the intersection of the dedicated northerly Right-of-Way of Lorton Road, Rte. 642 and the dedicated easterly Right-of-Way of Furnace Road, Rte. 611, D.B. 22130, PG. 1013;

Thence N32°34'24"E 360.55', and 196.43' along the arc of a curve to the right, having a radius of 748.00', a delta of 15°02'46", and a chord which bears N40°05'47"E 195.86';

Thence departing the dedicated southerly Right-of-Way line of Lorton Road, Rte. 642, and running the following five courses and distances:

- S40°17'38"W 100.75';

METES AND BOUNDS DESCRIPTION**Lorton Road Abandonment, Parcel E**

- 121.18' along the arc of a curve to the left, having a radius of 610.00', a delta of $11^{\circ}22'56''$, and a chord which bears $S34^{\circ}36'10''W$ 120.98';
- $S28^{\circ}54'42''W$ 91.64';
- 167.94' along the arc of a curve to the right, having a radius of 915.00', a delta of $10^{\circ}30'58''$, and a chord which bears $S34^{\circ}10'11''W$ 167.70';

$S39^{\circ}25'40''W$ 75.44', to the Point of Beginning encompassing 4,851 SQ. FT. or 0.111 acres.

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.





County of Fairfax, Virginia

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

METES AND BOUNDS DESCRIPTION

of ABANDONMENT OF PRESCRIPTIVE RIGHT-OF-WAY EASEMENT,

as shown on a plat dated 2/27/2018, prepared by Fairfax County, DPWES

located at the intersection of Lorton Road, Rte. 611 and Workhouse Road, Rte. 642, Virginia,

Parcel F, Lorton Correctional Complex (LCC),

being in the name of

BOARD OF SUPERVISORS OF FAIRFAX COUNTY

as recorded at D.B. 13112, PG. 2169 (corrected D.B. 13116, PG. 2200) among the land records

of Fairfax County, Virginia,

shown on Tax Map # 106-4 ((1)) 57:

Per motions by the Fairfax County Board of Supervisors dated October 3, 2013 the southwesterly portion of Lorton Road, Rte. 642 extending from the intersection of Lorton Road and Furnace Road, Rte. 611 to Ox Road, Rte. 123 is renamed into Workhouse Road. Further the northwesterly portion of Furnace Road from its intersection with Lorton Road to Ox Road, Rte. 123 is renamed into Lorton Road. In the descriptions to follow the new road names are used.

ABANDONMENT "A"

Commencing at the intersection of the dedicated southerly Right-of-Way of Lorton Road, Rte. 611, D.B. 22130, PG. 1013, and the dedicated easterly Right-of-Way of Workhouse Road, Rte. 642, D.B. 22586, PG. 1928,

- Thence S 18°20'17" W, 51.51' to the Point of Beginning.

Beginning at the dedicated easterly Right-of-Way of Workhouse Road, Rte. 642, thence coincident with the Right-of-Way of Workhouse Road the following four courses and distances:

- S 18°20'17" W, 33.35';
- S 48°36'05" W, 87.32';
- S 46°49'27" W, 171.62';
- S 54°24'47" W, 148.28';

Department of Public Works and Environmental Services
Capital Facilities, Utilities Design and Construction Division, Land Survey Branch
12000 Government Center Parkway, Suite 147
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www.fairfaxcounty.gov/dpwes



METES AND BOUNDS DESCRIPTION
Lorton Road Abandonment, Parcel F

Thence departing the Right-of-Way of Workhouse Road through Parcel F, Lorton Correctional Complex (LCC) following three courses and distances:

- N 45°20'31" E, 67.93';
- 152.41' along the arc of a curve to the right, having a radius of 2,515.00', a delta of 3°28'20", and a chord which bears N 47°04'41" E, 152.39';
- N 48°48'51" E, 215.03' to the Point of Beginning encompassing 6,871 SQ. FT. or 0.158 acres.

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.

ABANDONMENT "B" (formerly Furnace Road)

Beginning at the line common with Parcel F and Parcel E, Lorton Correctional Complex in the dedicated northerly Right-of-Way of Lorton Road, Rte. 611, D.B. 22130, PG. 1013, said line being the centerline of a prescriptive Right-of-Way Easement. Thence departing the dedicated Right-of-Way of Lorton Road, coincident with said common line the following five courses and distances:

- N 56°18'36" E, 139.07' to the centerline of the prescriptive Right-of-Way Easement of the former Furnace Road;
- N 62°06'10" W, 62.97';
- N 68°44'58" W, 63.22';
- N 85°36'05" W, 213.40';
- N 77°28'16" W, 11.17' to the dedicated northerly Right-of-Way of Lorton Road;

Thence coincident with the Right-of-Way of Lorton Road 24.90' along the arc of a curve to the right, having a radius of 1,536.00', a delta of 0°55'44", and a chord which bears S 50°57'13" E, 24.90';

Thence departing the Right-of-Way of Lorton Road through Parcel F, Lorton Correctional Complex (LCC) following four courses and distances:

- 66.77' along the arc of a curve to the left, having a radius of 1,065.00', a delta of 3°35'33", and a chord which bears S 83°58'43" E, 66.76';
- S 85°46'32" E, 102.83';
- 130.66' along the arc of a curve to the right, having a radius of 275.00', a delta of 27°13'23", and a chord which bears S 71°21'05" E, 129.44';
- S 57°17'52" W, 120.66' to the dedicated northerly Right-of-Way of Lorton Road;

METES AND BOUNDS DESCRIPTION
Lorton Road Abandonment, Parcel F

Thence coincident with the Right-of-Way of Lorton Road S 48°54'53" E, 17.45' to the Point of Beginning encompassing 6,539 SQ. FT. or 0.150 acres.

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.





County of Fairfax, Virginia

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

METES AND BOUNDS DESCRIPTION

of ABANDONMENT OF PRESCRIPTIVE RIGHT-OF-WAY EASEMENT,

as shown on a plat dated 2/27/2018, prepared by Fairfax County, DPWES

located at Workhouse Road, Rte. 642, Virginia,

Parcel G, Lorton Correctional Complex (LCC),

D.B. 13112, PG. 2169 (corrected D.B. 13116, PG. 2200)

being in the name of

BOARD OF SUPERVISORS OF FAIRFAX COUNTY

as recorded at D.B. 13112, PG. 2169 (corrected D.B. 13116, PG. 2200) among the land records

of Fairfax County, Virginia,

shown on Tax Map # 106-4 ((1)) 58:

Per motions by the Fairfax County Board of Supervisors dated October 3, 2013 the southwesterly portion of Lorton Road, Rte. 642 extending from the intersection of Lorton Road and Furnace Road, Rte. 611 to Ox Road, Rte. 123 is renamed into Workhouse Road. Further the northwesterly portion of Furnace Road from its intersection with Lorton Road to Ox Road, Rte. 123 is renamed into Lorton Road. In the descriptions to follow the new road names are used.

Commencing at the south-easterly corner of the intersection of Workhouse Road, Rte. 642 and Ox Road, Rte. 10549,

- Thence northeast with the southerly dedicated Right-of-Way of Workhouse Road, Rte. 642
±505' to the Point of Beginning and being the centerline of the Prescriptive Right-of-Way Easement of the former Lorton Road.

Beginning at the south-easterly Right-of-Way of Workhouse Road, thence coincident with the south-easterly Right-of-Way of Workhouse Road the following three courses and distances:

- 50.74' along the arc of a curve to the left, having a radius of 791.50', a delta of 03°40'23", and a chord which bears N 38°18'25" E 50.73';

Department of Public Works and Environmental Services
Capital Facilities, Utilities Design and Construction Division, Land Survey Branch

12000 Government Center Parkway, Suite 147

Fairfax, VA 22035

Phone: 703-324-5111, TTY: 1-800-828-1120, Fax: 703-653-9570

www.fairfaxcounty.gov/dpwes



METES AND BOUNDS DESCRIPTION**Lorton Road Abandonment, Parcel G**

- N 36°43'56" E, 121.02' to the centerline of the Prescriptive Right-of-Way Easement of the former Lorton Road;
- N 36°43'56" E, 56.81';

Thence through Parcel G, Lorton Correctional Complex (LCC) following two courses and distances:

- S 14°58'11" W, 25.50';
- 254.12' along the arc of a curve to the right, having a radius of 290.00', a delta of 50°12'25", and a chord which bears N 40°04'24" E, 246.07' to the south-easterly Right-of-Way of Workhouse Road;

Thence coincident with the south-easterly Right-of-Way of Workhouse Road; 40.94' along the arc of a curve to the left, having a radius of 791.50', a delta of 02°57'50", and a chord which bears N 41°37'32" E 40.94' to the Point of Beginning encompassing 5,353 SQ. FT. or 0.123 acres.

All bearings based on VCS 83, North Zone determined by GPS survey by ATCS.



Stephens, Donald E.

From: Nguyen, Tan
Sent: Monday, June 11, 2018 9:50 AM
To: Stephens, Donald E.
Cc: Roberson, Jeanmarie; Dodge, Christina Y.
Subject: Lorton Road, Utility & Easement Certification

Importance: High

Hi Donald,

The utility coordination for Project 4YP213/5G25-053-000, Lorton Road Improvement has been completed, requiring no further action. All utility and permanent easements with in the areas to be abandoned have been accounted for and easement needs have been identified and recorded.

A paper copy of these deeds will be sent to you for your files and the electronic file can be found at W:\Agency Share\Lorton Road

Please let us know if you have any questions or need additional information.

Tan Nguyen, Team Leader
Utilities Engineering & Coordination
Transportation Design Division
Fairfax County Department of Transportation
(703) 877-5734 Direct
(703) 877-5776 Fax
tan.nguyen@fairfaxcounty.gov

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on March 19, 2019, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Board of Supervisors requests to discontinue portions of Workhouse Rd (formerly Lorton Road / Route 642), Lorton Road (Routes 611 & 642), and Furnace Road (Route 611); and

WHEREAS, this action is required due to a road project improvement involving a major realignment of existing Lorton Road (Route 611 & 642) and Furnace Road (Route 611) which resulted in certain portions of the existing right-of-way to no longer be required for public street purposes; and

WHEREAS, the portions of Workhouse Road (formerly Lorton Road / Route 642), Lorton Road (Routes 611 & 642), and Furnace Road (Route 611), comprising a total distance of 15,058 feet or 2.85 miles located on Tax Maps 106-4 and 107-3, were platted and described on the Discontinuance Plat dated March 9, 2018, all prepared by Fairfax County Land Survey Branch and as shown on Attachment IX; and

WHEREAS, as notice of intention to discontinue these portions of Workhouse Road (formerly Lorton Road / Route 642), Lorton Road (Routes 611 & 642), and Furnace Road (Route 611), was given on February 5, 2019, in accordance with Va. Code Ann. § 33.2-908; and

NOW THEREFORE, BE IT RESOLVED that this Board hereby requests, pursuant to Virginia Code Section 33.2-908, that the Commonwealth Transportation Board, discontinue as part of the secondary system of state highways, the 15,058 feet or 2.85-mile portion of Workhouse Rd (formerly Lorton Road / Route 642), Lorton Road (Routes 611 & 642), and Furnace Road (Route 611) as indicated on Attachment IX.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on March 19, 2019, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Board of Supervisors requests acceptance of the New Alignment of Workhouse Road (formerly Lorton Road / Route 642), Lorton Road (Routes 611 & 642), and Furnace Road (Route 611) into the Secondary System of State Highways; and

WHEREAS, the construction of said portions of Workhouse Road (formerly Lorton Road / Route 642), Lorton Road (Routes 611 & 642), and Furnace Road (Route 611) are completed; and

NOW THEREFORE BE IT RESOLVED, Pursuant to Virginia Code Section 33.2-705 of *The Code of Virginia of 1950*, as amended, the Virginia Department of Transportation is requested to add to the secondary system of Fairfax County the streets shown in the attached documents, listed following and herein by reference:

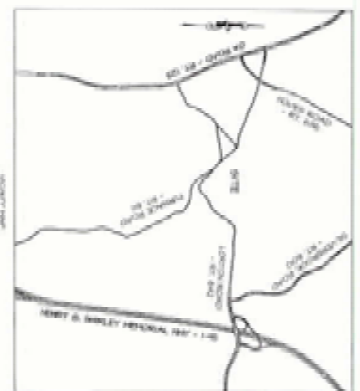
Portions of Workhouse Road (formerly Lorton Road / Route 642), Lorton Road (Routes 611 & 642), and Furnace Road (Route 611) as indicated on as shown on the Composite Plat dated March 9, 2018, insert as part of Attachment IX of this document, with a total of 2.50 miles

AND FURTHER BE IT RESOLVED, this Board does guarantee the Commonwealth of Virginia an unrestricted right-of-way as indicated above with the necessary easements for cuts, fills, and drainage, and hereby invokes the May 11, 1993, Comprehensive Stormwater Detention Agreement between the Board and The Virginia Department of Transportation.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

THE UNIVERSITY OF CHICAGO



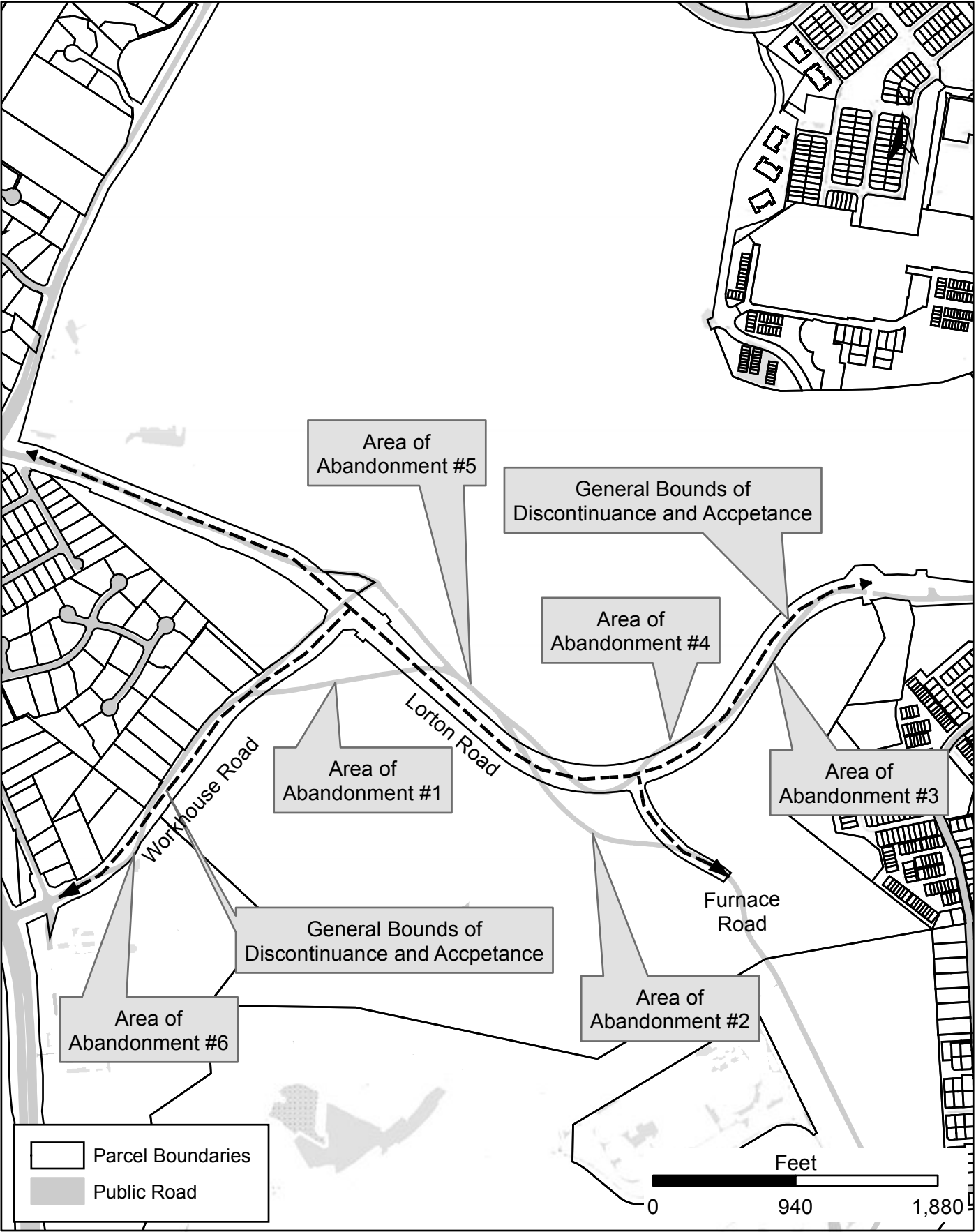
PARSONS CORP.
OFFICE OF THE CHIEF OF POLICE, NEW YORK CITY
100 WALL STREET, NEW YORK, N.Y. 10038
TEL. (212) 512-1000



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Vicinity Map - Tax Maps 106-4 and 107-3



Board Agenda Item
February 5, 2019

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance
Expanding the Springdale Residential Permit Parking District, District 33
(Mason District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Springdale Residential Permit Parking District (RPPD), District 33.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:

The Board should act on February 5, 2019, to advertise a public hearing for March 5, 2019, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of the Fairfax County Code, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Board Agenda Item
February 5, 2019

On October 25, 2018, a peak parking demand survey was conducted for the requested area. The results of this survey verified that the designated block face met or exceeded the requirements to qualify for RPPD inclusion according to Section 82-5A-4(b) of the Fairfax County Code. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Bryan J. Hill, County Executive

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Henri Stein McCartney, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNCIL:

Marc E. Gori, Assistant County Attorney

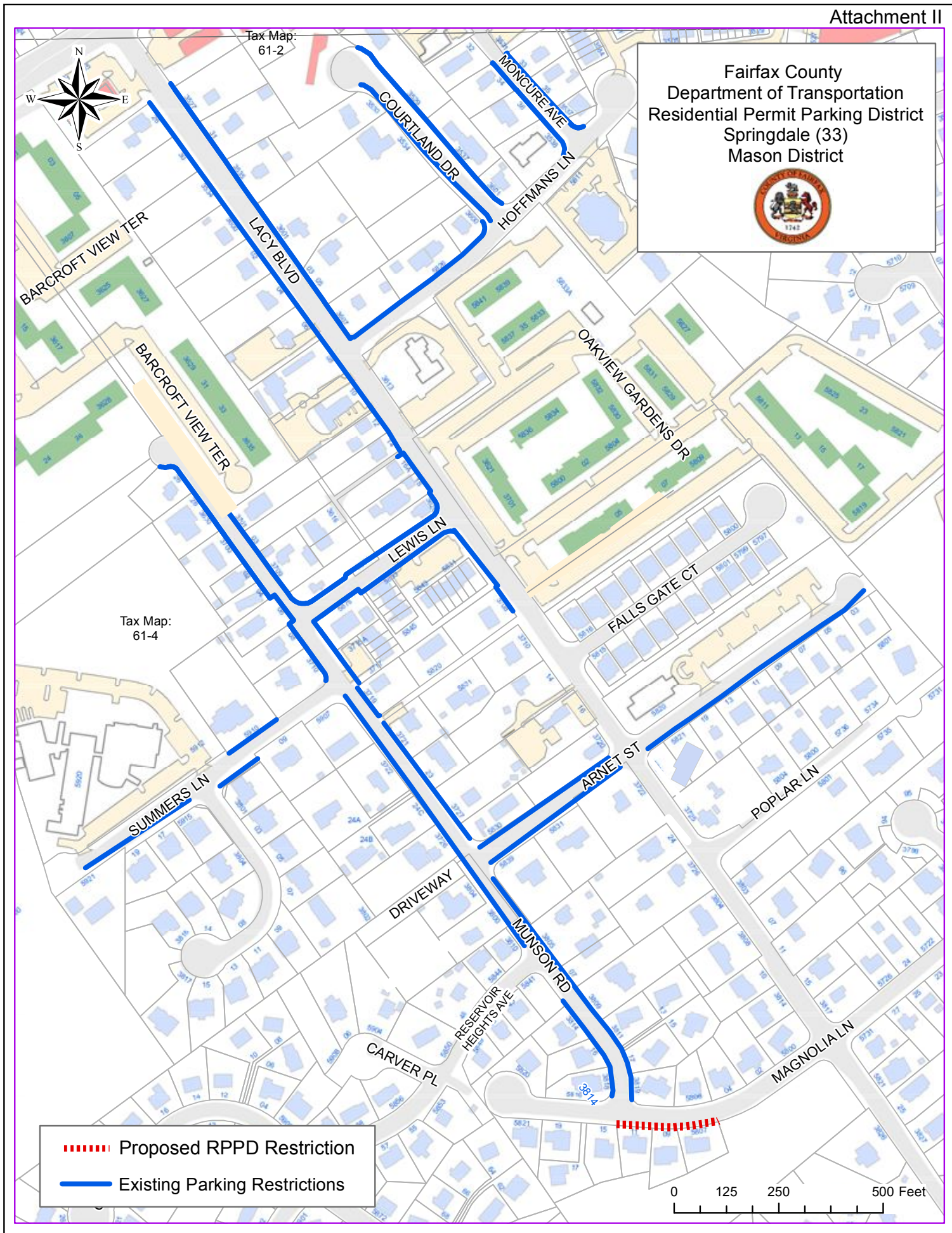
Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by amending the following street descriptions in Appendix G-33, Section (b), (2), Springdale Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Magnolia Lane (Route 1869):

From Munson Road to the eastern property boundary of 5807 Magnolia

Lane; south side only



ADMINISTRATIVE – 6

Supplemental Appropriation Resolution AS 19181 for the Fairfax-Falls Church
Community Services Board to Accept Grant Funding from the University of Baltimore
Combating Opioid Overdose through Community-Level Intervention Subaward through
George Mason University

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 19181 for the Fairfax-Falls Church Community Services Board (CSB) to accept grant funding in the amount of \$105,736 from George Mason University, an awardee of the University of Baltimore Combating Opioid Overdose through Community-Level Intervention Initiative. Funding will support the provision of direct peer support services to individuals released from the Fairfax Adult Detention Center and into probation with the 29th District Probation and Parole, Virginia Department of Corrections who have mental health and substance use disorder service needs. The grant period is December 1, 2018 to November 30, 2019. No Local Cash Match is required. When grant funding expires, the County is under no obligation to continue funding the program. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 19181 to accept grant funding in the amount of \$105,736 from George Mason University, an awardee of the University of Baltimore Combating Opioid Overdose through Community-Level Intervention Initiative. Funding will support interventions with individuals upon reentry to the community from the Adult Detention Center who have mental health and substance use disorder service needs. No Local Cash Match is required. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board approval is requested on February 5, 2019.

BACKGROUND:

The Office of National Drug Control Policy awarded the University of Baltimore a \$3.5 million grant for the Combating Opioid Overdose through Community-level Intervention Initiative. The primary purpose of the Combating Opioid Overdose through Community-level Intervention Initiative is to:

1. Undertake research activities that entail implementing and evaluating community-based efforts to fight the opioid overdose epidemic; and
2. Support and promote the partnership of law enforcement and public health agencies, whose collaboration is critical to reducing overdose and other harms of opioid (mis)use.

The University of Baltimore issued a solicitation in the fall of 2018 seeking applications for organizations who wish to apply for funding for their opioid intervention efforts. The solicitation specifically focused on the following:

- Applicants must use evidence-based approaches to implement or enhance community-based new or ongoing programs that aim to reduce opioid overdose, particularly in the regions of the United States with the highest rates of fatal and non-fatal opioid overdoses.
- Applicants must evaluate these community-based efforts to assess their efficacy in reducing opioid overdose and other harms of opioid (mis)use, particularly in the regions of the United States with the highest rates of fatal and non-fatal opioid overdoses.
- Applicants must support and promote collaboration between public safety and public health agencies to ensure that overdose reduction efforts provide and that communities benefit from a comprehensive and coordinated response.

George Mason University (GMU) submitted an application and was awarded funding. GMU has partnered with the County to provide peer support services to individuals released from the Fairfax Adult Detention Center who have mental health and substance use disorders. Funding to the County will specifically support benefits-eligible peer support specialists to coordinate connections to community-based services upon re-entry and to collect data for the purposes of evaluation.

George Mason University and the County will finalize the formal agreement once the Board of Supervisors accepts the grant funding. The letter of intent from George Mason University as well as the funding notifications to the University of Baltimore and to George Mason University are included as Attachments 2, 3 and 4.

The Combating Opioid Overdose through Community-Level Intervention Initiative solicitation can be found at http://www.ubalt.edu/about-ub/offices-and-services/provost/reporting-units/sponsored-research/ondcp_nofa.cfm.

Board Agenda Item
February 5, 2019

FISCAL IMPACT:

The Combating Opioid Overdose through Community-Level Intervention grant of \$105,736 will support the provision of direct peer support services to individuals released from the Fairfax Adult Detention Center and into probation who have mental health and substance use disorder service needs. No Local Cash Match is required. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated awards in FY 2019. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 19181

Attachment 2: Letter of Intent from George Mason University

Attachment 3: Award Letter to University of Baltimore

Attachment 4: FDP Cost Reimbursement Research Subaward Agreement

STAFF:

Tisha Deeghan, Deputy County Executive

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

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 19181

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 February 5, 2019, 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 2019, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund

Agency:	G7630, Fairfax-Falls Church Community Services Board	\$105,736
Grant:	1760053-2019, Combatting Opioid Overdose	

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$105,736
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: George Mason University, \$105,736

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



Office of Sponsored Programs

4400 University Drive, MS 4C6, Fairfax, Virginia 22030
Phone: 703-993-2988; Fax: 703-993-2296

January 11, 2019

Marissa Fariña-Morse, EdS, NCC, CAADC, LPC
Service Director, Diversion First
Fairfax/Falls Church Community Services Board
12011 Government Center Parkway
Fairfax, Virginia 22030

LETTER OF INTENT TO SUBCONTRACT

Re: Intent to Subcontract between George Mason University and the Fairfax County under our subaward from the University of Baltimore

Dear Ms. Fariña-Morse:

George Mason University intends to enter into a subcontract agreement with Fairfax County on the above-mentioned award.

The anticipated subaward amount is \$105,736.

If you have questions or require additional information, please contact me at (703) 993-4806 or by email at ospaor@gmu.edu.

Sincerely,

Donna Senator
Associate Director, Proposal & Award Management
Office of Sponsored Programs



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

G1899ONDCP06A

Page 1 of 8

September 26, 2018

Margarita Cardona
Assistant Provost, Sponsored Research
University of Baltimore
1420 N. Charles Street
Baltimore, MD 21201-5779

Dear Ms. Cardona:

The Office of National Drug Control Policy (ONDCP) hereby awards a cooperative agreement in an amount of \$3,500,000 to the University of Baltimore for the Combating Opioid Overdose through Community-level Intervention Initiative. This grant is pursuant to the authority of the *Consolidated Appropriations Act, 2018* (Pub. L. No. 115-141). By accepting this grant, you assume the administrative and financial responsibilities outlined in the enclosed terms and conditions, including the timely submission of all financial and programmatic reports, the resolution of audit findings, and the maintenance of a minimum level of cash-on-hand. Should your organization not adhere to all terms and conditions, ONDCP may terminate the grant for cause or take other administrative action.

If you accept this award, please sign both the cooperative agreement and the Terms and Conditions, e-mail a scanned copy to skelly@ondcp.eop.gov, and mail the original to:

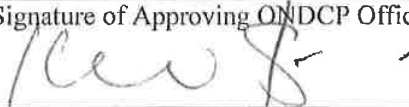

Office of National Drug Control Policy
ATTN: Shannon Kelly
Executive Office of the President
Washington, DC 20503

Please keep the original copy of the Grant and Conditions for your file. If you have any questions pertaining to this award, please contact Shannon Kelly, at (202) 395-5872.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kristin S. Skrzycki", is written over a light blue horizontal line.

Kristin S. Skrzycki
Chief of Staff

Executive Office of the President Office of National Drug Control Policy		Cooperative Agreement	
1. Recipient Name and Address Margarita Cardona Assistant Provost, Sponsored Research University of Baltimore 1420 N. Charles Street Baltimore, MD 21201-5779		4. Award Number (FAIN): G1899ONDCP06A	
		5. Period of Performance: From 09/01/2018 to 08/31/2019	
2. Total Amount of the Federal Funds Obligated: \$3,500,000		6. Federal Award Date: September 26, 2018	7. Action: Initial
2A. Budget Approved by the Federal Awarding Agency: \$3,500,000		8. Supplement Number:	
3. CFDA Name and Number: Research and Data Analysis – 95.007		9. Previous Award Amount:	
3A. Project Description: Combating Opioid Overdose through Community-level Intervention Initiative		10. Amount of Federal Funds Obligated by this Action: \$3,500,000	
		11. Total Amount of Federal Award: \$3,500,000	
12. This Cooperative Agreement is R&D and approved subject to such conditions or limitations as are set forth on the attached pages.			
13. Authorizing Authority for Grant: Consolidated Appropriations Act, 2018 (Pub. L. No. 115-141)			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Kristin S. Skrzycki, Chief of Staff Office of National Drug Control Policy		15. Typed Name and Title of Authorized Official Darlene Brannigan Smith, ExecVP+Provost University of Baltimore	
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date  9/27/18	
AGENCY USE ONLY			
18. Accounting Classification Code DUNS: 1526002033AY EIN: 143486319		19. SALARIES AND EXPENSES AWARD OND1457RA1818XX OC410001 OND118S035XXX 011201820181457000 OND0103000000	

A. General Terms and Conditions

Award Calculations

Personnel	\$ 150,000
Benefits	\$ 52,500
Travel	\$ 35,000
Supplies and Equipment	\$ 500
Consultants and Contracts	\$ 2,943,818
Other Costs	\$ 0
Indirect Costs*	\$ 318,182
Total Cost	\$ 3,500,000

*Grantee has chosen not to use approved IDC and charges 10% TDC for F&A costs.

1. This award is subject to applicable Federal law, including but not limited to Title 2 Part 200 of the Code of Federal Regulations and including the following:
 - Incorporated by reference, the provisions of the Office of Management and Budget's (OMB) Uniform Guidance / Omni-circular applicable to grants, cooperative agreements, and other forms of federal financial assistance. Applicable OMB rules and updated guidance are available from the Council on Financial Assistance Reform website at <https://cfo.gov/cofar>.
 - Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Awards (2 CFR Chapters 1 and 2, Parts 200, 215, 220, 225, and 230), available from the electronic Code of Federal Regulations ("e-cfr") at www.ecfr.gov.
 - ONDCP Adoption of the Uniform Guidance or Omni-Circular at 2 CFR Part 3603 et seq.
 - "Government-wide Debarment and Suspension (Nonprocurement)," (adopted and codified by 2 CFR Part 3603)
 - "Government-wide Requirements for Drug-free Workplace (Financial Assistance)" (adopted and codified by 2 CFR Part 3603)
 - See also <http://www.gpo.gov/fdsys/pkg/FR-2014-12-19/html/2014-28697.htm>
 - "New Restrictions on Lobbying" (Codified at 28 CFR Part 69)
 - Conflict of Interest and Mandatory Disclosure Requirements
 - Non-profit Certifications (when applicable)
 - 2 CFR 25.110
2. Audits conducted pursuant to OMB Circular 2 CFR Chapter 2, Part 200 Subpart F, "Audit Requirements", must be submitted no later than nine months after the close of the recipient's audited fiscal year to the Federal Audit Clearinghouse at <https://harvester.census.gov/facweb/>.

3. Awardees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Division of Payment Management (HHS/DPM). Federal Financial Report is required to be submitted quarterly and within 90 days after the grant is closed out. Program income must be accounted for and reported on the Federal Financial Report.
4. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
5. Recipients of ONDCP funds are not agents of ONDCP. Accordingly, the recipient, its fiscal agent(s), employees, contractors, as well as state, local, and federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.
6. These general terms and conditions as well as archives of previous versions of the general terms and conditions are available online at www.whitehouse.gov/ondcp/grants.
7. Conflict of Interest Requirements - As a non-Federal entity, you must follow ONDCP's conflict of interest policies for Federal awards. You must disclose in writing any potential conflict of interest to an ONDCP Program Officer, or to the pass-through entity if you are a subrecipient or contractor. This disclosure must take place immediately whether you are an applicant or have an active ONDCP award.

The ONDCP conflict of interest policies apply to subawards as well as contracts, and are as follows:

- i. As a non-Federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of subawards and contracts.
- ii. None of your employees may participate in the selection, award, or administration of a subaward or contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a subaward or contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients or contractors or parties to subawards or contracts.
- iii. If you have a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary

organization, you are unable or appear to be unable to be impartial in conducting a subaward or procurement action involving a related organization.

8. Mandatory Disclosure Requirement - As a non-Federal entity, you or your pass-through entity(s), must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in remedies such as: temporary withholding of payments pending correction of the deficiency, disallowance of all or part of the costs associated with noncompliance, suspension, termination of award, debarment, or other legally available remedies. (See also 2 CFR Part 180 and 31 U.S.C. 3321).
9. Each applicant is required to (i) be registered in the System for Award Management (SAM) before submitting its application; (ii) provide a valid DUNS number in its application; (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award; and (iv) provide all relevant recipient information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.
10. Sub-awards are contemplated under this cooperative agreement.
11. Awardee must comply with the Government-wide Suspension and Debarment provision set forth at 2 CFR Part 180, dealing with all sub-awards and contracts issued under the grant.
12. Reporting Sub-award and Executive Compensation Information – This part provides guidance concerning requirements for Federal Funding Accountability and Transparency Act of 2006 (FFATA) reporting. ONDCP must report Federal fund awards of more than \$25,000. Subawards also fall under reporting requirements but please note that the definition of “Subaward” does not include your procurement of property and services needed to carry out the project. (See 2 CFR Part 170)
13. Requirements for Drug-Free Workplace (Financial Assistance) - This part requires that the award and administration of ONDCP grants and cooperative agreements comply with Office of Management and Budget (OMB) guidance implementing the portion of the Drug Free Workplace Act of 1988 (41 U.S.C. 701-707, as amended, hereafter referred to as “the Act”) that applies to grants. (2 CFR Part 421)
14. Non Discrimination Statement: The Office of National Drug Control Policy (ONDCP) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political belief, marital status, familial or parental status, sexual orientation, or all or part of an individual’s income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Agency. (Not all prohibited bases will apply to all programs and/or employment activities.)

15. Compensation – Personnel Services: This part requires that charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed. (See 2 CFR 200.430)
16. Financial Management: This part requires that systems must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions, and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the award. (See 2 CFR 200.302)
17. As specified in the notice of funding opportunity, recipient must:
 - a. Establish and maintain effective internal controls over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with the guidance in “Standards for Internal Control in the Federal Government,” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
 - b. Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
 - c. Evaluate and monitor the non-Federal entity’s compliance with statute, regulations, and the terms and conditions of the Federal awards.
 - d. Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
 - e. Take reasonable measures to safeguard protected personally identified information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

B. Program Specific Terms and Conditions

1. The recipient organization is legally and financially responsible for all aspects of this cooperative agreement, including funds provided to sub-recipients.
2. Award funds cannot be used to supplant current funding of existing activities.
3. All program authority and responsibility inherent in the Federal stewardship role shall remain with the Office of National Drug Control Policy (ONDCP). ONDCP will work in conjunction with the recipient to routinely review and refine the work plan so that the program’s goals and objectives can be effectively accomplished. ONDCP will monitor the project on a continual basis by maintaining ongoing contact with the recipient and will provide input to the program’s direction, in consultation with the recipient, as needed.

C. Federal Award Performance Goals

The assistance provided under this award will support the NFE's performance of the award and fulfillment of the following performance areas:

- Research and analyze 1) a range of existing community-based efforts to address the opioid epidemic and 2) current evidence-based and proven strategies to reduce opioid-related overdose deaths;
- Using the evidence-based approaches previously identified, implement or enhance community-based new or ongoing programs that aim to reduce opioid overdose, particularly in the regions of the United States with the highest rates of fatal and non-fatal opioid overdoses (making funding available to at least eight communities via subawards is a priority);
- Once implemented, evaluate these community-based efforts to assess their efficacy in reducing opioid overdose and other harms of opioid (mis)use, particularly in the regions of the United States with the highest rates of fatal and non-fatal opioid overdoses;
- Support and promote collaboration between public safety and public health agencies to ensure that overdose reduction efforts are aligned and that communities benefit from a comprehensive and coordinated response; and
- Provide technical assistance to support implementation, evaluation, and reporting by prospective subaward recipients.

See also Section A. 3

D. Payment Basis

1. A request for Advance or Reimbursement shall be made using the HHS/DPM system (www.dpm.psc.gov).
2. The grantee, must utilize the object classes specified within the initial grant application each time they submit a disbursement request to ONDCP. Requests for payment in the DPM system will not be approved unless the required disbursements have been entered using the corresponding object class designations. Payments will be made via Electronic Fund Transfer to the award recipient's bank account. The bank must be FDIC insured. The account must be interest bearing.
3. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450), awardees and sub-awardees shall promptly, but at least annually, remit interest earned on advances to HHS/DPM using the remittance instructions provided below.

Remittance Instructions - Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on federal funds.

Pertinent details include the Payee Account Number (PAN), reason for check (remittance of interest earned on advance payments), check number (if applicable), awardee name, award number, interest period covered, and contact name and number. The remittance must be submitted as follows:

Through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment.

(i) For ACH Returns:

Routing Number: 051036706

Account number: 303000

Bank Name and Location: Credit Gateway—ACH Receiver St. Paul, MN

(ii) For Fedwire Returns*:

Routing Number: 021030004

Account number: 75010501

Bank Name and Location: Federal Reserve Bank Treas NYC/Funds Transfer Division New York, NY

(* Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)

For recipients that do not have electronic remittance capability, please make check** payable to: "The Department of Health and Human Services."

Mail Check to Treasury approved lockbox:

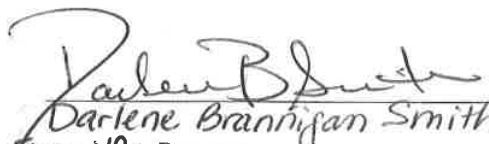
HHS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231

(** Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account)

Any additional information/instructions may be found on the PMS Web site at <http://www.dpm.psc.gov/>.

4. The awardee or sub-awardee may keep interest amounts up to \$500 per year for administrative purposes.

**RECIPIENT ACCEPTANCE OF COOPERATIVE AGREEMENT
CONDITIONS**


Darlene Brannigan Smith
Exec. VP + Provost
University of Baltimore

Date: 9/27/18

FDP Cost Reimbursement Research Subaward Agreement

Federal Awarding Agency:

Pass-Through Entity (PTE):

PTE PI:

PTE Federal Award No:

Subrecipient:

Sub PI:

Subaward No:

Project Title:

Subaward Period of Performance (Budget Period):

Start:

End:

Amount Funded This Action (USD): \$

Estimated Project Period (if incrementally funded):

Start:

End:

Incrementally Estimated Total (USD): \$

Terms and Conditions

1. PTE hereby awards a cost reimbursable subaward, as described above, to Subrecipient. The Statement of Work and budget for this Subaward are as shown in Attachment 5. In its performance of Subaward work, Subrecipient shall be an independent entity and not an employee or agent of PTE.
2. Subrecipient shall submit invoices not more often than monthly and not less frequently than quarterly for allowable costs incurred. Upon the receipt of proper invoices, the PTE agrees to process payments in accordance with this Subaward and 2 CFR 200.305. All invoices shall be submitted using Subrecipient's standard invoice, but at a minimum shall include current and cumulative costs (including cost sharing), Subaward number, and certification, as required in 2 CFR 200.415 (a). Invoices that do not reference PTE Subaward number shall be returned to Subrecipient. Invoices and questions concerning invoice receipt or payments shall be directed to the party's Contact, shown in Attachment 3A.
3. A final statement of cumulative costs incurred, including cost sharing, marked "FINAL" must be submitted to PTE's Contact, as shown in Attachment 3A, not later than 60 days after the
The final statement of costs shall constitute Subrecipient's final financial report.
4. All payments shall be considered provisional and are subject to adjustment within the total estimated cost in the event such adjustment is necessary as a result of an adverse audit finding against the Subrecipient.
5. Matters concerning the technical performance of this Subaward shall be directed to the appropriate party's Principal Investigator as shown in Attachments 3A and 3B. Technical reports are required as shown in Attachment 4.
6. Matters concerning the request or negotiation of any changes in the terms, conditions, or amounts cited in this Subaward, and any changes requiring prior approval, shall be directed to each party's Contact, as shown in Attachments 3A and 3B. Any such change made to this Subaward requires the written approval of each party's Authorized Official, as shown in Attachments 3A and 3B.
7. The PTE may issue non-substantive changes to the Period of Performance and budget
Unilateral modification shall be considered valid 14 days after receipt unless otherwise indicated by Subrecipient when sent to Subrecipient's Contact, as shown in Attachment 3B.
8. Each party shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, or directors, to the extent allowed by law.
9. Either party may terminate this Subaward with 30 days written notice to the appropriate party's Contact, as shown in Attachments 3A and 3B. PTE shall pay Subrecipient for termination costs as allowable under Uniform Guidance, 2 CFR 200, or 45 CFR Part 75 Appendix IX, as applicable.
10. By signing this Subaward, including the attachments hereto which are hereby incorporated by reference, Subrecipient certifies that it will perform the Statement of Work in accordance with the terms and conditions of this Subaward and the applicable terms of the Federal Award, including the appropriate Research Terms and Conditions ("RTCs") of the Federal Awarding Agency, as referenced in Attachment 2. The parties further agree that they intend this Subaward to comply with all applicable laws, regulations and requirements.

By an Authorized Official of Pass-through Entity:

By an Authorized Official of Subrecipient:

Name:

Date

Title:

Name:

Date

Title:

Attachment 1
Certifications and Assurances

Subaward Number:

Certification Regarding Lobbying (2 CFR 200.450)

By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief, that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement in accordance with 2 CFR 200.450.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," to the PTE.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Debarment, Suspension, and Other Responsibility Matters (2 CFR 200.213 and 2 CFR 180)

By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief that neither the Subrecipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, in accordance with 2 CFR 200.213 and 2 CFR 180.

Audit and Access to Records

Per 2 CFR 200.501- 200.521, Subrecipient certifies that it will provide notice of any adverse findings which impact this Subaward and will provide access to records as required by parts 2 CFR 200.336, 200.337, and 200.201 as applicable. If Subrecipient is not subject to the Single Audit Act, then Subrecipient will provide notice of the completion of any required audits and provide access to such audits upon request.

Program for Enhancement of Contractor Employee Protections (41 U.S.C 4712)

Subrecipient is hereby notified that they are required to: inform their employees working on any federal award that they are subject to the whistleblower rights and remedies of the pilot program; inform their employees in writing of employee whistleblower protections under 41 U.S.C §4712 in the predominant native language of the workforce; and include such requirements in any agreement made with a subcontractor or subgrantee.

The Subrecipient shall require that the language of the certifications above in this Attachment 1 be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Use of Name

Neither party shall use the other party's name, trademarks, or other logos in any publicity, advertising, or news release without the prior written approval of an authorized representative of that party. The parties agree that each party may use factual information regarding the existence and purpose of the relationship that is the subject of this Subaward for legitimate business purposes, to satisfy any reporting and funding obligations, or as required by applicable law or regulation without written permission from the other party. In any such statement, the relationship of the parties shall be accurately and appropriately described.

Attachment 2

Federal Award Terms and Conditions

Subaward Number

Required Data Elements

The data elements required by Uniform Guidance are incorporated

Federal Award Issue Date FAIN

CFDA No.

CFDA Title

This Subaward Is:

Research & Development

Subject to FFATA

Key Personnel Per NOA

General Terms and Conditions

By signing this Subaward, Subrecipient agrees to the following:

1. To abide by the conditions on activities and restrictions on expenditure of federal funds in appropriations acts that are applicable to this Subaward to the extent those restrictions are pertinent. This includes any recent legislation noted on the Federal Awarding Agency's website:
2. 2 CFR 200
3. The Federal Awarding Agency's grants policy guidance, including addenda in effect as of the beginning date of the period of performance or as amended found at:
4. Research Terms and Conditions, including any Federal Awarding Agency's Specific Requirements found at:

except for the following :

 - a. No-cost extensions require the written approval of the PTE. Any requests for a no-cost extension shall be directed to the Contact shown in Attachment 3A, not less than 30 days prior to the desired effective date of the requested change.
 - b. Any payment mechanisms and financial reporting requirements described in the applicable Federal Awarding Agency Terms and Conditions and Agency-Specific Requirements are replaced with Terms and Conditions (1) through (4) of this Subaward; and
 - c. Any prior approvals are to be sought from the PTE and not the Federal Awarding Agency.
 - d. Title to equipment as defined in 2 CFR 200.33 that is purchased or fabricated with research funds or Subrecipient cost sharing funds, as direct costs of the project or program, shall vest in the Subrecipient subject to the conditions specified in 2 CFR 200.313.
 - e. Prior approval must be sought for a change in Subrecipient PI or change in Key Personnel (defined as listed on the NOA).
5. Treatment of program income:

Special Terms and Conditions:

Copyrights:

to PTE an irrevocable, royalty-free, non-transferable, non-exclusive right and license to use, reproduce, make derivative works, display, and perform publicly any copyrights or copyrighted material (including any computer software and its documentation and/or databases) first developed and delivered under this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its PTE Federal Award.

Subrecipient grants to PTE the right to use any written progress reports and deliverables created under this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its Federal Award.

Data Rights:

Subrecipient grants to PTE the right to use data created in the performance of this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its PTE Federal Award.

Data Sharing and Access (Check if applicable):

Subrecipient agrees to comply with the Federal Awarding Agency's data sharing and access requirements as reflected in the NOA (or in the special terms below) and the Data Management/Sharing Plan submitted to the Federal Awarding Agency and

Promoting Objectivity in Research (COI):

Subrecipient must designate herein which entity's Financial Conflicts of Interest policy (COI) will apply:

If applying its own COI policy, by execution of this Subaward, Subrecipient certifies that its policy complies with the requirements of the relevant Federal Awarding Agency as identified herein:

Subrecipient shall report any financial conflict of interest to PTE's Administrative Representative or COI contact, as designated on Attachment 3A. Any financial conflicts of interest identified shall, when applicable, subsequently be reported to Federal Awarding Agency. Such report shall be made before expenditure of funds authorized in this Subaward and within 45 days of any subsequently identified COI.

Work Involving Human or Vertebrate Animals (Select Applicable Options)

No Human or Vertebrate Animals

Human Subjects Data (Select One)

Additional Terms

Attachment 3A
Pass-Through Entity (PTE) Contacts

Subaward Number:

PTE Information

Entity Name:

Legal Address:

Website:

PTE Contacts

Central Email:

Principal Investigator Name:

Email:

Telephone Number:

Administrative Contact Name:

Email:

Telephone Number:

COI Contact email (if different to above):

Financial Contact Name:

Email:

Telephone Number:

Email invoices? Yes No Invoice email (if different):

Authorized Official Name:

Email:

Telephone Number:

PI Address:

Administrative Address:

Invoice Address:

Attachment 3B

Subrecipient Contacts

Subaward Number:

Subrecipient Information for [FFATA](#) reporting

Entity's DUNS Name:

EIN No.:

Institution Type:

DUNS:

Currently registered in SAM.gov: Yes No

Exempt from reporting executive compensation: Yes No *(if no, complete 3Bpg2)*

Parent DUNS:

This section for U.S. Entities: Zip Code [Look-up](#)

Place of Performance Address

Congressional District: Zip Code+4:

Subrecipient Contacts

Central Email:

Website:

Principal Investigator Name:

Email:

Telephone Number:

Administrative Contact Name:

Email:

Telephone Number:

Financial Contact Name:

Email:

Telephone Number:

Invoice/Payment Email:

Authorized Official Name:

Email:

Telephone Number:

Legal Address:

Administrative Address:

Payment Address:

Attachment 3B-2
Highest Compensated Officers

Subaward Number:

Subrecipient:

Institution Name:

PI Name:

Highest Compensated Officers

The names and total compensation of the five most highly compensated officers of the entity(ies) must be listed if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1) Internal Revenue Code of 1986.

Officer 1 Name:

Officer 1 Compensation:

Officer 2 Name:

Officer 2 Compensation:

Officer 3 Name:

Officer 3 Compensation:

Officer 4 Name:

Officer 4 Compensation:

Officer 5 Name:

Officer 5 Compensation:

Attachment 4
Reporting and Prior Approval Terms

Subaward Number:

Subrecipient agrees to submit the following reports (PTE contacts are identified in Attachment 3A):

Technical Reports:

Monthly technical/progress reports will be submitted to the PTE's _____ within _____ days of the end of the month.

Quarterly technical/progress reports will be submitted within 30 days after the end of each project quarter to the PTE's _____

Annual technical / progress reports will be submitted within _____ days prior to the end of each budget period to the PTE's _____. Such report shall also include a detailed budget for the next Budget Period, updated other support for key personnel, certification of appropriate education in the conduct of human subject research of any new key personnel, and annual IRB or IACUC approval, if applicable.

A Final technical/progress report will be submitted to the PTE's _____ within _____ days of the end of the Project Period or after termination of this award, whichever comes first.

Technical/progress reports on the project as may be required by PTE's _____ in order for the PTE to satisfy its reporting obligations to the Federal Awarding Agency.

Prior Approvals:

Carryover:

Other Reports:

In accordance with 37 CFR 401.14, Subrecipient agrees to notify PTE's _____ days after Subrecipient's inventor discloses invention(s) in writing to Subrecipient's personnel responsible for patent matters. The Subrecipient will submit a final invention report using Federal Awarding Agency specific forms to the PTE's _____ within 60 days of the end of the Project Period to be included as part of the PTE's final invention report to the Federal Awarding Agency.

A negative report is required:

Property Inventory Report (only when required by Federal Awarding Agency), specific requirements below.

Other Special Reporting Requirements:

Attachment 5
Statement of Work, Cost Sharing, Indirects & Budget

Subaward Number:

Statement of Work

Below Attached, pages

If award is FFATA eligible and SOW exceeds 4000 characters, include a *Subrecipient Federal Award Project Description*

Budget Information

Indirect Information Indirect Cost Rate (IDC) Applied %	Cost Sharing
Rate Type:	If Yes, include Amount: \$

Budget Details Below Attached, pages

Budget Totals

Direct Costs \$

Indirect Costs \$

Total Costs \$

All amounts are in United States Dollars

Attachment 6

Notice of Award (NOA) and any additional documents

The following pages include the NOA and if applicable any additional documentation referenced throughout this Subaward.

Not incorporating the NOA or any additional documentation to this Subaward.

Board Agenda Item
February 5, 2019

ACTION - 1

Approval of and Authorization to Execute a Standard Project Administration Agreement with the Virginia Department of Transportation for Implementation of the Wolftrap Elementary School Crosswalk Improvement Project and Approval of Supplemental Appropriation Resolution AS 19183 (Hunter Mill District)

ISSUE:

Board of Supervisor's approval of, and authorization for, the Director of the Fairfax County Department of Transportation (FCDOT) to execute a Standard Project Administration Agreement, substantially in the form of Attachment 2, for the Wolftrap Elementary School Crosswalk Improvement Project (Project) and approval of Supplemental Appropriation Resolution AS 19183 (Attachment 3) to accept grant funding in the amount of \$200,000. The required Local Cash Match of \$50,000 has been identified in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution (Attachment 1), authorizing the Director of the Department of Transportation to enter into a Standard Project Administration Agreement (SPA) with the Virginia Department of Transportation (VDOT), substantially in the form of Attachment 2, as well as approve Supplemental Appropriation Resolution AS 19183 (Attachment 3) for the development of the Wolftrap Elementary School Crosswalk Improvement Project. Required Local Cash Match of \$50,000 has been identified in Fund 40100, County and Regional Transportation Projects. There are no positions associated with this award.

TIMING:

Board approval is requested on February 5, 2019, to allow the County to enter into an agreement with VDOT to implement the Project.

BACKGROUND:

On October 24, 2017, the Board of Supervisors endorsed the County's applications for Transportation Alternatives (TA) Projects. The TA set-aside program, included in the FAST Act, replaced The Transportation Alternatives Program (TAP), originally included in the Federal Surface Transportation Act, Moving Ahead for Progress in the 21st Century (MAP-21). The TA set-aside is similar in nature to TAP. Applicants are required to provide 20 percent local share match, with grant awards covering the remaining 80 percent.

The Wolftrap Elementary School Crosswalk Improvement Project was awarded a \$200,000 grant. The Project will improve Wolftrap Elementary School's main school

Board Agenda Item
February 5, 2019

crossing across Beulah Road (VA Route 675) at Talisman Drive (VA Route 3996). The Project consists of an improved protected crosswalk and channelization/road diet treatments to the main roadway. The existing two-lane Beulah Road (VA Route 675) in front of Wolfttrap Elementary School is over 60 feet wide. At arrival and departure times, the location is controlled by a School Crossing Guard. The extreme width of the roadway encourages illegal passing of vehicles stopped for children in the crosswalk, whether manned by the School Crossing Guard or not. The Project consists of 7-foot to 15-foot bump outs and an 8-foot median refuge for the crosswalk (including evaluation for potential pedestrian beacon device), and creation of a channelized southbound right-turn lane, on-road bike lanes, and transitional median striping as road diet treatments. Under this agreement, the County will administer the construction of and maintain the proposed improvements in accordance with all applicable federal, state and local laws and regulations.

FISCAL IMPACT:

Grant funding of \$200,000 is available from VDOT, with a Local Cash Match requirement of \$50,000. The required Local Cash Match of \$50,000 has been identified in Fund 40010, County and Regional Transportation Projects. Appropriation to the Federal-State Grant Fund totals \$186,000 as VDOT expenses are not accounted for in the County's financial system. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution to Enter Standard Project Administration Agreement with the Virginia Department of Transportation

Attachment 2: Standard Project Administration Agreement for Wolfttrap Elementary School Crosswalk Improvement Project (including Related Appendices)

Attachment 3: Supplemental Appropriation Resolution AS 19183

STAFF:

Bryan J. Hill, County Executive

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

Todd Minnix, Chief, Transportation Design Division (CPTED), FCDOT

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

Brent Riddle, Transportation Planner, CFD, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on Tuesday, February 5, 2019, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT EXECUTION RESOLUTION

A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA

AS AN ENDORSEMENT OF THE Wolftrap Elementary School Crosswalk Improvement Project

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

NOW, THEREFORE, BE IT RESOLVED, that the County of Fairfax requests the Commonwealth Transportation Board to establish a project(s), if not already established, for the implementation of the Wolftrap Elementary School Crosswalk Improvement project (VDOT project # EN18-029-417, UPC 113637) (“Project”).

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

BE IT FURTHER RESOLVED THAT, the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County’s Department of Transportation to execute, on behalf of the County of Fairfax, the PAA with the Virginia Department of Transportation for the implementation of the Project to be administered by Fairfax County.

Adopted this 5th day of February 2019, Fairfax, Virginia

ATTEST _____
Catherine A. Chianese
Clerk to the Board of Supervisors

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN18-029-417 Wolftrap ES Crossing	113637	Fairfax County

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 2018, 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.

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

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

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

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

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

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. 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 related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to 2 CFR 200.338, Remedies for Noncompliance, violations of the provision 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.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by 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 provisions of Section 33.2-214 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. 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.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all

federal, state, and local laws and regulations. If the locality expends over \$750,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with 2 CFR 200.501, Audit Requirements.

- 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. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties 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 1.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. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - 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. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to 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 Section 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. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
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 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. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, 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, unless otherwise mutually agreed upon in writing.
10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. 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.

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.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

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

COUNTY OF FAIRFAX, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

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

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A – UPC 113637

Appendix A
Date: 10/17/2018

Project Number: EN18-029-417 UPC: 113637 CFDA # 20.205 Locality: Fairfax County

Project Location ZIP+4: 22182-3423	Locality DUNS# 074837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, VA 22033-2895
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Project Narrative

Scope:	Fairfax County - SRTS - Wolf Trap ES - Crossing Imp
From:	Beulah Rd at Talisman Dr
To:	Beulah Rd at Talisman Dr
Locality Project Manager Contact info:	Judith Howerton 703-877-5842 Judith.Howerton@fairfaxcounty.gov
Department Project Coordinator Contact Info:	Mauricio Felix 703-259-2205 Mauricio.Felix@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$67,000	\$14,000	\$155,000	\$236,000
Estimated VDOT Project Expenses	\$8,000	\$1,000	\$5,000	\$14,000
Estimated Total Project Costs	\$75,000	\$15,000	\$160,000	\$250,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$75,000	Transportation Alternatives	20%	\$15,000	\$60,000	
				\$0	\$0	
Total PE	\$75,000			\$15,000	\$60,000	\$52,000
Right of Way & Utilities	\$15,000	Transportation Alternatives	20%	\$3,000	\$12,000	
				\$0	\$0	
Total RW	\$15,000			\$3,000	\$12,000	\$11,000
Construction	\$160,000	Transportation Alternatives	20%	\$32,000	\$128,000	
				\$0	\$0	
Total CN	\$160,000			\$32,000	\$128,000	\$123,000
Total Estimated Cost	\$250,000			\$50,000	\$200,000	\$186,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)

\$200,000

Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)

\$186,000

Project Financing

Transportation Alternatives (80%)	Local Match (20%)					Aggregate Allocations
\$200,000	\$50,000					\$250,000

Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Transportation Alternatives Program Guide.
- In accordance with Chapter 12.1.3 (Scoping Process Requirements) of the LAP Manual, the locality shall complete project scoping on or before 11/30/2019.
- This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$200,000.
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests.
- Any ineligible items identified throughout project development will not be reimbursable.
- The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. 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 document and studies will be provided to the locality and deducted from the project funds.
- For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the DEPARTMENT for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TAP funded improvement prior to the expectations as identified in the TAP Guide, may require repayment of federal funds.
- In accordance with CTB policy, the project must be under construction by October 1, 2022 or the federal Transportation Alternatives funding may be subject to de-allocation.

This attachment is certified and made an official attachment to this document by the parties to this agreement.

Authorized Locality Official and Date

Tom Biesiadny

Typed or printed name of person signing

Authorized VDOT Official and Date

Ray Burkhardt

Typed or printed name of person signing

Revised: July 3, 2018

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 19183

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 February 5, 2019, 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 2019, 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 \$186,000

Grant: 1400150-2019, Wolftrap Elementary School Crosswalk

Reduce Appropriation to:

Agency: G8787, Unclassified Admin \$186,000

Fund: 500-C50000, Federal-State Grant Fund

Source of Funds: Virginia Department of Transportation, \$186,000

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
February 5, 2019

ACTION - 2

Endorsement of the Residential Traffic Administration Program (RTAP) Revised Traffic Calming General Operating Procedures

ISSUE:

Board endorsement of the revised Traffic Calming General Operating Procedures.

RECOMMENDATION:

The County Executive recommends that the Board endorse the Residential Traffic Administration Program (RTAP) revised Traffic Calming General Operating Procedures (Attachments I and II).

TIMING:

Board action is requested on February 5, 2019.

BACKGROUND:

On January 22, 2002, the Board of Supervisors adopted the Virginia Department of Transportation's (VDOT's) traffic calming program for permanent use in the County's Residential Traffic Administration Program (RTAP), following a successful pilot program. Since then the traffic calming program has been very popular with over 450 traffic calming measures implemented throughout the county.

At the December 11, 2018, Transportation Committee meeting, staff informed the Board that they were reviewing the guidelines and procedures of the existing Traffic Calming Program (Attachment III) to reflect changes made by VDOT to its *Traffic Calming Guide for Neighborhood Streets*. Revisions to the RTAP Traffic Calming General Operating Procedures have been developed, with support from the Board transportation aides and VDOT.

The traffic calming process is mostly unchanged, but the new procedures do include several modifications. These include modifications made to reflect changes made by VDOT:

- description of Collector and Arterial Road qualification
- requirement of a resolution from the Board of Supervisors to VDOT seeking endorsement of approved traffic calming plans
- an increased threshold to indicate community support

Board Agenda Item
February 5, 2019

- inclusion of commercial property in the ballot process
- new traffic calming options

Other modifications are being requested by FCDOT and these include:

- shorter and more flexible traffic calming device spacing distances
- a new procedure for requesting the modification of an installed traffic calming plan
- lowering the minimum qualifying criteria a road must meet to enter the program
- general edits to clarify process

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Department of Transportation, Residential Traffic Administration Program (RTAP), Traffic Calming General Operating Procedures, (revision 2/5/2019).

Attachment II: Fairfax County Department of Transportation, Residential Traffic Administration Program (RTAP), Traffic Calming General Operating Procedures, (revision 2/5/2019 with track changes)

Attachment III: Board transportation Committee Traffic Calming Presentation, December 11, 2018

STAFF:

Bryan J. Hill, County Executive

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

David Loss, Transportation Planner, Traffic Engineering Section, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney, Office of County Attorney



County of Fairfax, Virginia

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

Fairfax County Department of Transportation Residential Traffic Administration Program (RTAP) Traffic Calming Program General Operating Procedures Adopted February 5, 2019

Based on VDOT Traffic Calming Guide for Neighborhood Streets, November 2017

Intent:

The development of a traffic calming plan is a community-initiated process under the leadership of a traffic calming task force and the overall direction of the Fairfax County Department of Transportation (FCDOT). The Traffic Calming Program is administered by FCDOT in collaboration with the local District Supervisor's office, and based on guidelines established by the Virginia Department of Transportation (VDOT).

Goal:

The Traffic Calming Program develops traffic calming plans that enhance public safety, uphold standard traffic engineering principles, reflect community desires, and are financially responsible.

Initial Contact:

When a Board of Supervisors (BOS) member is initially contacted for a traffic calming project in a community, FCDOT will first determine if the street(s) meets the basic eligibility requirements for the Traffic Calming Program. To meet the basic eligibility requirements a street must:

- Be in the state system of highways owned and maintained by VDOT.
- Be classified as a local, collector, or arterial road.
- Function as a residential street.
- Have a speed limit of 25 miles per hour (MPH).

If these requirements are met, the community members may formally request to enter the street(s) into the Traffic Calming Program.

Step 1: Study Initiation

To enter into the Traffic Calming Program, a request shall be made to the District Supervisor either by the Home Owners Association (HOA) or Civic Association (CA) for the neighborhood. If there is no HOA or CA, then a request shall be made by either 10 residences or 10% of residences along the street (whichever is less). For neighborhoods where there is an association, the District Supervisor may also choose

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



to accept a request made by 10 residences or 10% of residences along the street (whichever is less). Once received, the request is forwarded to FCDOT.

The request needs to include the following:

- The name and termini of the street(s) being requested for a review.
- Contact information of community members, typically 4 to 5 residents, who can serve as community task force members. One resident needs to be identified as a lead contact for the task force.

Responsibilities of task force members will include:

- Informing the community of the request for a traffic calming study.
- Providing community expectations to FCDOT prior to the development of the conceptual traffic calming plan.
- Reviewing and approving the conceptual traffic calming plan.
- Securing affected property owners' signatures.
- Building community support for the conceptual traffic calming plan.
- Distributing, by mail or in person, the ballots to the property owners in the defined ballot area.
- Arranging all costs associated with the production, distribution, and return postage of the ballots.

Step 2: Traffic Count and Speed Study

FCDOT conducts an engineering review, a traffic count, and a speed survey of the study area to determine if the street(s) have an existing speeding concern.

- A preliminary field review is made to determine if the geometry of the street(s) can accommodate traffic calming measures. FCDOT considers features including road grade, sight distance, drainage, and location of road access points.
- The street(s) must have a traffic volume between 500 and 6,000 vehicles per day.
- The recorded 85th percentile speed of vehicles must be equal to or greater than 35 MPH in at least one direction of travel.

FCDOT provides the results of the study to the District Supervisor. If a street(s) does not qualify, the community may request that FCDOT conduct an additional study.

Step 3: Conceptual Plan Development and Task Force Meeting

After the street(s) qualify, FCDOT develops a conceptual traffic calming plan, taking into account device spacing and sight distance requirements, roadway geometry, existing traffic control devices, and existing utility locations. Based on its conceptual plan, FCDOT will identify the ballot area for the project. The ballot area comprises

residences and businesses on the street identified for traffic calming and residences and businesses on other streets whose sole or primary access is the street identified for traffic calming, and who would be considerably inconvenienced if they chose an alternate route.

Program criteria require a minimum distance of 400 feet between proposed or existing vertical traffic calming devices. The minimum spacing for horizontal traffic calming devices is 200 feet between other traffic calming measures. In addition, FCDOT requires a minimum of 150 feet of sight distance to a device to ensure that drivers will have adequate time to take precautionary measures.

FCDOT may consider locating a horizontal traffic calming device at or near the location of another measure when it believes doing so would provide a significant enhancement to the effectiveness of the measure.

At its discretion, FCDOT may allow one measure to be placed on a single block or in an area of high pedestrian activity (e.g. a school or park entrance) that is not long enough to meet the minimum spacing requirements. This will be determined on a case-by-case basis.

After the draft plan is developed, FCDOT meets with the task force and District Supervisor's staff, to review the conceptual plan and available options, solicit feedback, and seek concurrence of the plan from the task force members. Adjustments to the conceptual plan may be made at this time.

Once the conceptual plan is finalized, FCDOT identifies directly affected properties and provides Affected Property Forms to the task force. FCDOT considers a property to be directly affected if a physical device is proposed to be placed in the roadway such that it is directly adjacent to the property's boundaries. Task force members are responsible for obtaining concurrence signatures from the directly affected property owners. If necessary, further adjustments to the conceptual plan may be made by FCDOT. If adjustments are made, consultation with the task force members and District Supervisor is required.

In addition to obtaining concurrence on the Affected Property Forms, FCDOT recommends that the task force begins building community support for the traffic calming plan during this step. Early community engagement is critical to developing a plan that will be both effective and garner widespread support in the neighborhood.

Step 4: Community Meeting

Once the task force has obtained the signatures from all directly affected residences and has determined that significant community support has been developed, then the task force, FCDOT, and the District Supervisor's office determine a suitable date and location for a community-wide informational meeting. The task force must advertise

the meeting to the entirety of the ballot area at least two weeks in advance, and must coordinate with FCDOT to ensure that an acceptable advertising method was used. Examples include US mail, community newsletters or listservs, flyers, or road-side signage.

The task force and FCDOT present the proposed traffic calming plan at the informational meeting, explain the ballot process, and solicit feedback from the community. Based on this feedback, the task force determines whether to amend the conceptual plan or proceed to a community vote. If the task force chooses to amend the plan, then another community-wide informational meeting must be held before proceeding to the vote.

Step 5: Community Vote

After the community information meeting, representatives of the task force, in collaboration with the District Supervisor's office, conduct a vote to approve or disapprove the proposed traffic calming plan. The following rules will govern the approval of any traffic calming plan:

- Voting shall be conducted by ballot, with only one vote per occupied residence or business allowed.
- Wording on the ballot must be approved by FCDOT. A sample ballot template will be provided by FCDOT.
- Accompanying the ballot shall be voting procedures, a copy of the plan, and a letter providing information about the types and locations of all traffic calming devices being proposed.
- Ballots must be received (or postmarked) by a date - as pre-determined by the task force - to the appropriate District Supervisor's office. **Ballots must be submitted by the person being balloted. Task force members or any person helping with the distribution of ballots may not collect and return ballots.**
- A person who is a renter of a particular residence may vote in lieu of the owner of a particular residence, if such owner currently does not reside at the address, and approved by the HOA/CA and District Supervisor's office.
- Properties that are vacant, bank-owned properties, and properties in foreclosure may be considered as unoccupied and will not be included in the ballot process.
- The proposed traffic calming plan shall be approved as one integrated plan, i.e., a "YES" vote indicates approval for all measures in the proposed traffic calming plan; a "NO" vote indicates disapproval for all measures in the proposed traffic calming plan.
- Ballots received after the official postmark or 'received by' dates are to be unopened and not counted.
- Blank ballots or ballots marked with more than one vote are to be considered a "NO" vote.

- More than 50% of the occupied residences or businesses in the ballot area must support the traffic calming plan for the plan to be implemented.
- All costs for ballot production, distribution, and return postage are the responsibility of the task force.

Step 6: Fairfax County Board of Supervisors Endorsement

If the proposed traffic calming plan is approved by the community, BOS action is required to endorse the plan. Upon BOS endorsement, the BOS resolution and traffic calming plan are then conveyed to VDOT. After VDOT reviews and confirms the plan, FCDOT will schedule installation of the devices.

Revisiting a Plan

A community must wait a minimum of 2 years after the installation of a traffic calming project before requesting its modification or removal. After 2 years but prior to 5 years, a request by the HOA/CA or a petition signed by greater than 50 percent of residences along the candidate road will be required to start the process for modification or removal of existing traffic calming measures. After 5 years have elapsed, the community can make such a request using the same criteria as is used to initiate a new traffic calming project.

Requirements for entry into the program and the traffic calming process remain the same, with the exception that a community seeking to remove installed traffic calming devices does not need the road to meet the speed and volume qualification criteria. (FCDOT will still collect this data, however.)

In the event of a failed ballot measure, a community must wait 2 years from the date the voting period closed before requesting entry back into the Traffic Calming Program.

Appendix A: List of Traffic Calming Devices

FCDOT categorizes its traffic calming devices as either vertical or horizontal measures. Below are measures that are part of the Traffic Calming Program.

Vertical traffic calming devices:

- Raised crosswalk
- Speed cushion
- Speed hump
- Speed table

Horizontal traffic calming devices:

- Bulb-out
- Chicane
- Choker
- Crosswalk refuge
- Pavement markings (to narrow travel lane)
- Raised median



County of Fairfax, Virginia

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

Fairfax County Department of Transportation Residential Traffic Administration Program (RTAP) Traffic Calming Program General Operating Procedures Adopted February 5, 2019

Based on VDOT Traffic Calming Guide for Neighborhood Streets, November 2017

Intent:

The development of a traffic calming plan is a community-initiated process under the leadership of a traffic calming task force and the overall direction of the Fairfax County Department of Transportation (FCDOT). The Traffic Calming Program is administered by FCDOT in collaboration with the local District Supervisor's office, and based on guidelines established by the Virginia Department of Transportation (VDOT).

Goal:

~~The development of a particular Traffic Calming Program develops~~ traffic calming plan ~~is to reflect community desires plans~~ that ~~are supported within traditional enhance~~ public safety, uphold standard traffic engineering principles, ~~public safety, reflect~~ community desires, ~~and financial affordability are financially responsible.~~

Initial Contact:

When ~~the~~ Board of Supervisors (BOS) member is initially contacted for a traffic calming project in a community, ~~a review of the basic requirements as they apply to the street(s) is done to~~ FCDOT will first determine if the street(s) meets the basic eligibility requirements for ~~an engineering review for acceptance into the traffic calming program. FCDOT will conduct~~ Traffic Calming Program. To meet the basic eligibility ~~review requirements a street must:~~

~~The basic eligibility requirements are:~~

- ~~o 1. Street must be~~ Be in the state system of highways owned and maintained by VDOT.

Be classified as a ~~Local or Collector Road.~~

- ~~o 2. If the street is classified as a local, collector, then the street must be residential in nature (with at least 12 dwellings per 1000 feet of roadway)-or~~ arterial road.
- ~~o 3. Street must have~~ Function as a residential street.
- ~~o Have a 25 mph speed limit~~ of 25 miles per hour (MPH).

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If these requirements are met, the community members may formally request to enter the street(s) into the Traffic Calming Program.

Step 1: Study Initiation

~~The To enter into the Traffic Calming Program, a request for the initiation of an engineering review and traffic calming study is made~~ shall be made to the District Supervisor ~~either~~ by the Home Owners Association (HOA) or Civic Association (CA) ~~of the community to the District Supervisor for the neighborhood.~~ If there is no HOA or CA, ~~a letter containing signatures from residents of~~ then a request shall be made by ~~either~~ 10 households/residences or 10% of residences along the street ~~that~~ (whichever is less). For neighborhoods where there is being requested for a review ~~an association, the District Supervisor may be accepted.~~ also choose to accept a request made by 10 residences or 10% of residences along the street (whichever is less). Once received, the request is forwarded to FCDOT ~~for study.~~

The request needs to include the following:

- ~~1.~~ The name and termini of the street(s) being requested for a review.
- ~~2.~~ Contact information of community members, typically 4 to 5 residents, who can serve as community task force members. One resident needs to be identified as a lead contact for the task force.

Responsibilities of task force members will include:

- Informing the community of the request for a traffic calming study.
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- Distributing, by mail or in person, the ballots to the property owners in the defined ballot area.
- Arranging all costs associated with the production, distribution, and return postage of the ballots.

Step 2: Traffic Count and Speed Study

FCDOT conducts an engineering review ~~and,~~ a traffic count, and a speed survey of the ~~roadstudy area~~ to determine if the street(s) ~~qualify for the development of a conceptual traffic calming plan.~~ have an existing speeding concern.

- A preliminary field review is made to determine if the geometry of the roadstreet(s) can accommodate traffic calming measures, ~~e.g.,~~ FCDOT

considers features including road grade, sight ~~distances~~distance, drainage, and location of road access points.

- ~~Street~~The street(s) must have a traffic volume between ~~600~~500 and 6,000 vehicles per day.
- The recorded 85th percentile speed of vehicles must be equal to or greater than 35 ~~mph or the recorded average speed must be equal to or greater than 30 mph.~~ (Street(s) can qualify for the traffic calming program in one or both directions). MPH in at least one direction of travel.

⊖ FCDOT provides the results of the study to the District Supervisor. If a street(s) does not qualify, the community may request that FCDOT conduct an additional study.

Step 3: Conceptual Plan Development and Task Force Meeting

⊖ ~~If~~After the street(s) qualify, FCDOT ~~in coordination with the District Supervisor's staff, conduct an engineering review of the street(s) and develop a proposed~~develops a conceptual traffic calming plan ~~notating the available options based on the traffic calming, taking into account~~ device spacing, and sight distance requirements, roadway ~~geometries~~geometry, existing traffic control devices, and existing utility locations. Based on its conceptual plan, FCDOT will identify the ballot area for the project. The ballot area comprises residences and businesses on the street identified for traffic calming and residences and businesses on other streets whose sole or primary access is the street identified for traffic calming, and who would be considerably inconvenienced if they chose an alternate route.

Program criteria ~~requires that require~~ a minimum distance of ~~500~~400 feet between proposed or existing vertical traffic calming devices, ~~existing.~~ The minimum spacing for horizontal traffic calming devices ~~and stop conditions.~~ is 200 feet between other traffic calming measures. In addition, FCDOT requires a minimum of 150 feet of sight distance to a device to ensure that drivers will have adequate time to take precautionary measures.

FCDOT may consider locating a horizontal traffic calming device at or near the location of another measure when it believes doing so would provide a significant enhancement to the effectiveness of the measure.

At its discretion, FCDOT may allow one measure to be placed on a single block or in an area of high pedestrian activity (e.g. a school or park entrance) that is not long enough to meet the minimum spacing requirements. This will be determined on a case-by-case basis.

⊖ After the draft plan is developed, FCDOT meets with the task force ~~members~~ and District Supervisor's staff, ~~presents the identified ballot areas, reviewsto review~~ the conceptual plan and available options, ~~solicits comments~~solicit feedback, and ~~seeks~~seek concurrence of the plan from the task force members. Adjustments to the

conceptual plan may be made at this time. ~~Affected property owners are identified by FCDOT.~~

Once the conceptual plan is finalized, FCDOT identifies directly affected properties and provides Affected Property Forms to the task force. FCDOT considers a property to be directly affected if a physical device is proposed to be placed in the roadway such that it is directly adjacent to the property's boundaries. Task force members ~~obtain~~are responsible for obtaining concurrence signatures from the ~~affected property owners~~ and build community consensus for the plan. ~~Templates will be provided by FCDOT to the task force to obtain the signatures from the~~directly affected property owners. ~~Adjustments~~If necessary, further adjustments to the conceptual plan may be made ~~at this time~~by FCDOT. If adjustments are made, consultation with the task force members and District Supervisor is required.

In addition to obtaining concurrence on the Affected Property Forms, FCDOT recommends that the task force begins building community support for the traffic calming plan during this step. Early community engagement is critical to developing a plan that will be both effective and garner widespread support in the neighborhood.

Step 4: Community Meeting

Once the task force ~~obtains~~has obtained the signatures from ~~the~~all directly affected ~~residents~~residences and ~~the task force determines~~has determined that significant community support has been ~~achieved~~developed, then the task force ~~members notify the, FCDOT, and the District Supervisor's office determine a suitable date and location for a~~community-at-large-of-the-wide informational meeting. The task force must advertise the meeting to the entirety of the ballot area at least two weeks in advance, and must coordinate with FCDOT to ensure that an acceptable advertising method was used. Examples include US mail, community newsletters or listservs, flyers, or road-side signage.

~~Community~~The task force ~~members~~ and FCDOT present the proposed traffic calming plan at the informational meeting ~~and, explain the ballot process. The community at-large includes the notification area as identified by FCDOT, and solicit feedback from the community.~~ Based on this feedback, the task force determines whether to amend the conceptual plan or proceed to a community vote. If the task force chooses to amend the plan, then another community-wide informational meeting must be held before proceeding to the vote.

Step 5: Community Vote

~~HOA/CA~~After the community information meeting, representatives of the task force, in collaboration with the District Supervisor's office, conduct a vote to approve ~~/ or~~ disapprove the proposed traffic calming plan. The following rules will govern the approval of any traffic calming plan:

- ~~○ Only residences in the ballot area are entitled to vote on the plan.~~
- ~~○ Ballot area is defined by FCDOT as those residents who must use the street(s) to access their residences or who would be inconvenienced greatly~~

~~if they chose not to incur a traffic calming measure to access their residences.~~

- Voting shall be conducted by ballot, with only one vote per occupied residence or business allowed.
- Wording on the ballot must be approved by FCDOT. A sample ballot template will be provided by FCDOT.
- Accompanying the ballot shall be voting procedures, a copy of the ~~tax-map based~~ plan, and a letter providing information about the types and locations of all traffic-calming devices being proposed.
- Ballots must be received (or postmarked) by a date, as pre-determined by the task force, to the appropriate District Supervisor's office. **Ballots must be submitted by the person being balloted. Task force members or any person(s) helping with the distribution of ballots cannot may not collect and return ballots.**
- A person who is a renter of a particular residence may vote in lieu of the owner of a particular residence, if such owner currently does not reside at the address, and approved by the HOA/CA ~~or~~and District Supervisor's office.
- Properties that are vacant, bank-owned properties, and properties in foreclosure may be considered as ~~vacant~~unoccupied and will not be included in the ~~balloting~~ballot process.

- The proposed traffic calming plan shall be approved as a whole one integrated plan, i.e.g., a “YES” vote indicates approval for all measures in the proposed traffic calming plan; a “NO” vote indicates disapproval for a least one or more of the proposed all measures in the proposed traffic calming plan.
- ~~○ A minimum of 50% of residences in the ballot area shall cast and return a ballot for the vote to be considered valid (or some higher minimum if required by the local supervisor).~~
- ~~○ Out of the total ballots cast, a 60% minimum approval rate is required for the traffic calming plan to be implemented (or some higher minimum if required by the local supervisor).~~
- Ballots received after the official postmark or ‘received by’ dates are to be unopened and not counted.
- ~~○ Ballots that do not clearly indicate approval or disapproval for the whole integrated traffic calming plan, e.g., ballots modified and indicating a partial approval of specific elements in the plan are to be considered as a “cast ballot only”.~~
- Blank ballots or ballots marked with more than one vote are to be considered as a “cast ballot only” NO” vote.
- ~~○ “Cast ballot only” ballots are counted as part of the total eligible~~ More than 50% of the occupied residences or businesses in the ballot area ~~from which must support the minimum return and approval rate is required~~ traffic calming plan for the plan to be ~~determined~~ implemented.
- All costs for ballot production, distribution, and ~~returned~~ return postage are the responsibility of the ~~community~~ task force.

Step 6: Fairfax County Board of Supervisors Endorsement

If the proposed traffic calming plan is approved by the community, BOS action is required to endorse the plan. Upon BOS endorsement, the BOS resolution and traffic calming plan are then conveyed to VDOT. After VDOT reviews and confirms the plan, FCDOT schedules will schedule installation of the devices.

Responsibilities of task force members will include:

- ~~○ Informing the community of the request for a traffic calming study. This can be accomplished through a community informational meeting attended by FCDOT staff.~~
- ~~○ Providing community expectations prior to the development of the conceptual traffic calming plan.~~
- ~~○ Reviewing and approving the conceptual traffic calming plan.~~
- ~~○ Securing affected property owners’ signatures.~~
- ~~○ Building community support for the conceptual traffic calming plan.~~
 - ~~○ Presenting the traffic calming plan at the community information meeting.~~
- ~~○ Distributing, by mail or in person, the ballots to the property owners in the defined ballot area.~~

- ~~• Arranging all costs associated with the production, distribution, and return postage of the ballots.~~



Changes to the Residential Traffic Administration Program (RTAP)

Board Transportation Committee
December 11, 2018

Steve Knudsen, Transportation Planner III
Department of Transportation

Changes to the Residential Traffic Administration Program

- Revisions to the Traffic Calming Program.
- Edits to the other RTAP program documents.

We are seeking concurrence from the Committee to advance the proposed changes to the Traffic Calming Program.

Revisions to the Traffic Calming Program

- In November 2017, VDOT published a guide for its restructured Traffic Calming Program, entitled *Traffic Calming Guide for Neighborhood Streets*. It was further amended in September 2018.
- FCDOT subsequently rewrote the guidelines for Fairfax County's Traffic Calming Program. This presentation covers only the critical changes to the program.

Critical Changes to the Traffic Calming Program

- Community support requirements
- Traffic calming device types
- Eligible Roads
- Qualification criteria
- Device spacing requirements

Critical Changes to the Traffic Calming Program

- Community support requirements
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- Qualification criteria
- Device spacing requirements

Changes required to be in compliance with the new VDOT guidelines.

Critical Changes to the Traffic Calming Program

- Community support requirements
- Traffic calming device types
- Eligible Roads
- Qualification criteria
- Device spacing requirements

Changes that provide greater flexibility in the Traffic Calming Program.

Changes to Traffic Calming Program: Community Support

- Current voting requirement:
 - For a proposal to pass, 50 percent of residences in the ballot area must return a ballot, and 60 percent of the returned ballots must be in favor.
- Proposed voting requirements:
 - Businesses must now receive a ballot as well.
 - For a proposal to pass, greater than 50 percent of all residences and businesses in the ballot area must vote in favor.

Effect: a higher degree of community support is necessary for a proposed plan to be implemented.

Changes to Traffic Calming Program: Device Types

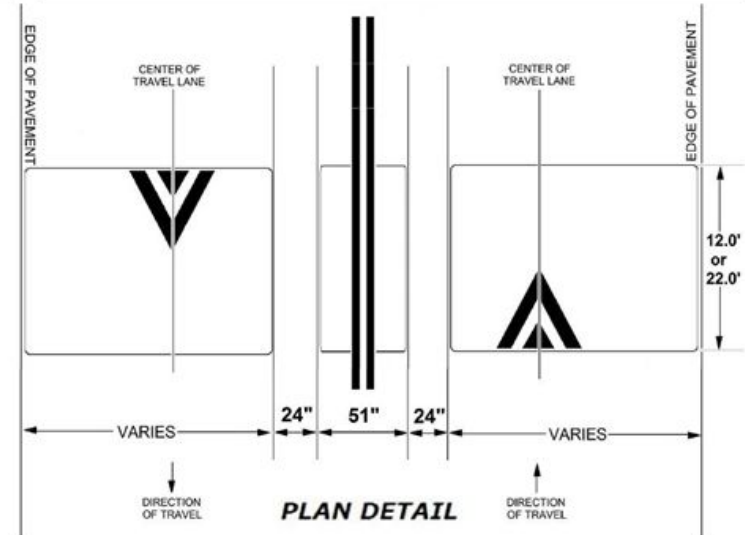
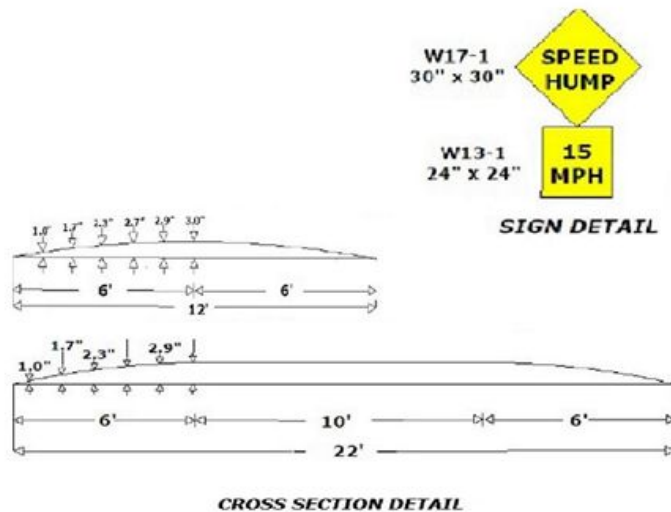
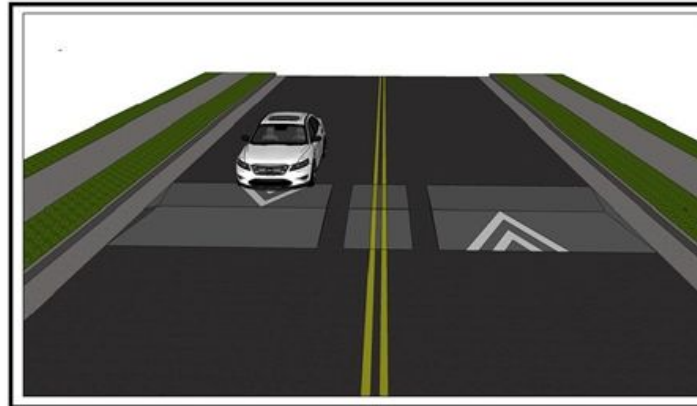
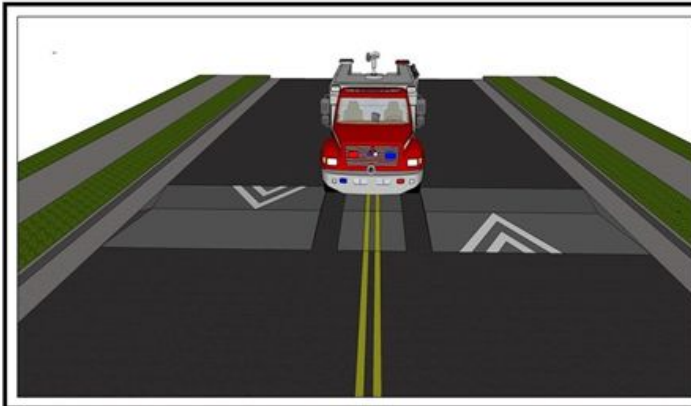
- Roundabouts removed from the Traffic Calming Program.
 - No longer allowed by VDOT through traffic calming.
- Speed cushions and curb bulb-outs added to the program.
 - Devices newly included in VDOT guidelines.

Effect:

- Speed cushions can be applied on critical emergency service response routes.
- Bulb-outs can provide traffic calming and pedestrian benefits at intersections.
- Roundabouts are no longer available, but have very rarely been implemented through the Traffic Calming Program.



Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
SPEED CUSHION / SPEED LUMP





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Changes to Traffic Calming Program: Eligible Roads

- Current eligible road types:
 - Local and collector roads; minor arterials in special circumstances.
 - Direct frontage requirements for collectors and minor arterials.
- Proposed eligible road types:
 - Local, collector, or arterial roads.
 - Collector and arterial roads must function as a residential street, but no more direct frontage requirement.

Effect: more roads will be eligible to be considered for the program.





Changes to Traffic Calming Program: Qualifying Criteria

- Current qualifying criteria:
 - 600-6,000 vehicles in 24 hours.
 - Mean speed ≥ 30 mph OR 85th percentile speed ≥ 35 mph.
- Proposed qualifying criteria:
 - **500**-6,000 vehicles in 24 hours.
 - 85th percentile speed ≥ 35 mph. Mean speed no longer considered.
- *Lower volume threshold.*

Effect: some less-traveled roads may be able to qualify.

Changes to Traffic Calming Program: Device Spacing

- Current spacing requirements:
 - Minimum of **500** feet between devices or to stop conditions.
- Proposed spacing requirements:
 - Minimum of **400** feet between devices or to stop conditions for “vertical” measures (e.g. a speed hump)
 - Minimum of **200** feet between devices for “horizontal” measures (e.g. a raised median)
 - FCDOT can consider shorter spacing or the combination of measures in special circumstances on a case-by-case basis.

Effect: more flexibility when designing traffic calming plans.

Changes to Traffic Calming Program: Removal or Revision of an Installed Project

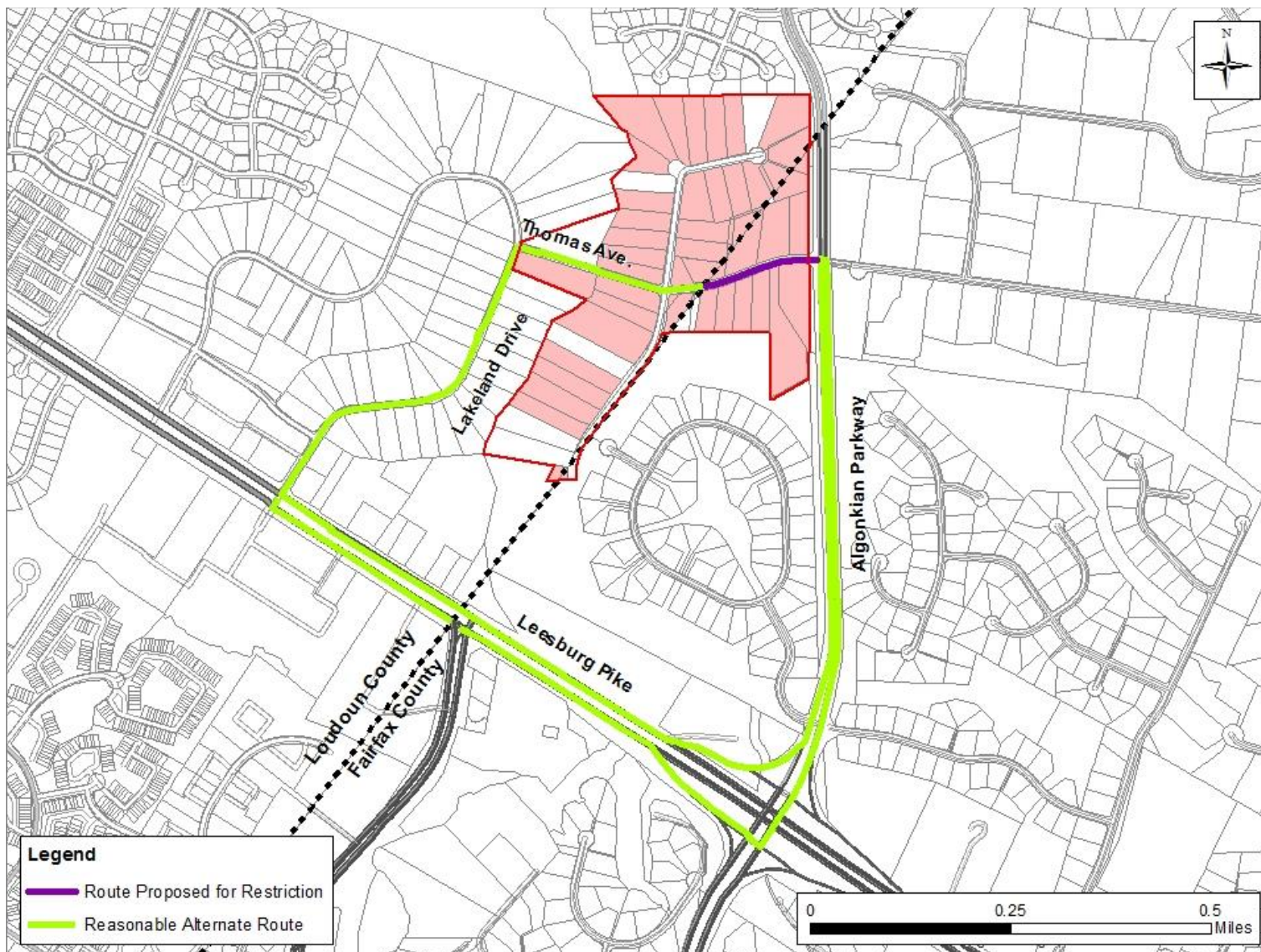
- Two-year wait after the date of installation.
- Request from the community to remove or revise.
 - Same requirements as for project initiation.
- FCDOT conducts a traffic study.
- FCDOT conducts outreach with the community task force to determine requested changes.
- Community meeting held to present new plan and get feedback.
- To implement new plan, greater than 50 percent of all residences and businesses in the ballot area must vote in favor.
- Board of Supervisors endorsement.

Effect: formalize the process for project removal or revision.

Changes to Cut-Through Mitigation Program: Eligibility

- Define eligible roads to be streets that “provide direct access to a residential area and are intended only to provide mobility within that area.”
- Require a reasonable alternate route as a qualifying criterion.
- FCDOT will now determine a street’s eligibility before requiring citizens to gather signatures for a petition.

Effect: clearer qualification process will prevent unnecessary work for both citizens and FCDOT.



Changes to Cut-Through Mitigation Program: Community Support

- Cut-Through Mitigation Program
 - Businesses must now receive a ballot as well.
 - For a proposal to pass, greater than 50 percent of all residences and businesses in the ballot area must vote in favor. Changed to be consistent with the Traffic Calming Program.

Effect: a higher degree of community support is necessary for a proposed plan to be implemented.

Changes to Other RTAP Programs

- Clarified language for Watch for Children, \$200 Additional Fine, and Through-Truck Restriction Programs.

No changes to the operation of these programs.

Next Steps

- Approval of the new Traffic Calming guidelines by the Board.
- New guidelines phased in for traffic calming projects already underway and immediately applicable for all new traffic calming projects.

Thank You!

Questions?

ACTION – 3

Adoption of a Resolution Approving that the Fairfax County Board of Supervisors Grant Host Jurisdiction for the Portsmouth Port and Industrial Commission, Public Approval for the Bonds and the Project for the Benefit of the Chantilly Youth Association (CYA)

ISSUE:

Requesting that the Fairfax County Board of Supervisors shall grant host jurisdiction to the Portsmouth Port and Industrial Commission (PPIC) and grant public approval for the boards and the project for the benefit of the CYA, so that the PPIC may issue the bonds as required by sec. 15.2-4905 of the Code of Virginia as amended.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on February 5, 2019.

BACKGROUND:

The Fairfax County Economic Development Authority (FCEDA) has received a description of plans from the CYA Sport & Community Center LLC, a Virginia limited liability company (the “Applicant”), and the Portsmouth Port and Industrial Commission (the “PPIC”), with respect to the proposed issuance by the PPIC of bank qualified refunding revenue bonds in original principal amount not to exceed \$4,8000,000 (the Bonds) to (1) refinance a conventional mortgage loan (the “Acquisition Loan”) obtained by the Applicant to finance its purchase of two parcels of real property and a 62,560 sq. ft. building and other improvements thereon collectively known as the Fieldhouse used as a recreational facility and located at 3730 Stonecroft Blvd., Chantilly, Virginia 20151 (also known as 14810 Murdock Street, Chantilly, Virginia 20151 and 3801 Glorus Road, Chantilly Virginia 20151) (the Fieldhouse), which is located in Fairfax County, Virginia) and (2) to pay a portion of the costs of issuance of the Bonds (collectively, the “Project”). The Project is owned by the “Applicant” and leased to CYA Facility Management, LLC. The applicant and Management are each wholly owned by Chantilly Youth Association, Inc., a Virginia nonstock corporation (the “Parent”), which is recognized as an organization whose income is exempt from federal income taxation under Section 501(c) (3) of the Internal Revenue Code. The FCEDA will not be issuing

Board Agenda Item
February 5, 2019

the bonds and that the Portsmouth Port and Industrial Commission will be the issuing authority. Additionally there is not potential liability to either Fairfax County or the FCEDA.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 - Resolution of the Board of Supervisors
Attachment 2 - Certificate of Public Hearing with Supporting Documents
Attachment 3 - Fiscal Impact Statement

STAFF:
Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

**A RESOLUTION CONCURRING WITH THE ISSUANCE BY THE
PORTSMOUTH PORT AND INDUSTRIAL COMMISSION OF
ITS BANK QUALIFIED REFUNDING REVENUE BONDS
IN AN AMOUNT NOT TO EXCEED \$4,800,000 FOR
CYA SPORT & COMMUNITY CENTER, LLC**

WHEREAS, there has been, the “Authority” described to the Economic Development Authority of Fairfax County (the “Fairfax EDA;”) the plans of CYA Sport & Community Center LLC, A Virginia limited liability company (the “Applicant”). And the Portsmouth Port and Industrial Commission (the “PPIC”), with respect to the proposed issuance by the PPIC of Bank qualified refunding revenue bonds in original principal amount not to exceed \$4,800,000 (the “Bonds”) to (1) refinance a conventional mortgage loan (the “AcquisitionLoan”) obtained by the Applicant to finance its purchase of two parcels of real property and a 62,560 sq. ft. building and other improvements thereon collectively known as the Fieldhouse, used as recreational facility and located at 3730 Stonecroft Blvd., Chantilly, Virginia 20501 (also known as 14810 Murdock Street, Chantilly, Virginia 20151 and 3801 Glorus Road, Chantilly, Virginia 20151) (the “Fieldhouse”), which is located in Fairfax County, Virginia (the “County”), and (2) pay a portion of the costs of issuance of the Bonds (collectively, the “Project”); and

WHEREAS the Project is owned by the Applicant and leased to CYA Facility Management, LLC, a Virginia limited liability company (“management”), for Management to operate; and

WHEREAS, the Applicant and Management are each wholly owned by Chantilly Youth Association, Inc., a Virginia nonstock corporation (the “Parent”), which is recognized as an organization whose income is exempt from federal income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Parent, the Applicant and Management each have their present principal place of business at the above-mentioned addresses for the Fieldhouse, in the County; and

WHEREAS, for the Applicant to obtain the lowest possible interest rate and annual debt service and make the financing economically desirable, it is necessary under Section 265(b)(3) of the Code that the Bonds be designated by a “qualified small issuer” (a bond issuer which, when aggregated with the jurisdiction on whose behalf it issues bonds, will issue not more than \$10,000,000 of tax exempt obligations in that calendar year) as “qualified tax-exempt obligations” (commonly known as “bank qualified” bonds); and

WHEREAS, pursuant to Section 265(b)(3) of the Code, bonds issued by the County would need to be aggregated with those issued by the Authority to determine the Authority’s ability to be a qualified small issuer, and given how regularly the County issues bonds, it is highly unlikely that after applying such aggregation, the Fairfax EDA

could be treated as having issued not more than \$10,000,000 of tax-exempt obligations during 2019, making it unable to issue bank qualified bonds for the Applicant; and

WHEREAS, the PPIC, however, will be a qualified small issuer for 2019, since, as a bond issuer with the police power and the power of eminent domain, it is considered for tax-exempt bond purposes to be a sovereign body and not an issuer which issues bonds on behalf of the City of Portsmouth, and as a qualified small issuer, the PPIC is able to issue the Bonds as the bank qualified bonds sought by the Applicant; and

WHEREAS, the PPIC held a public hearing with respect to its issuance of the Bonds at 8:00 a.m. on December 11, 2018, and immediately thereafter adopted its Official Intent Resolution (the "PPIC Resolution") with respect to such Bonds;

WHEREAS, the City Council of the City of Portsmouth, Virginia, on the evening of December 11, 2018, adopted its resolution, granting public approval for the PPIC's issuance of the Bonds;

WHEREAS, (a) Section 15.2-4905 of the Code of Virginia of 1950, as amended (the "Virginia Code"), makes the concurrence by the governing body of the locality in which the facility being financed is located a condition precedent to the issuance of bonds by an issuer from another locality, and (b) the Code and Section 15.2-4906 of the Virginia Code provide that after a public hearing by the industrial or economic development authority of the jurisdiction in which any facility financed with the proceeds of a private activity bond is located, the highest elected governmental officials of such governmental unit must approve the issuance of such bond in order for such bond to be issued; and

WHEREAS, the Project to be financed with the Bonds is located in the County and the members of this Board of Supervisors (the "Board") constitute the highest elected governmental officials of the County; and

WHEREAS, it has been represented to this Board that a public hearing with respect to the PPIC's issuance of the Bonds, as required by the Code and the Virginia Code, was held by the Fairfax EDA on January 9, 2019; and

WHEREAS, on January 9, 2019, following the conclusion of its public hearing, the Fairfax EDA adopted a resolution (the "Fairfax EDA Resolution") recommending that this Board concur with the PPIC Resolution; and

WHEREAS, copies of the PPIC Resolution and the Fairfax EDA Resolution, a record of the public hearing held by the Fairfax EDA, and a statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with this Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA:

- The recitals in the preambles hereto are adopted as a part of this resolution as if fully written herein.

- The Board concurs with the adoption of the PPIC Resolution and approves the issuance of the Bonds by the PPIC, all to the extent required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code.

- The concurrence with the PPIC Resolution, and the approval of the issuance of the Bonds as provided above, as required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, does not constitute an endorsement to a prospective purchaser of any bond of the creditworthiness of the Applicant and the Bonds shall provide that neither the PPIC, the City of Portsmouth, the Fairfax EDA nor the County shall be obligated to pay the Bonds or the interest thereon or other cost incident thereto and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the PPIC, the City of Portsmouth, the Fairfax EDA or the County shall be pledged thereto.

- This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of Fairfax County, Virginia, on the 5th day of February, 2019.

A TRUE COPY TESTE: _____

County Clerk

**PORTSMOUTH PORT AND INDUSTRIAL COMMISSION
RECORD OF PUBLIC HEARING
DECEMBER 11, 2018, AT 8:00 A.M.
(CYA SPORT & COMMUNITY CENTER PROJECT)**

The Chairman of the Portsmouth Port and Industrial Commission (the "Commission") announced the commencement of a public hearing on the request of CYA Sport & Community Center, LLC, a not-for-profit, Virginia limited liability company (the "Applicant") for the issuance of not to exceed \$4,800,000 of the Commission's bank-qualified revenue bonds for the benefit of the Applicant, and that a notice of the public hearing was published once a week for two consecutive weeks in a newspaper having general circulation in the City of Portsmouth, Virginia, one publication being not less than 14 days prior to the hearing and both publications being not less than 6 days and not more than 21 days prior to the hearing. The Chairman indicated that a copy of the notice and a certificate of publication of such notice were being filed with the records of the Commission.

Donna Sayegh was recognized by the Chairman and addressed the Commission, opposing the financing. Mark Geduldig-Yatrofsky was then recognized by the Chairman and addressed the Commission, indicating he had no opposition to the proposed bond issue, but regretted that Congress made the process so complicated. There being no other speakers, the Chairman closed the public hearing. The Commission then went into closed session to discuss the proposed bond issue, and after reconvening in open session, a resolution entitled "Resolution Evidencing the Official Intent of the Portsmouth Port and Industrial Commission to Issue its Bank Qualified Revenue Bonds for CYA Sport & Community Center, LLC in the Principal Amount Not to Exceed \$4,800,000" was moved, seconded and unanimously adopted by the Commission.

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**RESOLUTION EVIDENCING THE OFFICIAL INTENT OF THE
PORTSMOUTH PORT AND INDUSTRIAL COMMISSION
TO ISSUE ITS BANK QUALIFIED REVENUE BONDS
FOR CYA SPORT & COMMUNITY CENTER, LLC
IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$4,800,000**

WHEREAS, the Portsmouth Port and Industrial Commission (the "Commission"), was created pursuant to Chapter 157 of the Acts of the Assembly of 1954, as amended (the "Act"), and is now existing and operating as a public body corporate and politic; and

WHEREAS, Section 25 of the Act empowers the Commission to issue its revenue bonds in accordance therewith to provide financing by making "loans" to pay all or any part of the "cost" of "facilities" for "a § 501(c)(3) organization" (as each term is defined in Section 25(b) of the Act, by reference to Section 15.2-4902 of the Code of Virginia of 1950, as amended, and Section 501(c)(3) of the Internal Revenue Code of 1986, as amended), by making loans in furtherance of the purpose of assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of such facilities of the aforesaid entities in order to provide recreational and activity centers; and

WHEREAS, representatives of CYA Sport & Community Center, LLC, a not-for-profit, Virginia limited liability company (the "Applicant"), have held discussions with representatives of the City and the Commission with respect to its financing (1) longer-term working capital for the Applicant, which will refinance a conventional mortgage loan (the "Acquisition Loan") that financed the purchase of two parcels of real property and a 62,560 sq. ft. building and other improvements thereon collectively known as The Fieldhouse and located at 3730 Stonecraft Blvd., Chantilly, Virginia 20151 (also known as 14810 Murdock St., Chantilly, Virginia 20151), and at 3801 Glorus Road, Chantilly, Virginia 20151, and (2) a portion of the costs of issuance of the Bonds described below (collectively, the "Project"); and

WHEREAS, the Commission, after due notice, has on this date conducted a public hearing on the application of the Applicant for revenue bond financing of the Project in compliance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), Section 2 of Chapter 514 of the Acts of Assembly of 1983 of the General Assembly of Virginia, and Section 15.2-4906 of the Act; and

WHEREAS, the Applicant has requested that the Commission express its official intent to finance the Project and agree in principle to issue not to exceed \$4,800,000 of its bank qualified revenue bonds (the "Bonds") therefor, as proposed by the Applicant;

NOW, THEREFORE, BE IT RESOLVED BY THE PORTSMOUTH PORT AND INDUSTRIAL COMMISSION:

1. Upon the recommendation of the Applicant, the Commission hereby appoints Williams Mullen as bond counsel to supervise the Commission's proceedings and approve the issuance of the Bonds for the Project, and consents to Williams Mullen also serving as counsel to The Freedom Bank of Virginia (the "Lender"), which is the prospective purchaser of the Bonds, waiving any conflict of interest from its dual roles in the financing.

2. The Commission hereby finds that the financing, so as to assure the continued availability of non-profit recreational facilities and amenities in Fairfax County such as the Project, is essential to creating and preserving a community and a quality of life conducive to maintaining and attracting industry to the County.

3. To assist the Applicant to undertake the Project, the Commission hereby agrees in principle and expresses its "official intent," for purposes of Treasury Reg. §1.150-2, to issue its Bonds in an amount not to exceed \$4,800,000 upon terms and conditions to be mutually agreed upon by the Commission, the Applicant and the purchaser of the Bonds. The Bonds shall be issued pursuant to a bond purchase and loan agreement with the Applicant and the Lender, and such other documentation as may be acceptable to such lender and the Chairman or Vice Chairman of the Commission and counsel to the Commission.

4. The Applicant has represented to the Commission that interest on the Bonds is intended to be generally excluded from the gross income of the holders thereof for federal and state income tax purposes, and that the Commission shall receive an administrative fee for issuing and carrying the Bonds equal to one-eighth of 1% per annum (i.e., 12.5 basis points) calculated and payable annually in arrears on the outstanding principal balance of the Bonds.

5. Nothing in this Resolution shall be deemed to authorize the Applicant to obligate the Commission without its consent in each instance to the payment of any monies or the performance of any actions in connection with the Project or the Bonds. The Commission agrees that the Applicant may be reimbursed from the proceeds of the Bonds, if and when issued, to the extent permitted by law, for all costs of issuance so incurred by it, and may use the longer-term working capital funded from the proceeds of the Bonds to satisfy the Acquisition Loan.

6. All costs and expenses in connection with the Bonds, including but not limited to the fees and expenses of Bond Counsel and counsel to the Applicant, may be paid from the proceeds of the Bonds to the extent permitted by law or else from funds of the Applicant. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Applicant and that the Commission shall have no responsibility therefor.

7. Neither the Bonds nor the premium, if any, nor the interest payable thereon shall be a general obligation debt of the Commonwealth of Virginia or any political subdivision thereof, including the Commission, the City of Portsmouth, Virginia (the "City"), the Fairfax County Economic Development Authority (the "FCEDA") or Fairfax County, Virginia (the "County"), and neither the Commonwealth of Virginia, nor any political subdivision thereof, including the

Commission, the City, the FCEDA and the County, and the officials, officers, commissioners, directors and/or employees, past, present or future, of any or all, are or shall be personally liable thereon. The Bonds, together with the premium, if any, and the interest payable thereon, shall be a limited obligation of the Commission payable solely pursuant to the terms of the Bonds and the related documents.

8. The Commission hereby recommends that the City Council of the City (the "Council") approve the issuance of the proposed Bonds and directs the Chairman or Vice Chairman of the Commission to transmit to the Council the Fiscal Impact Statement required by Section 15.2-4906 of the Act, a copy of this resolution and a reasonably detailed summary of the Commission's public hearing held this date.

9. Because of the Project's location in the County, the Commission hereby requests that the Board of Supervisors of the County concur with this resolution in accordance with Section 15.2-4905 of the Act, following the conduct of a public hearing by the FCEDA.

10. The Commission hereby designates Bonds in the aggregate principal amount of not to exceed \$4,800,000 as "qualified tax-exempt obligations" of the Commission for calendar year 2019 within the meaning of Section 265(b)(3) of the Code.

11. The provisions of this resolution are hereby declared to be separable, and if any section, phrase or provision of this resolution shall be declared invalid, such invalidity shall not affect the validity of the remainder of the sections, phrases and provisions of this resolution.

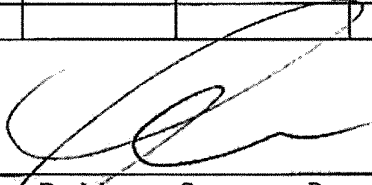
12. The Commission shall perform such other acts and adopt such further resolutions as may be required to implement its undertakings hereinabove set forth.

13. This resolution shall take effect immediately upon its adoption.

CERTIFICATE OF VOTES

The following is a record of the vote by the Portsmouth Port and Industrial Commission (the "Commission"), on the foregoing resolution, approved at the duly called public special meeting of the Commission held on December 11, 2018, after the holding of a public hearing thereon, at which public hearing and meeting a quorum of the Commission was present:

	AYE	NAY	ABSTAIN	ABSENT
James E. Bento, Chairman	✓			
James E. Toups, Vice Chairman	✓			
Grant D. Reineberg, Treasurer				✓
Edward A. Barham	✓			
Ronald R. Peterman	✓			
Guy T. Wallace	✓			
Vacant				



Robert D. Moore, Secretary, Portsmouth Port and
Industrial Commission

37688800_3

ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF NOT-TO-EXCEED \$4,800,000 TAX-EXEMPT PORTSMOUTH PORT AND INDUSTRIAL COMMISSION BANK QUALIFIED REVENUE BONDS (CYA SPORT & COMMUNITY CENTER PROJECT), SERIES 2019.

WHEREAS, Chapter 157 of the Acts of Assembly of 1954, as amended (the "Act"), authorizes the creation of the Portsmouth Port and Industrial Commission (the "Commission") and the City Council of the City of Portsmouth, Virginia (the "City") duly activated the Commission and appoints its commissioners; and

WHEREAS, the Act empowers the Commission to assist CYA Sport & Community Center, LLC, a not-for-profit Virginia limited liability company (the "Applicant"), by the issuance of the Commission's bonds, to finance (1) longer-term working capital for the Applicant, which will refinance a conventional mortgage loan (the "Acquisition Loan") that financed the purchase of two parcels of real property and a 62,560 sq. ft. building and other improvements thereon collectively known as the The Fieldhouse and located at 3730 Stonecraft Blvd., Chantilly, Virginia 20151 (also known as 14810 Murdock Street, Chantilly, Virginia 20151), and at 3801 Glorus Road, Chantilly, Virginia 20151 ("The Fieldhouse"), and (2) a portion of the costs of issuance of the Bonds described below (collectively, the "Project"); and

WHEREAS, the Applicant owns The Fieldhouse, leasing it to CYA Facility Management, LLC ("Management") for Management to operate The Fieldhouse, and both the Applicant and Management have their present principal place of business at the above-mentioned addresses for The Fieldhouse, in Fairfax County, Virginia; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires, among other things, the approval by this Council of the issuance of any private activity bonds by the Commission after the Commission has held a public hearing to consider the issuance of such bonds as one of the acts required in order for the interest on such bonds to qualify for exemption from the imposition of federal income tax; and

WHEREAS, the Commission held a public hearing on December 11, 2018, in compliance with the requirements of the Code, Section 2 of Chapter 514 of the Acts of Assembly of 1983 of the General Assembly of Virginia, and Section 15.2-4906 of the Code of Virginia of 1950, as amended, and after such public hearing did adopt a resolution to issue an amount not to exceed \$4,800,000 of its tax-exempt bank qualified revenue bonds for the benefit of the Applicant (the "Bonds"), subject to the adoption of this resolution and the concurrence in the issuance of the Bonds by the Board of Supervisors of Fairfax County, Virginia (the "Fairfax County Board"); and

WHEREAS, the Commission has recommended that the Council approve and the Fairfax County Board concur in the issuance of the Bonds; and

WHEREAS, the Bonds, as "qualified 501(c)(3) bonds", will be exempt, under Section 146(g)(2) of the Code, from the limitation on the volume of notes or bonds the interest on which is

exempt from the imposition of federal income tax; and

WHEREAS, a copy of the Commission's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a record of the Commission's public hearing with respect to the Bonds, and a Fiscal Impact Statement in the form prescribed by Section 15.2-4907 of the Code of Virginia of 1950, as amended, have been filed with the Council;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Portsmouth, Virginia:

Section 1: That the recitals in the preambles hereto are found to be true and correct in all respects, and are adopted as findings of this Council as if fully rewritten herein.

Section 2: That the Project proposed to be financed by the issuance of the Bonds is deemed appropriate for such financing and, accordingly, the issuance of the Bonds is hereby approved.

Section 3: The approval of the issuance of the Bonds, as required by Section 147(f) of the Code, Section 2 of Chapter 514 of the Acts of Assembly of 1983 of the General Assembly of Virginia, and Section 15.2-4906 of the Code of Virginia of 1950, as amended, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Applicant and the Bonds shall provide that (a) the Bonds will be a limited obligation of the Commission payable solely from funds supplied by the Applicant, (b) neither the Commission nor the City of Portsmouth shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto and (c) neither the faith or credit nor the taxing power of the Commonwealth of Virginia or the City of Portsmouth shall be pledged thereto.

Section 4: That this resolution shall be in effect from and after its adoption.

ADOPTED by the Council of the City of Portsmouth, Virginia at a meeting held on December 11, 2018.



Teste:

City Clerk

Chief Deputy


CERTIFICATE

The roll-call vote by the City Council of the City of Portsmouth, Virginia, taken at the regular meeting thereof held on December 11, 2018, on the foregoing Resolution, is as follows:

<u>COUNCIL MEMBERS</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
John L. Rowe, Jr., Mayor	✓			
Elizabeth M. Psimas, Vice Mayor	✓			
William E. Moody, Jr.	✓			
Ray A. Smith, Sr.	✓			
Nathan J. Clark	✓			
Lisa L. Lucas-Burke	✓			
Vacant				

Dated: December 11, 2018

[Seal]


Chief Deputy
Clerk, City of Portsmouth, Virginia

FAIRFAX COUNTY

ECONOMIC DEVELOPMENT AUTHORITY

Industrial Revenue Bonds

Statement of Understanding by Applicant for Fairfax County Economic Development Authority Revenue Bond Financing

The undersigned applicant submits this application for consideration by the Fairfax County Economic Development Authority ("FCEDA"). The applicant understands, acknowledges and agrees to the following terms:

1. Applicant shall reimburse the FCEDA for all costs incurred by the FCEDA in processing and acting upon this application, including without limitation legal fees, copying charges, fees for courier services, fees for publication of legal notices, facsimile transmission charges, and long distance telephone charges and further including all such expenses incurred prior to the date of this agreement. Applicant shall be responsible for such charges whether or not the FCEDA ultimately approves and issues the bonds.
2. The FCEDA's approval of the bonds and issuance of the bonds does not constitute any guarantee or any warranty that the bonds will qualify as tax exempt under federal or state tax law. Applicant represents that it has retained, or will retain, bond counsel and applicant will rely solely on the advice and opinions rendered by such bond counsel with regard to the tax-exempt status of the bonds and for all other tax matters.
3. The adoption by the FCEDA of any resolution approving the issuance of the bonds or its application does not constitute representation by the FCEDA that the project contemplated complies with applicable federal, state and local law.
4. The approval by the Fairfax County Board of Supervisors of issuance of the bonds does not constitute any representation by the Fairfax County Board of Supervisors that the project complies with all applicable federal, state and local law, nor does it constitute any representation by the Fairfax County Board of Supervisors of any intent to act favorably upon any permit or land use application or any other application requiring approval by the Fairfax County Board of Supervisors for the project or for any operation contemplated by the applicant to be undertaken on the facility.
5. The applicant understands and acknowledges that financing by industrial revenue bonds or notes through the FCEDA, if and when consummated, will not constitute a general obligation of the FCEDA, nor will the faith, credit, or taxing power of the Commonwealth of Virginia, or any political subdivision thereof, or of Fairfax County, be pledged to the payment of any such bond or note.

The individual signing this application represents and warrants that (s)he has the authority to sign it on behalf of the applicant and that all information contained herein is true to the best of his knowledge and belief.

IN WITNESS WHEREOF, the undersigned applicant has affixed its name and seal on the date set forth below.

APPLICANT: CYA Sport & Community Center, LLC

(SEAL)

By: 

Its: President

Date: December 27, 2018

8300 Boone Boulevard | Suite 450 | Vienna, Virginia 22182-2633 USA
t: 703.790.0600 | f: 703.893.1269 | e: info@fceda.org

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Affidavit of Publication

AD # 00022186

STATE OF Virginia
COUNTY OF Fairfax

To Wit:

I hereby certify that on the 2nd day of January 2019,
before me, the subscriber, Shalique Jones, a notary
public, that the matters of facts set forth are true.

Ulonda Perkins, who being
duly sworn according to law, and oath says that she is an
authorized agent of The Washington Times, L.L.C.,

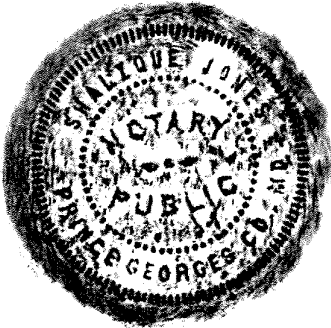
The Washington Times

Circulated daily, in the State of

Virginia, County of
Fairfax, and that the
advertisement, of which the annexed is a true copy, was
published in said newspaper 2 time(s) on the following

December 26, 2018

January 02, 2019



Total Cost: \$691.20

As witness, my hand and notarial seal.

SHALIQUE JONES
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 28, 2021

**NOTICE OF PUBLIC HEARING OF THE
FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY
WEDNESDAY, JANUARY 9, 2019, AT 6:00 P.M.**

All persons interested in the proposed issuance of the below-mentioned bonds by the Portsmouth Port and Industrial Commission (the "Commission") should take notice that the Fairfax County Economic Development Authority (the "FCEDA") will hold a public hearing on the subject of such bonds on Wednesday, January 9, 2019, at 6:00 p.m., in the Conference Room of Suite 450, 8300 Boone Boulevard, Vienna, Virginia, which hearing may be adjourned or continued without further notice. The maximum amount, initial owner and initial operator of the facility to be financed thereby, location of the facility to be financed thereby and purpose of the bonds being considered are:

Not to exceed \$4,800,000 Portsmouth Port and Industrial Commission Bank Qualified Revenue Bonds (CYA Sport & Community Center Project), for the benefit of CYA Sport & Community Center, LLC, a Virginia limited liability company ("Applicant"), whose sole member is Chantilly Youth Association, Inc., a Virginia nonstock corporation and a 501(c)(3) organization ("Parent"), for the purposes of financing (1) longer-term working capital for the Applicant, which will refinance a conventional mortgage loan that financed the purchase of two parcels of real property and a 62,560 sq. ft. building and other improvements thereon collectively known as the Fieldhouse and located at 3730 Stonecraft Blvd., Chantilly, Virginia 20151 (also known as 14810 Murdock St., Chantilly, VA 20151), and at 3801 Glorus Road, Chantilly, VA 20151, and (2) a portion of the costs of issuance of the bonds (collectively, the "Project"). The Project is owned by the Applicant and leased to CYA Facility Management, LLC ("Management"), whose sole member is also the Parent, and which operates and manages the Project. The principal place of business for the Applicant, Parent and Management is located at the Fieldhouse.

Said bonds, if issued, will not create a debt or pledge of the faith and credit of the Commonwealth of Virginia, the City of Portsmouth, Fairfax County, the FCEDA or the Commission, and will not be payable from state or local tax revenues. Rather, such bonds will be limited obligations of the Commission, payable solely from funds provided by the Applicant.

A copy of the Applicant's request for financing is available for inspection at the FCEDA's office, at Suite 450, 8300 Boone Boulevard, Vienna, Virginia 22182, during business hours. Any person interested in the issuance of the bonds or the location or nature of the Project may appear at the hearing and present his or her views. Written comments regarding the proposed resolution may be delivered or mailed to the FCEDA in care of Rodney Lusk, Director of National Marketing, Suite 450, 8300 Boone Boulevard, Vienna, Virginia 22182, prior to the public hearing, or given to the FCEDA during said hearing. Any disabled person who will require an accommodation to participate in the public hearing is requested to call the FCEDA at (703) 790-0600 at least three (3) days in advance of the public hearing.

FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY

December 26th, 2018
January 2nd, 2019

AD#22186

EXHIBIT B TO CERTIFICATE

Summary of Statements

Bond Counsel appeared before the Authority to explain the proposed financial plan. No one appeared in opposition to the proposed bond issue or the project. A resident of Reston, Rob Whitfield, spoke in support of the application.

**RESOLUTION OF THE
ECONOMIC DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY**

WHEREAS, there has been described to the Economic Development Authority of Fairfax County (the "Authority") the plans of CYA Sport & Community Center LLC, a not-for-profit Virginia non-stock corporation (the "Applicant"), and the Portsmouth Port and industrial Commission (the "Commission"), with respect to the issuance by the Commission of bank qualified revenue bonds not exceeding \$4,800,000 (the "Bonds") to finance (1) longer-term working capital for the Applicant, which will refinance a conventional mortgage loan (the "Acquisition Loan") that financed the purchase of two parcels of real property and a 62,560 sq. ft. building and other improvements thereon collectively known as the Fieldhouse and located at 3730 Stonecraft Blvd., Chantilly, Virginia 20151 (also known as 14810 Murdock Street, Chantilly, Virginia 20151), and at 3801 Glorus Road, Chantilly, Virginia 20151 (the "Fieldhouse"), and (2) a portion of the costs of issuance of the Bonds described below (collectively, the "Project"); and

WHEREAS, the Project will be owned by the Applicant and leased to CYA Facility Management, LLC ("Management") for Management to operate, and both the Applicant and Management have their present principal place of business at the above-mentioned addresses for the Fieldhouse, in Fairfax County, Virginia; and

WHEREAS, the Commission held a public hearing with respect to the Bonds at 8 a.m. on December 11, 2018, and immediately thereafter adopted its Official Intent Resolution (the "Commission Resolution") with respect to such Bonds;

WHEREAS, the City Board of Supervisors of the City of Portsmouth, Virginia on the evening of December 11, 2018, adopted its resolution, granting public approval for the Commission's issuance of the Bonds;

WHEREAS, a public hearing with respect to the Bonds and the financing plan of the Applicant, as required by Virginia law and the Internal Revenue Code of 1986, as amended (the "Code"), was held by the Authority on the date hereof, for the purpose of considering whether to recommend to the Fairfax County Board of Supervisors that it grant host jurisdiction public approval for the Bonds and the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY:

1. It is hereby found and determined that the issuance of the Bonds by the Commission will benefit the inhabitants of Fairfax County and promote their education, safety, health, welfare, convenience and prosperity.
2. To assist the Applicant, the Authority hereby recommends that the Board of Supervisors of Fairfax County (the "Board of Supervisors") concur with the Commission Resolution, the form of which has been presented at this meeting, as required by §15.2-4905 of the Code of Virginia of 1950, as amended (the "Virginia

Code”), and hereby directs the Chairman or Vice Chairman of the Authority to submit to the Board of Supervisors the statement in the form prescribed by §15.2-4907 of the Virginia Code, a reasonably detailed summary of the comments expressed at the public hearing held by the Authority pursuant to §15.2-4906 of the Virginia Code, and a copy of this resolution.

3. All costs and expenses of the Authority in connection with the Bonds and the Applicant’s financing plan shall be paid from the proceeds of the Bonds to the extent permitted by law or from funds of the Applicant and the Authority shall have no responsibility therefor.
4. All acts of the officers of the Authority which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds are hereby approved and confirmed.
5. This resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above resolution was duly adopted by the unanimous vote of a quorum of the members of the Economic Development Authority of Fairfax County at a meeting duly called and held on January 9, 2019, and that such resolution is in full force and effect on the date hereof.

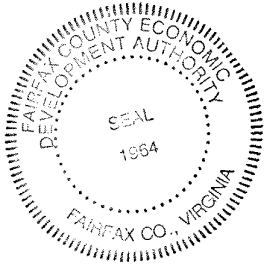
Dated: January 9, 2019


A Secretary, Economic Development
Authority of Fairfax County

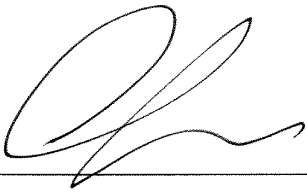
CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on January 9, 2019, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, this 9th day of January, 2019.



[SEAL]



[Signature] Secretary of the Fairfax County Economic Development Authority

FAIRFAX COUNTY

ECONOMIC DEVELOPMENT AUTHORITY

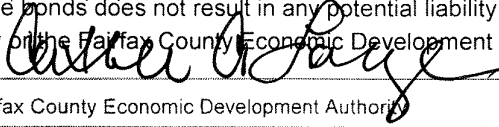
Industrial Revenue Bonds

Fiscal Impact Statement

Applicant: CYA Sport and Community Center, LLC

Facility: The Fieldhouse, 3730 Stonecroft Blvd., a/k/a 14810 Murdock Road & 3801 Glorus Road, Chantilly, VA 20151

Date: December 27, 2018

1. Maximum amount of financing sought: \$ 4,800,000.00
 2. Estimated taxable value of the facility's real property to be constructed in the municipality: \$ 6,250,000.00
 3. Estimated real property tax per year using present tax rates: \$ 93,033.00
 4. Estimated personal property tax per year using present tax rates: \$ 3,000.00
 5. Estimated merchants' capital tax per year using present tax rates: \$ N/A
 6. Estimated dollar value per year of:
 - a. goods and services that will be purchased locally within the locality \$ 42,000.00
 - b. goods that will be purchased from non-Virginia companies within the locality \$ 28,200.00
 - c. services that will be purchased from Virginia companies within the locality \$ 134,200.00
 - d. services that will be purchased from non-Virginia companies within the locality \$ 14,000.00
 7. Estimated number of regular employees on year-round basis: 24
 8. Average annual salary per employee: \$ 76,666.66
 9. The issuance of these bonds does not result in any potential liability to either Fairfax County or the Fairfax County Economic Development Authority
- Authority Chairman 
- Name of Authority Fairfax County Economic Development Authority

8300 Boone Boulevard | Suite 450 | Vienna, Virginia 22182-2633 USA
t: 703.790.0600 | f: 703.893.1269 | e: info@fceda.org
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FAIRFAX COUNTY

ECONOMIC DEVELOPMENT AUTHORITY

Industrial Revenue Bonds

Application for Issuance of Industrial Revenue Bonds by the Fairfax County Economic Development Authority

Name of Applicant: CYA Sport & Community Center, LLC

Address: 3730 Stonecraft Boulevard (a/k/a 14810 Murdock Road), Chantilly, VA 20151

Applicant's Point(s) of Contact: Chris Saben, President

Address (if different from above)

Phone Number: (703) 362-6285

Fax Number:

Organizational Structure of Applicant:

☐ Corporation

☐ Partnership

☒ Limited Liability Company

☐ Other

State of Incorporation or Certificate: Virginia

Is applicant an exempt organization under Internal Revenue Code 501(c)(3)?

☒ Yes

☐ No

Applicant's parent, Chantilly Youth Association, Inc., is an exempt organization under Internal Revenue Code Sec. 501(c)(3).

Financial institution or underwriter providing financing:

Name of institution: The Freedom Bank of Virginia

Point of contact: Ed Lull, Senior Vice President, elull@freedombankva.com

Address: 10555 Main Street, Suite 200 Fairfax, VA 22030

Phone number: (703) 786-1127

Fax number:

8300 Boone Boulevard | Suite 450 | Vienna, Virginia 22182-2633 USA

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Page 1 of 3

Bond Counsel:

Name: William L. Nusbaum, Esq.

Firm: Williams Mullen

Address: 999 Waterside Drive, Suite 1700, Norfolk, VA 23510

Phone number: (757) 629-0612

Fax number: (757) 629-0660

Amount of revenue bond financing sought: \$ 4,800,000.00

Type of facility for which financing is sought:

- ☐ Parking facility
- ☐ Museum
- ☐ Medical facility
- ☐ Pollution control facility
- ☐ Research & development or scientific facility
- ☐ Multi-state, regional or national headquarters
- ☐ Private, accredited & nonprofit institution of collegiate education
- ☒ Athletic, health or recreational facility
- ☐ Governmental or non-profit, non-religious or non-sectarian organization facility
- ☐ Residence/care of the aged facility
- ☐ Manufacturing facility
- ☐ Other (Please describe): _____

Location of facility: 3730 Stonecraft Boulevard (a/k/a 14810 Murdock Road), Chantilly, VA 20151

Magisterial district: Sully

List all stockholders or partners having 10 percent or more ownership interest in the applicant:

Name	Percent interest
Chantilly Youth Association, Inc., sole member	100%

List all stockholders or partners having 10 percent or more interest in any organization having a 50 percent or greater ownership interest in application:

Name	Percent interest
None. Chantilly Youth Association is a Virginia nonstock corporation.	

Owner of facility (if different from applicant):

Name: _____

Address: _____

Phone number: _____

Fax number: _____

Point of contact: _____

Relationship of owner to contact: _____

List all stockholders or partners having 10 percent or more interest in the owner:

Name	Percent interest

List all stockholders or partners having 10 percent or more interest in any organization having a 50 percent or greater ownership interest in the owner of the facility:

Name	Percent interest

FAIRFAX COUNTY

ECONOMIC DEVELOPMENT AUTHORITY

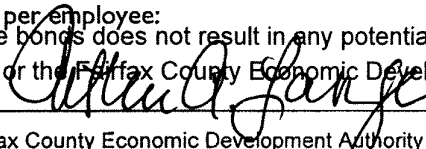
Industrial Revenue Bonds

Fiscal Impact Statement

Applicant: CYA Sport and Community Center, LLC

Facility: The Fieldhouse, 3730 Stonecroft Blvd., a/k/a 14810 Murdock Road & 3801 Glorus Road, Chantilly, VA 20151

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 5. Estimated merchants' capital tax per year using present tax rates: \$ N/A
 6. Estimated dollar value per year of:
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 - c. services that will be purchased from Virginia companies within the locality \$ 134,200.00
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- Authority Chairman 
- Name of Authority Fairfax County Economic Development Authority

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Board Agenda Item
February 5, 2019

10:20 a.m.

Matters Presented by Board Members

11:00 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. Application of Washington Gas Light Company to Increase Rates, PUE-2018-00080 (Va. State Corp. Comm'n) (All Districts)
 - 2. *Bruce & Tanya and Associates, Inc. v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, and Stephen Brich, as Commissioner of Highways for the Commonwealth of Virginia*, Case No. 1:17-cv-01155 (E.D. Va.) (Braddock, Lee, Mount Vernon, and Springfield Districts)
 - 3. Taxpayer Appeal to State Tax Commissioner Regarding Department of Tax Administration Determination of Taxpayer's Out-Of-State Business Deductions for Business, Professional, and Occupational License Receipts
 - 4. *Elton Cansler v. Alan A. Hanks, Edwin C. Roessler Jr., and Fairfax County*, Case No. 18-1196 (U.S. Ct. of App. for the Fourth Cir.)
 - 5. *Barry McCabe v. Fairfax County Animal Shelter*, Case No. 1:19-cv-00053 (E.D. Va.)
 - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ghassan Filimban and Sanaa Kholfi*, Case No. CL-2019-0000247 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 7. *Dulles Professional Center Condominium Unit Owners Association; Spectrum Innovative Properties, LLC; McWhorter, LLC; and Mulpuri Properties, LLC v. Board of Supervisors of Fairfax County, Virginia; Fairfax County, Virginia; Stanley Martin Companies, LLC; and JLB Dulles Tech, LLC*, Case No. CL-2018-0011870 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlos Sergio Alarcorn*, Case No. GV18-027204 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Charles R. Stackhouse Trust and Carol Ann Polkinghorne, Trustee*, Case No. GV18-028733 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
11. *Elizabeth Perry, Property Maintenance Code Official v. David M. Frutchey*, Case No. GV19-001154 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
12. *David L. Clayton v. Board of Supervisors of Fairfax County, Virginia; County of Fairfax, Virginia; and White Horse Four, LLC*, Case No. CL-2018-0012862 (Fx. Co. Cir. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Isidro Ramirez, Regina Estrada and Zandra Makel Otero*, Case No. CL-2018-0007087 (Fx. Co. Cir. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick Craig Muldoon*, Case No. CL-2019-0000467 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beverly J. Facchina*, Case No. GV18-025948 (Fx. Co. Gen. Dist. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eliodoro Guzman*, Case No. CL-2018-0013267 (Fx. Co. Cir. Ct.) (Mason District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Yasmin Khoshnevis and Arlington Motors, Inc.*, Case No. CL-2019-0000701 (Fx. Co. Cir. Ct.) (Mason District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ragheb Aburish*, Case No. CL-2017-0015519 (Fx. Co. Cir. Ct.) (Mason District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rilma Rodriguez*, Case No. GV19-001003 (Fx. Co. Gen. Dist. Ct.) (Mason District)
21. In re: December 5, 2018, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Case No. CL-2018-0018063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Elizabeth Perry. Property Maintenance Code Official for Fairfax County, Virginia v. Otis Williams, Jr.*; Case No. CL-2019-0000069 (Mount Vernon District)

23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Emmanuel K. Baah and Veronica L. Baah*, Case No. CL-2019-0000389 (Mount Vernon District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Richard A. Cauthers, Jr.*, Case Nos. GV19-000920 and GV19-000921 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jianmiao Xia*, Case No. CL-2019-0000347 (Fx. Co. Cir. Ct.) (Providence District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Irongate Properties, Inc.*, Case No. CL-2018-0011874 (Fx. Co. Cir. Ct.) (Providence District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Yung Chi Yung*, Case No. CL-2017-0004961 (Fx. Co. Cir. Ct.) (Springfield District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles Alan Little*, Case No. CL-2019-0000561 (Fx. Co. Cir. Ct.) (Springfield District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kenneth E. Stevenson and Karen S. Stevenson*, Case No. CL-2018-0013478 (Fx. Co. Cir. Ct.) (Sully District)
30. *Board of Supervisors of Fairfax County v. HANDSONREI, LLC*, Case No. GV18-024826 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item
February 5, 2019

3:30 p.m.

Public Hearing on RZ 2017-MV-024 (Eastwood Properties, Inc.) to Rezone from R-2 and HC to PDH-16 and HC to Permit Residential Development with an Overall Density of 12.6 Dwelling Units Per Acre, Approval of the Conceptual Development Plan and Waiver of Minimum District Size and Open Space Requirements, Located on Approximately 38,134 Square Feet of Land (Mount Vernon District)

This property is located on the E. side of Skyview Drive, approximately 600 feet North of its intersection with Richmond Highway. Tax Map 101-3 ((10)) 6A and 7A.

The Board of Supervisors deferred this public hearing from the January 22, 2019 to February 5, 2019 at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On November 29, 2018, the Planning Commission voted 12-0 to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2017-MV-024, subject to the execution of proffered conditions consistent with those dated November 8, 2018;
- Approval of a waiver of the minimum district size requirement pursuant to Section 9-610 of the Zoning Ordinance; and
- Approval of a waiver of the open space requirement pursuant to Section 9-612 of the Zoning Ordinance.

Concurrently, the Planning Commission voted 12-0 to approve FDP 2017-MV-024, subject to the development conditions dated November 14, 2018, and subject to the Board of Supervisors' approval of RZ 2017-MV-024.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Harold Ellis, Planner, DPZ

Board Agenda Item
February 5, 2019

3:30 p.m.

Public Hearing on Proposed Plan Amendments 2018-IV-BK1: Huntley Meadows Park Path from Telegraph Road to Harrison Lane; and 2018-IV-TR1: Huntley Meadows Park Trail from Telegraph Road to Lockheed Boulevard (Lee District)

ISSUE:

Plan Amendment (PA) 2018-IV-TR1 considers the removal of a planned minor paved trail through Huntley Meadows Park from Telegraph Road to Lockheed Boulevard (Tax Maps 100-2, 101-1, 101-2, and 92-4) from the Comprehensive Plan. PA 2018-IV-BK1 considers the removal of a planned shared use path through Huntley Meadows Park from Telegraph Road to Harrison Lane (Tax Maps 92-1, 92-3, and 92-4) from the Comprehensive Plan. Concerns about the impacts of these planned facilities on natural and heritage resources were identified during the Embark Richmond Highway planning process.

PLANNING COMMISSION RECOMMENDATION:

On January 16, 2019, the Planning Commission voted 12-0 to defer decision only on these plan amendments to a date certain of January 30, 2019. The Planning Commission recommendation will be forwarded subsequent to that date.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve these amendments.

TIMING:

Planning Commission public hearing – Decision Only on January 30, 2019
Board of Supervisors' public hearing – January 22, 2019 deferred to February 5, 2019

BACKGROUND:

On March 20, 2018, following adoption of PA 2015-IV-MV1 (Embark Richmond Highway), the Board of Supervisors authorized consideration of PAs 2018-IV-TR1 and 2018-IV-BK1 for the removal of two planned trail connections through Huntley Meadows Park, both in the Rose Hill Planning District. The Countywide Trails Plan, a component of the Comprehensive Plan, currently recommends a minor paved trail along the southern and eastern edges of Huntley Meadows Park and along Hayfield Road. The Bicycle Master Plan, also a component of the Comprehensive Plan, currently recommends a shared use path in the northern part of Huntley Meadows Park.

Board Agenda Item
February 5, 2019

There are also Comprehensive Plan recommendations pertaining to the minor trail facility planned along the southern and eastern edges of Huntley Meadows Park in the Parks and Recreation section of the Rose Hill Planning District. On October 16, 2018, the Board amended the original authorization of PA 2018-IV-TR1 to include consideration of revisions to the Area IV volume of the Comprehensive Plan, Parks and Recreation section of the Rose Hill Planning District.

The Board directed that staff initiate and expedite the PAs to evaluate deleting these planned trails from the Comprehensive Plan.

FISCAL IMPACT:

There is no fiscal impact resulting from this action.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt available online at:
<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2019%20verbatims/verbatim011619pa2018-iv-bk1-tr1.pdf>

The Staff Report for PA 2018-IV-TR1 and PA-IV-BK1 has been previously furnished and is available online at:

<https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/compplanamend/huntleytrail1/2018-iv-bk1-tr1-staffreport.pdf>

STAFF:

Bryan J. Hill, County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Chief, Site Analysis and Transportation Planning Division, FCDOT
Leonard Wolfenstein, Chief, Transportation Planning Section, FCDOT
Thomas Burke, Transportation Planner, FCDOT
Robert Pikora, Transportation Planner, FCDOT
Zachary Krohmal, Transportation Planner, FCDOT
Meghan Van Dam, Chief, Policy and Plan Development Branch, Department of Planning and Zoning (DPZ)
Sophia Fisher, Planner, DPZ
Andrea Dorlester, Manager, Park Planning Branch, Fairfax County Park Authority (FCPA)
Ryan Stewart, Park Planner, FCPA

4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Article 12, Signs, and Related Provisions

ISSUE:

The proposed Zoning Ordinance amendment includes a repeal and replacement of Article 12, Signs, to include changes that will, among others (1) rewrite existing provisions in a content-neutral manner, to include new provisions for the regulation of minor (temporary) signs and the prohibition of off-site signs; (2) reorganize all provisions in a more user-friendly format to include graphics and a new section of defined terms; (3) establish new regulations for electronic display signs; and (4) establish more uniform regulation of signs in all zoning districts. In addition, related sign provisions found throughout the Zoning Ordinance are also proposed for amendment accordingly.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on December 5, 2018, and unanimously voted to defer the decision only to a date certain of January 16, 2019. On January 16, 2019, the Planning Commission again voted to defer the decision only to a date certain of January 30, 2019. The Planning Commission Recommendation will be provided to the Board at or before its February 5, 2019 public hearing.

RECOMMENDATION:

The County Executive recommendation will be provided at or before the February 5, 2019 public hearing.

TIMING:

Board of Supervisors authorization to advertise - October 30, 2018; Planning Commission public hearing - December 5, 2018, with decision deferred to January 16, 2019, and further deferred to January 30, 2019; Board of Supervisors public hearing - February 5, 2019, at 4:00 p.m.

BACKGROUND:

The proposed amendment is identified on the 2018 Priority 1 Zoning Ordinance Amendment Work Program as an initiative under the Zoning Ordinance Modernization (zMOD) Project, and was carried over as such from the 2017 Work Program. Prior to 2017 and zMOD, the amendment was identified as a Priority 1 project on the 2015 and 2016 Work Programs. While the second phase of amendments associated with zMOD will include a broader policy-oriented discussion and review of sign policies in 2020, the

primary purpose of this amendment is to rewrite the existing provisions found in Article 12, Signs, of the Zoning Ordinance into content-neutral language in response to the United States Supreme Court's 2015 ruling in *Reed vs. Town of Gilbert*. In this case, the Court held that a municipality cannot place different limits on signs that convey a particular message, that such regulations or codes are content-based and unlikely to survive the judicial test of strict scrutiny.

Prior to *Reed*, many jurisdictions throughout the country, including Fairfax County, adopted local ordinances that regulate and/or classify certain sign types based, in whole or in part, on the message conveyed – meaning that to determine whether a sign complies with some provision, one must make some finding based on the content or message contained on the sign. Therefore, the general scope of this amendment is very specific and seeks to address provisions that could be deemed content-based. Since this effort requires a full review and significant rewrite of the entire ordinance, staff has also taken the opportunity to streamline the text and make the regulatory document more user-friendly. To this end, every section has been rewritten in some fashion but staff's goal was to keep as much of the existing policies and regulations – types of permitted signs, sizes, etc. – intact. However, there are some concepts for which this approach was not possible due to lack of clarity in the existing provisions, such as those related to temporary signs, or lack of any regulatory framework at all prior to the *Reed* decision, such as the case for digital signs. The proposed Sign Ordinance amendment provides new text and options for these areas.

While there are many proposed changes to the existing sign ordinance, the key changes found in the proposed Sign Ordinance draft include:

1. A re-write of the existing provisions in a content neutral manner. Fairfax County's sign ordinance needs to be amended to respond to the *Reed* decision, as it contains ordinance provisions that regulate certain sign types based, in whole or in part, on the message of the sign. For example, Par. 13.B. of Section 12-203, includes provisions for signs within an office park and states, with emphasis added:

"One (1) freestanding building identification sign may be permitted for each detached building which houses a principal use within an office park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed twenty (20) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any lot line."

The underscored text in the above provision is an example of a content-based regulation because the message of the sign is the basis for the regulation and, thus, it is recommended for deletion. Staff has reviewed each provision for similar language and has attempted to rewrite provisions with appropriate language while keeping the intent of their original meaning. This has proved challenging for certain

sections of the existing ordinance, particularly Sections 12-103, Temporary Signs, and 12-104, Prohibited Signs. In these sections, many of the regulated sign types, such as political campaign signs and temporary signs for non-residential uses, are content-based. Therefore, these sections contain the most number of changes, as well as some of the more significant policy changes that are being recommended by staff.

Staff is proposing wholesale changes to temporary signs, which are referred to as “minor signs” in the proposed Ordinance, especially for non-residential land uses. All of the minor sign types are set forth in new Section 12-105. As proposed:

- Any non-residential land use, to include public uses that are currently exempt from sign regulations, will be allowed certain amounts of minor, aka temporary, signs, regardless of the specific land use or the zoning district in which it is located.
- For residential land uses, staff is proposing a new type of sign, a “yard sign,” which would afford homeowners the opportunity to display a limited number of small signs, such as campaign signs during election season or a yard sale sign.

In addition, while many of the sign types in this section are those customarily identified as being “temporary” by their intermittent and/or seasonal display, staff is not proposing display time limits for many of the minor sign types, especially minor signs for non-residential land uses and yard signs. As explained to the Board at previous Development Process Committee (DPC) meetings, it is staff’s intent to make any new regulations easy to enforce. In the case of minor signs, especially banners and promotional signs for businesses, the regulation of display duration, type of sign, size, height, etc. are interrelated. Staff’s position is that prescribing a display duration for some minor signs is difficult from an enforcement perspective and will require a permitting process to ensure compliance, which is a burden on both County resources and non-residential land uses. However, by forgoing a display duration, staff is proposing smaller signs and, in some cases, prohibitions on freestanding signs, which tend to have the most negative visual impact since they are typically displayed adjacent to a right-of-way.

Concerning prohibited signs, the current Ordinance allows off-site directional signs for some land uses but these provisions are all content-based, in that they require a specific message on the sign to ensure it is “directional” in nature. However, staff believes that the *Reed* decision simplifies the policy debate on this topic. If one cannot regulate content on signs, then the decision to allow any off-site signage is an all-or-nothing proposition. If off-site signs continue to be allowed, it would not be possible to stop a permit holder from allowing copy on the sign that may be unrelated to its intended use. For this reason, staff is proposing to eliminate all directional and off-site signs in the proposed draft Ordinance. Off-site signs are defined in the draft Ordinance and identified as a prohibited sign type in the new

Section 12-106. However, accommodations have been made for allowing wayfinding and branding programs by the County, or by those organizations in partnership with the County. These displays are proposed to be allowed in the Commercial Revitalization Districts and in those areas designated as activity centers in the adopted Comprehensive Plan.

2. A reorganization of all provisions in a more user-friendly format with a new section of defined terms and appropriate graphics.

As proposed, the draft Ordinance has been streamlined, much in the same fashion as is proposed for the entire Zoning Ordinance as part of the zMOD project. The provisions are organized in three separate parts: Part 1, General Provisions; Part 2, Sign Regulations by Use and District; and Part 3, Special Approvals and is significantly shorter (approximately 16 pages). In addition, a new definition section has been added, with all sign types and necessary technical terms now defined and located in the Article itself for convenience. Staff has also prepared a limited number of graphics to accompany the text, with the idea that more could be added as part of the future sign policy amendment to be completed as part of zMOD.

3. The establishment of electronic display signs, commonly referred to as “digital signs,” as a new type of sign with appropriate definition and use standards. The current Ordinance does not explicitly regulate electronic display signs and all current County policy has been done largely through Zoning Administrator interpretation. Given the rise of the technology, especially as a sign type preferred by religious and educational institutions that are typically located in residentially zoned areas, the idea of formally codifying a set of regulations has appeared on prior versions of the Zoning Ordinance Amendment Work Program. Staff believes now is the appropriate time to address digital sign copy given the nexus between the concepts of copy and content. As part of the draft Ordinance, staff is proposing:
 - A new sign type, electronic display signs, as defined in new Section 12-102, that allows the display as part of a freestanding sign in all zoning districts. It is noted that the provisions allow the display as *part of* a permitted sign type – in this case, staff is proposing up to 50% of the permitted area of a permanent freestanding sign.
 - Standards addressing the frequency of copy movement and the background contrast of the screen.

While staff is proposing a lower limit of 50% of the area of any freestanding sign, an alternative option has been included should the Board want to consider increasing the area. Most current installations typically incorporate the digital component at a much higher percentage of the overall freestanding sign – up to 100% of the sign face. However, accordingly, should the Board desire to allow the entire area of a freestanding sign to be digitized, staff recommends a lower sign

height and appropriate limits on brightness; these limits are found in the alternative option.

4. The establishment of more uniform regulation of signs in all zoning districts. In the current Ordinance, the sign provisions are generally organized depending on whether the principal land use is residential, commercial, or industrial and, further, whether a use requires special permit or special exception approval. As a result of the *Reed* decision, an Ordinance construct based on the uniformity of sign provisions among land uses is more appropriate – meaning that it is difficult to argue that one particular land use is entitled to specific amounts and types of signs, different from another, on the basis of that land use itself. While the use impacts of these land uses may differ, the impact of the accessory use of a sign for each land use is generally consistent. That being said, it is within the parameters of the *Reed* decision to regulate signs based on time, place, and manner and to establish a uniform policy and organize sign regulations based on their location, i.e., their zoning district. Therefore, it is appropriate and practical to regulate different types, amounts, sizes and heights of signs depending on zoning district, as the land use impact of a sign located in a residential district, which may be in close proximity or adjacent to residential uses, is different than a sign in a commercial or industrial district.

To achieve uniformity among provisions, staff is proposing a number of significant changes in the draft Ordinance:

- To eliminate problematic distinctions, staff has organized the majority of sign provisions, especially those relating to permanent sign types, into two sections: Section 12-202, Signs in a Residential District, and Section 12-204, Signs in Commercial and Industrial Districts.
- These sections prescribe a set amount of signage for a select number of land uses, with non-residential land uses generally being allotted the same types and amounts of signage, regardless of the particular land use.
- Staff is also proposing that public uses be subject to these regulations as well, since there is no justification to treat a public use, such as a school, any differently than a similar private land use.

In addition to provisions contained in the new Article 12 as discussed above, there are also several corresponding changes to other Articles and provisions of the Zoning Ordinance. While some of these changes are to address content neutrality, the majority are to update section or provision references or to eliminate redundancies since many of the references to signs found in other Articles are restatements of provisions contained in Article 12.

In developing this proposed amendment, staff has met individually with Board members and conducted extensive outreach to various stakeholder groups for the past year,

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including citizen groups, area business groups, Board-appointed committees, the zMOD citizen and land use attorney committees, and affected County agencies. The proposed amendment was discussed before the Board's Development Process Committee (DPC) on October 3, 2017, December 12, 2017, and on March 13, 2018. On September 10, 2018, staff circulated draft text for the Board's consideration and discussed all changes based on the comments received from stakeholders and the Board since the March 13, 2018 DPC meeting. Staff will continue its outreach effort throughout the public process and will continue to inform the Board of relevant feedback.

The full text of the proposed amendment and the staff comment is enclosed as Attachment 1.

REGULATORY IMPACT:

The proposed Zoning Ordinance amendment will establish a new Article 12, Signs, which sets forth provisions for the regulation of signs in Fairfax County. While the majority of existing provisions will be carried forward, rewritten, and placed into the revised format, new regulations are proposed in the addition of new sign types and the deletion of others, revised provisions for minor (temporary) signs, new regulations for digital signs and the uniformity of sign regulations dependent upon zoning district. In addition, once the new Ordinance has been adopted, staff intends to streamline the permitting process to coincide with the effective date of the new regulations.

FISCAL IMPACT:

None. The new Sign Ordinance will utilize the existing fee structure for sign applications.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report dated November 19, 2018

STAFF:

Bryan J. Hill, County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Andrew Hushour, Deputy Zoning Administrator, DPZ

ASSIGNED COUNSEL:

T. David Stoner, Deputy County Attorney, Office of the County Attorney (OCA)
Cherie Halyard, Assistant County Attorney, OCA



FAIRFAX
COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Article 12, Signs, and Related Provisions

PUBLIC HEARING DATES

Planning Commission December 5, 2018 at 7:30 p.m.

Board of Supervisors February 5, 2019 at 4:00 p.m.

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

November 19, 2018

ABH



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

STAFF COMMENT

The proposed Zoning Ordinance amendment is phase one of a two-part effort to amend the existing sign ordinance. This amendment includes a repeal and replacement of Article 12, Signs, by deleting redundant or outdated provisions; rewriting existing regulation and proposing new regulation of signs and/or their characteristics in a content-neutral manner; reorganizing existing and new provisions in a more user-friendly format to include graphics; and establishing more uniform regulation of signs in all zoning districts. In addition, related sign provisions found throughout the Zoning Ordinance are also proposed for amendment accordingly. The proposed amendment is identified on the 2018 Priority 1 Zoning Ordinance Amendment Work Program as an initiative under the Zoning Ordinance Modernization (zMOD) Project, and was carried over from the 2017 Work Program. While the second phase of amendments associated with zMOD will include a broader review of sign policies, the primary purpose of this phase of the amendment is to rewrite the existing provisions found in Article 12, Signs, of the Zoning Ordinance into content-neutral language in response to the United States Supreme Court's 2015 ruling in *Reed vs. Town of Gilbert (Reed)*.

BACKGROUND & OUTREACH

In its decision in *Reed*, the U.S. Supreme Court drew a distinct line concerning the use of content-based sign regulations. In *Reed*, the town of Gilbert, Arizona's sign ordinance assigned different size and posting requirements to political, ideological, and directional signs. The Court held that where a locality defines sign categories on the basis of the message expressed, the regulation is "content based" – no matter the sign's purpose or viewpoint – and thus is presumptively unconstitutional, and can only survive if it passes strict scrutiny review, a very high bar to cross. For a regulation to survive "strict scrutiny," it must further a compelling governmental interest, be narrowly tailored to achieve that interest, and must leave open ample alternative channels of communication. The town's sign ordinance failed the strict scrutiny test because it could not show a compelling governmental interest that justified the differences in regulations based on a sign's message.

As many other jurisdictions around the country are doing, Fairfax County is undertaking this phase of the Article 12 amendment to ensure that the County's sign regulations comply with *Reed*. Therefore, throughout the draft process and during all outreach efforts to date, staff has stressed that the purpose of this amendment is largely to ensure content neutrality. Since this effort requires a review and significant rewrite of the entire sign ordinance, staff has also taken the opportunity to streamline the text and make the regulatory document more user friendly. To this end, every section has been rewritten in some degree but staff's goal was to keep as much of the actual regulations – types of permitted signs, sizes, etc. – intact. However, there are some concepts for which this approach was not possible due to lack of clarity in the existing provisions, such as those related to minor, i.e. temporary, signs, or lack of any regulatory framework at all prior to the *Reed* decision, such as the case for electronic display, i.e. digital, signs. Therefore, the proposed amendment provides new text and options for these areas, which will require some action by the Board. These are discussed in more detail in the major issue areas section below.

In developing this proposed amendment, staff has conducted extensive outreach with individual Board members, the Planning Commission, affected County agencies, citizen and business groups,

and other interested stakeholders. The proposed amendment was discussed at the Board of Supervisors Development Process Committee (DPC) meetings on October 3, 2017; December 12, 2017; and March 13, 2018, and with the Planning Commission's Land Use Process Review (LUPR) Committee on February 7 and September 12, 2018. Additionally, DPZ has worked with staff members from Fairfax County Public Schools and the Fairfax County Park Authority. Staff presented the amendment and received input from the zMOD Citizen Advisory Group and Land Use Attorney Advisory Group, meeting with each group twice, and also met with a group of Chamber of Commerce representatives to discuss the amendment and receive their feedback. The topic has been presented at four DPZ Open Houses in 2017 and 2018, where citizens received information about the potential changes, staff responded to questions and where attendees were advised as to how to provide input, should they desire. The proposed changes were also presented to various citizens' associations/district councils and the amendment is listed on the zMOD website.

Staff will continue to conduct outreach and consider input from interested stakeholder groups following the Board's authorization on October 30, 2018, and throughout the public hearing process. Staff will be meeting with the Planning Commission's LUPR Committee again on November 28, 2018, and meetings are also scheduled to present the proposed amendment to the Mason District Council and the Braddock District Land Use & Environmental Committee. Staff will soon be scheduling meetings with the Land Use Aides Committee, Faith Communities in Action and additional meetings with the Park Authority.

PROPOSED AMENDMENT

In an effort to explain and discuss the proposed new sign regulations in easy to understand terms, the staff comment is organized as follows: (1) an overview that explains all proposed changes in four broad categories; (2) identification of provisions organized by new Section number; (3) discussion of major and/or new issue areas with staff recommendations; and (4) a detailed listing of all corresponding changes to other Articles of the Zoning Ordinance. In addition to the proposed text found at the end of the staff comment, staff has also prepared a "crosswalk" document that identifies each provision in the existing Sign Ordinance and gives, where applicable, the new ordinance section where the provision can be found, as well as some brief commentary as to why changes were made to the regulation. The crosswalk document has been created as an accompanying document to the staff comment and can be found on the DPZ webpage for the Sign Ordinance Amendment at: <https://www.fairfaxcounty.gov/planning-zoning/zmod/sign-provisions>

I. Overview & Explanation of Changes

While there are many proposed changes to the existing Sign Ordinance, the changes found in the proposed draft Ordinance fall into four distinct categories:

1. A re-write of the existing provisions for content neutrality and clarity.

For example, Par. 13.B. of Section 12-203, includes provisions for signs within an office park and states:

“One (1) freestanding building identification sign may be permitted for each detached building which houses a principal use within an office park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed twenty (20) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any lot line.”

The underscored text in the above provision is an example of a content-based regulation because the message of the sign is the basis for the regulation and, thus, it is recommended for deletion. Staff has reviewed each provision for similar language and has attempted to rewrite provisions with appropriate, clear language while keeping their original intent.

2. The proposal of new regulations.

While the majority of the existing regulations have been rewritten, there are some topical areas for which this approach was not possible due to the legal challenges presented by *Reed* (off-site/directional signs); a lack of clarity in the existing provisions (minor signs); or the absence of any regulatory framework at all prior to *Reed* (electronic display signs). Certain sections of the existing ordinance, particularly Sections 12-103, Temporary Signs, and 12-104, Prohibited Signs, were challenging to rewrite since many of the regulated sign types, such as political campaign signs and temporary signs for non-residential uses, were content-based. Therefore, these sections contain the most number of changes, as well as more significant policy changes that are being recommended by staff. Concerning entirely new regulation, staff is also proposing changes related to permanent signs in residential districts and the regulation of electronic display signs.

3. A reorganization of all provisions in a more user-friendly format with a new section of defined terms and appropriate graphics.

As proposed, the draft Sign Ordinance has been streamlined, much in the same fashion as is proposed for the entire Zoning Ordinance as part of the zMOD project. The existing Ordinance has been reorganized with redundant or duplicative provisions deleted. The provisions are organized into three separate parts: Part 1, General Provisions; Part 2, Sign Regulations by Use and District; and Part 3, Special Approvals. The draft Ordinance is also significantly shorter (approximately 16 pages). In addition, a new “Definitions” section has been added, with all sign types and necessary technical terms defined and located in the Article for convenience. Staff has also prepared a limited number of graphics to accompany the text, with the idea that more graphics could be added as part of any future amendment to be completed as part of zMOD.

4. The establishment of more uniform regulation of signs in all zoning districts.

In the current Ordinance, the sign provisions are generally organized depending on whether the principal land use is residential, commercial, or industrial and, further, whether a use requires special permit or special exception approval. As a result of the *Reed* decision, an ordinance construct based on the uniformity of sign provisions among land uses is more appropriate – meaning that it is difficult to argue that one particular land use is entitled to specific amounts and types of signs, different from another, on the basis of that land use itself. While the use impacts of these land uses

may differ, the impact of the accessory use of a sign for each land use is generally consistent. That being said, it is within the parameters of *Reed* to regulate signs based on time, place, and manner and to establish a uniform policy and organize sign regulations based on their location, i.e., their zoning district. Therefore, it is appropriate and practical to regulate different types, amounts, sizes and heights of signs depending on zoning district, as the land use impact of a sign in a residential district, which may be in close proximity or adjacent to residential uses, is different than a sign in a commercial or industrial district.

II. Section Highlights

Part 1, Section 12-100, General Provisions

12-101 Purpose & Intent

This section has been edited for conciseness and includes a statement that the purpose of the regulations, in part, is to ensure free speech is protected.

12-102 Definitions

The current ordinance defines a “sign” in Article 20, which also includes a subset of definitions of freestanding, building-mounted and portable signs; there is also a separate definition for the sign related term “raceway.” For enforcement and permitting purposes, it is appropriate to have a new, distinct “Definitions” section within the Ordinance itself; therefore, the existing sign definitions in Article 20 are proposed to be deleted and this new section added. Highlights of this section include:

- The current definition for a “sign” has mostly been retained but staff has eliminated the qualifier that a “sign” is anything visible from an adjacent property. (***Discussed below as a major issue area.***)
- Revised definitions of the terms “building-mounted sign” and “freestanding sign”; deletion of the terms and definitions of “portable sign” and “raceway.”
- Definitions for all relevant terms, such as “vehicle sign” and “window sign,” to include new terms/concepts such as “electronic display sign” and “minor sign.”

12-103 Applicability

This section sets forth the statements of applicability of the proposed Ordinance regulations. The section includes:

- A provision stating that the regulations apply to all signs in Fairfax County but, unless otherwise stated, exempts those signs on property owned by, or those signs required or sponsored by Fairfax County; the Commonwealth of Virginia or any of its political subdivisions; or the United States. Note that the provision reads that signs sponsored by Fairfax County are exempt “unless otherwise stated.” As proposed, staff is recommending that public uses, to include most County facilities such as a school or park, be subject to the proposed regulations. This is a major departure from the current Ordinance, which largely exempts public uses from most sign regulation. (***Discussed below as a major issue area.***)
- A provision stating that the proposed regulations do not regulate or restrict signs based on content.

- A provision clarifying that the regulations do not apply to, authorize, or prohibit signs placed in a public right-of-way; meaning, they only apply to signs posted on private property.

12-104 Administrative Provisions

This section sets forth all administrative provisions related to signs, such as when permits are required; what actions and/or structures are deemed to be signs and which are not; and other structural requirements for signs. It merges several similar sections of the current Ordinance into a single section. Highlights include:

- Adding the changing of the message on an electronic display sign to the list of actions that is deemed not to be a sign.
- Changes the provision that certain flags are deemed not to be a sign, by deleting reference to specific flags.
- Changes to the provisions exempting signs displaying address numbers in accordance with the County Code, by uniformly allowing 2 square feet for such purposes regardless of use and requiring that such signs associated with a residential building be building-mounted.
- Revised provisions regulating vehicle signs, which allow such signs only when located on a vehicle that is operable, parked at its associated place of business and within a parking space. ***(Discussed below as a major issue area.)***
- A new provision that exempts non-illuminated lettering or numbers permanently attached or painted on the façade of a building of any school, college, or university, up to 10% of the façade on which they are placed. ***(Discussed below as a major issue area.)***
- Changes to the provision allowing signs erected in a Commercial Revitalization District by a public agency or an appropriate organization, by deleting limits on sign type, size, and mounting height, requiring that such signs be approved by the Board, and allowing such signs to also be erected within activity centers as shown on the adopted Comprehensive Plan.

12-105 Minor Signs

Minor Signs, previously referred to as “temporary signs,” presented the most challenges for staff regarding content neutrality. It should be noted that several of the current provisions found in this Ordinance section are signs made by a “constituted governmental body,” most of which are not currently regulated and staff is not proposing new regulation in this area. For this reason, many of these provisions were eliminated because they are redundant given that new Section 12-103.1 already exempts constituted governmental bodies from these regulations. Highlights include:

- An increase in the maximum size of a sign located on a property that is actively marketed for sale, rent or lease, and is developed with or planned for development of, a single-family detached or attached dwelling unit, from 4 square feet to 6 square feet.
- A reduction in the minimum required setback of any sign for a new residential, commercial, or industrial development that is under construction or existing buildings in such developments that are being altered, from 10 feet to 5 feet from any lot line.
- A reduction in the number of signs permitted for a new residential, commercial, or industrial development that is under construction or existing buildings in such developments that are being altered, from 2 signs to 1 sign, except for those lots containing multiple road frontages.
- An increase in the maximum height for any sign for an individual single-family dwelling unit

that is undergoing construction, improvement or renovation, from 3.5 feet to 4 feet.

- A new sign type identified as a “yard sign,” for any lot developed with a residential use. Yard signs are proposed up to 12 square feet in total area, with a maximum sign size of 4 square feet for any individual sign and a maximum height of 4 feet. ***(Discussed below as a major issue area.)***
- Provisions and regulations allowing for Minor Signs for all non-residential land uses based on road classification. For uses located on a lot with frontage on a major thoroughfare, Minor Signs up to 40 square in total area are allowed per lot, with a maximum sign size of 24 square feet. A single freestanding sign would be allowed as part of this total area, with a maximum height of 4 feet. For all other non-residential land uses, building minor signs are allowed up to 24 square in total area per lot. ***(Discussed below as a major issue area.)***
- A new sign type, an “A-frame sign,” for all non-residential land uses, limited to a maximum of 16 square feet, 4 feet in height, and a requirement that the sign must be located within 25 feet of a building or site entrance that provides access to the use.

12-106 Prohibited Signs

Despite the challenges presented by this section due to content neutrality issues, staff was able to retain most of the provisions found in the existing Ordinance. However, staff is proposing that prohibited sign types be better organized into broader type categories, thereby providing more explicitly stated legal justification for each prohibited sign type. Noteworthy changes to this section include:

- Categories of prohibitions based on: general standards; materials or design; and location.
- A clear prohibition on roof signs has been expressly stated, whereas in the current ordinance it can be interpreted to be prohibited.

12-107 Nonconforming Signs

Other than minor edits for clarifying and streamlining, this section received only minor changes. The term “nonconforming sign” has been included in the Definitions section and the Board may wish to consider whether grandfathering provisions will be included as part of any adoption of a new ordinance. Highlights found in this section include:

- A new provision requiring that the property owner bears all responsibility to establish the nonconforming status of a sign and/or of the existing physical characteristics and location of such sign.
- Increase in the maximum number of days’ notice, from 15 to 30 days, that the Zoning Administrator must give a property owner to remove a nonconforming sign that has been demolished or destroyed by more than 50 percent of its appraised value, or is located on a property that becomes vacant and is unoccupied for at least 2 years.

Part 2, Section 12-200, Sign Regulations by Use and District

These regulations are for permanent signs that are accessory to any land use found in all zoning districts, which may include both residential and non-residential land uses. To eliminate problematic distinctions, staff has organized the provisions into two sections: Section 12-202, Signs in a Residential District; and Section 12-204, Signs in Commercial and Industrial Districts. These

sections prescribe a set amount of signage for a select number of land uses, with non-residential land uses generally being allotted the same types and amounts of signage regardless of the particular use.

12-201 Calculation of Sign Area

This section combines related provisions found in several different sections of the current Ordinance, all of which have been retained. Most of the changes are minor in nature to clarify existing regulation that is technical in nature and difficult for users to understand. The only highlight is the proposed change in how freestanding sign height is calculated: by measuring the vertical distance from the uppermost extremity of the sign to the lowest point of adjacent grade, rather than to the average ground level at the base as required in the current Ordinance.

12-202 Signs in Residential Districts

Current regulation prescribes allotments of signage for residential developments, such as a subdivision, as well as signs for agricultural uses. In addition, several non-residential uses located in a residential district are allowed varying amounts of signage via approval of special permit or special exception. These include country clubs, hospitals, and places of worship. The current regulations present a variety of content neutrality concerns, which has prompted staff to re-evaluate them from a land use perspective. As previously explained, a legal construct based on the uniformity of sign provisions among land uses is more appropriate since it is difficult to justify that one particular land use is entitled to a certain amount or type of signage as compared to another. Staff's position is that while the use impacts of unique land uses may differ, the impact of the accessory use of a sign for each use is generally consistent. Therefore, the highlights of this section include:

- The new provisions containing uniform regulations of all permanent building-mounted and freestanding signs for land uses when located in a residential district.
- As proposed, a total of 50 square feet of building-mounted sign area is allowed, and a single freestanding sign is allowed, up to 40 square feet in area and 8 feet in height. (***Discussed below as a major issue area.***)

12-203 Performance Standards for Signs in Residential Districts

This new section includes several existing provisions that have been carried forward with policy changes, as well as the new regulations for electronic display signs. Highlights of this section include:

- A new uniform regulation for the minimum setback from a street for all freestanding signs, which has generally been reduced from either 5, 10 or 50 feet to 5 feet.
- Proposed performance regulations for changeable copy or electronic display signs when located as part of a freestanding sign. As proposed, one such sign is allowed per lot, with no more than 50% of the maximum allowable area of a freestanding sign devoted to changeable copy or electronic display. Specific use limitations for electronic display signs also include: a limit on the frequency of copy change – no more than once every 8 seconds, with the change being instantaneous; the background of the sign face cannot be white, off-white or yellow; and the display boards must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits. (***Discussed below as a major issue area.***)
- Modification of the illumination standard for all signs by removing the restriction that

illumination must be white and not colored and just referencing that illumination of signs must conform to the performance standards for outdoor lighting in Part 9 of Article 14.

12-204 Signs in Commercial & Industrial Districts

In the current Ordinance, sign requirements for commercial and industrial uses are spread throughout several sections, and depend on a variety of factors, such as whether the use is in a sign control overlay district or on a particular roadway. To compound this confusion, when considering freestanding signs, there are great distinctions between development types: stand-alone businesses vs. shopping centers. For building-mounted signage, it is the same no matter the location or the development type, although commercial uses are permitted more than industrial uses. This resulted in a lot of redundant language, which the proposed amendment seeks to eliminate, and in doing so, entire sections are eliminated. The highlights of this section include:

- The uniform regulation of all permanent building-mounted and freestanding signs for land uses when located in commercial or industrial district, including those within a Sign Control Overlay District.
- An increase in the permitted amount of building-mounted sign area for industrial uses, from 1 square foot of sign area for each linear foot of building frontage, up to 1.5 square feet of sign area for each linear foot of building frontage.
- An increase in the size of a freestanding sign for each detached building that houses a principal use within an office park, from 20 square feet to 30 square feet.

12-205 Performance Standards for Signs in Commercial & Industrial Districts

Similar to above section for residential districts, this new section carries forward several existing provisions with some minor changes, as well as the new regulations for electronic display signs. Highlights of this section include:

- A uniform minimum setback of 5 feet from any curb of a service drive, travel lane, or adjoining street, for all freestanding signs; this results in a reduction of the minimum setback for freestanding signs located in an office or industrial park, from 10 feet to 5 feet.
- Proposed performance regulations for changeable copy or electronic display signs when located as part of a freestanding sign. As proposed, one such sign is allowed per lot, with no more than 50% of the maximum allowable area of a freestanding sign devoted to changeable copy or electronic display. Specific use limitations for electronic display signs also include: a limit on the frequency of copy change – no more than once every 8 seconds, with the change being instantaneous; the background of the sign face cannot be white, off-white or yellow; and the display boards must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits. (*Discussed below as a major issue area.*)

12-206 Other Permitted Signs

This is another new section that carries forward existing regulations for a select few land uses that are somewhat unique in that they either are allotted additional signage for some elements of their use or they do not easily fit into the district regulations found in Sections 12-203 and 12-205. The highlighted change in this section is the provision that clarifies that accessory service uses are allowed a single 15-square-foot building-mounted sign per individual use, and not a total of 15

square feet for all such accessory service uses located in a building.

Part 3, Section 12-300, Special Approvals

12-301 Administrative Comprehensive Sign Plan

While this is a new section, it includes the existing Ordinance provisions that allow the Zoning Administrator to approve an alternative method of calculating building frontage in order to authorize a different allotment of building-mounted signs for uses in a multi-tenant building. The purpose of separating this existing provision into its own section is to allow the formal codification of this process as an “Administrative Comprehensive Sign Plan.” It also formally establishes the \$95.00 fee for the process, which is the same as the current fee for a sign permit.

12-302 Special Permits

This section has been carried forward with only minor edits to clarify and simplify the language of the existing provisions.

12-303 Special Exceptions

This section has been carried forward with only minor edits to clarify and simplify the language of the existing provisions. It also includes the existing special exception option for a hospital, which has been relocated for uniformity.

12-304 Uses in P Districts

Another section that has been carried forward with most of the existing provisions edited to clarify and simplify language. However, the noted highlight of this section is the deletion of the off-site directional sign plan that is allowed in the PRC District and the Tysons Corner Urban Center with Planning Commission approval. Staff is recommending deletion of this provision since it would allow off-site directional signs, which are prohibited in the proposed draft Ordinance. (***Discussed below as a major issue area.***)

III. Major Issue Areas for Consideration

Definition of Sign – Section 12-102

The current Zoning Ordinance defines a sign, among other things, as that which is “visible from the public right-of-way or from adjoining property.” Staff identified this language as being problematic, as the Zoning Ordinance does not define “public right-of-way” and the term itself is assigned different meanings among several County agencies. In addition, the second part of the current provision stating that a sign is also that which is visible from an adjoining property is restrictive, since most signs are likely visible from another adjoining property. For these reasons, staff is proposing language that seeks to clarify this matter but still provide a similar level of regulation as the current Ordinance. As proposed, a sign includes that which is “visible from any street” and deletes the visibility provision from an adjoining property. As defined in Article 20, a street includes “a strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.” This definition is broad enough to include public streets, private streets, and travel lanes that are private and interior to larger developments such as a mall or office park, thereby having

the same effect as the current provision despite the deletion of the “adjoining property” language. Recently, staff was made aware of concerns from a representative associated with Tysons Corner Center that the change in the definition would negatively impact certain sign exemptions granted to the development under the current definition, by which some signage on the larger mall property is neither visible from a public right-of-way or from an adjoining property. For this reason, staff included language in the advertisement that would allow the Board to consider changes to the proposed definition to allow a more flexible visibility provision.

Staff Recommendation: While staff acknowledges that the proposed language could negatively affect some developments that are currently exempt from regulation, we continue to recommend the language found in the draft text as it provides the closest level of regulation as the current provision. In addition, some developments also can apply for a Comprehensive Sign Plan that could allow for additional signage.

Exemption of Public Uses – Section 12-103.1

The Zoning Ordinance defines a “public use” as “any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the Fairfax County government under the direct authority of the Board of Supervisors, the Fairfax County School Board or Fairfax County Park Authority...” Current policy has been that federal and state uses are completely exempt from the Sign Ordinance, and Fairfax County uses are exempt, except for a 6-foot maximum height for all freestanding signs and the requirement to obtain a building permit. Staff first raised the possibility of subjecting County uses to the proposed sign regulations in individual meetings with Board members in 2017, and the proposal is very similar to the policy change made in 2015 when the Board adopted the Noise Ordinance, subjecting all County uses to the new regulations. In addition, as previously discussed, in light of the *Reed* decision, an ordinance construct based on the uniformity of sign provisions among land uses is more appropriate – there is no arguable difference between a sign for a private school (currently regulated) and that of a public school (currently unregulated except for maximum height). For these reasons, staff is proposing that County public uses be subject to the minor sign provisions found in proposed Section 12-105, as well as the permanent sign provisions found in proposed Part 2, Section 12-200.

However, staff has received comments from both Fairfax County Public Schools (FCPS) and the Fairfax County Park Authority (FCPA), neither of which is in favor of eliminating the current exemption status. Of particular concern to the Park Authority is the limitation on the size, number and location of minor signs permitted for non-residential uses in a residential district. These signs are used to announce summer concert series, camps and other activities at the parks. The schools have raised concerns with the proposed height of permitted freestanding signs for non-residential uses in residential districts which is proposed to be limited to 8 feet in height. Many existing signs are taller than the currently permitted 6-foot maximum height and would not meet the proposed maximum height limitation of 8 feet. In addition, concerns were raised about the accolades posted on school facades and whether these accolades would be considered a sign. Staff has met with representatives of both agencies multiple times in the past year and to date, the minor sign provisions in particular have been modified in direct response to discussions that staff has had with these agencies and the current draft Ordinance reflects their input. In addition, the amendment has been advertised to give

the Board the ability to consider extending the current exemption policy for all County uses.

Staff Recommendation: The existing Zoning Ordinance sets forth a variety of regulations for all land uses – bulk requirements such as building heights and setbacks; density and floor area ratio; landscaping, screening, lighting and parking standards; requirements for site plan and permit review – and public uses are currently subject to all of these requirements, except for only the sign regulations. As a matter of consistent practice in this regard, as well as the uniformity discussion outlined above, staff continues to recommend that County public uses be subject to any adopted Ordinance.

Vehicle Signs– Section 12-104.6C

As proposed in the draft Ordinance, vehicle signs are allowed when the vehicle is: (1) operable and (2) is parked at its associated place of business within a duly designated parking space. Under the current regulations, vehicle signs are allowed at their place of business *or on an adjacent property* but they cannot be located any closer than 25 feet to any “public street line.” The existing language is problematic for two reasons. First, it allows signs to be located off-site, which is expressly prohibited in the draft Ordinance. Second, when parked at its place of business, a vehicle sign is subject to a 25-foot setback, which staff believes is overly restrictive given that a business, upon receiving a Non-Residential Use Permit, is certified to meet all applicable parking standards with respect to both customer parking and the parking of business vehicles. Therefore, a separate parking standard, for purposes of sign regulation, is challenging from a regulatory perspective. However, as part of the direction given to staff at the time of authorization, the legal advertisement for the amendment includes an option for the Board to consider a setback for vehicle signs, up to 25 feet from a front property line.

Staff Recommendation: Staff believes the proposed regulation of vehicle signs as published in the draft text is appropriate. While the minimum setback provision has been deleted, the prohibition of parking vehicle signs on an adjacent property is more restrictive. Furthermore, the current Ordinance requires a buffer strip of 10 feet in between parking and a front property line. For new development, this has the effect of pushing parking spaces further back from the road and would be included in the 25-foot setback limit for vehicle signs found in the Ordinance today.

Administrative Provision for Building-Mounted Signs for Schools – Section 12-104.6D

The proposed policy requiring that public uses be subject to the Sign Ordinance has led to a number of discussions regarding the types and amounts of signs that can be found at facilities such as public parks and schools. A sign type associated with schools, particularly high schools, is what staff has termed “spirit” or “accolade” signage. These signs are typically building-mounted and commemorate academic or athletic achievements, such as “Baseball State Champions, 2016.” FCPS representatives have expressed concern that the building-mounted sign allotments proposed for non-residential land uses in any given zoning district are likely not sufficient to accommodate both traditional building-mounted signs for a school and spirit signage. As proposed, commemorative citations that are non-illuminated and permanently affixed to the façade of any school, college or university would not be regulated, assuming that the display is limited to no more than 10% of the area of the façade on which they are placed. However, it is noted that this proposed exemption can be applied to any school, college, or university, since the land use impacts between a public vs. private school would not differ for purposes of sign regulation. Limiting this exemption to these particular land uses is

justified since these displays are often associated with and largely unique to schools, and not typically found in conjunction with other land uses. Similar provisions exist in the current Ordinance regarding hospitals, in that this particular land use is given additional signage on the basis of its uniqueness. Staff has included an advertising option to increase the exempted display area up to 25% of the façade, which will give the Board the ability to consider any amount between 10 and 25%.

Staff Recommendation: Given that the permission is extended to any school, college, or university, which typically occupy larger buildings, staff believes that the lower limit of 10% of the area of the façade is appropriate. In addition, to the extent that existing schools, colleges, or universities are currently displaying this type of signage, those displays would become legal nonconformities upon adoption of the draft Ordinance and could continue to be displayed.

Yard Signs & Minor Signs for Non-Residential Land Uses – Sections 12-105.4 and 12-105.5

Staff is proposing extensive changes to temporary signs, which are now referred to as “minor signs” in the proposed Ordinance, for both residential and non-residential land uses. All of the minor sign types are set forth in new Section 12-105. While many of the sign types in this section are those customarily identified as being “temporary” by their intermittent and/or seasonal display, staff is not proposing display time limits for many minor sign types, including yard signs and minor signs for non-residential land uses. It is staff’s intent to make any new regulations easy to enforce. In the case of minor signs, especially banners and promotional signs for businesses, the regulation of display duration, type of sign, size, height, etc. are interrelated. For example, the maximum size of minor signs will likely inform whether display times are needed, the types of minor signs allowed (building-mounted or freestanding), and the total number of minor signs that can be displayed at one time on a lot. In addition, it is noted that any minor signs, which are typically temporary in nature, will be in addition to the permanent signs that a land use is allowed to display on a lot – to include a digital message board as a permanent freestanding sign, which allows a land use to regularly change messages in lieu of using minor/temporary signs. Regarding display duration, specifically, staff’s position is that prescribing a display duration for some minor signs is difficult to enforce and will require a permitting process to ensure compliance, which is a burden on both County resources and non-residential land uses. However, by forgoing a display duration, staff is proposing smaller signs and, in some cases, prohibitions on freestanding signs, which tend to have the most negative visual impact since they are typically displayed adjacent to a right-of-way.

For residential land uses, staff is proposing a new type of sign, a “yard sign,” Section 12-105.4, which would allow citizens the opportunity to display a limited number of small signs, such as campaign signs during election season or a yard sale sign. As proposed, a residential use on a lot is allotted a maximum of 12 square feet of total signage, with no single sign exceeding 4 square feet in area and a height of 4 feet. It is noted that there is no display duration, so signs could be displayed on a lot at all times. Furthermore, there is also no limit on the total number of signs, although the maximum sign size limited to 4 square feet is somewhat limiting in combination with the maximum of 12 square feet. However, the legal advertisement for the amendment allows some flexibility to increase the maximum square footage up to 16 square feet.

Staff Recommendation: Staff continues to recommend that a maximum of 12 square feet be adopted. Given that there is no limit on display duration or the number of signs allowed, staff

believes that any amount over 12 square feet would be excessive.

Regarding minor signs for non-residential land uses (Section 12-105.5), earlier versions of the draft Ordinance allowed up to 24 square feet of minor signage for these uses and further required that the signs be building-mounted. However, based on stakeholder input received to date, staff is proposing a provision to allow more minor signage for non-residential land uses based on road classification. As proposed, on a land use located on a lot with frontage on a major thoroughfare, a total of 40 square feet of minor signage is allowed, with a maximum size of 24 square feet for any one sign, to include a single freestanding sign with a maximum height of 4 feet. The larger amount of signage based on road classification allows more signs for land uses in those geographic areas of the County that present less adverse impact on adjacent residential land uses. It would also provide the opportunity for additional signage for most shopping centers as well as certain parks, two land uses identified as needing possibly additional sign area. However, staff strongly notes that the expanded regulation would also apply to a stand-alone land use, such as a restaurant, and that the increased sign area and freestanding provision could have negative visual impacts, especially in special districts such as the revitalization areas. To this end, staff has proposed that only a single freestanding sign be allowed and the maximum height of 4 feet is in keeping with the height proposed for residential yard signs.

For all other non-residential land uses, i.e. those not located on a major thoroughfare, minor signs up to 24 square feet in area are allowed and all signs must be building-mounted or mounted to a structure such as a fence or existing freestanding sign.

The advertisement allows the Board to consider a range to allow up to 60 square feet in total area, with no limits on the maximums size of any one sign or on the number of freestanding signs, and a maximum freestanding sign height up to 6 feet. This option has been included for all non-residential land uses, regardless of their location based on road classification, although the Board may choose to apply it to only those uses located on a property with frontage on a major thoroughfare.

Staff Recommendation: Staff recommends the language contained in the draft Ordinance. However, it is acknowledged that a uniform standard for all non-residential land uses would be preferred for ease of enforcement. This would result in elimination of the distinction based on road classification and would require a determination as to the appropriate size, number and limits of minor signs. To this end, staff believes the sizes, types and limits proposed in Section 12-105.5A are appropriate. It is noted that under the current Ordinance, most non-residential land uses are not allowed any minor signs, except when the use first opens or is permanently closing. As such, any amount allotted as part of the draft Ordinance results in an increase well beyond what the current Ordinance allows.

Off-site/Directional Signs – Section 12-106

The current Ordinance allows off-site directional signs for some land uses but these provisions are all content-based, in that they require a specific message on the sign to ensure it is “directional” in nature. However, staff believes that the *Reed* decision simplifies the policy debate on this topic. If one cannot regulate content on signs, then the decision to allow any off-site signage is an all-or-nothing proposition. If off-site signs continue to be allowed, it would not be possible to stop a permit holder from allowing copy on the sign that may be unrelated to its intended use.

Staff Recommendation: Staff is proposing to eliminate all directional and off-site signs as part of the proposed draft Ordinance. Off-site signs are defined in the draft Ordinance and identified as a prohibited sign type in new Section 12-106. However, accommodations have been made for allowing wayfinding and branding programs by the County, or by those organizations in partnership with the County. These displays are proposed to be allowed in the Commercial Revitalization Districts and in those areas designated as activity centers in the adopted Comprehensive Plan.

Freestanding Sign Height in Residential Districts - Section 12-202.5B

These provisions contain the two proposed options for regulating permanent freestanding signs for non-residential land uses in a residential zoning district. Option 1 allows a freestanding sign up to 40 square feet in area and 8 feet in height. Option 2 allows for a range of freestanding sign sizes and heights, depending on lot size. As proposed: for a use on a lot smaller than 5 acres, a freestanding sign up to 16 square feet in area and 4 feet in height would be permitted; for a use on a lot of at least 5 acres but less than 20 acres, a freestanding sign up to 32 square feet in area and 6 feet in height would be permitted; for a use on a lot of at least 20 acres or more, a freestanding sign up to 40 square feet in area and 8 feet in height would be permitted. In addition, the advertisement for the amendment allows the Board to consider any height up to 20 feet for either option.

Staff Recommendation: While the potential increase in height would address issues raised by some Board members and public school representatives, staff continues to recommend Option 1, with a maximum freestanding sign height of 8 feet. This provision would apply to all non-residential land uses, including public schools - which are currently limited to a maximum freestanding sign height of only 6 feet. Staff's justification for an 8-foot maximum height is based on the potential incompatibility and negative impacts of taller, illuminated signs, including digital message boards, on neighboring residential land uses.

Electronic Display Signs in All Districts- Sections 12-203.3 & 12-205.4

The proposed Ordinance establishes electronic display signs, commonly referred to as “digital signs,” as a new type of sign with appropriate definition and use standards. The current Ordinance does not explicitly regulate electronic display signs and all current County policy has been done largely through Zoning Administrator interpretation. Given the rise of the technology, especially as a sign type preferred by religious and educational institutions that are typically located in residentially zoned areas, the idea of formally codifying a set of regulations has appeared on prior versions of the Zoning Ordinance Amendment Work Program. Staff believes now is the appropriate time to address digital sign copy given the nexus between the concepts of copy and content.

Staff is proposing a new sign type, “electronic display signs,” as defined in new Section 12-102, that allows an electronic message display *as part of a freestanding sign* in all zoning districts. In addition, specific use limitations for electronic display signs are also being proposed and include: a limit on the frequency of copy change – no more than once every 8 seconds, with the change being instantaneous; the background of the sign face cannot be white, off-white or yellow; and the display boards must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits. There are two different options for the Board to consider: Option 1 allows the electronic display sign on any freestanding sign, up to 50% of its maximum permitted area. For

example, if a non-residential land use in a residential zoning district is allowed a 40-square-foot freestanding sign with a maximum height of 8 feet, then the electronic display can be up to 20 square feet, or 50% of the maximum area of 40 square feet. Option 2 allows the Board to consider the total area of a permitted freestanding sign to be digitized, but in order to reduce potential impacts, staff has included a height limit of 6 feet, regardless of zoning district, and the sign is required to be a “monument sign.” For flexibility, the advertisement for Option 2 does allow the Board to increase the height of the monument sign up to 8 feet.

Staff Recommendation: Given the predominance of electronic display signs as a preferred sign type by land uses that are typically located in residentially zoned areas, staff is recommending Option 1 since it would reduce the potential negative land use impacts compared to Option 2.

Related Provisions

In addition to the repeal and replacement of Article 12, Signs, there are proposed changes to various provisions found throughout other Articles of the Zoning Ordinance. These changes are proposed with similar intent and scope as those proposed for Article 12, in that provisions have been changed to ensure content neutrality or to eliminate unnecessary and/or duplicative provisions. In addition, a significant number of the proposed changes in the following Articles are editorial in nature and refer to the section numbers found in the new Article 12. A summary of all related changes is as follows:

- Articles 4 & 5: amends those sections identified in the proposed text, to delete the sign requirement for quasi-public athletic fields in the C-1 through C-8 Districts, and the I-1 through I-6 Districts; to delete the requirement for signs near the stacking area for drive-through pharmacies in the C-5 through C-8 Districts; and to make necessary editorial changes.
- Article 6: amends those sections identified in the proposed text, to delete the requirement for signs near the stacking area for drive-through pharmacies in the in the PDH, PDC, and PRC Districts; and to make necessary editorial changes.
- Article 7: amends the section specified in the proposed text to make necessary editorial changes.
- Article 8: amends those sections identified in the proposed text, to delete the reference to temporary signs for temporary farmers’ markets, temporary portable storage containers, and open-air produce stands; and to make necessary editorial changes.
- Article 9: amends those sections identified in the proposed text, to delete the requirement for signs near the stacking area for drive-through pharmacies; and to make necessary editorial changes.
- Article 10: amends the section specified in the proposed text, to delete the sign provision for wayside stands; and to make necessary editorial changes.
- Article 14: amends the section specified in the proposed text to make necessary editorial changes.
- Article 16: amends the sections specified in the proposed text to make necessary editorial changes.
- Article 17: amends the section specified in the proposed text to make necessary editorial changes.
- Article 18: amends those sections identified in the proposed text, to include a new specific

reference to the Sign Permit and Administrative Comprehensive Sign Plan fee of \$95.00; and to make necessary editorial changes.

- Article 20: amends the section specified in the proposed text, to delete the definition of raceway, sign, building-mounted sign, freestanding sign, and portable sign, and all references thereto.
- Appendix 7: amends those sections identified in the proposed text, to delete the provision that currently allows for certain signage within or in proximity to any commercial revitalization district boundary; and to make necessary editorial changes.

CONCLUSION

Staff notes that this proposed Ordinance accomplishes its intended goals by: (1) deleting redundant or outdated provisions; (2) rewriting existing regulation and proposing new regulation of signs and/or their characteristics in a content-neutral manner; (3) reorganizing existing and new provisions in a more user-friendly format to include graphics; and (4) establishing more uniform regulation of signs in all zoning districts. Therefore, staff recommends approval of the proposed amendment as presented in the draft text and discussed above, to include **OPTION 1** where different options are presented. Furthermore, given the scope of the changes and the need to provide necessary outreach following adoption of the revised Ordinance, staff also recommends a delayed effective date of 60 days following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of October 30, 2018, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Repeal Article 12, Signs, in its entirety, and replace with a new Article 12, Signs, to read as follows and to include all graphics as shown, which have not been underscored and may be subject to rearrangement and resizing for editorial purposes:

ARTICLE 12

SIGNS

PART 1 12-100 GENERAL PROVISIONS

12-101 Purpose and Intent

The purpose of this Article is to regulate all signs placed for viewing by the public, in order to improve, promote and protect the public health, safety, convenience and general welfare; promote traffic safety; ensure that the First Amendment right to free speech is protected; protect property values; protect and enhance the aesthetic character of the various communities in the County; facilitate travel by identifying locations; protect against danger in travel and transportation by reducing distractions and hazards to pedestrian and automobile traffic; and, further the stated purpose and intent of this Ordinance.

12-102 Definitions

For purposes of this Article, signs and their characteristics are defined as follows:

A-FRAME SIGN: A minor freestanding sign constructed to form a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape.



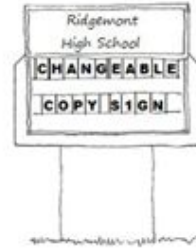
BUILDING-MOUNTED SIGN: Any sign attached to and supported by a building, awning, canopy, marquee or similar architectural feature, or permanently attached, etched or painted onto a window or door. For purposes of this Article, temporary



window signs as defined herein are not building-mounted signs.

CHANGEABLE COPY SIGN: A sign designed to accommodate manual changes in messages.

ELECTRONIC DISPLAY SIGN: Any sign that contains light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination methods, which are electronically controlled and that contain a fixed or changeable copy and/or a change to the intensity of light or colors displayed.



FLAG: A single piece of cloth or similar material, shaped like a pennant, rectangle or square, attachable by one straight edge to a pole or attached at the top of a pole and draped. For purposes of this Ordinance, a minor sign is not a flag.

FREESTANDING SIGN: Any sign other than a building-mounted sign, that is permanently supported by a fence, retaining wall, entrance feature or by upright structural members or braces on or in the ground, such as a pole, pylon, or monument style structure.



MINOR SIGN: Any sign that is (1) designed to be easily moved, (2) typically not permanently attached to a structure or the ground, and (3) is not illuminated. Such signs include, but are not limited to, A-frame signs, banners, posters, window signs, yard signs or other moveable signs. For purposes of this Article, flags and vehicle signs are not minor signs.

MONUMENT SIGN: A freestanding sign, typically no more than 8 feet in height, that is supported primarily by an internal structural framework or that is integrated into landscaping or solid structural features other than support poles.



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. For purposes of this Ordinance, a flag is not a moving or windblown sign.

OFF-PREMISE SIGN: A sign that directs attention to a product, service, attraction, event, or the like that is being offered at a location that is not the premises on which the sign is located.

ROOF SIGN: Any sign or portion thereof affixed to a building that extends above the lowest 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 this Article, a roof sign does not include a sign attached to the penthouse of a building.

SIGN: Any device or structure, or part thereof, designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images, which is (1) used to direct attention to identify a permitted land use, and (2) is visible from any street. *(Advertised to include optional language relating to the visibility of signs based on specific streets types.)*

SIGN FACE: The part of a sign which is or can be used for visual representation or communication, including any background or surrounding material, panel, trim or ornamentation, color, and illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which the sign is placed. The term does not include any portion of the support structure for the sign if no representation or message is placed or displayed on, or designed as part of, the support structure.

TENANT: An individual, entity, partnership, or corporation renting, leasing or owning non-residential space.

VEHICLE SIGN: Any sign that is painted, mounted, adhered, magnetically attached or otherwise permanently affixed to or incorporated into a vehicle or trailer, except for any signs not exceeding a total of 8 square feet for the entire vehicle or trailer and bumper stickers.



WINDOW SIGN: A minor sign that is (1) attached to the glass area of a window or placed behind the glass of a window, and (2) easily read from outside the building.

YARD SIGN: A minor sign associated with a residential use, which is attached to a structure or placed upon or supported by the ground independently of any other structure.

12-103 Applicability

1. The regulations of this Article apply to all signs in Fairfax County and are in addition to any applicable provisions of Chapter 61 of the County Code (Buildings), and Title 33.2, Chapter 7, of the Virginia Code. Unless otherwise stated in this Article, these regulations do not apply to property owned by, or those signs required or sponsored by Fairfax County; the Commonwealth of Virginia, or any political subdivision of the Commonwealth; or, the United States. *(Advertised to include exemption for all property owned by, or signs required or sponsored by, Fairfax County).*
2. 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. All signs are deemed to be accessory uses as defined in Article 20 and must be associated with a principal use and located on the same lot as its principal use.
4. Nothing in this Article excuses any person from compliance with all other applicable regulations, statutes or ordinances.
5. This Article does not apply to any sign placed in a public right-of-way and does not authorize or prohibit placement of any sign there.

12-104 Administrative Provisions

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 18-106.
3. All signs must comply with this Article, the structural requirements specified in the Virginia Uniform Statewide Building Code, Chapter 61 of the County Code, and, the performance standards specified in Article 14 of this Ordinance.
4. A sign permit expires if the sign is not erected and all necessary final inspection(s) are not approved within 12 months from the date of issuance.
5. The following are not a sign or are actions that do not require a sign permit:
 - 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 Sections 12-203 and 12-205 below.
 - B. Painting, cleaning and other routine maintenance and repair of a sign or sign structure.
 - C. Flags, no more than 3 per lot.
 - D. The display of address numbers as required by the County Code, and entrance numbers not exceeding a total of 2 square feet in area. When displayed on a

- 1 residential building, any numbering must be mounted flush against the
2 building.
- 3 E. Temporary, seasonal decorations.
- 4 6. The following do not require a sign permit and are not counted toward maximum
5 allowed sign area:
- 6 A. Signs not exceeding a total of 4 square feet in area warning the public against
7 hunting, fishing, swimming, trespassing, dangerous animals, the location of
8 utilities or other similar risks.
- 9 B. Signs located on the outer surfaces of a temporary portable storage container.
- 10 C. Vehicle signs, when the vehicle is (1) operable and (2) is parked at its
11 associated place of business within a duly designated parking space.
12 *(Advertised to include a minimum setback for vehicle signs, up to 25 feet*
13 *from a front property line).*
- 14 D. Lettering and/or numbers permanently attached to or painted on the façade
15 of a building of any school, college, or university; such displays are limited
16 to no more than 10% of the area of the façade on which they are placed and
17 cannot be illuminated. *(Advertised up to 25% of the area of the façade on*
18 *which they are placed).*
- 19 E. Signs, erected by a public agency or appropriate organization in partnership
20 with the Board, located within or in proximity to the Commercial
21 Revitalization District boundaries or activity centers as shown on the adopted
22 comprehensive plan. Such signs are subject to approval by the Board and all
23 applicable outdoor advertising provisions of the Code of Virginia.
- 24
- 25 7. All signs and their components must be maintained in good repair and in safe
26 condition.
- 27 8. The Building Official or designated agent may require or cause the immediate
28 removal or repair, without written notice, of any sign determined to be unsafe or
29 that otherwise poses an immediate threat to the safety of the public. If action by the
30 County is necessary to render a sign safe, the cost of removal or repair will be at the
31 expense of the property owner or lessee as provided in Chapter 61 of the County
32 Code.
- 33 9. Except as provided in Sections 12-105 and 12-107 below, if a property becomes
34 vacant and is unoccupied for a continuous period of 2 years, any sign on that
35 property is deemed abandoned and must be removed. If the owner fails to remove
36 the sign, the Zoning Administrator may give the owner 15 days written notice to
37 remove it, after which the Zoning Administrator may initiate action to gain
38 compliance.

12-105 Minor Signs

The following minor signs are allowed but cannot be illuminated, and, unless otherwise stated, do not require a sign permit:

1. 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 10 days after the last day of the period for which they are displayed.

2. Signs that are displayed on a lot or property that is actively marketed for sale, rent or lease, as follows:

A. A single building-mounted or freestanding sign is allowed, except that 2 signs are permitted on a corner lot when each sign faces a different street frontage. Such sign(s) must be removed within 7 days of the settlement, rental or lease of the property.

B. Sign(s) located on a property developed with, or planned for development of, a single family detached or attached dwelling unit, cannot exceed 6 square feet in area and a height of 6 feet.

C. Sign(s) located on a property developed with, or planned for development of, a multiple family dwelling unit cannot exceed 12 square feet in area and a height of 8 feet.

D. Sign(s) located on a property developed with, or planned for development of, any non-residential use, or on a residential property containing a minimum of 20 acres, cannot exceed 32 square feet in area and a height of 8 feet

3. Signs during active construction or alterations to residential, commercial, and industrial buildings are permitted, as follows:

A. For a new residential, commercial or industrial development, one sign per lot, not to exceed 60 square feet in area and a height of 10 feet. For lots containing multiple road frontages, one additional sign per street frontage is allowed, limited to 32 square feet in area and a height of 8 feet. No sign may be located closer than 5 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 Administration, and no sign may be displayed for more than 2 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.

- 1 B. For an individual single family dwelling unit undergoing construction,
 2 improvement or renovation, one sign, not to exceed 4 square feet in area or a
 3 height of 4 feet is allowed.

4 No sign can be displayed before commencement of the improvement or
 5 renovation work, and the sign must be removed within 7 days after the
 6 improvement or renovation is completed with all necessary inspections
 7 approved, or within 6 months, whichever is less.

- 8 4. Yard signs on any lot developed with a residential use cannot exceed 12 square feet
 9 in total area, with no single sign exceeding 4 square feet in area and a height of 4
 10 feet. (*Advertised up to 16 square feet in total area*).

- 11 5. For non-residential uses, including public uses as defined in Article 20, minor signs
 12 are permitted as follows:

- 14 A. For non-residential uses located on a lot with frontage on a major thoroughfare,
 15 minor signs are allowed, not to exceed 40 square feet in total sign area per lot,
 16 with no single sign exceeding 24 square feet in area. As part of this total area, a
 17 single freestanding sign is allowed, with a maximum height of 4 feet.
 18 (*Advertised up to 60 square feet in total sign area with no limitation on the*
 19 *maximum size of any one sign; and no limit on the number of freestanding*
 20 *signs, and a maximum freestanding sign height of up to 6 feet*).

- 21 B. For all other non-residential uses, building-mounted minor signs are allowed,
 22 not to exceed 24 square feet in total area per lot. (*Advertised up to 60 square*
 23 *feet in total sign area with the possibility of some or no limitation on the*
 24 *maximum size of any one sign; and to allow a single or unlimited*
 25 *freestanding signs with a maximum sign height of up to 6 feet*).

26 For purposes of this provision, building-mounted signs may include signs attached
 27 to a fence, wall, existing freestanding sign or other similar accessory structure.

- 28 6. Window signs for any non-residential use are allowed if the total of all signs at a
 29 given establishment does not cover more than 30 percent of the total area of the
 30 window in which the signs are located.

- 31 7. For non-residential uses, including public uses as defined in Article 20, a single A-
 32 frame sign not to exceed 16 square feet in area and a height of 4 feet, is allowed.
 33 The sign must be located within 25 feet of a building or designated site entrance
 34 that provides access to the use, and cannot impede pedestrian or vehicular traffic.

12-106 Prohibited Signs

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

1. General Prohibitions:

- A. Any sign not expressly permitted in this Article.
- B. Any sign that violates any provision of any county, state or federal law or regulation.
- C. Any sign that violates any provision of Chapter 61 of the County Code and the Virginia Uniform Statewide Building Code.

2. Prohibitions Based on Materials or Design:

- A. Any sign that does not meet the performance standards for outdoor lighting set forth in Part 9 of Article 14.
- B. A moving or windblown sign, but not a changeable copy or electronic display sign, the hands of a clock, or a weather vane.
- C. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, or that is not in accordance with Sections 12-203 and 12-205 below.

3. Prohibitions Based on Location:

- A. Any off-premise sign, to include a sign located on a lot where no principal use exists or any sign that projects beyond a property line, except for a sign located on a lot being offered for sale, rent or lease, or on which buildings are being constructed, as provided for in Sect. 12-105 above.
- B. Roof signs, except for signs located on a penthouse or screening wall, as provided for in Sect 12-205 below.
- C. 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.
- D. Any sign located on a corner lot that is in violation of Sect. 2-505.
- E. Any sign that is found to be in violation of the Virginia Uniform Statewide Building Code with respect to minimum clearance.
- F. Any sign which, due to its location, size, shape and/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. These signs are subject to immediate removal and disposal by an authorized County official as a nuisance.

12-107 Nonconforming Signs

1. Signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to this Ordinance, and signs which are accessory to a nonconforming use, are deemed to be nonconforming signs and may remain except as qualified below. Except as provided for in a Commercial Revitalization District, such signs cannot be enlarged, extended or structurally reconstructed or modified in any manner; except a sign face may be changed if the new face is equal to or reduced in height and/or sign area from the existing sign.
2. The property owner bears the burden of establishing the nonconforming status of a sign and of the existing physical characteristics and location of a sign. Upon notice from the Zoning Administrator, a property owner must submit verification that a sign was lawfully existing at the time of erection. Failure to provide verification is cause to remove the sign or bring it into compliance with this Article.
3. Nothing in this Section prevents keeping a nonconforming sign that is in good repair; however, no nonconforming sign may be repaired, rebuilt, or restored if the Building Official has declared it unsafe, as provided for in Sect. 12-104 above unless the activity results in a sign that conforms to this Article.
4. Nonconforming signs may not be moved on the same lot, or to any other lot, unless the change in location will make the sign conform to this Article.
5. When a nonconforming sign is removed, any sign erected later must conform to this Article, except as provided for in a Commercial Revitalization District.
6. A nonconforming sign that is destroyed or damaged by any casualty to an extent of 50 percent or less of its appraised value, may be restored within 2 years after the destruction or damage, but may not be enlarged in any manner. If a sign is destroyed or damaged to an extent more than 50 percent of its appraised value, it cannot be reconstructed unless it conforms to this Article.
7. A nonconforming sign that is changed to or replaced by a conforming sign will no longer be deemed nonconforming, and any new sign must conform to this Article.
8. A nonconforming sign must be removed if the structure to which it is accessory is demolished or destroyed by more than 50 percent of its appraised value. A nonconforming sign subject to removal under this paragraph must be removed within 30 days following written notice by the Zoning Administrator to the owner of the property. If the owner fails to comply with this notice the Zoning Administrator may initiate action to gain compliance with this Article.

9. If a nonconforming sign is located on property that becomes vacant and is unoccupied for a period of at least 2 years, the sign is deemed abandoned and the owner of the property must remove it. If the owner fails to do so, the Zoning Administrator may give the owner 30 days' written notice to remove it, except as otherwise provided in Sect. 12-104 above. If the owner fails to comply with the notice, the Zoning Administrator may enter onto the property and remove the sign. Such removal may be accomplished with the assistance of any agent designated by the Zoning Administrator or hired by the County for such purpose, and, the Zoning Administrator may charge the cost of removal to the property owner. In addition, the Zoning Administrator may initiate legal action in court for an injunction or other appropriate remedy requiring the owner to remove an abandoned nonconforming sign.

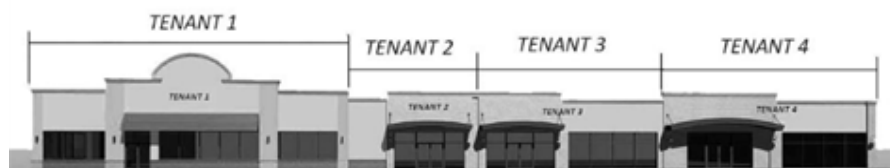
10. The ownership of the sign or the property on which the sign is located does not affect the nonconforming status of the sign.

PART 2 12-200 SIGN REGULATIONS BY USE AND DISTRICT

12-201 Calculation of Sign Area

1. When building frontage is used to calculate allowable sign area, the following applies:

- A. Building frontage is the linear width of the wall taken at a height no greater than 10 feet above grade.
- B. On buildings with a single tenant or with multiple tenants that access the building via a common outside entrance(s), 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(s), building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator.



2. When calculating any allowable building-mounted sign area, the following applies:

A. Building-mounted sign area is that area within a single continuous rectilinear perimeter of not more than 8 straight lines intersecting at right angles, which encloses the outer limits of all words, representations, symbols and/or pictorial elements, together with all material, color and/or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed.



B. The area of building-mounted signs composed of individual letters and/or symbols is calculated by one of the following methods:

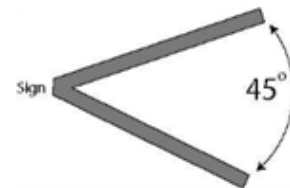
- (1) If the space between the proposed individual letters or symbols is less in dimension than the width of the largest letter or symbol, sign area is calculated in accordance with Par. 2A above.
- (2) If the space between the proposed individual letters or symbols is greater than the width of the largest letter or symbol, sign area is calculated as the total combined area of rectangular enclosures surrounding each individual letter or symbol.

3. The following provisions apply to any freestanding signs:

A. 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 Par. 2A above.

B. 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.

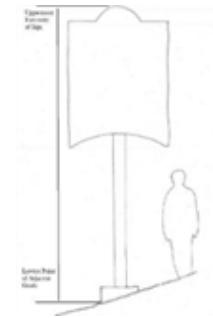
- (3) If the sign faces are parallel to one another, the following applies:

(a) The area of the largest single face is used when the interior distance between the faces is 18 inches or less.

(b) The area of the largest single face and the area of the side or interval between faces is used when the interior distance between the faces is greater than 18 inches.



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



12-202 Signs in Residential Districts

The following signs are allowed with approval of a sign permit, as accessory to residential or non-residential land uses in a residential district, to include public uses as defined in Article 20:

1. In a single family residential subdivision or a multiple family development, a freestanding sign is allowed at each major entrance, not to exceed 30 square feet in area and 8 feet in height. More than one sign may be placed at each major entrance but the total of all signs at a single entrance cannot exceed 30 square feet in area.
2. A rental office for a multiple family development is allowed one building-mounted or freestanding sign not to exceed 4 square feet in area and a height of 4 feet.
3. Agricultural uses on a lot at least 20 acres in size are allowed a total of 60 square feet of sign area. No single sign can exceed 30 square feet in area and a height of 8 feet.
4. 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 entrance, not to exceed 80 square feet in area and 12 feet in height.
5. All other non-residential uses, including public uses as defined in Article 20, are allowed building-mounted and freestanding signs in accordance with the following:
 - A. Building-mounted signs cannot exceed 50 square feet in total area.

OPTION 1:

- B. A single freestanding sign not to exceed 40 square feet in area and 8 feet in height. (*Advertised up to 20 feet in height*).

OPTION 2:**B. Freestanding signs as follows:**

- (1) For properties on a lot smaller than 5 acres, a single freestanding sign, not to exceed 16 square feet in area and 4 feet in height. (Advertised up to 20 feet in height).
- (2) For properties on a lot of at least 5 acres but less than 20 acres, a single freestanding sign, not to exceed 32 square feet in area and 6 feet in height. (Advertised up to 20 feet in height).
- (3) For properties on a at least 20 acres, or more, a single freestanding sign, not to exceed 40 square feet in area and 8 feet in height. (Advertised up to 20 feet in height).

However, the BZA, in approving a special permit, or the Board, in approving a rezoning or special exception, may further limit any sign for any land use in furtherance of those provisions set forth in Sections 8-007 and 9-007 of the Ordinance.

12-203**Performance Standards for Signs in Residential Districts**

1. Building-mounted signs must be installed flush against the wall and cannot extend above or beyond the perimeter of the wall or roof of the building to which they are attached.
2. Freestanding signs cannot be located closer than 5 feet to any property line.

OPTION 1:

3. Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:
 - A. Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display cannot exceed more than 50 percent of the maximum allowable area of that freestanding sign.
 - B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.
 - C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color.

- D. Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.

OPTION 2:

3. Changeable copy and electronic display signs are allowed in accordance with the following:

A. As part of a monument sign, with a maximum height of 6 feet. (Advertised up to 8 feet in height).

B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.

C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color.

D. Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.

4. Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Part 9 of Article 14.

12-204

Signs in Commercial and Industrial Districts

The following signs are allowed with approval of a sign permit, as accessory to land uses, including public uses as defined in Article 20, that are located in a commercial district, including the commercial area of a P district and/or commercial uses located in a mixed-use building or development; or in an industrial district:

1. Building-mounted signs are allowed as follows:

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 1½ square feet of sign area 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. However, 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(s), signs cannot exceed 1½ square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided

for in Sect. 12-301 below. The maximum sign area for any single tenant cannot exceed 200 square feet.

However, a single tenant, (1) having building frontage that results in an allowable sign area greater than 200 square feet and (2) occupying 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, although the combined sign area on any such wall cannot exceed 1 ½ times the length of the wall.

C. In addition to sign area allowed in accordance with Par. A or B above, hospitals are allowed a single building-mounted sign for each building entrance. No such sign can exceed 50 square feet in area.

2. Freestanding signs are allowed as follows, unless further limited by Par. 3 below:

A. In a commercial district, a use may have one freestanding sign up to 80 square feet in area and 20 feet in height. However, the use (1) must be located on a lot that has frontage on a primary highway or on a major thoroughfare and, (2) cannot be located on the same lot as a shopping center.

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

C. A hospital is allowed one freestanding sign at each entrance, and no such sign may exceed 80 square feet in area and 12 feet in height.

D. Shopping centers are allowed one freestanding sign, not to exceed 80 square feet in area and 20 feet in height. If a shopping center has frontage on 2 or more major thoroughfares, however, it may have a second freestanding sign (for a total of 2 freestanding signs).

E. For office and industrial parks:

(1) One freestanding sign is allowed at each major entrance to the office or industrial park, not to exceed 40 square feet in area and a height of 20 feet.

(2) One freestanding sign is allowed for each detached building that houses a principal use within an office or industrial park, not to exceed 30 square feet and a height of 8 feet.

3. The following regulations only apply to uses located on commercially and industrially zoned land located within a Sign Control Overlay District; where applicable, they are in addition to and supersede, Par. 2 above:

A. A single tenant or building on a lot may have one freestanding sign if, (1) the lot has frontage on a primary highway or major thoroughfare and, (2) the single tenant or building is not located within or on the same lot as a shopping center. The sign cannot exceed 40 square feet in area and a height of 20 feet.

B. A shopping center is allowed one freestanding sign not to exceed 40 square feet in area and a height of 20 feet.

12-205 Performance Standards for Signs in Commercial and Industrial Districts

1. 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, except when the sign is (1) erected at a right angle to the wall, (2) does not extend into the minimum required yard and, (3) is not located closer than 2 feet to any street line.

2. A building-mounted sign may be located on the wall of a penthouse or rooftop screening wall, as follows:

A. 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.

B. The sign cannot be located more than 12 feet above the building roof supporting the penthouse or screening wall.

3. Freestanding signs may not project beyond any property line or be located within 5 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 Sect. 2-505 of this Ordinance.

OPTION 1:

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

A. Only one changeable copy or electronic display sign is permitted per lot. The area of the changeable copy or electronic display cannot exceed more than 50 percent of the maximum allowable area of that freestanding sign.

B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.

C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color.

D. Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.

OPTION 2:

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

A. As part of a monument sign, with a maximum height of 6 feet. (Advertised up to 8 feet in height).

B. The message or copy of an electronic display sign cannot move and/or change more frequently than once every 8 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.

C. The background of the sign face of an electronic display sign cannot be white, off-white or yellow in color.

D. Electronic display signs must include a photo cell to control brightness and automatically dim at sunset to a nighttime level of 40-100 nits.

5. Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Part 9 of Article 14.

12-206

Other Permitted Signs

1. The following signs are only allowed in a commercial or industrial district, or the commercial area of a P district, in addition to those sign types and amounts allowed in Sect. 12-204 above:

A. Service stations or service station/mini-marts are permitted one additional square foot of sign area to be displayed on each gasoline pump.

B. Motor vehicle fuel price signs required by Article 4 of Chapter 10 of The Code.

2. Accessory service uses permitted pursuant to Sect. 10-200 of this Ordinance are allowed a single building-mounted sign not to exceed 15 square feet in area. These signs will be calculated as part of the total allowable building-mounted sign area for the building.

Part 3 **12-300** **SPECIAL APPROVALS**

12-301 **Administrative Comprehensive Sign Plan**

As an alternative to calculating building frontage in accordance with Par. 1B of Sect. 12-201 above, 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:

1. 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 set forth in Section 18-106.
2. The total area for all signs cannot exceed the maximum allowable sign area for the building as determined in accordance with Par. 1B of Sect. 12-201 above. The maximum sign area for any single tenant cannot exceed 200 square feet.

However, a single tenant, (1) having building frontage that results in an allowable sign area greater than 200 square feet and (2) the 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, although the combined sign area on any such wall cannot exceed 1 ½ times the length of the wall.

12-302 **Special Permits**

1. 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 cannot extend to a height greater than 26 feet above the elevation of the center line of the nearest street.
2. The BZA may grant a special permit to allow additional sign area and/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 cannot exceed 125 percent of the sign area otherwise allowed by the provisions of this Article.
3. 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 cannot exceed 125 percent of the sign area otherwise permitted.

12-303 Special Exceptions

1. In conjunction with the approval of a special exception for a hospital, the Board may approve additional signs for the use in accordance with Sect. 9-308.
2. In commercial and industrial districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with Sect. 9-620.

12-304 Uses in P Districts

The provisions set forth in the preceding Sections apply to signs accessory to uses in P districts. However, in keeping with the intent to allow flexibility in the design of planned developments, the following is applicable to signs in P districts:

1. 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 Sect. 18-109. The comprehensive sign plan will show the location, size, height and extent of all proposed signs within the specified area of the P district.
2. 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 setting forth the names of the record owners of the properties upon which such signs are proposed to be located, and a fee as set forth in Sect. 18-106.
3. Any comprehensive sign plan must be in accordance with the standards for all planned developments as set forth in Part 1 of Article 16. All proposed signs must be in scale and harmonious with 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.

Amend Article 4, Commercial District Regulations, as follows:

- **Amend Part 1, C-1 Low-Rise Office Transitional District, Section 4-105, Use Limitations; and Part 2, C-2 Limited Office District, Section 4-205, Use Limitations; by revising Par. 5 and deleting Par. 5G, in both sections, to read as follows:**

5. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

G. ~~There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

- **Amend Part 3, C-3 Office District, Section 4-305, Use Limitations; and Part 4, C-4 High Intensity Office District, Section 4-405, Use Limitations; by revising Par. 5, deleting Par. 5G and revising Paragraphs 6 and 6C, in both sections, to read as follows:**

- 5. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

G. ~~There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

- 6. New vehicle storage ~~shall be~~ is permitted by right in accordance with the following:

C. ~~There shall be no~~ No signs identifying are allowed for the use and/or the or its associated vehicle, sale, rental and ancillary service establishment.

- **Amend Part 5, Neighborhood Retail Commercial District, Section 4-505, Use Limitations, by revising Par. 9, deleting Par. 9G, and revising Par. 10 to read as follows:**

- 9. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

G. ~~There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

- 10. Drive-through pharmacies ~~shall be~~ are permitted by right (a) when located on a lot ~~which~~ that is not abutting or ~~not~~ across a local or collector street from residentially zoned land, which land is either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

~~In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.~~

- Amend Part 6, C-6 Community Retail Commercial District, Section 4-605, Use Limitations, by revising Par. 8; deleting Par. 8G; and revising Paragraphs 9, 11, and 11C, to read as follows:

8. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G.—There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

9. Drive-through pharmacies ~~shall be~~ are permitted by right (a) when located on a lot ~~which that~~ is not abutting or ~~not~~ across a local or collector street from residentially zoned land, which land is either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

~~In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.~~

11. New vehicle storage ~~shall be~~ is permitted by right in accordance with the following:

C. ~~There shall be no~~ No signs ~~identifying are allowed for the use and/or the~~ or its associated vehicle, sale, rental and ancillary service establishment.

- Amend Part 7, Regional Retail Commercial District, Section 4-705, Use Limitations, by revising Par. 9; deleting Par. 9G; and revising Paragraphs 10, 12 and 12C, to read as follows:

9. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G.—There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10)~~

square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.

10. Drive-through pharmacies ~~shall be~~ are permitted by right (a) when located on a lot ~~which that~~ is not abutting or ~~not~~ across a local or collector street from residentially zoned land, which land is either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

~~In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.~~

12. New vehicle storage ~~shall be~~ is permitted by right in accordance with the following:

C. ~~There shall be no~~ No signs ~~identifying~~ are allowed for the use ~~and/or the~~ or its associated vehicle, sale, rental and ancillary service establishment.

- Amend Part 8, Highway Commercial District, Section 4-805, Use Limitations, by revising Par. 11; deleting Par. 11G; and revising Paragraphs 12, 14, and 14C, to read as follows:

11. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

12. Drive-through pharmacies ~~shall be~~ are permitted by right (a) when located on a lot ~~which that~~ is not abutting or ~~not~~ across a local or collector street from residentially zoned land, which land is either developed with dwellings or vacant; (b) when the lot is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking; and (c) when there are adequate parking and stacking spaces for the use which are provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. Drive-through pharmacies which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

~~In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.~~

14. New vehicle storage ~~shall be~~ is permitted by right in accordance with the following:

C. ~~There shall be no~~ No signs ~~identifying are allowed for the use and/or the~~ or its associated vehicle, sale, rental and ancillary service establishment.

Amend Article 5, Industrial District Regulations, as follows:

- **Amend Part 1, I-1 Light Industrial Research District, Section 5-105, Use Limitations, by revising Par. 6 and deleting Par. 6G, to read as follows:**

6. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

- **Amend Part 2, I-2 Industrial Research District, Section 5-205, Use Limitations, by revising Par. 5 and deleting Par. 5G, to read as follows:**

5. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

- **Amend Part 3, I-3 Light Intensity Industrial District, Section 5-305, Use Limitations, by revising Par. 5, deleting Par. 5G, and revising Paragraphs 7 and 7C, to read as follows:**

5. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

7. New vehicle storage ~~shall be~~ is permitted by right in accordance with the following:

- C. ~~There shall be no~~ No signs identifying are allowed for the use and/or the or its associated vehicle, sale, rental and ancillary service establishment.

- Amend Part 4, I-4 Medium Intensity Industrial District, Section 5-405, Use Limitations, by revising Par. 6, deleting Par. 6G, and revising Paragraphs 8 and 8C, to read as follows:

6. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

8. New vehicle storage ~~shall be~~ is permitted by right in accordance with the following:

- C. ~~There shall be no~~ No signs identifying are allowed for the use and/or the or its associated vehicle, sale, rental and ancillary service establishment.

- Amend Part 5, I-5 General Industrial District, Section 5-505, Use Limitations, by revising Par. 8 and deleting Par. 8G to read as follows:

8. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

- Amend Part 6, I-6 Heavy Industrial District, Section 5-605, Use Limitations, by revising Par. 7 and deleting Par. 7G to read as follows:

7. Quasi-public athletic fields and related facilities ~~shall be~~ are permitted by right in accordance with the following:

~~G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.~~

Amend Article 6, Planned Development District Regulations, as follows:

- Amend Part 1, PDH Planned Development Housing District, Section 6-106, Use Limitations, by revising Par. 11 to read as follows:

11. Drive-through pharmacies ~~shall be~~ are permitted only on a lot which is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking. Adequate parking and stacking spaces for the use ~~shall~~ are to be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. ~~In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.~~

- Amend Part 2, PDC Planned Development Commercial District, Section 6-206, Use Limitations, by revising Paragraphs 11, 13 and 13C to read as follows:

11. Drive-through pharmacies ~~shall be~~ are permitted only on a lot which is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking. Adequate parking and stacking spaces for the use ~~shall~~ are to be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. ~~In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.~~

13. New vehicle storage ~~shall be~~ is permitted by right in accordance with the following:

C. ~~There shall be no~~ No signs ~~identifying~~ are allowed for the use ~~and/or the~~ or its associated vehicle, sale, rental and ancillary service establishment.

- Amend Part 3, PRC Planned Residential Community District, Section 6-305, Use Limitations, by revising Par. 12 to read as follows:

12. Drive-through pharmacies ~~shall be~~ are permitted only on a lot which is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking. Adequate parking and stacking spaces for the use ~~shall~~ are to be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. ~~In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.~~

- Amend Part 5, Planned Tysons Corner Urban District, Section 6-505, Use Limitations, by revising Paragraphs 15 & 15C to read as follows:

15. New vehicle storage ~~shall only be~~ is permitted when located within a parking structure as a temporary use and only in accordance with the following:

- C. ~~There shall be no~~ No signs identifying are allowed for the use and/or the or its
associated vehicle, sale, rental and ancillary service establishment.

Amend Article 7, Overlay and Commercial Revitalization District Regulations, as follows:

- **Amend Part 5, Sign Control Overlay District, Section 7-508, Use Limitations, by revising the provision to read as follows:**

As specified in the underlying zoning district(s), and as qualified for signs by the provisions of Par. 3 of Sect. 12-204.

Amend Article 8, Special Permits, as follows:

- **Amend Part 0, General Provisions, Section 8-004, Status of Special Permit Uses, by revising Par. 4J to read as follows:**

- 4. Minor modifications to special permits are allowed when the Zoning Administrator determines that they substantially conform to the approved special permit and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering and design.

Minor modifications may not:

- J. Expand the area or type of signage approved, although changes to color and typeface may be considered ~~provided they do not change the character of the approved sign;~~

- **Amend Part 8, Group 8 Temporary Uses, Section 8-810, Standards and Time Limits for Temporary Farmers' Markets, by deleting Par. 7, as follows:**

~~7.—One (1) temporary sign may be permitted in accordance with the provisions of Sect. 12-103.~~

- **Amend Part 8, Group 8 Temporary Uses, Section 8-812, Standards and Time Limits for Temporary Portable Storage Containers, by deleting Par. 6, as follows:**

~~6.—Signage on portable storage containers shall be in accordance with Par. 2S of Sect. 12-103.~~

- **Amend Part 8, Group 8 Temporary Uses, Section 8-909, Additional Standards for Open-Air Produce Stands, by deleting Par. 6, as follows:**

~~6.—One (1) sign may be permitted in accordance with the provisions of Sect. 12-103.~~

Amend Article 9, Special Exceptions, as follows:

- **Amend Part 0, General Provisions, Section 9-004, Status of Special Exception Uses, by revising Par. 4J to read as follows:**

4. Minor modifications to special exceptions are allowed when the Zoning Administrator determines that they substantially conform to the approved special exception and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering and design.

Minor modifications may not:

- J. Expand the area or type of signage approved, although changes to color and typeface may be considered ~~provided they do not change the character of the approved sign;~~
- **Amend Part 1, Category 1 Light Public Utility Uses, Section 9-105, Additional Standards for Mobile and Land Based Telecommunication Facilities, by revising Par. 2 to read as follows:**
 - 2. Except for a flag mounted on a flagpole as permitted under the provisions of ~~Par. 2 of Sect. 12-203~~ Article 12, no ~~commercial advertising or signs shall be~~ are allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
 - **Amend Part 3, Category 3 Quasi-Public Uses, Section 9-308, Additional Standards for Medical Care Facilities, by revising Par. 7 to read as follows:**
 - 7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order to ~~provide needed information to better serve the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs shall be~~ are subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests ~~shall~~ must show the location, size, height and number of all existing and proposed signs, ~~as well as the information to be displayed on the signs.~~
 - **Amend Part 3, Category 3 Quasi-Public Uses, Section 9-311, Additional Standards for Alternate Use of Public Facilities, by revising Par. 4 to read as follows:**
 - 4. Signs as may be permitted in accordance with the provisions of ~~Par. 2M of Sect. 12-208~~ Sect. 12-202 ~~shall be~~ are limited to one building-mounted and one freestanding sign for all alternate uses in a given public facility.
 - **Amend Part 5, Category 5 Commercial and Industrial Uses of Special Impact, Section 9-505, Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In Financial Institutions, Drive-Through Pharmacies, Quick-Service Food Stores, Restaurants, Restaurants with Drive-Through, Carryout Restaurants, Service Stations, and Service Stations/Mini-Marts, by deleting Par. 1E, as follows:**
 - 1. In all districts where permitted by special exception:

~~E. For a drive through pharmacy, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.~~

- Amend Part 6, Category 6 Miscellaneous Provisions Requiring Board of Supervisors' Approval, Section 9-620, Waiver of Certain Sign Regulations, by revising Par. 1 to read as follows:

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 ~~Seet. 12-304~~ Sect. 12-302. Such waiver ~~shall~~ 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 the provisions of ~~Seet. 12-104~~ Article 12.

Amend Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, as follows:

- Amend Part 1, Accessory Uses and Structures, Section 10-102, Permitted Accessory Uses, by revising Paragraphs 27 and 27H; revising Par. 28 and deleting Par. 28E; and deleting Par. 30G, to read as follows:

27. Temporary family health care structures ~~shall be~~ are permitted on lots zoned for and developed with single family detached dwellings, subject to the approval of the Zoning Administrator by issuance of a permit and compliance with the following provisions:

H. No signs ~~promoting or advertising the structure shall be permitted on the structure or on the lot~~ are allowed for a temporary family health care structure.

28. Temporary portable storage containers ~~shall be~~ are allowed in any yard on lots containing a dwelling, subject to all of the following:

~~E. Signage on temporary portable storage containers shall be in accordance with Par. 28 of Sect. 12-103.~~

30. Wayside stands, but subject to the following limitations:

~~G. Notwithstanding the provisions of Article 12, a wayside stand may have one (1) building mounted sign, mounted flush against the stand, which does not exceed ten (10) square feet in area.~~

Amend Article 14, Performance Standards, as follows:

- Amend Part 9, Outdoor Lighting Standards, Section 14-902, Applicability and General Provisions, by revising Paragraphs 2 and 2D, to read as follows:

2. Except as provided in Sections 904 and 905 below, all outdoor lighting fixtures ~~shall~~ must comply with the following:

- D. Internally illuminated signs, ~~except those which bear a state or federal registered trademark, shall~~ must have an opaque background and translucent text and symbols, or ~~shall~~ have a translucent background that is not white, off-white or yellow in color. ~~In addition, internally illuminated signs must comply with the provisions of Article 12.~~

All illuminated signage located on the sides of a canopy ~~shall~~ must be internally illuminated or backlit.

Amend Article 16, Development Plans, as follows:

- **Amend Part 2, Procedures for Review and Approval of a PRC District, Section 16-203, PRC Plan Approval, by revising Par. 8J, to read as follows:**

8. Minor modifications to an approved rezoning and development plan may be permitted in a PRC plan when it is determined by the Zoning Administrator that they substantially conform to the approved rezoning and development plan and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering, and design.

Minor modifications may not:

- J. Expand the area or type of signage approved, although changes to color and typeface may be considered ~~provided they do not change the character of the approved sign;~~

- **Amend Part 4, Procedures for Review and Approval of All P Districts Except the PRC District, Section 16-403, Site Plan/Subdivision Plat Preparation, Building Permit, Residential Use Permit and Non-Residential Use Permit, by revising Par. 4J, to read as follows:**

4. Minor modifications to a final development plan are allowed when the Zoning Administrator determines that they substantially conform to the approved final development plan and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering and design.

Minor modifications may not:

- J. Expand the area or type of signage approved, although changes to color and typeface may be considered ~~provided they do not change the character of the approved sign;~~

Amend Article 17, Site Plans, as follows:

- Amend Part 2, Required Improvements, Section 17-201, Improvements To Be Provided, by revising Par. 7, to read as follows:

7. Installation of adequate ~~‘No Parking’~~ signs along travel lanes or service drives to prohibit parking on same. Such signs ~~shall~~ must be located on each curbed side, no more than fifty (50) feet apart.

Amend Article 18, Administration, Amendments, Violations and Penalties, as follows:

- Amend Part 1, Administration, Section 18-106, Application and Zoning Compliance Letter Fees, by revising Par. 5 and adding a new Par. 14, to read as follows:

5. Fees for food trucks, small cell facilities, home occupations, ~~sign permits~~ and site plans, ~~shall~~ be as specified in Articles 2, 10, ~~12~~ and 17, respectively.

14. Sign Permits and Administrative Comprehensive Sign Plans: \$95

- Amend Part 2, Amendments, Section 18-204, Proffered Condition Regulations, by revising Par. 4J, to read as follows:

4. Minor modifications to the proffered conditions are allowed when the Zoning Administrator determines that they substantially conform to the proffered conditions and do not materially alter the character of the approved development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering and design. Minor modifications are not amendments or variations to the proffered conditions.

Minor modifications may not conflict with a proffer or:

- J. Expand the area or type of signage approved, although changes to color and typeface may be considered ~~provided they do not change the character of the approved sign;~~

- Amend Part 3, Appeals, Section 18-303, Time Limit on Filing, by revising Paragraphs 2, 2E and 2F, to read as follows:

2. Appeals for notices of violation involving the following violations ~~shall~~ must be filed within ten (10) days from the date of the notice with the Zoning Administrator and the BZA:

- E. Erection of prohibited signs on private property in violation of ~~Paragraphs 1, 4, 5, 6, 7, 11, 12, 13 or 14 of Sect. 12-104~~ Par. 2 and Paragraphs 3A through 3E of Sect. 12-106.

- F. Erection, alteration, refacing or relocation of a sign on private property in violation of ~~Sect. 12-304~~ Par. 1 of Sect. 12-104.

- 1 - **Amend Part 4, Variances, Section 18-406, Unauthorized Variances, by revising Par. 6, to**
 2 **read as follows:**

- 3
 4 6. No variance ~~shall~~ may be authorized that would relate to signs, ~~except that a variance may be~~
 5 ~~considered to the provisions of Par. 14 of Sect. 12-104.~~

6
 7 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions,**
 8 **by deleting the references to Building-Mounted Sign, Freestanding Sign and Portable Sign,**
 9 **and also deleting the definition of Raceway and Sign, as follows:**

10
 11 ~~BUILDING MOUNTED SIGN: See SIGN, BUILDING MOUNTED.~~

12
 13 ~~FREESTANDING SIGN: See SIGN, FREESTANDING.~~

14
 15 ~~PORTABLE SIGN: See SIGN, PORTABLE.~~

16
 17 ~~RACEWAY: A structure or architectural component of a building specifically designed to support~~
 18 ~~and contain a continuous series of signs accessory to a series of tenants occupying space in a given~~
 19 ~~building. Such structures generally traverse the entire length of the building and may be illuminated~~
 20 ~~or constructed of materials so as to be different from the facade of the building.~~

21
 22 ~~SIGN: Any writing, letter work or numeral, pictorial presentation, illustration or decoration,~~
 23 ~~emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar~~
 24 ~~character which:~~

25
 26 ~~1. Is used to announce, direct attention to, identify, advertise or otherwise make anything~~
 27 ~~known; and~~

28
 29 ~~2. Is visible from the public right of way or from adjoining property.~~

30
 31 ~~-SIGN, BUILDING MOUNTED: A sign attached to and deriving its support from a building.~~

32
 33 ~~-SIGN, FREESTANDING: A nonmovable sign supported by a fence, retaining wall, or by upright~~
 34 ~~structural members or braces on or in the ground and not attached to a building.~~

35
 36 ~~——SIGN, PORTABLE: Any sign not permanently affixed to the ground nor to a building,~~
 37 ~~including, but not limited to, a sign that is moveable, such as a sandwich board sign, A frame sign,~~
 38 ~~gas or hot air filled displays, balloons or banners.~~

39
 40 **Amend Appendix 7, Commercial Revitalization Districts, as follows:**

- 41
 42 - **Amend Part 1, Annandale Commercial Revitalization District, Section A7-109, Additional**
 43 **Provisions; Part 2, Bailey's Crossroads/Seven Corners Commercial Revitalization District,**
 44 **Section A7-209, Additional Provisions; Part 3, McLean Commercial Revitalization District,**
 45 **Section A7-309, Additional Provisions; Part 4, Richmond Highway Commercial**

Revitalization District, Section A7-409, Additional Provisions; and Part 5, Springfield Commercial Revitalization District, Section A7-509, Additional Provisions; by revising Par. 4 in all sections to read as follows:

4. The sign provisions of Article 12 ~~shall~~ apply, except as follows:

A. ~~Signs that signs~~ lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the provisions of this Ordinance, and signs ~~which that~~ are accessory to a nonconforming use, ~~shall be~~ are deemed to be nonconforming signs and may remain. Notwithstanding Paragraphs ~~1 and 4 of Sect. 12-110~~ 1 and 5 of Sect. 12-107, such signs ~~shall~~ may not be enlarged or extended but may be removed and replaced with a sign ~~which that~~ is reduced in height and/or sign area.

B. ~~When erected by a public agency or County recognized revitalization organization, there may be freestanding signs, located within or in proximity to the Commercial Revitalization District boundaries, which identify the district or give directions and/or distances to commercial areas or centers within the district. No such sign shall give the name, direction, or distance to any specific business or identify a specific product. Such signs, which may include a banner affixed to the signpost, shall not exceed sixty (60) square feet in area or twenty (20) feet in height. In addition, within the Commercial Revitalization District, there may be separately erected banners, erected by a public agency or County recognized revitalization organization, identifying the district or announcing districtwide events, but no individual businesses or products. Such banners shall not exceed twenty (20) square feet in area or twenty (20) feet in height. All banners shall be securely affixed at the top and the bottom so as to preclude any fluttering or rotation by the movement of the atmosphere. The banners shall also be subject to the applicable outdoor advertising provisions of the Code of Virginia. When erected by a public agency, such signs and/or banners shall not require a sign permit, but when erected by a County recognized revitalization organization, a sign permit shall be required.~~

Board Agenda Item
February 5, 2019

4:00 p.m.

Public Hearing to Consider Amendments to Chapter 82 of the Code of the County of Fairfax Related to Mobile Food Vending within Virginia Department of Transportation Rights-of-Way (Dranesville and Mount Vernon Districts)

ISSUE:

Public hearing to consider amendments to Section 82-1-30 of *The Code of the County of Fairfax, Virginia (Code)* to allow for mobile food vending from authorized public streets within the Dranesville and Mount Vernon Supervisor Districts, in accordance with a valid Food Establishment Permit for mobile food vending, the Virginia Department of Transportation's (VDOT's) Land Use Permit for Mobile Food Vending, and with rules and regulations adopted by the Board of Supervisors.

RECOMMENDATION:

The County Executive recommends approval of amendments to Section 82-1-30 (Attachment I) of *The Code of the County of Fairfax* to allow mobile food vending from certain public streets within the Dranesville and Mount Vernon Supervisor Districts.

TIMING:

On December 4, 2018, The Board authorized advertisement of a public hearing on February 5, 2019, at 4:00 p.m.

BACKGROUND:

In 2015, the General Assembly passed legislation directing the Commonwealth Transportation Board (CTB) to amend its regulations to permit mobile food vending on state highway rights-of-way. In accordance with that legislation, the CTB amended its regulations to allow "localities to administer mobile food vending on nonlimited access highways, where the vending operations are regulated by local ordinances, operated consistent with such ordinances, and in accordance with the Commonwealth Transportation Board's regulations and policies." 24 VAC 30-151-670(2)(c).

In accordance with state regulation, VDOT developed a Land Use Permit for Mobile Food Vending (LUP-MFV). The Fairfax County Department of Transportation (FCDOT) executed a LUP-MFV to allow the County to administer a mobile food vending program on nonlimited access highways in the County. Through this LUP-MFV, VDOT has imposed numerous requirements and restrictions on the County's mobile food vending program. These requirements are incorporated by reference into Chapter 82-1-30(a), which was amended on July 12, 2016, to allow mobile food vending from the public

Board Agenda Item
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right-of-way.

As part of its July 2016 action, the Board designated a mobile food vending zone in Tysons, and mobile food vending was authorized on several streets within that zone. At that time, staff informed the Board that additional zones and streets would be proposed in the future to expand vending opportunities for mobile food businesses in the County, subject to CTB and VDOT limitations on where such vending may occur.

FCDOT staff has since analyzed roadways throughout the County to determine their appropriateness for mobile food vending, and has identified two additional roadways that meet the criteria set forth by VDOT and CTB: Dulles Technology Drive in the Dranesville District, and Corporate Court in the Mount Vernon District. To allow mobile food vending on those streets, the amendment proposes a change to Section 82-1-30 to designate Dranesville and Mount Vernon as new mobile food vending zones. One additional revision clarifies that VDOT has issued a land use permit for mobile food vending to Fairfax County.

FISCAL IMPACT:

The cost of sign installation to mark new zones, estimated at \$400, will be paid out of Fairfax County Department of Transportation funds (100-C10001).

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*

Attachment II: Map Indicating Street in Dranesville District where Mobile Food Vending would be Permissible.

Attachment III: Map Indicating Street in Mount Vernon District where Mobile Food Vending would be Permissible.

STAFF:

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

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

Neil Freschman, Chief, Transportation Engineering Section, FCDOT

ASSIGNED COUNSEL:

Laura S. Gori, Senior Assistant County Attorney, Office of the County Attorney

**AN ORDINANCE AMENDING
CHAPTER 82, ARTICLE 1 OF THE FAIRFAX COUNTY CODE, RELATING TO
MOTOR VEHICLES AND TRAFFIC**

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Chapter 82, Article 1 relating to motor vehicles and traffic.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Chapter 82, Article 1 is amended and readopted as follows:

Section 82-1-30. - Sale of merchandise from vehicles on road rights of way.

(a) It shall be unlawful for any person to park any automobile, truck or any other automotive equipment on or along the roads, highways and streets of the County, or within the rights of way of such roads, highways, and streets for the purpose of selling or soliciting the sale of or otherwise displaying or offering for sale any goods, wares or other merchandise in or from such vehicles, except in accordance with the provisions of this Section and with all conditions, rules, and regulations of a valid food establishment permit issued pursuant to Chapter 43.1 of this Code and Fairfax County Health Department Regulations, and in accordance with the terms and conditions of the Virginia Department of Transportation (VDOT) Land Use Permit for Mobile Food Vending (LUP-MFV), issued to Fairfax County, Virginia. ~~(LUP-MFV), once such permit has been issued to the County.~~ All other sales of goods or services from any vehicle parked upon any street or other right of way used for transportation purposes is prohibited.

- 1) For the purpose of this Section, a food establishment permit shall mean the document issued pursuant to Chapter 43.1 of this Code that authorizes a person to operate a food establishment to include a mobile food establishment. In addition to all other applicable enforcement mechanisms, violations of this Section may result in enforcement, including revocation, of a food establishment permit by the Health Department.
- 2) Mobile food vendors may only engage in mobile food vending within zones where authorized by the County Executive. The County Executive or his designee has authority to determine where vending may occur within zone(s), once such zone(s) are approved by the Board of Supervisors, subject to the requirements of the LUP-MFV and the provisions set forth below:
 - A) Mobile food vending shall be permitted only within areas zoned for commercial or industrial use or in any planned zoning district allowing

for mixed use. Mobile food vending within any residential neighborhood or within 500 feet of any residentially zoned area is prohibited;

- B) The County Executive or his designee may mark or sign streets within zones where mobile food vending is authorized or, until such streets and locations are marked or signed, the County Executive may provide electronic notice of such locations to permittees;
- C) The County Executive or his designee may temporarily or permanently suspend any mobile food vending operations within a designated zone to protect the public health, safety, or welfare. In such event, notice shall be provided electronically to permittees to the electronic mail address they have on file with the County, or by removal of signs that designated the location as an authorized location for mobile food vending operations; and
- D) The County Executive may add streets or portions of streets that meet all of these requirements and may remove streets or portions of streets at any time from zone(s) in the interest of the public health, safety, or welfare.

3) ~~The Tysons area of Fairfax County is a zone. Mobile food vending zones are designated as follows:~~

Tysons Zone

Dranesville Zone

Mount Vernon Zone

The Board may create additional zones or eliminate existing zone(s), in its discretion, in the future.

(b) This Section shall not apply to any huckster, peddler or other person who may travel in any vehicle upon the highways and streets for the purpose of selling goods, wares, merchandise or services from house to house and who shall stop his vehicle only for the purpose of making such house-to-house sales.

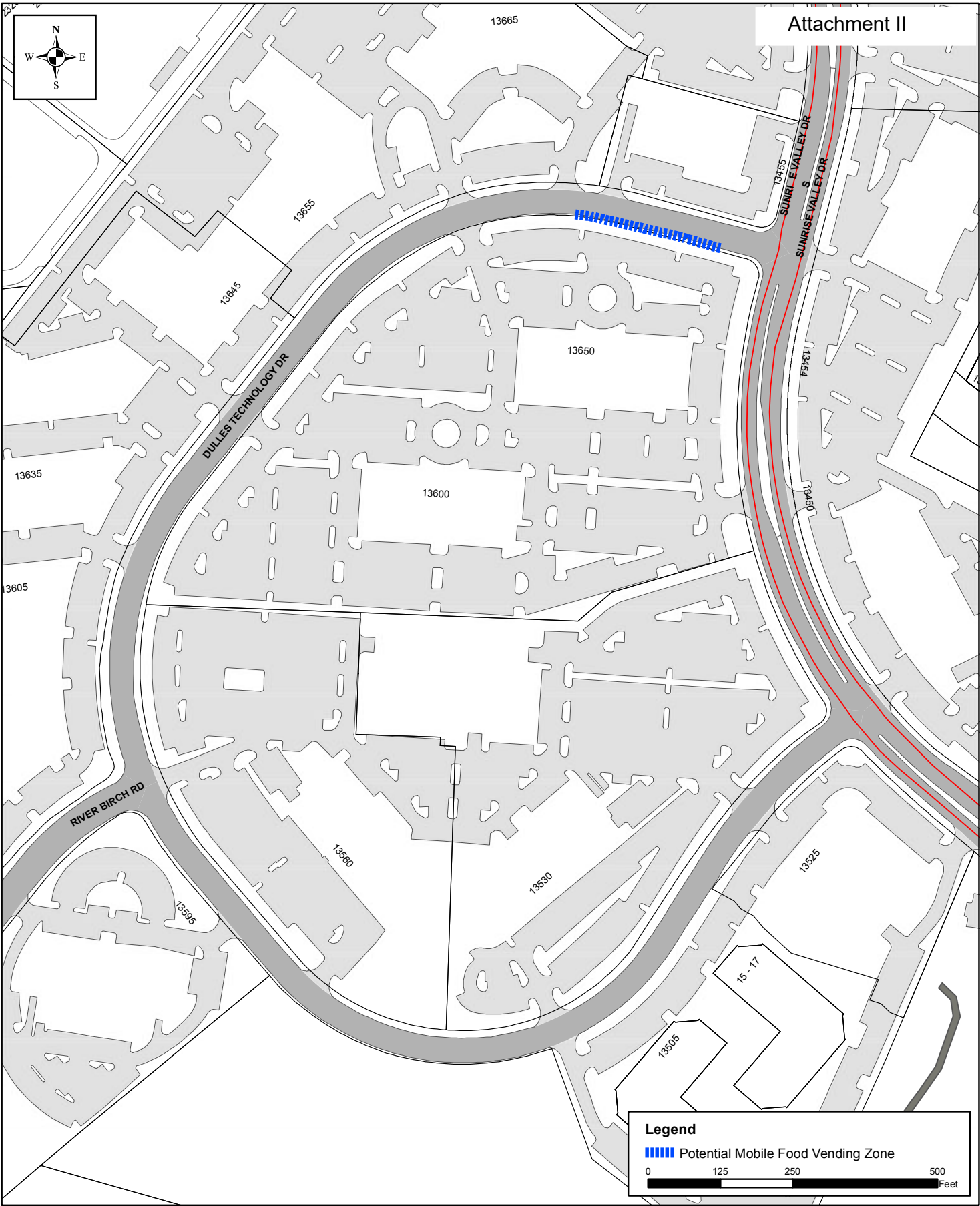
(c) Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor and, upon conviction, punished in accordance with the provisions of Section 46.2-113 of the *Virginia Code*. (7-5-61; 3-13-63; 1961 Code, § 16-29; 37-76-82; 30-89-82; 24-16-82.)


- 2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.**

3. That the provisions of this ordinance shall take effect on February 5, 2019.

GIVEN under my hand this _____ day of _____, 2019.

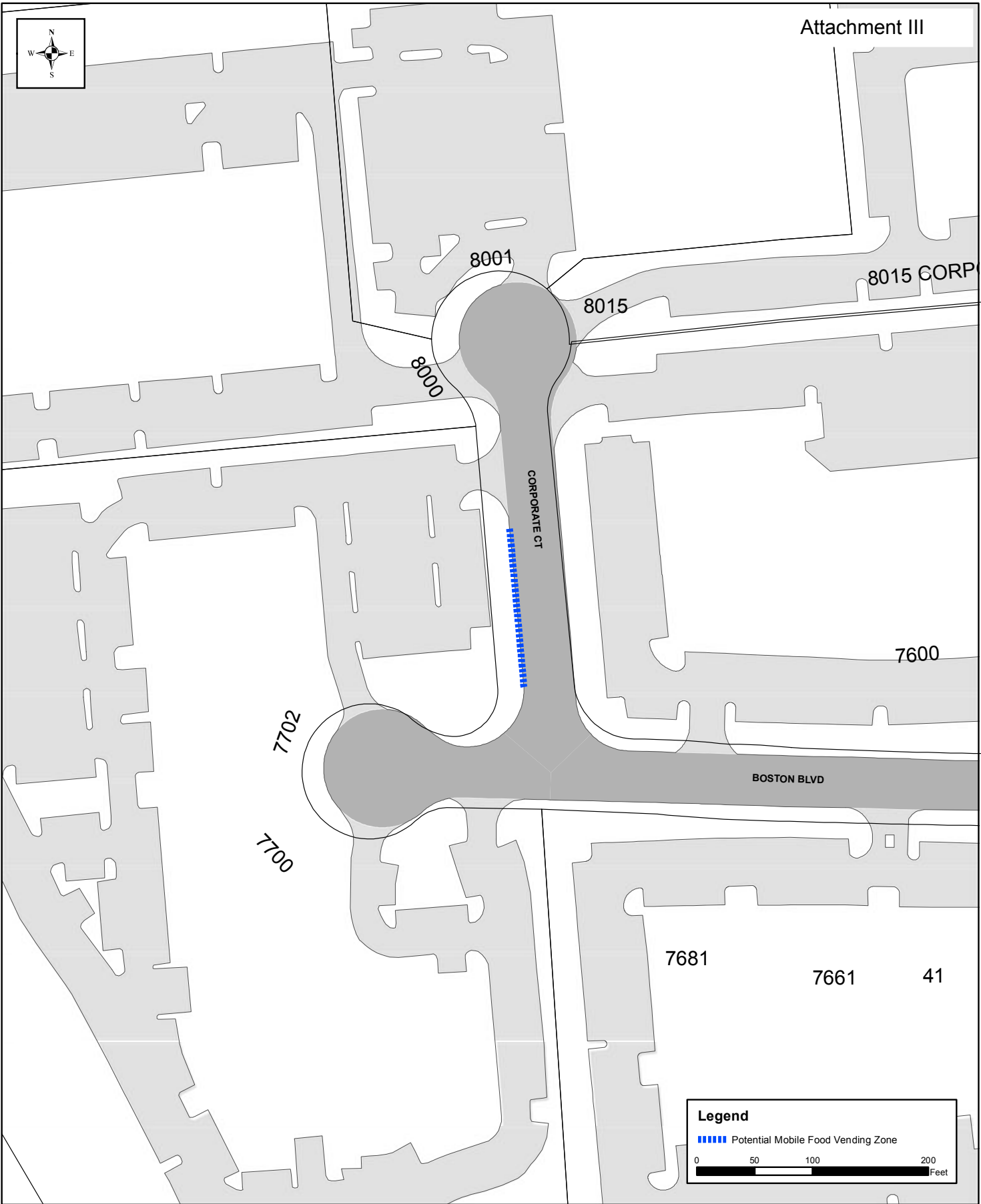
Clerk to the Board of Supervisors



Legend
 Potential Mobile Food Vending Zone

0 125 250 500
 Feet





**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
POTENTIAL MOBILE FOOD VENDING ZONE
CORPORATE COURT
MOUNT VERNON DISTRICT**

